



# CITY OF SALEM PLANNING BOARD

2016 MAY 26 P 3: 02

CITY OF SALEM, MASS.

Site Plan Review Decision  
331-335 Lafayette Street, 5-7 & 11 West Avenue  
(Map 32, Lots 231, 232, 233 and 234)

May 26, 2016

331 Lafayette, LLC  
75 Nanepashment Street  
Marblehead, MA 01945

RE: Site Plan Review–331-335 Lafayette Street, 5-7 & 11 West Avenue

On Thursday, March 17, 2016, the Planning Board of the City of Salem opened a Public Hearing regarding the application of 331 Lafayette, LLC for a Special Permit pursuant to Section 9.5 of the Salem Zoning Ordinance, Site Plan Review, for nonresidential construction over 10,000 square feet located at 331-335 Lafayette Street, 5-7 West Avenue and 11 West Avenue (Map 32, Lots 231, 232, 233 and 234). The project includes the construction of a three-story 24,388 square foot mixed use commercial building with retail on the first floor and offices on the upper floors. An existing two-family home on the site will remain in its current use.

The Public Hearing was closed on May 19, 2016. At a regularly scheduled meeting of the Planning Board held on May 19, 2016, the Board voted by a vote of nine (9) in favor (Ben Anderson, Matt Veno, Helen Sides, Kirt Rieder, Tony Mataragas, Noah Koretz, Carole Hamilton, Dale Yale, Bill Griset) in favor and none (0) opposed, to approve the application as complying, subject to the following conditions:

## 1. Conformance with the Plan

- a. Work shall conform with sheets C1-C4, D1-D3, L-1 and SL-1 of plans entitled, “331 Lafayette Street, Mixed-Use Commercial Building” prepared by The Morin-Cameron Group, Inc., dated May 4, 2016; sheets A1-A7 of plans entitled, “331 Lafayette Street, Salem, MA” prepared by Pitman & Wardley Architects, LLC, dated May 5, 2016 the Elevation Plan prepared by Pitman & Wardley Architects, LLC, dated May 12, 2016; and the Materials and Colors Plan prepared by James K. Emmanuel Associates dated May 10, 2016.

## **2. Transfer of Ownership**

- a. In the event of the transfer of the site as a whole, within five (5) days of such transfer, the Owner shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the Owner and its successors and/or assigns.

## **3. Amendments**

- a. Any amendments to the site plan shall be reviewed by the City Planner and if deemed necessary by the City Planner, shall be brought to the Planning Board.
- b. Any waiver of conditions contained within shall require the approval of the Planning Board.

## **4. Construction Practices**

- a. All construction shall be carried out in accordance with the following conditions:
- b. All provisions in the City of Salem's Code of Ordinance, Chapter 22, Noise Control, shall be strictly adhered to.
- c. All reasonable action shall be taken to minimize the negative effects of construction on abutters. Advance notice shall be provided to all abutters in writing at least 72 hours prior to commencement of construction of the project.
- d. Drilling and blasting shall be limited to Monday-Friday between 8:00 AM until 5:00 PM. There shall be no drilling or blasting on Saturdays, Sundays, or holidays. Blasting shall be undertaken in accordance with all local and state regulations.
- e. All construction vehicles shall be cleaned prior to leaving the site so that they do not leave dirt and/or debris on surrounding roadways as they leave the site.
- f. All construction shall be performed in accordance with the Rules and Regulations of the Planning Board, and in accordance with any and all rules, regulations and ordinances of the City of Salem.
- g. All construction vehicles left overnight at the site must be located completely on the site.

## **5. Office of the City Engineer**

- a. All work shall comply with the requirements of the City Engineer.
- b. Prior to issuance of a building permit, the applicant shall submit the required documentation to the City Council for the easement depicted on the project plans for the proposed turning lane on West Avenue.
- c. A final erosion and sediment control plan with the construction scheduling, construction phasing, location of material stock piles, equipment storage and

refueling areas shall be submitted to and approved by the City Engineer prior to building permit issuance.

- a. The applicant shall provide an engineered plan to the City Engineer that verifies the final service size and locations of the sewer service and grease trap prior to the issuance of building permits. The size and type of grease trap shall meet all current state and local regulations, and be approved by the city engineer prior to issuance of building permits
- b. The design of utility crossings shall be submitted to the City Engineer for approval prior to the issuance of building permits.
- c. The calculation of sewer invert elevations shall be submitted to the City Engineer for review and approval prior to the issuance of building permits.
- d. The project MEP engineer shall conduct a hydrant flow test, and submit the results to the City Engineer for review and approval prior to the issuance of building permits.

#### **6. Fire Department**

- a. All work shall comply with the requirements of the Salem Fire Department.
- b. The building shall be equipped with a full automatic fire sprinkler system, if required by Massachusetts fire safety code.

#### **7. Building Commissioner**

- a. All work shall comply with the requirements of the Salem Building Commissioner.

#### **8. Utilities**

- a. Plan for utility installation shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit.

#### **9. Department of Public Services**

- a. The Applicant shall comply with all requirements of the Department of Public Services.

#### **10. Board of Health and Health Department**

- a. All work shall comply with the requirements of the Salem Board of Health and Health Department.
- b. Adequate trash storage must be provided based on the number of units and collection frequency.

#### **11. Maintenance**

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the applicant. "Refuse removal" includes recycling, which shall be the responsibility

of the owner, his successors or assigns. The owner shall provide adequate facilities to ensure all users are able to recycle their trash. Owner is to enter into a contract with a company of the owner's choice to arrange pick-up of recyclable material. A copy of this contract is to be submitted to the City Engineer.

- b. Winter snow in excess of snow storage areas on the site shall be removed off- site.

## **12. Lighting**

- a. Light trespass onto adjacent parcels/rights of way shall be avoided as indicated on the photometric plan.
- b. After installation, lighting shall be reviewed by the City Planner, prior to the issuance of a Certificate of Occupancy.

## **13. Landscaping**

- a. All landscaping shall be done in accordance with the approved set of plans.
- b. Maintenance of all landscaping on the site shall be the responsibility of the Applicant. The Applicant, his successors or assigns, shall guarantee all trees and shrubs for a two (2) year period, from issuance of the Certificate of Occupancy and completion of planting.
- c. Final completed landscaping, done in accordance with the approved set of plans, shall be subject to approval by the City Planner prior, for consistency with such plans, to the issuance of a Certificate of Occupancy.
- d. Planter retaining wall capstone as illustrated in landscape details shall be a three (3) inch thick monolithic granite slab.

## **14. Clerk of the Works**

- a. A Clerk of the Works shall be provided by the City, at the expense of the applicant, his successors or assigns, as it deemed necessary by the City Planner. Notwithstanding the foregoing, the parties acknowledge the Project shall be subject to controlled construction, which requires oversight by licensed engineered and architects. Accordingly it is the understanding of the Board, the City Planner and the Applicant that the Clerk of the Works is expected to oversee and review all civil/site improvements related to the project located within the public way, including all utility connections to publicly owned infrastructure. It is also mutually understood that the expense associated with the Clerk of the Works shall be for a reasonable number of hours and at a customary rate of service.
- b. The applicant shall submit a construction plan to the City Planner each season, prior to starting work.
- c. The construction plan will be incorporated into the Clerk of the Works Task Order. No work shall start prior to an approved task order for these services.

**15. As-built Plans**

- a. As-built plans, stamped by a Registered Professional Engineer, shall be submitted to the Planning Department and Engineering Department prior to the issuance of the final Certificate of Occupancy.

**16. Violations**

- a. Violations of any condition shall result in revocation of this permit by the Planning Board, unless the violation of such condition is waived by a majority vote of the Planning Board.

*I hereby certify that a copy of this decision and plans has been filed with the City Clerk and copies are on file with the Planning Board. The Special Permit shall not take effect until a copy of this decision bearing the certification of the City Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, is recorded in the Essex South Registry of Deeds and is indexed under the name of the owner of record is recorded on the owner's Certificate of Title. The owner or applicant, his successors or assigns, shall pay the fee for recording or registering.*



Ben J. Anderson  
Chair