



CITY OF SALEM PLANNING BOARD

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CITY CLERK, SALEM, MASS.

Site Plan Review Decision

December 12, 2016

On Thursday, September 15, 2016, the Planning Board of the City of Salem opened a Public Hearing for a Site Plan Review in accordance with the Salem Zoning Ordinance Section 9.5 and a Flood Hazard Overlay District Special Permit in accordance with Section 8.1 for the site located at 93-95 Canal Street (Map 33, Lots 164, and 165) for the renovation of the existing structure on 93-95 Canal Street (a former candy factory) into eight (8) residential units.

The Planning Board hereby makes the following findings pertaining to the Flood Hazard District Special Permit Application:

1. The proposed use will comply in all respects to the uses and provisions of the underlying district in which the land is located.
 - a. The property is located in the Residential Two-Family Zoning District. The structure was previously a legally nonconforming candy factory, and the applicant received a Special Permit from the Zoning Board of Appeals on March 30, 2016 to change this nonconforming use to another, less detrimental, nonconforming use (eight residential units).
2. There are adequate convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property, particularly in the event of flooding of the lot(s) or adjacent lot(s) caused by either overspill from water bodies or high runoff.
3. Utilities, including gas, electricity, fuel, water and sewage disposal, will be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding.

The Public Hearing was continued to October 3, 2016; October 20, 2016; November 3, 2016; November 17, 2016; and December 1, 2016. The public hearing was closed at the regularly scheduled meeting of the Planning Board held on December 1, 2016, and the Board, based upon the plans submitted and evidence presented at the public hearings, voted by a vote of 8 (eight) in favor (Chair Ben Anderson, Matt Veno, Carole Hamilton, Kirt Rieder, Bill Griset, Noah Koretz, Dale Yale and Kirt Rieder) and none (0) opposed, to approve the application of the SCHIAVUZZO REALTY, LLC for a Site Plan Review and a Flood Hazard Overlay District Special Permit, subject to the following conditions:

1. Conformance with the Plan

- a. Work shall conform with the set of plans entitled, "Proposed Site Plan 93-95 Canal Street," Sheets 1-2, prepared by Civil Environmental Consultants dated July 13, 2016, revised September 6, 2016; October 31, 2016; November 11, 2016; and November 29, 2016 and plans

entitled, "Residential Condominium 93-95 Canal St" Sheets A-0.1, A-1.1, and A-2.0, prepared by Curtis DiBenedetto and Associates, dated September 1, 2015, revised October 7, 2016; November 3, 2016; and November 28, 2016.

2. 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. Any waiver of conditions contained within shall require the approval of the Planning Board.

3. Landscaping

- a. 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 or be replaced as necessary.
- b. A revised landscaping plan that contains appropriate street trees that can withstand periodic inundation shall be submitted to the City Planner for review and approval prior to Building Permit issuance.
- c. Final completed landscaping shall be done in accordance with the approved plan described under condition 3(b) and shall be subject to approval by the City Planner prior, for consistency with such plan, prior to the issuance of a Certificate of Occupancy.

4. Lighting

- a. No light shall cast a glare onto adjacent parcels or adjacent rights of way.
- b. After installation, lighting shall be reviewed by the City Planner, prior to the issuance of a Certificate of Occupancy.

5. Maintenance

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the developer, his successors or assigns.
- b. Winter snow in excess of snow storage areas on the site shall be removed off site.

6. Board of Health

- a. All Board of Health requirements shall be strictly adhered to.
- b. The individual presenting the plan to the Board of Health must notify the Health Agent of the name, address, and telephone number of the project (site) manager who will be on site and directly responsible for the construction of the project.
- c. If a DEP tracking number is issued for this site under the Massachusetts Contingency Plan, no structure shall be constructed until the Licensed Site Professional responsible for the site certifies that soil and ground water on the entire site meets the DEP standards for the proposed use.
- d. The developer shall adhere to a drainage plan as approved by the City Engineer.
- e. The developer shall employ a licensed pesticide applicator to exterminate the area prior to construction, demolition, and/or blasting and shall send a copy of the exterminator's invoice to the Health Agent
- f. The developer shall maintain the area free from rodents throughout construction.

- g. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during construction.
- h. The developer shall submit to the Health Agent a written plan for containment and removal of debris, vegetative waste, and unacceptable excavation material generated during demolition and/or construction.
- i. The Fire Department must approve the plan regarding access for fire fighting.
- j. Noise levels from the resultant establishment(s) generated by operations, including but not limited to refrigeration and heating, shall not increase the broadband sound level by more than 10 dB(A) above the ambient levels measured at the property line.
- k. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- l. The resultant establishment(s) shall dispose of all waste materials resulting from its operations in an environmentally sound manner as described to the Board of Health.
- m. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.
- n. The developer shall install grease traps, to contain grease in gray water, prior to it entering the city sewer system in developments with 10 or more units and in compliance with the requirements of the City Engineer
- o. Salem sits in a Radon Zone 1 and the risk of radon entering buildings is extremely high. Therefore, the installation of radon mitigation systems is required.

7. Fire Department

- a. All work shall comply with the requirements of the Salem Fire Department.

8. Building Inspector

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

9. Utilities

- a. Underground utility installation shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit.
- b. Water meter sizing calculations from the license plumber shall be submitted to the City Engineer with a listing of fixture for review and approval by the City Engineer.

10. City Engineer

- a. All work shall comply with the requirements of the City Engineer.
- b. Prior to issuance of a building permit from the City, the applicant shall demonstrate that the City's water system has the capacity and condition to accommodate the flow requirements of the proposed development. The applicant shall provide a letter that demonstrates adequate capacity and condition for each system, prior to issuance of a building permit by the City. Any deficiency identified in any system shall be corrected by the applicant, at the applicant's expense, to the satisfaction of the Engineering Department. Any excavations on Canal Street shall be back filled with Controlled Density Fill (CDF) and meet existing pavement depths.
- c. Water System

- i. A Licensed Plumber shall provide a letter to the Engineering Department stating that the condition of the existing water service pipe for fire protection on the property are adequate to be reused for the proposed development.
 - ii. A Licensed Professional Civil Engineer shall provide a letter to the Engineering Department stating that the City water mains to serve the proposed development have adequate flow and pressure. Back-up data, including engineering calculations and the results of hydrant flow tests, shall be included in the letter.
- d. Sewer System
- i. A Licensed Plumber or Contractor approved by the Engineering Department, shall provide a letter to the Engineering Department stating the condition of the existing sewer service pipes on the property are adequate to be reused for the proposed development. A video inspection of the sewer service will be necessary to understand the current condition of the pipe to determine if they are still in good condition to be reused for the proposed development. A copy of the video and logs shall be submitted with the letter.
 - ii. A building inspection and dye testing program shall be completed to confirm the sewer service from the proposed development is connected to the correct system in the City street. This inspection shall be schedule with the city consultant directly and result of this inspection and testing shall be submitted to the Engineering Department.
- e. The applicant shall coordinate with the City Engineer to review any service piping that extends to the street encountered during construction of the foundation and/or site work that were not shown in the site utility plan. Existing utility services encountered onsite that have not been abandoned shall be discontinued in accordance with the City of Salem Engineering Department requirements, prior to building permit issuance.

11. 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.

12. Construction Practices

- a. All construction shall be carried out in accordance with the following conditions:
 - i. All provisions in the City of Salem's Code of Ordinance, Chapter 22, Noise Control, shall be strictly adhered to.
 - ii. 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.
 - iii. 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.

- iv. 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.
- v. 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.
- vi. All construction vehicles left overnight at the site must be located completely on the site.
- vii. All construction will occur on site; no construction will occur or be staged within City right of way. Any deviation from this shall be approved by the City Planner prior to construction.
- viii. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the applicant.

13. 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.
- b. The As-Built plans shall be submitted to the City Engineer in electronic file format suitable for the City's use and approved by the City Engineer, prior to the issuance of the final Certificate of Occupancy.
- c. A completed tie card, a blank copy (available at the Engineering Department) and a certification signed and stamped by the design engineer, stating that the work was completed in substantial compliance with the design drawing must be submitted to the City Engineer prior to the issuance of the final Certificate of Occupancy; as well as, any subsequent requirements by the City Engineer.

14. 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.

15. Flood Plain Mitigation

- a. Due to the property being located in a FEMA designated 100 year flood zone the following actions shall be undertaken by the applicant to mitigate the effect of any potential flooding:
 - i. Installation of three infiltration systems for the capture and controlled drainage of storm water on the property;
 - ii. Removal of basement windows and replacement with solid fill material;
 - iii. Location of heating and air conditioning mechanical in living units and roof which are all located above the flood plain elevation;
 - iv. Location of incoming electrical panel on second floor of structure;
 - v. Creation of separate electrical circuit for any basement electrical lighting and GFI plugs;
 - vi. Installation of a new water line to street main;

- vii. Video inspection of sewer line to street main and replacement if required by the City Engineer; and
- viii. Reconstruction of rear exit stairs to rear of lot which is above the flood plain elevation.

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.

A handwritten signature in black ink, appearing to read "Ben J. Anderson", with a stylized flourish at the end.

Ben J. Anderson
Chairman