



CITY OF SALEM PLANNING BOARD

2020 JUN -1 PM 4:12

CITY CLERK
SALEM, MASS

Decision

Site Plan Review and Municipal or Religious Reuse Special Permit

**13 Hawthorne Boulevard
(Map 35, Lot 0287-0)**

June 1, 2020

Findings and Decision

Re: Application of North Shore Community Development Coalition for the property located at 13 Hawthorne Boulevard (Map 35, Lot 0287-0) for Site Plan Review and Municipal or Religious Reuse Special Permit.

Procedural History

1. On February 13, 2020 the North Shore Community Development Coalition filed the above referenced application with the Planning Board.
2. The application proposed the conversion of the former parochial school into 29 housing units and approximately 4,500 square feet of studio, workrooms, galleries, and meeting space. There are 7 parking spaces on the premises for visitors. The applicant proposes that the required 29 parking spaces for the residential units will be reserved in nearby municipal parking facilities.
3. The Planning Board of the City of Salem opened the public hearing on Thursday, March 5, 2020. The hearing was continued to April 16, 2020, May 7, 2020, and May 21, 2020. The public hearing was closed on May 21, 2020.
4. Throughout the public hearing, the plans and other submission material were reviewed by the Planning Board. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.
5. As described in its April 27, 2020 letter to the Planning Board, the Salem Historical Commission voted unanimously on April 15, 2020 to issue a positive recommendation without special conditions.
6. As described in its April 25, 2020 letter to the Planning Board, the Salem Design Review Board voted unanimously on April 22, 2020 to issue a positive recommendation without special conditions.

The Planning Board finds that the development meets the criteria of the Site Plan Review and Municipal or Religious Reuse Special Permit as stated in the Salem Zoning Ordinance, as follows:

Specific Findings

A. The Planning Board hereby makes the following findings pertaining to the City of Salem Zoning Ordinance, Sec. 6.11 Municipal or Religious Reuse Special Permit:

The subject property is located within the R2 district, which allows issuance of such a Special Permit. The building meets the eligibility requirements of section 6.11.3 since it is over 4,000 square feet in size, more than 50 years old at the time of the application, and was used as a religious school for at least 20 years at some point in the last 50 years. The proposed use of the building for multifamily residential and related commercial purposes are among the uses allowed by Special Permit under Section 6.11.5.

The one space per dwelling unit parking requirement in Section 6.11.8 of the Zoning Code will be satisfied by reserving 29 spaces in a municipal parking facility within the vicinity of the property.

B. The Planning Board hereby makes the following findings pertaining to the City of Salem Zoning Ordinance, Sec. 9.5 Site Plan Review:

The Planning Board finds that the proposed project complies with all review criteria as identified in Site Plan Review, Sec. 9.5.6. The plan meets accepted site planning standards and promotes such standards such that the development takes place in a manner which shall in all aspects be an asset to the City.

Decision

In view of the foregoing, the Planning Board hereby finds that the aforesaid project meets all the requisite criteria. Therefore, the Planning Board hereby grants a Site Plan Review Municipal or Religious Reuse Special Permit and Site Plan approval for at 13 Hawthorne Boulevard Street in accordance with the terms and conditions stated below.

1. Conformance with the Plans

- a. Work shall conform to the following project plans for 13 HAWTHORNE BLVD, SALEM HISTORIC SCHOOLS, NORTH SHORE COMMUNITY DEVELOPMENT COALITION, INC., prepared by Icon Architecture and Nitsch Engineering, dated 2/13/2020, revised 4/28/2020 and 5/14/2020 (Civil Plans), sheets C-100, C-200, C-300, C-400, C-500, C-600, C-700, C-701, C-702, C-703, C-704 and 13 HAWTHORNE BLVD, SALEM HISTORIC SCHOOLS, NORTH SHORE COMMUNITY DEVELOPMENT COALITION, INC., prepared by Icon Architecture, cover dated 2/23/2020 (Architectural Plans), sheets A-101, A-102, A-103, A-104, A-105, A-201, A-202, A-800, A-800B (all individual sheets dated 8/31/2018).

2. Amendments

- a. Any further 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. 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.

4. Salem Design Review Board

- a. As described in its April 25 letter to the Planning Board, the Salem Design Review voted unanimously on April 22, 2020 to issue a positive recommendation without special conditions.

5. Salem Historical Commission

- a. As described in its April 27, 2020 letter to the Planning Board, the Salem Historical Commission voted unanimously on April 15, 2020 to issue a positive recommendation without special conditions.

6. Affordable Housing

- a. A minimum of 25% percent (eight) of the total units shall be affordable to a household of one or more persons whose maximum income does not exceed eighty (80) percent of the area median income, adjusted for household size, or as otherwise established by DHCD guidelines for these eight affordable units to be eligible to be included in the Subsidized Housing Inventory (SHI), for a period of ninety-nine (99) years as secured by a duly recorded deed restriction.

7. Traffic

- a. The owner shall tender \$14,500 to the City of Salem Transportation Enhancement Fund (TEF) prior to issuance of a Certificate of Occupancy. The TEF will be used by the city for transportation network services relating to infrastructure and or operation of the transportation network.
- b. Bicycle parking shall be provided for residents and visitors prior to certificate of occupancy and shall be maintained in perpetuity. The type, quantity, and location of the bicycle parking shall follow the City of Salem Bicycle Parking Guidelines
- c. Applicant shall designate two on-street parking spaces at the building entrance as a pick-up/drop-off zone, subject to Traffic & Parking Commission and City Council approval, prior to issuance of Certificate of Occupancy.

8. Landscaping

- a. The applicant shall replace the street tree to be removed in order to provide parking access on Union Street with new trees prior to issuance of Certificate of Occupancy. The quantity, species, caliper, and location of these trees shall be determined by the Tree

Warden and, if applicable under Sec. 43 of the City of Salem Code of Ordinances, the Tree Commission shall hold a public hearing in advance of the decision of the Tree Warden.

- b. An as built landscaping plan accompanied with a letter from a Registered Professional Engineer or landscape architect certifying compliance of the landscaping with the approved plan shall be submitted to the City Planner prior to issuance of the Certificate of Occupancy.
- c. Maintenance of all landscaping on the site shall be the responsibility of the Applicant, its successors or assigns, and any tree or shrub that does not survive shall be replaced.
- d. All new chain-link fencing shall be black dipped 1.0" or 0.5" chain mesh.

9. Lighting

- a. A final lighting plan shall be submitted to the City Electrician for review and approval prior to the issuance of a building permit.
- b. Light trespass onto adjacent parcels/rights of way shall be avoided as indicated on the photometric plan.

10. 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. The applicant, his successors or assignees shall use its best efforts to engage a waste hauler for compost that will regularly accept organic wastes from onsite residents for offsite composting. Organic wastes shall not be stored onsite in a manner that allows nuisance conditions to develop.
- c. Winter snow in excess of snow storage areas on the site shall be removed off site.

11. Fire Department

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

12. Building Inspector

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

13. Board of Health

The owner shall comply with the following specific conditions issued by the Board of Health:

- a. 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.

- b. 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 confirms that the site meets the DEP standards for the proposed use.
- c. A copy of the Licensed Asbestos Inspector's Report must be sent to the Health Agent.
- d. A copy of the Demolition Notice sent to the DEP, Form BWPAO6, must be sent to the Health Agent.
- e. The developer shall adhere to a drainage plan as approved by the City Engineer.
- f. 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.
- g. The developer shall submit a rodent control plan and maintain the area free from rodents throughout construction.
- h. The Developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during the demolition and construction.
- i. 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.
- j. In accordance with Board of Health Regulation #7, the developer must ensure that the trash contractor offer mandatory recycling to the development.
- k. The Fire Department must approve the plan regarding access for firefighting.
- l. 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 property line.
- m. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- n. The resultant establishment shall dispose of all waste materials resulting from its operation in an environmentally sound manner as described to the Board of health.
- o. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.

14. City Engineer

- a) Prior to applying for a building permit, applicant's licensed plumber (hereinafter referred to as "the Plumber") shall provide a report to the City Engineer with the following information: Where all water, sewer and drainage lines are located entering and leaving the existing structure; determination of existing or prior use of each line, including, but not limited to domestic, commercial or industrial use; irrigation; fire suppression; sewer, storm drain or septic system; roof drain; or sump pump.
- b) Prior to applying for a building permit, the Plumber shall evaluate the condition of existing water service(s) for reuse and provide a letter to the City stating the findings. The Engineer shall provide revised plans indicating which of the two existing water services

will be maintained and which one will be cut and capped at the City main. However, if determined that a new service is needed, the existing services shall be cut and capped at the City's main in the street and the new service identified on the revised plan.

- c) Prior to applying for a building permit, the Applicant's Massachusetts Registered Professional Civil Engineer (hereinafter referred to as "the Engineer") shall provide revised existing conditions plan to show the use and point of origin or discharge on each City main, for each line identified in the Plumber's report and any other lines on the property that may or may not be affected by the demolition or connection to the structure. The plan should also include adjacent City utilities including size, material and depth of inverts.
- d) Prior to applying for a building permit, the Engineer shall identify the purpose of the existing Catch Basin in the southwest corner of the property and any potential connectivity to the City mains. If a connection is present, further investigations (CCTV and/or dye testing) may be required, as determined by the City Engineer. Reuse will only be only allowed if demonstrated that management of stormwater on site is not possible, as determined by the City Engineer.
- e) Prior to applying for a building permit, the applicant shall provide CCTV inspection of existing sewer service from the building to the City main on Hawthorne Boulevard. The Engineer shall provide a letter to the City Engineer stating the condition of the existing sewer service line. If determined that the line needs to be replaced, a revised plan shall be submitted showing that the existing service will be cut and capped at the City's sewer main in the street and the line shall be replaced in accordance with said revised plans.
- f) Prior to applying for a building permit, the Engineer shall provide existing and proposed water and sewer peak demand flows.
- g) Prior to applying for a building permit, the Engineer shall provide a letter to the City Engineer 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. Any deficiency identified in any system shall be corrected by the Applicant, at the Applicant's expense, to the satisfaction of the City Engineer prior to the issuance of a Certificate of Occupancy.
- h) Prior to applying for a building permit, the Engineer or plumber shall provide detailed information on the water meter location
- i) Prior to applying for a building permit, the Plumber and/or Fire Protection Engineer shall complete and submit the Backflow Prevention Device Design Data Sheet for each proposed device. The data sheet shall be submitted to the City Engineer with a check or money order in the amount of \$100 made out to the City of Salem for the permit fee. The City Engineer requires a containment backflow device for the building and a backflow device for the commercial/artist space
- j) Prior to applying for a building permit, Engineer shall provide a letter to the Engineering

Department stating that the City sewer system to serve the proposed development has adequate condition and capacity to accommodate existing and proposed sewer flows. Back-up data, including engineering calculations and the results of all sewer inspections and existing sewer flow measurements, shall be included in the letter. Cleaning and CCTV inspections of the sewer main on Hawthorne Boulevard, based on PACP standards, will be required showing the full circumference of the pipe from the point of connection to the City sewer to the manhole at the intersection of Derby St. and Hawthorne Blvd. (approximately 370 ft) to show the current condition of the sewer system and determine if it is in good condition to accommodate flows from the proposed development. A copy of the video and logs shall be submitted with the letter. Continuous flow measurements in the existing sewer shall be taken to understand the current capacity of the sewer system and to confirm that the additional flow from the development can be accommodated. Results of the flow measurement shall also be included with the letter. Any deficiency identified in any system shall be corrected by the Applicant, at the Applicant's expense, to the satisfaction of the City Engineer prior to the issuance of a Certificate of Occupancy.

- k) Prior to applying for a building permit, the Engineer shall provide data from field investigations related to stormwater management including the soils evaluation from test pits (Section 3.2 and 3.3 of the Stormwater report). A revised stormwater design shall be submitted to the City Engineer for review and approval if testing indicates soil conditions are different than anticipated in the submitted design.
- l) Prior to applying for a building permit, the Engineer shall provide a plan showing the underground telecommunication within the site to the City Engineer.
- m) Prior to applying for a building permit, the Engineer shall provide revised detail plans showing all drain structures with the extended bases (6-inch lip on both sides) to the City Engineer.
- n) Prior to applying for a building permit, Applicant shall clarify the narrative in section 4.2 of the Stormwater Report, confirming that the 1-inch designation is not a "storm", but rather 1 inch of water over the impervious area of the site, which might be expressed as 1-inch rainfall depth. (The interval-based design storms do have a time designation of 24 hours – i.e. 2-year, 24-hour. In narrative, subsurface infiltration system indicates 1-inch design storm, but does not include a duration. The dry well system indicates the "1-inch storm, 24-hour design storm", but lists the interval-based design storms without duration.) Applicant shall confirm whether the evaluation was performed on 1-inch rainfall depth over impervious area, or whether a depth of 1 inch was used with a 24-hr distribution. Additional stormwater information to be submitted to the City Engineer for review and approval.
- o) Prior to applying for a building permit, explain how the three design points discharging to Derby Street described in Section 5.4 of the stormwater report reach the single discharge location and how the conveyance from the design points to the discharge point is accounted for in the calculations. (The report indicates in multiple sections three design points; however, Table 4 provides runoff rates at a single discharge location.) This information to be submitted to the City Engineer for review and approval.

- p) Prior to applying for a building permit, Applicant shall provide illicit discharge statement in the O&M Plan signed by the Responsible Party.
- q) Prior to applying for building permit, Applicant shall provide recommendations from the manufacturer related to O&M of the practices.
- r) Prior to applying for building permit, Applicant indicate that reporting is to be maintained on site and available for Engineering/DPS review. (Section 3.5 indicates reporting to Conservation Commission.)
- s) Prior to applying for building permit, Applicant shall provide an inspection form that includes a separate row for each element; for example, separate "Deep Sump Catch Basin" from "Area Drain." Also, include a figure showing the location of each element identified on the inspection form. Figure should clearly identify locations for inspections. Provide information on any inspection/maintenance tasks that require special skills or licenses. Provide contact information for vendors able to provide those skills/licenses.

15. Clerk of the Works

- a. Subject to approval by the City Engineer/DPS Director and all conditions within this section, the City Planner will evaluate whether the construction inspector required by the Department of Housing and Community Development to oversee this project's construction may serve as the Clerk of the Works.
- b. A Clerk of the Works shall be provided by the City, at the expense of the applicant, his successors or assigns, as it is deemed necessary by the City Planner. Notwithstanding the foregoing, the parties acknowledge the Project shall be subject to controlled construction, which requires oversight by a Registered Professional Civil Engineer. 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, including, but not necessarily limited to:
 - i. all utility cut and caps related the City's Demolition Permit;
 - ii. all new utility installations;
 - iii. any connections to, extension of, or improvements to publicly owned infrastructure both on the applicant's site or within the City's right of way and any on-site stormwater or wastewater systems;
 - iv. any new installations or modifications to existing pavement/sidewalk/curbing; and
 - v. any conditions placed on the project by an Order of Conditions from the Salem Conservation Commission.
- c. The Clerk of the Works shall review and approve all proposed, or approved, changes to the original Planning Board decision.
- d. 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.

- e. The applicant shall submit a construction plan that includes a detailed sequence and schedule of all construction activities related to the Project to the City Planner for approval prior to starting work. The construction plan shall clearly detail the sequencing, schedule and duration of all construction activities related to the Clerk of the Works' purview. Once the construction plan is approved, it shall be used to create a Task Order for the Clerk of the Works.
- f. No work, including blasting, demolition, excavation, and grading shall start before an approved task order for the Clerk of the Works services has been agreed upon and approved by all parties.

16. Construction Practices

- a. All construction shall be carried out in accordance with the following conditions:
 - i. Rock crushing and material mixing shall not be allowed at the site in order to reduce potential dust.
 - ii. All provisions in the City of Salem's Code of Ordinance, Chapter 22, Noise Control, shall be strictly adhered to.
 - iii. 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 demolition and construction of the project.
 - iv. Drilling and blasting shall be limited to Monday-Friday between 8:00 AM until 5:00 PM. There shall be no drilling, blasting or rock hammering on Saturdays, Sundays, or holidays. Blasting shall be undertaken in accordance with all local and state regulations.
 - v. 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 Department of Planning & Community Development prior to construction.
 - vi. A construction traffic management plan and schedule shall be submitted to the Department of Planning & Community Development for review and approval prior to the issuance of a building permit.
 - vii. Any roadways, driveways, sidewalks, or landscaping damaged during construction shall be restored to their original condition by the applicant.
 - viii. 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.
 - ix. 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.
 - x. All construction vehicles left overnight at the site, must be located completely on the site.
 - xi. All construction activities shall be in accordance with the "Salem Police Station Construction Management Plan".

- xii. All construction shall take place under the direction and supervision of a Licensed Site Professional in compliance with the rules and regulations of the Massachusetts Department of Environmental Protection.
- xiii. The applicant shall promptly notify the Board of Health of any environmental condition encountered during construction that may adversely impact the abutters to the site.

17. As-built Plans

- a. As-built Plans, stamped by a Registered Professional Engineer, shall be reviewed and approved by the Clerk of the Works, then submitted to the Department of Planning and Community Development and Department of Public Services prior to the issuance of the Certificate of Occupancy. As-built plans shall identify 1) the number, location, depth, size and materials of all buried utilities and 2) locations and rim and invert elevations of all manholes and structures.
- b. The As-Built plans shall be submitted to the City Engineer in an electronic file format suitable for the City's use and approved by the City Engineer, prior to the issuance of the 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 Certificate of Occupancy; as well as, any subsequent requirements by the City Engineer.

18. 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.

Record of Vote

The following members of the Planning Board voted to grant the Municipal or Religious Reuse Special Permit and Site Plan Review approval subject to the above-stated terms and conditions: Ben Anderson, Kirt Rieder, Helen Sides, Bill Grisct, Carole Hamilton, and Matt Venio. Members Matt Smith and D.J. Napolitano were absent and Noah Koretz abstained.

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.



Planning Board Decision
13 Hawthorne Boulevard
June 1, 2020

Ben J. Anderson
Chairman