



CITY OF SALEM PLANNING BOARD

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CITY CLERK
SALEM, MASS

Flood Hazard Overlay District Special Permit Decision

December 10, 2018

Findings and Decision

Re: Application of Gregory Investment Group LLC for the property located at 2 Atlantic Street (Map 32, Lot 9) for a Flood Hazard Overlay District (FHOD) Special Permit in accordance with Salem Zoning Ordinance, Section 8.1.

Procedural History

1. A Flood Hazard Overlay District Special Permit application to construct a new two-family dwelling and associated improvements at 2 Atlantic Street (Map 32, Lot 9) located in the AE Flood Zone pursuant to Section 8.1 of the Salem Zoning Ordinance was made by the above-referenced applicant and filed with the Planning Board on October 29, 2018.
2. This FHOD special permit application is accompanied by and augmented by a plan, entitled "2 Atlantic Street Condominium As-Built Site Plan in Salem, MA" dated April 24, 2018.
3. The Planning Board of the City of Salem opened a Public Hearing for the Flood Hazard Overlay District Special Permit on December 6, 2018.
4. The public hearing was closed on December 6, 2018 with the following Planning Board members present: Chair Ben Anderson, Helen Sides, Matt Venio, Carole Hamilton, Matt Smith, and Kirt Rieder.
5. 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.

Findings

a. General

1. The applicant proposes (after-the-fact) construction of new two-family dwelling and associated improvements at 2 Atlantic Street (Map 32, Lot 9).
2. The finished first floor is above the 100-year flood elevation (elevation 10).
3. The garage doors were installed with flood vents.

b. FHOD Special Permit Criteria

1. Pursuant to Section 8.1.2.2.(a) of the Salem Zoning Ordinance, the FHOD includes all special flood hazard areas within the City of Salem designated as Zone A, AE, or VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the FEMA.

In considering approval of the Flood Hazard Overlay District Special Permit, the Planning Board hereby makes the findings for the portion of the site within the FHOD pertaining to the Flood Hazard Overlay District Special Permit Application as follows:

1. **The proposed uses comply in all respects to the uses and provisions of the underlying districts in which the land is located.**
 - i. The project is compliant with Section 8.1.4 of the Salem Zoning Ordinance and the relief granted by the Zoning Board of Appeals on September 2, 2015.
2. **There is 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.**
 - i. In the event of a 100-year flooding event, the finished portion of the building will remain accessible to occupants. The occupants will also have access to areas outside the flooding event to the east of the property.
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.**
 - i. All utilities, including but not limited to the electrical panel, gas service and hot water heaters are installed above the 100-year flood elevation (elevation 10).
 - ii. The water supply and sanitary sewer construction within the dwelling are sealed within the flood zone.
 - iii. The garage doors have been fitted with engineered flood openings.
4. **Where the proposed use will be located within a coastal high hazard area (Zone VE on the FEMA Flood Insurance Rate Maps), the Planning Board shall also find the following conditions to be fulfilled: New structures or substantial improvements shall be located landward of the reach of mean high tide. The support of new structures or substantial improvements shall not be, in whole or in part, by the use of fill.**
 - i. There are no proposed uses within the VE zone as mapped by FEMA on the site.

Decision

In view of the foregoing, the Planning Board hereby decided that the aforesaid project meets all the requisite criteria. It is therefore decided to grant a FHOD Special Permit for the development of in accordance with the terms and conditions stated below.

1. **Conformance with the Plan**
 - a. Work shall conform with the set of plans prepared by Williams & Sparages, 189 North Main Street, Suite 101, Middleton, MA entitled, "2 Atlantic Street Condominium As-Built Site Plan in Salem, MA" dated April 24, 2018.

2. Amendments

- a. Any amendments to the approved plans referenced in 1.a. 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. Board of Health

- a. All Board of Health requirements shall be strictly adhered to.

4. Fire Department

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

5. Building Inspector

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

6. City Engineer

- a. All work shall comply with the requirements of the City Engineer.

7. 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 vote to grant a Flood Hazard Overlay District Special Permit subject to the above-stated terms and conditions: Ben Anderson, Helen Sides, Matt Veno, Carole Hamilton, Matt Smith, and Kirt Rieder.

None of the members of the Planning Board are in opposition to the grant a Flood Hazard Overlay District Special Permit.

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 and/or 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
Chairman