



CITY OF SALEM PLANNING BOARD

Decision

Site Plan Review

**602 Loring Avenue
(Map 20, Lot 11)**

June 25, 2020

Findings and Decision

Re: Application of VAVEL, LLC for the property located at 602 Loring Avenue (Map 20, Lot 11) for a Site Plan Review in accordance with Salem Zoning Ordinance Section 9.5.

Procedural History

1. On February 27, 2020, Vavel, LLC filed the above referenced application with the Planning Board.
2. The application proposed the demolition of the existing two-story commercial building on the site and the construction of a three-story building containing 20 residential units. The project includes 34 off street parking spaces, 22 of which will be garage level spaces within the building and 12 of which will be surface parking spaces. Also proposed are landscaping, a ground level patio, a sidewalk from the building entrance to the existing Loring Avenue sidewalk, bicycle racks, utilities, grading, and drainage systems for stormwater runoff. The existing curb cut will be reconfigured into a 24' driveway
3. The Planning Board of the City of Salem opened the public hearing on Thursday, April 2, 2020, and continued the public hearing to May 7, 2020, May 21, 2020, June 4, 2020, and June 18, 2020. The public hearing was closed on June 18, 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 June 12, 2020 letter to the Planning Board, the Salem Design Review Board voted unanimously on June 11, 2020 to issue a positive recommendation, recommending the conditions listed in Section 4 below.

The Planning Board finds that the development meets the criteria of the Site Plan Review as follows:

Specific Findings

A. 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 approval for the property located at 602 Loring Avenue in accordance with the terms and conditions stated below.

1. Conformance with the Plans

- a. Work shall conform to the following project plans for Vavel Apartments, 602 Loring Avenue, Salem, Massachusetts | 01970, sheets A0.0 (6/11/2020), C-1 (4/20/2020, revised 6/11/2020), “Existing Conditions” (10/31/2017), C-3 (4/20/2020, revised 6/11/2020), C-4 (4/20/2020, revised 6/11/2020), C-5 (4/20/2020, revised 6/11/2020), C-6 (4/20/2020, revised 6/11/2020), C-7 (4/20/2020, revised 6/11/2020), C-8 (4/20/2020, revised 6/11/2020), C-9 (4/20/2020, revised 6/11/2020), L-1 (6/11/2020), LI-1 (6/11/2020), A1.1 (6/11/2020), A1.2 (6/11/2020), A1.3 (6/11/2020), A1.4 (6/11/2020), A2.1 (6/11/2020), A2.2 (6/11/2020), A2.3 (6/11/2020), A2.4 (2/26/2020), and unnumbered, undated sheets: “Building Approach”, View from Driveway”, “View from Adjacent Property”.

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

As described in its June 12, 2020 letter to the Planning Board, the Salem Design Review Board voted unanimously on June 11, 2020 to issue a positive recommendation, recommending the following conditions.

- a. Façade Color Pattern: The applicant has revised the color pattern on the building’s façade to bring a black, horizontal pattern through the red portions of the façade. The DRB suggests adding 2-3 courses of red paneling along the bottom of the first-floor windows,

similar to the red coursing along the top of the third-floor windows. This red banding should line up with the bottom sills of the larger windows in the black portions of the building. Prior to issuance of Building Permit, applicant shall provide a revised architectural plan showing this change for review and approval by the City Planner.

- b. Fence Detail: The applicant stated that fencing along the property lines will be a coated aluminum baluster-style fence. Prior to issuance of a Building Permit, the applicant shall submit a catalog cut sheet of the fence to the City Planner for review and approval.
- c. Changes to Materials: Should the applicant determine that the currently proposed façade materials not be feasible, applicant shall return to the DRB for design review of alternative materials before any changes are made in the field.

5. Affordable Housing

- a. A minimum of 10% percent (two) 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 two 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.

6. Traffic

- a. The owner shall tender \$20,000 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

7. Landscaping

- a. Prior to issuance of a Certificate of Occupancy, applicant shall contribute \$13,500 to the Salem Tree Donation Fund as mitigation for removal of trees within the City's Loring Avenue right of way. Additional mitigation may be required by the Salem Tree Warden. Furthermore, if applicable under Sec. 43 of the City of Salem Code of Ordinances, the Tree Warden, and/or 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.

8. 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.

9. 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 prior to issuance of the Certificate of Occupancy.
- 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.

10. Fire Department

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

11. Building Inspector

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

12. 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.

13. City Engineer

- a) Prior to applying for a street opening permit, Applicant shall provide to the City Engineer an updated existing condition and utility drawing (signed/stamped/dated by a Massachusetts PE) showing all existing and proposed utility information adjacent to the property, including but not limited to water service location/size, telecommunications, sewer, and electric services. Should the fire suppression line be 4" or greater, a new tee with triple gates will be required to make the connection in Loring Ave.; tapping sleeve will not be approved on the existing water main.
- b) Prior to applying for a building permit, a design of all proposed retaining walls signed/stamped/dated by a Massachusetts licensed structural engineer shall be submitted to the City Engineer for review and acceptance.
- c) Prior to applying for a building permit, the Applicant's Engineer shall provide existing and proposed water and sewer peak demand flows.
- d) Prior to applying for a building permit, the Applicant's 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.
- e) Prior to applying for a building permit, the Applicant's Engineer or Plumber shall provide detailed information on the water meter location. Applicant to submit a copy of the plumbing plans to the City Engineer for review and approval.

- f) Prior to applying for a building permit, the Applicant's Engineer shall identify if an irrigation system is proposed for this site. A backflow prevention device will be required for an irrigation system.
- g) The City Engineer requires a containment backflow device for the building. Prior to applying for a building permit, the Applicant's Licensed Plumber 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 for review and approval.
- h) Prior to applying for a building permit, the Applicant's 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. Sprinkler design information shall be submitted to confirm the size of the proposed service is adequate.
- i) Prior to issuance of Building Permit, applicant shall (1) provide a plan showing the limits of CCTV work to appropriately identify the area in need of repair, identified as an approximate five-foot section of collapsed sewer pipe identified between location NC4 and NC5 in the applicant's CCTV report; (2) submit repair specifications to the City Engineer for review and approval; and (3) spot repair the 5' section of collapsed clay sewer pipe identified between location NC4 and NC5 in the applicant's CCTV report.
- j) Prior to applying for a building permit, applicant to confirm that CCTV work was completed from the project site to the intersection of Paradise Road. If any portion of this part of the sewer line was not included in the CCTV report, a supplemental CCTV investigation shall be completed. Applicant's Engineer shall provide a letter to the Engineering Department stating that the sewer system has adequate condition and capacity to accommodate existing and proposed sewer flows based on their review of supplemental CCTV inspection. Any deficiency identified in any system shall be corrected by the Applicant, at the Applicant's expense, to the satisfaction of the City Engineer.
- k) Prior to applying for building permit, Applicant shall provide a detailed dewatering plan to the City Engineer for review and acceptance.
- l) All proposed locations of external utility and mechanical equipment shall be provided to the City Planner for review and approval prior to their installation.

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 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.
- b. The Clerk of the Works shall review and approve all proposed, or approved, changes to the original Planning Board decision.
- c. 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.
- d. 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.
- e. 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.

15. 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.

16. 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.

17. 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.

18. City of Salem Easement

This approval is contingent upon the granting of an easement or other instrument by the City of Salem for the use of the land owned by the City of Salem as part of the Loring Avenue right-of-way. The easement or other instrument must be obtained by the applicant prior to issuance of a building permit and no work shall be undertaken on the land owned by the City of Salem prior to the applicant obtaining said easement or other instrument. A copy of the executed Easement Agreement to be provided to the City Planner.

Record of Vote

The following members of the Planning Board voted to grant the Site Plan Review approval subject to the above-stated terms and conditions:

Ben Anderson, Carole Hamilton, Noah Koretz, DJ Napolitano, Kirt Rieder, Helen Sides, Matt Smith, and Matthew Venio. Bill Griset was absent.

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
Chairman