



CITY OF SALEM PLANNING BOARD

2020 OCT 29
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SALEM, OR

Decision

Site Plan Review & Planned Unit Development Special Permit

**379, 383, and 387 Highland Avenue, 4, 10, 12, 14, and 16 Barnes Road and 9, 12, 14-16, and 18 Cedar Road
(Map 7, Lots 18-21, 49-54, 59, & 60; Map 3, Lot 66 & 67)**

October 29, 2020

Findings and Decision

Re: Application of OVERLOOK ACRES, LLC for the property located at 379, 383, and 387 Highland Avenue, 4, 10, 12, 14, and 16 Barnes Road and 9, 12, 14-16, and 18 Cedar Road (Map 7, Lots 18-21, 49-54, 59, & 60; Map 3, Lot 66 & 67) for a Site Plan Review and Planned Unit Development Special Permit in accordance with the Salem Zoning Ordinance Section 9.5 and Section 7.3

Procedural History

1. On August 5, 2020, OVERLOOK ACRES, LLC filed the above referenced application with the Planning Board.
2. In filing the above-referenced application, the applicant entered into the record all materials associated with the earlier application filed January 30, 2020 and withdrawn without prejudice on July 23, 2020. The materials include all plans, narratives, presentations, and other information submitted by the applicant; all public comment provided to the Planning Board both at public hearings and in writing; and all comments from City staff and peer reviewers hired by the Planning Board. Staff maintained the Planning Board and public's access to all such materials.
3. The refiled application proposed a development on the approximately 15.5-acre site along Highland Avenue at Barnes Road and Cedar Road consisting of a mix of uses, including commercial, residential, and public spaces. The application included one commercial building with an approximate footprint of 8,173 square feet, four residential buildings with 290 units, and a residential club house. There were also approximately 485 parking spaces proposed on site.
4. The Planning Board of the City of Salem opened the public hearing on September 3, 2020 and continued the public hearing to September 17, 2020, October 1, 2020, and October 15, 2020. The public hearing was closed on October 15, 2020.
5. 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.

6. In response to comments from the Planning Board, members of the public, and City staff, the applicant modified the proposed site plan to reduce the dimensional encroachment toward the BVW buffer surrounding wetlands on the property, thereby reducing the number of dwelling units to 280 and the total parking spaces to 450.
7. As described in its September 24, 2020 letter to the Planning Board, the Salem Design Review Board voted unanimously on September 23, 2020 to recommend approval of the schematic design, with the conditions listed in Section 4 below.
8. Tom Furey submitted a signed affidavit of service certifying he has examined all evidence pertaining to the project distributed at the single missed session on September 3, 2020.

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.

B. The Planning Board hereby makes the following findings pertaining to the City of Salem Zoning Ordinance, Sec. 7.3 Planned Unit Development:

7.3.8.1 The proposed planned unit development is in harmony with the purposes and intent of this Ordinance and the master plan of the City of Salem and it will promote the purpose of this section.

The proposed planned unit development is in harmony with the purpose and intent this ordinance and the master plan of the City of Salem as this project will add vitality to the city by developing the site with a mix of residential units, a portion of which will be deed restricted as affordable housing, and commercial space generating new tax revenue for the city. The project includes linear open space, and a nature trail that will be an amenity to both the residents of the new dwelling units, as well as residents of the existing neighborhood. The applicant will contribute funding toward the City's Transportation Enhancement Fund to address the impact on the transportation network on municipal roads, and other

transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city, including programs that support alternative modes of transportation.

7.3.8.2 The mixture of uses in the planned unit development is determined to be sufficiently advantageous to tender it appropriate to depart from the normal requirements of the district.

The planned unit development is designed to provide various types of land use, which are combined in a compatible relationship with each other as part of a cohesive planned development. As proposed, the compatible relationship among the mixture of residential, including affordable housing, commercial, and open space, combined with funding to support the city's transportation network, is determined to be sufficiently advantageous to render it appropriate to depart from the strict provisions of the underlying zoning classifications. In the Business Park Development (BPD) district, residential uses and associated improvements, such as parking and landscaping, cannot exceed (50) percent of the land area of the parcel(s); or in the case of mixed use buildings, residential uses cannot exceed (50) percent of the gross square footage of the proposed development. Residential and associated uses in Overlook Acres comprise 47.3 percent of the land area of the parcel, with no mixed-use buildings, thereby meeting this zoning requirement.

7.3.8.3 The planned unit development would not result in a net negative environmental impact.

The project includes removal of as yet uncharacterized debris from the degraded wetlands, remediation of contaminated soils, as well as creation of public access from which the public can observe the wetlands. The project will also include a modern stormwater management system that will treat stormwater discharges from the site and comply with the requirements of the Mass Stormwater Handbook. The project was modified over the course of the Planning Board's review to reduce impact on wetlands and surrounding buffer. As such, the project is not anticipated to have a significant effect on the aquatic biota of the waterways or aquatic habitats and will not result in a net negative environmental impact

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 and Special Permit for a Planned Unit Development for the property located at 379, 383, and 387 Highland Avenue, 4, 10, 12, 14, and 16 Barnes Road and 9, 12, 14-16, and 18 Cedar Road in accordance with the terms and conditions stated below.

1. Conformance with the Plans

Work shall conform with the following plans:

2. Permit Plans for a Planned Unit Development at 379, 383, & 387 Highland Ave & 4, 10, 12, 14, & 16 Barnes Rd & 9, 12, 14-16, 18 Cedar Rd Salem, MA 01970 sheets: C-1a (1/29/2020, revised 9/23/2020), C-1b (1/29/2020, revised 9/23/2020), C-1c (1/29/2020, revised 9/23/2020), C-2 (1/29/2020, revised 9/23/2020), C-2a (1/29/2020, revised 9/23/2020), C-3 (1/29/2020, revised 9/23/2020), C-3a (1/29/2020, revised 9/23/2020), C-3b (1/29/2020, revised 9/23/2020), C-3c (1/29/2020, revised 9/23/2020), C-3d (1/29/2020, revised 9/23/2020), C-3e (1/29/2020, revised 9/23/2020), C-3f (1/29/2020, revised 9/23/2020), C-3g (1/29/2020, revised 9/23/2020), C-4 (1/29/2020, revised 10/8/2020), C-4a (1/29/2020, revised 9/23/2020), C-4b (1/29/2020, revised 9/23/2020), C-4c (1/29/2020, revised 9/23/2020), C-4d (1/29/2020, revised 9/23/2020), C-4e (1/29/2020, revised 9/23/2020), C-4f (1/29/2020, revised 9/23/2020), C-4g (1/29/2020, revised 9/23/2020), C-5 (1/29/2020, revised 10/8/2020), C-5a (1/29/2020, revised 9/23/2020), C-5b (1/29/2020, revised 9/23/2020), C-5c (1/29/2020, revised 9/23/2020), C-5d (1/29/2020, revised 9/23/2020), C-5e (1/29/2020, revised 9/23/2020), C-5f (1/29/2020, revised 9/23/2020), C-5g (1/29/2020, revised 9/23/2020), C-6 (1/29/2020, revised 10/8/2020), C-6a (1/29/2020, revised 9/23/2020), C-6b (1/29/2020, revised 9/23/2020), C-6c (1/29/2020, revised 9/23/2020), C-6d (1/29/2020, revised 9/23/2020), C-6e (1/29/2020, revised 9/23/2020), C-6f (1/29/2020, revised 9/23/2020), C-6g (1/29/2020, revised 9/23/2020), C-7a (1/29/2020, revised 9/23/2020), C-7b (1/29/2020, revised 9/23/2020), C-7c (1/29/2020, revised 9/23/2020), C-7d (1/29/2020, revised 9/23/2020), C-8a (1/29/2020, revised 9/23/2020), C-8b (1/29/2020, revised 9/23/2020), C-8c (1/29/2020, revised 9/23/2020), C-8d (1/29/2020, revised 9/23/2020), C-8e (1/29/2020, revised 9/23/2020), C-8f (1/29/2020, revised 9/23/2020), C-8g (1/29/2020, revised 9/23/2020), C-8h (1/29/2020, revised 9/23/2020), C-8i (1/29/2020, revised 9/23/2020), C-8j (1/29/2020, revised 9/23/2020), C-8k (1/29/2020, revised 9/23/2020), C-9 (1/29/2020, revised 9/23/2020), C-10 (1/29/2020, revised 9/23/2020)
3. Site Plans for a Planned Unit Development Located at 379, 383, & 387 Highland Ave & 4, 10, 12, 14, & 16 Barnes Rd & 9, 12, 14-16, 18 Cedar Rd Salem, MA 01970 sheets: L0 (3/25/2020, revised 10/8/2020), L1 (3/25/2020, revised 10/8/2020), L2 (3/25/2020, revised 10/8/2020), L3 (3/25/2020, revised 10/8/2020), L4 (3/25/2020, revised 10/8/2020), L5 (3/25/2020, revised 10/8/2020), L6 (3/25/2020, revised 10/8/2020), L7 (3/25/2020, revised 7/2/2020), L8 (3/25/2020, revised 7/2/2020), L9 (3/25/2020, revised 7/2/2020), L10 (3/25/2020, revised 10/8/2020), L11 (3/25/2020, revised 10/8/2020), L12 (3/25/2020, revised 10/8/2020)
4. Highland Ave, Cedar and Barnes Road Apartments and Retail sheets: A-1a (6/12/2020, revised 9/23/2020), A-1b (6/12/2020, revised 9/23/2020), A1-2a (3/25/2020), A1-2b (5/14/2020), A-3a (6/12/2020), A-3b (6/12/2020, revised 9/23/2020), A-3a (5/14/2020), A-4a (5/14/2020), A-4b (3/25/2020), A-5a (3/25/2020), A-6a (5/14/2020), A-7 (3/25/2020), A-8 (3/25/2020), A-9 (3/25/2020), A-10 (3/25/2020), A-11 (5/14/2020)
5. Highland Avenue (Route 107) at Barnes Road Salem, Massachusetts sheets T-1 (10/14/2020), T-2 (10/14/2020), T-3 (10/14/2020), T-4 (10/14/2020), T-5 (10/14/2020), T-6 (10/14/2020), T-7 (10/14/2020)
6. BPD Zone, Land Use Figure dated: 03/24/2020 Revision Date 10/08/2020
7. Wetland Buffer Exhibit 1-12 revised through 10/14/2020
8. Technical Report, Site Development Plans, Highland Avenue, Barnes Road & Cedar Road, Salem, Massachusetts, June 11, 2020.

9. Amendments

- a. Any proposed future changes to the site plan shall be submitted to the City Planner for their review. The submission shall include a plan sheet with all changes from the plans approved by the Planning Board bubbled, noted, and stamped by a licensed professional engineer or architect. This submission shall also include a brief narrative explaining the proposed changes. If deemed necessary by the City Planner, these amendments shall be brought to the Planning Board. Any waiver of conditions contained within shall require the approval of the Planning Board. Any modification to the encroachment footprint into the buffer to the BVW shall require an amendment to this decision by the Planning Board.

10. 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.

11. Salem Design Review Board

As described in its September 24, 2020 letter to the Planning Board, the Salem Design Review Board voted unanimously on September 23, 2020 to recommend schematic design approval. To comply with this recommendation, the project must adhere to the following conditions:

- a. The applicant shall submit final construction plans to the Design Review Board (DRB) for its review prior to the issuance of a building permit.
 - i. All construction plans shall be in accordance with the plans submitted and approved by the Planning Board. Any changes from the plans approved by this decision shall be bubbled, noted, and stamped by a licensed professional engineer or architect on the construction plans submitted to the DRB for review and approval. This submission shall also include a brief narrative explaining any changes.
 - ii. The DRB shall inform the City Planner that the construction plans conform to the approved plans or note the changes indicated by the applicant. The DRB shall provide a recommendation to approve or not approve the changes. The City Planner shall review the recommendation, and if deemed necessary by the City Planner, the changes shall be brought to the Planning Board. Any waiver of conditions contained within shall require the approval of the Planning Board.
- b. As described in its September 24, 2020 letter, the Design Review Board's schematic approval highlights the following unresolved design issues to be addressed in their review of the 100% design drawings.
 - i. Façade Color Pattern: The applicant has included various colors to help break up the expansive facades. The DRB recommends evaluating the color palette as well

as the trim color to determine if all of the colors are necessary and if the trim color could be altered so that it is not such a stark contrast with the façade colors.

- ii. **Successful Building Details:** The soffits and railings on the residential buildings are very successful in terms of creating a residential feel to the large buildings. The DRB encourages the applicant to review the façade and add in similar details to improve the residents' experience of the space.
- iii. **Rooflines:** The applicant has altered the rooflines of the residential building by flattening the roofs between the gables. This has helped to reduce the massing of the buildings, though more work can be done with the roofline, particularly with the gables. The gables on the commercial building are more significant and while these significant gables are not likely feasible on a 3 or 4-story structure, those on the residential buildings could be more pronounced and dynamic additions to the buildings.
- iv. **Landscaping:** The Board is supportive of the overall landscape concept. However, landscape plans need to be reviewed before a definitive recommendation on the landscaping can be submitted to the City Planner.

12. Affordable Housing

- a. Twenty eight housing units (minimum of 10%) shall be set aside as affordable housing units. The Applicant shall place an Affordable Housing Restriction on these (28) units in a form acceptable to the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD). The restrictions shall be in accordance with the criteria for DHCD's subsidized Housing Inventory for the purpose of assuring dwelling units will be restricted as affordable for households whose incomes are sixty percent (60%) or less of area median income with a sales or rental prices to said households for a period of 99 years from the date of the original conveyance. The Affordable Housing Restriction shall be recorded with the Essex South Registry of Deeds prior to issuance of the Occupancy Permit.

13. Traffic

- a. The owner shall tender \$280,000.00 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. Applicant shall complete improvements to the Highland Ave./Barnes Rd./Ravenna Ave. intersection as shown on approved plan prior to issuance of a Certificate of Occupancy. Applicant shall coordinate all work with the Massachusetts Department of Transportation and Salem City Engineer. The City has filed a Massworks Grant, with the Applicant's support, to offset the cost of this work in the public way that carries public benefit. In the event that the grant is awarded, the project will be managed by the City and the applicant shall be responsible for any costs to complete the project beyond the grant award amount.
- c. Bicycle parking shall be provided for residents and visitors prior to certificate of occupancy and shall be maintained in perpetuity. Any details regarding the type, quantity, and location

of the bicycle parking not established through the approved plans shall be reviewed and approved by the City Planner prior to installation, according City of Salem Bike Parking Guidelines

14. Landscaping

- a. An as built landscaping plan accompanied with a letter from a Registered Professional 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.
- b. Maintenance of all landscaping on the site shall be the responsibility of the Applicant, its successors or assigns, in perpetuity, and any tree or shrub that does not survive shall be replaced.
- c. The applicant has explored the feasibility of planting a perennial food and flower garden along the landscaped pathway adjacent to Barnes Road, but has not incorporated this concept into the approved plans. In the event that the applicant seeks to implement this concept, a landscape planting plan, with operations and maintenance details, shall be submitted to the City Planner for review and approval, prior to implementation.
- d. All curbing installed along the full length of the property along Barnes Road shall be vertical granite curb.

15. 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.

16. 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 for all users 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, successors or assignees, shall use their 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. Snow shall not be moved to or stored within the vegetated areas of the 100' buffer to the bordering vegetated wetlands.

17. Maintenance of Open Space

- b. The applicant, agent, or assigns shall be solely responsible for maintenance of the open space and trails throughout the property.

18. Fire Department

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

19. Building Inspector

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

20. Conservation Commission

- a. All work shall comply with the requirements of the Salem Conservation Commission.

21. 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. The Fire Department must approve the plan regarding access for firefighting.
- k. 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.
- l. All plans for any proposed restaurants or food service establishments must be submitted to the Health Agent for review and approval before construction.
- 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. In accordance with Board of Health Regulation #7, the developer must ensure that the trash contractor offer mandatory recycling to the development.
- p. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.

22. City Engineer

- a. Prior to issuance of demolition permit, Applicant shall provide a final demolition plan depicting the utility cuts and caps to City Engineer for review and acceptance. Demolition permit application shall include all documentation consistent with "Water, Sewer and Drainage Requirements Regarding the Demolition of Structures within the City of Salem."
- b. Prior to issuance of demolition permit, Applicant shall tender \$30,000 to fund a portion of the City's drainage improvements on Barnes Road and prepare a survey and easement plan for said work on the adjacent property at the expense of the Applicant and to the satisfaction of the City Engineer.
- c. Prior to issuance of demolition permit, Applicant shall provide an updated plan showing the extension of the Applicant's drainage system to the property line with a manhole structure for the City Engineer's review and acceptance. This drainage system work shall be completed prior to issuance of certificate of occupancy. The owner shall provide the City of Salem with a drainage easement along the entire length of the pipe that serves Barnes Road.
- d. Prior to issuance of a building permit, the Applicant shall clean and CCTV inspect the sewer main within the limits defined by the City Engineer, and evaluate all sewerage pump stations, as determined by the City Engineer. The CCTV inspection shall be based on the Pipeline Assessment Certification Program (PACP) standards and shall show the full circumference of the pipe. A copy of the video and logs shall be submitted to the City Engineer along with a letter. The Applicant's Engineer shall provide a letter to the City Engineer stating that the City sewer system to serve the proposed development has adequate condition and capacity to accommodate proposed 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. The letter shall identify any deficiencies in the system and provide recommendations to address those deficiencies. Any deficiency identified in the system, including pump stations, shall be corrected by the Applicant, at the Applicant's expense, to the satisfaction of the City Engineer, prior to applying for a building permit. Additionally, the Applicant's engineer shall provide proposed sewer discharge peak flows.
- e. Prior to issuance of building permit, Applicant shall provide subsurface investigation data for all areas where infiltration or detention are proposed to the City Engineer.
- f. Following completion of sub-surface investigations, Applicant shall consider moving Infiltration Basin #1 farther back from the filled slope to minimize chances of breakout.
- g. Prior to issuance of building permit, applicant shall provide final utility design layout to City Engineer for review.

- h. Prior to issuance of occupancy permit, Applicant shall provide detailed irrigation design plan and records to the City Engineer.
- i. Prior to issuance of occupancy permit, Applicant shall provide detailed lighting design and records to the City Engineer.
- j. Prior to issuance of building permit, Applicant shall provide hydraulic evaluation of the City's water main distribution system for review by the City Engineer. If the Applicant's Engineer determines that the model does not predict a negative impact to pressures of fire flows in the development or Barnes Road neighborhood, the Applicant shall incorporate looping of project's water main to Barnes Road, per plans developed by the Applicant and reviewed and accepted by the City Engineer.
- k. Prior to issuance of building permit, Applicant shall provide detailed roof drain design to City Engineer for review.
- l. Prior to issuance of building permit, Applicant shall provide the required information on the Engineering Department Rules and Regulations for Site Plan Review and Building Permit Routing Slip Signoff to the City Engineer for review and acceptance.
- m. Applicant shall submit final construction drawings prior to issuance of building permit. Construction drawings to include final utility crossing schedule, summary of peak storage elevations in infiltration and detention systems, cut and fill overlay for site earthwork, and final infiltration system locations based on subsurface investigations.

23. 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. all 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. all new installations or modifications to existing pavement/sidewalk/curbing; and
 - v. all 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. 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.

- d. 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.

24. Construction Practices

- a. All construction shall be carried out in accordance with the following conditions:
 - i. Rock crushing, processing, and screening shall not be allowed at the site. This is in order to reduce potential, noise, dust, and vibrations impacting the neighboring properties.
 - ii. Blasting, drilling, and hammering shall be undertaken in accordance with all local and state regulations.
 - iii. Prior to issuance of a demolition, foundation, or building permit, the applicant shall submit a blasting notification plan to the City Planner and Fire Department, for review and approval. The applicant shall directly coordinate all neighborhood notification required by the Salem Fire Department ahead of blasting events.
 - iv. Prior to commencement of any blasting, drilling, and hammering, and prior to issuance of a demolition, foundation, or building permit, detailed plans for the locations and logistics for blasting, drilling, and hammering must be provided for review by the Clerk of the Works and approved by the City Engineer and Fire Department to ensure that reasonable measures are taken to limit noise, dust, and vibrations that may impact area properties. These plans must include, but shall not be limited to, details of truck washdown pads and coverings for trucks transporting rock, earth, or associated materials.
 - v. Blasting, drilling, and hammering shall be limited to Monday-Friday between 8:00 AM until 4:00 PM. There shall be no blasting, drilling, or hammering on Saturdays, Sundays, or state and federal holidays. Upon commencement of blasting, applicant is to report to the Fire Department, City Planner, and Ward Councilor every 30 days in writing with a status update and forecast.
 - vi. Blasting, drilling, and hammering shall not occur over more than a single continuous twelve-month period without prior approval from the Planning Board.
 - vii. Prior to issuance of a demolition, foundation, or building permit, the applicant shall provide a detailed construction vehicle access plan for review and approval by the Director of Traffic & Parking. The intent of this condition is to minimize construction vehicle traffic within the existing residential neighborhood.
 - viii. No construction or related activity, may occur onsite on Saturdays which fall immediately before a state or federal Monday holiday.
 - ix. All provisions in the City of Salem's Code of Ordinance, Chapter 22, Noise Control, shall be strictly adhered to.
 - x. 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.

- xi. 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.
- xii. 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.
- xiii. Any roadways, driveways, sidewalks, or landscaping damaged during construction shall be restored to their original condition by the applicant, to the written satisfaction of the City Planner. In the instance of damage to mature city trees, the Tree Warden shall be solely responsible for determining monetary damages and acceptable mitigation.
- xiv. 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.
- xv. 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.
- xvi. All construction vehicles left overnight at the site, must be located completely on the site.
- xvii. 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.
- xviii. 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.

25. 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.

26. Violations

Planning Board Decision

379, 383, and 387 Highland Avenue, 4, 10, 12, 14, and 16 Barnes Road and 9, 12, 14-16, and 18 Cedar Road

October 29, 2020

- 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 Site Plan Review approval and Planning Unit Development Special Permit subject to the above-stated terms and conditions: Kirt Rieder, Bill Grisct, Carole Hamilton, Noah Koretz, D.J. Napolitano, Helen Sides. Thomas Furey voted to oppose granting the Site Plan Review approval and Planned Unit Development Special Permit. Matt Smith was absent and Ben Anderson recused himself from the public hearing.

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.



Kirt Rieder
Vice Chair