



CITY OF SALEM PLANNING BOARD

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CITY CLERK
SALEM, MASS

Amended Decision (2)

**Amendment to Site Plan Review, North River Canal Corridor District Special Permit,
Flood Hazard District Special Permit, and Stormwater Management Permit**

**72 Flint Street and 67-71 Mason Street
(Map 26, Lots 91, 95 & 97)**

November 8, 2018

Riverview Place LLC
c/o Tinti, Quinn, Grover & Frey, P.C.
27 Congress Street
Suite 414, Salem, MA

Findings and Decision

RE: The application of Riverview Place, LLC for an amendment to the approved Site Plan Review, Flood Hazard District Special Permit, Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District, and Stormwater Management Permit for the property located at 72 Flint Street and 67-71 Mason Street (Map 26, Lots 91, 95 & 97).

On Thursday, September 20, 2018, the Planning Board of the City of Salem opened a Public Hearing under Section 9.5 *Site Plan Review*, Section 8.4 *North River Canal Corridor District*, Section 8.1, *Flood Hazard Overlay District* of the City of Salem Zoning Ordinance, and Chapter 37 *Stormwater Management* of the City of Salem Code of Ordinances at the request of Riverview Place, LLC to amend their decision for the property located at 72 Flint Street and 67-71 Mason Street (Map 26, Lots 91, 95 & 97).

The amendment is to a Site Plan Review, Flood Hazard District Special Permit, Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District, and Stormwater Management Permit that was approved by the Planning Board on April 19, 2009 and amended on December 22, 2014. As amended, the applicant proposes a reduction in the number of parking spaces from 309 spaces to 217 spaces including elimination of the parking deck, enhanced landscaping, reduction in the size of the building along Mason Street, and relocation of the commercial space.

The Public Hearing was continued to October 18, 2018 (no evidence was heard) and closed on November 1, 2018.

In considering approval of the Special Permit, as amended, the Planning Board found that the goals of the North River Canal Corridor Plan, as stated in the Salem Zoning Ordinance, were met, as follows:

1. Create appropriate development while preserving our historic neighborhood character:

The proposed project was unanimously recommended for approval with conditions by the Salem Design Review Board (DRB) on October 24, 2018, December 17, 2014, and February 25, 2009. The DRB's role is to review proposals to ensure they are designed to complement and harmonize with adjacent land uses with respect to architecture, scale, landscaping and screening. The applicant responded to concerns expressed by the DRB. In a recommendation letter to the Planning Board dated October 25, 2018, the DRB details how the applicant satisfactorily resolved these concerns.

2. Address transportation issues for existing and new developments:

The project is located within walking distance of the Salem MBTA commuter rail stop. The developer has also agreed to mitigation measures, specified in the conditions below, to address existing traffic congestion problems in the neighborhood.

3. Enhance the public realm in keeping with our unique neighborhood character:

The project provides public access to the canal and includes walkways throughout the site and landscaping along the water's edge. The project includes pedestrian improvements to facilitate access to the canal and throughout the site through wider sidewalks, additional plantings and a new terrace. Provisions have been made for walkways to be connected to abutting properties.

In considering approval of the Special Permit, as amended, the Planning Board also found that the proposed project complies with the North River Canal Corridor Master Plan, as follows:

1. Redevelops a key site in the NRCC, the Salem Suede site;
2. Enhances the streetscape along Mason Street;
3. Provides an easement to the City of Salem to allow it to construct an extension of the Commercial Street public roadway across the development site;
4. Provides off street parking for adjacent Flint Street residents; and
5. The NRCC vision statement states, "Create new housing opportunities that encourage a range of housing types and affordability". The proposed housing includes 10% affordable units.

On October 17, 2007, the Salem Board of Appeals granted Variances from the NRCC Zoning District to allow for a minimum lot area of 1,440 square feet per dwelling unit, common building entrances, and to allow construction within the 50 foot buffer area as amended by Decision dated April 22, 2014 and as further amended by Decision dated August 29, 2018.

NRCC Special Permits

The Planning Board considered the requested Special Permit under the NRCC Mixed Use District, Section 8.4.5(4.4), Residential Uses: *Except by Special Permit, Multifamily residential uses as primary uses in townhouse, row house, flats or multistory arrangements:*

- a. Multifamily residential uses abut a residential use. A multifamily use totally surrounded by nonresidential uses is not permitted.
 - i. The residential uses abut residential uses on Mason Street and Flint Street.
- b. The board finds that the multifamily residential uses retain first floor commercial use along the street.
 - i. A commercial space is located on the first floor of the building closest to Flint Street.
- c. Each unit shall have a separate exterior first floor entrance if located within 100 feet of a residentially used parcel in an abutting zoning district.
 - i. A variance was granted by the Board of Appeals on October 17, 2007 allowing common residential building entrances.

Flood Hazard Overlay District Special Permit

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

- 1) The proposed uses comply in all respect to the uses and provisions of the North River Canal Corridor Zoning District.
- 2) A portion of the site is within the 100-year FEMA floodplain. 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 lots(s) or adjacent lots(s) caused by either the overspill from water bodies or high runoff. In the case of a 100-year flood, the project site has access to both Flint Street and Mason Street for accessibility during a flood event. Mason Street is located above the Base Flood Elevation as determined by the FEMA Flood Zone baseline for 100-year flood to provide circulation in a flood event. Residential units are above the 100- year flood level and any structures below this level will have non-residential uses that will be flood proofed in compliance with the applicable requirements of the Massachusetts State Building Code.
- 3) All utilities including gas, electricity, fuel, water and sewage disposal will be located and constructed so as to protect against breaking, leaking, short circuiting, grounding or igniting or any other damage due to flooding. The Flood Hazard Overlay District Special Permit Application date stamped September 6, 2018 states that electrical utilities will be located above the FEMA Flood Zone and all other utilities will be designed to be waterproof during flood events.
- 4) The proposed development will not be located within a coastal high hazard area (Zone VE on the FEMA Flood Insurance Rate Maps). The proposed development is located in Zone A of the Flood Hazard District.

At a regularly scheduled meeting of the Planning Board held on November 1, 2018, the Planning Board voted by a vote of six (6) in favor (Chair Ben Anderson, Bill Grisct, Matt Veno, Carole Hamilton, Matt Smith, and Kirt Rieder) and none opposed to approve Amendment to the Site Plan Review, North River Canal Corridor District Special Permit, Flood Hazard District Special Permit, and Stormwater Management Permit subject to the following conditions:

1. Conformance with the Plan

Work shall conform to the Project Plans listed below entitled: “Riverview Place Salem, MA” prepared by William & Sparages, O’Sullivan Architects, James K. Emmanuel Associates, AECOM.

A. Project Plans:

Title	Drawing	Date	Last Revision Date	
Index Plan Riverview Place	IN-1	6/25/2014	8/13/2018	William & Sparages
Existing Conditions	EX-1	6/25/2014	8/13/2018	William & Sparages
Site Layout Plan	SP-1	6/25/2014	10/25/2018	William & Sparages
Detail Development Plan	DEV-1	6/25/2014	10/25/2018	William & Sparages
Detail Development Plan	DEV-2	6/25/2014	10/25/2018	William & Sparages
Site Utility Plan	UTIL-1	6/25/2014	10/25/2018	William & Sparages
Lighting/Photometric Plan	LP-1	6/25/2014	10/25/2018	William & Sparages
Details Riverview Place	DET-1	6/25/2014	8/13/2018	William & Sparages
Details Riverview Place	DET-2	6/25/2014	8/13/2018	William & Sparages
Details Riverview Place*	DET-3	6/25/2014	8/13/2018	William & Sparages
Capped Area Plan	CA-1	6/25/2014	8/13/2018	William & Sparages
Site Plan	Sheet 1	10/15/2018	10/15/2018	O’Sullivan Architects
Building 1 Parking Level Plan	Sheet 2	8/14/2018	9/13/2018	O’Sullivan Architects
Building 1 First Res. Floor Plan	Sheet 3	8/14/2018	8/28/2018	O’Sullivan Architects
Building 1 Typ. Res. Floor Plan	Sheet 4	8/14/2018	9/13/2018	O’Sullivan Architects
Building 1 Elevations	Sheet 5	8/14/2018	9/13/2018	O’Sullivan Architects
Building 1 Elevations	Sheet 6	8/14/2018	9/13/2018	O’Sullivan Architects
Building 2 Parking Level Plan	Sheet 7	8/14/2018	9/13/2018	O’Sullivan Architects
Building 2 First Res. Plan	Sheet 8	8/14/2018	9/13/2018	O’Sullivan Architects
Building 2 Second Res. Plan	Sheet 9	8/14/2018	9/13/2018	O’Sullivan Architects
Building 2 Third Res. Plan	Sheet 10	8/14/2018	9/13/2018	O’Sullivan Architects
Roof Terrace Concept Plan	L-2	9/6/2018	9/6/2018	James K Emmanuel Associates
Building 2 Elevations	Sheet 12	8/14/2018	9/13/2018	O’Sullivan Architects
Building 2 Elevations	Sheet 13	8/14/2018	9/13/2018	O’Sullivan Architects
Townhouse – Building 3	Sheet 14	10/15/2018	10/30/2018	O’Sullivan Architects
Townhouse Building 3	Sheet 15	10/23/2018	10/30/2018	O’Sullivan Architects
Townhouse Building 3	Sheet 16	10/23/2018	10/30/2018	O’Sullivan Architects
Site Renderings	Sheet 17	7/31/2018	9/13/2018	O’Sullivan Architects
Riverview Place	Sheet 18	9/26/2018	9/26/2018	O’Sullivan Architects
Riverview Place	Sheet 19	9/26/2018	9/26/2018	O’Sullivan Architects
Riverview Place	Sheet 20	5/31/2018	8/31/2018	O’Sullivan Architects
Riverview Place	Sheet 21	5/31/2018	8/31/2018	O’Sullivan Architects
Landscape Plan**	L-1	6/26/2014	10/30/2018	Williams & Sparages, James K Emmanuel Associates
Traffic Signing and Pavement Marking Plan		March, 2009		AECOM

*To be revised per Condition 4.c.

**To be revised per Condition 4.d.

2. Amendments

- a. Any amendments to the site plan shall be reviewed by the City Planner and if deemed necessary by the City Planner, shall be brought to the Planning Board. Any waiver of conditions contained within shall require the approval of the Planning Board.

3. 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. Landscaping

- a. Maintenance of all landscaping shall be the responsibility of the applicant, their successors or assigns, and any tree or shrub that does not survive shall be replaced.
- 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. In bioretention area "A" and "B" shown on drawing DET-3, the Gingko biloba shall be replaced with Acer rubrum.
- d. The two (2) Tilia cordata shown on drawing L-1 on Mason Street shall be replaced with two (2) Quercus palustris.
- e. Final landscape and civil plans shall be revised per Condition 4.c. and 4.d. and shall be submitted before building permit issuance for review and approval by the City Planner.

5. Lighting

- a. No light shall cast a glare onto adjacent parcels or adjacent rights of way.
- b. A final lighting plan shall be submitted to the City Electrician for review and approval prior to the issuance of a building permit.
- c. After installation, lighting shall be reviewed by the City Planner, prior to the issuance of a Certificate of Occupancy.

6. Construction Practices

- a. All construction shall be carried out in accordance with the following conditions:
 - i. All provisions in the City of Salem's Code of Ordinance, Chapter 22, Noise Control, shall be strictly adhered to.
 - ii. All reasonable action shall be taken to minimize the negative effects of construction on abutters. Advance notice shall be provided to all abutters in writing at least 72 hours prior to commencement of demolition and construction of the project.
 - iii. Drilling and blasting shall be limited to Monday-Friday between 8:00 AM until 5:00 PM. There shall be no drilling, blasting or rock hammering on Saturdays, Sundays, or holidays. Blasting shall be undertaken in accordance with all local and state regulations.

- iv. 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.
- v. 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.
- vi. Any roadways, driveways, sidewalks, or landscaping damaged during construction shall be restored to their original condition by the applicant.
- vii. 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.
- viii. 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.
- ix. All construction vehicles left overnight at the site, must be located completely on the site.
- x. All construction activities shall be in accordance with the "Salem Police Station Construction Management Plan".
- xi. 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.
- xii. 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.

6. 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 sedimentation and erosion control barriers
- 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.

7. Pre-Construction Conference

- a. Prior to the start of work, a pre-construction conference shall be scheduled with the City Planner, the City Engineer (or his designee), the Building Commissioner, the Health Agent, and any other departments that may be necessary. The Owner shall submit a construction schedule at the time of the pre-construction conference.

8. Design Review Board

- a. All requirements as set forth by the Design Review Board (DRB) shall be strictly adhered to. Violation of DRB requirements shall be considered a violation of the Planning Board decision approval.
- b. The applicant shall adhere to the following conditions per the DRB recommendation dated October 25, 2018:
 - i. The frieze board face below the cornice on the façade of brick-faced, end townhouse units will be increased in thickness.
 - ii. The color of the clapboard for the middle 4 townhouse units will be changed to a lighter, warmer gray color.
 - iii. The material of the return from the brick-faced end townhouse units to the clapboard-faced middle units will be changed from clapboard to brick.
 - iv. The material of the exterior walls within the recessed entries for the brick townhouse units will be changed from clapboard to wood paneling.
 - v. The applicant will locate all utilities on the ends of Building 3. This includes condensers and gas and electric meters.
- c. The applicant shall submit final construction plans for review and approval by the DRB prior to issuance of a building permit.
- d. All plans, materials and color samples shall be in accordance with those submitted to and approved by the DRB on October 24, 2018.
- e. The signage for the building and the site shall conform to the City of Salem's Sign Ordinance and NRCC zoning code and be reviewed and approved by the DRB prior to obtaining a sign permit.

9. Conservation Commission

- a. All work shall comply with the requirements of the Salem Conservation Commission
- b. The applicant shall receive all necessary approvals from the Salem Conservation Commission.

10. Signage and Traffic Calming

The applicant, his successors, or assigns shall be responsible for the following signage and traffic calming measures, provided that any required City Council approvals are granted:

- a. Installation of an electronic speed monitor on Mason Street, with the location to be determined by the Traffic Division Commander;
- b. Installation of signage and pavement markings as shown on the submitted plans;
- c. Placement of "No Parking – Tow Zone" signage on Mason Street on both sides of the site driveway, to be approved by the Traffic Division Commander;
- d. Signage at the Mason St. driveway prohibiting the entrance and exit of trucks (to be added to a revised signage plan);
- e. Installation of a yellow flashing beacon at the intersection of Flint Street and Mason Street, with the type and exact location to be approved by the Traffic Division Commander;
- f. The applicant to prepare complete plans and specifications for the design of a traffic signal to be built by the City at the intersection of Mason Street, Tremont Street and the site's Mason Street driveway prior to issuance of a Certificate of Occupancy. However, should the City decide against proceeding with said traffic signal, the applicant to contribute funding for traffic mitigation in the general area prior to the issuance of a Certificate of Occupancy. The dollar value of the traffic mitigation to be equal to the value of the engineered plans for the traffic signal; said amount to be agreed upon by the applicant and the City Engineer.
- g. Should the Planning Department determine that a traffic island at the intersection of Oak Street and Flint Street is necessary, the developer shall cause the same to be installed at its sole cost and expense within the timeframe determined by the Planning Department. During the interim, the developer shall be responsible for installing signage and making pavement markings at the intersection of Oak Street and Flint Street as directed by the Planning Department on the basis of recommendations made by the City Engineer and/or Traffic Division Commander.

11. Affordable Housing

- a. The Petitioner shall place an Affordable Housing Restriction on the development ensuring that at least thirteen (13) of the one hundred and thirty (130) units shall be affordable. The form of the restriction is to be approved by the City Planner and recorded with the Essex South Registry of Deeds. The affordable housing restriction is to be in accordance with the eligibility criteria for the Commonwealth Department of Housing and Community Development's Subsidized Housing Inventory for the purpose of ensuring that at least thirteen (13) dwelling units will be restricted as affordable housing for households whose annual incomes are eighty percent (80%) or less of area median income with rents affordable to low and moderate income households, by standards established by the Department of Housing and Urban Development, for a period of ninety-nine (99) years from the date of the first occupancy permit.

12. Parking Spaces for Flint Street Residents

a. Twelve (12) on-site parking spaces are to be reserved in perpetuity for the sole use of Flint Street residents who live between Mason Street and Bridge Street. The proposed mechanism for reserving the spaces is to be submitted and approved by the Department of Planning and Community Development prior to issuance of a Certificate of Occupancy. Spaces are to be maintained year-round.

13. Bicycle Parking

a. The applicant shall provide a minimum of 40 bicycle parking spaces (indoor or outdoor) with some focus around the commercial building. A plan identifying the bicycle parking spaces shall be provided to the City Planner for review and approval prior to issuance of a building permit.

14. Roadway Easement

a. The applicant, upon taking title to the premises, will grant to the City of Salem an easement to construct an extension of the Commercial Street public roadway across the site in the location shown on the site plan at any time within a fifteen (15) year period beginning on the date of the issuance of the final Certificate of Occupancy. If no road is constructed within this time period, the easement shall expire. The easement is to be in a form satisfactory to the City Solicitor and to be recorded by the developer upon approval by the City Solicitor. The easement is to be recorded upon issuance of final Certificate of Occupancy.

15. Bypass Pumping and Sedimentation Control

a. With respect to that portion of the Mason Street storm drain system believed to pass through the site, applicant is to maintain bypass pumping twenty-four hours a day, seven days a week during wet weather conditions and plug the outfall to avoid sedimentation of the North River during demolition.

16. Gas Lines

a. Applicant shall cut and cap the gas lines at the existing main prior to issuance of a demolition permit.

17. Drainage and Bio-Retention Plans

a. Applicant shall submit final plans following architectural drawing completion to the City Engineer for review and approval confirming roof runoff will be received by roof drainage and locations of roof drainage piping and garage oil-water separator piping conform with civil conceptual plans prior to issuance of foundation permit and/or building permit.

18. Maintenance of Catch Basins and Stormceptors

a. Applicant shall submit a narrative describing the frequency of cleaning and maintenance of catch basins and Stormceptors and clearly define responsible party for maintenance, prior to the issuance of a building permit.

19. Performance of Drain Piping and Stormceptor

a. Applicant shall submit revised plans showing backflow prevention downstream of bioretention area to the City Engineer for review and approval prior to issuance of foundation permit and/or building permit. Applicant shall add backflow prevention between bioretention area and closed drainage piping.

20. Replacement of Mason Street Water Valve

- a. Applicant shall install triple gate intersections at proposed connections to City water pipes on Flint and Mason Street.

21. Utilities

- a. Applicant shall confirm all utility service connections are capped at mains in City street and cap them if they remain connected prior to issuance of Foundation Permit and/or Building Permit.
- b. Underground utility installation shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit.

22. Sewer Infrastructure

- a. Applicant shall submit revised plans detailing limits and extent of sewer infrastructure removal on site to the City Engineer for review and approval prior to issuance of Foundation Permit and/or Building Permit. Applicant shall remove all abandoned onsite sewer infrastructure prior to issuance of Foundation Permit and/or Building Permit.
- b. Applicant shall revise plans to show replacement of onsite sewer infrastructure, clean and CCTV inspect pipe in Flint Street connecting development to the SESD interceptor sewer, submit results to City Engineer, and rehabilitate pipe as required by the City Engineer.
- c. Applicant shall replace the sewer infrastructure (2 manholes and 2 pipe reaches) in accordance with revised plans said plans to be reviewed and approved by the City Engineer prior to issuance of a Foundation Permit and/or Building Permit.

23. Mason Street Drainage

- a. Applicant shall locate the existing City drain pipe and submit a plan to the City Engineer detailing proposed replacement of drain piping for approval prior to Foundation Permit.
- b. The applicant shall replace the drain pipe and route the drain-pipe through the site parallel to a private drain pipe and grant the City of Salem an easement for access and future maintenance.

24. Mason Street Sidewalk

- a. Applicant shall submit revised plans detailing limits and extent of sidewalk replacement on Mason Street to the City Engineer for review and approval prior to issuance of Building Permit.
- b. Applicant shall remove and replace existing sidewalk in front of project area in accordance with the plans approved by the City Engineer to match the recently replaced sidewalks on Mason Street.

25. Irrigation

- a. Applicant shall revise plans to include proposed locations of irrigation piping and sprinkler heads to the City Engineer prior to issuance of a building permit.

26. 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 meets the DEP standards for the proposed use.
- c. The developer will give the Health Agent a copy of the 21E report.
- d. A radon remediation kit is installed and is operational in each below grade dwelling unit, if any.
- e. A radon test is conducted following installation and operation of the remediation kit.
- f. The developer shall adhere to a drainage plan as approved by the City Engineer.
- g. A copy of the Demolition Notice sent to the DEP, From BWPAO6, must be sent to the Health Agent.
- h. An initial rodent assessment and a weekly report shall be sent to the Health Agent for the first 30 days during demolition, then monthly inspections and reports sent to the Health Agent until such time the report indicates no rodent activity. Rodent control is to be in place one week prior to demolition. Abutters are to be notified 72 hours prior to demolition.
- i. The developer shall employ a licensed pesticide applicator to exterminate pests in the area prior to construction, demolition, and/or blasting and shall send a copy of the exterminator's invoice to the Health Agent.
- j. The developer shall maintain the area free from rodents throughout construction.
- k. Prior to renovation/demolition of any structures, a Certified Asbestos Inspector must inspect all buildings and send a report to the Health Agent. If asbestos is found, the owner must comply with the Massachusetts Department of Environmental Protection's regulations including 310CMR 7.15.
- l. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during construction.
- m. 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.
- n. The Fire Department must approve the plan regarding access for fire fighting.

- o. Noise levels from the resultant establishment(s) generated by operations, including but not limited to refrigeration and heating, shall not increase the broadband sound level by more than 10 dB(A) above the ambient levels measured at the property line.
- p. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- q. 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.
- r. The drainage system for this project must be reviewed and approved by the Northeast Mosquito Control and Wetland Management District.
- s. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.

27. Fire Department

- a. All work shall comply with the requirements of the Salem Fire Department in accordance with the applicable fire prevention regulations.
- b. Applicant shall use the Salem Fire Department's Standard Operating Guideline for installation, placement and marking of components, should solar/photovoltaic panels become part of the buildings.
- c. On site fire hydrants shall have a minimum of an 8-inch diameter main.

28. Building Inspector

- a. All work shall comply with the requirements of the Salem Building inspector consistent with the current version of the State Building Code, Massachusetts Architectural Access Board regulations and Massachusetts Energy Codes.

29. Exterior Elevations

- a. Elevations shall be in accordance with the approved plans.

30. Maintenance

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the developer, his successors or assigns. "Refuse removal" includes recycling, which shall be the responsibility of the owner, their 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. Winter snow in excess of snow storage areas on the site shall be removed off site.
- c. Maintenance of all landscaping shall be the responsibility of the applicant, his successors or assigns.
- d. The applicant shall use its best efforts to engage a waste hauler for compost that will

regularly accept organic wastes from on-site residents for off-site composting. Organic wastes shall not be stored on-site in a manner that allows nuisance conditions to develop.

31. 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.

32. 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.

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