



# CITY OF SALEM PLANNING BOARD

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CITY CLERK  
SALEM, MASS

## Decision

### Flood Hazard Overlay District Special Permit and Site Plan Review Decision

1 Jefferson Avenue  
(Map 25, Lot 649)

October 24, 2018

#### Findings and Decision

Re: Application of 1 Jefferson LLC for a for-a Site Plan Review and a Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance Section 9.5 and Section 8.1 on the property located at 1 Jefferson Avenue (Map 25, Lot 649).

#### Procedural History

1. An application to raze a portion of the existing building at 1 Jefferson Avenue and construct a 7,553 square foot addition to the rear of the existing building along with general infrastructure updates to drainage, sewer and landscaping was made by the above referenced applicant and filed with the Planning Board on July 20, 2018.
2. The Planning Board of the City of Salem opened a Public Hearing for the Site Plan Review and Flood Hazard Overlay District Special Permit on Thursday, July 19, 2018. The hearing was continued to September 20, 2018 and October 18, 2018. The public hearing was closed on October 18, 2018.
3. Throughout the public hearings, the plans and other submission material were reviewed by the Planning Board. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

#### Findings

##### a. General

1. The applicant proposes the demolition of a portion of the existing building at 1 Jefferson Avenue (Map 25, Lot 649) and construction of a 7,553 square foot addition to the rear of the existing building.
2. The project is located within the FEMA 100-year floodplain (Zone AE, elevation 10 feet).

3. The project will result in an increase in groundwater recharge and provide improved stormwater treatment over existing conditions.

**b. FHOD Special Permit Criteria**

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

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

1. **The proposed uses comply in all respects to the uses and provisions of the underlying districts in which the land is located.**
  - i. The property is located in the Industrial Zoning District. The applicant submitted a petition to the Salem Zoning Board of Appeals seeking a Special Permit per sec. 3.3.2 Nonconforming Uses to change mixed-use office space to multi-use contractor spaces for storage, fabrication and office purposes. The petition also requested a special permit and variance from the provision of Sec. 3.3.4 of the Salem Zoning Ordinance to allow an extension of a non-conforming structure. The Zoning Board of Appeals issued a decision approving the Special Permits on April 25, 2018.
2. **There is adequate convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property, particularly in the event of flooding of the lot(s) or adjacent lot(s) caused by either overspill from water bodies or high runoff.**
  - i. The proposed project garage floor elevation will be at current grade and walls will be constructed with flooding vents allowing passive movement of any floodwaters through the property. The current vehicular and pedestrian traffic patterns will be maintained. Existing stormwater and flooding flow patterns will be maintained with only minor grade changes to promote discharge to the property's stormwater management system.
  - ii. Per the approved plans, owner and/or tenants will notify patrons and employees of a flood event and to evacuate the building and property as soon as possible. In the event of flooding, occupants can adequately and conveniently leave the site by walking or driving off the site onto Jefferson Avenue/Margin Street and onto Summer Street.
  - iii. Per the approved plans, the applicant will remove the City's chain link fence and install a stockage fence at the property line to provide an additional two (2) feet to turn into bays. This additional space provides adequate convenience for vehicular movement within the site.
3. **Utilities, including gas, electricity, fuel, water and sewage disposal, will be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding.**

- i. All utilities, including but not limited to the electrical panel, gas service and hot water heaters will be installed above the 100-year flood elevation (elevation 10).
  - ii. All Service connections will be in compliance with the current edition of the Massachusetts Building Code, 780 CMR State Board of Building Regulations Standard, Appendix G: Flood-Resistance Construction.
  - iii. Installation of electrical wiring and outlets, switches and junction boxes and panels below the base flood elevations will conform to the provisions of 527 CMR 12.00.
- 4. Where the proposed use will be located within a coastal high hazard area (Zone VE on the FEMA Flood Insurance Rate Maps), the Planning Board shall also find the following conditions to be fulfilled: New structures or substantial improvements shall be located landward of the reach of mean high tide. The support of new structures or substantial improvements shall not be, in whole or in part, by the use of fill.**
- i. There are no proposed uses within the VE zone as mapped by FEMA on the site.

## **Decision**

In view of the foregoing, the Planning Board hereby decided that the aforesaid project meets all the requisite criteria. It is therefore decided to grant a Site Plan Review (Section 9.5) and a Flood Hazard Overlay District Special Permit (Section 8.1) in accordance with Salem Code of Ordinances Chapter 37 to redevelop the site located at 1 Jefferson Avenue (Map 25, Lot 649) in accordance with the terms and conditions stated below.

### **1. Conformance with the Plans**

- a. Work shall conform to the following project plans: "1 Jefferson Ave, LLC, 1 Jefferson Ave, Salem, MA" prepared by Bobrek Engineering & Construction, sheets C-01, C-04, and C-07 dated August 2018; sheets C-02, C-03, C-05, and C-08 dated August 2018, revised October 4, 2018; sheet C-06 dated September 2018; and architectural plans prepared by Seger Architects, Inc., sheets A-1, A-2, A-4, A-5, A-6, and A-7 dated April 18, 2018.

### **2. Amendments**

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

### **3. Site Specific Conditions**

- a. Prior to issuance of a demolition permit, the applicant shall submit revised plans to the City Planner that include details for the transformer pad or buried electric. Plans shall demonstrate that the utilities will be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage to flooding.

- b. Prior to issuance of a building permit, the applicant shall submit revised plans to the City Planner to include a five (5) foot wide ADA accessible path along the east side of the building.

**4. 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.

**5. Landscaping**

- a. 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.
- 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.

**6. 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.
- c. After installation, lighting shall be reviewed by the City Planner, prior to the issuance of a Certificate of Occupancy.

**7. Maintenance**

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the applicant. "Refuse removal" includes recycling, which shall be the responsibility of the owner, his successors or assigns. The owner shall provide adequate facilities to ensure all users are able to recycle their trash. Owner is to enter into a contract with a company of the owner's choice to arrange pick-up of recyclable material. A copy of this contract is to be submitted to the City Engineer.
- b. Winter snow in excess of snow storage areas on the site shall be removed off- site.

**8. Fire Department**

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

**9. Building Inspector**

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

**10. Board of Health**

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

- b. 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.
- c. 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.
- d. A copy of the Licensed Asbestos Inspector's Report must be sent to the Health Agent.
- e. A copy of the Demolition Notice sent to the DEP, Form BWPAO6, must be sent to the Health Agent.
- f. The developer shall give the Health Agent a copy of the 21E report.
- g. 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 survey report, treatment plan and treatment reports to the Health Agent.
- h. The developer shall maintain the area free from rodents throughout construction.
- i. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during construction.
- j. 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.
- 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 the nearest abutting residential property line.
- l. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- m. 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.
- n. The drainage system for this project must be reviewed and approved by the Northeast Mosquito Control and Wetlands Management District.
- o. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.

#### **11. City Engineer**

- a. All work shall comply with the requirements of the City Engineer.
- b. The applicant shall collect soil and groundwater data during construction and design shall be modified accordingly.

#### **12. Demolition Plan**

- a. Prior to issuance of a demolition permit, the applicant shall submit revised plans to the City Engineer that include limits of City fencing to be removed as well as delineate the limits of curbing and sidewalk to be removed.

### **13. Utilities**

- a. Prior to issuance of a building permit, the applicant shall provide additional information to the City plumbing inspector regarding the existing sewer service piping, including size and configuration of oil/water separator and sanitary sewer piping, venting, and confirmation the separator is suitable to remain in service and be accessible for maintenance following redevelopment.
- b. Prior to issuance of a building permit, the applicant shall complete cleaning and CCTV inspection of City sewers from points of connection on Jefferson Avenue to the Mill Street siphon, submit report and videos to City Engineer, and address capacity, condition, or infiltration issues identified in this line as part of the project as directed by the City Engineer.
- c. Prior to issuance of a building permit, the applicant shall complete cleaning and CCTV inspection of City drain from points of connection on Jefferson to the drain siphon behind the police station (95 Margin Street), submit report and videos to City Engineer, and address capacity, condition, or infiltration issues identified in this line as part of the project as directed by the City Engineer.
- d. Prior to issuance of a building permit, the applicant shall submit revised plans to the Conservation Agent to include shutoff valve on site as required per Order of Conditions issued July 31, 2018.
- e. Prior to issuance of a building permit, the applicant shall submit revised plans to the City Engineer to include separate piping leaving the building or as required to separate floor drainage from sanitary flow prior to the oil/water separator, and include vent pipe location through wall or roof.
- f. Prior to issuance of a demolition permit, the applicant shall submit revised plans to the City Engineer to specify existing water service to be abandoned at main as directed by City Engineer.
- g. Prior to issuance of a building permit, the applicant shall submit revised plans to the City Engineer to include a new 3-way valve at the Jefferson Avenue connection.
- h. Prior to issuance of a building permit, the applicant shall submit revised plans to the City Engineer to include location of proposed gas service.

### **14. Drainage**

- a. Prior to issuance of a building permit, the applicant shall submit final roof and plumbing plan to the City Engineer to demonstrate the runoff from one half of the roof will be collected and directed to the subsurface infiltration system.
- b. Prior to issuance of a building permit, the applicant shall submit subsurface soil information and final infiltration BMP design to the City Engineer to demonstrate adequate depth of cover and separation from groundwater is provided.
- c. Prior to issuance of a building permit, the applicant shall submit revised plans to the City Engineer to label infiltration BMP features to be installed and delete the "optional" label from infiltration BMP detail page.

### **15. 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, typically the same person or company that provided the design peer review, 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;
  - v. any sedimentation and erosion control barriers; and
  - vi. 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 demolition, excavation, and grading shall start before an approved task order for the Clerk of the Works services has been agreed upon and approved by all parties.

#### **16. 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.

#### **17. 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.

## **18. 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 and the City Planner 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.

#### **19. Violations**

- a. Violations of any condition shall result in revocation of this permit by the Planning Board, unless the violation of such condition is waived by a majority vote of the Planning Board.

#### **Record of Vote**

The following members of the Planning Board vote to grant a Site Plan Review and Flood Hazard Overlay District Special Permit subject to the above-stated terms and conditions: Chair Ben Anderson, Matt Veno, Matt Smith, Helen Sides, Noah Koretz, DJ Napolitano, and Kirt Rieder.

None of the members of the Planning Board are in opposition to the granting of a Site Plan Review and Flood Hazard Overlay District Special Permit.

I hereby certify that a copy of this decision and plans has been filed with the City Clerk and copies are on file with the Planning Board. The Special Permit shall not take effect until a copy of this decision bearing the certification of the City Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, is recorded in the Essex South Registry of Deeds and is indexed under the name of the owner of record 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