



CITY OF SALEM PLANNING BOARD

Decision

Site Plan Review

23 Glendale Street (Map 33, Lot 646)

May 17, 2024

Re: Application of William F. Quinn, Esq., f/b/o Atkins Salem Realty, LLC for the property located at 23 Glendale Street, Salem, MA (Map 33, Lot 646) in the R1 (Residential One-Family) Zoning District for a Site Plan Review and Flood Hazard Overlay District (FHOD) Special Permit in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review and Section 8.1 FHOD. Specifically, the applicant proposes to construct a new 17,100 square-foot boatyard shed for boat storage and servicing. This project will be a single-story addition onto a portion of an existing building to remain. The site also includes several buildings for servicing and storage for boats and yachts, a pier, a boat lift, sheds, a driveway, a seawall, utilities, and crushed stone parking that will remain.

Procedural History

1. An application for a Site Plan Review and Flood Hazard Overlay District under Section 9.5 of the City of Salem Zoning Ordinance was made by William Quinn and filed with the Planning Board on April 4, 2024.
2. The Planning Board of the City of Salem opened the public hearing on May 2, 2024, and continued to May, 16, 2024.
3. On May 9, 2024, the City contracted with New England Civil Engineering (NECE) to provide an independent peer review of the proposed development plans including stormwater management and drainage for all discharges and connections to the City of Salem MS4 drainage system, and onsite engineering issues covered by the City of Salem “engineering rules and regulations for site plan review and building permit routing slip sign off” checklist” per the tasks identified in the proposal dated April 22, 2024. This peer review will also include a stormwater peer review for the Conservation Commission. The peer review letter was provided to the applicant on May 15, 2024.
4. The Planning Board closed the public hearing on May 16, 2024.
5. The plans and other submission material were reviewed by the Planning Board. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

Flood Hazard Overlay District Special Permit Findings

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.
 - a. The existing non-conforming use within the R-1 zoning district will remain.
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.
 - a. The site is open, allowing for vehicular and pedestrian movement. The northern edge of the site features rip rap that transitions into a beach at elevations four (4) and five (5). The parking areas are at approximately nine (9) to twelve (12) feet elevation. The proposed design maintains adequate access to the adjacent Glendale Street.
 - b. Applicant shall post signage on gate indicating “no public access,” or similar, to be reviewed and approved by City Planner.
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.
 - a. All utilities will remain unchanged apart from two (2) existing catch basins and one (1) gas meter which will be relocated and updated per Mass Building Code requirements.
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:
 - a. New structures or substantial improvements shall be located landward of the reach of mean high tide.
 - i. The new structure will be located landward of the reach of mean high tide.
 - b. The support of new structures or substantial improvements shall not be, in whole or in part, by the use of fill.
 - i. The new structure will be built with a foundation and/or pilings.

Site Plan Review Findings

The Planning Board finds that the proposed project as conditioned complies with all review criteria as identified in Site Plan Review, Sec. 9.5.6. The Plan meets accepted site planning standards and promotes standards such that the development takes place in a manner which shall in all aspects be an asset to the City.

Decision

In view of these findings, the Planning Board decided at a regularly scheduled meeting on May 16, 2024, by a vote of eight (8) (Chair Bill Grisct, Kirt Rieder, Tom Furey, Sarah Tarbet, Helen Sides, Zach Caunter, Jonathan Berk, Carole Hamilton) in favor, and zero (0) opposed to approve the proposed project subject to the following conditions:

1. Conformance with the Plan

- a. Work shall conform to “Dion’s Yacht Yard 23 Glendale Street, Salem, MA” with the sheets listed below (the “Plans”):

Drawing Title	Sheet No.	Prepared By	Issued	Revised
Existing Conditions		Patrowicz Land Development Engineering	4.3.24	5.6.24
Site Plan		Patrowicz Land Development Engineering	4.3.24	5.6.24
Site Plan Insert		Patrowicz Land Development Engineering	5.8.24	
Preliminary Foundation Plan	S-1	Structures North	4.16.24	
Structural Elevation and Perspective	59, 61	Structures North	4.16.24	
Building Renderings	64-67	Steel Commander Corp	3.26.24	
Endwall Framing and Sheeting	69-70	Steel Commander Corp	3.26.24	
Building Cross Sections	71-73	Steel Commander Corp	3.26.24	
Roof Framing Plan	74	Steel Commander Corp	3.26.24	
Room Sheeting Plan	75	Steel Commander Corp	3.26.24	
Sidewall Framing and Sheeting	76-77	Steel Commander Corp	3.26.24	

- b. Prior to issuance of a building permit, the applicant shall submit a revised Site Plan, showing the following changes:
 - i. Applicant shall post signage on gate indicating “no public access,” or similar, to be reviewed and approved by City Planner.

2. Amendments

- a. Any proposed future changes to the site plan shall be submitted to the City Planner for their review, prior to any changes in the field. 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.

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. Site Specific Conditions

- a. If an HVAC unit is located on the roof or at grade on site, it shall be visually screened. The method for screening the unit shall be submitted to the City Planner for review and approval prior to installation. Approved method for screening shall be constructed and installed prior to the issuance of a Certificate of Occupancy.
- b. Any dumpsters and compactors located on the site shall be visually screened. The method for screening the unit shall be submitted to the City Planner for review and approval prior to installation. Approved method for screening shall be constructed and installed prior to the issuance of a Certificate of Occupancy.
- c. Applicant shall post signage on gate indicating "no public access," or similar to be reviewed and approved by City Planner.

5. Pre-Construction Conference

- a. Prior to mobilizing equipment on site for the start of work, a pre-construction conference as necessary shall be scheduled with the City Planner, the City Engineer (or their designee), the Building Commissioner, the Health Agent, Tree Warden and any other departments that may be necessary. The Owner shall submit a construction schedule at the time of the pre-construction conference. The schedule shall include a description of how construction will be phased and staged and what the impacts will be to the sidewalks and roadways.

6. Traffic & Circulation

- a. To ensure that safe vehicular, bicyclist, and pedestrian circulation is maintained throughout construction, applicant shall submit to the City Planner, prior to issuance of a Building Permit, a plan detailing site access for construction vehicles, material delivery, debris removal, and any other vehicular activity associated with the project's construction.
- b. The developer shall coordinate construction activities with the City Engineer.

7. Landscaping

- a. An as built landscaping plan accompanied with a letter from a Registered Landscape Architect or certified arborist 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 indefinitely, its successors or assigns, and any tree or shrub that does not survive shall be replaced.

8. 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, 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.

9. Fire Department

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

10. Building Inspector

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

11. 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. 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 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 construction.
- i. The developer shall submit to the Health Agent a written plan for containment and removal of debris, vegetative waste, and unacceptable excavation material generated during demolition and/or construction.
- j. In accordance with Board of Health Regulation #7, the developer shall ensure that the trash contractor offer mandatory recycling to the development.
- k. The Fire Department must approve the plan regarding access for fire fighting.
- l. Noise levels from the resultant establishment(s) generated by operations, including but not limited to refrigeration and heating, shall not increase the broadband sound level by more than 10 dB(A) above the ambient levels measured at the property line.
- m. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.

- n. The resultant establishment shall dispose of all waste materials resulting from its operation in an environmentally sound manner as described to the Board of Health.
- o. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.

12. City Engineer & Utilities

- a. Applicants shall comply with all requirements of the peer review letter, issued by New England Civil Engineering on May 15, 2024, and the Engineering Rules and Regulations to the satisfaction of the City Engineering Department.
- b. Prior to Engineering sign-off on the Demolition Permit, the applicant shall:
 - i. Have a licensed plumber complete a building inspection to locate all water, sewer, and drain lines connected to or leaving existing buildings, including the portion to remain and portion to be demolished of 23A Glendale. If building inspection does not provide the required information, use signal tracing of water pipes and Closed-Circuit Television (CCTV) inspection of all pipes exiting the buildings and/or CCTV of the mains in the street. Dye testing of all pipes leaving the buildings shall be performed to confirm connectivity to sewer lines in the abutting street(s).
 - ii. Conduct CCTV inspection of sewer service to be reused. A licensed Engineer must provide a letter stating that sewer service is adequate for reuse. If reuse is not feasible or proposed, service shall be cut and capped at the City main.
 - iii. Provide a revised existing conditions plan and/or demolition plan to incorporate the information from the building inspections and any CCTV or pipe tracing of the water, sewer, or drain lines. The revised plan shall identify the number, location, size, and material of all water, sewer, drain, and gas services that serve the current buildings and may have served previous buildings on site, as well as sewer lines in the abutting street(s).
 - iv. Provide a statement that potential water service will be abandoned during construction. The revised plan shall illustrate any utilities that may be capped and abandoned at the main. All services to be abandoned shall be cut and capped in accordance with City regulations.
 - v. When a project includes the demolition of an existing building, Engineering will not sign off on the building permit without having signed off on the permit to demolish.
 - vi. Confirm that no public tree removal is proposed, and no work is proposed within the canopy of public shade trees. Coordination of any permitting requirements for protected, shade, or public trees with City staff is necessary.
- c. Prior to Engineering sign-off on the Building Permit, the applicant shall:
 - i. Provide a letter stating that the City watermains to serve the proposed development have adequate flow and pressure for proposed domestic and fire flows. Back-up data, including engineering calculations and the results of hydrant flow tests (within one year), shall be included in the letter.
 - ii. Provide proposed water demand peak flow.
 - iii. Provide additional information on pipe size, valve location, material, and valves of proposed fire services. Separate fire and domestic services (1 inch minimum) are required with valves on each service at the main for the fire

- and large domestic services (4 inch and above) and on the sidewalk for smaller domestic services (less than 4 inch). Individual services per building are required and shall be connected directly to a City water main. All water gate valves shall be open right. The length of water service connection shall be minimized and connected directly from the main to the building perpendicularly for both domestic and fire services.
- iv. Provide a fire sprinkler system design that confirms the required size of the fire service to serve each building (note a backflow preventer is required).
 - v. Specify if an irrigation system will be installed and provide the location of the backflow device (a backflow preventer is required for an irrigation system).
 - vi. Meet with Engineering Department to review proposed water connection, valving, and incorporate triple valve connections to City water mains into plans as required.
 - vii. Provide a Plumbing Plan showing backflow and meter location. A containment backflow prevention device is required for all commercial and mixed-use properties as well as residential properties with 10 or more units. The device shall be installed directly after the City water meter. Containment and fire sprinkler backflow devices shall be located as close as possible to where the water service enters the building.
 - viii. A Licensed Plumber shall certify in writing to the City Engineer and Plumbing Inspector whether additional backflow devices are required for the proposed building, other than those required above.
 - ix. If any backflow device is required, licensed Plumber and/or Fire Protection Engineer shall complete and submit the Backflow Prevention Device Design Data Sheet for each proposed device using the online permitting system with associated fee (\$100).
 - x. Provide a revised plan indicating existing sewer service location and proposed water service location and crossings if applicable. The plan shall demonstrate 10-foot horizontal separation between water and sewer, along with profile views of utility crossings to confirm 18-inches vertical separation (water being above sewer/drain).
 - xi. Provide a letter to the City Engineer stating that the City sewer system to service the proposed development has adequate capacity and is in good condition to accommodate the proposed flows. Cleaning and CCTV inspections of the sewer main based on the Pipeline Assessment Certification Program (PACP) standards are required to show the full circumference of the pipe. Cleaning and CCTV limits for the sewer main are provided as an attachment. A copy of the video and logs shall be submitted with the letter. If the CCTV investigations indicate that the sewer flows at 50% or more of the overall capacity of the pipe, sewer flow measurements may be required. (Note: Any/All deficiencies identified in the sewer system, shall be corrected by the applicant, at the applicant's expense, to the satisfaction of the City Engineer.);
 - xii. Provide revised existing conditions plan and/or utility plan showing location, size, and material of existing gas, buried electrical, and telecommunication services or confirmation that electrical and telecommunication services are overhead.

- xiii. Provide a utility plan with the location of proposed gas services and all electrical and telecommunication conduits on site and in the City right-of-way or confirmation that proposed electrical and telecommunication services will be overhead. Note a petition for grant of location through the City Council is required for any relocation, size increase or new electrical and telecommunications conduits within the City right-of-way. A grant of location is also required for any length of electrical conduit to be installed underground within the public right-of-way;
- xiv. Perform test pit(s) prior to completing the stormwater design to provide complete understanding of runoff/stormwater management. Result of field investigations shall be included in Stormwater Report.
- xv. Provide additional details on snow storage location both during construction and for future use on revised site plan and/or materials plan.
- xvi. Provide a revised site plan and/or erosion control plan that provide additional information on erosion control protection and truck wash exit area (with detail) to ensure compliance with environmental requirements.
- xvii. Provide a revised site plan and/or erosion control plan that provides additional information on catch basin silt stacks in the catch basins adjacent to/receiving runoff from the site.
- xviii. Provide notes revision or letter that provides information the proposed source of water for demolition and construction activities.
- xix. Confirm if temporary water use will be required for construction and add a note to the plans regarding these requirements if required. Temporary hydrant use is only allowed for demolition or short construction periods (less than one (1) month). For water use longer than one (1) month, a temporary connection will be required.
- xx. An RPZ backflow preventor device and a Neptune water meter with an e-coder register head that measures in cubic feet will be required and shall be provided by the contractor.
- xxi. Submit a detailed sketch of proposed temporary hydrant use or connection.
- xxii. As shown on the plan entitled "Site Plan", prepared by Patrowicz Land Development Engineering and dated May 6, 2024, a copy of which is attached hereto as Exhibit 1, the City of Salem maintains an existing sewer easement on the property. The applicant shall continue to ensure the City has access to the existing easement to maintain and repair the existing sewer main until such time as the City relocates the sewer main further inland; proposed relocation also shown on the Site Plan. To facilitate the relocation of the sewer main as shown on the Site Plan, the Applicant shall provide the city with a new sewer easement, for construction and maintenance, to run under the proposed new structure, and to authorize the City to enter the property to complete soil borings prior to relocating the sewer line. Once the relocation of the sewer main is complete, the City shall work with the applicant to release the portion of the easement no longer required. The proposed sewer main relocation as shown on the Site Plan is based on current information, the final alignment for this relocation may change depending on additional information, such as the borings, that will inform final design.

- d. Prior for Engineering Sign off on the Certificate of Occupancy, the applicant shall submit:
 - i. An as-built drawing, stamped, signed, dated by the civil design engineer of record, showing any changes made to the original design based on the completed work and shall include profiles of all City utilities (water, sewer, drain). This as-built drawing shall be submitted in two electronic file formats, PDF and CAD, suitable for the City's access and use;
 - ii. A completed tie card (a blank template is available through the Engineering Department) for each water, sewer and drain service constructed. This tie card information should also be included on the as built;
 - iii. A certification letter stamped, signed, and dated by the civil design engineer of record. The letter should state that the work was completed in substantial compliance with the design documentation for which the permit(s) was (were) issued and that the systems will function as intended by the engineer's design. The letter must identify all deviations from the design drawings with an explanation for the deviation, as well as any subsequent requirements by the City Engineer to accept the deviation.
 - iv. If any backflow devices are required, applicant shall test all devices as soon as water is turned on to the building and provide proof of the passed test to the Engineering Department.

13. Engineering Clerk of the Works

- a. A Clerk of the Works shall be provided by the City, at the expense of the Applicant, their successors or assigns, as it is deemed necessary by the City Engineer. Accordingly, it is the understanding of the Board, the City Planner, the City Engineer, and the Applicant, that the Clerk of the Works is expected to oversee and review all civil and site improvements related to the Project, including, but not necessarily limited to:
 - i. All utility cut and caps related to the City's Demolition Permit;
 - ii. All new utility installations;
 - iii. All connections to, extensions 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, and 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 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.

14. 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 state and federal holidays. Blasting shall be undertaken in accordance with all local and state regulations.
 - iv. All construction and staging 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. Prior to issuance of a demolition, foundation, or building permit, the Applicant shall provide a detailed construction vehicle access, schedule, and traffic plan for review and approval by the Director of Traffic & Parking
 - 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. Should contaminated materials be encountered onsite, 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.
 - xi. 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.

15. As-built Engineering 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.
- 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.

16. Violations

- a. Violations of any condition contained herein 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.

17. Lapse

- a. The site plan review and special permit approval shall lapse after two years from the grant thereof if actual construction thereof has not sooner commenced except for good cause as approved by the Planning Board. Such approval may, for good cause, may be extended in writing by the Planning Board upon the written request of the applicant.

Record of Vote

The following members of the Planning Board voted eight (8) in favor and zero (0) opposed to approve the Site Plan Review application subject to the above-stated terms and conditions: Chair Bill Grisct, Kirt Rieder, Tom Furey, Sarah Tarbet, Helen Sides, Zach Caunter, Jonathan Berk, Carole Hamilton

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 Site Plan Review and FHOD 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.



Bill Grisct
Chair

