



# CITY OF SALEM PLANNING BOARD

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## **Decision**

### **Flood Hazard Overlay District Special Permit 52 Forrester Street (Map 41, Lot 224)**

**March 22, 2024**

Re: The application of Scott Grover, Esq., f/b/o Circle Hill Builders, LLC, for the property located at 52 Forrester Street, Salem, MA (Map 41, Lot 224) in the R2 (Residential Two-Family) Zoning District for a Flood Hazard Overlay District Special Permit of the Salem Zoning Ordinance section 8.1 FHOD (Flood Hazard Overlay District). Specifically, the applicant proposes a 2-story addition to the existing building to create one additional residential unit. The proposed site plan includes an enlargement of the existing driveway and the addition of three onsite parking spaces. The entire structure will be brought into compliance with flood zone requirements including the addition of flood vents and elevated parking and utilities.

#### **Procedural History**

1. An application for a FHOD Special Permit under Section 8.1 of the City of Salem Zoning Ordinance was made by Scott Grover, Esq. and filed with the Planning Board on February 8<sup>th</sup>, 2024.
2. A notice for the first public hearing was first issued on February 22, 2024.
3. The Planning Board of the City of Salem opened the public hearing on March 7, 2024 and was continued to March 21, 2024.
4. The Planning Board closed the public hearing on March 21, 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.

#### **FHOD 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 single-family residential use will be converted to two-family, which remains consistent with the R-2 Zoning District.
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 first floor of the proposed building addition will be elevated above the 100-year base flood elevation, with the habitable space starting at an elevation of 13.5 feet. The parking area, at approximately elevation seven (7) to eight (8) feet, will be located within the 100-year flood zone and will be elevated approximately six (6) inches to one (1) foot above the grade of Forrester Street. All stormwater runoff from the site will be directed towards the drywell at elevation 6.7 feet onsite.
  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. Mechanical and electrical equipment will be located about the FEMA base flood elevation 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: 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.
    - a. There are no proposed uses within the VE zone as mapped by FEMA on the site.

**Decision**

In view of these findings, the Planning Board decided at a regularly scheduled meeting on March 21, 2024, by a vote of nine (9) (Chair Bill Griset, Carole Hamilton, Zachary Caunter, Helen Sides, Kirt Reider, Tom Furey, Sarah Tarbet, Jonathan Berk, and Josh Turiel) 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 “Site Plans for 52 Forrester Street” with the sheets listed below (the “Plans”):

<b>Drawing Title</b>	<b>Sheet No.</b>	<b>Prepared By</b>	<b>Issued</b>	<b>Revised</b>
Site Plan to Accompany Notice of Intent Plan	C-1	Griffin Engineering Group, LLC	2.8.24	3.11.24
Proposed Building Addition Foundation Plan	S-1	Griffin Engineering Group, LLC	3.11.24	

**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. Fire Department**

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

**5. Building Inspector**

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

**6. Board of Health**

- a. All work shall comply with the requirements of the Board of Health.

**7. City Engineer & Utilities**

- a. All work shall comply with all requirements of the City Engineer.

**8. 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.

#### **9. 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.

#### **10. 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.

#### **11. Lapse**

- a. The special permit shall lapse after two years from the grant thereof if actual construction thereon has not sooner commenced except for good cause as determined by the Planning Board in its sole discretion. Such approval may, for good cause, 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 nine (9) (Chair Bill Griset, Carole Hamilton, Zachary Caunter, Helen Sides, Kirt Reider, Tom Furey, Sarah Tarbet, Jonathan Berk, and Josh Turiel) in favor, and zero (0) opposed to approve the FHOD Special Permit application subject to the above-stated terms and conditions:

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 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 Griset  
Chair