



# CITY OF SALEM PLANNING BOARD

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## **Decision**

### **Site Plan Review, North River Canal Corridor Mixed Use District, Flood Hazard Overlay District Special Permit, and Stormwater Management Permit 75 North Street (Map 26, Lot 58), 2 Commercial Street (Map 26, Parcel 57), and 3 South Mason Street (Map 26, Lot 54)**

**July 30, 2024**

Re: Application of Scott Grover f/b/o 75 North Street, LLC, for the property located at 75 North Street (Map 26, Lot 58), 2 Commercial Street (Map 26, Parcel 57), and 3 South Mason Street (Map 26, Lot 54) in the NRCC (North River Canal Corridor) Zoning District for Site Plan Review and Special Permits in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, Section 8.1 Flood Hazard Overlay District Special Permit, 8.2 Entrance Corridor Overlay District, Section 8.4 North River Canal Corridor Neighborhood Mixed Use District, and Section 37 of the Salem Code of Ordinances, Stormwater Management Permit.

Specifically, the applicant proposes a four-story, 60-unit multi-family residential building on an approximate one-acre plot of land. The building features a ground floor for a lobby, building support, commercial use, and a parking garage and three upper floors for residential use. The applicant proposes 60 on-site parking spaces, a large publicly accessible open space and surrounding landscaping, pedestrian walkways, additional lighting, and a shifted curb line along North Street.

### **Procedural History**

1. An application for a Site Plan Review and Special Permit under Sections 9.5 and 8.1 of the City of Salem Zoning Ordinance was made by Scott Grover f/b/o 75 North Street, LLC and filed with the Planning Board on February 22, 2024.
2. A notice of public hearing was first issued on March 7, 2024.
3. The Planning Board of the City of Salem opened the public hearing on March 21, 2024, and the public hearing was continued to May 2, 2024 (no testimony), May 16, 2024, June 6, 2024, June 20, 2024, July 11, 2024, and July 25, 2024.
4. On April 21, 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 revised proposal dated March 29, 2024. NECE revised their originally submitted proposal dated March 22, 2024, to represent the demolition of two (2) buildings, not three (3) as NECE had originally accounted for.

5. NECE provided peer review letters on May 21, 2024, and July 23, 2024. The applicant provided responses to the May 21<sup>st</sup> letter on June 11, 2024.
6. On April 21, 2024, the City contracted with Howard Stein Hudson (HSH) to provide an independent peer review of the proposed development plans including traffic and parking per the tasks identified in the proposal dated April 1, 2024.
7. HSH provided peer review letters on May 21, 2024, and June 11, 2024. The applicant provided responses to the May 21<sup>st</sup> letter on May 28, 2024.
8. On June 27, 2024, the Salem Design Review Board (DRB) provided a letter to the Planning Board recommending the project with conditions.
9. The Planning Board closed the public hearing on July 25, 2024.
10. 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.

### **Specific Findings**

The Planning Board, after a public hearing and review of submitted materials and testimony, hereby finds that the proposed amendment to the previously approved project meets the provisions of the City of Salem Zoning Ordinance, Sec. 9.5 Site Plan Review, Sec. 8.4 North River Canal Corridor (NRCC) Neighborhood Mixed Use District, and Sec. 8.1 Flood Hazard Overlay District (FHOD) Special Permit as follows:

#### **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.

#### **North River Canal Corridor Neighborhood Mixed Use District Findings**

In considering approval of the NRCC Site Plan Review, the Planning Board finds that the development meets the goals of the North River Canal Corridor Plan, as stated in the Salem Zoning Ordinance, as follows:

1. Create appropriate development while preserving our historic neighborhood character.
  - a. The proposed project is consistent with the 2003 North River Canal Corridor master plan’s mission in that it provides pedestrian access along the river, enhances the streetscape and sidewalk along North Street and Commercial Street, and establishes

- a strong visual presence along the street edges of the main corridor.
- b. Comments from the Design Review Board have been applied to the design, such as including plantings that complement the riverfront walkway, integrating brick cladding on the exterior to bring cohesion to the building and its surrounding neighborhood, adjusting the color and material palette to compliment the brick, and modifying the window patterns and types. The mix of materials, colors, and window patterns create a cohesive project that aligns with the existing character of the North Salem neighborhood and North River Canal Corridor district.
2. Address transportation issues for existing and new developments.
    - a. The proposed development is adjacent to the Salem MBTA Commuter Rail Station platform and the entry of downtown Salem. The proposed development will offer bicycle parking for at least one (1) bike per unit and include sidewalk improvements and an additional pedestrian connection, promoting bike and pedestrian transport. In addition, one (1) parking space per dwelling unit will be offered, and additional public parking spaces will be included on Commercial Street, which can alleviate traffic in the surrounding neighborhood and reduce reliance on vehicular transport.
  3. Enhance the public realm in keeping with our unique neighborhood character.
    - a. The proposed development will enhance the public realm by improving the existing conditions of currently underutilized and vacant parcels. The approximately 13,000 square foot public park along Commercial Street and connector walkway from South Mason Street to Commercial Street will provide the neighborhood with additional open space along the waterfront and a direct walking route to access downtown Salem.

### **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 FEMA. A portion of the site is within FEMA Flood Zone AE. Therefore, in considering approval of the Flood Hazard Overlay District Special Permit, the Planning Board makes the following findings:

1. The proposed use will comply in all respects to the uses and provisions of the underlying district in which the land is located.
  - a. Multi-family use with first-floor commercial space is allowed via special permit from the Planning Board in the NRCC zoning district.
2. There are 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 waterbodies or high runoff.
  - a. In a 100-year flood event, the driveway off of South Mason Street will be used to

exit the site temporarily until the tide goes out and takes floodwaters away. The driveway off North Street will be temporarily flooded, up to depths of approximately two (2) feet. The building design elevates most of the parking and all habitable space well above the FEMA 100-year flood elevation and creating large voids below the building for passive flood water storage.

3. Utilities, including gas, electricity, fuel, water and sewage disposal, shall be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding.
  - a. Underground utilities (water, fire protection, sewer, and gas) exist in Commercial Street and will be extended onto the property similar to existing conditions. Overhead wires and a pole mounted transformer will serve the proposed building. If a pad-mounted transformer is required by the utility company, it will be set on a concrete slab above the 100-year flood zone. All interior mechanical equipment will be elevated two to three feet above the flood elevation.

**Decision**

In view of these findings, the Planning Board decided at a regularly scheduled meeting on July 25, 2024, by a vote of six (6) (Chair Bill Griset, Kirt Rieder, Carole Hamilton, Jonathan Berk, Zach Caunter, and Josh Turiel) in favor, one (1) (Tom Furey) opposed, and one (1) (Helen Sides) abstained, to approve the proposed project subject to the following conditions:

**1. Conformance with the Plan**

- a. Work shall conform to “Site Development Plans for 75 North Street Development” 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>
Existing Conditions	C1.00	Griffin Engineering	2.22.24	7.2.24
Demolition Plan	C2.00	Griffin Engineering	2.22.24	2.22.24
Erosion and Sediment Plan	C3.00	Griffin Engineering	2.22.24	2.22.24
Site Layout Plan	C4.00	Griffin Engineering	2.22.24	7.2.24
Grading and Drainage at Grade	C5.00	Griffin Engineering	2.22.24	7.3.24
Grading and Drainage at Garage Level	C5.01	Griffin Engineering	2.22.24	7.2.24
Utilities	C6.00	Griffin Engineering	2.22.24	7.3.24
Details I	C7.00	Griffin Engineering	2.22.24	6.11.24
Details II	C7.01	Griffin Engineering	2.22.24	6.11.24
Details III	C7.02	Griffin Engineering	2.22.24	7.2.24

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Details III	C7.03	Griffin Engineering	7.2.24	7.2.24
Existing Subcatchments	D-1	Griffin Engineering	6.11.24	6.11.24
Proposed Subcatchments	D-2	Griffin Engineering	6.11.24	6.11.24
Tree Removal Plan	L-0	Halvorson	2.22.24	5.7.24
Concept Landscape Plan	L-1	Halvorson	2.22.24	5.7.24
Concept Landscape Planting	L-2	Halvorson	2.22.24	5.7.24
Site Improvement Images	L-4	Halvorson	2.22.24	5.7.24
Concept Lighting Plan	L-5	Halvorson	2.22.24	6.26.24
Photometrics Plan		Halvorson	6.11.24	6.26.24
Landscape Lighting		Halvorson	6.11.24	6.26.24
Exterior Building Lighting		Halvorson	6.11.24	6.26.24
Flood Storage Overlay Diagram		Halvorson	5.7.24	5.7.24
Plant Palette Development		Halvorson	5.7.24	5.7.24
Plant Images	L.7	Halvorson	5.7.24	5.7.24
Ground Floor Plan	P1.01	DMS Design	2.22.24	7.02.24
Typical Floor Plan	P1.02	DMS Design	2.22.24	7.02.24
Exterior Elevations	P1.05	DMS Design	2.22.2	7.2.24
Roof Plan	A1.04	DMS Design	3.7.24	3.7.24
Materials Legend and Board		DMS Design	4.12.24	5.22.24
Perspective View North Street	A1, 2	DMS Design	2.22.24	7.2.24
Perspective View North Street Bridge	A3	DMS Design	2.22.24	7.2.24
Perspective View – Commercial Street	A4	DMS Design	5.22.24	7.2.24
View A from Green Trail	A1.1	DMS Design	7.2.24	7.12.24
View B from Green Trail/North Street	A1.2	DMS Design	7.2.24	7.12.24
View from North Street Bridge	A1.3	DMS Design	7.2.24	7.12.24
Solar Study –	A2.1	DMS Design	7.2.24	7.2.24

Winter Solstice				
Solar Study – Vernal Equinox	A2.2	DMS Design	7.2.24	7.2.24
Solar Study – Summer Solstice	A2.3	DMS Design	7.2.24	7.2.24
Solar Study – Autumnal Solstice	A2.4	DMS Design	7.2.24	7.2.24

- b. Prior to issuance of a building permit, the applicant shall submit a revised Site Plan, showing the following changes:
  - i. The revised Site Plan shall include a six (6) foot wood fence between the abutter on 83 North Street, subject to DRB approval. The fence shall be configured so as not to impede the ebb and flow of floodwater.

**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. 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.
- b. The applicant shall install a warning system to alert pedestrians and other vehicles when vehicles are exiting the parking garage. The specifications shall be submitted to the City of Salem Building Commissioner prior to issuance of the Building Permit. Installation must occur prior to issuance of a Certificate of Occupancy.
- c. The vehicular egress gate to South Mason Street shall be locked at all times and only unlocked during emergencies by the central property manager.

**5. Salem Design Review Board**

- a. Brick Façade:

- i. The horizontal brick feature along the bottom grade of the building's North Elevation shall be removed and replaced with the dark gray fiber cement panels that run along this same area on the South Elevation.
    - ii. The applicant shall add a recessed window with brick infill between the garage door and the existing recessed, brick infilled window on the building's West Elevation. This window shall be positioned so that it vertically lines up with the windows above.
    - iii. The recessed windows with the dark panels shall be reviewed to determine if installing brick to match the others is feasible. If this is not feasible due to ventilation requirements for the parking area, the applicant may install louvres in a color to match the other dark gray elements on the building.
  - b. South Elevation:
    - i. The sill of the ground floor window at the Southwest corner of the building shall be raised to match the height of the other windowsills along this elevation.
    - ii. The light gray portion of the building immediately adjacent to the brick façade shall be replaced with the dark gray fiber cement panels to match the horizontal gray element that runs along the bottom of the building façade on this elevation.
  - c. Construction Drawing Review:
    - i. The applicant shall submit 50% construction drawings to the DRB via its Senior Planner. This submittal shall include elevation plans showing what the Board last reviewed and the progressed drawings. The submittal shall also include a cover memo or narrative listing plan changes and reasons for these changes. The submittal shall also include the proposed wood fence.
    - ii. With the construction drawing submittal, the applicant shall submit samples of the project materials to the DRB via the Senior Planner. These samples may be delivered to the Department of Planning and Community Development, City Hall Annex, 98 Washington Street.

## **6. 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.

## **7. 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.
- c. Prior to issuance of a Building Permit, the applicant shall submit a revised plan sheet showing details of the bicycle room and one (1) long term bicycle space at the end of each parking space in accordance with the City of Salem Bicycle Parking Guidelines. Bicycle parking shall be maintained during the operation of the proposed facility. Any details regarding the type, quantity, and location of the bicycle parking not established through the approved plans shall be reviewed and approved by the City Planner prior to installation, according to City of Salem Bike Parking Guidelines.
- d. Prior to issuance of a Building Permit, the applicant shall provide revised plans to the Transportation Director for review and approval detailing the redesign of the northeast corner of the North Street/Commercial Street intersection.
- e. Prior to issuance of a Certificate of Occupancy, the applicant shall submit any proposed changes to the on-street parking ordinance on the streets that abut the property to the Director of Transportation.
- f. The owner shall contribute \$30,000 to the City of Salem Transportation Enhancement Fund (TEF), commensurate to the project's impact on the City's transportation network, prior to issuance of a Certificate of Occupancy. The TEF will be used by the city for transportation network services relating to infrastructure and or operation of the transportation network.

## **8. 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.

## **9. 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.

## **10. Affordable Housing**



- a. At least ten (10) percent of the dwelling units shall be set aside as affordable housing units.
- b. The applicant shall place an Affordable Housing Restriction on the affordable housing units required in condition 10.a. in the form acceptable to the Executive Office of Housing and Livable Communities (EOHLC). The restrictions shall be in accordance with the eligibility criteria for EOHLC's Subsidized Housing Inventory for the purpose of ensuring that the required percent of the housing units will be restricted as affordable housing for households whose annual incomes are sixty percent (60%) or less of Area Median Income ("Low Income Households") with a sales or rental price affordable to said households as determined by EOHLC for a period of ninety nine (99) years from the date of the original conveyance. The Affordable Housing Restriction(s) shall be registered with the Essex South Registry of Deeds.
- c. The Affordable Housing Units must be constructed and ready for occupancy at a proportion of one (1) affordable unit for every five (5) certificates of occupancy released for the market rate units. Ready for occupancy means that 1. The affordable units have a certificate of occupancy, 2. The Affordable Housing Restriction has been registered with the Essex South Registry of Deeds, and 3. The lottery has been completed pursuant to Section III of the EOHLC Comprehensive Permit Guidelines.
- d. The applicant shall comply with all requirements of Section 5.4 of the City of Salem Zoning Ordinance.

### **11. Fire Department**

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

### **12. Building Inspector**

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

### **13. 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 submit a plan for rodent control and maintain the area free from rodents throughout construction.
- h. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during 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. All trash and recycling areas, including dumpsters, totes, and other refuse containers, used by occupants of the resultant residential or commercial spaces must be contained in enclosures in accordance with City Ordinance section 24-23, Dumpsters.
- l. The Fire Department must approve the plan regarding access for firefighting.
- m. 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.
- n. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- o. 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.
- p. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.
- q. Any proposed food service establishment in the resultant facility must be approved by the Health Agent.
- r. If a pool is proposed on the premises, plans for such must be approved by the Health Agent.

#### **14. City Engineer & Utilities**

- a. All work shall comply with all requirements of the City Engineer.
- b. All work shall comply with the Engineering Rules and Regulations.
- c. The applicant shall comply with all the recommendations from the civil peer review letters issued by New England Civil Engineering on May 21, 2024, and July 23, 2024.
- d. The applicant must comply with conditions 14a. through 14c. prior to the Engineering Department sign-off on any building permits (including but not limited to building, foundation, demolition, etc.) and/or the issuance of any permits from the Engineering Department.
- e. Prior to Engineering sign-off on the Demolition Permit, the applicant shall:

- i. Provide results of internal building inspection identifying all pipes entering and/ or exiting the existing buildings including but not limited to water, sewer and drain lines. Report shall identify the number of pipes, type, material and locations. This information shall be incorporated into the demolition plan.
- ii. Use signal tracing of water pipes and Closed-Circuit Television (CCTV) inspection of all sewer or drain pipes abutting the properties, all sewer pipes connecting to manholes that point in the direction of the properties, and sewer pipes existing within the sewer easement. CCTV to also be used to confirm the presence and/or absence of sewer services serving current or previous buildings and the location of sewer services. Dye testing of all pipes leaving the buildings shall be performed to confirm connectivity to sewer or drain lines in the abutting street(s).
- iii. Complete additional investigation, evaluation, and design of the proposed sewer relocation for the City Engineer's review and acceptance. Additional work to be completed by the applicant includes but is not limited to CCTV pipeline inspections of existing easement sewer and existing sewers downstream from Buffum Street Extension to the limits requested by Salem Engineering Department, condition and capacity analysis of the inspected sewers as required per the Engineering Rules and Regulations with the understanding that any and 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, completing level survey of pipes and building inspection of 1 South Mason Street (who may be fed off of easement sewer), commitment to accommodating the sewer needs of 1 South Mason Street, additional utility design and survey, design of utility installation and relocation, survey and legal work to abandon sewer easement through the subject property and establish new easement if needed (see item vi.), removal of abandoned sewer on City streets and plugging manhole connections, and additional paving and restoration etc.
- iv. 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 all water, sewer, and drain lines. The revised plan shall identify the number, location, size, and material of all water, sewer, and drain services that serve the current buildings and may have served previous buildings on site, as well as sewer lines in the abutting street(s). The revised plan shall include the location and method of abandonment for all water, sewer, and drain pipes that are to be cut and capped at the main for both buildings. All services to be abandoned shall be cut and capped at the City main in the street in accordance with City regulations. The revised plan shall also include the location of all water, sewer, and drain pipes entering and leaving the foundation and all sump pumps and roof drain connections.
- v. Provide backup calculations and/or references to support existing sewer

- discharge peak flow estimates.
- vi. Remove existing City of Salem sewer pipe from the private property sewer easement and relocate the sewer pipe to the City roadway (South Mason Street) or to a new sewer easement on private property between South Mason Street and Commercial Street. The new sewer easement shall be 15-foot wide at minimum without any permanent obstructions to access.
  - vii. Provide notes revision or letter that provides information on the proposed source of water for demolition and construction activities.
  - viii. Confirm if temporary water use will be required for construction and, if required, add a note to the plans regarding these requirements. 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.
  - ix. 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 for temporary water use during construction.
  - x. Submit a detailed sketch of proposed temporary hydrant use or connection.
- f. Prior to Engineering sign off on the Foundation Permit, the applicant shall:
- i. Provide additional information, detail, and spot grades of proposed walk between the “area drains” and the properties of 83 North Street and 1 South Mason Street to confirm the proposed work will not result in upgradient drainage problems.
- g. 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 detailed information on the water meter location in the building that demonstrates clear access for future maintenance and that no other connections (tees) exist before the City’s main meter. (Note that a horseshoe connection is not allowed). Meter shall be located as close as possible to where the water service enters the building.
  - 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. Meet with Engineering Department to review proposed water connection, valving, and incorporate triple valve connections to City water mains into plans as required.
  - vi. 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.
- vii. 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.
  - viii. 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).
  - ix. 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. The limits of sewer to be CCTV inspected, evaluated, and potentially repaired will include the City of Salem collector sewers downstream of the proposed point of connection, and the City of Salem sewers downstream of the point of connection for the redirected South Mason Street sewer if approved by the City. 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.)
  - x. Provide backup calculations and/or references to support proposed sewer discharge peak flow estimates.
  - xi. Provide a signed illicit discharge statement.
  - xii. Provide additional information and details of proposed flood protection for habitable space below the flood zone for review and approval by the City Engineer.
  - xiii. 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.
  - xiv. Provide an operation and maintenance (O&M) plan of on-site private stormwater management systems through the deed/trust documentation. The O&M plan must include detailed information for operation and maintenance of the on-site system, including, but not limited to, party responsible, plan showing location of system (access/safety feature), equipment needed, schedule for routine and non-routine maintenance, annual budget, vendors, and checklists/log form.
- h. Prior to Engineering sign-off on the Certificate of Occupancy, the applicant shall:
- 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.

### **15. 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.

### **16. 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.

### **17. 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.

### **18. 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.

### **19. 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 six (6) in favor, one (1) opposed, and one (1) abstained to approve the Site Plan Review and Special Permit application subject to the above-stated terms and conditions: Chair Bill Griset, Kirt Rieder, Carole Hamilton, Jonathan Berk, Zach Caunter, and Josh Turiel.

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, North River Canal Corridor Neighborhood Mixed Use District, Flood Hazard Overlay District Special Permit, and Stormwater Management 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