



CITY OF SALEM PLANNING BOARD

2018 SEP 20 PM 4:47

CITY CLERK
SALEM, MASS

Decision

**Site Plan Review and Special Permits under the North River Canal Corridor
Neighborhood Mixed Use District and Flood Hazard Overlay District, and
Stormwater Management Permit**

**16, 18 and 20R Franklin Street
(Map 26, Lots 400, 401 and 402)**

September 20, 2018

Findings and Decision

Re: Application of Juniper Point Investment Co LLC for the properties located at 16, 18 and 20R Franklin Street for a Site Plan Review, Flood Hazard Overlay District Special Permit, and Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review; Section 8.1 Flood Hazard Overlay District; Section 8.4 North River Canal Corridor Neighborhood Mixed Use District; and a Stormwater Management Permit in accordance with Salem Code of Ordinances Chapter 37. Specifically, the applicant proposes to replace the existing junk yard with a residential development consisting of forty-two (42) units in five (5) buildings with parking under each building, in addition to some surface parking. The project also includes landscaping throughout, and public access along the riverfront with walking paths.

Procedural History

1. On June 14, 2018, the applicant filed the above referenced application.
2. On August 22, 2018, the Design Review Board voted to provide the Planning Board a negative recommendation.
3. On September 6, 2018, the Planning Board opened the public hearing for the repetitive application.
4. On September 6, 2018, the Planning Board closed the public hearing with the following Planning Board members present: Ben Anderson, Matt Smith, Matt Veno, DJ Napolitano, Kirt Rieder, Helen Sides, Carole Hamilton, and Bill Griset.

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.

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:**

The site is located in a transitional zone, with land use changing from the commercial and industrial uses and structures at the south end of Franklin Street to residential and parkland uses at the north end of Franklin Street. Comments from the Design Review Board have been applied to the design, such as modifying the window openings in the townhouse buildings to a more traditional style and arrangement rather than contemporary, changing the roof from a pitch to a flat roof and including a trim panel detail to the top of the roof decks facing Franklin Street. The Planning Board took the negative recommendation of the Design Review Board into consideration; however, the recommendation focused on the scale and size of the development. The Planning Board finds that size and scale of the development is appropriate while preserving the historic neighborhood character given the massing of the development is stepped with lower townhouses along Franklin Street to the taller midrise buildings in the back and since the project complies with height requirements per the zoning ordinance. Furthermore, the Planning Board has including condition 1.d. which will result in design changes to the townhouses along Franklin Street to break down the scale of the buildings and further preserve the neighborhood character.

- 2. Address transportation issues for existing and new developments:**

The development is not projected to have significant impact (increase) on motorist delays. Nevertheless, the project is conducive to multi-modal transportation as it is within walking distance of the Salem MBTA Bus and Train Station and the MBTA Bus Route 465 (which travels along North Street at the south end of Franklin Street, approximately 500-feet from the site). The applicant will also contribute funding towards the City's Transportation Enhancement Fund to address the impact of transportation network services on municipal roads, and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city including programs that support alternative modes of transportation, and the project provides adequate bicycle storage space in the buildings for residents, and reduces the curb cuts for pedestrians to cross on Franklin Street.

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

The development project strengthens Franklin Street as a quality road in adding shade trees along the property line, improving sidewalks along Franklin Street, providing a public walkway along the North River, and including a view corridor of the ocean from the street.

In considering approval of the NRCC Special Permits, the Planning Board finds that based on submitted reports, project plans, visual analysis and site investigation, the proposed project is consistent with the North River Canal Corridor Neighborhood Master Plan in that it:

1. Remediates an existing junkyard;
2. Enhances the residential character of the neighborhood by creating new housing opportunities, 10% of which will be affordable units;
3. Creates a public walking path along the North River and connects Furlong Park.

Flood Hazard Overlay District Special Permit

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:

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 subject property is located in the North River Canal Corridor, an area designated for urban village of mixed uses. The project complies in all respects to the uses and provisions of the underlying district in which the land is located.
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. Although portions of the site and the adjacent streets will be flooded up to a depth of approximately three feet in the event of a flood, all habitable portions of the site and all mechanical equipment will be elevated at elevation 11, above the flood zone.
 - b. Effective notice to prospective purchasers of the flood hazard conditions associated with said premises and steps undertaken by the petitioner or his successor in title to alleviate the effects of same will be provided by recording the decision herein at the registry of deeds.
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. Underground utilities (water, sewer, gas, and drainage) exist in Franklin Street and will be extended into the property. All mechanical and electrical equipment will be elevated above the 100-year flood elevations (AE elevation 10). An exterior pad-mount transformer will be set on an elevated concrete pad to raise the transformer above the flood zone.
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 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 Special Permits under the North River Canal Corridor Neighborhood Mixed Use District and Flood Hazard Overlay District, and Stormwater Management Permit for the development of in accordance with the terms and conditions stated below.

1. Conformance with the Plans

- a. Work shall conform with the set of plans entitled, "North River Condominium Development 16-18 20R Franklin Street," prepared by Red Barn Architecture, sheet A-2.3 dated June 13, 2018 and sheets A-0.0, L-1.0, L-1.1, A-2.1, A-2.2, A-3.1, and A-3.2 dated August 10, 2018; and set of plans entitled "Site Plan Review & Flood Hazard Overlay District Special Permit for North River Condominium Development 16-18 20R Franklin Street," prepared by Griffin Engineering Group, LLC dated June 13, 2018.
- b. The site plan shall be modified to be consistent with the Fire Truck Path plan prepared by Griffin Engineering Group LLC, stamped by Robert H. Griffin P.E. dated June 13, 2018 and revised on August 31, 2018 and lastly revised on September 6, 2018.
- c. Revised renderings that accurately represent tree planting scheme shall be submitted prior to permit issuance.
- d. Prior to permit issuance, a revised architectural plan shall be submitted to the City Planner for review and approval that demonstrates design modifications have been included that break up the massing on the townhouse buildings along Franklin Street, including the townhouse on the right side of the driveway as you enter the site, specifically the side elevation facing Franklin Street. The revised plan should consider suggestions discussed at the September 6, 2018 Planning Board meeting, which included different colors to building elements similar to the larger buildings closer to the North River and increasing the transparency of the deck railing that front Franklin Street, and any other techniques that will achieve the desired result.

2. Amendments

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

3. Site Specific

- a. The public shall have unrestricted access to use the path to the river and the path along the river.

4. Affordable Housing Units

- a. Four housing units shall be set aside as affordable housing units. The Applicant shall place an Affordable Housing Restriction on these four (4) housing units in the form acceptable to the Commonwealth Department of Housing and Community Development (DHCD). The restrictions shall be in accordance with the eligibility criteria for DHCD's Subsidized Housing Inventory for the purpose of ensuring that the four (4) dwelling units will be restricted as affordable housing for households whose annual incomes are eighty percent (80%) or less of Area Median Income ("Low Income Households") with a sales or rental price affordable to said households as determined by DHCD 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.

5. Traffic

- a. The owner shall tender \$21,000.00 to the City of Salem Transportation Enhancement Fund (TEF) prior to the issuance of the first 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.
- b. Public transportation schedules shall be made available and posted at common, centralized locations at each residential building.
- c. Carpool/vanpool resources shall be identified and posted at common, centralized locations at each residential building.
- d. Information shall be provided on available pedestrian and bicycle facilities connecting the site to nearby MBTA and downtown Salem resources.
- e. Bicycle parking shall be provided on site.

6. Landscaping

- a. 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.
- b. 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.

7. 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.

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, 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.

9. Design Review Board

- a. The applicant shall submit final construction plans to the Design Review Board (DRB) for its review to ensure compliance with the approved plan prior to obtaining a building permit.

10. Conservation Commission

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

11. 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 adhere to a drainage plan as approved by the City Engineer.
- h. 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.
- i. The developer shall maintain the area free from rodents throughout construction.
- j. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during construction.
- k. 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.

- 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 nearest abutting residential 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 drainage system for this project must be reviewed and approved by the Northeast Mosquito Control and Wetlands Management District.
- p. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.

12. Fire Department

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

13. Building Inspector

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

14. Utilities

- a. Underground utility installation shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit.
- b. Prior to issuance of a demolition permit from the City, Applicant shall submit revised Sheet C-10 to clarify water and electric service abandonment in City street, confirm no gas service exists to be abandoned, and will raise the existing drain manhole (EDMH), which is currently paved over.
- c. Prior to issuance of a foundation permit from the City, Applicant shall submit a revised utility and drainage easement document, including a recordable plan and a metes and bound description of the easement area to the City Engineer for review and approval.
- d. Prior to issuance of a building permit, Applicant shall submit the required documentation to the City Council for the utility and drainage easement described in condition 14.c. above.
- e. Prior to issuance of a foundation permit, Applicant shall provide detailed garage drainage plans to the City Engineer for review and approval.
- f. Prior to issuance of a building permit from the City, the Applicant shall submit results of planned fire flow tests to the City Engineer and submit revised water plan if required.
- g. Prior to issuance of a building permit from the City, the Applicant shall submit final plumbing plans and backup documentation to the City Engineer to demonstrate that the entire roof can be collected and conveyed to the proposed roof drains.

- h. Prior to issuance of a foundation permit from the City, the Applicant shall revise plans to include a second 12-inch water gate valve on Franklin Street and revise note to eliminate tapping sleeve and replace with a full body tee.
- i. Prior to issuance of a foundation permit from the City, the Applicant shall revise plans to include locations of irrigation lines and details about meters and backflow devices to the City Engineer to review and approve in accordance with City requirements.

15. City Engineer

- a. All work shall comply with the requirements of the City Engineer.
- b. Prior to issuance of a demolition permit from the City, the Applicant shall cut and cap all abandoned water lines at the City main in the street.
- c. Prior to issuance of a foundation permit from the City, the Applicant shall provide additional detail on the dimensions of the proposed tree pits and the location of the existing hydrant to remain to confirm ADA access can be provided without the need to relocate hydrant.

16. Clerk of the Works

- a. A Clerk of the Works shall be provided by the City, at the expense of the applicant, his successors or assigns, as it is deemed necessary by the City Planner. Notwithstanding the foregoing, the parties acknowledge the Project shall be subject to controlled construction, which requires oversight by a Registered Professional Civil Engineer. Accordingly, it is the understanding of the Board, the City Planner and the Applicant, that the Clerk of the Works is expected to oversee and review all civil/site improvements related to the Project, including, but not necessarily limited to:
 - i. all utility cut and caps related the City's Demolition Permit;
 - ii. all new utility installations;
 - iii. any connections to, extension of, or improvements to publicly owned infrastructure both on the applicant's site or within the City's right of way and any on-site stormwater or wastewater systems;
 - iv. any new installations or modifications to existing pavement/sidewalk/curbing; and
 - v. any 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 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.

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, or sidewalks 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

19. 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.
20. 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.
21. 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.

22. 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 Special Permits under the North River Canal Corridor Neighborhood Mixed Use District and Flood Hazard Overlay District, and Stormwater Management Permit subject to the above-stated terms and conditions: Ben Anderson, Carole Hamilton, Matt Veno, Matt Smith, Helen Sides, DJ Napolitano, Bill Griset and Kirt Rieder.

None of the members of the Planning Board are in opposition to the grant a Site Plan Review and Special Permits under the North River Canal Corridor Neighborhood Mixed Use District and Flood Hazard Overlay District, and Stormwater Management 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

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September 20, 2018

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

A handwritten signature in black ink, appearing to read "Ben J. Anderson". The signature is stylized with a large initial "B" and "A".

Ben J. Anderson
Chairman