



CITY OF SALEM PLANNING BOARD

Amended Decision Site Plan Review and Planned Unit Development Special Permit

129 Lafayette Street, 20 Harbor Street, 135 Lafayette Street (Map 34, Lot 307)

July 31, 2019

Harbor Point Properties, LLC
c/o Joseph C. Correnti, Esq.
63 Federal Street
Salem, MA 01970

RE: Site Plan Review/Planned Unit Development Amended Decision for 129 Lafayette Street, 20 Harbor Street, 135 Lafayette Street (Former St. Joseph's Church site)

Procedural History

1. An application to amend the previously approved Site Plan Review and Planned Unit Development Special Permit under Sections 7.3 and 9.5 of the City of Salem Zoning Ordinance for the property located at 129 Lafayette Street, 20 Harbor Street, 135 Lafayette Street (Map 34, Lot 307) was made by Harbor Point Properties and filed with the Planning Board on June 20, 2019.
2. The Planning Board of the City of Salem scheduled a public hearing for Thursday, July 11, 2019. No testimony was heard, and the meeting was continued to July 25, 2019.
3. The Planning Board of the City of Salem opened a public hearing for the Site Plan Review and Planned Unit Development Special Permit on Thursday, July 25, 2019.
4. The hearing was closed on Thursday, July 25, 2019.
5. The Site Plan Review and Planned Unit Development amendment application is accompanied by a plan set, entitled "Harbor Point Lofts & Apartments," dated June 19, 2019.
6. 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.

General Findings

The subject property is located at 129 Lafayette Street, 20 Harbor Street, 135 Lafayette Street (Map 34, Lot 307), as shown on the submitted plan set entitled "Harbor Point Lofts & Apartments: 129 Lafayette Street and 20 Harbor Street, Salem, MA." The applicant proposes to amend the September 17, 2010 decision to allow 9 additional dwelling units bringing the new

total from 76 to 85 dwelling units on site. The former St. Joseph's rectory building would increase from 8 units to 13 units and the former school building would increase from 17 to 21 units. The existing mid-rise building would remain at 51 units. There are no changes to the exterior of the buildings, with the exception of handicap ramps added to the rectory and school buildings. There are no changes to the parking plan and all units will have at least one parking space as originally contemplated in the PUD Decision.

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. 7.3 Planned Unit Development Special Permit and Sec. 9.5 Site Plan Review as follows:

- 1) The proposed amendment to the planned unit development is in harmony with the purpose and intent of this ordinance and the master plan of the City of Salem. The project will promote the purpose of this section through mixed use redevelopment of the site including a mixture of housing, open space and commercial space in a comprehensive manner.
- 2) The mixture of uses in the planned unit development is determined to be sufficiently advantageous to render it appropriate to depart from the normal requirements of the district. Specifically, the project incorporates three (3) affordable units, providing substantial public benefit. The changes proposed by the amendment to the Planned Unit Development maintain the school and rectory buildings as residential, so the mixture of uses is the same as in the original decision.
- 3) The planned unit development would not result in a net negative environmental impact. The adaptive reuse of two underutilized buildings is a significant improvement for the City.

Decision

In view of these findings, the Planning Board decided at a regularly scheduled meeting on July 25, 2019 by a vote of seven (7) in favor (Ben Anderson, Bill Grisct, Carole Hamilton, Noah Koretz, Kirt Rieder, Helen Sides, Matt Veno), none (0) opposed to approve the proposed amendment subject to the following conditions:

1) Original Decision

- a) All Conditions set forth in the original decision for Site Plan Review and Planned Unit Development Special Permit dated September 17, 2010 shall remain and be adhered to by the applicant, unless explicitly eliminated or amended in this decision.

2) Conformance with the Plan

- a) Work shall conform to the plans entitled, "Harbor Point Lofts & Apartments: 129 Lafayette Street and 20 Harbor Street, Salem, MA," Sheets Cover, A-0, EX-2.1, EX-2.2,

A-2.1, A-2.2, A-3.1, EX-2.1, EX-2.2, EX-2.3, A-2.1, A-2.2, A-2.3, A-2.4, and SA-3.1 prepared by Seger Architects, Inc., 10 Derby Square, Salem, MA 01970, dated June 19, 2019. Revised plans reflecting all conditions and incorporating by reference this decision must be submitted to and approved by the City Planner for consistency with this decision prior to the issuance of a building permit.

3) Amendments

- a) Any further amendment 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.

4) Transfer of Ownership

- a) In the event of the transfer of the site as a whole, within five (5) days of such transfer, the Owner shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions, and/or requirements of this decision shall be binding on the Owner and its successors and/or assigns.

5) Affordable Housing Units

- a) Three (3) housing units shall be set aside as affordable housing units. The Applicant shall place an Affordable Housing Restriction on these three (3) 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 three (3) 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 prior to the release of a Certificate of Occupancy.

6) Landscaping

- a) Per condition 1(a), the Applicant shall comply with the Landscaping conditions in the original decision.
- b) The Applicant must comply with the Salem Zoning Ordinance Article IV Protected Tree Preservation.

7) Utilities

- a) Underground utility installation shall be reviewed and approved by the City Engineer prior to the issuance of a Certificate of Occupancy.
- b) Prior to issuance of a Building Permit, the Applicant shall provide an updated utility plan to be reviewed and approved by the City Engineer showing:

- i) all existing services and connection point to the mains
 - ii) all proposed new services.
- c) If water lines are to be reused, the Applicant shall provide a report from a plumber to be reviewed and approved by the City Engineer confirming the lines are in good condition to be reused prior to the issuance of a Building Permit.
- d) Prior to the issuance of a Building Permit, the Applicant shall submit drawings to the City Engineer that show existing sewer connections not to be reused and how the connection will be capped.
- e) Prior to issuance of a Building Permit, the Applicant shall clean and televise (CCTV) the existing sewer main from the point of connections to the manhole cover downstream to verify that the system is in good condition and has adequate capacity to take additional flow from the proposed development. Any deficiencies found shall be restored, at the applicants cost, to the satisfaction of the City Engineer.
- f) The Applicant shall provide a statement from their Engineer, to be reviewed and approved by the City Engineer, confirming that the increase in units in the buildings will not change significantly the sewer peak flows or increase the water demand.

8) 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 to 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 sedimentation and erosion control barriers
- b) The Clerk of the Works shall review and approve all proposed, or approved, changes to the original Planning Board decision related to utilities.
- 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 Clerk of the Works shall provide the applicant, the City Planner, and the City Engineer reports of inspections including the dates and times on site with all invoices.
- e) 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. If changes to the schedule are necessary, the applicant shall notify the City Planner, the City Engineer, and the Clerk of the Works as soon as possible. If the Clerk of the Works must inspect the site due to lack of sufficient scheduling information and/or non-compliance with permits, approvals, regulations, and/or laws, the costs associated with this work will be in addition to the scope of work and cost for the Clerk of the Works established at initiation.
- f) 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.

9) **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.

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



Ben J. Anderson
Chairman