



CITY OF SALEM PLANNING BOARD

Second Amended Decision

Second Amendment to the North River Canal Corridor Special Permit, Site Plan Review and Flood Hazard Overlay District Special Permit 16, 18, 20R Franklin Street (Map 26, Lots 0400, 0401, and 0402)

December 11, 2023

Re: An application of Joseph C. Correnti, Esq., f/b/o Juniper Point Investment Co, LLC, for the properties located at 16, 18, and 20R Franklin Street (Map 26, Lots 0400, 0401 and 0402) in the North River Canal Corridor (NRCC) and Flood Hazard Overlay District (FHOD) zoning districts for an amendment to a Site Plan Review, North River Canal Corridor Special Permit pursuant to Sections 9.4 and 9.5 of the zoning ordinance and Flood Hazard Overlay District, Section 8.1 of the ordinance. Specifically, the applicant proposes to amend the decision dated May 18, 2020, to allow for revisions to the approved plans. The amendment proposes changes to the building aesthetic, including revisions to the roof line, window layout, and addition of raised planters at the front elevations, as well as changes in the color scheme and orientation of the siding materials. No changes are proposed to the location or footprints of the buildings, number of units, parking spaces or any of the approved site improvements including landscaping, lighting, and utilities.

Procedural History

1. An application for an amendment to the Site Plan Review, North River Canal Corridor Special Permit and Flood Hazard Overlay District Special Permit under Sections 9.5, 8.4 and 8.1 of the City of Salem Zoning Ordinance was made by Joseph C. Correnti, Esq. and filed with the Planning Board on September 14, 2023.
2. The Planning Board of the City of Salem opened the public hearing on Thursday, October 12, 2023. The public hearing was continued to November 16, 2023 and December 7, 2023.
3. On Thursday, October 12, 2023, the Planning Board referred the project to the Design Review Board for a recommendation.
4. On Wednesday, November 15, 2023, the Design Review Board voted on a recommendation to the Planning Board.
5. The Planning Board closed the public hearing on December 7, 2023.
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.

Specific Findings:

North River Canal Corridor Special Permit

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. The Design Review Board found that the revised plan set featured a color and material palette that while presenting a similar aesthetic to the originally approved elevation plans, creates more visual interest with the vertical and horizontal installations of the composite clapboards. The additional windows and bringing back the originally approved grids on the windows resulted in a more traditional visual, which is compatible with the neighboring residential area. There are differing window types and varying patterns on the façade, the traditional aesthetic will be balanced with a more modern look, blending the two styles. The Planning Board finds that changes in the amendment 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.

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 at 80% AMI;
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.
 - b.

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 December 7, 2023, by a vote of nine (9) members (William Griset, Kirt Rieder, Zach Caunter, Carole Hamilton, Helen Sides, Sarah Tarbet, Thomas Furey, Jonathan Berk, and Josh Turiel) in favor, and zero (0) opposed to approve the proposed project subject to the following conditions:

1. Original Decision

- a. All conditions set forth in the original decision dated September 20, 2018, and amended on May 18, 2020, 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 “Bay View Station, LLC at 16-18-20R Franklin Street, Salem, MA” with the sheets listed below (the “Plans”):

Drawing Title	Sheet No.	Prepared By	Issued	Revised
Proposed Site Layout	NOI-3	Griffin Engineering	6/25/2021	10/18/23
Landscaping Plan	NOI-6	Griffin Engineering	6/25/2021	10/18/2023
Bayview Station Elevations Building A	BLD-A	LYF Architects	6/30/2023	11/28/2023
Bayview Station Rendering Building A	R1	LYF Architects	6/30/2023	11/28/2023
Bayview Station Elevations Building B	BLD-B	LYF Architects	6/30/2023	11/28/2023
Bayview Station Elevation Building C	BLD-C	LYF Architects	6/30/23	11/28/2023
Bayview Station Elevation Building D	BLD-D	LYF Architects	6/27/2023	11/28/2023
Summary of Elevation Changes			9/14/2023	
Project Renderings	R1	LYF Architects	10/12/2023	11/28/2023

3. 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.

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. Site Specific Conditions

- a. In the event that solar panels are located on the roofs of the resulting establishment, then the developer shall assure that there be no reflective glare from the panels onto abutting residential properties. This condition shall be monitored post-construction by the developer at the nearest abutting residential property lines.
- b. Where HVAC units, equipment or penetrations are installed on site, they 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. If not screened, units shall be dark in color.
- c. Replacement of existing tree removals within the front-facing 20 feet of Franklin Street shall either be replaced on site or compensated according to the direction and calculations of the Tree Warden.

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. 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 approved plan shall be the responsibility of the Applicant indefinitely, its successors or assigns, and any tree, shrub or plant 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. 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 must comply with conditions 1 through 3 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.

13. 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.

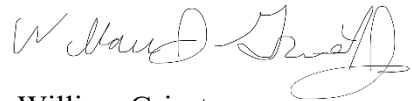
16. Violations

- 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.

Record of Vote

The following members of the Planning Board voted nine (9) in favor and zero (0) opposed to approve the Amended Site Plan Review, Flood Hazard Overlay District Special Permit and North River Canal Corridor Special Permit application subject to the above-stated terms and conditions: William Grisct, Kirt Rieder, Zach Caunter, Carole Hamilton, Helen Sides, Sarah Tarbet, Thomas Furey, Jonathan Berk, 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 Amended Site Plan Review, Flood Hazard Overlay District Special Permit and North River Canal Corridor 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.



William Grisct
Chair