



CITY OF SALEM PLANNING BOARD

Decision Site Plan Review Decision

**217-221 Essex Street
(Map 35, Lot 251)**

September 25, 2019

Essex Street Lofts, LLC
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63 Federal Street
Salem, MA 01970

The Planning Board of the City of Salem scheduled a public hearing for Thursday, July 25, 2019 for a Site Plan Review in accordance with the Salem Zoning Ordinance Section 9.5 for the project located at 217-221 Essex Street (Map 35, Lot 251) for the historic restoration and adaptive reuse of the conjoined buildings at 217 Essex Street (3-stories) and 221 Essex Street (5-stories). The buildings currently have retail on the street level and are vacant on the upper floors. The proposed mixed use would be to keep commercial/retail on the first-floor pedestrian mall and create 20 new dwelling units on the upper floors. Work will consist of exterior renovation and an interior remodel of the upper floors.

The Planning Board opened a public hearing for the Site Plan Review on Thursday, July 25, 2019. The public hearing was continued to September 5, 2019. The public hearing was closed at the regularly scheduled meeting of the Planning Board held on September 5, 2019 and the Board, based on the plans submitted and evidence presented at the public hearings, voted nine (9) in favor (Chair Ben Anderson, Bill Griset, Carole Hamilton, Noah Koretz, DJ Napolitano, Kirt Rieder, Helen Sides, Matt Smith, Matt Venio) none (0) opposed, to approve the application of ESSEX STREET LOFTS, LLC for a Site Plan Review, subject to the following conditions:

1. Conformance with the Plan

Work shall conform to the following plans:

- a. "217-221 Essex Street (Salem, MA)," Sheets A-000, SP-1.1, A-111, A-310, A-311, A-312, A-313, A-400, A-401, A-402, and A-403 prepared by Sousa Design Architects, dated June 28, 2019.

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. Transfer of Ownership

- a. In the event of the transfer of the site as a whole prior to the issuance of the Certificate of Occupancy, within thirty (30) days of such transfer, the Owner shall notify the Planning Department 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.

4. Site Specific Conditions

- a. Two (2) housing units shall be set aside as affordable housing units. The Applicant shall place an Affordable Housing Restriction on these two (2) 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 two (2) 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 issuance of the first certificate of occupancy.

5. Traffic

- a. The owner shall tender \$10,000 to the City of Salem Transportation Enhancement Fund (TEF) 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.

6. Landscaping

- a. The Applicant will coordinate with the City Planning Department and other City Departments to determine whether the applicant shall fund in-kind, at a design and quantity acceptable to the City, replacement of landscaping damaged or destroyed during construction, or will alternatively provide a donation to the city at a mutually agreeable amount.
- b. A determination of any City landscaping to be impacted by construction shall be made at the time of the pre-construction conference referenced in condition 14.a.

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.
- c. Building permit drawings shall be submitted to the City Planner for review of the lighting fixture placement and type.
- d. Lighting is subject to review by the SRA.
- e. After installation, lighting shall be reviewed by the City Planner, prior to the issuance of a Certificate of Occupancy.

8. Maintenance

- a. Refuse removal shall be the responsibility of the applicant. "Refuse removal" includes recycling, which shall be the responsibility of the owner, his successors or assigns. Refuse removal facilities shall be internal to the building. 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. The applicant, his successors or assignees shall use its best efforts to engage a waste hauler for compost that will regularly accept organic wastes from onsite residents for offsite composting. Organic wastes shall not be stored onsite in a manner that allows nuisance conditions to develop.

9. 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 meets MA 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 MA DEP, Form BWPAO6, must be sent to the Health Agent.
- f. The developer shall adhere to a drainage plan as approved by the City Engineer.
- g. 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.
- h. The developer shall maintain the area free from rodents throughout construction.
- i. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which may occur during demolition and construction.
- j. The Fire Department must approve the plan regarding access for firefighting.
- k. 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.
- l. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- m. Proposed food establishments must have their plans reviewed and approved by the Health Agent prior to their build out.
- n. The resultant establishment shall dispose of all waste materials resulting from its operation in an environmentally sound manner as described by 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.

10. Fire Department

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

11. Building Inspector

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

12. City Engineer and Utilities

- a. Prior to applying for a Building Permit the applicant shall demonstrate through the below sub conditions that the City's water, sewer and storm drain systems have the capacity and condition to accommodate the flow requirements of the proposed redevelopment. The applicant shall provide letters demonstrating adequate capacity and condition for each system. Any deficiency identified in any system, shall be corrected by the applicant, at the applicant's expense, to the satisfaction of the Engineering Department.
 - i. Water System

1. A Licensed Plumber shall provide a letter to the Engineering Department stating the condition of the existing water service pipes on the property are adequate to be reused for the proposed development.
 2. A Licensed Professional Civil Engineer shall provide a letter to the Engineering Department stating that the City water mains to serve the proposed development have adequate flow and pressure. Back-up data, including engineering calculations and the results of hydrant flow tests, shall be included in the letter. The site utility plan shall be revised to show location of existing water service connection to the City water main.
- ii. Sewer System
1. Site plan shows 2 existing sewer services on Essex Street, please confirm that both services are proposed to be reused. If not the case, service to be abandoned shall be cut and capped at the main.
 2. A Licensed Plumber or Contractor approved by the Engineering Department, shall provide a letter to the Engineering Department stating the condition of the existing sewer service pipe(s) on the property are adequate to be reused for the proposed redevelopment. A video inspection of the sewer service(s) is required to assess the current condition of the pipe(s) and determine if they are in good condition to be reused for the proposed redevelopment. A copy of the video and logs shall be submitted with the letter.
 3. A Licensed Professional Civil Engineer shall provide a letter to the Engineering Department stating that the City sewer system that serves the proposed redevelopment has adequate condition and capacity to accommodate proposed sewer flows. Back-up data, including engineering calculations and the results of all sewer inspections and existing sewer flow measurements, shall be included in the letter. A video inspection, based on PACP standards, of the sewer system, from the point of connection to the closest trunk sewer in Washington Street is required to assess the current condition of the sewer system to determine if it is in good condition to accommodate flows from the proposed development. A copy of the video and logs shall be submitted with the letter. Map showing limits of CCTV are attached.
- b. Prior to applying for a Building Permit, a building inspection and dye testing program shall be completed to confirm the sewer and drain services from the proposed development are connected to the correct City system. This inspection shall be scheduled with the City consultant directly and result of this inspection and testing shall be submitted to the Engineering Department. Any mis-directed systems shall be corrected at the expense of the applicant.
- c. Prior to issuance of a Building Permit the applicant shall provide proposed water and sewer peak demand flows
- d. Storm Drain System
- i. Prior to applying for a Building Permit, the applicant shall show the location of the proposed roof drains including discharge connections. A Licensed Plumber or Contractor approved by the Engineering Department shall provide a letter to the Engineering Department stating the condition of the existing drain service pipes on the property and if they are adequate to be reused for the proposed development. A video inspection of the drain service(s) will be necessary to understand the current condition of the pipe and to determine if they are still in

good condition to be reused for the proposed redevelopment. A copy of the video and logs shall be submitted with the letter and if the existing drain service is not used the applicant shall indicate the new proposed location. CCTV of city drain may be required and the city engineer shall determine the limits.

13. 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 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.
- 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.

14. Pre-Construction Conference

- a. Prior to the start of work, a pre-construction conference shall be scheduled with the City Planner, the City Engineer (or his 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.

15. 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, 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. 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.

16. As-Built 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. 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.
- 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.

17. 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.

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