



CITY OF SALEM PLANNING BOARD

Amended Decision

Site Plan Review, Planned Unit Development, Flood Hazard Overlay District Special Permit, and Stormwater Management Permit

266 Canal Street (Map 32, Lot 0038), 282 Canal Street (Map 32, Lot 0037), 286 Canal Street (Map 32, Lot 0036), 282 Rear Canal Street (Map 23, Lot 0144), and 2 Kimball Road (Map 32, Lot 0102)

February 16, 2024

Re: Application of Joseph Correnti f/b/o The Residences on Canal Street, LLP, for the property located at 266 Canal Street (Map 32, 0038), 282 Canal Street (Map 32, Lot 0037), 286 Canal Street (Map 32, Lot 0036), 282 Rear Canal Street (Map 23, Lot 0144), and 2 Kimball Road (Map 32, Lot 0102) in the RC, B2, and I Zoning Districts for Site Plan Review in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, 7.3 Planned Unit Development Special Permit, 8.2 Entrance Corridor Overlay District, and Section 8.1 Flood Hazard Overlay District Special Permit and Section 37 of the Salem Code of Ordinances, Stormwater Management Permit.

Specifically, the applicant proposes to amend an existing Planned Unit Development Special Permit, Flood Hazard Overlay District Special Permit, Stormwater Management Permit, Entrance Corridor Overlay District, and Site Plan Review decision dated July 27, 2023. The applicant proposed to relocate the outdoor swimming pool, the creation of a new courtyard and open space, modifications to the connection to the rail trail, relocation of entrances to podium parking areas, changes in site grading and stormwater management, and modifications to the building facades (including materials and balconies). No reduction of dwelling units is proposed. An increase of one (1) parking space is proposed from 306 to 307 spaces.

Procedural History

1. An application for an amendment to an approved Site Plan Review under Sections 9.5 of the City of Salem Zoning Ordinance was made by Joseph Correnti f/b/o The Residences on Canal Street, LLP and filed with the Planning Board on November 9, 2023.
2. The Planning Board opened the public hearing on Thursday, December 21, 2023, and was continued to January 18, 2024, February 1, 2024, and February 15, 2024.
3. During the public hearing process, the number of vehicle parking spaces decreased from 307 to 306. Of the proposed 306 parking spaces, 11 spaces do not appear to have adequate room to maneuver in and out of. Specifically, spaces 1 & 29 in Block B, spaces 1 & 27 in Block C, and the end spaces on both sides of the open lot at the end of Blocks D & E. As such, the planning board based their decision on a site plan with 295 parking spaces rather than the 306 parking spaces shown on the plan.

4. During the public hearing process, there was discussion concerning curbing along Kimball Road, particularly the frontage of University Fuel along Kimball Road. The Zoning Enforcement Officer determined that the design as proposed does not comply with the curb cut requirements of the Entrance Corridor Overlay District (ECOD). The applicant will need to obtain a variance from the Zoning Board of Appeals to build as designed. At the public hearing on February 15, 2024, the Planning Board discussed and agreed that in the event the Applicant does not obtain said variance, changes to the approved plans that bring the development into compliance with the ECOD requirements will not require review from the Planning Board and will instead require administrative review by the City Planner.
5. The Planning Board closed the public hearing on February 15, 2024.
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:

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, Sec. 9.5 Site Plan Review and Sec. 8.1 Flood Hazard Overlay District 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.

Planned Unit Development Findings

The Planning Board hereby makes the following findings pertaining to the City of Salem Zoning Ordinance, Sec. 7.3 Planned Unit Development:

7.3.8.1 As proposed, the mixture of residential, commercial, and open space is compatible with each other, thereby meeting the purpose and intent of good zoning practices and the master plan of the City of Salem. The compatibility relationship among the mixtures of uses with vehicle and bicycle parking onsite, render it appropriate to depart from the strict provisions of the underlying zoning.

7.3.8.2 The mixture of residential uses and the commercial space in the planned unit development is determined to be sufficiently advantageous to tender it appropriate to depart from the normal requirements of the district.

7.3.8.3 The existing site consists of approximately 9 acres of undeveloped wetland resource areas. The remaining 4.68 acres consist of industrial land comprising of

buildings, pavement and compacted gravel. The redeveloped area will result in a decrease of impervious surface and will include a stormwater management system. The mixture of uses and site improvements will promote walking and cycling. As such, the planned unit development would not result in a net negative environmental impact.

Flood Hazard Overlay District Special Permit Criteria

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 for the portion of the site within the FHOD pertaining to the Flood Hazard Overlay District Special Permit Application as follows:

8.1.4.1. The proposed use will comply in all respects to the uses and provisions of the underlying district in which the land is located.

8.1.4.2. 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.

8.1.4.3. 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.

Decision

In view of these findings, the Planning Board decided at a regularly scheduled meeting on February 15, 2024, by a vote of six (6) (Chair Bill Griset, Kirt Rieder, Helen Sides, Zach Caunter, Jonathan Berk, and Josh Turiel) in favor, one (1) (Sarah Tarbet) abstention due to ineligibility, and one (1) (Tom Furey) opposed to approve the proposed project subject to the following conditions:

1. Original Decision

- a. All conditions set forth in the original decision dated July 27, 2023, 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 “Site Development Plans for Canal Street Station,” with the sheets listed below (the “Plans”):

Drawing Title	Sheet No.	Prepared By	Issued	Revised
General Notes, Legend, and Abbreviations	G-1	Morin -Cameron	11.09.2023	2.6.2024
Site Context Plan	SC-1	Morin -Cameron	11.09.2023	2.6.2024
Existing Conditions Plan	EX-1, 2, 3	Morin -Cameron	11.09.2023	2.6.2024
Site Prep & Demolitions Plan	C-1, 2, 3	Morin -Cameron	11.09.2023	2.6.2024
Overall Site Layout Plan	C-4	Morin -Cameron	11.09.2023	2.6.2024
Site Layout Plan	C-5, 6, 7	Morin -Cameron	11.09.2023	2.6.2024
Grading and Drainage Plan	C-8, 9, 10	Morin -Cameron	11.09.2023	2.6.2024
Utility Plan	C-11, 12, 13	Morin -Cameron	11.09.2023	2.6.2024
Construction Details	C-14, 15, 16, 17, 18, 19	Morin -Cameron	11.09.2023	2.6.2024
Firetruck Swept Path Analysis	C-20	Morin -Cameron	11.09.2023	2.6.2024
Wetland Mitigation	W-1, 2, 3	LEC Enivronmental Consultants	11.09.2023	2.6.2024
Overall Site Plan		Halverson Tighe & Bond Studio	11.09.2023	2.6.2024
Materials Plan	L-1.0, 1.1	Halverson Tighe & Bond Studio	11.09.2023	2.6.2024
Planting Plan	L-2.0, 2.1	Halverson Tighe & Bond Studio	11.09.2023	2.6.2024
Landscape Details	L-2.2	Halverson Tighe & Bond Studio	11.09.2023	2.6.2024
Lighting Plan and Schedule	L-3.0	Illumisite	1.23.2024	1.23.2024
Elevations		ICON Architecture	11.09.2023	1.23.2024
Perspectives of Building		ICON Architecture	11.09.2023	1.23.2024
Floor Plans		ICON Architecture	11.09.2023	1.9.2024
Sections		ICON Architecture	1.9.2024	1.9.2024
Perspective Views of Site		ICON Architecture	11.09.2023	1.9.2024
Photometric Calculation Lighting Plan	I-1.0	Illumisite	11.09.2023	1.9.2024

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. Site Specific Conditions

- a. All of the trees planted in the Entrance Corridor Overlay District (ECOD) shall have a minimum caliper of 3.5" of the tree diameter breast height (DBH) to meet the ECOD minimum standards.
- b. All of the curbing in the ECOD shall be vertical granite at least 6" in height. This includes all curbing around landscaped areas.
- c. Applicant shall obtain an easement or other similar document relevant to construction and/or maintenance on abutting city property, if required as determined by the City Solicitor, for purposes of the improvements and ongoing maintenance prior to issuance of a Building Permit.
- d. Applicant shall submit a sign application to the Design Review Board for review and approval at a regularly scheduled public meeting prior to seeking a sign permit. Any subsequent changes, following initial approval, shall require review and approval by the Design Review Board.
- e. Prior to installation of any art visible from the City Right of Way, applicant shall submit proposals for said art to the Public Art Commission for review and comment at a regularly scheduled public meeting, prior to issuance of a Building Permit.
- f. The crosswalk at the southeast corner of the property, proximal to Kimball Road, shall be removed or relocated, in consultation with the City Planner. A revised Site Layout Plan shall be submitted by the applicant, showing the crosswalk in the agreed upon location, prior to issuance of a Building Permit.
- g. All pedestrian ramps shall be built head-on to crosswalks.
- h. Reciprocal ramps shall be built to State Code CMR 521 standards, across Canal Street and Kimball Road.

5. Salem Design Review Board

As described in its December 20, 2023, letter to the Planning Board, the Design Review Board (DRB) voted seven (7) in favor and zero (0) opposed to recommend design approval in accordance with the following conditions.

1. Pool Access and Screening:

- a. Access: The applicant shall consider allowing pool access from Building A only, with no access from outside. If exterior access to the pool area is desired, the applicant shall ensure that the pedestrian zone/crosswalk is made more prominent than the vehicular circulation in the parking lot. Additionally, the applicant shall consider how the pool area will remain safe and accessible only to residents and their guests.
- b. Screening: The applicant shall consider installing a solid fence around the pool area. This will not only provide privacy for the pool users, but also visually screen the amenity from Canal Street.

2. Amphitheater:

- a. Additional Amenities: This newly proposed outdoor area is an attractive amenity for the residents. While it will be a pleasant passive recreational area, the

applicant shall consider adding grills or other amenities to increase the use of the space.

- b. Accessibility: The applicant shall investigate accessibility requirements, current and those likely to be implemented based on industry trends, with the proposed stadium seating. Consideration of the seating so that a drop off that is 30” or more has a guardrail and a drop off that is less than 30” has a ‘landing zone’ that is at least 30” wide.
- c. Visual Aesthetic: The applicant shall create texture along the concrete wall bordering the amphitheater so that its vastness is minimized.
3. Window Size and Patterns: The modifications show a simpler window pattern along all facades. Members would like the applicant to reconsider this proposed pattern and add in irregularity via the use of single windows interspersed among the double windows.
4. Signage: Signs in an entrance corridor are not required to go through Design Review Board review. The DRB requests the Planning Board require the applicant to submit a sign package to the DRB for review at a regularly scheduled public meeting prior to seeking a sign permit.
5. Stair Tower Façade Treatment: The applicant shall carry the façade treatment on the stair towers down to grade to visually anchor the building.
6. Submission and Review of 50% Design Drawings: The Board would like the applicant to submit elevation, site, and landscaping plans at the 50% design stage to review the project as it progresses and understand how the design may or may not have changed. The plans and documents submitted should include the following:
 - a. A cover memo detailing proposed changes from the approved plan set.
 - b. A plan set(s) showing building elevations, site layout, and landscaping. The plan set should include side-by-side images of approved versus currently proposed items with ‘bubbles’ around those items that have been changed.
 - c. Plan(s) identifying exterior mechanical systems, vents, and meters and the screening of these items, as appropriate.
 - d. Specification sheets for selected façade materials and exterior lighting fixtures.
 - e. A materials board, to be submitted to the Planning Department, that includes a sample of each proposed façade material.

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. The developer shall coordinate construction activities with the City Engineer.

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 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.

9. 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 firefighting.
- 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.

- p. Any restaurant that may be included in the this development must submit plans for approval to the Health Agent prior to build out of the restaurant.
- q. Plans for any public or semi-public swimming pools to be included in this development must be submitted to the Health Agent for approval prior to construction of the pool(s).

10. 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.

11. 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 withing 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.

12. Lapse

- a. The site plan review 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, be extended in writing by the Planning Board upon the written request of the applicant.

13. 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.

14. 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.

15. 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 six (6) in favor, one (1) abstention, and one (1) opposed to approve the amended Site Plan Review application subject to the above-stated terms and conditions: Chair Bill Griset, Kirt Rieder, Helen Sides, Zach Caunter, 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 amendment to Site Plan Review, Planned Unit Development, 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.



William Griset
Chair