



CITY OF SALEM PLANNING BOARD

Amended Decision

Planned Unit Development, Site Plan Review, and Stormwater Management Permit Decision

**45 Traders Way and 40 First Street
(Map 8, Lot 159 and Map 13, Lot 11)**

January 23, 2019

Findings and Decision

Re: Application of Trader's Way Residential Holdings LLC for the properties located at 45 Traders Way and 40 First Street (Map 08, Lot 0159; Map 13, Lot 0011) for an amendment to a Planned Unit Development Special Permit and Site Plan Review in accordance with Salem Zoning Ordinance section 7.3 Planned Unit Development and section 9.5 Site Plan Review.

Procedural History

1. On October 31, 2019, Trader's Way Residential Holding LLC filed an application to amend the previously approved decision of the Planning Board for a Planned Unit Development, Site Plan Review, and Stormwater Management Permit dated September 17, 2018.
2. The amendment application proposes revisions to walkways, storm drainage systems, and other site grading and retention alterations due to site conditions and building entryway alignments. The applicant also proposes revisions and clarification to the building architecture, footprints, and landscaping. The applicant does not propose further disturbance of wetland areas nor building footprint shifts more than a few feet.
3. The Planning Board of the City of Salem scheduled the public hearing for November 21, 2019. No testimony was heard, and the meeting was continued to December 5, 2019.
4. On December 5, 2019, the Planning Board opened the public hearing for an amendment to the Planned Unit Development, Site Plan Review, and Stormwater Management Permit. The hearing was continued to December 19, 2019.
5. The Planning Board convened on December 19, 2019 but lacked a quorum at this scheduled hearing. The Chairperson announced that the public hearing would be continued to Thursday, January 9, 2020 at 7:00 pm in the first floor public meeting room at 98 Washington Street.
6. The public hearing was closed on January 9, 2020.
7. 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 amendment to the Planned Unit Development, the Planning Board finds that the development meets the criteria of the Planned Unit Development as stated in the Salem Zoning Ordinance, as follows:

Specific Findings

A. 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 The proposed planned unit development is in harmony with the purposes and intent of this Ordinance and the master plan of the City of Salem and that it will promote the purpose of this section.

The proposed planned unit development is in harmony with the purpose and intent this ordinance and the master plan of the City of Salem as this project will add vitality to the city by developing the site with a mix of residential units, a portion of which will be deed restricted as affordable housing, and commercial spaces generating new tax revenue for the city. The project includes a walking path through the site that will offer a pedestrian connection for the existing neighborhood to the adjacent shopping center, and the applicant will 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. The project also contains a dog park and a trail system around the wetland for the residents of Salem and various locations suitable for public art. The changes proposed by the amendment to the Planned Unit Development maintains the same mixture of housing, open space, and commercial space as in the original decision.

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

The planned unit development is designed to provide various types of land use which can be combined in compatible relationship with each other as part of a totally planned development. As proposed, the compatible relationship among the mixture of residential, commercial and open space combined with the inclusion of affordable housing, a walkway that connects the neighborhood to the shopping center, funding to support the city's transportation network, inclusions of a trail around the perimeter of the wetland for residents of Salem and maintenance of the wetland is determined to be sufficiently advantageous to render it appropriate to depart from the strict provisions of the underlying zoning classifications. The changes proposed by the amendment to the Planned Unit Development maintains the same mixture of uses as in the original decision.

7.3.8.3 The planned unit development would not result in a net negative environmental impact.

The amendment to the Planned Unit Development meets the intent of the Massachusetts Stormwater Policy and will not adversely impact post-development runoff rates, water quality of post-development runoff, volume of groundwater recharge, or wetland resource area impacts versus the previously approved plans for the project. As previously approved, the project will maintain the wetland in its natural state and enhance the wetland by including native plantings around the edges. The surrounding area will be seeded with a native wildflower seed mix; furthermore, the wetlands will be protected by the active management of apartment community and will remain untouched and clean from trash and debris. As such, the project is not anticipated to have a significant effect on the aquatic biota of the waterways or aquatic habitats and will not result in a net negative environmental impact.

Decision

In view of these findings, the Planning Board decided that the project meets all of the requisite criteria. It is therefore decided to grant an amendment to the Planned Unit Development (Section 7.3), Site Plan Review (Section 9.5) and Stormwater Management Permit in accordance with Salem Code of Ordinances Chapter 37 for the site located at 45 Traders Way and 40 First Street in accordance with the terms and conditions stated below.

1. Original Decision

- a. All Conditions set forth in the original decision dated September 17, 2018 shall remain and be adhered to by the applicant, unless explicitly eliminated or amended in this decision.

2. Conformance with the Plans

- a. Work shall conform to the following project plans for 40 First Street and 45 Traders Way, Salem, MA
 - i. Sheets C-001, C-102, and C-103A prepared by Allen & Major Associates, Inc., dated October 31, 2019.
 - ii. Sheets AA.6, AA.7, AB.7, AE.6, AE.7, prepared by R.A. Schaefer & D.M. White, Architects, dated December 16, 2019.
 - iii. Sheets R1 and M1, prepared by R.A. Schaefer & D.M. White, Architects, dated November 25, 2019.
 - iv. Sheets L1.0, L1.1, L1.2, L1.3, L2.1, L2.2, L2.3, L3.1, L3.2, L3.3, L3.4, L3.5, L3.6, L3.7, D2.0, and D2.1, prepared by Hawk Design, Inc., dated October 31, 2019.

3. Amendments

- a. Any further 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.

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. Design

- a. Prior to issuance of a Building Permit the applicant shall submit the below modifications to the Planning Department:
 - i. Modify the color of the proposed white windows to reduce their stark appearance.
 - ii. Eliminate the red accent color.
 - iii. Railing connection points will match the color of the railings.
 - iv. Modify the middle two roof lines on the front building elevations to be a consistent style.
 - v. Consider modification to the entryway columns to reduce the scale with a smaller base and a square taper.
 - vi. Consider modification to the sidewalk connections at First Street to allow a direct connection from the site walkway to the public sidewalk.
 - vii. Consider modification to horizontal banding so that it does not cross through the large gable ends.

6. Landscaping

- a. The applicant shall make every attempt to keep the originally approved 465 caliper inches of shade trees on site. If site conditions necessitate the removal of caliper inches, up to the loss of 75 caliper inches as proposed in the newly approved plan set, the applicant shall conform with the following condition:
 - i. Prior to issuance of a Certificate of Occupancy, the applicant shall make a donation in kind to the City of Salem tree fund for the value of the net negative loss of caliper inches compared to the originally approved 465 caliper inches of shade trees. Each caliper inch of shade tree lost shall be valued at \$150/inch.

7. Board of Health

- a. Any proposed swimming pool shall be approved by the Salem Health Department per Massachusetts State Sanitary Code Chapter 5 105 CMR 435.00.

8. City Engineer

- a. Prior to issuance of a foundation permit, the applicant shall submit details for the proposed retaining walls adjacent to the wetland area to confirm that wall footings will not require excavation into the resource area.

9. 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 the Planned Unit Development Permit and a Site Plan Review subject to the above-stated terms and conditions: Chair Ben Anderson, Kirt Rieder, Matt Veno, Helen Sides, Noah Koretz, DJ Napolitano, Bill Grisct, Matt Smith, and Carole Hamilton.

None (0) are in opposition to the granting of the Planned Unit Development Permit and a Site Plan Review.

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