



# CITY OF SALEM PLANNING BOARD

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## **Flood Hazard Overlay District Special Permit Decision**

October 5, 2020

### **Findings and Decision**

*Re: Application of Eric Cormier for the property located at 79 Columbus Avenue (Map 44, Lot 57) for a Flood Hazard Overlay District (FHOD) Special Permit in accordance with Salem Zoning Ordinance, Section 8.1.*

### **Procedural History**

1. A Flood Hazard Overlay District Special Permit application to reconstruct a home and garage at 79 Columbus Avenue (Map 44, Lot 57) located in the AE Flood Zone pursuant to Section 8.1 of the Salem Zoning Ordinance was made by the above referenced applicant and filed with the Planning Board on March 5, 2020. Other improvements include a new driveway. No change to the existing foundation and footprint is proposed.
2. The Planning Board of the City of Salem scheduled a Public Hearing for the Flood Hazard Overlay District Special Permit on April 2, 2020. No testimony was heard, and the Public Hearing was continued to the April 16, 2020 Planning Board meeting. The project was continued to May 21, 2020 (no testimony), June 18, 2020, July 9, 2020 (no testimony), and September 3, 2020.
3. The public hearing was closed on September 3, 2020 with the following Planning Board members present: Chair Ben Anderson, Vice Chair Kirt Reider, Bill Griset, Carole Hamilton, DJ Napolitano, Helen Sides, Matt Smith, and Noah Koretz.
4. 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.

### **Findings**

#### **a. General**

1. The applicant proposes demolition (after-the-fact) and reconstruction of a single-family dwelling in the existing footprint with associated improvements, including a garage, new driveway and curb cut, and an additional floor of living space at 79 Columbus Avenue (Map 44, Lot 57).
2. Finished living areas begin on the proposed second floor above the 100-year flood elevation (elevation 11). The first floor will consist of non-livable space with all mechanical equipment on the second floor.

## **b. FHOD 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:

- 1. The proposed uses comply in all respects to the uses and provisions of the underlying districts in which the land is located.**
  - i. The existing dwelling is a non-conforming residential use located in the R-1 Zoning District. The applicant submitted a petition requesting a Special Permit per Section 3.3.5 of the Salem Zoning Ordinance to the Salem Zoning Board of Appeals to reconstruct and expand an existing nonconforming single-family structure. The Zoning Board of Appeals issued a decision with conditions approving the Special Permit on October 30, 2019.
- 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.**
  - i. In the event of a 100-year flooding event, the finished portion of the building will remain accessible to occupants. The habitable space starts on the second floor at an elevation of 17.6 feet. The first floor elevation of the building will consist of a non-habitable garage and basement. The site design matches much of the existing topography.
- 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.**
  - i. All utilities, including but not limited to the electrical panel, gas service and hot water heaters will be installed above the 100-year flood elevation (elevation 11).
  - ii. New utilities will be installed underground to the building foundation, at which point they will be extended up to the second floor where all mechanical equipment will be located.
  - iii. The water supply and sanitary sewer construction within the dwelling are sealed within 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.**
  - i. There are no proposed uses within the VE zone as mapped by FEMA on the site.

## **Decision**

In view of the foregoing, the Planning Board hereby finds that the aforesaid project meets all the requisite criteria. Therefore, the Planning Board grants a FHOD Special Permit for the development of in accordance with the terms and conditions stated below.

### **1. Conformance with the Plan**

- a. Work shall conform with the following sets of plans: Site Plan prepared by The Morin-Cameron Group, Inc entitled, "Site Plan of Land in Salem, Massachusetts, 79 Columbus Avenue (Assessor's Map 44, Lot 57), Prepared for: Eric Cormier," originally dated June 3, 2020 and revised July 15, 2020; and Architectural Plan sheets A-1, A-2, A-3, A-4, and A-5 prepared by Albert Costa Architects and entitled, "Eric Cormier, 79 Columbus Avenue, Salem, Mass, Existing Single Family New Renovation," originally dated March 6, 2019 and amended July 15, 2020 by letter stamped by Albert Costa Architects. Included in these approved revisions is a correction noting that the reconstructed deck will use the same footprint and dimension as the existing conditions.

### **2. Updated Drawings**

- a. Prior to issuance of Building Permits, the applicant shall submit revised plans to the Planning Department. Further, no Building Permit may be issued prior to Planning Department confirmation that revised plans comply with the conditions of this decision dated September 22, 2020.
- b. Revised plans shall correct an error showing the overlap of an existing concrete walkway and the proposed asphalt driveway. The applicant agreed that corrected plans shall show the driveway running straight and parallel along the existing concrete walkway.

### **3. Amendments**

- a. Any amendments to the approved plans referenced in condition 1.a. shall be reviewed by the City Planner and, if deemed necessary by the City Planner, shall be brought to the Planning Board for review and approval. Any waiver of conditions contained within shall require the approval of the Planning Board.

### **4. Board of Health**

- a. All Board of Health requirements shall be strictly adhered to.

### **5. Fire Department**

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

### **6. Building Inspector**

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

### **7. City Engineer**

- a. All work shall comply with the requirements of the City Engineer.
- b. The Applicant, having provided certification from an engineer that the foundation meets building code requirements, shall additionally provide the following before issuance of a Building Permit:

- i. Detailed plans to be submitted and approved by the City Engineer of a finalized basement design, noting flood management measures and water entry points, certified by a registered structural engineer that the basement and structure will withstand flooding.
- c. Due to duration of non-use, City cannot confirm that the water service lateral from the main to the shut-off is adequate for reuse. If water service is not adequate after making the connection, as determined by the City Engineer, the owner shall cut and cap the existing water connection at the main in the street and install a new connection from the main, inclusive of all appurtenances.
- d. Prior to issuance of a Building Permit, the applicant shall provide the City Engineer with detailed information on the water meter location.
- e. Prior to issuance of a Building Permit, the applicant shall identify if an irrigation system will be installed and notify the City Engineer.
- f. The applicant shall submit sanitary sewer specifications to the City Engineer for review and approval, and if necessary, the existing sanitary sewer service shall be cut and capped at the main and a new 4" PVC service shall be installed.
- g. Prior to issuance of a Building Permit, the applicant shall provide an apron detail to the City Engineer to meet MassDOT standards for review and approval.
- h. The applicant shall keep the public way clear of sediment and debris.
- i. The applicant shall provide catch basin inserts for catch basins in front of the site.
- j. The applicant shall provide information to the City Engineer on how dewatering of utility trenches will be handled during construction for review and approval by the City Engineer.

## **8. As-built Plans**

- a. As-built Plans, stamped by a Registered Professional Engineer, shall be 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 and the City Planner 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.

## **9. 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 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 or blasting on Saturdays, Sundays, or holidays. Blasting shall be undertaken in accordance with all local and state regulations.
- iv. Rock crushing and material mixing shall not be allowed at the site in order to reduce potential dust.
- v. 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.
- vi. 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.
- vii. All construction vehicles left overnight at the site must be located completely on the site.
- viii. 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 City Planner prior to construction.
- ix. Any roadways, driveways, sidewalks, or landscaping damaged during construction shall be restored to their original condition by the applicant.

#### **10. 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 a Flood Hazard Overlay District Special Permit subject to the above-stated terms and conditions: Chair Ben Anderson, Vice Chair Kirt Reider, Bill Griset, Carole Hamilton, DJ Napolitano, Helen Sides, Matt Smith, and Noah Koretz.

None (0) of the members of the Planning Board are in opposition to the grant a Flood Hazard Overlay District Special Permit.

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 and/or 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