



CITY OF SALEM PLANNING BOARD

Decision **Site Plan Review Decision**

84 Congress Street
(Map 34, Lot 218)

March 26, 2019

Findings and Decision

RE: Application of GREGORY INVESTMENT GROUP LLC for the property located at 84 CONGRESS STREET (Map 34, Lot 218) for a Site Plan Review in accordance with the Salem Zoning Ordinance section 9.5 Site Plan Review.

On Thursday, November 1, 2018, the Planning Board of the City of Salem opened a Public Hearing for a Site Plan Review in accordance with the Salem Zoning Ordinance Section 9.5 for the site located at 84 Congress Street (Map 34, Lot 218) for the demolition of the existing automotive service station and construction of a four-story wood-frame structure containing twelve (12) residential units, a fitness space, first-floor commercial space, and fifteen (15) covered parking spaces.

The Public Hearing was continued to December 6, 2018; January 3, 2019; January 17, 2019 (without testimony); February 7, 2019; February 21, 2019 (without testimony); March 7, 2019 (without testimony); and March 12, 2019. The public hearing was closed at the special session of the Planning Board held on March 12, 2019. Based upon the plans submitted and evidence presented at the public hearings, the Planning Board voted by a vote of seven (7) in favor (Chair Ben Anderson, Vice Chair Matthew Veno, Bill Grisct, Carole Hamilton, Kirt Rieder, Helen Sides, and Matt Smith) and none (0) opposed, to approve the application of GREGORY INVESTMENT GROUP, LLC for a Site Plan Review, subject to the following conditions:

1. Conformance with the Plan

Work shall conform to the following plans:

- a. "CONGRESS STREET, 84 Congress Street, Salem, MA, 01970" Sheets A-1 through A-9, prepared by Seger Architects, Inc., dated February 7, 2019; and
- b. "PROPOSED 4-STORY APARTMENT BUILDING, #84 Congress Street, Salem, MA 01970" Sheets C1.1, C2.1, C3.1, C4.1, C5.1, and C6.1, prepared by Williams & Sparages, dated January 31, 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, 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.

4. Site Specific Conditions

- a. Two (2) housing units shall be set aside as affordable housing units prior to the issuance of a certificate of occupancy of the market rate 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.

5. Landscaping

- a. An as built landscaping plan accompanied with a letter from a Registered Professional Engineer or landscape architect 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 site shall be the responsibility of the Applicant, its successors or assigns, and any tree or shrub that does not survive shall be replaced.

6. Signage

- a. The proposed signage shall be reviewed and approved by the City Planner and the Building Inspector prior to obtaining a Sign Permit.

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. After installation, lighting shall be reviewed by the City Planner, prior to the issuance of a Certificate of Occupancy.

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, his 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. 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.
- c. Winter snow in excess of snow storage areas on the site shall be removed off- site.

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 confirms that the site meets the 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 the DEP, Form BWPAO6, must be sent to the Health Agent.
- f. The developer shall give the Health Agent a copy of the 21E report.
- 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 survey report, treatment plan and treatment reports 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 will occur during construction.
- j. 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.
- 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 nearest abutting residential property line.
- l. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- m. 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.
- n. The drainage system for this project must be reviewed and approved by the Northeast Mosquito Control and Wetlands Management District.
- 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. Utilities

- a. Underground utility installation shall be reviewed and approved by the City Engineer prior to the issuance of a Certificate of Occupancy.
- b. Prior to the issuance of a Building Permit, the Applicant shall confirm location of existing site drainage discharge and provide the results to the City Engineer.
- c. Prior to the issuance of a Building Permit, the Applicant shall submit drawings to the City Engineer that show existing sewer connection and how the connection will be capped.
- d. Prior to the issuance of a Demolition Permit, the Applicant shall provide the size of the water main on Dow Street and confirm the existing main has the capacity to provide required fire service. The water gate for the domestic line shall be in the sidewalk.
- e. Prior to issuance of a Demolition Permit, the Applicant shall clean and televise (CCTV) the existing sewer main on Dow Street, starting at the manhole upstream from the point of connection to the 36" trunk sewer in Congress Street, to demonstrate that the system is in good condition and has the capacity to take additional flow from the proposed development.
- f. Prior to issuance of a Demolition Permit, the Applicant shall clean and televise (CCTV) City drains where roof drain will discharge to confirm that the receiving system has capacity and is in good condition to accept stormwater flows. City to determine limits of CCTV to inspect.
- g. For the proposed water connections on Dow Street, the Applicant shall replace approximately 50 feet of main centered around proposed connections (the replacement span should include section of main at existing connection). The Applicant shall provide gates on either side of the proposed connections.
- h. Applicant shall submit the proposed water meter location to the City Engineer (or his designee) prior to issuance of a building permit.
- i. Applicant shall provide the layout and detail for the garage floor drains to the City Engineer (or his designee) prior to issuance of a building permit. Applicant shall confirm garage floor drains are the only source of flow to trap/sewer.

13. City Engineer

- a. All work shall comply with the requirements of the City Engineer.
- b. Applicant shall submit tree types and planting details for tree installation proposed in City property for approval by the City's tree warden prior to issuance of a building permit.
- c. Applicant shall submit data collected for soils on site including soil types to the City Engineer prior to issuance of a Demolition Permit.
- d. Prior to the issuance of a Demolition Permit, the Applicant shall provide calculations demonstrating that the post-development peak discharge rates do not exceed pre-development peak discharge rates.
- e. Prior to issuance of a Demolition Permit, the Applicant shall provide backup data to support claim that the site contamination prevents recharge.

- f. Prior to issuance of a Demolition Permit, the Applicant shall provide information to the City Engineer to clarify ownership of the land where the existing planting beds are located.
- g. Prior to issuance of a Demolition Permit, the Applicant shall provide an Illicit Discharge Compliance Statement.
- h. Prior to issuance of a Demolition Permit or commencement of any activity on this site, the Applicant shall submit to the City Engineer a construction period erosion, sedimentation, and pollution prevention plan consistent with Standard 8 of the Massachusetts Stormwater Standards.
- i. Prior to issuance of a Demolition Permit, the Applicant shall provide documentation of the measures evaluated to reduce site runoff.
- j. Prior to issuance of a Demolition Permit, the Applicant shall provide details on the materials to be used for the roof and how and where the roofs will drain.
- k. Prior to issuance of a Demolition Permit, the Applicant shall perform dye testing, or a comparable test deemed acceptable to the City Engineer, on the existing roof drainage system and provide the results to the City Engineer.
- l. Prior to issuance of a Demolition Permit, the Applicant shall provide documentation of best management practices in the Retrofit Section that were considered and information on why they were rejected.
- m. Prior to the commencement of any activity on this site, sedimentation and erosion control barriers shall be installed including sedimentation and erosion controls downgradient side of the site. The City Engineer (or his designee) shall inspect and approve such installation at the pre-construction meeting.
- n. Prior to issuance of a Demolition Permit or commencement of any activity on this site, the Applicant shall clean adjacent catch basins and install silt sacks. Applicant shall clean the basins and pipes connecting to the City stormwater system at the completion of construction, but prior to issuance of a Certificate of Occupancy.
- o. No clearing of vegetation, including trees, or disturbance of soil shall occur prior to the pre-construction meeting. Minimal disturbance of shrubs and herbaceous plants shall be allowed prior to the pre-construction meeting if absolutely necessary in order to place erosion control stakes where required.
- p. There shall be adequate additional erosion and sediment controls stored onsite for emergency purposes.
- q. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
- r. No alteration or activity shall occur beyond the limit of work as defined by the siltation barriers shown on the approved plan(s).
- s. Cement trucks shall not be washed out into any drainage system. Stockpiles shall be protected from erosion. Debris shall be removed from the site as soon as possible.
- t. Immediately following drainage structure installation all inlets shall be protected by silt fence, strawbale barriers and/or silt bags to filter silt from stormwater before it enters the drainage system.
- u. During construction, all drainage structures shall be inspected regularly and cleaned as necessary.

14. 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 Clerk of the Works shall provide the applicant, the City Planner, and the City Engineer reports of inspections including the dates and times on site with all invoices.
- e. 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. If changes to the schedule are necessary, the applicant shall notify the City Planner, the City Engineer, and the Clerk of the Works as soon as possible. If the Clerk of the Works must inspect the site due to lack of sufficient scheduling information and/or non-compliance with permits, approvals, regulations, and/or laws, the costs associated with this work will be in addition to the scope of work and cost established at initiation.
- f. 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.

15. 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, 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.

16. 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.

17. 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.

18. 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