



# CITY OF SALEM PLANNING BOARD

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FILE #  
CITY CLERK, SALEM, MASS.

Form C – Definitive Subdivision Decision  
14 and 16 Almeda Street (Map 14 Lots 116 and 117)  
August 2, 2016

Town and Country Homes, Inc.  
C/o George Belleau  
532 Lowell Street  
Peabody, MA 01960

RE: Decision of the Almeda Street Road Extension Subdivision – Form C

On September 17, 2015, the Salem Planning Board opened a Public Hearing for a proposal submitted by Town and Country Homes, Inc. (hereafter referred to as “applicant”) to allow the construction of a roadway and associated utilities to service two existing undeveloped lots on Almeda Street (Assessor’s Map 14, Lots 116 and 117).

At the regularly scheduled Planning Board meeting on July 21, 2016, the Planning Board closed the Public Hearing and by a vote of Seven (7) in favor, (Matt Veno, Helen Sides, Kirt Rieder, Carole Hamilton, Dale Yale, Bill Griset and Noah Koretz) none (0) opposed to approve the subdivision plan subject to the following conditions:

## 1. Conformance with the Plan

- a. Work shall conform to the set of plans containing sheets C1 through C3, P-1, and D1 through D2, entitled, “Definitive Plan, Almeda St. extension, Map 14 Lot 116 and 117 Salem, Massachusetts”, prepared Griffin Engineering, 495 Cabot Street, 2<sup>nd</sup> Floor, Beverly MA, dated August 27, 2015; revised June 2, 2016, and June 7, 2016.

## 2. Endorsement of the Plans

- a. Following the statutory twenty (20) day appeal period, the Planning Board will endorse the original subdivision plans, subject to conditions of this decision, which shall be recorded at the South Essex Registry of Deeds.
- b. Prior to endorsement of the plans, the following items must be submitted for approval by the Planning Board:

- i. A covenant to secure the construction of ways and installation of municipal services, including required description of mortgages and assents of mortgagees.
- ii. Acceptable form of grants of easements, if applicable.
- iii. This decision shall be referenced on the original plans prior to the endorsement by the Planning Board; the decision shall be recorded with the plans at the Essex South Registry of Deeds.

### **3. Amendments**

- a. Any modification to the approved plans must receive the prior approval of the Planning Board unless deemed insignificant by the City Planner. Any waiver of conditions contained within this decision shall require approval of the Planning Board.

### **4. Subdivision Regulations**

- a. The Subdivision shall be constructed in accordance with the requirements of the Subdivision Rules and Regulations and any other applicable regulations as affected by this decision.

### **5. Waivers**

- a. In approving the Plans, the Board is hereby granting the following waivers of the Subdivision Rules and Regulations:
  - i. A waiver from Section IV A.4.1 to allow a dead end street longer than 500-feet. The current length of Alameda Street is approximately 650-feet and the proposed plan will add 80-feet of roadway for a total of 730 feet including a 35' x 20' hammerhead turn around area.
  - ii. A waiver from Section IV. A.1.e to allow the centerline radius of the proposed roadway extension to be 130 feet, which is less than the 230 feet required. The proposed radius is required due to the layout of the existing right-of-way.
  - iii. A waiver from Section IV.A.2.a to allow a waiver from the requirement to install sidewalks and granite curbing as the roadway extension will primarily be used by the occupants of the two (2) proposed residences and there are not currently existing sidewalks.
- b. In the judgment of the Planning Board, the granting of the above waivers is in the public interest and consistent with the intent of the subdivision control law.

### **6. Transfer of Ownership**

- a. Within five days of transfer of ownership of the subdivision, the Owner shall notify the Board in writing of the new owner's name and address. This shall not include the sale of lots within the subdivision in the ordinary course of business, but only a sale

of the entire subdivision. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the Owner and its successors and/or assigns.

#### **7. Security (Section III(B)(5) of the Subdivision Regulations)**

a. Prior to the release of any lots for sale or building, the Planning Board shall require that an acceptable form of surety is posted along with a proposed schedule of releases. If partial release of surety is to be requested, the Planning Board may, at its discretion, require deposits to be broken down in amounts of anticipated requests for release. The applicant agrees to complete the required improvements in accordance with Section V of the Subdivision Regulations for the subdivision. Such construction and installation is to be secured by one and/or in part by the other of the following methods which may from time to time be varied by the applicant with the reasonable approval of the Planning Board.

#### **b. Endorsement of Approval with Covenant**

The Owner shall file a covenant, prior to endorsement by the Planning Board, executed and to be duly recorded with the Subdivision Plans by the owner of record, which instrument shall run with the land, and shall state that such ways and services shown on the approved plans dated August 17, 2015, and revised June 2, 2016 and June 7, 2016; shall be provided to serve any and all lots before any lot may be built upon or conveyed, other than by mortgage and deed; and/or

#### **i. Endorsement of Approval with Bonds, Surety or Tri-Party Agreement**

The Owner shall either file a performance bond, a deposit of money or negotiable securities, or a tri-party agreement in an amount determined by the Board to be sufficient to cover the cost of all or any one phase of the subdivision of the improvements. Surety, if filed or deposited, shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer and shall be contingent on the construction of the roadway through binder course. The amount of the surety shall be reasonably determined by the Engineering Department.

The Owner may file a covenant to secure the construction of ways and services for the entire sub-division and said covenant may be partially released for phases of the sub-division by bond, surety or tri-party agreement being filed for any phase or phases of the subdivision.

#### **ii. Time Frame**

If such ways and services are not completed within two (2) years of the date of endorsement of the plan, approval of the plan may be rescinded unless an extension is granted by the Planning Board. The Planning Board acknowledges that the timeframe and completion of the entire subdivision is anticipated to be two years, and will not unreasonably withhold extensions.

## **8. Site Specific Conditions**

- a. Prior to the issuance of an occupancy permit for either lot, the applicant shall provide payment to the City of Salem, in the amount of \$20,000, for water system improvements. The payment shall be submitted to the office of the City Engineer.
- b. The property owners of 14 and 16 Almeda Street shall be responsible for the maintenance of the portion of the new retaining wall in front of their respective properties, until such time the roadway is accepted by the City. Responsibility of the retaining wall shall be recorded at the Registry of Deeds.
- c. The applicant shall submit a retaining wall plan, stamped by a structural engineer, for review and approval by the City Building Inspector prior to building permit issuance.
- d. Prior to endorsement of the plans, the applicant shall submit a plan to the Planning Board for review and approval that shows the potential ability of the City to construct in the future, a five (5) foot sidewalk, a six (6) inch granite curb, and three (3) foot grass strip along the frontage of 14 and 16 Almeda Street.
- e. The driveway at 16 Almeda Street (Map 14, Lot 114) shall be constructed to roadway standards in order to accommodate a fire truck.
- f. The property owner shall record a temporary easement to allow the Fire Department to turn around on 16 Almeda Street (Map 14, Lot 114) that shall remain in place until Almeda Street is extended, should that occur. The applicant shall prepare the easement plan to be recorded at the Registry of Deeds, of which, copies of the recorded plan will be provide to the City of Salem Engineering and Planning Departments before any work can commence.

## **9. Salem Conservation Commission**

- a. The applicant shall receive all necessary approvals from the Salem Conservation Commission prior to commencement of any work.

## **10. Board of Health**

- g. The applicant shall comply with all requirements of the City of Salem Board of Health.
- h. The applicant shall provide the City Health Agent the name, address and telephone number of the project manager who will be on site and directly responsible for the construction of the project.
- i. 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 certifies that the soil and ground water on the entire site meets the DEP standards for the proposed use.
- j. The developer shall adhere to the drainage plan as approved by the City Engineer.

- k. The developer shall employ a licensed pesticide applicator to exterminate the area prior to construction, demolition, and/or basting and shall send a copy of the exterminators invoice to the Health Agent.
- l. The developer shall maintain the area free from rodents throughout construction.
- m. The developer shall submit the City Health Agent a written plan for dust control and street sweeping which will occur during construction.
- n. The developer shall submit the City Health Agent a written plan for the containment and removal of debris, vegetative waste, and unacceptable excavation material generated during demolition and/or construction.
- o. The Fire Department must approve the plan regarding access for firefighting.
- p. Noise levels from the resultant establishments 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 at the property line.
- q. The developer shall disclose in writing to the City Health Agent the origin of any fill material needed for the project.
- r. The resultant establishment(s) shall dispose of all waste materials resulting from its operations in an environmentally sound manner as described to the Board of Health.
- s. The developer shall install grease traps, to contain grease in gray water, prior to entering the city sewer system in developments with 10 or more units and in compliance with the requirements of the City Engineer.
- t. Radon mitigation systems shall be installed.
- u. The final construction shall comply with all requirements of the Massachusetts State Sanitary code and a potable water supply that meets potable water standards of the Massachusetts Department of Environmental Protection.
- v. The developer shall notify the City Health Agents when the project is complete for final inspection and confirmation that the above conditions have been met.

#### **11. Fire Department**

- a. The applicant shall comply with all requirements of the City of Salem Fire Department, including temporary access during construction.

#### **12. Building Inspector**

- a. The applicant shall comply with all requirements of the City of Salem Building Inspector.

#### **13. Office of the City Engineer**

- a. The applicant shall comply with all requirements of the Office of the City Engineer.

#### **14. Utilities**

- a. The applicant shall have an engineer certify the utility plans for review by the City Engineer prior to the issuance of any Building permit. The utility plans shall be reviewed and approved by the Office of the City Engineer prior to the issuance of any Building Permit.
- b. All utilities shall be installed underground, except electricity, cable tv and phone.
- c. Any utility installation for housing lots shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit.

#### **15. Street Lighting**

- a. No street lights are required. The Owner shall coordinate with the electric company and the City Electrician regarding the installation of street lighting within the Subdivision prior to the issuance of a building permit
- b. Street lights if installed shall be outfitted with LED bulbs. The street lighting shall be the responsibility of the Applicant until such time as the City accepts the street.

#### **16. Pre-Construction Conference**

- a. Prior to the start of work on the approved subdivision, 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.

#### **17. Construction Practices**

- a. All construction shall be carried out in accordance with the following conditions:
  - i. All construction shall be carried out 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.
  - ii. No work shall commence before 8:00 AM on weekdays and Saturdays. No work shall continue beyond 5:00 PM. There shall be no work conducted on Sundays or holidays. Inside work of a quite nature may be permitted at other times.
  - iii. Drilling and blasting shall be limited to Monday – Friday between 8:00 a.m. and 5:00 p.m. There shall be no drilling or blasting, or rock hammering on Saturdays, Sundays, or holidays. Blasting shall be undertaken in accordance with all local and state regulations.
  - iv. All reasonable action shall be taken to minimize the negative effects of construction on abutters. Advanced notice shall be provided to all abutters in writing at least 72 hours prior to commencement of construction.

- v. All construction vehicles shall be cleaned prior to leaving the site so that they do not leave direct 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 completely located on the site.
- viii. A Construction Management Plan and Construction Schedule shall be submitted by the applicant to the Building Inspector for review and approval prior to the issuance of a building permit. Including in this plan, but not limited to, shall be information regarding how equipment will be stored, a description of the construction staging areas and its location in relation to the site, and where the construction employees will park their vehicles.

#### **18. Construction Traffic**

- c. No construction will occur or be staged within City right of ways. Any deviation from this shall be approved by the Department of Planning & Community Development prior to construction.
- d. A construction traffic management plan and schedule shall be submitted to the Department of Planning & Community Development for review and approval prior to the start of construction.
- e. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner.
- f. The Owner shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

#### **19. 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 deemed necessary by the City Planner. Notwithstanding the foregoing, the parties acknowledge the Project shall be subject to controlled construction, which requires oversight by licensed engineers and architects. 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 located within the public way, including all utility connections to publicly owned infrastructure. 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.
- b. The applicant shall submit a construction plan to the City Planner each season, prior to starting work.

- c. The construction plan will be incorporated into the Clerk of the Works Task Order. No work shall start prior to an approved task order for these services.

## 20. As-built Plans

- a. As-built plans and Street Acceptance 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 final Certificate of Occupancy for the subdivision and/or the acceptance of any streets.
- b. The As-Built plans shall be submitted to the City Engineer in electronic file format suitable for the City's use and approved by the City Engineer, prior to the issuance of the final Certificate of Occupancy for the subdivision and/or the acceptance of any streets.
- 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 final Certificate of Occupancy for the subdivision and/or the acceptance of any streets; as well as, any subsequent requirements by the City Engineer.

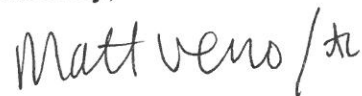
## 21. Violations

- a. Violation of any condition contained within this decision may result in revocation of this permit by the Planning Board.

This endorsement shall not take effect until a copy of the decision bearing 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 or is recorded on the owner's Certificate of Title. The fee for recording or registering shall be paid by the owner or applicant.

I hereby certify that a copy of this decision and plans are on file with the City Clerk and a copy is on file with the Planning Board.

Sincerely,



Matt Venno, Vice Chair  
Salem Planning Board