



CITY OF SALEM PLANNING BOARD

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)

July 27, 2023

Re: Application of Joseph Correnti f/b/o Canal Street Station, LLC, 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.

The applicant proposes to redevelop portions of the parcels located at 266, 282, 282R & 286 Canal Street and 2 Kimball Road into a multi-use Planned Unit Development consisting of residential units, 20% of which will be affordable, commercial space along Canal Street, and over 9 acres of conservation land. The redevelopment of the property will include razing and removal of all existing buildings and infrastructure, construction of five new buildings, with a footprint of total approximately 73,615 square feet, 250 residential units, 117 surface parking spaces, 196 garage parking spaces, and supporting infrastructure.

Procedural History

1. An application for a Site Plan Review under Sections 9.5 of the City of Salem Zoning Ordinance was made by Joseph Correnti f/b/o Canal Street Station, LLC and filed with the Planning Board December 22, 2022.
2. The Planning Board opened the public hearing on Thursday, February 2, 2023, and was continued to March 2, 2023 (no testimony made), March 16, 2023 (no testimony made), March 30, 2023, April 20, 2023, May 4, 2023, June 8, 2023, July 6, 2023 and July 20, 2023.
3. During the public hearing process, the number of vehicle parking spaces decreased from 313 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. The Planning Board closed the public hearing on July 20, 2023.
5. 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 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 conservation 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 July 20, 2023, by a vote of eight (8) (Chair Bill Griset, Kirt Rieder, Sarah Tarbet, Helen Sides, Josh Turiel, Jonathan Berk, Carole Hamilton, and Zach Caunter) in favor, and one (1) (Tom Furey) opposed to approve the proposed project subject to the following conditions:

1. Conformance with the Plan

- a. Work shall conform to “Canal Street Station at 266 Canal Street,” with the sheets listed below (the “Plans”):

Drawing Title	Sheet No.	Prepared By	Issued	Final Revision
Cover Sheet	CS-1	MCG	12/22/2022	6/30/2023
General Notes, Legend & Abbreviations	G-1	MCG	12/22/2022	6/30/2023
Site Context Plan	SC-1	MCG	12/22/2022	6/30/2023
Existing Conditions Plan I	EX-1	MCG	12/22/2022	6/30/2023
Existing Conditions Plan II	EX-2	MCG	12/22/2022	6/30/2023
Existing Conditions Plan III	EX-3	MCG	5/30/2023	6/30/2023
Site Prep & Demolition Plan I	C-1	MCG	12/22/2022	6/30/2023
Site Prep & Demolition Plan II	C-2	MCG	12/22/2022	6/30/2023
Site Prep & Demolition Plan III	C-3	MCG	5/30/2023	6/30/2023
Overall Site Layout Plan	C-4	MCG	12/22/2022	7/17/2023
Site Layout Plan I	C-5	MCG	12/22/2022	7/17/2023
Site Layout Plan II	C-6	MCG	12/22/2022	7/17/2023
Site Layout Plan III	C-7	MCG	5/30/2023	7/17/2023
Grading and Drainage Plan I	C-8	MCG	12/22/2022	7/17/2023
Grading and Drainage Plan II	C-9	MCG	12/22/2022	7/17/2023

Grading and Drainage Plan III	C-10	MCG	5/30/2023	6/30/2023
Utility Plan I	C-11	MCG	12/22/2022	6/30/2023
Utility Plan II	C-12	MCG	12/22/2022	6/30/2023
Utility Plan III	C-13	MCG	5/30/2023	6/30/2023
Construction Details I	C-14	MCG	12/22/2022	6/30/2023
Construction Details II	C-15	MCG	12/22/2022	6/30/2023
Construction Details III	C-16	MCG	12/22/2022	6/30/2023
Construction Details IV	C-17	MCG	12/22/2022	7/17/2023
Construction Details V	C-18	MCG	12/22/2022	6/30/2023
Construction Details VI	C-19	MCG	5/30/2023	6/30/2023
Fire Truck Swept Path Analysis	C-20	MCG	12/22/2022	6/30/2023
Wetland Mitigation 1	W-1	MCG	12/22/2022	7/17/2023
Wetland Mitigation 2	W-2	MCG	12/22/2022	6/30/2023
Wetland Mitigation 3	W-3	MCG	5/30/2023	6/30/2023
Materials Plan 1	L-1.0	HTB/MCG	12/22/2022	7/17/2023
Materials Plan 2	L-1.1	HTB/MCG	12/22/2022	7/17/2023
Landscape Plan 1	L-2.0	HTB/MCG	12/22/2022	7/17/2023
Landscape Plan 1	L-2.1	HTB/MCG	12/22/2022	7/17/2023
Landscape Details	L-2.2	HTB/MCG	12/22/2022	6/30/2023
Lighting Plan	L-6	HTB/MCG	12/22/2022	5/30/2023
Tree Commission Approved Street Tree Plan	-	HTB	3/10/2023	3/10/2023
Canal Street Overall Site Plan	-	HTB	5/30/2023	5/30/2023
Title Sheet / Building A	A-1	BKA	5/12/2023	5/12/2023
Building A / Schematic Elevations	A-2	BKA	5/12/2023	5/12/2023
Building B / Schematic Floor Plans	B-1	BKA	4/11/2023	4/11/2023
Building B / Schematic Floor Plans & Elevations	B-2	BKA	4/11/2023	4/11/2023
Building B / Schematic Elevations	B-3	BKA	4/11/2023	4/11/2023
Building B / Schematic Elevations	B-4	BKA	4/11/2023	4/11/2023
Building C / Schematic Floor Plans	C-1	BKA	4/11/2023	4/11/2023
Building C / Schematic Floor Plans	C-2	BKA	4/11/2023	4/11/2023
Building C / Schematic Elevations	C-3	BKA	4/11/2023	4/11/2023
Building D&E (Sim.) / Schematic Floor Plans	D&E-1	BKA	4/11/2023	4/11/2023
Building D&E (Sim.) / Schematic Elevations	D&E-2	BKA	4/11/2023	4/11/2023
Building D&E (Sim.) / Schematic Elevations	D&E-3	BKA	4/11/2023	4/11/2023

Materials Specifications and Sustainability	SPEC-1	BKA	4/11/2023	4/11/2023
Materials Specifications and Sustainability	SPEC-2	BKA	4/11/2023	4/11/2023

2. 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.

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. In the event that solar panels are located on the roofs of the resulting establishment, then the developer shall assure that there be no reflective glare from the panels onto abutting residential properties. This condition shall be monitored post-construction by the developer at the nearest abutting residential property lines.
- b. 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.
- c. All of the curbing in the ECOD shall be vertical granite at least 6” in width. This includes all curbing around landscaped areas.
- d. Where HVAC units, equipment or penetrations are installed on site, they shall be visually screened. The method for screening the unit shall be submitted to the City Planner for review and approval prior to installation. Approved method for screening shall be constructed and installed prior to the issuance of a Certificate of Occupancy. If not screened, units shall be dark in color.
- e. Should revisions be made to Kimball Road as shown on the plan, the Owner shall provide the Planning Board an update with a list of all plan revisions and a corresponding set of plans that bubble and delta the revisions.

5. Salem Design Review Board

As described in its May 24, 2023, letter to the Planning Board, the Design Review Board (DRB) voted five (5) in favor and zero (0) opposed to recommend design approval in accordance with the following conditions.

- a. Screening of Refuse Storage Area: The applicant shall use natural materials for the fencing/screening around the refuse storage area, such as a cedar fence that will naturally weather over time, which will keep maintenance costs low.
- b. Decorative Site Lighting: The applicant shall use lower Kelvin LED lights to further reduce light pollution from the decorative site lighting.
- c. Submission and Review of 50% of Design Drawings: The applicant shall submit elevation, site, and landscaping plans at the 50% design stage to the DRB for the DRB 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 cover memo detailing proposed changes from the approved plan set.
 - 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.
 - Plan(s) identifying exterior mechanical systems, vents, and meters and the screening of these items, as appropriate.
 - Specification sheets for selected façade materials and exterior lighting fixtures.
 - A materials board, which 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. To ensure that safe vehicular, bicyclist, and pedestrian circulation is maintained throughout construction, applicant shall submit to the City Planner, prior to issuance of a Building Permit, a plan detailing site access for construction vehicles, material delivery, debris removal, and any other vehicular activity associated with the project's construction.
- b. The developer shall coordinate construction activities with the City Engineer.
- c. The developer shall contribute \$1000 per dwelling unit to the City of Salem Transportation Enhancement Fund (TEF), commensurate to the project's impact on the City's transportation network, prior to issuance of a Certificate of Occupancy. The TEF will be used by the city for transportation network services relating to infrastructure and or operation of the transportation network.

8. Sustainability and Resiliency

- a. Prior to issuance of a Building Permit, the developer shall submit a revised Net Zero Energy Questionnaire to the Sustainability & Resiliency Director for review.

- b. Prior to issuance of a Certificate of Occupancy, the developer shall submit a revised Net Zero Energy Questionnaire to the Sustainability & Resiliency Director for review.

9. 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.

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

11. Affordable Housing

- a. Twenty percent (20%) of the housing units shall be set aside as affordable housing units. The Applicant shall place an Affordable Housing Restriction on these housing units in the form acceptable to the Executive Office of Housing and Livable Communities (EOHLC). The restrictions shall be in accordance with the eligibility criteria for EOHLC's Subsidized Housing Inventory for the purpose of ensuring that the twenty percent of the dwelling housing units will be restricted as affordable housing for households whose annual incomes are sixty percent (60%) or less of Area Median Income ("Low Income Households") with a sales or rental price affordable to said households as determined by EOHLC for a period of fifty (50) years from the date of the original conveyance. The Affordable Housing Restriction(s) shall be registered with the Essex South Registry of Deeds.
- b. Affordable Housing Units must be constructed and ready for occupancy at a proportion of one (1) affordable unit for every ten (10) certificates of occupancy released for the market rate units. Ready for occupancy means that 1. The affordable units have a certificate of occupancy, 2. The Affordable Housing Restriction has been registered with the Essex South Registry of Deeds and 3. The lottery has been completed pursuant to Section III of the EOHLC Comprehensive Permit Guidelines.

12. Fire Department

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

13. Building Inspector

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

14. 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).

15. City Engineer & Utilities

- a. Applicants will meet all requirements of the peer review letter dated 6/27/23 and Engineering Rules & Regulations to the satisfaction of the City Engineering Department prior to issuance of Building Permit.
- b. Prior for Engineering Sign off on the Demolition permit the applicant shall:
 - i. Complete building inspection to locate all water, sewer and drain lines connected to or leaving the existing buildings. If the building inspection does not provide the required information, use signal tracing of water pipes and CCTV inspection of all pipes exiting the buildings and/or CCTV of the mains in the street.
 - ii. The City of Salem has determined that the sewer main in Canal Street, upstream/North of the Kimball Road intersection, serves only the existing buildings within the “266 Canal Street” project site and should be abandoned as part of the project. Abandonment to include removal of manhole frames and covers and filling manholes and abandoned main with controlled density fill;
 - iii. Provide a revised existing conditions plan and/ or demolition plan to incorporate the information from the building inspections and any CCTV or pipe tracing of the water, sewer or drain lines. The revised plan shall identify the number, location, size and material of all water, sewer, drain and gas services that serve the current buildings and may have served previous buildings on site from either Canal Street or Kimball Road. The revised plan shall illustrate capping and abandoning the utilities at the main in the City street and abandonment of the sewer main and manholes in Canal Street upstream/North of Kimball Road intersection as stated above;
 - iv. When a project includes the demolition of an existing building, Engineering will not sign off on the building permit without having signed off on the permit to demolish.
- c. Prior for Engineering Sign off on the Building permit, the applicant shall:
 - i. Revise plans to remove retaining wall and drain details;
 - ii. Provide existing and proposed water demand peak flow;
 - iii. Provide a letter stating that the City watermains have adequate flow and pressure to serve the proposed development. Include engineering calculations, hydrant flow test results (within one year), and back-up data in the letter;.
 - iv. Provide detailed information on the water meter location in the building that demonstrates clear access for future maintenance and that no other connections (tees) exist before the City’s main meter. (Note that a horseshoe connection is not allowed). Meter shall be located as close as possible to where the water service enters the building. Provide plumbing plans;

- v. Provide additional information on size and valve location of proposed fire and domestic services. Separate fire and domestic services (1 inch minimum) are required with valves on each service at the main for the fire and large domestic services (4 inch and above) and on the sidewalk for smaller domestic services (less than 4 inch);
- vi. Provide a fire sprinkler system design that confirms the required size of the fire service for this building (note a backflow preventer is required);
- vii. Specify if an irrigation system will be installed and provide the location of the backflow device (a backflow preventer is required for an irrigation system);
- viii. Request Applicant to meet with Engineering Department to review proposed water connection, valving, and incorporate triple valve connections to City water mains into plans if required;
- ix. A Licensed Plumber shall certify in writing to the City Engineer and Plumbing Inspector whether additional backflow prevention devices are required for the proposed building, aside from the required containment device;
- x. If a backflow device is required, the Licensed Plumber and/or Fire Protection Engineer shall complete and submit a separate Backflow Prevention Device Design Data Sheet for each proposed device using the online permitting system, VPC, with associated fee (\$100 each);
- xi. Provide a revised plan demonstrating a 10-foot horizontal separation between water and sewer, along with profile views of utility crossings to confirm 18-inches vertical separation (water begin above sewer/drain).
- xii. Provide existing and proposed sewer discharge peak flows;
- xiii. Sump pump or roof drain connections to the sewer are not allowed;
- xiv. Provide a letter to the City Engineer stating that the City sewer system to serve the proposed development has adequate capacity and is in good condition to accommodate the proposed flows. Cleaning and CCTV inspections of the sewer main based on the Pipeline Assessment Certification Program (PACP) standards are required to show the full circumference of the pipe. Cleaning and CCTV limits for the sewer main are provided as an attachment. A copy of the video and logs shall be submitted with the letter. If the CCTV investigations indicate that the sewer flows at 50% or more of the overall capacity of the pipe, sewer flow measurements may be required. (Note: Any/All deficiencies identified in the sewer system, shall be corrected by the applicant, at the applicant's expense, to the satisfaction of the City Engineer.);
- xv. All proposed manhole structures within the public right-of-way shall have extended bases to inhibit floatation;
- xvi. Provide revised utility plan showing telecommunications. Note a petition for grant of location through the City Council is required for any relocation, size increase or new electrical and telecommunications conduits within the City right-of-way. A grant of location is also required for any length of electrical conduit to be installed underground within the public right-of-way;

- xvii. If reuse is proposed, CCTV inspection of drain lines is required, along with a letter from the Engineer stating that the drain service is adequate for reuse. Reuse only allowed if demonstrated that management of stormwater on site is not possible;
- xviii. Provide a letter to the City Engineer documenting constraints limiting recharge and stating that the City's drain system, to serve the proposed development, has adequate capacity and is in good condition to accommodate proposed flows. Back-up data, including engineering calculations and the results of all drain inspections and existing drain flow measurements, shall be included in the letter. When evaluating the available capacity of the City's drainage infrastructure to receive proposed stormwater runoff from the project, the evaluation may be performed by either delineating the drainage area to the proposed location of connection to the City's infrastructure and using the NRCC 1-year design storm or installing flow meters in the drain and capturing flow measurements for a rainfall event in excess of 2.7 inches in 24 hours. Additionally, cleaning and CCTV inspections of the City's drain based on PACP standards are required showing the full circumference of the pipe. Cleaning and CCTV limits for the drain main are provided as an attachment. A copy of the video and logs shall be submitted with the letter. (Note: Any deficiency identified in the system, shall be corrected by the applicant, at the applicant's expense, to the satisfaction of the Engineering Department.);
- xix. Request additional information on design of roof drainage to accommodate the planned discharge locations on Buildings B, C, D, and E, as well as additional information on roof discharge for Building A. Discharging stormwater from private property to City property, such as downspouts and sump pumps splashing onto sidewalks, is not allowed;
- xx. Provide buoyancy calculations for buried structures on city property. Revise plans to reflect extended base (buoyancy collars) details for all sewer and drain structures to prevent flotation;
- xxi. Provide operation and maintenance (O&M) manuals/plans for on-site private stormwater management. The manuals/plans must include detailed information regarding the operation and maintenance of the on-site system, including, but not limited to, responsible parties, system location (access/safety features), required equipment, routine and non-routine maintenance schedules, annual budget, vendors, and checklists/log forms;
- xxii. Submit a Drainage Alteration Permit using the online permitting system, VPC, with associated fee (\$100) per Chapter 38, Article VI. The "application" should consist of a letter (along with associated plans/calculations) signed, stamped, and dated by the applicant's Massachusetts Registered Professional Civil Engineer, stating and demonstrating that the "conditions for issuance" have been met. Here is an excerpt from the ordinance: "...ensure that the proposed grade changes will not adversely affect existing drainage and groundwater conditions, which would affect the public health, safety and welfare of any public way or adjoining real property.";

- xxiii. Provide additional information on sidewalk materials and include details for ADA ramps, reciprocal ramps, and elevated crosswalks, if applicable. New concrete sidewalks along the property frontage are required. Sidewalks must comply with state code CMR 521. Cross slopes shall be designed to 1.5% with a +/-0.5% construction tolerance. Granite curb shall be removed and reset as determined by City Engineer. When a handicap ramp is proposed as part of the sidewalk replacement, a reciprocal ramp shall also be proposed on the opposite side of the street.
 - xxiv. Provide confirmation from the Building Commissioner that a zoning variance is not required for the proposed curb cuts. The Entrance Corridor Permit allows one curb cut opening for residential use, not exceeding 24-foot in width. The plans currently include two curb cuts, each 24 feet wide;
 - xxv. On the Plans, provide additional details on snow storage locations both during construction and for future use, as well as measures to protect the bioretention area from snow storage;
 - xxvi. Provide information on how dewatering of utility trenches will be handled during construction, including treatment and the location of potential discharge. Locations of construction site sedimentation basins to be included on plans, and the detail should be revised to confirm that hay E&S controls will not be used.
 - xxvii. Provide detailed plan for the operations and maintenance of the pool including but not limited to water source to top off the pool (if needed), procedures for drawdown/ dewatering of the pool for winterization, maintenance and repairs including location of discharge, which system will be discharging to, authorization from local authorities to discharge that system and procedures for dichlorination and testing, as required.
- d. Prior for Engineering Sign off on the Certificate of Occupancy, the applicant shall submit:
- i. An as-built drawing, stamped, signed, dated by the civil design engineer of record, showing any changes made to the original design based on the completed work and shall include profiles of all City utilities (water, sewer, drain). This as-built drawing shall be submitted in two electronic file formats, PDF and CAD, suitable for the City's access and use;
 - ii. A completed tie card (a blank template is available through the Engineering Department) for each water, sewer and drain service constructed. This tie card information should also be included on the as built;
 - iii. A certification letter stamped, signed, and dated by the civil design engineer of record. The letter should state that the work was completed in substantial compliance with the design documentation for which the permit(s) was (were) issued and that the systems will function as intended by the engineer's design. The letter must identify all deviations from the design drawings with an explanation for the deviation, as well as any subsequent requirements by the City Engineer to accept the deviation, and
 - iv. A copy of the operation and maintenance (O&M) manuals/plans for the on-site private stormwater management systems. These manuals/plans shall be

recorded with the Registry of Deeds, along with the necessary trust documentation, unless waived by the City Engineer.

16. 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 within 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.

17. 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.

18. 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.

19. 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 eight (8) (Chair Bill Griset, Kirt Rieder, Sarah Tarbet, Helen Sides, Josh Turiel, Carole Hamilton, Jonathan Berk, and Zach Caunter) in favor and one (1) (Tom Furey) opposed to approve the Site Plan Review application subject to the above-stated terms and conditions.

Planning Board Decision

266 Canal Street, 282 Canal Street, 286 Canal Street, 282 Rear Canal Street and 2 Kimball Road

July 27, 2023

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 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