



# CITY OF SALEM PLANNING BOARD

2012 SEP 25 P 2:41

FILE #  
CITY CLERK, SALEM, MASS.

## Site Plan Review and Flood Hazard District Special Permit Decision

September 25, 2012

William Wharff  
30 Federal Street  
Salem, MA 01970

RE: Site Plan Review and Flood Hazard District Special Permit – 162 Federal Street and a portion of 150 Federal Street

On Thursday, July 19, 2012, the Planning Board of the City of Salem opened a Public Hearing regarding the application of William Wharff for a Special Permit pursuant to Section 9.5, Site Plan Review, and Section 8.1, Flood Hazard Overlay District, of the Salem Zoning Ordinance, for an eight-unit residential development located at 162 Federal Street (Map 26, Lot 96) and a portion of 150 Federal Street (Map 26, Lot 2). The project includes the renovation of the existing structure on 162 Federal Street (a former convent building) into eight residential units, and associated parking.

The Planning Board hereby makes the following findings pertaining to the Flood Hazard District Special Permit Application:

1. The proposed use will comply in all respects to the uses and provisions of the underlying district in which the land is located. The property is located in the Residential Two-Family Zoning District. The structure was previously a legally nonconforming office building, and the applicant received a Special Permit from the Zoning Board of Appeals on September 28, 2009 to change this nonconforming use to another, less detrimental, nonconforming use (nine residential units). The Zoning Board of Appeals also issued a Special Permit on September 28, 2009 to extend the nonconforming side yard, as well as a Variance from lot area per dwelling unit. The number of units was subsequently reduced to eight.

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 water bodies or high runoff.
3. Utilities, including gas, electricity, fuel, water and sewage disposal, will be located and constructed so as to protect against breaking, leaking, shortcircuiting, grounding or igniting or any other damage due to flooding.

The Public Hearing was closed on September 11, 2012. At a regularly scheduled meeting of the Planning Board held on September 20, 2012, the Board voted by a vote of seven (7) in favor (Chuck Puleo, Tim Kavanagh, John Moustakis, Tim Ready, Randy Clarke, Lewis Beilman, and Helen Sides) in favor and none (0) opposed, to approve the application as complying with the requirements of the Flood Hazard Overlay District, subject to the following conditions:

1. **Conformance with the Plan**

Work shall conform with the plan entitled, "Site Development Plans for 162 Federal Street Located in Salem, Massachusetts," prepared by Meridian Associates, dated January 25, 2012 and last revised September 12, 2012.

2. **Transfer of Ownership**

Within five (5) days of transfer of ownership of the site, 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.

3. **Amendments**

Any waiver of conditions contained within shall require the approval of the Planning Board.

4. **Construction Practices**

All construction shall be carried out in accordance with the following conditions:

- a. All provisions in the City of Salem's Code of Ordinance, Chapter 22, Noise Control, shall be strictly adhered to.
- b. 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.
- c. 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.

d. 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.

e. 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.

f. All construction vehicles left overnight at the site, must be located completely on the site.

5. **Office of the City Engineer**

All work shall comply with the requirements of the City Engineer. This includes, but is not limited to, the following:

a. The applicant is to field-verify the size, age and type of the connection to the city water and sewer systems to determine whether a new connection is needed. Connections shall be cleaned and televised to ensure that no service replacement is needed, prior to issuance of a building permit. Applicant is responsible for installation of a new connection, if needed. This work is to be coordinated with the Engineering Department.

6. **Board of Health and Health Department**

All work shall comply with the requirements of the Salem Board of Health and Health Department.

7. **Fire Department**

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

8. **Conservation Commission**

All work shall comply with the Order of Conditions issued by the Salem Conservation Commission.

9. **Building Commissioner**

All work shall comply with the requirements of the Salem Building Commissioner.

10. **Utilities**

a. Utility installation shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit.

11. **Department of Public Services**

The Applicant shall comply with all requirements of the Department of Public Services.

## 12. 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. Winter snow in excess of snow storage areas on the site shall be removed off- site.
- c. Maintenance of all landscaping shall be the responsibility of the applicant, his successors, or assigns. The applicant, his successors or assigns, shall guarantee all trees and shrubs for a two- (2) year period.

## 13. Lighting

- a. No light shall cast a glare onto adjacent parcels or adjacent rights of way.
- b. A final lighting plan shall be submitted to the City Planner for review and approval prior to the issuance of a Building Permit.
- c. After installation, lighting shall be reviewed and approved by the City Planner, prior to the issuance of a Certificate of Occupancy.

## 14. HVAC

If an HVAC unit is located on the roof, it shall be visually screened prior to the issuance of a Certificate of Occupancy. The method for screening the unit, including colors and materials, shall be submitted to the City Planner for review and approval prior to installation.

## 15. Landscaping

- a. All landscaping shall be done in accordance with the approved set of plans.
- b. Maintenance of all landscaping on the site shall be the responsibility of the Applicant. The Applicant, his successors or assigns, shall guarantee all trees and shrubs for a two (2) year period, from issuance of the Certificate of Occupancy and completion of planting.
- c. Any street trees removed as a result of construction shall be replaced. The location of any replacement trees shall be approved by the City Planner prior to replanting.
- d. Final completed landscaping, done in accordance with the approved set of plans, shall be subject to approval by the City Planner prior, for consistency with such plans, to the issuance of a Certificate of Occupancy.

**16. As-built Plans**

As-built plans, stamped by a Registered Professional Engineer, shall be submitted to the Planning Department and Engineering Department prior to the issuance of the final Certificate of Occupancy.

**17. Condominium Documents**

The applicant is to submit a copy of the condominium documents (or at least that portion pertaining to the allocation of parking spaces) to the Department of Planning and Community Development after the documents are recorded.

**18. Violations**

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.*



Charles M. Puleo  
Chair