



# CITY OF SALEM PLANNING BOARD

2014 MAY -9 A 10: 46

FILE #  
CITY CLERK, SALEM, MASS.

## Site Plan Review Decision

5/9/2014

Robert Willwerth  
39 Main Street  
Saugus, MA 01906

RE: 107 Highland Avenue, Salem, Massachusetts  
Site Plan Review

On Thursday, April 17, 2014, the Planning Board of the City of Salem opened a Public Hearing regarding the application of Robert Willwerth under Site Plan Review for the property located at 107 Highland Avenue (Map 14, Lot 198). The proposed plans show the renovation of the existing building, formerly used as a medical office, into 8 residential units, with associated parking and landscaping.

At the regularly scheduled meeting of the Planning Board held on May 1, 2014 the Board voted by a vote of six (6) in favor (Chuck Puleo, Kirt Rieder, Tim Ready, Helen Sides, Randy Clarke, and Bill Griset), none (0) opposed, to approve the application as complying with the requirements of Site Plan Review subject to the following conditions:

### 1. Conformance with the Plan

Work shall conform with the following plans: "Site Development Permit Plan, 107 Highland Avenue, Salem, Massachusetts," prepared by Eastern Land Survey Assoc., Inc., dated October January 13, 2014, including pages 1, 2, 4, 5, and 6; "Site Development Permit Plan, 107 Highland Avenue, Salem, Massachusetts – Site Layout Plan" sheet 3, prepared by Eastern Land Survey Associates, Inc., dated January 13, 2014 and last revised April 24, 2014; "Elevations, Proposed Renovations, 107 Highland Ave, Salem, Massachusetts" prepared by Deer Hill Architects, LLC, dated January 23, 2014, including pages A1 and A2; and "Landscape Plan – Proposed Renovations, 107 Highland Avenue, Salem, Massachusetts" sheet L1, prepared by Deer Hill Architects, LLC, dated January 23, 2014, and amended by Laura D. Eisner, Northeast Nursery, April 2014 and the associated Plant List; "Landscape Plan – Proposed Renovations, 107 Highland Avenue, Salem, Massachusetts" sheet L1, prepared by Deer Hill Architects, LLC, dated April 28, 2014; "Floor Plans – Proposed Renovations" sheet A1 and "Elevations – Proposed Renovations" sheets A2 and A3, prepared by Deer Hill Architects, LLC, dated April 28, 2014.

## **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 amendments to the site plan shall be reviewed by the City Planner and if deemed necessary by the City Planner, shall require approval by the Planning Board. 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. The operation of tools or equipment used in construction or demolition work shall occur in accordance with Salem Ordinance Section 22-2 (5): Construction and Blasting and between the hours of 8:00 AM and 5:00 PM on weekdays and Saturdays. No work shall take place on Sundays or holidays. The Planning Board will agree to changes in the starting time, at the request of the applicant and if approved by a formal vote of the City Council, as per the ordinance.
- b. Any blasting, rock crushing, jack hammering, hydraulic blasting, or pile driving shall occur in accordance with Salem Ordinance Section 22-2 (5): Construction and Blasting and be limited to Monday-Friday between the hours of 8:00 AM and 5:00 PM. There shall be no blasting, rock crushing, jack hammering, hydraulic blasting, or pile driving on Saturdays, Sundays, or holidays.
- c. Blasting shall be undertaken in accordance with all local and state regulations.
- d. 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.
- e. All construction vehicles and equipment shall be cleaned prior to leaving the site so that they do not leave dirt and/or debris on surrounding roadways as they exit the site.
- f. The applicant shall abide by any and all applicable rules, regulations and ordinances of the City of Salem.
- g. All construction vehicles and equipment left overnight at the site must be located completely on the site.
- h. No Street shall be closed without prior approval of the City Planner, unless deemed an emergency by the Salem Police Department.

## **5. Construction Traffic & Phasing**

- a. 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.

- b. A construction traffic/phasing management plan and schedule shall be submitted to the City Planner for review and approval prior to the issuance of a building permit.
- c. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the applicant.
- d. The applicant shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

**6. Project Delays**

The developer, his successors or assigns shall notify the City Planner if work on the site ceases for any reason for a period of six (6) months. In this event, the applicant shall be required to appear before the Planning Board and report to the Board the reason(s) why work has ceased at the project and a schedule of when work will begin again at the site, as well as a date of final project completion. If substantial work has not commenced on the site, as deemed by the Board, and such work is not anticipated to begin within two (2) years of the date of the Planning Board's original decision, the applicant shall notify the Board and, prior to the two-year anniversary of the issuance of the permit, shall request an extension of the permit from the Board. Applicant shall provide in such request any and all materials the Board may require to make a determination on the extension request, including but not limited to: studies, reports or new plans, at the applicant's expense, as requested by the Board and deemed necessary by the City Planner.

**7. Fire Department**

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

**8. Signage**

All proposed signage shall be reviewed and approved by the City Planner prior to the issuance of a sign permit.

**9. Building Inspector**

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

**10. Board of Health**

All work shall comply with the requirements of the Salem Board of Health, if applicable.

- 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 certifies that soil and ground water on the entire site meets the DEP standards for the proposed use.
- c. The developer shall adhere to a drainage plan as approved by the City Engineer.

- d. 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.
- e. The developer shall maintain the area free from rodents throughout construction.
- f. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during construction.
- g. 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.
- h. The Fire Department must approve the plan regarding access for firefighting.
- i. 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.
- j. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- k. 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.
- l. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.
- m. The developer shall install grease traps, to contain grease in gray water, prior to it entering the city sewer system in developments with 10 or more units and in compliance with the requirements of the City Engineer.
- n. Salem sits in a Radon Zone 1 and the risk of radon entering buildings is extremely high. Therefore, the installation of radon mitigation systems is strongly recommended.

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

The applicant, his successors or assigns shall comply with all requirements of the City Engineer.

- a. Prior to issuance of a building permit, the applicant shall submit to the Engineering Department a statement from owner/developer assuming responsibility for all maintenance and repairs required on the existing water service line from the main at Highland Ave. to the property, including the portion that is currently owned by the City, as the developer has decided to reuse the existing line. The City will not be responsible for any future repairs needed on this water service.
- b. Prior to issuance of a building permit, the applicant shall submit to the Engineering Department the size of the proposed fire service to the building. Please be aware that it will need a tee connection into the main with a triple gate configuration if the service is six-inches or greater.

- c. Existing drain system on site shall be cleaned and CCTVed up to the city main in the easement. Prior to the issuance of a building permit, the applicant shall provide the Engineering Department with the report, logs and videos of the TV inspection findings, as well as an engineering plan showing the existing drain system on-site and all inverts and bottom of the structure. Please be aware that all catch basins on site shall have a sump of at least four feet.
- d. Existing sewer service shall be cleaned and CCTVed up to the city main in the easement. Prior to the issuance of a building permit, the applicant shall provide the Engineering Department with the report, logs and videos of the TV inspection finding, as well as an engineering plan showing the existing sewer service on-site showing inverts of the connection.

## **12. Department of Public Services**

The applicant, his successors or assigns shall comply with all requirements of the Department of Public Services.

## **13. Utilities**

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

## **14. 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 and the City Electrician for review and approval prior to the issuance of a building permit.
- c. After installation, lighting shall be reviewed by the City Planner, prior to the issuance of a Certificate of Occupancy.

## **15. HVAC**

Any exposed HVAC unit shall be visually and acoustically screened.

## **16. Landscaping**

- a. Landscaping shall be completed in accordance with the Landscape Plan marked up by Laura Eisner, Northeast Nurseries, dated April 2014, and the accompanying Plant List.
- b. Two (2) additional Acer rubrum (Red Maple) trees shall be planted in the two front lawn areas on either side of the front building entrance. These trees shall be 2-2 ½" caliper, and shall be planted in line with the two Acer rubrum along Highland Avenue depicted on the Landscape Plan marked up by Laura Eisner, Northeast Nurseries, dated April 2014. The applicant shall submit a plan depicting the approved planting layout, inclusive of the two additional Acer rubrum, to the Department of Planning and Community Development prior to the issuance of a building permit.
- c. Landscape lights shall be installed at the rear corners of the parking areas in the locations shown as "Proposed Bollard Light" on Sheet 3 of the Site Layout Plan by Eastern Land Survey, revised April 24, 2014 (the revised Site Layout Plan), and according to the specifications for the "Casa Sierra 58" Tall Black LED Landscape Light" submitted to the Planning Board on

May 1, 2014. These lights shall provide adequate safe lighting of the parking area, must not cast any light or glare onto adjacent properties, must be operational at all times and shall be maintained in perpetuity, to be enforced by the Building Inspector.

- d. Building mounted light fixtures shall be installed in the locations shown on the Landscape Plan by Deer Hill Associates dated January 23, 2014, and according to the specifications for the "Bronze 2-Light Motion Sensor Security Light" submitted to the Planning Board on May 1, 2014. There shall be shielding on the lights affixed to the exterior of the building, to prevent illumination or glare at adjacent properties.
- e. A white cedar fence to be installed in the location shown on the revised Landscape Plan prepared by Deer Hill Architects, dated April 28, 2014, and according to the specifications for the "Estate" model of Privacy Cedar Panel by Northeastern Fence & Supply Corporation, submitted to the Planning Board on May 1, 2014, and in compliance with the height limitations of the Entrance Corridor Overlay District.
- f. An enclosure for trash barrels to be installed in the location shown on Sheet 3 of the Site Layout Plan by Eastern Land Survey, revised April 24, 2014 (the revised Site Layout Plan), and according to the specifications for the "Arrow Newport 10 ft. x 12 ft. Metal Shed" submitted to the Planning Board on May 1, 2014. This enclosure shall be maintained in perpetuity.
- g. Mechanical equipment to be installed in the locations shown on the revised Landscape Plan and Elevations (sheets L1, A2, and A3) prepared by Deer Hill Architects, dated April 28, 2014.
- h. Snow storage areas to be provided in the locations shown on the revised Site Layout Plan, sheet No. 3, prepared by Eastern Land Survey Associates, Inc., revised April 24, 2014.
- i. Signs and pavement markings designation the driveways as "Exit Only" and "Enter Only" to be installed in the locations shown on the revised Site Layout Plan, sheet No. 3, prepared by Eastern Land Survey Associates, Inc., revised April 24, 2014, and shall be maintained in perpetuity.
- j. The existing vinyl siding shall be removed and the entire structure shall be repainted with historically appropriate colors. Any architectural details that require replacement such as trim and clapboards will be replaced with materials of a like kind.
- k. The Board unanimously voted to grant a waiver from Section 8.2.5 *Parking Areas* in the *Entrance Corridor Overlay District* of the Salem Zoning Ordinance requiring plant beds to be bounded with six-inch granite curbing, to allow the curbing on-site to be laid out in the following manner: all curbing immediately around the house and adjacent landscaping areas shall be 18-inch granite curb. The curbing along the planting beds on the outside of the parking area shall be 18-inch granite curb from Highland Avenue to the interior corner of the first parking spaces, and then shall be 18" precast concrete curb for the remainder of the on-site curbing. The Board's waiver is based on the following:
  - Granite curbing is required in the portions of the site which are most visible from the street.

- Given the size and scope of the proposed project, requiring granite curbing around the entirety of the plant beds on-site would be an undue burden and would serve no public purpose.

The applicant shall submit a plan depicting the approved curbing layout to the Department of Planning and Community Development prior to the issuance of a building permit.

#### 17. Maintenance

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the applicant.
- b. Winter snow in excess of snow storage areas on the site shall be removed off site.
- c. Maintenance of any 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-year period.

#### 18. As-built Plans

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

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.

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; as well as, any subsequent requirements by the City Engineer.

#### 19. 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 Decision 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