



# CITY OF SALEM PLANNING BOARD

2015 JUN 24 A 11: 48

Decision  
Waiver From Frontage and Flood Hazard Overlay District Special Permit  
43 Bridge Street (Map 36 Lot 414)  
June 24, 2015

FILE #  
CITY OF SALEM, MASS.

Skomurski Development LLC  
c/o Stephen Lovely, Esquire  
Lovely Law Group  
10 Federal Street  
Salem, Massachusetts 01970

RE: Waiver From Frontage and Flood Hazard Overlay District Special Permit Decision

On Thursday, June 4, 2015, the Planning Board of the City of Salem opened a public hearing at the request of SKOMURSKI DEVELOPMENT LLC, for a Waiver of Frontage Request and Flood Hazard Overlay District Special Permit in accordance with Section 8.1 Flood Hazard Overlay District of the Salem Zoning Ordinance, for the property located at 43 BRIDGE STREET (Map 36. The applicant proposes to divide the property into five (5) lots for the construction of four (4) single-family homes and one (1) duplex.

The public hearing was closed on June 4, 2015.

### **Flood Hazard Overlay Special Permit Findings:**

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

1. The proposed uses comply in all respect to the uses and provisions of the underlying zoning district.
2. A portion of the site is within the 100-year FEMA coastal floodplain. 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 lots(s) caused by either the overspill from water bodies or high runoff. In the case of a 100-year flood, so that the finished floor level is located above the 100-year FEMA coastal floodplain elevation.
3. All utilities including gas, electricity, fuel, water and sewage disposal will be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding.

4. The proposed development will not be located within a coastal high hazard area (Zone VE on the FEMA Flood Insurance Rate Maps).

**At a regularly scheduled meeting of the Planning Board held on June 4, 2015 the Planning Board voted by eight (8) in favor (Chuck Puleo, Chair, Helen Sides, Randy Clarke, Kirt Rieder, Dale Yale, Bill Grisot, Matthew Venio and Noah Koretz), and none (0) opposed to a Flood Hazard Overlay District Special Permit and Waiver From Frontage subject to the following conditions:**

**1. Conformance with the Plan**

Work shall conform to the plans entitled "Plan of Land 43 Bridge Street and 13 Planters Street Salem, Massachusetts" dated April 9, 2015 prepared by LeBlanc Survey Associates, Inc.

**2. Amendments**

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. 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 demolition and 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, blasting or rock hammering 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
- g. 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. Included in this

plan, but not limited to, shall be information regarding how the construction equipment will be stored, a description of the construction staging area and its location in relation to the site, and where the construction employees will park their vehicles.

#### **4. Clerk of the Works**

A Clerk of the Works shall be provided by the City, at the expense of the applicant, his successors or assigns, as 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 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 a Clerk of the Works shall be for a reasonable number of hours and at a customary rate for such service.

#### **5. Fire Department**

All work shall comply with the requirements of the Salem Fire Department prior to the issuance of any building permits.

#### **6. Building Inspector**

All work shall comply with the requirements of the Salem Building Inspector consistent with the current version of the State Building Code, Massachusetts Architectural Access Board regulations and Massachusetts Energy Codes.

#### **7. 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. A lead and asbestos inspection to be conducted prior to any demolition or construction. If lead or asbestos is found it shall be removed by contractors licensed for such removal.
- c. The developer shall ensure that pests do not negatively impact the neighborhood as a consequence of construction work. The developer shall submit pest control reports including a pest survey and treatment actions.
- 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 during construction, such as negative air pressure and physical barriers between occupied areas and construction areas.
- g. The Fire Department must approve the plan regarding access for fire fighting.
- h. 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.
- i. 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.
- j. The developer shall test for Radon and install Radon mitigation system prior to the issuance of an Occupancy Permit.
- k. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.

## **8. Utilities**

- a. Utility installation shall be reviewed and approved by the City Engineer prior to the issuance of any Building Permit. The applicant shall have an engineer certify the utility plans for review by the City Engineer, prior to the issuance of any Building Permit.
- b. All electrical utilities for the site shall be underground.
- c. A plan for sidewalks shall be submitted and approved by the City Engineer prior to the issuance of any Building Permit.

## **9. Conservation Commission**

All work shall comply with the requirements of the Conservation Commission.

## **10. Signage**

Proposed signage shall be reviewed and approved by the City Planner.

## **11. 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.

## 12. Noise

HVAC units shall be sufficiently buffered and the applicant shall take steps to further mitigate noise emanating from the HVAC unit(s) if the Board of Health receives any complaints. Notwithstanding the foregoing, the guideline for reviewing such noise is that the broadband sound level should not increase by more than 10 dB (A) above the ambient levels measured at the property line. The method for screening the units shall be submitted to the City Planner for review and approval prior to installation.

## 13. Landscaping

- a. Maintenance of all landscaping on the public way shall be the responsibility of the applicant, his successors or assigns. The applicant, his successors or assigns, shall guarantee all trees and shrubs including street trees for a two- (2) year period.
- b. Trees shall be a minimum diameter of 3 ½" dbh (diameter breast height).
- c. The developer, his successors or assigns shall be responsible for the shoveling and/or snowplowing of the sidewalk for all building frontage along Planters Street and Bridge Street.
- d. Final completed landscaping in the public way shall be subject to approval by the City Planner prior to the issuance of a Certificate of Occupancy. Notwithstanding the foregoing, to the extent that the construction is finished such that a Certificate of Occupancy could be issued for a portion of the Project or the Project in its entirety. The applicant may provide a performance bond or surety in an amount and form subject to approval of the City Planner to ensure that the work is completed within a reasonable timeframe. The applicant may submit to the City Planner for partial releases of said surety based on work completed.

## 14. As-Built Plans

- a. As-built 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 any Certificate of Occupancy.
- 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 any 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 any Certificate of Occupancy; as well as, any subsequent requirements by the City Engineer.

To the extent that construction work has been completed sufficient for a Certificate of Occupancy to be issued for a portion of the Project or the Project in its entirety but that the As-Built plans have not yet been fully completed (for said portion of the Project or the Project in its entirety), the applicant may provide a performance bond or surety in an amount and for subject to approval of the City Planner to ensure that the As- Built Plans are completed within a reasonable timeframe.

### 15. Entrance Corridor Overlay District Special Condition

The developer shall submit preliminary plans with detailed architectural information for the proposed duplex on Lot 5 to the Planning Board for review and approval prior to issuance of a building permit. Lot 5 is within an Entrance Corridor Overlay Zoning District per Section 8.2 Entrance Corridor Overlay District (ECOD) of the Salem Zoning Ordinance.

### 14. Violations

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.

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

*The endorsement shall not take effect until a copy of the decisions 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 that it has been dismissed or denied, is recorded in the Essex South Registry of Deeds and is indexed in the grantor index under the name of the owner of record and noted on the owner's certificate of title. The owner or applicant shall pay the fee for recording or registering.*