



CITY OF SALEM PLANNING BOARD

2015 JUN 24 P 12: 35

Site Plan Review Decision

92-94 Lafayette Street.

June 24, 2015

FILE #
CITY CLERK, SALEM, MASS.

RCG LLC
17 Ivaloo Street, Suite 100
Somerville, MA 02143

RE: 92-94 Lafayette Street Site Plan Review

On Thursday, May 21, 2015, the Planning Board of the City of Salem opened a Public Hearing under Section 9.5- Site Plan Review of the City of Salem Zoning Ordinance, at the request of RCG, LLC, for the property located at 92-94 Lafayette Street. The proposed site plan shows a renovation of the interior second floor and mezzanine of the existing commercial building into eight (8) residential dwelling units. On May 21, 2015 the public hearing was continued to June 4, 2015. On June 4, 2015 the public hearing was continued to June 18, 2014 and closed on this date.

At a regularly scheduled meeting of the Planning Board held on June 4, 2015, the Planning Board voted by a vote of six eligible members (6) in favor (Chuck Puleo (Chair), Helen Sides, Kirt Reider, Dale Yale, Bill Griset, and Noah Koretz), and none (0) opposed to approve the Site Plan Review Special Permit, subject to the following conditions:

1. Conformance with the Plan

Work shall conform to the plans entitled, "RCG Apartments 92-94 Lafayette Street" prepared by Pitman & Wardley Architects LLC, 32 Church Street, Salem, MA 01970, dated March 18, 2015.

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 for review and approval. 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. Any water sub-metering shall comply with the requirements of Chapter II of the State Sanitary Code.
- k. The developer shall test for Radon and install Radon mitigation system prior to the issuance of an Occupancy Permit.
- l. 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 a Building Permit. The applicant shall have a licensed Engineer certify the utility plan for review by the City Engineer, prior to the issuance of any Building Permit.

b. All on site electrical utilities shall be located underground.

9. Conservation Commission

The project is determined to be outside of the jurisdiction of the Conservation Commission.

10. Signage

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

11. Lighting

No light shall cast a glare onto adjacent parcels or adjacent rights of way.

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. Parking

- a. Three (3) on-site parking spaces and five (5) off-site spaces located at other parking facilities in the vicinity of the proposed use, in accordance with the Zoning Ordinance Section 5.1.9 Parking for Central Development District (B5), are to be reserved for the sole use residents who live in 92-94 Lafayette Street.
- b. A lease agreement between RCG and neighboring entities for the five (5) off-site spaces as proposed on the approved plans shall be submitted to the Department of Planning and Community Development prior to the issuance of a Certificate of Occupancy.
- c. On-site and off-site spaces shall be marked or signed as reserved for residents of 92-94 Lafayette Street. Documentation of this shall be submitted for review and approval by the City Planner prior to the issuance of a Certificate of Occupancy.
- d. The applicant, its successors or assigns, shall maintain parking spaces and be made available for year-round use for the residents of 92-94 Lafayette Street.
- e. The location of off-site parking spaces may be changed in accordance with the City of Salem Zoning Ordinance Section 5.1.9 Central Development District (B5) at the discretion of the Department of Planning and Community Development.

14. Maintenance

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the developer, his successors or assigns. "Refuse removal" includes recycling, which shall be the responsibility of the owner, their 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 by the applicant, his successors or assigns.
- c. Maintenance of all landscaping shall be the responsibility of the applicant, his successors or assigns.
- d. The applicant, his successors or assigns shall use its best efforts to engage a waste hauler for compost that will regularly accept organic wastes from on-site residents for off-site composting. Organic wastes shall not be stored on-site in a manner that allows nuisance conditions to develop.

15. As-built Plans

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 the 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 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 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 form subject to approval of the City Planner to ensure that the As-Built Plans are completed within a reasonable timeframe.

16. 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
Chairman

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.