

**City of Salem Planning Board
Approved Meeting Minutes March 21, 2019**

A public hearing of the Salem Planning Board was held on Thursday, March 21, 2019 at 7:00 p.m. at City Hall Annex, 98 Washington St., Large Public Hearing Room, First Floor, Salem, Massachusetts.

Chair Ben Anderson calls the meeting to order at 7:02PM.

I. ROLL CALL

Those present were: Chair Ben Anderson, Bill Griset, Vice Chair Matt Venio, Helen Sides, Carole Hamilton, Kirt Rieder, Matt Smith, DJ Napolitano (8)

Absent: Noah Koretz (1)

Also in attendance: Mason Wells, Staff Planner, and Stacy Kilb, recorder

II. REGULAR AGENDA

A. Location: 81 Highland Ave; 108 Jefferson Ave; Old Rd; 1 Dove Ave; 79 Highland Ave; 55 Highland Ave; and 57 Highland Ave (Map 24, Lots 1, 2, 88, 19, 216, 218, and 220; and Map 14, Lot 129)

Applicant: North Shore Medical Center, Inc.

Description: A continuation of the public hearing for all persons interested in the application of NORTH SHORE MEDICAL CENTER, INC. for an Amendment to the previously approved Site Plan Review decision and Stormwater Management Permit for the property located at 81 Highland Avenue (Map 24, Lot 1); 108 Jefferson Avenue (Map 24, Lot 88); Old Road (Map 24, Lot 19); 1 Dove Avenue (Map 24, Lots 216 and 218); 79 Highland Avenue (Map 14, Lot 129); 55 Highland Avenue (Map 24, Lot 220); and 57 Highland Avenue (Map 24, Lot 2). The applicant proposes changes to the area in front of the Davenport Building and Surgi-Center, where the old campus utility plant was located. Proposed improvements include changes to grading, additional parking spaces, and landscaping and creation of an accessible, multi-vehicle drop off and pick-up area. New signage is also proposed.

Present for the Applicant are:

Attorney Joseph Correnti 63 Federal St.

Matt Ulrich, Landscape Architect

Mary Jo Gagnon

Shelley Bisegna

The Applicant appreciates the Board's special meeting and notes they have brought on a consultant since then. Amendments have been submitted and will be presented. Architectural and civil engineering updates have been made and the latter are ongoing.

Mary Jo Gagnon notes that Matt Ulrich, Landscape Designer, has been employed. Her concerns with this Plan is that four parking spaces have been lost, but parking is the number one complaint of staff and patients. The loss of these spaces represents 48 patients per day, or 240 patients per week, assuming 12 one-hour appts per day. She requests that the Board consider not losing those spaces.

Matt Ulrich, UBLA / Ulrich Bachand Landscape Architecture, describes changes to the landscape plan.

- Red maples added to the lower lot

- Tree organization is described; red maples along the entry and outskirts
- Slopes will be planted with conservation mix and birch trees, bayberries, repeated on the south side of the site
- Ornamental grasses proposed for islands
- Wall softened with plantings
- Plantings are in larger “drifts”
- Trees added on hospital side (previously proposed were shrubs)
- Trees added within long planting areas between rows as well; Japanese tree lilacs there
- New plantings proposed in front of the medical building
- Proposing to re-plant between Highland Ave and parking area
- Plant beds around signage have been reintroduced

Kirt Rieder feels that the plan is now “spot on” and thanks the hospital for the changes. He has some comments regarding the Syringa (lilacs) and their viability without irrigation, as well as their tolerance of snow storage. The Applicant would be willing to move these to the south side of the project or the front of the medical building. Five existing maples are being removed.

Mr. Rieder asks about the notes on the drawing, which state that everything discussed was suggested only. This note can be removed as the Applicant will come before the Board if the specific trees cannot be obtained.

Chair Anderson asks if this is a net gain in parking from what exists today. It is, though he understands the reasoning. Board members agree what is before them is a much better parking area.

Timing of the submission of tonight’s materials is discussed. Peer review findings are noted in the Draft Decision .

Bill Ross, Peer Reviewer for the City of Salem has the same comments, regarding the connection to the City’s water main at Highland Ave. The Applicant is still working on details. They will have to submit drainage alteration and stormwater permits. He notes that they have ceded to most requests, including double catch basins, increased discharge points, and an added infiltration tank to promote groundwater discharge. Numbers to quantify these have now been provided so his only concern is that new model shows degraded improvement from previous model so there is a glitch. A negligible increase in runoff has been demonstrated, so the model should be checked.

Chair Anderson comments that he has no concerns regarding signage and opens to public comments.

Seeing none, a motion to close the public hearing is made by Bill Grisct, seconded by Helen Sides, and passes with all in favor. favor.

Chair Anderson reads the draft amended decision into the record. Kirt Rieder notes that landscape section has been omitted. Bill Grisct wonders why the document is now being read aloud in its entirety; this is because items have been added. Attorney Correnti notes an error in the dates. The original Decision was recorded in 2016, not 2019.

Staff Planner Mason Wells comments that the removal of the landscaping section may have been an oversight. The Chair feels that landscaping would be under “specific findings.” Kirt Rieder notes that the section on lighting is also missing. The Draft Decision should include planting plan revised 3/18/19. Attorney Correnti has the 2016 Decision, and presents it to Kirt Rieder. Mason Wells is not sure it needs to be added back as it was in the original, but there is no harm in replacing it, and Bill Grisct feels they should be added back for consistency. Landscaping, lighting, any other missing sections should be added.

Attorney Correnti comments that in the first paragraph, re signage, they ARE in a residential district but it says nonresidential, so should add a comment to that effect. Tom Daniel (Director, Salem Planning and Community Development) certified the sign design as complementary and harmonious, and the Planning Board has also agreed.

Bullet point 15 on the drawing should go under “specific findings.”

Regarding the as built section, Attorney Correnti notes that with this Site Plan Review, the project has no new buildings, so a Certificate of Occupancy is not likely to be needed for this project. Shelley Bisegna comments that some small components will require a building permit, but is mostly site work. They wonder if this can be submitted upon the completion of the project, though “occupancy” and “completion” may be difficult to determine. This is because the project will be done in phases, and the only area to be “occupied” would be pavement which is driven over. Timing is discussed. The Applicant should work with the Planner to word this properly, perhaps stating that completion should be considered prior to final payment of the retainer.

P. 5 Attorney Correnti asks if (2) is new language. Any changes that are de minimus normally are presented to the Planner; if more substantial, to the Planning Staff or Board. The language will be changed to “Planning Department shall review and approve all changes to the Board Decision.”

P.6 Traffic and Parking (iii) Shelley Bisegna notes that regarding (f) on p. 5 and (iii) on p.6 re traffic, they may have to do something different with the water line, so the Applicant will work on this with the City Engineer. Language stating that “A 10” water will be installed” will remain, with the rest change to “Applicant will work with the Engineering Department to the satisfaction of the City Engineer.”

A motion to approve the Draft Amended Decision is made by Kirt Rieder, seconded by Carole Hamilton and passes in a roll call vote with the following in favor:

Ben Anderson

Bill Griset

Carole Hamilton

Kirt Rieder

Helen Sides

Matt Smith

Matt Veno

None are opposed but DJ Napolitano is not eligible to vote.

Noah Koretz arrives at 7:47PM

III. OLD/NEW BUSINESS

A. Subdivision Regulations Update – Preliminary Recommendations Memo

A presentation and discussion of preliminary recommendations prepared by Stantec Consulting Services, Inc. for the Subdivision Regulations Update. Draft memo includes review of existing plans, developability analysis, and proposed outline of new subdivision regulations.

Nels Nelson of Stantec presents.

- The proposal prepared examines existing regulations, planning studies and resources to analyze subdividable sites, in order to then prepare an outline of proposed subdivision regulations. This was also developed by Bob Corning, Landscape Architect, and Drew Left
- Process is described

- Chair Anderson asks about Mr. Nelson's thoughts on the existing regulations. The Chair feels that they tend to be in a vacuum, not considering the City or its urban environment, and asks that Mr. Nelson please be cognizant of this environment, in that the regulations should reflect it
- Kirt Rieder asks about the duration of engagement. Mr. Nelson will return when the draft ordinance is prepared, aiming to finish that this summer. Mason Wells comments that grant funding must be spent by summer
- Kirt Rieder notes conflict between dimensions of tree lawn, berm, between of curb sidewalk and back conforming with between sidewalk and back of curb, developers want to exploit inconsistency
- DJ Napolitano asks about engagement with the City Council, whose members are often unprepared or uninformed, so any changes may be contentious. It is noted that the City Council will only see this as a draft; it is only under Planning Board purview. This Board will refer to the regulations in Site Plan Review, but they are not zoning. These are regulations, not an ordinance. Caorle Hamilton notes that they require a public hearing and votes
- Kirt Rieder asks about Site Plan Review (SPR) and the Tree Ordinance, but that is zoning and cannot be modified. Site Plan Review points to Subdivision Regulations, but this is unusual as normally zoning handles regulations, so must be robust enough to handle SPR
- Chair Anderson comments that the requirement of 100' frontage for land parcels is more appropriate to a suburban environment, and should be examined to determine if there is a better number or density in Salem's urban environment. However, Matt Smith notes that this is a zoning regulation that cannot be changed, though the Board can make recommendations for zoning changes
Chair: requirement for 100' frontage for land parcels, this is more suburban, he proposes that this be examined to determine if there is a better number/density in an urban env
- Noah Koretz feels that the potential sites are minimal and small, so would like to see a graphical representation of sites where this would be applicable
- The Chair comments that the Board may want to examine form zoning used in other communities (based on 3D volume rather than A 2D surface, important in an urban context). Connectivity to existing neighborhoods and character or lack of those character connections is important (see <https://formbasedcodes.org/definition/> for more information. Summary: "A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.")
- Matt Smith comments that references to underlying zoning may be helpful, rather than specifics
- Staff recommended that current regulations be trashed completely
- Noah Koretz comments on the rendering on the last page, questioning whether, in tight sites, complete streets can actually be dealt with in a less segregated way

IV. APPROVAL OF MINUTES

- A. Regular Planning Board meeting minutes held on March 7, 2019.

A motion to approve the minutes of the regular Planning Board meeting, held on March 7, 2019, is made by Helen Sides, seconded by Matt Smith, and passes 9-0.

V. EXECUTIVE SESSION

- A. **Enter into Executive Session:** Pursuant to MGL Chapter 30A, Section 21 (a), to conduct strategy sessions with respect to the legal position of the Planning Board and litigation regarding following

applications as having the discussions in open session would have a detrimental effect on the litigation position of the City and the chair so declares, with respect to the following matters:

1. Nathan Jacobson v. The City of Salem Planning Board regarding the Definitive Subdivision at 14 Bertuccio Avenue
2. Donald Harlow-Powell v. The City of Salem Planning Board regarding the Definitive Subdivision at 14 and 16 Alameda Avenue
3. Federal Neighborhood Association et. al. v. The City of Salem Planning Board regarding the Flood Hazard Overlay District Special Permit at 293 and 297 Bridge Street

A motion to enter into executive session is made by Bill Griset, seconded by Carole Hamilton, and passes 9-0 in a roll call vote with Bill Griset, DJ Napolitano, Kirt Rieder, Helen Sides, Matt Smith, Matt Venio, Carole Hamilton, Noah Koretz and Ben Anderson in favor.

The meeting will adjourn in the executive session and will not reconvene.

The meeting ends at 8:19PM.

For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at: <https://www.salem.com/planning-board/webforms/planning-board-2019-decisions>

Respectfully submitted,
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 04/18/2019

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.