

**City of Salem Planning Board  
DRAFT Meeting Minutes  
Thursday, May 4, 2017**

A public hearing of the Salem Planning Board was held on Thursday, May 4, 2016 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Chair Ben Anderson opens the meeting at 7:00 pm.

**I. ROLL CALL**

*Those present were:* Chair Ben Anderson, Tony Mataragas, Kirt Rieder, Helen Sides, Carole Hamilton, Bill Grisct (6)

*Absent:* Vice Chair Matt Veno, Noah Koretz, Dale Yale (3)

*Also in attendance:* Amanda Chiancola, Staff Planner

**II. REGULAR AGENDA**

**A. Location: 1 Technology Way (Map 7, Lot 78)**

**Applicant: KAK REALTY TRUST**

**Description:** A public hearing for an amendment to a Site Plan Review Special Permit, Business Park Development Special Permit and Wetlands and Flood Hazard Overlay District Special Permit. Specifically, the applicant proposes to amend the original decision to allow for an expansion of the existing manufacturing facility to include an addition to the building of approximately 27,000 square feet, additional onsite parking and loading facilities.

Attorney Kristin Kolick of 63 Federal St. presents, project is an addition to an existing manufacturing facility. The owner of the property, Tony Klein is here along Peter Ogren, project engineer from Hayes Engineering, Harry Samilchuck from Conley Bros.

Mr. Ogren discusses revisions per the comments from the last meeting:

- 75 foot buffer is shown on the plans, the proposed development is approximately 125 feet from the buffer.
- Two other changes were made to the plans. Changed the configuration of the stormwater system based on the soil exploration.
- The Snow Storage area is identified on the plans

Samilchuck discusses the landscaping plans, which identify trees to be removed as part of the construction project and location/type of new trees.

Mr. Samilchuck presents the lighting plan existing lights will be relocated out to new wall. Pole mounted lot will be relocated approximately 15 feet. The flood light will be taken off, as there is no longer a need for it

Kirt Rieder asks the applicant to clarify the existing lighting versus the new. Mr. Samilchuck comments that there are 14 existing metal halide, 2 of which are being replaced with LEDs.

Generally the board would want the lights to be the same so they have the same color temperature. However, since the new LED's will never be seen at the same time as the remaining lights the proposal makes sense.

Chair Anderson asks if there will be enough light in the parking lot, for safety purposes. While less light is better for the neighbors, he wants the applicant to make sure it is a safe parking lot for all three shifts. Mr. Klein thinks there is enough lighting proposed. He concurs they do not want an unsafe condition, they want it to be a safe parking lot but the distance from the cul-de-sac will be the same. Mr. Rieder recommends that they

quantify the lighting with the photometrics for their own knowledge. If this property was subject to public pedestrian access, they would have required a photometric study.

Ms. Kolick notes that concludes the presentation, and they are hoping to get a vote this evening, so if the board has any concerns the client would like to address them tonight.

Motion to close the public comment by Tony Mataragas second Bill Griset motion to close the public hearing carries unanimously 6-0.

Condition 3(b) was added to the draft decision: Any shrubs to be planted shall be no less than 7 gallon  
Condition 7(a) was added to the draft decision, as approved the City Engineer: *The applicant shall provide the City of Salem \$15,000 as a contribution to the traffic improvements necessary on Technology Way, prior to issuance of a building permit. The funds shall be provided to the Office of the City Engineer.*

Ms. Hamilton asks whether it is common for us to add a “not to exceed” amount, if there is an issue with the infrastructure, who foots the bill. Ms. Chiancola notes that this is not uncommon to add a not to exceed amount, the city would be responsible for over the \$15,000. Ms. Kolick comments that they are concerned that if a problem were uncovered with the sewer line at Swampscott Road, the owner would have to foot the bill for everyone else the connects off that sewer line. Mr. Ogren comments that there is a finite number of employees here, not notes that he is not concerned with the condition since Swampscott Road is within the City Right of Way and far removed from the project, several hundred feet from the improvements.

Motion to approve the application of KAK Realty Trust for an amendment to the Site Plan Review Special Permit, Business Park Development Special Permit and Wetlands and Flood Hazard Overlay District Special Permit for the property located at 1 TECHNOLOGY WAY (Map 7, Lot 78) subject to the conditions in the decision made by Tony Matagrags seconded by Helen Sides, carries unanimously 6-0.

### **III. OLD/NEW BUSINESS**

#### **A. Discussion and Comments on the Comprehensive Permit application for 34 Peabody Street, 47 Leavitt Street, and 38 Palmer Street (Map 34, Lots 384, 136, and 155).**

Chair Anderson notes that he attended the ZBA meeting. Mr. Anderson commended the developer and noted that he thinks it is a great project and hopes that the applicant will develop outside of the Point Neighborhood too. Ms. Sides also commented that she is very impressed with the project, and is excited with what the Northshore CDC is doing, as this is great fantastic opportunity to connect the Point Neighborhood with the rest of the city.

#### **Zoning**

Mr. Anderson comments that he has been to neighborhood meetings and throughout several occasions has heard the residents state that there is not enough parking. Since parking comes up a lot in this neighborhood by the residents, Mr. Anderson expressed concern with the proposed 1:1 parking ratio which does not follow the zoning of 1.5 spots per unit. The remaining five board members were not concerned about the proposed parking ratio, and would prefer that the density is not reduced in order to meet the parking standards.

Mr. Anderson applauds the maximization of the site development; however, he is concerned about the height of the building along Leavitt Street. While there is a precedent for 4-story height in this neighborhood, it is not appropriate for this location. The building is pushed to the edge of the property line. The adjacent house has a lot of southern exposure. Concern was expressed regarding the loss of light for the adjacent residential height, at least in the morning and throughout most of the day.

Mr. Anderson explains that multi-unit housing zoning ordinance discusses vehicular multi-entrances. The Peabody Street project only has one vehicular entrance, the applicant should demonstrate to the Zoning Board of Appeals whether one entrance is adequate, or if that area will become congested.

## **Design**

The board unanimously commended the design of the Peabody Street side of the building.

A few Board members noted that the Ward Street design is underwhelming, too simple/bland and not integrated with the rest of the building. Elements from the Peabody Street façade should be brought forward to tie a connection to the other façade.

Mr. Rieder comments that on Peabody Street, the curve of the canopy (the overhang at the entrance) is a distraction as a single arc. A bent or angled surface that is asymmetric to the building is recommended (similar to the building) rather than a curved arc. The curve is not only a counterpoint but also a distraction to the otherwise consistent exploration of angles on the façade. Mr. Rieder suggests expressing it as two converging planes that are asymmetrical as opposed to a single arc.

Mr. Anderson comments that people will likely gather around the community center. For that reason, the applicant should consider extending the canopy at the entrance along the Peabody Street façade to provide shelter over the entrance of the community center. He notes that the Peabody Street project, while designed very well, could be more welcoming at the sidewalk. The materials, the orientation or the punch windows could be more pedestrian friendly. Pedestrian elements are recommended for the entries of both projects, such as benches. Mr. Anderson suggested that it would be great to connect the Peabody Street public way to the park through pedestrian scale and amenities. He also comments that the pedestrian scale at 47 Leavitt Street works at the sidewalk works because of the overhang. Nevertheless, pedestrian elements are recommended for the entries of both projects, such as benches. Mr. Anderson recommends that the developer try to connect the Peabody Street public way to the park through pedestrian scale and amenities.

While design of the Peabody Street side of the building is much-admired and the walkway is terrific, some board members expressed concern with accessibility. Mr. Anderson recommends that the applicant reassess the ability to provide a universally accessible way between Peabody and Ward. Mr. Rieder comments that given the topographic condition of the site he is not concerned, in noting it would be more a of loss to lose the connection all together.

## **Landscaping**

Kirt Rieder comments that the landscaping documents are incomplete in that they do not accurately represent the street trees that are there today, and that they show street trees that have been removed. Various caliper sizes are shown that do not exist.

Mr. Rieder goes on to explain that there is disconnect between the site reconnaissance and the site plan should be fixed. The plans also show tree pits with no trees, but there are trees there. For example, there is an existing tree on Prince Street that is not shown in the submittal package while on Palmer Street three trees are shown that no longer exist.

Mr. Rieder recommends keeping the existing City street trees in place, and ensuring that said existing street trees are protected during construction. If a street tree is damaged during construction, it should be replaced with a new 4-inch caliper shade tree. Any caliper inches that cannot be put back should be paid to or trees provided to the city street warden for his/her use elsewhere, so there is not net loss of caliper size. If a 14 inch caliper tree is destroyed, you will never find another 14 inch caliper tree to replace it with. The true value should be determined by the tree warden. Trees should be planted where

there are tree pits or where there is the ability to plant street trees. Appropriate shade trees should be used, which should be shown on their landscaping plan in with the species and caliper size identified.

### **Traffic Analysis**

Chair Anderson explains that the traffic study looked at several intersections; however, they did not study Leavitt and Congress. This is the main intersection next to the Leavitt Street property and across from the ballfield. The board recommends that this intersection be evaluated. It is important enough that the basketball court and the park are there. Depending on what goes in with retail, there is a potential for a lot more pedestrian traffic here. The board is concerned that this intersection may not have appropriate crosswalks or warning signals. While this might be outside the developer's requirements, it is enough of a safety concern that it should be brought up for discussion.

### **Stormwater Report**

Chair Anderson recommends that the ZBA get clarification on the TMDL requirement, noted in Section 2.5 of the stormwater report. According to Sec 2.5 the site ultimately discharges to the Salem Harbor. Based on the MassDEP 2012 list of integrated waters, a TMDL study is required for the outflow of the body of water, but is not listed for Salem Harbor and therefore it may be subject to a draft TMDL if it is finalized by MassDEP. The city is important as is the body of water is important enough to understand what the outflows are.

In discussing this project, the Planning Board unanimously concurred that they are in favor of the project.

## **B. Discussion of Design Review in the Entrance Corridor Overlay District**

Amanda Chiancola gives an overview of the discussion from the last meeting on January 19, 2017. At that meeting she had asked the Planning Board to consider a threshold for when design review should be referred to the DRB and what framework should be used to guide the design.

Ms. Chiancola says that back in January Vice Chair Matt Veno suggested there might be an existing document that outlines some relevant guidelines for design within the ECOD. If that document exists, then he recommended it be used. I believe Vice Chair Veno was talking about the Commercial Design Guidelines. Ms. Chiancola explains that she uses this document when reviewing sign permits and her colleagues in their review of projects in the urban renewal area. The guidelines were also created to guide the Planning Board's review of projects in the entrance corridors. It specifically notes that the Planning Board should consult it when reviewing parking lots, fences, and new non-residential construction over 2,000 square feet in the entrance corridors. The guidelines have been an underutilized tool by the Planning Board, as staff has not been referring the board to this document. She will send the board the link and print it for the board members so they can use it day forward. Ms. Chiancola comments that whether or not design review is expanded to the ECOD, day forward the Planning Board should refer to the Commercial Design Guidelines to guide design in the ECOD. She provides a brief review of the guidelines: Each corridor (except for Jefferson since it is new) the history of the corridor, current uses, appropriate and inappropriate design for the corridor, new development, addition, rehabilitation etcetera. Staff thinks these make sense to frame the DRB's review of entrance corridors, and would like the Planning Board to comment whether they also think it makes sense.

Mr. Rieder has two comments: 1) he hopes this document includes language that when glass windows are approved that they do not become similar to Walgreens where they put up posters resulting in a loss of transparency. Ms. Chiancola replies that the poster would be considered a sign and no more than 20% of the window are can be covered, also said signage counts toward the total cumulative signage allowed. Mr. Rieder's second example is the convenience store at 28 Goodhue that has lottery and cigarette ads covering the entire window. Had that come through review, it would not have been approved. Ms. Sides comments that this occurs

after the project is approved. A-Frame signs that are reviewed by the SRA are typically after the fact. Mr. Rieder asks about enforcement. Ms. Chiancola replies that is the Building Inspector's purview.

Mr. Chair asked for clarification on the process. The board is going to make recommendations to the DRB, the DRB will review and make their recommendations to the Planning. Then it will come back the Planning Board, the Planning Board will file a petition to amend the zoning ordinance. There will be a joint meeting with the City Council/Planning Board, it will be referred to the Planning Board, which is unique since the board put in the application, but then the petition will go back to the City Council for them to vote on.

Ms. Chiancola explains that at the January 19, 2017 Planning Board meeting, the members discussed the threshold at which design review by the DRB in the ECOD would be appropriate. Ms. Chiancola says that staff wants to further discuss thresholds. Several planning board members felt that all site plan review projects in the ECOD should be referred to the DRB for design review. That would include all new non-residential construction over 2,000 square feet and residential structures containing six (6) or more residential dwelling units. Ms. Chiancola says that the Planning Board does not agree with the 2,000 square feet. While staff does want design review in the ECOD, they recommend a 10,000 square foot thresholds to take an incremental approach. As we implement this threshold we will see how it is working. We can reevaluate and change the ordinance, if needed at a later date if we find that 10,000 square feet is not a large enough threshold. Ms. Sides asks about the size change for Webb, which was reduced in size, so it is no longer going to be reviewed by the DRB, what is that size change? Ms. Chiancola replies that the project was initially proposing around 20,000 or 30,000 square feet, it has since been significantly reduced to approximately 7,000 square feet. This is unacceptable to Ms. Sides that this building is not going to be reviewed by the DRB. Chair Anderson responds that while he is disappointed that Webb will not be before the Planning Board, he has rethought the 2,000 square foot threshold. He is more inclined to stick with the 10,000 square foot threshold. It is in our zoning ordinance, it is a square footage of volume that makes sense. While he understands the comment about Webb, the pockets tend not to be as deep for smaller developers. Chair Anderson says he likes the idea of DRB review in ECOD, but is not willing to support anything less than 10,000 square feet. Ms. Sides asks for examples of buildings. Ms. Chiancola will put together some examples of scales.

Ms. Chiancola comments that Planning Board has the expertise and ability to use these design guidelines and provide design review for projects under 10,000 square feet. Ms. Hamilton comments that may be true today, but it may not be true in the future, it depends on who the appointees are. Chair Anderson comments, let's start with something- see how it performs. If we get an influx of smaller projects and are uncomfortable with providing design review here, then we can revisit the threshold. Mr. Rieder's rebuttal to that and support of Ms. Sides is starting with a small threshold then revisiting seems unlikely given that the zoning ordinance has not updated in 20 years. Chair Anderson comments that this group is dynamic and there is an opportunity to revisit this, he does not see this board being comfortable or complacent. Ms. Sides comments that each time architecture is up for discussion everyone turns to her to see what she thinks and asks if the DRB has weighed in. Kirt comments that he is glad to hear that the Planning Department has confidence in the Planning Board, but it puts an undue amount of extra effort on this board when there is a separate board that is really well positioned to provide design review. The Planning Board already shoulders too much in some cases, it is fun but if things continue to expand then the board will be taking on more than they signed up for, and we only have 1 architect on the board. Chair Anderson replies that this is in the zoning ordinance, they are not doing something that they are not being asked to do as part of site plan review. Mr. Rieder clarifies that they are trying to draw a distinction between design review and site plan review. Chair Anderson, says there is a component of site plan review that is design review. Mr. Rieder notes that he would rather have 5 architects argue over something rather than an engineer and a landscape architect.

Ms. Chiancola gives an example of a small project that she envisions the Planning Board would be comfortable with, 114 Derby Street- the settlement house across from the House of the Seven Gables. The application was

complete, the graphics were persuasive, the architect was creative. It was approved in one meeting, but if this project were in an entrance corridor under the Planning Board's recommended threshold, it would require DRB review kicking it two a second meeting. The board unanimously thought this was a good project and liked the creativity. Ms. Sides says but that was a historic district, they know what they need to do, they hire local architects that know what they need to do. We do not get that on Canal Street- look what came when they wanted to convert the candy factory.

Mr. Griset comments that these are two very different projects, couldn't be further apart from each other. He had a chance to walk through one of the units across from the Gables, which is fully occupied- sold before it was finished. Ms. Sides replies that the success of that was due to the high standard of design, and it wasn't that way 15 years ago. If we do not take the opportunity now to raise the bar of expectation, it sure will not happen when things are not looking good around here. Say that the project on Derby Street had to go to the DRB for one meeting, that is not that much more time. Kirt comments that this board did not make that project better, they were on their flight path well before they came to us. Ms. Sides comments that when the DRB sees a good project they do not hold it up. Mr. Griset brings up the museum as an example, Ms. Hamilton notes that they went through design review before the Planning Board, so if there is a concern about holding things up, have them go to DRB first. Mr. Rieder responds that the museum was an outlier, it was a world class architect- but even they could make not such great projects.

Ms. Sides explains that she has done this for a long time, projects outside the DRB's purview that have agreed to discuss their project- for example when they tore down the church, they would only speak to 2-3 DRB members in a private office to tell them what they think. They recognize the importance. Mr. Rieder says it is invaluable and it is free, he comments that it is unfair to Ms. Sides to be put in the position to speak for what should be a group of architects.

Ms. Chiancola says she hears that with the exception of the Chair the remaining board members in attendance do not agree to the 10,000 square feet, but she has another layer to add. Staff recommends the DRB referral be by a simple majority vote by the Planning Board. There are two reasons for this: if you get a project that you are comfortable with reviewing then you have the flexibility of handling design review, the second layer is she believes it will push applicants to provide better plans up front.

Ms. Sides and Mr. Rieder comment that they are disappointed that the Planning Department sees the DRB as an onerous step or a hurdle. Ms. Chiancola replies that staff is worried about the extra time, and it does cost money for applicants to hire an architect to present at the DRB. Mr. Rieder says this is apples and oranges to the conversation about threshold conversation. Ms. Sides comments that she would like the rest of the board to be here to discuss this. Ms. Sides requests some comparisons of buildings and square footages so they can talk about what the scale really is. Ms. Chiancola says she will prepare that.

Mr. Anderson adds another point for consideration. He understands the design aesthetic that the board thinks should be there, but this is an opinion from a group of people that volunteered for the Planning Board. He is worry is that this does not reflect the larger population. There is probably a percentage of people in the City that say they are fine with the dollar store the way it is. He notes they are looking at this in a bubble, he is worried they may be over thinking this a little bit. They need to leave the opportunity for smaller developers and individuals to design and get approved what they want without going through the DRB. Ms. Sides says the days of getting your approval in one meeting is so long gone. Look at the level of review of all the projects in the flood zone go through, why isn't design just important to the City. When the old Salem Plumbing was converted to residential houses, we had them turn the last building on Bridge Street rather than facing the side street, it made such a difference. Ms. Chiancola replies that project did not go to the DRB, it was done through the planning board. Ms. Sides explains that the architect called her to ask for her input as a DRB member. People call her. Mr. Rieder and Ms. Hamilton note agree that this is unfair to Ms. Sides.

Ms. Chiancola explains that when this does go forward, staff is not going to support a threshold of less than 10,000 square feet, staff wants to take an incremental bite at this. Ms. Hamilton comments that this is disappointing. Chair Anderson comments that he thinks this is our best chance.

Ms. Sides explains that when the urban renewal area district needed to be quickly approved again in the 11<sup>th</sup> hour to get through without losing it from the State, we had no opportunity to expand or have anyone think about expanding it in order to get more oversight, it was too late. So she does agree with the idea that we are going to approve 10,000 square feet then take the time to reduce it later if needed. Ms. Chiancola disagrees, she wants to evaluate this at 10,000 square feet. Ms. Hamilton says if we went at 10,000 square feet as mandatory, and 2,000-10,000 as an option of a majority of the board, she would be more comfortable with that than, opposed to saying 10,000 is the cut off. If not, we will be seeing 9,000 square foot buildings as a way to get around design review. Chair Anderson challenges this, while there may be developers out there like that, he is worried about the little guy and the fairness. He thinks there are plenty of developers out there that are not like that, he is concerned we are putting additional burden on a smaller developer that may not have the funds to do this. Ms. Hamilton would also being willing to say single family homes are expect from this, we are at 6 units or more and 10,000 square feet automatic, and commercial 2-10 with an option by vote.

Ms. Sides brings up Salem Oil and Grease as an example of developers will do what they need to do to seal the deal. Mr. Anderson disagrees, he has been around a lot of small good developers it his opinion is that this is not fair.

## **APPROVAL OF MINUTES**

### **A. April 20, 2017 Minutes**

*A motion to approve the minutes is made by Helen Sides, seconded by Carole Hamilton, and carries 6-0.*

## **IV. ADJOURNMENT**

*A motion to adjourn is made by Helen Side, seconded by Carole Hamilton, and carries 6-0.*

The meeting ends at 9:00PM.

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: <http://www.salem.com/planning-board/webforms/planning-board-2017-decisions>

Respectfully submitted,  
Amanda Chiancola, AICP, Staff Planner

Approved by the Planning Board on XX/XX/2017

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