

**City of Salem Planning Board  
Approved Meeting Minutes  
Thursday, November 3, 2016**

A public hearing of the Salem Planning Board was held on Thursday, November 3, 2016 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Chair Ben Anderson opens the meeting at 7:03 pm.

**I. ROLL CALL**

*Those present were:* Chair Ben Anderson, Bill Grisct, Helen Sides, Matt Veno, Dale Yale, Carole Hamilton, Kirt Rieder, Tony Mataragas and Noah Koretz

*Absent:* none

*Also in attendance:* Amanda Chiancola, Staff Planner, and Stacy Kilb, recorder

**II. REGULAR AGENDA**

**A. Location: PEM 161 Essex Street (Map 35, Lot 303)**

**Applicant: PEABODY ESSEX MUSEUM**

**Description:** A continuance of a public hearing for a Site Plan Review in accordance with the Salem Zoning Ordinance Section 9.5 Site Plan Review. Specifically, the applicant proposes the partial demolition of existing buildings and the construction of a 37,950 square foot addition primarily within the footprint of the Asian Garden, in addition to site improvements including a garden and utility work.

Here for the applicant is Bob Monk, PEM, Director of Facilities. He has reviewed the draft vote and will comply with the conditions set forth therein. Kirt Rieder asks what street tree species will be on Charter Street and Mr. Monk states that they are going to replace or mike up the gingko trees, the landscape architects are suggesting a hybrid elm, but a detailed plan will be submitted.

Chair Anderson commends the development team and the design team on the project. This project shows the thoughtfulness put into its design and will benefit the area. Mr. Monk also praises the SRA and DRB for their input. Kirt Rieder echoes the Chair's sentiments, and spoke to the project's Landscape Architect about trees, and he believes that she should definitely choose them, as he has great confidence that in them.

Matt Veno asks about a letter from a Council Member received late today, regarding screening of dumpsters. The dumpster is not allowed to be visible from a public way. Mr. Monk comments that the loading dock will partially screen it and landscaping will screen it from the neighbors. The dumpster is completely enclosed, but it is visible at the approach as you enter the driveway. Logistics of dumpster location are discussed. The Chair proposes adding a condition to the decision that a proposed solution be submitted to the Planning Department; Amanda Chiancola opines that there should also be consultation with a Planning Board member. Mr. Monk agrees to this condition.

Chair Anderson opens to public comment, but there is no public input.

*A motion to close the public hearing is made by Tony Mataragas, seconded by Carole Hamilton, and passes with all in favor, 9-0.*

The Chair reviews the draft Decision with the Board.

Kirt Rieder comments on guaranteeing trees for two years, feeling that this time frame is inadequate, in general, not specifically related to this project. A short discussion on how to address the issue in this particular instance ensues. The trees will be placed within the City's right of way, and then turned over to the City. Normally the city would maintain them, though in this case the PEM intends to maintain them with its own irrigation system. The Planning Board notes that they are okay with the landscaping/maintenance condition for this project.

The topic of landscaping/tree maintenance for projects in general will be further discussed under old/new business.

*A motion to approve site plan review is made by Kirt Rieder, seconded by Helen Sides, and passes unanimously, 9-0.*

- B. Location:** 93-95 Canal Street (Map 33, Lots 164, 165)  
**Applicant:** SCHIAVUZZO REALTY, LLC  
**Description:** A continuance of a public hearing for a Site Plan Review in accordance with the Salem Zoning Ordinance Section 9.5 Site Plan Review and a Flood Hazard Overlay District Special Permit Sec. 8.1 Flood Hazard Overlay District. Specifically, the applicant proposes to repurpose the existing building and convert the candy factory into eight (8) residential units.

The applicant requests to continue to the Nov. 17, 2016 meeting.

*A motion to continue to the Nov. 17, 2016 meeting is made by Noah Koretz, seconded by Bill Griset, and passes unanimously, 9-0.*

- C. Location:** 9 South Mason Street, 3A Buffum Street Extension; and 23 Mason Street (also including 23 ½ Mason Street and 23R Mason Street) (Map 26, Lots 73, 74, 79)  
**Applicant:** JUNIPER POINT 9 SOUTH MASON STREET LLC  
**Description:** A continuance of a public hearing for a Site Plan Review, Flood Hazard Overlay District Special Permit, and Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review; Section 8.1 Flood Hazard Overlay District; Section 8.4 North River Canal Corridor Neighborhood Mixed Use District. Specifically, the applicant proposes the redevelopment and expansion of the existing two-story concrete industrial building at 9 South Mason Street, expansion of the three-story residential building at 3A Buffum Street Extension; and construction of two new townhouse style buildings along with parking and landscaping throughout the site. The project when completed will total 29 residential units in four buildings with all associated parking on site.

Presenting for the applicant is Attorney Joseph Correnti of 63 Federal St. At the last meeting, site layout and building configurations were presented and feedback received. Since then, the applicant has filed with the Design Review Board and has presented to them, and will return there again to address their comments. They hope to return with those results in December, however in the meantime they have a traffic peer and Stormwater peer review. Both peer reviewers will present tonight.

Bill Ross of New England Civil Engineering presents his Stormwater peer review letter dated October 19<sup>th</sup>. The applicant has not responded to the letter, but has met with the project engineer and the City Engineer to go over the comments.

- Clarification of demolition is requested
- Grading and drainage should be resubmitted for clarity
- The site has one way in and one way out.
- The project is in the Flood Hazard Overlay District. (FHOD). The project as designed has up to 2 feet of water in parking area and driveway; Engineer informed Mr. Ross that they are going to revise the grading, said plans have not been submitted yet. It is noted that the street itself has the same issue.
- Related concerns that buildings will be partially submerged basements and questions on how the underground utilities will be protected
- Existing sewer pipe on S. Mason St.
- Drainage in southeast corner – applicant will research
- Pre- and post-runoff evaluations done at river, not at point of discharge

Bob Griffin states that issues can be addressed without significant changes to the plan. He describes where the water would inundate the site in a flood event. They are in a location where fill cannot be placed in such a manner as to not displace water to adjacent sites; this has been done. Flood storage must be provided; after hearing Mr. Ross's comments, they reduced the area submerged while flood storage onsite met the requirement; however, plans must be cleaned up. The crawl spaces will still be used for flood storage but the parking lot has been raised slightly and access to the site will be dry. The new plan should meet all regulatory standards.

In the event of a flood utilities will be protected because electric, telephone, natural gas, etc. are underground, and the transformer will be set on a pedestal. Kirt Rieder asks about the elevation in the southeast corner; water will be deeper than 2 feet in this area. Kirt Rieder comments that they are crawl spaces under the buildings, not basements that will flood. They are built to handle water.

Regarding the pressure test on the fire flow/water system, the process is in progress. Information on utilities will be added to the plan. Several monitoring wells are on the site, but will be abandoned as they will not need to monitor the site moving forward. Mr. Griffin addresses Pre-and Post- runoff scenarios. Whatever cannot infiltrate may worsen flooding conditions, and they hope to show it is not a significant change, but it is one they cannot address at this time.

Kirt Rieder notes that the minimum number of trees required is proposed, but feels there should be more in order to improve the site. Pear is also not the preferred species; dogwood and river birch are not shade trees. Smaller shade trees should be planted to make this part of the neighborhood. Noah Koretz asks why applicants plan pear trees if they are not acceptable. Kirt explains that they are inexpensive, showy, and in-demand, so that is what the nurseries produce. They are actually banned in many cities, such as Cambridge. They are also sterile and have no habitat value.

Gary Hebert, who is with Stantec consulting, reviews the Traffic Impact Study.

- Trip generation estimates appear to be accurate
- Trip distribution pattern appears reasonable
- Parking appears to be a few spaces shy of what is required under zoning, but will be adequate for the numbers expected, so no increase is necessary
- Emergency access showed slight encroachment on one parking space; this has been addressed

- Buffum St. extension; entering will be tight given parking, but is possible
- No crash issues in the area
- Mr. Hebert notes that the MBTA is very close, probably a 5 minute walk, so this is a good area to locate residences, also because of its proximity to downtown

Kirt Rieder asks if there are requirements on any level that new developments have flood-proof egress; Mr. Griffin does not think so but Mr. Hebert will research this.

Mr. Griffin outlines how the encroachment on the parking space was addressed. Current zoning is mostly NRCC with one smaller area in an industrial zone, which requires fewer parking spaces, so no relief is required.

Dale Yale asks about a path to the train station. Mr. Griffin states that discussions have occurred with adjacent property owners to make arrangements. Mark Trainos of 91 Bridge St. Salem states that there may be access between the two buildings or through the All Creatures parking lot. Residents would like an access point from School or North Streets as well.

Kirt Rieder asks about prevailing zoning; most of the site is NRCC so he asks about required setbacks. Mr. Griffin points out the setbacks and notes that they will need to appear before the Zoning Board of Appeals for the use but it was suggested that they go before the Planning Board first. Because one of the existing buildings does not conform, they will keep and expand it. This is a consideration.

Kirt Rieder observes that some of the other units seem close to the perimeter of the site; Mr. Griffin responds that they are about 5-10 feet, in general, from the property lines, though the decks are closer to the fence (3.4 feet at the closest). Kirt Rieder also asks about proposed vs. vertical granite curb but Mr. Griffin is not sure; it may be sloped granite at the end of the parking spaces but he will look into it.

Chair Anderson opens to the public but there are no comments.

One letter was received from Eric Papetti, regarding the cut-through path; he would like the Board to pursue this opportunity.

*A motion to continue to the Nov. 17, 2016 meeting is made by Dale Yale, seconded by Matt Veno, and passes with all in favor, 9-0.*

**D. Location:** 2 Paradise Road and 539 Loring Ave.  
(Map 21 Lots 231 and 232)

**Applicant:** 2 PARADISE RD. LLC

**Description:** A public hearing for a Site Plan Review in accordance with Sec. 9.4 Site Plan Review of the Salem Zoning Ordinance for a proposed addition to the existing Vesuvius Restaurant building. The project will include demolition of the existing structure at 539 Loring Avenue, expansion of the Vesuvius Restaurant kitchen, and construction of a new street level, café-style restaurant and second floor office space.

Presenting for the applicant is Attorney Joseph Correnti of 63 Federal St. Additional details on the plan are being presented tonight; comments from the last meeting will be addressed. The architect, Joel Silverwatch, and the landscape architect, Laura Rutledge, are also present, as is Bob Freddo, owner. Comments were also

received from City Engineering; Bob Griffin is site engineer, but those comments have not yet been addressed.

Bob Griffin outlines changes to the site layout.

- Building remains the same, but a patio has been added to the back for outdoor seating
- Bollards have been added to prevent cut-through traffic; there will be a single entrance for Vesuvius and another for the restaurant/office
- Brick along the edge of the building will be replaced with landscaping in one area
- Grading and drainage remain the same, and will be reviewed with City Engineer

Matt Veno asks about the brick area that will be replaced with landscaping, and Ms. Rutledge elaborates that it is just paving.

These items were just prepared today, so the Board does not yet have these plans. They will be submitted.

Laura Rutledge, Landscape Architect

- Planting & Landscaping plan
- Tree species
- Planting schedule table

All brick between the concrete sidewalk and the building will be removed on the Loring Ave. side. Two trees proposed are on a neighboring property so negotiations are in progress, assuming the Board likes this proposal. Chair Anderson asks about the lack of an adequate loading area, and Bob Griffin elaborates. Deliveries occur early in the morning, which works well with deliveries coming in through the parking lot in the rear. The Chair asks about loading from Loring Ave., and is concerned about trucks parking near the intersection; the ordinance requires adequate loading facilities so he feels issue will need to be further explained or studied. The Chair does not want to see large box trucks parked on Loring Ave, offloading at the door and causing a traffic problem at the busy Loring Avenue intersection. If they are only loading before or after business hours, it would not be as concerning, but he has a larger concern with loading during business hours. Mr. Griffin answers that loading will occur early in the morning during business hours; it happens at 9 or 10 AM, before lunchtime and that the parking lot and Loring Ave. are both used today for this purpose without inconveniencing anyone, but the issue will be further examined by the applicant, and he will provide a schedule of what is currently happening.

Carole Hamilton asks about material for the patio; surface materials have not yet been determined but may be scored concrete or pavers. Carole Hamilton asks the applicant to look into using something pervious to allow infiltration. She also comments that they are essentially paving over the entire residential lot, she would like to see some infiltration. Ms. Hamilton also recommends that the locust trees around the patio be replaced as they provide no shade. Bob Griffin describes the catch basins and infiltration system so he is not concerned about stormwater changes due to the installation of the patio; however, Carole Hamilton still recommends the area should be pervious. This would also give them an opportunity to add a tree to the patio. Kirt Rieder agrees with Carole that more permeable surface materials allow more water to be available to tree roots, which would help it qualitatively.

Mr. Rieder says that he agrees with comments made at the last meeting about viewing the site holistically from a landscaping standpoint, and he looks favorably upon the negotiations with neighbors but feels that the applicant should go further. The applicant should consider the opportunity at the corner- which is maintained by the City. Mr. Griffin comments that the Paradise Road strip is too challenging to add vegetation; the site is difficult from a landscape perspective. Discussion continues regarding parking, snow

storage and landscaping. Kirt Rieder makes several suggestions, feeling the applicant should add additional landscaping to the corner area owned by the City, which the restaurant currently maintains. Mr. Griffin says he will talk to the City about adding landscaping there. Mr. Rieder points out that approximately 80% of the corner is owned privately, only 20% is owned by the City.

Materials between Paradise Road and the site are discussed. Bob Freddo comments that the original owner installed irrigation. However, there is no room for snow storage. He wants to block the corner because cars cut through Paradise Road. The Chair comments that any opportunity to improve the corner of Loring and Paradise should be taken; if they are proposing bollards then they should consider additional landscaping and close off the curb cut. Kirt Rieder notes that you could probably run six trees along the back edge of the restaurant. Ms. Rutledge comments on trees and sight lines from the road to the restaurant. Mr. Rieder comments that shrubs at the corner probably exceed the sight lines of a driver, a tree would not block that but shrubs will. Therefore, there are opportunities for another 6 to 8 trees, which would be less expensive than what is proposed.

Noah Koretz asks about the bank lot directly south, which is treeless. He suggests that they be careful with the outdoor seating as it is not a universally good thing, in a suburban environment they need to make special considerations to ensure that it is comfortable. It should feel protected, as an oasis, protected both from a safety standpoint, comfort and enjoyability standpoint. He cites the Daily Harvest in Danvers as an example of a good precedent that they can look at. The stockade fence should also be considered.

Matt Veno asks about landscaping near Paradise Road and Ms. Rutledge elaborates that perennials are proposed near the sign. The board comments it would be a great place for a tree.

Joel Silverwatch, Architect, presents:

- Existing building will remain as stucco
- Elevations, Exterior materials of addition
  - Two-story building with a stucco exterior
  - White band between floors which is a recessed panel
  - The parapet will screen the roof equipment

Tony Mataragas asks why stucco is proposed. He personally prefers other materials over the stucco which looks outdated. Mr. Silverwatch explains he wanted the projects to tie together cohesively. Discussion of the exterior materials and colors ensues. Some Board members are concerned that the red stucco from the current Vesuvius does not line up with the white segment between the floors of the new construction. The red line corresponds with the top of the windows at Vesuvius, but the windows are hidden under an awning. Chair Anderson suggests recessing the West side like they did the East side, but Mr. Silverwatch is not sure this is possible. Additional suggestions for the transitional area (kitchen extension) are made.

Kirt Rieder asks about the flag pole. Chair Anderson asks the applicant to check the square footage of glass on the second floor against code requirements. Helen Sides suggests some changes for the white areas, feeling they need more detail. Building mounted lighting is planned, along with one new light pole in the adjacent lot. The Chair asks about patio lighting; that will be planned but is not yet shown. Kirt Rieder notes that the patio is snow storage so that may be incompatible, but Mr. Griffin feels both usages can be accommodated, though he will look into it. Locations of the wall pack light fixtures should be shown on the next iteration of the plans. Helen Sides recommends adding a panel to the base level of the building to protect the corners. It would also provide rhythm along the street level and openings. Chair Anderson agrees with Ms. Sides, and asks the applicant to give it more thought as it may cost more upfront, it will save the owner money in the long run when taking maintenance/repairs into consideration.

Chair Anderson opens to the public and Steve Dibble of 74 Moffatt Rd., Ward 7 Councilor, approves of the improvements. He feels the West and East elevations should be considered as one, and suggests that it be shown on the plan as one. He also makes suggestions regarding street trees. Rather than bollards, he feels the opening should just be closed off. A traffic study of Vinnin Square through Canal St. is being done. The State has recommended that the City work with business owners to combine driveways and allow traffic to flow through adjacent parking lots. He also comments on the loading door in the addition; it should not be used for that purpose as use of the current Vesuvius door already blocks the right turn lane. As an Entrance Corridor project, this is not subject to DRB review; SRA and NRCC projects must go before that Board.

Councilor Dibble feels that the wall on Loring Ave. should be improved, but trees will help. Landscaping on Paradise Rd. side is well done, but he feels that some trees could, in fact, be added along Paradise Rd. The same should be done at adjacent properties. He also mentions that trees should be required to be maintained, left in place, and replaced if they do not survive.

Kirt Rieder echoes Councilor Dibble's comment about the bollards, that that strip should become an extension of landscaping along the front, meeting up to the City corner. Councilor Dibble comments that the segment on Paradise Rd. filled with rocks, which he estimates at 4-5' wide, should have curbing and landscaping. If no curbing, there should be bollards and the Commission should require two trees there.

Kirt Rieder asks if the City requires wheel stops or other impediments. Attorney Correnti states that the applicant will return with revised landscape and architecture plans. Attorney Correnti must convince the owner that these changes will not substantially raise his costs; Board concerns will be addressed but the small business should be able to thrive as well; three others have failed in this location. This location is tougher than they thought. All suggestions will be considered and the City will be consulted on how to handle this Entrance Corridor area in a comprehensive manner. Kirt Rieder speaks to reducing costs and mentions reducing the square footage of the outdoor patio, replacing some of it with a vegetated surface.

*A motion to continue to the Nov. 17, 2016 meeting is made by Noah Koretz, seconded by Helen Sides, and carries unanimously, 9-0.*

**F. Location:** 60 & 64 Grove Street and 1, 3, and 5 Harmony Grove Road  
(Map 16, Lots 237, 236, 377, 239 and 378)

**Applicant:** **MRM PROJECT MANAGEMENT, LLC FOR THE PROJECT KNOWN AS GROVE STREET APARTMENTS (F/K/A LEGACY PARK AT HARMONY GROVE APARTMENTS)**

**Description:** A public hearing for application of, to amend the previously approved Site Plan Review, Planned Unit Development Special Permit and Flood Hazard District Special Permit Decision dated December 11, 2014. Specifically, the application proposes to modify the condition requiring restoration of the office building located at 60 Grove Street due to its unsafe condition and to instead demolish the building and temporarily create a landscaped open space until specific commercial development plans are developed. No changes are proposed to the total square footage or footprints of the buildings or number of dwelling units in the project. The 60 Grove Street property is to remain commercial in nature.

The applicant requests to continue to the Dec. 15, 2016 meeting.

*A motion to continue to the Dec. 15, 2016 meeting is made by Tony Mataragas, seconded by Bill Grisct, and passes 8-0 with Noah Koretz recused.*

### III. APPROVAL OF MINUTES

**A. Joint City Council & Planning Board Meeting September 19, 2016**

A motion to approve the minutes is made by Helen Sides, seconded by Carole Hamilton, and passes 8-0 with Noah Koretz not voting as he was not present.

**B. Regular Planning Board Meeting October 20, 2016**

A motion to approve the minutes with minor modifications is made by Helen Sides, seconded by Dale Yale, and passes 7-0 with Carole Hamilton and Kirt Rieder abstaining.

**IV. OLD/NEW BUSINESS**

**A. Review and Vote on the 2017 Planning Board Meeting Schedule**

A motion to approve the schedule is made by Noah Koretz, seconded by Carole Hamilton, and passes unanimously, 9-0.

**B. Planning Board Discussion of community preservation needs, possibilities and/or resources, evaluation criteria, priority projects or other comments related to CPA funding in Salem. Written comments from the board will be provided to the CPC.**

Matt Venio will have more information at the next meeting

**C. Review of standard condition requiring two year maintenance of trees planted**

Amanda Chiancola notes that the current condition is challenging as it does not have teeth for enforcement. She cites an example of a recent project on Highland Ave. She is seeking ideas from this Board.

Currently, it is uncertain what the consequences are for project developers/owners whose projects are no longer in compliance with conditions set forth by the Board, whether they are regarding trees or other items. Typically letter is sent to the property owner requesting compliance, and that usually resolved the issue. The Historical Commission, which can place a lien on noncompliant properties reported to it by the Building Inspector. An option to have the City replace the trees and put a lien on the owner's property until the trees are paid for will be looked into. The Chair asks for an opinion from the City Solicitor on what to do in the case of site plan review violations.

It is noted that future conditions should indicate when the time period for maintenance should start; it currently does not say but should begin when the certificate of occupancy is issued. Carole Hamilton opines that no specific time frame should be mentioned; maintenance of trees and landscaping should be for the life of the site plan. Other conditions do not expire, and neither should this one. Dale Yale asks about the subdivision regulations with regards to the street trees; easements are signed by developers but again, are not enforceable.

**D. Email Accounts**

Amanda Chiancola notes that Board members should have received an email from the Mayor, encouraging them to sign up for a Salem Email account. She outlines the process and recommends doing this.

**V. ADJOURNMENT**



*A motion to adjourn is made by Tony Mataragas, seconded by Helen Sides, and carries with all in favor, 9-0*

The meeting ends at 9:23 PM.

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-2016-decisions>

Respectfully submitted,  
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 11/17/2016

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