

**City of Salem Planning Board  
DRAFT Meeting Minutes  
Thursday, September 7, 2017**

A public hearing of the Salem Planning Board was held on Thursday, September 7, 2017 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Chair Ben Anderson opens the meeting at 7:06 pm.

**I. ROLL CALL**

*Those present were:* Chair Ben Anderson, Kirt Rieder, Noah Koretz, Dale Yale, Bill Grisct, Matt Venio, and Carole Hamilton

*Absent:* none

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

**II. REGULAR AGENDA**

**A. Location:** 16, 18 and 20R Franklin Street (Map 26, Lots 400, 401 and 402)

**Applicant:** JUNIPER POINT INVESTMENT CO LLC

**Description:** 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; and a Stormwater Management Permit in accordance with Salem Code of Ordinances Chapter 37. Specifically, the applicant proposes to replace the existing junk yard with a residential development consisting of forty-three (43) units in five (5) buildings with parking under each building, in addition to an independent garage and some surface parking resulting in 69 parking spaces. The project also includes landscaping throughout, and public access along the riverfront with walking paths.

Joseph Correnti of 63 Federal St. represents the applicant. This is a junkyard that has been operating for over 60 years. Juniper Point investment, represented by Mark and Anya Tranos, in addition to Bob Griffin, Civil Engineer; Pitman & Wardley Associates LLC are the project architects. Other consultants will also be brought in, including their traffic engineer, and an LSP (Licensed Site Professional) to discuss environmental factors, at a later date. This project is within the North River Canal Corridor (NRCC) zoning so will also be undergoing Design Review from that Board (DRB). This is the Ferris junkyard; Mr. Ferris is not offended by it being called that. Its history is described as a metal salvage yard, and many are familiar with it as it cannot be missed.

These will be village style condominium units. Open space will be shown and the riverfront reclaimed for the City and the Public, a main feature of the project. The riverfront has not been open to the public for at least 60 years. It will be tied into Furlong Park.

Mr. Correnti explains that the applicant will demonstrate how this compares with what is across the basin; there is a contrast between what is in downtown vs. Franklin St. On the former, there are vast fields of parking and roadways, closed to the public, with no river access, in contrast to the plans for Franklin St. Ideas on how to eliminate parking fields will be described; many times a large concern of planning and neighborhoods is the “sea of asphalt” and overparked sites. The approach in this project is unique; under each building will be parking – surface parking, with the first floor raised above it. This allows the applicant to eliminate large parking lots on the river. Each unit will

have a parking space under its building, in order to be more attractive to unit owners, the neighborhood and the City.

This makes the buildings higher; the building height is 50' on most buildings, but this still meets the zoning requirement for buildings in the NRCC. This is lower than originally planned.

There were three neighborhood meetings over the summer and the input received was valuable. Plans tonight reflect many of the comments made, and the applicant continues to listen, adjusting plans where appropriate.

Additional Permitting still needed includes:

- Zoning Board of appeals, to be presented to in October
- Conservation Commission
- Chapter 91 license from the State
- Historical Commission if shack is over 50 years old

Bob Griffin presents a PowerPoint overview:

- Overhead view: 400' of shoreline
- Project Site: lengths of parcel borders described. Transitional area from Commercial/industrial to residential and Furlong Park
- 1897 Atlas: shoreline is outlined; most of the area is filled tidelands. A report done on this property includes ash, solid waste (municipal waste from 1920's and 1930's). There is also contamination due to junkyard activities. Facilities nearby in 1897 are described
- 2008, 2010 and 2015 overhead views; Furlong Park contamination is discussed; similar challenges are expected on this site. In 2015 vehicles were moved 50' away from shoreline and a berm was added after a lawsuit by the Conservation Law Foundation
- Shoreline looking South toward train station: broken asphalt, concrete, riprap and debris
- Shoreline looking Northeast: similar riprap, asphalt and concrete to stabilize shoreline
- Junkyard shoreline at Furlong Park: similar to above
- Furlong Park shoreline
- Distance from train: .3 miles, a 6-minute walk. This is a transit-oriented development
- Views looking South on Franklin St. Many people park on sidewalk. There is no granite curbing, or it may have been paved over and curbs not adjusted
- Flood Map. Entire area is within the 100-year floodplain, as are many other buildings in the area. Downstream of North Street is Coastal Flooding, meaning fill may be placed since floodwaters will simply move into the ocean. They did consider raising the site but decided not to, since duration of flooding will be shorter in coastal than the inland area. Did not want site to be above Franklin St. Garage floor elevations are only slightly above what is there now.
- Existing Conditions, wetland issues: coastal bank, buffer zone, mean high water line, inner riparian zone and riverfront zone. This means lots of Conservation Commission interest in the entire project. Chapter 91 limits placement of buildings. The whole area is filled tidelands, which means lots of interest from the Department of Environmental Protection (DEP)
- Proposed layout of 5 residential buildings and one garage, plus a small gazebo. Most parking is beneath the buildings. 60 spaces under roof, 9 outside. There is at least one space per unit. Garage is located next to an adjacent industrial building to minimize its impact. Snow storage areas are described. Proposed fencing is described. The layout is meant to provide a village feel, with some sight lines toward the ocean.
- Proposed layout, extended view. Large green space at the rear/riverfront is meant to be public space/access, hoping to collaborate with others and connect to North Street. City drain is described. All stormwater standards EXCEPT for recharge will be met, that last due to pollutants on the site. Lighting is described

- Site overview # 3. Architectural layout on view. Contrast access to shoreline here vs. next to train station and Bell apartments
- Conceptual Architectural views of all buildings: Two (Buildings A and B) will be townhouse style, with occupied spaces having two floors; layouts reflect this. Buildings C, D and E are flats. There will be two units per floor and one at the upper level
- Garage and Gazebo: There will be trash rooms in the garage and the garage level of each building
- Building elevations, colors: Hardie Plank siding is planned, roofing and trim are described
- Key features/project summary
- Number of units per acre – density compared to other NRCC projects. This is on the low end, comparatively speaking
- Franklin Street rendering
- Drone view rendering

Attorney Correnti concludes, and questions from the Board are considered.

Only residential use is being proposed. Matt Veno notes a reference to disputed portions of the parcel pending resolution. Mr. Correnti says that in short, litigation between the City and Ferris Trust from 1982-89 ended unresolved and was dismissed as non-prosecuted. Neither party has conceded its claim, but Ferris has used this land continuously since 1952. Juniper Point, the developer, is not going to resolve this dispute, but their position is that if the City likes the development, and wants to reclaim the riverfront and get rid of junkyard, then Ferris as well as the City should give them rights, so that the project can move forward. This Board will not resolve that dispute either, but there will have to be a condition of the Decision that the dispute must be resolved for the decision to be valid.

Kirt Rieder asks about flood elevations; finished floor elevations are at 20' and above. First floors are storage and garages.

Chair Anderson comments:

- Sidewalk along Franklin St.: To left, will be replaced/filled in to extent of property? Should be
- Floodplain and 100-year storm: concerned with gas meter locations, mounted to side of buildings, would like to see protection/bollards. Mr. Griffin states that all HVAC units, electrical and gas will be above flood elevation.
- All trash and recycling will be contained in rooms in each building, enclosed. They are required to have flood openings anytime slab is below flood elevation. Also a transformer location is by the street, will be on a pedestal
- Chair Anderson asks about the shoreline: debris shown in photos, but no riprap/ cleanup shown on Plans. The applicant does intend to remove and replace with something visually appealing

Matt Veno asks about Building #1, which is adjacent to Furlong Park. He is concerned about errant baseballs. This is discussed. Mr. Correnti responds that if netting is needed, the developer will place it. Mr. Veno recommends that the petitioner consider relocating the building.

Dale Yale asks about the height of fencing, and fencing heights are discussed. Chair Anderson notes that the board has not been supportive of vinyl fencing.

Chair Anderson opens to the public. Most members do not seem to be opposed to development of the site, but many appear to be strongly opposed to the current design of the project.

- Anne Sterling 29 Orchard St. Neighborhood Improvement Advisory Council (NIAC) representative for Northfields neighborhood (as this is colloquially known). Concerns:
  - Disputed acreage (Chair reiterates that this Board will NOT make a final decision regarding the land in dispute)
  - Ms. Sterling has concerns about traffic
- Mary Ellen Sullivan, Orchard St. Concerns:
  - Parking
- Beth Gerard, Ward 6 Councilor, 49 Larchmont Rd. Organized three meetings to discuss this, she thanks the neighborhood for coming out to discuss the project. Overall supportive of the project, but has some concerns:
  - Density and scale- feels too high and too dense
  - Would like a shadows study, since the building is directly adjacent to Furlong and shadows may impact maintenance of grass at Furlong Park
- Emily Udy, 8 Buffum St., representing Historic Salem. In favor of development on this side of the NRCC.
  - Points out up to nine other parcels in this area on that side of North St. could be developed, so this project has the potential to set a precedent, thus it is important to get the first one right.
  - Looks forward to DRB input and she trusts that the Planning Board will address parking and density issues
  - Concerned about pedestrian access;
    - Pedestrian access is an important piece of the neighborhood
    - She walks to the park from Buffum Street, and to the train station, she understands the current condition of the pedestrian issues along Franklin, e.g. you walk on the street because you have to.
    - While this project only has a small street front along Franklin, any improvement will be appreciated.
    - She does not see the front of a project, instead it looks like a driveway. She hopes to see design along Franklin St. to the important of design along Franklin Street, not just along the riverfront. Do not forget that Franklin Street is part of the neighborhood.
  - Feels that the NRCC provides an opportunity to expand the neighborhood rather than create new neighborhoods. Wants this project to be included rather than “next to” the neighborhood
- Judith Juntis, 71 Franklin St. asks about the area on which the buildings will be built; with the large amount of open space near the water, all buildings will be constructed on the remaining 1.4 acres
- Nadine Hanscom, 10 Bay View Circle, approves of a development there, but has concerns:
  - Height and the precedent this will set if allowed
  - The project does not fit into neighborhood
  - Feels developer is not listening to resident concerns
- Victoria Riccadello, 5 Foster St. Concerns:
  - Worried that condos will become rental units, suggests building fewer units to attract higher paying buyers
  - Parking
  - Density

- Joe Keith, 89 Mason St., is in favor of the project and notes that it should be taken into account that it can be difficult to find a developer willing to work on contaminated land.
- Diane Robichaud, 7 Foster St. Concerns:
  - Traffic, especially on Foster ST.
  - Density
  - Parking
- William Legault, 2 Ward St. Comments:
  - Insulted that neighborhood residents discriminate against/vilify renters, as it can be more expensive to rent than to own in this City. Notes that more affluent people are probably renting.
- Sally Wilson, 37 Dearborn St. Concerns:
  - Height of first floor (she mistakenly thought it would be 20'; it is 10'11' but base elevation is 10', floor is above that)
  - Parking
  - Setbacks
  - Mentions using Buffum St. Ext 5 townhome development as a good example
- Bill Fourth, 24 Brigg St.: Approves of development. Notes that many millenials have no car and few if any kids. The types of families moving in will fit what these condos have to offer. Many will come from Boston, and will walk to the train.
- Mary Ellen Halliwell, 81 Orchard St. Concerns (some stated at meeting, some received by email):
  - Project does not preserve character and scale of Northfields
  - Height
  - Barrier between Franklin St. and river
  - Traffic
  - Density
  - Title dispute
  - Burden to infrastructure
  - Flooding
- Sandra Orchard St. Concerns:
  - Parking
  - Traffic
  - Precedent that will be set
- Councilor Sargent, Councilor at Large, 8 Maple Avenue: Concerns:
  - Parking, visitor parking
  - Notes distinction between applicant complying with the law vs. "giving" to the City, i.e. if waterfront access is required, they are not being magnanimous
  - Setbacks
  - Blending with character of neighborhood; whether vision is for the entire area or piecemeal
- Councilor Ryan, Locust St. Concerns:
  - Proximity of building next to baseball field is too close
  - Height
  - Traffic

- Helen Coleman, 3 Moulton (end of Franklin St.) Ave. Concerns:
  - Developer's failure to address resident concerns
  - Density
  - Parking (notes lack of amenities in walking distance)
  - Traffic
  - Sidewalk (lack thereof)
  - Precedent that will be set
- Michele Mchugh, 1 Washington St., opposed to project, sent via email:
  - Studies show area would be impacted negatively (did not cite specific studies)
- Tim Jenkins, 18 Broad St. Concerns:
  - Density
  - Waterfront access from Franklin St.
  - Feels project is more "Suburban" than "Village" in feel

Board members discuss:

Mr. Veno:

- Site layout and traffic are under Planning Board purview, but parking variances are under the Zoning Board of Appeals (ZBA)
- References the North River Canal Corridor Master Plan; notes that all NRCC projects must be consistent with the Plan. This part of the NRCC does not call for "urban village."
- Three pieces of Master Plan for petitioners to consider, that should inform future presentations:
  1. P. 3.4: Northeast section recommendations: Support commercial/low density/open space, recreation in scale with the surrounding neighborhood. Zoning does allow 50' in height/4 floors by right. This must be discussed as parking on the ground level with four floors of residences above means the project does not conform.
  2. P. 3.9 Franklin St. parcels. Project should be of appropriate size and character
  3. P. 3.10 Traffic: General improvements to the intersection of Franklin and North, must be made and the Board expects this to be addressed in the traffic discussion. Traffic should be minimized through the northern residential neighborhoods and the "no left turn" may be an issue.

It is noted that due to the nature of the area, the project may fall within the transitional overlay zone, and not the general NRCC, as the sites across the street are zoned residential, but have commercial use.

Mr. Griset:

Explains that he is impressed with the participation of neighbors and residents as a community. All projects improve as they go through the process, however this is not a clean slate/empty lot with developers vying for our attention. It is a Salem developer interested in removing a junkyard and making it a better place to be. We can discuss height, etc. but Mr. Griset notes that this is a significant effort, a great start but not a finished project, but it never is at the first presentation.

Mr. Koretz:

Says that the applicant may want to focus more on the pedestrian experience from Franklin St. He would like to see a detailed rendering of treatment from the street. Also, it is necessary to consider that this is entirely in a 100-year flood plain, so while not aesthetically great and tall, having parking under living space seems like an elegant solution to make a development work in a context where open space and other desirable aspects are not sacrificed. He also feels the developer is from Salem and has taken on other challenging sites, and echoes Bill Griset in noting that this

is not a desirable site, so will be challenging as well. Issues brought up today will be addressed in depth at future meetings.

Attorney Correnti concludes, also noting that this is only the beginning, and that the applicant will continue developing plans, and will be in touch with who will be presenting at future meetings.

*A motion to continue to the September 21, 2017 meeting is made by Kirt Rieder, seconded by Helen Sides, and passes 8-0.*

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

#### **A. Discussion on updates to the Site Plan Review (SPR) Application Form**

Amanda Chiancola has updated this to reflect changes to recent Zoning Board. City Council has accepted the Planning Board's recommendations.

- Currently 4 hard copies must be submitted, but now five are required, full sized copies for all City dept. heads, and nine 11x17 copies for Board members.
  - The rest of the changes to the required plans and drawings mimic the ordinance, except in 13. The context plan not in the ordinance and #6, quantities of landscaping also have been added. Kirt Rieder notes that the context plan should identify distance and scale. Submission of plan components is discussed. This Board can set the standard but work with applicant if it does not make sense. Plans should start at a scale of 100.

#### **B. FY18 Community Preservation Plan – Request for Comment/Input**

Chair Anderson states that it is comprehensive and informative, and has no comments, and there are none from the Board either. Amanda will inform Jane Guy.

#### **C. Discussion of a draft zoning amendment to include design review oversight in the Entrance Corridor Overlay District.**

Amanda Chiancola outlines the changes.

- 8.2.2 Applicability & Applicability subsection 2; some exceptions are outlined. Planned unit developments are still subject to DRB.
- 8.2.8 Recommending that the development of nonresidential projects over 10,000 square feet requires the recommendations of DRB
- If a project has 6 units or more, it would also have to undergo Design Review
- If a project is from 2,000-9,999 square feet, it would be subject to site plan review, but if it does not meet 10,000 square feet, it is recommended that the Planning Board vote if it should go before the Design Review Board.

Helen Sides feels that renovations to existing structure should also be included for oversight. Lengthy discussion about this topic and the purview of the Planning Board occurs. Main points:

- Amanda notes that the Planning Board Board only has oversight over Site Plan Review thresholds, i.e. new construction.
- Ms. Sides suggests that square footage be defined as total square feet (including existing)
- Amanda replies that the suggestion would change SPR threshold, which is not included in this amendment.

Kirt Rieder asks for clarification and Helen Sides states that this is a loophole that should be closed, addressed either by the DRB or in site plan review. One or the other should apply not just to the addition or new construction, but the entire project. Matt Veno agrees, and Kirt Rieder suggests adding “or extension of existing structure to exceed 10,000 square feet cumulatively.” However, there is still an

underlying site plan review threshold, in that the DRB has nowhere to make recommendations to if the threshold does not match up with SPR.

Chair Anderson notes that section 9.5.2, SPR applicability, does not distinguish between new construction vs. renovation. Ms. Chiancola explains that the Zoning Enforcement Officer/Director of Inspectional Services has interpreted it to mean only new construction. The Board comments that this seems subjective; a clearer ordinance would make subjectivity impossible, but ordinance would have to be for Site Plan Review, not the DRB.

The procedure to change regulations is discussed. Amanda Chiancola notes that Planning Board staff is also looking at Scribner's errors/housekeeping to rectify/clean up. The matter of the 10,000 square foot threshold is a separate issue. Carole Hamilton points out the dangers of shoring up what one individual has determined in his interpretation; if the next individual has a new interpretation, this one will already be codified if the Board inserts "new" into it. Scribner errors vs. substantive issues can be murky; be careful. This discussion is assuming the loss of and re-addition of "new" to construction was not intentional.

Ms. Hamilton explains that some other communities do require SPR for all projects over a certain size; i.e., an applicant would have to undergo Site Plan Review if enclosing an overhang and the entire building is more than 10,000 square feet.

Further discussion of the semantics of the ordinance is discussed. The board recommends removing the word "new". Amanda notes that if "new" is removed, the Zoning Enforcement Officer and staff will still interpret the threshold as "new" construction. The board understands this.

#### **IV. APPROVAL OF MINUTES**

- A.** Minutes of the Regular Planning Board Meeting held on July 20, 2017
- B.** Minutes of the Special Planning Board & City Council Joint Meeting held on July 20, 2017

*A motion to approve the minutes of the Special Planning Board & City Council Joint Meeting held on July 20, 2017 with one minor correction is made by Helen Sides, seconded by Dale Yale, and passes 7-0 with Carole Hamilton abstaining.*

*A motion to approve the Minutes of the Regular Planning Board Meeting held on July 20, 2017, with minor corrections and clarifications, is made by Bill Grisct, seconded by Matt Veno, and passes 6-0 with Carole Hamilton and Noah Koretz abstaining.*

Amanda Chiancola reminds the Board members that on Tuesday, Sept. 26 there will be lectures on Universal Design at 3PM and 6PM here. Salem has an age-friendly action plan. The presenters will identify mechanisms to encourage developers to apply Universal Design concepts to development units. While not a federal requirement, ALL housing units would be completely universal.

Helen Sides notes that in that case, all buildings would be much larger, and even the adaptation of older buildings for an aging population has its challenges and limitation. Additionally, we don't want buildings filled with a few, large units; a certain level of density is more desirable. A certain number of Universally Designed units should be required in new housing.

As discussion ensued, additional board members noted that design cannot actually be universal and could never be applied to universal architecture, not to mention that various disabilities have different needs, so not every house can be adapted for every disability. For example, ramps for wheelchairs are awful for those who use canes. MA requirements are for public buildings, and there could be overreach if applying them to private structures. Lots of



reusable buildings sit vacant because they must be brought up to code; Massachusetts code is more stringent than the ADA, and this is a hardship to developers. That scenario benefits no one. It is all a tradeoff.

Mr. Griset:

Requests an executive session, to discuss the law suits against the Planning Board. Noah Koretz says one issue City must keep in mind is that when Board members are individually sued, if the City is not careful about representing them individually, there are ramifications for these individual Board members. Specifics can be discussed at Executive session.

Kirt Rieder is the Planning Board representative for LORAX (Leaf-Oriented Resiliency and Arboricultural Expansion) tree committee, which is crafting an ordinance that will point to this Board. The Committee is trying to form prescriptions for this Board so they don't have to reinvent the wheel.

## **V. ADJOURNMENT**

*A motion to adjourn is made by Dale Yale, seconded by Matt Veno, and passes unanimously, 8-0.*

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,  
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 09/21/2017

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