

**City of Salem Planning Board
Approved Meeting Minutes
Thursday, September 21, 2017**

A public hearing of the Salem Planning Board was held on Thursday, September 21, 2017 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Chair Ben Anderson opens the meeting at 7:01 pm.

I. ROLL CALL

Those present were: Chair Ben Anderson, Kirt Rieder, Noah Koretz, Dale Yale, Matt Venno, Helen Sides, and Carole Hamilton

Absent: Bill Griset

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 continuation 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; 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.

Attorney Joseph Correnti of 63 Federal St. again represents the Applicant for this second presentation to the Board. The permitting track is described again. The Design Review Board (DRB) will also review the architecture and landscaping; that filing was made this week and the Applicant will present at the next DRB meeting, in parallel with the Planning Board.

The Planning Dept has also stated that Civil and Traffic peer reviews will be undertaken on behalf of the City. The Traffic peer reviewer is here and Bob Griffin will be presenting on Civil Engineering at a future meeting. Tonight, is the initial traffic presentation. Giles Hamm is present for that.

Depending on timing, points raised concerning Master Plan goals for the North River may be discussed; there is a brief presentation, though if traffic runs longer, discussion of this project's accommodation of the Master Plan goals can be postponed to another night.

Giles Hamm of Vanasse & Associates, Inc. presents a Traffic PowerPoint. Jennifer Connors is also present. Traffic issues considered include sight distances, traffic, speeds, estimate traffic of proposed project, area conditions, possible deficiencies and suggestions for safe access. It is noted that the City has a peer reviewer on board to review all work done by the Applicant's traffic engineer.

- Site location map. 2000 cars/hour pass on North Street; it is very busy. Franklin St. sees 150-250 cars/hour, and in the afternoon there is also cut through traffic
- Existing Intersection Land Use, Travel Lane Width and Pedestrian Facilities
- Parking along Franklin Street (2 slides, different areas of street). This roadway is not designed to have parking plus a sidewalk, but the city must address this via regulations, etc.
- Sight Distance Measurement. Visibility is 500' in both directions from the development driveway; 200' is required
- Trip Generation Summary: This assumes 10% of generated trips will be non-driving trips, but this is conservative; the number could be up to 30% because of the proximity to the train. Percentages of cars traveling in each direction once they exit the project are noted. All figures are in addition to existing traffic numbers. Noah Koretz asks how the analysis is done and Mr. Hamm elaborates, noting that the City consultant will review those sources as well. He also notes that this is a beginning of a process, and that town's consultants will have questions to be answered, etc.
- Recommendations and Summary
 - Site Driveway:
 - Stop control
 - Illumination
 - Franklin Street:
 - Upgrade sidewalk and site frontage
 - No Thru Traffic sign at Franklin Ct
 - Town should review parking regulations
 - Upgrade pedestrian sign at Furlong Park
 - Summary:
 - Project can be safely accommodated as planned. It will take away employee and truck traffic from existing business. The area will only see small increases in traffic. There is plenty of parking onsite and the ratio of spaces per unit is adequate for this project.

Chair Anderson asks about signage at Franklin and North Streets; it says no left turn, but Mr. Hamm explains how traffic counts are conducted. Counts are done from 7-9AM and from 4-6PM. The busiest hour from each time slot is what counts. In this case it is busiest from 7:30-8:30AM and from 5-6PM. In that morning hour they noted one illegal left turn and three through turns, with three illegal turns from 5-6PM.

Carole Hamilton asks if the Applicant is underestimating the number of cars going down Foster St. and taking a right onto North, which they may do due to the light. Mr. Hamm notes that Foster St. is in poor condition, and it may be desirable to leave it that way so that fewer drivers take it. This is a concern but he feels that the No Thru Traffic sign and conditions should discourage through traffic there.

Curb to curb dimensions on Foster St. are 19' but it is one-way; this feels correct to keep volume low and speed controlled.

Matt Veno asks about the Trip Generation Summary and Mr. Hamm elaborates.

Average Weekday daily:

Vehicle Trips: 308

Person trips: 330

Transit/walk trips: 33

New person trips: 297

New vehicle trips: 278

Peak hour figures are also noted but not included here.

What the above means is that if no one took public transit, 330 people would, each weekday, leave the project in 308 separate vehicle trips. However, if just 10% (33) of trips are by public transit, there would be 297 new person trips and 278 separate vehicle trips. They would come out and go in different directions. A count of existing traffic on Franklin St. was not done but, using existing peak hour counts, could be calculated at about 3,000 cars/day.

Matt Veno would like a baseline to know what exact increases in percentages will be; Mr. Hamm notes a segment of the report that outlines this, observing that since the beginning numbers differ, a 10% increase on Franklin St. would be a 1% increase on North St. Noah Koretz is mostly concerned about the neighborhood streets people cut through, since North Street is so gridlocked anyway. Franklin St. and Foster St. are of the most concern. Mr. Hamm will provide the Board with those numbers.

Matt Veno states that there is no good way to get from this general area of Franklin St. to get to the center of town. This concerns him long term for development in this area. He suggests a shared contribution to some as yet undetermined future resolution to this problem, to be required of all developers in the neighborhood. It is noted that the City's traffic consultant is also listening, and that future projects will have to do own studies and plans. The Board has heard from public that there is a real concern about additional cars on top of an already substantial, existing burden.

Noah Koretz notes that as the site is near the downtown area, residents heading there from this area will probably walk unless elderly or handicapped. However, if leaving Salem, they will most likely drive. Thus, sites such as this should be developed anticipating that residents will walk into town and drive out of town. Matt Veno says the Board can plan and incentivize, but there is no way to know what will actually happen.

Chair Anderson states that the Board should take this information from Applicant and Peer reviewer and determine if it will be acceptable or not. Based on information the Board has, it must determine if traffic is good or bad.

Chair Anderson opens to public comment.

- Judith Genta, 35 Franklin St. Concerns:
 - Parking Foster St./day care drop offs and pickups
 - Difficulty of turning onto North St. from Foster St.; lights make it even more difficult.
 - Circulation of trucks all day long from businesses
 - Owners of three bedroom apartments will have three cars
- Beth Gerard, 49 Larchmont Rd. Ward 6 Councilor
 - Informs the Board of 2 traffic studies done in 2015, on Lee St. and Foster St.
 - 2,919 vehicles used Lee St, cutting up Franklin, at an average speed of 26 mph
 - Foster St. saw 1,505 over a week in Aug. 2015, at an average speed of 16 mph. She can send results of the studies.
 - Notes that the paving of Franklin Court has been approved, and neighbors should be consulted if they do not want it done; as the \$19,000 it will cost could be used elsewhere. The crosswalks there will be put back
 - The assumption that 6% of trips are to Beverly is an underestimate, as lots go up Orne St.
 - Parking on one part of Franklin St. was limited to four hours in order to discourage commuters from parking there; this restriction can be expanded to the rest of the street.
 - The average width of Franklin St. is 42 feet, allowing for sight visibility

- Victoria Riciadello, 5 Foster St.
 - Concerned about where cars currently parked on sidewalk will go. Mr. Hamm believes they are commuters and should park in the garage as intended, and this is an issue for the Town to solve as that area is not included in this Project.
 - Ms. Ricadello replies that the nearby Commuter Rail garage is full as it is shared with the courthouse, Bridge St. parking has been eliminated, and the downtown garages also fill up
 - Notes the lottery process for residents at the Essex downtown to get an assigned parking space, and that there really is no place to park other than on side streets
 - Also concerned about traffic on North St.

- Emily Udy, 8 Buffum St.
 - Would like to see pedestrian counts, especially at the intersection of North and Franklin Streets. The applicant will present that data at a future meeting

- Anne Sterling, 29 Orchard St.
 - Notes that Furlong Park is a busy location for bikes and Little League traffic/parking
 - Wonders if additional traffic burden during October, and also funeral processions from Murphy's Funeral Home to Greenlawn Cemetery, have been factored in

- Pat Murphy, 27 Foster St.
 - Describes traffic scenarios at Franklin and Foster Streets, estimating 20-30 cars per hour. Cars may also go both way s on Foster St. to cut to Walter St., and they often run stop signs
 - Notes the danger in turning onto North St. from Foster St.
 - Notes that commuters park on other streets because they can get away with it

- Sally Wilson, 37 Dearborn St.
 - Feels that work on Franklin and Foster Streets is important, but adjacent, antiquated streets and traffic patterns must be considered as part of the larger picture
 - Also feels that the number of cars per dwelling is increasing
 - Wonders if "resident sticker parking" will be proposed; this can be irritating especially around public amenities like the library

- Nadine Hanscom, 10 Bay View Circle
 - Also notes that nearby streets will be affected
 - States that developers cannot make assumptions about the type of people/number of cars they will have, worries that they will increase

- Paul Tucker, 14 Bay View Circle, State Representative
 - Asks about the methodology of the traffic study; Mr. Hamm elaborates, noting that the numbers are based on industry standards, counts of existing residential developments. They are not tailored to this neighborhood, and actual counts were not taken

- Arthur Sargent, 8 Maple Ave, City Councilor
 - Agrees that residents of this Project will walk to the train in morning because their parking space in this development is the best they will get. To go anywhere else, they may drive, especially if making a multi stop trip

- Notes that Salem State University did lots of studies when developing its 3rd campus, and has a shuttle and T access to all 3 campuses, but kids drive to and from each campus because they want to.
- Judy French, 16 Foster St.
 - Concerned that drivers who cannot turn Left out of the Citgo gas station or Mason St. cut through the neighborhood
 - Concerned about joint ownership of units leading to lots of cars
 - Generally concerned about traffic on Foster St. and Franklin Court
 - Franklin Court must be paved; it has no sidewalk and the road abuts the buildings, damaging their foundations

Attorney Kolick will address concerns related to Master Plan. PowerPoint:

- NRCC Master Plan – Franklin St. Parcels: Goals and Project elements that address them

Matt Venio thanks the Applicant for addressing these points of the Master Plan. He does not expect every project to meet every point in every region, but commends the Applicant for putting thought into the crosswalk. One issue it misses is “Redevelopment should be in character with surrounding context.” DRB will review and the Planning Board will insist on this, but the Plan also notes size and character should be developed or maintained with the current use. The Applicant should consider context and size, and the height of the building as part of that contextual analysis. There are no five story buildings in that area, so this would stand out.

Chair Anderson notes permitting requirements and common themes among them:

- Special Permit: neighborhood character, impact on natural environment and views. Adverse effect should not outweigh the beneficial impact to the City and neighborhood. He is not yet convinced
- Site Plan Review (SPR): natural areas enhancement, compatibility of architecture, screening of structures. Scale. Volume. Volume and height is difficult to make aesthetically pleasing.
- Chair Anderson suggests reducing the unit count from 69 to 60 to reduce scale as well as make the neighborhood more pedestrian friendly. He understands that a certain number of units are needed to make the project successful, but notes that the DRB will scrutinize scale
- He also suggests varying the exterior rather than replicating the first floor on higher ones
- North River Canal Corridor (NRCC) Underlying District: adequate convenience of vehicles and pedestrians. He is also not yet quite convinced that this standard is being met, but is pleased that an attempt is being made by situating parking underneath the buildings. Concerned about visitor parking, he suggests they aim for two spaces per unit.
- The current plan breaks up the sidewalk with two large garage door openings, which pedestrians would have to cross. Suggestions:
 - Buildings should have a presence along the street edge
 - Have only one driveway rather than two
 - Rotate some of the buildings
 - Use the fact that Franklin Court is directly across from the development to create a visual or pedestrian corridor to connect the development to the neighborhood
 - Re-work the circuitous path to the waterway
 - Eliminate the gazebo and use the space for parking (he notes that this may be controversial)
 - Granite curbing (not shown on plan, but project will have it)
- Transitional Overlay District: Deals with number of stories and height, as well as a 50’ buffer from the neighborhood. This should be examined
- Floodplain Management: The whole site will flood, so Chair Anderson would like them to expand on that re safety of inhabitants.

- Compliance with the NRCC Master Plan:
 - Re connecting diverse surrounding neighborhoods, he not sure the project does this and it does not yet connect to downtown. The neighborhood is not connected to that pathway. The current design seems to be for the neighborhood to be within the development itself, not for pedestrians to walk through
 - Link to transit use, streetscape improvements: sidewalk, curb treatments and lighting are important. Still feels one driveway would be sufficient.
- Expansion of Furlong Park:
 - This disputed area has the potential to be the connection to the waterfront, since it is at risk. This does not have to be whole parcel, but would address some concerns and adverse effects to the neighborhood if agreement is made least part of it to provide direct access to the water. Would also separate residential units from the ballpark, providing a buffer, and would address many other concerns
 - Suggests one driveway with units on either side, on street edge, to provide connection to Franklin St. and Franklin Court.

Kirt Rieder observes:

- Given the size of the site and proximity to the T, this is a good candidate for a higher density residential development; this does not mean he supports number of units, but it should be dense
- Good that they pointed out contrast in development patterns at Bell, where there is a “sea of pavement”
- Approves of design in that develop units are well beyond flood elevation. Not meeting letter of law alone, meeting the spirit
- Re height: conducted site visit with two architects who estimated that two other sizable nearby structures were 45’ tall, so is not sure this project is is out of scale
- Covering parking with a larger dwelling unit is a net gain for the City
- Concerned about setbacks and proximity to ball field, echoing Chair Anderson
- Pedestrian continuity is the most pressing issue. Pavement and pedestrian pavement are discontinuous. Any new sidewalks shall be concrete, granite curbs, with continuity. He will recommend this all the way along the frontage, and that all hard surfacing going into site should also be concrete, interrupting the asphalt so pedestrians and drivers have visual cues that pedestrians have the right of way and that cars should stop
- Agrees that using location opposite Franklin Court to provide a corridor is a positive thing
- Concerned about adjacency to park
- Walkway surfacing: suggests chip sealed asphalt like on Winter Island; is ADA and Universal Access compliant, can stand up to overtopping waves, but will deter skateboards and inline skating
- Does not approve of patio, would like to see more trees and diversity, not just lawn, to provide habitat and interest to pedestrians. Applicant should explore Winter Island, where the best part of walking along the water is that you are under a canopy of trees, same at Willows. Please add trees to promenade along water
- Sidewalks at Franklin St.: Look at street trees. Suggests replacing ornamental, fruiting street trees with more substantial ones that will provide shade
- Wonders if a single entrance with T-bone configuration could accommodate fire equipment. This would also reduce the amount of vehicular pavement and allow different configurations, orientations and alignments of buildings
- Plans indicate 1 handicap spot, but there should be three. He feels that the fewer parking spaces gross are better, but there are diverse attitudes

Helen Sides:

- Agrees that single entrance would be better

- Needs to be more order on the site. There are just buildings placed on the site, not relating to each other or to the neighborhood. Should be beautiful, more of a view, invite neighbors to come in. Makes some suggestion as to linear buildings, in a cleaner plan, relating to the site and the river

Chair Anderson again opens to public comment regarding the project and the NRCC Master Plan, requesting that comments be limited to new items and new speakers only.

Emily Udy, 8 Buffum St., for Historic Salem, Inc.

- Concerned about this site and precedent it will set re density. Wonders if the Board can take into consideration the neighborhood as a whole and possible impacts of future projects to the capacity of the neighborhood. Chair Anderson states that the review is site specific, and that the Board can only react to the plans before them, and it would be the same for subsequent developments. If other sites are developed later, the Board will be aware of the impacts from this site, which will come into play.
- NRCC indicates low density housing, can Board define that or are there standards?
- Questions if the DRB tends to deal with design as proposed, and is not able to discuss volume, density or scale

Sally Wilson, 37 Dearborn St.

- Does not approve of the architectural design of buildings; the Board is sensitive to this
- Notes that regarding scale, having two large, old mansions, single family residences, each on a one-acre parcel, that are tall, is different than having multiple family buildings totaling 69 units on one acre

Megan Kent, 12 Dearborn St.

- Concerned about broken glass exposed at low tide. This is an issue that should be brought up with her Ward Councilor, as the Applicant will only deal with this section of land and not Furlong Park

Victoria Ricciadello, 5 Foster St.

- Notes that tourism is a major factor in Salem's economy. Replacing the junkyard with condos will make the area more attractive when tourists visit.
- Notes that it is costly to clean up a property and compares site to former leather factory on Water St. in Danvers which also underwent decontamination and now has a three story condo development

Nadine Hanscom, 10 Bay View Circle.

- Appreciates discussion of the NRCC Master Plan
- Would like to see single family homes here, similar to Humphrey St. development in Swampscott, or else townhouses/two-family homes
- Concerned about height, density and number of unit
- Notes lack of competition and the fact that development cannot be un done if not done properly

Chris Wolforth, 24 Briggs St.

- In favor of development and especially environmental cleanup to be done
- Demographics suggest that average family size is 3.1 and the ratio of families to households is 45%; largest portion is millennials 20-25 years old. Young professionals cannot afford to live in Boston, and most millennials have one car that they share, and would walk into Salem
- Families with two kids would most likely not live in a condo. Thus, a development of this type would benefit the area

Judy French, 16 foster St.

- Concerned about color of exterior walls
- Concerned that buyer will share and bring multiple vehicles

Arthur Sargent, Councilor at Large

- Would like interpretation of number of units allowed by right vs. how many are proposed
- Concerned about ownership of disputed parcel, notes City Solicitor's input. Chair Anderson states that any decision made by this Board will not go forward until that dispute is resolved. Councilor outlines the process and how this could throw a wrench into the plans

Judy Genta, 35 Franklin St.

- Asks if the Board members ride down/see Foster St. Yes, several members have. All live in Salem and are familiar with the area

Anne Sterling, 29 Orchard St.

- Also concerned about the opinion of the City Solicitor. Matt Veno states that the Board has an opinion from her that says we must move forward despite the area in dispute. It is handed out to be read.

The Chair notes that the Planning Board received written comments by the following individuals, and that the comments part of the public record:

- Wendy Burge, 18 Osborne St
- Bill Ewing and Kathleen McDonald, 34 Walter Street, Salem
- Joseph O'Neil
-

Attorney Correnti requests a continuance to the next meeting.

A motion to continue to the October 19, 2017 meeting is made by Helen Sides, seconded by Noah Koretz, and carries unanimously 7-0.

B. Location: 83 North Street and 1 South Mason Street (Map 26, Lots 59 and 60)

Applicant: Northfields Development LLC

Description: A public hearing for a Flood Hazard Overlay District Special Permit in accordance with Salem Zoning Ordinance, Section 8.1 - Flood Hazard Overlay District (FHOD) to renovate two vacant single-story buildings located at 83 North Street (Map 26, Lot 59) and 1 South Mason Street (Map 26, Lot 60) located in the AE Flood zone. The renovation of the building on 83 North Street consists of demolition of a 20' by 50' square foot portion of the building and replacement thereof with a 20'x 38' single story structure within the existing footprint. Renovation of the building located at 1 S. Mason Street consists of roof replacement, new siding, windows, doors, insulations, interior finishes, electrical, mechanical and plumbing systems, in addition to modifications to comply with accessibility requirements.

Presenting for the Applicant is Michael Blier, who is also a Landscape Architect that wants to relocate back to Salem and situate the office and design suites at these locations. Renovated buildings would house maker, office and gallery space under the studio rubric but in a design collective. They do not want to remake or reshape the site at this stage; it is mostly a renovation project, saving the character of the existing structures, but making them presentable and safe and providing a more attractive gateway moment upon entering the City. The One Stop meeting a few weeks ago led to the discovery that this was in the FHOD.

Dan Ricciarelli with Seger Architects and Susan St. Pierre with Chapter 91, along with John Bobrick are also present. Mr. Ricciarelli describes the site and the parcel. Most of the site is under Chapter 91 jurisdiction; this is Phase 1 with Phase two to be completed after Chapter 91 is taken care of.

Visuals:

- Existing site conditions
- Building renovations. New addition will be above flood elevation. There will be 50 fewer square feet of impervious surface.
- Susan St. Pierre discusses the Chapter 91 aspects/FHOD aspects of the site. Site utilities are described. Interior mechanicals will be above flood levels and reconstruction will be as well. Potential Phase 2 plans are roughly outlined but in Phase 1 is everything outside of Ch. 91 jurisdiction.
- Flood contingency plan is also presented

Helen Sides asks about Building C and Michael Blier states that it will also be renovated for use as studio/office, but it may also house other design professionals to create a collaborative atmosphere.

Chair Anderson:

- Flood Plain map: This shows Ch. 91 area. Flood level elevation 10 is shown. Current owner has stated he has never seen it flood
- Re-use vs. modification of existing facilities: New infrastructure is described. Gas, sewer and water are underground. HVAC, electrical systems, etc. will be above the flood elevation, on the roof
- Questions whether the project is required to adhere to some provisions of the North River Canal Corridor (NRCC). Extensive discussion ensues with the Chair feeling that clarification is needed, however the Zoning Enforcement Officer, Tom St. Pierre, has submitted an email stating that this is not a new building nor is it an addition, thus it is not subject to Site Plan Review (SPR). The applicant notes that the new building will be in the same footprint, but shorter than the one being demolished so that the new construction does not cross the line of Chapter 91 jurisdiction. Right now the main issue is safety; they would like to renovate as soon as possible since the Chapter 91 process takes about a year. Chair Anderson still feels that clarification with the Zoning Enforcement Officer and City Solicitor is warranted, as the ordinance mentions an addition of any size, while not discussing it footprint.

Kirt Rieder observes that this is strictly a positive transformation.

Noah Koretz also approves of this project, noting that this is an industrial zone in a unique and overlooked part of the City. He is pleased it is a creative reuse of an existing site. Helen Sides agrees.

Chair Anderson opens to the public.

Emily Udy, 8 Buffum St.

- Requests that the overall site plan accommodate pedestrian access. Michael Blier states that many aspects of the site are being discussed; they want to create a proper street edge, etc. but are not sure how it will work out. Ms. Udi states that other neighbors in other projects have not understood the benefits of walking paths. There is also a business benefit to having people walk by our buildings. Mr. Blier notes that it will require some thought, given the speed of cars coming around the corner. Noah Koretz notes that such a walkway could feed onto the North St. Service Road, which is appealing to pedestrians but not cars.

Chair Anderson reiterates his above concern, stating that he cannot support the project without that clarification; however other Board members may still motion and vote. He cites section 8.4.15 of the NRCC, which refers to SPR. Susan St. Pierre asks if a vote can be taken contingent upon an interpretation of the NRCC. It is felt that this

is a replacement, not an addition, as the Zoning officer and Tom Daniel in the Planning Department have also agreed. There was also discussion of this issue with the City Solicitor.

Dale Yale motions to close the public hearing, is seconded by Noah Koretz, and the motion passes unanimously, 7-0.

Amanda Chiancola distributes a draft decision to the Board members; this is reviewed, noting that the template is slightly revised, adding procedural history, criteria, and then the decision. It contains the same content as before, but is now organized according to the Land Use and Planning Law handbook template.

A motion to approve the Flood Hazard Overlay District Special Permit in accordance with Salem Zoning Ordinance, Section 8.1 - Flood Hazard Overlay District (FHOD) to renovate two vacant single-story buildings located at 83 North Street (Map 26, Lot 59) and 1 South Mason Street (Map 26, Lot 60) located in the AE Flood zone is made by Noah Koretz, seconded by Kirt Rieder, and passes in a roll call vote with Noah Koretz, Kirt Rieder, Helen Sides, Carole Hamilton, Matt Veno, and Dale Yale (6) in favor and Ben Anderson (1) opposed.

C. Location: 370-376 Highland Avenue (Map 3, Lots 63, 64, and 65)

Applicant: Town Fair Tire Centers, Inc

Description: **A request to withdraw without prejudice** the application of Town Fair Tire Centers, Inc. for a Site Plan Review in accordance with Section 9.5 of the Salem Zoning Ordinance, and a Stormwater Management Permit in accordance Sec. 37 of the Salem Code of Ordinances to demolish the existing structures and construct a 7,269 square foot building for a Town Fair Tire Center retail sales use.

A motion to allow the withdrawal of the application without prejudice is made by Matt Veno, seconded by Helen Sides, and passes unanimously in a roll call vote with Noah Koretz, Kirt Rieder, Helen Sides, Carole Hamilton, Matt Veno, and Dale Yale and Ben Anderson (7) in favor and none (0) opposed.

III. OLD/NEW BUSINESS

Matt Veno observes that there is a vacancy due to Tony Mataragas' departure and requests an agenda item for the next meeting to discuss what type of person should be next Board member, what sort of expertise, they should have, etc. He would like to discuss which qualities would complement those of existing Board members. The board recommends that this be a discussion item under new business on the next Planning Board agenda.

APPROVAL OF MINUTES

A. Regular Planning Board Meeting held on September 7, 2017

A motion to approve the minutes with minor corrections is made by Noah Koretz, seconded by Helen Sides, and passes unanimously, 7-0.

IV. 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:

- a. Nathan Jacobson v. The City of Salem Planning Board regarding the Definitive Subdivision at 14 Bertuccio Avenue

- b. Donald Harlow-Powell v. The City of Salem Planning Board regarding the Definitive Subdivision at 14 and 16 Alameda Avenue
- c. 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, pursuant to the above MGL Chapter 30A etc., is made by Noah Koretz, who states that the regular meeting will not resume after the Executive Session. The motion is seconded by Dale Yale, and the motion passes 7-0.

V. ADJOURNMENT

A motion to adjourn is made by Helen Sides, seconded by Matt Veno, and passes with all in favor 7-0.

The meeting ends at 9:56PM.

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 10/19/2017

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