

City of Salem Planning Board  
September 6, 2018

A public hearing of the Salem Planning Board was held on Thursday, September 6, 2018 at 7:00 p.m. at City Hall Annex, 98 Washington Street, Large Public Hearing Room, First Floor, Salem, Massachusetts.

Chair Ben Anderson calls the meeting to order at 7:00PM.

## I. ROLL CALL

*Those present were:* Chair Ben Anderson, Carole Hamilton, Bill Grisct, Matt Veno, Helen Sides, Kirt Rieder, DJ Napolitano, Matt Smith (8)

*Absent:* Noah Koretz

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

## II. REGULAR AGENDA

### A. Location: 45 Traders Way and 40 First Street (Map 08, Lot 159; Map 13, Lot 0011)

**Applicant: PETER LUTTS/PAVEL ESPINAL**

**Description:** A public hearing for all persons interested in the application for the properties located at 45 Traders Way and 40 First Street (Map 08, Lot 159; Map 13, Lot 0011) in accordance with the following sections of the Salem Zoning Ordinance: Section 7.3 for a Planned Unit Development and Section 9.5 for a Site Plan Review. Specifically, the petitioner is proposing seven (7), free-standing, residential/retail mixed use buildings of varying heights throughout the 8.9 acre site. The development includes 212 dwelling units, approximately 7,600 square feet of commercial, 318 parking spaces, bike racks, at least one parking space for a car share, landscaping, a dog park, walking paths, utility work, and drainage systems for stormwater runoff.

Scott Grover introduces the team. He notes that they are focusing on new things the board has not seen yet. Major changes are highlighted.

- Original and proposed plans are shown
  - Massing was a concern so the Applicant has stepped back massing from the street; buildings 2 and 5 are reduced in height and moved back from the street to provide more screening from the residential neighbors.
  - Eliminated a significant amount of parking below the buildings
  - Relocated the clubhouse to the center of the site for left turn
  - Queuing lane added on Traders Way
- Michael DeAngelo, Landscape Architect, presents the updated landscaping plan
  - 18 foot tall trees will be planted, board requested naturalized buffer but given the small area it will look too contrived
  - Provided screening for Cloister development, which keeps headlights out, and adds evergreens
  - Peter Blaisdell, PE and Land Surveyor, presents engineering.
- Changes requested by Bill Ross:
  - Buildings reconfigured, pushed back from street
  - Information added to Plan:
    - Size and type of water in street added
    - Two buildings combined, clubhouse moved; dog park modified slightly w/added curbing

- 1,140 feet of paved sidewalk on Traders Way and First St. will be removed and replaced
- Improved accessibility from buildings 5 and 7 to clubhouse
- Entrance access changes to project are described; this positively impacted drainage onto Traders Way
- Water lines now looped and connections separated so each building now has its own shutoff; triple gates added so City can shut off
- Gas trap for garage floor drains has been added
- Lighting design remains the same
- Added stones to back of catch basins in case they clog
- Sediment and oil separator data are now shown
- Subsurface designs are shown and described
- Cuts and Fills sheet: must apply for drainage alteration permit, this has been submitted

Bill Ross of New England Civil Engineering, Peer Reviewer, is available for questions but does not have anything to add at this time. Some items were provided yesterday in narrative form. Flooding offsite is not increasing but flow to the wetland is being maintained. The dog park is also not adversely affecting the wetland. Information on MDC traps and several other items was also provided. He is comfortable with all the changes; some items remain outstanding, including CCTV of some drains. The City's concern was regarding First St. and Traders Way sewer capacity; this will be cctv'd and inspected as well. DJ Napolitano asks about the impact of adding 200 units which have never been there, especially given climate change related extreme weather.

Salem does not have a defined regulation for infiltration. The Applicant can work with the City but no drainage cross connects into the sewer. Size calculations on the sewer were done and it is a 15" cast iron pipe, so is sufficient. Bill Ross elaborates and is comfortable with the capacity of the pipe; it remains large until farther down. As long as it is not collapsed or clogged, it can handle the flow. Its condition must still be verified.

Soil borings are not done, and the subsurface drainage is very complicated. This needs to be done to confirm that they will fit where they need to go; this is conditioned for approval. Plans do not show other utilities such as gas, electric, etc and will be tied to foundation permit. There is a change in the configuration of the tanks. A new tank collects half of the building runoff, while the other half discharges to wetland; this will be revised. Also dates should be kept track of as drawings have changed.

Scott Grover closes the presentation. Kirt Rieder asks about grass pavers on the landscaping, but no engineering detail has been provided. Mr. Blaisdell is not sure why they are there; it is for fire access and detail can be provided. Bill Ross notes that if you don't use them, they stay green. Kirt Rieder notes that geo-web can be planted and is better maintained than pavers. There is a question as to whether a hook and ladder access is really needed on both sides; the Applicant would need to consult the fire dept.

With regards to trees, Scarlet Oak listed twice, and one is bicolor. Dog Park; curbing or fencing? Both curbing and fencing are proposed for the dog park. Curbing is meant to contain runoff to the wetland, while fencing will contain dogs.

Chair Anderson asks about the photometric plan; the numbers in the street are along Traders, and range from .7 to 0 candle feet and .1 to .8 at the entrance. Light poles are 25' feet high. The largest building is 35' high. The only building mounted lights are at the doors and at the fire entrance. It will mostly be illuminated from outside.

Chair Anderson opens to public comment.

Danielle Kapow, of 35 Buffum St. asks about the sewer pipe capacity. An independent peer review has been provided, and the reviewer and Board is satisfied. The information is public record.

Justin Whittier of 10 River St. comments that the Public cannot see and visuals would be appreciated. Visuals are turned around during public comment.

David Freedberg of 57 Britannia Circle is about traffic, though he understands studies have been completed and that the roundabout may help. He feels that addition of this large number of units will still be detrimental. He also feels that the paper presentation was inadequate.

Linda Farro Russo reads a letter from Mark Burns of 18 Aurora Lane. Mr. Burns feels that there should not be an entrance onto Trader's way.

Lisa Peterson, Ward 3 City Councilor, notes that neighbors continue to be split but those engaged have been appreciative by how responsive applicant is to concerns. One remaining concern is the paper street issue; this is not minor. If there was a way to access that from the property, it could ease traffic flow around the property. Scott Grover addresses this possibility, which was discussed early on. The owners of shopping center were consulted but were not interested in making a connection. The area in question is actually private property; it is not a paper road so cannot be connected without their cooperation.

Peter Lutz, the applicant, notes that they called the Market, who was opposed to any driving through that street but would allow a walking connection

Debbie Tucker of 35 First St. asks about setbacks; this is noted. Mr. DeAngelo comments that it is 40'. All sidewalks will be replaced; it is and will remain granite curbing. Lighting on First St. is all onsite, so none will be added in the right of way. Some lights will reach out too the sidewalk. Lights shine downward.

June DeRoin of Sophia Rd. comments that residents use Swampscott Rd regularly to avoid Highland Ave; if this project exits on Traders Way rather than First Street, it will further impede traffic.

Linda Farro Russo also has traffic concerns, despite upcoming remediations. She is concerned about the roundabout, and that traffic coming Northbound on Swampscott will not have a right "lane," and a lot of traffic is diverted onto Traders Way. Traffic lights to be installed are supposed to work on sensors rather than timers; the Board is unsure. If traffic is the same at all 4 intersections, she feels it will not help. There are no sidewalks on either side that go all the way down.

David Freedberg notes his additional concerns about traffic on Traders Way. Living the traffic situation is different from presenting it on paper. He feels the area is too congested; this has nothing to do with the roundabout.

DJ Napolitano asks about the affordable housing component; 21 units meeting that standard, or 10%, are provided, plus a transportation enhancement fund contribution will be made of \$1000 per unit (more than \$200,000).

*A motion to close the public comment period is made by DJ Napolitano, seconded by Matt Veno, and carries 8-0.*

The Draft Decision is reviewed.

On page 3, comments include:

The latest Plans have Sept. 5 2018 as a date re conformance with the Plans

Kirt Rieder notes that Landscape Architect can amend the species list, and the text noting the fence around the dog park should be added.

P. 5:

Kirt Rieder notes that in years past, compost facilities have been required; Attorney Grover is amenable to this addition.

P. 7:

Kirt Rieder confirms that Bill Ross is comfortable and everything he wants is conditioned for approval.

DJ Napolitano asks about how building close to the wetland is dealt with; the project requires Conservation Commission review, plus a PUD requirement is that there be no net negative environmental impact.

Kirt Rieder asks about efforts to enhance the wetland and Michael De Angelo elaborates; a buffer of native wetland seed mix will be planted, along with native trees and shrubs.

A motion to issue the Draft Decision is made by Carole Hamilton, seconded by Bill Grisct, and passes 6-1 in a roll call vote with Matt Smith, Matt Veno, Bill Grisct, Carole Hamilton, Helen Sides and Kirt Rieder KR in favor and DJ Napolitano opposed. Matt Smith did not vote as he has missed 2 meetings where this item was on the agenda.

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

**Applicant:** JUNIPER POINT INVESTMENT CO LLC

**Description:** A request to withdraw without prejudice the application of Juniper Point Investment Co LLC 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.

The reasoning for the withdrawal is explained by Attorney Correnti of 63 Federal St. This is the original petition filed about a year ago; the requisite number of eligible voting Board members has been lost. The item will be refiled and the petitioned reopened.

A motion to withdraw the application without prejudice is made by DJ Napolitano, seconded by Bill Grisct and passes 8-0.

**C. 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 all persons interested in the refiled application 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-two (42) units in five (5) buildings with parking under each building, in addition to some surface parking. The project also

**includes landscaping throughout, and public access along the riverfront with walking paths.**

Attorney Correnti of 63 Federal St. presents the re-filing of this project. Filed here are the updated Plans. All reviews completed thus far are also being submitted. Bob Griffin, Project Manager, and Mark Trainos are also present. The submittal is now complete and latest changes will be highlighted. A PowerPoint presentation will be made so that the public can see the visuals that the Board has in their packets.

Bob Griffin presents:

- Project Site
- Existing Conditions; flood conditions and mean high water line setbacks mean this is under Conservation Commission jurisdiction as well as Chapter 91 jurisdiction
- Remediation Areas – testing done by Bruce Poole, LSP. An Activity and Use Limitation will also resolve 21-E issues
- Proposed Layout; areas around buildings will be elevated. Pavement treatments are described
- Proposed Grading & Drainage; items that came up at previous meetings have been incorporated/resolved. There will be no onsite infiltration due to contamination
- Limits of Site Above Flood Waters; it is noted that duration of flooding is limited as flooding is tidally related/due to coastal storms
- Fire Truck Arriving Path; some curb lines have been altered to provide additional space; Acting Fire Chief is satisfied and fire code is referenced
- Proposed Sewer & Water; feedback from Bill Ross has been incorporated; notes re sidewalks behind hydrant are incorporated
- Proposed Demolition Plan
- Proposed Gas & Electric; these will be underground; utilities will be above flood elevation. Parking lot lights are shown
- Proposed Photometric Plan
- Proposed Landscape Plan; 17 trees have been added in the green space along the river
- Overall Landscape Plan
- Project Summary

Architectural Plans are presented by Ryan McShera of Red Barn Architecture

The Applicant has also gone before the Design Review Board.

Concept Set presentation:

- Proposed architecture renderings
  - Density of buildings reduced, and DRB comments incorporated
  - Midrise buildings in back meet 50' zone requirement; fenestration updated
  - Introduction of a flat roof to townhouse buildings
  - Siding materials presented for review; will be composite with styles of reveal and profile on different portions of buildings; Trim and roof cornice details will be mix of composite
- Proposed Color Rendering: Light gray and green
- Section view: relation of Franklin St. to buildings. Uncertain what proposal height is vs. existing buildings across Franklin St.
- Cross Section of Drive Aisle into project
- Street View perspective renderings; mass of buildings has been reduced, roof decks are highlighted
  - DJ asks about if it will be in character with the neighborhood; siding and window design are meant to be reflective of what is already there

- Site Analysis: mostly commercial within 250', most residences are 250'-500' away
- Reduction in massing

DJ Napolitano asks about the massing; height remains the same at 50' to the top of the building, reduced from the original proposal so no height variances are needed; the footprints have also been reduced.

Attorney Correnti concludes; all peer reviews and City Depts have been satisfied and all comments addressed.

Kirt Rieder asks about one view and this is explained. He observes that the distribution of trees in the plans are not reflected in the renderings, doing a disservice to what is planned. It behooves the Applicant to show as much landscape as possible, to help in terms of showing scale. It should be demonstrated that trees of better condition will grow and provide the overhanging canopy that will be removed. It is also important to set a precedent as further development is proposed on this street.

Matt Smith asks about fire truck concerns; the Fire Chief has reviewed changes to curb lines and is satisfied. Regarding lighting, the 10' wide publicly accessible path is not lighted, intentionally. Lighting is for wayfinding purposes among the buildings. Bollards are provided to but not along the harbor line, as there are none along other parts along the river. Photometrics are described. DJ Napolitano would like to see the addition of lights along the river considered. Attorney Correnti notes that the Applicant was working with the City on that issue, as they go through the Chapter 91 process, lighting in that area will be in play as the larger picture comes to light (pun intended).

Kirt Rieder is unsure if lighting at a tidal river at the ocean is necessary. It is desirable to have it be dark at the edge where land meets water, to provide a different experience of the area. He further notes that someone at the Planning Dept should be spearheading this rather than the Commission dictating. Matt Smith feels lighting should still be considered, especially for commuters in the winter. Matt Veno asks about the height of the building D that fronts the townhouse unit. The flat roof there is 39.6'; compliant with transitional overlay across from residential zone. The NRCC requires that buildings at the edge be 40' not 50'; this is compliant. Attorney Correnti comments that it "steps down" from the city scape, with taller buildings in back and townhouses along Franklin St.

Matt Veno asks about Unit E; adjacent to that, Standard section 8.4.2 NRCC paragraph 5, states that buildings must face and have an entrance on the main corridor. This building faces the ball field and parking spots between there and ball field, i.e., the side of the building faces Franklin St; this is awkward. The idea of the design was not to create a wall along Franklin St. The Applicant desired the site design to be open to provide view corridors, so this was a compromise. Reduction in massing allows for additional green space and walkways. Matt Veno compliments the applicant on the thought put into the petition as it relates to the requirements of the district, as it was a challenging site that balances lots of competing interests; they have given thought to meeting objectives of the NRCC and balancing competing needs. He far prefers the new design to the original.

Bill Griset agrees with Matt re approval of new design.

Matt Smith comments that the wall would look very different if plantings were shown; this is thoughtfully prepared but not shown in the rendering. Kirt Rieder comments that the curb shown will not exist. Tree planting in the sidewalk has been discussed but dimensions are not provided; these are discussed. He asks why tree grates were chosen vs. flexipave for accessibility? This tree grate allows roll over and is decorative, says Laura Rutledge, landscape architect. She feels that the tree grate solves the problem of the tree, water and accessibility, and likes the look of the traditional tree grate. What does the City prefer? Amanda Chiancola will have to discuss this with DPS. There are only 3 trees in this project that this would apply to. The Applicant is open to alternatives. Kirt Rieder comments that around the pedestrian circle there are shrubs planned; this should be edited to add shade canopy trees that will be of the same scale as the building.

Furniture is discussed and the Board wonders how the Applicant will prevent it from “walking away?” The Applicant notes it is nice for people to pull chairs around; they will be replaced if they go away. Also instead of benches there will be large sitting stones. The Applicant feels it is worth a try.

The Affordable Housing Component is discussed. The City requests that 10% set aside, so 4 units will be contributed to affordable housing stock. The City is also discussing this; nothing in the ordinance discusses this but it will be more formalized in the future. Distribution of affordable units is uncertain; the difference between condos and rental units is discussed. Reduced rents would not be crippling to a developer’s pro forma, but if the same standard is applied to condos for sale, the price is dramatically less than market, and the builder takes a loss. Other cities allow an affordable housing trust fund, while others want units but can be these offsite or in the neighborhood, while some do a blend of all of that. The City will discuss.

Carole Hamilton disagrees with project and its look, feeling it is more NOLA than New England. Also troubled that Applicant has not reconciled with the Design Review Board; there is a negative recommendation from the DRB. Attorney Correnti says that to say they did not attempt to reconcile is inaccurate. The Applicant went to 5 DRB meetings over 6 months, and came out with many variations of these plans. While they would like architects to agree that this design was liked by all, the DRB was split; the Applicant could not keep going back as there was no unanimity on what it should be, regarding architectural style. DRB comments went beyond that, and would have required redesign of the entire project. The Applicant spent time and effort and was disappointed. The recommendation shows that the Design Review Board was split.

Matt Smith counters that re DRB notes, he finds it problematic that this fits in zoning re massing and heights, yet these are the main DRB issues. If an Applicant is building within what is allowed by zoning, that is not a justifiable excuse for the DRB to not approve a project. This takes out of context what the meaning of zone is. This is more about individual preference, not what is allowed to be built. That should be a consideration in their decision.

Chair Anderson comments re DRB voting against the recommendation: he clarifies it is a recommendation, not more than that, though the Planning Board relies on the DRB and takes its recommendations seriously. Having spent all this time on this project with the Applicant, he considers the original proposed submission; this is vastly different. Comments related to massing; as far as that issue, for the neighborhood, the Applicant has done a good job reducing the scale related to the North River side of the building. He approves of balconies and other such elements. While not as convinced of the Townhouses on Franklin St. re size and mass of those, he agrees partially but would like to see some attempts made on the larger buildings to reduce massing and scale, like the effort put into townhouse buildings on Franklin St. Yes, there are commercial buildings across the street, but you will be seeing the neighborhood that will be looking at you. He knows that square footage for units must be marketed but this issue should be examined.

It is unfortunate that the side of the building faces the neighborhood. Corner balconies might help.

Ryan McShera appreciates the comments; there was a step back in a previous version, but it was removed at the request of the DRB. Recessed entry ways on Franklin St. are an attempt to improve this. But the Applicant is still open to comments. Attorney Correnti notes that one main issue was parking. The parking is underneath; this adds a story and drives the height of the buildings, but addresses the need for green space on the site as well as the flood plain issue. This allows green space and view corridors.

Chair Anderson understands this but would like to see colors, balconies, and elements from other buildings added here to break down mass. Matt Veno comments that NRCC zoning regulations have a specific provision setting requirements for residential buildings that abut a residentially zoned area, as is the case here. Requirements are that it shall be 10’ less than buildings otherwise allowed in the zone; this has been done, and the extra step of recessing

the top floor has also been taken. While he understands the Chair's point of view, they have complied with zoning and gone above and beyond. Thus it can be difficult for the Board to push back other than with suggestions. If the NRCC is not written in a way to allow good planning, changes should be recommended to City Council.

Chair Anderson opens to public comment.

Arthur Sharp of 29 Orchard St. is concerned with conformance with the NRCC, as well as with scale and landscaping.

Emily Udy, of Historic Salem, appreciates the discussion of the DRB recommendation. Re setting precedent, she has never seen negative DRB recommendation; not addressing that sets a precedent that weakens ability of DRB to affect projects in the City. She feels DRB could come to an agreement if they continued to work on the project; she is unsure of the procedure for this but encourages Board not to act without a positive DRB recommendation.

Anne Sterling of 29 Orchard St. is concerned with the height of the buildings, noting that they do not conform to NRCC standards as the parking underneath adds height.

Mary Ellen Sullivan of Orchard St. asks about units and parking; there will be 42 units, with 65 parking spaces provided. This is on the Plans.

Kevin, has also submitted an email. He recommends that the Planning Board approve the project as the design has already been changed many times to satisfy diverse opinions, and if held up or denied pending DRB approval, other developers will not want to touch it.

Victoria Ricadello of 5 Foster St. does not approve of this design in this location, feeling it is not in keeping with the character of Northfields thus does not meet the requirements of NRCC district re compatibility. She also objects to the height.

Christina Scout of 41 Franklin St. agrees with Kevin. She approves of the development, does not want to look at junkyard, has a disability and would like to take advantage of improved sidewalks and the river walk. Many changes to the Plan have taken place, and it is vastly improved from first Plan and definitely better than a junkyard. Compromise should happen and the neighborhood will benefit from environmental remediation that only a developer will pay for.

John Carr of 7 River St. with an office 9 North St. notes that this is a question of precedent. "Is a junkyard on waterfront property a highest and best use?" No. But that is not the question. He has served on the NRCC commission. Additional developments will be proposed in this area. Burnham, HMA, etc. will be looking to precedent. He is also concerned about traffic and density. He feels the Board members have already "announced" their individual decisions but asks that they withhold judgment until heard from everyone.

Diane Robichaud of 7 Foster St opposes this particular development. Concerns: height, keeping with character of neighborhood, traffic.

John O'Brien of 5 Locust St. agrees with John Carr. Concerns: Traffic, density especially re setting precedent for future developments, parking/overflow into neighborhood, flooding during high tides

Shelly Approves of residences replacing junkyard along the water. Proximity to train is a major advantage, desirable area for families with one car.



Carole Carr of 7 River St. notes that the Plans do not provide a 3D walkthrough view of project. A presentation of scale is lacking. The Junkyard is an eyesore but this development is not the only one.

Jessica Kane of 201 North St. notes that younger people don't want cars, and they do want sustainability and access to the train. Cars will not be needed. Traffic may not be as much of a concern; if so, the City must change North St. and other streets. This will affect neighbors but should not stop project. She understands the setting of precedent, and approves of the development of the area. She urges Board to not vote on precedent, but on this site, as others may want different uses.

Sandra of Orchard St. is concerned about fire truck access as well as scale and setting precedent.

Jessica Herbert of 70 Webb St. had suggested at a later DRB meeting that dissenters consider having a subcommittee to work out their issues, this idea was well received, but a vote was called for. They want to make tweaks so should have another shot.

Judy French of 16 Foster St. notes that the NRCC plan requires 3500 square feet per lot, so only 31 units are allowed. Other properties in the area are for sale. Zones of the area are discussed; it is mostly R2 with some grandfathered business uses.

Tyler Terry of 22 School St. feels that the Project does comply with Master Plan in zoning. The Master Plan is complicated with 7 areas, and is unique as it calls out low density housing. He asks if residential conservation is considered a residential zone, and if so, should be considered a transitional overlay district in North Salem?

Beth Gerard of 49 Larchmont Rd., Ward 6 Councilor, overall hears that people are happy and want to see this. RE the NRCC plan a house built in 1932 would conform with the NRCC, but she doesn't want to see more 1932 houses go up; newer designs with a nod to the former industrial nature of the area are to be encouraged. If the Board is not ready for a decision, that is OK as some work must still be done. She feels that massing is too much and the side facing Franklin St. is an issue but not sure how to address it.

Glenn Kennedy of the DRB had motioned to approve the schematic but with consideration to continue Design Review; the schematic plan and massing split the Board, but he felt this was out of their purview. If a motion were to be made, he felt DR should continue so that details could be addressed re Franklin St. smaller buildings. Overall, massing had been addressed to his satisfaction, so he recommends that those 2 buildings should not hold things up, but that Design Review should be continued through this Board or the DRB

Mary Ellen Halliwell of 81 Orchard St. also feels that the Architectural Plans do not show the project in the context of the neighborhood, and is concerned about scale.

Chris LeBlanc St., approves of massing and scale, feeling they are the same as those downtown, and this is where Salem is headed.

Councilor Arthur Sargent at Large, reiterates that the disputed land is still at issue. He notes that it could be used for Little League and emergency parking. He is also concerned with density, affordable units, and the deed restrictions clause re density bonus.

Chair Anderson lists submission of public comments received in writing:

**Public Comments for 16,18, and 20R Franklin Street**

September 5, 2018

Historic Salem c/o Tim Jenkins      9 North St  
Sally Russell

September 6, 2018

Polly Wilbert	7 Cedar St
Olivia Keefe	89 Mason St
Al Horne	16 Leach St
Louis Johnson	12 Pope St
Dan St. John	79 Washington St
Raymond St. Amand	23 Mason St
John Stepanski	19 Walter St
Drew Nelson	102 Bridge St
Justin Woods	3 Linden St
Patricia and Joseph Murphy	27 Foster St
Rufus Louf	93 Proctor St
Justin Lussier	315 Essex St
Michele Hunt	89 Proctor St
Joe Keefe	89 Mason St
Paula McCafferty	44 Bellevue Ave
Kevin McCafferty	116 Bridge St
Wilson Castellanos	18 Mason St., Unit 2
Karen Crosbie	93-95 Bridge St., Unit 4
Cheryl Vickery	126 Bay View Ave
Zachary Coffin	23 Mason St

Chair Anderson asks the Applicant about their feelings this evening, feeling that more work needs to be done. Attorney Correnti has nothing further to submit. The Board and neighbors have been heard, and major issues remaining go back to design; this has been discussed for a year now, and he feels nothing can be achieved in the next two weeks. Every time something is changed, some like it, some don't, with no simple solution or it would have been done. There was no unity among the DRB telling the Applicant "if you do this, we approve." Comments were not architecturally specific but looked at height, density, and massing, and that Board asked for complete redesign 5 meetings into the process.

Chair Anderson comments that he is sensitive to the DRB but wants to know if the Applicant feels the project is complete or is willing to address comments that came up at this meeting. Attorney Correnti feels this is an unfair question, as they are always willing to address Board comments. If this is continued to the next meeting, he will touch base with Planning staff on specific issues to be addressed but can't address traffic concerns or plan fewer units or buildings, so if questions are about that, they are ready for a vote. If there are more subtle issues re landscaping, design features on townhouse buildings on front, etc. they can look at those but must be done with an end in mind, as the Applicant can't come back in 2 weeks and have the Board still not satisfied. They will continue, review notes, and see what it is possible to address.

Chair Anderson solicits additional comments from the Board. DJ Napolitano understands resident concerns, but notes that the Project is within the NRCC zoning requirements. The Board must work within rules set forth by City Council; if people are upset with Ordinance requirements, they should request that Council revisit them. Salem is a hot market, but if we make it a more difficult place to develop, Applicants will look elsewhere. He feels there will be no substantial changes in the next two weeks that will resolve concerns raised tonight.

Bill Griset feels that this developer has been involved on Bridge St. Neck; he cites many positive changes there. He understands neighbors like status quo and would prefer some other kind of smaller, less dense project, but no one

has come forward with such a project that is feasible and viable. If this developer is chased away, the junkyard will remain for another decade. He has heard neighbors complain, and the project has improved as a result; it may be taller but it is by one story, and is within the NRCC regulations, so he feels the Board should vote tonight. The no vote by DRB is not being taken lightly. Public sentiment will not change in 2 weeks.

Matt Venio notes that most comments were that the proposed development is different from the residential neighborhoods to the north of the site. Viewing the zoning map, he cites several streets. Salem zoning is not set up to have a development in this location that is consistent with that neighborhood. Those streets are R1 and R2. This is not R1 and R2. This is NRCC, added to that by an act of City council precisely because it was different from R1 and R2 in several characteristics, thus requiring a different set of rules for different development. Reviewing the ordinance for NRCC, it can't be wildly out of scale. Scope or style to what is adjacent must be considered. The Developer has struck a balance. This is NOT Northfields; it is not on the zoning map, so must be treated differently. A zoning change is required if residents want it to look like the surrounding street. Everyone has concerns, and those opposed with deep concerns could probably also come up with good features. It is a balancing act, and it will not be perfect. This project strikes the right balance. While he would like a chance to process the information and talk to the DRB, he understands exasperation of petitioner.

Matt Smith agrees, feeling that another two weeks would be helpful. Another consideration is that the NRCC was former Brownfield sites, so a certain density is needed to make cleanup and development economically viable. Parking under buildings protects the value of property even if it adds height. Everyone will always have issues with designs, so while the feel of massing could be lightened that does not take away from size of units. Railings around buildings vs. solid wall would make it more appealing. But the Applicant does need to work within designated zoning of the area. Zoning should be amended if it is not what is desired for this neighborhood.

Kirt Rieder is struck by public comments expressing frustration and difficulty that the applicant's presentation provided obstacles to the public's understanding of massing and relation to neighborhood. A 3D walkthrough model would have been helpful to the Board and residents.

Chair Anderson comments that there will be several Board members not in attendance at the Sept. 20 meeting. If this project is continued, the next meeting would be Oct. 18 (there is only one meeting in October). Options are:  
Motion to close the public hearing

Propose a continuance

Close public hearing, then review draft decision, motion to approve or deny. We do have a draft decision.

Attorney Correnti outlines the constraints on timing. The process must go on, and only what was heard tonight remains to be addressed.

Discussion ensues regarding logistics; no new materials can be presented if the public hearing is closed, and the issues remaining are fairly limited and comments would have to be focused on those.

Carole Hamilton comments that she will not be here for the Oct. 18<sup>th</sup> meeting. DJ Napolitano is uncertain of his attendance. He does not feel that the changes made between now and potentially Oct. 18 will be significant.

Attorney Correnti also notes that they must go to the Zoning Board of Appeals, which must decide on relief for density re number of units allowed (31 vs. 42), and also for variances re number of stories, even though they meet height requirements. The Planning Board does not have to approve these. Re flooding, etc., the Conservation Commission must be consulted and will take up those issues. Carole Hamilton notes that they don't need a Planning Board decision prior to any of those things, but Attorney Correnti affirms that they would NOT go before those Boards without Planning approval. This is because while the Ordinance does not require any specific votes, if an Applicant obtains approval from the Conservation Commission but then the Planning and Design Review

Boards change the Plans, the Applicant would have to return to the Conservation Commission and ZBA. Thus, they try to obtain approvals in this order since once the Planning Board sets the Plan in its comprehensive process, the Applicant can then go before the ZBA confident it will not change.

Carole Hamilton feels the left hand building on the site could be tweaked. That will not affect ZBA or Conservation Commission decisions, only that of the Planning Board, so there could be relief on that building, it might make it more palatable.

Attorney Correnti asks if this Board can condition ongoing DRB review of the two townhouse buildings, without a change in units or relief. This would be subject to review by the Planner, planning staff, or even a return to this Board with visuals. It would at least allow them to prepare plans for other Boards.

DJ Napolitano motions to close the public hearing, is seconded by Bill Griset, and the motion carries 7-1 in a role call vote with Ben Anderson, Matt Veno, Bill Griset, DJ Napolitano, Matt Smith, Kirt Rieder, and Helen Sides in favor, Carole Hamilton is opposed.

The Draft Decision is reviewed. Procedural history is provided on the first two pages. This shows the changes that have occurred to the Project as it was originally a completely different project. The 65 parking spaces would be added to Item 4 in procedural history. Carole Hamilton finds the inclusion of the withdrawn Plan to be confusing and and feels the language should be struck; the Chair and other Board members agree. The Decision thus begins at #8 on Page 2.

The addition to work with the Design Review Board will be under Conformance with the Plan under (d). Language: *Applicant shall revise townhouse buildings per comments received on Sept. 6 2018.*

*Comments include:*

*Break down scale of buildings on Franklin St.*

*Examine increasing transparency by substituting railing/ transparent material for solid wall/guard rail*

*Re three trees on Franklin St. edge*

*Final submission to accurately reflect plantings in renderings*

Carole Hamilton asks about affordable housing units; the provision says any additional units on a density bonus are affordable. Attorney Correnti explains that it is not stated that way, but that is the net effect. If a developer designates 10% of units as affordable, 42 units would mean that 4 are affordable. If they are allowed 28 units as of right, that would be the equivalent of 3 affordable units; the density bonus says if they dedicate 10% (3 units) to affordable then they get 3 additional added to your project (making it a total of 31 from 28) as of right, but it is only in the NRCC that this applies. They agree to comply, so that automatically kicks in, and no additional language on density bonus is needed. So they will say they have 31 units as of right instead of 28 when before the ZBA, since they are entitled to the density bonus under zoning. The additional 3 are affordable. Four units are proposed as affordable because they are asking for 42 units, and Salem is not calling for rounding up from 4.2 to 5 units of affordable housing.

Bullet point should be changed to unrestricted access, even though it is 24 hour public access. Public access on the path is discussed. Attorney Correnti comments that people can't be in a park after dusk, but the Board feels that this is different than a Park. However, what needs to be clarified is that in question is the path to the shore, providing vertical access perpendicular to the water, not the path along the water. This should be clarified.

There are some questions regarding the Transportation Enhancement Fund. There is no set policy. The City had suggested \$21,000 here; at \$500 per unit. This project is very different than Highland Ave. as that has a larger need as it does not pedestrian connectivity to the train, thus the City request \$1,000 per unit for that project.

A motion to issue the Draft Decision as amended is made by DJ Napolitano, seconded by Bill Griset, and passes 8-0 in a roll call vote with Ben Anderson, Matt Veno, Bill Griset, Carole Hamilton, Helen Sides, DJ Napolitano, Matt Smith and Kirt Rieder in favor; none are opposed.

- D. Location:** 70-92.5 Boston Street and 11 Goodhue Street  
**Applicant:** 139 Grove Street Realty Trust  
**Description:** A continuation of a public hearing for all persons interested in the application of 139 Grove Street Realty Trust and 910 Saratoga Street Realty Trust for an amendment to the approved Site Plan Review, Flood Hazard Overlay District Special Permit, Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District and a Stormwater Management Permit for the property located at 11 Goodhue Street and 70-92 ½ Boston Street (Map 15 Lot 298 and 299, and Map 16, Lot 139). As amended, the applicant proposes to add 11 Goodhue Street to the project at the former Flynnntan site. The proposal is to construct one building on 11 Goodhue Street consisting of five additional townhouse style units with garage parking under each unit.

Kristin Kolick presents on behalf of the Applicant. Also present are Tanya Terrier from Khalsa Design Inc., John Tilton from William & Sparages, and Anthony Roberto on behalf of ownership. This addition is part of a larger approved project at the former Flynnntan site. The Applicant has acquired an adjacent lot and is seeking to add five townhouses. They have been to two meetings with the DRB and received a recommendation, and there have been several changes to the project, including to landscaping and the section at the rear of the buildings, to the dormers and driveway, sidewalks, etc. All Plans have been resubmitted to the Board.

Mr. Tilton presents:

- Layout Plan
  - Changes include continuation of concrete driveway opening, separated via flush granite curbing. Chair Anderson clarifies the setup.
    - Pedestrian warning signs have also been added. These are simply mounted placards; mounting on posts or on the building is not yet determined.
      - The Applicant has seen the recommendation from the City Engineer, and the Chair asks Mr. Tilton to explain why they did not feel that was an appropriate option.
      - Ms. Kolick comments that the issue raised by DRB related to the movement of vehicles; this is an important safety concern, but the Applicant had engineers take another look at vehicles backing out into street, and they analyzed sight distance of them, between 1<sup>st</sup> and 2<sup>nd</sup> DRB engineers generated this Plan, submitted letter to Planning Board, and DRB was cc'd on that filing, plus the City evaluated via peer reviewer
      - Garage Access Plan: John Tilton explains how backing out and sight distances work. An audible system is not necessary as it is not a busy intersection, and is becoming a more residential area. An audible system would make noise at all times of day. This is addressed by ramps, different surfaces, and signage.
      - Kirt Rieder notes that the Board had this same discussion re courthouse, and opted not to require an audible system. However he wonders if a tactile dome iron plate would be appropriate here where the sidewalk tilts down; this is required and is on the detail sheet. Typical at a crosswalk, this is a different thing and Kirt Rieder further requests that they install raw cast iron
- Proposed townhouses on full plan
  - Grading is added

- Seating area/private area at the back is outlined
  - There will be a reduction in impervious area
  - Kirt Rieder asks about the granite curb in the back; it is a 6" curb with landscaping
  - He also asks about wheel stops in that zone; these will be added to prevent bumpers from encroaching onto the sidewalk
  - The Chair asks but there is no room to extend the sidewalk; 35" is the minimum required, 5' if there is a landing area, which there is not
  - Helen Sides comments on the orientation of the access to the units
- Tanya Carrier of Khalsa Design reviews the revised landscape plan
- Before and after renderings are shown
  - Plantings on each side of building match
  - Small but private patio/garden areas, each with own gate, have been created
  - Fence is proposed as an 18" high stone wall with lattice style fence above and vine growing plants; gate would be similar style and color will be natural wood
  - Stone wall will act as vehicle guard
  - Kirt Rieder feels most changes are positive, but feels the wood should be painted – he recommends a white stain, not natural finish
  - Kirt Rieder comments that even though this is the back of the house, it is visible to the street, and typically it has been insisted that such fencing be painted/stained
  - He applauds changes to the proposed plants but feels that coral bells will be removed by residents as they are an odd selection. He feels the sweetgum may conflict with the pedestrian warning sign, but does not want trees moved
- Changes to exterior
  - Gable dormers changed to shed style dormers
  - Gates added on back
  - Before and after perspectives are shown
  - Proposed rendering of new view from Boston St.

Several Board members comment that they approve of the changes.

Chair Anderson opens to public comment.

*A motion to close the public hearing is made by Kirt Rieder, seconded by Carole Hamilton and the motion carries.*

Kristin Kolick notes the engineer comments on p. 4 re FHOD item 2.

On the Special Permit the garage door will be elevation 10 but should be at 100-year flood elevation as opposed to above. The habitable portion of the building will be at Elevation 25 as indicated on Plans.

On p.5 DJ Napolitano asks about transportation funding; this is a new "ask," and this project had other transportation mitigation measures.

Kirt Rieder asks where trash will be collected; Ms. Carrier notes it is stored individually in garages and put out on trash day; this seems typical of single family townhouses.

A condition is added to require wheel stops and that the tactile dome surface is cast iron, fence color to be stained white

A motion to issue the Draft Decision is made by Helen Sides, seconded by Kirt Rieder, and passes 8-0 in a roll call vote with Ben Anderson, Matt Veno, Bill Grisct, Carole Hamilton, Helen Sides, DJ Napolitano, Matt Smith, and Kirt Rieder in favor and none opposed.

### III. OLD/NEW BUSINESS

- A. Receive and File Chapter 91 Waterways License Application by 106-108 Leach Street Condominium Trust (Lloyd Benson – Signatory/Trustee), proposing to remove existing deteriorated bulkhead and pier and install replacement bulkhead at 106-108 Leach Street.**

This is an administrative item, and no vote is needed.

**Receive and File Chapter 91 Waterways License Application by the City of Salem, proposing to restore approximately three-fourths acre of salt marsh along an 800-linear foot section of Collins Cove Beach.**

This is an administrative item, and no vote is needed.

- B. FY19 Community Preservation Plan – Request for Comment/Input**

This item is tabled until the next meeting.

### IV. APPROVAL OF MINUTES

*Tabled until the next meeting*

- A. Regular Planning Board Meeting held on June 21, 2018.**
- B. Regular Planning Board Meeting held on July 5, 2018.**
- C. Regular Planning Board Meeting held on July 19, 2018.**

### V. ADJOURNMENT

A motion to adjourn is made by Bill Grisct, seconded by DJ Napolitano, and passes unanimously.

For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at: <https://www.salem.com/planning-board/webforms/planning-board-2018-decisions>

Respectfully submitted,  
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 10/18/2018

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