

**City of Salem Planning Board and City Council  
JOINT MEETING  
DRAFT Meeting Minutes  
Monday, June 17, 2019**

A joint public hearing of the City Council and Salem Planning Board was held on Monday, June 17, 2019 at 6:00 p.m. at City Hall, 93 Washington Street, 2<sup>nd</sup> Floor, Salem, Massachusetts.

Councillor Dibble, presiding, opened the meeting at 6:08PM, and outlines procedures.

**I. ROLL CALL**

***Planning Board Members Present:*** Chair Ben Anderson, Carole Hamilton, Noah Koretz, Helen Sides, Matt Smith

***Planning Board Members Absent:*** Bill Griset, DJ Napolitano, Kirt Rieder, Matthew Veno, Walter Power

***City Council Members Present:***

Arthur C. Sargent II, Councillor At Large

Elaine Milo, Councillor At Large

Thomas H. Furey, Councillor At Large & City Council Liaison to Planning Board

Robert K. McCarthy, Ward 1 Councillor

Christine W. Madore, Ward 2 Councillor

Lisa JB Peterson, Ward 3 Councillor

Timothy G. Flynn, Ward 4 Councillor

Josh H. Turiel, Ward 5 Councillor

Beth Gerard, Ward 6 Councillor

Stephen G. Dibble, Ward 7 Councillor & City Council President

***City Council Members Absent:***

Domingo J. Dominguez, Councillor At Large

***Also in attendance:***

Tom Daniel, Director of Planning and Community Development, Mason Wells, Planner, and Colleen Brewster, Substitute Planning Board Recording Clerk

**II. REGULAR AGENDA**

**The proposed Ordinance amendment adds “Municipal and Religious Reuse” as a use permitted in the RC, R1, R2, R3 and I zoning districts upon the issuance of a special permit by the Planning Board. Residential and business uses may be permitted in buildings at least 4,000 s.f., at least 50 years old at the time of application, and had been in continuous municipal or religious use for at least 20 years. The amendment provides, among other things, eligibility, dimensional requirements, Site Plan Review, Historical Commission and Design Review Board advisory comments, and parking and loading requirements.**

**The purpose of this amendment is to allow for the reuse of buildings currently or formerly in municipal or religious use into new uses that may not otherwise be allowed on those properties to promote historic preservation, economic development, housing production and environmental sustainability and resilience.**

## Documents and Exhibitions:

- xxx

President Dibble stated that there is a quorum of both the City Council and Planning Board (PB.) Discussion ensues regarding the proposed Ordinance amendments relative to Zoning.

Councillor Turiel motions to clarify the version under consideration is the updated version dated June 12 2019, with the correct updates from the Planning Board and a cover later dated June 12, 2019, and the motion carries.

President Dibble stated that all matters will be discussed in roundtable form, followed by public comment. He thanked Historic Salem Inc. (HIS) Planning Department, and Tom Daniel for crafting the current proposal that he believes is within the best interest of Salem.

Tom Daniel

- The current proposal is a result of the previous failed ordinance.
- Ordinance, Licenses and Legal Affairs had a preliminary meeting in May and there have been several meetings with community members and HSI.
- This ordinance will create a new use in the use table that provides for a special permit in certain zoning districts. The eligibility criteria are similar to what was in the prior ordinance, in terms of; age of the structure, square footage, etc. A key point of clarification is this special permit process applied to buildings only and not lots.
- Changes are in three categories; Corrections, Changes and Clarifications/Emphasis.
  1. Clarification - Page 1, Line 2: The word “Building” was inserted to emphasis the building and not lots
  2. Correction - This will only apply to certain districts and not all districts
  3. Correction - Table of Uses: The Special Permit is not available in industrial zones
  4. Clarification - Table of Uses: Inserted the word “Building”
  5. Clarification - Section 6.111.2, Line 1: Capitalize the word “Building”
  6. Clarification - Section 6.111.4, The Special Permit applies only to building and not lots
  7. Clarification - Change in sentence structure
  8. Change - Page 2, Regarding the eligibility requirement for religious uses, defining religious use as a building that was substantially used for religious purposes, and protected under Mass General Law 40A, Section 3, for at least 20 continuous years within the last 50 years, including the last 20 years preceding their application. Provided however; that a building used as a religious school must have been in that use for at least 20 continuous years within the last 50 years. The 50-year time period was considered too long, however; the buildings being discussed are schools and narrowing the term to just school buildings allowed them to move forward with the Special Permit for the schools. Other religious use buildings would need to be within the 20-year timeframe.
  9. Clarification - The Special Permit applies only to building and not lots
  10. Change - Page 2 to 3, the term “similar concerns” was changed to “code compliant concerns” for specificity
  11. Change - Deletion of an unneeded paragraph after clarifying language was added to Page 1, paragraph 1, regarding the Special Permit being used for the building not the lot
  12. Change - Deletion of “Industrial Zoning District” from the Use Table
  13. Clarification - Page 4, Section 6.111.7, Several changes were made for clarification, however; the subsequent change related to the role of the Salem Historic Commission

(SHC) when a property is outside one of their local historic districts. They established a “Standard for Review” named the Secretary of the Interior Standards for Historic Rehabilitation. The roles of the SHC and Design Review Board (DRB) will be to confirm that the application conforms to those Standards. If the SHC and DRB cannot give that confirmation, the (PB) cannot issue the Special Permit.

14. Clarification - Inserting the word “each” and “those Boards may review the application at either a joint meeting or separately.
15. Clarification - Addition of “The SHC and DRB shall review the application for conformance with the Sec. of the Interior Standards for the treatment of Historic Properties” as well as adding the word “confirmation.”
16. Clarification - Addition of “If the SHC and DRB don’t reach any findings, the PB may take action if at least 60 days have passed since the delivery of the application to the SHC and the DRB.” This will make it clear that if the SHC and DRB take no action within the 60 days the PB may act. Also, if there is a need for an extended period of review, the applicant and the PB can agree to extend that review with the implicit understanding that if an agreement is not reached the SHC and DRB will inform the PB that the application doesn’t conform and they won’t be able to grant the Special Permit.

President Dibble acknowledged a letter from HSI address to himself and PB Chair Ben Anderson. The letter stated that HSI worked with the Planning Department to help craft the proposed ordinance, they are in support of the proposed ordinance, and they praised Mr. Daniel for his support and participation.

Mr. Daniel confirmed that HSI helped craft the proposed ordinance, he too appreciated HSI’s participation as well as other community members.

Father Murray of Immaculate Conception Church stated that he is in favor of this Special Permit for use at St. James and Immaculate Conception. The buildings don’t serve anyone, are no longer used for educational purposes, and this would be a great opportunity to repurpose them as housing.

Councillor Milo asked Fr. Murray if the structure at St. Anne’s was included.

Fr. Murray responded that he is not responsible for St. Anne’s buildings and suggested the Council speak to either St. Anne’s new Pastor or the Real Estate office at the Archdiocese of Boston.

Councillor McCarthy asked Fr. Murray about the proposed unit count at their 2-story building.

Fr. Murray responded approximately 30-40 units depending upon the unit size.

Councillor Flynn asked how many units would be affordable.

Fr. Murray responded possibly 20% minimum.

The PB had no questions for Fr. Murray.

Councillor Turiel asked Mr. Daniel for clarification with the use of “N” in the Use Table on whether reuse is allowed permitted use by right in the B5 district.

Mr. Daniel responded that B5 provides more flexibility as of right than the Special Permit provides. The Special Permit doesn’t provide a value in a B5.

Councillor Madore asked Mr. Daniel about eligibility and whether each project has three different criteria to satisfy. Does that limit the number of properties that may qualify, more so than before?

Mr. Daniel responded yes, this occurs in the residential zoning districts so the number of properties is less than what the overlay had previously.

Councillor Madore asked about capitalizing the word “Building” and questions whether they should they define what a “Building” means.

Mr. Daniel responded that “Building” has already been defined in the zoning ordinance.

Councillor Flynn asked Mr. Daniel what the biggest change is between the old and the revised ordinance.

Mr. Daniel responded that the revised ordinance defines a use for the Use Table and that it would be a Special Permit in certain use districts, whereas the previous version was an overlay for the entire City. This Special Permit applies only to the building and not the lots. Lastly, it defines the role of the SHC when outside of their jurisdiction.

President Dibble noted that at the previous meeting, questions were raised regarding 6.11.1 Purpose, that he has concerns with three different sections. First, the reuse of building currently in municipal and religious use. The questions regarding ‘for how long?’ was raised.

Mr. Daniel responded that they’ve added a paragraph in 6.11.3 to explain what “use” means, the following paragraph defines what “current religious use” means.

President Dibble asked for the definition of the word “currently” in 6.11.2.

Mr. Daniel responded that the two paragraphs on page 2 define the words “currently in municipal use” and “currently in religious use.”

President Dibble noted that 6.11.3 explains the eligibility for a Special Permit, and the final statement indicated 4,000 square feet, but didn’t define what is included in that square footage; the footprint, each floor, total for each floor, etc. It wasn’t clear to some Councillors at the previous meeting.

Mr. Daniel responded 4,000 total square feet within the building footprint, use space on each floor? He finds the square footage explanation clear and referred to the Council body on whether further clarification is needed. The Council and

President Dibble referred to the PB for questions for Mr. Daniel. The PB has no questions for Mr. Daniel.

Councillor Sargent raised concerns with the use of the word “currently” definition which could refer to a building last used 19 years ago and “currently” typically refers to “today’s news.” He suggested that a different word be used.

Mr. Daniel replied that this ordinance will define the use of the word “currently” in those two paragraphs, and there is precision in the drafting and language. He suggested they consider how this ordinance will be used. The application and its technical terms will work alongside with and be managed by the PB, the applicants attorneys, and other professionals; therefore, he is comfortable with its current use.

Councillor Sargent suggested the use of the word “formerly” since the average person also needs to have an understand of the wording. He asked if the south campus of Salem State, the former Saint Chretienne Academy, fit into this definition.

Mr. Daniel responded that both uses of the word “currently” have been defined in the previously mentioned two paragraphs of 6.11.2. A religious school used within the last 49 years, yes, a religious building, no.

President Dibble stated that the Saint Chretienne Campus was also a municipal use, Horas Mann South; therefore, it would also qualify for this Special Permit.

President Dibble encouraged a roundtable discussion between the Councillors and PB staff, that didn’t occur at the last two public meetings. Public Comment was closed, the Council and PB discussed the matter separately, and returned to the joint meeting with new items that weren’t discussed had no public comment. There will be no public comment after this point unless the matter returns to the Council.

Councillor Gerard requested clarification on 6.11.7, which section of the Secretary of the Interior Standards would be reviewed by the SHC and DRB, 36 CFR Part 67 or 68.

Mr. Daniel referred the question to Patti Kelleher, Salem’s Preservation Planner.

Ms. Kelleher responded with the Secretary of the Interior Standards for the Treatment of Historic Properties, 36 CFR Part 68.

Councillor McCarthy requested clarification regarding whomever would apply for this Special Permit, and whether they will also apply for historic tax credits.

Mr. Daniel responded that it was assumed but isn’t always the case since not all properties meet the requirements. 5 Broad Street is a condominium and therefore not eligible for historic tax credit. The price offered wasn’t affordable privately so that developer want to use an HDIP. The standards of rehabilitation for the property will still be to The Secretary of the Interior Standards.

Councillor McCarthy asked whether the clarifications made in the last nine months have been consolidated into the Use Table.

Mr. Daniel replied yes. They are taking a different approach and using this just for buildings.

Public Comment:

Those in favor of the ordinance;

Polly Wilbert, 7 Cedar Street. Generally in favor, although the requirement for affordability was lost. She questioned how the PB can turn down the Special Permit if the housing is all market rate. That is not the preference of the City so the Council and PB consider some element of required affordability. She doesn’t want to lose this opportunity to convert some of the largest buildings in the city into housing with no affordability. President Dibble asked for any percentages or ratios to suggest. Ms. Wilbert responded that the Council and Planning Department need to determine that amount. She added that she’s less concerned with the failure of Developer to make a profit.

Justin Whittier, 10 River Street, Board of the Federal Street Neighborhood Association. Their Board is in support of this amended proposal for a Special Permit, submitted June 12<sup>th</sup> 2019. The Council and PB should carefully consider the impact on downtown parking lots, this ordinance still allows Developers to provide part or all of parking in these lots. They thanked Tom Daniel and his willingness to listen to public, HSI for their input, and the Councillors for voting against the first proposal.

Emily Udy, 8 Buffum Street, HSI. In support of the Ordinance and thanked Tom Daniel and the Councillors for requesting this revision.

Josiah Fisk, 10 Derby Square. In support. Won't recommend this process as a model to be followed; however, the end result should be a good proposal. He highlighted the importance of scrutinizing the language and structure in proposals that come before the Council. The public opinion isn't the majority opinion and the Councillors are doing their jobs and shouldn't be considered an obstructionist body and that has been validated. With respect to Councillor Sargent's comment, he believes the word "currently" could be deleted and the meaning of the statement would remain. With respect to Ms. Wilbert's comments regarding affordable housing, he and his neighborhood are in support of the goals of the Ordinance and affordable housing, and he believes it's been removed because the Inclusionary Zoning Ordinance is in the works. He requested clarification on whether that is the case.

**Flores Arborshad.** Generally in favor of the revised Ordinance. Affordability should be included, like 20%. This is a chance to provide affordable housing so they make it happen.

Judith Riley, 20 West Avenue. Speaking on behalf of the League of Women Voters of Salem. They are in support of the revised amendment and previously endorsed the overlay district. Despite the differences between the two their analysis remains the same. Salem needs the funds from the sale of 5 Board Street to cover the expenses incurred from the development of the new CLC, and a failure to adopt a path forward would result in a financial deficit for the City. Zoning flexibility is needed for redevelopment. The League hosted a lecture in October of 2018 and learned about the complexities of state and local zoning, and they recognize that significant changes are needed to alleviate the current housing crisis. This Use Table amendment is specific to Salem and is needed now to provide housing, economic development opportunities, environmental sustainability, and historic preservation. Architect Carl Elefante stated that "The greenest buildings are the ones that already exist." While Historic Preservation is not a League issue, they support public engagement and advocacy, and they feel that the public has been listened to. The empty buildings are the ones fall into disrepair and get demolished. The League supports Inclusionary Zoning that supports Salem's needs and they expect the Council to take an Inclusionary Zoning Ordinance up in the near future, and they are willing to overlook the addition of affordable housing requirements from this particular use Ordinance. Additionally, Special Permits granted under this new use will require 1 parking spot per unit of non-elderly non-handicapped housing; however; the same Special Permit would not allow residents of the newly created units to get resident parking permits. The residential parking process is currently being reviewed and they are concerned with policies that will treat residents of new housing differently from residents in existing housing. The housing requirements should be re-written but not at the cost of derailing or delaying this Ordinance. This passage is needed to facilitate the sale of 5 Broad Street and the completion of the two affordable housing projects.

Laurie Stewart, 7 Barnes Road. Chair of League of Women's Voters of Salem – Affordable Housing Working Group. This Special Permit may not help alleviate the housing crisis and need for affordable housing. The North Shore CDC is involved with two of these properties and they will build housing that will meet the needs for 30-50% of the median income (\$48,500), for low income residents of Salem. 50% of Salem residents are rent overburdened, meaning they pay more than 30% of their income towards

rent. This project will do something for affordable housing and Inclusionary Zoning is coming and the Commission should pay attention to that.

Mike McGee, 220 Derby Street. Pleased with the work being done and delighted to hear that approximately 35 units are proposed at Immaculate Conception. Questioned Section 6.11.5's ambiguous statement "allow this to proceed as long as res use will not adversely effect the neighborhood." Questioned who makes that determination. Does sanity apply to what adversely effects means?

Mr. Daniel responded that in terms of who determines who is adversely affected, the PB will hear the application and public comments are allowed. This is standard language for the review process by the PB.

Darlene Millis, 115 Federal Street. Echoed Councillor Sargent's question about the use of the word "currently" and asked if the word could be removed and the statement kept as "within religious use within the past 50 years."

William Bronner, 5 ½ Barr Street. In favor of this Ordinance which will help Salem with its underutilization of property. This would be a stronger Ordinance with an affordable component.

Cynthia Nina-Soto, 6 Fluent Road, President Elect of the North Shore Association of Realtors. They were in favor the first time and still in favor of it. There should be an affordability component; however, inclusionary zoning is coming soon. This should have the flexibility to ebb and flow as the City progresses over time. There should be a separate affordability component that underlays this for the entire City.

Adrian Freedburg, 57 Botanical Circle. In favor of the Ordinance and appreciates of the work of the Councillors. The affordable component is important. Comments made about affordability, it's not just about profit but the ability to move a project forward. Profit isn't a dirty word. 20% affordability would mean more units. Basic supply and demand is important. If many units are created the supply of housing would increase and the prices would stabilize. Need more rental housing, for sale, and market rate housing. Parking can be a burden and many rely on public transportation and not everyone needs parking.

Jeff Cohen, 12 Handcock Street. Inclusionary zoning addresses unit quantity and parking. He was for the original ordinance. Salem is in need of rental housing and payment is needed for the payment of the CLC. Affordable is a term that doesn't apply to enough people in low-income housing. The original ordinance had a sentence regarding an effort to the make the building sustainable and resilient but there was a lack of detail and specifications to make that happen. The greenest building doesn't yet exist in Salem and the CLC barely meets that statement and the Salem Sustainability, Energy and Resiliency Committee should be included be included in this process. Current minimum State requirements are not sufficient as we anticipate the effects of climate change that are already upon us. The enabling act of the Sustainability, Energy and Resiliency Committee is a state law that requires City's to include them in the process. The Councillors and PB should consider that as they move forward. He does support this change.

Those in opposition of the ordinance;

MaryBeth Bainbridge, 7 Prescott Street. Thanked those that have worked on the current proposal. There are still major issues that need to be addressed. Concern for affordable housing, it should be listed in the ordinance and not assumed that the standard will be met. Regarding the change of use, what is the

process for a building under 4,000 SF and how does it get addressed? Her biggest concern is parking, because one space per unit is woefully insufficient and senior housing parking is 1/3 of a space per unit. There is no guarantee that the SHA will always own the building. Public parking is already at a strain. Relying on parking structures that are already taxed and filled with cars of current residents is not a viable solution and those making this proposal should address this issue.

#### Council Discussion:

Councillor Turiel noted that the 4,000 SF building requirement was 5,000 SF in the original ordinance. A building smaller than that may already be used as a single-family residence and won't require a special permit if it's in R1. Mr. Daniel replied yes. Councillor Turiel noted that the buildings in question have a much larger square footage.

President Dibble asked if that square footage included basement space. Mr. Daniel that the 4,000 SF is livable space and some basement are livable, particularly if they have an active use.

President Dibble asked what would happen if the building were 3,999 SF. Mr. Daniel replied that 4,000 SF is the criteria. If the structure were in an R2 zone it could be a 2-family residence.

President Dibble asked about the Inclusionary Zoning Ordinance. Mr. Daniel replied that it is still being developed, the Housing Trust met twice and data will be analyzed. They will have preliminary language for the Trust to consider in July, revised language in August for a submission in the fall. An affordable requirement is not included in this document when it was previously because they wanted to codify what has been the practice by the PB for the 10% affordability requirement. With the advancement in the past year they need to consider what makes sense for affordable requirements for rental and ownership units. The Inclusionary Zoning Ordinance will be the appropriate place to have those requirements. The PB will continue with their 10% affordability requirement through their permitting process. Two of the three properties that could make use of this ordinance are being developed by the North Shore CDC, to which Fr. Murry mentioned 20% affordability, and 5 Broad Street had a 10% requirement as indicated in its RFP. Inclusionary Zoning will be dealt with this fall.

President Dibble asked for the income level for 5 Broad Street. Mr. Daniel – 10% at 80% which is what the PB practices. The development is contingent upon the HDIP and those terms will come before the Council.

President Dibble noted that affordability is a concern of all the Councillors and much of the public and asked if it would be harmful to add it back in. Mr. Daniel replied that there will be significant discussion in the Inclusionary Zoning and this current Ordinance provides a path for underutilized buildings that would require demolition with continued neglect.

President Dibble asked if the word “currently” could be removed. Mr. Daniel replied that it can be considered moving forward. There would be a ripple effect for removing language so it must be looked into. There needs to a recommendation by the PB and their comments can be submitted if the public hearing is closed at this meeting.

President Dibble asked if one parking space per unit is too little. Mr. Daniel replied that this same language was in the original ordinance. On-site parking is one of the greatest challenges because on many properties the sites are constrained and providing parking becomes the number one barrier to its reuse. The objective is the same and if parking cannot be provided on site, it must be located within 1,000 feet in either a municipal or private lot. One space per unit mirrors the requirement for a B5

zoning district and all the properties are within walking distance of downtown, one being across from it and the other three structures away, and the third a little further away. They are trying to provide a path for these properties to be realistically reused and from a marketing perspective, on-site parking is preferred. Unlike 5 Broad Street which has on-site parking which is good from a condominium perspective. People looking for this type of housing are often times not a two-vehicle household. Salem has a range of housing properties and these are not those properties.

President Dibble asked about the 1/3 space per unit senior housing parking requirement and what if the property switches ownership and is no longer senior housing. Mr. Daniel replied that the language already exists elsewhere and this particular paragraph isn't needed since its already in the ordinance. If the SHA sells the property is a question that can't be answered since the SHA process of selling a property is unknown.

Mr. Whittier suggested the language "finished area" be added to the available square footage in a building.

Councillor Sargent asked for clarification on whether Immaculate Conception and St. James were already under agreement with the North Shore CDC for redevelopment. Mr. Daniel replied that he doesn't know the status of their agreement and what, if anything, has been executed.

Councillor Sargent asked if they were both eligible for a Friendly 40B. Mr. Daniel replied yes, but it eliminates some of the additions of the current proposal including Salem Historic Commission and PB review. It limits the public process and everything goes before the ZBA. Councillor Sargent noted that the North Shore CDC has completed several nicely done 40B projects. He asked if 25% affordable housing is a Friendly 40B requirement. Mr. Daniel replied yes. Councillor Sargent stated that the Council is less concerned with those buildings if the CDC is in overseeing their redevelopment.

Councillor Sargent noted Ms. Bainbrige's concerns regarding buildings under 4,000 SF. Once this is passed it can go to the ZBA if a property falls short of some requirements. Mr. Daniel replied that the PB is the special permit granting authority and if the requirements aren't met the special permit is not available.

Councillor Sargent asked if this proposed ordinance is passed before the Inclusionary Zoning if there would be zero affordability. If a developer is given more than what they are allow by right, they should give back a little bit more than those that don't need a special permit. He requested a list of all properties eligible for a special permit be submitted to the Council.

Councillor Turiel requested clarification on the SHA reference because as a state body they would be an exempt use if they were to engage with any of these properties. Mr. Daniel replied yes. President Dibble added that if the SHA can't do as they think they should they must follow the state laws since they would be exempt from all requirements with the exception of the Wetlands Protection Act and the local ordinance.

Councillor Turiel appreciated their hard look at including affordability and the future Inclusionary Zoning as these types of projects that aren't already eligible by right to be redeveloped, since this is only for zones where this isn't already an allowed use. Only 5 Broad Street is an ownership project with an agreement already in place with 1 or 2 affordable units. The other three properties will be rentals through a 99-year lease from the church. The CDC affordability range is higher than the 20% being discussed today. He asked for the PB process for establishing affordability. Mr. Daniel replied that the current standard is for 10% of the units to be affordable at 80% AMI. They know it isn't adequate and is

one of the reasons for the Inclusionary Zoning. The private sector delivers units at market rate for a profit but they can push for more below market rate. 80% AMI is similar to market rate in Salem and 60% AMI has been discussed for rentals. In pushing too much you get to a point where a development proposal isn't viable. Through workshops and community engagement the level of affordable is most important. There could be 15% of units affordable and 10% AMI but the feedback says no, 10% of the units at 60% AMI and that's where they need to be. The PB is working at 10%. There may be an opportunity for negotiation with 5 Broad Street, but that is separate from the permitting process since the property is being sold.

Councilor McCarthy stated that any municipal building to convert to housing would have to be declared surplus so they can sell it. They can't change the parameters for 5 Broad Street. If you create expensive properties you reduce the number of properties that people can afford and the City has no way to offset those costs. The Archdiocese want these properties to meet their needs, and their agreement to reuse the properties is unknown. There is more flexibility with rental units. This ordinance is about the reuse of buildings and affordability isn't mentioned and not include in the use table.

Councillor At Large Furey stated that this is a meeting and process are positive and these buildings need care. The Boys and Girls club needed to relocate because the building was falling apart so they moved to Collins Middle School. He noted that 1,000 people applied for the St. James affordable housing project and asked for the time frame for occupying the St. James and Immaculate Conception buildings. Mr. Daniel replied that the North Shore CDC need to define their financing model. They wanted to do a project that didn't rely on low income housing tax credits but there is a 2 or 3 year to use those credits due to the high demand. Partnering with them they will be able to structure it to work since Dick Pavich got out of the deal because the numbers didn't work for them. The North Shore CDC is still committed to the housing but financing needs to come together. If they are looking to use low-income tax credits the projects need to go through permitting, 2-3 year to get the financing in order, and then construction. 5 Broad Street has private financing that also needs to go through permitting and the LDA needs finalizing. The TIE Agreement needs Council approval which can happen this calendar year, they need to apply to state for the HDIP, and construction can begin in mid-2020 at the earliest. It takes time for not-for-profit developers to get their subsidies and private project have an efficiency that the public projects don't, like the privately funded First & Trader's Way Apartments that has an affordable housing requirement and has already completed the permitting process in 2018 and is ready to start building.

Councillor At Large Furey noted that Micky Northcut stated that this development could possibly look like the Edwards School redevelopment on Rantoul Street in Beverly. It could easily be passed by when further down Rantoul Street is a concrete jungle of new developments. That school is a good example and it shows how it will have a positive impact on the neighborhood.

President Dibble agreed with Councilor At Large Furey. The Planner has done a good job on this and it's moving towards an improved product that will protect the neighborhoods. This is not just about there three properties, this about all available properties for the entire city and projects could fall under this category in the future. He requested the PB's input on lack of affordability, parking, and currently word.

Planning Board Chair Anderson stated the word "currently" should be studied and reviewed by the City Solicitor, doesn't have a personal issue with it and it can be clarified. This ordinance lacks affordability lack but this special permit is just one piece. They shouldn't assign a number to it because it's important to react to the current properties. He's confident that the proper numbers will be agreed upon and they shouldn't overload it now because it would have to be changed later. In terms of parking they should

consider the buildings being discussed because the parking requirements have changed and not all potential sites have parking. The B5 model is a good one to use.

Planning Board Member Smith stated that multi-family housing tenants tend to have less vehicles per household and the Inclusionary Zoning is overly burdensome on parking, since it takes up space and costs money to structure. It's his personal and professional opinion that they shouldn't be hung up on having the off-street parking vs. parking on the street because having a home for the people who need it is the bigger discussion as well as the cost to do it. The Council needs to be some compassion for those in need of housing as opposed to your right to park on the street because it's mentioned at every discussion. That's what matters in this community and every community he works with.

President Dibble asked if the PB had any question or comments on sustainability and resilience mentioned in the Mayor's letter. Planning Board Chair Anderson replied that he supports sustainability. The difficulties in redevelopment is a larger discussion and they shouldn't be burdening this piece of the special permit and they can't solve all the problems in one piece. That is a much larger discussion than the one component upon us tonight. They need to focus on reuse of these buildings.

President Dibble noted that the Mayor's letter speaks to sustainability and resiliency while the ordinance doesn't.

Planning Board Member Sides stated that she agrees with Planning Board Chair Anderson. The use of the term "currently" is very clear. Parking and affordability are large issues that should be dealt with in the Inclusionary Zoning Ordinance and they shouldn't be trying to solve that problem in this document.

Councillor McCarthy made a motion to close the hearing, was seconded by Councillor Turiel, and the motion carried with all in favor second, 10-0.

Councillor Turiel made a motion that this matter be referred to the Planning Board for recommendation, Councillor McCarthy second, and the motion carried with all in favor, 10-0.

### III. ADJOURNMENT

Councillor Furey made a motion to adjourn, was seconded by Councillor McCarthy, and the motion carried with all in favor, 10-0.

The meeting ended at 8:05PM.

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:

Respectfully submitted,  
Colleen Brewster, Substitute Recording Clerk

Approved by the Planning Board on XX/XX/2019

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