

**City of Salem Planning Board
DRAFT Meeting Minutes July 25, 2019**

A public hearing of the Salem Planning Board was held on Thursday, July 25, 2019 at 7:00 p.m. at City Hall Annex, 98 Washington St., 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, Kirt Rieder, Bill Grisct, Noah Koretz, Helen Sides, Matt Veno

Absent: **DJ Napolitano, Matt SMith**

Also in attendance: Mason Wells, Staff Planner and Stacy Kilb, Recorder

I. REGULAR AGENDA

- A. Location: 342 Highland Avenue and 2 Barcelona Avenue (Map 8, Lots 14-15)**
Applicant: Attorney George W. Atkins representing William H. Goldberg Family LLC
Description: Endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR).

This item is heard after Essex St. at 9:15PM. Attorney Joesph Correnti represents the Applicant as Attorney Atkins is ill.. The project must be subdivided into two lots, and Attorney Correnti notes taht he will come back with a client for Site Plan Review of development of said lots. The lots are described.

A motion to endorse the Plan is made by Carole Hamilton, seconded by Bill Grisct, and passes 7-0.

- B. Location: 9-11 Franklin Street (Map 26, Lot 375)**
Applicant: Gerren LLC
Description: A continuation of a public hearing for all persons interested in the application of Gerren LLC for the property located at 9-11 Franklin Street (Map 26, Lot 375) for a Site Plan Review and Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance section 9.5 Site Plan Review and section 8.1 Flood Hazard Overlay District. Specifically, the applicant proposes the reconstruction and enlargement of a commercial building destroyed by fire in 2017. The other existing light industrial/commercial building on the site will remain and access to the proposed building is provided through the existing curb cuts and parking area. Additional parking will be provided adjacent to the new building. A stormwater management system will be installed as well as new utility services to the proposed building.

Present for the Applicant are:

Attorney William Quinn with Tinti, Quinn, Grover & Frey

Mr. Quinn notes that this is an industrial property with a residential zone line running through it. He describes the existing property as an automotive repair business that burned down two years ago. The

owners would like to upgrade. The plan is for light industrial/business use, primarily by an existing tenant of an adjacent building.

Peter Pittman, Architect is also present, as is Scott Cameron, Engineer.

Scott Cameron with the Morin-Cameron group presents.

Site Plan overview

- Existing conditions are reviewed; parking lot and location of former buildings described
- Flood zone AE so special permit for FHOD has been filed; elevations are described
- Configuration of proposed building and improvements to the site
- Have filed with Conservation Commission as well as the ZBA; site meets all dimensional setbacks
- Parking area will be reconstructed and slightly extended
- Dumpster will be enclosed
- Building will shield a portion of the property; some open area is preserved. Access to the site is described.
- ServPro will be the tenant relocating into this building from next door

Grading & Utility Plan

- Front: Existing contours will be maintained
- Drain connection being added; new gas service into building
- Rear: 600 cu ft to 2600 c.f. increase, not concerned with volume as it is coastal
- Adding trench and closed drain to municipal system
- Roof drains will connect

Landscape Plan

- Existing trees are outlined (Ash, dying or dead); most will be removed
- Tree of Heaven will be left, evergreens will be added, as will red maples
- Rest will remain open space, loamed & seeded
- Building will be screened from residential properties; no lighting in rear, existing lighting will remain
- The building is entirely out of the floodplain

Peter Pittman, Architect, of Pittman & Wardley Associates, presents.

Three contractor bays are proposed; one contractor will be Servpro in the largest space. Bays are described. Two spaces will be available. Servpro's large space is described. Arrangement of windows and mezzanine spaces is described.

Chair Anderson wonders about renderings of mechanicals on the roofs. There are no mechanicals planned on the roof as of right now; they will be in the contractor bays. Because of the small office footprint area, standard residential grade split systems will suffice. CO exhaust fans will be internal and vent out from the garage bays, but will not vent anywhere near the neighborhood. Their locations are outlined.

Kirt Rieder wonders about the neighbor's attitudes toward Tree of Heaven, which can be somewhat... fragrant for a few weeks a year. Topography and drainage are discussed. The gate at the corner is in the neighbor's fence, and will not change. The parking lot will remain intact as it is.

Chair Anderson asks about re-lighting the parking lot. The neighbors did not want any more lighting, so Jay Goldberg, property manager, states that no additional lighting is proposed, just some to illuminate the doorway. Elevations are further discussed. Pedestrian egress is described; during a flood, escape routes are via 7 Franklin St. along with some others.

Chair Anderson opens to public comment. There are none.

The Board is still waiting on comments from municipal departments so no Draft Decision is available tonight. The Engineer has not yet signed off on the Plans. The Applicant is up against a tight deadline and wishes to move as quickly as possible; timing is discussed. It is very likely that the Plan will be approved at the next meeting in September.

A motion to continue to the Sept. 5, 2019 meeting, is made by Noah Koretz, seconded by Bill Griset, and passes 7-0.

C. Location: 129 Lafayette Street, 20 Harbor Street, 135 Lafayette Street (Map 34, Lot 307)

Applicant: Harbor Point Properties LLC

Description: A continuation of a public hearing for all persons interested in the application of Harbor Point Properties LLC for the property located at 129 Lafayette Street, 20 Harbor Street, 135 Lafayette Street (Map 34, Lot 307) for an amendment to a Planned Unit Development Special Permit and Site Plan Review decision in accordance with the Salem Zoning Ordinance section 7.3 Planned Unit Development and section 9.5 Site Plan Review. Specifically, the applicant proposes to amend the September 17, 2010 decision to allow 9 additional dwelling units bringing the new total to 85 dwelling units. The former St. Joseph's rectory building would increase from 8 units to 13 units and the former school building would increase from 17 to 21 units. There are no changes to the exterior of the buildings, except for handicap ramps added to the rectory building and the school building. There are no changes to the parking plan and all units will have at least one parking space as required by zoning.

Noah Koretz records a 23(b)3 disclosure noting that his previous working relationship with the seller will not affect his objectivity in matters related to this particular project.

Changes are to the interior only, and involve an increase in the number of units, but as this number is called out in the original Decision, the Applicant had to come back to the Board.

Attorney Joseph Correnti represents the Applicant. The Project was fully permitted and has been partially developed as a PUD. The midrise building is constructed; all are affordable units. Part of the PUD involved construction of that new building, but also renovation of the rectory building and school. The Planning Office out of Boston has been involved and focused on rehabbing those for residential units, with certain numbers. The three buildings are part of a condominium association; the rectory and school were put out for bid for rehab/development.

Larry Fray and David Pabich run Salem Renewal, LLC, a redevelopment corporation. They note that the buildings have been vacant for more than a decade. Additional units are needed to make the project economically feasible. The total number of units for the entire site will be 85, an increase of 9 over what was originally permitted. The 51 in the new building will not change and neither will building footprints. John Seger of Seger Architects will also discuss. Parking onsite will not change.

David Pabich comments that this is a local property that they have watched deteriorate; Larry Fray wondered if they could join forces and he took the opportunity. The buildings have potential and are in an area that is in need of revitalization. Historic tax credits will be sought, but the bottom line is tight.

John Seger reviews the site. Accessibility ramps are described. Both buildings will have an accessible unit. Utilities are being assessed. An electrical pad/transformer will be on Harbor St. and will be screened. Additional plumbing and utility work is being explored. Exterior work to be done is described. Elevations are shown. Parking is reviewed.

Improvements to the area are described. Attorney Correnti notes that the decision itself clearly called out a number of units in each building. Kirtg Rieder asks about the logistics of staging. Parking as it is now is ⅓ vacant. The development is close to public transit but has 40 parking spaces onsite, and the developer will use those for staging during construction. Staging will be on pavement, rather than on lawn. Kirt Rieder notes that some trees are not shown, especially along Lafayette St. Trees will not be impacted, though they are not shown on the drawing (this oversight does not indicate that they will be removed). Kirt Rieder notes that the Tree Ordinance will come into play if large trees are cut; the Applicant notes that the trees are an important part of the fabric of the corner. The existing condo association will also prune and maintain current trees/landscaping.

Board members express their approval of the project. Noah Koretz asks about the front porch on the rectory; it is uncertain yet if it will be for the exclusive use of the two units that are directly in front, or common. They can't be deeded as the units will be rentals.

Chair Anderson opens to public comment:

Tom Furey of 36 Dunlap St., Councilor at Large, is in favor of the project, which he feels is long overdue. He commends the Applicants on their work on previous projects. He notes a waitlist of 1,000 to get into the 51 units now constructed.

Emily Udi of 8 Buffum St., speaking on behalf of Historic Salem Inc., echoes Mr. Furey's thoughts and approves of the project, and also commends its Applicants, especially given their backgrounds and experience with historic property restoration.

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

The Draft Decision is reviewed. The Applicant will add in that trees should be left.

A motion to approve the amended Draft Decision is made by Helen Sides, seconded by Kirt Rieder, and passes 7-0.

- D.** **Location:** 435-443 Highland Avenue (Map 3, Lot 127)
 Applicant: Life Storage LP
 Description: A public hearing for all persons interested in the application of LIFE STORAGE LP for the property located at 435-443 Highland Avenue (Map 3, Lot 127) for a Site Plan Review in accordance with Salem Zoning Ordinance section 9.5 Site Plan Review. Specifically, the applicant proposes the demolition of the (2) two-story existing storage facility buildings currently on site and the construction of a new, 90,234 gross square footage three-story storage facility. The applicant proposes to increase parking to 39 total surface spaces for employees and customers located at the front and rear of the building. The existing site includes parking for 31 vehicles. Associated improvements include utilities, stormwater improvements, site lighting, and landscaping. The project

falls within the Entrance Corridor Overlay District of the Salem Zoning Ordinance

Presenting for the Applicant are:

Scott Grover, Attorney

Kirt , area manger

Eric...

The location of the project is described by Attorney Grover. A storage facility has been on the site since the 1980's, and has been owned and operated by Life Storage for the past 20 years. Recurring flooding has rendered first floor of each building unusable, so the Applicant will demolish and construct a single, three story structure. A rendering of the proposed structure is shown.

Neighborhood meetings did occur as there is a residential neighborhood abutting to the rear. There were many concerns about the size of the building, originally planned as 4 stories and 46' in height, but which will now be 3 stories, 34' in height. The Board of Appeals has granted a variance for height, as there is a limit of 30' in the B2 zone. The location of the new building will change, being pulled back to 37' from rear lot line. The Applicant has received an Order of Conditions from the Conservation Condition, and is now undergoing Site Plan Review.

The Project is also located in the Entrance Corridor Overlay District (ECOD), thus requires approval from the Design Review Board (DRB) before the Planning Board can make a decision; the Applicant also wants a referral to the DRB so they may present at that meeting, at the end of August.

Carlton Quinn, Civil Engineer (CE) with Allen & Major Assoc, reviews site design and survey

Flooding

- At a low point of Highland Ave.
- There is no FEMA floodplain or flood zone in the area
- Videoed all manholes and pipes owned by DOT; water collects in front of the site, and is pumped into a culvert that feeds into drainage swale then wetland east of site; major pipe has collapsed so water collects from Route 107 and Walmart and floods street, then goes into the site from both sides
- There is no timeline for when MassHighway will correct the problem; this was taken into consideration but as no strategy has been presented, Life Storage decided to lift the site up by 1-2' and construct a new building
- There will be more drainage, and a low point in the swale so will water will overtop that instead of backing into the building.
- Neighborhood behind is much higher, by 20-30', and there is a large retaining wall, so that does not flood
- Drainage swale is reviewed again at Kirt Rieder's request. 48 acres from both sides of Highland Ave drain to this point; one pipe comes from manhole and is collapsed; as part of proposed reconfiguration , they are raising the site
- Building will be raised 1-2' and low area onsite will be provided so water will go to drainage swale without having to go through culvert, but will not impact the neighbors

Site Plan

- 30K sf building, 39 parking stalls proposed, 32 are required. currently paved up to property line
- Proposed setbacks are all increased from current

- Impervious area decreased
- New current standard drainage system proposed
- Drive aisles 28'
- Grading, drainage utilities fire truck turning have all been included, as well as lighting
- Lighting is described; there will be no light spillage across property lines
- Landscaping plan
 - 4 existing shade trees will be retained
 - Additional trees proposed are outlined

The Chair is concerned about the grade differences and lighting; this will be illustrated at the next meeting. Noah Koretz asks about the elevation view from Clark Ave. through those houses to the new structure. Sight line analysis has been presented to the ZBA, and the Applicant can bring that to Planning.

Materials proposed on back of building are now a softer color and textured after working with the ZBA. Design Review will also take a closer look.

Kirt Rieder asks about the color temperature of the lighting; it will be provided. Chair Anderson asks about the ECOD requirement re front of site landscaping and parking. They are not asking for any variances so the number of trees required will be planted (1 tree for each 3 parking spaces), so for 39 spaces, 13 trees are needed. Existing ones will be maintained. 8 deciduous are proposed in addition to 5 existing. This will be researched by the Planning Board. Minimum size of trees specified for ECOD will also be researched. Kirt Rieder invites the team to speak with the Tree Warden re species. Overhead aerial wires must be taken into account and the tree warden can do this. Crabapple is not ideal at this location. A larger shade tree is preferable but must not interfere with utilities.

Kirt Rieder is also curious as to how adjacent landowner's billboard impacts the project and if it will conflict with trees. The Applicant has not had that conversation. Attorney Grover notes that this is private property, so the Applicant does not need to take into account or accommodate the billboard.

Chair Anderson asks about mechanical and HVAC systems, and requests that they be submitted for the next meeting. Kirt Rieder wonders if there is a sight wall separating neighbors; the existing retaining wall will stay and there is a 6' fence on top of the wall, owned by LifeStorage.

Chair Anderson opens to public comment.

Mr. Pszeny of 0 Clark Ave, is concerned with the light. The existing Order of Conditions specifies lights but the current wall packs illuminate neighboring properties. He is also concerned about erosion control during demolition; there are conditions during SPR.

Dennis Colbert of 37 Clark St. notes that the Applicant still has not addressed lighting facing Clark St. The Board will make sure that the lights on the new buildings do not cause problems, and the Applicant will address current lighting violations next week.

Bill Lazinski of 2 Clark Ave. is concerned about runoff coming onto his property, and about the height of the fence. Runoff cannot be allowed onto adjacent properties. The fence is the main concern, as are some large trees. This will be reviewed before the next meeting.

There is currently pavement over the entire site. Due to groundwater, no infiltration is possible. A small amount of green space will yield a slight decrease in runoff.

Tom Furey comments on the beauty of the neighborhood behind the project and the need to maintain its integrity, while allowing such projects encourages businesses to remain in Salem.

Kirt Rieder notes that wall packs are not the most easily approved for this building, and that the Applicant may want to look at pole mounted lights closer to the wall, pointed toward building. The wall packs being explored all point straight down.

Kirt Rieder comments that the number of trees and spacing must be taken into account.

A motion to continue to the Sept. 5 2019 meeting, and to provide a referral to the DRB, is made by Noah Koretz, seconded by Carole Hamilton, and the motion carried.

- E. **Location:** 217-221 Essex Street (Map 35, Lot 251)
 Applicant: Essex Street Lofts, LLC
 Description: A public hearing for all persons interested in the application of ESSEX STREET LOFTS, LLC for the property located at 217-221 Essex Street (Map 35, Lot 251) for a Site Plan Review in accordance with Salem Zoning Ordinance section 9.5 Site Plan Review. Specifically, the applicant proposes an historic restoration and adaptive reuse of the conjoined buildings at 217 Essex Street (3-stories) and 221 Essex Street (5-stories). The buildings currently have retail on the street level and are vacant on the upper floors. The proposed mixed use would be to keep commercial/retail on the first-floor pedestrian mall and create 20 new dwelling units on the upper floors. Work will consist of exterior renovation and an interior remodel of the upper floors.

Attorney Joseph Correnti of 63 Federal St. represents the Applicant. This is the building in the heart of downtown, behind Rockafella's on the pedestrian mall. Applicant Mr. Acari has purchased the building, and wants to rehab it to its former glory. The application calls for 20 residential dwelling units on the upper floors. The two buildings are connected internally but have different shapes, rooflines, stories, etc. The idea is to put residential units on the upper floors while continuing to use the first floors for commercial.

Joey Arcari, principal of Essex St. Lofts LLC, notes that the current tenants have 5-6 years left on their leases, and are planning to stay during that time, but in the future he would like to see the ground floor activated and life there 12 months of the year, not closed much of the winter as the spaces are now. There is an old boiler system in the basement, which will be removed along with asbestos cleanup. He notes that the basement is incredible, some parts having 12-14' ceilings, and he wants to activate that too. They will start working on the upper floors for now.

Alexander, Architect, notes that Tax credits will be sought for exterior restoration. Wooden stairs and decorative columns on the first floor will be maintained.

- Renderings of restoration are shown
- 217: Existing windows replaced with aluminum, that is historically accurate; existing window surrounds will be retained
- 221: Each level has different details on windows; looking to restore the storefront at street level; cast iron columns and balustrades are all that remain and will be retained, filled in with traditional wood windows.

- Originally 4 stories, 5th story added at a later date, roof has trusses
- Windows will be replaced with aluminum
- Window surrounds wood and cast iron, will try to retain and repair; subcontractor is experienced in cast iron repair
- Proposing addition of gray accents when exterior of 221 is repainted
- Derby Square facade restoration is outlined; greenscape next to building is city owned, hoping to use it as staging for construction, then could possibly redesign it and re-landscape
- Working with SRA about possibly removing existing fire escape on rear; they are obsolete in terms of egress. Looking into adding something better, not reusing, and will take fire escape off for a visual improvement
- SRA would have to approve the addition of any stairwells, which are not yet shown because of the tax credit application; it is clarified that the stairwell in question would be added on from the fifth floor of the taller building to the third floor of the shorter one
- Entrance in the back of building will be unblocked and restored. Will serve as second egress for residents
- Alleyway elevation shown, hoping to do away with fire escapes there too. Windows will be replaced.

Chair Anderson asks if construction will be phased and the timing is outlined. There is some concern that the first floors will become residential, but Mr. Arcari feels that commercial space is more financially valuable.

The Chair commends Mr. Arcari for taking on this project and asks if the DRB or Historical Commission has seen it, and what they thought of the lights. All are recessed, and no lights are planned for the front as light will come through the glass of the storefronts. The alley may have some lighting for safety. Streetlights in the alley will stay; 10 Derby Sq powers those lights. Chair Anderson wants assurance that design changes are internal only, and that the roof will be screened, etc.

Kirt Rieder asks about roof access; Mr. Arcari is cautious because of the desired tax credit, but would like to add an outdoor common area, screened, of course, if possible. Kirt Rieder feels that some positive changes could be made to the City-owned green space, including the removal of the 15 burning bush, which are invasive; the Applicant would be prohibited from replacing them. He notes that the Applicant could either make a proposal for the redesign, or contribute money to the City for shade trees. Mr. Arcari notes that if trees are planted now, would still like to explore activating that area.

Chair Anderson opens to public comment.

Councilor At Large Tom Furey of 36 Dulap St.. approves of the project.

John of Salem Five bank, is excited to see the project happen but has some questions. He asks about noise and dust during construction and staging; plans for those aspects of the project will be part of the formal submission for the building permit, and once determined, will be a public record. The Applicant would like to remove the clock, but must tread lightly because of the historical tax credit application.

The schedule of work is further described. He is concerned about parking, given that Salem Five is growing its staff. Chair Anderson notes that this is a district in the City that does not require parking, so the Board can't require the Applicant to provide it, thus it is outside this Board's responsibility. The issue can be brought up to the Mayor's office.

Kirt Rieder is concerned about the installation of frosted windows on the storefronts; that is up to the DRB and SRA, and the former has already approved clear glass; any changes would come back to the Board.

Emily Udy of 8 Buffum St., representing Historic Salem, comments that this looks like an amazing project, and approves of the continuation of quality work

City Engineer comments and sign offs have not yet been obtained. The Applicant is hoping to get a draft decision at the Sept. 5 meeting .

A motion to continue to the Sept. 5, 2019 meeting, is made by Kirt Rieder, seconded by Helen Sides, and passes 7-0.

II. OLD/NEW BUSINESS

A. Continuation of Board discussion regarding Footprint Power plant.

The City Solicitor has been consulted again. Chair Anderson will not allow additional public comment. He outlines the process: Change to 48" pipe onsite were made, what initiated those is immaterial to the Planning Board, but they were submitted to and approved by the Energy Facilities Siting Board (EFSB). Part of the Board's original Condition , option given to ENG dept. Rights the PB had, is that efSb took sp approval and rolled into their approval. In hindsight, this Board had and still has control over some items in our original decision, ex. trees. So for example, if 48 trees are noted on the plans and the current design has 27, we can make them put in 48, but we don't have any say in the pipe. Larger components of that decision were approved by the EFSB.

There is some discussion as to the geographic and topographic implications of changes; such that, for example, if all 48 trees were being placed into an area that would undermine the Planning Board's decision, if its authority was correctly superseded, or undermined. Changes to the pipe did impact the project from a topographical standpoint.

Chair Anderson notes that part of Footprint, in appealing the PB decision to the EFSB, gave the EFSB authority, so major changes are approved by them. In this case, the City Engineer reviewed a recommendation to change the pipe location and, based on the original Conditions, gave his authority to make that change, which was then approved by the EFSB.

There is some further discussion about the authority of the Planning Board vs. the EFSB. Matt Veno comments that the errors was in the delegation of a certain authority to the Engineering Department, that was not crafted as cleanly as necessary. Moving forward, in drafting similar language delegating authority to others, the PB should ensure it is written such that, if exercise of that authority or a proposed change being considered has substantial impact on other project elements, then Engineering does not have have that discretion. This should be applicable across City departments. He notes that all the time the PB sent discussing the matter has been wasted and that there must be a more optimal way to avoid it in the future.

Tom Furey, Councilor at Large, comments it is a billion dollar project, so the City Engineer should have been in front of the PB. Chair Anderson reiterates that the matter is now out of the Planning Board's hands and that Mr. Furey can consult other City departments/councils if he wishes to pursue it further.

III. APPROVAL OF MINUTES

A. Regular Planning Board meeting minutes for June 6, 2019.

Minutes not yet available

B. Regular Planning Board meeting minutes for July 11, 2019.

A motion to approve the Regular Planning Board meeting minutes for July 11, 2019 was made by Bill Griset, seconded by Noah Koretz, and the motion carried.

IV. ADJOURNMENT

A motion to adjourn was made by Noah Koretz, seconded by Matt Veno, and the motion carried.

The meeting ends at 9:34p.m.

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-2019-decisions>

Respectfully submitted,
Stacy Kilb, 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.