

**City of Salem Planning Board  
Meeting March 5, 2020**

A public hearing of the Salem Planning Board was held on Thursday, March 5, 2020 at 7:00 p.m.

Public participation for the Planning Board meeting scheduled for Thursday, March 19th at 7:00 pm will be conducted via a remote participation platform called Zoom.

Members of the public and/or parties with a right and/or requirement to attend this meeting can access the remote participation meeting through any one of the following ways:

- Follow this link or enter it into your web browser to join the meeting:  
<https://us04web.zoom.us/j/107432722>
- Follow this link or enter it into your web browser to open the Zoom website at <https://zoom.us/join>. Enter meeting ID # “107-432-722” as directed on the webpage and click “Join.” Follow the on screen instructions to join the meeting.
- Participants can dial a toll-free phone number at 877-853-5257 to join the meeting. When prompted, enter meeting ID # “107-432-722” and follow the instructions to join the meeting.

Chair Ben Anderson calls the meeting

**I. ROLL CALL**

*Those present were:* Chair Ben Anderson, DJ Napolitano, Matt Smith, Kirt Rieder, Helen Sides, Bill Griset, Carole Hamilton, Noah Koretz

*Absent:* Matt Veno

*Also in attendance:* Mason Wells, Staff Planner

*Recorder:* Stacy Kilb

**A. Location: 23 Summer Street (Map 26, Lot 463)**

**Applicant: 23 Summer Street LLC Description:** A public hearing for all persons interested in the application of 23 SUMMER STREET LLC for the property located at 23 Summer Street (Map 26, Lot 463) for a Site Plan Review in accordance with Salem Zoning Ordinance Section 9.5. Specifically, the applicant proposes the renovation and expansion of the existing multi-family residential property at 23 Summer Street in the Central Development district. The applicant proposes the demolition of the rear portion of the existing building and replacing it with an addition to create a total of 10 residential units. The project includes changes to the existing parking lot, new indoor garage parking spaces, utilities, and landscaping.

Mike Becker of 2 School St. Court, Salem, representing the owners, calls on Bob Griffin to present the Project.  
Bob Griffin: Site Plan Review

- Front rendering of existing and addition
- Project Site
- Existing Conditions
- Site Layout
  - Previous condo layout
  - 10 parking spaces, 1 per unit; MDC trap with floor drain
  - Garage door
  - Trash storage inside garage
  - Few topographic changes will be made
  - Sewer, potable water, gas utilities will be updated
  - Heated pavement on driveway; it will not be plowed
  - Sidewalk will be repaired as needed after work on utilities is done

Tom Mayo:

- Building elevations; small repairs to exterior of existing building; addition is described
- The Historic Commission has asked about HVAC; decks are large enough w/railing to hide individual mini split condensers, which will sit on the deck. Additional units will be on the North Elevation side
- One portion of the existing building will be the same wall, some windows will be moved
- Hardie Plank four hour rated wall and 90 minute rated windows
- Garage windows on East Elevation: two in garage area, one is in living area, 6-8' to the right of where it is shown on SRA approval, so they may need to go back.

Helen Sides asks about the proposed Summer St. Elevation; dotted lines are clarified.

Chair Anderson asks:

- SRA memo noted issues raised re appearance of windows etc. The Chair is hesitant to interpret what the SRA is seeing, so asks that the Applicant please respond to their (the SRA's) letter and get clarification through Mason Wells, then reply to the Planning Board in writing
- Historic Commission comments should also be addressed
- Required Plans: North side of building, site plan, is unclear. Is it that the existing building straddles the property line but the new building is set back? What will they do with empty space? They will build up to but not beyond the lot line. Wall thickness is shown.

Kirt Rieder notes that plans that show graphically what will be happening are necessary to answer these questions. A verbal explanation is not as useful as a visual one. He asks the Applicant to please show floor plans in relation to the outside. Bob Griffin notes this is not usually done but Kirt Rieder comments that this would help their case. Chair Anderson asks what is happening beyond where cars are parked, as this is not clear. He notes that the hatch line shows existing but if building to the property line, there is no need for the existing fence as noted. the fence is on the neighbor's property line. Everything in yellow is an enclosed living area.

Board Comments and concerns:

Chair Anderson:

- Sidewalks: while this is a City issue, there is an unfortunate mix of brick, cobblestones and concrete. There should be consistency at the front of the property. The Applicant can work with the City on this
- A photometric plan is required; while a small project he still wants to see light fixtures, wattage, type of bulb, and placement, shown on the elevation plan, if not a full photometric plan

- Regarding the garage, is an exhaust system required for the 7 cars in an interior space. If required by code, please show on the elevation its locations and type of system
- Re electrical service: The project will not need an exterior transformer but please show meter locations and make sure panels are on inside of the building, not obvious on outside
- Mechanical screening and fan units: with no floor plans, addresses units on top floor. Tom Mayo notes some are two floor units so condensers would be on the top floor. Most existing building units will have condensers on the top area on North elevation. They will be minimally visible, if at all
- Submission requirements indicate a context plan 1:100. Please expand one plan to show a couple of blocks around the site to provide context
- Will a heated driveway work with bituminous concrete?
- Landscaping is unclear; questions about the fence remain. Please continue the fence to separate theirs from adjacent property, bring around to the entry. Fence location and consistency questions remain
- Foundations of new building: it is unclear what portion of the poured concrete foundation will be visible (ground to where the siding ends). This is discussed and the Applicant will provide a visual at the next meeting

#### Kirt Rieder:

- The existing fence is well weathered and doesn't get to the garage. Continue it so that it seamlessly blends, not with something stock that solves the problem but creates a bigger visual issue. Mr. Mayo notes this was a concern of the DRB and Historical Commission as well. New portions of fence will match the old, being made of wrought iron, preferably reclaimed. However the fence is not on their property so will have to get permission from the adjacent property owner. Helen Sides suggests speaking to Russel Dion, who may have a yard full of old iron fencing
- Applauds the grading plan with 1/2' contours, but would like them solid rather than dashed
- Applicant probably does not have access to neighbors to see grading but the key is to not have water going to the neighbor's property. Snow storage vs. heated asphalt? Is there a local precedent the Board could see? Photos will be provided of another project. Kirt Rieder wonders about snow storage during large storms, which the heater will not be able to handle. There is no snow storage space on the property so snow will have to be removed. Mr. Mayo notes he had a heated driveway, and never had to shovel, even during major storms. Mr. Griffin agrees but can come up with a plan just in case
- Notes that a planting plan is usually required; what do DRB notes require them to do, keep both trees or can they remove one? They also appear to be spruce rather than pine. Mike Becker notes trees are not under the Tree Warden's jurisdiction. Lot line tree: this is on abutter's lot, survey shows it on the lot line. He is concerned it will be damaged in construction, but will work with abutter to have a satisfactory resolution. House tree will remain
  - Chair Anderson has the SRA decision: Applicant proposes retaining all existing landscaping adjacent to parking, Applicant will need to clarify with SRA if planning to remove that tree. Kirt Rieder notes that the tree is getting water and oxygen from nearby gravel swale; the new foundation will destroy the root zone of that tree. Did they meet with the tree warden? Applicant was sent an email noting that the setback for B5 is zero, and this is not within setback. Kirt Rieder disagrees, commenting that the Tree Warden would have something to say about removal of the tree off Summer St. The clarifying email will be circulated
  - Re planting plans for SPR: need to see center points, species and sizes. Landscape Architect will be brought in to review these items. Board needs to see a drawing by Landscape Architect
- Kirt Rieder asks for clarification about the heated asphalt, and the cross hatch on plan. This just represents "leftover space" beyond the parking
- While it is correct that the Board doesn't need to see inside of building but unclear where HVAC systems will be, it needs a visual to show size and scale

- Changes to the chimney: it is in good shape, does not need to be repointed
- Bike storage had not yet been incorporated
- Kirt Rieder insists that meters NOT be placed on front or corner of the building. Applicant should graphically indicate what they will look like. Mike Becker notes moving them is subject to approval of gas company. Kirt Rieder replies that there is flexibility to this
- Board prefers to see answers graphically vs. a written narrative or verbal description, please come back with that

Helen Sides comments that the DRB saw this over several meetings and the project has improved tremendously, it is secondary as described from the main building. She is still amazed at the number of cars in the tight space underneath, but if it works, it works. Tom Mayo comments on the parking lot at the Northshore Mall; the spaces here are similar in size and distance, though it will still be tight. It is clear span with no columns.

DJ Napolitano asks about affordable units. This will be confirmed. AMI's are discussed. The Board has typically requested 10% at 80% AMI.

Chair Anderson opens to the public. Mason Wells outlines how members of the public can comment via zoom or by calling in. There are a few technical difficulties.

Peter Brown, 38 Norman St. LLC, is an abutter. He asks if the roof will extend beyond the lot line, above his lot. It is not allowed to. The wall is 6" back from the lot line and no overhang is allowed on zero lot line construction. The roof will come down and have trim, but no gutter or anything extending over the lot line. He also notes a mistake on the survey; a parcel of land not identified as the correct owner. One portion is no longer owned by 38 Norman, but was sold to 27 Summer LLC and is now controlled by Mike Becker. However Mr. Becker is not the sole owner of 27 and it is not the same owner as 23 Summer St. The survey will be updated at the next meeting.

Chair Anderson notes for participants that this item will remain open.

Janice LeBel, 1 Chestnut St. - Opposed

- Is a direct abutter, thanks the Board for its due diligence to the public process in this extraordinary time. She notes the platform is inadequate for full public comment, with acoustics cutting out so she is missing full representation of dialogue. Concerns:
- Development of plan done with tunnel vision, ignores the context of project, at the foot of Chestnut St. which is architecturally significant
- Doubling of density
- Traffic/congestion
- Configuration of parking lot
- Current traffic is chaotic w/accidents spilling onto sidewalk
- Asks about soil contamination testing b/c of gas station next door
- Concerned about erosion of function and purpose of this historic property
- HVACs will be visible to neighbors from higher elevations
- Provide add'l info about trees and landscaping
- Zoom platform was not shared with abutters, who were notified of meeting date but not platform
- Requests that project be put on hold for full dialogue and information

Carol Carr, 7 River St. - Opposed. Concerns:

- Sent a letter by email outlining concerns

- Agrees with Janice’s comments re inadequacy of virtual meeting process
- Additional units/density
- Covers entire piece of land between house and pavement
- Concerned it will be used for short term rentals for tourists
- Exiting onto intersection is extremely dangerous
- Has rented this house as AirBnB, you cannot turn car around in lot as it is, will become impossible
- Disagrees w/Developer that project is consistent with mission to preserve historic part, complement neighborhood, or that architecture will be aesthetically consistent. No guarantee that interior will be preserved; by permitting 10 units this guarantees that interior will be divided and the house destroyed
- Proposed addition crowds building, detracts from historic area
- Link on letter provided shows photos of interior which should be preserved
- Developer does not mention that land to West is McIntire Historic District; she provided a table of 7 single family homes and two 2 family homes with larger lot sizes than this for 10 units. This is out of proportion for the area
- Relates to Summer St., not downtown.
- Does not approve of 65 Federal St. project
- Urges public hearing to be left open (it will be)

Bob Griffin replies that he voluntarily went before the Historical Commission (HC) as well as Historic Salem, Inc. (HSI) One of his other projects will be nominated for an award. Massing was based on a sketch that Chair sent as a proposal to reduce the height of the addition, which was smaller in footprint but taller. This was endorsed by the Historical Commission and HSI, before going to the DRB. The design chosen was based on feedback from the HC Chair. The building currently has 6 units in it. 2 are in one condo, which is why they read 1, 2, 3, 5, 6, so there will be four new units that fit above the garage. Existing units do not get “chopped up” though one unit is more than 2,000 square feet, so will be divided into two units. Re contamination: they do have an LSP (Licensed Site Professional) report and will follow all state and federal guidelines. A/C consists of mini split condensers; the existing building will be between the condensers and Chestnut/Summer St. so will not be visible to anyone who lives there under any circumstances.

Bill Raye of 2 Chestnut St. (directly across the street) asks about timing. He notes that the project at 65 Federal St. is taking a long time with early start times and noise issues from trash trucks and other vehicles. The Applicant will not have a starting date until the project is approved. It is anticipated that construction will take 6-9 months, and the existing building takes longer than the addition.

AlanH via chat asks if SATV is recording this meeting. SATV and Zoom are both recording, so it can be broadcast.

*A motion to continue to the April 2, 2020 meeting, is made by Bill Grisct, seconded by Helen Sides, and passes 8-0.*

Roll call vote:

Ben Anderson:	Yes
Bill Grisct:	Yes
Carole Hamilton:	Yes
Noah Koretz:	Yes
DJ Napolitano:	Yes
Kirt Rieder:	Yes
Helen Sides:	Yes
Matt Smith:	Yes
Matt Venio:	Absent

**B. Location: 602 Loring Avenue (Map 20, Lot 11)****Applicant: Vavel LLC**

**Description:** The applicant has requested a continuation to the regularly scheduled meeting on April 2, 2020 of the public hearing for all persons interested in the application of VAVEL, LLC for the property located at 602 Loring Avenue (Map 20, Lot 11) for a Site Plan Review in accordance with Salem Zoning Ordinance Section 9.5. Specifically, the applicant proposes the demolition of the existing two-story commercial building on the site and the construction of a three-story building containing 20 residential units. The project includes 34 off street parking spaces, 22 of which will be garage level spaces within the building and 12 of which will be surface parking spaces. Also proposed are landscaping, a ground level patio, a sidewalk from the g entrance to the existing Loring Avenue sidewalk, bicycle racks, utilities, grading, and drainage systems for stormwater runoff. The existing curb cut will be reconfigured into a 24' driveway.

*A motion to continue to the April 2, 2020 meeting, is made by Noah Koretz, seconded by Carole Hamilton and passes 8-0.*

Roll call vote:

Ben Anderson:	Yes
Bill Grisct:	Yes
Carole Hamilton:	Yes
Noah Koretz:	Yes
DJ Napolitano:	Yes
Kirt Rieder:	Yes
Helen Sides:	Yes
Matt Smith:	Yes
Matt Venio:	Absent

**C. Location: 16, 18, and 20R Franklin Street (Map 26, Lots 400, 401, and 402)****Applicant: Juniper Point Investment Co LLC**

**Description:** The applicant has requested a continuation to the regularly scheduled meeting on April 2, 2020 of the public hearing for all persons interested in the application of JUNIPER POINT INVESTMENT CO LLC for the properties located at 16, 18, and 20R Franklin Street (Map 26, Lots 400, 401, and 402) for an amendment to 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 amend an existing Planning Board decision dated September 20, 2018. The original decision allows replacing the junkyard with a residential development consisting of forty-two (42) units in five (5) buildings and includes a strip of land running from Franklin Street to the river that is approximately 25,000 square feet and is part of an ownership dispute. The new application includes only a portion of the disputed land, referred to as Parcel B, and downsizes the project accordingly. The amendment proposes to replace the existing junkyard with a residential development consisting of thirty-seven (37) units in four (4) 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. Also included are slightly repositioned building locations. In order to accommodate the new building layout, the applicant proposes the relocation of the site entrance approximately 55-feet to the south; revised parking and walkway layouts; changes to grading, drainage, sewer, water, gas, electric, lighting, and landscaping; and

a new proposed three-foot tall retaining wall along the disputed strip of land. NOTE: Alternatively, should Parcel B not be integrated into the project, then the Applicant requests the Decision be amended to reflect a further reduced plan, to 31 units, with no change to the building footprints, or site plan, as submitted herewith.

*A motion to continue to the April 2, 2020 meeting, is made by DJ Napolitano, seconded by Noah Koretz and passes 8-0.*

Roll call vote:

Ben Anderson:	Yes
Bill Griset:	Yes
Carole Hamilton:	Yes
Noah Koretz:	Yes
DJ Napolitano:	Yes
Kirt Rieder:	Yes
Helen Sides:	Yes
Matt Smith:	Yes
Matt Venio:	Absent

### III. OLD/NEW BUSINESS

**\*All Old/New Business will be continued to the April 2, 2020 Planning Board meeting\***

**A. \*Continued to the April 2, 2020 meeting\*** - Receive and File – No action required by the Planning Board: The City Council is anticipated to schedule a joint meeting with the Park and Recreation Commission for March 24, 2020 at 6:00 p.m. at the Jean Levesque Community Life Center, 401 Bridge Street, Salem relative to land in dispute at 20 Franklin Street. The purpose of the meeting is to inform and hear from the public about a 25,000+/- square foot parcel of land adjacent to Furlong Park on Franklin Street, title of which has been the subject of a dispute between the City and the Ferris family for many decades, and for each body to deliberate and vote on actions relative to this land including the potential surplus and sale of all or a portion of this land in dispute.

**B. \*Continued to the April 2, 2020 meeting\*** - Update on Planning Board enforcement for the previously approved projects at 9 South Mason Street and 73-75 Wharf Street.

**C. \*Continued to the April 2, 2020 meeting\*** - Receive and File – No action required by the Planning Board: On February 27, 2020, the Salem City Council confirmed Mayor Driscoll's reappointment of Bill Griset to the Planning Board with a 5-year term set to expire March 1, 2025.

### IV. APPROVAL OF MINUTES

**A. \*Continued to the April 2, 2020 meeting\*** - Regular Planning Board meeting minutes for January 23, 2020.

**B. \*Continued to the April 2, 2020 meeting\*** - Regular Planning Board meeting minutes for February 20, 2020.

**V. ADJOURNMENT**

A motion to adjourn is made by Helen Sides, seconded by DJ Napolitano, and the motion carries.

Roll call vote:

Ben Anderson:	Yes
Bill Griset:	Yes
Carole Hamilton:	Yes
Noah Koretz:	Yes
DJ Napolitano:	Yes
Kirt Rieder:	Yes
Helen Sides:	Yes
Matt Smith:	Yes
Matt Venio:	Absent

The meeting ends at 8:46 PM.

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-2020-decisions>

Respectfully submitted,  
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 5/21/2020

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