

**City of Salem Planning Board  
Meeting Minutes  
Thursday, Sept. 1, 2016**

A public hearing of the Salem Planning Board was held on Thursday, September 1, 2016 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Chair Ben Anderson opens the meeting at 7:05 pm.

**I. ROLL CALL**

*Those present were:* Carole Hamilton, Dale Yale, Helen Sides, Matt Veno, Noah Koretz, Ben Hamilton

*Absent:* Tony Mataragas, Kirt Rieder, Bill Grisct

*Also in attendance:* Erin Schaeffer, Staff Planner, and Stacy Kilb, recorder

**II. REGULAR AGENDA**

**A. Location: 297-305 Bridge St. (Map 26, Lot 635)**

**Applicant: City of Salem**

**Description:** Board discussion and vote on an application for endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR), proposing to divide a portion of one (1) lot into an unbuildable parcel.

Noah Koretz recuses himself.

Tom Devine Senior Planner for the City of Salem Department of Planning and Community Development presents the application. Mr. Devine outlines that one area of the lot will be divided into an unbuildable parcel in order to allow an abutter who has been informally using it to access his property for turnaround, to have a chance to purchase it via public auction to formalize its use. Carole Hamilton asks about encroachment on city property by chain link fence. Mr. Devine explains that it depends on the future use of property. Matt Veno asks if there is a curb cut/access or changes to the portion of lot that encroaches onto the city owned parcel. Mr. Devine identifies that access area, and notes that the informal curb cut will stay in place.

No public comment as this is not a public hearing.

*Motion to endorse the application by Matt Veno, seconded by Dale Yale and carries with Chair Ben Anderson, Matt Veno, Helen Sides, Yale, Carole Hamilton all in favor.*

**B. Location: 67 and 69-71 Hathorne St. (Map 25, Lots 476 and 477)**

**Applicant: Patrick and Janis Tobin, Jose and Altagracia Gomez**

**Description:** Board discussion and vote on an application for endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR), proposing to divide 192 square feet from Lot 477 creating unbuildable Parcel A, merge Parcel A with Lot 476; and divide 279 square feet from Lot 476 creating unbuildable Parcel B, merge Parcel B with Lot 477.

The applicant is not present at this time. Board has reviewed the plans and Chair Anderson entertains questions, Ms. Sides asks if this was one of the houses that was in a fire, but it is not. Erin Schaeffer explains that the petitioner is looking to do a land swap or equal amounts. This cannot be held until the next meeting

due to protocol of an “approval not required” vs. subdivision. No extension has been requested but would prefer to hear a presentation. Chair Anderson comments that he is confident that this is not a subdivision.

Motion to endorse the application by Helen Sides, seconded by Dale Yale, and carries with 5 in favor (Dale Yale, Ben Anderson, Noah Koretz, Helen Sides, Carole Hamilton, and 1 opposed (Matt Veno).

**C. Location:** 81 Highland Ave; 108 Jefferson Ave; Old Rd; 1 Dove Ave; 79 Highland Ave; 55 Highland Ave; and 57 Highland Ave (Map 24, Lots 1, 2, 88, 19, 216, 218 220; and Map 14, Lot 129)

**Applicant:** North Shore Medical Center, Inc.

**Description:** A continuance of the public hearing for a Site Plan Review, in accordance with the Salem Zoning Ordinance: Section 9.5 Site Plan Review; and a Stormwater Management Permit in accordance with Salem Code of Ordinances Chapter 37. Specifically, the applicant proposes to construct a new Emergency Department/Inpatient Beds building, a new front Lobby expansion, renovation resulting in an addition of 119,735 square feet and repurposing of 119,734 square feet of interior space, internal driveway and parking modifications, landscape and hardscape improvements and utility infrastructure modifications to their existing campus.

The applicant has requested a continuation to the Sept. 15 meeting.

Motion to continue to the Sept. 15, 2016 meeting is made by Helen Sides, seconded by Dale Yale, and passes unanimously 6-0. Roll call vote.

**D. Location:** 14 Bertuccio Ave. (Map 24, Lot 105)

**Applicant:** Nathan Jacobson

**Description:** A continuance of a public hearing for a Definitive Subdivision Plan in accordance with the Salem Subdivision Regulations to allow the construction of a roadway to serve seven (7) residential lots, and a Stormwater Management Permit in accordance Sec. 37 of the Salem Code of Ordinances to allow for activity that results in a land disturbance greater than one acre.

Clifford Goodman, Eric Jacobson, Robyn Jiannopolo submitted public comment for record

Eric Jacobson presents. The project engineer submitted plans addressing comments. The applicant would like extension to Sept. 15 meeting to allow them to address concerns. Mr. Jacobson submitted a letter from his attorney stating waivers sought and how they are safe and access for road meets code; he was not sure if that was made clear so letter submitted.

Mr. Veno asks if the petitioner has considered or reconsidered their decision not to proceed with a board-found peer reviewer for blasting. Mr. Jacobson feels that the engineer he supplied was highly credible, more so than the one the Board was recommending. He feels that his blast specs were accurate and does not feel additional peer review is necessary.

Chair Anderson comments he has followed project from beginning, it has changed substantially; in general concerns of peer reviewers have been addressed. Though physically tight, it meets the requirements. In general he supports the waivers presented EXCEPT FOR: 1) must define where street lights are, and 2) geotechnical peer review. Chair Anderson reviewed the Environmental Impact Statement (EIS) and subdivision regulations in detail. He feels EIS is incomplete thus he cannot make judgement to support project without another opinion on safety as he feels additional information is necessary to make a

determination on whether the project complies with the subdivision regulations. Unusual geologic conditions and safety are mentioned in the subdivision regulations and both can be alleviated if another opinion is sought. He agrees with suggestion for continuance. He cannot speak for other Board members but that is how he feels.

Mr. Jacobson comments that if Board says they need the peer review to make a sound decision, he will move in that direction, but if they do and it creates a bigger headache, what will be reviewed? The peer reviewer's estimate said he would be working with applicant and he did not understand that. Chair Anderson replies that the City, the Board and applicant all need clarification.

Matt Venio comments that whether hiring that expert gets them closer to approval or not will depend on their findings. Redundancy is the point of peer review. If the peer reviewer does not agree, then concerns will be identified. Applicant feels there has been no clear progress in the conversation. Developer had meeting with neighbors, claims they said they were given the wrong facts from the beginning. Chair Anderson states that process – board members evaluate project on a meeting by meeting basis, and they may not formulate opinions until close to the end of the process, so as a Board, must ensure safety of the public so it does take time. It is not something that would occur in just a couple meetings as there is a dense project in a dense neighborhood.

Mr. Jacobson reiterates that he believes an additional peer review will confirm what his engineer has said. He does not understand what is included in the peer review. Chair Anderson suggested that Mr. Jacobson contact Erin Schaeffer to further discuss.

Chair Anderson opens to the Board. Helen Sides agrees with Chair Anderson; we count on and need those peer reviews; it is an important piece for the Board to know the project has been evaluated by experts. Noah Koretz also agrees; if the peer review goes well, redundancy is the best outcome, the point is that we get a check on the issues that are concerning the Board. He and Ms. Hamilton feel that it has been made abundantly clear that a peer review is necessary.

Chair opens to public comment but states that comments should be limited to new items, not a rehash of those that have come up in the past. Please hold repeat comments for a potential continuance or another meeting.

Clifford Goodman, 22 Bertuccio Ave, is still concerned about drainage but now, from an ex-resident, a geologist, the Mayor and Amanda were sent an email, what was originally described as granite base of ledge was gabbro diorite, more porous and susceptible to fissures. He would like to see peer review as well, says Board should mandate it for safety, Board should view the email.

Ken Wilson, 18 Bertuccio Ave, has seen that email but no credentials of that geologist.

Peter Lupo 24 Bertuccio Ave. Mr. Jacobson said neighbors were confused by Board; they were not confused; neighbors are NOT agreeing with this project, they do not feel misinformed. Mr. Jacobson states that 32 Bertuccio Ave were present, treated them poorly at first, then they expressed what they wanted to see and found a happy medium. He offers to sit with neighbors again, is willing to work with them.

Steve Szpak, 27 Bertuccio Ave, said was on vacation when meeting took place, otherwise he would have been there.

A continuance and a project extension to September 15th are requested by the petitioner. Carole Hamilton comments that the request would require the Board to have a decision on the 15<sup>th</sup> or an extension request

which puts them into a corner because they would need to write the decision at the meeting, and the information needed to act will not be available for the 15<sup>th</sup>. As such, she suggests that the extension request be substantially taking out of September and way into October.

Logistics and protocol are discussed.

They will not be under geotechnical peer review contract in the next 2 weeks. Continuation of Board's time to act, can't draft and decide at a meeting, not fair to Board explains Carole Hamilton. Ms. Hamilton suggests that the project be extended to Oct. 30th (the next meeting is October 20<sup>th</sup>, but the city will need time to file any decision made that date. The Board does not know if Oct. 30 is enough time for peer reviewer to do review. If more time is needed, the petitioner may request and additional extension.

Matt Veno comments that he still has serious concerns with this project as expressed in prior meetings; it is not up to him to make a decision regarding permitting. There are laws and statutes that are applied to materials presented and Board feelings about a project can lead them in a different direction. He does not have predisposition. Even if he did think it was a lousy project (he is not saying he thinks it is lousy) he would have vote in favor if the petitioner demonstrates that the project is in compliant with the statute. It is Board's job to do the analysis.

A motion to continue the public hearing to Sept. 15 2016 is made by Carole Hamilton, seconded by Dale Yale and passes unanimously 6-0. Roll call vote.

A motion to extend the Planning Boards deadline to make a decision to Oct. 30 is made by Carole Hamilton and seconded by Dale Yale and passes unanimously 6-0. Roll call vote.

**E. Location: 70-92 ½ Boston St. (Map 15, Lot 299 & Map 16, Lot 139)**

**Applicant: 139 Grove Street Realty Trust**

**Description:** A continuance of a public hearing for a Site Plan Review, Flood Hazard Overlay District Special Permit, 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 the redevelopment of the former Flynnntan site consisting of removal of three structures on the property, the construction of 50 residential dwelling units within two separate buildings and a commercial retail space with parking provided on the site.

The applicant requests to continue to the next meeting on Sept. 15, 2016.

A motion to continue the project to September 15, 2016 is made by Noah Koretz, seconded by Helen Sides and passes unanimously 6-0. Roll call vote

**F. Location: 9 South Mason Street, 3A Buffum Street Extension; and 23 Mason Street (also including 23 ½ Mason Street and 23R Mason Street) (Map 26, Lots 73, 74, 79)**

**Applicant: Juniper Point 9 South Mason Street LLC**

**Description:** A public hearing for all persons interested in the application of JUNIPER POINT 9 SOUTH MASON STREET LLC for the property located at 9 South Mason Street, 3A Buffum Street Extension; and 23 Mason Street (also including 23 ½ Mason Street and 23R

Mason Street) (Map 26, Lots 73, 74 and 79) 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. Specifically, the applicant proposes the redevelopment and expansion of the existing two-story concrete industrial building at 9 South Mason Street, expansion of the three-story residential building at 3A Buffum Street Extension; and construction of two new townhouse style buildings along with parking and landscaping throughout the site. The project when completed will total 29 residential units in four buildings with all associated parking on site.

Here for the applicant is Mr. Joseph Correnti, Attorney, of 63 Federal St. Also present are Bob Griffin, Site and Civil Engineer. The project is located in the NRCC so it will go before DRB, architecture and the traffic analysis will be presented at a future meeting. Giles Hamm (not present) is traffic consultant.

The project consists of 3 parcels, 4 buildings, 29 units and 2 zoning units in Flood Hazard Overlay District. There is an existing building on the site, and a 3 story residential building, those 2 buildings will be rehabbed and contain units, and two new buildings will be constructed.

Powerpoint Presentation highlights:

- Site location (map view)
- Project Site (satellite views, will be a subdivision)
- Proposed building footprints and layout, 55 parking spaces for 29 units; addition of green space. Units will be sold as condominiums. All parking for project is onsite
- Neighborhood Context View
- Current view and artist's rendering
- Building #1 Front Elevation
- Building #1 Current Condition, Architect preliminary rendering
- Existing residential building and proposed architect preliminary rendering (3A Buffum St.)
- Proposed building on corner of lot

The petitioner has had several conversations with Councillor Gerard, Ward 6. There have been 2 neighborhood meetings, one with the Mac Park Neighborhood Association and a neighborhood meeting for immediate abutters at the Salvation Army hall which is adjacent to the site and hosted by Councillor Gerard.

This is an industrial use both historically and presently, so they feel the project will be an improvement. It is a transit oriented development project with an easy walk to the train and downtown Salem.

Bob Griffin presents civil engineering aspects of the site:

- 1874 Atlas Map
- 1906-1938 Atlas Map.
  - Chapter 91 is applicable to this project and will affect the design. The lower half of the site is within Chapter 91 jurisdiction so work will be done in phases. Chp. 91 requires public access to waterways, but there is no waterway on property. There is over 100 feet from the canal and the site is land locked. Proposed use is non-water-dependent so no issues are expected.

- Zoning lines are shown as NRCC and industrial zoning. Residential uses are in the industrial zone and industrial uses are in the NRCC zone, so the petitioner will be bringing the project to the Zoning Board.
- In total the parcel will be about 1.3 acres in size
- Previous uses are described; underground storage tanks have been removed and remediation has been done; heavy metals have been found onsite (ash and arsenic). An LSP has been contracted to remove existing contamination; not done yet but nearing completion.
- Proposed layout; 34% greenspace, 41% pavement, 25% building on site.
- Parking thresholds for units in the NRCC zone is 2 spaces per unit; the 3A Buffum Street property is industrial which requires 1.5 spaces per unit. It adds up to 55 spaces, the plans meet the requirement.
- Snow storage is described. Test pits confirmed Ch. 91 line of fill soils, so designed...
- Drainage plan. Infiltration fields are outlined, as is treatment of runoff from parking lots. All standards are being met; currently there is no storm water control on the property
- Fire Truck path; sprinklers and a hydrant will be installed
- Existing Flood Zone Elevation 10; must go before Conservation Commission due to riverfront area and in flood zone. Must make sure no fill that occupies flood storage is placed is only requirement. More flood storage will be provided compared to today, via crawl spaces and flood openings in buildings. Compensatory flood storage requirements are being met
- Sewer & Water Plan

Chair Anderson asks if storm drains flow into Canal; they eventually do.

Chair Anderson opens to public.

Paul and Kathy Brown of 21 Mason St. ask if the only access to this development is the short end of Buffum St.? That is correct; Buffum St. extension. Mr. Brown is concerned that Buffum St. ext is narrow, gets even worse in winter. He would also be more comfortable with it if access could also be from Mason Street down through the finger with two buildings. Attorney Correnti says that only curb cut will be on Buffum St. extension but South Mason St. and Water St. will also lead to the development, and traffic analysis will be presented in the future. Two buildings on the narrow finger; they are existing multifamily dwellings; they will retain them but would need to demolish to use that finger for access to the site, so they will be kept as residential.

Joan O'Connor Mason & South Buffum, agrees that Buffum St. extension is too narrow, opines that people have to move out of the way if a fire truck comes by. Water St. is also narrow does not have sidewalk.

Sheila of 9 Mason St. also describes the area.

Emily Udi, on behalf of Historic Salem; "Yay!" This is the first NRCC project that fits the NRCC and she could not be more thrilled, regarding retention of historic buildings, density. Commends developer, comments on Historic Salem thinks that details in the design could be more celebrated. Ms. Udi also lives at 8 Buffum St. so 2<sup>nd</sup> comment is as a neighbor, spoke to Mark, she does not speak for him but feels there could be pedestrian access from Buffum St. to Commercial Street. Ms. Udi believes Leslie's retreat park was meant to be a Chapter 91 amenity, but is not accessible from North Salem. Pedestrian access would be very much used by neighbors and commuters to and from North Salem.

Brad Chandler 8 Barstow St. agrees with Emily Udi, also comments on need for improvement on pedestrian access. Will be discussed during traffic planning? Also plans should take into account alternative ways of planning traffic, e.g. access to commercial St. , also potentially using one-ways on Water St. and Buffum Ext.

Bart Hoskins, 22 Larchmont Rd. here as part owner of All Creatures Veterinary Hospital, comments on that facility. All Creatures is adjacent, back side faces existing concrete building, dog run along fence line, comments that development should be sensitive to the fact that there may be dogs out there, doesn't want to hear from residents that that needs to stop. Encourages a good vegetation screen to shield dogs from people and vice versa. Also regarding public access, the NRCC plan had hopeful plans for access points to Commercial St. as it is a long walk around. Historically between All Creatures and the Bioengineering building, there was an open walkway, it was not encouraged or discouraged, when he and his wife opened the animal hospital, her builder said homeless people lived around HVAC, so they fenced it off to limit access, got vandalized. So sensitive for need for access, supportive of plan overall, but tricky b/c if they grant easement or make it official, could give up property value if they want to sell. Amenable to having a close-able gate they can determine when it is closed and open. Also worried about dumpsters, but those were on an older plan. Also a 21E question: refinanced on animal hospital, assessment that prior owners regarding contamination, would like LSP judgement that low level was there, DEP saw a missing piece, kept it from being closed.

Mike Becker 38 Buffum St. loves the plan, is a vast improvement, buildings in keeping with style and architecture, echoes Emily Udi.

Bob Griffin addresses 21 E issues: goal is to have property transferred to residential use with no AUL. The LSP works for property owner, not developer, but will be resolved soon. Have also heard request for access soon, but the property does not have access to Commercial St. so it will require partnering up with cooperative property owners.

Carole Hamilton asks about the parcel to be subdivided- will they be able to provide off street parking once there is a curb cut? Mr. Griffin responds, yes will be able to work it in.

Noah Koretz asks if this is the same developer who built town houses on South Mason St. Attorney Correnti responds no, they are different. Juniper Point is doing wonderful renovations along Bridge St. (across from coffee time). Mr. Koretz says it is a really cool development site, kudos for taking on the complexity, encourages them to think more creatively about it in terms of how they reuse the industrial building and how other elements play off it. Use the industrial piece in the middle is a transition, use it as a selling point and make it feel like it fits in with the stuff to the north and south. There is an opportunity to do something interesting and special. What is proposed is taking away what's interesting about that building. Examples are Maxwell Green in Somerville, Fountainhead properties in Manchester, Richmond, VA. these play off what used to be there but make it modern as well.

Helen Sides chimes in with an example of the trolley building off of Webb St. using industrial building for residential. Koretz comments that that sells now.

Mr. Brown asks about 2 existing properties; they are rentals. Will be converted to condos? Yes, they will probably sell the two-family on Mason St., developers will move to single family on back to be onsite. Mr. Brown is glad something is being done there, and thinks this is a classy project.

Bart Hoskins notes that developer has been in touch with his wife, whose vet hospital it is, so there is ongoing discussion regarding access. Also mentions that he is on the Conservation Commission, so restricted his comments.

Motion to continue to Sept. 15 is made by Helen Sides, seconded by Carole Hamilton motion carries with Chair Anderson, Matt Veno, Noah Koretz, Helen Sides, Dale Yale, and Carole Hamilton all in favor.

### III. APPROVAL OF MINUTES

#### A. July 21, 2016

A motion to approve the minutes is made by Helen Sides, seconded by Dale Yale and passes unanimously. All are in favor.

### IV. OLD/NEW BUSINESS

- A. **Location:** 3 Sophia Road (Map 4, Lot 25; Land Court Plan 11802-38)  
**Applicant:** 26 Walker Road LLC, 3 Sophia Rd, Salem MA 01970  
**Description:** Re-endorsement of a plan to divide one (1) lot with one existing building into two lots that the Planning Board previously endorsed does not require approval under the Subdivision Control Law (ANR), there are no changes to the lot lines or dimensions. This is not a new application, but rather a re-endorsement of plans that now include technical notes that were required by land court.

Letter received from Scott Grover; there are no changes to plans. Land court had technical notes added to the plans.

Motion to re-endorsement of plan is made by Noah Koretz, seconded by Helen Sides, Motion carries with Ben Anderson, Matt Veno, Noah Koretz, Helen Sides, Dale Yale, and Carole Hamilton all in favor.

- Location:** Clark Ave. Subdivision (Map 6, Lots 7, 8, and 9)  
**Applicant:** NSD Realty Trust  
**Description:** Endorsement of a Definitive Subdivision Plan that the Planning Board has previously approved. There are no changes to the number of lots or conditions required by the Planning Board Decision. This is not a new application, but rather a plan that has subsequently been reviewed and approved by the Land Court, with some minor Land Court edits, that is now being presented to the Planning Board for signature in final form.

This item is heard out of order, after item B. Joseph Correnti of 63 Federal St. represents the applicant. He describes the project; some changes to the roadway as approved are being made. Rich Williams, project Engineer, is also present.

Mr. Williams outlines the changes made by the land court; changes were made to bearings and distances on the perimeter. Some minor lot frontages were affected, but not enough to mention.

A motion to endorse the ANR is made by Matt Veno, seconded by Carole Hamilton, and carries all in favor 6-0 via roll call vote.

### V. ADJOURNMENT

A motion to adjourn is made by Dale Yale, seconded by Carole Hamilton and carries all in favor 6-0.

The meeting ends at 9:02PM.

For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at: <http://www.salem.com/planning-board/webforms/planning-board-2016-decisions>



Respectfully submitted,  
Stacy Kilb, Substitute Recording Clerk

Approved by the Planning Board on 10/20/2016

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