



CITY OF SALEM PLANNING BOARD

City of Salem Planning Board Meeting Minutes, December 17, 2020

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

A public hearing of the Salem Planning Board was held on Thursday, December 17, 2020 at 7:00 p.m. via Remote Access. Public participation was possible via zoom video and conference call.

I. ROLL CALL

Those present were: Chair Ben Anderson Vice Chair Kirt Rieder, Carole Hamilton, Helen Sides, DJ Napolitano, Matt Smith, Bill Griset, Noah Koretz (7)
Absent: Tom Furey, Matt Smith (2)
Also in attendance: Mason Wells, Staff Planner, Tom Devine, Senior Staff Planner
Recorder: Stacy Kilb

Chair Anderson reviews the Public Hearing Guidelines, highlighting the following points:

- Planning Board is composed of nine volunteer citizens
- Responsibility of the Chair
- Purpose of public hearing is to allow the public to ask questions, comment on proposed developments. Everyone should have an opportunity to ask questions
- Members here to listen, will not engage in conversation other than procedural questions or clarification
- When people are speaking others should pay courteous attention whether or not they agree w/their views
- Remember PB members are also local residents and deserve consideration as neighbors
- Objective is to conclude public hearings by 10PM, therefore there will be a time limit on public comments of 3 minutes per comment, or at discretion of Chair
- All comments shall be addressed to Chair and must be connected to issue at hand
- Avoid repeating what others have already stated, instead, state that you are agreement w/what was said
- Comments may always be submitted in writing

- A. Location:** 57 Marlborough Road / Osborne Hills
Applicant: Osborne Hills Realty Trust
Description: A continuation of the public hearing for all persons interested in the application of OSBORNE HILLS REALTY TRUST for a Definitive Subdivision Plan and Cluster Residential Development Special Permit for the property located at 57 Marlborough Road (Map 09, Lot 0001) and currently shown as Phases 6, 7, 8, 9, and 10 of the “Definitive Subdivision of Osborne Hills Realty in Salem, Massachusetts” dated November 2, 2006 as approved under the Subdivision Control Law by the Salem Planning Board, comprising Lots 88 through 131. Specifically, the applicant proposes to modify the previously approved Subdivision and Special Permit to change the lot area and lot frontage of 44 lots that are

situated in the Residential Conservation (RC) zoning district and to construct the roadways and utilities to service the construction of these modified phases.

Attorney Brian McGrail represents the Applicant.

Also present:

Paul, Ugo and Chanel Dibiase, Principals

Chris Mello, Eastern Land Survey

Bill Luster, Developmental Consultant, CMK Development

Kenny Cram, Traffic Engineer, Bayside Engineering

Matthew Coughlin, Recon Trail Design LLC

- Traffic review submitted; Board has peer review retained and correspondence may have been rec'd today
- Information on setup of trails has been requested; Recon Trail Design LLC has been retained for design, construction, and implementation

Matt Coughlin presents trail information

- Property map; upper area and lower areas are defined; trails currently used and primary access shown
- Abuts golf course and residential/commercial areas
- Double track and single track trails exist
- Trail logistics and usage are described; trails are in good shape
- All double track trails are user created, and some appear to have been used by ATVs - this will be rectified
- No real connection for single track trails
- 1.5 miles of actively used trails
- Unused hiking loop exists in the upper portion; can be reestablished. Was likely not being used b/c access point at road is overgrown
- Another trail comes in off property from ball field, but it is also unused
- Most single track trails in lower section are also user created
- Boston skyline can be seen from part of one trail
- Everything being used is in good condition
- 2 issues to address: stream crossing in wetlands could use stonework to harden crossing/reduce widening/mud. Also, wet area w/standing water in width of trail should be drained/trail raised to keep it dry
- Utility companies use one part as access; this can be accommodated
- Only built structure is one bridge in good condition
- Chair Anderson asks about overgrown trails & their reestablishment. Intent is to upgrade them? Mr. McGrail confirms this. Mr. Coughlan notes that for some make sense to upgrade, for others it doesn't
- Recommendations:
 - Areas to be reclaimed and let go are outlined
 - Trail upgrades are described
 - Possible signage is described

- GPS availability for those on the trails? Yes, full service is out there, and some trails are already populated on some popular apps, but this is generated from user data and information can be updated
- Kirt Rieder commends the Applicant on this work and for hiring this consultant. Questions:
 - Unbuildable parcels to remain private ownership w/public access? Mr. Dibiase will retain ownership of common areas; once project is built out it will be taken over by Homeowners Association who will retain ownership and maintenance responsibility
 - Signs must explicitly state that public is welcome on the trails
 - Good job explaining how new proposed houses will merge w/trails
 - Connection upper to lower area by going behind houses vs. on street? This would be a positive addition, but not behind the houses b/c the area abuts wetland and vegetation is aggressive. Small opportunity along the edge of the golf course but it is not straightforward. Kirt Rieder emphasizes it would be ideal to connect the two areas so as to avoid people walking on the sidewalk between them. Logistics are further discussed

A Presentation may be made on traffic tonight, but the Board feels it would be premature. Chair Anderson comments that the Applicant should take into account:

- Peer review engineer is expecting info
- Traffic study was informative but does not want the project to negatively impact residents or those of Barcelona Ave. There is a proposal to connect it, but it will have gate to allow access of emergency vehicles ONLY and will not allow vehicular traffic through
- Comments last time related to speed at which cars travel through development; Chair can see where they can speed and would like this addressed
- Lack of a plan for bikes and pedestrians and their impact on the neighborhood; please explore and elaborate
- Radius of curves? Civil peer review should address

Chair Anderson opens to public comment, noting the three minute limit per comment.

Andy Sousa, 9 Amanda Way

- Thanks Board for taking all public comments

Scott Morgan, 7 Savona St.

- Parking for trails only supports 2-3 cars; will it be expanded/restroom provided?
- Mr. MgGrail notes 6 parking spaces exist and there is no provision for facilities, and no intent to expand parking

Ward Councilor Tim Flynn

- Thanks Board for listening to public comment
- Apologizes for behavior at last meeting

Bill Griset thanks Councilor Flynn for his comments.

Jamie Yomtov, 7 Chanel Circle

- Thanks Mr. Matt for trail presentation

- Surprised/concerned, notes that they were not aware HOA would have to fund trail maintenance/liability after initial trail creation; were originally told it would be owned by City
- Does the neighborhood have the ability to make this private if they are funding it, or does it need to be publicly accessible though privately owned?
- Chair Anderson comments this is outside the purview of Board; homeowners would have to work it out w/Mr. Dibiase and the City, however research will be done before the next meeting
- Braian McGrail clarifies: This is a cluster subdivision. Under cluster bylaw, open space must be provided, and this was a condition of the original 2006 PB Decision, that it would be held by HOA/lot owners; this was the basis of the approval
 - In conjunction, PB and PD required restrictive covenants and HOA docs that put obligation on HOA to maintain; these are recorded at the Registry of deeds, and are referenced in all deeds of properties purchased
- Mr. Coughlin may be able to alleviate concern; Mr. Dibiase will completely construct the trail system in perfect condition before exiting the subdivision. Insurance costs are not overly significant but can be outlined. Mr. Coughlin can address ongoing maintenance, which should be minimal
- Mr. Coughlin provides feedback:
 - Trails generally in good shape, do not require much maintenance
 - Stonework recommended is a one time deal, permanent fix vs. building a wooden structure that would require maintenance
 - Once a year, brush cutting/removal of blowdowns should occur, if vegetation is aggressive maybe in spring and fall, but no significant annual maintenance costs
- DJ Napolitano: If resolution, great, but he Board has been down this road. The previous Planning Board made this decision so the current one should abide by it and not open another can of worms (see: connection of Barcelona Ave.)
- Chair Andereson was unaware this was part of previous Decision

DJ Napolitano supports this project, noting we need all types of housing, but feels the Board is not hearing from the same anti-development people as when hearing Barnes Rd. and Traders Way; we only hear from them when considering condo or apartment projects re overdevelopment issue/ traffic/ parking. We don't hear from them when it is single family, dispersed housing despite the fact that these impact traffic, cars, etc. more than the former types of development. Voices are notably absent.

Chair Anderson notes, upon driving through the development, that the Barcelona Ave Emergency Vehicle connection is quite stark w/lots of tree removal. It would be a nice gesture to fill in with trees/screening for those who live on Barcelona and homes in Strongwater Crossing.

Civil Engineering peer review will be heard at the Jan. 7 meeting.

A motion to continue to the Jan. 7, 2021 is made by Noah Koretz, and seconded by Kirt Rieder.

Ben Anderson	Yes
Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes

Noah Koretz	Yes
Bill Grisct	Yes
Tom Furey	Absent
Matt Smith	Absent

B. Location: 0 Story Street (Map 23, Parcel 2)

Applicant: Stephen Lovely, Castle Hill Group, LLC

Description: A continuation of a public hearing for all persons interested in the application of STEPHEN LOVELY, CASTLE HILL GROUP LLC for the property located at 0 Story Street (Map 23, Parcel 2) at the west end of Cleveland Street bounded by St. Anne's Church, City of Salem, St. Anne's Park and land of Bradbury and Chasse, for a Definitive Subdivision Plan. Specifically, the applicant proposes to allow construction of an extension to Cleveland Street which will create a tee turning area and the construction of 3 single family dwellings on the approximately 5.65 acre site.

This item is heard after Item C.

Public hearing was not closed on this item at the last meeting; Chair offers for the Applicant to make additional comments. Mr. Lovely notes:

- Respects the time the Board puts in, but b/c of COVID, this Plan did not get presented/there was much miscommunication and Plan was criticized for not having much detail, but Planning Staff advised him not to spend too much.
- Two directly abutting properties were granted waivers, albeit from a former Board.
- He was advised to do this, has seen waivers given readily; he will move forward to develop this parcel, we do have the ability to build 3 houses. They will be in the buffer zone. We already have the Orders of Conditions for two lots; they would not be at the same spot.
- History of Cleveland St. is outlined.
- Disagrees with waiver of frontage decision.

Chair Anderson opens to public comment.

Scott Morgan, 7 Sonoma St.

- Applicant mentioned he would go ahead and do it anyway; why then is this even being presented this evening?
- In letter, it mentions that this proposal is 90% noncompliant w/Planning guidance in the City; concerned about overbuilding in the area.
- Chair Anderson: He is unsure how the Applicant will be able to build w/out a subdivision plan; Board is responding to Application before it, cannot offer comment w/out further info.

Joan Lovely, 14 Story St.

- Thanks Board for diligence in review.
- Old subdivision dating to 1920's, purchased property 12+ years ago, to be able to subdivide into 3 lots for 3 children, want to support them so they could live next street over.
- Parcel was used by St. Anne's Church as a largely paved parking lot, has been an illegal dumping ground for many years, they will remove pavement and clean it up.
- Hope to move forward to help children stay in Salem.

- As former City Councilor, work w/previous Planning Boards, notes how they have tried to increase housing, feels that 3 lots on a 6 acre parcel, even in Conservation area will enhance area and property on a dead end street.
- In favor of project.

Noah Koretz points out that emails were received from several people who could not figure out how to raise their hands at last meeting. One of them was Linda Tardiff-Vierro. Linda does raise her hand to speak.

Linda Tardiff-Vierro, Story St.

- Confusing project. She objects.
- Two lots approved by ConCom; and when it was approved by ConCom he never said anything about a third lot and when he got the okay it was based on whether the PB would want to have a turnaround put in at the end of the street. It was up to PB to decide whether he needed that or not; w/2 lots he would have to rip up all pavement, which sometimes causes more detriment to environment than leaving it.
- Applicant has dumped snow from City of Salem there for past 10 years.
- Safety: school having events w/no problems - St. Anne's School always has a police officer there each week. Lovely's have 4 cars at end of Story St. blocking them in; plow must back down Street to clear it.
- Upset with project, unsure of safety w/3 houses; why did Applicant not ask for 3rd house at ConCom as it abuts the wetlands?
- Mr. Lovely has boats in parking lot; goes against regulations. And now the Applicant claims he will build no matter what.
- Called the State House and there is no Castle Hill Partners LLC that is recorded and a lot of other things that are just not right.

A motion to close the public comment period made by Kirt Rieder, and seconded by DJ Napolitano, passes 6-0

Ben Anderson	Yes
Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Bill Grisct	Ineligible
Tom Furey	Absent
Matt Smith	Absent

The Draft Decision is reviewed.

A motion to approve the Form C Subdivision Application is made by Helen Sides, seconded by Carole Hamilton, and the motion is denied (6 opposed, none in favor)

Ben Anderson	No
Carole Hamilton	No
DJ Napolitano	No
Helen Sides	No
Kirt Rieder	No

Noah Koretz	No
Bill Grisct	Ineligible
Tom Furey	Absent
Matt Smith	Absent

C. Location: 0 Story Street (Map 23, Parcel 2)
Applicant: Stephen Lovely, Castle Hill Group, LLC

Description: A continuation of a public hearing for all persons interested in the application of STEPHEN LOVELY, CASTLE HILL GROUP LLC requesting a waiver of frontage requirements of the Subdivision Control Law for Lots A and B located at 0 Story Street (Map 23, Parcel 2) at the west end of Cleveland Street bounded by St. Anne's Church, City of Salem, St. Anne's Park and land of Bradbury and Chasse.

This item is heard prior to item B.

The public hearing was closed at the last meeting; the Draft Decision has since been modified and is reviewed.

- Applicant has seen and commented on the Decision, which is the most up-to-date version. A draft was sent last Friday, December 11th to the applicant. Staff received a written response December 17th and this was forwarded to the Board members for their review ahead of the Planning Board meeting.
- Stephen Lovely, Applicant, notes he received an email at 4:23PM December 16th, but did not see until this morning so did not have much time to respond
- Kirt Rieder notes the Applicant has noted some inaccuracies in the draft document markup; are we accepting these?
- Applicant comments on Form C modifications or waiver request? Comments are to both.

Carole Hamilton motions that modifications by Applicant not be included in Form C or Waiver Request, and is seconded by Helen Sides

Ben Anderson	Yes
Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Bill Grisct	Ineligible
Tom Furey	Absent
Matt Smith	Absent

- Timing and location of items is discussed
- Clarified to be a basic recording of vote, framed as vote to approve the waiver of frontage. Yes is for approve, no is for oppose, Applicant needs 5 or more votes for approval

A motion to approve the Waiver of Frontage is made by Helen Sides, seconded by Carole Hamilton, but the motion does not pass (6 against, and none in favor).

Ben Anderson	No
Carole Hamilton	No
DJ Napolitano	No
Helen Sides	No
Kirt Rieder	No
Noah Koretz	No
Bill Griset	Ineligible
Tom Furey	Absent
Matt Smith	Absent

I. OLD/NEW BUSINESS

A. Location: Witch's Hill Subdivision

Description: Planning Board review and vote on a request to correct a scrivener's error from 2016 to release lot 221 (16 Nurses Way) in the final phase three of the development.

George Atkins, 65 Congress St., represents Bartlett & Steadman. Release from subdivision covenant of 8 lots, but only 7 were noted. He is here requesting a correction of this error by releasing the 8th lot.

Bill Griset notes only best lawyers admit scrivener's or other errors.

Bill Griset motions to correct the scrivener's error by approving the release form for the lot inadvertently not included in the 2016 filing, seconded by Helen sides.

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

DJ Napolitano asks about the mask/social distancing policy for those working on job sites. Many do not wear masks or practice social distancing on construction jobs. He asks Mason Wells to follow up with the BOH, or do this through the Planning Dept. A letter could be sent to the BOH and/or Building Inspector with these concerns. Mason Wells will do this. Noah Koretz notes that moving forward, a Condition can be added to Decisions, but Bill Griset notes this may be in violation of state law; MW notes it should be communicated to BOH and Building Inspector. Noah Koretz retracts the suggestion but Chair notes it can be mentioned as part of record, but not as a Condition. Could

include as a tagline that all regs in MA re COVID 19 must be followed; this can be included. Decisions already say this.

Mason Wells re Wharf St:

Applicant has agreed to plant additional trees but no planting schedule yet

2 dogwoods there, but plan calls for 3 maples

Will be replacing with correct trees and correct numbers; must reply with planting schedule and Plan next week but verbally indicated intent to comply

Discussion re legal and planning re meeting to discuss compliance? 15 month process? No discussion yet. Kirt Rieder: did we talk about traffic enforcement in front of Boston St. property? 12 cars park on sidewalk and in tree lawn every day since occupancy. This did come up at former meeting, no response from Traffic, KR says solution is to put up signs noting you will be ticketed and towed. All the same cars every day. MW will flag for Dave K from Traffic and Parking and will loop in Board.

Matt Smith has been absent for quite some time, communicated that he does not have bandwidth to participate, though he loves to serve on the Board, cannot continue, so is stepping down. Mayor's office is looking into filling the seat, process is underway, and recommendations are welcome.

Bill Grisct and Mason Wells both note that this is a loss, especially given Matt Smith's area of expertise in traffic, but this is understandable. Chair Anderson asks if the Board can write a letter of appreciation or express their gratitude. A letter or plaque can be done. Mason Wells will gather details.

II. APPROVAL OF MINUTES

A. Regular Planning Board meeting minutes for October 1, 2020.

Ben Anderson asks Kirt Rieder to lead the Board through minutes, since Ben will be recusing himself. Noah Koretz name errors to correct.

The Regular Planning Board meeting minutes for October 1, 2020 as corrected, are approved 7-0 in a roll call vote.

Ben Anderson	Recused
Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Bill Grisct	Yes
Tom Furey	Absent
Matt Smith	Absent

B. Regular Planning Board meeting minutes for October 15, 2020.

A motion to approve the Regular Planning Board meeting minutes for October 15, 2020, with corrections, is made by Carole Hamilton, seconded by Bill Grisct, and passes 6-0 in a roll call vote.

Ben Anderson	Recused
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Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Bill Griset	Yes
Tom Furey	Absent
Matt Smith	Absent

C. Regular Planning Board meeting minutes for November 5, 2020

A motion to approve the Regular Planning Board meeting minutes for November 5, 2020 is made by Bill Griset, seconded by Kirt Rieder, and passes 7-0 in a roll call vote.

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

III. ADJOURNMENT

A motion to adjourn is made by Helen Sides, seconded by Noah Koretz, and passes 7-0.

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

The meeting ends at 8:51PM

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 3/4/2021