



CITY OF SALEM PLANNING BOARD

City of Salem Planning Board Meeting Minutes, July 9, 2020

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

A public hearing of the Salem Planning Board was held on Thursday, July 9, 2020 at 7:00 p.m. via Remote Access. Public participation was possible via zoom video and conference call:

Watching the Public Meeting:

- <https://us02web.zoom.us/j/81607783534?pwd=YnprbVh4V0VDNXh0YmlBd3VlamtZdz09> or
- Go to the website link www.zoom.us/join and enter meeting ID # 816 0778 3534, followed by meeting password 325305, if directed to do so on screen.
- Dial toll-free phone number 877-853-5257. When prompted enter meeting ID # 816 0778 3534 followed by meeting password 325305, if directed. Those dialing in only will not have access to the direct video feed of the meeting, but can follow along with the project materials available for download at [this link](https://www.dropbox.com/sh/l2jwfk4t4wr0p5/AAAsJQqtArvIWwkLW9OPBwoca?dl=0) (<https://www.dropbox.com/sh/l2jwfk4t4wr0p5/AAAsJQqtArvIWwkLW9OPBwoca?dl=0>) or
- Watch the meeting live on Salem Access Television Channel 22.

ROLL CALL

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

Absent: Matt Veno

Also in attendance: Mason Wells, Staff Planner, Tom Devine, Senior Staff Planner

Recorder: Stacy Kilb

Helen Sides nominates Kirt Rieder to act as Vice Chair of the meeting in Matt Veno's absence.

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

I. REGULAR AGENDA

A. Location: 379, 383, and 387 Highland Avenue; 4, 10, 12, 14, and 16 Barnes Road; 9, 12, 14-16, and 18 Cedar Road (Map 7, Lots 18-21, 49-54, 59, & 60; Map 3, Lot 66 & 67)

Applicant: Overlook Acres LLC

Description: A continuation of a public hearing for all persons interested in the application of OVERLOOK ACRES, LLC for the property located at 379, 383, and 387 Highland Avenue, 4, 10, 12, 14, and 16 Barnes Road and 9, 12, 14-16, and 18 Cedar Road (Map 7, Lots 18-21, 49-54, 59, & 60; Map 3, Lot 66 & 67) for a Site Plan Review and Planned Unit Development Special Permit in accordance with the Salem Zoning Ordinance Section 9.5 and Section 7.3. Specifically, the applicant proposes a development on the approximately 15.5 acre site along Highland Avenue at Barnes Road and Cedar Road consisting of a mix of uses, including commercial, residential, and public spaces. There is one commercial building with an approximate footprint of 8,450 square feet, four residential buildings with approximately 324 units, and a residential club house. There are also approximately 500 parking spaces proposed on site.

Chair Anderson is recusing himself as his employer, Jacobs Engineering Group, is the peer reviewer on this project. Kirt Rieder, Acting Vice Chair, leads the meeting in his absence.

Attorney Scott Grover introduces the project's representatives:

Scott Cameron, Civil Engineer, The Morin-Cameron Group

Dan Ricciarelli, Architect, Seger Architects

Robert Michaud, Traffic Engineer, MDM Transportation

Nicholas Campanelli, Associate Principal, Landscape Architect, Michael D'Angelo Landscape Architecture

Beth Eisner, Traffic Peer Reviewer, Jacobs Engineering Group

Bill Ross, Civil Engineering Peer Reviewer, New England Civil Engineering

Attorney Grover outlines project progress:

- Full plans have been submitted
- Completed positive peer review
- Appeared before DRB at the end of June for the second time; received unanimous positive recommendation on the schematic site design, with condition that 100% plans be submitted to DRB before building permit applications

Scott Cameron, Civil Engineer:

- Full Plans are included and the various elements described
- 1' contour intervals added
- Stormwater management technical report has been provided; some details are outlined
- Additional information on the process is described
- Stormwater changes are described

Bill Ross, Peer Reviewer, New England Civil Engineering, does not have much to add but notes that a new report has been submitted and should be referenced.

- Drainage patterns are not changing but grading and stormwater report changes will have to be made

- Concerns about the sewer, will require a condition to evaluate its condition; it is only an 8" sewer far from the gravity line. Options are discussed. 2 capacity analyses on same system, Traders Way, others projected flows in future, this should be considered
- Exploratory test pits not yet done
- Preparing cut and fill overlays; this is confusing, removal of contaminated soil whose limits are not clear; this should be clarified (disturbance to wetlands). Kirt Rieder asks about contaminated soils; is this different from garbage and refuse? He clarifies that he means unsuitable soils or refuse
- Adjacent problems on Barnes Rd. drainage being evaluated
- Large retaining walls must go through Building Dept./infiltration leaching out of tall walls

Kirt Rieder: These are preliminary comments; the peer review process is ongoing and there is no peer review letter yet.

Tom Devine feels an explanation is needed by staff, to explain why the city hired a company that employs the Chair for Transportation Peer Review, creating a conflict. That was Tom's error and he apologizes, explaining that he vetted the choice w/Engineering and the Applicant but missed the detail that Ben Anderson is employed by them. However, Kirt Rieder notes that it is also worth pointing out that they are a worldwide company with thousands of employees and Ben Anderson has no direct conflict, as it is not his department that is involved in the peer review.

Scott Cameron, Civil Engineer, shares his screen:

- Onsite and offsite issues are being considered
- Grading Plan: Offsite area on Barnes Rd. drainage is described, including culverts under roads and rerouting of drainage

Robert Michaud, MDM Transportation Consultants

- Traffic study completed
- Applicant review of peer review comments; general concurrence in methodologies and findings of study. Some clarifications were requested and discussed with all parties, relating to
 - a. Parking (philosophy is to comply but in case of commercial set parking supply at 28 spaces, how does that apply to Commercial uses, will be in conformance w/Zoning?). No specific tenants yet for that building, could be a number of different uses, once tenants are identified, will be in compliance re tenant uses
 - b. Bicycle parking - tried to comply w/City guidelines; provide internal, secure parking in each of the 4 residential buildings, total of 25 spaces per building, 100 in all, with the understanding that wall mount rack systems could augment the supply if there is demand from tenants. City requires 1 space per unit for a total of 290 in garages. Applicant feels that this is excessive and tenants will use their units to store bikes. Bike parking for commercial will be at easy locations to exterior of building. Internal space in buildings for employees will be provided
 - c. Site circulation: Vehicle turning analysis exhibits submitted to fire dept; as planned will address accessibility needs of largest vehicle arriving to and within the property
- Supplemental TDM (Transport Demand Management) information was provided, re unbundled/leased parking, which would cost \$50-100/month, exact fee to be determined later in the process

Matt Smith approves of that price structure.

Bethe Eisner, Traffic Peer Reviewer, Jacobs Engineering Group

- Scope of work
- Findings:
 - Analysis and methodology are sound. Discrepancies in parking were found (5 spaces). Observations reflect the impacts of COVID-19 on traffic volumes, though consistent w/no build scenario
- Follow Up meeting:
- Parking discrepancy: TDM strategies to reduce demand; supply needs are frequently overestimated, specific use of commercial space TBD
 - Proposed and zoning parking requirements are outlined (485 total provided, supplemented by TDM measures). Zoning requires 463-490 spaces, a 1% difference, so she is not concerned
 - TDM and active transportation (biking and walking)
 - Unbundled parking is an effective method to reduce demand
 - Having an on site transportation coordinator is recommended
- Bike parking: use rack type recommended in City guidelines, confirm there is physical space for expansion
- Longer term, walking and biking will be more attractive as projects recommended in DOT Route 107 corridor study are complete
- Revisions to geometrics at Cedar Rd. are needed to accommodate sidewalk around corner; Applicant is reducing its radius but will still accommodate tower engine from SFD so no issues
- Conclusion: Analysis provides an accurate representation, reviewer is satisfied with responses, changes do not necessitate a revised analysis as project is reduced in size
- Covid 19 will have significant long term effects on transportation and land use, hard to predict but less driving is likely, linear park and nature trail may be popular

Matt Smith asks for clarification on the bike rack configuration; if it is a protected/locked bike cage, people may prefer that to storage in their units. Within each building will be an area that is caged and secure to provide capacity for 25 bikes per building; if augmentation is needed, existing space will have 2.5' offset from wall to space to allow wall mounted racks on a per-unit basis.

Kirt Rieder notes reliance on public transit is also taking a hit, which means many are using personal vehicles, which may counterbalance the study/new normal. He also points out that there are a number of public comments from adjacent neighbors/residents with traffic related comments; they have been read but will not be read aloud in the meeting; he will summarize questions he had.

- Need/or not for weekend traffic study due to shopping on Highland Ave.
 - Beth Eisner: It was unclear if PM peak hour vs. Saturday midday is most appropriate to use, so she dug into Mass DOT database and 107 Corridor Study, confirmed that PM peak hour is slightly higher and more congested than weekends

- Fire trucks: with curve data, Ms. Eisner is comfortable that the truck can make the turn; how normal is it to have a rescue vehicle go down a one way in the wrong direction? She cannot speak to that but knows it does happen. Bob Michaud: Applicant addressed this with Fire Dept, who is comfortable w/protocol. Width is 20' and will be a low volume connection; fire truck going in wrong direction, curb to curb, will still allow a vehicle to pull aside while fire truck passes
- Matt Smith appreciates that they are not saying what will happen w/COVID, hoping transit use will return, but more importantly, parking is way overestimated by ITE (Institute of Transportation Engineers, Traffic Engineering Handbook), which is built on more suburban models. TDM especially will more than meet the need here. No shared parking has been included but PB should encourage/require this in an ordinance. However, commercial will add additional capacity b/c many cars will be gone during the day. Adding more parking would be a problem

Kirt Rieder:

- Mason Wells/Tom Devine: DRB approved schematic design; did they approve at conceptual level w/belief it would come back again?
- At last meeting, Councilor Dibble called in stating that the project requires 50% commercial to offset residential; Tom Devine please provide data in zoning code to clarify; it is different
 - Tom Devine clarifies that the requirement is that lot area can have no more than 50% residential coverage
 - Scott Grover, Attorney, comments that section 7.3.3 subparagraph 3 says when land is in BPD district, residential uses and associated improvements, including parking and landscaping cannot exceed 50% of the LAND AREA of such parcels. This project is below that 50% including residential buildings, landscape and parking. Councilor Dibble may have been confused b/c in the case of mixed use buildings, residential cannot exceed 50% of gross square footage but there are no mixed use buildings in this project
 - Scott Cameron will confirm the exact percentage; the actual footprint of used land for residential, measured to the limit of work, is 45.4% of BPD zoned land

Acting Chair Kirt Rieder opens to public comment, noting that comments must be limited to three minutes.

Screen Name GalaxyNote9: muted/no comment

Lori Stewart, 7 Barnes Rd.

- Neighbors emailed and called but have not been answered, specifically re submissions by Dennis Colbert. He asked about the Park and Mr. Rieder's comment re trees. He is concerned about tree health re runoff affecting the health of existing trees, will new ones also be affected? Curbing on the sidewalk?
- Lori Stewart: problems w/Clark Ave woodland subdivision, finally coming before PB but neighborhood has had issues, would like a condition where if they sell development, would have to look to PB so that neighborhood concerns can be addressed
- Mason Wells notes that letters are in Board's Public Record folder

David Labbe, 18 Barnes Rd., echoes Ms. Stewart's comments re public comments/questions not being heard. Concerns:

- Building will be 10' higher than his, hills mean they are not comparable
- Traffic on Highland Ave. and possibility of additional traffic, especially given lack of a light
- The ONLY left you can take is at Barnes Rd.
- Re COVID 19 new normal: everyone not going out to work is also ordering food, so Amazon and food delivery drivers mean that there is more traffic throughout the day
- Kirt Rieder notes that due to the many who have written/phoned in he is convinced neighbors are in favor of open space at top, invites Applicant's team to respond to some questions in general, not necessarily tonight, though he echoes concern of curb
- Replacement trees will be in the 15-18' range, will be shorter b/c they will do better once planted.
- Re 18 and 20 Barnes Rd. neighbor, Mr. Labbe says the walking trail will go behind their fences and retaining wall to the playground? He does not want people loitering behind his fence. Please clarify. Mr. Cameron notes no paths behind any adjacent properties aside from maintenance access are planned

Alvi E. Ibanez, Ward 3 resident, lives on Barnes Rd. in one of 3 houses abutting Development on the South side. Concerns:

- Traffic on 107
- Access on Barnes Rd. - cannot handle additional traffic than what already occurs. Development on Clark Ave. will also affect this

Dennis Colbert, 37 Clark St.

- Maintenance responsibility of linear park?
- Attorney Scott Grover replies that no conclusion has been reached yet but it has been discussed w/Planning Board. Condition imposed by Board will require a maintenance agreement between City and Developer. Kirt Rieder speculates: If development maintains ownership of Parcel, as a condition of PB approval, funding for maintenance should be by the owner.
- Mr. Colbert: trails will be open to public, will they still maintain ownership? Yes, within the development

Ann DeLuca, 10 Clark Ave.

- Fire Dept is OK with making a U turn?? Tower truck does do a U Turn on Highland, under proposed they are spending \$1 million to improve geometry of intersection and trucks will be better accommodated. Designed the project so fire trucks can make left onto Barnes and not have to do a U Turn on Highland. FD is comfortable with this

Tony Brooks 7 Clark Ave - Concerns:

- Traffic
- Opposed to the project, especially residential use
- Parking

Tom Devine notes written comments received are ongoing and submitted to the Board and Applicant; the latter submits its responses to the comments, to the Board. Although not verbally reading all written comments into the record, he suggests that the Chair or Staff at least read the list of Authors and Dates into the record. Kirt Rieder thanks him for clarifying the process of providing answers in a written format to assure residents that concerns are reviewed.

Letter Writers:

Linda Ferrarresso	July 7
Dennis Colbert	June 4
Mary Vermonte	May 6
Dennis Colbert	
Lori Stewart	First meeting?
Alvi Ibanez	Feb. 8
Alvi Ibanez	Apr. 1
Barbara Warren, SSCW	Feb. 24
Linda Ferrarresso	Apr. 2
Robert Provencher	March 30
Todd Dunlap	Feb. 10
Alvi Ibanez	Feb. 12
Ann DeLuca	May 7
David Labbe	Feb. 12
Kevin Weeks	March 2
Linda Ferrarresso	May 7
Sylva, Flynn, Morsillo, Ibanez	mid Feb
Barbara Warren,SSCW	March 3
Linda Ferrarresso	May 7

Questions were answered in May, comments Attorney Grover, but new ones have not been responded to. Many were raised in the public hearing, and some answered during that process.

- Park/tree survival: cape cod curb along frontage to create plow barrier. Soil media will be restored, Applicant is also interested in survival of trees, must replace if do not survive
- Surface drainage added to avoid ponding/puddling
- Initial concepts had building closer to Barnes Ave and Mr. Labbe's house, it is now more than 80' away and roofline consistent with roofline of R2 across Street, despite being in an R3 district, so this should not be an issue
- Bob Michaud notes he has listened to all comments re traffic. Design as laid out is specifically in response to comments, as they do not want traffic on Barnes and neighborhood streets, so driveway is limited to exit only on Barnes. Barnes & Ravenna intersection has short lane and signal issues, creating inefficiencies that will be addressed by this developer for this project, via realignment of Barnes across from Ravenna, widening Highland Ave, and limiting egress onto Barnes. Impact of the project is measured at 30 cars per hour, during peak hours. Not high impact but offers improvement above long term DOT improvements

Attorney Grover feels the project has been fully presented, and peer reviews are mostly complete w/a few outstanding Engineering issues, which the Board could condition. He will be seeking a Decision at the next meeting but before putting effort into crafting this, wants to ask Board members about any outstanding concerns. Kirt Rieder notes that the project still has outstanding DRB and Conservation Commission processes. His objection is encroachment into the wetland area and would like to know Conservation Commission responses.

DJ Napolitano comments that much work is happening re affordable housing and inclusionary zoning, and while this project does not fall within that scope, it is not a small development, and is happening on a major corridor that will be transformative for this area. He asks the developer to consider including more than 10% affordable units. Attorney Grover replies that they are committed to the City through the PD to go deeper than the current policy requirement of 10% units at 80% AMI. The City asked them to focus more on the AMI of 60% than 10%; this will be reflected in the Decision. The Developer is looking at a mix of 80% and 60% AMI as well as the percentage of affordable units. DRB wanted full Plans further down the road at the final building permit Plans, so they are recommending this as a condition. Matt Smith would appreciate considerations of 60% AMI.

A motion to continue to the July 23, 2020 meeting is made by DJ Napolitano, seconded by Matt Smith, and the motion carries in a roll call vote.

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

B. Location: 20, 25, 30, and 40 Colonial Road (Map 24, Lots 117, 118, 119, and 121)

Applicant: COLONIAL ROAD OWNER, LLC

Description: A public hearing for all persons interested in the application of COLONIAL ROAD OWNER, LLC for the property located at 20, 25, 30, and 40 Colonial Road (Map 24, Lots 117, 118, 119, and 121) for a Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance Section 8.1. Specifically, the applicant proposes site preparation to accommodate a change in use from chemical manufacturing to warehouse and distribution. Work will include, but will not be limited to, building demolition, parking lot repaving, pavement removal, and improvements to the stormwater system and utilities. A portion of the subject property is located within the 100 year floodplain.

Attorney Scott Grover represents the new Owner of the property, noting it is a large industrial site at the end of Colonial Rd. off of Jefferson Ave. by the lights at Dove Ave., behind an office park. It was the Univar Parcel. Panelists are present mostly to answer questions. The Application is for FHOD (Flood Hazard Overlay District) Special Permit, unusual b/c usually an Applicant appears with Site Plan Review (SPR) or a PUD Application for broad PB review; in this case the proposed activity is so limited that no other permit gets triggered other than an Order of Conditions from the Conservation Commission, who reviewed the project last month, and the Developers will return to that Commission again this month. Criteria is different b/c they are only concerned w/risks of flooding. The Conservation Commission requested peer review so the City selected NE Civil Engineering to address wetlands and floodplain issues; a report should be forthcoming within the next week.

Kirt Rieder asks for clarification that SPR is not to be as intensive as normal. Yes, Ben Anderson confirms this is just FHOD Special Permit, NOT SPR.

Scott Cameron, Civil Engineer

- Flood Plain Map: Coastal flood plain in 100 year storm but functions more as an inland flood plain due to culverts
- Perennial stream on adjacent property, through this one, then exits so functions as BLSF (Bordering Land Subject to Flooding)
- Difference between Coastal and BLSF or inland is that you care about flooding with the latter
- Grading Plan:
 - Protect health and safety of occupants during flooding; removing fill structure, matching site topography, creating new flood storage where building is removed and below
 - Protect from loss in future
- Reviews standards and how they apply to Plans:
 - Floodplain outlined
 - Office building elevations; building will be removed, parking area reconstructed, and building used for warehouse. Pavement will be milling and overlay; some will be removed
 - Circulation changes, parking
 - Protect health and safety of occupants during flooding; removing fill structure, matching site topography, creating new flood storage where building is removed and below
 - Protect from loss in future. Can receive more flood water on site during future development. Improving egress and parking. Building renovation
 - Preserve natural characteristics: creating extra storage, maintaining flow
 - Outfalls are described
 - Utilities are outlined
 - Grading Plan, construction details, drainage report, cover letter including summaries have been submitted
- Kirt Rieder asks about vegetation in the forebay w/wetland perennials or trees that can handle inundation; for a property that is bereft of vegetation, little is being added back.
- Cleaning/restoring buffer w/wetland plantings, no other wetland impacts anticipated
- Chair Anderson asks: safety/access flooding? Another way through the building to allow leaving the site? This is clarified
- Jefferson Ave. will also flood so there is nowhere to go, really, in the event of a flood. Site will be sort of an island; this is unavoidable
- Utilities are 4' above grade or buried. Existing sanitary sewer retrofits in case of flood? Will be per code, in process of CCTVing to determine condition, don't know yet, closed systems, have some valves/not a gravity sewer
- Chair: can't look at SPR but comments that appears will be more cars here than previously, notes traffic potential for Jefferson Ave.

Scott Cameron notes challenges with the site re landscaping: former uses. Almost the entire portion in the work area is under an AU (Activities and Use Limitation); the Applicant is proposing a sediment forebay and removing pavement, but the work must be vetted by an LSP (Licensed Site Professional) and areas must be capped. The sediment forebay will be secured with large traprock that will be hard to remove, and there will be a permeable liner. They don't want roots and things penetrating, as the area must be secured, and extends across the parking area. Thus, landscaping is limited to near the building.

Chair Anderson opens to public comment but there are none.

A motion to continue to the July 23, 2020 meeting is made by Helen Sides, seconded by Kirt Rieder, and the motion carries in a roll call vote.

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

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

Applicant: 23 Summer Street LLC

Description: A continuation of 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.

A motion to continue to the July 23, 2020 meeting is made by Bill Grisct, seconded by DJ Napolitano, and the motion carries in a roll call vote.

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

D. Location: 79 Columbus Avenue (Map 44, Lot 57)

Applicant: Eric Cormier

Description: A continuation of a public hearing for all persons interested in the application of ERIC CORMIER for the property located at 79 Columbus Avenue (Map 44, Lot 57) for a Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance Section 8.1. Specifically, the applicant proposes to reconstruct a home and garage on 79 Columbus Avenue. Other improvements include a new driveway. No change to the existing foundation and footprint is proposed.

Requested materials have not yet been submitted, nor has a request for continuance been made. DJ Napolitano notes that the Applicant pleads for the project to be moved forward when it is clear he is not ready. He suggests continuing to September. Other Board members agree.

A motion to continue to the September 3, 2020 meeting is made by DJ Napolitano, seconded by Noah Koretz, and the motion carries in a roll call vote.

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

E. 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.

F. 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.

Discussion on Item E:

Chair Anderson asks why no preliminary Plans were submitted for this project. Now the Applicant is submitting for definitive when preliminary would have been a better choice, in order to work through these issues, as there is not a lot of opportunity for him to correct it now. Mason Wells can confirm in the regulations but thinks preliminary is only required in a couple of instances for commercial uses. While it is advisable for applicants to submit a preliminary application, he did not.

DJ Napolitano asks if the submitted plan is the one Lynn Duncan sent a memo on. All Plans were commented on, both the alternative and original. PB staff and Lynn Duncan's recommendation is to not grant the waiver as it does not meet current subdivision regulations re frontage, and a waiver of frontage is not appropriate. Chair Ben Anderson comments that the Board can choose to ignore the recommendation, but this course of action is not recommended.

Logistics and timing of the Plans are discussed. 2 houses vs. 3 was discussed by Lynn Duncan. The Applicant must define a Plan for the Board to review; they are not going to approve "options." This will be communicated to the Applicant. Mason Wells states that the Applicant intends to submit revised Plans more in line with the memo from Lynn Duncan. He is interested in getting Board feedback and knows he will need to clarify the direction he is going. The Board comments that he should submit a proposal, not go on a "fishing excursion."

Timeline? The Decision must be filed w/City Clerk by Aug 24; Steven Lovely expressed that he is open to an Extension, which would need to happen at the July 23 meeting if he is seeking comments and not a vote then.

Helen Sides is grateful for the discussion b/c she felt like she was "missing a meeting" re where the project came from and was going. Noah Koretz comments that Board members should drive to end of that street and take a look, as it looks tighter in real life than it does on paper; it is hard to see how dimensions work w/out dropping into wetlands.

Vote on Item E: *A motion to continue to the July 23, 2020 meeting is made by DJ Napolitano, seconded by Kirt Rieder, and the motion carries in a roll call vote.*

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

Discussion on Item F:

The RC district requires 200' of frontage, while a regular building lot requires 100' of frontage, so this is quite a request for a reduction/waiver.

Vote on Item F: *A motion to continue to the July 23, 2020 meeting is made by Helen Sides, seconded by Bill Grisct, and the motion carries in a roll call vote.*

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

II. OLD/NEW BUSINESS

A. Review and vote on revised submission requirement deadline language

Applicants must resubmit or submit materials by noon the Thursday prior to their scheduled meeting, if not they will be continued to a future meeting for that material. Language will be incorporated into PB applications and schedule. Should this be by consensus or vote? Carole Hamilton notes that the Board must be careful as this gives the Applicant only one week to get engineering work to get done and be submitted, which means things will get pushed off by a full month, not to the next meeting, though she does not have a problem with this. No vote is taken; this language will be incorporated.

Mason Wells points out that this is re materials submitted by Applicants, but many times there is a City response to these materials, thus it becomes more difficult to negotiate the timing. Noah Koretz comments that it is not fair to be draconian about items out of Applicant control, e.g. City comments, and peer review; those are not impossible to review a day or two in advance. This is agreed, and as the Board collectively represents the City, it is not fair to put it on the Applicant if the City is causing delay.

Letter from PB to City Council

Noah Koretz asks about the language that calls it a “report;” is that a technical term or term of convenience? Mass General Law is how legal handbooks refer to them, but occasionally they use “recommendations” interchangeably. Noah Koretz comments that our role is meant to be advisory, so the term “recommendations” is more appropriate. The people the Board is advising should be thinking about it, while the word “report” makes it seem like there is no connection. This change will be made. Otherwise the letter covers what was discussed and should be unanimously signed by Board members, if not comfortable, language should be changed. Noah Koretz suggests a further change to “We will continue to work to support the City of Salem” instead of “continuing to work with you.”

A motion to acknowledge the Planning Board’s assent to append Planning Board Member signatures to the letter.

Ben Anderson	Yes
Bill Grisct	Yes
DJ Napolitano	Yes
Helen Sides	Yes

Kirt Rieder	Yes
Carole Hamilton	Yes
Matt Smith	Absent
Noah Koretz	Yes
Matt Venio	Absent

PB Agenda for August - possible special meeting?

Upcoming items are listed and possible dates are discussed. Another poll will be sent out and this item will be discussed on Aug. 23. Kirt Rieder does not support an additional meeting, and Bill Grisct agrees that a break would be good, but would attend a meeting if scheduled. If so, Bill Grisct will be, as Kirt Rieder notes, “extra cantankerous.” Approval timeframes to consider? 0 Story St. would be relevant, but that and any other projects could get a written extension. Chair Anderson asks Mason Wells to confirm with Applicants for whom it may be an issue; if extensions can be obtained, August should be “off.”

If July the meeting is too onerous, why not continue to Sept.? More Applications could come in, in the meantime. Noah Koretz comments that, if the Board is talking about precedent, it would be bad precedent to set extra meetings; with many Applicants recently, the Board has been indulgent with the time they took. For instance, the first two matters this meeting did not need to take 2 hours, as there was so much repetition and amount of time spent rehashing. Why should the onus be on the Board to schedule extra meetings? Lawyers should be able to efficiently move projects through the process.

Kirt Rieder disagrees. The Board has not heard peer review, and the public process is in place to allow participants to participate. Noah Koretz opines that residents didn’t hold things up, and Kirt Rieder notes that this is their primary way to hear the peer review, so it has utility. Helen Sides reconsiders her original opinion, stating that August should remain open with no meeting scheduled.

Mason Wells will check with Applicants, with the Board leaning toward not meeting in August, but if an Applicant will be getting constructive approval b/c the Board has not met on their project, it may need to meet. He will come back and let the Board know if there is a good reason to meet.

New Vice Chair

Helen Sides nominates, and both Carole Hamilton and Bill Grisct second Kirt Rieder for the Vice Chair position.

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

Kirt Rieder is the new vice chair.

Procedural matters are discussed. The Board wonders if it is possible to trim down the reading of the “how to participate remotely” description, and also to waive the project description reading if a

continuance is requested/going to happen. What is the bare legal minimum of what must be read aloud? Mason Wells notes that Chair Ben Anderson was not at the meeting where this was discussed, but that the Board is no longer going to read the minutes page by page before approving.

V. ADJOURNMENT

A motion to adjourn is made by Kirt Rieder, seconded by Noah Koretz and passes 7-0 in a roll call vote.

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

The meeting ends at 10:00PM

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 10/01/2020