



CITY OF SALEM PLANNING BOARD

City of Salem Planning Board Meeting Minutes, June 18, 2020

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

A public hearing of the Salem Planning Board was held on Thursday, June 18, 2020 at 7:00 p.m. via Remote Access. Public participation was possible via zoom video and conference call:

Watching the Public Meeting:

- <https://www.zoom.us/join> Go to the website link www.zoom.us/join and enter meeting ID #823 6713 0396 followed by meeting password 091677, if directed to do so on screen.
- Dial toll-free phone number 877-853-5257. When prompted enter meeting ID # 823 6713 0396 followed by meeting password 091677
- Watch the meeting live on Salem Access Television Channel 22.

I. ROLL CALL

Those present were: Chair Ben Anderson, Carole Hamilton, Kirt Rieder, Vice Chair Matt Venio, Matt Smith, Helen Sides, Noah Koretz, DJ Napolitano (8)

Absent: Bill Grisct (1)

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

Recorder: Stacy Kilb

II. REGULAR AGENDA

A. Location: 602 Loring Avenue (Map 20, Lot 11)

Applicant: Vavel LLC

Description: A continuation of a 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 building 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.

B. 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.

Present for the Applicant:

Mike Laham of the Morin-Cameron Group

Eric Cormier, Applicant

Mike Laham:

- Rebuild of existing, same footprint
- Adding lawn to front
- Site Plan is presented; existing dwelling not shown as existing foundation will be used
- Materials are described; building code and flood protection conformance are described
- Revised architectural Plans will be submitted prior to obtaining a Building Permit
- Will still have to consult Engineering and Building Depts.

Kirt Rieder:

- Written documents submitted verbal statements made indicate it is the same footprint, however the deck is more than 1' closer to sidewalk than before; graphic shows location of existing deck, which was set further back. Given history of the project, he does not understand why this is so, when the narrative was "no net expansion" yet they are closer to the street and abutter by a foot
- Mr. Laham answers that there is a slight expansion, but it is open. Kirt Rieder replies that it is still going beyond what was there previously, on this nonconforming project, and that this is not to be encouraged

Helen Sides asks about the zoning Board process and KR asks if deck requires ZBA approval. ZBA, Conservation Commission and Historical Comm files are in the packets; Kirt Rieder did not see anything on this topic

Chair Anderson is concerned about lack of the most up to date architectural drawings

- Eric Cormier notes that existing deck is still there and has not been removed, Kirt Rieder notes this is irrelevant as proposed deck is larger. Discussion on the topic continues. Mr. Cormier wonders if they can approve the project with a condition that the new deck be in line with the footprint of the old deck. Kirt Rieder is OK with no net expansion
- Grades/foundation are further discussed
- Reuse of existing foundation; Chair asks if it is structurally sound and if work above will be able to withstand a 3'-4' flood incident. Mr. Cormier has had a structural engineer review the site; sill plate will stay and is in good condition. After filling in basement with hard surface, this will create a solid slab which will add integrity. Chair Anderson wonders if the structural engineer has certified this as accurate; Mason Wells has not seen a letter. Michael Lahan does

- not believe that a certification has been submitted
- Utilities are being extended to second level; Chair Anderson asks about sanitary and how it will be made flood proof or flood safe. Mr. Laham comments that the existing sewer will be abandoned and new service installed underground until it enters the building, then will extend up to capture fixtures from floor above. No intent to have plumbing fixtures on basement level.
- Kirt Rieder: no reason to let this go

Chair Anderson opens to public comment but there are none. City Engineer comments have been received. The project is in compliance with FHOD permit requirements, the focus of this review. Conditions are noted in the Draft Decision.

Helen Sides agrees that the drawing set should be updated with comments and pulled together so that the documentation of these items are not left in question. Mason Wells screen shares the letter from the Engineering Department.

Chair would like to see:

- Site Plan
- Architectural drawings w/deck
- Structural certification of existing foundation

Presentation and documentation have come a long way, but the Board wants to be sure that what is shown and approved, is the same thing.

A motion to continue to the July 9, 2020 meeting is made by Helen Sides, seconded by Noah Koretz, and passes in a roll call vote.

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

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 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.

DJ requests that this item be continued to a later date due to the late submission of the presentation. The Chair asks and Mason Wells notes that there is a difference; it is not new information, but it is new context that was not previously presented. The Chair notes that the project cannot be properly evaluated without this information.

Mr. Stephen Lovely of the Castle Hill group notes that, at the meeting a month ago, there were questions regarding setbacks and why the houses and extension were located as they were. It was suggested that he, Mason Wells, and Amanda Chiancola meet to discuss these issues. Mr. Lovely does not expect a Decision tonight but would like to discuss this. Having a survey done was difficult given the current situation. He wants to address what the alternatives were and how the decision to site the project was made. Chair Anderson asks about the time frame; this is outlined in the memo sent last week on Thursday and the conversation was on Friday the 5th, prior to the submission deadline.

Chair Anderson proposes that the Board hear his comments and see his information but may not be able to give him substantive comments in return. A stormwater management plan has been provided but a peer reviewer has not yet been retained. Kirt Rieder wonders why the Applicant is being allowed to proceed though some Board members may feel different than the Chair. DJ Napolitano motioned to continue and is concerned that they will have to go back and review this again; in light of the length of recent meetings, he feels it may not be efficient to hear the presentation twice.

Mr. Lovely:

- Original subdivision plans from 1915; area owned by Mr. Lovely's family has subdivision laid out for 25 houses; this will obviously not happen
- Current Plan Submitted; ZBA frontage waivers were obtained
- Conceptual Plan 2: Called for road to extend to end of Lot B, full road to address comments re frontage for lots; would involve a large expense
- Conceptual Plan 3: 50' setbacks, lot sizes would need to be changed and would need another variance from setback

Board Comments:

- Matt Veno would like to see this Board act consistently around late filings, if it is not consistent, it smacks of favoritism
- Matt Smith agrees, noting the Board should stick to deadlines so the Board has time to review materials. Requests that Mason Wells and Planning Dept., if they get late submissions, do not put them on the docket of the PB as they are all volunteers, especially in this time of balancing everything. This has been mentioned numerous times, so if a Board member brings it up, put it to a vote, otherwise it is a total waste of time as we will not discuss it and

- will go in 2 weeks
- Kirt Rieder notes that if we had a 4th presentation tonight he would have been more in opposition and would have begged for a vote, as the Board rec'd data less than 4 hours before a meeting. He would have been "incensed" if he had to do it during work time [his day job], which no one should have to do
- Helen Sides notes it could not be done as Board members were working during the day
- Carole Hamilton agrees it is not acceptable
- Matt Smith: not in response to a specific project, but a consistent thing that has been happening. Why would you think otherwise, that you can submit not in time?
- Mr. Lovely would not have asked to move forward if he knew the Board felt this way, he would have requested a continuance. He apologizes and understands the Board's frustration

Chair Anderson opens to public comment.

Judy Weir 24 Willson St., representing St. Anne's, is not making comments b/c she did not go through the process, but agrees w/Board members about timing. Chair suggests waiting until the next meeting.

Paul L'Heureux 24 Lafayette Place. - No comment submitted

Chair Anderson objects to the comment about favoritism, as the Applicant made a concerted effort but did not make it in time. He did not realize this info was a substantial change from what was seen before, but it is not related to favoritism.

A motion to continue to the July 9, 2020 meeting is made by DJ Napolitano, seconded by Matt Veno and passes 8-0 in a roll call vote.

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

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

Applicant: Stephen Lovely, Castle Hill Group, LLC

Description: 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.

A motion to continue to the July 9, 2020 meeting is made by Matt Veno, seconded by Matt Smith and passes 8-0 in a roll call vote.

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

DJ asks, when any applicant files, is it clear that there is a deadline for submittal of documents before a meeting, or is it an “unwritten rule?” If it is clearly out there, he does not want Planners thrown under the bus b/c an Applicant did not get materials in on time. It is communicated to all Applicants. Noon Thurs. three weeks ahead of a meeting is the deadline for new filings. This is in writing, but other than communication by email nothing is mentioned. Chair Anderson recalls requesting that everything be submitted a week in advance, noting that this should be put in writing. Stephen Lovely notes that Amanda Chiancola and Mason Wells have been helpful, and they noted that material should be submitted but would not be voted on. Matt Smith notes that staff is amazing, but the Board needs to be sure policies are consistent and put out there. Matt Veno comments that a rule of the City Council is that any late filings will not be taken up by the Council unless there is unanimous consent; this would be a good idea for the Planning Board to follow.

E. 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.

DJ Napolitano asks about the agenda for the July 9th meeting, and this is discussed. There are at least five, possibly six, projects on the agenda. Noah Koretz notes that one issue is that the Board got stringent about continuing out based on the agenda, but everyone continues so upcoming agendas look packed a week in advance but then wind up being minimal. The Board had told this particular Applicant that they could not continue to the next meeting but must go to a future meeting. Balance is needed to manage the schedule while not trapping Applicants to when meetings

have not been onerous b/c everything is continuing, so he advocates putting it onto 9th, then they can continue if necessary. Chair Anderson notes that he, Tom Devine, Tom Daniel, Amanda Chiancola, and Mason Wells do discuss agendas behind the scenes and if Applicants can get pushed out, they do make an effort for meetings to not be onerous, but it is not totally under their control. Noah Koretz comments that the Board may want to schedule continuances earlier on, and push big new projects further out, otherwise it is hard to pick up where you left off if there are large gaps. Less review = more efficient meetings.

A motion to continue to the July 9, 2020 meeting is made by DJ Napolitano seconded by Matt Veno and passes 8-0 in a roll call vote.

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

F. 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: NOTE: *At the June 4, 2020 Planning Board meeting, the Planning Board continued this project to their regularly scheduled meeting on July 9, 2020.*

Chair Anderson wonders why this is on the Agenda and if it must be read into the record. This is discussed. It is noted so that anyone who missed the prior meeting could know that this item has been continued upon reading this Agenda.

III. OLD/NEW BUSINESS

A. Receive and File: Letter from Staff Planner Amanda Chiancola regarding Citizen Planner Training Collaborative (CPTC) and Housing Choice Credits

This was to ask Board members to sign up for complimentary training; if a certain number of Board members go to training, they qualify for credits in the Housing Choice Credits program, important to grants in the City. Chair Anderson has done a couple, though he is not sure there is a record. Board members are asked to please let Mason know if they will be doing one.

Noah Koretz asks if the procedure for zoning changes that the Board (PB) follows on behalf of the City in Joint Public Hearings (JPH) is prescribed by City law and not state ordinance. It is Mass General Law (MGL). Noah Koretz comments that he is generally frustrated by the amount of time the PB spends on JPH for zoning changes with the City Council when we are supposed to be issuing an advisory opinion; we then provide detailed analysis that does not enter into the discussion. We have other Boards and Committees issue advisory opinions to us, we get peer reviews, DRB opinions, and we take what they say seriously. The one time we voted against DRB on a big project, the DRB was split and one DRB member resigned over it. It is frustrating that the PB spends hours and hours and hours and hours on, for example the ADU Ordinance, listening to over 20 hours of hearings, thinking, discussing, doing its job, as a nonpolitical body of experts, whose input does not even get discussed by the City Council. The process can't change b/c it's part of state law, but this should be mentioned on the record. Board members are volunteers with careers and lives, and the amount of time we spend doing that, only to be ignored, is frustrating and unconscionable.

Carole Hamilton comments that this should be mentioned at a new Public Hearing. People can't add comments Planning Board meetings, and they have commented on this. It's not fair to be asked to do that then have the Council ignore the Board. Helen Sides finds it unacceptable that Councilors turn to the Planning Department to answer questions to which they already have the answers, have been given the information, and which the Department refers to when they received that and what the answers were, and they repeat this over and over. It is very disrespectful to the Department.

Chair Anderson can craft a letter, and those who wish can sign it and can send it to the City Clerk for distribution to the City Council. Matt Smith agrees and hopes it will be read publicly during a City Council meeting. There is a lack of respect for the PB and time it takes, especially as they are volunteers. Matt Veno would be happy to read it to his former City Council colleagues and will even rescind his retirement from the Board and instead resign in protest. Noah Koretz comments that, if the Board did send a letter, it would be more effective if it had unanimous signatures from all Board members. Matt Veno agrees, noting that imagery matters, so in addition to a letter signed by all Planning Board members, those who can, should show up to send an even stronger message.

Mason Wells will begin a draft. MGL states that the Board's is an advisory opinion, but that doesn't mean it should be discounted. Matt Veno comments that the accountability here is for our elected officials; the state law framework could be followed for the entire process and the City could end up with a completely different, more respectful process and outcome. He does not feel the PB is constrained by MGL in our frustration, rather this is with the way in which our good work is treated once it gets there. Matt Smith comments that this is, without a doubt, the most qualified PB he has worked with, having people who know so much about the field from all aspects of the Profession, and it is frustrating to know that their input is ignored. The City Council should look to the PB as a resource and know they are lucky to have them.

V. ADJOURNMENT

A motion to adjourn is made by Carole Hamilton, seconded by Kirt Rieder and passes 8-0 in a roll call vote.

Carole Hamilton Yes

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

The meeting ends at 8:45PM

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