



CITY OF SALEM PLANNING BOARD

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

Vice Chair Kirt Rieder calls the meeting to order at 7:00pm.

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

The phone in option for attending webinars is not functioning (nationwide) so public comment cannot be taken via phone calls at this moment, as a result, the Board meeting will not hear any testimony on regular agenda items. Applicants may request to continue their items to a special meeting or the October regular meeting.

I. ROLL CALL

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

II. 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 290 units (subsequently reduced to 282 units), and a residential club house. There are also approximately 490 parking spaces (subsequently reduced to 453 parking spaces).

Applicant's Team:

Attorney Scott Grover
 Scott Cameron, Civil Engineer, The Morin Cameron Group
 Bill Ross, Civil Engineering Peer Reviewer, New England Civil Engineering
 Dan Ricciarelli, Architect, Seger Architects
 Robert Michaud, Managing Principal, MDM Transportation

Nicholas Campanelli, Landscape Architect, Michael D'Angelo Landscape Architecture
Paul Herrick, Principal
Pavel Espinal, Principal
Peter Lutts, Principal

The Applicant was withdrawn and resubmitted pending major changes, which will be presented in the future. DJ Napolitano hopes to limit the presentation to new changes only, even though it is technically a new submission, as developers can wax on, and concerns have been brought up repeatedly. Vice Chair Rieder reviews some of these concerns that have come up at prior meetings. DJ Napolitano would hope to hear the item on Oct. 1st and have a Draft Decision on the 15th. Kirt Rieder agrees that it must be expedient but is not sure a Decision can be approved after only one hearing with the new submission.

A special meeting is scheduled for October 1, 2020.

A motion to continue to the October 1, 2020 special meeting is made by, seconded by, and the motion passes 7-0 in a roll call vote.

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

DJ Napolitano wonders if any items that are scheduled for the heavy agenda of the 15th could be heard at the special meeting on October 1st. It is unlikely that items can be moved up, for a variety of reasons.

III. OLD/NEW BUSINESS

A. Update on Clark Avenue (Map 6, Lots 7, 8, and 9) - Woodlands Subdivision

Presenting the update is Nick Mennino and Tom. Condition 3 required updates every two months, even though the Decision was recently filed. There was a site visit today. Bill Ross is providing Clerk of the Works Services until a Clerk can be hired for onsite.

Nick Meninno, Developer:

- Met w/ Mason Wells and Patti Morsillo, Ward Councilor as well as a neighborhood representative attended a meeting today
- Subdivision is “moving along well” and they ask for an extension of permit to continue work on the new neighborhood
- John Panneton is the neighborhood representative; he has provided a letter focusing on wet material. The Applicant has not seen this letter, nor has Bill Ross of New England Civil Engineering

- Kirt Rieder reads the letter aloud; it outlines outstanding issues
 - No rock crushing requested in lieu of add'l truck traffic
 - Problem is rock is not wet - water is not applied after rock crushed and going up conveyor
 - Decrease size w/rock hammering - also no wet method; oscillating sprinkler near truck loading has only been seen a few times
- Rock should be taken off site at a larger size rather than being crushed prior to transport
- Mr. Meninno says they agreed to process only remaining materials, of which a small quantity remains; there won't be much offsite trucking. If using materials onsite, will be some processing, however anything not necessary for completion of roadways, driveways, homes, etc. will be sized only to fit on a vehicle then transported unprocessed. He estimates 6 days left of crushing onsite to produce the material needed
- Additionally, water cannons have always been set up all through the summer. Dust suppression is on the crusher, functioning effectively. Also have a buffalo mister used to create a rainy 8-10K sf area. Also had a laborer directing a large diameter hose for dust suppression
- There is no wet method for equipment for hammering/breaking of large rock but they are sensitive that that dust may not leave the site. Managers have been onsite at all times and have been asked to remain diligent and to add water
- 10 houses remain to be built, but this permit relative to roadway and utilities is almost done, must build 400' of Woodland Rd. Should be complete mid to late winter. Home building will continue through 2021
- Kirt Rieder: hammering and crushing is primarily related to the road, and to preparation of home foundations; will it continue through spring into summer? Yes it will, in a limited amount b/c it is 1 or 2 cellar holes at a time, not continuous like over the past 1.5 years. Kirt Rieder notes that abutters now will have notification, it will be cyclical
- Bill Ross, NECE: if they have to blast neighbors will be notified but they will not be notified of excavation. 72 hr notification is required for blasting but not excavation. Mr. Ross notes they were not planning on crushing or hammering but they did run the crusher to observe; wet misters/water was applied to the discharge as well as the ramp coming up.
 - John Panneton was possibly commenting that no water is applied when they pull from the pile and put into crusher; this generates a limited amount of dust. Re hammering: they don't apply water all the time since you can't wet the inside of a rock, discussed ensuring sprinklers in that area should be running in the future
 - Largest difference is that the only excavation and crushing will be related to cellar holes; this is described. Main concern is that any excess not needed onsite will be hauled away in larger sizes and not crushed before being sent offsite
 - Signage for "slow children at play" - signs have been purchased
 - Has toured neighborhood to look for potholes that may or may not be related to project, will review
- Mason Wells notes working through communication w/Clerk and Applicant to ensure good communication; Bill Ross and NECE are onsite more often than had been; Mr. Ross is working on formalizing a form report that will go to the Board and be made public for transparency. He has also been working w/Building Dept; Engineering to review general site conditions each workday for a few hours or sporadically to have eyes onsite. Hard for Bill Ross to do. An update will be provided in October
- Kirt Rieder notes it is positive that we are requiring updates from Clerk and resident observer to provide different perspectives

- No vote is needed as this is an update

B. Pickering Wharf (75 Wharf St) update

- No update from Mason Wells. Vice Chair Rieder notes he ran by the area and no vegetation has been planted

C. Gateway Center update

- There is a land restriction in place by Sylvania that is preventing the project from proceeding as proposed; Sylvania is willing to change it but it takes time. Developer wants to move forward but that detail must be worked out.
- Does the Developer not own the property? Owned by Sylvania? Mason Wells does not have details. The Board asks why would a prior owner be able to exert an obstacle on the new owner? And why was it not brought to light before now?
- Kirt Rieder asks what is next. Finalization of negotiation w/Sylvania, and Mason Wells will provide updates
- Noah Koretz notes that this type of thing can take years, and Kirt Rieder wonders why we are hearing about it in 2020 when project was started in 2014
- Kirt Rieder wonders why are we approving projects that are not fully cleared?
- Noah Koretz asks if the issue at the Wharf, that vegetation in plans as approved is not there? Removed trees, as a condition the Applicant agreed to replace them, but they changed what they did architecturally, which the City is OK with, but opted not to replace trees, despite Sept/Oct being best for planting. Can City send a letter putting a hold on permits until this is resolved?
- Kirt Rieder asks how can we provide so much input on these projects and they are not enforced? Still need to meet w/Planning Director, others.
- Noah Koretz: Can we request Tom Daniel be at 10/1 meeting to address this? If we keep saying “no update,” then the project proceeds despite not conforming to what was approved. Mason Wells will relay that request
- Carole Hamilton notes they have occupancy permits as there are tenants on the first floor; yet the PB has requested info 9 months ago. Thus, they received the Occupancy permit while the Board still had an outstanding question that was not addressed. Why did Inspections issue that?
- Kirt Rieder, on a new topic:
 - Notes that FHOD allows only those topics to exclusion of everything else; finds it “fascinating” that the Ordinance does not allow PB to discuss site planning/reconfiguration even if there are sweeping changes
 - Noah Koretz: we are assessing FHOD based on the Plans submitted; it is up to PB to determine if there is an FHOD issue; if we are being submitted incorrect Plans, we cannot do this. It is up to the Board to determine whether or not items have to do with FHOD issues
 - Kirt Rieder: Say the Board examines a project with 500 parking spaces that was done in the 1960’s. The Board does not have the purview to discuss improvements as per the current Ordinances. Options are, the Board writes a proposal to Planning Staff re Ordinance changes, then it goes to City Council, OR the Board asks the City Council to write this into the Ordinance to make it happen
 - What is the strategy with the greatest chance of success to allow more expansive site plan review in FHOD cases? If not, we can’t enforce all the other items discussed

Kirt Rieder, Topic 2:

- Everything related to BVW/wetland buffer: Salem has NO restriction, NO “No Build Zone,” and is more lax than other nearby towns. Would be great to have City Councilors onboard with this issue as well
- How to move forward? Resources are being encroached upon, and we are losing viable ecological areas. Noah Koretz agrees but as a stopgap the PB has authority under SPR to say no to anything within a buffer. It is up to their discretion but the problem is that it is not codified.
- Kirt Rieder notes that the weight should not rest on one or two Board members to suss out fine details not under ConCom purview
- Helen Sides comments that ConCom has lapsed in this past project, waiting for PB to make decisions, and they need more teeth and their regulations need to be tightened. She also comments that Patti Morsillo’s letter was helpful
- The Board would like to have a discussion w/PD re ConCom and overlap, PB should be able to count on ConCom to review and say it conforms to stricter standards
- Kirt Rieder notes that ConCom did not lapse, but they have ducks in a row; Helen Sides did not mean it this way. Would it be helpful to have someone from ConCom attend a PB meeting to discuss a way forward? At least one City Councilor is interested in making changes to the Ordinance
- 3 sentences in an Ordinance could cover hours of discussion and effort and project attorney/presenter fees, notes Kirt Rieder

IV. ADJOURNMENT

A motion to adjourn is made by DJ Napolitano, seconded by Helen Sides, and the motion passes 7-0 in a roll call vote.

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

The meeting ends at 7:45PM

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 11/19/2020