

**City of Salem Board of Appeals**  
**Meeting Minutes**  
**Wednesday, June 28, 2017**

A meeting of the Salem Board of Appeals (“Salem BOA”) was held on Wednesday, June 28, 2017 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 6:30 p.m.

**Chair Curran calls the meeting to order at 6:30 pm.**

**ROLL CALL**

Those present were: Chair Rebecca Curran, Peter Copelas, Tom Watkins, Mike Duffy, Jimmy Tsitsinos, Paul Viccica. Those not present were: James Hacker (Alternate). Also in attendance were: Erin Schaeffer - Staff Planner, and Colleen Brewster – Recorder.

**REGULAR AGENDA**

Project      A public hearing for a petition requesting a Comprehensive Permit pursuant to M.G.L. Chapter 40B, Section 20-23 to construction multi-family housing.

Applicant      **NORTH SHORE COMMUNITY DEVELOPMENT CORP.**

Location      **34 PEABODY STREET, 47 LEAVITT STREET, AND 39  
PALMER STREET (Map243 Lots 384, 136, 155)**

**Documents and Exhibitions**

- Application dated March 29, 2017 and supporting documentation

Chair Curran – Stated that presentations on both the Traffic and Engineering peer reviews would be presented, the applicant will have an opportunity to address the Planning Boards previously submitted written concerns, and the BOA members will review and comment on the presentations. There would also be an opportunity for public comment as well.

**Traffic Peer Review**

Gary Hebert, PE of Stantec was present to discuss his traffic peer review. There are two (2) sites being developed including 34 Peabody Street and 47 Leavitt Street. Herbert stated that the four (4) intersections that the traffic consultant looked at were sufficient for conducting a traffic review.

At 34 Peabody Street, the petitioner is proposing twenty (21) units, with a first floor community space, associated parking and car access from Peabody Street. The petitioner is also proposing to construct twenty-five (25) units, first floor commercial retail, associated parking and car access from Naumkeag Street. The petitioner is also proposing to improve and utilize the existing parking lot at 38 Palmer Street, with an exit onto Naumkeag Street.

Traffic Peer Review entailed; a review of the plans dated April 3, 2017, a site visit conducted on June 13<sup>th</sup>, a traffic and parking finds in the study, submitting a preliminary letter dated June 21st that was submitted to the Board of Appeals, and attending meetings to discuss the findings. Typical 40B traffic concerns are the adequacy of traffic circulation, parking ranges, and parking arrangements.

At 34 Peabody Street, both Peabody and Ward Streets have parking, which is in very high demand. Peabody Street and Ward Street have parking on both sides of the street.

At 47 Leavitt Street building has two proposed entrances, both off of Naumkeag Street, that are 40-50 feet apart, and one entrance is 20-30 feet away from the intersection at Leavitt Street. Leavitt and Palmer are both one way streets from Lafayette Street, the busiest street in the area.

#### Vehicular Count per Day

Lafayette Street: 20,000 vehicles

Leavitt Street: 3,500 vehicles

Palmer Street: 3,500 vehicles (estimated)

Hebert's findings were generally consistent with study provided. The study provided by the applicant was a good study. The peak morning time was busy, the parking is well used.

Hebert requests that there be an accessible crosswalk on Leavitt Street, before it crosses Congress Street, to provide an accessible crossing leading to the bus stop at the corner and to Palmer Cove.

At the intersection of Ward and Peabody Streets, traffic doesn't always stop at the stop sign; a pavement marking that reads "STOP" and an additional stop sign should be installed on the left side to replace the sign that's missing, because that intersection can be hazardous. This intersection is next to the intersection of Congress and Ward Streets is the only intersection with a high crash rating out of all four intersections studied.

#### Trip Distribution Patterns:

Trip distribution patterns seem to be reasonable. The distribution pattern was reasonable with 65% headed North-West and 35% headed South-East.

#### Trip Generation Review:

The estimate completed for trip generation was on the high side because they assumed that traffic would not be reduced by availability of public transportation. Hebert expresses concern about the potential trip generation of the proposed commercial retail as retail trip generation will vary depending on the use allowed. The idea of the commercial at the 47 Leavitt Street is meant to serve the community and it is anticipated that most people will be walking to the site. What are the loading requirements and what is the proposed commercial retail use?

### Accident History Review:

The accident analysis of crash patterns of four intersections from 2014 until now was acceptable.

Ward & Congress Streets (worse than average for similar intersections)

Palmer & Congress Streets (10 accidents)

Fairfield & Leavitt Streets (43 accidents)

Peabody and Lafayette Streets (46 accidents) although Lafayette Street carries more traffic

### Background traffic:

The growth prediction from 2017-2027 is reasonable. A growth of 1% per year was assumed and that growth rate is reasonable when compared to historic growth rates. The background is slightly high or conservative for future analysis. No other known developments in the area that will effect this growth and become significant traffic generators.

### Level Service Traffic Operations:

The analysis was compared using Sinpro and the years 2017 - 2027 were analyzed. The findings were reasonable and acceptable. Lafayette Street intersections do experience congestion during peak hours.

### Traffic Mitigation Assessment:

Numerous items were observed in the field; signs and marking are low cost and the accessible corner ramps would be of a higher cost. It wasn't clear who is responsible for those improvements, the City, the Applicant, or both, that should be clarified. Again, the crosswalk at the east end of Lafayette Street should be added near the bus stop and a stop sign to the right side of Peabody Street across to Ward Street to emphasize the need to stop.

### Parking Supply:

The largest concern at the 34 Peabody Street site is where the spaces are limited to 1 spot per unit. There is a definite parking shortage in an area and peak development parking demands exceed the supply by approximately 30+ spaces. 21 spaces on the Peabody Street lot will be eliminated by this new development. The on and off street loading and unloading requirements were not really addressed in the study. How will that work with a parking shortage; the parking of cars, moving vans, etc.?

### Sightlines:

There was no specific discussion regarding site lights in the study, in terms of the exiting the future driveways from the garages. Some of the garages are close to edges of sidewalk and they don't have the space to see beyond with such narrow sidewalks. The sightlines should be adequate and this should be addressed by JNEI. Peabody Street site has the same driveway sightline being right next to a neighboring building, as well as a very narrow 16 foot wide driveway. Typically a 2-way driveway should be 22 feet wide for compact cars and 24 feet wide for standard driveways.

Interior driveway layouts:

The 34 Peabody Street site has a 16 foot wide opening and it should be 24 feet wide for two way traffic. Walls are next to the driveway and drivers tend to shy away from the edge of roads and walls. Drivers with parking spaces adjacent to walls will most likely need to back into their spaces because it's too tight to pull into. Generally parking spaces next to walls, beams, and columns are more generous (10 feet), to provide sufficient maneuvering space, not the typical or less than typical width. There are both 18 and 20 feet wide areas for 2-way traffic, and one is near the trash area. The volume of trash needs to be anticipated to determine if the set up is appropriate. The parked cars along both sides of Peabody Street will also impact sightlines when exiting the parking area, with only one access point for 21 spaces with 2 proposed van spaces. The sizes of cars being parked will also be a challenge and there will be damage from vehicles trying to maneuver. Larger cars are becoming more popular again but compact only cars may be needed to make the current layout work. The far left corner space does not have enough room for a vehicle to turn around and back into it.

The 47 Leavitt Street Site has a slightly better sight line and a slightly narrow 20 foot wide entrance which will make 2-way traffic at the same time an issue. Several spaces are narrow due to beam constrictions and the 6 ½ - 7 foot wide parking spaces are a concern. No van accessible space has been provided and one is required out of the 18 spaces proposed because of the lot size. The two required van accessible spaces should be in the best locations and this site would be the best to meet the ADA & MAAB requirements.

The 38 Palmer Street site has 7 spaces. A vehicle in the first space would have to back up onto street and over sidewalk to exit the space, and all parking maneuverings should occur on site. Any proposed plantings would also get damaged. The 18 foot wide entrance is also very narrow and the spaces are back further into the garage than they would normally be.

Mr. Copelas – Asked if Mr. Hebert would have recommended a study of the Leavitt & Congress Streets intersection. Hebert replied that not including it in the original study shouldn't be an issue due to volume of cars counted but the 4 intersections selected may not have been the same he would have selected.

Chair Curran – Asked if regarding growth projections for the 1 million SF of Shetland Park and if the vacancy rates were factored in. Hebert replied that it was not factored in and is not known, it could be its normal vacancy rate. The Ward Street entrance is offset from the Shetland Park entrance which is a problem that is increasing the crash hazard. That intersection could be lined up. Mr. Watkins – Asked if Hebert would propose an additional traffic light at that intersection. Hebert replied that they typically aren't installed when peak hours are the only concern, but he would recommend that they be installed if it has a high crash number. That would need to be coordinated with Shetland so it doesn't make the intersection worse.

Chair Curran – Asked if the increased demand for off-street parking range of 20-50 vehicles was because the commercial space use is unknown. Hebert replied yes and the MAPC (Metropolitan Area Planning Council) rationale to use the number of bedrooms in the area to determine parking requirements is a good idea. Their rationale for parking space would be 56 spaces, 10 more than what is being provided. The commercial use is an unknown which could create more of an issue depending on tenant.

Chair Curran – Asked if the difficult maneuvering will lead to tenants taking an on-street space instead. Hebert replied that it is a possibility.

Hebert asked what the parking management strategy will be for all three areas; sticker, key card entry, sidewalk warnings to alert pedestrians that a vehicle is exiting.

### Civil Engineering Peer Review

Bill Ross, P.E of New England Civil Engineering Corp. was present to discuss his Civil Engineering Peer Review. Ross noted that he reviewed the proposed connection to public utilities, flood hazard, and storm water management. NECE replied to those concerns with a 6 page letter dated June 23<sup>rd</sup> to which they have not received a response.

Ross stated that the flood hazard overlay district requires compliance with these three points;

- 1) Does it comply with the uses and provisions of the district
- 2) Does it provide adequate convenience and safety of vehicular and pedestrian movement within the site and adjacent streets in the event of flooding
- 3) Are the utilities located and constructed in a protected area for protection against flooding.

The applicant has acknowledged that they do not meet the requirements and are requesting a waiver from that requirement.

#### Additional Contouring Details:

- 1) The entire site is within the Flood Hazard District with an elevation of flood hazard of 10. All driveways and entrances to parking are below flood level, and some are at 8 feet, and some areas are being reduced to 6.75 feet, so the petitioner is not proposing to provide adequate access above the flood plain. Ross noted that he has no recommendation for this item except to point out that the applicant does not propose to meet the flood hazard overlay district requirements.
- 2) Additional details were requested for review:
  - a. Demolition Plan – The Engineer wanted to identify where all of the water and sewer lines connections would be made on the site but they have yet to identify the abandoned connections are in the street, to find and cap them to prevent future water main breaks and excess flow into the sewer. A modified demolition plan has been requested.
  - b. Erosion sedimentation control – It appears that an aggravated flood condition would be created during construction. The peer reviewer has requested additional information on how the applicant will protect the basins during construction. This information has been requested.
  - c. On site monitoring wells – Information has been requested on the depth of existing ground water and any contamination clean-up that must be done.
  - d. An existing retaining wall along Ward Street – Needs to be reviewed by a Structural Engineer. It is a tall wall that abuts City property. The proposed plan will depress the parking making a 12 foot high retaining wall into a 14 foot retaining wall. Soil borings will be needed for a structural review.
  - e. Columns – How will they support the overhead building?

- f. Existing water service – There is an existing 6" and 12" connection on Leavitt Street and new 6" and 8" tie-ins are proposed but they won't provide adequate service to the building, however; the connections in the street are adequate.
- g. Proposed sewer – Hydraulic calculations are being requested. The 6" domestic (drinking water) service connection to a 6" sewer out. This may or may not be adequate depending on the slope.
- h. Stormwater Management Standards – The Mass State Policy applies to all subdivisions greater than 4 buildings or more than 1 acre. Out of the 10 standards the ones that relate to water leaving the site are;
  - 1. No new untreated outfalls to the environment.
  - 2. Pre and post discharge rates should match so there is no increased flooding off the site
  - 3. Water leaving the site must be treated for the removal of 80% of the total suspended solids.
  - 4. Ground water recharge should not be decreased by impervious areas infiltrating the site.

They are proposing to collect all of the run-off from the roof and discharge it to the ground in large tanks below the parking surface. It is acceptable to discharge roof drainage into that system without treating it. It will also slow down the water and not increase flooding. However; those systems are not supposed to reintroduce groundwater recharge unless they are 2 feet above seasonal high ground water elevation. The petitioner needs to provide information on the groundwater elevation. The bottoms of these systems vary between 3 and 4 feet below grade, which places them as sea level, and groundwater would likely interfere with them. No soil borings or ground water information has been provided but it was requested.

As a redevelopment project they do not need to meet all of the requirements but they must demonstrate that they either are or are attempting to improve them.

- i. Questions were raised regarding tank sizing and material. They had identified areas were no construction work should introduce loads to consolidate the soil. The plans and systems may have changed but they do not match the details provided.
- j. Drainage at the below ground parking is being discharged to the sewer and not storm drain.
- k. Sub surface system – The O&M plan requires regular observations through manholes to remove sediments and the detail shows no observation ports. A reference was made to a vacuum truck that is too large to drive under the buildings to get to the ports.
- l. Hydraulic analysis – It was not clear that it represents 100% of the run-off. Clarification was requested.
- m. Roof drainage – There are no arch plans to determine that all roof drains will get to the central collection point.
- n. Perforated system (infiltration trench at the landscaped areas) – No details were provided to review and run-off will go to this location.

Mr. Viccica – Asked if the ground water level is higher than what the system recommends, is there an alternative or can the water be retained. Ross replied no but as a redevelopment project they may be able to prove that they did their best to improve upon the conditions. If the system was switch to a holding tank and not an infiltration tank, it would be raised it could be used for pre-post run-off flooding concerns, but it would not address the groundwater concerns.

### **Civil Engineering Peer Review Response**

Steven Ventresca, PE of Nitch Engineering was present to discuss the Civil Engineering Peer Review concerns. Ventresca stated that they will provide all of the requested information.

1. All correct connection sizes will be provided on the survey plan
2. The test pits are being scheduled and the drainage plans will be revised
3. The underground tanks will be plastic
4. Bio retention will capture and infiltrate the first 1" of runoff from all sites with a goal of 80% TSS removal prior to discharge
5. The recharge system under the building are capturing roof runoff only so no sediment load is anticipated
6. The cleaning of the oil & water separators will be done with hoses that can reach the unit under the building
7. The high groundwater system could be shallower and made larger or lined with plastic

Schaeffer – requested further clarification regarding the flood hazard overlay district waiver request. Ventresca replied;

1. All equipment will be above the floodplain.
2. Unless the site is raised 2-4 feet higher is it virtually impossible to adjust the drainage to meet the requirements of that district, which is the reason why the applicant is requesting the waiver. This is a known condition that this site is within the floodplain.

Mr. Viccica – Noted that clarification will also be needed on the retaining wall, how it will be impacted and addressed, to protect the owner and the City. This could be a fairly significant issue.

Michelle Apigian, Project Architect of Icon Architects- noted that the wall may end up being replaced and the applicant will need to have a structural engineer on board.

Schaeffer – Asked for clarification regarding the purpose of regrading to lower the site. Schaeffer sees this proposal as having more of an impact than less of an impact on the flooding of the properties. The design was not intended to lower the site. The petitioner is proposing to revise their drawings to show that the site will remain at the same elevations at all of the sites.

Bill Ross- States that the petitioner proposed to grade the parking area at 34 Peabody Street in such a way as to lower the existing grade by two (2) feet close to the rear of the property.

Ventresca replied that all new grading was not intended to be lowered below the existing grades and the team will take a look at their plans and revise.

## **NSCDC Peer Review Responses**

David Valecillos, Project Manager of NSCDC, and Michelle Apigian of Icon Architects were present to discuss responses to Zoning Board comments submitted to the applicant and Zoning Board of Appeals and peer review responses.

Ms. Apigian stated that parking for 47 Leavitt Street enter off of Naumkeag Street. The commercial space will add life to the end of Congress Street and they will be selective with potential types of retail commercial business to not have a significant impact on loading, traffic and parking.

At 47 Leavitt Street -The parking lot is tight – Ms. Apigian asks of the City Zoning Ordinance considers allowing compact parking spaces. By providing compact parking spaces in the proposed parking area, there will be an increase in the parking lot driving lane widths. Ms. Apigian requests to reduce parking stall dimensions to a 7.5-8ft width and reduced depth to 16' (feet). At 34 Peabody Street, the applicant is intending to meet the current grade of the parcel. Apigian noted that all mechanical and electrical equipment will be above flood plain and on 2nd floor, but the systems haven't been defined yet. Bike storage, trash, and the Lobby on ground floor.

Chair Curran – Asked if the vehicle would be mandated through a lease. Apigian stated that this would need to be determined.

Mr. Copelas- What is the parking management plan?

David Valecillos- NSCDC anticipates using key access into the proposed parking areas for all three (3) properties. Mickey Northcutt- Executive Director NSCDC- Speaks to the parking management of an existing NSCDC property. There are a combination of parking stickers and numbered parking spaces. This way, the NSCDC can assign people with compact cars to compact parking spaces.

Mr. Viccica – Asked how the trash will be stored and managed. He also asks for this to be clarified and written. Viccica has concerns about the frequency of pick- up of trash and recycling and taking up public parking spaces

Apigian replied that the City required private pick-up and a chute will compact the trash, but they will provide a detailed response to clarify the trash management process. There are no trash vehicles going into the garages.

Mr. Watkins – Asked if there are any designated handicapped spots on this site. Valecillos replied that there are 2. Hebert – noted that 5 feet of separation is needed between typical accessible spaces and 8 feet is needed between van accessible spaces. The ADA requirements are determined by lot size, each site requires 1 accessible van parking space, however; 2 van spaces are required at this site because it has more units. One van space could be eliminated at the other site.

Mr. Watkins – Asked about a snow removal plan for each site. Valecillos replied that that hasn't been planned out yet, this site will be snow drifty and the Peabody Street site is completely covered.

Apigian noted that the floor plans haven't changed except for calling out the Mechanical Rooms on the second floors. The Planning Board comments regarding design were positive overall. The main concerns were about handing of garage screening on Leavitt Street; the longevity of the proposed green wall and how it will affect the building over time. An open lattice structure at 3 feet and above will provide light and air and visual screening. The color is undetermined but the material could be similar to the building panels. Plantings could also be pushed towards the building to help conceal the wall.

Mr. Viccica – Asked that building materials to be submitted. Ms. Apigian replied that the materials are still be determined and will be provided.

Chair Curran – Asked for clarification regarding the Planning Boards concerns on house next to 47 Leavitt Street building. Apigian replied that the single family structure to the south of the proposed structure will get shaded and a shadow study for the summer to the winter months can be provided.

Apigian noted;

1. The grading will be reviewed at the Peabody site to ensure that it remains relatively flat.
2. There is a pinch point at the far left top corner of the site.
3. No compact spaces are being called out but adding them strategically could open up the driving lane and parking areas on the site.
4. The garage door conceals the parking and a beacon could be added to alert pedestrians to when the door will go up and down. The door going up will also provide a visual cue that a car will be exiting the garage.
5. The upper left parking spot will be evaluated to become a possible compact space that could be added into the lease agreement.
6. Trash will be handled the same way at all of the sites.

Mr. Viccica – Asked if there was a ramp in lobby. Apigian replied no, that is some additional space that can be captured for storage that is below the public access stair to the Ward Street.

Mr. Viccica – Asked that the Planning Boards facade concerns, namely the differences between Peabody and Ward Street facades. Apigian replied that the front elevation at Peabody Street is pedestrian friendly and an active space, the new canopy is one continuous rectilinear piece that extends across the front façade but parts of it might be open to let light through, and glazing at Community Space and Lobby have been lowered and will link to public space and the park across the street. The garage door now has a lintel style cap. There were also concerns about how the building read from across the water - will be visible and distinct but elegant.

Mr. Viccica – Noted that the canopy is not at a useful height for people below. The facade materials will be important, the colors selected will be dramatic, the base should differ to anchor it to the street edge and tie it in with the neighborhood. The stairway coming down from Ward Street has ADA and MAAB concerns. Light should be added between the buildings at the stairway to keep it pedestrian friendly and to help connect the neighborhood.

Mr. Viccica – Asked for the Planning Board concerns with different Peabody and Ward Street facades. Apigian replied that the Peabody façade is less like the neighboring buildings and reflective of the new building, and the same materials has been carried around the body of the façade. 4

townhouse units with individual doors will be along the street and the vertical elements highlight the townhouses and living spaces above.

Schaeffer – noted that the overhangs aren't typically allowed over public sidewalks. Apigan replied that the bays aren't required; however, the shading will be needed for thermal performance due to the overwhelming southern exposure. A variance would be needed to approve the overhangs.

1:27 Mr. Viccica – Asked about the proposed façade material. Apigan noted that the ideal material would be a resin based panel. They want a smooth finish that will last that is not hardie panel. Mr. Viccica – suggested that street elevation showing neighboring building and a coloration study be done – the façade doesn't have to match the brick but it also doesn't need to be entirely contemporary.

Chair Curran – Noted that the Planning Board wanted additional landscape information. Apigan replied that the landscape has not been determined although minimal landscaping proposed because building is next to sidewalk, but they will maintain what currently exists.

Chair Curran – Noted that parking and traffic were also concerns of the Board of Appeals. The size or number of units could be reduced to eliminate some parking concerns. Compact cars is a good idea but not for all of the spaces. The MAPC study was specific regarding parking issues for this specific area.

Johnathan Ofilos, representative for the developer. Ofilos stated that their traffic engineer can speak on the number of spaces per unit. The influx of 20-25 parking spaces in regards to the spaces being “lost” is actually a private lot owned by the developer. A few spots are rented to residents and business but many are for his 30+ employees. They do have another lot off of Lafayette Street that will be used. A few residents will be displaced but those residents that park on the street during the day are gone by 5PM when residents come home.

Mr. Viccica – Noted that a couple less spots would allow for reasonably sizes spaced and fewer residents whose vehicles couldn't fit into their spaces would resort to parking on the street, which would decrease the parking to less than 1 per unit. Ofilos noted that 1 to 1 has been approved for other projects in mixed (residential/commercial) use buildings.

Mr. Valecillos note that in the original portfolio for a 100% affordable project 2/3 of units were single parent households and based on the demographic the two parent households couldn't afford two cars at this low of an income level. The Community Engagement staff did a survey of 2/3 of their 275 units to determine their vehicular count. Some buildings have no parking and others had .75 per unit. More than one space per unit is a waste of space for affordable housing that space could go towards the Community Room or Storage. Ofilos added that they want to maintain the number of units.

Fayssal Husseini, PE – VP Nitch Engineering VAP Transportation Engineer for the developer

Husseini agreed with Hebert's data analysis and they share the same concerns.

1. A lower projected growth rate but combining all of the factors results in a rate that is more on conservative side. 1% is a high end growth factor and is the state average, they typically use ½ %. This rate combined with the land, which is on the lower side, will lessen the growth rate.
2. The sight distance when exiting the garage is a concern. The site distance may have been a minor issue but this will be reviewed and the findings will be added to the analysis.
3. The site lines distances will be compared to the guidelines
4. Mitigation improvements - What kind can be done regardless of extent. If signalized intersection are warranted it will be suggested, the same as with pedestrian amenities like mid-block crossing with a rapid flashing beacon to warn motorists of pedestrians. Who should do those mitigations needs to be discussed with city.

Hebert noted that construction management parking needs to be determined and each scenario would need to be reviewed. Half of roadway would need to be blocked or closed off for periods of time. Husseini replied that a construction management plan needs to be prepared to identify work zones, street and sidewalk closings, and devices to protect the pedestrians would need to be put in place, work vehicle routes, etc. Chair Curran – added how workers get to the site should be addressed. Valecillos noted that they have various lots in the area that are currently or could be utilized and they can be identified on the construction management plan. Hebert noted that they should show equipment and street of expected area for construction use. Schaeffer – made a special condition that the construction management plan be submitted to the board prior to the start of construction.

*Chair Curran opens public comment.*

Emily Udy, 8 Buffum Street, representing Historic Salem. Asked what a comprehensive permit means. Noted that the Historic Commission can make no decision on this project. Schaeffer – replied that as a comprehensive permit the applicant is requesting a waiver of demolition delay from the BOA. The BOA has been asked for recommendation from the Historic Commission regarding the demolition delay but has received no formal comments in return, but it has received an informal recommendation for a 6 month demolition delay and no waiver request. Udy noted that the demolition on Leavitt Street is a concern site and will any state funding be used for the mitigation of historic resources. Schaeffer – replied that because state and federal funding will be allocated and there is a request to demolish a historic building that is over 50 years old and listed in national register, this building is newly appointed to the historic district, the MHC (Massachusetts Historic Commission) will review this project at the state level. A formal comment from the Historic Commission needs to be submitted to the BOA specifically on that matter. With a 40B project the BOA can waive local requirements but not state requirements. Udy requested a streetscape view from 289 Derby Street. The upper left corner on Peabody Street looks 1-2 stories taller than neighboring building, the materials should be called out on the plan, and asked how the contemporary materials will age compared to the neighboring brick.

Chair Curran – read 2 letters for the record.

1. Salem for All Ages Task Force – Patricia Zaido is in support of lighthouse project
2. Adeas Restaurant on Lafayette Street – in support of this project

*Chair Curran stated that public comment will remain open.*

Mr. Copelas – Asked if the Conservation Commission has any jurisdiction on this project. Chair Curran – replied state does but not locally. The Wetlands Protection Act does apply.

Mr. Copelas – In terms of the fiscal feasibility criteria, will and when will the pro formas be submitted for review. Ofilos replied that that was submitted in the original petition along with a letter of recommendation from the HDCA.

Chair Curran – reiterated that they are asking for;

- A shadow study at Congress Street single family home
- Private trash management plan
- Moving trucks (traffic study request with no driveway at Peabody site)
- Compact spaces and parking lot function
- Parking lease mandate and enforcement plan
- Site distance and other parking report items
- Construction management plan (Special Condition)
- Reconfiguration to make the parking work
- Limiting likely uses of commercial space
- Structural integrity of retaining wall
- Street view on Ward Street
- Material architectural review, color change on base of Peabody street building, looking into awning, and a street scape view down 3 neighboring buildings both up and down the street
- Fire Department stated regarding access to buildings
- Landscape plan
- Screening of parked car in garage
- Snow storage and removal – depends on screening at semi-covered parking area. Tsitsinos recommends wrought iron.

Mr. Copelas – suggested that the next meeting be 60 days out to August 16, 2017. Ofilos agrees.

## OLD/NEW BUSINESS

**None**

## ADJOURNMENT

**Motion and Vote:** Mr. Watkins made a motion to adjourn the June 28, 2017 special meeting of the Salem Board of Appeals, seconded by Mr. Duffy, and the vote was unanimous with six (6) in favor and none (0) opposed.

The meeting ends at 8:45 PM.

*For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at:*

[http://salem.com/Pages/SalemMA\\_ZoningAppealsMin/](http://salem.com/Pages/SalemMA_ZoningAppealsMin/)

Respectfully submitted,  
Erin Schaeffer, Staff Planner