

**CITY OF SALEM  
NOVEMBER 14, 2019  
JOINT PUBLIC HEARING OF THE  
CITY COUNCIL AND THE PLANNING BOARD**

A Joint Public Hearing of the Salem City Council and the Planning Board was held in the Council Chamber on Thursday, November 14, 2019 at 7:00 P.M, pursuant to Chapter 40A, Section 5, of the Massachusetts General Laws for the purpose of amending the City of Salem Zoning Ordinance by rezoning the map for the following parcels of real property located at: 355 Highland Avenue (Assessor Map 7, Lot 46); 373 Highland Avenue (Assessor Map 7, Lot 58), 2 Cedar Road (Assessor Map 7, Lot 57), 3 Cedar Road (Assessor Map 7, Lot 47), 5 Cedar Road (Assessor Map 7, Lot 48), 6 Cedar Road (Assessor Map 7, Lot 56) and 10 Cedar Road (Assessor Map 7, Lot 55), from Business Highway (B2) and Business Park Development (BPD) districts to the Residential Multi-Family (R3) District. The purpose of the public hearing is to provide interested parties with an opportunity to comment on proposed Zoning Map Ordinance Amendment.

The complete text and map of the proposed amendment to the Zoning Ordinance is on file at the office of the City Clerk, 93 Washington Street, Salem, Massachusetts, and the Department of Planning and Community Development, City Hall Annex, 98 Washington Street, Salem, Massachusetts and is available for inspection during regular business hours.

Notice of this hearing was posted on October 7, 2019 at 8:39 A.M. And advertised in the Salem News on October 31, 2019 and November 7, 2019.

Councillor Gerard had an excused absent.

Council President Stephen Dibble presiding.

Also, in attendance were: Tom Daniel, City Planner; Mason Wells, Staff Planning Department. Ben Anderson, Planning Board Chairman, Planning Board Members: Matthew Veno, DJ Napolitano, Bill Grisct and Carole Hamilton.

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**(#538 of 2019) PETITION FROM K R STARR REALTY TO AMEND THE ZONING MAP  
OF REAL PROPERTY AT 355 & 373 HIGHLAND AVENUE AND 2, 3, 5, 6 & 10 CEDAR  
ROAD FROM B2 AND BPD TO R3**

Councillor Peterson brief overview of the process that got us here. When Councillor Flynn and herself were first elected to the Council, the proposed project on the table (Cinema World) was not welcomed. She Councillor Peterson and Councillor Flynn held joint neighborhood meetings to find out what the neighbors would like to see in their neighborhood. The consensus was housing would have the lowest impact on traffic and that they would like to see a nice restaurant open in their area. Rezoning would need to be done to allow for housing.

Attorney Joseph Correnti of 63 Federal Street represents the owners of the property KR Starr, LCC and owners of the property discussing tonight. The owners submitted a petition to amend seven parcels ("the site") on the zoning map and to have them rezoned to R3. Out of these seven parcels four are in the B2 zone and three are in the BPD zone. The acreage is plus/minus 3 acres of the BPD and plus/minus 2 acres of B2 (Business Highway) land for a total of 5 acres. Cedar Road which is a paper street provides access to these parcels and the parcels in the back. Cedar road would need to be built out along these parcels. Why rezoning to change the zoning map to R3 (multi-family dwellings). The proposed developer has this land under agreement, Sandy Silk from Jefferson Properties Inc. (K R Starr), they are a multi-family housing developer. The proposed use including multi-family with some commercial and retail/restaurant. Reason here tonight is that we think they can put a nice project together. They have conceptional plans for the Design Review Board to look at, but not here for that tonight. Need to be rezoned first before can go to DRB. B2 and BPD allows this and are eligible for a PUD but when involving residential part of PUD, restriction that says you must set aside 50% of land for open space, so this is non-usable land (no parking no landscaping). So, if 3 acres of PUD could not use 1.5 acres for a project so becomes terrible burdensome and causes strange configurations to buildings. That is why PUD does not work for developer. Why want a single district use. Height of buildings one underlying dimensional cannot be waived by the Planning Board. Height requirements in BPD states 50' in height and B2 is 30' so laying out buildings across different districts you are looking at differing heights. So, between heights and leaving 50% unused impossible to lay out site that we would be proud of. That's why asking for rezoning for all seven parcels. The abutting district is already R3 (is not owned by petitioner) so it is an abutting district so asking to stretch it across to our parcels because R3 allows PUD to file with Planning Board so can come in with multi-family dwellings. Seven parcels will match the one stretch of R3 not owned by the developer. If changed to R3, doesn't mean only multi-family dwellings can go there. Always asked what if developer walks away, R3 allows for PUD so not only can use it as multi-family dwellings; commercial and retail still allowed with a PUD in a R3 district.

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Councillor Dibble asked why only show 6 parcels. Land Court shows 6 parcels, but City Assessor assess 7 parcels.

Councillor Sargent – PUDs and Business Park limit of 50% to be developed so limited to 50% residential the other 50% can be commercial. So, it is not unbuildable.

Councillor Madore asked if there are any environmental constraints currently. Has due diligence been done?

Attorney Correnti yes, due diligence has been done by prior owner and current owner and nothing there to stop us from going forward.

Councillor Madore asked due to limit of 50% coverage is rezoning more efficient use of land. If allowed more coverage would environment concerns come into play

Atty Correnti Stated to rezone to R3 allows for a better layout of buildings and more land available for residential. 1.5 acres could not be used for residential. Environmental concerns no effect on building on more land.

DJ Napolitano – How many units?

Attorney Correnti – 2 midsize buildings on concept drawings range of 150 – 180 units split into two buildings. Four stories maybe five in the back which is more to scale.

DJ Napolitano - Is the 150-180 units including commercial/retail within buildings or a separate building for that?

Atty Correnti – Separate retail space on conceptional plan. Could you do stuff on first floor level. Nothing precluding but showing a separate pad.

DJ Napolitano – Are these rentals? Not to own?

Atty Correnti answered yes rental units

DJ Napolitano – Affordable concept with this and more than 10%.

Atty Correnti answered yes. The developer has been listening and following discussions understand that Salem has the desire and need for affordability.

DJ Napolitano – These 2 buildings 4 or 5 levels high – Higher than other buildings in that area? Can't think of other 4 - 5 level high buildings in that area. Trailblazing for that area.

Atty Correnti – I think you're right. That's way layout becomes so critical.

DJ Napolitano – If we don't change zoning, what would your number of units look like, how many you lose or walk away altogether?

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Attorney Correnti asked Sandy Silk, Jefferson Apartment Group (JAG), 277 Washington St., Newton MA. She replied cannot answer that at this time.

DJ Napolitano – so no conceptional plans without zoning changes.

Sandy Silk responded what we could build by right none of the layouts are good plans; the structures look like long bowling alley type of buildings and not financially feasible without land usage to bring housing forward. Go forward the project has to work financially. Below a certain unit cannot commit.

Matt Veno – Tell me about the existing R3 lot you are tagging on to. If it was zoned R3 when zoning created or rezoned later. Current use? Anything to help us understand what you are hitching your wagon to?

Atty Correnti responded his understanding is R3 forever. Not sure of that, but at least not recent years part of a much larger parcel of land that starts on Highland Ave as B2 and extends to BPD and goes further back. Why zoned R3 and the back B2. Back in 1965 who knows, who owns this what do you what– right know its vacant land we don't own it.

Ben Anderson – Can you tell us why this isn't spot zoning.

Atty Correnti responded these parcels are not surrounded by 3 different zones. When one looks at changing zoning map, look to see if there is an adjacent parcel to hitch our wagon to; to pull that zone across or stretch from extending R3 zoning currently on Barnes Road.

Councillor Dominguez – Traffic study of that area to present to public. Solutions to traffic situation.

Atty Correnti – This is really a site plan review question, but can speak generally. When 5 acres entirely commercial, traffic coming off that site higher than if it was residential. Residential more peak in AM then PM returning from work. Traffic questions rise during site plan review. K R Starr just hired a traffic consultant. When entirely commercial more traffic than residential. We will have all of that at Site Plan Review. This site can work can be done without needing a median break. Their traffic expert will address this.

Councillor Flynn – Quality of Life of neighbors – have you polled the neighbors if they like this plan?

Atty Correnti responded that there have been several meetings with Barnes Rd neighbors. Series of meetings with Councillor Peterson. Several residents here and will speak for themselves. Don't believe there is any universal opposition.

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Councillor Flynn – Did you gauge for or against.

Atty Correnti – No straw polls because in conceptual stage. Don't have the answers to specific questions. The sessions were really listening sessions in response to neighborhood concerns. Plans have changed in response to neighborhood.

Councillor Peterson responded popular with most people and neighborhoods. This use is the least impact to traffic and increasing the quality of life. Seen in past residential areas least impact on traffic. Councillor Peterson has been in touch with Rep. Tucker and Senator Lovely to try to get us bumped up on the list with DOT for improvements on Highland Ave. Now that Highland Ave more active, more interest with the Dept. of Transportation.

Councillor Milo asked if this is the same owner as JPI that did Bell Station.

Attorney Correnti stated it was a sister company or full divorce and Sandy Silk that the Jefferson Apartment Group (JAG) many principals use to work for JPI has no financial connection more like a long-distance cousin with solid backgrounds

Councillor Milo – Reason I ask If parcels rezoned and HDIP passes and ready to build. Can you assure the council if organized labor will be used when you start building?

Sandy Silk – I can't. We reach out to and sit down with them and have conversations, but can't guarantee they will be the ones. Sat down with electrical and carpenter labor unions. Using them in Malden and Arlington. Happy to have conversations, but can't make promises.

Public Hearing Opened to Public for comments:

Jane Bachmann, 3 Clark St. Treasurer of Clark Barnes Wyman Association. In favor of the project. However, would like to read a statement from someone who cannot be here tonight. Gail Fiahlo of 40 Clark St. in favor of changing to R3.

Lorelee Stewart, 7 Barnes Rd. Co-Chair of Barnes/Clark/Wyman formal Association. In 2018 we had 144 members. In favor of map change voted in favor of 2-1. In 2015 when Cineplex we felt too much traffic for their area- when that fell through, Councillor Peterson and Councillor Flynn held a joint meeting and asked us what we want to see go into that space. We answered residential and an upscale restaurant. Councillor Peterson and Councillor Flynn met with Sandy Silk – 175 units and upscale restaurant. In favor because less impact then B2 and BPD. Out of 144 Members 16% voted. Our vote should be taken seriously. Hope you vote for this change.

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Ann Deiulis, co-chair of Assoc., 14 Barnes Circle. Echo Lorelee in support. There are two groups with different attitudes. NOHA Club – Nothing on Highland Ave and others PIOHA Club – Put it on Highland Ave i.e. Cineplex unveiled to us without reaching out to us. The neighborhood was realistic this was by right. We follow middle of the road, moderate. Housing best use – still provides tax rate (may not be the same as the Cineplex) and helps us sustain quality of life living on Route 107. Appreciate that this company reached out to us about their proposal and kept them in the loop.

Dennis Colbert, 37 Clark St. Lived there all his life. Many in changes in Salem some good some bad overall good. Support the rezoning of these parcels. Years ago, golf driving range proposed but didn't happen; then Cineplex there would have been too much traffic and impact the quality of life. More recently, Jefferson Apt. Group proposed to build 175 units on this site. First plans had 180 units and four buildings. The developer went back to drawing board and explained their reason for seeking a change to the current zoning map. Not initially convinced, but now believes R3 is the best for his neighborhood – it connects with an existing R3 and it will help traffic. Less impact on his neighborhood as R3 then it is zoned now.

Dave Wong, 5 Clark St. In support of zoning change best for residents.

Tom Daniel, City Planner – Reaffirm the process and what has been said tonight. Councillor Flynn and Peterson held meeting in the spring of 2018. The neighbors were hoping for a nice restaurant to go and leave the kids at home and traffic was acknowledged. Pleased seeing come out of this engagement with JAG and neighborhood. Met with Ms. Silk and she has done her due diligence with how site would look and the layout with existing zoning and rezoning. Striving to look for sites to provide more housing options for Salem. This map amendment would allow for this 150-175 units with commercial component. Familiar with JAG work in Malden, very qualified professionals. One story living appeal to many and who want to stay in Salem.

Bob Citrullo, 347 Highland Ave, The Executive Director of NE Animal Shelter. Not for or against. Animal shelter has always been a good neighbor especially when it comes to noise complaints. Would not want to impede our operations by getting noise complaints. Hope that sound barriers put in place and not impeded by noise complaints.

Dave Goodof, 31 First St., Not against some project here but still concern about traffic. Adding about 350 vehicles twice a day. Not consulted by our Ward Councillor for the project in their area. Been through blasting and crushing for the last 6 months and probably another year. Allowed to work starting at 7AM instead of 8AM. It's been devastating. There are issues that the Barnes Circle neighborhood haven't even thought of yet i.e. dust, noise, residence against residence. What are they doing with this stretch of property? Salem has no Industrial Space. Highland Ave being zoned commercial makes a lot of sense. Not really a residential area. Residential inappropriate use for this zone.

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Polly Wilbert, 7 Cedar St., Comments about process. Unfortunate considering this rezoning change and having this conversation without having Inclusionary Zoning Ordinance passed or defeated. If we need affordable housing should have that discussion first before rezoning happens. Then decide what needs to be rezoned. Unfortunately, DOT not responsive to Salem and Highland Ave. The 212 units being built on First St. and Traders Way – significant impact on traffic. With closure of Lynn Hospital and the expansion of Salem's ER looking at very unfortunate circumstances more ambulances coming down Highland Ave and they cannot get through the traffic. There is gridlock at Swampscott and Traders Way its horrifying. Try to figure out how we are going to get this fixed. Even though say this is only 5 acres or 2 acres or 8.5 acres, the NRCC has been rezoned already and becoming residential. The little mom and pop businesses going away. Retail space too expensive for mom and pop entrepreneurs and if we don't have a Business Highway Park. Wish we had a larger zoning map on screen. The rest of Highway zoned as Business Park Highway. Are people living in Salem able to work in Salem? What does Salem need and where does Salem need it? Won't have commercial tax base.

Yoleny Ynoa, 53 Clark St. – Has a question and a comment. Out of 175 apartments how many affordable? If that apartment rents for \$2,000 month nobody in Salem can live there. That means outsiders will move in to Salem. We need low income apartments.

Councillor Furey – We have to be careful what we wish for. The Ward 2 Social Club closed wanted residential but abutters shot it down. The Dover Amendment we can put a drug rehab facility. Be careful what you wish for. Developers are trying to make a profit. Won't be totally low income. Consensus – compromise on local level no perfect solution – something going there do you want another developer we don't know. This is a good developer. Think about 5 years down the road and a different developer comes in by right.

DJ Napolitano – Question to Tom Daniel. Jumping off of Councillor Furey's comments, can you explain what could legally go there and be allowed by right if we don't rezone this.

Tom Daniel responded I don't have the table of uses with me but B2 – commercial retail uses BPD – light Industrial i.e. Technology Way. This was going to be a Cineplex for a while and during the time decided if being built there has only been one inquiry for BPD and another for residential.

DJ Napolitano – We don't know what's coming. A project could go there by right and not sure what that will be. Or we could be in the same situation as the Ward 2 Social Club.

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Councillor Dibble asked some follow up questions from the public. The animal shelter – sound barrier, noise protections, protection of their property.

Atty Correnti – We will reach out to the Director and show him our plans. Only conceptual but happy to meet with them.

Councillor Dibble – Affordable units – how many? At least 10%?

Tom Daniel – The Inclusionary Zoning Draft. One outstanding piece of data that the AHTF asked us to look at - Ownership and other modifications back to the AHTF Board. If they are satisfied then file with Council maybe in January or February. With absence of Inclusionary Zoning 10% affordable 80% Area Median Income. This is the standard norm and practice in Planning and other Metro areas. Not where we need to be. What's proposed in the Inclusionary Zoning is a deeper level of affordability and commitment and incentives -deeper level of affordability will be 10% affordable and 60% AMI. The 60% median is where we want to be. We are working with MAPC to see what is appropriate for Salem given our Market, demographics, and affordability. 10% and 80% not from MAPC just a standard practice. Will this effect this project? Timetable of Inclusionary Ordinance. If goes into effect before this project is permitted then subject to new Inclusionary requirement apply.

Attorney Correnti stated 10% of units be affordable was a standard request of Planning. Under the impression that the Origin of 10% comes from chapter 40B. And this has been the request of the Planning Board for the past 15 plus years. If need 10% affordable housing stock and if Planning requests 10% then keep our affordability levels. We have heard from everyone more affordability at least 10% may be more incentives built into this. Will participate if it becomes formalized.

Councillor Dibble asked why not look at more of the Highland Ave. corridor. Why not look at bigger picture. We should look at the corridor out further to Technology way. Why isn't it on the map?

Tom Daniel the petitioner prepared the slides for tonight. Speaking about the BPD portion not access from Technology Way and the Transfer station property doesn't go to Cedar Rd. Theoretically, could a road could be built but elevation changes, wetlands –

Councillor Dibble – can you have your staff look into this? Look at bigger picture. Along the corridor and the rear.



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Councillor Turiel – looking at map Cedar Rd a paper street then dirt trail and once go back more run into an actual body of water near self-storage adjacent to the Gym. Don't get to Technology Way until you go behind whole Barnes area itself. Behind Cedar Road unbuildable wetlands. Not cutting off access. When we are considering changes, we need to consider implications of making changes and implications if we don't. Do we want big stores/commercial activity like cineplex? Then let by-right happen. R3 fits better – we have an opportunity. We have a lot of opportunity to shape this project because of it needing to go in front of Planning Board, ConCom, Entrance Corridor Overlay, DRB. Think of abutters first and foremost.

Councillor Peterson moved that the public hearing be closed. It was seconded by Councillor Madore. It was so voted.

Councillor Peterson moved that the matter be referred to the Planning Board for their recommendation. It was seconded by Councillor Furey. It was so voted.

On the motion of Councillor Furey the meeting adjourned at 8:37 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK