

**City of Salem Planning Board and City Council
JOINT MEETING
Approved Minutes
Thursday, December 13, 2018**

A joint meeting of the Salem Planning Board and the City Council was held on Thursday, December 13, 2018 at City Hall Chambers, 93 Washington Street, Salem, Massachusetts.

Councilor Josh Turiel, presiding, opens the meeting at 6:39PM, reads the legal ad, and outlines procedures.

*The City Council will hold a joint public hearing with the Planning Board on **Thursday, December 13, 2018 at 6:30 P.M.** in the City Council Chambers, second floor, City Hall, 93 Washington St., Salem, MA in accordance with Chapter 40A, Section 5, of the Massachusetts General Laws to for all persons interested in the following proposed Zoning Ordinance Amendment:*

An Ordinance to Amend the Zoning Ordinance by adding a Municipal and Religious Adaptive Reuse Overlay District to facilitate the appropriate reuse of eligible buildings and thereby protect and advance the general public welfare within Section 8.0 - Special District Regulations by adding Section 8.7 – Municipal and Religious Reuse Overlay District. This Ordinance Amendment includes sections 8.7.1 through 8.7.11 outlining respectively, Purpose, Location, Eligibility, Dimensional Requirements, Uses Allowed by Special Permit, Site Plan Review, Historical Commission and Design Review Board Review, Affordability, Parking and Loading, Conflict, and Severability.

The Ordinance Amendment provides a tool to allow for reuse of eligible buildings that will best serve the community but will minimize impacts to surrounding neighborhoods while also facilitating historic preservation, economic development, housing production and environmental sustainability and resilience.

I. ROLL CALL

Planning Board Members present: Chair Ben Anderson, Kirt Rieder, Matt Smith, Noah Koretz, Bill Grisct

Planning Board Members Absent: DJ Napolitano, Matt Veno, Carole Hamilton, Helen Sides

City Council Members Present:

Arthur C. Sargent II, Councilor At Large
Thomas H. Furey, Councilor At Large
Domingo J. Dominguez, Councilor At Large
Robert K. McCarthy, Ward 1 Councilor
Christine W. Madore, Ward 2 Councilor
Lisa JB Peterson, Ward 3 Councilor
Timothy G. Flynn, Ward 4 Councilor
Josh H. Turiel, Ward 5 Councilor, Presiding at the request of Tom Furey
Stephen G. Dibble, Ward 7 Councilor

City Council Members Absent:

Beth Gerard, Ward 6

Also in attendance:

Mayor Kim Driscoll
Amanda Chiancola, Senior Planner

Presiding Councilor Turiel calls a brief recess as the Planning Board does not yet have a quorum, and is waiting on Matt Venio. Matt Smith arrives in his stead.

Mayor Kim Driscoll reads the cover letter that accompanied the Ordinance. Amanda Chiancola will review technical issues. Tom Daniel not present but wrote the cover letter.

The Ordinance was originally developed to allow reuse of Catholic Archdiocese properties, while taking into account the factors above. This was ordered by the City Council and is backed up by various studies. Characteristics of eligible properties are outlined. It is an overlay, so an Applicant can redevelop according either to the overlay or the underlying district. Most properties are in an R1 or R2 district, and the Mayor feels they would be too large to redevelop within those standards. The Overlay requires Site Plan Review (SPR), o projects would be approved by the Planning Board (PB) via special permit. The Ordinance expands role of the Historical Commission (HC) and requires new detached construction undergo Design Review at that Board (DRB), which will advise the PB. Ten (10%) of units are required to be affordable. The process of drafting and review is outlined, as are changes made to the Ordinance thus far. Schools, City Hall etc. meet the eligibility requirements but the City has no intention of vacating them. The Ordinance is also meant to create more housing, which are needed in the City while also allowing for preservation of historic buildings.

Amanda Chiancola outlines the technical details of the Ordinance.

- 4 vacant buildings exist with no clear permitting path to reuse; this Ordinance remedies that
- This is not spot zoning and will not benefit a specific property owner. It will apply to all properties that meet the criteria outlined
- The Ordinance is an overlay, so the developer can use this or underlying zoning. If a project is in B5 or downtown, they would be unlikely to use it as is not as flexible as B5
- Projects will not be permitted as of right, but will require a Special Permit and SPR from the PB, which includes parking, transportation, landscaping, drainage, etc. For large projects the PB requires peer review
- 10% must be affordable units
- Notes that buildings are challenging to repurpose, and can be more expensive than new construction, as they may be out of code, have asbestos, lead etc. and may not be suitable for redevelopment into residences, so the City needs flexible zoning to make it financially feasible
- Reiterates that the authority is the Planning Board but projects also require review of the HC, expanding their purview beyond the Historic District
- Allows for a limited amount of new construction to provide flexibility
- Lot Coverage limited to 50%, including existing and new construction
- DRB oversight also extended to this overlay
- The Ordinance begins with the adaptive reuse of existing buildings, though projects may have new construction

The City Council put an Order in, in May 2018, to provide a permitting path to ensure that these properties are put into productive use.

Mayor Driscoll identifies concerns heard thus far:

- New construction component: allows up to 50% of lot to be covered; only a few would meet the minimum to allow additional construction

- Parking, access, circulation requirements must also be met before any additional building on a lot could occur. Ex. The current senior center only covers 25% of its lot, but could not meet parking requirements if they put an additional building on that lot
- These properties are already challenging so there is a need to include an option for new construction. Some recent projects include the Old Salem Jail, which needed to have some new construction added in the back. The developer needed to add it in to make the numbers work, despite using every available tax credit and incentive, with no affordable housing component
- There are parameters around new construction, and while the main goal is historic preservation, developers may need to add on given cost and complexities
- DRB and HC are giving input not approval. The DRB is and always has been advisory only; the PB comprehensively then looks at Site Plan Review. The project should go back to body that is reviewing it overall, this is how the process works
- HC has jurisdiction over any property within the Historic District, but properties that area will now also be given input. If using historic tax credits, they will need those to get done. There is a higher standard for review for these projects. Adding an “approval” would add time and hinder the Planning Board’s comprehensive work
- Not enough affordable housing
 - As a reflection of how needed it is, and how it would be welcome, two of the properties in question are under site control of the North Shore Community Development Coalition (NS CDC), whose mission is affordable housing, but to have a higher threshold would disincentivize reuse and make properties harder to preserve
 - 10% is a minimum, not a maximum
- Parking requirements are the same as in B5 and NRCC, and the PB has oversight but is consistent with what has been seen in practice. The ultimate idea would be to not need a car in Salem, and she believes that people’s behavior can be changed
- Individual zoning was suggested, but there is no good way to do this. Spot zoning would be required in that case. Properties in question were servicing neighborhoods. Old schools were redeveloped when use variances were allowed (school to housing). Use variances are no longer allowed, so the overlay is designed to apply only to historic properties that have seen religious and municipal uses. Changes can be permitted in a thoughtful way
- Regarding the concern that this will incentivize the closure of churches; she feels that will not happen, and closures have more to do with what is happening in the congregation
- Regarding the Ordinance being contrary to work in other areas of the community, taking Salem to task for urban renewal: previously, urban renewal consisted of demolition and rebuilding, but this Ordinance is designed to use existing infrastructure so the buildings can be reused; the longer they lay fallow the harder they are to redevelop
- The City is trying to create an opportunity to reuse buildings, relying on the strength of the PB and not disincentivize development
- Need a process in place to allow properties to be redeveloped. There is no other path. Spot zoning would occur and be objected to if we did so on a case by case basis

Councilor Turiel, Presiding

- Generally supportive
- Concerns:
 - Re Parking requirements: 1 for existing, 1.5 new, no issues, but is concerned with the municipal parking facility option as it only applies to Hawthorne Blvd, and that garage is already stressed in parking with full pass parking garages

- New construction: glad that the steeple is excluded. Understands site coverage but would like it spelled out more precisely
- Property selection – wonders why St. Joseph's was not on the list. Amanda Chiancola explains that the Planning Department reviewed buildings that met the requirements; this did not, in the Assessor's database, but the list is NOT part of the ordinance; if it is eligible because it meets the criteria, then it would be eligible
- She notes that the Department can further look into municipal garages. Mayor Driscoll spoke to the NS CDC about its proposals, they are trying to identify uses that account for these challenges and the surrounding neighborhoods, possibly senior housing
- Mayor Driscoll describes various sites and their challenges

Councilor Dominguez:

- Would like to see a larger minimum of affordable housing, given the need in Salem
- "Affordable" includes low income affordable housing
- It is explained that the 10% minimum is based on what the City currently requires, as we lack an inclusionary ordinance. However, one is being developed, working with the Affordable Housing Trust Fund, Mass
- 10% minimum based on what we currently do as we do not have an inclusionary ordinance but one is being developed, working with Affordable Housing Trust Fund Board, Metropolitan Area Planning Council (MAPC), and the Planning Dept., to calculate the cost of affordable housing and the maximum that the City could expect to be incorporated into new construction.
- Cambridge has maximized their requirement to 20% with significant density bonuses. We want to encourage affordable housing, but not make it onerous to redevelop sites
- This minimum or the new inclusionary ordinance alone will not address housing needs; no new affordable housing has been built since SHA (Salem Housing Authority) days, with grants. Affordable housing will need to be subsidized via public entities available for reuse, and the cost of land and construction, as well as the developer's need for a return on their investment, impacts this
- Need for affordable and workforce housing is outlined. 2 bedroom rental prices increased by 50% in the last year alone, service industry workers can no longer afford to live here, and this is a threat to the character of Salem. We will decide as a community how to maintain diversity and address the cost and location of building, creating projects that meet needs of everyone who lives and works here, including market rate

Councilor Milo:

- Commends the effort to include affordable housing, but notes it is not a panacea
- Additional aggressive housing plans are needed but there must also be a healthy ratio of housing to commercial, so the commercial base supports the housing; review should be comprehensive and holistic
- Mayor Driscoll notes that the need for housing is at a dire state, and the City needs housing to support restaurants and retail. It also needs to address congestion and transportation, but housing takes the longest to get done. The City is mostly seeing redevelopment in industrial commercial sites, so market rate housing will be on that, and more in taxes will be paid than in commercial use. Housing does not bring jobs and mixed use is desirable, so there is a need to marry housing with livable communities and transportation issues. Otherwise, Salem could become "Somerville-ized" - people are moving here because they can't afford Somerville. These issues must be faced as a community.
- As an example of how long the process can take, the Salem Redevelopment Authority (SRA) owns the court houses, which would still cost \$50-\$55 million to develop. This path forward is needed

Councilor Dibble:

- Appreciates changes to limits on height

- Concerns:
 - Language re “ornamental height”
 - Ability of nearby parking garages to handle increase
 - “Extreme density” and lack of green space in residential neighborhoods
 - Balance overlay zone with protecting existing neighborhoods and zoning
 - Parking requirements onsite and possible overflow
 - Preservation of historic buildings is good as a goal, make HC review mandatory not advisory
 - Trying to push religion out of Salem, concerned it will incentivize Church to close churches
 - Questions if Ordinance is needed at all, bring back use variance that is no longer allowed
 - 10% is too low for Affordable housing requirement
 - St. Joseph’s school should be repurposed and added to the list
 - Concerned about negative impacts re: traffic, sewerage, infrastructure, taxes, schools
 - Wants to see public hearing kept open

Mayor Driscoll responds:

- Ordinance does not incorporate the specific properties mentioned, just makes them eligible
- Will NOT create “thousands of units” as properties include Old Town Hall, City Hall, Bates School, which are not surplus, vacant or no longer used. Only 4 are.
- This will not encourage parishes to close – they close for reasons unrelated to value of buildings, but if buildings do close, we need a path
- Use variances would lead to even greater challenges, use variances could open a pandora’s box, allow ANY property to be reused; they are not traditionally allowed in zoning, but if the City Council wants us to explore we can, but it is more trouble than it’s worth. We are trying to target historic preservation
- This process does protect neighborhoods; it is a public process via Special Permit through the Planning Board
- Parking is a challenge at only one of the sites that will have to be dealt with, other options can be explored. The building exists and whatever goes in will have a parking demand to be addressed, may be a tradeoff, will have housing, preferably affordable, but also more cars
- Having a higher affordability requirement will limit development options, but hoping the CDC will be able to alleviate the need.
- Projects are not “extreme density” There isn’t any existing green space beyond public green space, and she wonders how green space could be added to the downtown areas
- Must look at impacts holistically; this will be done, all projects are peer reviewed, developments must pay to improve infrastructure around them as well. Private investments are leveraged to upgrade infrastructure in order to meet these challenges

Councilor McCarthy

- Utilization data for parking garages would be helpful esp. regarding Hawthorne Blvd; notes that the Hotel broke ground for Phase 2, this will impact things especially in the South Harbor garage. Snow Emergencies, events and holidays, as well as October lead to garages being at capacity
- Concerned about minimum lot area per dwelling
- Data on use of parking garages will be shared, according to Mayor Driscoll

Councilor Furey

- Outlines his experience
- Speaks to ability of retirees to stay in Salem; this is an opportunities for those like himself to stay in Salem; he is working full time after retirement to support himself
- Such redevelopment is critical to the City of Salem, overlay district is long overdue

- Acknowledges challenge of all properties in question
- Not a magic bullet, but is a beginning to a solution

Councilor Madore

- Concerned about median income – should be 50% or below 80%, but approves of 10%
- Concerned that listing a 10% minimum affordability requirement here would allow developers to meet that standard rather than the stricter upcoming one in the Inclusionary Ordinance under development
 - Mayor Driscoll clarifies that the Inclusionary housing Ordinance could supersede what is here
- Seeks clarification on use of underlying zoning vs. the overlay
 - Unless they want to put two units into a huge old church, developers would have to use the overlay; due to setbacks, a single or two family would not be allowed, so a building would have to be torn down unless in B5
- Concerned that allowing the use of offsite municipal garages to meet the parking requirement provides a loophole for developers to build new construction
 - Amanda Chiancola notes that it is just a way to meet parking requirements, and the 50% lot coverage limitation cannot be exceeded
 - The only site currently in question that has a garage within 1,000' is the Immaculate Conception on Hawthorne Blvd. Someone else mentions that St. James may be within 1,000' of the Universal Steel lot
 - Mayor Driscoll notes that the intent is to have housing above buildings, not a garage on every corner, and we do not want to enable development of additions and the grabbing of public parking. The goal is preservation, and any new addition would be there only to support preservation of the original building, not to enhance revenue and tie to a public parking need
- Section 8.7.5 re: Uses allowed by special permit: language should be added to limit commercial use to the ground floor
 - Councilor Turiel notes that the only conflict may be on a property used as artist space, a special case as commercial use; for example Porter Mill does lofts, but has a residential component plus workspaces throughout on multiple floors, so if modifying that requirement, artists' use should be taken into account.
 - Councilor Madore feels that the special permit process could address artists use compatibility
 - Mayor Driscoll comments that the PB will review and can determine if commercial use other than on the first floor is even feasible. Must think about end users re financing, location of project, will be housing except for artist live/work scenario for Hawthorne Blvd.

Councilor Milo

- Asks about additional alternative paths to redevelopment
- Could add exempt properties to pre-existing nonconforming uses?
 - Mayor Driscoll answers that many properties have been vacant for more than 2 years, so would not have a preexisting nonconforming use, but this would again create a special permit process, going back to the ZBA, and Amanda Chiancola notes that if added to pre-existing nonconforming uses, projects would also not have to undergo HC and DRB review, and would also not be subject to the 10% affordable units requirement
- Asks if vouchers are included in affordable housing inventory; only if they are project based, not if they are mobile vouchers that can be used in any community. Those are not counted toward the 10%

Presiding Councilor Turiel opens to the public, seeing no questions from the PB.

Common threads of comments:

“Unintended consequences”

Many approve of historic preservation and the premise of the Ordinance but feel that details need to be work out.

Lorilee Stewart, 7 Barnes Rd. Salem - In favor

- In support of overlay
- Case for affordable housing has been made, will see 9% increase in population by 2030
- 46% of renters/owners pay more than 30% of income on housing

Jenn Lynch, 38 Charles St. - In favor

- In favor, housing is needed, this is one part of a multi- pronged effort to address affordability

Patrick DeIulis, 16 Moore St. Salem - In favor

- Encourages Council to consider not putting additional restrictions/burdens on something intended to pave the way for development
- Some groups want add'l oversight and permitting, but those could be onerous
- Development in Revere is mostly housing, some affordable, some veteran b/c that City is proactive in pushing that housing program, so Salem can also do the same
- Projects such as these are isolated, but the problem is widespread and requires City effort
- This is a good start

Jeff Cohen, 12 Hancock St., Vice Chair, Salem Sustainability, Energy, & Committee - In favor but has concerns

- Feels it could be enhanced – environmental sustainability and resilience; sustainability is more than just the environment
- 10% affordability too low, 80% median is too high. If a minimum is established, it will be met but not exceeded
- Planning and zoning will meet sustainability and resiliency goals
- If concerned about meeting 10% b/c developer can't afford, City could mandate a higher % but also set certain sustainability requirements, as well. For example tax laws this year changed depreciation allowance, if this development had solar panels, depreciation is 100% to be realized in first year, so the Federal Gov't would pay for 50% in the first year, savings could be put toward affordability
- If you work in Salem, you should be able to live here
- Sustainability and resiliency should be mandated in projects; people think it is more expensive but a more sustainable, resilient building is more financially stable and generates a higher ROI

Teasie Riley-Goggin 9 Wisteria St. – states that she is neither for nor against

- Notes that the 45 minutes they waited for a Planning Board quorum should not have happened
- Overlay “never should have happened” – The City can't toy with 27 pieces of property w/out knowing future
- Some have been offended by appearing on a list
- Cites other instances, first heard of PUD, people came b/c their property was on the list, they were not notified and wanted to know why. Makes it look like the library is in jeopardy, for example
- Would like public hearing to be left open
- “special permit” = beware

Emily Udy, 8 Buffum St., on behalf of Historic Salem Inc.

- Sent a letter, will address comments tonight
- Feels it is unfair to pit affordable housing vs. this ordinance or housing in general

- Historic Salem has history of supporting housing in historic buildings, and many schools have become housing
- An overlay is an option to reuse, the one the PB has chosen. Specifics are not “the specifics” for an overlay districts, they were selected and are up for debate
- Asks if there is the ability to edit the ordinance in this process; supports stated goal and the spirit of the Ordinance but objects to:
 - Dimensional allowances. B5 are basis for Ordinance, but disagrees with this b/c they are in generally residential neighborhoods; don’t put “downtown-like” zoning there
 - Developer will build as big as they can to maximize return, so limit size of what they can build
 - Model Ordinance written by National Trust focuses on allowing flexibility for zoning in the existing building, which is necessary
 - These are “cool” buildings, schools want to be condos, people want to live there
 - Concern is with new construction, but it may be required to meet adjacent zoning and make projects financially feasible, but it should be regulated
- Intent of ordinance has been stated but must be clearly written into it b/c it is until someone else comes to change it, we don’t know what developers/PB members will be there in the future, so intent must be codified
- Councilor Turiel clarifies that the PB can make recommendations for changes to the Ordinance within certain bounds, and the City Council can also adopt, add, or change things when it comes back

Barbara Cleary, 104 Federal St. as herself, though she does work with Historic Salem

- Concerned about new construction re density of B5 zoning in R1 and R2 districts
- Concerned that HC and DRB approval are not “required”
- Special permit has never made a building smaller
- Recommends following National Trust model, underlying zoning should govern new construction
- Encourages keeping public hearing open

Jessica Herbert, 7 Webb St., Chair of Historic Commission, but speaking for herself - In favor

- New Construction
 - Cites historic school reuse including condo conversion of Cogswell School and old Salem Normal School; these structures were completed with no new construction and under old Use Variance special permit, but that is no longer available.
 - Concerned with new construction, design/materials should be compatible w/surrounding neighborhood
 - HC should have inclusive jurisdiction over new building

Fred Biebersheimer, 17 ½ River St.

- Supports an Ordinance but not as currently written
- Objects to new construction wording of ordinance, allows too many loopholes
- Concerned about height of additions/new buildings
- Presents photos of hypothetical scenarios in which developers might take advantage of loopholes
- Reword to make what is allowed re additions clear

Polly Wilbert, 7 Cedar St.

- Questions how to make Salem viable for the long
- MAPC says Salem should add 2700 units by 2030 to meet population group, but wonders if that is the right number, how many added so far, how fast should we add, what kind

- Feels we have added or are adding 1400+units, few of them affordable, and also 100 new hotel rooms and 100 more on the way
- 1325 dorm rooms added at Salem State
- Concerned about impacts to infrastructure
- Concerned about speed of building
- 36K vehicles registered here
- Worried that we are trying to solve Boston's housing crisis
- SHA manages 715 units with a years-long waitlist, if you are a senior you could die before you get into Salem Housing, forced out of homes because rents escalate
- Affordable senior housing is not specifically promoted
- Other communities reluctant to tackle affordable development - "let Salem do it"
- Boston has high goal for affordable housing, but this has not improved things for Salem
- Need to attract business development at same rate as housing development
- Disingenuous to say list is not part of Ordinance; for example schools on the list took state funding and remain schools 50 years b/c of that, not fair to residents who try to understand how this Ordinance will work
- Asks that hearing be left open

Jeff Molar 29 Boardman St.

- Does not support use of municipal parking, sounds like spot zoning, residents find this does not meet their needs where it is required
- Wonders why certain properties are or are not on the list, criteria for what does or does not qualify should be clarified

Justin Whittier, 10 River St.

- Requests that public hearing be left open
- Ordinance covers 27 properties to create a pathway for 4 properties, this creates an incentive for development
- Density, height requirements/allowances concern him, would not minimize impacts as stated
- Based on National Trust model Ordinance, but differs in key ways, namely, any additions must comply w/underlying zone, no provision for freestanding buildings in National trust. Setbacks are also different.

David Freedberg, 57 Britannia Circle, Member, North Shore Association of Realtors – In support

- Reads letter from North Shore Association of Realtors
- Provides for preservation and housing, especially for elderly and affordable
- No permitting pathway exists for preservation/reuse, NSAR recommends that PB and CC adopt the Ordinance, which establishes oversight and flexibility
- NSAR commends Salem for efforts to amend zoning that is otherwise constraining further housing production

Lindsay Morecello, 53 Broad St. - In favor

- Notes that if nothing is done, buildings will crumble, and senior and affordable housing needs will go unmet
- Has faith that Board and CC can work out details

Josiah Fisk 358 Essex St., Business Address, 10 Derby Sq.

- Concerns: holds historic preservation hostage to other opportunities

- What would be allowable is not wanted, some changes must be made
- List is inaccurate and criteria for it unclear
- Read it as if you are a developer trying to maximize your opportunity, ex. Height is vague
- Concerned about loss of direct public input, there are usually hearings; just having City Boards approve with no public input is a mistake
- Asks to leave the hearing open

John Carr, 7 River St.; Law office, 9 North St.

- Outlines history as former member of Historic Commission
- List of 27 properties is disingenuous
- Asks that public hearing be left open
- Urges Board and Council to proceed deliberately
- Cites previous conversion projects

Gary Gill, Ward 3

- Church in Point Area and rectory are not on the list but need to be the “crown jewel” of the neighborhood
- Concerned that details are as yet unknown, and long term effects are unknown, but this is needed
- Cites high housing prices of rentals in Salem, plight of seniors, young people, anyone who wants to continue to live in Salem
- “Mixed use” needs to be considered
- Large commercial businesses must be considered
- Asks about Shetland property and Footprint

Mike Becker, 2 School St. Court - In favor

- Buildings would otherwise crumble
- Many are in R1 and R2 zones, re-use is not allowed, use variances no longer an option
- Cites current demand for housing
- Facilitates re use of possibly blighted building
- In a downturn market, what would the fate of buildings be?
- Concerns:
 - Dimensional requirements, setbacks
 - Additions
 - Use of offsite parking if addition precludes onsite parking
- Put faith in PB, HC, ConCom, Ch 91, DRB
- Neighborhood enhancement, source of tax revenue

Ken Wallis, 172 Federal St. – States that he is neither in favor nor opposed

- Concerned about ability of infrastructure to handle additional development especially given that we don’t know how many units will be developed

Gracie Cabrera, 31 Symonds St.

- Works in Cambridge/Somerville, takes commuter rail but also owns a vehicle
- Approves of changes going on in Salem, but concerned about affordability issues in housing under development

Cynthia Nina-Soto, 6 Laurent Rd., Local Realtor and President, NS Assoc. of Realtors – In favor

- Echoes sentiments of Mike Becker and Dave Freedberg re concerns
- In favor of ordinance even though it will not solve housing, traffic, etc. problems
- No single measure or ordinance will overcome all obstacles; if that was possible there would be no need for the Planning Board
- Vacant buildings must be reused as part of the solution, and is a beginning

William Siriani, Botts Court, Architect

- Ordinance is ambiguous as written; should be reviewed as an attorney
- State clearly that existing buildings must be renovated, not demolished
- Height desired should be clarified
- Setbacks should state that they will match those of the zone that the building is in
- DRB approval should be a requirement, not a recommendation

Anne Whittier, 10 River St.

- Concerns:
- Maintaining the historic character of Salem
- Affordability; wages have not kept pace with housing costs
- Parking
- Height of additions

Carol Carr, 7 River St.

- Echoes Polly Wilbert, Barbara Cleary, and husband John Carr's concerns
- Concerned that results of Ordinance may not be in best interest of neighborhood, as developers' objective is profit
- Concerned about maintaining character of neighborhoods; developers should be required to present renderings from appropriate perspectives
- Feels discussion should remain open

Connie Arlander, 91 Federal St.

- Concerned about loss of green space/overdevelopment and related issues such as impacts of climate change, erosion, storm protection, air quality, public health etc.

Jane Arlander, 93 Federal St.

- Salem has many documented historical resources that must be preserved and reused
- Historic tax program has been an incentive since 2003, however local zoning laws can present obstacles to preservation
- Supports the premise of the adaptive reuse overlay district ordinance, is opposed to some elements:
 - New construction of freestanding buildings with dimensional requirements of B5; cites Old Salem Jail development as case of what can go wrong
 - Opposes set list of properties incorporated into the Ordinance
- Supports a compromise:
 - Allow the restoration, preservation and reuse of abandoned, historic municipal and non-municipal buildings
 - Allow for construction of freestanding additions that complement the existing building and surrounding neighborhood
 - Comply with dimensional requirements of existing zoning district, as variances can be obtained

- Allow owners or stewards of abandoned public historic properties to apply for zoning relief by means of the Adaptive Reuse Overlay District after meeting certain criteria, rather than being eligible because they are on a predetermined list

Mary Whitney, 356 Essex St.

- Ordinance must be re-worked

Gabriel Ciociola, Vice President, Salem Common Neighborhood Association, but speaking on his own behalf

- Cites several cases of residents who cannot afford housing in Salem
- Feels additional affordable housing is sorely needed
- Historic preservation should be secondary to meeting human needs; objections that proposal is not green enough, is not strict enough for historic preservation, parking concerns are not priorities, people are.

Acting President Turiel clarifies the process:

Until the public hearing is closed (tonight or a date certain), PB cannot meet and discuss and incorporate changes proposed, further amendments, etc. The City Council must close the public hearing and refer the matter to the PB before they can deliberate on it.

After they do that and report to CC, the CC can put it into committee and amend further, pass it, table it, or kill it. Once the hearing is closed, the CC has 90 days to vote on it. If nothing is done, another hearing prior to any further action would need to be held.

Councilor Sargent

- Notes that making new construction fit existing zoning may make historic preservation impossible, as it may be cheaper to tear down the building rather than rehab historic structures
- Feels that construction of new public housing for seniors, veterans etc. has not even been considered
- Impacts of annual population increases due to Salem State students are
- Can't accommodate every person who wants to move to Salem
- Housing should be driven by what current Salem residents need, not what the state needs us to do for them

Councilor Turiel, Presiding

- Concerns that loopholes and opportunities are eliminated from new construction; there is a danger that developer may say building is too damaged to remediate, and could propose new construction larger than what would be permitted by the underlying zone should be addressed
- Amanda Chiancola states that the criteria are that the building must be reused; demolition is not allowed under the proposed Ordinance. An addition can only be constructed if it plus the original building does not exceed 50% lot coverage, and all projects including additions would still need to conform to parking and other requirements

Mayor Driscoll

- Tom Daniel has taken the lead on this Ordinance, changes have already been made and more will be made based on tonight's comments
- Clarifications:
 - "The list" is not incorporated into the Ordinance, but was made at the request of Councilors and others who wanted to know how many properties were in question. Properties that would meet that eligibility requirement were put on the list, which is not exhaustive, arbitrary or discriminatory and is simply meant to showcase those that, based on this criteria, at some time now or in the future, may qualify.

- Spot zoning and use variances were the only options for redevelopment, and neither is allowed, which is why this Ordinance is being created
- Religious and municipal buildings were in, parks were out, some properties will never be used for housing, ex. City Hall. No intention and small likelihood that schools, etc. would be developed such as schools in use, but they do technically meet the qualifications
- “Unintended consequences” – yes, no one wants those, we do want the buildings preserved, to maximize affordable housing, etc. but zoning is not a perfect tool and flexibility is required, and we do have the Planning Board.
- We could create a scenario using existing zoning we don’t like, but that’s why the PB reviews
- Concerns about infrastructure etc.: these are exactly the issues the PB discusses during Site Plan Review. Additionally, we do not rely on what the developer tells the City; projects must also undergo objective, independent 3rd party peer review by a consultant that work for the City but is paid for by developer, and may decisions require developers to make improvements
- Must trust common sense and strength of Boards who review all projects
- This is a completely public process
- In 20 years the PB had not approved any projects that were “disasters”, even the Salem Jail, which would not have happened without new construction, so tradeoffs need to happen, part is zoning
- Refers to timeline and feels the public hearing should be closed tonight so PB can deliberate
 - Not trying to rush and quash public comment, but notes that the 2019 building season has already been lost, and City needs to get to the work of reviewing the Ordinance

Councilor Dominguez

- Notes that most members of the public feel the hearing should be kept open, and he agrees that additional clarification of issues heard tonight is needed
- Councilor Turiel reiterates that changes do not get incorporated until the public hearing is closed and PB can then review the material; if public hearing is extended, the only thing that happens is we come back and hear from people again, with no substantive changes made in the meantime

Councilor Dibble

- Could also have changes made before public hearing is closed, have Mayor look at it with administration, rather than PB
- Loopholes must be closed
- Councilor Turiel replies that hypothetical new construction shown in renderings would actually not be allowed, as they would mean lot coverage exceeded 50%
- Councilor Dibble still feels they would meet the Ordinance as written
- After last joint hearing, which lasted one night, was closed, went to PB, Councilor Dibble comments that he had concerns, wrote letter, asked that it be distributed to PB, but this could not be done
- More time is needed to digest

Councilor Milo

- Re time frames, if pub hearing was closed tonight, would need to hear back from PB within 21 days, i.e. January 3rd. Vote does not need to happen until 90 days. Council has not even reorganized on Jan. 3rd; this would happen on the 7th
- Councilor Turiel: PB would review next week, send recommendations, would go on first agenda of the New Year. Asks Clerk if the PB was unable to complete its deliberations on Dec. 18th, could they extend to next meeting or have to complete that day? MUST be reported within 21 days or Council can act independently – or wait

Councilor Peterson

- Important to move forward, but concerned about the time of year and turning it around over the holidays, so Public Hearing should be extended but only for a short time frame (early in the new year, after reorganization)

Councilor Dibble motions to continue the Public Hearing to Wednesday, January 9, 2019, at 7:00PM, is seconded by Councilor Dominguez

Discussion:

Councilor Sargent

- Pickering Wharf PUD – good; Stop and Shop on Hawley St. was an unintended consequence of PUD

Councilor Furey

- Feels the Stop & Shop was an improvement over the burned out auto factory at that location

The motion to continue carries.

Councilor Furey moves to adjourn and the motion carries.

The meeting ends at 10:00pm

Respectfully Submitted,

Stacy Kilb

Clerk, Salem Planning Board & Conservation Commission

Approved by the Planning Board on 02/07/2019

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.