

**City of Salem Planning Board
DRAFT Meeting Minutes
Thursday, March 17, 2016**

A public hearing of the Salem Planning Board was held on Thursday, March 17, 2016 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Chair Ben Anderson opened the meeting at 7:04pm.

I. ROLL CALL

Those present were: Ben Anderson, Chair, Noah Koretz, Bill Grisct, Dale Yale, Carole Hamilton, Helen Sides, Kirt Rieder, and Matt Venio

Also present: Amanda Chiancola, Staff Planner, and Stacy Kilb, Planning Board Recording Clerk.

II. REGULAR AGENDA

A. Location: 401 BRIDGE STREET (Map 25, Lot 74) and 44 Boston Street (Map 15, Lot 305)

Applicant: HIGH ROCK BRIDGE STREET, LLC

Description: A continuance of a public hearing for amendments to the approved Site Plan Review, Flood Hazard Overlay District Special Permit and Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, Section 8.1 Flood Hazard Overlay District. The applicant requests the following Special Permit associated with the North River Canal Corridor Neighborhood Mixed Use District (NRCC) Sections 8.4.5 and 8.4.13 North River Canal Corridor Neighborhood Mixed Use District). Specifically, the applicant requests a Special Permit per Sec. 4.0 of the NRCC to allow a multi-story arrangement of a multi-family residential use. The applicant requests amendments to the following approved Special Permits of the NRCC: A Special Permit per Sec. 8.4.12 Retail Use of the NRCC to allow ground level retail use to be amended from the original decision to exceed the 3,000 gross square feet for one retailer. A Special Permit per Sec. 6.0 to be amended from the original decision to allow an eating and drinking place on the premises to reflect the new plan. The applicant proposes to construct two separate buildings including the Community Life Center, a two-story building, and a five-story mixed-use residential/retail on the corner of Boston and Bridge Street with an associated revised parking and landscape layout.

Attorney Joseph Correnti of 63 Federal St. represents the applicant and provides an update.

Grading and civil engineering plans will be presented tonight. They are the result of many meetings with various state agencies. The City Engineer and a peer reviewer have also seen the grading plan. In this project, the grading and drainage plans are separate and the latter will be presented at the next meeting. He describes the process of site design.

Peter Ogren, site engineer, is also present, as are David Sweetzer of High Rock and Tom MaGarragill of C3. Architectural plans are also progressing and the process for finalizing those is described. A plan may be submitted at the April meeting and Design Review is being sought from that Board. There have been many revisions to the original plan.

Peter Ogren provides additional details.

Meetings and discussions with both the DEP and MEPA have occurred for a variety of reasons. Those agencies had a few concerns, including sea level rise, drainage on adjacent lands, and a determination of Land Subject to Coastal Storm Flowage. Elevations are described and discussed. Current flood elevation is 10.81' with the first

floor being at elevation 12.11'. Sea level rise predictions over the next 100 years vary, making things difficult. The current grading plan and basic drainage are outlined and provide safe access for pedestrians and vehicles to and from Boston St. Free flow of water across the site is maintained. Flooding of the area is described.

If the 10.81' flood elevation is ever reached, free pedestrian and vehicle access should still be maintained. Mr. Anderson asks about floodwater depths and Mr. Ogran states that it would get much deeper (over 3') at Bridge St. He outlines additional details of the flooding of the area. Both types of flooding refer to water rising from the river to the land (storm surge and high tide). Flooding of the North River is described and Mr. Ogran states he has never seen water come over the wall of the canal. The DEP has not made a decision on this grading plan and neither has MEPA, but the applicant still feels prepared to move forward.

A mitigation package has also been developed with the City Engineer and City reviewer. Mr. Ogran describes this as a former Sylvania site; there was capacity for water and sewer and those features are described. Mitigation features include:

- Sewer contribution - \$21,903
- Water Line – Check of existing gates; replace if not functioning
- Drainage improvements – Replace partially blocked culvert; this may have been contributing to the reports of flooding at Walgreens. The existing culvert will be abandoned and a new one built. It will no longer be located under the building.
- Tide-Flex Valves – Will be located on project discharges; this will prevent backflow from project drainage

Mr. Ogran believes that final designs can be made at this point. Grading and drainage, along with other aspects of the site plan, are being determined.

Mr. Rieder asks about slope on the grading plan and Mr. Ogran clarifies; he believes it is 1% but Mr. Rieder notes that the plan indicates it is 3%. Grades are described and Mr. Ogran will find out what the maximum grade is. He feels 3.5% is reasonable. Mr. Rieder asks about slope along Bridge St. and Mr. Ogran believes it is a 2:1 slope. He describes the reasoning. Mr. Rieder points out the difficulties of keeping the slope stable at that ratio. Mr. Rieder also asks about overland flow at the rear of the site and Mr. Ogran outlines elevations at that area. One of the DEP's concerns was water being trapped on adjacent properties; this has been addressed. Access was also an issue that was addressed.

Chair Anderson opens to the public.

Polly Wilbert of 7 Cedar St. ask about flooding on the site. Mr. Ogran clarifies that there will be flooding on the driveway onto Bridge St.; thus, the only access would be off of Boston St. He also points out that there would be 3-5' of water on Bridge St. so it would not be advisable to go that way anyway. Ms. Wilbert asks about snow storage and parking during flood events. Mr. Ogran states that flooding is only an issue during high tides and describes the snow storage. If necessary, snow will have to be removed offsite. She asks about the plow-ability of the area. Mr. Ogran states that this is a common way to do it; residents may be asked to move their cars or some visitor spaces may be kept open for storage. Snow is inevitable and will be dealt with by management.

Chair Anderson asks the applicant to bring the same presentation to the April 7th meeting. Public comment has also been received from Jennifer Firth, President of Historic Salem. It will be entered into the record.

A motion to continue to the April 7th meeting is made by Noah Koretz, seconded by Bill Grisct, and carries with all in favor (8-0).

Councilor Famico requested materials, which she will distribute to Fed. St. Neighborhood Assoc.

B. Location: 14 and 16 ALMEDA STREET (Map 14 Lot 116 and Map 14 Lot 117)

Applicant: TOWN AND COUNTRY HOMES, INC.

Description: A continuance of a public hearing for a Definitive Subdivision Plan to construct a roadway to serve two existing undeveloped lots.

A motion to continue to the April 21st meeting is made by Helen Sides, seconded by Dale Yale, and carries 8-0.

A motion to extend the 135-day deadline to May 10, 2016, is made by Bill Griset, seconded by Matt Veno, and carries 8-0.

C. Location: 331-335 LAFAYETTE STREET, 5-7, and 11 WEST AVENUE (Map 32 Lots 231, 232, 233, 234)

Applicant: 331 LAFAYETTE STREET, LLC

Description: A public hearing for a Site Plan Review in accordance with Salem Zoning Ordinance Section 9.5 to allow the construction of a three-story 24,388 square foot mixed use commercial building with retail on the first floor and offices on the upper floors. An existing two-family home on the site will remain in its current use. D. Location: 3 SOPHIA ROAD (Map 4 Lot 25) Applicant: 26 WALKER ROAD LLC Description: Board discussion and vote on an application for endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR), proposing to divide one (1) lot with one existing building into two lots.

Representing this project is Scott Grover, Attorney, and Robert Burr, Developer. Mr. Grover outlines the project and its location. He describes the parcels and businesses currently on them. The site also spans three different zoning districts. The plan is to demolish the businesses along with the six unit residence; the two-unit dwelling will be rehabilitated and maintained as such. A three story, mixed use commercial building will be put up; it will be predominantly retail on the first floor and office on the upper floors. Significant public input has been received. Total square footage has been reduced and the number of variances required has been reduced to two; one for height and one for front yard setback.

Scott Cameron, Civil Engineer, outlines the engineering aspects of the project. He presents the site plan. Existing and proposed conditions are outlined. 12,000 square feet of footprint and 26,000 square feet of area are proposed. Soil conditions have been assessed and taken into account in drainage design. Drainage is described. Curb cuts and current parking scenarios are described. There is an easement for Verizon conduits on the property.

The total footprint area of the main building is 8,000 square feet with a gross floor area of 24,000 square feet. There will be 72 parking spaces in compliance with the zoning ordinance. The exit and entrance are both one way. There will be a plaza in front of the building. There will be spaces for bicycle parking. Proposed curb cuts, parking and overall areas of landscaping are described. Previous input of the Zoning Board is described; the City will be granted an easement and West Ave. will be widened to provide a dedicated turning lane.

The grading and utility plan is outlined; there will be no increases in storm runoff into municipal drainage. Details are outlined. A subsurface leaching system to handle roof runoff will be installed; it will also reduce sheetflow and help with winter ice issues. The parking lot is ADA compliant. Grading and the proposed front plaza are described. Trees and landscaping are described, as are utilities. A landscape plan with schedules of plantings is provided. Ginko and Red Maples, along with a Linden tree, are proposed along with some Birch. Lights are described. Floor plans are briefly shown and described. Stormwater management, Operation and Maintenance Plans, Locus Figures, etc. are provided.

Chair Anderson compliments Mr. Cameron and the applicant on their community outreach. Carole Hamilton asks if a right turn on red would be allowed at that intersection; that will be at the discretion of the City but has not yet been determined. Mr. Veno suggests not allowing a right turn on red, and having a green arrow. Ms. Hamilton comments that having a right turn lane does not make sense if you can't make a right turn on red. Mr. Cameron comments that the sight lines will be vastly improved and describes some previous calculations and traffic scenarios. Mr. Koretz asks for clarification about bicycle parking; there would be two racks in separate locations, with 5-8 bikes per rack.

Kirt Rieder asks about the zoning requirement for the setback. Mr. Grover outlines the current setbacks; there are two front yard setbacks, and 15' are required. The existing buildings do not conform as they are on the street; reasoning for the setbacks proposed is elaborated upon. Specific details on the plaza have not been fleshed out at this time, and Mr. Rieder encourages the applicant to carefully consider landscaping, as he sees a lot of "unmitigated concrete" in that area. He urges them to consider unit pavers to break down the scale of the large building. Landscape architecture is remiss since small ornamental trees are proposed in a neighborhood that has large specimens. The specific cultivar of trees should be considered since some grow very large (specifically, the Ginkgo should match what is prevalent in the neighborhood). Mr. Rieder suggests some species that would be appropriate. He feels the planters are "suburban" and do not create a good scale or image for the project, and encourages the development team to make the vegetation more substantial, reducing the scale of the plaza to ensure the health of the trees. He would like to see more canopy trees in the parking lot as well.

Parking requirements are discussed; the 72 provided is the minimum required by code. The applicant feels that this would be consistent with demand, however. Carole Hamilton asks if street trees will be removed; three or four on West St. will be removed to accommodate the widening of the lane. Kirt Rieder comments on the trees and opportunity to add street trees. He encourages investing in trees, rather than shrubs, to make the project "timeless." Mr. Burr asks about his vision for the plaza; Mr. Rieder elaborates. Planter boxes are not good for trees. He is also concerned about the steps. A seat wall would be a good idea. Carole Hamilton is also in favor of acknowledging and accommodating the bus stop. Matt Veno is in favor of the creation of this space, but is concerned about it being an active space for seating with cars coming by as they do. Planters have been proposed as a barrier. Transforming the steps into some sort of seat wall would help with that. Matt Veno also compliments the developer on his work with the neighborhood.

Chair Anderson appreciates the effort to mimic the architecture of the neighborhood but asks about some issues with this being an Entrance Corridor Overlay District. Driveway width and dumpster enclosures are among his concerns.

Setback of the enclosures of the latter are good, but equipment siting is unclear; he assumes it is on the roof but would like to see a roof plan. This was part of the reason for the height variance.

Granite curbing is just on the main roadways; precast will be used on the site and is described. Chair Anderson would like more information on the screening fence. He asks some additional questions about fence height and Mr. Cameron elaborates. A variance or special permit may be required if a 6' height is desired; the applicant may keep it at 4' to avoid that but the issue will be examined further.

Chair Anderson comments on the steps on the plaza and the need for railings; the logistics of that area are described and discussed. Helen Sides comments on hand rails in front of Tavern in the Square. Planters and trees are further discussed; the number and caliper of trees should be clarified. Chair Anderson approves of the LED lights but is unsure of the type of fixture, feeling that there may be some available that are more historic and in the character of the area. Mr. Cameron asks for further clarification but it is up to the applicant and designer to decide. Mr. Burr is concerned about the impact of uplighting on the immediate abutters. Entryways will need to be illuminated so that must be addressed.

Chair Anderson asks for more details on materials to be used on the building, as well as colors. Elevations, window materials, trim, and cornices, as well as shingle type and color, should all have more detail provided.

Chair Anderson opens to the public.

Joyce Kenney (285 Lafayette St.) comments on three trees, not shown on the maps, that are located on West Ave. She states that the Zoning Board of Appeals has ruled that they may not be cut down. Mr. Grover is not aware of this condition in the ZBA ruling, and the condition will be investigated before the next meeting.

Councilor Josh Turiel, of Lafayette St, Ward 5 Councilor is here. He comments on the process; it started out roughly but the project has been changed favorably prior to this site plan review. He indicated his support at the ZBA meeting but still has some concerns. This is a substantial improvement over the original design, however he does not feel it suits the Lafayette St. entrance corridor. It does not “fit” as the entrance to the neighborhood. Landscaping should also be considered. It should encourage life and activity; he hopes for thriving retail uses as what is there is neighborhood retail today. He feels other neighborhood retail that will be good replacements should be considered.

Victoria Nado of 26 West Ave, is in support of this project, but would also like to see thriving retail and businesses, but this will depend on City Council changing the zoning code, which is antiquated. She comments that rubber sidewalks are “interesting” and will allow for tree growth. She envisions a pocket park with a modular design that can change seasonally. The area will lose a honey locust tree so that may be a good West Ave. replacement. The other two trees are old apple trees; she has not seen bloom but has seen fruit. Ms. Nado thanks the developer for being open and responsive.

Polly Wilbert of 7 Cedar St., representing the South Salem Neighborhood Association as its president, speaks. They are focusing on a longer term campaign to preserve/replace trees on Lafayette St. She describes their efforts and those of the Shade Tree Department. She also comments on the fact that there will be a new signal purchased using mitigation money from Salem State University, for the intersection of Lafayette St. and Loring Ave. She states that the new poles are very large and it will be helpful to know where they, along with the poles for the new lighting fixtures, will go. She also comments on the possibility of a right turn arrow after the reconfiguration is complete, and the progress on bidding for that. The Complete Streets program is providing money for a protected bike lane, and the bus stop will interfere with that, but beyond that area, she feels it should be constructed and should be kept in mind. The South Salem Neighborhood Association has also expressed concerns about jaywalking, and if the planters preclude that, it would be good. Traffic making a left hand turn is also a concern.

Polly Wilbert of 7 Cedar St., speaking as a private citizen, is concerned that the project mirrors the current setting as it is adjacent to a historic district. She is concerned about windows and colors and does not want it to be like Salem State University, or have a suburban look and feel. The project should reflect the character of this mainly Victorian neighborhood. This project is not required to go to the Design Review Board but Helen Sides suggests that the developer come before the DRB for feedback. She comments on the colors, materials and scale proposed.

Councilor Turiel comments on the bike path issue and the corner. The pilot program is for a separate bike lane separated by a curb/buffer space. He comments on traffic flow on Lafayette St. and hopes the pilot will be successful and bike bath will be expanded.

He also comments on Salem State’s mitigation contribution; some is for redesign and re-signalization of that intersection. He describes the details. Some placements are not quite final due to the bicycle lane reconfiguration, but the bid should be out again soon.

John DeCamp of 10 West Ave. comments that the parking lot goes behind 11 West Ave. He comments on the Horse Chestnut tree behind 11 West Ave. and hopes the parking lot does not require cutting it down. He also comments on the Honey Locust and apple trees along West Ave. He hopes widening of West Ave. will stop before the Honey Locust need to be cut down. They would screen his dining room from the new building

Alexandra Pinheria Shields, of 7 Bristol St. purchased that location, then found out about this project. 11 West Ave. will be saved, but she is concerned about the security and privacy of her yard once the area is cleared. Her concerns:

What kind of barrier will be erected along their property for their privacy and that of other residents along left side of Bristol St.?

She is concerned about the location of the dumpsters

Her daughter goes to bed at 7:30 so she is concerned about light fixtures will be 12' from her window. Locations on light fixtures?

Chair Anderson comments: Fixtures are cutoff so there will be no spillage of light into adjacent yards. Scott Cameron clarifies that the yard area will be maintained along with existing trees in that yard area. It is a 50' wide parcel. Actually this is a neighbor's house, not the yard at 11 West, that abuts her; she is NOT an abutter to this project.

Mr. Cameron provides more details about dumpster placement. It will be more towards the center of the parking lot, behind a screened enclosure.

Chair Anderson limits input to one more question.

Greg Zaweslack 13 West Ave. compliments the developer and feels that keeping 11 West Ave was a good decision. He likes the idea of a 6' fence separating the development from his property. He is concerned about the elevation of the site compared to his property and runoff. The height of buffering plantings should be sufficient to block his view of the parking lot. Scott Cameron states that these issues were explored at length and describes mitigation factors such as a catch basin that will be installed. The buffer zone is 5.5' and there will be a fence plus Arbor Vitae, which will grow to 15-20' high.

The landscape plan is further discussed. Mr. Burr would like to modify the plans slightly to accommodate a new transformer. Kirt Rieder approves of more elms and oaks.

A motion to continue to the next meeting is made by Kirt Rieder, seconded by Noah Koretz, and passes with all in favor, 8-0.

D. Location: 3 SOPHIA ROAD (Map 4 Lot 25)

Applicant: 26 WALKER ROAD LLC

Description: Board discussion and vote on an application for endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR), proposing to divide one (1) lot with one existing building into two lots.

Scott Grover, Attorney, represents the applicant. He describes the location of the neighborhood. This is a typical ANR plan with no variances required for the new lot being created. There will be one lot of 15,000 square feet and 136' of frontage, and a new, larger lot of almost 30,000 square feet and 244' of frontage. Access will be along Sophia Rd.

Kirt Rieder asks about the buildings in Lot 25 and Mr. Grover thinks they are sheds. However, they are not on the plan and the intention is to remove them after subdivision. Discussion of these structures follows. Location and buildings are described.

The Board has no comments.

A motion to endorse the plan, which does not, in fact, require approval, is made by Carole Hamilton, seconded by Dale Yale, and passes unanimously in a roll call vote with Ben Anderson, Kirt Rieder, Helen Sides, Dale Yale, Bill Griset, Carole Hamilton, Noah Koretz, and Matt Veno in favor, 8-0.

E. 162 Federal St. Request for 6 month extension.

Noah Koretz comments that the current owner hasn't closed yet, so he recuses himself.

Scott Grover, Attorney, presents again. He describes history of the property. Closing has not occurred since, even though the site itself is clean, a leaking underground oil tank leached materials which then migrated to 150 Federal Street, and the DEP will not close out the case. The property is under agreement with the same person who bought the rectory. Extensions have been requested previously, but this should be the last one. The Zoning Board of Appeals has granted extensions of their variances and the owner plans to proceed with the project as permitted.

Chair Anderson asks about the holdup and Mr. Grover elaborates. Contamination originated on this property and migrated to 150 Federal St. This site is clear. Lahey (the previous owner of this address) has responsibility for the ongoing remediation (monitoring is all that is occurring as of now).

Construction would have to be started within 6 months for the permit to be enforceable.

Chair Anderson opens for public comment.

Jane Arlander of 93 Federal St. asks about a rumored lawsuit of the Archdiocese against Lahey. Mr. Grover is not aware of one, but it is possible.

Meg Twohey of 122 Federal St. asks about purchase of parking from Archdiocese. The permits require that piece to be part of the project. The building was purchased from Lahey and the back parcel from the Archdiocese.

Chair Anderson closes public comment.

A motion to approve is made by Matt Veno, seconded by Carole Hamilton, and carries 7-0, with Noah Koretz recused.

III. APPROVAL OF MINUTES

February 18, 2016

A motion to approve the minutes, with minor edits, is made by Kirt Rieder, seconded by Helen Sides, and passes unanimously 8-0.

IV. Old/New Business

1. Discussion of Planning Board Policies and Procedure as they relate to Public.

Specific wording for clarification is suggested.

Timing of submission/review of materials for conciseness and germaneness, subject to a three minute limit or an extension at the discretion of the chair etc. is discussed.

Bill Griset comments that adopted rules must be followed rather than accommodating a group in a “mob setting.” The public must be accommodated, but in an orderly fashion. That is point of these rules.

Meg Twohey asks if these rules have been published. They have not. They will be posted by the City and here at the meeting room, but this is not a public hearing with opportunity for public comment. The rules can be amended if they are not working out, and they are guidelines, not regulations.

A motion to adopt the public hearing guidelines is made by Carol Hamilton, seconded by Bill Griset, and carries with all in favor 8-0.

Rules will be sent to Board Members, and posted at next meeting.

CinemaWorld has submitted an Environmental Notification Form for MEPA. Site review and due dates are discussed; Amanda Chiancola will Dropbox the materials.

Amanda informs the board that there is a Citizen Planner training in Worcester on Saturday.

V. ADJOURNMENT

Dale Yale makes a motion to adjourn, is seconded by Kirt Rieder, and the motion carries with all in favor, 8-0.

The meeting ends at 9:32 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://www.salem.com/planning-board/webforms/planning-board-2016-decisions>

Respectfully submitted,
Stacy Kilb, Substitute Recording Clerk

Approved by the Planning Board on 04/07/2016

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