

**City of Salem Planning Board  
Meeting Minutes  
Thursday, Oct. 20, 2016**

A public hearing of the Salem Planning Board was held on Thursday, October 20, 2016 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Chair Ben Anderson opens the meeting at 7:00 pm.

**I. ROLL CALL**

*Those present were:* Ben Anderson, Noah Koretz, Helen Sides, Dale Yale, Tony Mataragas, Bill Grisct and Matt Veno (arriving late).

*Absent:* Kirt Rieder and Carole Hamilton

*Also in attendance:* Amanda Chiancola Staff Planner, and Stacy Kilb, recorder

**II. Approval of Minutes**

This item is taken out of order while waiting for Matt Veno to arrive.

*A motion to approve the Sept. 15 minutes is made by Helen Sides, seconded by Tony Mataragas, and passes with all in favor, 6-0.*

*A motion to approve the Sept. 1 minutes is made by Noah Koretz, seconded by Dale Yale, and passes with all in favor, 6-0.*

Matt Veno arrives at 7:05PM

**III. REGULAR AGENDA**

**A. Location: PEM 161 Essex Street (Map 35, Lot 303)**

**Applicant: PEABODY ESSEX MUSEUM**

**Description:** A public hearing for a Site Plan Review in accordance with the Salem Zoning Ordinance Section 9.5 Site Plan Review. Specifically, the applicant proposes the partial demolition of existing buildings and the construction of a 37,950 square foot addition primarily within the footprint of the Asian Garden, in addition to site improvements including a garden and utility work.

Presenting for the applicant is Bob Monk of the Peabody Essex Museum (PEM). The applicant would like a draft decision, but it was just received by the Board as of 5PM today and has not been reviewed, so the Chair is not comfortable voting. Engineering comments were received by email but were also not reviewed yet.

*A motion to continue to the Nov. 3, 2016 meeting is made by Bill Grisct, seconded by Helen sides, and carries unanimously 7-0.*

**B. Location: 93-95 CANAL STREET (Map 33, Lots 164, 165)**

**Applicant: SCHIAVUZZO REALTY, LLC**

**Description:** A public hearing for a Site Plan Review in accordance with the Salem Zoning Ordinance Section 9.5 Site Plan Review and a Flood Hazard Overlay District Special Permit Sec. 8.1 Flood Hazard Overlay District. Specifically, the applicant proposes to repurpose the existing building and convert the candy factory into eight (8) residential units.

Presenting for the applicant is Attorney George Atkins, 65 Congress St. This is to address comments made at the previous, initial meeting. Revised plans have been submitted but the Proposed Elevation plan is submitted again as there was an error.

The Board had suggested maintaining the industrial/commercial appearance of the structure; changes are described. It will complement the building next door. Screening material has been added to the roof and a roof plan has been submitted. Materials for screening, fencing and the shingles are displayed.

Different trees have also been selected and the landscaping plan amended. Other minor changes to landscaping are described.

Discussed at the last meeting was the fact that proposed are 3 bedroom units; the Board had felt that 2-bedroom units would be more appropriate, however the client feels they must have three bedrooms to be economically viable. The 3<sup>rd</sup> bedroom could be used as an office, playroom, etc. It will be described as such to improve marketability and flexibility. Basement plans have been submitted; the only remaining small room will be a common area.

They have also met with the Conservation Commission, who issued a negative determination. A miscommunication with the City Engineer's office must be resolved; additional materials will be provided to them. An approval and draft decision will be sought at the next meeting.

Helen Sides comments that these are improvements, and notes she is opposed to the PVC on the rooftop, as it will draw more attention than the units themselves would. The most successful thing on rooftops is that the enclosure be minimal, dark, and not fence-like.

Leo Schiavuzzo, building owner, describes the mechanical items on the roof. They will not be visible from the street, but possibly from an adjacent building. Helen Sides suggests putting a structure that would confine them; it should have a matte finish, industrial looking, to make it look industrial and simple for abutters.

Existing shingling will remain except where current shingles are damaged. Current shingles are painted and the new ones will be painted to match; the entire building will be repainted. Frank Curtis, Engineer, describes what it will look like. Helen Sides opines that the proportion of the glass is off; the applicant will look into it. A detail of the windows will also be provided.

Lighting on the building is described.

Chair Ben Anderson asks about the zoning; it is a B-4 district with no residential units allowed but the Zoning Board of Appeals (ZBA) approved a change from one nonconforming use to another.

Regarding the site plan: The Chair asks about the dumpsters; none are planned; totes will be in an enclosed area noted on the landscape plan. ECOD (Entrance Corridor Overlay District) allows one curb cut. Two lots are being combined. The Flood Hazard Overlay District (FHOD) is discussed, safety and ease of movement during floods is questioned; where is the flood overlay location? Attorney Atkins shows the board the map of the flood line from the FEMA map. A storm drainage system has been developed to capture what does come across the site; they must also conform to the curb cut requirements of the City Engineer's office, which is redoing all of Canal Street. The Chair notes that the ECOD specifies granite.

The Chair comments that they may be cutting off one exit in the event of a flood, and asks why not connect the driveway so that at least one drive always works. But after reviewing the FHOD map he notes that since

the flood line is behind the building, both exits would flood. This is due to the desire to have less traffic meeting up. Stormwater management is further discussed.

The Chair also asks if utilities have been designed for a potential flood; Attorney Atkins states there will be no change as they are using existing facilities, but they can consider suggestions or get more information. The Chair notes that he is reading directly from the FHOD requirements. Existing utilities should be designed for the potential flood; those items should be considered per the applicant's engineer. Attorney Atkins states that the building has been there a long time and existing facilities have not flooded. Additional information will be presented at the next meeting. The Chair reads directly from Section 8.1.4(2) and (3) of the Salem Zoning Ordinance, and asks the applicant to have his engineer comment on said requirements:

*8.1.4(2) There are adequate convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property, particularly in the event of flooding of the lot(s) or adjacent lot(s) caused by either overspill from waterbodies or high runoff.*

*8.1.4(3) Utilities, including gas, electricity, fuel, water and sewage disposal, shall be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding.*

Chair Anderson opens to public comment, but there are no comments. Matt Veno comments that he appreciated the responsiveness of the applicant and feels that the project looks better since the last meeting.

*A motion to continue to the Nov. 3, 2016 meeting, is made by Noah Koretz, seconded by Bill Griset, and carries 7-0.*

- C. Location:** 81 Highland Ave; 108 Jefferson Ave; Old Rd; 1 Dove Ave; 79 Highland Ave; 55 Highland Ave; and 57 Highland Ave (Map 24, Lots 1, 2, 88, 19, 216, 218 220; and Map 14, Lot 129)
- Applicant:** NORTSHORE MEDICAL CENTER INC.
- Description:** A public hearing for a Site Plan Review, in accordance with the Salem Zoning Ordinance: Section 9.5 Site Plan Review; and a Stormwater Management Permit in accordance with Salem Code of Ordinances Chapter 37. Specifically, the applicant proposes to construct a new Emergency Department/Inpatient Beds building, a new front Lobby expansion, renovation resulting in an addition of 119,735 square feet and repurposing of 119,734 square feet of interior space, internal driveway and parking modifications, landscape and hardscape improvements and utility infrastructure modifications to their existing campus.

Joseph Correnti represents the applicant, and is requesting a continuance to the Nov. 17<sup>th</sup> meeting.

*A motion to continue to the Nov 17, 2016 meeting is made by Matt Veno, seconded by Tony Mataragas, and passes with all (7) in favor and none (0) opposed.*

- D. Location:** 9 South Mason Street, 3A Buffum Street Extension; and 23 Mason Street (also including 23 ½ Mason Street and 23R Mason Street) (Map 26, Lots 73, 74, 79)
- Applicant:** JUNIPER POINT 9 SOUTH MASON STREET LLC
- Description:** A continuance of a public hearing for a 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; Section 8.4 North River Canal Corridor Neighborhood Mixed Use District. Specifically, the applicant proposes the redevelopment and expansion of the existing two-story concrete industrial building at 9 South Mason Street, expansion of the three-story

residential building at 3A Buffum Street Extension; and construction of two new townhouse style buildings along with parking and landscaping throughout the site. The project when completed will total 29 residential units in four buildings with all associated parking on site.

Here for the applicant is Joseph Correnti of 63 Federal St. A continuance is requested as peer reviewers have been appointed by the City for civil and traffic review, which are ongoing. Also, a filing has been made with the DRB and they will meet next week, so there is not much to discuss tonight.

A motion to continue to the Nov. 3, 2016 meeting is made by Helen Sides, seconded by Bill Grisct, and passes with all (7) in favor and none (0) opposed.

**E. Location: 2 Paradise Road and 539 Loring Ave. (Map 21 Lots 231 and 232)**

**Applicant: 2 PARADISE RD. LLC**

**Description:** A public hearing for a Site Plan Review in accordance with *Sec. 9.4 Site Plan Review* of the Salem Zoning Ordinance for a proposed addition to the existing Vesuvius Restaurant building. The project will include demolition of the existing structure at 539 Loring Avenue, expansion of the Vesuvius Restaurant kitchen, and construction of a new street level, café-style restaurant and second floor office space.

Here for the applicant is Atty. Joseph Correnti, 63 Federal St. This is located in Vinnin Square, the Vesuvius Restaurant. Bart Fredo, principal at Vesuvius, is also present. Basically, this is a building addition that would not normally require site plan review since it is only 8,300 square feet; however, as it is ECOD, any new construction over 2,000 square feet requires a site plan review.

There are two components to the project, an extension for the kitchen and a new addition, an attached two story structure. Minimal permitting will be required; ZBA permits were acquired for extension of a nonconforming structure and of a wall. The project was well received.

Bob Griffin, Civil Engineer, presents details of the project, including:

- Project Site: parking, traffic
- View From 2 Paradise Rd
- View from Loring Ave.
- Existing Conditions
- Proposed Site Layout
- Proposed Grading & Utilities
- Building Elevations
- Floor Plans

Matt Veno asks what the thinking is behind the two buildings being adjoined. Mr. Griffin elaborates that it is to maximize use of the lot; it also allows green space, providing a potentially usable courtyard as seasonal seating. They looked at options of connecting the driveways but it did not add parking or leave a reasonable area for outdoor seating. Matt Veno comments that he likes that they are moving the new portion of the building up to the street edge, in line with Vesuvius. This is replacing an existing nonconforming use with a conforming use in the B2 district.

Helen Sides discusses the plantings and comments on a lack of trees on the corner. Particularly in the summer time, it feels like a long distance because it is very bare. It is calling for some planting relief. This could really be improved with trees. Helen Sides would like Kirt Rieder's input. The Chair comments that as the project is in the ECOD

there are not enough trees as required, he thinks they need 9 or 10. The trees should be spread out based on the number of parking spots. Since this is one building, a combined lot then this is one development which necessitates meeting the landscaping requirement for the ECOD. The Chair also suggests they check the width of the curb cuts to ensure compliance with the ECOD, 24 feet is the maximum. The Chair asks the applicant to address the curb cuts. Landscaping to separate the project from adjacencies is also required and he echoes Helen Sides' comments. Landscaping should address the whole project, not just the new addition; make it feel like one development. Bob Griffin reiterates that existing conditions must be taken into account so they should move forward with an open mind. Chair Anderson says while his is happy to keep an open mind; he reiterates that they are not honoring the spirit of the ordinance.

He also asks some questions about the building's architecture, which feels like an afterthought. He asks for material of the building/trim work to be labeled on the plans. The separation between the addition and the existing building is awkward, it feels funny. Atty Correnti responds that the architect will come in November to address these comments.

Chair Anderson opens to the public.

Councilor Steve Dibble of Ward 7, 74 Moffat Rd., comments on the cleanliness of the business, how good the service is, etc. He supports demolition of the old house out back, and spoke in favor previously on a beer and wine license with a condition of 11PM, but this is still pending before state.

However, he has several concerns about the project. He objects to the types of trees proposed, feeling they will not thrive next to a parking lot. The crab apples have low branches and the pear will be short lived. He suggests a big tree with an overhead canopy that will last. He appreciates Chair Anderson's comments regarding the lack of trees. Councillor Dibble suggests the board include some kind of mechanism in the decision that will require the lawn and plantings to be maintained, so if the trees die in 10-20 years, they have to be replaced. On the Paradise Road side, that is route 1A, the main corridor into Salem. He would like to see at least two trees planted there. Bollards might be needed for the handicap sign, to protect those trees. He also feels that the existing building façade does not have much interest (on the Loring Ave side), as it is a blank wall. He asks about doors on the south side which does not correspond to the floor plan. Bob Griffin clarifies that the "doors" on the South side are, in fact, full height windows, which will be clarified by the architect at the next meeting.

*A motion to continue to the Nov. 3, 2016 meeting is made by Helen Sides, seconded by Matt Veno, and carries with all in favor 7-0.*

- F. Location:** 60 & 64 Grove Street and 1, 3, and 5 Harmony Grove Road (Map 16, Lots 237, 236, 377, 239 and 378)
- Applicant:** MRM PROJECT MANAGEMENT, LLC for the project known as Grove Street Apartments (f/k/a Legacy Park at Harmony Grove Apartments)
- Description:** A public hearing for application of, to amend the previously approved Site Plan Review, Planned Unit Development Special Permit and Flood Hazard District Special Permit Decision dated December 11, 2014, for the property located at. Specifically, the application proposes to modify the condition requiring restoration of the office building located at 60 Grove Street due to its unsafe condition and to instead demolish the building and temporarily create a landscaped open space until specific commercial development plans are developed. No changes are proposed to the total square footage or footprints of the buildings or number of dwelling units in the project. The 60 Grove Street property is to remain commercial in nature.

Attorney Joseph Correnti of 63 Federal St. represents the owners, MRM development, on the Salem Oil & Grease site. This is the amendment to the plans to address the building that remains out front, at 60 Grove St., referred to as the Office Building. Bob Griffin, project Engineer, presents a brief Power Point.

Parallel permitting steps are occurring: Salem Historic Commission and Chapter 91 have approved the project change, and it was also approved by MEPA.

- Project Site
- 2014 Development Plan – Originally wanted to renovate 60 Grove St. for Commercial, but now planning to demolish it and use as green space until further planning can be done (parking issues). Building is derelict.
- Views from various perspectives off Grove St.
- Temporary Open Space

Bob Griffin outlines their progress; they had requested a minor modification but the Board had decided an application was in order. There is some confusion on the part of the Board as to whether or not the percentage of commercial space that was promised will remain, and that the nature of the project has changed. The Board is concerned whether the commercial development slated for that particular area will, in fact, ever occur.

Attorney Correnti clarifies that the owner of the project, MRM Development, will not be developing it. They never intended to do the actual building, only to permit the project. They originally had a building partner who has since departed. The parcel in question is part of the larger project and will never be dedicated to anything but commercial usage. No building is shown yet since the owners have no developer to work with on design. The three proposed apartment buildings will remain exactly as previously presented. The ONLY change is to the building at 60 Grove St.

Attorney Correnti explains that one sentence is all that must be modified in the original decision; it stipulates that the building there must be rehabbed, but this is simply not possible given its condition. Thus, potential buyers are driven off when they see that renovation must occur (Condition 20F) on a condemned building. No bank will take on the project, either. The building is falling down and must be removed; the DEP is onsite examining what is coming off the building in the meantime. This building is the only thing holding up the project.

While several Board members indicate that they would feel comfortable moving forward after Attorney Correnti's clarifications, Chair Anderson would like additional time to review. Attorney Correnti feels that this is an onerous request, as he already presented this request in July and was told to come back and re-file, which he did three weeks ago.

Matt Veno asks about post-demolition viability of commercial development on the parcel in question. Parking constraints are described so the narrow segment will remain as landscaping no matter what. Currently a 17,000 square foot building is in place, but a smaller building with ancillary uses to the apartment complex could potentially be built. Some examples would be a residential gym, food service establishment, or meeting rooms. The area that must be counted towards the percentage of commercial usage in the project is measured as a percentage, not as square footage of a building.

Amanda Chiancola describes The City's Interactions Regarding This Project So Far; BUILDING Commissioner, Thomas St. Pierre had wanted to comment on the structure as it is red-tagged, but has not yet done so. Attorney Correnti states that all public safety officials have said that the building must be torn down. Bob Griffin confirms this, noting that the building is considered a nuisance/safety issue. Waivers for a demolition delay have been obtained, and Attorney Correnti again reviews the other approvals that have been

obtained. He reiterates that the building is a poison pill to the project, and notes that he can't specify what the exact commercial usage will be as no developer will come on board and make plans with the building and the condition that it be renovated in place.

Chair Anderson opens to public comment.

Councilor Steve Dibble of 74 Moffatt Rd. Ward 7 Councillor. He is familiar with the property. He asks about a path along the Canal and Mr. Griffin elaborates. Is the bike path deeded to the City? The owner is obligated to maintain it. He also asks about zoning and notes that need for commercial development is here. He wonders if Building #3 could be switched so commercial development/parking issues could be more easily resolved

Rosemary O'Connor of 111 Mason St. comments that she is in favor of demolition. She is also concerned that it may not resurface as commercial development, but project must move forward. If this is holding up something new coming in, she hopes they vote for it.

Tricia Meyers of 14 Beaver St. was not aware that one entrance was removed from project, and is concerned about traffic. Why not use this property and make another exit out? Attorney Correnti explains that this would require building a bridge, which would require additional filings to MEPA, Chapter 91, etc. It is already permitted so not what we are being asked to review.

Joan Sweeney of 22 Silva St. and Friends of North River asks about a pile of dirt in front of the building. Mr. Griffin elaborates. There is ongoing demolition; a relocated material cell will not be constructed. She is also concerned about the need for commercial development. She feels the building underwent "intentional decay" but it must be demolished.

The Chair states the procedural options. Noah Koretz comments that he had re-filed a 23(b)(3) appearance of conflict disclosure stating that he can vote on the project; however, given the nature of the requested changes, he is no longer comfortable voting, thus will recuse himself. While other Board members feel that demolition is urgent and probably should have been requested at the outset, the Chair is still not comfortable voting in favor as he would like to review the original PUD approval and minutes from those meetings.

As the applicant would require all six remaining Board members to vote favorably, and a denial would be worse than a continuance, Attorney Correnti requests a continuance to the Nov. 3 meeting.

A motion to continue to the Nov. 3 2016 meeting is made by Matt Veno, seconded by Tony Mataragas, and passes 6-0, Noah Koretz abstaining.

#### IV. OLD/NEW BUSINESS

**The Community Preservation Commission is asking for Planning Board comments on CP needs, etc.**

Matt Veno comments that they are gathering more information from relevant Boards etc. and this has been discussed, but the Board has no comments at this time.

#### V. ADJOURNMENT

A motion to adjourn is made by Tony Mataragas, seconded by Helen Sides, and with all (7) in favor and none (0) opposed.

The meeting ends at 8:56 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, Recording Clerk

Approved by the Planning Board on 11/3/2016

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