

City of Salem Planning Board
Approved Meeting Minutes
Thursday, February 1, 2018

A public hearing of the Salem Planning Board was held on Thursday, February 1, 2018 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Vice Chair Matt Veno opens the meeting at 7:00 pm.

I. ROLL CALL

Those present were: Kirt Rieder, Helen Sides, Dale Yale, Vice Chair Matt Veno (presiding), Noah Koretz, Bill Grisct, DJ Napolitano

Absent: Chair Ben Anderson, Carole Hamilton

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

II. REGULAR AGENDA

A. Location: 18 Thorndike Street

Applicant: PASQUANNA DEVELOPERS, INC.

Description: Request from the applicant to be released from the covenant and the \$50,000 cash bond.

The Applicant requests to continue to the next Planning Board meeting.

A motion to continue to the February 15, 2018 meeting is made by Dale Yale, seconded by Noah Koretz, and carries with all in favor.

B. Location: 18 and 20R Franklin Street (Map 26, Lots 400, 401 and 402)

Applicant: JUNIPER POINT INVESTMENT CO LLC

Description: A continuation of a public hearing for all persons interested in the application 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; and a Stormwater Management Permit in accordance with Salem Code of Ordinances Chapter 37. Specifically, the applicant proposes to replace the existing junk yard with a residential development consisting of forty-three (43) units in five (5) buildings with parking under each building, in addition to an independent garage and some surface parking resulting in 69 parking spaces. The project also includes landscaping throughout, and public access along the riverfront with walking paths.

A motion to continue to the Feb. 15, 2018 meeting is made by Kirt Rieder, seconded by Helen Sides, and passes with all in favor.

C. Location: 132-134 Canal Street, 142 R. Canal Street, and 144 Canal Street (Map 33, Lots 5, 6, and 8)

Applicant: CANAL STREET WAREHOUSE LLC, CANAL STREET REALTY DEVELOPMENT LLC and CANAL FURNITURE LLC

Description: A public hearing for all persons interested in the application of Canal Street Warehouse LLC, Canal Street Realty Development LLC, and Canal Furniture LLC

for the properties located at 132-134 Canal Street, 142 R. Canal Street, and 144 Canal Street (Map 33, Lots 5, 6, and 8) in accordance with the following sections of the Salem Zoning Ordinance: Section 7.3 for a Planned Unit Development, Section 9.5 for a Site Plan Review, Section 8.1 for a Flood Hazard Overlay District Special Permit, and Section 6.7 for a Drive-Through Special Permit, and a Stormwater Management Permit in accordance with Salem Code of Ordinances Chapter 37. Specifically, the applicant proposes the redevelopment the site by razing the buildings at 132-134 and 144 Canal Street and constructing three (3) new buildings with associated driveways, parking spaces, landscaping, utilities, and drainage systems for stormwater runoff. Construction of a new three-story, mixed-use building with approximately 7,000 square feet of retail on the first floor and 20 residential units on the upper floors is proposed at the north side of the site. Construction of a three-story building with 30 residential units and parking below; and a 2,500 square foot retail building with a drive-through is proposed at the south side of the site. The existing buildings located at 138-142 Canal Street will remain with some site improvements.

Attorney Scott Grover represents the three LLCs named in the petition, which are controlled by Symes & Associates. He outlines the proceedings of the last meeting, which generally outlined the project; this meeting will address the Board's specific questions. The full development team is present. One important change is reflected in the most recently distributed plans.

At the last meeting, it was commented that it would be "nice if you could remove Revere Tan building there." And the Applicant's answer was, "We agree, but the tenant has a long term lease at that site." However, the owners spoke to Revere Tan, who is amenable to terminating their lease, so that building can now be removed, thus creating better options for the site. The current plans reflect the removal of that building, opening the sight line front to back, and allow areas for enhanced plantings. The northernmost building is slightly expanded from 7300 square feet (sf) to 8500 sf. First floor retail space has been added; residential units have been increased from 20 to 22. The only other substantive change is that residential units in the southern building have been decreased from 30 to 27 due to design restrictions, a net reduction of 1 unit across the site. Less parking and more landscaping are also proposed.

Rich Williams of Williams and Sparages, Civil Engineer, presents, outlining changes.

- Entrance to the northern part of the site is centered in front of the building there; the same route is proposed. A landscape strip between the two sites is proposed; one row of parking has been omitted. Stairs and access an way were added from number 140 to the new building, with a crosswalk. Landscaping behind the two existing buildings has been expanded, at the elevation of the parking lots, and not up to the path. Snow storage is also provided for in this area.
- A grade cross section is shown of the rail trail, retaining wall, and parking on the South and North ends of the lot. Kirt Rieder asks how much wider the building is; it is no wider, just longer toward the south. The owner to the west is the MBTA; the rail trail will be on their property though the City is constructing it. Easements are discussed, both those that the applicant is giving and requesting. They will work with the City. Attorney Grover outlines the easements being granted and requested:
 - Access area to the rail trail/bike path will be granted by easement to City along Ocean Ave. Attorney Grover comments that the MOU with the City Solicitor was just completed today
 - There will be an easement to the City for the pedestrian walkway to the bike path. A drainage easement was also requested because the bike path must drain through this site; location TBD
 - The rail spur is being ceded so the bike path does not need to jog around that
 - In exchange, the Applicant is requesting an easement to extend parking and landscaped area/snow storage onto property owned by MBTA

- It is possible that, should the commuter rail station go in across the tracks, it will be accessible from this side, which is why the easements are being requested. The proposed location of the commuter rail station is shown.
- Visuals of the site pre and post landscaping are provided. The existing landscaping is shown, and proposed landscaping is shown. There will be 10,700 square feet of pervious area
- Light fixtures: The current plan has colonial style heads matching the City's lights; all fixtures will be LED; a more contemporary one would fit in with proposed buildings. This is shown on a sheet given to Board members, but the lighting plan has not been redone pending Board feedback. Changes may mean the lights provide more light as fixtures now proposed are more efficient. Colonial Style fixtures will remain on Canal St; the applicant's lights would be in addition to those

Kirt Rieder agrees and accepts the quantitative net increase in pervious area to the project; while he appreciates the calculations, he observes that much of the landscaping proposed makes use of residual space. It is still not a measurably positive growing environment; though better than what is there and a net improvement, he still laments the loss of all vegetation along the bike path. He suggests that 16 spaces along wall should be made parallel to wall in an effort to gain a continuous 8-10' wide, several hundred foot long strip for plantings and snow storage. Mr. Williams protests the net loss of 8 parking spaces, but. Kirt Rieder feels this would be positive for the bike path. Mr. Williams feels that no parking spaces can be lost; also the rail trail was proposed such that if no parking was there, a stone riprap slope down to this site was originally planned by AE Comm. Mr. Williams says that at the One Stop meeting, the City did not want any trees adjacent to rail trail. Amanda Chiancola clarifies that the that tree comment was that they must be right kind of trees, in consideration of the amount/type of leaf litter that will impact trail. Kirt Rieder opines that a balance must be found, as there are no maintenance free trees. Parking numbers and site configuration drive landscaping.

James Emanuel, Landscape Architect, says that green spaces may be thought of as residual, but that they will have a positive impact for pedestrians and vehicles. The applicant is trying to put in as many trees as possible. They will be adding 60 shade trees. Potential species include red maple, zalcova, autumn gold, honey locust, etc. He notes that there are competing interests between no trees, and having a canopy and trees that do not shed. The One Stop was a meeting with the City; the MBTA has no opinion about trees. The City will be maintaining the bike path and is concerned. Mr. Emanuel notes access along Ocean Ave remains unchanged. Landscaped areas must also accommodate snow storage; storage must not destroy landscaping, so grasses and sedges will be used to this end. They are aiming for a marsh/meadow grass look with trees. Retail requirements are such that existing and new tenants request visibility from the street; they are trying to add as many trees within the site as possible while maintaining frontage visibility. One sidewalk has been reconfigured to enter on Ocean Ave, rather than between one of the southern buildings; the tree canopy there has also been increased.

Kirt Rieder notes there is a trade off as trees are being removed along the back. He asks about the number of street trees per hundred feet along Canal St. There are five City street trees on the sidewalk, and they are proposing 7 or 8 in addition.

Noah Koretz is concerned about buildings 2 and 3 re site planning. He notes improvements on Canal St. and infrastructure improvements; all urban and planning studies in the past decade talk about street wall. This is non-controversial; buildings must come up to the street line. He is disappointed that the two new buildings are set back from Canal St. This is designed in a 90's car dependent way. Certain places on Canal St. feel good to pedestrians, some don't. It is not a pedestrian traditional street, but some buildings come up to the street and feel good. As a potentially transit-oriented development, the pedestrian aspect is important. The buildings speak to an urban context but sit off the street in a sea of parking. Without treatment to make it pedestrian friendly, this is a long length along canal St., he cannot vote in favor.

He asks Amanda Chiancola if the Board can reject a drive-through. There is a special permit with specific findings to be able to approve it. He also does not want to encourage drive throughs in this neighborhood. The train station and rail trail will transform the neighborhood. Mr. Williams and his team did discuss bringing the buildings to the street to create street front, but due to elevations of the street and floodplain, the buildings would have to be elevated substantially above the street, with one 4' above the sidewalk, so they would not be pedestrian friendly. They would require ramps and stairs on the south side; the north building is still elevated 2.5' above the sidewalk, so that is why they are not situated against the sidewalk. Noah Koretz still feels there are ways to creatively deal with that, not that it needs to abut the sidewalk, but there should not be a parking lot between the street and the building. Kirt Rieder and Mr. Williams discuss contours briefly.

Dan Ricciarelli of Seger Architects presents.

Elevations and Massing: concerns were centered on the north building; it now emulates the south building. North building elevations are shown, now with an arcade along the Canal St. side. There will be decks along the back. Renderings are also shown to illustrate massing.

Noah Koretz approves of the architecture; scale is good and it is appropriate to the site. Bill Griset comments on the roof line; he approves of the fact that it is not a mansard line. Kirt Rieder also advocates for the lack of mansard line; moving away from a "shoebox" formation, with the building articulated on front and back, means it has its own positive character. Noah Koretz comments that the second floor decks overlooking trail will be nice. Vice Chair Matt Veno is less offended by site plan, but would be interested in different configurations ideas, and could be convinced that more expression closer to street would be good, however he is not quite as passionately concerned about it as Noah Koretz. He feels that variety of buildings, with some closer to the street and some further away, does have appeal.

Bill Griset echoes that, noting that there are moments on Rantoul St. in Beverly where the sameness of the faces of buildings touching sidewalks make it feel like a tunnel; he understands the emphasis of moving buildings forward, but mixing it up might work better here. Helen Sides appreciates Noah Koretz's point of view, but feels that this applies more to the north building, which allows the existing ones to step back. The corner condition at Ocean Ave. is smaller, so the south building relates as much to Ocean Ave. as the other. She would like to see an alternative site plan. Noah Koretz agrees that the northernmost building would be the most critical one to have on the street. Vice Chair Veno reminds the Board due to the rail trail, the site technically has two fronts, not a front and a back. Buildings moved toward street will be removed from rail trail, which will add pavement between the buildings and the rail trail. The logistics alter the equations and make the central siting of the buildings more logical to him. Noah Koretz would like the Applicant to look at Google Earth satellite and see how the buildings interact with the street.

Helen Sides notes that the two middle buildings "floated" in a sea of asphalt when built. Noah Koretz still feels that this site plan is introducing the type of condition (drive throughs, car-centric) that the Board is attempting to repair on the rest of the street.

Attorney Grover introduces Scott Thornton of Vanasse & Associates, Inc. who has just completed the traffic study.

- Study Area and Site Location Map. Removal of Revere Tan building is good for sight distance and a huge improvement from a traffic as well as site plan perspective. Counts were done at four intersections at critical time periods during the day.
 - Traffic volumes: Canal St. sees 18,000 vehicles perday, with 1,200 vehicles per hour during peak hours. Sidewalks are on both sides; Ocean Ave has them on north side of street.
 - Rail trail alignment and South Salem transit stop are outlined
 - Describes traffic study process
- Trip Generation Summary: Two vacant buildings mean a minimal amount of traffic is currently being generated, though there is some. Loading docks mean that tractor trailers that had to enter would have tied

up Canal St. in order to back in. New Trips represent those new to the area; traffic was analyzed as if the southern building would be a fast food establishment, so this is a conservative estimate (i.e. possibly overestimating the number of trips; however, those trips would pull more traffic off of the street). New trips are outlined.

- 117 AM peak
- 112 Evening
- 167 Saturday mid day
- Level of Service Summary: Unsignalized intersections in the area are already challenging; some locations already have an “F” level of service in the no build condition, and that will not change.
- Future Canal St. Roadway Plan: sight distances are outlined, as are improvements and crosswalks. There will be closure of two curb cuts, relocation of another, and removal of the Revere Tan building, all of which will improve sight distances. Bike lanes are also being added. EV and Zipcar parking will be onsite, along with a bikeshare area in the pocket park.

Vice Chair Matt Venio opens to the public.

Fauaz Abusharkh (a.k.a “Fuzzi”) of 4 Harrison Road disagrees re bringing buildings to street line; he feels having them as is, is good, noting that one is retail so needs parking in front, and that residents will access it from the back with the storefront on Canal St. side. He also agrees that a large expanse of parking in the back will lessen the sense of security. A drive through, if that is the intent, is not a problem. He suggests that Noah Koretz help the Applicant by providing them with ideas.

Polly Wilbert of 7 Cedar St. is concerned about the curb cut by the north building, and cars that may “zip across” the street into the parking lot from the Crosby’s plaza. She notes that traffic moves much more quickly on Canal St. now that improvements have been made. She also objects to the lighting plan, noting that the lights at the Burr Building are not supposed to bleed over property lines, but light pollution is severe. Pedestrian activity will increase in the area once the MBTA station is built, so moving the buildings closer to Canal St. would help make the area less car-dependent, and would entice people to do more walking.

Tim Jenkins of 18 Broad St. asks about the ratio of units of housing to parking spaces. 49 residential units will have 1 space per unit allocated, but it will not be assigned. There is a total of 235 spaces. Mr. Jenkins comments that the architecture has a good urban feel, but to bring the buildings out to the street would make it more of an urban design. This looks like a shopping area, not a living area, even though it is a PUD, so most parking spaces are geared toward servicing retail, and the site assumes that this will be a destination rather than servicing a neighborhood.

Jessica Herbert of 70 Webb St., Chair of the Historic Commission, echoes Noah Koretz’s sentiment re moving the building forward. She is pleased with project, but comments on the trees along the walkway, wondering why leaf litter there is an issue.

Steve Dibble, City Councilor, approves of the recent changes, and agrees with the Planning Board. He asks if the walkway on the north side from Canal St. to the bike path will be lighted. He also asks about the retaining wall and treatment to get to the bikepath. He agrees with Kirt Rieder re widening the planting strip along the bike path.

Attorney Scott Grover notes that existing tenants have parking requirements in their leases, and this cannot be changed. They are trying to minimize parking via shared parking. There are fewer numbers per retail space, and what is planned is also below the zoning requirement of 1.5 spaces per unit for residential. The Applicant tried to approach this situation by asking what is the minimum needed to service the uses on the site.

Attorney Grover feels that most people would probably walk from the residences to the Crosby's plaza. There is no issue and sight distances are adequate, with gaps on Canal St. allowing time to cross. Kirt Rieder suggests that moving the entrance a few spaces over, so that it doesn't line up with the Crosby's entrance, could prevent cars from darting across. The Applicant notes that if curb cuts are offset, traffic turning left would have to wait for a longer gap, as drivers would have to make a two stage turn.

Matt Veno notes that traffic peer review will explore this issue further.

Kirt Rieder asks about photometrics, and the Applicant outlines the target lighting, with a minimum of half a foot candle.

A motion to continue to the February 15, 2018 meeting is made by Helen Sides, seconded by Kirt Rieder, and passes 6-0 with DJ Napolitano abstaining.

D. Location: 65 Washington Street Salem, MA (Map 35, Lot 600)

Applicant: 65 WASHINGTON STREET, LLC

Description: A continuation of a public hearing for all persons interested in the application of 65 Washington Street, LLC for the property located at 65 Washington Street Salem, MA (Map 35, Lot 600) for a Planned Unit Development Special Permit, and a Site Plan Review in accordance with the Salem Zoning Ordinance sections 7.3 Planned Unit Development and 9.5 Site Plan Review. Specifically, the applicant proposes to raze the former Salem District Court building, and construct on the existing foundation a new mixed-use building consisting of sixty-one (61) residential units, two levels of enclosed parking, and commercial/restaurant space on the ground floor. General infrastructure updates to drainage, sewer and landscaping are also proposed.

This item is heard first after the continuances, ahead of Item C.

Council Joseph Correnti of 63 Federal St. represents the petitioner and reviews progress made in previous meetings. They have worked closely with peer reviewers, who will present along with the Applicant's traffic and engineering professionals tonight. Outstanding issues will be addressed by working closely with the Planning Department with the intent of closing those issues on Feb. 15.

One of the principals of the project, Merrill Diamond of Diamond Sinacori was the original respondent to the RFP when it was put out. Mr. Diamond introduces himself and thanks the Board for their consideration, noting that it is a sophisticated, professional Board.

Mr. Gary Hebert, consultant with Stantec, Inc. is the peer reviewer for traffic. His presentation includes the following slides:

Traffic Impact Peer Reviews

- Peer Review Scope – Describes peer reviewer roles, namely coordinating with City and Applicant. Response to peer review letter has been received but not yet reviewed in full
- Peer Review Study Area Overview
- Site Aerial Context
- Site Visit Findings; note that 17 parking space users will go away; spaces will be incorporated into the development
- Traffic Counts & Growth Review; analysis was acceptable
- Trip Generation & Distribution Review; Note that illegal U-turns may increase slightly at Bridge St.

- Crash History Review: important to understand what happens at impacted intersections; none have a particularly high rate; no corrective actions needed
- Traffic Operations & Delays: This is an issue of concern at the signalized intersection, but is not a serious problem. Unsignalized intersections will operate acceptably
- Off-site Traffic Mitigation: Mr. Hebert could see the need to eliminate a third parking space to improve sight lines
 - On Street Loading: This was not mentioned; the City does not like to remove downtown parking spaces to allow loading, however this should be considered, even if only at restricted hours. The loading zone may need to be on the street if using the alley loading zone between Church and Federal Sts. is not feasible
 - Pedestrian mitigation proposed; some changes suggested
- Site Parking Supply Review: Zoning requirements are 1.5 per unit, or 92 spaces. 88 are actually proposed. Mr. Hebert estimates that the need would be for 68-84 spaces for residential. He suggests offering fewer spaces, with a lower cost to tenants who decline parking, to keep parking demand low. Also, he believes that 3-4 ADA compliant spaces required are required. These should be relocated from their proposed area
- Site Parking Operations Review: Compact car spaces are not as well used by compact cars as desired; they are used as people see fit, but cars have been getting bigger, so spaces must be at a reasonable dimension, with backing space behind them. 8.5' is a standard that works best; a 9' width is City standard. Some backing areas are too small; nose to tail backing out should be 42'. One space may not be usable for this reason. 2 spaces are next to a beam so the spaces on either side would need to be spread out a bit
- Second level: There are 19 narrow compact spaces, and tandem parking affects 10 spaces (he notes that the applicant had said 6). In the latter case, people behind and in front are impacted. These types of spaces are not desirable. There is also a narrow backing range on the 2nd floor. The entrance is 18' wide, and while applicant says it will fit a normal car, and the sketch shows they fit, Mr. Hebert notes that people are more comfortable if they have a 2'-3' gap. 20' should be the minimum, and 24' would be best
- Findings:
 - Traffic report findings reasonable
 - On street loading zone, if needed, should be addressed
 - Proposed 67-88 site parking supply likely addresses needs of residents, but not diverted or retail users
 - ADA parking spaces require clarification as 3-4 are needed but only 2 are planned
 - Site parking layout has issues that should be addressed, if feasible

Bill Griset comments that the presentation was thorough and helpful to him. Kirt Rieder asks about the typical maximum angle of a crosswalk. The logistics of the crosswalk are discussed.

Kirt Rieder asks about the current use of the onsite parking lot that is marked for Traffic Court parking; those users will not disappear. Additionally, of the four ADA spaces required, one should be van accessible, and thus wider. This is not reflected in the plans.

Mr. Hebert would like to see schematics of the stackers and the spaces they will affect. Kirt Rieder notes that the Board would also like to see these in context in order to assess their functionality and how they will affect pedestrians and vehicles in the building.

Mr. Scott Thornton of Vanasse and Associates, Inc. who presented the original traffic study, replies to Stantec's comments in their review.

- Proposed Washington Street modifications: A loading zone on Washington St. was considered, but the Applicant was concerned that pedestrians would not be able to see around any trucks parked there, so proposed removing the crosswalk. They presumed that, as the Federal St. crosswalk was well established and nearby, pedestrians could use that.
- Vehicles currently parking on the site belong to employees of the new courthouse. When planning of that site was underway, their parking was proposed to be in the Salem Commuter Rail station; this is a slightly shorter walk for them but they should be parking in the T garage. Thus, what appears to be a loss of 25-40 spaces is in reality more like a loss of 5-15 spaces. If the corner space is a restaurant or commercial use similar to existing businesses on Washington St., drivers could find space on Church St. or Federal St., so there is not necessarily a burden of finding 40 more spaces.
- Vehicle Entering and Exiting Garage: Mr. Thornton feels that 18' is sufficient for vehicles to pass simultaneously, though they do not anticipate this happening regularly given the counts. The two spaces there now would be impacted; whether the third space should be eliminated to improve sight distance can be discussed with the reviewer. DJ Napolitano asks where the closest parking spot in the garage to the entrance is; if a car is parked there, the incoming car would swing close by the outside. That spot would be maintained even if the entrance was widened to 20'.

Helen Sides asks for clarification on the layout of the building; there are full walls on both sides, so visibility will be difficult around the interior corner. It is a descent of 2' after rounding the corner, with the ramp to the lower level an additional descent. The Applicant considered adding a light to let drivers know when cars are coming in or out; this is desirable. Noah Koretz opines that, as long as developer thinks parking spaces will not impede sale of units, he would not recommend more permissive parking. The Applicant knows their demand and what they can sell. Residents are used to tight parking; if it is tight to move around and people have to work with each other, it is not a big deal.

However, he is concerned about the crosswalk as the desire lines are there and it is legal to cross at the curb cuts. DJ Napolitano asks if the loading zone could be moved. Kirt Rieder feels that the loading zone is important, and it should be signed and timed, allowing residents/visitors to park there except during loading. The crosswalk should not be left as is, but should be rotated to allow loading and parking, with better functionality if it is corner to corner. He disagrees that having a truck parked in the loading zone would jeopardize pedestrians, feeling instead that it provides a modicum of protection. Helen Sides notes that large trucks would only be parked there during a limited time period. Matt Veno opines that it has the benefit of giving an extra sight line to those exiting Federal St. and turning right onto Washington St.

Jeff Hirsch of Urban Spaces discusses Construction Management and the Traffic Plan during construction, which is estimated to last from 14-18 months. There are two natural entrances to the site during construction; one is difficult, and they would prefer to avoid staging large trucks on the street. To do this off of Church St. or Federal St. would work, with the latter being more logistically desirable. The transformer there would need to be relocated.

Staging areas are outlined. The Applicant is striving to minimize disruption, so will use Bridge St. onto St. Peter St, as well as the short end of Washington St. onto Bridge St, or the other way around. The various options are described.

Kirt Rieder asks about the location of the transformer and if the street tree there will be removed. If it will be in the way, it will need to be removed and replaced, but if not, the first choice is to save it.

Vice Chair Venio opens to public comment.

Polly Wilbert of 7 Cedar St. is still concerned about avoiding double parking on Washington St. She is concerned about people who will want to “drop things off.” She is also concerned about those who cut through the Church St. lot onto Federal St. While it appears efficient to drivers, that is a heavily parked lot with many pedestrians and should be discouraged. She notes that in previous matters people have asked that tandem parking be denied, so if allowed here, it should be allowed everywhere.

Pam Broderick of 28 Federal gives insight on crosswalk, as she lives at that intersection. She notes that the reason people use the crosswalk in front of the district court is because Washington St. is narrower there; the other one is at the point where three lanes start, so it is a hazard to cross there at certain times of day, as drivers are switching lanes to turn right. Having the loading zone further obscuring visibility is dangerous. It must come back mid-lot, not go all the way to the corner of Federal and Washington, especially if this will become the primary crosswalk.

Bill Ross of New England Civil Engineering presents his Peer Review. This includes matters of flood hazard, stormwater management including pre and post runoff, the impact of development on city utilities, and improving functionality. The Applicant’s response to the 12 issues he had identified was received yesterday.

- Utilities Plan (updated): The entire site is and will be impervious. Proposed changes are outlined. Pre and post runoff: Runoff will not increase; there will be an increase in infiltration; pretreatment is offered. What does not infiltrate will go to Church St. Other runoff will be treated and go to the sewer. An increase in flow is anticipated; the capacity of the City’s systems will be taxed. A new valve on either side of the connection will isolate this development in case of a water main break
- Sewer capacity: There have been issues on Church St. in the past, as the pipes appear to be large enough but they get backed up near Turner’s on Church St. Mr. Ross wonders if this is an issue of deferred maintenance or collapse of the City System. The City Engineer asked that the applicants TV the pipes that start on Church St. then swoop out to Washington St. onto Bridge St.
- Drainage: There are issues on Federal St. during rain events; the Applicant could not see the inverse in drains. When TV’d, one collapsed drain was identified and will be repaired. It was impossible to TV the other, so the City’s Engineering Dept. requests that they complete the investigation down to Bridge St.
- Infiltration: Soil is suitable, with pretreatment and adequate infiltration
- Outstanding Questions:
 - Applicant must show the abandonment of the sewer, which is proposed to be capped at the street but should be capped at the manhole.
 - Investigation limits are a big source of negotiation. Discussion should continue with the City Engineer, and if it is a capacity issue, at what level does the City want the Applicant to address the sewer and drain issue?
 - The Plumbing Plan is incomplete so some aspects are not shown; Mr. Ross would like to see drainage in the garage, including the oil/water separator with vent. This could be conditioned upon approval.

DJ Napolitano asks why the sewer has been changed; Mr. Ross elaborates.

Mr. Tim Williams of Allen & Major Assoc. responds. Some comments were addressed in yesterday's letter. The Developer has saved the City a substantial sum (\$8,000-\$10,000) in cleaning the municipal system; as quotes for CCTV-ing the rest of the system are coming in at \$10-\$15,000, they would like to delay that, especially as the work would occur offsite. Additional discussion of this work occurs.

The location of the rail tunnel on Washington St. is shown on a 1955. The tunnel is on the opposite side of the development.

Vice Chair Veno asks about the closure of the sewer line from Federal St. Mr. Williams notes it is a matter of service into the building, and can provide the Board with additional information.

Additional discussion of tandem and stacked parking spaces occurs; Julia Sayer of Tise Design Associates elaborates. Residents can choose whether or not to have stacked parking spaces in the designated areas. These spaces along with the tandem ones would have to be owned by the same unit. Mr. Diamond notes that all spaces would be assigned, so larger cars could not park in compact spaces. Access to the garage will be controlled via an app or key fob to open the roll down gate; this will also help with vehicles attempting to enter and exit at the same time.

Vice Chair Matt Veno opens to public comment re civil peer review:

Pam Broderick of 28 Federal St. has no concerns about the parking garage, but asks about the loading zones and sight lines for vehicular and pedestrian traffic. She is also concerned about the noise generated by the garage door, which will be audible to nearby residents.

Jeff Hirsch comments on the streetscape; renderings at 6' off the curb are shown.

Attorney Correnti concludes tonight's presentation. They will work with both peer reviewers to close out the remaining issues; the architect is also continuing to work and will work with staff to identify other issues to be addressed on the 15th.

A motion to continue to the Feb. 15th, 2018 meeting is made by Noah Koretz, seconded by DJ Napolitano, and passes 7-0.

I. OLD/NEW BUSINESS

- A. Deliberate and vote on recommendation of the amendment to the Salem Zoning Ordinance Section 1. Sub-section 3.1 Principle Uses of Section 3.0 Use Regulations by deleting: "Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area." And replacing it with: "Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than two acres in area."**

Chair Ben Anderson has provided email comments, which are read into the record, and the City Solicitor has provided the input requested. Chair Ben Anderson cannot support the suggested change. Vice Chair Matt Veno notes that he agrees with many of the points outlined by Chair Anderson.

The Board feels that this change is a blunt instrument being used in attempt to resolve a fine-pointed issue. Leaving aside citywide implications, there is an alternate path forward for the Petitioner through the Accessory Use Provision and Zoning Board of Appeals. Doing nothing, though would lead them to a shutdown as they would not be able to meet USDA and FDA requirements, so this use should be allowed in a residential area in this case.

However, the input from the City Solicitor notes that the Petitioner cannot build what is proposed as an accessory structure, as it exceeds the maximum size allowed in a residential area, plus there are already additional accessory structures on the property, whereas only one is allowed.

Perhaps the relevant section should be reviewed to allow such a structure. Discussion on how to allow small farms to successfully continue in Salem ensues. It is noted that state law supersedes or preempts City Code. Even if the City Ordinance were changed, the fact that the Applicant's proposed structure does not fit the requirements for an accessory dwelling unit would not change. They would still need to go before the ZBA, and this Board would have to change that section of the ordinance re accessory use in order to accommodate this particular parcel. DJ Napolitano notes that these are two separate issues, as in addition to the accessory use, the Zoning Enforcement Officer has ruled that agriculture was not a primary use of that site. Appearing before the ZBA would have allowed some compromise with neighbors.

Amanda Chiancola notes that the Board must recommend approval or denial of this amendment, and can provide suggestions. If the Board does recommend approving the change, the City Solicitor has indicated that said change should include the complete text of the 2010 amendment at the state level. That would align the local ordinance with the state standard. The Board is limited to what is before them on what is really a more comprehensive issue.

The various options and ramifications of an in-favor or opposed vote are discussed. An appeal avenue does exist, and the case law indicates that conditions for a special permit for agricultural uses may not be unreasonably applied.

The Board feels that the scope of changes needed are beyond what is before them. Ultimately, the Planning Board recommends:

The Planning Board recommends that the City Council **not** adopt the amendment as presented, and further recommends that the City Council (1) propose a zoning ordinance amendment that would bring the existing local ordinance into alignment with the Massachusetts 2010 Small Plot Farming Amendment, and (2) that it consider further amendments to the current Zoning Ordinance Section 3.0 (accessory use) to allow for a special permit provision relative to agricultural use.

So moved by Bill Griset, seconded by Dale Yale, and the motion passes unanimously 7-0.

State law language to be added: "Use of land for the primary purpose of agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture on a parcel of 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1000 per acre based on gross sales dollars, in areas not zoned for such uses."

II. APPROVAL OF MINUTES

A. Regular Planning Board Meeting held on January 18, 2018

Postponed to the next meeting.

III. ADJOURNMENT

A motion to adjourn is made by Dale Yale, seconded by Noah Koretz, and passes with all in favor, 7-0.

The meeting ends at 10:20PM.

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: <https://www.salem.com/planning-board/webforms/planning-board-2018-decisions>

Respectfully submitted,
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 02/15/2018

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