

City of Salem Planning Board  
July 19, 2018

A public hearing of the Salem Planning Board was held on Thursday, July 19, 2018 at 7:00 p.m. at City Hall Annex, 98 Washington Street, Large Public Hearing Room, First Floor, Salem, Massachusetts.

Chair Ben Anderson calls the meeting to order at 7:00PM.

**I. ROLL CALL**

*Those present were:* Chair Ben Anderson, Carole Hamilton, Bill Grisct, Matt Veno, Helen Sides, Kirt Rieder, Noah Koretz (arriving late)

*Absent:* DJ Napolitano, and Matt Smith

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

**II. OLD/NEW BUSINESS**

*This section is discussed first, while waiting for Noah Koretz to arrive.*

- A.** Receive and File Chapter 91 Simplified Waterways License Application by Mark Mazuzan, proposing to repair a pier located at 441 Lafayette Street.

There are no comments, the Planning Board received and filed.

- B.** Receive and discuss the draft Adaptive Reuse Zoning Overlay District.

Chair Anderson wonders whether the City or the Developers would benefit from this change; Amanda Chiancola responds that both would. The City will benefit in that these historic buildings would be preserved; the project will increase our housing stock and will include affordable units. The developers will benefit in that they have the ability to adaptively reuse these sites and they will receive flexibility in the dimensional requirements, similar to a Planned Unit Development (PUD).

There will be another public meeting, then a joint public hearing with the City Council later. This change is submitted by the Planning Dept.

The order of the proceedings is explained. Board members have a copy of this, and it is available to the public under "Reports" on Salem.com. It will be posted in the newspaper for the joint public hearing.

Matt Veno asks why the uses are so specific; this is to limit it to uses as housing, similar to the NRCC uses. Kirt Rieder notes that there is no compulsion to require retail, but it is an allowable use. He also mentions affordable housing and asks how it factors in. It is not clear if the units must be sold or could be rented; this should be clarified. Parking requirements are also unclear, and Chair Anderson opines that the underlying zoning requirement would apply since the language is silent on this. This matter should also be clarified. A Loading Zone is mentioned and he wonders if it is for drop off and pickup, or trash only, as screening requirements apply to the latter.

Chair Anderson notes that parking should be made more specific and asks if all properties are in residential zones.

Noah Koretz asks about possible height changes; existing buildings should be focal points and additions should not dominate them and should not be higher. This seems restrictive to him. Chair Anderson comments on a Boston project that was well done, concurring that this could be too restrictive.

Kirt Rieder notes that pavement on some areas is all encompassing re pavement and curb cuts; this could be tightened via the Planning Board, and traffic patterns altered to prevent drivers from cutting across into the street anywhere; this will have an impact on parking. Changes are inevitable.

Matt Veno asks about the pastor's house next to St. Joseph's, which is not listed here. Kirt Rieder asks about Cleveland Rd. vs. Cleveland St. for St. Anne's and this is clarified. Chair Anderson notes that the parking lot at the end is not owned by the Church.

Noah Koretz asks about the inclusion of the barracks at Winter Island, though it would not be used for housing.

### III. REGULAR AGENDA

**Location:** 70-92.5 Boston Street and 11 Goodhue Street (Map 15, Lot 299 & Map 16, Lot 139)

**Applicant:** 139 Grove Street Realty Trust

**Description:** A public hearing for all persons interested in the application for the properties located at 70-92.5 Boston Street and 11 Goodhue Street (Map 15, Lot 299 & Map 16, Lot 139) 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 the redevelopment of the former Flynnan site consisting of removal of three structures on the property, the construction of 50 residential dwelling units within two separate buildings and a commercial retail space with parking provided on the site.

Chair Anderson clarifies that this is a modification to the original Application; it only applies to one building. Attorney Kristin Kolick represents the Applicant. She outlines changes to the project, originally presented in 2016. Construction has begun and suggestions received that the 11 Goodhue St. parcel should be developed; the Applicant has acquired that parcel, which was previously garage use. The addition of five townhouse style units is proposed tonight. Chris Sparages of Williams & Sparages, Civil Engineer, and Architect Tanya Carrier from Khalsa Design are also present.

The townhouses proposed are smaller in scale than those along Boston St., but similar in architecture to the Goodhue St. side of the project. The slope means there are several engineering challenges. The Zoning Board of Appeals (ZBA) has amended all variances already obtained. Design Review occurred previously, and the Applicant will be at next Wednesday's meeting.

A PowerPoint Presentation is made by Chris Sparages:

- Views and description of the area of proposed additional townhouse units (11 Goodhue St.)
- Addition outline:
  - Project layout, grade changes
  - 3,435 square feet will be added; the former Witch City Cycle building was 2,853 square feet; there was some encroachment onto adjacent areas. The new footprint will see a 405 square foot, footprint reduction.
  - Each unit will have a one-car garage bay on Goodhue St., with another entrance on the first floor, Boston Street side, on the same level as the rest of the project.

- A 6' stockade fence is proposed to provide privacy and shielding from car headlights
- Curb cut will be maintained
- Applicant is working with Stantec (City's review Engineer) re Goodhue St. improvements to coordinate sidewalks. Stantec's proposal is described.
- No filling of the flood plain will occur, but a special permit for work in the Floodplain Overlay District, along the driveways is being sought, as it was for another, similar part of the project. They will also need to present to the Conservation Commission
- Pedestrian access across the front of the site is described
- One section of driveway, a 10' strip, will be made of concrete to provide contrast as a pedestrian walkway. The graphic is somewhat misleading, and a clearer image has been sent. The logistics are described. Chair Anderson suggests the drawings be resubmitted in a large plan, for clarity
- Kirt Rieder asks about progress; the building has been demolished but the foundation has yet to be removed. The roadway and this construction can happen independent of each other; the concrete apron is flush for the length of the project; Kirt Rieder would like to see a flush granite curb to provide separation of concrete and asphalt. He also suggests raw iron tactile dome pavers, which are much more durable than the plastic or metal ones with a finish.
- Proposed garages and floodplain are described. Goodhue St. is below floodplain elevation at elevation 10. Calculations determined that flood waters here are the result of ocean storm events; The designation as Land Subject to Coastal Storm Flowage (LSCSF) is distinct, versus inland Bordering Land Subject to Flooding (BLSF) during a flood event. LSCSF can be filled, and no compensation is needed, as there are no performance standards. If Stantec's filing is successful, they will be allowed to fill and have the garage floor elevations maintained at 10 or above, however if they do not get the permit, seeing as DEP has appealed such permits approved by Conservation Commission, fill then garage floor elevations will have to be lower if no fill is allowed
- Utilities are described, and are mostly below grade
- Chair Anderson asks about timing. Stantec received an Order of Conditions from the Conservation Commission, which was appealed by the DEP. Chair Anderson asks about grading plans showing elevations in this area. Garage elevations are further discussed. The project can still comply with Federal flood and building regulations as long as flood approved construction including flood openings are proposed
- No living spaces will be below elevation 10, and floodplain issues are described. Elevations are further discussed

Questions/clarifications:

The ZBA approved of maintaining the curb cut. Carole Hamilton asks about additional variances granted since the original approval; Ms. Kolick describes them. Originally, variances were granted for four items, and the Applicant sought to alter two of them at the ZBA. One was for parking, as the original Decision no longer recites the proper number of spaces. The other variance requested to amend was the minimum lot area per dwelling unit. 60 square feet per dwelling unit were in question.

A landscape architect, Verdant Architects, is employed on the team as well as the architect

Ms. Tanya Carrier of Khalsa Design, Architect, presents.

- Landscape Plan: ground covers, grasses, stepping stones in the back, fencing
- Floor Plans: 5 townhouses, garage level on Goodhue St., first floor on Boston St.. Homes proposed are 1200-1371 square foot units
- Review of architecture in the neighborhood

- Overall Elevations; similar design on a smaller scale as that being constructed. The main entrance and front are on Goodhue St.
- Cross section showing grade difference; garage is more than 14' down from the first floor level
- Perspectives and side elevations
- Color renderings and color descriptions
- Proposed view from Boston Street

The Chair asks about the type of fence and Ms. Carrier elaborates. Chair Anderson's main concern is about a possible grade difference from left to right; he is concerned that the fence might slope with the grade, whereas it should be consistent. Helen Sides asks if it is possible to move the fence more toward Boston St. to give homes more breathing room, as it is only 5' from the house. This can be done. Kirt Rieder comments that the drawing on p.2 shows a vehicular guard rail tight against the fence; the bumper overhand means there is only 6-9" to work with. However, the finished floor elevations are consistent, with less than a 1-foot grade change. Mr. Sparages notes that they would like to remove the guard rail and perhaps place large rocks between parking spaces and the fence. They ensured that there was positive drainage away from the units. Kirt Rieder is concerned that the three dimensional rocks may not be practical, but they can run the scenario. He is also concerned about the removal of the guard rail re snow removal, as snow could be pushed into the fence. The height of the fence is both for privacy and blocking of headlights.

ADA is not required for first floor units in this part of the development. Carole Hamilton notes that this is supposed to be an integral part of the whole project, not a separate addition. Thus, she wonders where the guests visiting one of these townhouses will park. The main lot accommodates visitor parking. While she acknowledges that is valuable, it makes it inconvenient for someone to come in the back door. She feels that the door facing Boston St. should be the main door since that's where guests will arrive. No one other than the owner will come into the main door (actually the owner will drive into garage). The Applicant should relate the back of the building to the rest of the project. Noah Koretz notes discussions of front vs. back in original Plan. The Board felt both should be treated as front, so these townhouses should be treated the same.

Noah Koretz asks if units are small due to parking constraints, asking why they are not 3 or 4 bedroom. This is a three story zone, so height limitations off Goodhue St. apply, but other buildings nearby are taller. Parking is not the issue; these are smaller units to appeal to a different, entry-level market or smaller family.

Kirt Rieder notes that the Boston face of these 5 units will attract visitors and he asks if this means that the gate is always unlocked and open. Yes, unless a resident would unlock it each time. Kirt Rieder notes that this could be done electronically; he is not advocating either way, but they should figure it out. Also, if more people are coming from the Boston St. side, a 2' wide pathway is not acceptable, rather, it should be a minimum of 36". The pathway is 5' but all this means is that the clear dimension from wall to fence is 5', while the pavement is only 2' wide. People will not be able to move in furniture, etc. It is clarified that this is communal egress/access. He likes the 6' high fence as some may want to sit outside and a 6' high fence would provide shade, and will also provide shade for fern species planned. He is generally supportive of this, but feels that as a "smaller cousin" in proximity to the dog park, he does not want this part of the development to go up another floor. He is somewhat critical of the ratio of sweet gums to rhododendrons and asks that the Applicant swap out 3 rhododendrons and put in 2-3 additional sweet gums on the dog park side.

Chair Anderson approves of the submission but comments that drawing must be re-submitted, zoomed in and consistent. Front vs. back is one item that should be addressed.

Chair Anderson opens to public comment.

Polly Wilbert of 7 Cedar St. notes that Public Storage is one of the most unsightly back parking areas, being abused, and filled with trash, with nothing to look at out the back, so if someone wants to look out a window, they will look out Boston St. side. She is worried about “trapping” people inside with nowhere to sit. She asks that the Applicant try to maximize human space to go out into, maybe install a wall to sit on.

Michael Kusick of 19 Putnam St. comments that the upcoming retail marijuana site (not shown, to the top left of the project) means that traffic will be going up and down Goodhue St. to reach it. The Proctor’s Ledge monument also draws traffic in that even though visitors are directed to park at Gallows Hill Park, most park in Walgreens and Dunkin Donuts. A third development should. Also be considered, as Goodhue and Bridge Streets are being made complete streets. This has been approved, so there will be a bike path. Bridge St. will be narrowed with bike and pedestrian accommodations, and he is not sure how this will affect layout of this project.

Dean Bouchet on Boston St. notes that no one has parking across from this development, and he feels parking will be competitive. He is opposed to additional development.

Michael Kusick counters through the Chair that the North River Apartment building has 110 or so parking spaces, no more than 30 of which are taken at any given time. There is an excess of parking across the street, and it poses litter and drainage issues. He feels that parking should be diminished as in the future will be less of a necessity, since the personal car will go away.

*A motion to continue to the September 6, 2018 meeting is made by Helen Sides, seconded by Kirt Rieder, and passes 8-0.*

**A. Location: 1 Jefferson Avenue (Map 25, Lot 649)**

**Applicant: 1 Jefferson LLC**

**Description:** A public hearing for all persons interested in the application for the property located at 1 Jefferson Avenue (Map 25, Lot 649) in accordance with Section 8.1 Flood Hazard Overlay District of the Salem Zoning Ordinance. Specifically, the applicant proposes to demolish a portion of the existing building and construct a 7,553 square foot addition to the rear of the existing building.

Chair Anderson notes to the Board that this Project is being reviewed for a FHOD Special Permit, not Site Plan Review, which will be submitted at a later date. Representing the project is Mr. John Bobreck, of Bobreck Engineering. The owner, Todd Waller, is also present. Mr. Bobreck reviews the site and project, which is next to the police station. Much of the site is gravel with some asphalt and cobbles in the back. The entire grade is below FEMA flood elevation 10; the Conservation Commission granted an Order of Condition. Grading is described. The proposed addition is described. The ZBA has approved a change in use from mixed to multi use with contractor spaces.

Mr. Bobreck addresses the four components of the FHOD requirements.

- The property is and will remain commercial use, and will be updated. New asphalt and landscaping will revitalize the space
- Vehicular and pedestrian movement and safety during flooding are addressed. Flood water will move across the site; passive flood vents are being installed on each garage bay. The site can be easily evacuated
- Utilities are described; water and fire service will be replaced and all other utilities, sewer, and gas, electric, will remain the same. Gas and electric are above the FEMA flood elevation
- Proposed use is not in a FEMA VE zone so condition #4 does not apply

Chair Anderson asks if the entire site would be submerged in a flood event; it will. He asks about the front elevation and this is 8.5; thus there will be 18" of water around the building, but there will be some areas not entirely flooded. This is also LSCSF according to the DEP.

The Chair asks about backflow preventers; there is currently one on the sewer line, and this will be put on the drawing. Chair asks about safe egress from the building as the whole site could flood. The garage is at 8.4 and the first floor is more than 2' above flood elevation. This should also be shown on the drawing. A safe gathering place should be provided. Mr. Bobreck describes a mezzanine and second story offices on the second building. The existing building is not ADA accessible; the new addition will be. There is no safe area of refuge for those with mobility aids to await assistance, so they would have to go outside to await assistance, as that level is on grade. It is noted that this is within the last 50' of the flood zone, so anyone onsite would have ample warning time before it actually flooded.

Clarification is sought as to why a Flood Hazard Overlay District Special Permit only is being sought, rather than full Site Plan Review at the is time. There was some miscommunication, and while the Applicant wanted to present everything tonight, the rest of the materials will be submitted tomorrow morning. No comments have been received from other City Departments, but should be in the next couple of weeks. The Applicant wishes to come to the next meeting in Sept. and address any concerns. The Board can combine FHOD and SPR and then vote on both at once.

Chair Anderson wonders about basements but there is none on the existing building; it is just a garage. A concrete elevated platform is also there, above the floodplain. The specific operation can be anything in an industrial zone commercial space. Chair Anderson notes that re parking lots, the Board usually seeks an oil and gas separator; it was not believed to be necessary based on uses and the Conservation Commission agreed. This decision can be provided. An oil/water separator is provided before discharge into the City system, so there will be some level of treatment.

Kirt Rieder notes that it would be helpful for the Applicant to note that they do or do not have to provide an accessible route to the commercial space. This can be examined.

Chair Anderson opens to the public but there are no comments.

A motion to continue to the Sept. 20, 2018 meeting is made by Helen Sides, seconded by Noah Koretz, and passes 7-0.

#### **IV. APPROVAL OF MINUTES**

**A.** Regular Planning Board Meeting held on June 21, 2018.

Minutes are not available so this item is tabled until the next meeting.

#### **V. ADJOURNMENT**

A motion to adjourn is made by Noah Koretz, seconded by Bill Grisct, and passes 7-0.

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 09/20/2018

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