

City of Salem Planning Board

October 18, 2018

A public hearing of the Salem Planning Board was held on Thursday, October 18, 2018 at 7:00 p.m. at City Hall Annex, 98 Washington St., Large Public Hearing Room, First Floor, Salem, Massachusetts.

Chair Ben Anderson calls the meeting to order at 7:05PM.

I. ROLL CALL

Those present were: Chair Ben Anderson, Matt Veno, Kirt Rieder, DJ Napolitano, Matt Smith, Noah Koretz, Bill Grisette, Helen Sides

Absent: Carole Hamilton

Also in attendance: Ashley Green, Staff Planner, and Stacy Kilb, Recorder

II. REGULAR AGENDA

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

Applicant: 1 Jefferson LLC

Description: A continuation of a public hearing for all persons interested in the application of 1 JEFFERSON LLC for the property located at 1 Jefferson Avenue (Map 25, Lot 649) for a Site Plan Review in accordance with the Salem Zoning Ordinance Section 8.2 and Section 9.5 and a continuation of a public hearing for all persons interested in the application of 1 JEFFERSON LLC for the property located at 1 Jefferson Avenue (Map 25, Lot 649) for a Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance Section 8.1. 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 to accommodate eight (8) garage bays and a mezzanine space on the second story. Associated improvements to stormwater management, utilities, parking and landscaping are also proposed.

Bill Grisette is recused from this item.

John Bobreck of Bobreck Engineering presents the Applicant's responses to New England Civil Engineering's Peer Review comments, all of which have been resolved or will be conditioned in the Decision.

- Parking requirements have been met
- Utilities and defining elevations resolved
- Grades revised, including spot changes and contour lines
- Drainage catchment delineation researched
- Demolition Plan now includes demolition of City's fence and installation of a new fence
- Soil boring data will be provided to the City
- Sewer Service – Reviewer requested that the Applicant review condition of existing sewer; Applicant is OK with this condition
- City requested CCTV inspection; Applicant agrees to this condition
- Onsite drainage calculations re offsite drainage issues
- Installation of on valve to drain line to City system is now shown
- Applicant will clean drain line

- Sanitary sewer piping – a separate sewer entering building is now documented; oil/water will go into a separate manhole and discharge to City Sewer; MEP drawings will be reviewed
- Existing Conditions question now resolved; Applicant will cut, cap and abandon existing water service in the street
- Valve added on street for fire service
- Gas service now shown
- Roof drainage; MEP plumbing drawing will be provided
- Peer reviewer noted surface elevation must be mounded 4-6" over PMP; Applicant is aware and Plans will show this and be submitted to City Engineer
- Will test pit area during foundation excavation to ensure area matches groundwater borings
- Infiltration BMP: Detail sheet instructing contractor on how to install had "optional" instructions deleted, will be installed as manufacturer recommends
- Two street trees requested were added to the site plan

Chair Anderson asks about the sidewalk across the driveway; the curb will be removed and reset with a concrete walkway and ADA compliant aprons across the entire width.

Bill Ross, Peer Reviewer, feels that all his concerns were addressed or put into conditions including questions he had in regards to the infiltration BMP. Details on the BMP will be provided to City Engineer during the design/build phase. The drainage/sewer to Mill Rd. will be CCTV'd and information provided to the City Engineer.

Kirt Rieder asks about the absence of cross-slopes and this is discussed. Changes will be made depending on groundwater conditions, which are currently unknown. Added as a condition: Cross slope of pavement not to exceed 1.75% maximum.

Chair opens to public comment but there are none.

A motion to close the public hearing is made by DJ Napolitano, seconded by Helen Sides, and the motion carries with Bill Griscti recused.

The Chair reviews the Draft Decision.

On p. 1, Matt Veno asks if the conditions referenced by the peer reviewer are included in this draft. They are.

On p.2, (2. IV) Kirt Rieder adds a condition stating that prior to issuance of a building permit, the applicant shall submit revised plans to the City Planner to include a five (5) foot wide ADA accessible path along the east side of the building.

On P. 6 Bill Ross notes that 13 D & E, 14 B and C should state that all those items shall be submitted to the City Engineer (it did not specify to whom they should be submitted).

A motion to issue the Draft Decision as amended is made by Noah Koretz, seconded by Matt Smith, and passes in a roll call vote with Ben Anderson, Matt Veno, Helen Sides, Kirt Rieder, Matt Smith, DJ Napolitano and Noah Koretz in favor.

- B. Location:** 72 Flint Street and 67-71 Mason Street (Map 26, Lots 91, 95 & 97)
Applicant: Riverview Place, LLC
Description: *The applicant requested a continuance to the regularly scheduled meeting on THURSDAY, November 1, 2018* of a public hearing for all persons interested in the application of Riverview Place LLC for an Amendment to the previously approved

Site Plan Review decision, Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District, Flood Hazard District Special Permit, and Stormwater Management Permit, for the property located at 72 Flint St. and 67-71 Mason St. (Map 26, Lots 91, 95 & 97). As amended, the applicant proposes reduction in the number of parking spaces from 309 spaces to 217 spaces including elimination of the parking deck, enhanced landscaping, reduction of the size of the building along Mason Street, and relocation of the commercial space.

A motion to continue to the Thursday, Nov. 1 meeting is made by DJ Napolitano, seconded by Matt Veno, and the motion carries with Noah Koretz not voting.

- C. Location:** 94 Washington Square East (Map 35, Lot 536)
Applicant: Spire Investments LLC
Description: A continuation of a public hearing for all persons interested in the application of SPIRE INVESTMENTS LLC for the property located at 94 Washington Square East (Map 35, Lot 536) for a Site Plan Review in accordance with the Salem Zoning Ordinance section 9.5 Site Plan Review. Specifically, the applicant proposes to restore the historic mansion and construct a two-story addition to the existing one-story rear structure to return the property to residential use with a total of eighteen (18) residential units. Associated improvements to the parking lot, site access, landscaping, and utilities are also proposed.

Attorney Scott Grover, 27 Congress St., represents the Applicant.

Also present:

Jay Goldberg, Principal

Steve Sawyer, Moran Cameron Civil Engineering

Bridget Fortin, Pitman & Wardley, Architect

Mr. Steve Sawyer, Civil Engineer, presents changes to the landscaping and site plans. Mike Radner, Landscape Architect, is not present tonight.

Site Plan changes include:

- Revised curb layout for fire access; widened to 20' with concrete apron on Bridge St.
- Second curb line also widened
- Washington Sq. East has also been widened and tapered in for emergency access
- Concrete sidewalk along Briggs to property line will be replaced; a tree where sidewalk is heaving will be removed
- Handicapped emblem is shown

Landscape changes

- Valley Forge Elms will now be planted
- Two others will be replaced with pin oak
- Metal decorative fence will be maintained

Lighting changes

- Height of fixtures has been increased, will now be a cutoff teardrop facing down
- Number of fixtures needed reduced to 7 from 9 or 10

Kirt Rieder asks what is the obligation/ability of Applicant to remove City street tree? They must either go through process with the tree warden or the trees in question must be an ADA compliance issue. Kirt Rieder also asks if the Applicant addressed the preference to have concrete on the Washington Square East sidewalk. The Applicant

prefers to maintain that as bituminous for maintenance purposes. However, the Board prefers a change of material and color to indicate pedestrian primacy parallel to the traffic pattern. Asphalt works against this, so Kirt Rieder prefers brick, though it is not ideal for plowing. Brick is adjacent as well. Other Board members concur that asphalt is a downgrade and prefer brick, which if installed correctly is not an issue. The Applicant will consider the change but mentions there is not brick there currently. DJ Napolitano notes that the Board wants to try and restore the historic look of the neighborhood; the site plan review process allows the Board to request these types of changes to improve the neighborhood, not just maintain what is existing. Brick would be safer for pedestrians, providing a visual cue to drivers that pedestrians have priority. The Applicant is receptive to installing brick but wonders about upkeep as part of it is City sidewalk. If installed correctly with new techniques (such as an asphalt base, as on Bridge St.) it won't be an issue. How to set bricks to accommodate vehicle loading is discussed. They can coordinate with the Engineering Department on specifics of how to lay bricks.

Bridget of Pitman & Wardley presents architectural changes:

- Proposed building material changes: was white, now light and dark tan
- Divided light windows now proposed
- All trim and siding materials will be the same, fly ash based, 20+ year warranty, waterproof, must be painted

The Board approves of the changes. Noah Koretz asks why shutters have been added to the extension as the original structure does not have shutters. This is to mimic the rest of the streetscape. Kirt Rieder likes the black window outlines and feels shutters are not needed. Several Board members agree that shutters and ornamentation on the new segment draw the eye away from the historic structure, which is what should be highlighted. The Applicant is amenable to removing the shutters.

The mansard roof is also discussed at length. Some Board members feel that it, too, distracts from the historic structure. The Applicant notes that this project went in front of the Historical Commission, though it is not in a historic district; changes were made due to the input of that Commission. Bill Grisette is impressed by the effort to go to Historical Commission even though it was not required, as is Noah Koretz.

Jay Goldberg, Principal, asks for relief from the Affordable Housing restriction referenced in the Draft Decision. Originally 20 units were planned, but now there are only 18, and he cites an atypical, tight profit margin as reasons to only include one affordable unit. DJ Napolitano asks about the Applicant making a donation to the Transportation Enhancement Fund, but Mr. Goldberg feels he is reducing traffic flow to the site, so is already helping the City.

Matt Smith opposes decreasing the affordability requirement; many cities developers do not have a choice. He would like City to adopt affordable housing as a requirement. DJ Napolitano is concerned about setting a precedent in this section of the City, as all projects here would be smaller developments. Matt Smith notes that this is in a desirable neighborhood, so the Developer has a better chance of making a profit with affordable units. The Developer notes that this is an old building that needs a lot of work. Matt Veno points out that the affordability requirement is not a new expectation, but is consistently expected so should not be a surprise.

Bill Grisette feels the relief may make sense to help this developer get the project in decent shape. He does not feel it would be precedent setting. Kirt Rieder feels that 2 should be required, as does Matt Smith, who feels he would rather have a non-mansard roof and less brick, plus 2 affordable units.

Bill Grisette comments that there has already been a voluntary reduction from 20 to 18 units, with the loss of significant profit, so the Board should not hound a developer over a last little piece, even if significant. DJ Napolitano would prefer to get rid of the brick but maintain the affordable unit. He points out that since 2010, only 4 affordable units have come online. While there are more in the works, it took 8 years to get 4.

Noah Koretz feels that the Board has been reasonable with positive comments, and he wants both brick and affordable units. This Board has approval authority and can ask for both these concerns to be addressed. Mr. Goldberg notes that of all the apartments he owns in Salem, 75% are affordable, and he puts veterans in his housing, more than any other owner in the City, otherwise he would not ask this. Helen Sides also feels the second affordable unit should not be given up.

Chair Anderson opens to public comment.

Mike Redburn of 4 Andrew St., who lives next door, comments that the neighbors all wanted less density and were pleased with the reduction to 18 units. They also were very much in favor of a mansard roof, as they “hated the big square box.” They also liked the brick in middle on Briggs St. side and asked for it added on the Andrew St. side. He agrees that the shutters should be removed.

A motion to close public comment is made by Matt Veno, seconded by Helen Sides, and the motion carries.

The Draft Decision is reviewed.

On p. 1 Noah Koretz notes that the Plans as submitted should contain an exception that the shutters be removed from the front and rear elevations on Briggs St. and parking lot sides.

The brick sidewalk on the East Washington St. driveway apron should also be noted as a required Plan change.

A motion to approve the Draft Decision with amendments is made by Matt Smith, seconded by Noah Koretz, and passes in a roll call vote with Ben Anderson, Matt Veno, Helen Sides, Kirt Rieder, Matt Smith, DJ Napolitano, Bill Grisct, and Noah Koretz all in favor.

D. Location: 18 Commercial Street

Applicant: The Columbus Society of Salem Inc.

Description: A public hearing for all persons interested in the application of THE COLUMBUS SOCIETY OF SALEM INC. for a Special Permit per Sec. 8.4.5 Table of Uses – NRCC District of the Salem Zoning Ordinance, to allow the applicant to operate a fraternal organization at 18 Commercial Street (Map 26, Lot 51)(NRCC Zoning District).

Attorney George Atkins of 65 Congress St. represents the Knights of Columbus (K of C) in their process of finding a new location. They are currently seeking a special permit for use at 18 Commercial Street. Relief from the parking requirements of the ordinance was obtained from the Zoning Board of Appeals.

Mr. Atkins outlines the standards of the NRCC and describes how the Project complies.

Areas of the NRCC are segmented in the master plan; in this area, the plan “encourages funky uses.” The K of C may not fit that definition; however the Plan also discusses mixed uses and cultural connections with the community, which it does fit. This is a much smaller, different building; with decreasing membership across all social clubs, reduced activity must be accommodated. This will be a members-only club, with no public events supported. However the Board of Directors does want to continue its cultural connection in a small way. Facilities may still be available to certain Salem groups and clubs. Scott Englehard, President and Grand Knight, says that such meetings are usually for groups of less than 10. (Little League, Garden Club, etc.) Membership is only a nominal cost.

Commercial St. is, well, commercial in character. The Applicant met with neighbors, and the abutters are an oil company and a veterinarian. To the North is a housing development under construction. The Developer of that project did not want any activity in the rear of the K of C building. There is not much space but the doors will only be for emergency access. Windows in the rear except for those in the storage room will also be blocked. The old K of C was a smoking facility but will change to nonsmoking, and will provide a smoking area in front on the porch.

The number of active members is discussed; on a typical evening, total of 10-20 people might use facility, 8-10 at any one time. The parking lot on the Common typically had 6-12 cars with 13 provided spaces. Facilities are typically used late in the day, on evenings and weekends; Commercial St. is not as active during these times. There will be an improvement in neighborhood security in this isolated area.

Regarding fiscal matters, this project will not be increasing the tax base, but that was accomplished with the sale of the previous building. Also there is some economic benefit in having the K of C be part of the community.

Chair Anderson asks if the existing building they will move into is currently is empty; it is. A prior owner had problems, including a back tax issue that this transaction should resolve. The previous tenants also created problems for abutters.

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

A motion to close the public comment period is made by DJ Napolitano, seconded by Matt Smith, and passes with all in favor.

The Draft Decision is reviewed. Noah Koretz asks about the proper disposal of cigarette butts. A container will be provided.

Chair Anderson is happy to see the Knights continue in Salem, and appreciates the services they have provided to the City over the years.

A motion to issue a Special Use Permit is made by Kirt Rieder, seconded by Matt Veno, and passes unanimously in a roll call vote with Ben Anderson, Matt Veno, Helen Sides, Kirt Rieder, Matt Smith, DJ Napolitano, Bill Grisct and Noah Koretz in favor.

- E. Location:** 108 Marlborough Road and 5 Vista Avenue (Map 9, Lots 28 & 68)
Applicant: Mark J. and Maryann J. Terry and Derek J. Terry, Trustees of Marlborough Road Nominee Trust
Description: Request for endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR).

Mr. Mark Terry and his wife, Maryann, are present. The logistics and square footage of the original lots are described. Mr. Terry has two lots, one of which fronts Marlborough Rd; the other fronts Vista Ave. He gave his daughter land to improve her driveway when she moved in next door. This will make the lots more logistically sound. It also makes sense from a tax standpoint.

A motion to endorse the plan is made by DJ Napolitano, seconded by Helen Sides, and passes with all in favor.

OLD/NEW BUSINESS

- A.** *Receive and file Chapter 91 Waterways License Application by South Harbor Holdings, LLC, proposing authorization of an existing nonwater-dependent building and associated interior and exterior facilities of public accommodation and the construction of a 10-foot wide cantilevered harborwalk at 283 Derby Street.

Administrative in nature; no action required on the part of the Board

- B.** *Receive and file Chapter 91 Waterways License Application by South Harbor Holdings, LLC, proposing authorization of an existing nonwater-dependent building and associated interior and exterior facilities of public accommodation and the construction of a 10-foot wide cantilevered harborwalk at 285 Derby Street.

Administrative in nature; no action required on the part of the Board. The location of the harborwalk is clarified.

- C.** Draft Bicycle Parking Guidelines – Request for Comment/Input.

Discussion is postponed until the next meeting. There is some question as to the possibility of a reduction in parking with additional bike infrastructure. It is not possible for this venue, as it would require a zoning change.

Noah Koretz asks if more straightforward applicants, such as ANRs, can be put on the agenda first, so they do not have to wait through more complex and much longer items to be heard. Chair Anderson feels this would be acceptable.

III. APPROVAL OF MINUTES

A. Regular Planning Board Meeting held on September 6, 2018.

A motion to approve the September 6, 2018 minutes, with minor corrections, is made by Matt Veno, seconded by Matt Smith, and passes 7-0 with Noah Koretz abstaining.

B. Special Joint Planning Board and City Council Meeting held on September 17, 2018

A motion to approve the September 17 joint meeting minutes, with minor corrections, is made by Matt Veno, seconded by DJ Napolitano, and passes 6-0 with Bill Grisct and Noah Koretz abstaining.

C. Regular Planning Board Meeting held on September 20, 2018.

Postponed to the November meeting.

Additional Items:

The project at 9 South Mason St.: Juniper Point Ice Cream Factory submitted a construction schedule, and is hoping to be on the agenda for the Nov. 1 meeting. However, it may be a bigger discussion than just construction schedule as they are considering phasing of the project as a whole. A request to change landscaping has not been submitted; changes may be substantive so they were asked to present to the Board should they want to proceed with those changes. Items already on the Nov. 1 agenda are described. The Board agrees to add it to the November 1st agenda.

Helen Sides notes that the Design Review Board (DRB) needs another member due to a resignation; a landscape architect would be ideal.

IV. ADJOURNMENT

A motion to adjourn is made by Kirt Rieder, seconded by DJ Napolitano, and passes unanimously.

The meeting ends at 8:49PM

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 11/1/2018

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