

**City of Salem Planning Board
Approved Meeting Minutes
Thursday, October 19, 2017**

A public hearing of the Salem Planning Board was held on Thursday, October 19, 2017 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Chair Ben Anderson opens the meeting at 7:01 pm.

I. ROLL CALL

Those present were: Chair Ben Anderson, Kirt Rieder, Noah Koretz (arriving late), Dale Yale, and Carole Hamilton, Bill Griset

Absent: Matt Veno, Helen Sides

Also in attendance: Amanda Chiancola, Staff Planner

II. ROLL CALL

III. REGULAR AGENDA

A. Location: 16, 18 and 20R Franklin Street (Map 26, Lots 400, 401 and 402)

Applicant: JUNIPER POINT INVESTMENT CO LLC

Description: *The applicant requested a continuance to the regularly scheduled meeting on **THURSDAY, NOVEMBER 2, 2017** 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; 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 November 2, 2017 meeting is made by Bill Griset, seconded by Kirt Rieder, and passes 5-0.

B. Location: 19 & 23 Congress St; 223-231 & 235 Derby Street.

Applicant: THE SALEM WATERFRONT HOTEL & SUITES, LLC

Description: A public hearing for all persons interested in the application of The Salem Waterfront Hotel & Suites, LLC for an amendment to the approved Planned Unit Development Special Permit, Site Plan Review, and Flood Hazard District Special Permit. As amended, the applicant proposes to reduce the building from 5 stories and a height of 67 feet to 4 stories and a height of 54.5 feet, a reduction in the total number of hotel rooms from 42 to 34, and adjustments to the façade.

Presenting for the Applicant is Attorney George Atkins, 65 Congress St. Salem. Also in attendance are Tony Sasso, manager, and Peter Pittman, project manager, of Pittman architecture Salem. Attorney Atkins outlines the history of the project, which was originally permitted in July of 2014. Extensions have been obtained as the DEP and Chapter 91 were long processes. Further DEP input is required, however market conditions for hotels in Salem have changed thus his clients have had to take that into consideration. The

banquet space is no longer needed, and fewer rooms are planned. The scale of the building will be reduced, keeping the same footprint, so there are the same site requirements. There are some architectural changes as well. Changes are described, with the second-floor banquet space now proposed as rooms and the fourth-floor rooms will be a restaurant/bar/lounge with a small space for events. A small deck has also been added. Prior and currently proposed drawings have been supplied.

No changes in site review requirements are necessary. Peter Pittman, project architect, of 33 Church St. presents. The primary difference is the overall building height. Otherwise, the overall fenestration of elevation was explored. Hybrid-contemporary has given way more traditional detailing on all sides for a more “authentic” concept. Massing is more proportioned with other structures in the neighborhood. Also the building was viewed as having all sides as fronts, so the water side is being treated as well as parking lot/entrance side. Also, mechanical penthouse elements are not well screened at present, so now a well has been proposed behind the mansard, and all mechanical systems will be recessed within.

There are no significant changes on the first floor. The original design was much higher than the existing hotel. The proposed design is shorter than the existing hotel. Attorney Atkins discusses public access via Chapter 91. Public access is on the top floor.

The layout of the addition is described briefly, again. There will be some external seating outside.

Kirt Rieder asks about the previous architect; it was a different one. He feels that the reduction in height may make reception of the project more positive. A connector bridge was originally proposed, but removed from the plans prior to approval. Kirt Rieder comments on the change in façade and Mr. Pittman notes that they are trying to capture a warmer, more inviting elevation.

Bill Griset asks about the outdoor space; there is no change proposed. The “tower” or gazebo is being reduced from two stories to one story. It has to do with Chapter 91 access re provision of a walkway or “gateway.” The planting plan is also the same. This is not an SRA (Salem Redevelopment Authority) project.

Chair Anderson notes that the composition of the Planning Board has changed, with four new members since the original Plans were presented. He asks that materials be added to the Plans along with notes on elevations, and that the Applicant present a material board before final approval is given.

Parking requirements and the agreement with the lot on Congress Street are not changing. Landscaping and site design are not changing. The same Landscape Architect will be used.

Kirt Rieder asks about the windows, wondering if they are identical to what was previously approved; they are. He does not see the need to bring back sample boards if there are no material changes. Amanda Chiancola states that this is up to the Board.

Chair Anderson opens to the public.

Hugh Mulligan owns a unit in a nearby building, and wonders how the development will affect his view. The Applicant believes the view will be not be as obstructed as it was under the previous Plan. Mr. Mulligan asks about the timetable for work, but the busy period of October must pass, and this Board must approve the process; this is the only Board that must approve.

A letter from Dorothy Rieskowski of 7 Herbert St. is read into the record. Her concerns include parking and traffic, however Amanda Chiancola notes that there is parking on Congress St. but not on Herbert St. Logistics are discussed. Amanda will call Mrs. Rieskowski to clarify the error in the notice.

There are also comments from City Engineer Charles Dam, no modifications are being requested, however they are requesting an increase in the drainage relocation allowance figure from \$100,000 to \$150,000 as the complexity of the project has changed due to utility upgrades in the area.

Attorney Atkins notes that that figure was arrived at as part of the original decision, after much negotiating, and did take into account upgrades to the gas line that all parties were aware were coming. It was presumed that this was a fixed number and he would like to speak to City Engineer David Knowlton again.

Operational logistics of the 4th floor restaurant are discussed; it is uncertain if it will be operated by the hotel or a third party.

Kirt Rider notes that the most salient complaint about the original proposal was the height of the building, so he is inclined to approve the project despite other factors he did not wholeheartedly approve of. However, the question of utilities forces the Board to delay approval.

Attorney Atkins feels that the original drainage relocation figure was an allowance, and one of the points of discussion had been whether or not the original figure was too much at the time. He also feels it is unfair to bring up the issue in this proceeding.

A motion to continue to the Nov. 2, 2017 meeting is made by Kirt Rieder, seconded by Noah Koretz, and passes unanimously in a roll call vote with Ben Anderson, Carole Hamilton, Kirt Rieder, Bill Grisct, Dale Yale, and Noah Koretz (6) in favor and none (0) opposed.

IV. OLD/NEW BUSINESS

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

Applicant: 2 PARADISE RD. LLC

Description: An insignificant change request to the previously approved Site Plan Review, specifically to allow a certificate of occupancy to be issued prior to planting the twenty-two (22) trees identified on the approved landscaping plan because the trees will not be guaranteed if they are planted in the fall. The owner proposes to provide a surety bond to the city as assurance that the trees will be planted in the spring.

Here for the applicant is Bart Freddo, owner of Vesuvius Restaurant 2 Paradise Rd. and 539 Loring Ave., who would like to delay planting to spring as per the Description. Everything else will be done but the trees; the amount of the bond would be \$6276 to cover the trees only, not including the rest of the landscaping.

Kirt Rieder finds it astounding that a nursery would suggest a spring planting; the time to plant is now. The applicant outlines some logistical issues with the nurseries; Northeast Nursery would not guarantee the trees and the New Hampshire one would guarantee them at 50%. Kirt Rieder notes that the only reason he is amenable to the change is because the hurricane impacted the availability of plant material across the entire Northeastern U.S., impacting his business as well.

Chair Anderson sympathizes with applicant, agreeing that if the trees won't be warranted, that is an issue.

Kirt Rieder asks what the mechanism is to verify that they are planted. Before the surety bond is released the Planning Department will verify this.

Normally labor is included in a surety bond, but this is what has been proposed by the applicant. The amount for labor would be the same as the amount for the trees, according to the Applicant. \$12,552 would be the full amount, including labor. Mr. Griset recommends a \$12,000 bond.

A motion to approve the delay with the submittal of a \$12,000 bond is made by Dale Yale, seconded by Carol Hamilton, and carries unanimously, 6-0.

B. Receive and File Chapter 91 License Application Notification of the project located at 289 Derby Street.

Amanda Chiancola states that this is for 289 Derby St, the “carnival lot” that the city is developing as a park. Board members have the application in their Drop box, and can submit any comments to her, and she will forward them to the DEP. No vote is needed.

C. Discussion on of Vacant Planning Board Seat

Kirt Rieder mentions he found a suitable candidate, but also that this is a discussion that should be put off until more Board members are present.

D. Letter of Support Re updating subdivision regulations

The Executive Office of Energy and Environmental Affairs (EEA) is offering a grant for municipalities to update their Regulations to meet the strategies advised in the Climate Adaptation Action Plan. Such strategies include increasing urban forestry, adding low impact development techniques, including complete streets, etc. Such strategies are in place throughout City documents, but are not aligned with Subdivision Regulations.

V. APPROVAL OF MINUTES

A. Regular Planning Board Meeting held on September 21, 2017

A motion to approve the minutes with minor corrections is made by Noah Koretz, seconded by Dale Yale, and passes 5-0 with Bill Griset abstaining

VI. EXECUTIVE SESSION

A. Enter into Executive Session: Pursuant to MGL Chapter 30A, Section 21 (a), to conduct strategy sessions with respect to the legal position of the Planning Board and litigation regarding following applications as having the discussions in open session would have a detrimental effect on the litigation position of the City and the chair so declares, with respect to the following matters:

- a. Nathan Jacobson v. The City of Salem Planning Board regarding the Definitive Subdivision at 14 Bertuccio Avenue
- b. Donald Harlow-Powell v. The City of Salem Planning Board regarding the Definitive Subdivision at 14 and 16 Alameda Avenue

- c. Federal Neighborhood Association et. al. v. The City of Salem Planning Board regarding the Flood Hazard Overlay District Special Permit at 293 and 297 Bridge Street

A motion to enter into Executive Session, pursuant to the above MGL Chapter 30A etc., is made by Noah Koretz, who states that the regular meeting will not resume after the Executive Session. He is seconded by Dale Yale, and the motion passes 6-0.

VII. ADJOURNMENT

A motion to adjourn is made by Kirt Rieder, seconded by Dale Yale, and passes with all in favor 6-0.

The meeting ends at 8:05PM.

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-2017-decisions>

Respectfully submitted,
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 12/7/2017

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