

**City of Salem Planning Board  
DRAFT Meeting December 5, 2019**

A public hearing of the Salem Planning Board was held on Thursday, November 21, 2019 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, Kirt Rieder, Matt Veno, Helen Sides, Noah Koretz, DJ Napolitano, Bill Grisct  
*Absent:* Matt Smith, Carole Hamilton  
*Also in attendance:* Mason Wells, Staff Planner and Tom Daniel, Planning Director  
*Recorder:* Stacy Kilb, Clerk

**II. REGULAR AGENDA**

**A. Location:** 45 Traders Way and 40 First Street (Map 08, Lot 159; Map 13, Lot 0011)

**Applicant:** Trader's Way Residential Holdings, LLC

**Description:** A continuation of a public hearing for all persons interested in the application of TRADER'S WAY RESIDENTIAL HOLDINGS, LLC for the properties located at 45 Traders Way and 40 First Street (Map 08, Lot 159; Map 13, Lot 0011) for an amendment to a Planned Unit Development Special Permit and Site Plan Review decision in accordance with Salem Zoning Ordinance section 7.3 Planned Unit Development and section 9.5 Site Plan Review. Specifically, the applicant proposes to amend the PUD and SPR decision dated September 18, 2018. Proposed are revisions to walkways, storm drainage systems, and other site grading and retention alterations due to site conditions and building entryway alignments. The applicant also proposes revisions and clarification to the building architecture, footprints, and landscaping. The applicant does not propose further disturbance of wetland areas nor building footprint shifts more than a few feet.

Mr. Nick Delaclava, Civil Engineer, Allen & Majors outlines changes to the Plan:

- Building footprints to remain the same
- Dog park relocated away from the wetland
- Dumpster pads consolidated
- Walkways relocated, one eliminated (top of Plan)
- Elimination of parallel parking spaces adjacent to wetlands, slight relocation of drive aisle near building 10 and addition of some green space. Size of related wall has been reduced
- Parking spaces added near entrance to 1<sup>st</sup> Street and tightened intersection to better define it; stop bar and sign have been added
- Pervious area increased by 1300 square feet
- Elevation changes to allow for windows and patios on Building 10; design has been refined and a wall added after coordination with civil engineering. Grade will be at or below finish elevation of the 1<sup>st</sup> Floor
- Building #60 grades and finish floors have also been adjusted to provide accessible route into the building; similar changes at Building #70
- Wall at First St. added b/c the area was flattened

Chair Anderson asks if the building finish floor elevations are the same; some are higher, some lower than originally proposed. The slope of the site and grading plan are discussed. Mr. Delaclava feels the elevation changes are minor; two doorway locations are now being provided so the grades had to be changed to accommodate.

Chair Anderson asks about the original intention of the walkway in the upper left hand corner of the Plan; Mr. Delaclava does not see any use for the walkway, as pedestrians would stay on Traders Way until they get to the retail area, then they would enter there. This is residential vs. retail space. No walkway was ever proposed to go all the way around the wetlands; originally there was a dead end walkway at each end. The current proposal has shifted the walkway about a foot away from the building.

DJ Napolitano also asks about the eliminated walkway; ideally people who live there would be able to walk to the Market Basket plaza; now they have to walk down and around. Residents can access another walkway but the one eliminated would have been steep; Mr. Delaclava is not sure how much the 24 units nearby would have used it. There are other access points outlined to get to the retail area of the site, such as along the northern end of Building 60. Helen Sides notes the pedestrian path (cow path, desire line) down to the train station; this may happen here as well so she is hesitant to remove it.

She asks about the wall at Building 10. This will be a natural boulder rock wall with a fence and guard rail; it is at grade at the lowest point and then rises to 4', then 6'. Materials proposed are wood beam guard rails that will be used elsewhere on the site. The fence was not shown on the approved Plan. Chris Copeland, one of the owners, notes that a fence was not shown as the original owners didn't realize it was needed. An elevation plan will need to be shown to the Board. The elevation change in relationship to the sidewalk and fence must be understood as it creates an edge that did not exist before. A rendering of Building 10 from Traders Way is shown. (Drawing R1). Elevations are further discussed. The fence curves with the wall for fall protection. The wall material will only be seen by the people who live there, looking out. Helen Sides asks again if the material for the wall has already been previously approved elsewhere in the site; it is now unclear if it is a wall or exposed ledge; the Board needs a clearer picture. The original Plan did show a retaining wall, so it is not a brand new feature. The Board would like to compare, visually, the approved vs. the proposed buildings. Chair Anderson notes that the retaining wall can be dealt with in the conditions.

Tom Minor of Hawk Design, Landscape Architect, presents the landscape design:

- Species, size and spacing of trees
- Wetlands and existing trees being kept are outlined
- Wet-tolerant trees and shrubs introduced to help screen between buildings
- Some tree numbers reduced in some areas; these are outlined and shown at 2/3 mature growth. Diameters and distances on-center are described. There is no change in caliper, just the way they are shown to give an idea of what can reasonably be expected when they are mature
- Comments have been received regarding the Applicant making financial donations to Salem's Tree Fund to make up the difference; this will be discussed moving forward
- Building foundation plantings have been enhanced, from 4700 square feet originally approved, to 10,000 square feet around the buildings now proposed
- Amenity package includes a shade structure/seating area overlooking the wetlands; the pool has been pulled away from the building to allow fencing to go completely around it and allows for space between clubhouse and pool to allow for grilling and seating area; there is also a synthetic play area. The dog park is also in the pool area

The Chair asks about the plantings around the wetland; it will be a conservation mix of different species that are allowed to go wild, and is usually not mown.

Kirt Rider wonders about the material of the dog run; pea stone and synthetic turf have been used in the past; pea stone has proved most effective. A hose bib will also be provided so the area can be cleaned. Kirt Rieder points out that as a PUD it is at the Board's discretion what to approve, as it is not subject to subdivision rules re spacing, but nuances do allow for trees spaced closer than 30'. He is concerned about the amount of ledge that has been graded and if the substrate will support the survival and growth of trees. 12" of topsoil per tree is shown but a condition of approval is that all trees must survive 10-15 years. Mr. Minor notes the conditions as explained by contractor. They blast a lot deeper than they need to; overblasting by 4-5' for buildings, 4-9' for parking, and 4-5' for landscaped areas. Loam has been taken off site, and will be screened. Overburden has been screened of rocks and will be replaced on top of structural fill from ledge blasting. Detail showing undisturbed soil is now shown as screened overburden, allowing a 3' deep hole if needed. Regarding the spacing of shrubs: an additional column has been added to the plant list showing this; it will be from 3'-7' for larger shrubs. Smaller shrubs will be 3-4' apart. Perennials are spaced at 18-30".

Kirt Rieder opines that it should not look like a "field of mulch" for the first five years. He also differs in opinion from tree warden; this was heavily wooded, and is now a denuded site, though he supports the project. He asks about the jurisdictional buffer dimension wetland vs. site improvements. This is typically 25' but originally parking and retaining walls were right up to the wetland line. Tom Daniel is unsure what the buffer was. Kirt Rieder is surprised that the Applicant cannot figure out how to plant the 25 now "homeless" trees near the wetland and space them closer. This will be considered.

Re ADA compliance, the Board misses the originally proposed walkway to the left and by Traders Way. The Applicant notes they are not allowed to build in that easement. Originally the Applicant did not know the grades so could not have foreseen the configurations.

Matt Veno asks if the path has to be accessible; it does, it cannot be stairs.

#### Rob Schaffer RI Schaffer & Nemoy Architects (name? Sp?)

Renderings are shown:

- Mechanical closets are between units, outside the units to provide some screening. No A/C condenser units will be on the ground or around the site
- Retail area at the bottom has shiplap siding. Accents are described
- Rooflines are better defined; siding, windows, fencing and balcony railings are described

DJ Napolitano notes he appreciates hiding the cooling units, but wonders if it will look odd to have grates going down the side of the building. Bell Station has them but that is not aesthetic. The size of the vents is described; they are architectural grilles and a photo is shown; it looks similar to a window. They are not trimmed but are color matched to the siding. DJ Napolitano also objects to the white vinyl on the decking, which looks "cheap" (downscale?). Mr. Schaffer notes that they are very popular and wonders about other options. The Applicant will consider other options.

Helen Sides would like to see what was originally approved for comparison. Mason Wells pulls up the originally proposed renderings that were initially approved; examples of materials are shown. Vinyl fencing was approved on the original design; steel railing was also shown but is not what was approved. Helen Sides comments that there are significant aesthetic differences between what was approved vs. now proposed. What was approved was more unique; now this looks generic. Also when using residential scale materials on non-residential scale buildings,

volume must be addressed and must be scaled up to address the mass of the building. The spacing or measurement of siding is described. She also does not approve of the “rooflets” and asks about the reasoning for the change. This has to do with intellectual property rights; Mr. Schaffer is not allowed to use the design of the original architect. This Applicant simply cannot do the same project.

Helen Sides feels that the previous color scheme seemed more appropriate, and also feels there is too much dominating white trim. The Applicant will be happy to consider going in a different color direction. This project did not go before the DRB Design Review Board).

Kirt Rieder found the projection of the decks out into space as positive in the original, whereas here they are embedded. It was problematic to do cantilevered decks due to waterproofing. The Architect also notes that items such as tables and chairs as well as items people store out on the decks can also be very exposed and unsightly. The current setup provides screening and less transparency. People on decks that jut out are also more exposed, so if decks are recessed there is more privacy.

Helen Sides asks what was suggested when the Applicant asked to change the project. Footprints are still the same, but the architectural style was very different. They had wanted to straighten the middle, combine Buildings 6 and 7 and move away from the street, but that was not approved. They had tried to file those changes as an insignificant change. Helen Sides is still concerned that it is generic and should be made less conventional. Noah Koretz notes this is a city of intensive architectural history from many different eras; this should be celebrated. HE comments that the design of the building should be such that in 100 years someone will say “This is a classic Salem 2021 building.” There should be a sense of place in the community. The Architect protests that some issues with the original Plans make it unbuildable, however the Board would rather see him scrap this plan and do an entirely different aesthetic rather than match it.

Chair Anderson notes that the repetitive nature of identical porches, with gabled roofs over them, is undesirable. In previous design repetitive elements were opposite or mirrored; it had more complexity. Previously each building had character.

The new retail fronts are shown. There is the same amount of glass, but it is oriented differently. The Applicant is willing to open it up more but wanted to see what types of retail would be interested. The rendering is not representative of the glass; the elevation drawings are more accurate. The Chair still feels that the retail should be more distinguished. The same amount of retail square footage (7600sf) is provided. The Applicant asks about their choices. Noah Koretz points out that the area is not very conducive to retail and he would not be averse to decreasing retail in favor of residential.

Chair Anderson opens to the public.

Cindy Anselmo, who manages Cloister Condominium, met with the developer and notes that there were issues with the balconies projecting out, so the Condo Association is in support of recessed balconies.

Nancy Gilberg of 15 Aurora Lane asks about the dumpsters. Trash and recycling ones will be provided. She notes that Fire pits are not legal in Salem. The artificial turf will be adjacent to the pool, and sized at 20’x40’.

Bill Griset advises the Applicant that mansard roofs are not desirable; the Applicant should remember this while they redesign the project. Several Board members agree.

Timing of the project and Board member attendance at upcoming meetings is discussed. The 2020 meeting dates are not set but Jan. 2<sup>nd</sup> is the first meeting in January. The Board doubts the Applicant could get it done in 2 weeks but that is up to the Applicant.

A motion to continue to the December 19, 2019 meeting is made by DJ Napolitano, seconded by Matt Veno, and the motion carries.

**B. Location: 51 Canal Street (Map 34, Lot 86)**

**Applicant: Salem Car Wash, LLC**

**Description:** A continuation of a public hearing for all persons interested in the application of SALEM CAR WASH, LLC for the property located at 51 Canal Street (Map 34, Lot 86) for a Site Plan Review and a Flood Hazard Overlay District Special Permit in accordance with the Salem City of Salem Planning Board Agenda for December 5, 2019 Page 2 of 2 Zoning Ordinance Section 9.5, Section 8.2, and Section 8.1. Specifically, the applicant proposes to demolish the existing facility and to build a 3,900 square foot car wash building, customer parking for access to vacuum cleaners, employee parking, ADA access, and approximately 6,000 square feet of landscape area.

Attorney Scott Grover represents the Applicant. The car wash has an agreement to purchase. Kevin Marino, representative of the owner, and Scott Cameron, Civil Engineer with the Morin Cameron Group, are present.

A current site plan is shown. The existing operation is obsolete and the property neglected. The site has two buildings and frontage on Canal St., Ropes St. and Florence St. Proposed is the demolition of both buildings and construction of a quieter, cleaner, more efficient car wash with improved traffic flow, as well as new landscaping and better lighting. The site is primarily in the B4 zoning district so fits with the underlying uses, but they did need a variance from the ZBA to change the nonconforming building; operation and flow were changed based on concerns of the neighbors. The special permits and variance were granted by the ZBA. They are before the Planning Board because this is also located in the Entrance Corridor Overlay District (ECOD). There, 2,000 square feet triggers Site Plan Review (SPR). They are also undergoing obtaining an Order of Conditions from the Conservation Commission. They are requesting that the Planning Board NOT refer the project to the DRB as it is only 2,000 square feet.

Scott Cameron of the Morin Cameron group outlines Civil Engineering:

- Street view and elevation view of existing conditions: 2 buildings, vacuums. The City recently reconstructed Canal St. w/new curbs and sidewalks; thus the site has been “dammed off” creating a puddling area. The City installed catch basins to remediate
- Water, sewer and gas services are pointed out. Currently water used goes out
- 2 curb cuts are on Canal St.; usage of side streets is described. Most traffic is on Canal St., which is the “front yard”
- Proposed site plan is shown; additional landscaping was worked in as much as possible. Some of the site is in R2 but most is in B4; the new building will entirely be in B4. New building will be 3900 square feet but efficiency will be much greater
- Traffic circulation is described; local business owners did not want add’l traffic on Florence St.
- Facility will process 120 cars per hour; exit options are described, 20 vacuum cleaners will be installed
- Met with abutters during ZBA process; design revisions were made and are described
- Handicapped entrance and offices, waste dumpster and utilities are described

Kirt Rieder does not see vacuums in the drawings; these will be 18”-2’ diameter vacuums that will be at the end of each parking space. The only way to get to the vacuums is to go through the car wash, by design. Vacuums are no extra charge.

- They did TV the existing sewer system, prefer they not go into Canal St., but will replace one small area of sewer; will maintain that and water
- Facility is designed to recycle as much water as possible; all water used will be processed to clean it. Only the wax feature goes out. Recycling tanks are described
- Grading and drainage plan: adding 6000 sf or 20% addition of grading
- Complied w/stormwater standards almost entirely though as a redevelopment that was not required; only did not meet standards on one area on Florence St. A rain garden and leaching catch basins are described. Site has no drainage connections to municipal system
- Also applied for Flood Plain Special Permit, they do have an Order of Conditions. Areas under Conservation Commission jurisdiction are described
- Landscaping Plan is shown; one existing tree; landscaping has been connected to it. Trees and other plantings are described
- Photometric plan is presented; does not take into consideration of existing street lights
- Elevation drawings are shown (hoping to get PB approval and avoid DRB). “Windows” are mirrored glass
- There is lengthy debate regarding the appearance of the exterior:
  - Helen Sides asks about changes in height; these are just to provide architectural interest
  - Design is custom to this site; Architect has done other car washes
  - There will be rooftop mounted equipment. Helen Sides is concerned about the appearance, that places that are not actually entrances might be mistaken for them; also there is no sidewalk
  - Noah Koretz comments that the current design resembles a strip mall, but he would prefer it be obvious that it is a car wash
  - The Owner comments that he also owns existing facilities in RI and W. Roxbury. As a production factory, lots of dirt results. They are trying to dress it up as retail b/c there is no way to keep the surface clean all the time; idea is to keep it looking as clean and professional all the time and hide known problem areas. Noah Koretz feels they can do this without making it look like a fake storefront. Kirt Rieder comments that this is the key issue, and focuses on EFIS. He notes it was a “fantastic presentation” that covered everything; the only problematic thing is the appearance of the building.
  - Helen Sides comments that it can “just be a car wash” and there is an opportunity to make it be distinctive. It does not need windows and glass, but can be its own thing. The Applicant already has a full set of plans, so to go back to drawing board will be problematic, but Chair Anderson this is a risk they took and will not sway Board’s decision. The Board must approve only what it feels is appropriate for the City

Additional discussion ensues:

- The Chair wonders about the noise generated by the car wash. This will be significantly less than that generated by the existing one. Vacuums and rooftop units are discussed. Usages behind the car wash are relatively industrial, being a car repair garage with some office spaces of a contractor, and iron workers. Residential is closer to the entrance of the car wash, and across Florence St. at the exit. The bottom of Cedar St. Ct. may be impacted.
- Noah Koretz asks about the location of the facility; it is a function of queuing/keeping cars off Florence St. ext. This is a deviation from City requirements that buildings be flush with Canal St.
- Chair Anderson notes that the Applicant is requesting a FHOD special permit; in a flood event, there would really only be a puddle that could be driven through but Canal St. is 6” lower than the project site
- Noah Koretz asks what happens to chemicals; tanks are all underground, watertight and sealed
- Chair Anderson asks if all utility connections will be flood proofed. They already are

- Re architecture: The Board has concerns w/EFIS and dirt; EFIS will collect dirt more than other washable materials. If there are concerns with the cleaning of windows, do away with them. EFIS on a sidewalk level, adjacent to a sidewalk, will get beat up. The Board suggests that the Applicant put a band at the base that won't suffer damage
- Helen Sides asks about identifying signage. This is going to be under a separate filing so it is not included. She likes the idea of paneling and suggests the sign could be part of the building.
- The Chair notes that if rooftop units will be present, they should be screened as part of the design
- The Board would be in support of a more industrial, airplane-hangar type design, as long as it is tastefully done. The Owner went conservative but is willing to go bold if that is what is desired. Noah Koretz notes people going by may think it's vacant retail.
- Board will need to see plan of signage
- Helen Sides agrees w/Kirt Rieder that it was well presented, and is excited that the corner is being cleaned up. She comments that it makes sense for parking to be in front b/c it is a car wash, so cars are the focus. Plantings on Canal St will be an improvement.
- Noah Koretz comments that the row of trees in front will be a "street wall"
- Tom Daniel notes that, regarding the ZBA decision, the Applicant should appear again before that Board, if needed after Planning approval. ZBA was more concerned with the footprint of the building, but Attorney Grover will check it
- Noah Koretz comments that if the Applicant returns to the Planning Board with the redesign as suggested, this Board will not have to send it to the DRB. Other Board members agree

Chair Anderson opens to the public.

Polly Wilbert of 7 Cedar St., President of the South Salem Neighborhood Assoc:

- Would like to see the design upgrade as presented, feels design offered looks like Verizon design, views it as a "relative" providing visual continuity, thus disagrees with the Board on appearance of the building
- Concerned that vacuums are only accessible after going through car wash; she uses vacuums more often than car wash; many do this as they do not have garages
- Would like a tire air machine
- Concerned about Pin Oaks
- It is a friction car wash – she worries about the number of dirty pickups and garbage that gets into flappers and scratches other cars
- Concerned that there are too many vacuums
- Encourages best landscaping we can get but it does not have to look industrial

This is automated but is not a 24 hour business; Hours of operation are 7AM-6PM only.

Roll call vote to refer to the matter to the DRB:

Ben Anderson: no

Bill Grisct: no

Noah Koretz: no

DJ Napolitano: no

Kirt Rieder: no

Helen Sides: no

Matt Veno: no

A motion to continue to the Dec. 19, 2019 meeting is made by Noah Koretz, seconded by DJ Napolitano, and the motion carries.

### III. OLD/NEW BUSINESS

#### A. Location: 94 Washington Square East (Map 35, Lot 536)

**Applicant:** The Breakaway at Salem Common, LLC

**Description:** Determination of screening for 94 Washington Square East. On May 30, 2019 the Planning Board issued an amended Site Plan Review decision for 94 Washington Square East. A condition of this amended decision states that prior to installation of rooftop HVAC and ventilation units, the Planning Board will determine at a regularly scheduled meeting whether screening will be required.

Chair Anderson notes that the public comment period has ended for this item. He comments that he passed the area from several angles and did not see anything. Helen Sides notes that from Andrews St., pictures 13 and 3, it is noticeable. One unit is partially visible from Andrews St. Helen Sides feels it would be better to be blacked out (painted dark gray) rather than adding a large screen that would itself become an element.

Mason Wells comments that it is a zoomed-in photo so it is relatively small from Andrews St. He will reach out to the Applicant to submit a proposal for treatment of just that one unit.

#### B. Update to Subdivision Regulations

Stantec has completed a draft of the updated Subdivision Regulations for review by the Board. They will attend the Planning Board meeting to review with the Planning Board. The current regulations were adopted in 1962 and last updated in 1987. The proposed comprehensive update aligns the regulations with the City's commitment to sustainability, climate resiliency, and safer streets.

Bob Corning, Senior Principal and Drew Leff are present; Niels Nelson is no longer project manager. Mr. Corning feels they are very close to being done, working with Planning staff. The Board has not yet reviewed the document, except for the Chair. Once the Board is confident in the Draft, it will undergo a public process; the Planning Board will then approve it.

Kirt Rieder asks about Landscaping vs. Landscape; Mr. Corning prefers "landscape" and this will be corrected. Grade lines should be 1' and not 2'. The City Council has adopted an ordinance requiring 1' contours on grade plans. This will be corrected.

Sidewalks are mentioned but is a question if there is a City Ordinance regarding their construction, widths, tree grates, materials. The document was vague. If there is a standard, it should be referred to. The Board has been leaning toward concrete with granite curbing. If there is no design standard, the Board should come up with one and include it here. It is included on one version but not the one the Board has; this will be reviewed.

A reference was made to design and architecture regarding conformity with the character of the neighborhood. The Board has frowned upon this in the past as it is too arbitrary (this is on p. 29 but also appears in several places). Suggested language: "blend structures with surrounding area." Is this vague enough? Helen Sides suggests, "and its relationship to surrounding structures." Kirt Rieder notes this is very subjective; some projects should follow character, some do not. Many times subdivisions are residential, but sometimes they are industrial. Is it better to be more specific, prescriptive or more vague? Possibly more vague is better. What level of direction is best to provide?

Successful projects are those that come with a story and reasons for making aesthetic decisions, notes the Chair. Mason Wells says it is in application package as a prompt for them to provide that narrative. This can be added to the updated Regulations as well. "Provide a narrative describing how structures and landscape techniques relate to the surrounding neighborhood. This is the desired language. P. 29.



Kirt Rieder notes a minor error on p. 41, lower quarter ( e ) minimum of 1' contours (also is 1 but should be I or vice versa). A general typographical error review will be conducted.

In a City like Salem is it even necessary to require arterial streets in a subdivision? Noah Koretz wonders if this should even be a concern. No subdivision the Appendix was so that the DPW has a design guideline for streets and classification system. These include arterial streets and would supercede language in design guidelines.

Appendix A: Tree Pit Width: is there a glossary that describes this? There is a question about the opening at surface vs. volume of soil. Should there be flexibility in that dimension i.e., in Cambridge, certain size sidewalks require certain size tree openings? The language/table is confusing and will be revised.

Chair Anderson would like additional input on distinctions between minimum, minor, and major subdivisions. Mr. Leff notes that they looked at regulations of other municipalities. Types of projects include:

- Minimal: Regulations have a provision that for developments of 2-3 units, that do not qualify for Approval Not Required (ANR), which would have little impact, the developer may provide less information than for a larger development. Providing the extensive information required of larger developments, for a small one, can be very resource intensive for both developers and the Board.
  - Minimal plans are defined, and this relates to draft Environmental & Community Impact Statements
  - The Board could ask for more than what is indicated, but, for example, in this situation an Applicant would not provide water pollution or other such other data. One or two additional units will not impact police or fire services, so that data would be excluded. They would also not need to provide traffic, impact on schools, etc.
- Minor: 20 residential lots or 4 nonresidential; not beholden to any particular numbers but they feel that is the right level. This is for ones that have less impact. The Board may decide they want to change the numbers or not distinguish at all.
  - The Chair is comfortable with defining “minimal” as four residential units, but that 20 would have enough impact to merit further assessment
  - Noah Koretz feels that the distinction is between professional developers vs. non professional. Up to 4 would be someone developing a smaller property, while far above that it is a professional developer. The difference is a business cost vs. a personal cost
  - Chair Anderson opines that 10 is small and above that has a larger impact. Helen Sides cites the project off of Bridge St. on Planter’s St. This consisted of fewer than 10 homes. While there were only five homes, the project was worth the Board’s scrutiny, and the developer appreciated the review
  - For a dense, built out City, smaller projects may be more impactful than larger ones
  - There is a provision that all applicants should submit a draft Environmental and Community Impact Statement to be evaluated, so if the Board does not require as much in the minor definitive subdivision plan, they could still ask for that information on a particular project
  - One suggestion is to have exemptions for “minimal” developments, but not distinguish between minor and major

Chair Anderson approves of the “a la carte” option as it provides the Board with the flexibility to be subjective. Mr. Leff suggests that the distinction could be 10 residential or 4 commercial units as minor subdivisions. Noah Koretz notes it is highly contextual; Helen Sides comments that there is nowhere in the City where adding even a single house has not brought tension into the neighborhood.

Minor projects would not be required to submit public health, schools, traffic, or a construction plan. However, with certain sites the Board may want traffic impacts, for example. Noah Koretz comments that he is not sure of a

site in the City where 6 new units requires a major traffic study or school impact analysis. The merits of 10 residential/4 commercial units for minor subdivisions are debated again.

Kirt Rieder notes that in the details section, it should say, “per manufacturer’s specifications”

Mason Wells says will address comments, run them by legal, then bring them before Board. Tom Daniel outlines the work of Amanda Chiancola and Ashley Green to obtain the grant to make this happen, and will let them know it is coming to fruition.

**C. \*NEW ITEM\*** Review November 21, 2019 Planning Board recommendation to the City Council regarding the proposed amendment to the Salem Zoning Ordinance to rezone the map for the following parcels of real property located at: 355 Highland Avenue (Assessor Map 7, Lot 46); 373 Highland Avenue (Assessor Map 7, Lot 58), 2 Cedar Road (Assessor Map 7, Lot 57), 3 Cedar Road (Assessor Map 7, Lot 47), 5 Cedar Road (Assessor Map 7, Lot 48), 6 Cedar Road (Assessor Map 7, Lot 56) and 10 Cedar Road (Assessor Map 7, Lot 55), from Business Highway (B2) and Business Park Development (BPD) districts to the Residential Multi-Family (R3) District.

Tom Daniel would like to understand the recommendation more clearly. He would like to frame it in the most helpful manner to understand. He was surprised by the outcome of the vote given the planning work that went into it, in the context of Imagine Salem and the process this project went through. He also wanted to understand the sense and direction from the discussion. As it was difficult for the Department to understand, a distillation of what the Board really means to say would be helpful. The recommendation has not yet gone to the City Council.

Chair Anderson feels there was concern about the overall zoning ordinance and planning in the City, and how the process is piecemeal and not well thought out. Regarding this particular project, an additional concern is how it is placed in a commercial zone along Highland Ave., and how it relates to the rest of Highland Ave.

DJ Napolitano notes that a commercial project tried to go there, and residents rejected it. The Board would like to see it though. No one wants to see this remain a vacant lot, but the piecemeal nature of the City’s zoning leads to serious problems, for example, the Ward 2 Social Club. In this case and moving forward, the City needs to examine and possibly rezone entire Highland Ave. corridor, since residents there are never happy. However, in this case they DID want housing (not all but lots). Chair Anderson notes that the Board has asked, how do we get the point across to the City Council that we have serious concerns about the current zoning ordinance? A vote should reflect the feelings of the majority of Board members who voted against it. Helen Sides comments that all Board members agreed on the message, that the City needs to look at the big picture and modify zoning throughout the entire City.

There is no master plan For Bridge St. Tom Daniel notes that this is a challenge; there is a Plan for Bridge St. going back 10 years, and there was a plan to rezone it, which failed, and it is now undergoing that process again. The Planning Department and Board are required to work with current zoning ordinance despite all its issues; planning work is done by looking at issues at a corridor level. B5 on Bridge St. works. Changing regulatory and zoning is difficult.

DJ Napolitano comments that the City Council tends to resist change. Matt Venos why the Board can’t insist on what it would like to see. Should the Board just give up and say, “It won’t go through City Council b/c we can’t get it?” The process does not feel like Planning when the Board sees these types of issues; it feels like balancing local interests instead of implementing a coherent vision of what the City wants.

Noah Koretz disagrees, noting that there must be a citywide view of where density gets added, which, in his view, is in places that are transit accessible, walkable, and bikeable. It should be clear where the City is pushing growth and

where preservation is desired. Congestion is at a maximum, but the answer is NOT “no more growth.” Thus Highland Ave may be the LAST area we want housing as it is not accessible by foot or transit. If planned the right way, corridors incoming would be TOD (Transit Oriented Development), bike and pedestrian friendly. He personally feels that looking at the neighborhood level for planning is not enough. There is a philosophical issue when there is a developer, where the tail wags the dog on zoning. Zoning should guide development, not the other way around. Our land use ordinances should instead guide how we want to manage and where we want to push growth citywide. A single project should not drive growth.

Tom Daniel feels there are instances where rezoning is appropriate, and that these things do not happen in a vacuum. There is no corridor plan for Highland Ave. However, the City must get serious on reducing or eliminating auto-focused development. In this case, having one developer drive rezoning to add a car-centric housing may not be ideal, but may not be wrong, either.

Kirt Rieder comments that the Board continually hears resident frustration that it is not doing a comprehensive plan, but that is not the Board’s job. When the vote in question was taken, the Board was inclined to vote for the change, but saw it as an opportunity to alert both Tom Daniel and the City Council that there is more to be done than zoning by parcel. Tom Daniel understands that but the Citywide effort was to use Imagine Salem as guiding principles, along with corridor level studies. The Board notes that, in previous instances changes have been approved in the hopes that the larger issue would be addressed in the future, however in this case, even though the Board was supportive of the actual change, it wanted to take the opportunity to push for larger revisions.

The Board is torn, but recognizes the need for housing. Chair Anderson recognizes the bigger picture, but is not sure if this specific item was the right venue for it. It still has the feeling of “spot zoning” even though that was debunked. He does not know how City Council will take the Board’s recommendation. Those who voted not to rezone the parcels in question still agree that it is a good project with lots of neighborhood support, and that the City does need housing. However, there was broad consensus on the Board’s concerns.

Noah Koretz comments that another important issue to highlight at the City level is the lack of understanding of the market for commercial space. He mentions a developer of housing for mixed incomes, in a terrible retail location, felt they were required to put in 7,000 square feet of retail that they will never be able to fill. In order to be more urban, the City should work on being more bicycle and pedestrian oriented via TODs. However, large format retail establishments will need space, and that space is Highland Ave... until it’s not. So, the City must think much more broadly than just one site. Every time a site such as the one in question becomes housing, it is “lost” to housing forever. “Buyer’s remorse” in that case does happen, as residents must then go elsewhere to go shopping. Bridge Street Neck is one example; it is a retail corridor but bit by bit is being “chipped away” - the question is, will the Board allow it to become a long commercial street with lots of housing? The philosophy of “Let this site go because it makes sense for this site” does not serve anyone.

DJ Napolitano comments that the City Council is debating the tax rate and notes that it can ONLY be kept down with the development new commercial growth that is substantial. If the Board “gives away,” in a commercial area, parcels, we lose that commercial parcel. And has no idea because there is no broader context.

Tom Daniel comments that Planning staff are looking at the broader context, and that the project proposed is a PUD in an industrial zoned project, and as such must include mixed uses. The initial owner was keen on buyability of retail there, but Tom Daniel shared his concern. North River Canal Corridor (NRCC) retail is required through zoning regulations but Highland Ave. was considered as a PUD b/c of the commercial component, most likely a restaurant. Because of BPD limitations, no more than 50% of the lot may go to residential usage, including parking, landscaping etc., and leaving it as such would lead to what would be an awkward development. It would be possible

to build something by right as currently zoned, but it would not be a project that makes sense. The PUD tool is available but not practical in the current zoning.

This is in contrast to the project at 1<sup>st</sup> St. and Traders Way, that came in as PUD but was all industrial, so it worked for them. Regarding the commercial market, and through Imagine Salem:

- 4,000 people live and work in Salem
- 17,000 people live in Salem and commute elsewhere
- 17,000 people live elsewhere and commute to Salem

We would like to grow the number of people who both live and work here by providing opportunities but there are challenging dynamics on the commercial side. Salem's office market is soft, with lots of space available. When an opportunity arises, it would make sense to use it for commercially oriented employment opportunities. Small mom and pop retail will come and go, and people would like to see more on North St., but commercial office industrial space is a work in progress. Thermal Circuits expanded 2 years ago, and there are some prospects in other sectors.

Tom Daniel hears what the Board is saying but notes that the message must be framed in a productive way so as not to be heard as "no development."

Chair Anderson has several questions:

Do we feel the point was made? The next time such a project comes, is the Boards going to come to the same recommendation or was the point made such that the Planning Department, City Council and Mayor's office understand the Board's concerns?

Kirt Rieder feels that the point was made to the Planning Department but not to the City Council, who is unaware of the recommendation. DJ Napolitano notes that the Board may never make the point to the City Council, but Noah Koretz points out that that is not the job of the Planning Board. Its job is to make technically correct best practice recommendations. This action was not just to prove a point, and it was not drawing a line in the sand. "We are not the 'house of no' or the 'house of yes,' we are the 'house of correct.'" (Direct quote by Kirt Rieder and Noah Koretz). Noah Koretz comments that it is clear that there were things Board members liked and things they found problematic, but Board members came out at different angles on the tradeoffs.

Chair Anderson notes that it is out of the Board's hands how City Council votes, and that it is problematic because another project will come up; this issue is project-specific but zoning is not project-specific. Zoning is not the same as Site Plan Review, and must take into account a much broader picture.

Tom Daniel comments that, in this instance, B2, BPD, and R3 parcels connected to R1 are all on Highland Ave. Zoning should be changed but must be done systematically, not piecemeal. DJ Napolitano replies that this is one site with 5 lots, so instead of examining just these 5 lots, the issue should be considered holistically on a larger scale instead of "we need to get this one project done." Noah Koretz comments that this is one site with the tail wagging the dog, so instead of addressing this one site, the City should look at zoning along this corridor, and clean it up. The example of Bridge St., which started 12 years ago, is cited, noting that it is a choice and a long process. Tom Daniel appreciates this but notes that the reality is that the regulatory environment is insufficient to manage change on Bridge St.

Chair asks if Tom Daniel has the clarity he was seeking from the opinions of the Board. Kirt Rieder wonders why the Board needs to vote for anything. If the point has been made, but the Council has the ultimate say, they can still vote to rezone. The Planning Board can stand by its recommendation or rescind, and if it rescinds, would have to vote again on a recommendation. Noah Koretz wonders what the Board is actually being asked to do. It is noted

that the item description above says “review,” not “reconsider.” Helen Sides feels that the Board position/opinion does not need to change, but if its intention is not clear, then the language expressing it may need to be changed.

The point was NOT, “no more housing” but rather that the City needs to address zoning. It is up to the City Council to start thinking bigger and stop avoiding every parcel-by-parcel zoning change battle, because they will just keep coming. The Board can say it differently, in a positive way. “A conditional ‘no.’”

Matt Veno comments that it may be worth some Board members going to a City Council meeting. Kirt Rieder wonders what message Tom Daniel received, whether it was a thorough explanation or just “The Planning Board said no.” Tom Daniel notes that there was discussion and he drafted a memo, and he will run the final version by the Chair.

**75 WHARF ST. construction:** What is being built does not look like what was presented to and approved by the Planning Board. This underwent review because it was in FHOD but did not undergo full SPR. This still raises the question, what Department is policing new construction here? Windows and the volume of the building are different than what was approved. Mason Wells will look into it. The Board feels the current design is “disappointing.”

#### IV. APPROVAL OF MINUTES

A. Regular Planning Board meeting minutes for November 7, 2019.

Postponed

#### II. ADJOURNMENT

A motion to adjourn is made by DJ Napolitano, seconded by Matt Veno, and the motion carries.

The meeting ends at 10:17PM.

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-2019-decisions>

Respectfully submitted,  
Stacy Kilb, Recording Clerk

Approved by the Planning Board on XX/XX/2019

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