



CITY OF SALEM PLANNING BOARD

City of Salem Planning Board Meeting Minutes, June 4, 2020

Vice Chair Matt Venio calls the meeting to order at 7:00pm.

A public hearing of the Salem Planning Board was held on Thursday, May 21, 2020 at 7:00 p.m. via Remote Access. Public participation was possible via zoom video and conference call:

Watching the Public Meeting:

- Go to the website link www.zoom.us/join and enter meeting ID # 879-7267-7215 followed by meeting password 693085, if directed to do so on screen.
- Dial toll-free phone number 877-853-5257. When prompted enter meeting ID # 879- 7267-7215 followed by meeting password 693085, if directed.
- Watch the meeting live on Salem Access Television Channel 22.

I. ROLL CALL

Those present were: Kirt Rieder, Vice Chair Matt Venio (Chairing the meeting), Matt Smith, Bill Griset, Helen Sides, Noah Koretz, DJ Napolitano (7)

Absent: Chair Ben Anderson, Carole Hamilton (2)

Also in attendance: Mason Wells, Staff Planner, Tom Devine, Senior Staff Planner

Recorder: Stacy Kilb

II. REGULAR AGENDA

- A. **Location:** 602 Loring Avenue (Map 20, Lot 11)
- Applicant:** Vavel LLC
- Description:** *The applicant has requested a continuation to the regularly scheduled meeting on June 18, 2020 of a public hearing for all persons interested in the application of VAVEL, LLC for the property located at 602 Loring Avenue (Map 20, Lot 11) for a Site Plan Review in accordance with Salem Zoning Ordinance Section 9.5. Specifically, the applicant proposes the demolition of the existing two-story commercial building on the site and the construction of a three-story building containing 20 residential units. The project includes 34 off street parking spaces, 22 of which will be garage level spaces within the building and 12 of which will be surface parking spaces. Also proposed are landscaping, a ground level patio, a sidewalk from the building entrance to the existing Loring Avenue sidewalk, bicycle racks, utilities, grading, and drainage systems for stormwater runoff. The existing curb cut will be reconfigured into a 24' driveway.*

Noah Koretz wonders what the June 18 agenda will contain; DJ Napolitano has also asked this in an email prior to the meeting. There will be five projects if previously and currently continued projects remain on the agenda. These are outlined. Progress of some projects and procedural issues are

discussed. If Board members are absent twice for an item, they cannot vote on it, and this also affects whether Applicants can move forward with the Board. DJ Napolitano notes the difficulty of 2-3 hour evening meetings, suggesting that each Applicant be capped at 30 minutes for their presentations, uninterrupted, followed by Q & A. Matt Smith agrees, noting that other Planning Boards employ such limits. Helen Sides also agrees that Applicants could be more succinct.

Noah Koretz comments that this should be discussed in greater detail when Chair Ben Anderson is present. Matt Smith feels it would be advisable to notify Applicants prior to the meeting of these limits. Vice Chair Matt Venio requests that Mason Wells share this with Applicants for the upcoming meeting. Bill Grisct also comments that this makes sense; Applicants feel they must present something at each meeting, but there isn't always new information. Information should be completely ready before it is presented. A general rule of a 30-minute limit will be more effective than a suggestion. Matt Smith notes that such limits would also be more respectful to members of the public who are watching and waiting to comment, particularly on items later in the agenda.

A motion to continue to the June 18, 2020 meeting, is made by DJ Napolitano, seconded by Kirt Rieder, and passes 7-0 in a roll call vote.

Matt Venio	Yes
Matt Smith	Yes
Carole Hamilton	Absent
Helen Sides	Yes
DJ Napolitano	Yes
Kirt Rieder	Yes
Bill Grisct	Yes
Noah Koretz	Yes
Ben Anderson	Absent

- B. Location:** 54 and 56 Swampscott Road (Map 07, Lots 65 and 64)
Applicant: Michael Buonfiglio
Description: **The applicant has requested to withdraw their application. A continuation of the public hearing for all persons interested in the application of MICHAEL BUONFIGLIO for the property located at 54 and 56 Swampscott Road (Map 07, Lots 65 and 64) for a special use permit per Section 3.1.3 and Section 9.4 of the Salem Zoning Ordinance to allow a change in use from an auto repair shop to a contractor's yard and landscaping business in the Business Park Development District. Specifically, the applicant proposes to repair the shop for use as office and storage, with the addition of a second floor to the existing building.*

City Staff provided comments to the Applicant re the Board's comments at the last meeting. After sending that letter, Applicant requested to withdraw their Application without prejudice, referencing costs and bringing a dilapidated property up to standards, environmental cleanup costs, etc.

- Kirt Rieder wonders why they came before the Board if underprepared; this made it seem that the Board was hostile

- Mason Wells worked with them, and it was a slow back and forth

A motion to withdraw the Application without prejudice is made by DJ Napolitano, seconded by Helen Sides, and passes 7-0 in a roll call vote.

Matt Venio	Yes
Matt Smith	Yes
Carole Hamilton	Absent
Helen Sides	Yes
DJ Napolitano	Yes
Kirt Rieder	Yes
Bill Grisct	Yes
Noah Koretz	Yes
Ben Anderson	Absent

- C. Location:** 379, 383, and 387 Highland Avenue; 4, 10, 12, 14, and 16 Barnes Road; 9, 12, 14-16, and 18 Cedar Road (Map 7, Lots 18-21, 49-54, 59, & 60; Map 3, Lot 66 & 67)
- Applicant:** Overlook Acres LLC
- Description:** A continuation of a public hearing for all persons interested in the application of OVERLOOK ACRES, LLC for the property located at 379, 383, and 387 Highland Avenue, 4, 10, 12, 14, and 16 Barnes Road and 9, 12, 14-16, and 18 Cedar Road (Map 7, Lots 18-21, 49-54, 59, & 60; Map 3, Lot 66 & 67) for a Site Plan Review and Planned Unit Development Special Permit in accordance with the Salem Zoning Ordinance Section 9.5 and Section 7.3. Specifically, the applicant proposes a development on the approximately 15.5 acre site along Highland Avenue at Barnes Road and Cedar Road consisting of a mix of uses, including commercial, residential, and public spaces. There is one commercial building with an approximate footprint of 8,450 square feet, four residential buildings with approximately 324 units, and a residential club house. There are also approximately 500 parking spaces proposed on site.

DJ Napolitano motions to the July 2, 2020 meeting.

Tom Devine comments that the June 18 agenda will be packed, and that the Applicant will probably be amenable to continuing to July rather than the second June meeting, however not everyone in the Applicant's party had been reached. The continuance is being requested because the Applicant has responded to comments from landscape design but does not yet have a lot of material to present. As noted above, some Board members may be absent over the course of several meetings and will lose eligibility to vote on this matter. Civil and traffic peer reviews are not as far along as the Applicant had hoped. Discussion of the continuance request continues. Vice Chair Matt Venio feels it should go to the July meeting.

The motion to continue to the July 2, 2020 meeting, made by DJ Napolitano, is seconded by Bill Grisct, and passes 7-0 in a roll call vote.

Matt Venio	Yes
Matt Smith	Yes
Carole Hamilton	Absent
Helen Sides	Yes
DJ Napolitano	Yes
Kirt Rieder	Yes
Bill Griset	Yes
Noah Koretz	Yes
Ben Anderson	Absent

- D. Location:** 23 Summer Street (Map 26, Lot 463)
Applicant: 23 Summer Street LLC
Description: **The applicant has requested a continuation to the regularly scheduled meeting on June 18, 2020 of a public hearing for all persons interested in the application of 23 SUMMER STREET LLC for the property located at 23 Summer Street (Map 26, Lot 463) for a Site Plan Review in accordance with Salem Zoning Ordinance Section 9.5. Specifically, the applicant proposes the renovation and expansion of the existing multi-family residential property at 23 Summer Street in the Central Development district. The applicant proposes the demolition of the rear portion of the existing building and replacing it with an addition to create a total of 10 residential units. The project includes changes to the existing parking lot, new indoor garage parking spaces, utilities, and landscaping.*

Kirt Rieder notes that materials were not received in full.

A motion to continue to the June 18, 2020 meeting, is made by Kirt Rieder, seconded by Helen Sides, and passes 7-0 in a roll call vote.

Matt Venio	Yes
Matt Smith	Yes
Carole Hamilton	Absent
Helen Sides	Yes
DJ Napolitano	Yes
Kirt Rieder	Yes
Bill Griset	Yes
Noah Koretz	Yes
Ben Anderson	Absent

DJ Napolitano asks if 23 Summer St. is almost complete. Tom Devine notes that Civil Engineering peer review was started late in the process and is in progress. If the Applicant is fully and comprehensively responsive to the Board's concerns, this is another hurdle.

III. OLD/NEW BUSINESS

A. Receive and File: Board reminder of annual acknowledgment of the Summary of Conflict of Interest Law and the On-Line Ethics Training

Mason Wells notes the locations of the materials and requests that Board members complete the trainings. The certification form should preferably be signed and mailed but if unable to print, he can mail for signatures.

Kirt Rieder wonders if all Board members need to do it this year; some members may be staggered in the two year cycle. Mason Wells will check in with the Clerk's office.

B. Discussion and possible adoption of M.G.L. c.110G, regarding the use of electronic signatures by Planning Board members pursuant to Amendment 13-7 to the Massachusetts Deed Indexing Standards 2018, effective April 17, 2020

Tom Devine notes the Board's questions from the last meeting:

- City has begun using DocuSign for City Officials to execute contracts
- DocuSign process is described, as are security measures that may be implemented
- This would be the path of least resistance as the system is already in place

Helen Sides wonders if other Board members are familiar with it; Matt Venio uses it in his workplace, as do Kirt Rieder, Noah Koretz and Matt Smith. Acrobat Pro is foolproof, but one must have actual Acrobat, not just the Reader. Mason Wells notes that the City only has a limited number of Acrobat licenses whereas DocuSign is more economical.

A motion that the Planning Board hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect is made by Helen Sides, seconded by Bill Grisct, and pases 7-0.

Matt Venio	Yes
Matt Smith	Yes
Carole Hamilton	Absent
Helen Sides	Yes
DJ Napolitano	Yes
Kirt Rieder	Yes
Bill Grisct	Yes
Noah Koretz	Yes
Ben Anderson	Absent

Tom Devine notes that this motion is documented in the minutes; once approved, minutes will be certified, and items recorded at the Registry of Deeds.

C. Update regarding Board's authorization of Tom Daniel, Director of Planning & Community Development, to endorse ANR and subdivision plans on its behalf.

Tom Devine notes that the final step to make this official is that every Board member must wet sign a letter to the register; a memo links the letter with the signature page to be printed, signed, and mailed or delivered to City Hall Annex, Tom Devine. If members do not have access to a printer, Tom Devine can mail and will send directly.

New Business

Noah Koretz wonders what happened with ADU's at City council. It was discussed then tabled. Since the "usual suspects" were gearing up to vote against it, it was tabled to next Thursday's meeting where it will be voted upon. There are amendments, but they have not yet been accepted. The Planning Board's amendment to not allow detached structures was accepted, and some other items presented, however before it could be voted upon, so discussion stopped as per Robert's Rules. Matt Venio notes in his 6 years on City Council he has never seen this type of round and around in circles on an issue. It is unprecedented.

IV. APPROVAL OF MINUTES

There is some discussion of Chair Anderson's method of reviewing minutes page by page before their approval, and it is noted by several Board members that this does not happen in other meetings they attend. There isn't time to read minutes as they are reviewed in the meeting, so it is not a productive practice. Mason Wells or Tom Devine can pass these comments along to Chair Ben Anderson along with the proposed 30-minute presentation limit. Links within the minutes were appreciated.

A. Special Joint Planning Board and City Council meeting minutes for March 30, 2020

A motion to approve the minutes from the Special Joint Planning Board and City Council meeting minutes for March 30, 2020 is made by Helen Sides, seconded by Kirt Rieder, and passes 7-0.

Matt Venio	Yes
Matt Smith	Yes
Carole Hamilton	Absent
Helen Sides	Yes
DJ Napolitano	Yes
Kirt Rieder	Yes
Bill Griset	Yes
Noah Koretz	Yes
Ben Anderson	Absent

B. Special Joint Planning Board and City Council meeting minutes for April 13, 2020.

A motion to approve the minutes from the Special Joint Planning Board and City Council meeting minutes for April 13, 2020 is made by Kirt Rieder, seconded by Matt Smith, and passes 7-0.

Matt Venio	Yes
Matt Smith	Yes
Carole Hamilton	Absent

Helen Sides	Yes
DJ Napolitano	Yes
Kirt Rieder	Yes
Bill Griset	Yes
Noah Koretz	Yes
Ben Anderson	Absent

C. Special Joint Planning Board and City Council meeting minutes May 4, 2020.

Not in folder/no vote

D. Regular Planning Board meeting minutes for May 7, 2020.

Kirt Reider notes that on p. 8 of 15 Councilor Dibble notes that PUDs are required to have 50% Commercial, but this is at odds with what the Ordinance actually says. Tom Devine had examined this, discussed it with the Applicant, and both agreed that the Councilor's interpretation is off. However, when quoting someone in the minutes, it is not the Board's place to edit if the content of the statement is inaccurate. The Board wonders why it would approve what the Councilor said; if incorrect, why not let it stand, and have an editorial? Bill Griset notes that the minutes are meant to reflect what was discussed at the meeting, so the Board can't insert editorial comment. Kirt Rieder suggests that next time there is a meeting with this Applicant, it should be pointed out that something was said that was incorrect, as statements made by elected officials carry more weight than those made by Board members. Also, the minutes of this meeting will be available and recorded.

In summary, meeting minutes should accurately reflect what was said, not reflect that what was said is accurate.

A motion to approve the minutes from the Regular Planning Board meeting minutes for May 7, 2020 is made by Kirt Rieder, seconded by Noah Koretz and passes 7-0.

Matt Venio	Yes
Matt Smith	Yes
Carole Hamilton	Absent
Helen Sides	Yes
DJ Napolitano	Yes
Kirt Rieder	Yes
Bill Griset	Yes
Noah Koretz	Yes
Ben Anderson	Absent

V. ADJOURNMENT

A motion to adjourn is made by seconded by Kirt Rider, seconded by Noah Koretz and passes 7-0 in a roll call vote.

Matt Venio	Yes
Matt Smith	Yes

Carole Hamilton	Absent
Helen Sides	Yes
DJ Napolitano	Yes
Kirt Rieder	Yes
Bill Griset	Yes
Noah Koretz	Yes
Ben Anderson	Absent

The meeting ends at 7:55PM

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-2020-decisions>

Respectfully submitted,
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 10/01/2020