

City of Salem Planning Board

June 21, 2018

A public hearing of the Salem Planning Board was held on Thursday, June 21, 2018 at 7:00 p.m. at City Hall Annex, 98 Washington Street, Large Public Hearing Room, First Floor, Salem, Massachusetts.

Chair Ben Anderson opens the meeting at 7:00 pm.

**I. ROLL CALL**

*Those present were:* Carole Hamilton, Helen Sides, Noah Koretz Kirt Rieder (Acting Chair), Bill Griset, Matt Smith  
(6)

*Absent:* Chair Ben Anderson, DJ Napolitano, Matt Veno (3)

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

Acting Chair Kirt Rieder opens the meeting at 7:00PM.

**II. REGULAR AGENDA**

**A. Location: 5 Broad Street (Map 25, Lot 546)**

**Applicant: THE CITY OF SALEM**

**Description:** Board discussion and vote on an application for endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR), proposing to divide one (1) lot with one existing building into two lots.

Amanda Chiancola describes the Plan to split the lot currently shared by the cemetery and 5 Broad St. Frontage and dimensional requirements are met and vital public access is available on both parcels. Kirt Rieder notes that the division corresponds with the fence and granite wall.

*A motion to endorse the ANR is made by Carole Hamilton, seconded by Helen Sides, and passes unanimously in a roll call vote with Kirt Rieder, Carole Hamilton, Noah Koretz, Helen Sides, Bill Griset and Matt Smith in favor.*

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

**Applicant: PETER LUTTS/PAVEL ESPINAL**

**Description:** A continuation of a public hearing for all persons interested in the application for the properties located at 45 Traders Way and 40 First Street (Map 08, Lot 159; Map 13, Lot 0011) in accordance with the following sections of the Salem Zoning Ordinance: Section 7.3 for a Planned Unit Development and Section 9.5 for a Site Plan Review. Specifically, the petitioner is proposing seven (7), free-standing, residential/retail mixed use buildings of varying heights throughout the 8.9 acre site. The development includes 212 dwelling units, approximately 7, 600 square feet of retail space, 318 parking spaces, bike racks, at least one parking space for a car share, landscaping, a dog park, walking paths, utility work, and drainage systems for stormwater runoff.

Attorney Scott Grover represents the Applicant. They are awaiting Dan Mills, Traffic Consultant with MGM Engineering, so the next item is heard first.

Attorney Grover reviews progress. Traffic and Civil Engineering peer review letters have been received by the Applicant. Rich Williams, Civil Engineer with Williams & Sarages, is working with the City's Peer Reviewer; this will be discussed next meeting. Tonight's focus will be on the traffic peer review. The July 5<sup>th</sup> meeting will have additional new information presented.

Dann Mills, Principal Traffic Engineer with MDM Traffic Consultants, presents the findings from the Peer Review and the Applicant's response. AECOM was the peer reviewer and their representative is also present. Few substantive changes were made by the peer reviewer; most comments were suggestions or clarifications.

- Overall site programming: Reviewer notes retail space on ground floors of 2 buildings and wonders if types of tenants other than those suggested would incur more intense usage during morning peak hours. Alternative scenarios were analyzed, but the original study with a coffee shop saw the greatest utilization/impact
- Peak Hour factors, pass by trips, clarifications on coffee shop trips are reviewed
- The main component of the development is residential, so the most impact will be AM and PM peak hours during commutes; it will be spread out over the day during weekend.
  - Traffic volumes on p. 6 – comparisons to existing volumes were made for weekday AM and PM vs. Sat. midday period; same as for evening or lower
- Removal of stop sign is felt to be appropriate

Kirt Rieder asks about the number of bike racks but this information is not readily available. He also asks about the language, "at least one car share." The actual number will be based on need/demand. Both items must be addressed. Attorney Grover comments that these will be addressed at the next meeting.

Matt Smith comments on the "sharrows," noting that this is a wide right of way, so he would suggest additional delineation/differentiation on the horizontal stem for more protection of bikes in the bike lane.

Kirt Rieder notes the timing of the receipt of the letter; it only came to the Board today, but he thanks Mr. Mills for highlighting.

Dennis Flynn with AECOM is the City's Peer Reviewer. He has reviewed responses to his comments and agrees with them, however also notes that receipt of the response in a timelier manner would be helpful. He asks about Saturday traffic volumes; these were conducted during the same general time period. 88 new trips in AM peak hour and 91 in PM peak hour would be generated. For perspective, this is 1.5 per minute or 1 car every 40 seconds; this type of development will capture a lot of traffic already on the roads and will not generate many additional trips.

Noah Koretz asks if that figure only reflects the commercial space, but it is for the entire development. Capturing pass-by traffic applies mostly to the proposed retail and commercial. New trips will be generated mostly by residents.

Kirt Rieder opens to public comment.

Philip Glasovich

Concerns:

- Density
- Traffic
- Parking
- Objects to zoning change
- Objects to changes in neighborhood
- Cul de sac means there is only one way in and out, feels this is unsafe if there is a fire

Linda Russo 67 Laurel Lane

- Agrees with everything above, adds that 88 -91 new trips adding 1.5 vehicles per minute is a significant increase

- Traffic concerns/light cycles

Debby Tucker of 35 Fir St. wonders if the traffic study is accessible to public. She should contact Amanda Chiancola who can point her in the right direction.

Tim Jenkins, 18 Broad St.

Concerns:

- Feels the proposed traffic circle, intended to alleviate traffic issues in the area, will be ineffective as that area is already overloaded
- Improvements on Highland Ave are sorely needed, Board should insist on them rapidly (comments not necessarily directed toward this particular project)
- Smart growth is dependent on transportation system, which is inadequate

Noah Koretz questions the demand for the retail square footage, commenting that larger developments that sit out of the way can have difficulties securing tenants. Attorney Grover replies that the City asked encouraged the Applicant to provide smaller retail shops targeted at this and the larger nearby community in order to discourage residents from driving everywhere. Any retail establishments that come in are anticipated to occupy spaces of 1000-1500 square feet and be targeted to residents of the local neighborhoods. A coffee shop and yoga studio are the types of businesses they are looking for, and some management and retail offices will also take up that space.

Attorney Grover comments that, to his Client's credit, the peer review letter was only received yesterday and they responded to it within 24 hours.

*A motion to continue to the July 5, 2018 meeting is made by Helen Sides, seconded by Noah Koretz, and passes 6-0.*

**C. Location:** 331-335 LAFAYETTE STREET, 5-7, and 11 WEST AVENUE (Map 32 Lots 231, 232, 233, 234)

**Applicant:** 331 LAFAYETTE STREET, LLC

**Description:** An insignificant change request to the Site Plan Review Decision of the Planning Board, dated May 26, 2016 to allow a revision to the approved landscape plan.

Scott Grover presents for the Applicant. James Emanuel was the Landscape Architect on this project, but was unable to attend tonight's meeting, and Robert Burr was also unable to attend, however both were consulted prior to the meeting. Attorney Grover reads an email explaining the changes. The variety of tree planted along the Lafayette St. side was not the variety approved by the Board. A smaller caliper Ginkgo, the Princeton Sentry, was planted, vs. Autumn Gold. Scott Faulkner, Project Manager, explains via a letter that the root balls of the trees planned would not fit, and smaller caliper trees were not available so the Applicant put in what was available and fit. Availability of Autumn Gold is hit or miss, and the Applicant wants to replace the Princeton Sentry with Autumn Golds, but of smaller caliper as that is all that will fit there.

Kirt Rieder appreciates the explanation but is troubled by the email exchanges that occurred between 2016 and now, re species, size and habit of trees. In exchanges with the City, Mr. Burr cites serious concerns about how trees as improved might impede visibility of and would encroach upon the building, but during prior public meetings he never mentioned these issues. The Landscape Architect and Kirt Rieder had an offline discussion about the appropriate variety of Ginkgo and Kirt Rieder had said that the Applicant could select any of several hundred varieties\* - but not this one. That was agreeable to the Landscape Architect, and the information passed to the Applicant. Kirt Rieder was then stunned to see that the very tree that was declined was placed, and at half the size. Installed was 10 caliper inches but what was approved was 17.5.

\*Correct number was later determined to be 88.

The City and neighbors are at a loss due to the number of meetings, input and time spent. Kirt Rieder asserts that what has been installed will be more columnar and is not a shade tree, and will not mitigate the loss of honey locust, elm and other trees the neighbors spoke about. He thought Applicant was willing to move forward after all the previous discussion, so was surprised by his comments/concerns. In the intervening months, he has wandered Salem and seen 70' to 90' tall trees within 7-8' of a building, that do not block the façade. They do not encroach into a building but grow away from buildings. This is a pivotal spot in Salem, he is disappointed that we will end up with desirable trees. He notes that the Gingkoes installed branch all the way down to the ground.

While he is glad that the Applicant is willing to change them, he wonders if there a commensurate amount of caliper inches the City is entitled to. The Applicant is past the point of requesting that he maintain species planted, so is asking to replace the Princeton Sentry with Autumn Gold. Autumn Gold at the originally conditioned caliper has a root ball of up to 48", and Kirt Rieder is surprised that the Applicant and design team came before the Board knowing that a 38" planter would not accept that tree, questioning their ultimate goal.

Options are discussed. The Applicant could dig out, then donate the trees, or provide money to the City's Tree Warden to make up for the caliper inches lost. It is noted that the labor involved in salvaging 5 trees may be more expensive than giving the City a dollar amount. Helen Sides appreciates Applicant's investigation and follow through, as well as the explanation.

Kirt Rieder feels the Tree Warden's input should be solicited before the Applicant makes a decision protocol is discussed. Amanda Chiancola comments that the Tree Warden should review and approve but that the Board can build that into the decision, if the Board does indeed feel this is an insignificant change.

Noah Koretz asks for clarification, and the definition of insignificant change is discussed. It can be ruled that the change is insignificant, contingent upon an agreement. Five Gingkoes were approved but six were planted.

Location of one tree at a pinch point is also discussed. Kirt Rieder notes that the City Traffic Department may have some comment on that re view angles across an acute intersection; Matt Smith concurs that placement is important. Kirt Rieder notes that it is not really fair to ask Planning Board members to weigh in on engineering issues.

Noah Koretz again clarifies that the issue is root ball size, not the size of the adult tree. The approved size of caliper and root ball will not fit into a 38" space, but it is not the Board's responsibility to check these dimensions.

Carole Hamilton motions to approve this insignificant change, contingent upon agreement of applicant to either a) donate the removed Princeton Sentry trees or b) make a donation in kind for the value of 7 caliper inches, is seconded by Helen Sides, and the motion carries in a roll call vote with Kirt Rieder, Carole Hamilton, Noah Koretz, Helen Sides, Bill Griset, and Matt Smith all in favor.

### **III. OLD/NEW BUSINESS**

- A.** Provide the Registry of Deeds an update on the Planning Board Members.

This form must be submitted when there is a change in Board members, to make sure correct people are signing the Form A Plan. Amanda Chiancola passes around a Plan to be endorsed.

- B.** Staff update to the Planning Board regarding an adaptive reuse zoning overlay.

Planning Staff are working on creating an adaptive reuse overlay zone requested by City Council order. This would apply to four specific parcels, the former schools at St. Anne's off of Cleveland, St. James off of Federal St., the Immaculate Conception school on Hawthorne and the current Senior Center at 5 Broad St. These are all zoned R1 or R2, and have lost their nonconformance status, so cannot be developed as currently zoned. The overlay zone is

being formed using the model ordinance of the National Trust for Historic Preservation and the Urban Land Institute.

The concept of adaptive reuse would be similar to that of a PUD, involving a special permit to make the existing use nonconforming. Usage would be similar to that in the NRC, with mixed retail and housing above. The process would include a public citywide meeting followed by a joint Planning Board and City Council meeting in September.

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

**A.** Regular Planning Board Meeting held on June 7, 2018.

*A motion to approve the June 7, 2018 meeting minutes, with minor modifications, is made by Bill Griset, seconded by Helen Sides, and passes 5-0 with Matt Smith abstaining.*

#### **V. ADJOURNMENT**

*A motion to adjourn is made by Helen Sides, seconded by Noah Koretz, and passes 6-0.*

The meeting ends at 7:56PM.

For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at: <https://www.salem.com/planning-board/webforms/planning-board-2018-decisions>

Respectfully submitted,  
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 09/20/2018

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