

**City of Salem Planning Board  
Meeting February 20, 2020**

A public hearing of the Salem Planning Board was held on Thursday, February 20, 2020 at 7:00 p.m. at City Hall Annex, 98 Washington St., Medium Meeting Room, First Floor, Salem, Massachusetts.

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

**I. ROLL CALL**

*Those present were:* Kirt Rieder, Vice Chair Matt Venio, Helen Sides, Noah Koretz, Carole Hamilton (5)

*Absent:* Chair Ben Anderson, Bill Grisct, DJ Napolitano, Matt Smith (4)

*Also in attendance:* Mason Wells, Staff Planner

*Recorder:* Stacy Kilb

**II. REGULAR AGENDA**

- A. Location:** 10 and 12 Alameda Street ANR (Map 14, Lots 115 and 197)  
**Applicant:** Donald Harlow-Powell  
**Description:** Endorsement of a Plan believed not to require approval under the Subdivision Control Law (ANR).

This item is heard second. Donald Harlow-Powell notes that the owner of 10 Alameda St. built a retaining wall and fence. He himself purchased 12 Alameda St. paying cash, so he does not have a mortgage. The owner of 14 Alameda St. claimed they were encroaching on his property with their pool, but a survey revealed that the owner of the wall at #10 is encroaching by 11'. The easiest way to resolve this is to have him [Mr. Harlow-Powell] purchase 360 square feet from 12 Alameda St. The Zoning Board has approved this at the end of 2018, when the Applicant found out they needed an ANR, which is now being requested. 12 Alameda is at the end, 10 is next. They are going from 11,300 square feet to just under 11,000. The lot is not buildable and this is included on the Draft Decision, which requires 5 members be present to vote.

*A motion to grant the ANR is made by Noah Koretz, seconded by Carole Hamilton, and the motion carries 5-0.*

- B. 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:** An 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.**

This item is heard first. Attorney Scott Grover represents the project. Paval Espanale, Peter Lutts and (other), the three principals, are also present. He requests a continuance as only 5 board members are present and he anticipates the project going on for several meetings. They do not want to have to refile if there are voting eligibility issues.

*A motion to continue to the March 5, 2020 Planning Board meeting is made by Kirt Rieder, seconded by Helen Sides, and the motion carries 5-0.*

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

#### **A. Receive and file: Superior Court judgement upholding the Planning Board's 2016 decision to deny approval of a subdivision at 14 Bertuccio Avenue.**

Mason Wells has nothing to add, but thanks Matt Veno and Amanda Chiancola in helping the Board in the trial. Matt Veno thanks Ms. Chiancola and Len Femino, who represented the City legally and prepared him and Amanda for the trial and his testimony. The appeal period is unknown but Mason Wells can find out. Kirt Rieder notes that, in future cases, if the Board requests quantitative data, it must clearly insist that it be provided, not just talk without backup. In this case the unclear expectations extended the issue and antagonized all parties.

#### **B. Receive and file: Request from Southern Essex District Registry of Deeds for updated Planning Board member list. Member signatures required on form to be submitted.**

The form to be signed is circulated; Board members must sign but Mason Wells will fill in the Board Member's term information.

#### **C. Receive and file: MEPA Environmental Notification Form for the Forest River Pool Replacement project. The comment period has been extended to February 21, 2020.**

Board members may submit comments, if any, through tomorrow, by contacting Mason Wells directly.

Noah Koretz asks for an update on the conversation with the Planning Director and Zoning Enforcement Officer. Neither was available this week and another time to meet will be confirmed. There was discussion of having a Saturday session in order to facilitate a longer format, and possibly bringing in an outside mediator to help with the conversation and get at any concerns. Matt Veno notes that this meeting would be for holding a general conversation regarding the lack of enforcement of the requirements that are part of the Planning Board's review, and what the procedure is for enforcing its work.

This issue has come up in several recent projects, including Flynnntan, Pickering Wharf, and Highland Ave. Noah Koretz would prefer, if the meeting must be outside of a regularly scheduled Planning Board meeting, that it be scheduled on a non-Planning Board weeknight rather than a Saturday. There was an appropriation request at the last City Council meeting for funding to pay for a Highland Ave. corridor study. Matt Veno attended and expressed the Board's concerns about the prior rezoning petition, and noted the need not necessarily for a corridor study, but for something higher level, that would cover the entire City. Whether this would mean a reevaluation of the Master Plan or reassessment of the Zoning Code, or something short of that, it should be explored. He believes the item was sent to committee, and he echoes what Mason Wells has stated regarding conversations with the administration about their dialogue with the Planning Board and its underlying concerns. Noah Koretz notes that there are two separate issues that may be addressed in the same conversation: The Planning Board's purpose or interest in how

this petition was to raise the broader topic, and the willingness to more fully understand where the Board is coming from.

Helen Sides wonders if such dialogue has occurred in the Pickering Wharf situation. Mason Wells comments that he can request enforcement, and that he is working on this with the Assistant Building Inspector. It is neither resolved nor tabled, but construction is proceeding. This disappoints the Board. The Developer has not yet been contacted.

Kirt Rieder notes the lack of enforcement at 9 South Mason St. The Ice Cream Way has lights all the way around the “hat” of the building. Developer had stated that he likes it, as it shows off his building, and no one ever told him to turn it off. The Design Review Board had commented that Mason Wells had reached out to the Developer and let him know it was outside of the Plans approved by both the DRB and Planning Board. This is another enforcement topic. Kirt Rieder has a recent photo.

#### IV. APPROVAL OF MINUTES

##### A. Regular Planning Board meeting minutes for January 9, 2020.

A motion to approve the Regular Planning Board meeting minutes for January 9, 2020, as amended, is made by Noah Koretz, seconded by Kirt Rieder, and passes -0.

(Note **in the minutes** from this meeting, not just in the vote, that Noah Koretz was recused for one of the items.)

Kirt Rieder asks that the word “feels” not be used in future minutes to describe his expression of opinion on matters.

There is a question on the length of the cul-de-sac. It is “too long;” this should be clarified.

No board members attended the MMA Conference.

#### V. ADJOURNMENT

A motion to adjourn is made by Noah Koretz, seconded by Helen Sides, and the motion carries.

The meeting ends at 7:30PM.

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 5/21/2020

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