

**City of Salem Planning Board
Meeting March 5, 2020**

A public hearing of the Salem Planning Board was held on Thursday, March 5, 2020 at 7:00 p.m. at City Hall Annex, 98 Washington St., Large Meeting Room, First Floor, Salem, Massachusetts.

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

I. ROLL CALL

Those present were: Chair Ben Anderson, DJ Napolitano, Matt Smith, Kirt Rieder, Vice Chair Matt Venio, Helen Sides, Noah Koretz, Carole Hamilton (8)

Absent: Bill Grisct (1)

Also in attendance: Mason Wells, Staff Planner

Recorder: Stacy Kilb

Chair Anderson comments that he understands people were upset about the continuance, and that attending Board meetings takes time from people's lives, who choose to be here. Board members are in the same situation. The Planning Board is recommended by the Mayor; the City Council then reviews qualifications of potential Board members and appoints them according to their profession and experience. There are good reasons they are on the Board. As non-compensated City employees, Board members are unpaid volunteers, who take their own time to do this work, not just participating in meetings but also reviewing each project, based on the zoning Ordinance, to ensure that projects are in the best interest not only of the neighborhoods where they will be built, but the City as a whole. They also examine what is fair for the Applicant/Developer, and try to find a middle ground. This is the place the Board comes from and the function it serves. The absence of several Board members at the last meeting was unfortunate, and the Chair apologizes, noting that sometimes people have last minute scheduling changes.

Tom Daniel, Director of the Planning Department, addresses the public, first providing administrative updates.

He notes that there are many projects on the agenda this spring. There will also be joint hearings of the Planning Board and City Council regarding the ADU (Accessory Dwelling Unit) and inclusionary zoning, as well as conversations with the Board (Matt Venio in particular), the Mayor and the City regarding its goals, alignment of those goals and how to be effective. The Planning Department has been working hard internally to improve the process. To that end, Mason Wells' (staff planner) workload has been adjusted to give him more time. The Engineering Dept. has a position advertised for an in-house Clerk of the Works position to help with peer review and inspections. That won't be an immediate change but it will happen. An online permitting system will streamline the workflow among Departments, behind the scenes. These and other strategies will free up staff time to support the work of the Planning Board. Mr. Daniel also offers that the Department is open to looking at other resources and ideas re peer review context/urban design, etc. He thanks the Board for their work.

He also acknowledges the confusion over Highland Ave. It is a state road, so what happens there is controlled at the State level; the City does not control it but is part of the process. There was a 2016 conceptual study done by MassDOT, which has put out an RFP (Request For Proposals) for an Engineering firm to work off of a conceptual plan to do design drawings. That process will resolve in August, when the planning process will start. That will have its own public meetings. The "zigzag" at Swampscott and Marlborough Rd. has not been figured

out. There is more work to be done and opportunities for public participation and input will be available, just as in 2016. Mr. Daniel wishes it could move faster, but the City cannot make it so. David Knowlton, City Engineer, is the contact for state infrastructure projects.

Salem has received funding for a corridor study. “What’s happening on Highland” meetings were held a couple of years ago, seeking community input as to what, realistically, should be done with properties there. This is City vs. state work. For the City project, they are looking to get a consultant on Board, and there will be 3 public meetings after they come on in April. There is a 6 month timeline start to finish. The procedure for applications is outlined:

- Filed to City
- Plans circulated to different departments: health building engineering, fire, etc. where colleagues receive and review
- Comments come back to PB and are considered
- In addition, reports are submitted by Applicant: traffic studies, stormwater management plans, technical analysis is submitted to PB who may refer out for additional review (peer reviewer is hired by City but paid for by Applicant).
- Data and info come in, some at Department level, some at Board level

This particular project will have many opportunities for participation and information sharing

Chair Anderson asks that when the meeting is opened to public comment that those speaking please limit their comments to 3 minutes, and notes that each person should speak only once.

II. REGULAR AGENDA

- A. 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.

Present for the Applicant are:

Attorney Scott Grover

Scott Cameron, Engineer, The Morin Cameron Group

Dan Ricciarelli, Architect, Seger Architects

Dan Mills, Transportation Assessment, MDM Transportation

Applicants:

Overlook Acres LLC Principals: Peter Lutts, Pavale Espinale, Paul Herrick

Attorney Scott Grover presents for the Applicant. Meetings with the Ward and neighborhood groups have occurred over the past year during development of this project, and Plans have been revised to include that input.

Attorney Grover thanks the Board for its efforts.

PowerPoint Presentation: Overlook Acres Project Design Presentation

Overview:

- Site overview: 17 acres on northbound side of Highland Ave; surrounds the former Cineplex site but does not include that land.
- Original Parcel Aggregation shown. Formerly 13 parcels owned by 5 different parties. Combination of registered and unregistered land in B2, R3 and BPD zones. A very complex set of factors
- Applications are two: PUD special permit, plus traditional Site Plan Review. All traditional elements of a PUD (some commercial, mostly residential, strong public component) are included
- Public Park will be constructed and new sidewalks on Barnes Rd. and Highland Ave, and throughout the site, will be added. Wetlands will be preserved

Sott Cameron presents engineering:

- Project began over a year ago; examined wetland resources, evaluated by LEC Environmental. Review filed w/ Conservation Commission. Wetlands are described. Large wetland is jurisdictional, small is not
- Detailed topographic and boundary survey is outlined; includes adjacent residences, tree line, topography, zoning, associated parcels. Entrance Corridor Overlay District (ECOD) is also shown
- Site configuration: Two parcels were added midway through the design process; before then it was extremely challenging but now land is better used
 - Building 5: on Highland Ave., commercial w/residences above
 - Clubhouse, amenities
 - Buildings 2, 3 and 1 are described with entrances and exits to the property
 - Surface and subsurface parking provide 1.5 spaces per dwelling unit + commercial. Covered parking is also included
- Conceptual site plan:
 - The design objective was to pull away from Barnes Rd. residences, preserve trees, pull buildings away from wetlands. Less clearing is being done from what was originally designed. Buildings themselves are spread out
 - Solid waste disposal location is pointed out
 - Turnaround spaces for deliveries, emergency vehicles, and those using the property are outlined
 - Each building has a dropoff area near front door
- BPD District, Land Use Figure: PBD 50% can be used for residential; majority of parcel is undeveloped & wetland will be maintained. Buildings oriented to have view corridor of wetland
- Zoom in of commercial building on Highland Ave. Building is long and closer to the street, parking situated behind it as much as possible. Intersection of Barnes Rd/Highland Ave.; the lighted intersection will be updated. One portion of realignment is land on the property but would be given to City to not be constrained by 40' right of way
- Walking opportunities among buildings, along Barnes Rd. and Highland Ave. along with Public Park and open, usable green areas. Area of property left undisturbed or open landscape: 60% open; 13% building footprint, 25% impervious such as sidewalks, parking. 1/3 of

property will be undisturbed. Three tree buffers will be preserved

- Dimensional Table: PUD zoning parameters and what is planned are outlined
- Typical driveway cross section; concrete curbs proposed outside ECOD; bituminous elsewhere. Granite on ECOD
- Grading elevations. Keeping buildings away from lot lines as well as below existing dwellings. Slopes are outlined, flattened grades to keep development walkable. Minimizing excavation and addition of material by balancing grades. Set buildings lower, fill under and behind them, have them sit below the neighborhood. This also minimizes truck trips into and out of the site
- Utility design: working with Engineering Departments re water, sewer, stormwater, examining existing utilities on Highland Ave. and surrounding areas. Will have additional info in upcoming meetings. Water supply for fire and domestic usage; sewage will be pumped out of site to Highland Ave. main trunkline
- Conceptual Site Plan: two cross sections to illustrate elevations from Barnes Rd. are shown

Dan Ricciarelli presents architecture:

- Four, four-story buildings, 1-story clubhouse, 3 story retail on bottom w/2 floors residential
- Building 1 Plans: mix of 1, 2 and a few 3 bedroom units; each unit will have own deck or patio
- Elevations shown for buildings 1, 2, 3 and 4; side and end elevations shown for each building
- Building 5 retail/residential building elevations are shown and described
- Building 6 administration building is shown and described. Function room will be open for community use and can accommodate 50
- Building design, cladding, and massing are described
- Renderings are shown
- Materials are shown: cementitious clapboard and panels, windows shown (no EFIS. YAY!)

Daniel Mills presents the traffic study:

Examined primary gateways to site and signalized intersections from Old Village Dr. to Traders Way intersections

- MassDOT Route 107 corridor study done in 2016 has a 20 year timeline
 - Key objectives: multi modal planning (complete street)
 - address long range needs
 - improve traffic flow, etc.
- Planned improvements:
 - improvement to traffic signals
 - accessibility upgrades to crosswalks
 - resurfacing program
- Corridor study sample overview:
 - Highland Ave. at Olde Village Dr.,
 - Highland Ave. at Barnes Rd.
 - Swampscott Rd.
 - Marlborough Rd. This development will not solve these issues
 - Highland Ave. at transition zone
- Proposed bus stop locations and projected ridership
- Site Generated Trips: industry standard used, focus on AM and PM commute times
 - Peak Hour Trips:
 - AM: Majority of trips exiting the site; 40% going west/south toward Lynn, 60% northbound
 - Traffic from site lessens further from site.
 - Estimating 43 add'l trips North and 44 add'l trips South
 - Reverse in PM peak hour; 56 trips to/from south and north
- Proposed Improvements: Highland/Barnes/Ravenna. Sharp turn, limited to no sidewalk exist. Barnes Ave.

access will be re-aligned to provide a traffic calming measure to the neighborhood. Sidewalk will connect past the site. Will widen Highland Ave. for transit stop and bike line as well as left turn lane, which will be extended at this location. A crosswalk will be enhanced or provided. Will also modify signal phase

- These are not full Mass DOT improvements but will be consistent w/that project
- TDM : onsite Transportation Demand Measures:
 - Sidewalk system
 - path thru site/connections
 - car sharing
 - unbundled parking
 - preferred parking for low emission vehicles
 - bike facilities
 - public transit promotion/accommodation

Attorney Scott Grover Notes that this was an overview tonight; there will be deeper examination of technical issues in the future. They know it will be subject to traffic and engineering peer review. The property is, in all other zoning, in ECOD which subjects it to the Design Review Board. The Applicant is planning to request a continuation and referral to the DRB at the end of this meeting. Michael D'Angelo, Landscape Architect, will be at future meetings.

Chair Anderson asks about the Landscape Plans:

- PUD requirements discuss compatibility w/neighborhood; he is struck by the size/scale and number of buildings. They are 4 stories and he understands intent to keep away from the neighborhood, but it appears that they will dig out existing topography, creating planes to create paths for very large buildings, with parking and roads leading to it. This is a lost opportunity to incorporate the varied nature of the topography. He understands sections and intention to keep them low, but they are still very large in length and height. Past projects have incorporated the topography, building partially into the hillside. This may be something to consider.
- They could also consider the number of buildings; this development will be adjacent on Barnes and other roads to single family homes. There is a wooded area, and dropoff, and a retaining wall will be necessary, as what they have proposed will be steep. In other projects he has seen a more gradual slope, keeping the existing landscaping, while the scale of the buildings is reduced. On one building parking was underneath, reducing surface parking. If this was done with the majority of buildings, they could give back existing landscape or have it become park space.
- They are missing opportunities b/c of efficiency and numbers, but these other opportunities should be explored to make it a better project

DJ Napolitano asks about the 60% of the site that will still be undeveloped. This is incorrect; 1/3 is undeveloped, 60% is pervious. The Applicant is unsure what percentage/area is the wetland that they can't build on; DJ Napolitano notes that 1/3 sounds big but is disingenuous b/c they can't use it. How much of that 1/3 IS the wetland?

Matt Venio asks about the wetland, noting that it does not look "wet," and this is described. Kirt Rieder shows him photos of the wetland. A standing water pond is there year round and that area is a collection point for water from Highland Ave. and Barnes Rd. The wetland surrounded by "super spiky" invasives. The small isolated wetland is a drainage path. A small, naturally occurring berm traps water there.

Matt Smith comments on traffic analysis:

- Good to see TDM (Transportation Demand Measures) strategies at end
- Straight ITE trip generation (Institute of Transportation Engineers Trip Generation Informational Report)

did not take credit for public transit in analysis so it is a worst case scenario

- Unbundled parking: this means that parking must be paid separately from rent and this is a good way to discourage car use and increase transit use. People may not be aware of the meaning and implications so this should be clarified
- Bicycle facilities:
 - Developer should NOT use 107 studies, if doing 107 improvements they should show a separated facility on their side. No one will be biking with cars 1' away going 50 mph. Any changes made to route 107 must go through the DOT so they will have to consult with that agency on adding a bike lane
 - Also did they include bicycle parking within this? Useless if not included. It is not in the overview but will be presented in more detail in the next meeting. Bicycle parking will be in the garage and key outside location. Matt Smith comments that it should be in good locations, not a back corner, to encourage usage
- Public transportation promotion - clarification? Just letting residents know "it's there" or are there subsidies? Promotion without subsidies will not be effective. Everything is being considered at this point
- Matt Smith comments it is not 50 cars entering/exiting at once but over the course of an hour
- TDM strategies: he would like to see details, especially regarding:
 - transit promotion via subsidies
 - shared parking with retail space. 107 must be through DOT. Shared parking retail space will accommodate shared parking
 - Make the development more street-like vs. residential parking lot. Make it more like a neighborhood

Chair Anderson notes that the Park is not connected to the Development; it is actually for Barnes Rd. This was by design. The shared parking for the commercial segment was based on the lightest use commercial parking, with the anticipation that there would be dual usage w/residential parking in the rear.

Kirt Rieder:

- Relationship to Cinema Site? This is under different ownership
- Notes that the graphic makes this attractive but that the Cinema site has been clear cut and is actually a "big dirt field"
- Compatible use in PUD: must work with the surrounding area; 4-story buildings work as shown, next to the 2-story adjacent houses, only because they are set below geographically below them. The Applicant replies that this is the full narrative they will go with. The development is in scale topographically but not architecturally, with the rest of the neighborhood
- Usable/accessible open space: estimated at 6,000-8,000 square feet for the park, 5,000 square feet for the clubhouse. Kirt Rieder notes that, for sense of scale, this is 1/4 acre or less. Lappin Park (which is right outside this building) is 10,000 square feet, and what the developer proposes is half that size. If they say they are contributing a "significant public park" they are NOT adding to their credibility. Mr. Rieder notes that they are promoting it as a selling point, but they are doing it as a way to add an elevation so as to be an amenity to existing neighbors but it is not significant
- 4 story maximum is allowed in BPD, 48' in R3. Architectural drawings do not show the height of peaked roofs. He has concerns about dimensions; Applicant should be clear about how tall these structures are. Administratively it's measured one way, visually another way. It is also unclear from where the Developer is measuring, whether from a high or low spot of topography
- When the Planning Board evaluates a PUD, it must also understand the time frame. Is this a phased or multi-year project? The intention is to build all at once, not phase the project over 5-10 years
- Wetland being filled in? They are preserving a portion of it, while the narrow end is being filled. Less than 5,000 square feet is being filled in for the whole project. Wetland areas will be provided

- State regulations require that compensatory square footage be provided for wetlands eliminated. Not yet vetted; a few areas are possible. They could remove invasives and grade to wetland elevation, bring in native plants as one option. Kirt Rieder comments that this would be a good narrative thread to develop
- How does this plan not impair the Bordering Vegetated Wetland (BVW)? The Applicant is not prepared to answer questions more in the jurisdiction of the Conservation Commission, but notes that stormwater must go through the state, and local EPA standards for treating water. They are not increasing the rate of runoff, O & M plans to maintain stormwater, will make sure they protect downgradient wetlands, they are always thorough and particular with that design, which will be provided later. Ecosystem improvements in compensatory storage will be outlined later. The mitigation plan will go through the Conservation Commission
- Civil drawing #3: current allowable distance of a cul de sac: does this meet or require a waiver? They are over 800 linear feet, will they be asking for extension? This is not a subdivision road or cul de sac, but a private roadway network, however the fire marshal must sign off on it. From the crosswalk at building 2 to the end is 800'
- Cedar Road (currently a paper road) will be constructed as part of this
- Underlying zoning requires a minimum buffer of 75' for BPD. Does this development go to the boundary or Neighbor's House?
- Underlying zoning also stipulates a maximum height for retaining walls of 6' or 10', depending on if the zone is R2, R3, or BPD. It is 48' from the lowest grade to the elevation on Barnes Rd., but the cut is concentrated, then the fill will be redistributed elsewhere. This means there are retaining walls everywhere. Some retaining walls go up to 26' high, well beyond what is allowed by the zone. The Applicant replies that they are considering stone slopes/battered surfaces, not a wall. Kirt Rieder notes that the Plans indicate a modular retaining wall, plus, this occurs at the maximum change in the site so his concern is valid
- This Board requires 1' contours; these will be provided on more detailed plans later
- Will have to have a conversation about granite vs. concrete vs. bituminous curb. This Board does not approve of asphalt or concrete curb. Asphalt is least preferred because it is not durable
- There is a question about industrial/household waste on the property. The majority is on their property and will come out
- Wetland protections require they not destroy or impair wetlands in any way. Wetlands serve a purpose: filtration, flood control, habitat. Flattening the site is great from an engineering perspective, but it is a functioning system today that won't support life the same way after development. Less impermeable material would be beneficial. The Applicant is allowed by state regulations to remove 5,000 square feet of BVW
- Kirt Rieder echoes the Chair, noting that that way the 4 buildings are laid out, the expansive parking requires retaining walls. He is concerned w/retaining walls and pavement proximity to wetlands. The outer 50' of the buffer will be removed. This means an encroachment of 50' into 100' buffer, elsewhere coming within 20' to 40' of wetland. So the concept of "buffer" is disingenuous. They are putting residential units on top of the wetland. This is backward. To say "using it as an amenity" then blowing it away, is counterproductive to state regulations
- Kirt Rieder does not mind encroaching in the buffer if needed for critical connections, but siting a building on a natural resource itself is not desirable. WPA (Wetlands Protection Act) jurisdiction on "fingerlike projections" is discussed. 25' is critical wetland adjacent to wetland. Salem lacks a "no disturbance" threshold; usually this is 25'. Mr. Rieder comments that Salem needs to do better. There is no re-creating this once gone. He is not saying don't do anything on the property, but when resources are going away, this is moving in the wrong direction

Matt Smith notes the combination of 1, 2 and 3 bedrooms mentioned, yet no 3 bedroom units are shown; please call them out to make the plans more family-friendly.

Chair Anderson opens to public comment, reminding commenters to please limit themselves to 3 minutes, addressing the Chair, who will then address the Applicant.

Bob Provencher 17 Barnes Rd. thanks Kirt Rieder for his insights and makes the following comments:

- Dumping and contamination in wetlands has stopped
- Traffic: local hospital closures plus Halloween and holidays should be considered
- Highland Ave. is inaccessible to emergency vehicles; put in a fire station
- 4AM dumpster drops on other side of Highland Ave.

Allison Scott, 24 Clark Ave. Concerns:

- Concerned about noise of traffic and construction work. Removal of trees exacerbates this
- Objects to disturbing wetlands
- Objects to building on natural areas; feels building should only occur on previously disturbed areas
- Objects to putting a road on Barnes Ave. Park should be private, not public

Tim Flynn, Ward 4 City Councillor

- Former Ward 3 councillor Lisa Peterson and him had meeting
- Echoes concerns of Mr. Provencher
- Concerned about traffic as former firefighter; cites Corridor Study of Highland Ave. Study should be completed (\$40K approved) before development occurs
- Access to property: Concern about left in outbound lane at Puleo's. Lane is too short, 2.5 cars, it is already backed up. No way to make long enough to accommodate such a large development
- Do not connect a road to Barnes Rd. Residents will have to exit onto Barnes Rd. to take a left
- Could former Cineplex be connected to this development? If so this would impact usage of Barnes Rd.
- Concerned about park, wetlands, size of paper street
- Does not support the project - volume, vehicles, number of apartments

Kath LaBirdie, 3 Lion's Lane Highland Condominiums Olde Village Rd. Concerns:

- Traffic
- Flooding
- Density
- Former Animal Rescue League Land for sale

Lori Stewart, 7 Barnes Rd. Concerns:

- Exit rd. onto Barnes Rd. - comes too close to driveways of #5 and #7 Barnes Rd. Come out where Barnes Circle is now? Headlights will shine into living rooms
- Feels this will not contribute to neighborhood; concerned about size and scale of buildings
- Clubhouse w/community room for functions, pool - proximity to R1 houses, what are hours of operation, types of functions?
- Blasting ordinance would require no onsite rock crushing in development; can this be a condition if blasting occurs before ordinance is in place
- Applicant will respond to all questions at next meeting

Jodi Jarvis, 7 Clark Ave. Concerns:

- Traffic, both after occupancy and of construction vehicles, esp. off Barnes Ave.

Anthony Brooks, 7 Clark Ave. Concerns:

- Traffic
- Barnes Ave only way to get out westbound; can't handle 2 cars; road narrows to one way width during snow
- Lack of sidewalks on Barnes Rd.
- Dunkin Donuts: drivers go thru Barnes to get to DD
- Not taking into accounts impact to neighborhood and risks

Anne DeLuca, 10 Clark Ave. Concerns:

- Blasting
- Traffic
- Size of development, development of adjacent parcel

Thomas Pothier, 14 Clark St.

- “No red lights on Highland Ave” - Traffic. Barnes Rd. is a “mini 114”
- Truckers/dangerous intersection
- Lack of maintenance by state of 107

Chair Anderson ends comments for this meeting.

Tom Daniel notes that Board comment could impact site plan and design; the Applicant withdraws their request to obtain a referral to the Design Review Board now, in case there are significant changes to the Plans.

Noah Koretz comments that 1' contours are required and materials submitted for Site Plan Review are incomplete. This has come up a number of times, yet no photometric, architectural or snow removal plans have been submitted. He will begin tracking whether or not submissions are complete.

Matt Veno comments on the size of buildings and the PUD reference to consistency with the surrounding area; he finds it hard to see how they can make that case with this Plan. The Applicant should go back to the drawing board and conceive a smaller scale development. Buildings are too large and density too much (even though he advocates for more housing). Part of the reason, comments Attorney Grove, they submitted at this point was to get feedback before getting too far down the road, but Noah Koretz replies that this is an ordinance and items are required for Board review; if not met, the Board should not review.

A motion to continue to the April 2, 2020 meeting is made by Kirt Rieder, seconded by Matt Veno, and the matter carries.

B. Location: 160 Federal Street (Map 26, Lot 0002-30)

Applicant: North Shore Community Development Coalition

Description: A public hearing for all persons interested in the application of NORTH SHORE COMMUNITY DEVELOPMENT COALITION for the property located at 160 Federal Street (Map 26, Lot 0002-30) for Site Plan Review, Municipal or Religious Reuse Special Permit, and Flood Hazard Overlay District Special Permit in accordance with Salem Zoning Ordinance Sections 9.5, 6.11, and 8.1. Specifically, the applicant proposes the conversion of the former St. James Parochial School into 33 units of housing, with associated community space for residents. The applicant additionally proposes approximately 42 parking spaces on site to serve the residential units.

Noah Koretz leaves the meeting for the evening, having recused himself from this item. Seven Board members remain.

Attorney Scott Grover represents the Project. Also present are:
Mickey Northcutt, North Shore Community Development Coalition

David Vasilios NS CDC

Brian Creamer, Engineer, Nistch Engineering

Attorney Scott Grover introduces the project. This is the first project after the adoption of the Reuse Ordinance.

- 160 Federal St. site; site comes all the way back to Bridge St. in the R2 zoning district. This Board, under the Reuse Ordinance has the ability, by special permit, to allow a variety of uses, including multifamily residential use. A building is eligible for Special Permit, if it is 4,000 square feet in total size, more than 50 years old, and must have to have been in continuous religious or municipal use for 20 continuous years. All those requirements are satisfied
- Dimensional requirements: underlying requirements of R2 govern the project, except for lot area per dwelling unit, which does not apply
- Meets parking requirements; new ordinance requires 1 space per unit
- In this case b/c it is CDC, will be far in excess of 10% affordable units
- Historic Commission provides comments to PB and DRB
- Also filed for Site Plan Review

Mickey Northcutt, CDC:

- Reviews North Shore CDC: Based in Salem since 1978 , investing in neighborhoods, affordable housing is a large part of that, but also does other connected work. Housing allows them to fund youth development, public art and community engagement. Budget is reviewed
- Past experience: rehab using historic tax credits on 19 buildings, 17 additional undergoing historic credits. Many projects done in the Point to retain character of the neighborhood, accessible to new immigrants. Looking forward to developing in other parts of Salem
- 3 Historic Salem Preservation Awards (105 Congress St., El Espacio Community Space, provides free programming to those in need; full kitchen, paid for by Affordable Housing Development)
- El Punto 90+ mural outdoor art museum
- Priorities:
 - Renovate everything the CDC already has (2/3 done, last 1/3 to be done in 2020-2021)
 - Build new construction in the Point
- Now want to bring historic preservation to a new level
- Affordability for both projects (financed together, funded as one legal project:

	30% AMI	50%AMI	60%AMI	Market Rate
studio			14	4
1BR	5	6	13	9
2BR	4	1	2	4
total	9	7	29	4

- 28% market rate, 72% affordable, meets demand for those who don't qualify for affordable but would like

to live in the buildings

- Discussions re inclusionary zoning/income tiers. People are more attuned to them now, this is good
- Income limits, maximum rents and projected rents are outlined. Square footages are limited by classroom spaces, so will be small, basically many 1 & 2 person households. Maximum rents are much higher than projected rents. They want rents to be lower. Incomes that govern housing programs don't align with what Salem residents experience
- Hard to find somewhere nice to live, nice finishes, good management, even at market rate
- Community Outreach: Historic Salem Inc, Council on Aging Board, Open Houses, Federal St. Neighborhood Assoc., Historic Derby St. Neighborhood Assoc., League of Women Voters Affordable Housing Committee
- Layout of parking lot on St. James: gave feedback on parking, aligned with where they were going but were able to refine it much more in depth
- There has been mostly family housing in CDC's portfolio; rarely does it focus on a particular population, but 160 Federal St. is proposed as 55+ preference on Applications
- Unit Breakout; attic allows for elevator shaft to be installed despite Historic Tax Credit (can't add appendages). This is part of the reason it will be 55+
- Site Plan - can fit 42 parking spaces, but important for the parking lot to not look like a "monolithic blacktop" and for it to have pedestrian sidewalks connecting it to building. Also wanted ample dropoff zones
 - Sides of the building currently impervious; will be usable open space, feel like people are supposed to walk there. "Livable sphere" around the building. Also want this to be the primary usable entrance (the one off of Bridge St., not Federal St.). If people drive, they will use this one. If walking, they may be more inclined to use Federal St. Mailboxes are inside the Bridge St. entrance
- Rendering of Federal ST. entrance. Proposed landscaping rendering shown
- Rear entrance off Bridge St. rendering.
- First Floor: mail room, community space on Federal St. side (in lieu of add'l apartments). Relocating the current boiler room (boiler appears to be from the Titanic), will reopen some windows, combined laundry and community room. (all are possibilities, it is flexible) . COA board said there are unmet space needs in the Community Life Center so they may run programs here for those who live in the building (or any seniors)
- Currently 3 large stairwells, allowed to do away with one of them as long as the T shaped common hallways are preserved. Putting units where former stairwell was

DJ Napolitano comments that he wishes other Developers would follow suit. Mr. Northcutt notes that the CDC has access to the same resources as for-profits, and while CDCs are a small fraction of housing pie, they do more thoughtful development than for-profits. DJ Napolitano agrees that it does seem a lot more thoughtful than other projects the Board has seen. He wishes other developers would think about these things. Design is important to the CDC b/c it contributes to resident satisfaction, and in turn, people take care of the space

Kirt Rieder asks about timing; the Applicant is waiting for comments from City Departments and under the Ordinance must go before the Historic Commission and DRB. St. James is in the Local Historical District so requires a public hearing and Certificate of Appropriateness. In addition, tax credits sought mean they are bound by the highest standards of scrutiny by the Secretary of the Interior. Their other project is just outside the Urban Renewal area.

Kirt Rieder:

- Echoes DJ Napolitano's comments
- Landscape Architect? Yes, Brian from Niche, specific species will be provided

- Comments re granite vs. asphalt curbs
- Good job regrading, cross and directional slopes on parking lot, but need to see that for pedestrian slopes. Pedestrian zone looks really steep according to ADA. Crushed stone identified as paving material but will move if steeper than 2%. Please simplify “the wiggles”
- He approves of the architecture, but would rather see a straight line out of the building to Bridge St. Trying too hard to introduce whimsy into a space that doesn’t need it. Delete crushed stone, this would allow them to provide more permeable space. Get rid of gray, straighten it, add 2-3 additional trees for shade. Straight line would reinforce the identity of the building
- Backside: modifications to City sidewalk? Curb cut does exist. The Curb cut will be rebuilt, shifted 3-4’ to provide a 2-way entrance. City has said it wants to re-do Bridge St., City and Applicant will coordinate sidewalk and other improvements
- The setting bed for bricks will be further examined, as will materials
- Snow storage not provided, but is discussed; it is noted that visitor parking will be “seasonal” used for snow storage. Simplifying the walkway will also provide additional snow storage

Utility Plan:

Infiltration is proposed below the walkway. All drains go into it. This needs to be deeper to accommodate tree root balls, this will be examined. The drain system can also be configured to accommodate tree roots.

Chair asks if this property abuts the Community Life Center; it does not. He also asks about building systems; they will need a compressor/fan somewhere. Some projects were approved without coordinating the location of fans; for the next meeting, please have an idea of where they will go so the Board can evaluate.

Kirt Rieder asks about the 7’ wide easement, along the pavement down Federal to the back end, then leading into the Parking lot. Attorney Grover explains that this is for the benefit of 162 Federal St., which used to be commonly owned. #162 has an easement to get to its parking spaces. It is not functionally parking but could be due to their site configuration at that location.

Chair Anderson commends the Applicant on the renovation and looks forward to the completed project, and opens to public comment.

Gillian Ravel, 155 Federal St. Thanks the Board and developers for their effort. Concerns:

- Reiterates commentary re parking on Federal St.
- She is one of only the houses with no driveway, appreciates not allowing resident permitting on the street as it is tight.
- Also curious about cooperation with the Church for parking lot and administrative building between school and church. Landscaping will abutt an unappealing parking lot/admin building
- How does mapping happen? GPS/traffic/wayfinding to true entrance on Bridge St. How to facilitate?
- Courtyard/large area grade: suggests Board consider creating an actual accessible walkway with no stairs between Federal St. and Bridge St. side to integrate neighborhood as well to make it accessible for 55+ and moms with strollers, etc.

Mickey Northcutt replies that the Church still owns and operates the small administrative building. Thus, it is not currently part of the Development despite the Applicant’s efforts. Residents may have greater influence and if they are effective the developer would be happy to help.

Re Accessibility: grade is too steep to achieve that. A ramp would need to take up the entire space. This is a trade off. There is a public sidewalk half a block down.

Re GPS address: the Post Office would be the final arbiter of that, but they are inflexible because the building exists and has this address. Kirt Rieder notes that, conceptually one could go from Federal St. to Bridge St. via easement, but at the end of day this is a private redevelopment, not a public park. The Developer wants to gate off the “public” area between the church so they can close it if it is a rough winter.

A motion to continue to the April 16, 2020 meeting, is made by DJ Napolitano, seconded by Helen Sides, and passes 7-0.

C. Location: 13 Hawthorne Boulevard (Map 35, Lot 0287-0)

Applicant: North Shore Development Coalition

Description: A public hearing for all persons interested in the application of NORTH SHORE COMMUNITY DEVELOPMENT COALITION for the property located at 13 Hawthorne Boulevard (Map 35, Lot 0287-0) for Site Plan Review and Municipal or Religious Reuse Special Permit in accordance with Salem Zoning Ordinance Sections 9.5 and 6.11. Specifically, the applicant proposes the conversion of the former Immaculate Conception parochial school into 29 units of housing and approximately 4,500 square feet of studio, workrooms, galleries, and meeting space. There are 7 parking spaces on the premises for visitors. The applicant proposes that the required 29 parking spaces for the residential units will be reserved in nearby municipal parking facilities.

Noah Koretz has left the meeting (see above) and is abstaining from this item.

Attorney Scott Grover represents the Project. Also present are:

Mickey Northcutt, North Shore Community Development Coalition

David Vasilios NS CDC

Brian Creamer, Engineer, Nistch Engineering

- Zoning: There are two distinctions between this and 160 Federal: this is primarily multifamily but a large auditorium is here, which will be used for meeting space, studios and galleries. Residents intended to be creative types. Uses must be those allowed by special permit under the new Ordinance. Also limited parking spaces (7) onsite are to be used by visitors/public uses so the 29 units will have annual parking passes in South Harbor or East India Museum Place Mall garages available for purchase

Mickey Northcutt, CDC:

- Cannot put in an elevator, so not 55+ housing. Also every room in the building has great light. CDC has not built affordable housing for artists, not because they don't want to but b/c opportunity has not presented itself before now. This is across the street from the PEM. Auditorium is a really special place. A shame to cut it up into housing, could do that but it is more important to preserve the space aesthetically while making it more functional
- Unit breakouts (not family housing)
- Site Plan. All residential parking will be in the Citygarage b/c those coming to the auditorium would have to park on the street. Will be a dropoff zone for those with groceries, etc.
- Basement layout: high windows. “Bym” under auditorium will be storage and units
- First floor layout: Auditorium is 4,500 square feet, plus stage; planning to have resident gallery and lounge/multi use space here. Would like to include infrastructure they can't afford to put in each unit. Want to facilitate community, will work with residents to do programming that would occasionally be open to the public

- Upstairs floor plan
- Top floor plan

Helen Sides asks about accessibility. The main floor of the auditorium is accessible. Because of Historic Credits, there is no way to make the main or side entrance accessible. The Applicant will provide accessible entrance access from the rear. The lobby with mailboxes is the main entrance and is accessible; there is not a separate accessible entrance.

Helen Sides comments on the wide hallways, which will encourage people to “hang out”. The hallways in St. James are even wider. She asks if it is possible to mark off enough space to be accessible but have seating areas in them. This is more common in 55+ communities but could of course be done in other spaces. Helen Sides asks about cohousing and communal spaces.

72% of units here will be affordable. The Mass. Economic Development Council includes a Creative Economy Office. The State has quantified the economic impact of the creative economy. There is an objective definition of “creative economy,” defined, encouraged and funded by the Office. This is intended as a hive of people who appreciate things like location, light, and the presence of each other. Many fit that description but may not fit the description of an artist, such as a journalist, arts administrator, architects, graphic designers, etc. This will make it easier to market the market rate units. People who want to rent at market rate may not meet the preference of “artist.” This has never been done for the creative economy because the definition does not exist anywhere but Massachusetts. The State has to approve a marketing Plan for compliance with the Fair Housing Act, and the Plan will be written with these rules in mind.

The Plans were left out of the packet but placed in DropBox; they will be in binders next time. Kirt Rieder comments that on other approved projects the Board asked to move forward re street trees. He requests that the Applicant please reach out to Bob LeBlanc re street trees on Hawthorne Blvd. They will do this. There are heritage trees on Union they will do their best to maintain. They may have to go to the Tree Commission regarding the curb cut. Tom Daniel asks if preference will go to local residents in addition to artists and those over 55. CDC does not automatically prioritize local residents who wish to move in, do it but can consider this if the Board wants. They would have to seek permission from the Executive Office of Housing and Economic Development. Also, the preference for would only extend to those who already live locally for lease up, not in perpetuity.

Chair Anderson asks about mechanical systems plans, that the Applicant please elaborate re number and location. Also because it is a tight neighborhood, environmental graphics and communication with tenants re lack of parking at the facility is important. It must be clear that there is no parking here. Tenants need to be clear, signage must be clear, etc. This will be considered and written into the leases. Also with any new building there are cameras so if there is a pervasive problem with parking overnight, it can be addressed. Drop offs will be encouraged. Matt Smith notes that this is an ideal location, as Hawthorne is a secondary road good for dropoff, and does not impact traffic on main roads downtown. Mickey Northcutt would not mind providing a 15 minute space as a loading zone in front. Helen Sides comments that that could be marked as where Uber and Lyft come, taking rideshare parking off the main road. However, rideshare drivers are creating more traffic problems. An Inter City shuttle may alleviate that and if the Board could dictate, that would be good but would have to be the City Council and Traffic and Parking Commission’s decision. Once permitted, the Applicant still has to apply for funding so there is time to really design the auditorium and consider drop off options.

Matt Smith asks how often artists in this type of housing actually have cars. Many do not. It is good to encourage people to not have cars, especially when there is so much within walking distance. The idea is to reduce car

ownership and driving. There will be long term bike parking internally in the basement, and externally on the ground level outside the auditorium.

Chair Anderson opens to public comment.

Peter Gifford 15 Cedarview St., is the Charterboat captain of Mahi Mahi Cruises. ConcernsL

- Parking in South Harbor garage, where his employees and customers park; adding reserved spots to the 26 already there will make competition for parking more fierce
- Matt Smith notes that reserved spaces are different and must be purchased separately; parking passes sold by developers do not guarantee spaces but merely allow one to park there.
- Attorney Grover notes that the Museum Place Garage is also within 1000 linear feet of distance so there are two options

Michael Levaro [no address provided]. Concerns:

- Copper gutters, flashing, slate roof, brick, artists, affordable housing
- Onsite infiltration and Norway maple roots; also proximity of tree to chain link/wood fence. Tree is on his property and not slated for removal, but the fence and/or tree could be destabilized by digging. Applicant will examine the situation and work closely with abutters to ensure no damage
- proximity of
- concerned: copper gutters, flashing, slate roof, brick, was concerned it would not about, concerns about artist and affordable housing. Approves of project
- Notes a telephone pole that goes into Applicant's building but is no longer in use; they may want to decommission

Meagan Coopman, 10 Union St. Concerns:

- Parking on street
- Applicant replies that residents will not be able to apply for street parking stickers, but will have access to passes to the garages. This will be written into leases so if there is a pervasive problem (usually 1, 2 or 3 apts cause 98% of problems) it can be resolved. If residents are prohibited from parking on the street in their leases, the Applicant will have leverage to enforce that. This Development is naturally marketed to people who want to live there b/c of walkability. It is less than 2 blocks from each garage. Adaptive Reuse Ordinance specifies that for a multifamily development, residents are NOT eligible for on street parking, however enforcement is a City issue. The Developer is trying to make it functional. They can monitor to make sure residents are using it [the small lot] as drop off and not taking up visitor spaces.

Matt Smith comments that this used to be a school, then Boys & Girls Club, and that this is a lower use for parking, a better use than it could be. The Church fits 20 cars in that lot over Halloween.

Gary Gill of Ward 3 asks about the parking lot out back; this is it, there will be 7 spaces. No agreement could be reached with the Church to allow residents to park in its lot during the week.

Conrad Prosniewsk, Councilor at Large notes that the Parking Commission can ask that any resident of this project not be provided with a pass, but under the Ordinance this is off limits. (?)

A motion to continue to the April 16th, 2020 meeting is made by Helen Sides, seconded by Carole Hamilton, and passes 7-0.

III. OLD/NEW BUSINESS

- A. Update on Planning Board enforcement for the previously approved projects at 9 South Mason Street and 73-75 Wharf Street.

Zoning Enforcement Officer Tom St. Pierre inspected the Wharf St. project, and noted some variation but is unsure whether, in the case of review for a project in the Flood Hazard Overlay District (FHOD), the Planning Board has the authority to enforce the site plan itself despite language in the Decision. The City Solicitor is drafting a decision to be seen at the next meeting.

Tom St. Pierre is aware of all this, and has followed up with the developer, who pushed back. In the meantime the Board can send a letter requesting enforcement for these or any future issues, so will continue down that path for Ice Cream Way. Kirt Rieder comments that this is precedent-setting so the Board should be zero tolerance. If someone can do something because they “like how it looks,” why does the Board bother reviewing projects.

IV. APPROVAL OF MINUTES

- A. Regular Planning Board meeting minutes for January 23, 2020.

Postponed to March 19th.

V. ADJOURNMENT

A motion to adjourn is made by Kirt Rieder, seconded by Carole Hamilton, and the motion carries.

The meeting ends at 10:38PM.

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.