

**City of Salem Planning Board  
Meeting Minutes  
Thursday, May 5, 2016**

A public hearing of the Salem Planning Board was held on Thursday, May 5, 2016 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Chair Ben Anderson opened the meeting at 7:02 pm.

**I. ROLL CALL**

Those present were: Chair Ben Anderson, Helen Sides, Kirt Rieder, Noah Koretz, Bill Grisct, Dale Yale, Carole Hamilton, Matt Veno, Vice Chair and Tony Mataragas

Absent: None

Also present: Amanda Chiancola, Staff Planner, and Stacy Kilb, Planning Board Recording Clerk.

**II. REGULAR AGENDA**

**A. Location:** 401 BRIDGE STREET (Map 25, Lot 74) and 44 Boston Street (Map 15, Lot 305)

**Applicant:** HIGH ROCK BRIDGE STREET, LLC

**Description:** A continuance of a public hearing for amendments to the approved Site Plan Review, Flood Hazard Overlay District Special Permit and Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, Section 8.1 Flood Hazard Overlay District. The applicant requests the following Special Permit associated with the North River Canal Corridor Neighborhood Mixed Use District (NRCC) Sections 8.4.5 and 8.4.13 North River Canal Corridor Neighborhood Mixed Use District). Specifically, the applicant requests a Special Permit per Sec. 4.0 of the NRCC to allow a multi-story arrangement of a multi-family residential use. The applicant requests amendments to the following approved Special Permits of the NRCC: A Special Permit per Sec. 8.4.12 Retail Use of the NRCC to allow ground level retail use to be amended from the original decision to exceed the 3,000 gross square feet for one retailer. A Special Permit per Sec. 6.0 to be amended from the original decision to allow an eating and drinking place on the premises to reflect the new plan. The applicant proposes to construct two separate buildings including the Community Life Center, a two-story building, and a five-story mixed-use residential/retail on the corner of Boston and Bridge Street with an associated revised parking and landscape layout.

A Civil Engineering presentation is made for the applicant by William Bergeron of Hayes Engineering. Attorney Joseph Correnti will also present Mr. Bergeron believes all of the Board's concerns have been addressed, and he reviews the changes.

Site hydrology was previously described and is outlined again. Concerns that have been addressed included sea level rise, drainage on adjoining lands, and determination of land subject to coastal storm flowage. A revised grading plan is presented; water will now flow through the site and catch basins are pointed out. Existing and proposed drainage are shown. Improvements are described, as are changes to stormwater treatment.

Discussions with the fire department are outlined and accommodations for their turnaround are described. The fire department was also concerned about water connections, so hydrants have been added/moved closer to the front doors of the buildings. The logistics are described.

Sewer connections and the Utility Mitigation Plan are reviewed again. Drainage is revisited and a drainage easement is mentioned. Drainage overflow and a sidewalk connection were also concerns; what is now proposed is an ADA-compliant sidewalk and smaller grade change.

The lighting plan has not changed. A snow storage plan is proposed; this was a concern of the fire department as well. Some storage will be on islands but some parking spaces are designated to temporarily stockpile snow during severe storms, until it can be removed offsite. Vegetation has been designed to accommodate the snow storage.

No interior design has occurred yet. The logistics of roof drainage connections and landscape irrigation for the islands are still up in the air, so the applicant would like those to be conditioned as part of the draft decision.

The addition of a sidewalk and landscaping to an island are described. Parking spaces were shortened to 17' to accommodate these.

Chair Anderson asks for clarification on the timing of changes; they occurred as the result of a meeting with Bill Ross, peer reviewer for Civil Engineering approximately two weeks ago. He still needs to review these plans. The traffic peer review is in progress but not completed; the applicant will respond. Kirt Rieder asks about the flood stage illustration and Mr. Bergeron outlines the elevations and grading.

Blair Hines, Landscape Architect, reviews the landscape plan. He feels the Plan is appropriate for residential living and the Community Life Center. Native plantings will line Bridge St. with flowers, colored foliage, and berries for birds. Street trees and ornamental shrubbery are proposed along Boston St. Mitigation of the impact of the development on residences to the south has been considered; a series of deciduous and evergreen trees is proposed along the southern edge, and there is pedestrian access. Garden spaces and trees proposed for the entrances and other outdoor spaces are described. A space near the front of the residential section is proposed, including colored concrete and saw-cut joining for interest. Landscaping on the interior islands of the parking lot is described. Snow storage accommodation is outlined.

Pedestrian access has been addressed via a linkage to Bridge St.; sidewalks have also been added in the parking lot. Raised crosswalks also slow cars and emphasize pedestrian movement.

Chair Anderson asks about potential repair to the retaining wall on the eastern part of the site; Mr. Hines is aware of some trees at the top that must be removed. Mr. Bergeron describes the original wall and states that the top few rows have been dislodged. It will be examined more closely. Chair Anderson also asks about the proposed fence; it is proposed along the property lines but the one pictured was to be along the outdoor space of the residence building, without being significant enough to create a sense of barrier. The perimeter fence is described in more detail. It will be a wooden fence along the southern and eastern sides of the site. Grading changes and potential fencing heights are discussed. Chair Anderson is concerned that the fence may have been acting as a retaining wall for some properties. He also asks about snow storage and the pedestrian path; it will not block it.

Chris Semoline, Architect, presents that plan. He describes the exterior materials and appearance. They will be appearing before the Design Review Board on Tuesday. Kirt Rieder asks about the side wall and

Mr. Semoline elaborates. Kirt Rieder requests clarification; it will be provided. Chair Anderson asks about the panels under the windows, and Mr. Semoline describes.

Harry Gunderson of Gunderson Associates presents. He has worked with the CLC Design Committee and Design Review Board. He describes building elevations and geometry. The entrance rendering is shown and details described. Various other perspectives and details are shown.

Joseph Correnti, project Attorney, speaks. He summarizes the progress in the process so far.

Chair Anderson opens to the public.

Tom Furey of 36 Dunlap St. and Councillor at Large, outlines his family history and feels that this is an opportunity to transform the area into a “Gateway Center.” He suggests making Goodhue St. two-way; also to encourage Dunkin Donuts to move to Peter Copelas’ laundry location. It is a dangerous intersection no matter what mode of transportation is taken. It would make the area more friendly for bikes and pedestrian.

Jane Arlander of 93 Federal St. asks for an update of environmental issues, including the Environmental Impact Review (EIR), Chapter 91 Application, and change in Activities and Use Limitation (AUL) to allow a residential structure on the site. She also supports Dunkin Donuts moving but feels they should go into the new Gateway Center.

Attorney Correnti describes the progress on the EIR and Chapter 91 license; they are waiting for the MEPA process and site plan adjustments must be taken into account. They will file with MEPA once the Planning Board process is complete; after MEPA, they will file with Chapter 91. The AUL has been drafted but not recorded; the existing one will be amended.

Ken Wallis of 172 Federal St. asks about handicapped parking requirements. He asks about dedicated parking and handicapped parking for the residence and the CLC and about space requirements for handicapped spaces. Mr. Bergeron outlines the requirements; six are required, fourteen are proposed, and all are van-accessible spaces. Six are in front of the CLC, and eight (four plus four) in front of the residential area. He describes those and other changes made after feedback was received. Mr. Wallis opines that there seem to be two few spaces, though the requirements are met according to state code.

Lynn Duncan, director of Planning and Community Development, will check with the Building Inspector for compliance.

Meg Twohey, 120 Federal St., also asks about parking. She asks about allocation for each part of the project, and how many vans will be parked onsite at night. There is no parking allocation on site. It is shared parking across the entire site. The number of vans will be determined by the Senior Center; parking and overnight parking locations will be determined by the City. Ms. Twohey asks about spaces for the CLC; there are 275 spaces on the site. Ms. Duncan reiterates that the spaces will be shared as they will be used at different times of day.

Jennifer Firth of 3 Carpenter St. asks about pilings that will be driven onsite and the building masses above the footprints. Mr. Bergeron outlines; an engineered foundation is required. No piles will be driven; they will be augured with vibration and solidified with concrete to stabilize the soil. He also describes the size of the buildings, which are on the site plans.

Justin asks how the façade is compatible with the historic neighborhood, and how usage and density are compliant with NCRR. Joseph Correnti states that all of this has been discussed in prior meetings, and Chair Anderson reminds the public that minutes from prior meetings are public records, and that this project is in front of the Design Review Board as well. Nothing has been “waived,” and the project is still under review.

Ann Whittier of 10 River St. wonders what the parcel is zoned. It is zoned NRCC.

Mr. Steve Dibble, Salem City Councilor, asks the Board to review the number of spaces that would be serving the Senior Center. He opines that, if seniors find many taken, it may make sense to have reserved parking for them during a certain set of hours while the Senior Center is open, then shared overnight.

Noah Koretz commends the applicant on the shared parking model. He believes the site is over parked given the use so there should be space; segregation would be overkill.

Matt Veno asks how any parking issues that may arise in actual use will be resolved. Attorney Correnti explains that in the rare case of a very large event, during the day it will most likely not be an issue as spillover can go to other spaces in the shared lot. However, if it is a night time event when more residents are home, other options such as parking at the church next door will be explored. The new facility will be an upgrade from the old one, though, and it was not designed around accommodating those one or two events.

Matt Veno made a motion to continue to the May 19, 2016 meeting, was seconded by Noah Koretz, and the motion passed unanimously in a roll call vote with Chair Ben Anderson, Helen Sides, Kirt Rieder, Noah Koretz, Bill Grisct, Dale Yale, Carole Hamilton, Matt Veno, Vice Chair and Tony Mataragas in favor.

Attorney Correnti states that the applicant is finished with all presentations and hopes to seek a decision at the next meeting.

**B. Location: 14 BERTUCCIO AVENUE (Map 24, Lot 105)**

**Applicant: NATHAN JACOBSON**

**Description:** A public hearing for a Definitive Subdivision Plan in accordance with the Salem Subdivision Regulations to allow the construction of a roadway to serve seven (7) residential lots, and a Stormwater Management Permit in accordance Sec. 37 of the Salem Code of Ordinances to allow for activity that results in a land disturbance greater than one acre.

Presenting for the applicant is Ben Osgood from PTI Environmental. Nathan and Eric Jacobson are also present. Mr. Osgood has prepared a new plan showing the consolidation of lots; concerns about blasting will be addressed. He described some changes to the lots, street, sidewalks and planting strips. The only waiver required is for the center line radius and width of the right-of-way. The width of the extension and Bertuccio Ave. are described. The Engineer’s peer review letter was received earlier this evening; it has not been thoroughly reviewed yet but will work with Engineer to resolve any issues, including drainage and ledge.

Kirt Rieder asks about the cul-de-sac distances and Mr. Osgood elaborates. A waiver for dead end roadway length is also required. Dale Yale also asks about the length of the road; the Fire Department approves and buildings must be sprinkled. Kirt Rieder asks about the survey of existing trees along Bertram Field; it will be provided but is not yet done.

Andy Dufort from Maine Drilling and Blasting is present to address concerns of the neighbors. Chair Anderson outlines the concerns raised at the last meeting, and Mr. Dufort provides a detailed description of the blasting process. Highlights include:

- Pre blast survey details
- Blasting process is regulated by the state
- Maximum vibration levels allowed
- Visual inspection of the ledge in question
- Blasting will occur daily for an estimated duration of 10-20 days; specific dates are not yet determined
- If homeowners provide contact information, they may receive notification of blast times
- The blasting process:
  - Drill bore holes
  - Load bore holes with explosives and connect with timers (blasts will go off incrementally, milliseconds apart)
  - Cover with blast bags (each weighing 11,000 lbs, two layers per hole)
  - Sound blast horn
  - Blast goes off
  - Blast is inspected
  - “All clear” whistle is blown
- Security measures to include guards at potential entry points, in communication by radio
- If material is dislodged from the ledge, the applicant would be responsible for the cost and actual remediation, but would need access to the homeowner’s property. If remediation is not allowed or blasting is not possible, a backhoe or hammer would need to be used instead

Kirt Rieder asks about the material and dimensions of the sidewalk and planted strips there. Mr. Osgood elaborates; they meet the bylaws. There is a conflict in City code, so Mr. Osgood outlines how this is addressed to accommodate the size of the root balls of the trees proposed. It is not ideal. Kirt Rieder would like a better strategy before voting.

Bill Ross, Peer Reviewer for Engineering, speaks. No one has had a chance to review his letter, however he has requested additional info which he describes:

- Ledge profile
- Street lights
- Buried utilities
- Existing drainage/inadequacy of catch basins
- Proposed drainage – add’l info needed
- Stormwater management – calculation questions
- Proposed detention basin – receives more water faster, but releases it more slowly; info on soils is needed
- Building up of slope and soil types
- Groundwater on site and locations of ledge
- Runoff from ledge and changes to site via blasting (do ledge profiling)
- Potential control measures
- Permit paperwork not yet received

Kirt Rieder asks about wetlands; there are none onsite.

Matt Veno asks about the detention pond and material at the base; Mr. Ross elaborates on the potential increase in groundwater. The material under the detention pond will be determined. The process for designing infiltration and drainage is described. Mr. Ross describes some of the difficulties with the calculations. Chair Anderson asks about the fence and landscaping; the applicant describes the mitigating screen. The Chair suggests that a sight section be provided in that area to provide a better idea of property lines, the neighbors, and the ledge. Kirt Rieder comments on the difficulty of planting in ledge; a mound of added soil may be used.

Matt Veno asks about the detention basin and the residences along Bertuccio Ave.; further information will be fleshed out moving forward. Helen Sides comments about the sidewalks and the planting edge; the applicant is willing to accommodate by making a narrower sidewalk and wider planting strip.

Chair Anderson opens to the public.

Cliff Goodman of 22 Bertuccio Ave. is concerned about the detention pond, subsoil, groundwater, and how it will impact his property. He is also concerned about insects that may be attracted to standing water. He also questions how far the blast vibrations will go, as the type of soil underneath is still uncertain.

Mr. Osgood outlines the process that will be followed; the area will be engineered and stabilized. Mr. Osgood clarifies the proposed slope and rate of rainwater absorption. It can only stay in the retention pond less than 72 hours so mosquitoes will not be an issue. Mr. Dufort describes the process for determining how the ground will react to blasting.

Mr. Lupo of 24 Bertuccio Ave. asks about soil types; porous soil would be loamy sand. Mr. Lupo states that the area is mostly clay; the area will be tested to accommodate that. Water from the detention pond will be piped into the municipal drainage system. Mr. Lupo has concerns about the City drainage system; Mr. Osgood will work with the City Engineer to determine the sufficiency of drainage, and outlines how flow rates are determined.

Robert Dube of 18 Francis Rd. invites the Board to do a site walk in his yard. He also asks about overhanging rocks on the ledge that could fall hours or days later than blasting. He also states that most houses on Francis Rd. were built on a wet area, which flood in rain events. He is concerned about the re-routing natural groundwater that will happen. Mr. Dufort says that if blasting is not safe, it will not happen. Blasting damage is instantaneous and he does not feel that rocks will “teeter” for a long period of time after. The Chair has seen some of these rocks and they will be reviewed.

Mr. Osgood states that they will have a better idea of what is there after testing, and will have their geologist explore. Mr. Dube has pictures of water coming out of the ledge, as well as litigation on the water table in the area, that he is willing to present to the Board.

Beth Sousa-Zoiss of 32 Bertuccio Ave. has examined the subdivision regulations, spoken to the City Engineer, and is concerned about width requirements vs. what is proposed. She is also concerned about bats that live in a cave on the cliff. Four species of cave-dwelling bats are endangered in MA; she contacted DFW Pat Huckery, who will set up a site visit in the future, however this could take a few months as they are understaffed and it is their busy season. Bats are seen flying out in the evenings.

Steve Szpak of 27 Bertuccio Ave is disappointed that the tree survey has not been done. He describes the trees and how they block noise and light from the field. Also, the turning point to the road is narrow with no way to mitigate vegetation removed. Mr. Osgood states that it is expensive to survey; the peer review

was required first in order to most efficiently use their resources. They are being asked to mitigate lights from a school they have nothing to do with. This would be a City issue.

Carole Hamilton comments that an application to Planning Board must be complete, and that the first plan this Board received was not, as it showed seven lots, though only six are now planned. She still feels that the plans are not complete and that the applicant should not be complaining of an expense when an incomplete plan is submitted. Mr. Osgood states that he knew he could not provide everything needed, but Ms. Chiancola felt it would be helpful for them to come before the Board tonight. Drainage is not insufficient but needs clarification.

Paul L'Heureux of 24 Lafayette Place, director of Facilities for the Salem School Dept. is concerned about several issues, including:

- Placement of the access road parallel to Bertram Field
- Slope
- Proximity of lots to a detention pond on the Collins Middle School parcel/blasting
- Dirt and noise mitigation in the case of use of a hoe ram
- Blasting interfering with pedestrian and vehicular traffic during arrival and dismissal
- He requests two notices by phone, 30 minutes and 5 minutes prior to blasting, and that blasting be delayed if it is determined to pose a danger to teachers, staff or students.

Chair Anderson asks Mr. L'Heureux to submit his concerns to this Board and to the Planning Department in writing. Mr. Osgood is unable to address all of these concerns as this is the first time he has been made aware of them. There is further discussion on coordination and safety, and Mr. L'Heureux comments that the new lighting is focused on the field so there should be little light pollution.

Matt Veno asks Mr. L'Heureux about the detention pond and he elaborates.

Beth Sousa-Zoiss comments that she hears the sounds of the kids on the field, and she does not mind, but she does appreciate the trees on the site. She opines that the access point should be the house lot off of Francis St, which would mitigate a lot of issues.

Cliff Goodman also comments on the stormwater report, and asks about access for maintenance of the retention pond or forebays. Bill Ross, Peer Reviewer, elaborates.

Chris Burke of 65 Broad St. mentions the school retention pond and some issues it was having. A trench was built along fence line to remediate. Runoff was incorrectly judged, so he feels it is difficult to do with ledge.

Kirt Rieder asks about the slope of the road and sight distance for vehicular traffic, and Mr. Osgood states he will clarify in a memo. Kirt Rieder feels that traffic should also be peer reviewed. The Board recommends this as the applicant is asking for a variance.

The City Engineer has flagged the sight distance issue but Board will request traffic peer review.

Tony Mataragas comments on the possibility of changing the access point and timing of getting a ladder truck to the development. That access point was considered but the road would be too steep. Kirt Rieder asks about another area on lot 5, and Mr. Osgood clarifies.

Chair Anderson closes the public comment period.

Dale Yale made a motion to continue to the June 2, 2016 meeting, was seconded by Tony Mataragas, and the motion passes, 8-1 with Carole Hamilton opposed.

**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:** A continuance of a public hearing for a Site Plan Review in accordance with Salem Zoning Ordinance Section 9.5 to allow the construction of a three-story 24,388 square foot mixed use commercial building with retail on the first floor and offices on the upper floors. An existing two-family home on the site will remain in its current use.

Here for the applicant is Scott Grover, Attorney, representing Bob Burr. At the April 7 meeting, landscaping and the design of the plaza were reviewed. Design changes to the building and responses to the City's peer review have been addressed since then. Attorney Grover is hoping for a decision at the next meeting. Scott Cameron, Civil Engineer, now presents on site layout, and Peter Pittman will discuss building design issues.

Minor adjustments made to site layout are outlined. Changes to the parking lot and measures taken to improve circulation are described. Zoning requirements have been met, but convenience of usage has also been considered. Responses to other comments have also been documented.

Kirt Rieder asks about the flow of traffic in the parking lot and Mr. Cameron elaborates. Kirt Rieder also comments on the extension of the hand rail out into the public way and discusses the issue with Mr. Cameron. Kirt Rieder approves of the pavers and recommends a small size with a Tudor finish. He does not approve of the historic light fixtures; Noah Koretz agrees.

Mr. Pittman reviews building design. The Design Review Board has been consulted and changes to the exterior color scheme have been made and are described. Awnings will also be installed. Helen Sides would like to know the exact color from Waters & Brown; samples will be obtained. She also agrees that less historic lighting would be ideal; the applicant asks her to describe but the Board doesn't have anything specific in mind. Mr. Pittman describes how they came to their choice. Technical requirements as well as aesthetics were considered. The applicant is willing to consider a bronze color option for the lights.

Chair Anderson asks about materials and Mr. Pittman describes and will elaborate upon them in writing for the next submission. The Chair also asks about design changes to elevations; there are no significant changes other than to show the location of the lighting, which is reviewed.

Helen Sides asks about the color of the awnings; they will be canvas and Kirt Rieder is concerned about fading. He also asks about downspouts; they are galvanized aluminum. Mr. Burr describes the site walls and capstones. Kirt Rieder asks about the height of the light fixtures and Mr. Pittman elaborates.

Chair Anderson outlines the Board's requests:

- Color samples
- Materials noted prior to next submission

Chair Anderson opens to the public.



President of Historic Salem Jennifer Firth requests that, because some buildings are being taken down, the Board please consider design in context of surrounding buildings, especially on the residential side. She would like to see it match the neighborhood.

Tom Furey of 36 Dunlap St, Councilor at Large, comments that the current buildings are an eyesore. He feels this project is better; he does not approve of Park Towers but this project fits into the neighborhood. He thanks the developer and the Board for their efforts.

Helen Sides made a motion to continue to the May 19, 2016 meeting, was seconded by Kirt Rieder, and the motion passes unanimously, 9-0.

Attorney Grover would like a draft decision at the next meeting; it will be reviewed the week prior by the board and available to the applicant at the next meeting.

A Traffic and Civil Engineering peer review report will be presented at the next meeting regarding this project. The Peer Reviewer comments on his progress thus far.

### III. APPROVAL OF MINUTES

#### A. April 21, 2016

Carole Hamilton made a motion to approve the April 21, 2016 minutes of the regular Planning Board meeting, with minor edits, was seconded by Dale Yale, and the motion passes unanimously, 9-0.

Kirt Rieder made a motion to approve the April 21, 2016 minutes of the joint hearing of the Planning Board and City Council, was seconded by Carole Hamilton, and the motion passes unanimously, 9-0.

### IV. OLD/NEW BUSINESS

- A. A discussion of the role of the Design Review Board and expansion of that role was tabled to tonight, but recommends that the issue be tabled to a future meeting, TBD after a discussion with the Planning Director occurs. The proposed discussion in related to an expansion of the role of the DRB; rather than only reviewing projects for a certain area, it may be helpful to have them also review entrance corridor projects and those over a certain size.
- B. Kirt Rieder comments on the discrepancy between zoning to code and what this Board requests. Ms. Chiancola recommends amending the subdivision regulations. The regulations themselves state that they should be reviewed periodically, but this was last done in the 1980's. A comprehensive review is required, but is not possible now as there will be many projects before this Board over the summer. Ms. Chiancola will bring this up again in the fall.
- C. There is no August Board meeting.

### V. ADJOURNMENT

Helesn Sides made a motion to adjourn, was seconded by Dale Yale, and the motion carried with all in favor, 9-0.

The meeting ends at 10:00PM.

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:

<http://www.salem.com/planning-board/webforms/planning-board-2016-decisions>

Respectfully submitted,  
Stacy Kilb, Substitute Recording Clerk

Approved by the Planning Board on 06/02/2016

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