



## CITY OF SALEM

A public hearing of the Salem Planning Board was held on Thursday, March 21, 2024, at 6:30 p.m. via remote access. Public participation was possible via Zoom video and conference call.

Chair Bill Griset opens the meeting at 6:31 pm.

### I. ROLL CALL

*Present:* Chair Bill Griset, Vice Chair Kirt Rieder (Vice-Chair), Carole Hamilton, Josh Turiel, Tom Furey, Jonathan Berk, Helen Sides, Sarah Tarbet, Zach Caunter (9)

*Absent:* (0)

*Also in attendance:* Robyn Lee, staff planner

### II. REGULAR AGENDA

#### A. 52 Forrester Street (Map 41, Lot 224)

**Applicant:** Scott Grover, Esq., f/b/o Circle Hill Builders, LLC

**Description:** A continuance of a public hearing for all persons interested in the application of Scott Grover, Esq., f/b/o Circle Hill Builders, LLC, for the property located at 52 Forrester Street, Salem, MA (Map 41, Lot 224) in the R2 (Residential Two-Family) Zoning District for a Flood Hazard Overlay District Special Permit of the Salem Zoning Ordinance section 8.1 FHOD (Flood Hazard Overlay District). Specifically, the applicant proposes a 2-story addition to the existing building to create one additional residential unit. The proposed site plan includes an enlargement of the existing driveway and the addition of three onsite parking spaces. The entire structure will be brought into compliance with flood zone requirements including the addition of flood vents and elevated parking and utilities. Attorney Scott Grover is here for the Applicant. Dan Ricciarelli of Segar Architects, Sean McDonnell of Griffin Engineering and Michael Becker, the developer, are also in attendance.

Attorney Scott Grover is in attendance for the Applicant. Requested submittals by the board have been submitted.

#### Planning Board Questions

None

**Public Comment**

None

Motion to close the public hearing is made by Josh Turiel, seconded by Zach Caunter, and passes 9-0 in a roll call vote.

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tarbet    | Y |
| Zach Caunter    | Y |

The draft decision is shared on screen.

Motion to approve the decision is made by Jonathan Berk, seconded by Tom Furey, and passes 9-0 in a roll call vote.

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tarbet    | Y |
| Zach Caunter    | Y |

- B.** 75 North Street (Map 26, Lot 58), 2 Commercial Street (Map 26, Parcel 57), and 3 South Mason Street (Map 26, Lot 54) Applicant: Scott Grover, Esq., f/b/o 75 North Street, LLC Description: A public hearing for all persons interested in the application of Scott Grover f/b/o 75 North Street, LLC, for the property located at 75 North Street (Map 26, Lot 58), 2 Commercial Street (Map 26, Parcel 57), and 3 South Mason Street (Map 26, Lot 54) in the NRCC (North River Canal Corridor) Zoning District for Site Plan Review and Special Permits in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, Section 8.1 Flood Hazard Overlay District Special Permit, 8.2 Entrance Corridor Overlay District,

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

Section 8.4 North River Canal Corridor Neighborhood Mixed Use District, and Section 37 of the Salem Code of Ordinances, Stormwater Management Permit. Specifically, the applicant proposes a four-story, 60-unit multi-family residential building on an approximate one-acre plot of land. The building features a ground floor for a lobby, building support, commercial use, and a parking garage and three upper floors for residential use. The applicant proposes 60 on-site parking spaces, a large publicly accessible open space and surrounding landscaping, pedestrian walkways, additional lighting, and a shifted curb line along North Street.

Attorney Scott Grover is in attendance for the Applicant. Chris Koeplin of Beverly Crossing, Dan Skolski of DMS Design, Bob Griffin of Griffin Engineering, Bob Uhlig of Halverson, Scott Thorton, Vanesse and Associates.

This project concerns three adjacent lots in the North River Canal Corridor (NRCC). The Applicant proposes a four-story (4) transit oriented mixed-use development with six (6) units meeting affordability requirements and a North Street fronting office space to meet the zoning requirements. One parking space for each unit will be provided as this is a walkable development. Additionally seven spaces will be added for public use. This project will visit most boards and commissions. The Zoning Board of Appeals (ZBA) approved the project on December 22, 2023. The Team will appear before Design Review Board (DRB) in April as this project is in the NRCC. A detailed letter from an abutter was submitted to Attorney Grover and to the Planning Board.

Chris Koeplin of Beverly Crossing. The site is underutilized and this will help meet increasing housing needs. Flood resiliency has been considered. Chapter 91 dictates the footprint of the site. Subject to Entrance Corridor Overlay District (ECOD) and NRCC review. Chapter 91 makes a section of the site a public accommodation zone as well. Mr. Koeplin shares elements of the NRCC Vision Statement that the project will incorporate as well as the Salem Housing Road Map. A meeting hosted for the community asked for cleanup of Leslie's Retreat.

Dan Skolski of DMS Design shares images of existing area and the proposed building. The building shares details with traditional factory buildings found in the area in the early 20<sup>th</sup> century. The garage area is not visible as driving by. There is an emergency exit built into the rear for flood emergencies. Landscaping and greenspace are a key element of the project. Neighborhood meetings influenced the design. One- and two-bedroom units over three floors for sixty units total.

Bob Griffin of Griffin Engineering discusses utilities and flooding. There is ten (10) feet of separation between the building and the adjacent high-voltage wires. Commercial Street side of building will have sloped granite curbing and proper

parking spaces will be created. Six-foot-wide public walkway will be created as well. Public features are key to the space. Losing three (3) public spaces on North Street and gaining seven (7) on Commercial Street. West of North Street is considered by the Department of Environmental Protection (DEP) to “be bordering land subject to flooding”, this is different to the other side where it is “land subject to coastal storm flowage”. We cannot remove flood storage capacity and we demonstrate that there is no decrease at each one-foot increment. Structural fill placed in both ends of building at ramps. This is equal to what is being removed from the site. Garage is open except for building columns. Flood openings allow water to move without any human intervention. Parking is at elevation 10. In the 100-year flood, all of the property floods. Flood storage screens are about twenty-four (24) inches tall.

Bob Uhlig of Tighe and Bond discusses landscaping. Site around building has connectivity to the neighborhood. Connection with Commercial Street and South Mason Street with the walkway. New sidewalk on Commercial Street with bump outs where greenery can be added. On North Street and down at the trash area, another bump out. Walkway from lobby connecting to the exit from the garage. Bike racks on Commercial Street and on the north end of the property. The resident only space is a series of rooms with picnic tables and an area with benches. Slide shown of the “public accommodation” outdoor space. Vegetation planted will be amendable to brackish water. Slide shown of the prospective plantings and the outdoor space on the South Mason Street side.

Scott Thornton of Vanesse discusses traffic. Study area impacts three (3) intersections of Route 114 and North Street, Commercial street and Mason Street. Traffic from three (3) background developments were considered as well (Franklin Street). The public transportation access is discussed: 435 Bus and MBTA. Trip and parking counts were done for two adjacent and recent residential developments: Halstead Station Apartments and South Mason Street Condos. The sites have less trips than is “appropriate”. Regarding parking, Halstead had parking demand of less than 1 space per unit. Trip generation slide shown. The team was conservative with the estimations (seventeen (17) trips in morning, twenty-two (22) in evening). On parking analysis: South Mason Street is 1.31/unit. Halstead is .90/unit. Intersection of Franklin Street with Route 114 – twelve (12) hours of data during October and the intersection didn’t meet signal warrants. Would require review by a peer review consultant and city staff.

### **Planning Board Questions**

Mr. Berk likes that there is a placemaking element to the project. He asks about the curtain wall on the canal side of the building and wonders what that looks like. He would like to know what the mechanicals look like. And what does pedestrian access

look like? Mr. Koeplin on the first question, perhaps public art. Mr. Skolski says that they will detail it more for the next meeting but that it will not be unfinished concrete. Mr. Koeplin says that all mechanicals will be above flood and that the best pedestrian access will be to walk the greenspace under the bridge to the MBTA so that you aren't actually crossing major roads.

Ms. Sides asks about the intersection. It will be wise to slow traffic down. Regarding architecture, this is one building and you have to connect this to make it one building – use materials and coloration to carry the one building through. Clapboards are not appropriate for apartment structures. Looking forward to improvements at the DRB.

Mr. Turiel looks forward to more information on floodwaters. Hopes that the city is improving the floodgate at the culvert. If we can put this above the water levels then no significant issues. Agrees with Ms. Sides on the design elements.

Ms. Tarbet agrees with Mr. Berk on the first floor. On the retail space, would like to hear why the space is so small and what kind of business may go there. On the first floor all together, more thought on the window system. And the placement of the electrical room. Would like quoining at the corners of the brick. Curious about the flood elevation that Bob showed. When were the photos taken? Mr. Koeplin says that it was in January and it was at 7/7.5 feet. Mr. Griffin says that the river peaked at 8.5 feet in that storm. On the vents, the base interior to the building is twelve (12) inches below the vents, are you intentionally containing the water? Mr. Griffin says that it is used for rain infiltration and some of the flooding water. The opening allows the water to go to the canal and receded to the canal. Ms. Tarbet asks if there is additional storage under the building. Mr. Griffin says that there is and there are dry wells in the area to handle stormwater runoff. Mr. Koeplin says that they water has to be stored under the building. Mr. Koeplin says that it will likely be coworking or a professional office. The problem is that there isn't space to put a larger retail presence due to Chapter 91 and parking requirements.

Mr. Caunter likes the windows and the brick façade and appreciates the parking variance.

Mr. Rieder confused as Commercial Street is identified as a private street but the Team is creating parking. The emergency gate on the backside doesn't show on all drawings. Confused by the drawing that borrow landscape of the abutters property. Site Plan Review (SPR) code talks about buffers but the space available and the property line are effectively slivers and it is surprising to be pushing trees onto the neighbors but then have slivers with no vegetation. Also surprised that views don't show the abutters buildings but showing townhouses a block away. Does not think that you adopt the faux nostalgic light pole when you are in an entrance corridor and you are transforming the landscape. On the grass block/grass paved, need to look at this and see what products

can handle garbage trucks. Naturalized look but unclear to me what is mown or what is perennial mulched environment. Encourages the landscape architect to encourage flood tolerant species. Atypical for a project to be approved with a list of plants that “may be” included. Need to be specific on the plantings, species, numbers, locations. Retail area is 306 square feet and causes him to wonder how many bathrooms. Mr. Koeplin says that City Solicitor has confirmed that Commercial Street is 100% private and the team owns to the center line. The lawn is not mowed. Illustrations include the abutters property because the Team met with the abutters. Regarding flood tolerant species – Barbara Warren of Salem Sound Coast Watch says that the only thing that does survive is robust weeds. Mr. Rieder looked at the City’s flood tolerant list and would like to discuss in the future. Mr. Uhlig says that this is an ongoing conversation. Mr. Koeplin says that regarding the gate in the back is that the front is flooded, the back is open. The rear exit is not for convenience and is controlled by the property manager.

Ms. Hamilton wants to know why the Crescent Lot wasn’t included in the traffic study. Mr. Thornton says that the projects included were on Franklin Street per city staff. Mr. Koeplin says that that the Crescent Lot accesses on Bridge Street. Ms. Hamilton says that there is traffic to that building that will be using the ramp. There is an impact to traffic coming out of the Franklin Street/North Street intersection. Mr. Thornton thinks that Traffic and Parking conversations led to the three sites on Franklin, but the Team can provide that information if needed in the peer review. Mr. Grover says that they are not finished with traffic.

Mr. Furey says Commercial Street is a victim of its own success. The whole area is hazardous to get in and out of. The more traffic mitigation the better.

Ms. Sides asks about the EV spaces. How will you expand this number in the future? Mr. Koeplin says that National Grid will not let EV chargers for each spaces as there isn’t enough power. The technology isn’t there yet for massive amounts of charging. Ms. Sides asks why the projects in this area cannot come together with the city to make the path and the experience more pleasant? Mr. Koeplin says that they have talked with the Mayor and the OneStop and there is desire to connect to the other side of the railway tracks. Ms. Sides says that there was talk of lighting and murals to brighten up the underside of the roadways.

Mr. Rieder follows up and says that the rubble is what makes it hard to traverse. Mr. Rieder asks why the elevation is not the same on the underneath of the building. Mr. Griffin says that the screens will keep debris out to an extent but there are two (2) functions already – stormwater integration and the 100-year storm.

## Public Comment

Ms. Lee reads in the written comments: [75 North Street Written Public Comment](#)

Justin Whittier  
10 River Street

Crazy that the board is cheering this project. The board should be separating the special permits for public comment on each. The development is incompatible with the adjacent neighborhood, it doesn't create affordable housing, it violates the zoning, and it floods. Regarding the FHOD, if applicant fails to meet even one requirement for the permit then it is ineligible. This project doesn't meet requirements one or two. It also fails to meet the requirements of the NRCC. And it fails to meet parking requirements and on office spaces. This project doesn't meet Condition C and the ZBA made an illegal variance. Chair Griset mutes Mr. Whittier. Ms. Hamilton encourages Mr. Whittier to put his thoughts in writing.

Jeff Cohen  
12 Hancock Street  
Ward 5 Councilor

Does find that the public is best served by being heard during public comment. ON EV charging, he is working on an ordinance that may help. We have to add 775000 charging station in Massachusetts. Believes that we need to have more public charging stations that people can walk to. We need to expand transit housing and this meets those goals. Parking minimums will need to be revisited. Addressed Canal Street Station and stormwater – the Team wouldn't have had to do what they are doing if we had finished the Canal Street project. Thinks it's great that the board has a focus on adaptation and resiliency but thinks more sustainability is needed. The specialized code approved in January will be in effect on July 1.

*Chair Griset clarifies that he does appreciate comment from the public. But when comments descend, it is the chair's responsibility to intervene.*

Stacia Kraft

The state's new environmental chief has prioritized a managed retreat from the coast. The municipal plan has also indicated a need to move away from the coast. Found that the conversation is out of balance towards economic development and less for public safety. Feels the discussion and project are greenwashed. Ms. Kraft is muted

Jason Sydoriak  
20 Hathorne Street

Thanks to the board for their questions and the team for the presentation. Is in favor of the project and feels it is beneficial to the community for a multitude of reasons including pedestrian access and transit forward housing.

Michael Blier  
18 Felt Street

Represents the two building to the north of the proposed development. Love the connection with downtown and the neighborhood. Appreciate the Team's consideration of the abutters. Regarding flooding – mostly tidal flooding. Their parking lot half floods. As this project develops, the water that comes in must be allowed to go out but 1/3 of the foundation is on grade. The monolithic nature of the building puts 1 South Mason Street in the shade most of the time. There should be some consideration of this. There are remaining 18 wheelers coming onto North Street and hard to get out of lot. By reading of the zoning code, once there is residential on the property, then they would need to be setback if they wanted to make a mixed-use building. Regarding Sarah's comment on the retail. Mixed used is to create pedestrian amenities. This is not technically mixed-use. If it is a leasing office, there is no reason for anyone to go there.

Jacob St. Louis  
34 Buffum Street

Likes the project and is excited to see how it moves forward.

Christine Madore  
20 Federal Street, U8

In favor of the project. Thinks that the retail space should host an economically viable space. Encouraging the developer to seek letters of interest to present to the board. On bike parking, likes seeing bike parking at each parking spot. Wants to emphasize that having the project be transit oriented development (TOD), hopes the bike amenities are not eliminated to reduce cost.

Mr. Grover thinks that the Team needs to visit the DRB before returning to the Planning Board.

*A motion to continue to the May 2, 2024 meeting is made by Kirt Rieder, seconded by Jonathan Berk, and passes 9-0 in a roll call vote.*

|                 |   |
|-----------------|---|
| Bill Grisct     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |

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

|              |   |
|--------------|---|
| Helen Sides  | Y |
| Sarah Tarbet | Y |
| Zach Caunter | Y |

Motion to refer this project to the Design Review Board is made by Kirt Rieder, seconded by Helen Sides and passes in 9-0 in a roll call vote.

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tarbet    | Y |
| Zach Caunter    | Y |

Mr. Rieder asks if there is a peer review hired for flooding and stormwater. Ms. Lee confirms.

### III. OLD/NEW BUSINESS

#### A. Updates on Projects

Mr. Turiel thinks this is appropriate on a monthly basis.

Chair Griset would like to invite 5 Broad Street and the Cataldo projects and their counsel to the April 18 meeting. Ms. Lee will reach out.

#### B. Flooding Conversation

Ms. Hamilton revisits the conversation with flooding and parking/electrical work, etc. We need to discuss what happens when it floods in the middle of the night? There are sixty (60) cars on North Street and hundreds on Canal Street. Every development lately is residential on 2<sup>nd</sup> floor, not on the first. We talk about charging stations, but what happens when it floods. She said that the discussion was aggressive but we need to give this more consideration. Ms. Sides agrees and curious what happens when car insurance is not available to cars parked under buildings. Mr. Berk thinks that most buildings don't have mechanical on the first floor and we should know what we can require for this. Ms. Sides wants to know who provides this expertise. Ms. Tarbet says that some is written into the building code. Ms. Lee says yes it is a condition of the FHOD. Mr. Turiel has issues building on flood prone areas. Though these are private properties that have been used for years and the board can require projects engineer/mitigate/prevent these circumstances. If we prohibit it outright, then we are taking it. There is a mix between understanding climate issues and the engineering issues but also buyer beware. If this

project is clearly going to have ongoing un-mitigatable flooding issues, then we. Ms. Hamilton says that it is unfortunate that people don't understand the implication of what people are buying into. Mr. Rieder thinks that insurers will push this by not insuring properties.

**IV. APPROVAL OF MINUTES**

**A. Approval of the March 7, 2024, Planning Board Minutes**

A motion to approve the March 7, 2024, meeting minutes is made by Sarah Tarbet, seconded by Jonathan Berk, and passes 9-0 in a roll call vote.

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tarbet    | Y |
| Zach Caunter    | Y |

**V. ADJOURNMENT**

A motion to adjourn is made by Josh Turiel, seconded by Carole Hamilton, and passes in a 9-0 roll call vote.

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tarbet    | Y |
| Zach Caunter    | Y |

Adjourned at 9:00 pm

**Minutes Approved on:**