



CITY OF SALEM

A public hearing of the Salem Planning Board was held on Thursday, December 21, 2023, at 6:30 p.m. via remote access. Public participation was possible via Zoom video and conference call.

Vice Chair Kirt Rieder opens the meeting at 6:30 pm

I. ROLL CALL

Present: Kirt Rieder (Vice-Chair), Carole Hamilton, Josh Turiel, Helen Sides, Tom Furey, Jonathan Berk, Zach Caunter (7)

Absent: Chair Bill Griset, Sarah Tarbet (2)

Also in attendance: Elena Eimert, Senior Planner. Amanda Chiancola, Deputy Director of Planning and Community Development

II. AGENDA

A. Location: 301 Essex Street (Map 26, Lot 458)

Applicant: Scott Grover, Esq. f/b/o Jerry's, LLC

Description: A continuance for all persons interested in the application of Scott Grover, Esq., f/b/o Jerry's, LLC, for the property located at 301 Essex Street, Salem, MA (Map 26, Lot 458) in the B5 (Central Development) Zoning District for Site Plan Review of the Salem Zoning Ordinance section 9.5 Site Plan Review. Specifically, the applicant proposes a 3.5-story addition to the existing building to create 18 residential units. The proposed site plan includes a driveway apron on Summer Street and 12 onsite parking spaces. The existing commercial space will remain on the first floor fronting Essex Street.

*****Request to Continue to January 18, 2024*****

A motion to continue to the January 18, 2024 Planning Board Meeting is made by Helen Sides, and seconded by Zach Caunter, and passes 7-0 in a roll call vote.

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	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.

Zach Caunter

Y

B. Location: 67 Derby Street (Map 41, Lot 0339)

Applicant: Joseph Correnti f/b/o Crowley Wind Services

Description: A continuance of a public hearing for all persons interested in the application of Joseph Correnti, Esq., f/b/o Crowley Wind Services, Inc., for the property located at 67 Derby Street, Salem, MA (Map 41, Lot 339) in the I Zoning District for Site Plan Review and Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance section 9.5 Site Plan Review and section 8.1 Flood Hazard Overlay District. Specifically, the applicant proposes to create an offshore wind (OSW) marshalling terminal where turbine components will be partially assembled and deployed to OSW farms. Freighters, barges and other marine vessels will be used to deliver the components to the marshalling terminal and to transfer the partially assembled turbines to OSW project locations for full assembly and installation. To support these efforts, renovations and improvements are proposed for the upland, shoreline, and watershed areas of the project site. This project is Phase 2 of the existing Planned Unit Development of this site. Review in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, 7.3 Planned Unit Development Special Permit, and Section 8.1 Flood Hazard Overlay District Special Permit and Section 37 of the Salem Code of Ordinances, Stormwater Management Permit.

Attorney Correnti is here for the Applicant along with John Berry, Joe St. Pierre, Jared Kemp, Glenn Heinmiller (LAM), Dirk Grotenhuis (AECOM), and Lorraine Black.

The Team is working on the tree survey that was completed about 10 days ago. Mr. Rieder comments that the drawings are not updated, only supplemented. The Tree Warden has documentation and dimensions that he would like to see, Mr. Rieder thinks this needs to be reflected in the final sheet set. Attorney Correnti thinks questions may be answered in the tree survey. Mr. St. Pierre has been spearheading the tree survey for Crowley.

There are thirty-one (31) honeylocusts along Derby Street; twenty-three (23) honeylocusts along Fort Avenue. There will be minor impacts to seventeen (17) in close proximity to the Fort Avenue pavement and fifteen (15) minor proposed plantings on Derby. Damaged arborvitaes will be removed. As long as the standard tree mitigation construction efforts with trees can be maintained. New fence line will mimic the chain-link fence. Draft shown of the tree protection plan.

Mr. Rieder wants clarification of where the proposed fence will go. Mr. St. Pierre says that the new fence will be 6" to 12" towards Fort Avenue. Mr. Rieder would like

this to be readily clear. Ms. Black will update the tech drawings right away, though the line is on the civil drawings.

Mr. Rieder would like the Tree Warden's written comments shared. He requested a tree survey. He doesn't see a disconnect but there is a disconnect between what is being asked for and what is being provided. Amanda Chiancola, Deputy Director of Planning and Community Development notes that the Tree Warden's comments are included as conditions in the decision. Mr. Kemp reiterates Amandas comments. The revised drawings will be submitted before permitting. Mr. Rieder worries about what happens afterwards. Attorney Correnti says the conditions in the decision will have these requirements. They are contacting vendors, seeing what equipment will be there. Mr. Heinmiller suggested on December 7, 2023 that they should be included in the decision. Mr. Rieder asks if there are any follow-up lighting questions. Mr. Heinmiller thinks the draft decision on lighting covers anything but that things still need to be provided along the way and reviewed along the way.

Ms. Hamilton is concerned that some items will be produced after the public hearing closes and without public comment. Particularly the sequencing for lighting.

Regarding stormwater flow, the public folder shows the questions have been recorded and there is feedback from the City Engineer. Attorney Correnti says they have worked with the peer reviewer, the City Engineer, and the Conservation Commission on the issues of drainage and have gotten this to a position where these issues have been addressed. The team will continue to produce and provide information as needed through the process. Ms. Eimert says that one of the questions was whether this project had demonstrated the potential flooding in a high intensity/short duration storm situation. The City Engineer indicated that this project is required to comply with rules and regulations of the City of Salem's Engineering Department and that no development in the city is asked to demonstrate that impact of a flash flooding situation. However, this projected will meet the standard rules and regulations.

Ms. Sides appreciates the Salem Alliance for the Environment (SAFE) and the Salem Off-Shore Wind Alliance (SOWA) communicating to the board so often as it helped her rethink these topics.

Mr. Rieder discusses the parking lot and the removal of two trees to make the swale work. He would like the team to speak to the positive changes to the parking lot. Mr. Kemp have discussed the pavement material and having the material in the parking lot wouldn't let the water aback into the water table. Regarding the PV panels, they weren't on the original scope and it isn't in the plan at this time. Mr. Rieder asks if there are portions of lot that can be planted instead of paved. Mr. Kemp says that

they wanted to preserve the parking spaces that they need as well as want to make a large driveway and keep it as main entrance. There is an area closest to the South Essex Sewerage District (SESD) that currently will have the walking path, this is where we plan a walking path through the parking lot, it would be a vegetative location.

Ms. Sides would like the team to try and keep the 2 sculptural remnants of the original power plant. Mr. Berry says that there is a plan to remove them but no plan with what to do with them right now, there is no place on the site to have them. Mr. Rieder suggests that the team reach out to the neighbors to see if they will house them.

Mr. Turiel says that he is not concerned with the stormwater. He would like to see one of the structures preserved. People like and appreciate them. Mr. Rieder says that the approval for Footprint says that they must remain. Mr. Turiel is concerned with seeing the final plan on lighting and landscaping and is not comfortable moving forward without seeing the final peer-reviewed plans.

Mr. Berk is concerned with the lighting as well. What is the review process once the lighting is installed? Attorney Correnti says that no light can be spilled off the site and if that occurs, then it is a violation of the Planning Board and the Board of Health. He reiterates that the lighting plan won't get buttoned up until the switch is flipped. The team understands that the lighting will be monitored by the peer reviewers and the team will bring things into compliance by the layout of the experts. Mr. Berry says these are valid concerns but they are tied to the original estimates. Ms. Eimert says that the process that Attorney Correnti outlined is in the folder, condition 4E.1. Mr. Caunter questions the phases of the light (operational at night and then the dimmer security lighting). Is he right that the plan for this is a 24-hour operations? Can they anticipate how often this will happen? Mr. Berry says the key is the right to operate 24-hours because of the nature of the business. The goal is to light areas where they need activity and then "secure" the lighting when the activity is complete. Mr. Heinmiller says that based on review, if the team provides the lighting control system they have proposed, then the lighting can be finely tuned individually. You can impose the requirement that they only light specific areas of late at night work.

Mr. Berry says that the equipment with the backup alarms will have noise or light for safety but it isn't like we are used to, more of a low tone, specific to the area where the equipment is operating. Alarms are focused to the area now.

Mr. Rieder acknowledges Ms. Kelly's letter. Wants to point out local noise constraints and state emission constraints. Mr. Berry says that they are taking

advantage of a system in Massachusetts with sensors to monitor the emissions, and, as part of the conditions we will have to provide a baseline report to the Board. Mr. Berry says that there will be vehicles that help move the site to electrification. There will be cranes and vessels. Designing cold ironing for the tugs and to increase this for all vessels as the tech becomes available. Regarding noise, we are subject to noise regulations. The nature of this is a low impact activity, big stuff but slow moving. Still developing mitigation that we can do but nothing at this time. Mr. Rieder asks the team to speak about the preconstruction seismic requirements. Mr. Berry: We've done a survey that is over and above requirement of law and we are going to have to do survey of abutters to the site and we will have 24/7 monitoring of individual noise complaints.

Mr. Rieder asks if the care and maintenance of vegetation is in the decision as a requirement to maintain for all time.

PUBLIC COMMENT

[Written Public Comments](#)

Betsy Frederick
93 Canal Street

Was looking for stormwater clarification and has responded directly to the City Engineer. Specific to the Engineering drainage alternation permit and understanding of the purpose of the permit. Not in any way direct piping of stormwater management. Specific to the civil engineer and asks if there is adverse impact to the two-foot (2-foot) elevation changes. What are the criteria of adverse impact – whether or not there is recognized. That the inundation study indicated a change in drainage pattern. The civil engineer said that the collection is not to manage flash flooding. Is there a recognition that the flash flooding of condition could be exacerbated and affected? Mr. Rieder believes the draft decision that indicates the report is outstanding and the team will have to respond in appropriate ways; the Planning Board can't negate or reconfirm your fears, but the outstanding peer review is the best way to answer the question.

Jeff Cohen
12 Hancock Street
Ward 5 City Councilor

Meets with Crowley regularly. Finds them responsive to community groups, etc. Wants to address the Conservation Commission as they are a board with very little leeway and their review was positive. Regarding lighting and emissions: SOWA and SAFE do great work but with the existing Footprint plant the emissions have had a dramatic effect on his neighborhood. More residents in that area have more visual sight. There is universal consensus on the importance of this project. There is a misconception that this is a no brainer. New York, New

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

Jersey, Virginia, and Maryland have an interest in offshore wind. And those four states have accelerated the permitting process faster than Massachusetts.

Jamie Kelley

11 Cousins Street

Appreciates the conversation tonight. Is concerned about verbal agreements but no resubmitted or enhanced plans. Doesn't believe that there was a resolution regarding who will be following and monitoring as things are completed. Mr. Rieder says that there will be a Clerk of the Works assigned to independently watch the project. Ms. Eimert clarifies that for certain items, the review will involve individuals mentioned in the decisions.

Motion to close the public hearing is made by Jonathan Berk, seconded by Tom Furey, and passes 7-0 in a roll call vote.

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Jonathan Berk	Y
Zach Caunter	Y

PLANNING BOARD COMMENT

Mr. Rieder is concerned with proceeding with the decision based on drawings from October 27, 2023. Mr. Turiel, Ms. Hamilton and Mr. Caunter would like final plans as well. Mr. Rieder is happy to go through the decision but feels it is unlikely that the board will vote tonight. Attorney Correnti says there are plan sets that have been revised and that the board almost never vote on projects with final plans. The decisions are conditioned on things that we are talking about. There will be no changes, they will have to be updated. Attorney Correnti is quite clear that it is important that this decision occur in 2023. He further assures that that all the conditions will be met. Mr. Rieder says that long-term members know we are not voting on a construction set, but on a permit set.

Mr. Berk is concerned about items that will not have answer next meeting. Comfortable voting tonight if the language is right.

Ms. Eimert says the team submitted plans on December 5 and that they are in the decision matrix.

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Ms. Sides feels that the missing piece is that she is confused by the landscaping and also feels that if Mr. Rieder's concerns are answered then she is all right to move forward. Ms. Sides feels that if the issues have been answered that the board should move forward and go through it..

Mr. Caunter is interested in making sure everything is in order and is okay going through the draft tonight but doesn't want to rush.

Ms. Eimert shares the draft decision on the screen.

The Seismic Survey will encompass the abutters, and the abutters to the abutters. Noise and air quality will be enforced by the Health Agent. There will be a baseline 1st report one month after construction starts. Thereafter the schedule is determined by the Health Agent.

Ms. Sides wants to confirm that there will be no logos on the columns. Mr. Berry says there is a OEM indication but not advertising, and there are also numbers. There is no advertising on the light columns, etc. The nacelles will be out of sight from the public. Mr. Rieder wants additional line item for no advertising or graphics on the light poles.

Mr. Berk asks for language to be added for lighting at night. Mr. Berry thinks it is in the sequence of operations.

Mr. Rieder asks about the sequence of the connector from Blaney Street to Derby Street. Mr. Kemp says that would be a later item as they don't want to destroy anything. Mr. Rieder asks if it can be said that it must be completed before occupancy? Ms. Eimert asks that the way the condition previously read indicated a potential revision in site plan. We will need to capture that. Ms. Chiancola says this should be two conditions, one including the plan submitted and then the second prior to issuance of the Street Opening Permit.

Mr. Rieder asks where will bike racks go? Mr. Berry says that they will work with Harbormaster and community members for the right spot.

Ms. Eimert asks for clarification on the feasibility of shade trees in islands within the parking lot. Mr. Rieder references the previous conversation on the ability to add shade trees close to SESD.

There will be a separate Clerk of the Works for lighting and Ms. Hamilton asks that this be specified in the lighting section.

Mr. Rieder asks when City Council may waive noise restrictions. Ms. Chiancola says that the noise ordinance is focused on time of day and not decibels.

Motion to approve the decision is made by Helen Sides, seconded by Tom Furey, and passes in a 7-0 roll call vote.

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Jonathan Berk	Y
Zach Caunter	Y

C. Location: 266 Canal Street (Map 32, Lot 0038), 282 Canal Street (Map 32, Lot 0037), 286 Canal Street (Map 32, Lot 0036), 282 Rear Canal Street (Map 23, Lot 0144), and 2 Kimball Road (Map 32, Lot 0102)

Applicant: Joseph Correnti Esp. f/b/o The Residences on Canal Street, LLP

Description: A public hearing for all persons interested in the application of Joseph Correnti f/b/o The Residences on Canal Street, LLP, for the property located at 266 Canal Street (Map 32, 0038), 282 Canal Street (Map 32, Lot 0037), 286 Canal Street (Map 32, Lot 0036), 282 Rear Canal Street (Map 23, Lot 0144), and 2 Kimball Road (Map 32, Lot 0102) in the RC, B2, and I Zoning Districts for Site Plan Review in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, 7.3 Planned Unit Development Special Permit, 8.2 Entrance Corridor Overlay District, and Section 8.1 Flood Hazard Overlay District Special Permit and Section 37 of the Salem Code of Ordinances, Stormwater Management Permit. Specifically, the applicant proposes to amend an existing Planned Unit Development Special Permit, Flood Hazard Overlay District Special Permit, Stormwater Management Permit, Entrance Corridor Overlay District, and Site Plan Review decision dated July 27, 2023. The applicant proposed to relocate the outdoor swimming pool, the creation of a new courtyard and open space, modifications to the connection to the rail trail, relocation of entrances to podium parking areas, changes in site grading and stormwater management, and modifications to the building facades (including materials and balconies). No reduction of dwelling units is proposed. An increase of one (1) parking space is proposed from 306 to 307 spaces.

Attorney Correnti is here for the Applicant. Chris Kopelin, Scott Cameron, Jack Englert (Residences on Canal Street), and Bob Uhlig of Halverson Tighe and Bond.

Mr. Koeplin shares that one of the main changes is the moving the main activity of the leasing function and the residence activity in conjunction for the pool. Increasing interior amenity space is an important goal. The team doesn't have a civil plan review, it

is being reworked and will be ready for the next meeting. Today will show the layout and the changes. This will let us file for building permits. The project met with the Design Review Board (DRB) last night and got a unanimous recommendation. The next step is to file with the Conservation Commission and then be back in front of the Planning Board.

Bob Uhlig of Halverson (Tighe and Bond). Highlights the additional outdoor amenity space, about an 11% increase. The pool terrace is now on the northwest corner of building A. This strengthens connection between outdoor and indoor activities. Between C and E is now a quieter community gathering space. It is defined as a transition between the site and the wetlands area. Building C open space is the same, mostly. The northeast corner of building A is an attempt to make the street edge active. The terrace has been pulled back a little for more greenery. Building B will have minor changes with the site grading between the building and the open space. In the north end of Building E, there is an introduction of additional landscape plans.

Nancy Ludwig, ICON architecture. Minor modifications to the buildings. Expansions to the amenities, building A on the Canal Street. As part of the elevational development, there are window modifications (Stretch Code in Massachusetts requires less 28% of façade to be windows). Garages are now enclosed for the safety of the building and the plumbing infrastructure. There are now a variety of decks (70 decks, 84 French balconies).

PLANNING BOARD COMMENTS

Ms. Sides says that this has been dumbed down and a lot of the finesse is missing now. She is not a fan of the residential materials on such a large building. Regarding the proportional changes, there was a nice area that showed it as the top of the building, now it is diminished and there is the impression that the building could go on. There are significant vertical lines that helped the elevations and that has been removed. Same with the details on the balconies. Ms. Sides trusts the DRB with the project, but she had to comment. She hopes the exterior elevations can be improved. Mr. Koeplin wants to clarify the second comment, Ms. Sides says that the vertical lines versus the non-vertical lines. Ms. Ludwig says that she can add verticality to the buildings.

Mr. Turiel says that some elements are positive, likes the rail trail connection redo. Moving the pool also good. He Likes the landscape for the most part. Sees issue with the building C path, isn't clear. Doesn't like the parallel parking as it limits the pedestrian path. Like the more distinctive character of the original plan. Would like the uniqueness to come back.

Mr. Berk says that the public realm changes were positive. Recommends muralists for the empty wall spaces.

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Mr. Caunter finds the size of the windows a concern. Is there a way around the stretch code other than shrinking windows. Ms. Ludwig says that they have talked to DRB about adding single windows in some places so may try to add more.

Mr. Furey questions why the team put windows in garages. Ms. Ludwig says that it helps break up the base and it is nice to have daylight in the garage. Used the windows as accents but they do help visually.

Mr. Rieder is surprised by the striping. Does not like the diminishing striping, it has a "bowling alley" feel. Ms. Ludwig says that the DRB feels the same way. Regarding the overlook area, stepping away from the shaded zone. Wants to see how it looks closer to the bike path. Worries about the cyclists going in. Mr. Uhlig says that this isn't as open as it looks. Solid fence like DRB says. Is there a way to work a tree in somehow. Can you take the breaking up pavement strategy to make it less of a road. Why the trees by buildings E and D gone. Mr. Koeplin says that they have gone away because the parking lot elevation was going down. But that is coming back so we'll see if there are coming back.

Mr. Rieder asks what the material is on the wall in the former pool area? Ms. Ludwig says that the renderings are not 100%, but the base of building will be masonry. Where the garages are will be concrete.

Ms. Hamilton thinks this is as ugly as it can get. She hasn't been excited by plans that change the exterior. They always seem cheaper and uglier.

Mr. Rieder wants to make sure that regardless of the decision, that the DRB approves signage.

PUBLIC COMMENT

No written comments

Polly Wilbert
7 Cedar Street

Doesn't find the amenity changes to be kid friendly. Worries that without a designated play area the pond becomes a dangerous opportunity. Amphitheater area should have a play zone. Mail stop in 1 building with 5 parking spaces, this is problematic. Look at the functionality. Concerned about the loss of the functional balconies. This is an important amenity. Would like the dryer vents shown.

Jeff Cohen
12 Hancock Street
Ward 5 City Councilor

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There will be speed limits on the rail trails.

Phill Pattison,
76 Moffatt Road

Comes through the intersection numerous times a day (Jefferson Avenue/Loring Avenue). How do you prevent Kimball Road from being a short cut? Also continuously puzzled that we don't use more overpass pedestrian accesses.

A motion to continue to the January 18, 2024 meeting is made by Jonathan Berk, seconded by Zach Caunter, and passes in a 7-0 roll call vote.

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Jonathan Berk	Y
Zach Caunter	Y

D. Location: 266 Canal Street (Map 32, Lot 0038), 282 Canal Street (Map 32, Lot 0037), 286 Canal Street (Map 32, Lot 0036), 282 Rear Canal Street (Map 23, Lot 0144), and 2 Kimball Road (Map 32, Lot 0102)

Applicant: Joseph Correnti Esp. f/b/o The Residences on Canal Street, LLP

Description: Form B/Preliminary Subdivision Application

Attorney Correnti is here for the Applicant.

The owners have closed on the property and it will be developed per the plan. The application for the Form B is to freeze the zoning that is currently in place. This means that any future changes to the zoning (i.e. wetlands ordinances, etc.) will not come into play. This will show the financial partners that this project can go forward and won't be subject to dramatic zoning changes. Mr. Rieder asks if they are talking about today through end of construction. Attorney Correnti says that it is from the day you file the Form B plan.

Scott Cameron, Morin-Cameron Group, shares that these types of proposed Street A Zoning Freeze applications are more common in rural communities. Typically used to lock in the wetlands line. The pages include the info required on the checklist. The next step is an approval of the plan or approval with conditions. And within seven (7) months

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from application, a follow up with definitive subdivision plan. This is the mechanism we use to free zoning.

PLANNING BOARD COMMENTS

Mr. Rieder says that the fact that ABC may overlap with street is inconsequential. Mr. Cameron says yes, the lot lines are not even lot lines. Attorney Correnti says that this is a nonrecordable document can only end with definitive plan.

Mr. Furey questions the legality of this and would like to consult the City Solicitor. Ms. Eimert says that the solicitor confirmed the approach but that she can reach out for deeper analysis. Mr. Rieder says that it would be good to hear what the downside of this is. EE: the solicitor confirmed the approach but we can consult for a deeper analysis.

Ms. Hamilton says that she has seen this for residential zoning. Why is this being filed when you have an approved site plan on 100% of the land you are submitting this for. Attorney Correnti says that until we get a building permit, there is no level of finality. There are many sites that don't have permits that have been approved multiple times. This is to protect against change. We know there are ordinances being discussed.

A motion to continue to the January 18, 2024 meeting is made by Carole Hamilton, seconded by Jonathan Berk, and passes 7-0 in a roll call vote.

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Jonathan Berk	Y
Zach Caunter	Y

III. OLD/NEW BUSINESS

A. Staff update on discussions with the City Solicitor regarding signage and decision expirations

Mr. Rieder shares that the City Solicitor reaffirmed what staff has told us regarding signage. He would like to look into the DRB method of approving signage. Regarding sunseting, the City Solicitor will prepare an opinion and then that will be shared with the board.

IV. APPROVAL OF MINUTES

A. Approval of the November 2, 2023, Regular Planning Board minutes

B. Approval of the November 16, 2023, Regular Planning Board minutes

Mr. Rieder asks that the approval of minute be moved to the January 4, 2024 meeting.

V. ADJOURNMENT

Motion to adjourn is made by Jonathan Berk, seconded by Helen Sides, and passes in an 7-0 roll call vote.

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Jonathan Berk	Y
Zach Caunter	Y

Adjourned at 9:49 pm

Minutes approved on January 19, 2024