

City of Salem Planning Board Meeting Minutes, February 18, 2021

Vice Chair Kirt Rieder calls the meeting to order at 6:30pm.

A public hearing of the Salem Planning Board was held on Thursday, February 18, 2021 at 6:30 p.m.via Remote Access. Public participation was possible via zoom video and conference call.

I. ROLL CALL

Those present were: Chair Ben Anderson, Vice Chair Kirt Rieder, Carole Hamilton, Helen Sides, Tom

Furey, Bill Griset, Noah Koretz, Todd Waller, DJ Napolitano (arriving late) (9)

Absent:

Also in attendance: Mason Wells, Staff Planner, Tom Devine, Senior Staff Planner

Recorder: Stacy Kilb

Todd Waller is welcomed as the latest Planning Board member.

II. REGULAR AGENDA

A. Location: 57 Marlborough Road / Osborne Hills

Applicant: Osborne Hills Realty Trust

Description: A continuation of the public hearing for all persons interested in the application of OSBORNE HILLS REALTY TRUST for a Definitive Subdivision Plan and Cluster Residential Development Special Permit for the property located at 57 Marlborough Road (Map 09, Lot 0001) and currently shown as Phases 6, 7, 8, 9, and 10 of the "Definitive Subdivision of Osborne Hills Realty in Salem, Massachusetts" dated November 2, 2006 as approved under the Subdivision Control Law by the Salem Planning Board, comprising Lots 88 through 131. Specifically, the applicant proposes to modify the previously approved Subdivision and Special Permit to change the lot area and lot frontage of 44 lots that are situated in the Residential Conservation (RC) zoning district and to construct the roadways and utilities to service the construction of these modified phases.

Paul Dibiase, Trustee, presents. He is requesting a continuance as he did not get the necessary modifications to the Civil Plan requested by Peer Review in time for this meeting. The Traffic consultant for the City, and the one for DiBiase, Ken Cramm of Bayside Engineering, are in agreement with all traffic issues with the exception of the centerline radius proposed. The Applicant will be requesting the difference in a waiver.

DJ Napolitano arrives at 6:39PM. He comments that this has been a drawn-out process and would like to wrap up by next week. Mr. Dibiase outlines timing for the review; they should be prepared at the next meeting. He is not sure if it will be possible to seek a Decision on March 4th. The continual continuances are further discussed, and several Board members comment that enough time should be allotted between meetings so that the Applicant can definitively be prepared. The extension was through the end of March.

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A motion to continue this matter to March 18, 2021 is made by Ben Anderson, seconded by Noah Koretz, and passes 7-0 in a roll call vote.

Ben Anderson Yes
Carole Hamilton Yes
DJ Napolitano Yes
Helen Sides Yes
Kirt Rider Yes
Noah Koretz Yes
Bill Griset Yes

Tom Furey Not eligible Todd Waller Not eligible

Ben Anderson leaves the meeting after voting at 6:45PM.

B. Location: 4 Franklin Street (Map 26-0407)

Applicant: CAS Salem LLC

Description: A public hearing for all persons interested in the application of CAS SALEM LLC for the property located at 4 Franklin Street (Map 26-0407) for a 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; Section 8.4 North River Canal Corridor Neighborhood Mixed Use District. Portions of the site are also in the Entrance Corridor Overlay District. Specifically, the applicant proposes the construction of a business office and ambulance facility with associated employee parking area, utilities, landscaping, and harbor walk path along the North River. The business office and ambulance facility is the first phase of site redevelopment and occurs on the Franklin Street side of the site. The second phase, the plan for which has not been developed, will occur on the North River side of the site.

Attorney Joseph Correnti represents the project. This will continue to be referred to as "The former HMA site," because that is what it is, and people keep referring to it that way. It is highly visible and not very attractive since they moved. Tonight's proposal will significantly improve the area. Cataldo Ambulance Services (CAS LLC) has purchased the property and wants to develop it as described. The Applicant will also be appearing before the Design Review Board. The project is in the Entrance Corridor Overlay District (ECOD) and North River Canal Corridor (NRCC). Site Plan Review and a Flood Hazard Overlay District (FHOD) special permit are also being sought; state permitting will be required but for the second phase. Shaun Kelly from Vanasse & Associates will present the traffic analysis at the next meeting.

Also present:

Dennis Cataldo, President, CAS LLC Bob Griffin, Civil Engineer, Project Engineer, Griffin Engineering Susan St. Pierre, MEPA and Chapter 91 Coordinator Dave Stockless, Architectural Engineer, Icon Architecture

Dennis Cataldo, President, CAS LLC

- Property purchased in fall 2017; it was in foreclosure.
- They were aware of Chapter 91 constraints and that time frame for development might be drawn out.
- Delays due to Cataldo personal family issues occurred.
- Site is blighted but is secured.
- Cataldo is emergency ambulance provider for Salem since 2008, has operated from Canal St. behind Bertini's restaurant. Site has been challenging. Seeking property better situated to provide needed services; 4 Franklin St. is ideal, despite above challenges.
- The CAS business is described.

Bob Griffin, Engineer

- GIS site overview.
- HMA buildings removed winter 2019-2020; spring 2020 Aerial view is provided. Former building pads remain along with parking spaces and a bituminous walkway across the North River toward the MBTA station.
- Existing conditions: project boundaries, Chapter 91 areas, Conservation Commission jurisdiction areas (entire site).
 - Entire site is in 100 year flood zone.
 - NO existing stormwater management onsite, water currently flows overland into North River without treatment; a modern, compliant system will be installed.
- Frontage is described.
- Signs will be removed during site renovation.
- Most calls happen while vehicles are on the road so sirens/lights disturbing the neighborhood will not be an issue.
- Phase 1 improvements shown, along with harbor pathway to be included in Phase 1 due to Chapter 91 requirements.
 - Phase II is closer to the water, will depend on some City actions re Harbor Management project.
 - Ambulance facility and parking spaces are described; could park up to 6 ambulances inside the building. 12 parking spaces outside.
 - Curbing/sidewalk will be improved (currently nonexistent) with landscaping.
- Site Layout: bike rack will be provided; all parking spaces will be conforming. Trash will be handled inside the building.
 - Secondary egress at the back of building.
 - Grading along Franklin Street requires a small landscaped wall. Compact but functional layout. Possible location of sign is shown but this is not yet proposed.
 - Will improve crosswalks on Franklin and North.
 - Existing sidewalk encroaches on CAS property; this will continue b/c would constrain traffic on Franklin St. if moved.
 - Lots of room for snow storage around parking area.
- Grading and drainage: roof runoff, catch basin (deep sump) locations are described. Water quality treatment will be sized to handle water from both phases.
 - Elevations drive design: AE flood zone elevation 10, Ambulance and emergency facilities must all be 2' above 100 year flood elevation; all finished floor elevations are at 12', 3' above grade. Had to raise other areas to make those accessible to vehicles. Fill will be brought in, creating the need for the 3' 3.5' small, landscaped wall along Franklin St.

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- Utilities and Lighting:
 - Will use existing water and sewer, new tap for potable.
 - Floor drains will run through MDC trap as required for commercial facilities.
 - Small amount of exterior lighting, will be LED lights pointing down.
- Landscape: Laura Rutledge
 - Shrubbery along Franklin St. side; trees and plantings are described.
- Phase II area will be temporarily loomed and seeded while building plans are finalized.
- 10' wide stone dust path along the water will be constructed in Phase I.

Susan St. Pierre

- Complex permitting b/c it is filled tidelands.
- ENF for MEPA must be filed for both phases.
- Ditto Chapter 91 license required.
- Use for phase II not designated, thinking about including that portion in Harbor Planning process, working w/City on integration for public benefit/substitutions.
- Will go before Conservation Commission
- Flood zone requirements of Building code.
- Climate resiliency will be incorporated.
- Existing conditions.
- Water dependent use zone: must be use dependent on water such as boating, etc.
- Facility of Public Accommodation: 100' from MHW, must be devoted to this (restaurant, public athletic club, museum). These 2 zones occupy more than ½ of the Phase II portion of property.
- Phase I is less than half the site; Phase II will be developed as a benefit to the community.
- Walkway is temporary and as part of Harbor Planning Process, permanent harbor walk and public benefits will be planned.

Kirt Rieder asks about the limit of work line relative to the limitations and this is discussed. The sea wall is in bad condition, so the Applicant is setting a temporary walkway back from it with landscaping. Offsets and access are discussed. Through temporary Rieder does not want to see it eliminated in Phase II. Public benefits along waterfront and elsewhere remain to be seen but will be established.

Dave Stockless, Architect

- Site view rendering; office/ambulance facility is in front corner.
- North Street building rendering; materials are described: cementitious panels, siding and metal siding.
- Rear of Building from Franklin St. rendering.
- Building Elevations.

Attorney Joseph Correnti

- Cataldo/Atlantic Ambulance: The latter is a subsidiary of the former. Atlantic has the contract w/City of Salem but you will see Cataldo moniker as well. For our purposes here it is the same company and essential service provider to Salem.
- Site stops short of North Street on overview slide. HMA use: did they own all the way to North Street: They did not, and the current Applicant is not giving away land. From Franklin St. to the train, where the parking spaces are, is City of Salem land, always has been. It is part of the North St. right of way layout, but also provides entrance into site, which is otherwise cut off.

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• Why 2 phases? Cataldo needs a new home/current location is insufficient. Timeline to understand how Phase II would fit with harbor plan would prohibit waiting on whole site. May take an add'l 12-18 months to complete harbor plan, facility cannot wait that long.

Tom Furey commends Mr. Cataldo for investing in Salem.

• Concerned about traffic and possible weather-related hazardous conditions

Helen Sides:

- Cataldo will have right of way/easement over City property? Also have they considered flipping the plan and putting the building closer to North Street with entrance deeper on Franklin St? It is a very busy spot.
- Attorney Correnti: This is a public street, part of North St. right of way. Kirt Rieder notes that it is a right of way but still a street delineated w/sidewalks and guardrail. Attorney Correnti counters that it is part of right of way, not of North St. They have access from it, but the discussion will be had w/City Solicitor etc. They believe they have what they need.
- Helen Sides: parking spaces will remain there, and become rented spaces for train station? Could they be leased to commuters? Attorney Correnti: City planner, traffic committee, and solicitor have expressed interest in how it will be used, and this will be discussed as well. Cataldo did not design over City property but understands how important the strip is to Ward 6, especially pedestrians and cyclists that use the walkway behind parking spaces, and they will discuss how it can be improved.
 - Bob Griffin: Regarding the alternate driveway of Franklin St., they did look at each corner
 of the property for an entrance, this one involved the least amount of grading and most
 compact setup. 80' from property line to building means they can accommodate fill/grade
 change.
 - Off Franklin pushed building further back and then need 2 driveway crossings for pedestrians. Did discuss reconfiguration and Applicant will examine alternatives.
 - If try to flip and put garage on opposite end, it will not look as nice, back of building would be on view from North St. w/significant grade change as well. 90 degrees does not work either. Trying to make it safer today.
 - Kirt Rieder echoes Helen Sides' concerns w/turns in and out, understands from
 engineering perspective but notes it is also charge of Architect to make a viable face even if
 flipped 180 degrees.
 - Carole Hamilton concurs w/Helen Sides and asks about the change in drop. It is significant. Grades are discussed, difference made up in foundation of building, so it is not extreme.

• Noah Koretz:

- Appreciates work Cataldo employees do in community, but put off by comments re "blighted property." It was not so until current developer bought 3 years ago. It was not attractive prior to that, but the reason people live in vacant buildings is improper property management (not looks). Here there was rapid deterioration w/little concern about what that means for neighborhood. Neighborhood, Councilor, City are trying to make North St. a better environment.
- For at least a year, trucks have been parked on the property, he is unsure why, but it reminds him of an abandoned strip mall, not prime waterfront property close to downtown.
- Happy to see cleanup/construction but will be looking for significant conditions in any approval, that will state what will happen in the interim on this lot since Phase II is a ways away.

- O Phase II: Not sure he understands urgency now when Applicant has been sitting on it 3 years. For SPR this is a strange task b/c the Board is being asked to approve strips on either side of Phase II but not sure how it fits together. Hopes to find a way to ensure that stabilized crushed stone path is not permanent, will want something better w/separate bicycle and pedestrian paths, something that will suit the site going forward.
- Agrees w/Helen etc. about position of building.
- Concerned (will there be Civil or peer review? Either civil or ENG dept.) Recognizes this is
 a unique use, hard to find the best site, but news this week is all about resiliency. (See:
 Houston Texas, pandemic and damage to infrastructure from extreme cold, those were not
 on their radar in resiliency plan there.)
- O This is not just a flower shop if it gets flooded, this is a main ambulance facility being built in a flood zone, global warming is happening, building code says 12' minimum, but this is a *minimum*. How will it change in next 10-30 years where climate change is advancing/weather becoming unpredictable; this is a major public safety site. This is what happens when infrastructure breaks down due to unforeseen weather event. Main ambulance facility will be in a flood zone, interested in adequacy of site not today under current codes but in 10-50 years, according to ENG or peer review. Don't put your head in the sand.
- Attorney Correnti suggests a more in depth future discussion, moving on for now.
- Todd Waller agrees that some clarity regarding Phase I and Phase II would be helpful. Right of way, agrees, unsure if City has designated those as parking spots but entrances w/ambulances and cars parked, means it will lose some spaces if it remains as it is w/out more formalization.
- Agrees on flipping of site/ECOD/on the river.
- Bill Griset seconds Noah's concern re flooding/resiliency, must look forward.
- Kirt Rider:
 - How do NRCC constraints/opportunities shape approach to this site? How does zoning make this the ideal solution?
 - Attorney Correnti: May not be ideal but proposed use is permitted in NRCC.
 - Phase II will reflect the requirement of North River; NRCC discusses these 5 parcels this side of bridge (Franklin St. side). NRCC master plan discusses them and how they should be developed.
 - Trying to fit those goals by creating public access when they have non-water dependent use.
 At this point in North River water dependent use would be extremely challenging.
 Applicant tyring to fit in scale and design of building with this use, reflective of NRCC Master Plan.
 - O Phased projects are not ideal but could not put something there w/out knowing what Harbor Plan will say.
 - Asked to include this site in Harbor Planning process.
- Kirt Rieder wonders if the facility sets stage for Phase II, will that be pedestrian, water, or vehicular? Twin of this facility or something else?
- Carole Hamilton: Curious about how another use would access Phase II area of the property, and how that will impact traffic circulation, etc. Would be easier if Phase I was where Phase II is.
- Kirt Rieder asks Susan St. Pierre what she hopes to hear from Harbor Management plan re this site:
 - 2 zones: Water Dependent Use (WDU) of 67' puts significant constraints, as does Facility of Public Accommodation (FPA) w/in 100' of waterfront. This poses difficulties in projects throughout Commonwealth, and the state has tried to rectify. Hypothetically, an Applicant needs a use and conceptual plan. If an optimal building intrudes into 100' (FPA) zone, can work w/Harbor Plan to include substitutes to Chapter 91 regulations which

include use and dimensional restrictions. Localities can substitute but in return you must provide offsetting public benefits, they would identify substitutions and offsetting public benefits while working w/City during Harbor Plan. Such substitutions benefit the developer, while public benefits benefit the City.

- Attorney Correnti: NRCC zoning applies here to all phases, the only use that Phase II can see are those allowed in NRCC, Applicant will be more specific when possible but heavy commercial/industrial are prohibited here.
- Kirt Rieder asks about residential. Proximity to MBTA begs for some residential, but this is trending in the opposite direction b/c as discussed, Phase II gets narrower and narrower given constraints? No, any use in NRCC would be eligible here, it is not intended to be a big mystery.
- Kirt Rieder is concerned about proximity, if no other constraints should require residential but massing/position of structure onsite now = suburban. "Sprawling front yard/parking in front, building in back." He is underwhelmed we are not trying to reinforce the edge of North St.
 - Before, addressed Franklin St., appropriately, this one attempts to address, architecturally, North St. but is so far away that has city parking in foreground. Legally addresses right of way of North St. but functionally rests on Franklin St., when this is its primary frontage.
 - Noah Koretz: agrees w/Kirt Rieder, City does have design guidelines, they are not new, as laid out, address is technically on Franklin St. but North St is the entrance corridor/view corridor. City design guidelines say not to put parking in front of building in ECOD, agrees w/Kirt that this needs to be addressed.
 - O Kirt Rieder: How has ECOD designation shaped development? Acknowledged ECOD line, this is a unique property in that change in elevation down from overpass, this is viewed/perceived as a North St. project, but they acknowledge "don't put parking in front of a building in the ECOD." Driven by engineering, dozens of layouts were explored, building moved dozens of times, will come back and defend or show possible alternatives.
 - Kirt Rider: HMA functioned as a North St. address b/c it was a linear building and 50% closer to North St. This project is 1/3 the size and farther away, so more engaging w/Franklin St.
- Kirt Rider: Riparian vs. coastal flood condition: required to be 2' above flood, however must acknowledge that Franklin St. is far below that, so will all be underwater. No matter how much the site is filled it will be surrounded by water. Helpful for residents attending to understand from Applicant perspective to differentiate coastal vs. upstream inundation.
 - There is clearly coastal flooding at this site (Bob Griffin). Flooding is b/c of coastal storm activity.
 - Franklin St. intersection, Furlong Park will be underwater, business will be high and dry.
 - At the next meeting they will have estimates of sea level rise, is 12' the right number?

Kirt Rieder

- Landscape: Understands re city sidewalk on their property, wants to see add'l measurements
 and factor in street trees on Franklin St. Species annotated tend to be columnar yet ones in
 renderings are full canopied, which would help residents moving along this property.
- Lights that exist along North St. today? City's, on City property? Illuminate a lot of HMA property. Applicant will not touch City lights, but can discuss w/City.
- Right of way line for North St.: absence of traversable sidewalk to connect to that lot; would people traverse crosswalk to get to curb stops along parking spaces, to continue to MBTA? Yes, no parallel sidewalk on Applicant side is proposed. Will follow current pedestrian path. Modifications to portions of North St. have been requested so are looking at that.

- o If North St., Kirt Rieder expects street trees and a public sidewalk.
- Renderings show flat topography, and do not include wall along Franklin St., as a pivotal piece, please show. Guard rail? None needed, will be landscaping.
- Regarding North St. edge Phase I and II: granite curbing phase 1, ragged asphalt Phase II until they figure out what is needed? Yes. Since Phase II is unknown, condition may be added re bollards/fencing to prevent vehicles from parking there. Noah Koretz agrees that would be one way to handle it.
- City ENG and traffic should be involved to figure out appropriate reconfiguration/right of way modification.
- Tom Furey: Ward 6 councilor Riccardi/neighborhood input solicited? Attorney Correnti: Yes, Councilor Riccardi invited them to a neighborhood meeting in December, which was well attended.

Mason Wells opens to public comment.

Eric Papetti, 11 Symonds St. Unit 1

- Concerned about site layout using city owned property to access the site (area with parking spots).
- Has asphalt b/c previous owner was squatting on it, even renting parking spots.
- Previous use should not set stage for the future; what does the City want?
- Requests Planning Board look into access to property from Franklin St./reconfiguration of property.
- Current layout means whatever happens on Phase II will have to come in via City property, but Phase II is unknown.
- Being farther from intersection makes entering and exiting site much easier.
- Will coordinate better with possible future development/shared access to the east.

Steve Kapantais, 23 Wisteria St.

- Tonight's presentation was qualitative not quantitative; this needs to be described.
- Assumed to be within NRCC as commercial, but used as vehicle service which is not explicitly listed as acceptable in NRCC.
- Conversations w/City re Right of Way have occurred, outline those at this Board for transparency.

Historic Salem, Inc. - Emily Udi, 8 Buffum St.

- Agrees w/comments of Planning Board as well as community which emphasize importance of issues, especially that the site seems "suburban" in a location that is an entrance to the urban.
- Size of this building meets scale of others on North St. but placement does not.
- MBTA garage, court house, crescent lot are large scale buildings that will hide more delicately detailed buildings of downtown, so it is important to bring scale of North St. as close to bridge as possible.
- Pedestrian access along city owned property creates a lovely entrance to downtown that tells people what to expect.
- City owned property is outside this developer's control, how can community interact w/City to encourage planning around this area in relationship to the proposed?
- Kirt Rieder notes: Provide written comment to this Board and directly to the Planning Department;
 Mason Wells notes any comments via this process can also be submitted via email or to him directly. Broader design comments can go to the Dept.

Stacia Kraft, 140 Federal St.

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- Agrees w/Noah Koretz re flood zones.
- Opposed to development in these zones.
- Concerned that flood zones protect community and wetlands by absorbing water; if built on, how is this affected?

Anne Sterling, 29 Orchard St.

- City of Salem owned parking area: does not need to remain so, abuts pedestrian path which is main route for North Street residents to get to MBTA. To have ambulances crossing that path is dangerous.
- Only access to Phase II is to drive along that path, also dangerous.
- In June when CAS spoke to Planning Dept., phase II was considered as residential/retail, what is current plan?

A motion to continue this matter to March 4, 2021 is made by Bill Griset, seconded by Helen Sides, and passes 8-0 in a roll call vote

Ben Anderson	Absent
Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rider	Yes
Noah Koretz	Yes
Bill Griset	Yes
Tom Furey	Yes
Todd Waller	Yes

III. OLD/NEW BUSINESS

Mason Wells notes that possible nominations for Chair must be discussed. Kirt Rieder notes that some other member may be better suited to be Chair and he nominates Bill Griset, and is seconded by Helen Sides. Bill Griset appreciates and accepts the nomination but cites his concerns about being stretched thin and doing some of the ancillary activities involved in running the Board. As facilitator and runner of meetings, he can do this. Kirt Rieder notes that the City has requested that some PB members were requested to attend other meetings. It would be good to pull in more team members to participate in a representative capacity w/out it always being the chair. Bill Griset is concerned about other commitments. Kirt Rieder acknowledges that Bill Griset has been inspiring to him, to take a more expansive view, b/c he brings less of a mechanics, specialized, technical role but has a background dissimilar to other Board members so his role is ideal.

Tom Furey notes that Ben Anderson set a high bar, and notes the importance of chair in setting the tone and climate of meetings. He agrees that Bill Griset is a good choice.

Helen Sides also agrees, noting that Mr. Griset is straight to the point, which will be good.

A motion to accept the Nomination of Bill Griset as Chair is made by Kirt Rieder, seconded by Helen Sides, and passes 8-0 in a roll call vote.

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Ben Anderson Absent Carole Hamilton Yes DJ Napolitano Yes

Helen Sides Enthusiastically yes!

Kirt Rider Yes
Noah Koretz Yes
Bill Griset Yes
Tom Furey Yes
Todd Waller Yes

Mason Wells notes that this "is not a life sentence." Bill Griset is the new chair.

DJ Napolitano asks when upcoming joint meetings with the City Council will occur regarding ADUs. Mason Wells has discussed this with Eileen in the City Council office and will send out a poll with potential dates in March, likely early in the week at 6:30PM. It is unknown how many meetings will be necessary. It will depend on public comment. Noah Koretz notes that having a different council president may move things along.

Kirt Rieder notes that the Tree Commission has been awarded a state grant and that over 1000 trees will be donated and planted by the State across Salem, in underserved neighborhoods. He is participating on a study group examining changes (or not) to the City Ordinance re resiliency.

IV. APPROVAL OF MINUTES

- **A.** Special Planning Board meeting minutes for November 12, 2020. Tabled until a later meeting
- **B.** Regular Planning Board meeting minutes for December 3, 2020. Tabled until a later meeting
- **C.** Regular Planning Board meeting minutes for December 17, 2020. Tabled until a later meeting
- **D.** Regular Planning Board meeting minutes for January 7, 2021. Tabled until a later meeting
- **E.** Regular Planning Board meeting minutes for January 21, 2021. Tabled until a later meeting

I. ADJOURNMENT

A motion to adjourn is made by Helen Sides, seconded by Carole Hamilton, and passes 8-0 in a roll call vote.

Ben Anderson Absent
Carole Hamilton Yes
DJ Napolitano Yes
Helen Sides Yes
Kirt Rider Yes

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Noah Koretz Yes Bill Griset Yes Tom Furey Yes Todd Waller Yes

The meeting ends at 8:39PM.

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-2021-decisions

Respectfully submitted, Stacy Kilb, Recording Clerk

Approved by the Planning Board on 6/3/2021