



CITY OF SALEM PLANNING BOARD

City of Salem Planning Board

Meeting Minutes, February 4, 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 4, 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, DJ Napolitano, Tom Furey, Bill Griset, Noah Koretz (8)

Absent:

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

Recorder: Stacy Kilb

II. REGULAR AGENDA

A. Location: 16, 18, 20, 20R Franklin Street (Map 26, Lots 400, 401, & 402 and Map 27, Lot 471)

Applicant: Bay View Station LLC and the City of Salem

Description: Endorsement of a Plan believed not to require approval under the Subdivision Control Law (ANR).

This item is heard second. Present for the Applicant:

Attorney Joseph Correnti

- This is the Land in Dispute, but that moniker will hopefully be abolished
- Last month the City Council voted unanimously to authorize the Mayor to sign the deed to Parcel B to a qualified bidder; after bidding process took place, Bay View was the chosen bidder
- Been through Planning Board and Conservation Commission discussing Parcel A and Parcel B even though they do not exist; will make them exist tonight by voting on ANR subdivision
- Parcel B is the 15,000 square foot lot towards the river, the 10,846 square foot lot fronting on Franklin St. is Parcel A
- Note 2 on Plan says both lots are unbuildable; each is being created to be combined with adjacent lots
- Parcel A will be combined w/land of City of Salem/Furlong Park; for Parcel B, abutter has been awarded the bid, so this will be combined w/adjacent land of "the Ferris junkyard"
- In Fall SPR was approved including Parcel B, which will be remediated, graded and landscaped w/no structures as per approved plans
- Approval of ANR allows Mayor to move forward and deed Parcel B to the Developer

Noah Koretz asks for a status update on the Ferris lot project

- All local permits in hand

- State permitting for Chapter 91 and MEPA are ongoing; they do expect a temporary Order to allow remediation of land while waiting for Chapter 91 license to be processed
- Need to return to Conservation Commission to amend the Plan to include Parcel B once it joins with the project, after it is decided
- Tom Furey strongly approves of the project moving forward

A motion to approve the ANR and allow Tom Daniel to sign on behalf of the Board is made by Helen Sides, seconded by Tom Devine, and passes unanimously in a roll call vote.

Ben Anderson	Yes
Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Bill Griset	Yes
Tom Furey	Yes

B. 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.

Representing the Applicant:

Attorney Brian McGrail

Bill Ross, Civil Engineering Peer Review, New England Civil Engineering

Paul, Ugo and Chanel Dibiase

Chris Mello, Site Civil Engineer, Eastern Land Survey

Matt Coughlin, Trail Designer, Owner, Recon Trail Design

Bill Luster, VP of Development, CMK Development

Bill Manuell, Wetlands Scientist, Owner, Wetlands and Land Management

Attorney McGrail:

- Pending Order of Conditions from Conservation Commission
- Site Civil has taken place, more information has been requested during review; remaining items could be addressed via conditions of Decision
- Traffic Peer Review: consultant not present tonight. Consensus was to NOT create a connection to Barcelona Ave, and they agree with Board that it is not appropriate
- Goal is to advance project and answer questions tonight

Site Civil Engineering - Bill Ross, Civil Engineering peer reviewer for the City of Salem

Kirt Rieder notes that the Board received the memo in the last 2 days, and there are several topics that are fully resolved, partially resolved, unresolved, and new topics.

Bill Manuell:

- Reviewing differences only, not overall site
- Requested full set of 2006 Plans, now included
- Rec'd complete stormwater report
- Overall, project is very similar, water system is the same
- Sewer system has changed via increased capacity; no design yet for pump station, this is to be provided later
- Stormwater station is roughly the same, one ongoing issue, additional detail will be provided
- Will need to do another peer review letter
- Pump station, culvert design and ponds and swales are outstanding
- Requested info on wetland impacts of existing vs. amended Plan; detailed summary has been provided, will be increased alterations but are proposing to replicate, though location of replication was not outlined. Typical to graphically represent vs. numerical value?
 - Bill Ross, Applicant Civil Engineer: Conservation Commission rec'd different Plans that does show replication area. Kirt Rieder asks that Plans be consolidated/made identical
- Ben Anderson: Asks about waiver requested for one of the radiuses on the roadway. This was part of the Traffic review. Bill Ross commented on the road itself. There is a long section w/2 bridges being replaced w/filled roadway & culverts, but construction not shown, and there is no detail showing how retaining walls tie into culverts or guardrails/pedestrian safety. Kirt Rieder notes that the Board will want to see this

Brian McGrail:

- Happy to provide wetlands replication b/c Applicant felt it was a conservation issue, but appreciates PB wanting to understand it. Kirt Rieder notes it is important for this Board to know what it is approving (or not) and where replication happens b/c it matters to residents and abutting neighbors
- Info on replication will be provided

Bill Manuell, Wetlands & Land Management

- Project approved by Conservation Commission
- Evaluated potential wetland crossings and road layouts in alternatives analysis in NOI
- Discrepancy/more filling in more recent version, however will be less wetland impact than would have occurred under original design
- Alternatives evaluation: had to look at what will happen to build bridge/road crossings; spoke to Mr. Dibiase to clarify.
 - Will have to build a road across wetlands to be able to build bridge, so entire bridge footprint of 2006 design would have been impacted, that was accounted for in alternatives analysis
 - Current layout has the least amount of wetland impacts when factoring in construction, by 7000 sf less to build proposed now vs. 2006

Brian McGrail

- Will provide add'l info requested
- Want to fine tune what Board is looking for: Pumping station conditioned but not usually designed prior to approval, since design process is time consuming and expensive

- Kirt Rieder: is this a 5,000 square foot facility or 25,000 sf facility? Footprint should be known
 - Chris Mello, Eastern Nand Survey: proposed pump location and approximate size is on Plans submitted, adjacent to Strongwater Drive up the roadway by power line, on an easement similar to the one in first 5 phases
 - Actual pump, capacity, etc. will be designed by a professional engineer and submitted in Construction Docs to City Engineer, this was how it was done in the first phase
- Bill Ross: since it has been moved immediately adjacent to the resource area, need to know size, is parking next to it, etc. Engineering Dept concern would be alarms and redundancy to prevent overflow into resource area
- Kirt Rieder: prose or graphic illustration? This is wording for a condition that should be approved by Engineering Dept, so prose is acceptable
- Brian McGrail: Concerned w/culvert design and wall; if taken as Conditions, it is at Applicant's risk since must be approved/acceptable to City Engineer's standards, so to do now would be counterproductive. City is protected b/c if the City Engineer does not approve, they will have to make them happy. Kirt Rieder: Construction permits will not be approved until construction drawings are submitted, which is significantly downstream from this process. Thus conditioning these items is desirable
- Bill Ross: Is road intended to become accepted by the City? This will be up to the City and City Council. That is the goal and anticipation. Have prior phase roadways been accepted? Paul Dibiase notes that they have not yet, but he is working toward that goal for phases 1, 2, and 3, with information being gathered and submitted to Engineering, it is in the works
- Applicant will submit additional info requested by Bill Ross (culvert/retaining wall cross section should be provided)
- Kirt Rieder asks about bicycles riding on sidewalk; guard rail should be higher than 42"; typical is 48" for high drop
- Kirt Rieder: Discussing wall as well as bridge, isn't this a causeway that happens to have an opening to let water through, or a prefab bridge? It is the former
- Chris Mello: Detention ponds and swales, accessibility and type - he is correct, design, relocate or reposition pond so that access from the public way will be easier, and the swale itself will be detailed. Sheet 8 is shared.
 - Detention facility is outlined, Bill Ross recommends moving it as having it next to buffer zone is counterproductive

Brian McGrail:

- Peer Review traffic consultants, Board does not have testimony from engineer or peer review; what is Ben Anderson's question so this may be addressed
- Ben Anderson: Appears they are requesting a waiver for one of the radiuses; please present the case for this
- Chris Mello outlines the difference; minimum centerline radius is 230', they are requesting 180', Board saw fit to grant in Phase 5, works well, Mr. Cramm will address in report as to what speed can be and if it is acceptable. Prior waiver has been constructed and is driveable today
- Mason Wells notes they asked Peer Review consultant to not come tonight b/c Applicant's traffic Engineer was not available, will ask traffic peer review to provide analysis re waiver. Ben Anderson notes there are traffic and speed concerns from neighborhood

Matt Coughlin, Recon Trail Design

- Requested to connect two trail segments

- This is possible and shown on Plan; existing but overgrown trail can be cleared and connection point at Access Point 2 improved
- Signage is included, can include any verbiage the Board would like
- Kirt Rieder notes that public parking outside neighborhood should be noted as acceptable on signs
- Kirt Rieder points out he has never seen a Trail Design Consultant in all his years on the Board, commends him for being “thorough and persuasive, very happy Mr. Coughlin is part of the team”
- Tom Furey notes this is a compliment to the Developers
- Traffic consultant/peer review at next meeting? Depending on exchange between them, some items are still in dispute; if they come to an agreement, it may not be required. Will keep as placeholder, determine closer to date
- Bill Ross: Peer reviews, having trouble w/deadlines which is why they get letters 1 or 2 days before meeting. Process is described. Engineering Dept reviews peer review but can drag their feet, so they don’t get it in time for the next meeting. Kirt Rieder notes the Applicant is exacerbating the issue by coming back in 2 weeks. Bill Ross comments that if the info comes in tomorrow, it is no problem, but if in a week, then it’s a problem. Brian McGrail notes the Applicant wants to keep it on the 18th so traffic can at least be heard, even if Civil gets pushed to March. If traffic is not ready, Applicant will contact Mason Wells to continue

Mason Wells opens to public comment but there are none.

DJ Napolitano leaves the meeting at 7:30PM.

A motion to continue to the February 18, 2021 meeting is made by Bill Griset, seconded by Ben Anderson, and passes 7-0 in a roll call vote.

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

OLD/NEW BUSINESS

Location: Witch’s Hill Subdivision

Description: The Planning Board voted at their November 19th, 2020 meeting to correct a scrivener’s error from 2016 to release lot 221 (16 Nurses Way). The Board will sign this lot release and have it virtually notarized.

This item is heard first. The procedure for obtaining wet signatures is described. Everyone must sign on-screen after verbal consent to be recorded is obtained. Mason Wells attests to the identities of all relevant parties on the call. Joanne Roomey is witnessing and will notarize the document. Kirt Rieder, Tom Furey, Ben Anderson, Bill Griset, and Helen Sides all sign the document. Ken Steadman notes his copy was signed, notarized, and dropped off at the Planning Office. This is discussed and the Board acknowledges

the separate copy as acceptable. Delivery of all items will be to Mason Wells, then Joanne Roomey will notarize.

Other New Business:

An Application for 4 Franklin St. will be coming in on Feb. 18, also a Bagel World Drive Through permit will be at an upcoming meeting. 4 Franklin St. is the former HMA site. Kirt Rieder requests that Mason Wells or someone from the City provide a preface re the upcoming Harbor Plan as it figures into the discussion of the property. Mason Wells will get the relevant updates from Seth Lattrell, who also wants to be kept updated on this project.

Chair Anderson asks about what appears to be a flat roof on the last building, the 5-townhome addition, under construction, behind the Dunkin Donuts at 11 Goodhue St. It is unclear if this is a construction phase or an end conditio. Mason Wells will check and reach out to the Applicant.

Mason Wells notes there's a new person in Engineering taking on clerking duties that can be used for PB projects.

A replacement Board Member candidate is up before the City Council at the next meeting. Three Board members, including Matt Veno, Matt Smith, and Chair Anderson, are leaving or have left the Board.

APPROVAL OF MINUTES

Special Planning Board meeting minutes for November 12, 2020
Not available.

A motion to approve the Regular Planning Board meeting minutes for November 19, 2020 is made by Helen Sides, seconded by Carole Hamilton, and passes 6-0 in a roll call vote.

Ben Anderson	Yes
Carole Hamilton	Yes
DJ Napolitano	Absent
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Abstain
Bill Grisct	Yes
Tom Furey	Yes

Regular Planning Board meeting minutes for December 3, 2020
Not available.

Regular Planning Board meeting minutes for December 17, 2020
Not Available

ADJOURNMENT

A motion to adjourn is made by Bill Grisct, seconded by Noah Koretz, and passes 7-0 in a roll call vote.

Ben Anderson	Yes
Carole Hamilton	Yes
DJ Napolitano	Absent
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Bill Grisct	Yes
Tom Furey	Yes

The meeting ends at 7:39PM.

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/webforms/planning-board-2021-decisions>

Respectfully submitted,
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 5/6/2021