



CITY OF SALEM PLANNING BOARD

City of Salem Planning Board Meeting Minutes, January 7, 2021

Chair Ben Anderson calls the meeting to order at 6:30pm.

A public hearing of the Salem Planning Board was held on Thursday, January 7, 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 Grisct, Noah Koretz (8)

Absent:

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

Recorder: Stacy Kilb

II. REGULAR AGENDA

A. Location: 57 Marlborough Road / Osborne Hills

Applicant: Osborne Hills Realty Trust

Description: **The applicant has requested a continuation to the regularly scheduled meeting on January 21, 2020* 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.

A motion to continue to the Jan. 21, 2020 meeting is made by Helen Sides, seconded by Kirt Rieder, and passes 8-0 in a roll call vote.

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

III. OLD/NEW BUSINESS

A. Update on Clark Avenue (Map 6, Lots 7, 8, and 9) – Woodlands Subdivision

Mr. Tom Rice represents the project

- Possible minor blasting
- 21 complete foundations, 5 remaining, digging will be 1000 feet away from Clark Ave
- 7 more under agreement, no delays in process
- 13 people in houses on Woodland Rd. now
- Rock crusher done, processing crushed rock elsewhere

Letter from Mr. John Panneton rec'd, concerns related to dust, not wetting stones

- Applicant outlines efforts, Clerk of Works has reported
- Mr. Rice outlines the processes of blasting and hammering; suppressing dust in a hole is difficult. Applicant is conscious of the problem but does not want to create mud by putting water in a hole
- Chair asks about standard practice and conditions in typical approval; when does suppression typically happen? Continuously during the rock crushing process, meeting all conditions; issue is with hammering but it is rare and unpredictable. Can let John Hayes know if will be doing this

Kirt Rieder

- Notes that it is not crushing but hammering, feels water should be sprayed as a mist
- A resident wrote an objective, dispassionate letter, and concerns are merited
- COW is out there once in a while, passes by, thus it is not surprising that he doesn't see it
- Please spray, even if minimally, to suppress dust to avoid further irritating the neighbors
- Tom Rice Fields complaints from 13 neighbors and from the Building Dept.
 - Notes he has not had dust, noise, or early start complaints in 2 months
 - All foundations are in, all holes are dug
 - The last 5 foundations static, photo from before backfilled
 - Only hammering could have been one boulder too big but unsure
- Mason Wells: Important to reach out to John Hayes when this occurs so he is aware, it is about communication
- Chair wonders if PB can do better in Conditions to address these issues, solicits input from Tom Rice
- Kirt Rieder notes that it is not a clean process, dust will happen, just have to mitigate it, approves of applicant efforts, wonders if he can help Board codify that
- Tom Rice will reach out to John Hayes
- Notes that the Job Super is the more important person to reach out to as he is on site
- Chair asks to please include Mason Wells in communications so Board can codify

Chair opens to public comment.

John Panneton:

- Appreciates discourse, satisfied

B. Draft Planning Board Affordable Housing Policy Review draft policy document for possible adoption by the Planning Board.

Kirt Rider made some edits.

Mason Wells makes live edits to the document shown on screen. Discussion:

- “Resident employee households?” Language is clarified after lengthy discussion
 - Amanda Chiancola is available and notes that re: employees, the new line works. Link to employees was meant for PUD and the specific finding the PB makes that the project meets the needs of the community and considers impact on tax base, services, employment. More precise to reference that line directly? “To further the goal in [that line]?”
 - The more it is linked to language that is already in an ordinance makes the rationale stronger
 - Bill Griset: “In part, to serve the housing needs of employees”
- Developer “shall” meet w/AHTFB vs. recommended that they do?
 - B/c it is discretionary, PB has leeway. But if Developer opts not to meet w/AHTFB, is that acceptable to PB? Kirt Rieder opines that Developers should be compelled to meet w/AHTFB. Mason Wells states that the Board can always enforce it. Pros/cons of allowing them to disregard vs. enforce are discussed. Amanda Chiancola thinks “shall” would be fine, as she danced around w/language b/c it is a policy vs. ordinance, so it does not have the same teeth, but this is just requiring a meeting
 - She notes that, if AHTFB says they will not assist, that is where it gets tough. If the Developer meets w/Trust and can’t meet that goal, will push for trust/applicant to review pro forma and say why they can’t meet this. Will help to explore other options, perhaps a tiered setup
 - Kirt Rieder: Add sentence saying who works w/Developer/Applicant to figure out a way forward so it does not fall on PB to figure that out. AHTFB will make a recommendation on what they think is appropriate after that discussion; this needs to be articulated
- Bill Griset wonders if a word other than “deeper” should be used. Don’t want to say “more” or “lower” affordable, solicits input. Applicants may understand it but laypeople may not. “More affordability at lower AMI is desired”
- “Households earning less than 80% AMI”
- Noah Koretz, referencing the above discussion: “Developer shall meet w/AHTFB if they can’t meet the set goal.” Be clear on the burden of proof: Developer shall demonstrate/prove to the satisfaction of AHTFB that 10% at 60% cannot be achieved. Make it known it is on the Applicant to prove goal is not feasible
- Recommendation from AHTFB: “PB may consider an alternative affordability requirement upon receipt of a recommendation from the AHTFB”
- “All” Site Plan Review
- “Will be required to set aside a portion, if not all units, at 60%” = clarify. The sentence is moved to the front of the paragraph
- Amanda Chiancola notes there is a strong statement for PUD, loosening for SPR, but can say SPR and PUD, all projects
 - SPR was kept separate b/c it is unlikely that developments will be able to pencil out if they do not have a density variance, many projects come before PB w/relief from ZBA, tough to get deeper rents w/out a variance
 - SPR projects are more likely to not be able to meet it, so may dilute the power of review for PUD, says Mason Wells

- Amanda Chiancola notes PUD has a very clear nexus in findings that support this policy, language can connect this to PUD, and it has more flexibility
- It may make sense to say all projects start here, may wind up having to go through AHTFB
- Chair Anderson comments that it is good that Applicants have to prove that they can't, in either case, make it work. Not just present to the PB or go to AHTFB, then come back to PB
- Last sentence: when does the 99-year term start? From the date deed the restriction is recorded at the registry, but first must be approved by City
 - Applicant records, City releases final Certificates of Occupancy. Language will be left as is, as it is baked into departmental processes

Mason Wells will clean up the document, and the Board will review and vote on the final version at the next meeting.

HelenSides wants an update on the lot next to Senior Center.

- Easement issue was holding it up, also part of the agreement was for cupola [on old Senior Center] being redone w/\$150K CPA funding
- On Tues this next week will be before CPA for eligibility, then will go through that funding process, that is holding it up, unclear if will hold the project up until that is resolved as cupola is part of the asking price. Unsure who owns it.
- Helen Sides notes it is getting worse and worse, cupola will cost more than that as it is deteriorating
- Mason Wells is not sure that is the full amount or just what will be requested; Helen Sides wonders if it can be saved at all
- The equipment and infrastructure materials in the lot next to the new Senior Center are related to Bridge St. road work, not site work there

Kirt Rieder asks about Trader's Way, rock, and the ability to plant trees there. Better input? The Applicant will be doing operations that will make the space not recoverable, and they will not be able to meet the Board's requirements. Mason Wells will look into this.

Helen Sides got input that the City still owns the old Senior Center, but is not taking care of it. Tom Furey asks about construction on Boston/Bridge St and pedestrian crossings. Kirt Rieder replies that that was a pivotal issue for this Board, but we did not specify that this had to be done within X years of construction of the Senior Center, so the Applicant squeaked by and has not done it.

Ben Anderson will be leaving the Board in the near future but will attend meetings as long as Osborne Hills moves through the system. He has enjoyed the time spent with Board members and feels it has been enlightening and a tremendous opportunity for him, and that they have done a great job for the City. Helen Sides notes he was an outstanding chairperson, well-read, prepared, and well-spoken. Bill Griset seconds Helen's statement, noting that Chair Anderson is connected, dedicated, hardworking and available. DJ Napolitano thanks the Chair for all his learning in his first Board appointment. Noah Koretz echoes the comments of the others.

IV. APPROVAL OF MINUTES

- A. Special Planning Board meeting minutes for November 12, 2020
- B. Regular Planning Board meeting minutes for November 19, 2020.
- C. Regular Planning Board meeting minutes for December 3, 2020.

Tabled until the next meeting.

V. ADJOURNMENT

A motion to adjourn is made by Helen Sides, seconded by Carole Hamilton, 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 Grisct	Yes
Tom Furey	Yes

The meeting ends at 7:21PM.

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