



CITY OF SALEM PLANNING BOARD

Meeting Minutes, March 18, 2021

Chair Bill Grisct calls the meeting to order at 6:30pm.

A public hearing of the Salem Planning Board was held on Thursday, March 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 Bill Grisct, Vice Chair Kirt Rieder, Carole Hamilton, Helen Sides, Tom Furey, Noah Koretz, Todd Waller, DJ Napolitano, Sarah Tarbet (9)

Absent: None (0)

Also in attendance: Mason Wells, Staff Planner

Recorder: Stacy Kilb

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.

The Applicant is present and will be requesting a continuance. Attorney Brian McGrail hopes for a Draft Decision on April 1 and notes the written request to extend the deadline for this matter, below.

DJ Napolitano wonders why a continuance is being requested. Attorney McGrail notes that some Draft conditions were discussed at a staff meeting and are in the process of being reviewed. They would like to proceed in a thorough and appropriate manner. DJ Napolitano comments that the Application has been before the Board since before Christmas and urges the Board to wrap it up

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

on April 1. Noah Koretz also notes that this has prevented a member of the Planning Board from retiring. Timing of the extension (item B) is discussed.

A motion to continue to the April 1, 2021 meeting, is made by Kirt Rieder, seconded by Noah Koretz, and the motion passes 9-0 in a roll call vote.

Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Sarah Tarbet	Yes
Tom Furey	Yes
Todd Waller	Yes
Bill Grisct	Yes

DJ Napolitano notes that, coincidentally, Carole Hamilton had previously expressed her doubts that this would be completed long before now.

- B. Location:** 57 Marlborough Road / Osborne Hills
Applicant: Osborne Hills Realty Trust
Description: Planning Board vote on a written request to extend the deadline for action on the Form C/Definitive Subdivision application.

A motion to grant the written extension request to May 31, 2021, is made by Kirt Rieder, seconded by DJ Napolitano, and the motion passes 9-0 in a roll call vote.

Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Sarah Tarbet	Yes
Tom Furey	Yes
Todd Waller	Yes
Bill Grisct	Yes

- C. Location:** 203 Canal Street (Map 33, Lot 11)
Applicant: Z & M Realty Trust
Description: A public hearing for all persons interested in the application of Z & M REALTY TRUST for the property located at 203 Canal Street (Map 33, Lot 0011) for a Site Plan Review, Drive-Through Facilities Special Permit, and a Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance Section 9.5, Section 8.2, and Section 8.1. Specifically, the applicant proposes removal of the

vehicle entrance on Canal Street and creation of one entrance and exit off of Forest Avenue for a new drive through and parking lot layout. The project includes an updated point of sale and order board windows, increased site landscaping, improved parking layout with increased mobility within the site and an updated ADA accessible entrance.

Sarah Tarbet recuses herself from this item.

Present for the Applicant are:

Bill Jacob, Project Manager, Jones Architecture

John Bobrek, Civil Engineer, Bobrek Engineering

Naomi Cottrell, Landscape Architect, Crowley Cottrell Landscape Architecture

Bill Jacob, Architect, introduces the project.

- Queuing of drive through traffic is an issue; cars sometimes spill out onto Canal St.
- Remediation of traffic and safety issues is necessary.
- Closing off existing vehicular entrance on Canal St. and creating single entry and exit points on Forest, with a wraparound the building, is planned.
- Drive through on perimeter allows pedestrian and vehicular traffic to be optimized.
- New site navigation will remain accessible and obvious to new customers, streamlined for existing.
- Landscaping and planting areas will be added and improved, and will mimic what is along Forest St.

John Bobrek, Engineering:

- Current setup is shown and described.
 - New drive through will be wrapped around perimeter. Current mobility for pedestrians to enter conflicts with vehicles. This is especially a disadvantage for those with mobility issues.
 - 55' opening on Forest St. exists currently; parking spaces and aisle widths don't meet current City standards
- Proposed conditions:
 - One-way loop off Forest St. back to Forest St.
 - 400' loop, 241' to POS system with opportunity to "opt out" and go to parking lot.
 - Lane markings and signage are described. Current dumpster area will be enclosed with a fence. Islands exist in the front, but their layout will be changed.
 - Pedestrian stamped asphalt crosswalks will be added.
 - Canal St. curb cut will be closed, and concrete sidewalk reconstructed. Will have low level retaining wall to hold grade change.
 - Buffer between impervious surface and property line is provided; will be a trench drain.
 - Proposed installation of new fence; currently fence encroaches by a couple of feet.

- Pedestrian signage is outlined.
- Drainage and dry wells in landscape areas are proposed.
- Revision to Plans submitted: 4' landscape island on back of sidewalk to split up parking. Island and signage are described.
- Removable wheel stops in center to prevent damage during plowing.
- Handicap accessible entrance/ramp will be provided.
- Grading and drainage: site will be repaved to match what it does now. In a zone that frequently floods, with high ground water table. Proposing infiltration trench around site, pitch will be improved.
- Snow will be stockpiled then removed from the site.

Naomi Cottrell, Landscape Architect

- Plantings and locations are described.
- Proposing honey locust in the front and small tree in front of the current dining room; tight sight lines mean it must be small.
- Forest St. sides have 2 red maples and 2 **savatica something (Kirt?)**
- Structural soil will aid tree roots under sidewalks and into parking spaces.
- Cut Granite wall is described (like the one at McGlew Park).
- Plantings (ground cover) in/around menu board.
- Perimeter will be lawn.

John Bobrick clarifies the replacement of the perimeter fence; it will be replaced with a cedar privacy fence, comparable to what is on other Canal St. sites.

Helen Sides

- Wonders if the project will come before the Design Review Board (DRB). Mr. Bobrick does not believe it will, but Ms. Sides note it involves signage and changes so would like them to investigate the requirements. Mason Wells notes that because there is no new construction (2,000-10,000 square feet) it does not trigger DRB review. But it is in ECOD so there is signage which will be reviewed by City.
- The Decision does include a request for signage to be submitted before issuance of the Permit.
- Helen Sides notes that this is “a terrific improvement” to Canal St.

John Bobrick notes the team has reviewed the Draft Decision and agrees to submit signage. Tom Furey recalls the site as Alice’s Ice Cream and applauds the changes.

Kirt Rieder

- Wonders about the sign. It will remain for now, but in the future will be upgraded. The roof over the drive through window also remains.
- The stone behind the stone wall is described as 1.5” rounded stone. Underneath, in the trench will be crushed stone.

- Resetting some but not all of curbing? Yes, this is correct. City is planning to install new curb and sidewalk so they will maintain/upgrade whatever they touch. Areas of upgrades are described.
- Why is there an inward curve on the lower left edge (inside)? The logistics of that area are discussed. Curb is tucked in to direct stormwater.
- The upper left-hand corner of the Plan is also discussed; there are no sharp edges to accommodate plowing. Kirt Rieder is concerned about protecting the new fence.
- Current fence is not on the property line – what about 3 large trees along property line? They are owned by the Applicant and will be removed, which Kirt Rieder notes is a loss.
- Not confident that stamped asphalt in crosswalks will hold up. Please consider a more durable material.
- Mason Wells has not discussed contours for submission, a basic requirement.
- Mr. Bobrek: Would have put contours but it is all spot grading; they are not grading the whole site.
- Kirt Rieder does not appreciate the Sunoco offset Cedar fence; he would prefer the three shown on the right. The preference is for a privacy fence, notes Mr. Jacob.
- Net reduction in open curb for ingress and egress? Net zero on Forest St. 1 55' now, proposing two 25' openings; Canal St. opening at 40' will be completely eliminated.
- Kirt Rieder notes excess paving, approves of structural soils and removal of paving where possible, but redundant travel lane toward North end could also be eliminated and replaced with a bed.
 - Get rid of wheel stops, add parking space to the right, for a net loss of one space. Would reduce impermeable surfaces and could add 2-3 trees, especially b/c eliminating 3 trees on edge.
 - Take 10 parking spaces in middle and push them up toward queue, put in 4' bed that increases travel lane in middle to 30-40' wide, decompress it.
 - Mr. Bobrek feels they would lose 3 spaces, don't have allowable exit lane out of drive through if they do that, no way to leave line to drive through. Already reducing to 27 spaces from 35 existing. Also, delivery trucks have maximum movement with this setup. Mr. Jacob appreciate the suggestion and it was discussed with the design team and owner but would come at a larger loss of parking. Based on renovations shown, losing an additional 3 spaces is prohibitive. Loading zone would also be off-center.
 - Kirt Rieder – loading zone is the only compelling counterargument. As an alternative, plant add'l tree between drive through window and sidewalk? There is discussion of future redevelopment that may impact the overhang/drive through window itself, so landscaping for that area may be removed.
- Helen Sides comments re parking spaces: most people are parking and going in b/c line is backed up, if they choose to get in line instead, so much parking is not necessary.

Carole Hamilton

- Agrees with reduction of pavement/need for shade in parking lot. Additional landscaping should be accommodated, and temporary wheel stops removed.
- Bill Griset notes as a litigator, he does not approve of wheel stops. They are a tripping hazard. If they do go in as part of the final plan, he asks about color, removal, and storage when not in use? They are removable rubber yellow wheel stops, however since not all Board members are in favor of them, they can be deleted.

Noah Koretz

- Echoes comments re amount of impervious surface and desired reduction.
- Business doubling down as primarily a drive through location is disappointing; City has spent money on pedestrian and bicycle improvements.
- When Applications come to this Board for site improvements along Canal St., they take more cues from what has traditionally been along Canal St. and make it a more vibrant, neighborhood-based commercial corridor.
- Applicant could have used this as an opportunity to make Bagel World (which is next to a university, and two new bike trails, in a residential neighborhood,) an example of how to de-emphasize cars.
- Feels drive throughs should not be allowed anywhere in Salem. Given the efforts to make Canal St. Safer and more enjoyable for humans to spend time outside, this is disappointing.

Todd Waller

- Echoes thoughts of other Board members re changes that are necessary.
- Asks if it will go before Traffic and Parking Commission; it has not. Traffic study was submitted to Engineering who has not requested they go before Traffic and Parking.
- Accommodations for bicycles? No, but a bike rack can be considered, perhaps in the area by the drive through window.
- Todd Waller also asks about the fence. No verbiage re fence is in there. Mason Wells notes ECOD has a fences section, related to intersections. He clarifies the regulation. Limited to 4' high, probably even with overhang 25' from roadway and even to neighbor's parking lot. Will transition from 6' to 4'.
- Current bottleneck: traffic mitigation, lanes, and added length are positive improvements, but if bottleneck is in the restaurant w/only one person taking orders and doing food prep, it will not help. Is an expansion in operation planned? New ordering and POS systems will be in place which will streamline the ordering process, and allow more prep time for time consuming things. Pairing that with added drive through queue time will help.
- Lost focus vertical granite curb on both sides in radius – what if someone breaks down? No option, people will have to “work off their bagel.”

Helen Sides

- Was stuck on improving situation not improving what is there. More space devoted to eating your bagel while you are there, making it a real gathering place rather than in a line of 21 cars to get to a window with engine running. Who does that, why don't you get out and go inside and talk to the people in line?
- Agrees with Noah that it is going in wrong direction, is now "irritated" by the proposal.

Kirt Rieder

- Not prepared to say his is "disappointed" or "irritated" but notes that it is an opportunity and is helpful for rest of Board members to weigh in.
- We can encourage the Applicant to come back with changes as per discussion.
- "Soul crushing" that it is a big piece of asphalt in the back. Modifications would make it more appealing for SSU students to linger.

Carole Hamilton

- Oldest member of Board, she uses drive throughs more than others, but feels 21 cars is a lot, and only having the area to opt out of line that far back is another problem.
- Applicant clarifies that opt out is halfway through the site at Point-of-Sale window.
- Why is menu board all the way at the end and then order window 5-6 cars beyond? To assist in giving add'l time for prep of menu items that require more time to prepare.
- Kirt Rieder suggests rotating the ordering board 10 degrees and making some changes to parking. Mr. Bobrek notes that peak demand backup in the drive through would eliminate anyone's ability to get into parking lot.

Tom Furey

- Electric cars are coming but he would not want to dine outside with so many exhaust-emitting cars around. Does clientele even want to eat outside in that situation?
- Noah Koretz notes that those conditions only exist b/c we proactively allow them to.

Chair Bill Griset opens to the public.

Eric Kosta, Realty, adjacent property 201 Canal St.

- Flooding issues on the property, engineers and work done at 201 Canal St; will proposed project create additional runoff?
- All current drainage patterns will be maintained, and stormwater runoff improved by trench drain around perimeter for infiltration. LSCSF through city's drainage system, which backs up and creates overflow, this cannot be mitigated.
- Mr. Costa: how does trenching work when ground is frozen/covered in snow/then it rains. Mr. Bobrek: snow in winter will be stockpiled then removed from site, infiltration trench will absorb melting.

Jeff Cohen, 12 Hancock St., Co-Chair of SERC (Sustainability, Energy and Resiliency Committee)

- Can't live without Bagel World.
- Big picture: improvement in safety and traffic, but this is the case all through Canal St. Business district.
- Commends Carole Hamilton and Noah Koretz. People are not aware of adverse effects of heat islands; if we are going to be a resilient City and accessible for all, we need to think outside the box.
- Bagel World is a destination, with some work it could be an example for other properties on the street.
- Finds the meeting instructive and thanks PB and Applicant for the potential to create a more user-friendly site.

David Harris, Attorney Peabody (Canal Street Dunkin Donuts)

- Appreciates alleviation of traffic condition.
- Stormwater management reviewed by Engineering Dept? Yes, they have reviewed, Applicant submitted response, no flags raised, comfortable with materials.

Applicant will be appearing before the Conservation Commission in April.

A motion to continue to the April 15, 2021 meeting, is made by Helen Sides, seconded by Carole Hamilton, and the motion passes 8-0 in a roll call vote.

Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Sarah Tarbet	Recused
Tom Furey	Yes
Todd Waller	Yes
Bill Grisct	Yes

III. OLD/NEW BUSINESS

Bill Grisct asks about the pending Cataldo project and trucks on the lot. Mason Wells replies that Attorney Joe Correnti reached out Mon. March 8th, and the owner reached out to vehicle owners, they will be moved by the 22nd (2 weeks after March 8th)

March 30 6:30PM JPH ADU Public Hearing

Kirt Rieder asks about the roof of the four units off of Boston St/Grove St. He would like to see architectural drawings approved by this Board and the DRB as the building appears to have a flat

roof, and he thought a gambrel roof was approved. Mason wells will send the drawings along and alert the zoning enforcement officer.

Kirt Rieder also requests the hospital Master Plan approved by the Board.

IV. APPROVAL OF MINUTES

V. *EXECUTIVE SESSION 7:55PM

Enter into Executive Session: Pursuant to MGL Chapter 30A, Section 21 (a), to conduct strategy sessions with respect to the legal position of the Planning Board and litigation regarding following applications as having the discussions in open session would have a detrimental effect on the litigation position of the City and the chair so declares, with respect to the following matters:

1. Donald A. Harlow-Powell et al v. Town & Country Homes, Inc., Geo. & Veronica Belleau, Planning Bd. members in their capacity as members – regarding the Definitive Subdivision at 14 and 16 Almeda Street
2. Castle Hill Group v. Planning Bd – regarding the Definitive Subdivision and Waiver of Frontage at 0 Story Street

A motion to enter into the Executive Session is made by Carole Hamilton, seconded by Noah Koretz, and the motion passes 9-0 in a roll call vote. The meeting will NOT reconvene after the Executive Session.

Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Sarah Tarbet	Yes
Tom Furey	Yes
Todd Waller	Yes
Bill Griset	Yes

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 6/3/2021