



CITY OF SALEM

A public hearing of the Salem Planning Board was held on Thursday, November 1, 2023, at 6:30 p.m. via remote access. Public participation was possible via Zoom video and conference call.

Chair Bill Griset opens the meeting at 6:30 pm

I. ROLL CALL

Present: Bill Griset (Chair), Kirt Rieder (Vice-Chair), Carole Hamilton, Josh Turiel, Helen Sides, Tom Furey, Sarah Tarbet, Jonathan Berk, Zach Caunter (9)

Absent: (0)

Also in attendance: Amanda Chiancola, Deputy Director of Planning and Community Development

Mr. Rieder joined at 6:33 pm

II. AGENDA

A. 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.

- Chair Griset asks for all presentations to be limited to 30 minutes.
- Attorney Joe Correnti is here for the Applicant, Crowley Wind Services. Bill Ross of New England Civil Engineering (NECE) is in attendance to present the civil engineering peer review.
 - NECE submitted a letter to the Applicant on September 19, 2023. Crowley submitted a new set of plans with changes.
 - Extensive change to the drainage. Majority of this is the purview of the Conservation Commission. The City Engineering Department is concerned with two connections – at Fort Avenue and at the harbor (this is the main drain). Crowley will provide televised inspection of drains and the sewer.

PLANNING BOARD COMMENTS

Mr. Rieder asks about slope draining to the harbor as previous plans had the slope runoff into Footprint's property. Mr. Ross say that the previous plan set had sheet flow at a great distance. The new plans will be directing the runoff to a new water quality device. Mr. Rieder finds this to be a great improvement.

Ms. Tarbet asks about the buildings having plumbing as they are temporary structures. Mr. Ross says that they are proposing permanent, buried, utilities but that the buildings will be temporary.

The presentation continues with the Traffic Peer Review

Kerry Pike of Howard Stein Hudson (HSH) provides an overview of the Traffic Peer Review. On October 17, 2023, the initial review with responses from the Applicant in November. The studies were done following the appropriate standards and we asked a lot of questions about truck traffic during and after constructions. The review of the packet is nearly finished with the Traffic and Parking Department.

Attorney Correnti says that a new Notice of Intent (NOI) has been filed with the Conservation Commission and they will be in front of the Conservation Commission on November 21, 2023 and the Applicant is working with the peer reviewer for the Conservation Commission.

PUBLIC COMMENT

Betsy Frederick
93 Canal Street

Does the applicant plan to do any additional modeling on high intensity short duration storms and the impact the extra two feet of elevation on the property would have for street flooding. Mr. Ross says that one of the elements of the peer review is a coordination with the

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

Conservation Commission peer reviewer so that nothing is missing in the review of the drainage. Engineering and Planning are concerned with runoff that goes to the city's system.

Polly Wilbert
7 Cedar Street

Would like assurance that abutting projects are being considered when approving projects, particularly in dense neighborhoods. These change could have a cascading effect. Attorney Correnti says that it isn't the Applicant's purview to discuss other projects in the area. Chair Griset says that the board tends to consider projects not just in a vacuum. Ms. Chiancola says that the traffic study does look at other projects.

Jamie Kelly
11 Cousins Street
Salem Offshore Wind Alliance (SOWA) member

Concerned about the temporary nature of the buildings and the permanent use of construction trailers is against city ordinance. Can't have water or sewer connections to temporary structures. Ms. Chiancola says that the City Solicitor is looking into the temporary structures. and it is likely okay to do. Mr. Rieder thinks that it would be good to hear a little more about how this happened.

Charles Hildebrand
46 English Street

Who is accountable for looking at all projects together? Chair Griset reiterates what Ms. Chiancola said regarding traffic studies. Ms. Chiancola says that any connection to city water is evaluated by the City Engineer. The developer needs to prove there is adequate flow. Mr. Turiel shares that each project has to be considered on its own for its individual zoning. We can't look at the neighboring properties and say that they can do XYZ and we can only do ABC. Mr. Ross says that part of the condition capacity for the sewer is up to the City Engineering department. This varies from project to project. Engineering will ask for future modeling when there may be overlap.

PLANNING BOARD COMMENTS, Redux

Mr. Rieder attended the site visit with Crowley. Wonders about the security agreement with harbormaster. What threats do you anticipate securing the publicly accessible site from? Why are there such tight constraints when the same height of fence will run along Derby Street as along Blaney Street? Mr. St. Pierre of Crowley responds. They are mostly concerned with the unknown. Mr. Rieder says that the Blaney Street Wharf is in the DPA and the deal with the harbormaster unfairly draws attention to 24 hr. accesses mere feet to a 10 – sunset limitation. Mr. Berry says that the harbormaster is in attendance. Bill McHugh, Harbormaster, says the DPA will be accepting international flag vessels and a first port of entry for some vessels. Blaney Street does not fall under the same requirements under MTSA regulations. We work to keep

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

security appropriate. The big difference is the Deep-water Port accepts first point of entry vessels. Mr. Rieder say that year day they walked to the quay, purgatory zone btw. Blaney and the quay. Mr. McHugh says there are regulatory requirements, If there is a breach, there is an issue with federal regulations. If there was a threat against a vessel, they have to be able to close it down. Easy to set hours for an intermittent security plan. Unfettered access is not keeping in concert, a schedule is appropriate. The easiest thing is to not have access at all. We are going out on a limb to allow any public access. Mr. Rieder is also not comfortable with the encroachment of the fill condition to the existing Honey Locust Trees on Derby Street. Quality of life and impact on the neighbors and the historic district were most of the site visit conversations. I would like the team to think about these comments and not comfortable with how far forward this is moving into a zone that is flat today.

Attorney Correnti anticipates the lighting peer review to be done by December 7, 2023 meeting.

A motion to continue to the December 7, 2023 Planning Board meeting is made by Sarah Tarbet, and seconded Jonathan Berk, and passes 9-0 in a roll call vote.

Bill Griset	Y
Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Sarah Tarbet	y
Jonathan Berk	Y
Zach Caunter	Y

B. Location: 275 Lafayette Street (Map 33, Lot 438)

Applicant: Scott Grover f/b/o MD Property Development Corp.

Description: : A public hearing for all persons interested in the application of Scott Grover, Esq., f/b/o MD Property Development Corp. located at 275 Lafayette Street (Map 33, Lot 0438) in the R1, R3, and ECOD Zoning Districts for Site Plan Review in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review.

The applicant specifically proposes to renovate an existing building to create five (5) residential units. In addition, construct a new three (3) story, five (5) unit residential building. Site development will include paved parking areas, landscaping, stormwater management systems, and utility installations.

- Attorney Scott Grover is here for the Applicant to review the draft decision.
- Ms. Hamilton recuses herself as she is an abutter.
- Ms. Chiancola shares the draft decision on screen.
 - Ms. Tarbet asks if the public hearing has been closed. It has not been.

A motion to close the public hearing is made by Josh Turiel, seconded by Sarah Tarbet, and passes 8-0 in a roll call vote.

Bill Griset	Y
Kirt Rieder	Y
Carole Hamilton	R
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Sarah Tarbet	y
Jonathan Berk	Y
Zach Caunter	Y

Review of the draft decision continues

- Mr. Caunter asks about a potential sunset rule that we wanted to bake into the decision that would require the applicant to return. Has the City Solicitor made a decision on this? Mr. Griset says that it is not firmly resolved yet. Ms. Chiancola says that there is a 2-year time frame in Site Plan Review (SPR), but it is based on substantial use. Mr. Griset says that there is no remedy, that the board is looking for a sunsetting that actually has teeth. Ms. Chiancola says that the SPR approval shall lapse after 2 years if a substantial use has not occurred. This could be going through another board; it isn't just construction. Mr. Berk says that he is comfortable with something like that rather than construction. Mr. Caunter wants to know if this has been applied in recent history? Mr. Griset says that it lapses on its own, nothing needs to be done. Mr. Rieder says that it has happened on one project but we should circle back in "new business".
- Mr. Turiel finds a typo regarding affordable housing. Ms. Chiancola says it should be 1 unit.
- Ms. Sides says that Ms. Hamilton's name is on the decision as a signatory and that should be removed.

A motion to approve the decision for 275 Lafayette Street is made by Jonathan Berk, seconded by Helen Sides, and passes 8-0 in a roll call vote.

Bill Griset	Y
-------------	---

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

C. Location: 40 Bridge Street (Map 36, 0210)

Applicant: Scott Grover f/b/o 40 Bridge Realty, LLC.

Description: A public hearing for all persons interested in the application of Scott Grover, Esq., f/b/o 40 Bridge Realty, LLC. located at 40 Bridge Street (Map 36, Lot 0210) in the B2 zoning district and in the Entrance Corridor Overlay for Site Plan Review in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review and Section 37 of the Salem Code of Ordinances, Stormwater Management Permit.

The applicant specifically proposes renovations and a building addition to a hotel building at the Clipper Ship Inn. In addition, work includes concrete and paver walkways, parking and drainage improvements, a gravel sitting area, and landscaping.

- Attorney Grover is here for the Applicant. They are here to review the draft decision.
- Mr. Rieder and Ms. Hamilton would like to review the sign. Ms. Sides says that it was separated out. Ms. Tarbet says that it was not on the Design Review Board (DRB) agenda last night as the Planning Board does not have purview over this sign due to its location and the DRB sign only recommendation was not valid. Chair Griset would like clarification on jurisdictions. Ms. Chiancola says that the SPR is focused on section 9.5.6 and there are some situations where the board looks at signs but that is only when it is specifically mentioned in the zoning ordinance, i.e., North River Canal Corridor. SPR is the site and the criteria in 9.5.6. Ms. Chiancola will talk to the solicitor and put the information in the SharePoint. Entrance Corridor signs are reviewed by the Sign Review Committee and that is based on sign criteria in the ordinance. Mr. Rieder says that a sign is a physical component of any project, just like a curb or a tree. He is struggling with this being different. Chair Griset thinks that the board is struggling with the lack of jurisdiction. Ms. Chiancola notes that most SPR projects do not have signs identified yet. To say the board needs to review signage as part of the SPR, then every time there was a change to the sign there would need to be a project amendment. That means a new public hearing, abutters notifications, etc. It

becomes onerous for commercial units that can have tenant change outs. Chair Griset asks what rule limits what they can do with the sign? Ms. Chiancola says Ch.2 of the code of ordinances plus the special district like the Entrance Corridor. Mr. Rieder would like to know how a physical improvement to the site not part of site planning. Ms. Tarbet shares that this sign does not fit in with the character and is a structure of its own and wants to know why we can't comment on this. Attorney Grover says the city approved the sign through the ordinance and it was approved.

PUBLIC COMMENT

Flora Tonthat
30 Northey Street

Has seen that they have raised a lot of vegetation that was towards the street. Bridge Street is a heat island and susceptible to coastal flooding. Is there any consideration to making permeable ground covering and planting shade trees? Chair Griset says these things were covered in the presentation. Mr. Rieder says that the applicant did respond to increasing shade at the public sidewalk.

A motion to close the public hearing is made by Carole Hamilton, seconded Sarah Tarbet, and passes 9-0 in a roll call vote.

Bill Griset	Y
Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Sarah Tarbet	y
Jonathan Berk	Y
Zach Caunter	Y

- Ms. Chiancola shares the draft decision on screen.
 - Mr. Lutts, one of the applicants questions that the \$15750 to the TEF. We are adding elective spots, not required. How does that ordinance work? Ms. Chiancola says that it is a recommendation from Traffic and Parking. For residential units it is the number of units. For commercial projects it is the net parking - \$750/parking if within half a mile and \$1000 if you are not.
 - Mr. Rieder asks if the team has gone back to low-grow sumac instead of the juniper. Attorney Grover says that it can be a site-specific condition.

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

- Ms. Tarbet doesn't want to approve the sign and wants to make sure it isn't in any drawings shown. Would like to add "except for the sign as presented". Attorney Grover doesn't think it was ever part of the plans, but we can rule out that it is not on the approved plans. Mr. Griffin of Griffin Engineering says that there is a rectangle on the plan that simply says where the sign is located. There are no details or renderings indicating specifics on the signs.
 - "The preexisting project sign was not reviewed or approved by this decision"
 - Ms. Chiancola says that it can be added as procedural history.

Motion to approve the decision for 40 Bridge Street is made by Carole Hamilton, seconded by Tom Furey, and passes in a 9-0 roll call vote

Bill Griset	Y
Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Sarah Tarbet	y
Jonathan Berk	Y
Zach Caunter	Y

D. Location: 301 Essex Street (Map 26, 0458) **Request to continue to 12.21.23 Meeting**

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

Description: A continuance of a public hearing 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 and 10 off-site parking spaces. The existing commercial space will remain on the first floor fronting Essex Street.

**** Request to Continue to December 21, 2023****

- The Applicant team is going to the Zoning Board of Appeals to have a variance for less parking on the site.

- Mr. Rieder ask if there was statement from the board on the parking. Attorney Grover says that there were misgivings about having to have 1.5 spaces. Mr. Rieder would like to know if is desirable to make a statement to use at the ZBA?

Motion to provide a sentence in support of parking reduction at 301 Essex Street is made by Kirt Rieder, seconded by Jonathan Berk, and passes in a 9-0 roll call vote.

Bill Griset	Y
Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Sarah Tabet	y
Jonathan Berk	Y
Zach Caunter	Y

Motion to approve the statement "The Planning Board supports the petitioner's variance request for a reduction in parking at 301 Essex Street" is made by Kirt Rieder, seconded by Helen Sides, and passes in a 9-0 roll call vote.

Bill Griset	Y
Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Sarah Tabet	y
Jonathan Berk	Y
Zach Caunter	Y

A motion to continue to the December 21, 2023 Planning Board meeting is made by Jonathan Berk, and seconded Zach Caunter, and passes 9-0 in a roll call vote.

Bill Griset	Y
Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Sarah Tabet	y
Jonathan Berk	Y

Zach Caunter

Y

E. Location: 16, 18, 20R Franklin Street (Map 26, 0400, 0401, and 0402)

Applicant: Joseph Correnti Esp. f/b/o Juniper Point Investment Co, LLC. **Description:** A continuance of a public hearing for all persons interested in the application of Joseph C. Correnti, Esq., f/b/o Juniper Point Investment Co, LLC, located at 16, 18, and 20R Franklin Street (Map 26, Lots 0400, 0401 and 0402) in the North River Canal Corridor (NRCC) and Flood Hazard Overlay District (FHOD) for an amendment to the Flood Hazard Overlay District, Section 8.1 of the Salem Zoning Ordinance, North River Canal Corridor Neighborhood Mixed Use District, Section 8.4 of the Salem Zoning Ordinance, and Site Plan Review, Section 9.5 of the Salem Zoning Ordinance. Specifically, the applicant proposes to amend the decision dated May 18, 2020, to allow for revisions to the approved plans. The amendment proposes changes to the building aesthetic, including revisions to the roof line, window layout, and addition of raised planters at the front elevations, as well as changes in the color scheme and orientation of the siding materials. No changes are proposed to the location or footprints of the buildings, number of units, parking spaces or any of the approved site improvements including landscaping, lighting, and utilities.

- Attorney Correnti is here for the Applicant. The DRB has issued recommendations that the team would like to present tonight. Mark Yanowitz, principal architect is here along with the developer, Marc Tranos.
- Mr. Yanowitz shares that the DRB had constructive criticism and now have gone back to the original design with a few enhancements. Approval was issued with minor modifications. Mr. Yanowitz shares his screen with the modifications.

PLANNING BOARD COMMENTS

Ms. Sides asks if the change of the entrance the townhouses change the footprint? Mr. Yanowitz says that the covered porch roof element is the only change. The space is given to the interior. Ms. Sides asks about the exposure of the clapboard and would like it as wide as possible. Mr. Yanowitz says it is 7" exposure, the largest size available. Ms. Sides asks about the corner units and wants to know why the porches are gone in the back building. Mr. Yanowitz says that the windows allow for a great year-round view versus just a seasonal deck. Ms. Sides wonders if there might be a member of the DRB that reviews the locations of the bay windows. Ms. Tarbet says yes.

PUBLIC COMMENT

No public comment

Ms. Chiancola says that this project is in the NRCC and if there is a sign then it is reviewed by the Planning Board. Mr. Rieder asks where the site identifier is. Attorney Correnti says they are not ready for a sign package and will come back at a future date.

Motion to continue to the December 7, 2023 Planning Board meeting is made by Josh Turiel, seconded by Jonathan Berk, and passes in a 9-0 roll call vote.

Bill Griset	Y
Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Sarah Tarbet	y
Jonathan Berk	Y
Zach Caunter	Y

III. OLD/NEW BUSINESS

A. Planning Board Calendar for 2024

- Ms. Chiancola shares her screen with the 2024 schedule
 - Board is not interested in adding a Tuesday meeting in October. Will meet once in October per usual.
 - Adjustment to July calendar is fine

Motion to approve the 2024 Planning Board Calendar is made by Carole Hamilton, seconded by Jonathan Berk, and passes in a 9-0 roll call vote.

Bill Griset	Y
Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Sarah Tarbet	y
Jonathan Berk	Y
Zach Caunter	Y

IV. APPROVAL OF MINUTES

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

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

- Ms. Chiancola asks that these not be voted on tonight as they have not been posted in draft form on the city website.
- Mr. Berk mentions a voting error.

Mr. Furey asks about the sunshine ordinance and would like staff to stop dragging on this. Chair Griset says that they request a written opinion from the City Solicitor on including a fixed rule regarding a 2-year sunset clause. Mr. Turiel mentions that the last activity on the Gateway Center property was in 2018. Ms. Sides says that her understanding is that as long as there is a hut on the site that it is in compliance. Ms. Sides also thinks that notification should be sent on behalf of the city saying that the permit has lapsed. Ms. Chiancola will contact the city solicitor. Ms. Hamilton would like to see if the hut is on the approved plan – if it isn't then it isn't construction.

Ms. Chiancola is to reach out to the City Solicitor for a written opinion for adding a sunset date in Planning Board decisions if construction hasn't begun. Ms. Chiancola asks for clarification on what the board considers "construction". Substantial use is not construction. Mr. Griset volunteers himself and Mr. Rieder to meet with the solicitor to hash this out.

Mr. Furey asks if Ms. Chiancola has heard anything about the Cataldo site. Ms. Chiancola says 4 Franklin Street is not allowed to get a demolition permit until they meet other criteria.

Ms. Sides reminds that Dan was asked for a list of projects that are in progress so they can keep an eye on this. Ms. Chiancola has a tracking list. Ms. Hamilton feels that projects should be sent notification of lapsing unless they applied for extension.

V. ADJOURNMENT

Motion to adjourn made by Josh Turiel, seconded by Jonathan Berk, and passes in an 9-0 roll call vote.

Bill Griset	Y
Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Helen Sides	Y
Tom Furey	Y
Sarah Tabet	y
Jonathan Berk	Y
Zach Caunter	Y

Adjourned at 8:50 pm

Minutes approved on December 7, 2023.

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