



CITY OF SALEM PLANNING BOARD

City of Salem Planning Board Meeting Minutes, November 5, 2020

Chair Ben Anderson calls the meeting to order at 7:00pm.

A public hearing of the Salem Planning Board was held on Thursday, November 5, 2020 at 7:00 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, Noah Koretz, Bill Grisct, Tom Furey (7)
Absent: Matt Smith, DJ Napolitano
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: A continuation of a 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.

Chair Anderson comments that the Board has not received a transportation plan, review or Peer review, and they plan to review the modified EIS (Environmental Impact Statement) tonight. There has been some concern/public comment and comments from the City Councilor re connection to Barcelona Ave. He suggests to the Board, public, and Applicant to withhold comment until the Board has the review. This is not to stifle questions/comments from anyone, but he wants to put it off until the Dec. 3 meeting when the Board has more info/can evaluate more clearly. Helen Sides comments that she would like to put peoples' minds at ease - it was a matter that came up during the presentation; it was a discussion so people on the Board could understand more about the project and street layouts,

and it was not the primary goal of the meeting. Chair Anderson reiterates his desire to discuss this further at a future meeting, not tonight.

Bill Griset asks if people received the letter from Marina Souza 9 Amanda Way; she was also one of several community members to organize a petition, which is also in the folder, and has more than 150 signatures. He asks Board members to please review this.

DJ Napolitano notes that as the Planning Board, it is our job to holistically review each project, like advances in other fields, planning best practices have come a long way from when the project was originally designed, and this is why DiBiasi is coming back. It would be “criminal” if the Board did not look at the plan via the optic of new tools, though it does not mean they will move forward w/opening Barcelona - or not. They must look at all viable options and see how it fits in with the rest of the city, not just one neighborhood. They are not doing this to lower home values or worsen public safety for children, just looking at a holistic approach.

Representing the Applicant:

Brian McGrail, DiBiase homes

Paul Dibiase, Principal

Bill Luster, Development Consultant, CMK Development

Chris Mello, Civil Engineer, Eastern Land Survey

Chanel Dibiase

Ringo Dibiase

Mr. McGrail:

- Traffic study is in progress but may not be ready in time for next meeting
- Peer Review can also be discussed tonight
- Tonight’s Goals: Environmental Impact Study (EIS)

Chris Mello, Eastern Land Survey: Environmental Impact Report

- Length of streets, relocating of Strongwater Dr.
 - Eliminating Deandra Dr. and Kate Way, thus eliminating 900+ feet of street
 - 44 approved lots reduced from 120’ frontage and 20K sf, and brought in line w/phase 1-5, which is 80’ frontage and 8K sf on average, allowing for an add’l 10 acres of open space
 - Elimination of roads results in an additional 25 acres of open space
- Resource Area
 - Relocation of Strongwater Dr. = fewer, smaller wetland crossings and fewer resource area/buffer zone impacts
- Number of lots is not increasing
- Sewer and water will be of lesser length; infrastructure impact will be the same
- Stormwater management impact

Kirt Rieder points out that they are not creating anything, as the open space exists today, so what assurances will the Developer provide that it will never be proposed to be developed in the future? How will public access into that 25 acres be improved? Long promised trail access in prior phases has not been constructed.

Attorney McGrail

- Decision Developer is operating under w/PB does not call for the trail system to be open in first phases until final certificate of occupancy is issued in R1 district. This was on purpose to hold off on opening trails until construction is complete as trails will be open to the public, not just residents. The Board at the time of approval did not want people coming in while construction was going on. The Applicant can open trails in the R1 area once those are completed, then will open trails in the RC district once that is in place. Kirt Rieder notes that this is very helpful as it was not previously mentioned in discussion. He notes the reduction of 1900 linear feet of street is a huge improvement. Saves developer money but also a win for the environment.

Chair Anderson asks for clarification on the logistics of the trails.

- Paul Dibiase notes that the trail system proposed exists in many areas, Developer in R1 district must clear/create a trail system to access land where Deandra Dr. would have been; this is proposed/ will be done in the spring once Phase 5 is done
- Network of trails exists along power line easement, major artery of trail system w/auxiliary trails fanning out. Once in RC district, will clear those as well
- Intention of trail is to clear brush, leave it, and maintain it thus throughout the trail system. Not a paved system, will be rugged and left in its natural state
- Chair Anderson requests a Plan of the trail system including connection to streets, etc. w/ the understanding that maintenance of cleared sections will happen
- Intent for trails must be written into Decision; Kirt Rieder notes it must have a layout Plan so in the future someone can make sense of what was approved
- Chair notes should be trail system signage/map at trail head for wayfinding
- Kirt Rieder notes sign must indicate that it is available and welcome to all
- Carole Hamilton requests that links to existing trails/idea of extent of these should also be shown. Developer is amenable to this

Chair Anderson notes concerns re roadway radiuses and slopes.

Chris Mello outlines:

- Met w/ Ken Cram, traffic consultant, who is doing study of Strongwater Dr. proposed; add'l details will be provided. Requesting a centerline radius waiver as they did in Phase 1. Chair is opposed to sharp radiuses and slopes and hopes peer review can address

Tom Furey notes residents have been calling about the trail system.

Public comment:

Michele Schultz, 6 Ravenna Ave:

- Opposed to connecting Barcelona Ave

Laura Dale Flora 18 Aurora Ln.

- Surprised that no site Plan was presented
- What is the resource area? Wetlands, open space?
 - Chris Mello: Intent is to minimize disruption to existing resource area by not building a road originally approved; no creation of resource area but in this context it is wetland, water, hydric soils

- What types of local and state permits are needed to move forward? MEPA? Where in process?
 - Brain McGrail: Does not think add'l permits will be needed but MEPA is in process
 - Has initial approval from Conservation Commission, will go before them for modification, also went through MEPA in inception, with 131 lots and acreage; Mr. Mello opines that there is no further action necessary as there is no increase in any aspect of the project. Attorney McGrail notes someone is looking into if further action is needed. Applicant can outline in memo

Bill Grisct

- All about public comment, but how many people queued up who may want to speak to a project for which we are missing a lot of detail?
- Kirt Rieder points out that there are 79 people in the participant list and we have no graphics at this meeting, even though we have had them at previous. Bill Grisct feels even more is needed. Chair agrees; site Plans should be shown

Subdivision Plan as approved w/Strongwater, Kate, Deandra Dr. Lots to be moved; roads to be eliminated are outlined. New Plan is shown.

Devon Jopling, 10 Amanda Way

- Opposed to the connection to Barcelona Ave.
- Members of Board should be respectful of public/not be on cell phones

Scott Morgan, 7 Sedona St.

- Opposed to the connection to Barcelona Ave.
- Mr. Morgan rants about "Diabolical Homes" (an obviously intentional, malicious misnaming) and the gluttony of developer, his disregard for residents, and questions Board members if they are residents
- Kirt Rieder clarifies that all Board members are City of Salem residents
- Bill Grisct again reiterates that he is all about public comment but notes that incendiary remarks are not necessary, and have no place in this meeting
- Helen Sides comments that Board members should says not be called onto the carpet; they are volunteers for City so please be more respectful
- Comments are mean spirited

Andy Sousa, 9 Amanda Way

- Opposed to connection to Barcelona Ave., objects to DJ's comment about reassessment, no connection is written into original Decision and is in his deed that it shall not be opened except for emergency vehicles.
- If not in consideration, Board please motion to remove/take off table and honor what is in writing from beginning.

Chair Anderson clarifies: the Board has a thorough process and needs to see review, peer review, appreciates passion and concern but please let PB do its job; it is part of the job as a volunteer to do this. Please honor the hope that more discussion can happen after information is rec'd by the Board. The Chair Has received many letters and reviewed them, and these are the same issues brought up at the last meeting. If tonight issues continue to be brought up, public comment will be stoped and continued to the next meeting.

Marina Sousa, 9 Amanda Way

- Wants Barcelona Ave. off the table, promise was made in writing
- Author of petition
- Fundamental fairness is at stake despite the fact that this is a different Board

Chair Anderson notes he was not asking anyone not to worry, just proposing that they review in more detail once info is received. DJ's statement at the beginning did not indicate the Board's indifference to home values or public safety, as these are part of the Board's purview.

Ward 4 Councilor Tim Flynn

- Technical difficulties, unable to comment

Tim Lunt, 16 Amanda Way

- Opposed to connection to Barcelona Ave.

Lauren Lombardo, 43 Osborne Hill

- Opposed to connection to Barcelona Ave.

Noah Koretz:

- Suggests that when the current Board was originally presented with this project, and the original conversation happened regarding the connection of Barcelona Ave, the context was that there was perhaps one Board member from the original 2005 members, so most of them are seeing this for the first time
- If looking objectively and according to specific requirements, legally, as Board is supposed to, regarding subdivision regulations, it is clear why we raised the question
- There is NO PROPOSAL to do this on table, but when the developer came back for the current changes, the regulations required the Board to review the Project holistically
- Members of the public should please listen to transcripts/read minutes; when the Board asked the Developer about this connection specifically, the feedback was that he does not recall it being about traffic, it was about exclusivity. His comment was that this is an exclusive neighborhood
- However, moving onto now, part of what is going on citywide is that we have one of the most densely populated areas in Massachusetts, between Lynn and Salem, via Highland Ave. But for last 40-50 years, developments off Highland Ave, including this one, have been cul de sacs rammed into the woods
- If looking from a holistic perspective, it is clear why there is so much traffic
- All Panners live in the City, all are volunteers, and many have the same concerns, but when you look at it, you see why there is so much gridlock; it is b/c it is like a pressure cooker w/no release
- Listening to conversation, the more he is convinced it is not fair to this particular neighborhood that they become, after years of bad planning, the release valve
- From a ballpark standpoint, "when does it stop," when do we put in a street grid that allows for safe, manageable traffic flows. If we keep this up main streets will get more congested. It is not density that creates traffic, but rather developments like this
- Based on what is before us, he was originally on board w/the suggestion of opening up Barcelona Ave., but after hearing from residents, he has changed his mind. The next meeting

where this is to be brought up as a traffic issue is in a month. The reason it was brought up was to hear feedback like this. He can listen to traffic study, but nothing will make him want to vote to connect the road at this point. He doesn't want to ruin expectations

- Reiterates that public comment is so the Board can hear these concerns. At some point, the rhetorical question for Councilors, the Board, and staff is "when do we stop building endless cul de sacs that will contribute to these problems?" It is not fair to residents of these few streets to bear the brunt, but development must be smarter/systems thinking
- There is no "proposal on the table" to do this; it was just a question, so the Board can't officially "take it off the table." But there is no way he will push for a connection
- Also reiterates that the Board is volunteer, and takes lots of time out of their lives, and as residents, they care about the City. He also has a young family, so please be respectful, as the Board is not here to make residents' lives difficult.

Helen Sides notes that this came up once in an initial meeting, as it had been a long time since the Applicant had returned. The issue has been conflated, and she agrees w/Noah Koretz. The public is waiting for the Board to make a Decision on something they are not making a decision on.

DJ Napolitano notes that the discussion was a purely planning exercise, as no one was on the Board when this project was first decided, but must looking at Plans holistically is what Board members are appointed to do. Hearing residents, he agrees w/Noah Koretz but must look to make this a marker for future subdivisions. It is just a discussion/no amendment/nothing in writing/don't want people to stress out. He reiterates that the Board members are volunteers. He appreciates the passion of the public but asks them not to reach out to his wife in order to give him letters. It is unfair to her, especially as she serves on another board, and takes away family time (he has a young son too). Please use his City email to contact DJ directly.

Bill Griset notes that the need for Civility is greater now than at any time. He agrees w/Noah Koretz, Helen Sides and DJ Napolitano as to the fact that this is not on the table, as it would be inordinately unfair to the neighbors to keep them stressed out. He is not interested in a connection.

Lisa Langone 29 Barcelona Ave.

- Parking for trail access?
- Parking facility built at top of Osborne Hill where mailboxes are, not yet striped but has off street spaces

Jim and Katie Fleuriel 11 Amanda Way

- Thank you for clarification re Barcelona Ave. connection discussion
- Echoes Marina Sousa's comments
- "You will lose 75 people on this call if you motion to put this to bed"
- Several people have mentioned moving out of the neighborhood if connection happens
- Ben Anderson notes that the Board cannot take a motion until a Decision is made; Board members can express opinions but he is not ready to comment w/out discussing further issues When a motion is made it is for a Decision is when this will come into play; the Board is still in comment/review period for this project; cannot motion related to a specific issue that is not complete, can only offer opinion
- Noah Koretz notes that there is no proposal on the table re connection to Barcelona Ave. They are not trying to do anything; it came up b/c the developer has a proposal in front of the Board w/several issues, a motion would be to advance that proposal but connecting Barcelona Ave. is

not part of that proposal. When a motion gets taken it will be regarding the whole proposal to pass or not pass it, unless additional proactive action is taken, Developer is not currently proposing to connect Barcelona Ave. and Osborne Hill Dr. There is no “official proposal” on the table to vote upon. Residents looking for certainty, wondering, “Can we go home and forget this?” Noah Koretz reiterates that he definitely will not vote for a proposal that includes the connection. Decision process is described; there will be nothing about connecting, if mentioned, he will vote against

- Helen Sides agrees, echoes Noah Koretz, is sorry that this has gotten out of control. Developer does not want this in his proposal; Noah Koretz notes the Board would have to ask developer to put it in proposal but many members have expressed they don’t want that
- Kirt Rieder echoes his colleague’s thoughts, notes that the Board “asks questions;” he is not a proponent of opening Barcelona
- DJ Napolitano echoes comments of other Board members. Just b/c the Board is asking a question/seeking info does not mean we will follow through, it just means we want all the info before we move forward. It is disingenuous of the public to hold Board members to task for simply asking questions; we do this to hear from residents and neighbors

Natalia DeMarco, 16 Barcelona Ave. Keith Herbs - boyfriend, homeowner letter

- Opposed to connection to Barcelona Ave.
- Bill Griset notes “You already won your hearing, why are we still doing this?” He notes the Board has not voted on something that can give them something rock solid, and no decision is before us, but the Board has, to a person, tried to correct any misunderstanding; he is not sure message has been received

Sandra McMahon, (inaudible, corner of Ravenna?)

- Opposed to connection to Barcelona Ave.

Elissa Stanley, 5 Chanel Circle

- Opposed to connection to Barcelona Ave.

Carole Hamilton asks, if there is no additional feedback other than opening the road, can the Board continue discussion until it gets the needed information? Chair Anderson agrees, and notes he would accept comments from an additional 6-7 people who are waiting, but then comments should be ended for this session. Carole Hamilton notes that it would be helpful if speakers had something to discuss other than the opening of the road, as the conversation was way more involved than it should have been.

Bill Griset notes that the Chair could request of callers that they address that issue as it has been addressed 1000% tonight. He gets that they want to weigh in, but if the traffic study will be presented at the next meeting, discussion should be held then. Comments regarding Barcelona Ave. will be limited to 1 minute; if on another topic, they may use the full three minutes.

Mike, 2 sedona St.

- Opposed to connection to Barcelona Ave.

Anthony, Ravenna Rd.

- Opposed to connection to Barcelona Ave.
- Alternate routes for secondary egress?
- Straw poll?

Jim Rush, 17 Madeleine Ave.

- Board serves public but City is overrun by development, residents are not listened to in places they should be
- Opposed to connection to Barcelona Ave., encourages straw vote
- Shutting off comments not healthy/creates animosity

Bill Griset finds those last comments offensive. Board members are public servants, and just because residents don't like their responses, there is no place for insults. He comments, "You have won your point, why don't you see that, why demean Board members who just gave you a hard win?"

Tim Flynn Ward 4 Councilor

- Glad message is being heard
- Lenny O'Leary (previous city councilor) fought to make sure this agreement was in place (not to open Barcelona Ave.)
- Stress to residents over the issue
- Berates Board members b/c "it's their job" to listen. Discussion is not "the best of Salem"

DJ Napolitano

- Upset by Councilor's comments and is embarrassed that Salem has become this
- If we cannot have a civil discussion about ideas, what are we doing here? Doesn't mean we don't care about residents and their anxiety and safety, most Board members were not here when this original project came into being, DiBiase came back, we asked a question
- If we cannot ask questions, he does not want to be part of the Board, not b/c of who is on it, but b/c of other elected officials attacking Board members
- Can't say "I respect your service" but in the next sentence say, "but you're wrong and I'm going to insult you." Insulting that public official would demean the Planning Board
- Another meeting is upcoming but even if we take a straw poll someone can put this in that next meeting. Residents have heard from a majority of PB members that they will not support opening a Barcelona-Osborne collection. Straw poll is not binding.

Bill Griset

- Was also offended by Councilor's comments but certain that was not his intent. To insult a group that has already handed a win and spend 4 minutes doing this [insulting the Board] and 30 seconds saying "I respect your efforts" is meaningless. More civility is needed in this discourse. Public/neighbors have made terrific points, we have listened, folks have WON THE DAY. Enough!
- Noah Koretz: at count, 6 members, a voting majority, committed on record, in a recorded meeting, saying that they are not going to vote for anything containing said connection. This is clear to him, what are they asking for at this point? It is already on the record

Helen Sides comments that it [the Barcelona Ave. connection] is not part of the proposal. Period.

Moving on. Those with hands raised can comment at the December 3 meeting. Noah Koretz notes two people, Jeffery Stuart and Jamie Yomtov who have not spoken yet;

A motion to continue to the December 3, 2020 meeting, is made by Helen Sides, seconded by Bill Grisct, and passes 7-0.

Ben Anderson	Yes
Bill Grisct	Yes
Carole Hamilton	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Tom Furey	Yes
Matt Smith	Absent
DJ Napolitano	Present but ineligible to vote

II. OLD/NEW BUSINESS

Receive and File: Chapter 91 Notification for 30 Leavitt Street / Palmer Cove Park

This item is heard first, pending the arrival of DJ Napolitano. The item is administrative in nature and no Board action is required.

B. Receive and File: Chapter 91 Notification for 10 White Street

Chair Anderson asks for clarification regarding this Application. Mason Wells is not familiar with the project, which is along the marina and is involved with the Harborwalk. Comment can be provided at a future meeting, to Mason Wells via email, or at a DEP public meeting.

III. APPROVAL OF MINUTES

A. Regular Planning Board meeting minutes for September 3, 2020.

- Helen Sides comments: p. 4 additional Board comments: Clarifies that Through PD needs to encourage the tightening of Conservation Commission regulations so that the PB can know that those issues have been well covered. The Salem ConCom guidelines must be updated. This is already in motion.
- PB did not have a landscape architect onboard in the past and would have made assumptions that ConCom would handle that. More about appreciating that we now have Kirt Rieder who examines these issues more thoroughly, her comment was follow up with tightening Concom
- Kirt Rieder comments that it was noted that Salem was stricter than the state. This was incorrect; the point was that the City Ordinance is NOT stricter than the state, and there are opportunities to improve the Ordinance

A motion to approve the Regular Planning Board meeting minutes, amended as noted above, for September 3, 2020 is made by Helen Sides, seconded by Bill Grisct, and passes 7-0.

Ben Anderson	Yes
Bill Grisct	Yes
Carole Hamilton	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Noah Koretz	Yes
Tom Furey	Yes
Matt Smith	Absent
DJ Napolitano	Present but ineligible to vote

A joint meeting with the Affordable Housing Trust Fund Board is set for Tuesday, December 1 at 6PM.

A special meeting is discussed for the Application for ANR Hampton Inn project at Washington & Dodge. This was submitted yesterday for the Nov. 19 meeting, but the Lawyer noted that the bond payment is tied to Nov. If the ANR is not done, there is a large bond payment fee; it is not a requirement of the Board to accommodate this, but there is a request for a brief special meeting at the Board's discretion. Mason Wells should reach out to Board members to get their responses in the next day or so re availability, then he will propose possible times and set up proceedings once there is a quorum.

IV. ADJOURNMENT

A motion to adjourn is made by Carole Hamilton seconded by Bill Grisct, and passes 8-0.

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

The meeting ends at 9:00PM

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-2020-decisions>

Respectfully submitted,
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 12/7/2020