



CITY OF SALEM PLANNING BOARD

City of Salem Planning Board Meeting Minutes, October 1, 2020

Vice Chair Kirt Rieder calls the meeting to order at 7:00pm.

A public hearing of the Salem Planning Board was held on Thursday, October 1, 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: Vice Chair Kirt Rieder, Carole Hamilton, Helen Sides, Noah Koretz, DJ Napolitano, Bill Grisct, Tom Furey (7)
Absent: Chair Ben Anderson, Matt Smith (present for first part of meeting only) (2)
Also in attendance: Mason Wells, Staff Planner, Tom Devine, Senior Staff Planner
Recorder: Stacy Kilb

II. REGULAR AGENDA

- A. Location:** 379, 383, and 387 Highland Avenue; 4, 10, 12, 14, and 16 Barnes Road; 9, 12, 14-16, and 18 Cedar Road (Map 7, Lots 18-21, 49-54, 59, & 60; Map 3, Lot 66 & 67)
Applicant: Overlook Acres LLC

Description: A continuation of a public hearing for all persons interested in the application of OVERLOOK ACRES, LLC for the property located at 379, 383, and 387 Highland Avenue, 4, 10, 12, 14, and 16 Barnes Road and 9, 12, 14-16, and 18 Cedar Road (Map 7, Lots 18-21, 49-54, 59, & 60; Map 3, Lot 66 & 67) for a Site Plan Review and Planned Unit Development Special Permit in accordance with the Salem Zoning Ordinance Section 9.5 and Section 7.3. Specifically, the applicant proposes a development on the approximately 15.5 acre site along Highland Avenue at Barnes Road and Cedar Road consisting of a mix of uses, including commercial, residential, and public spaces. There is one commercial building with an approximate footprint of 8,450 square feet, four residential buildings with approximately 290 units (subsequently reduced to **282** units), and a residential club house. There are also approximately 490 parking spaces (subsequently reduced to 453 parking spaces).

Kirt Rieder notes this is a special meeting and outlines expectations for the discussion of this item, at this meeting.

Tom Devine provides a staff update:

- Revised site plan
- Transportation peer review has seen this and found that revised site plan does not change prior findings
- Applicant went to DRB Sept. 23, they voted to recommend approval of revised design

- City Solicitor issued a legal opinion re PUD, section 7.3.3.3, that when the amount of a property to 50% residential within BPD and PUD, affirmed that one of two pieces of section, as there are no mixed use buildings, limit of gross square footage does not apply but the total land area limit of 50% dedicated to residential use does apply. PB must make determination that land area does not exceed 50% based on info provided by applicant.
- Staff and Applicant have discussed affordability; City is taking the position that setting aside 10% of units 60% AMI should be recommended by the Board, noting that the Applicant will need some other form of support to achieve this. Language will be in the Draft Decision
- Questions re contamination: Applicant's LSP is here tonight and can speak about the property
Devine speaks to the state process governing testing, documentation and cleanup.
 - DEP through Waste Site Cleanup program requires that testing documentation and cleanup is overseen by LSP who acts as agent for state's regulations, but LSP is hired in the private sector.
 - When testing shows contamination above DEP threshold, in a reportable release, info must be reported to DEP and report is posted on DEP's website, from then on there is a process and responsible party must further test the nature and extent of contamination, DEP will post those findings as well
 - Actions to be taken could include capping, removing, replacing contaminated soils, process must be documented and meet all state standards
 - DEP has enforcement power, LSP puts license on the line, sites are regularly but "randomly" audited by the DEP
 - DEP website provides further information on the process. The City has confidence in the state's process

Attorney Scott Grover thanks the Board for its efforts. He also outlines benefits to the community:

- Contribution to Salem's housing supply, especially affordable units greater than any private developments in the past. 10% at 60% AMI.
- Tax revenue 18 times greater than these properties currently generated
- Improvements to Barnes Rd. re DOT Corridor study, improvements at a cost of \$1M, also will contribute \$300K to traffic improvement fund
- Environmental remediation of soils
- Wetland restoration
- Monetary contribution to Engineering Dept. for offsite drainage improvements to Barnes Rd.
- Installation of public sidewalk, park and nature fitness trails for residents of project and neighborhood

Focus this meeting:

- Change location of buildings to reduce wetland impact
- Further investigation of environmental conditions/remediation by Frank Ricciardi of Weston & Sampson
- Details on public park and landscaping changes due to relocation of buildings by Nick Campanelli, MDA Associates

Scott Cameron, Civil Engineer, The Morin Cameron Group:

- Focus geared toward wetland resource area, distinct in Plan in the heart of the property. Focused on Building 3, centered perpendicular between buildings 1 and 2 close to fingerlake projection of wetland;

- Area retooled, building 3 relocated away from wetland, parallel to Buildings 1 and 2, 100+ feet to wetland
- Had to re-engineer to make this work
 - Solid waste disposal relocated to a more accessible area to buildings, also outside 100' buffer
 - Connector between Cedar Rd. and primary access driveway to fit existing topography
 - Remove/reduce pavement where possible through limiting parking spaces and surface asphalt conditions
 - shoulder of Cedar Rd. parking removed
 - Removed row of parking between Buildings 2 and 4
 - Parking added under buildings. Building 1 extended by 30' which allows more parking underneath
 - Building 4 shifted to East, farther from wetland and residences on Barnes Rd.
 - Wooded buffer area of woodland and significantly greater vegetated buffer preserved around wetland
- Former and current configurations are shown and compared
 - Building shifts
 - Trail area expanded; remediation and restoration will be done. Will provide connectivity to trails on Swampscott Rd. Minimal tree clearing will be done
 - Fitness features are shown
- Updated SWEP (Severe Weather Emergency Plan) Path analyses are shown
- Route/maneuverability for fire trucks with no backing up
- Districts are shown and color coded: Cedar Rd. shown, BPD (Residential use, unused /trail / public), B2, R3
- Wetland impacts and alteration
- Approximate limit of filled area on property
- Investigation of fill limits and contents will be done; a remediation Plan will be put in place to bring it to a safe standard
- Limit of work is shown
- Kirt Rieder asks about the above 2B interface between green/purple and distance to the roadway; it is limit of work b/c of contamination or grading. It is b/c of the fill footprint. They anticipate working in the area and testing existing fill. Will have erosion control around that area/worked out with DEP
- Untouched buffer (green)/temporary or minimal impact or trail (orange) and fill area (purple) are shown
- Final project: Green vegetated (existing, preserved or restored) and yellow (remaining footprint) are shown. Footprint in yellow is almost the same as the purple fill area. Avg. setback from wetland is 72' once all work is completed, up from 51' in prior Plan. Existing fill area is 1/4 of buffer zone

Frank Ricciardi, Licensed Site Professional, Weston & Sampson

- Describes his qualifications
- Mass. Contingency Plan requires assessment/delineation of contaminants onsite to be safe; there is a robust assessment program

- Dozens of borings, hundreds of samples to be analyzed for constituents consistent with fill expected onsite
- Process is described; groundwater will be analyzed as well as fill. Soil, surface water, groundwater, sediment will be examined. There is a deadline/timeline
- Will evaluate materials and devise remediation plan as appropriate for wildlife, environment and people
- Typical remediation scenarios include capping, removal of impacted material, or in situ remediation; everything is on the table and actions TBD depending on data discovered
- Remediation may be immediate or concurrent with development
- DEP audits sites every year; Mr. Ricciardi has never had enforcement action taken against him

Nick Campanelli, Michael D'Angelo Landscape Architecture, Landscape Architect

- Building 3 shift; entry cleaner between buildings 3 and 1
- Amenity spaces w/Building 3 to new location
- Foundation plantings similar to what was previously shown
- Remediation work along edge of roadway
- Creating neighborhoods and pockets of specific species to avoid monoculture/create micro-neighborhood
- Platano Acerfolia (London Plan) tree along edge of wetland by Building 3 b/c of limited depth for growth due to remediation. Other space will be lawn and meadow where fill/remediation occurred
- Kirt Rieder asks for clarification; mown lawn vs. meadow area
- Barnes Rd. Linear Park:
 - Still a passive recreational space/lawn w/path and seating
 - Playground was removed
 - Concept of perennial food and flower garden being studied (concept stage)
 - Maintaining density from Bldgs 2A and 2B, intent is to have perennial food and flower garden as another layer close to pathways to be enjoyed by those using the space
 - Would allow light fruit harvesting by residents, also those in town. Not a full fledged farm like Mack Park Farm, to be maintained by owner
- Fencing and characteristics of fencing are reviewed; no fencing along edge by Building 3. Linear fencing footage reduced; some replaced w/2' wood guard rails
 - Chain link fence switched to mini mesh as suggested, to prevent climbing

Scott Grover, Attorney:

- As a result of reconfiguration of buildings, there is a reduction of units from 290 (started at 324) and is now at 282 units. This allows for a reduction in parking to 425, 1.5 spaces per unit to comply w/zoning

Board comments:

- Noah Koretz asks Kirt Rieder about the position of Building 4, partially within the buffer zone. Building 3 also still butts into the corner by 6'.
- Discussion ensues regarding the evolution of attitudes toward the buffer zone. Neighboring communities such as Lynn, Swampscott, Peabody, Danvers and Ipswich have have far more restrictive rules regarding encroachment into the zone

- Kirt Rieder is becoming more educated about this issue, and the Board is moving from being open to an elastic approach, to being more protective of the buffer zone. This is part of that progression of change and he anticipates it to go forward
- Is he OK w/some encroachment? Maybe not yet but it is a positive change. Noah Koretz agrees, but notes that, regardless of the strength of Salem's ordinances regarding wetlands/conservation, during SPR (Site Plan Review), the Board is always looking at tradeoffs to make a site that is as beneficial as possible. He can't understand even in this improved version, it strikes him that especially w/Building 4, the tradeoff as configured, is that if not for the large amount of parking next to the building, the building could be moved out of the buffer
- Applicant is asking the Board to make the cost benefit of convenient parking next to the building an acceptable tradeoff to build into the buffer zone
- Kirt Rieder echoes those comments, noting that, regardless of other Ordinances, this Board has the discretion to make a decision on the PUD, that it does or does not provide positive improvement. Noah Koretz asked Kirt Rieder this question due to his specific expertise
- Kirt Rieder asks, hypothetically, if Building 4 could be shifted South, and made longer to provide additional parking underneath. Also, the last Landscape architect showed vinyl fencing near Building 4. What would neighbors like? Opaque wall vs. something visually permeable to see canopy of trees through fence?

Public comment:

Steve Kapantais, 23A Wisteria St.

- Argues that project does not meet 50% residential limit requirement, cites section 8.3 BPD, purpose is clear, section 7.3.3, 50/50 split between Industrial/Residential, this does not meet the intention of that. 0% is left, City Solicitor left decision up to Board
- Under 8.3 is requirement for special permit for any building in BPD more than 10K sf, he has not seen this request
- Wetlands - On Aug. 24, the state redrew delineation for this wetland; which delineation was used?
- Fill came after 1970's contamination so fill is on top. Are we only testing fill or ground below?
- Scott Grover: Solicitor was clear that the Board could determine if 50% of BPD meant 50% of land area to be used; no mention made of Industrial use. All land slated for residential use is less than 50% so is in compliance and consistent w/her opinion
- Other similar sections of zoning, ex. cluster, when they wanted to exclude wetlands and resource areas from a calculation as in cluster zoning, they did specifically say that here. Open space calculations had to exclude wetlands/resource areas, but did not say that in PUD section
- Tom Devine: Did consult w/person who crafted the Ordinance to allow PUD and BPD; discussion was that open space is a land use, takes up portion of site, but beyond that, the section of PUD Ordinance is specific; does not say 50% property must be reserved for Commercial/industrial, only that no more than 50% can be residential
- What if buildings are greater than 10K sf? Attorney Grover: PUD gives the PB discretion to vary all aspects, with some limitations such as height. Other than Dimensional Requirements in the Ordinance, such as setbacks & coverage, there is broad latitude in the Board for allowing variation. It is also the discretion of Board to extend purview into environmental matters
- Delineation: E 24. Rich Kirby LEC Environmental was tasked w/delineation of Wetland boundaries; written response to ConCom is being prepared, but in meantime he clarifies that DEP puts out mapping every few years and this is a GIS wetlands data layer, which can be

turned on and off, and is done in office via aerial imagery, then drawing line on map; they draw a polygon. Wetlands are delineated in the field w/soils and plant community, and this was done in 2019, when the Applicant filed an abbreviated Area of Resource Delineation, with the Conservation Commission, which they accepted/approved. This is the legal boundary to establish a wetland onsite; it is not done by using the DEP mapping

- Depth of borings? Frank Ricciardi must determine depth/nature no matter what. If ground not impacted but fill is on top will still sample underlying native material, if underlying is itself impacted, must figure out impacts in that material as well, so testing does not stop at fill
- Kirt Rieder: Go to bedrock or more mapped soil classification that would be expected? TBD depending on borings, will collect samples. If hit rock, impact is in groundwater, no idea at this site. By law must investigate in that case
- Steve Kapantais: known contamination happened prior to fill. This has been made clear, Applicant anticipates this

Lori Stewart, 7 Barnes Rd.

- 9/24/2020 dropbox item, Morin Cameron Group: NEC Review Response discusses rock crushing onsite; She thought PB did not allow rock crushing onsite
- Also issues in Barnes/Clark/Wyman area and other areas complaining about rock crushing. They have “fatigue”
- If there will be work on Saturdays, please no moving around of big rocks, piles, etc. on that day.
- Neighbor preference re fence: she would rather have a transparent fence
- Kirt Rieder: standard and special conditions to be put in place: There is now a standard condition prohibiting rock crushing outright, Applicant has requested if there are ways to monitor/control this, been examining the issue w/Engineer and Inspector, maybe would limit rather than prohibit. Need to explore further, staff will consult w/Ward Councillor. Kirt Rieder echoes resident concern. Saturday restrictions are a priority, please keep in mind.

Dennis Colbert, 37 Clark St.

- Echoes Lori Stewart's comments re rock crushing
- Draft Order of Conditions: will be available for public review before taken up? There will be a Draft Decision w/conditions, provided to the PB a week before the meeting in shared folder, which is shared publicly
- Will be time for public comment at the next meeting; materials should be seen 1 week before so residents and Board can reflect on them
- Also, would like a transparent fence
- Carole Hamilton: Point of Order: generally, public hearing is closed prior to Board's deliberation concerning Conditions on a Decision. If this is the case, public comment would not be taken re conditions. Kirt Rieder notes that Conditions will be posted and the public can comment prior to closure and Board debate prior to vote. Care will be taken re closure of public hearing

Ed Gialdoni, 10 Lafayette Pl. Salem

- Grew up on Barnes Rd., cites growth of the area in Wards 3 and 4
- Salem's needs have changed, notes housing shortage esp. of rental properties
- Land in question is a blight as it is

- Attended neighborhood and Planning members, heard comments and concerns, Overlook has been diligent about addressing all concerns, feels they will continue to do this. Major changes have been made through collaboration. Two traffic engineers outlined minimal traffic issues
- This project is necessary and will turn blighted property into a beautiful res community with positive impact
- Will miss wooded area, but housing is desperately needed and new memories can be made by families who live there
- Strongly in support of project

Alvi Ibanez, 20 Barnes Rd.

- Asks about vernal pools and endangered species in the area
- Asks about driveway; typical driveway vs. entrance to Development, which looks more like a road (outbound drive that goes N-S to Barnes Rd.)
- Rich Kirby, LEC Environmental, Licensed Site Professional (LSP) notes that he is preparing a process written response in the Conservation Commission process
- Vernal Pools are protected under WPA. If altering a wetland that is a vp, need to meet performance standards. There are no potential or certified vernal pools onsite. Two specific areas holding standing water were analyzed in the NRAD (Notice of Resource Area Delineation) process, but no obligate or facultative species were observed. If pools were onsite and stormwater was discharged to wetlands containing them, stormwater standards would be increased from treating first 1/2" to first 1"; they are already treating to the 1' standard. Kirt Rieder notes that question was to Vernal Pools farther down by Salem Woods, not on the property. These are hundreds of feet away, separated by other parcels, and there are no regulatory vehicles for to make the Applicant protect wetlands off their property
- MDM Transportation Traffic Engineer Bob Michaud, answers the question about the driveway onto Barnes Rd. This driveway is intended to serve as a one-way connection to Barnes to allow travel South onto Highland Ave. The number of trips has been estimated, subject to peer review; during busiest times/outbound AM is 30 trips over an hour. During the same period of time, traffic on Barnes road is 30-40 cars per hour. Detailed analysis shows the upshot of this one-way driveway is that it will have no material consequence to traffic flow on Barnes Rd.
- Reorientation of Barnes R. and geometrics, as well as signal improvements will increase capacity of that intersection; improvement in capacity indicates that there will be no material consequence/additional delays created on Barnes Rd.
- Alvi Ibanez asks: driveway is to be one way, but not the case based on last time presentation; Kirt Rieder comments it has been shown as consistently one way so this is incorrect
- Alvi Ibanez argues that most people do a UTurn at Swampscott Rd. or past Barnes Rd; with access via the driveway, that will be the UTurn so will create problem on Barnes Rd. and that driveway, which will connect Highland Ave. to Barnes Rd.

Ward 4 Councilor Patti Morsillo

- Encouraged by work of Developer to pull buildings out of 50' buffer but pulling out of 100' buffer should be goal; should pull Building 4 back and eliminate "convenient" parking

Tom Devine:

- Written public comments received (10-12, all in shared folder accessible to PB and public), will be listed at next meeting

Kirt Rieder

- Re park: as Landscape Architect, he struggles w/nomenclature of “Park,” whereas this is more of a passive linear area, so may be more realistic to consider it a linear pathway. It is still a positive amenity; the Landscape Architect explained the transition from park to pollinator garden well
- Encourages team to swap out gray vinyl fence for chain mesh which will look better and be more durable
- Fitness trail: rarely a fan of symmetry, appreciates breakout areas on either side, but meadow area comes across as doing more intervention in the buffer zone than they need to. It is OK to have mulch, or a stone dust path go through there. Current proposal is wood chip/natural bedding. Stone dust has erosion issues, did not want pavement
- Existing vegetation in meadow zone? Stripped and planning a dozen trees? Will be removing a lot of fill, potentially, what is the thinking on that? Scott Cameron notes that the idea is that area of transition from fill to natural will preserve as many trees as possible. ConCom did a site walk, you can walk through it now, not too inundated with understory, intent is to have it more of a trail than urban walkway/path

Attorney Grover:

- Wonders if the Board has any additional issues to be addressed before returning
- Lingering issue of buildings in the buffer - several Board members have articulated concerns, will continue to be an issue. What would satisfy the Board re location of those buildings?
- Ideally no buildings would be in the 100' buffer. Dramatic changes have been made, but do not interpret shooting low to getting to something they can make work as a success, when the Board still has discomfort
- Noah Koretz reiterates that Applicant is designing a complex, non-ideal development, based on wetlands feature and shape of site; it is geometrically difficult, so the Board looks for a site plan that will create minimal harm and maximum benefit.
- To him, in a wetlands protection vs. parking tradeoff - there is a clear winner. Applicant's argument is that Parking must be there so it is convenient/must push building to the buffer; that is not favorable
- Kirt Rieder asks how many units could you reduce w/corresponding reduction in parking to allow reshaping to pull out of the buffer? Noah Koretz comments that the Applicant has the site itself, road and building configurations to work with, so there are options without encroaching into the buffer zone. If they have to, they must present a clear rationale for that
- Rich Kirby, of LEC Environmental: WPA and bylaws were created to protect wetlands and ensure work in the buffer would not alter them. Consultants and developers show this by erosion controls, limiting proximity of work, BMPs during construction to prevent erosion, also provide a long term reasonable buffer separating wetland from development
 - Towns that do have no disturb/buffer zones, mostly it is 25' for no disturbance, no structure typically set at 50'. Some closer to 75' depending on type of wetland, but these are typical benchmarks. Things have been pulled back to 72' away from wetland on average, which is conservative, more than most developments in most towns. No town has a moratorium in working in a buffer zone or would not need a ConCom to administer this

Kirt Rieder thanks Mr. Kirby for his input, noting that this Board has a separate ability to look at this via PUD and its own assessment, and he appreciates the work but through a slightly different lens.

DJ Napolitano:

- When was WPA last updated? Came into effect in the early 1970's, Hatch Act before that. Regulations re enforcement change with the times to reflect changes in interpretation due to science, ex. river protection in 1990's, stormwater management, etc, updated w/reasonable frequency
- DJ notes other communities have 50', 75' setback requirements; b/c this Board hears from residents, why should we look at other communities, we are Salem? We are heading into a place of drastic climate change

A motion to continue to the Oct. 15, 2020 meeting is made by Helen Sides and seconded by Carole Hamilton.

Discussion:

Carole Hamilton notes that we called this special meeting to avoid this project being on the Oct. 15 agenda. There may not be space on the agenda; items are outlined. It was a combination of not wanting to continue to Oct. 15 and the Sept. 17 meeting being continued. Attorney Grover notes that timing is critical, and that the Applicant will ask to continue if they cannot meet the deadline w/plan changes but would appreciate the opportunity to try for October. The deadline for submission of materials is one week before the meeting.

The motion passes 7-0 in a roll call vote.

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

II. OLD/NEW BUSINESS

A. FY21 Community Preservation Plan – Request for Comment/Input

- Carole Hamilton: Awarded \$833,000 for various projects, very timely issues, including rental assistance during pandemic as well as expansion of a community garden, farm at Mack Park
- Committee and City entities have been proactive in generating ideas to spend funds
- Money is for FY20; are there plans to increase rental assistance/housing monies outside of Pandemic (asks DJ Napolitano)
- CPC does not initiate the process but could provide additional assistance if a proposal is provided. Also provided NS CDC \$100,000 to procure projects in the Point. At least 10% of available funds are set aside for housing, so projects requesting them are generally funded. Have done some preservation which allowed housing to continue, including the Brooks House exterior brickwork so they could continue with their programming providing low income elderly assistance. Even though funds may not be fore creation of housing, they preserve what we have

- DJ Napolitano asks about Forest River Pool project status. CPA has provided funding for permitting and design. Carole Hamilton does not know about progress but funds have been considered as requested. This is Item C so will be discussed.

B. Outstanding Items Requiring Board Member Signature –

Authorization of Tom Daniel, Director of Planning & Community Development, to endorse ANR and subdivision plans when approved to do so in each case by a majority vote of the Board, per G.L.c.41, §§81P (ANR plans) & 81X (subdivision plans)

- Above: one signature is needed; paper copy will be sent so the wet signature can be obtained. Carole Hamilton will be mailed the copy for her signature.
- Letter to City Council - Concern over PB recommendations to City Council; 4 more signatures are needed. The City Council is not taking PB recommendations into consideration when making decisions. Bill Grisct, Ben Anderson, Helen Sides, Kirt Rieder, and Noah Koretz have signed. Signatures may be digital or physical. DJ Napolitano and Carole Hamilton will sign; Mason Wells will request Matt Venio to sign, though he is no longer with the Board
- Interest in asking someone to read to the City Council?
- Bill Grisct: issue of Matt Venio no longer being a member may be a problem. Note that he recently left the Board. He was instrumental in the process so we don't want to eliminate, but should be noted he is no longer on the Board in the letter
- Bill Grisct is voluntold by Kirt Rieder that he will read the letter to City Council

C. Receive and File: Chapter 91 License Application Notification for the project Forest River Pool restoration project at 51 Clifton Avenue

- Full project status is unknown; PB acknowledges Ch. 91 application. Jenna Ide, Director of Capital projects is manager of projects

D. Planning Board Enforcement Update

- Memo is being sent to the Building Inspector regarding 72-75 Wharf St. project
- Approvals, building commissioner's determinations regarding nonconformance, notes discrepancies as seen by Planning Board over months
- There are discrepancies between what was built vs. what was approved, between the PB and Building permit plans. It was an administrative error that the Certificate of Occupancy was issued without the other Department on the routing slip
- Issues are being documented and forwarded to the Building commissioner, who will draft something, and will request to meet w/PB
- Kirt Rieder notes this is a "big one." The Certificate of Occupancy is the threshold; the Board took week after week to say that something was amiss and the Certificate should not go out, but it did; this is "stunning"
- Mason Wells comments that this is an administrative error, and should not have happened, and is being addressed. The City is implementing an online administration system that will provide more transparency. The PB seeing building permits being routed to Building Dept., not just those that go to the PB alone. Kirt Rieder notes that this does not remediate the already spilled milk

- Adding crumbled cookies to said spilled milk, he comments that ornamental dogwood trees in burlap sacks have been placed in front of the building where maples were specified. Going forward he will be specific about the caliper and species of trees to be put into the decision as this is not the only Applicant to go their own route after getting a decision. What a commercial property wants is visibility at the ground floor, and small ornamentals do not provide this.
- Mason Wells notes that red maple of a certain caliper was listed in the Decision; a site plan sheet including those edits as discussed at PB was not included in the building permit package, just the site plans themselves, and this was brought to the attention of the Building Commissioner
- Now that the Certificate of Occupancy has been issued taking action is more difficult. Kirt Rieder comments that this points to the FHOD process, in which there are limitations as to what the Board can discuss
 - Must be more comprehensive in that process for FHOD permits, so they have teeth to it vs. a more perfunctory review as it is sometimes treated
- Helen Sides is still bothered by the building and massing itself, noting the lengthy Planning Board process was long
- Kirt Rider wonders how to resolve this. The Board reviews a project, the Applicant gets the permit, the Applicant jettisons their design team, gets a new one that is more cost effective, and makes sweeping changes. What was approved for the permit regarding architectural and massing was the same as for the PB, how does the Building Commissioner make determinations and how does the PB appeal those changes if not acceptable?
- Noah Koretz: are we making this more complex than it needs to be? At issue is what is represented. If any Plan is before the PB, and is just an FHOD, not a deep dive, there is still a representation in the record that that is how things are. So, if something is not settled, that may be OK based on that level of review, but if so, this should be clear, otherwise what they submit on paper in the record is “this is what we will build,” so if they build something else, that is not acceptable
 - It must be clear to the Board what is permanent and what is not. An Applicant may not need to submit as much detail for FHOD as for PUD, but if they put in a certain level of detail, then the Board will make its decision based upon that detail, and the Applicant is obligated to stick to those details unless they come back to Board to make the case to change them. Otherwise, the Board cannot effectively do its work and have it enforced. The Applicant must represent what will be built; if undecided this must be made clear in the drawings
- Helen Sides notes that this also involves raising practical awareness of those doing review for the City; as the PB raises the bar of expectation and follows through, they must understand this, and the gap must be explained
- PB mostly addresses the “arrogance of the Applicant” to do what they want. The Board can cut some slack to the rest of the City and enforcement regarding catching up with this higher standard
- Noah Koretz notes that this has to come from the Mayor's office as she coordinates/is the boss of Depts. She outlines the process, otherwise it is piecemeal
- Helen Sides notes how it was done in the past vs. raising the bar. Carole Hamilton notes that the Building Dept. does not read the Board's Decisions. They must receive, ensure that the

dates are correct, and review a Decision with highly specific things that do not show up on drawings

- Mason Wells: regarding e-permitting: each Condition will have its own data field, and person and date checked off will be noted to make tracking it easier, so one person does not need to reinterpret the project each time it's reviewed
- Kirt Rieder wants to have Mason Wells send Board Members the basic research he did on wetland buffers
 - Already shared w/Planning Staff who agreed it is accurate, and fellow board members should see what nearby communities are doing. Also, conversations indicate it is a good idea to increase collegial collaboration w/ConCom, so Mason will reach out to the Chair of that Board to invite him to attend at least one meeting and also share research on buffer zones. The Board needs to change as things change, not to stop development but do it in the right way
 - Who is the Council liaison to PB? It may be Arthur Sargent

III. APPROVAL OF MINUTES

- A. Regular Planning Board meeting minutes for May 21, 2020.
- B. Regular Planning Board meeting minutes for June 4, 2020.
- C. Regular Planning Board meeting minutes for June 18, 2020.
- D. Regular Planning Board meeting minutes for July 9, 2020.
- E. Regular Planning Board meeting minutes for July 23, 2020.

A motion to approve all five sets of minutes is made by Tom Furey, and seconded by Carole Hamilton. sets of minutes.

Tom Furey is excited to be on the Planning Board and considers their role as Champions of the City of Salem. Bill Grisette expresses his appreciation for Tom Furey's participation on the Planning Board.

The motion passes 7-0.

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

IV. ADJOURNMENT

A motion to adjourn is made by Helen Sides, seconded by Tom Furey, and the motion passes 7-0 in a roll call vote.

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

Tom Furey Yes

The meeting ends at 9:25PM

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 12/17/2020