



CITY OF SALEM PLANNING BOARD

City of Salem Planning Board Meeting Minutes, September 3, 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, September 3, 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, Matt Smith, Carole Hamilton, Vice Chair Kirt Rieder, Helen Sides, Noah Koretz, DJ Napolitano, Bill Grisct (8)
Absent: None (0)
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 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, and a residential club house. There are also approximately 485 parking spaces on site.

Applicant's Team:

Attorney Scott Grover
 Scott Cameron, Civil Engineer, The Morin Cameron Group
 Bill Ross, Civil Engineering Peer Reviewer, New England Civil Engineering
 Dan Ricciarelli, Architect, Seger Architects
 Robert Michaud, Managing Principal, MDM Transportation
 Nicholas Campanelli, Landscape Architect, Michael D'Angelo Landscape Architecture
 Paul Herrick, Principal
 Pavel Espinal, Principal
 Peter Lutts, Principal

This item is heard third, at 8:26PM.

Chair Ben Anderson recuses himself from this item, which is handled by Vice Chair Kirt Rieder.

Attorney Scott Grover represents the Applicant. The Application was withdrawn at the last meeting due to the ineligibility of several Board members to vote; the Application is being resubmitted tonight. The entire public record from the previous hearing, including all Plans, peer reviews, revisions and written public comment as well as meeting minutes, have been included. The Development team will briefly summarize materials, but each presentation will be limited to 5 minutes.

Attorney Grover notes:

- Request for PUD special permit SPR
- Property location is described, and it is a challenging site
- Proposal is to create a mixed use development w/small commercial component
- Public benefits:
 - Park areas and trails throughout the site have been enhanced
 - Intersection of Barnes Rd. and Highland Ave. has been improved
 - Applicant commits to a deeper level of affordability than what the City requires (typically 10% at 80%AMI; they will commit to a “significant number” of units at 60% AMI)
 - Agreed to make a substantial contribution to Engineering improvements on Barnes Rd.
 - Development will lead to \$850,000/year increase in tax revenue

Scott Cameron, Civil Engineer, The Morin Cameron Group

- Outlines property logistics
- Wetlands: BVW outlined and ORAD received from Conservation Commission; another small wetland was non-jurisdictional
- Site has been intensely used re clear-cutting and subject to filling of land up to edge of wetlands/behind homes on Barnes Rd.; site has 3 existing homes.
- Site contains virgin forest (dumping, human impact) and ledge areas
- Zoning districts of project are outlined; frontage is within ECOD
- Main entrance on Highland Ave via commercial building frontage there; buildings are described
- Parking has been placed under buildings; this is an improvement
- Stormwater drainage is outlined
- Utilities are outlined (pump station)
- BPD zone, meets requirement that no more than 50% be used for residential
- Connection of properties via trail network
- Wetland restoration is described; Building 3 has been pulled back to limit impact to wetland

Dan Ricciarelli, Architect, Seger Architects

- Building massings and parking are described; many buildings will have below-grade parking
- Rationale for massing is described and cross sections presented
- Ridge heights comparable due to terracing
- Elevations are shown

- Centralized large package delivery in Building 6, includes some community use spaces
- Amenities are described
- Artist renderings are shown
- Traditional clapboard and asphalt shingles will be used; tenants will each have a deck
- Project went to DRB

Robert Michaud, Managing Principal, MDM Transportation (Traffic Engineering)

- Peer review completed, concurrence on methods, findings and recommendations as resubmitted to Board
- Traffic study locations
- Site Generated Trips AM and PM peak hours are outlined
- Focus is to keep traffic on Highland Ave. and off neighborhood streets; input from Board and community process has influenced the development
- Site Access - How Does it Work? Logistics are described; AM and PM Peak Hour trip patterns are outlined
- Proposed Improvements: Highland/Barnes/Ravenna; State 107 Corridor study potential changes are outlined
- Transportation Demand Management (TDM) Proposed Improvements including

Kirt Rider notes that he has had only positive thoughts re landscaping so far. Objects to uniform spacing of columnar trees on the retaining wall; this should be made asymmetrical and not so French-Garden-style going forward.

Noah Koretz returns to the meeting at 9:09PM.

Nick Campanelli, Landscape Architect

- Outlines some details of lighting
- Looking to break up retaining wall with various species
- Elevations of vegetative screen is outlined
- Artist rendering of linear park & overview
- Species to be planted are shown
- Fencing is outlined
- Kirt Rieder comments that chain mesh vs. chain link should be considered. Finer openings deter climbing of the fence

Additional comments/questions:

- Bill Ross, Civil Engineering Peer Review - comments rec'd at 4PM.

Kirt Rieder notes outstanding items:

- Questions re cut and fill operations, please provide greater definition of poor soils and locations
- Commends team for being well prepared and responsive
- Listened to Conservation Commission meeting in August, found it helpful but still remains unswayed by position of Building 3. Unconvinced it is the right way to go so he is pleased they are looking in another direction, invites them to develop that further and come back to Board. He saw something positive in brief view presented. His issue is proximity relative to the resource, the dimensional distance and some massaging and editing undersells how disturbing this is. Changes are positive

Additional Board comments:

- Matt Smith: Curious about configuration to west of Building 3; can it be backed away more and eliminate “on street” parking? Would be good to move Building 3 further from wetland
- Kirt Rieder notes that moving the building 2-3’ will not solve it; move must be “transformative” and Applicant should “go big.” Matt Smith agrees
- Helen Sides: Planning Board through Planning Dept. needs to encourage the tightening of Conservation Commission regulations in Salem so that the Planning Board can know that those issues have been well covered. The Salem Conservation Commission guidelines must be updated. This is already in motion.
-
- look more closely at these projects. ConCom waiting for Planning determination before theirs, Board has noted that regulations are not as strict as they should be, it should be understood why we are lagging in oversight of that Board
- Kirt Rieder says that the City of Salem wetlands ordinance is not stricter than the state, and there are opportunities to improve the Ordinance.
- Helen Sides comments that the Planning Board did not have a landscape architect onboard in the past and would have made assumptions that ConComm would handle that. Appreciates that we now have Kirt Rieder, who examines these issues more thoroughly.

Vice Chair Kirt Rieder opens to public comment.

Stephen Kapantais, 23A Wisteria St.

- 7.3.8 zoning ord. 7.3: PB has authority to issue special permit...
- 7.3.3: Uses allows PB to allow combination of uses subject to 3 conditions, focus on #3 this section:
- Residential buildings in BPD are less than 50% of PUD, in harmony w/zoning rules but 7.3.3 section 3 = no more than 50% residential in BPD area only
- Reviews language of 7.3.3 (3)
- https://library.municode.com/ma/salem/codes/zoning_ordinance?nodeId=S7.0SPRERE
 - **“7.3.3 Uses.** All uses or any combination thereof permitted in R3, B1, B2, B4, B5, BPD, and I Districts may be allowed in a planned unit development, subject to the following limitations of uses:
 - In the Business Park Development (BPD) district, residential uses and associated improvements, such as parking and landscaping, cannot exceed (50) percent of the land area of the parcel(s); or in the case of mixed use buildings, residential uses cannot exceed (50) percent of the gross square footage of the proposed development.”
- Intent of 7.3.3 is to not allow more than 50% residential use in BPD, thus special permit request is not appropriate venue w/1 and 3 buildings at more than 50% residential use. Board must base its decision on intent of Ordinance as written.

Tom Devine and Attorney Scott Grover discussed this at a previous meeting; Attorney Grover describes how the Ordinance is applied.

- Mixed use buildings: 1 and 3 are not mixed use so 50% gross square footage does not apply
- In the 1st part of the phrase 50% of land area does apply; Attorney’s interpretation is that this project is in B2, R3 and BPD. Language was contemplating a project entirely in BPD, which this is not. Intent is that you preserve 50% of land area, and that they are doing. Kirt

Rieder appreciates the answer, and in the interest of providing authoritative answer, requests that Tom Devine interpret Mr. Grover's response. He will do this

Matthew Royal, 92 Bridge St.

- Site is in need of TLC but does not understand where 480 additional cars will be put
- Concerned about density
- Traffic study cited was from several years ago and may underestimate number of cars, and was focused on Highland Ave. so is disingenuous to assume residents will not want to access downtown
- MBTA busses are under-utilized due to being unsanitary and poor timing
- Disincentivizing car ownership by charging for parking looks good on paper but is “a blind cash grab,” b/c no one can live on Highland Ave. without a car. Ridesharing is expensive so not a workable solution

Mary Whitney, 356 Essex St. Unit 2

- Given zoning jurisdictions, what is allowed by right? Is this still up in the air?
- Kirt Rieder notes Applicant is asking for special permit PUD so is not planning “by right.” Up to Applicant to make proposal and Board to take under consideration
- Objects to size of project
- Public benefits noted, taxes come at cost to City services especially residential
- Wetlands improvement - objects to proximity of buildings to wetlands; fencing could block wildlife corridors
- Public benefits do not meet requirements
- Concerned about traffic; biking and walking on Highland Ave. are really not feasible
- A project of this size compared to existing site is a huge difference; concerned about negative impact to property values. Kirt Rieder notes in earlier meetings, abutters have commented, and project has changed in reflection of those comments. Ms. Whitney still wonders how property values have been addressed. Kirt Rieder notes this is not a concern of abutters and has not been addressed directly.

Polly Wilbert, 7 Cedar St.

- Echoes concerns about traffic
- Concerns about change of conditions re closure of Union Hospital and redirection of emergency Ambulance traffic to Salem Hospital, also increased usage there
- Approves of increased affordability but asks Board to consider bus stop at Market Basket in winter; conditions are that they are in a snowbank
- Urges Board to consider creativity in landscape for play; there will be children, unsure why playground was removed. Suggests incorporating play into pathways instead
- Location is “unrealistic” for bicycling; biking onsite would be best use.
- Kirt Rieder echoes the question about why the playground went away
- Scott Grover replies: per discussions w/Planning Dept, approached neighbors through Ward Councilor to see what was important to them, not a consensus but there was the feeling that an open park area was slightly more preferred due to concerns re traffic and parking a playground might generate, also eliminated questions about maintenance and design of playground. Also looked at making the trails “fitness trails” w/features. Plans to build those are in place. Kirt Rieder has questions about those for another night and would like more details

- Kirt Rieder notes, while he was not committed to the playground, there are opportunities for environmental play for kids, in a nontraditional playground sense. Details will be presented at next meeting

Tim Flynn, Ward 4 City Councilor, Highland Ave.

- How many people voted not to have a park on Barnes Ave.? Attorney Grover replies it was not a formal vote, Patti Morsillo sent out a survey, feedback received was favoring a pastoral park like setting vs. playground, Applicant was inclined to head that direction anyway
- Councilor Flynn notes people are asking about that
- Highland Ave Corridor Working Group will be kicked off in the City. Will outcomes of Corridor study be considered before moving forward?
- Attorney Grover: Bob Michaud could answer; traffic/state Highway will supersede anything City will do, notes Kirt Rieder
- Tom Devine is happy to get info and share it with Board
- Councilor Flynn is concerned about entrance/exit of project re fire apparatus; Robert Michaud reiterates previous analyses - turns are modeled in exhibits. FD is satisfied that the driveway on Barnes Rd. is adequate, would go the wrong way but there is sufficient width to allow a vehicle to pull over. Today the condition is that fire trucks, to get to the vet clinic, make a UTurn on Highland Ave. One section of Highland proposed to be widened will improve U turn access. They have been consulted and are satisfied
- Many are concerned about contamination on property and its effect on nearby groundwater/ wells
- Kirt Rieder notes clarity on materials to be disturbed is needed. Attorney Grover: 2 LSP's are on the project, any remediation required will be handled under Mass. Contingency Plan through DEP, but material has not yet been completely analyzed

DJ Napolitano would like to know how many people reached out to Councilor Flynn so the Board can get an idea of how important these issues are and balance all needs. Share through Dept. or at next meeting.

Kirt Rieder that the narrative regarding the "park, playground, pastoral park" must be tightened. It looks like a linear park - do not oversell it. Residents are confused, and this works against the narrative. This ill be addressed with next submission.

Kirt Rieder notes the Board is not closing the public hearing tonight and that comments may be made at the next meeting.

Ward Councilor Patti Morsillo

- Info on playground survey: was originally to be a tot lot for kids up to age 4, survey created by Neighborhood Assoc. was sent to the email list, and included in her weekly newsletter, so people in the neighborhood should have been aware. Residents were asked if they wanted a tot lot and linear park or just linear park; if you look at this playground, is this what you want? Their expectation of a playground and park is much bigger, meant for kids of all ages/families, so a tot lot was not doing it for them.
- Also, the playground was never really accessible to new development, mostly to Barnes Rd. people

Alvi Ibanez, 29 ½ Barnes Rd.

- Communicated with lots of residents, upset about how survey was done, did not ask right questions
- Residents upset by humungous project in their backyard
- Also did not answer survey b/c questions were irrelevant to their concerns
- Plans now show the entrance from Highland Ave. directly after Building 5? Not Cedar Rd., a paper street that exists now. Attorney Grover notes that this is the main driveway entrance between Barnes Rd. and Cedar Rd. This is the primary entrance/egress off of Highland, to take traffic off of Barnes Rd.
- Project must have net zero environmental impact in order for the Board to issue special permit, but he feels there are outstanding environmental concerns re encroachments on wetland buffer zones
- 401 WQZ finding of EEA site policy re isolated vegetative wetlands (IVW).
- Concerned about contamination and its effect on water, habitat; since EIS from developers does not address these issues, how does Board determine net zero environmental impact
- Net zero not required, just that it be “not net negative,” clarifies Kirt Rieder. He also notes that soil characterization is incomplete so there is no point in debating what it might be. Reiterates that he too is concerned about proximity to wetlands

David Freni, 5 Wyman Ave.

- Written statement submitted
- 107 is ledge outcrop, soil does not retain water that flows quickly into wetlands
- p. 203 section 10.5 (5) WPA - quotes
- Concerned about wetlands attached to groundwater system of Wyman Ave. which uses wells
- How can protection from contaminants to drinking water be guaranteed?
- Since wetlands are a connected system as shown in GIS and NOI, designated as “core habitat” in Salem, Natural Heritage recommended this. 2205 p. 13 Biomap2, Thompson Meadows ¾ mi away but still connected. Thompson Meadows is critical habitat
- Kirt Rieder appreciates those comments and agrees but asks Scott Cameron to point out that Wyman Ave is on the opposite side of the bridge and not otherwise connected other than Thompson’s Meadow. Scott Cameron reviews location of well, the area site drains to and then heads Northeast toward Swampscott Rd., eventually tributary toward Meadow but has no direct hydrologic connection to Wyman neighborhood. Barnes project is not upstream of Wyman.

Leann Zeoli, 388 Highland Ave.

- Asks to consider eliminating Barnes Rd. access road
- Robert Michaud, Traffic Engineer, notes strong neighborhood engagement on the issue; benefits to connection as it provides direct means of going South; volume conditions subject to peer review were modest. Improvements are needed as noted by MassDOT, are expensive, and are being done and will mitigate, and are paid for by the developer. This serves the added function of additional emergency access to property.

Tom Devine notes that 7 new written comments have been received and will be sent to Board members via email; they have been added to the Public comments folder as received. Thus they are part of tonight’s public record.

A motion to continue to the Sept. 17, 2020 meeting is made by Bill Grisct, seconded by Carole Hamilton, and the motion passes 7-0 in a roll call vote.

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

B. Location: 79 Columbus Avenue (Map 44, Lot 57)

Applicant: Eric Cormier

Description: A continuation of a public hearing for all persons interested in the application of ERIC CORMIER for the property located at 79 Columbus Avenue (Map 44, Lot 57) for a Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance Section 8.1. Specifically, the applicant proposes to reconstruct a home and garage on 79 Columbus Avenue. Other improvements include a new driveway. No change to the existing foundation and footprint is proposed.

Mike Laham, Civil Engineer, The Morin Cameron Group

- Flood Plain Special Permit
- Original Plan shown
- Rebuild of dwelling in same footprint
- New structure will be resilient against flooding, garage will be added and that along with basement is non-livable and will be in floodplain space
- Will use existing foundation, flood proof siding at bottom
- Questions re structural capacity of existing foundation and deck footprint were outstanding
- Applicant engaged structural engineer; letter states foundation is in good condition for reuse; may have been required for building permit anyway so they are ahead
- Deck expansion was shown on the original Plan; new deck will follow the footprint of existing deck (may also have been brought up by Building Dept. but ahead of that issue as well). Deck will be staked upon demolition, so it is rebuilt in same footprint
- Architectural Plans not fully revised but some Plans sent to Board; will be revised prior to Building Permits being obtained
- Chair Anderson appreciates clarification and letter; would have liked to see updated architectural drawings
- Kirt Rieder has questions about the existing concrete walk and the sliver between that and asphalt. Not clear if it will be removed. Mr. Cormier?
- Kirt Rieder wonders why there is a bulb-out in the driveway approaching the sidewalk - shift curb cut to left to allow northerly edge of new driveway to parallel existing concrete, put curb closer to step. Keep it efficient and urban. This can be considered

Chair Anderson opens to public comment but there are none.

A motion to close the public hearing is made by Kirt Rieder, seconded by Matt Smith, and the motion passes 8-0 in a roll call vote.

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

The Draft Decision is reviewed.

p.3 language reiterates that Applicant will provide detailed information re flood structural soundness of foundation; this would be reviewed by Building Commissioner prior to issuing a permit as well. Driveway demolition/removal through Planning Dept. vs planning Board? Kirt Rieder does not want to see this again but wants to make sure concrete removal and asphalt placement and deck are to happen as discussed by the Board. The project had an unhealthy start and he does not want it to “go rogue.” Chair Anderson notes updated drawings can be submitted to the Planning Dept. to be approved prior to submission to the Building Dept. This can be conditioned.

A motion to approve the Draft Decision is made by Carole Hamilton, seconded by Bill Grisct, and the motion passes 8-0 in a roll call vote.

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

- C. Location:** 23 Summer Street (Map 26, Lot 463)
Applicant: 23 Summer Street LLC
Description: A continuation of a public hearing for all persons interested in the application of 23 SUMMER STREET LLC for the property located at 23 Summer Street (Map 26, Lot 463) for a Site Plan Review in accordance with Salem Zoning Ordinance Section 9.5. Specifically, the applicant proposes the renovation and expansion of the existing multi-family residential property at 23 Summer Street in the Central Development district. The applicant proposes the demolition of the rear portion of the existing building and replacing it with an addition to create a total of 10 residential units. The project includes changes to the existing parking lot, new indoor garage parking spaces, utilities, and landscaping.

Applicant's team:

Bob Griffin, Civil Engineer, Griffin Engineering
Bill Ross, Civil Engineering Peer Reviewer, New England Civil Engineering
Mike Becker, Applicant

This item is heard second.

Mike Becker, Applicant:

- Central staircase will be maintained
- Dining room will also be maintained (concern of previous owner)
- Original fireplaces and pine floors will remain; several additions will be removed but nothing in the original footprint will be demolished

Bob Griffin, Civil Engineer

- 7/16 Plan Set Peer Review
 - Stormwater management
 - Potable water & fire
 - Sewer
 - Demolition
 - Erosion Control
 - Gas, Tel, CATV
- Peer Review felt full size cars could not fit in parking spaces, Mr. Griffin disagrees as all indoor spaces are the size required as per zoning regulations; what is required of drivers is that cars must be maneuvered to enter/exit some spaces and this may be what Mr. Ross was referring to

Bill Ross, Peer Review Civil Engineering

- Impervious area requirements are outlined (Salem's requirement is more stringent than DEP)
- Other sewer, water etc. items are typically conditioned
- Utilities and stormwater: as conditioned, project meets intent of requirements
- Clarifies that his comment regarding swept path diagrams had smaller cars making it seem like smaller cars only could fit

Bob Griffin replies:

- Site Plan submitted in August removed one indoor parking space, providing additional room to maneuver
- Changes to parking are described
- Size of cars and spaces is clarified

Mike Becker comments:

- Partner has done many renovations throughout Mass., incl. 2 tax credit restorations in Salem; Mr. Becker has won some awards. Intention is not to gut the building and remove all its character; original building will be even more beautiful than it is now
- Several additions added over time will be consolidated into one, more beautiful addition
- Re Carol Carr's letter w/photo from 1756, shows building (carriage house) behind main house, set farther back, new addition is the same idea, visually

Board discussion re parking and building/property lines:

- Deleting one parking space, but not changing anything so will cars park there?
- Intention is to make it a no parking area, parking is not allowed; they are not changing the building but are changing the parking area

- Chair: solution would be a barrier in that spot to allow cars to swing into/bumper go over but not to park there. Applicant comments could be a bollard $\frac{2}{3}$ of the way into space
- Mr. Rieder suggests it could become bicycle parking; Applicant notes it could also be used for trash or recycling bins
- Applicant is not opposed to a bollard
- Chair comments this should be annotated on the record
- Kirt Rieder reiterates comment from July that parking strategy is predicated upon butting into adjacent parcel, which means Board needs to approve project using part of adjacent Parcel before it has been transferred to Applicant; why are we (the Board) being put in position to approve project that has not gone through 2 City Departments who still have questions?
- Chair Anderson responds: Building inspector would review/verify ownership prior to awarding Building permit. PB approves site plan and review; onus is on property owners to ensure that agreements are in place so they can build on the property
- Bill Grisct: asks Chair if Applicant had no ownership interest in any of this parcel, Board would still be in position to approve or deny this? Applicant notes it is common to gain access through P & S Agreement, don't have to own all of property while in front of PB. In this case Applicant does have ownership interest in adjacent, PB can request proof of ownership interest, which they have, so they do have a guarantee of land in this project as a permanent easement
- Chair has seen conditions where P & S is predicated on getting Site Plan approval
- Noah Koretz asks: Many applicants don't have title but have P & S, in this case rather than that, in lieu of that condition, Mr. Becker has partial ownership interest in the adjacent lot
- Proof of conveyances must be submitted

Re: approval (or not) of the project

- Helen Sides appreciates the removal of that parking space but still objects to the project re amount of coverage of lot in this location in the City, though this is outside of scope of PB's consideration. PB signs off, then waits to see how they react down the road and what they propose for the remainder of the property? Why not look at bigger picture now, integrate other property and integrate the site, give it a presence in Salem?
- Chair Anderson notes PB does not have the authority to do that; Applicant has met requirements (however debatable) of SPR; Ms. Sides was speaking as a citizen and opines that many people would agree
- Chair notes a negative vote could be challenged and most likely get future approval
- Noah Koretz notes, if the Board has specific suggestions re improvements that are not in Plans, it is appropriate to condition Approval on them; if people are asking for a different project or general changes that can't be made within Plan, that is a "no" vote. Also, many people whose opinions he respects have spoken out against the project. Since the last meeting, he has viewed the project from many vantage points, and while it is not what he would put on the site, given the parameters of Site Plan Review, he does not see a reason not to approve the project as presented. He is convinced on the parking issue; it is improved. If buildings like this need parking, we should make it "inconvenient parking," if needed in dense urban environments
- Chair notes: re comment re conditions, which would need to reference the review criteria we have from SPR; there is a specific list of items and the Board could point to items it has concerns with and condition them, otherwise he agrees w/Noah Koretz

- Helen Sides is concerned about the remaining parcel out in front and what will happen with it. Why is it a secret/why does the Developer not propose its integration/why can it not be part of the site and have a garden or landscaping?
- Kirt Rieder: Site Plan for this project does not work w/out going into adjacent parcel; he agrees w/Helen Sides and notes a parking space will “magically appear” at #27. It is being purposely orchestrated. Spaces 1, 2, 3 could be reconfigured and Developer could put in appropriate landscape so this project would be a positive for the City and neighborhood if they had the second, adjacent parcel. He understands it is the Applicant’s decision, but it had to be said

Chair Anderson opens to public comment.

Carol Carr, 7 River St.

- Upset by current Plans; does not see large changes and could not find change in Plans online. Changes made between meetings should be highlighted
- Concerned about parking
- Concerned about location in relation to adjacent rotary
- Still opposed to the project

Stacia Kraft, 140 Federal St.

- Echoes the thoughts of Carol Carr
- Notes pedestrian accident at traffic circle this past week

Polly Wilbert, 7 Cedar St.

- Asks for clarification as to snow removal w/vehicles onsite
- Chair Anderson replies that pavement areas will be heated; Mr. Griffin confirms, adding that it can handle multiple feet of snow, as the same systems are used in Canada.
- Ms. Wilbert is concerned about snow removal from the sidewalks; Chair notes that most residents find a place for snow; it is required to be removed by property owner

John Carr, 7 River St. (husband of Carol Carr)

- Agrees with Carol Carr
- May not have been adequate time for public to understand/comment on project
- Still concerned about parking
- Notes importance of location; opposed to project

Board member Noah Koretz must leave at 8PM. (7:55PM)

Scott Truhart, 4 East Collins St.

- Concerned about runoff from melting/heated parking lot system - where will it re-freeze?
- Mr. Griffin notes catch basin drainage onsite that will capture runoff
- Mr. Trueheart asks about the technical specifications of the system; not yet decided
- System may not be energy efficient, notes Mr. Truhart but Applicant states this system vs. plowing will save fossil fuels; house will also be energy efficient

Tom Devine, Senior Planner, reads a list of written public comments received since the July 23rd Planning Board meeting into the record:

- Janice LeBel on August 9, 2020
- Ann Fisher Cook on July 28, 2020

A motion to close the public hearing is made by Noah Koretz, seconded by Carole Hamilton, and the motion passes 8-0 in a roll call vote.

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

Kirt Rieder notes that the SRA requested that if Plans changed, and they have, that they be sent back to SRA for review. Applicant notes that Elevations have not changed since it was at DRB or SRA.

Tom Devine comments that the Draft Decision notes SRA and DRB approval and would have to go before SRA if there are design changes.

Mr. Becker responds re public comments:

- Heated driveway is an improvement over current, will leave more snow storage by side of building; no need to put snow there other than what comes off steps
- Parking spaces are existing and will be improved, as proposed. Not opposed to installing a bollard in middle of removed parking space to allow for maneuverability but prevent parking there
- Renovation/restoration of structure is due or even overdue

Tom Devine provides comments on the Draft Decision, which was generated w/the 10-parking space Plan but knowing that was unacceptable, so the Decision required revision/approval by the City Planner. Current Plan is revised w/9 Spaces so the Board must speak to whether they find the current Plan acceptable and then that condition can be stricken. Also, w/space removal, the Board needs to hear from the Applicant how they plan to meet zoning requirements for 1 space per unit; this should also be written into the Decision. Also, the Board received the Draft Decision last Thursday, but an updated version was sent yesterday (Wednesday). Please review updated version w/Civil Engineering conditions. Mason Wells shares this onscreen.

The Draft Decision is reviewed:

- p. 2 Amendment 2: who makes the determination on changes other than bollard? City Planner?
- p. 3 Traffic & Circulation: (a) 2 bollards 12' away from back wall, equidistant from parking spaces 3' and 3'. Applicant thinks 12' from the wall will remove maneuverability, which was the point of removing the space. Kirt Rieder suggests 10' away, as he wants adequate space for bike storage/recycling. Matt Smith says 7' would be adequate, 10' would be better.

Maneuverability is an issue. Noah Koretz notes that “there are two numbers between 7 and 10.” They settle on 8’. 2 bollards will be equally spaced within the parking space

- Carole Hamilton asks about parking; if Applicant needs to accommodate another space, what is the plan for that? Offsite parking within 1000 feet or property as per B5 zoning bylaw. This will be added as a condition
- Kirt Rieder: Proof of ownership prior to issuance of a building permit should be required, if the section that includes language requiring applicant to submit revised parking and circulation plan is stricken. An easement would be sufficient for proof of ownership of adjacent parcel. Precise wording would be “Prior to the issuance of a Building Permit, applicant shall provide documentation of ownership, easement, or permanent authority to utilize the portion of the adjacent parcel at 38 Norman Street, Map 26, Lot 464, for the three outdoor parking spaces shown on approved plan.”
- p.3 c) OK w/DRB only or go before PB as well? Significant changes would have to come before PB anyway, but what is an expansion? These conditions are drawn from DRB approval, Tom Devine asks about amendments the City Planner would consider significant. Noah Koretz comments that the law says that anyway, so the Decision does not need to be duplicative. Tom Devine disagrees, saying it does not hurt to be redundant, and it may be addressed adequately under amendments. Carole Hamilton says to add PB in addition to DRB
- p. 6 e) Engineering comment based on Mr. Ross’ peer review, mirrored a comment re amended parking plan and based on plan w/10 spaces, Tom Devine recommends striking this now that there are 9 spaces. Chair Anderson notes that it can be added here the condition that 1 space per unit is required unless parking is provided offsite, and that prior to issuance of the building permit, proof of ownership, or control of space offsite must be provided. Will be repeated here as in prior section
- p. 6 Kirt Rieder wonders if the affordable unit has space onsite or if can it be offsite, and does the Board care? The Board wants the affordable unit to have its space onsite. Said requirement will be added in the earlier section under “Parking & Circulation”
- p. 7 Construction Practices b) highlighted b/c address of adjacent parcel must be confirmed, to allow staging there. Applicant must confirm

Tom Devine reviews legal guidance re SPR:

- SPR law states that that denial of SPR is unlikely to hold up in court if there is an appeal; if PB has concerns, to address with a denial may be counterproductive b/c a successful appeal means that the Board has no control over its concerns. If on the other hand conditions address the Board’s concerns, it is more likely to hold up, but the Supreme court held that a denial is only appropriate in rare circumstances where issues cannot be addressed via conditions
- Kirt Rieder replies that if nothing had changed and the site was too small, being asked to approve something where no revision would make it better, would be counterproductive to the process
- Noah Koretz notes that everyone should be voting on the project as currently presented, not speculating on future litigation

A motion to approve the Draft Decision is made by Noah Koretz, seconded by Helen Sides, and the motion passes 6-2 in a roll call vote.

Ben Anderson Yes

Bill Grisct	Yes
Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	No
Kirt Rieder	No
Matt Smith	Yes
Noah Koretz	Yes

- D. 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.

This item is heard first, as Noah Koretz must leave at 8PM.

Bill Luster presents for the Applicant, who has requested to withdraw the Application without prejudice as additional information has been added, did not want to crowd/request an amendment, and will immediately resubmit for the next available meeting. Changes have been made regarding traffic engineering and moving the road further from the wetland.

A motion to approve the Withdrawal of the Application without prejudice, for a definitive and cluster residential special permit is made by Helen Sides, seconded by Kirt Rieder, and the motion passes 9-0 in a roll call vote.

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

- E. Location:** 0 Story Street (Map 23, Parcel 2)
Applicant: Stephen Lovely, Castle Hill Group, LLC
Description: A continuation of a public hearing for all persons interested in the application of STEPHEN LOVELY, CASTLE HILL GROUP LLC for the property located at 0 Story Street (Map 23, Parcel 2) at the west end of Cleveland Street bounded by St. Anne’s Church, City of Salem, St. Anne’s Park and land of Bradbury and Chasse, for a Definitive Subdivision

Plan. Specifically, the applicant proposes to allow construction of an extension to Cleveland Street which will create a tee turning area and the construction of 3 single family dwellings on the approximately 5.65 acre site.

Noah Koretz asks if the Board must make a decision by the end of Oct. The Applicant is willing to request an extension in writing. Kirt Rieder notes it is the Applicant who has not been available. DJ Napolitano asks if it makes sense for the Applicant to withdraw, if he is going to re-submit plans anyway? Chair Anderson has not seen new Plans but notes that the original Plans were in disarray. These revisions are in response to Board comments. The Applicant has not requested to withdraw.

A motion to continue to the Oct. 15, 2020 meeting, is made by Noah Koretz, seconded by Matt Smith, and the motion passes 8 -0 in a roll call vote.

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

F. Location: 0 Story Street (Map 23, Parcel 2)
Applicant: Stephen Lovely, Castle Hill Group, LLC
Description: A continuation of a public hearing for all persons interested in the application of STEPHEN LOVELY, CASTLE HILL GROUP LLC requesting a waiver of frontage requirements of the Subdivision Control Law for Lots A and B located at 0 Story Street (Map 23, Parcel 2) at the west end of Cleveland Street bounded by St. Anne's Church, City of Salem, St. Anne's Park and land of Bradbury and Chasse.

DJ Napolitano opines that the Board should not allow a frontage waiver for this project as the frontage requirement is not new and is there for a reason, unless there is an extenuating circumstance.

A motion to continue to the Oct. 15, 2020 meeting, is made by Helen Sides, seconded by Matt Smith, and the motion passes 7-1 in a roll call vote.

Ben Anderson	Yes
Bill Grisct	Yes
Carole Hamilton	Yes
DJ Napolitano	No
Helen Sides	Yes
Kirt Rieder	Yes
Matt Smith	Yes
Noah Koretz	Yes

III. OLD/NEW BUSINESS

A. Receive and File: 16, 18 and 20 R Franklin Street EENF

This is available for Board comment and will be coming in for Environmental review. Chair Anderson asks about signatures; typically, these are signed off on by staff.

B. Pickering Wharf (75 Wharf St) tree update and progress report

Additional materials have been included in the packet, but not enough to report back on. Mason Wells needs to converse w/Applicant re installation of trees agreed to by Applicant. The Board will hold them to the agreement.

C. Gateway Center staff update

Not much additional information is available from the memo. Attorney Correnti is awaiting developer updates, and no one in the City knows where it's at. Kirt Rieder asks if there is a sunset on the ability to develop the parcel? No, because construction started, and it was permitted together. Kirt Rieder notes as a resident that it is impossible to cross the street, and we are still waiting on intersection improvements. Mason Wells will send out a written update prior to the next meeting. Bridge St./Boston St. reconstruction coming down the line means that road improvements in the area can be timed to coincide w/development.

Kirt Rider points out that the Planning Dept. is making changes to sidewalks in front of the building.

Re River Rock Apartments on Boston St., Kirt Rieder notes that street parking is a "circus." What was once a 2-3' tree lawn has become a depression in the soil, with people parking on the sidewalk, despite this being a two-way, wide City street, and also a gateway into the City. Yet no one pays attention. Upstream of Dunkin Donuts, if they had poured a curb as requested this would not happen. He suggests installing a sign and issuing tickets. Chair Anderson agrees it should be posted that cars parked there will be towed. Mason Wells will talk to the Planning Department, and Traffic and Parking.

Noah Koretz notes on the Goodhue Side, that the Phoenix School will move into the retail spaces all 1st floor space, good as no retail would ever go in there. Webb is also putting showroom where Webb was notes HS. NK feels school is the best outcome that could happen.

IV. ADJOURNMENT

A motion to adjourn is made by Kirt Rieder, seconded by Noah Koretz, and the motion passes 8-0 in a roll call vote.

Ben Anderson	Yes
Bill Griset	Yes
Carole Hamilton	Yes
DJ Napolitano	Yes
Helen Sides	Yes
Kirt Rieder	Yes
Matt Smith	Yes

Matt Venio	Yes
Noah Koretz	Yes

Former City Councillor Tom Furey will be joining the Board for the next meeting.

The meeting ends at 10:45PM

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 11/5/2020