

City of Salem, Massachusetts



**"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25 and
City Ordinance Sections 2-2028 through 2-2033."**

The City Council Committee on Ordinances, Licenses and Legal Affairs Co-Posted with the Committee of the Whole
met in the Council Chamber on Thursday January 16, 2020 at 6:30 P.M.
for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on
January 14, 2020 at 12:33 P.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: _____

SUBJECT(S)

#3 The Planning Boards decision on amending the Zoning Map of real property at 355 & 373 Highland Ave and 2,3,5,6 and 10 Cedar Road from B2 and BPD to R3

Councillors also present: Hapworth, Riccardi, Dominguez

Planning Director Tom Daniel recaps the process by which this zoning matter was filed and reminds Councillors about the deadline to take action by Feb 12 2019.

Daniel explains Planning Board's recommendation. PB Members were concerned about the lack of proactive corridor planning regarding the proposed change in use. One PB member was concerned about addition of impervious surface.

C. Dibble concerned about the process and the amount of time it took for Planning Board's recommendation to bring forward to the Council that required scheduling of a Special Meeting for a vote to take place before the deadline.

Daniel explained due to limited time available for Council meeting dates was a factor in the amount of time the materials were sent to Committee.

C. Madore notes now that matter is in Committee it is up to us to act with expediency and not hold it up any further.

C. Dibble concerns about potential impact to surrounding land use and suggest taking another look at zoning with the whole corridor in context. This development could possibly cut off the neighborhood and access to Cedar Rd.

C. Madore asks for clarification from Daniel on how this is not spot zoning.

Daniel confirms that City Solicitor prepared memo to confirm this is not spot zoning that will be forwarded to the Committee and Council.

Atty Joe Correnti representing developer and KR Realty, petitioner of the rezoning also confirmed that they had reviewed a series of criteria that determined this isn't spot zoning.

Atty Correnti adds that they plan to make efforts to reach out to abutters at Cedar Rd to make their proposed project symbiotic with neighbors.

C. Morsillo asks Daniel how long does a corridor analysis take?

Daniel explains a corridor analysis requires first securing funding for the work and typically takes 6 months, including public meetings. The cost of the study is estimated at \$60,000.

C. Morsillo asks whether such an analysis would stop any permitting or zoning changes while ongoing?

Daniel responds that permitting activity can continue. Zoning changes could also happen concurrently but it's up to City Council to make that decision.

C. Hapworth asks if this zoning change would be subject to proposed Inclusionary Zoning Ordinance and affordability requirements to which Daniel affirmed.

C. Hapworth asks what considerations have been discussed in regards to mitigating traffic impact to which Daniel provided an overview of upcoming proposals from the Administration regarding car share program and alternative transportation options along the corridor to connect to other parts of the city. This project contributes to the City's Transportation Enhancement Fund that will support those proposed programs.

C. Sargent asks about history of the zoning in this area and concerns about additional density that may result from the rezoning. Residential use in this area is not being prohibited if existing zoning remains (BPD).

Atty Correnti responds that the current BPD zoning would require special permit from the Planning Board and allow for less desirable development especially the buildings' placement. The R3 would facilitate better planning and use the land more efficiently, allowing for better site planning especially for the parking and waste management.

Atty Correnti & Petitioner Sandi Silk present development concept plans under current and proposed rezoning.

C. Morsillo asks about building height to which Petitioner responds that is still being worked on.

Public Testimony

Polly Wilbert 7 Cedar St: Tonight is a good example of why it's critical that Planning Board minutes are posted in a timely manner so Councillors can come to meetings informed. Expressed concerns about mixing uses that may be incompatible citing the example of the recently approved PUD project across from Crosby's Market. Expressed concerns about balancing residential and commercial taxes. Urges Councillors to be thoughtful about effects of incremental development.

Lori Stewart 7 Barnes Rd: Reminded Committee members the feedback heard at "What's Happening on Highland Ave" where members did not want Cinema World and wants to see upscale restaurant and housing. Additional outreach by the Neighborhood Association has shown that many neighbors support this proposal.

Dennis Colbert 37 Clark St: Has lived in the neighborhood for many years and feels the zoning change makes sense and would bring a less detrimental use than what has been proposed before.

Ann Delulis 14 Barnes Circle: Many projects have been proposed in the past. Current market makes the site very valuable. The developer has done a lot of outreach and listened to neighbors. Supports this project.

Matt Veno 24 Savin Rd, Vice Chair Planning Board: Voted in opposition of the rezoning but in frustration. Proposed project has many merits in regards to housing production, proactive outreach by the developer, and good development. However, the rezoning does not reflect good planning along this corridor. This is a byproduct of a broken and incoherent zoning code and an overhaul may be warranted. Otherwise, we continue to do these one-off rezoning that reacts to development and the market rather than good long term planning.

Ed Piscevic Barnes Ave: Expressed concern about Neighborhood Association's outreach regarding the project. Expressed concern about potential traffic impact of the rezoning and that MassDOT will need to be involved.

Atty Correnti responds that traffic impact will be discussed during Site Plan Review process however current plans are not at that stage. Confirms that curb cuts and any changes to road layout would require state approval.

Polly Wilbert 7 Cedar St: Offers suggestion to change public hearing process to provide more time to facilitate dialogue between Planning Board and Council prior to voting.

Lori Stewart acknowledges Mr Piscevic's comments regarding the Neighborhood Association.

C. Dibble notes that he took a tour of the site and feels it could benefit from a clean business and not a high traffic volume one. The proposed zoning would bring on more density. The proposed development plan also does not include all parcels proposed for rezoning.

Atty Correnti responds that the concept plan does not include all parcels. The petitioner KR Star Realty LLC who he also represents owns all the parcels asking to be rezoned.

C. Dibble concerns about rezoning BPD to R3 and the speed at which this is happening throughout the city. Loss of jobs.

C. Madore notes that if there's a market for commercial development that generates good jobs and supported by the neighbors, it would have happened by now.

C. Morsillo expressed that this area has been zoned BPD since the 1980's but nothing has happened.

Motion by C. Dibble to refer matter out of Committee to the full Council in acceptance of Planning Board's negative recommendation, seconded by C. Sargent. Voted 2 in favor, 3 opposed. Motion does not carry.

Motion by C. Morsillo to refer matter out of Committee to the full Council in rejection of Planning Board's negative recommendation, seconded by C. Prosniewski. Voted 3 in favor, 2 opposed. Motion carries.

On the motion of C. Sargent the meeting adjourned at 8:05 P.M.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Christine Madore". The script is cursive and fluid, with the first name "Christine" written in a larger, more prominent hand than the last name "Madore".

Councillor Christine Madore, Chair