

CITY OF SALEM  
JOINT PUBLIC HEARING  
OF THE CITY COUNCIL AND PLANNING BOARD  
April 13, 2022, AT 6:30 P.M.

The Salem City Council will hold a Joint Public Meeting with the Planning Board on Wednesday, April 13, 2022, at 6:30 P.M. for the purpose of discussing two (2) Zoning Ordinance Amendments relative to the Entrance Corridor Overlay District and the Bridge Street Neck Overlay District via remote participation in accordance with Chapter 40A, SS 5, of the Massachusetts General Laws and in accordance with Chapter 20 of the Acts of 2021, and as amended by Chapter 22 Acts of 2022.

***Meeting opens at 6:30 pm***

*City Council:*

*Present:* Alice Merkl, Robert McCarthy, Caroline Watson-Felt, Leveille McClain, Jeff Cohen, Andrew Varela, Megan Riccardi, Domingo Dominguez , Patricia Morsillo, Ty Hapworth (10)

*Absent:* Conrad Prosniewski (1)

*Planning Board:*

*Present:* Bill Griset, Kirt Rieder, Tom Fury, Zach Caunter, Carole Hamilton, Sarah Tarbet, Todd Waller, Helen Sides (8)

*Absent:* Noah Koretz (1)

*Also in attendance:* Elena Eimert, Amanda Chiancola, Chris Kuschel (Metropolitan Area Planning Council, MAPC)

**ZONING ORDINANCE AMENDMENT RELATIVE TO SECTION 8.2 – ENTRANCE CORRIDOR OVERLAY DISTRICT OF SECTION 8.0 SPECIAL DISTRICT REGULATIONS**

Councilor Morsillo refers to Bill Griset to start the presentation.

- Amanda Chiancola.: Amendment before you because the Planning Board identified Entrance Corridor Overlay District (ECOD) problems. Department of Planning and Community Development staff worked with Planning Board, Tree Warden, and the City Solicitor on the language. The concern was that in the ECOD trees required to be 3.5-4 caliper inches diameter. During site plan reviews, the Planning Board had noticed that it was challenging to have ornamental trees sourced in this size. This amendment will allow for flexibility for smaller sized trees, with approval of the Planning Board through the issuance of a Design Waiver. The smaller trees are capped at 20% of plantings, 80% will still be at the larger size.

Councilor Morsillo asks for questions from City Council.

- Councilor Cohen: Would having smaller trees affect the number of native trees and the ability to have having a sufficient canopy?
- Kirt Rieder: Applicants will often come and say, “we’d like to plant a dogwood”. A dogwood is a small tree and given the existing ordinance, it would have to be huge, but will still only get x-feet tall. Your question is why are we allowing this? This is a recognition that applicants want to express themselves on their property. This is an acknowledgement that property owners can do what they want with their property without it being a detriment to the entire city. I think 20% is the right balance.

- Councilor McClain: The purpose of the ordinance is screening parking areas from view, does the change in size requirements affect the ability to accomplish that goal?
- Kirt Rieder: The current ordinance requirement is a size almost unheard of to purchase hedge material. This amendment does more to further the original intent to provide screening at eye level. Most trees grow above eye level.
- Councilor Morsillo: Planting strip, less than 42" wide, it talks about cars parked face to face, includes diagonal parking too?
- Kirt Rieder: It has to do with the perpendicular dimension between 2 pieces of granite and not the orientation of a car. As the current code the space is smaller than the rootball of the tree and more than the current ordinance can accommodate.
- Councilor Dominguez: Amanda mentioned other concerns, is this the only concern we need to be aware of?
- Amanda Chiancola: This was the concern brought forward to work on. Addressing the canopy; If the waiver is granted for a smaller tree, there is a requirement for a contribution to the tree fund if the waiver is granted. So while the canopy may not be at that specific site, it will be continued elsewhere in the city.

Councilor Morsillo opens comments to the public.

- Councilor McClain: We have concern about tree canopy, but that doesn't seem to be mentioned in the ordinance. It might be good to see that fleshed out somewhere in the ordinances. To create a clear directive.
- Kirt Rieder: The Planning Board can add a declarative sentence in concert with tree ordinance.

*A motion to close the public hearing is made by Megan Riccardi and passes 10-0 in a roll call vote.*

The hearing is closed.

*A motion to refer the matter to the Planning Board for further review and recommendation is made by Megan Riccardi and passes 10-0 in a roll call vote.*

The matter is referred.

## **ZONING ORDINANCE AMENDMENT RELATIVE TO SECTION 8 SPECIAL DISTRICT REGULATIONS BY ADDING A NEW SECTION 8.7 BRIDGE STREET NECK OVERLAY DISTRICT**

Councilor Morsillo: The complete text is found in the agenda. This is going to be a detailed and well-done presentation, and we will take breaks between sections to allow for question.

- Amanda Chiancola: With me today is Chris Kuschel from MAPC. We will walk you through the presentation and the background of the ordinance, and why we are proposing it. And then will cover the kind of district it is and the boundaries, uses and parking. Then Chris will talk though the rest.

Timeline of effort shown – So many people involved in the process which began over a decade ago. There is a ton of background and a lot of history – you can find this at [www.publicinput.com/bridgestreetneck](http://www.publicinput.com/bridgestreetneck).

In 2009, worked with the Cecil group on a revitalization plan. The report identified strategies to shape the future. It also recommended looking at zoning in 2012, we engaged MAPC to work on this. It

didn't move forward. From 2012-2020 the neighborhood grew. In 2018 we again engaged MAPC again and a fresh planning effort was begun. The 2020 updated plan is at the project website. From there we started on the zoning amendment in front of you. In 2020 we held community forums and presented key aspects of the vision that are carried throughout the ordinance. What we took away was that the participants wanted a neighborhood that was: family friendly, safe to get around, built upon its history, and had quality design to neighborhood context.

Why are we proposing this amendment? To implement the vision and deal with issue of nonconforming uses.

Every zoning district allow specific uses. Some by right, some special permit. Salem does not allow use variances. Use must be permitted in its zoning district to be allowed. In some cases, existing uses are not currently permitted in the zoning district, meaning already occurring when uses were updated - existing non-conforming uses. Example: a 2-family in a Business Highway District (BHD). If the owner wants to repurpose to a professional office, they can while following all requirements because this is an existing allowed use in the district. The issue is when they change to a use that's not allowed. They can do this through a ZBA special permit. This only focuses on use, not development plan. The ZBA has to find that the prospective use is less detrimental than the existing use. 51% of BSN are nonconforming so looking at the use is important. This is just use, not dimensional standards.

By including existing nonconforming uses, we have the opportunity to set the standard that proposed development is compatible with the vision.

The zoning ordinance proposed tonight gives the property owner options. If the proposed change to an existing non-conforming property is allowed in the underlying district, the owner has the choice to use underlying zoning standards or BSN zoning standards. If the use isn't allowed in the underlying zoning district, owner must use BSN standards. No longer applying for a special permit.

- Councilor Morsillo: Amanda, could you explain why we aren't redoing zoning?
  - Amanda Chiancola: Next slide

Councilor McClain: First question: what were the challenges to the previous rezoning efforts in 2009? Second: What constitutes the lion share of current non-conforming uses?

- Amanda Chiancola: At that time, we didn't have the political support to move it forward. The prior version didn't include design standards and guidelines or the same community process. It is a better project today. As for the lion's share of nonconforming uses, I will talk about that when we get to uses.

Why are we proposing overlay instead of underlying zoning change: Analysis of different options was done. Ultimately landed on overlay district. Keeps existing zoning but identify uses we want to see that have been identified through community meetings. In 2019, it was unanimous that the neighborhood wanted to maintain its eclectic uses.

The next slides talk about the review process: Bridge Street Neck (BSN) is an Entrance Corridor Overlay District (ECOD) and has Site Plan Review (SPR) process. There are 2 thresholds that bring a project to SPR. 1. Nonresidential construction of more than 2000 sq. ft. or 2. A residential structure with 6 or more residential units. Current zoning requires Design Review Board (DRB) recommendation. If a nonresidential construction project is less than 10,000 sq. ft., or residential fewer than 6 units, DRB review is optional.

There are 3 layers: 1. Base + process. More review to ensure design standards are met. Proposed zoning would revise SPR threshold on all development of more than 2000 sq. ft. regardless of commercial or residential. A 2-family home could be subject to SPR. It also requires any SPR to go through DRB. 2. Adds on an administrative review. Design standards will have measurable metrics. This is for properties of less than 2000 sq. ft. or a façade improvement. 3. Design Standard Special

Permit Waiver – we recognize that you can't plan for all situations. This is only for specific items in the ordinance. If a Design Standard Waiver is requested, it is automatically triggers DRB review. What's different is that it requires a *positive recommendation* from the DRB. The ordinance has procedures for requesting the waiver, this is what the Planning Board and Design Review Board have to base review on.

- Helen Sides: When speaking about gross sq ft., are you referring to footprint or habitable space?
- Amanda Chiancola: Total.
  
- Helen Sides: Projects are taken to the Planning Department to see if they conform to the design standards?
- Amanda Chiancola: If the project is less than 2000 sq. ft. We have a matrix for review that we will share with Planning Board.
  
- Helen Sides: So these projects don't go to the ZBA?
- Amanda Chiancola: Correct.
  
- Helen Sides: I'll get into why I don't think design standards are good in a setting like this, but it puts a lot of responsibility on the staff to judge design. And we have people on other boards to judge design. Like the Design Review Board or the Historical Commission. I feel it is adding a complicated step to establish another design review process within the city.
  
- Kirt Rieder: I agree with a lot of what Helen said. When I see façade improvement, I am unsure what that means? Color change, lighting, new windows? I think this needs some care.
  
- Councilor McClain: My comments are in line with the previous two speakers. I would like to hear more about site plan review v. administrative review.
  
- Councilor Cohen: Several years back, the muffler shop was built and there was a lot of dialog about whether that development should retain a mixed use, which didn't happen. Is that addressed in new zoning? Who would determine if a property that is being converted to mostly residential could retain some mixed use?
- Amanda Chiancola: It depends on where the use is in the district. If it was a nonconforming mixed used development, they proposed the same but new, they could do that because it would be conforming. But they would be allowed to change it to another use, like multifamily. District does not require mixed uses.
  
- Councilor Morsillo: Did you want to add more to Councilor McClain's question about the different review processes?
- Amanda Chiancola: Administrative review is for projects 2000 sq. ft or less, smaller projects. It is not judgment; we are trying to have design standards established through City Council and this zoning amendment. Looking at creating an option to capture a design review based on the standards at a zoning level. Anything larger than 2000 sq. ft. would go to the Planning Board for review and anything that doesn't meet standards goes to PB for review.
  
- Amanda Chiancola: The community wanted to focus on Bridge Street itself. Comparing uses in the proposed BSN to the underlying Zoning. BSN has 4 districts within it and abuts 2 other districts. There is a lot of nonconforming uses, right within the district itself, you have 4 different zones. You don't usually see homes next to automotive uses. 2 uses that we didn't talk about in August – added based on feedback after that meeting. 1. Planned Unit Development (PUD) proposed to not be allowed in BSNOD. Trickle down in underlying zone. Large scale development would be funneled through overlay district. The comments we heard were that we have all these design standards, but the most transformative parcels would bypass it all with a PUD. 2. Arts and crafts studios for a use. Community members want "dwelling unit above first floor retail."

- Councilor McClain: Can you clarify what you mean when you say PUDs are not allowed and that trickles down? Earlier you said applicants could choose underlying zoning or overlay district. Is there a conflict or can people choose?
- Amanda Chiancola: Owner has the choice of conforming and permitted in the overlay EXCEPT PUD. It received an N in the overlay.
- Councilor McClain: That would be the case for anything that received an N in the overlay?
- Amanda Chiancola: Yes.
- Amanda Chiancola: Through the visioning process, most people said they wanted parking in discreet locations. We had to be careful in BSN, the rear is sometimes someone's backyard. Parking requirements: 1 space per residential unit. 4 spaces per 1000 sq. ft. leasable floor space. Other uses have 3 spaces per 1000 sq. feet net floor area. Design Standard Special Permit – parking is one of the things that can be granted a waiver. If its commercial, they can look at on-street, mixed-use can see about shared parking.
- Chris Kuschel: Relating to nonconforming uses – most are currently small residential buildings. Coffee Time is non-conforming as is Brake & Clutch. This is the physical aspect of the development. Design was a piece that people were really concerned about. Not looking for cookie-cutter development but maintaining principles. Used a Visual Preference Exercise – Photos of what “fits” with BSN. All of those that scored highly are quite different – there isn't one dominant architectural styles in Bridge Street Neck. Height of buildings and lots standards the focus

Lot standards – First – minimum lot size 5000 sq. ft. Consistent with what is there today. Much higher minimum lots sizes – most don't conform to existing zoning. Set back along Bridge Street and existing zoning doesn't allow zero/small setback. Parking is not allowed within the front setback. Open space 15% open space requirement for residential. Height 2.5-3 stories was what people were comfortable with. Types of rooflines: original proposal: various pitched roofs allowed, flat roofs through special permit. Community forums and survey found flat roofs fine and should be allowed by right. Nuance added in this proposal: slightly different height limits (flat roof building 35'; pitched roof, slightly taller at 38'). These are based on real world precedence.

Overall the vision calls for regulations to complement the existing character in scale and density of the neighborhood. What we are proposing is 1700 sq ft of lot area per dwelling unit (25 units per acre). Chose lot area because so many parcels are less than 1 acre. The community was having a hard time understanding “units/acre.” Conceptionally, you take # allowed units 1700/total lot area. 5000 sq. ft./2 units. 1 Acre/25 units. 1700 was chosen as it is approximately the median density of existing residential properties in BSN. About half residential units have higher than 1700/unit. What does this look like in neighborhood? Pics show with comparable densities in BSN and surrounding.

If this proposal is adopted, map shows the max number of units to be built across parcels in BSNOD. This doesn't consider odd-shaped lots. Most of the parcels accommodate up to 5 units, Clipper Ship Inn accommodates more units.

People like the idea of high percentage of glazing (meaning, windows) at ground floor – this is a best practice to improve vibrancy.

- Councilor Cohen: Pleased that flat roof allowed in overlay for potential resiliency (placing HVAC systems on roofs) as well as solar.
- Councilor Merkl: Appreciated presentation.
- Sarah Tabet: 1. Did you consider a minimum building height? 2. Describe 10% open space for residential units.
- Chris Kuschel: Don't have minimum number of stories but minimum ground floor height. If someone

wants a single story, they would likely opt for base zoning. In terms of open space, we have standards (a lot came from working group), ie, balconies as open space might not be appropriate, but common rooftops might be. We don't have detailed design standards for open spaces.

- Councilor McClain: Are the open space standards paved v. green v canopy and are driveways considered?
- Chris Kuschel: We don't distinguish between permeable and impermeable, but driveways are not part of the open space.
- Kirt Rieder: I would encourage to reclassify common, open, and vehicular space so that it is crystal clear, and folks don't say somehow that asphalt is open space.
- Helen Sides: I would not want grade to eave limited. People would want modifications flexibility of distances between floors This presumes a level grade and is it off an existing grade or new grade? Trying to define things specific to a site. I also think there is a limitation on density here. Those are big units and there is more potential for smaller units on the lots. I think we need more density flexibility.
- Kirt Rieder: On a recent Lafayette Street project. There was a discussion and a need expressed for resiliency to raise the bottom floor up 4.5 feet from where the sidewalk is today. The need for an ADA ramp or adequate access may have impact on configuration of stoops and porches in the future. You might want to list this as a criteria.
- Tom Furey: Talks about Carlton School Meeting. They didn't want it to become a "concrete jungle" This plan keeps the integrity of neighborhood intact.
- Councilor Watson-Felt: This process has been incredibly active and engaged with the community. A community that is multigenerational and people who have lived here for many years. This was an extraordinarily mindfully done process. I agree with Kirt Rieder on recommending delineation on open space. The amount of pavement in Bridge Street Neck can make it an urban heat island. But it is a main street walkable space without adding more pavement. This really is the desire of the neighborhood.
- Chris Kuchel: Last section – Design Standards and Design Guidelines. This was the least controversial part of the process. All of these are intended to help ensures that the neighborhood's expectations are met. Guidelines are there to communicate purpose of design elements. Standards are obligatory (cut and dry). If a developer wants to deviate, they can go through DRB. Guideline Highlights: Importance of building orientation on Bridge Street; reducing the visual impact of parking, etc. Includes things we can't dictate – i.e., materials used (high quality and compatible) and things we don't want to dictate (canopies/awnings). Standards are required but can be waived. Overall massing of buildings to ensure future buildings are compatible with existing structures. Roofs allowed by right are flat, front gable, side gable, hip, and mansard. All other roof styles need a special permit. Vertical modulation for wide buildings. Specific ways to break down the vertical articulation, so the building reads 'human scaled.' Building components: a lot of the elements are leading to a hybrid approach provides a system for buildings so that people include the architectural components that are consistent with the neighborhood's character and vision. Additional components can be applied via special permit (i.e., a turret on building). Existing components include bay window, cross gable, dormer, extended shop front, porch, portico, shed dormer, side wing, and stoop.

Final piece: Screening standards for loading services, mechanical equipment, parking, etc. Seeks to reduce visual and auditory noise.

- Councilor McCarthy: Councilor Furey and I were present in 2009 and as to why it didn't move forward then, mostly due to fear and uncertainty. The neighbors were worried about overdevelopment. Only one question: What is the property that goes linear toward the Ayube bypass? What is it and why is it so linear?

- Kirt Rieder: It is boat storage when you look at Google Earth.
- Councilor McCarthy: With some tweaking and comments this will be a good addition to the Bridge Street Neck Neighborhood Association (BSNNA) and how they see the corridor advance.
- Councilor Cohen: Great process and a good example of working with neighborhood association, residents, and councilors. Back to what Helen Sides touched on; I hope for a more flexible version on how to look at density and size of units. Under this I couldn't have as many units as I do now. It's important to think about this for Salem at large.

Public Comment:

Flora Tonthat, 30 Northey Street, President of the Bridge Street Neck Neighborhood Association  
Is in full support of the overlay. It was a great process involving meetings with neighbors. It's going to help us maintain the historical mixed-use character of Bridge Street Neck.

Emily Udy, 8 Buffum Street, Historic Salem, Inc.

Is addressing the letter that Historic Salem submitted as a matter of public comment.

This is significant now as the neighborhood has been added to the National Register. Acknowledges the public process is the reason why this got to this point. Question of density: we appreciate the work staff did and the context of the density. It is a similar density to other multifamily projects. Support prohibition of PUDs. This neighborhood would be benefit being a Local Historic District or Local Conservation District.

Christine Madore, 20 Federal Street

Glad to see this presented. Commends Amanda, who has made this effort in community engagement. And Chris from MAPC has absorbed all the information and processed it in a digestible way. Grateful for all the work. This reflects what the neighborhood wants – walkable, less auto-oriented. The overlay will help us preserve the neighborhood. Hopes everyone will support this. Don't listen to the fear-mongering statements you might get. I was also surprised that most of the properties on the corridor were 18-20 units per acre, but it's the 2-3 families that we all love. Clipper Ship Inn property – glad there will be site plan review for this. If this property turns over, the scale of the parcel should be in cut into smaller blocks so that there isn't one massive building on that one parcel.

Elena Eimert: Wanted to mention that we received written comments from Emily and Flora's organizations, and they are available for the public to review in the Public SharePoint folder.

Councilor Riccardi: I want to reiterate the thanks for the public process. The project website is full of information – excellent job. I heard that there are open items still – but I feel like those items will be uncovered in the additional meetings outside public hearings.

*A motion to close the public hearing is made by Megan Riccardi and passes 10-0 in a roll call vote.*

The hearing is closed.

*A motion to refer the matter to the Planning Board for further recommendation is made by Megan Riccardi and passes 10-0 in a roll call vote.*

The matter is referred.

Bill Griset: Asks for a motion to close the Planning Board public hearing.

*A motion to close the public hearing is made by Kirt Rieder and seconded by Todd Waller and passes in an 8-0 roll call vote.*

The Planning Board public hearing is closed.

*A motion to adjourn is made by Robert McCarthy and passed with 10 hands in favor.*

Meeting adjourned at 8:04 pm

**Minutes approved by the Planning Board on 5/19/2022.**