



## CITY OF SALEM

A public hearing of the Salem Planning Board was held on Thursday, May 2, 2024, at 6:30 p.m. via remote access. Public participation was possible via Zoom video and conference call.

Chair Bill Griset calls the meeting to order at 6:30 pm

### I. ROLL CALL

*Present:* Chair Bill Griset, Vice Chair Kirt Rieder, Carole Hamilton, Josh Turiel, Tom Furey, Jonathan Berk, Helen Sides, Sarah Tarbet, Zach Caunter (9)

*Absent:* none (0)

*Also in attendance:* Robyn Lee, staff planner, Tom Devine, senior planner

Chair Griset announces change in the order of public comment. Using the Licensing Board as an example, there will be a three-minute time limit will be imposed on each public commenter. Applicants will present, then public comment will occur, city staff will then yield to the chair for board discussion. This is to allow greater public prior to the board discussion.

### II. REGULAR AGENDA

- A.** 73 Lafayette Street (Map 34, Lot 430), 75 Lafayette Street (Map 34, Lot 431), 85 & 87 Lafayette Street (Map 34, Lot 432), 89 Lafayette Street (Map 34, Lot 433), 315 Derby Street (Map 34, Lot 444), 9 Peabody Street (Map 34, Lot 232), and 15 Peabody Street (Map 34, Lot 435) Applicant: Scott Grover, Esq., f/b/o North Shore Community Development Corp (NSCDC) and North Shore Community Health Center (NSCHC) Description: A public hearing for all persons interested in the application of NSCDC and NSCHC for the property located at 73 Lafayette Street (Map 34, Lot 430), 75 Lafayette Street (Map 34, Lot 431), 85 & 87 Lafayette Street (Map 34, Lot 432), 89 Lafayette Street (Map 34, Lot 433), 315 Derby Street (Map 34, Lot 444), 9 Peabody Street (Map 34, Lot 232), and 15 Peabody Street (Map 34, Lot 435) for amendments to a Site Plan Review, Planned Unit Development Special Permit, Drive-Through Special Permit, and Flood Hazard Overlay District Special Permit for a project in the B-5 and Entrance Corridor Overlay District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review; Section 7.3 Planned Unit Development; Section 6.7 DriveThrough Facilities; Section 8.1 Flood Hazard Overlay District. Specifically, the applicant proposes to amend an existing Site Plan Review, Planned Unit Development Special Permit, Drive-Through Special Permit, and Flood Hazard Overlay District Special Permit decision dated January 24, 2023.

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.

For the building on the corner of Lafayette and Derby Street, the applicant proposes to eliminate one floor of the community health clinic, diminish the commercial space, and reduce the number of public parking spaces from 15 to 12. For the building at 9 Peabody, the number of affordable elderly housing units remains at 29, but the public community space and total residential square footage has increased. Three of the parking spaces previously made public will now be reserved for residents, amounting to a total of six spaces reserved for residents. Long-term bike parking spaces have increased from 21 to 30 spaces.

*Ms. Tarbet recuses herself as she is on the board of the North Shore Community Development Coalition (NSCDC).*

Attorney Scott Grover along with Megan Altendorf and Teres Graf of MASSDesign are in attendance to present. The team has been working with city staff to answer questions from the board and city departments and is looking for a draft decision tonight.

Mickey Northcutt of NSCDC arrives at 6:39 pm.

#### Public Comment

No public comment is offered

#### Planning Board Questions

Mr. Rieder asks how the paved areas closer to the water will be used, is it still a plaza for public use. Ms. Graf says that this is a clear egress to create a connection with the water. It is also for drop off. There is still an intention to use the back part for event hosting. Mr. Rieder still sees a number of issues related to the grading and thinks that the cross slopes should be able to meet less than two percent (2%).

Mr. Furey gives Mr. Rieder a shout out for his efforts in making these gateway projects attractive through landscaping.

*Motion to close the public hearing is made by Carole Hamilton, seconded by Jonathan Berk, and passes 8-0 in a roll call vote with one abstention.*

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.

|               |   |
|---------------|---|
| Jonathan Berk | Y |
| Helen Sides   | Y |
| Sarah Tabet   | A |
| Zach Caunter  | Y |

*Draft decision is shared on the screen.*

*Motion to approve the draft decision, with changes, is made by Helen Sides, seconded by Tom Furey, and passes 8-0 in a roll call vote with one abstention.*

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tabet     | A |
| Zach Caunter    | Y |

**B. 75 North Street (Map 26, Lot 58), 2 Commercial Street (Map 26, Parcel 57), and 3 South Mason Street (Map 26, Lot 54)**

**Applicant:** Scott Grover, Esq., f/b/o 75 North Street, LLC

**Description:** A continuance of a public hearing for all persons interested in the application of Scott Grover f/b/o 75 North Street, LLC, for the property located at 75 North Street (Map 26, Lot 58), 2 Commercial Street (Map 26, Parcel 57), and 3 South Mason Street (Map 26, Lot 54) in the NRCC (North River Canal Corridor) Zoning District for Site Plan Review and Special Permits in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, Section 8.1 Flood Hazard Overlay District Special Permit, 8.2 Entrance Corridor Overlay District, Section 8.4 North River Canal Corridor Neighborhood Mixed Use District, and Section 37 of the Salem Code of Ordinances, Stormwater Management Permit. Specifically, the applicant proposes a four-story, 60-unit multi-family residential building on an approximate one-acre plot of land. The building features a ground floor for a lobby, building support, commercial use, and a parking garage and three upper floors for residential use. The applicant proposes 60 on-site parking spaces, a large publicly accessible open space and surrounding landscaping, pedestrian walkways, additional lighting, and a shifted curb line along North Street.

**\*Motion to continue to May 16, 2024\***

Motion to continue to the May 15, 2024 meeting is made by Sarah Tarbet , seconded by Josh Turiel, and passes 9-0 in a roll call vote.

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tarbet    | Y |
| Zach Caunter    | Y |

**C. 23 Glendale Street (Map 33, Lot 646)**

**Applicant:** William F. Quinn, Esq., f/b/o Atkins Salem Realty, LLC

**Description:** A public hearing for all persons interested in the application of William F. Quinn, Esq., f/b/o Atkins Salem Realty, LLC for the property located at 23 Glendale Street, Salem, MA (Map 33, Lot 646) in the R1 (Residential One Family) Zoning District for a Site Plan Review and Flood Hazard Overlay District (FHOD) Special Permit in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review and Section 8.1 FHOD. Specifically, the applicant proposes to construct a new 17,100 square-foot boatyard shed for boat storage and servicing. This project will be a single-story addition onto a portion of an existing building to remain. The site also includes several buildings for servicing and storage for boats and yachts, a pier, a boat lift, sheds, a driveway, a seawall, utilities, and crushed stone parking that will remain.

Attorney Bill Quinn and Sydney Atkins, applicant, are here to present.

Dion has operated since 1914. Structure will accommodate larger boats. The Zoning Board of Appeals has approved this project, the Conservation Commission has issued an Order of Conditions(OOC), and the Historical Commission has approved the Waiver of Demolition Delay (WDDO).

Ms. Atkins discusses the evolution of the business. They have had an indoor storage facility on Canal Street. This allows for winter work to be done on the boats. The lack of indoor storage was difficult for the last year. This lead them to reevaluate their own property. The applicant would like to expand the footprint. Working with the city and peer reviewers already. The existing structure will be extend out ten (10) feet out to accommodate the sewer pipe. Building is the same height as current. Seven (7) bay doors to minimize the space between the doors.

Know your rights under the Open Meeting Law M.G.L. c. 30A § 18-25 and City Ordinance § 2-2028 through § 2-2033.

### **Public Comments**

Jeff Cohen, 12 Hancock Street, Ward 5 Councilor.

Supports the projects. The new configuration is a benefit to the neighborhood as there will be a reduction in traffic. The Willow Avenue sewer pipe needs to be relocated and the city is pursuing state and federal money to do this.

Conrad Prosniewski, Councilor at Large

Echoes Councilor Cohen's remarks. Lives in the neighborhood and has spoken with other abutters and they are in favor.

### **Planning Board Comments**

Ms. Hamilton is a neighbor and enjoys the boatyard.

Mr. Burk asks if the building will prevent access if the sewer pipe is replaced. Ms. Atkins says that they have been working with engineering on this and the ground is gravel so a machine could excavate easily.

Ms. Tarbet asks if the residents are all right with the metal building. And are you subject to Ch. 91. Ms. Atkins says that the metal façade seems to be welcome as it more modern adhere are cleaner lines. The goal is to match the newer building they build a few years ago. Regarding Ch. 91, they are pursuing it in parallel, their most recent building required Ch. 91. Attorney Quinn says that Ch. 91 requires adjacent properties to have adjacent water dependent use.

Mr. Rieder points out that there was no CH. 91 discussion in 2015. He isn't comfortable with the answer but does not believe this limits public access.

Ms. Sides likes the industrial nature of the space.

Mr. Rieder compliments Ms. Atkins on her presentation.

City departments are reviewing and no comments from the city yet. Working with NECE for civil and stormwater peer review.

Motion to continue to the May 16, 2024 meeting is made by Kirt Rieder, seconded by Helen Sides, and passes 9-0 in a roll call vote.

|                 |   |
|-----------------|---|
| Bill Grisct     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tarbet    | Y |
| Zach Caunter    | Y |

### III. OLD/NEW BUSINESS

#### A. Planning Board discussion and recommendation to City Council on three (3) separate zoning amendments listed below:

##### i. Amendment to the Zoning Ordinance to add Section 8.9, Coastal Resiliency Overlay District (C-ROD).

Ms. Lee shares the ordinance. Mr. Rieder reminds us that this came out of the Planning Board as the sole body in charge of Flood Hazard Overlay (FHOD). Asks Mr. Devine to summarize Margaret Van Deusen's letter. Mr. Devine shares that Ms. Van Deusen's comments are not always in line with DPCD. Comments are read in and Mr. Devine provides DPCD thoughts. Ms. Van Deusen's letter can be found here: [van deusen c-rod comments 4-22-24.pdf](#). Among Ms. Van Deusen's recommendations is not to have a waiver process. Mr. Rieder asks how applicants would get relief. Mr. Devine say that they could go to the ZBA, but the Planning Board is better equipped to manage this. She suggests that the SPR criteria would allow the flexibility rather than seeking a waiver. Residential dwelling units are not subject to SPR, so the only relief would be a variance from the ZBA. Second waiver process is for historic properties. Ms. Van Deusen does suggest public interest as a requirement. You would demonstrate that the waiver was in the public interest.

Ms. Tarbet thanks Mr. Devine for his attention to detail and how this ties into the building code. She does support making more residential properties fall into the C-ROD

Ms. Lee shares the draft recommendation. Ms. Sides finds it difficult to scroll through the ordinance. But feels if others need it then they should do that.

Motion to recommend a zoning amendment to add a Coastal Resiliency Overlay District (C-ROD) to City Council is made by Kirt Rieder, seconded by Helen Sides, and passes 9-0 in a roll call vote.

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tarbet    | Y |
| Zach Caunter    | Y |

**B. Receive and File: DEP Waterways Application for 24 Fort Ave (Map 41, Lot 271)**

This item can be viewed in the public SharePoint folder: [DEP Waterways Application - 24 Fort Ave.pdf](#)

**C. Receive and File: DRB Summary of Review of 50% Drawings for 266 Canal Street**

The board can provide comments in the SharePoint document: [DRB Summary of Review-50% Design Drawing and Material Review for 266 Canal Street.pdf](#)

**D. Update from staff on previously approved projects.**

Staff is working on spreadsheet and will be ready to share soon. 4 Franklin Street has provided an update: [4 Franklin Street](#)

**IV. APPROVAL OF MINUTES**

**A. Approval of the March 21, 2024, Planning Board Minutes**

Motion to approve the March 21, 2024 minutes is made by Kirt Rieder, seconded by Josh Turiel and passes 9-0 in a roll call vote.

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |

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|              |        |
|--------------|--------|
| Sarah Tarbet | Y      |
| Zach Caunter | absent |

**B. Approval of the April 18, 2024, Planning Board Minutes**

*Motion to approve the March 21, 2024 minutes is made by Kirt Rieder, seconded by Josh Turiel and passes 9-0 in a roll call vote.*

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tarbet    | Y |
| Zach Caunter    | Y |

**V. ADJOURNMENT**

*A motion to adjourn is made by Carole Hamilton, seconded by Helen Sides, and passes in a 9-0 roll call vote.*

|                 |   |
|-----------------|---|
| Bill Griset     | Y |
| Kirt Rieder     | Y |
| Carole Hamilton | Y |
| Josh Turiel     | Y |
| Tom Furey       | Y |
| Jonathan Berk   | Y |
| Helen Sides     | Y |
| Sarah Tarbet    | Y |
| Zach Caunter    | Y |

Adjourned at 7:56 pm

**Minutes Approved on:**