City of Salem Massachusetts Public Meeting Minutes

Board or Committee: Redevelopment Authority, Regular Meeting
Date and Time: Wednesday, December 18, 2019 at 6:00 PM

Meeting Location: 98 Washington Street, First Floor Conference Room

SRA Members Present: Chair Grace Napolitano, David Guarino, Dean Rubin, Russ

Vickers

SRA Members Absent: None

Others Present: Tom Daniel – Director of Planning and Community

Development

Kathryn Newhall-Smith – Principal Planner

Recorder: Colleen Brewster

Chair Napolitano calls the meeting to order. Roll call was taken.

Projects Under Review

Executive Director's Report:

Mr. Daniel stated that:

- 1. Annual Meeting: Usually occurs in November, it will be discussed at the February since there is no quorum for the January meeting.
- 2. Vacancy: The vacancy from Gary Barrett's resignation will need to be confirmed by the City Council.
- 3. Seasonal Awnings: The Lobster Shanty's awning will be taken down in January.

Urban Renewal Area Projects Under Review

1. 9-11 Dodge Street, 217-219 and 231-251 Washington Street, Hampton Inn/Mixed Use **Development:** Review of Hampton Inn Blade Sign

Ken McClure, Owner's Project Manager, was present to discuss the project.

Mr. McClure stated that signage was approved by the DRB, the SRA deemed the signage too large so he's returned with alternatives. Sign scheme A was originally approved at 96 square feet, where 24 square feet is typically allowed. The project team reviewed the regulations and felt that 24 square feet was too small due to the importance of the building and its frequency of use. Four new sign options are proposed; Option A: 96 square feet, Option B: 24 square feet, Option C: 60 square feet, and Option D: 40 square feet. Photos with super-imposed landscaping were created to show how large the sign will look without landscaping, and vehicles approaching from Canal Street would have their view significantly hindered by the trees and drivers would have difficulty crossing two lanes of traffic to get to the entrance by the time the sign is visible.

The originally proposed size is visible through the trees and the other size options become less visible the smaller they become. The Option B sign becomes more of a pedestrian sign than vehicular and View 2 has even less of presence through the landscape. The landscape portrayed is all at the 5-10-year maturity stage, approximately 20-24 feet high. They will purchase $3\frac{1}{2} - 4$ " Caliper's which are in the 12-15 feet-high range. The full maturity of the trees is 15-feet-wide and 35-feet-high, reaching approximately the third-floor window level. In Option C, the location on the

building works well with the architecture, because on the third level there is a bump-out that this sign will fit into. Ms. Newhall-Smith and Mr. Daniel informed him that if the sign were slightly smaller, they would be more amenable to placing it higher on the building as seen in Option D; this option is their preferred option because it increases the sign's visibility.

Chair Napolitano asked if Sign B was placed higher was ever considered, rather than Sign D. Mr. McClure replied yes; however, the scale looked odd at that height. The wider sign was preferred given the importance of the building and the company's success. Mr. Guarino asked why the SRA should agree to support a sign that does not meet the sign code. Mr. McClure replied that unlike residential signs that don't need to be large, people coming to his hotel could be coming to the City for the first time, and they don't know where they are going. A highly visible sign for building of this size is important so it can be easily found and has a sense of place. The signage code is written for all property types in more general terms, and the hotel is over 40,000 square-feet and a larger building may require a larger sign. The area south of Derby Street lends itself to larger signage, like Steve's Market, Sammy's Roast Beef and Domino's Pizza.

Mr. Rubin asked what would happen if the SRA requested a strict following of the sign code. Mr. McClure replied they would be forced to go with Option B even though it's more of a pedestrian oriented sign when they really want to capture the vehicular traffic. Mr. Daniel noted that it's not common to allow deviation from the sign code and Sign Manual; the restaurant signage at the Old Salem Jail was a departure from the Sign Manual in terms of verticality only, and it is most likely the only sign approved by the SRA that deviated from the Manual. Ms. Newhall-Smith added that, to her knowledge, the ZBA rarely sees variance requests for signage. Mr. McClure noted that their request is also not common, and the building only may read as something else because of the first-floor retail. This building will have people trying to find it daily.

Mr. Vickers stated that given the scale of this building and is likely the largest new building downtown, it's a worthy and acceptable case for a larger sign and not the standard sign sizes typically seen in downtown Salem. The proposed sign is only 25% bigger so he supports scheme D.

Mr. Rubin requested a review of the landscaping which usually is the budget item that gets eliminated or tree sizes get smaller when they've overspent on other items. Mr. McClure assured the Board that that would not happen in this instance because the Planning Board holds them to replacing the tree caliper and matching the tree diagram. The trees will also be planted closer to the building and away from the street. All increases in prices are being approved by the owner and the landscaping budget will remain.

Chair Napolitano suggested Scheme D, though placed lower on the building. Mr. McClure replied that their sign loses its visibility when placed low, a smaller version of Scheme C. Mr. Daniel noted that Scheme D gives them the visibility they are seeking but the sign then appears to be floating, conflicts with the break in the façade, which indicates that the sign wants to be below the break. The DRB could also weigh-in on the sign placement and set some parameters. A referral to the DRB could say that the size of the sign shall be no greater than sign D, placed in an appropriate location to meet the applicants needs. Mr. Guarino noted that the DRB's previous recommendation led to confusion as to why they were suggesting approval for a sign that didn't adhering to the sign ordinance with no explanation as to why. Scheme D seems very dominant above the trees, but he doesn't want to bring the oversized signs even closer to downtown. It might be more appropriate at this size if it were lower. Mr. Daniel noted that a sign size larger than B would require relief from the ZBA. The Board agreed that Scheme A & C can be eliminated leaving B & D. Mr. Vickers suggested they recommend the DRB the placement of sign size D.

Chair Napolitano opens public comment.

Steve Pelletier, 1 Washington Street. Initially he wasn't excited about the idea of this large new building, but he now believes it will add great value to the City. He agreed that their guests need to know where to find the hotel, and the sign should be high enough and not visible only to pedestrians. He does not object to their request for a larger and more visible sign.

Jane Arlander, 98 Federal Street. In favor of a sign size that is larger than A so people can find their destination rather than circle around downtown looking for the hotel. They should do everything they can to facilitate traffic flow.

No one else in the assembly wished to speak.

Chair Napolitano closes public comment.

Vickers: Motion to refer to the DRB for further consideration with the recommendation for sign size D but with their determination as to sign placement.

Seconded by: Guarino. Passes: 4-0

Mr. Rubin asked how often the City reviews guidelines such as the signage ordinance so that it stays relevant. Mr. Daniel replied that the sign ordinance has been working effectively City-wide and there have been very few requests for variances. He will ask the Building Enforcement Officer for his thoughts on the matter.

2. 30 Federal Street: Development Project Review, Construction of a mixed-use addition with retail space, four residential units, and six parking spaces

Mike Becker, Owner, and Dan Ricciarelli of Seger Architects were present to discuss the project.

Mr. Ricciarelli stated that they went to be Building Inspector and there was a misinterpretation of the zoning and they found that they need to bring parking for the residential uses back to the site and not off-site, which lead to a redesign of the project. The lot is approximately 6,000 SF and the building is an existing office building – the use will be maintained. There is a rear private parking lot and a walkway behind the building that leads to Washington Street. A rear addition is proposed. Three parking spaces will be located under the second floor of the building, shielded from Washington Street. The existing building will remain, they will create a new front plaza, fill in a rear area to create a new entrance and central lobby with an elevator. They will open the base of the existing building and add storefront with glass for a future small retail use rather than the current office use. The first floor of the addition will be house a second small retail space along Washington Street.

Mr. Ricciarelli stated that many of the street trees aren't in good shape and the applicant would like to replace them, but the City Arborist will weigh-in on their condition. They will add more trees, shrubbery, ground cover, and hardscape to the property. Two parking spaces are proposed on Federal Street to satisfy the parking requirements of the four residential units. The proposed walkway to Federal Street will no longer be on their property.

Mr. Ricciarelli stated that the basement will be used for storage, mechanicals, and trash/recycling. The residential floors above will be stacked with the lower level for flats and an elevator and stair core. The units along Washington Street have some attic space. They met with neighbors, which expressed concerns with height and massing, so they've reduced the floor height and matched the ridge line of the existing building. They have the façade more of a townhouse affect, so it appears as three separate, but connected buildings. Metal and clapboard siding will be used to give some definition to the façade along with glass at the stair core for additional light.

Mr. Ricciarelli stated that at the rear elevation there will be open air parking below the addition. They will paint the existing building and create a courtyard to activate the front retail use. The

storefront will wrap around the building to face the train station to the North. A different cladding will be used to break up the massing of the building. They have taken a queue from the existing Washington Street chimney and creates a north tower to break the ridgeline. A small patio will be created for the second retail space along with a small canopy above the storefront on Federal and Washington Streets.

Mr. Rubin stated that the proposed design resembles a beach community because the design is missing the perspective of the surrounding buildings, except for in photographs. He would like to see the view from the building next to it which currently has a view of the County Commissioners building across the street or the train station, that will be blocked by the proposed addition. The proposed sketches lack the consideration of the neighbor's point of view that will change.

Mr. Guarino requested a review of the view from Bridge Street and how the proposed structure fits in with the neighboring structures and the downtown, because it looks very modern. Mr. Ricciarelli replied that the existing buildings are standalones and are the only of this type except for further down Bridge Street. Being across the street from the very grand County Commissioners Building it's important to keep the proposed massing down. 30 Federal Street was constructed in the early 1980's and they wanted the addition to match the feel and scale. They referenced the brick coursing, though rotated it and proposed a vertical cladding for a contemporary expression. Mr. Guarino noted that the SRA spent a lot of time reviewing 65 Washington Street and this area is repeatedly being considered a gateway to the downtown with this proposed addition a true gateway and he questions how it will look in relation to the neighboring buildings. Mr. Guarino questions the revised density of the proposal. Mr. Ricciarelli replied that what's proposed is less dense.

Mr. Daniel reminded the SRA that the Urban Renewal Plan has design criteria and standards that are meant to inform the applicant in their design, but also the DRB in their review. Some of those criteria and standards are open for discussion but others are clearly defined. The SRA can approve a deviation from those standards but there needs to be a demonstration as to how and why. The two proposed parking spaces on Federal Street are a clear departure from those standards and how that is address is significant since the preference is not to have parking in front of the building. Retail tenant signage should also be considered up front since there is no natural sign band. This project will not go before the Planning Board so utility placement and screening, trash and recycling removal, snow removal, lighting and photometrics should be considered by this Board and the DRB. Mr. Ricciarelli replied that cut off light fixtures will be placed on the building, most light will be internal, and bollards will be installed in the courtyards. Mr. Daniel stated that a significant amount of time was spent discussing the materials for the District Court property and the materials chosen are important and the DRB will want to explore them with this project.

Mr. Guarino requested an update on their process in dealing with the neighborhood since this proposed project has activated the neighborhood. He wants to ensure that the abutters' concerns are addressed. Mr. Ricciarelli replied that the old proposal had an additional story but an additional meeting with some neighbors to discuss the height didn't occur. Massing was also an issue, density was an issue, so they reduced the number of units from 5 to 4, on-site parking is new, but it's also screened from public view except for the two parking spaces on Federal Street. Mr. Rubin asked why parking for all the units must be on site if there is a parking facility within 1,000 feet of the property. Mr. Daniel replied that only a renovated existing building can meet their parking obligations using off-site parking, while new construction requires on-site parking.

Mr. Guarino requested their proposed retail tenant. Mr. Becker replied potentially a coffee shop or grocer.

*Chair Napolitano opened public comment.*Mr. Daniel read the list of letters the SRA received.

Roy Gelineau, Esq., sent a letter on behalf of the Trustees of the Church Street Court and New Salem 2 Condominiums. His clients have had some frustration with the process. There have been three versions of this project not two, and it's not accurate that there were no objections from his clients in the start. The neighbors spent a lot of time discussing the second version prior to the application being withdrawn on the eve of the last meeting, which frustrated his clients. There has been no conversation with his clients prior to the third version of proposed plans being submitted to the SRA. This project has been a moving target and it's hard for his clients to keep up. Mr. Becker replied that there was a meeting with many of the members of the audience and their biggest concern was the height of the building and massing, which they incorporated into the current plan. The amount of changes made required them to resubmit the application to the DRB and SRA, as well as the Building Department relative to the parking requirements. Mr. Ricciarelli added that Atty. Grover who is not present set up another meeting for the previous week that was postponed. Councillor Madore stated that she wasn't aware that the development team had refiled with the SRA until a week before this meeting. Atty. Grover reached out to her to schedule a meeting prior to the SRA meeting, there wasn't enough time to schedule it, but they were still open to having another meeting. She reached out to several owners at 28 Federal but there are multiple buildings that need to coordinate their schedules and she couldn't do so in time.

Bill Yuhas, 28 Federal Street. They first heard about this project in early August after the applicant had met with the SRA and DRB. The first scheme was presented to three abutters at the office of Seger Architects. The design team only reached out to one member of their condominium association not to their Board of Trustees. The abutters submitted a 3-page response to the design on August 24th and later received a notice that changes were being made to the plan. The applicant requested another meeting at The Bridge at 211, where the architect presented the first scheme, new sketches, and described the proposed changes. Many of those changes which were significant, such as eliminating the fourth floor and reducing the number of units from five to four. Revised plans dated September 30, 2019 were submitted to one of the Salem City Boards; however, the application was pulled from the agenda before the meeting occurred, so the abutters never saw the revised plans. The abutters are being asked to respond with very short notice and he believes the applicant's efforts were disingenuous at best. Tonight's presentation only discussed the abutters concerns in general terms and the abutting structures weren't even shown in the renderings or how the proposed design impacts their buildings, as one of the Board members mentioned. Many of the proposed changes carried over into the current plan; however, the proposed tower meant to reflect the chimney created a fourth floor. The abutters haven't been involved recently and the design team's outreach has been minimal. Mr. Becker replied that Scheme 2 was pulled because they were informed that the proposed design didn't meet the parking requirements.

Mr. Guarino stated that he is in favor of holding off on the review until the applicant and abutters work out the design concerns, particularly since the abutters in the room feel as if they haven't been heard. At a minimum the neighbors need to be heard before the applicant moves forward with the proposal. Councillor Madore also shouldn't be the primary conduit to set up meetings, when notices can be sent, and they can knock on their doors to speak with them. The SRA will also revisit including notices with their applications. Mr. Vickers agreed and noted that the abutters also don't have a spokesperson.

Mr. Ricciarelli replied he felt as if they'd worked out all the abutters concerns and responded to all the concerns in the 3-page letter. Chair Napolitano noted that as a by-right project in terms of zoning and it requires no oversight by the Planning Board.

Ms. Sarah Maurno, 28 Federal Street. Representation from two condominium boards are present tonight and Steve Immerman does not represent their board. The back of the addition faces her condominium's front door and will be her view. Their addition will put their shared walkway in darkness with illumination from the landscape lighting only. The density doesn't seem to have changed since one-bedrooms were changed to two-bedrooms, despite the unit count was reduced.

The context of the building is still concerning, and she'd like to see a bird's eye view that includes the parking lot because the average person's idea of ideal parking and turn around space is different than Mr. Becker's. Snow removal and vehicles turning around in that area will be a major concern. The Washington and Federal Street corner can become dangerous when congested and a bicyclist was killed on a Saturday morning when there was very little traffic. Drivers on Federal Street can be aggressive in their attempts to turn onto Washington Street, making this more concerning for pedestrians. Adding parking near this corner will only add to that frustration. Lastly, the utility transformer is against a party wall and Mr. Yuhas' garden, and the bench is near his dining room bay windows; the new residents will be very close to it.

Ms. Pam Broderick, 28 Federal Street. Her biggest concern is overall privacy. The original, 1980s SRA ruling to develop this vacant lot, called for two larger lots for housing and the smaller corner lot as commercial office space. The proponent hasn't addressed the legal intertwining of those three lots. The existing party wall agreement between lot 1 and 2 controls how that is paid for and managed, and their obligation to contribute to snow removal. The proposed plan will increase everyone's snow removal costs, and if this application is passed the SRA should reiterate the party wall agreement and remind the proponent of their obligation to cover 20% of the total cost because their addition will eliminate 35% of their shared snow storage area. She finds it an afront that drawings do not show the existing trees on the subject property and a walkway redirected through the parking lot, without an agreement with the trustees or a polling of the owners. She is in favor of a fence along Washington Street from the end of the patio that matched the Church Court fence to prohibit pedestrians from entering this private parking lot. They have first-floor bedrooms which is unusual in a B5 zone and housing in their buildings was pushed away from the three streets they border. The proposed commercial space is fine on the first floor but there should be a barrier and signage that customers entering from the east door are entering private property. In October the police regularly patrol this block to keep people off their property. If the SRA approves this application, they should also condition it appropriately, so the neighbors are protected.

Jane Stauffer, 1 Washington Street. Read her letter for the record requesting the SRA not allow this project to go forward.

Mr. Becker noted that the proposed residential units will be regular apartments, no additional short-term rentals have been licensed in the City of Salem since July of 2018 when the City allowed only 1-year to apply for them. Mr. Ricciarelli noted that the proposed units are 2-bedroom not micro-units.

Chair Napolitano requested clarification on the proposed walkway. Mr. Becker replied that they reached out to one of the trustees about restriping the parking lot because parking spaces are 10'x20' and the ordinance requires that they be 9'x19', but they had no interest in restriping the lot. One of his existing parking spots is a couple feet over the lot line and onto the neighboring property. All four of their newly proposed spaces will be placed on the property and it will leave several feet unaccounted for. Rather than lose the space they felt it would be better utilized as a new access point to Washington Street off their property.

Ms. Patricia Hough, 1 Washington Street. Asked if the SRA saw their petition signed by 40 people that were opposed to eliminating the existing walkway and trees. The walkway is used by people going to and from the train.

Mr. Bob Broderick, 28 Federal Street. Asked if this will be an owner-occupied building, because if that was the case it could become an Airbnb. Mr. Becker replied that he has no plans to move into the building.

Ms. Kathleen Pelletier, 1 Washington Street. Concerned with the new owners using their parking lot, and how the retail spaces deliveries and trash removal will impact their use of the parking lot

when trucks are backed in and blocking their spaces. She shared a photo of a moving truck backed into the parking lot. Mr. Becker replied that there are no parking spaces for the commercial unit, only for the residential.

Mr. Steve Pelletier, 1 Washington Street. Doesn't believe the applicant is proposing that delivery trucks use the parking, because it's only allowed when people are moving. It is a small area to get in and out of and the emergency fire lane must be kept open. Their access would come from the street, but at the end of Washington Street the right lane becomes a turn lane for the light at Bridge Street and that traffic cannot be blocked. Federal Street is the only option left. Their concern with relocating the walkway is that it redirects them into the parking lot and between cars which could be very narrow. Mr. Ricciarelli noted that the new walkway would be 3-4 feet wide because the parking space width would decrease. Mr. Becker noted that no adjustments would be made to the abutters parking spaces. Mr. Pelletier stated that the view of their building from Bridge and Washington Streets will be blocked by the proposed addition and ruin their view. The trees the applicant is proposing to remove look much better in the summer months and removing them will be another loss.

Ms. Barbara Cleary, 104 Federal Street. She and her husband own a unit at 1 Washington Street. Concerned with site issues and the walkway being removed because it helps activate this space and losing it creates a dead end from an urban planning perspective. The proposed parking spaces on Federal Street is inconsistent with the SRA design plan.

Ms. Pam Broderick. Things are very tight between the existing building and the proposed addition. She asked whether the developer conducted a survey of the lot and it's hard to tell through renderings if it's accurate, because Scheme 1 didn't accurately represent the sidewalk to Washington Street or the size of the parking lot. Mr. Becker replied that a licensed surveyor surveyed the property, topography, parking spaces, trees, etc. and that can be shared with the abutters.

Mr. Bill Yuhas. Submitted a list of concerns from both neighboring condominiums. First, changing the configuration of their parking, which they will not allow. Second, the lawyer and developer at the Bridge at 211 meeting said they will not require any access to their property for construction and once the retail space(s) is in operation they will not require access to their property. Third, the legally deeded parking spaces are for residential use only. Fourth, the previous design that was not presented was more sensitive in size, scale and materials to compliment their building, and those changes aren't apparent in the current design. Many of the proposed materials aren't consistent with downtown Salem where 95% of the neighboring structures are residential. Fifth, there was no fourth floor, but the proposed tower creates one and that upper space matches the roof ridge. Sixth, they requested a shadow study to show the impact of the lack of sun would do if the addition were constructed, because all their bedrooms face this addition.

Ms. Sarah Maurno. There is an endangered Burning Bush hedge in front of their building that they've worked hard to restore, which could be in complete darkness with this addition across from it and eliminate the greenway currently in place as well as their courtyard feel.

Attorney Gelineau requested that all letters submitted for the applicant's previous application be reused for the current application. Ms. Newhall-Smith agreed to supply those letters to the Board.

Steve Bisson, 1 Washington Street and Church Court Trustee. Agrees with all the previous abutter's comments. Requested that the SRA be deliberate with their oversight of this projects because once it's built it's not going anywhere. He offered to meet any Board members on site so they can see it for themselves. This project will make their area less walkable when the City is trying to make it more walkable.

Ms. Pam Broderick. Urged the Board to review the rule about the floor area vs. the property lot size. Mr. Ricciarelli replied that their addition is three times smaller than what's allowed.

Councillor Sargent. Asked if the HVAC units will be placed on the roof. Mr. Becker replied that they've discussed it, but they are still finalizing the building design and floor plan.

No one else in the assembly wished to speak.

Chair Napolitano closes public comment.

Mr. Guarino: Motion to table the discussion to allow the proponents to meet with the concerned abutters and return to the SRA with a proposal that addresses the publics concerns. Seconded by: Mr. Vickers. Passes: 4-0

Ms. Newhall-Smith stated that Atty. Gelineau will be the point of contact for their future discussions with the concerned public.

Mr. Ricciarelli requested SRA feedback on the proposed design. Mr. Vickers replied that it's too early to make that determination with the few slides that have been presented. Chair Napolitano stated that she's more concerned with the abutter's comments than the design at this point.

New / Old Business

1. Superior Court and Crescent Lot: Update

Mr. Daniel stated that Ms. Newhall-Smith is finalizing the RFP. She toured the building to discuss the preservation restrictions with DCAMM and representatives from interested parties that were part of the MOA between DCAMM including, HSI, Historic Commission and the Federal Street Neighborhood Association. They met afterward to discuss, and they will send their comments to her in January. People loved the buildings and HSI had several helpful suggestions in terms of substance and process in regard to the approval and changes during construction because it would take 30-days to get a response from Mass Historic. The SRA will be the owner but the MOA is between DCAMM and Mass Historic, and Mass Historic wants to hold the restriction. The SRA will explore creating an agreement that allows for efficient review of 'in the field' adjustments during construction. The development consultant has also reviewed the RFP and financial model. The RFP should be issued by the end of the month. He received an e-mail today from DCAMM regarding a request from Mass Historic pertaining to the preservation restrictions that could affect their timeline.

Councillor Madore asked if a person to fill the vacant seat had been selected or if the SRA has any recommendations. Mr. Daniel replied that the Mayor has asked someone and is awaiting a response.

2. Vote to establish new bank account for funds derived from the sale of the easement at Charlotte Forten Park

Mr. Rubin: Motion to establish a new bank account at Eastern Bank to allow the SRA to monitor the funds for Charlette Forten Park and the surrounding area, so the money is used in accordance with the City Council's conveyance.

Seconded by: Mr. Guarino. Passes: 4-0

Minutes

Mr. Rubin: Motion to approve the November 13, 2019 regular (open session) meeting minutes with Mr. Daniel's and Mr. Rubin's edits.

Seconded by: Mr. Vickers. Passes: 4-0

Executive Session

1. To review the submittals to the Request for Qualifications for the redevelopment of real property located at 32-34 Federal Street and 252 Bridge Street, Salem, MA because an open meeting may have a detrimental effect on the negotiating position of the public body.

Chair states that the Open Session will not reconvene at the conclusion of the Executive Session.

Rubin: Motion to request an Executive Session.

Seconded by: Guarino.

Chair Napolitano, Guarino, Rubin, Vickers. Passes:4-0.

The SRA entered executive session at 8:05PM.

Mr. Rubin: Motion to adjourn the Executive Session.

Seconded by: Guarino

Chair Napolitano, Guarino, Rubin, Vickers. Passes: 4-0.

The SRA adjourned the Executive Session at 8:55PM.

Adjournment

Rubin: Motion to adjourn the meeting. Seconded by: Guarino. Passes 4-0.

Meeting is adjourned at 8:55PM.

Know your rights under the Open Meeting Law M.G.L. c. 30A §18-25 and City Ordinance Sections 2-028 through 2-2033.