

**City of Salem Massachusetts
Public Meeting Minutes**

Board or Committee: Redevelopment Authority, Regular Meeting
Date and Time: Wednesday, December 9, 2015 at 6:00pm
Meeting Location: Third Floor Conference Room, 120 Washington Street
Members Present: Chairperson Robert Mitnik, Robert Curran and Conrad Baldini
Members Absent: Grace Harrington and Russell Vickers
Others Present: Lynn Duncan, Executive Director and Andrew Shapiro, Economic Development Planner
Recorder: Andrew Shapiro

Chairperson Robert Mitnik calls the meeting to order. Roll call was taken by Lynn Duncan.

Executive Director's Report

Lynn Duncan relayed that she did not have anything to report other than what the SRA would be discussing later in the meeting in regards to the District Court redevelopment project.

Urban Renewal Area Projects

- 1. 25 Front Street (The Lobster Shanty):** Discussion and vote on proposed outdoor seating deck and fence for storage area (small project review)

The proposal before the SRA included a cover letter and a comprehensive set of plans with drawings, renderings, and elevations. Lee Wolf, co-owner of the Lobster Shanty and architect Bill Peterson were present on behalf of the Lobster Shanty.

Wolf explained that the restaurant recently renewed its lease with the City. A condition of the lease was to improve the building and contribute more to activating the area around Derby Square, Front Street, and Artists' Row. He noted that a new deck, as proposed here, would improve the space and visually open Artists' Row, because seats would occupy the deck on the side of the building, as opposed to in front of it, as it is currently configured.

Peterson noted that they worked with several City departments and stakeholders, including Deborah Greel of the Planning Department and Giovanna Zabaleta of the Engineering Department, to vet the plan and to ensure it was acceptable.

Peterson continued by noting that the deck would be raised but would be level with the Front Street sidewalk. It will have a ramp for ADA accessibility. A metal railing system would be installed in front of the building to enclose a limited number of tables and chairs. A wooden fence will be installed on the other end of the building, in front, in order to screen outdoor rubbish and other materials.

Mitnik asked what would happen to the space when the restaurant is not opened during its off-season hours.

Peterson noted that the space would be dormant from January 1st to April. Wolf noted that the metal railing would be removable.

Mitnik said that perhaps the proposed fencing around deck might obscure people hiding behind it when it would not be in use.

Shapiro noted that the issue was not raised at the Design Review Board meeting.

Duncan offered that the plans could be shared with the Police Department for their input, but that there are many areas along Artists' Row that pose challenges with respect to visibility. She then asked when the project would move forward.

Wolf noted that they intended to complete the work in time for opening in April.

Peterson noted that cable rail was considered for the fence around the deck, but it was ruled out because it might be difficult for people to see and could pose a hazard; also it could easily be damaged by people stepping or leaning on it.

Curran: Motion to approve proposed outdoor seating deck and fence for storage area at 25 Front Street as presented in drawings and plans dated November 10, 2015 and as recommended by the Design Review Board, subject to the applicant returning to receive final approval of furniture, lighting, umbrellas, and heating equipment..

Seconded by Baldini. Passes 3-0.

2. 217 Essex Street: Discussion and vote on proposed revisions to Verizon rooftop wireless antennae installation

The submission before the SRA included a cover sheet, photos, and plans. Attorney Tom Hildreth was present on behalf of Verizon Wireless.

Hildreth explained that he was before the SRA to modify a plan previously approved by the SRA in the summer of 2014 to install rooftop wireless antennas at 217 Essex Street. Verizon wireless would like to install three sectors of two antennas each on the roof. One of the phases would be installed flush mounted on the face of an existing chimney. It would be painted to match the existing brick condition. The other two phases would be installed on the opposite end of the roof, at the rear corner of the building closest to Washington Street.

Hildreth noted that there have been many different plans drawn up for the installation of the last two phases of antennas. Last year, the Salem Historical Commission had approved a plan to hide the antennas within a faux chimney. The Design Review Board recommended a plan to

expose the antennas, which the Salem Redevelopment Authority ultimately approved. Because the plans conflicted with each other, the Massachusetts Historical Commission asked that the issue be taken up again by the local boards to resolve the issue.

Hildreth then noted that the Design Review Board and Historical Commission have since agreed that a faux chimney would be an acceptable solution. It would be squared to the edge of the roof and pulled back about four inches from the edge of the roof. Hildreth explained that a white balustrade would also be constructed to run along the back edge, on the roof of the building. It would be made of wood, painted white, and would match an existing balustrade on a lower end of the building.

Baldini: Motion to approve approve the proposed the installation of wireless antennas on the roof of 217 Essex Street, as recommended by the Design Review Board, and as shown in photo simulations and plans submitted to the SRA dated November 10, 2015. Approval is conditional upon the following:

- The faux chimney shall be set back 4 inches from the parapet;
- the balustrade shall be designed and constructed in such a way as to match the existing balustrade on the back of the building; and
- that the language in the SRA decision from July 9, 2014 regarding installation of gas run-ups shall remain in force;
- "...the proposed vertical gas run-up to be installed on the wall of the south facing elevation shall be painted to resemble the building's shade, and will be installed at or as close to the seam of the two buildings as possible."as recommended by the Design Review Board.

Seconded by Curran. Passes 3-0.

3. 318 Derby Street (Salem Hotbox): Continued discussion and vote on proposed installation of signage

*This item was taken out of order from what was presented on the posted agenda.

The proposal before the SRA included a sign permit application, photos, and drawings/designs. Business owner Yadav was present on behalf of Salem Hotbox.

Shapiro explained that this proposal had been before the Design Review Board a couple of months back. The board asked for several revisions, which the owner agreed to make. Those revisions were approved at the last DRB meeting.

Shapiro continued by noting that the proposed signage has a black and gold scheme. There would be a blade sign hung in the existing black bracket above the storefront, and there would be a series of window signage.

Shapiro then noted that he has been informed by the property owner that he does not at this time approve of the window signage being proposed, but that he will allow the blade sign.

Shapiro explained that all sign permits require the approval of a property owner. He recommended not having the SRA consider window signage and only the proposed blade sign.

Duncan asked Yadav to explain more about the nature of his business.

Yadav explained that he is a wholesaler of smoking accessories for tobacco use, and that accessories themselves do not require a license. Selling tobacco in any form requires a license. He said that he would only be selling cigars. Nobody will be able to smoke cigars inside the premises. Traditional Indian items and gifts will also be sold within the store.

Duncan asked the storeowner to elaborate on what tobacco accessories would be sold.

Yadav said that he would be selling pipes, e-liquids, vaporizers, and similar items.

Baldini asked if there was an age limit on who can purchase smoking accessories.

Yadav responded by noting that nobody under the age of 18 would be allowed within the store.

Shapiro explained to the board that he had been communicating with the property owner, Andy Goldberg, earlier in the day and received confirmation from him that he will not approve any window signage, but that he had earlier expressed that he only objected to the words “Vapes, Smokes, E-Liquids, E-Cigs, or Glass Smoking Accessories” being used on any of the outside signs.

Mitnik explained that some of the signage does not seem problematic, such as the age restriction information and the shop’s logo.

Duncan emphasized that the property owner would ultimately need to sign off any proposed signage prior to the issuance of a building permit, irrespective of approval by the SRA.

Chairman Mitnik then allowed public comment.

Shirley Walker, resident of unit 507 of Derby Lofts said that she is not pleased with all of the hookahs displayed in the windows of the shop. She said that it is not appropriate and that many people are walking by the store mocking it and disapproving of the appearance. She asked the property owner why the hookahs were in the window.

Yadav responded by noting that they are there to provide screening for the rest of the shop but that he is willing to move them away from the windows if they are thought to be inappropriate.

Duncan noted that the issues currently under discussion are not under the purview of the SRA, but that the offer made to remove hookahs from the windows seems to be fair. She indicated that perhaps the residents could speak with Mr. Goldberg about amending language in the lease to reflect this agreement.

Marlene Faust of 51 Lafayette Street expressed that retail stores are required by the condo association bylaws, to be in congruence with the ambience of the building.

Walker encouraged the SRA not to vote in favor of the signage because Mr. Goldberg doesn't approve of most of what is being proposed.

Duncan reminded Ms. Walker that a sign permit could only be issued once Mr. Goldberg signs off on it, even if the SRA votes in favor of the signage.

Curran: Motion to approve the blade sign, comparable logo signage, and age limit signage as recommended by the Design Review Board, not inclusive of lower band of signage along windows.

Seconded by Baldini. Passes 3-0.

4. 140 Washington Street (Aurora): Discussion and vote on proposed a-frame sign

The proposal before the SRA included a sign permit application, photo showing a proposed a-frame sign to be used, and a plan showing where the sign will be placed.

Shapiro explained that the restaurant seeks to place an a-frame sign outside of its entrance. It will have a cherry wood frame with a black dry erase surface. He noted that the sign and plan were recommended for approval by the DRB.

Baldini: Motion to approve a-frame sign at 140 Washington Street (Aurora) as recommended by the Design Review Board.

Seconded by Curran. Passes 3-0

5. 148 Washington Street (The Merchant): Discussion and vote on proposed installation of signage

The proposal before the SRA included a sign permit application, a design of the sign, and a photo showing where the sign would be placed.

Shapiro explained that the applicant seeks to install a freestanding sign on an existing wooden sign post on the front lawn of the property. The sign would have space underneath it for a "vacancy" or "no vacancy" sign to be hung as well.

Curran: Motion to approve the proposed signage at 148 Washington Street (The Merchant) as recommended by the Design Review Board.

Seconded by Baldini. Passes 3-0

6. 99 Washington Street (Salem Renewal LLC): Discussion and vote on proposed storefront façade improvements (small project review)

The proposal before the SRA included plans, drawings, and images.

Shapiro noted that the applicant would like to build a dedicated entrance for this storefront. Currently, one must enter the store through a common entrance shared with the store next to it, making for an uninviting entrance. The new entrance would use all materials and colors consistent with the existing storefront area and would be placed between two storefront windows.

Shapiro then explained that the Design Review Board recommended that a couple of conditions be added to the approval. They wanted to ensure that the door was pushed far enough into the storefront so as not to swing widely into the path of the sidewalk. They also recommended reversing the direction that the door swings, so as to make for a more natural transition for those entering the store. The applicant agreed to incorporate both of these changes.

Baldini: Motion to approve the proposed the façade improvements 99 Washington Street, as recommended by the Design Review Board, and as shown in plans submitted to the SRA dated October 20, 2015. Approval is conditional upon the following:

- The entrance door shall be moved as far into the façade as possible, so as to minimize the door swing impeding the pedestrian path; and
- The door swing shall be reversed from the direction shown on the submitted plans.

Seconded by Curran. Passes 3-0

New Business

7. Discussion and vote to allocate SRA funds for a title search of the former Salem District Court property, to ensure that the SRA has a clear title to convey.

The SRA was provided with a proposal from Hauber Law Office to conduct a title search of the District Court property on the SRA's behalf.

Duncan noted that Russ Vickers had recommended doing a title search to ensure that the SRA has clear and marketable title for the property.

Duncan explained that the search outlined in the proposal would encompass 50 years of records at the Southern Essex Country Registry of Deeds. A report would be included with copies of all deeds. The search would cost \$750 and the SRA would need to vote to approve expenditure of these funds.

Duncan reminded the board members that the MOA between the SRA and the Commonwealth's Division of Capital Asset Management and Maintenance (DCAMM) calls for the proceeds of the sale of the property to go to DCAMM, but that expenses incurred by the SRA would be reimbursable. This expense would be reimbursable.

Curran: Motion to allow for the expenditure of \$750 to hire the Hauber Law Office to conduct a title search of the former District Court property.

Seconded by Baldini. Passes 3-0

8. Discussion and vote on extension of due diligence period outlined in letter of intent between SRA and selected developer of district court property.

The SRA was provided with a draft amended letter of intent.

Duncan explained that Diamond Sinacori is currently undertaking its due diligence phase prior to moving forward with filing plans for the redevelopment of the property. There are four different consultants that needs to get on the site to conduct geotechnical work, environmental work, and the like. Licenses must be granted by DCAMM for those consultants to gain legal access to the property. This process is taking some time.

Duncan continued by noting that the 90 day period for due diligence as outlined in the original letter of intent is moving forward. She explained that Diamond Sinacori is requesting to extend this due diligence period by the amount of day it takes for the licenses to be issued (i.e. that the 90 days would begin at date of issuance for the licenses to perform due diligence). The due diligence period would also be extended by one day per day that winter weather would prevent access to the site for consultants.

Mitnik observed that the proposed revisions to the letter of intent seem to make it open ended, dependent on how long it takes to obtain licenses from DCAMM, or if weather plays a part in preventing access to the site. He asked whether this was acceptable or customary with these types of agreements.

Duncan responded by noting that she was not certain of whether the potential open-endedness of the letter of intent would present a conflict, but that she would be in favor of the board voting in favor of the amended letter of intent, subject to it being reviewed and accepted by the City Solicitor. She also requested that the board would need to vote to authorize the Chair to sign the letter.

Curran: Motion to approve the amended letter of intent between the SRA and Diamond Sinacori in regards to the redevelopment of the former District Court property, subject to review and approval by the City Solicitor.

Seconded by Baldini. Passes 3-0

Curran: Motion to approve the SRA Chair to sign the amended letter of intent.

Seconded by Baldini. Passes 3-0

Minutes

9. Approval of open session minutes from the September 10, 2015 special meeting.

Baldini: Motion to approve.
Seconded by Curran. Passes 3-0

10. Approval of executive session minutes from the September 10, 2015 special meeting.

Baldini: Motion to approve.
Seconded by Curran. Passes 3-0

11. Approval of minutes from the October 14, 2015 regular meeting.

Baldini: Motion to approve.
Seconded by Curran. Passes 3-0

Adjournment

Baldini: Motion to adjourn the regular meeting, seconded by Curran. Passes 3-0.
Meeting is adjourned at 6:59 pm.