

**City of Salem Massachusetts
Public Meeting Minutes**

Board or Committee: Redevelopment Authority, Regular Meeting
Date and Time: Wednesday, May 11, 2016 at 6:05 pm
Meeting Location: 120 Washington Street, Third Floor Conference Room
Members Present: Vice-Chairperson Grace Harrington, Conrad Baldini,
Robert Curran, Matthew Smith, Russell Vickers
Members Absent: None
Others Present: Lynn Duncan, Andrew Shapiro
Recorder: Colleen Anderson

Vice-Chairperson Grace Harrington calls the meeting to order. Roll call was taken.

Urban Renewal Area Projects Under Review

1. 24 New Derby Street (Artists' Row): Discussion and vote on "Mural Slam" concept.

Deborah Greel, the Salem Public Art Planner, was present to present the "Mural Slam" concept.

Greel stated that the Salem Arts Festival is scheduled for June 4th-6th. The back of the buildings along Artists' Row are blank walls. Mural slams are paintings that last two days. The walls themselves will not be painted. 4x8 pieces of plywood will be primed, attached to the walls, and murals will be painted on them. 10 artists have submitted applications so far. When driving by it is not apparent that this is a place for art and these murals will call attention to this area. If it becomes popular it can be done every year.

Baldini asked how long the mural will stay in place and noted that the rain will warp the plywood.

Greel replied at least through October. The mural surface will be treated to help them last, these boards are smaller so they could bend more, but alternate plywood options are being considered.

Shapiro stated that public art projects go straight to the SRA and the DRB does not review them. SRA will approve it as a concept proposal and the Public Art Commission will also review it.

Greel stated that the PAC has already reviewed and approved the project.

Vickers: Motion to approve the "Mural Slam" concept.
Seconded by: Curran, Passes 5-0.

2. Lappin Park: Discussion and vote on proposed installation of “Free Little Library”

Deborah Greel, the Salem Public Art Planner, was present to present the “Free Little Library” project.

There is one in town already at the Carlton School. The DRB has approved the library and in the colors to that would match the Adirondack chairs. The library will make the park more engaging. It will be registered on-line like the 25,000 other Little Libraries around the world.

Shapiro stated that the DRB reviewed and recommended approval, but asked that it be located along the interior diagonal path through the park as shown in one of the pictures in the proposal.

Baldini: Motion to approve as recommended by the DRB.
Seconded by: Smith. Passes 5-0.

3. 50 St. Peter Street (Bit bar Salem): Discussion and vote on proposed installation of signage and sidewalk designs

Stephen Hall (co-owner and co-designer of the signs) was present to discuss the proposed signage.

Hall stated that they are located in the Old Salem Jail, in the old A&B Burger space. There are visibility challenges with that space so they are proposing signage.

Sign 1) A flat sign against the building that faces Bridge Street and uses their logo. The text is playful but reminiscent of several video games.

Sign 2) A blade sign hanging perpendicular to the building that will be visible to those coming from the direction of the train station/along Bridge Street.

Sign 3) A small back-lit sign, recommended by the DRB, to the right of the entrance door when approaching from the walkway.

Sign 4) A vertical blade sign on the St. Peters Street side of the building, but towards the Bridge Street corner, so they can be found from St. Peters Street. It will not be seen from the courtyard by the residents. This will also keep people entering the residential lobby looking for the restaurant, which they have done in the past.

Sign 5) A brass plaque on the existing granite post at the St. Peters Street entrance, to keep people from walking by the entrance to the site and towards Bridge Street, where there is no entrance.

Duncan stated that the directional sign is a great idea because it's the easiest way to access the site and you can avoid the grade changes that occur towards Bridge Street.

Shapiro noted that Glenn Kennedy of the DRB worked with the applicants to refine the signage size and placement, and adding the additional sign by the door. Shapiro noted that the applicant is required to get a ZBA variance because the top of signs 1 & 2 rise above the Second Floor window sills. Previous signs have been approved without that variance; this was an oversight. The Code Enforcement Officer suggested the applicant seek the variance and the variance will stay with the property. Other than that the applicants' signage package is in compliance.

Hall stated that sign 4 was made smaller than it was originally proposed.

Shapiro recommends that the SRA grant approval is based on the granting of a variance by the ZBA.

Duncan approved of the inclusion of that stipulation to tie the two approvals together.

Baldini: Motion to approve as recommended by the DRB, conditional upon the granting of a variance by the ZBA.

Seconded by: Vickers, Passes 5-0.

4. 17 Central Street (Residences at Museum Place): Discussion and vote on proposed replacement of three sets of entry stairs.

Tracey Rubin, James Warren, & Patrick Eddy – Board Members of 17 Central Street were present to discuss the replacement of the three entry stairs.

Eddy stated that they are looking to upgrade all three sets of stairs that are concrete and deteriorating. Eddy added that they would like to replace them with granite stairs, to make them meet code which they currently do not, and to reuse the existing railings and they are working with the General Contractor to make sure that happens.

Shapiro stated that DRB recommended approval as presented.

Vickers: Motion to approve as recommended by the DRB.

Seconded by: Curran. Passes 5-0.

5. 283R Derby Street (Notch): Discussion and vote on proposed outdoor seating area (café permit review)

Chris Lohring owner/president of Notch Brewing was present to discuss the proposed outdoor seating area.

Lohring stated that they have an application for a permitting path at Notch Brewery.

Shapiro stated that the DRB unanimously voted to recommend approval of the outdoor seating area, but there were some aspects to the plan that Chris will be returning to the DRB for review and approval on. LED parking lot lighting and goose neck lighting were not considered by the DRB in their review. The seating, wood fence, bench arrangement, style of bench, and umbrellas were included in their approval recommendation.

Vickers stated that this application came to them approximately 6 months ago regarding a sign at the rear of the building.

Lohring replied that that sign has been removed and this is a separate permitting path and he will be meeting with the ZBA in a week, so he will be returning to the SRA for signage approval.

Shapiro stated that this approval request is for the patio area only. When Chris returns to the SRA he should have already been granted approval by the ZBA for signage and lighting.

Baldini: Motion to approve as recommended by the DRB.
Seconded by: Smith. Passes 5-0.

6. 25 Front Street (Lobster Shanty): Discussion and vote on outdoor furniture, lighting, and fire feature

Diane Wolf, Owner of the Lobster Shanty, was present to discuss the outdoor furniture, lighting and fire feature.

Wolf stated that this project was previously approved by the DRB and she is seeking SRA approval. The plan includes Adirondack chairs around the fire feature, black wire tables and chairs, jelly jar light fixtures, round string lighting across the high poles.

Shapiro stated that DRB & SRA previously recommended approved the plan for outdoor seating on the deck, and a fence to cover the kitchen and refuse areas.

Baldini: Motion to approve as recommended by the DRB.
Seconded by: Curran. Passes 5-0.

Shapiro stated that a field change was made in the design of the deck to avoid a manhole towards the corner of the proposed deck. The new version of the plan removes a section of the deck to keep the manhole clear. Shapiro had the DRB Chair review the plan and he felt it was an insignificant change that would not require another DRB approval.

Duncan noted that the City Engineer recommended that the manhole not be covered.

Wolf noted that they will use the area but it will always be accessible to the City.

7. 139 Washington Street (Eastern Bank): Discussion and vote on proposed installation of signage

Shapiro stated that Eastern Bank will be moving to a new location a few doors down from their existing location and they are requesting two signs. A flat building sign against the wall above their storefront entrance and a blade sign. The DRB requested one change to the blade sign that was made.

Vickers: Motion to approve as recommended by the DRB.
Seconded by: Baldini. Passes 5-0.

8. 28 Norman Street (Gold Dust Gallery): Discussion and vote on proposed installation of signage

Shapiro stated that they are a tattoo shop and are requesting two signs. One sign that says "tattoo" on a multi-tenant sign above the store. A second graphic decal on their window storefront. DRB voted to recommend the approval of the proposed signs.

Vickers: Motion to approve as recommended by the DRB.
Seconded by: Curran. Passes 5-0.

9. 9 Church Street (Remix Church): Discussion and vote on proposed installation of signage

Shapiro stated that Remix Church is requesting one vinyl sign attached to the face of the green awning above their storefront. The “R” on the logo will be raised lettering. Their existing window signage will be removed if the proposed signage is approved. DRB recommended approval of the proposed sign.

Baldini: Motion to approve as recommended by the DRB.
Seconded by: Curran. Passes 5-0.

10. 168 Essex Street (Village Tavern): Discussion and vote on proposed lighting for outdoor seating area

Shapiro stated that more work is needed on their proposal. They would like additional lighting on their patio and want to string up bulb string lights with black poles onto/within the low brick wall that borders their seating area. The lights would be fixed across from the poles to the existing awning with another string of lights that connects the poles. The DRB recommended approval of the project but requested that the SRA stipulate that the applicant return to the DRB only for review of the plan, connection details, and cap details. The DRB also believes this project would most likely trigger a building permit.

Vickers asked Shapiro to clarify what “most likely would trigger a building permit” means. Vickers stated that his is something that should require a building permit because it is both a structural and safety issue.

Shapiro stated that it probably will but that has not been confirmed with the building department.

Vickers stated that the attachments are important and if they are not properly done, the brick will fall out and the poles could fall down.

Shapiro stated that this project will have two layers of review. The DRB and the Building Department.

Smith asked if the DRB will be looking into how the poles are capped.

Shapiro replied that the DRB didn’t want to hold them up and wanted them to advance to the SRA to get the lighting concept worked out.

Baldini: Motion to approve as recommended by the DRB subject to approval by the DRB and with the understanding that there would be a building permit issued.
Seconded by: Smith. Passes 5-0.

New/Old Business

11. 65 Washington Street (former Salem District Court Property):

- a. Discussion and vote on amendment of letter of intent between SRA and Diamond Sinacori, LLC in order to extend due diligence period.

Duncan stated that additional time was needed for getting licenses and DCAMMM stated they could not issue additional license without an executed extension of the letter of intent, despite the fact that they are not a party to the letter of intent. To keep the project moving forward, Harrington already executed a letter authorizing the extension. A retroactive vote is needed to confirm the approval of that amendment.

Duncan stated that the April 21st date for the ending of the original due diligence period was calculated based on adding the days for receiving all of the licenses for the due diligence work. Diamond Sinacori's attorney didn't believe an amended letter was necessary because they were still waiting for additional licenses. Instead of debating the issue they decided to provide the amended letter.

Shapiro added that this situation was a logistical one and asking Harrington to provide this letter seemed to be the best option.

- b. Discussion and vote to authorize SRA Vice-Chair Grace Harrington to execute amended letter of intent between SRA and Diamond Sinacori, LLC

Vickers: Motion to approve the amended letter of intent between SRA and Diamond Sinacori, LLC, to extend the due diligence period until the end of June, and to approve Grace Harrington to execute the amended letter of intent between SRA and Diamond Sinacori, LLC.

Seconded by: Baldini. Passes 5-0.

- c. Discussion and vote regarding terms for Salem District Court property Land Disposition Agreement between SRA and Diamond Sinacori, LLC

Duncan stated that there are two outstanding issues.

1. There is an underground oil storage tank that needs to be tested for tightness - the exact location is unknown at this time. DCAMM is questioning the type of test that is required, whether oil will be added or removed from the tank, etc. The test request was submitted the previous week. Duncan spoke with Warren Madden, DCAMM project manager, earlier in the day and they are waiting for DCAMM's license site professional to review what type of test is proposed. DCAMM is being caution regarding tests that could have environmental repercussions.

Shapiro added that the letter of intent was pushed because he saw that the two groups were going back and forth and he suggested the end of June rather than the end of May they originally requested.

Duncan noted that after they receive the executed license they have to give DCAMM five days' notice to do the test and DCAMM must coordinate having someone present during the testing.

Vickers noted that soil testing and borings will also take time to conduct.

2. There are flooded drain-lines that they believe are from an off-site downstream manhole collapse. Their engineering firm, Allen & Major Associates, has an extension of their license for an additional 30 days to perform the due diligence required for that.

Vickers asked if this flooding was recent or from the Basement flood a year ago.

Duncan replied that the drain-line flooding was recent.

d. Discussion and vote to authorize Chair to execute term sheet for LDA

Duncan stated that the idea of the term sheet is that these are some of the substantive issues that will be addressed in the LDA, so Diamond Sinacori's Attorney put this document together so the SRA could get a head start. The Term Sheet has been revised with some suggested modifications that the City Solicitor solidified. All parties are fine with the terms and DCAMM has reviewed it.

Duncan stated that there is no need to execute anything so a vote is not required as part of the LDA.

Duncan noted that much of the discussion was regarding if the purchase does not move forward, which of the deposits would get returned and at what point in time. The first page of the LDA contains the seller and buyer information, as well as the purchase price and a breakdown of the various deposits. Have a satisfactory title is a big issued and Diamond Sinacori has done the title work on the property and that is mentioned on page two. They received a commitment for a lenders and owners policy from Commonwealth Land Title that they are presently satisfied with. In the case that the SRA could not provide a satisfactory title all deposits would be returned.

Duncan noted that no warrants are being made as to the condition of the property. The buyer would pursue all permits and approvals. The buyer would secure all equity financing. Page three establishes the buyer's rights.

Vickers asked to discuss, b, 1, item iii, under Buyer's Rights (iii. Buyer has been unable to reach commercially reasonable agreements with third parties, including abutters, required to build or market the Project.) Vickers asked if this was typical and wanted to make sure the Board was aware that it is an escape clause.

Duncan replied that the City Solicitor had no comments on this item. If there were any rights or easement that any abutters had on the property, and there may be one abutter with a right of way. Duncan stated that she has a call into their Attorney Stephen Anderson and she will get that item clarified.

Duncan acknowledged Councilors Tom Furey and Steve Dibble who were present at the meeting.

Duncan stated that item two under Buyer's Rights was regarding the return or retention of the deposit. If the buyer terminates the agreement because they have been unable to acquire all the permits and the various Board approvals, the SRA (seller) retains the \$10,000 deposit but remits to the buyer the \$50,000 deposit paid at the LDA agreement. If the buyer terminates the agreement because they have been unable to secure financing or reach the commercially reasonable agreements, the SRA (seller) will retain both the \$10,000 and \$50,000 deposits. However; if there is not a satisfactory title the SRA (seller) must return both the \$10,000 and \$50,000 deposits.

Duncan stated that closing will be in a mutually agreed upon location.

Harrington asked who must be present at the closing; the SRA Chair or the City Planner.

Duncan replied both, as well as the City Solicitor.

Vickers stated that this closing will require simultaneous closing between the SRA and DCAMM and that needs to be organized.

Duncan replied that the SRA did not want to own the court property until the developer had their permits and financing in hand, so they would not be left with the responsibility of taking care of that property. The closing will be as close together as possible. The closing may need to occur at DCAMM.

Vickers stated that Attorney Bill Tinti mentioned that the transfer of the title from DCAMM to the SRA may need to be recorded prior the SRA selling the property, so timing may be an issue. The mechanism of the transfers will need to be determined and stated in the LDA.

Harrington noted that the Chair would need to be present at two different closings.

Duncan reiterated that a vote is not required on this topic but a consensus that the other terms and conditions are acceptable and clarifications will be needed regarding third-party rights and the mechanics of the two sales and make sure that is addressed in the LDA.

Shapiro noted that the Board does not have to execute the term sheet.

e. Discussion and vote regarding extension of date to execute Land Disposition Agreement

Duncan stated that the original letter of intent had a January 15, 2016, which is concurrent with the first due diligence date that needs to be extended. The new recommended extension date is July 31, 2016, to make sure there is time to get the due diligence work done and the LDA is satisfactory.

Duncan stated that she received an e-mail from Diamond Sinacori's attorney, noting that they may want to move the LDA forward as quickly as possible. The City Solicitor has been asked to make time for her review, as well as an internal review.

Vickers asked where the timeline was for the execution of the LDA.

Duncan replied that it is item 2, a, in the original letter of intent.

Baldini: Motion to approve extending the deadline of the LDA to July 31, 2016.
Seconded by: Vickers. Passes 5-0.

12. Discussion and vote on vacant SRA officer position(s)

Duncan stated that Robert Mitnik resigned from his position as Chair.

Vickers: Motion to nominate Grace Harrington as Chair of the SRA.
Seconded by: Baldini. Passes 5-0.

Duncan noted that there is now a vacancy for Vice-Chair.

Harrington: Motion to nominate Matthew Smith as Vice-Chair of the SRA.
Seconded by: Vickers. Passes 5-0.

Minutes

The minutes from the March 9, 2016 regular meeting were reviewed.

Baldini: Motion to approve,
Seconded by: Curran. Passes 5-0

Adjournment

Baldini: Motion to adjourn the meeting.
Seconded by: Curran

Meeting is adjourned at 7:15PM.

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