

**City of Salem Planning Board
Meeting Minutes
Thursday, October 15, 2015**

A regularly scheduled meeting of the Salem Planning Board was held on Thursday, October 15, 2015 at 7:00 p.m. in Room 313, Third Floor, at 120 Washington Street, Salem, Massachusetts.

Chairman Anderson opened the meeting at 7:15 pm.

Roll Call

Those present were: Ben Anderson, Chair, Randy Clarke, Kirt Rieder, Dale Yale, Bill Griset, Matthew Veno, Noah Koretz and Helen Sides. Absent: Carole Hamilton.

Also present: Amanda Chiancola, Staff Planner, and Stacy Kilb, Planning Board Recording Clerk.

Lynn Duncan, Director of Community and Planning Development announced new planner, Amanda Chiancola.

Location: 14 and 16 ALMEDA STREET (Map 14 Lot 116 and Map 14 Lot 117)
Applicant: TOWN AND COUNTRY HOMES, INC.
Description: A public hearing for a Definitive Subdivision to construct a roadway to serve two existing undeveloped lots.

Chair Anderson, announced the applicant has requested a continuance to the November 5, 2015 regular scheduled meeting.

Motion and Vote: *Matt Veno made a motion to continue the public hearing to November 5, 2015, seconded by Noah Koretz. The vote was unanimous with seven (7) in favor (Mr. Anderson, Ms. Sides, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and none (0) opposed.*

Regular Agenda

Location: 401 BRIDGE STREET (Map 25, Lot 74) and 44 Boston Street (Map 15, Lot 305)
Applicant: HIGH ROCK BRIDGE STREET, LLC
Description: Continuation of the public hearing for the petition for amendments to the approved Site Plan Review, Flood Hazard Overlay District Special Permit and Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, Section 8.1 Flood Hazard Overlay District. The applicant requests the following Special Permit associated with the North River Canal Corridor Neighborhood Mixed Use District (NRCC) Sections 8.4.5 and 8.4.13 North River Canal Corridor Neighborhood Mixed Use District). Specifically, the applicant requests a Special Permit per Sec. Sec 4.0 of

the NRCC to allow a multi-story arrangement of a multi-family residential use. The applicant requests amendments to the following approved Special Permits of the NRCC: A Special Permit per Sec. 8.4.12 Retail Use of the NRCC to allow ground level retail use to be amended from the original decision to exceed the 3,000 gross square feet for one retailer. A Special Permit per Sec. 6.0 to be amended from the original decision to allow an eating and drinking place on the premises to reflect the new plan. The applicant proposes to construct two separate buildings including the Community Life Center, a two-story building, and a five-story mixed-use residential/retail on the corner of Boston and Bridge Street with an associated revised parking and landscape layout.

Documents and Exhibitions:

Attorney Joseph Correnti presents of Serafini, Darling & Correnti, LLP, 63 Federal Street, Salem, presented for the applicant. Other presenters included:

- Mayor Driscoll
- Lynn Duncan, Director of Planning and Community Development
- Elaine Bellow, Massachusetts Council on Aging

Attorney Correnti opened the presentation with a recap of the project's status. Since the last Planning Board meeting they have been full speed ahead. The developer and his team have been to a DRB meeting and have met with DRB members. They are taking comments and looking at ways to improve the projects in accordance with the DRB comments. Design Review Board Meetings will continue regarding building themselves, specifically the architectural features among other things. The developer's team has also been in touch with the City's engineering and traffic peer reviewers. The City peer reviewer has requested additional information. That information is flowing back and forth, that information will be reported at the Nov. 5th meeting. They have listened to the previous Planning Board comments, and comments for the public. Those comments and recommendations have also been taken into account. Attorney Correnti notes that the team is not there tonight and they are not making a formal presentation on behalf of the applicant, but the project is moving full speed ahead.

Mayor Driscoll provides a presentation to share the context of the Community Life Center and the North River Canal Corridor Plan, both of which have been in the works for a long time.

The City started looking for a Community Center prior to nine years ago. Mayor Driscoll states that the process began about 9 years ago in earnest, having chosen the St. Joseph's Church Site on Lafayette Street, unfortunately it was closing. Currently the City has a Building on Broad Street; it has a large campus, but is not a great setup for a modern day Senior Center.

Mayor Driscoll outlines the inadequacy of the setup of the current senior center/Community Life Center. The building is 15,000s square feet, laid out over three stories with an awkward shape and is not ideal as it limits the City from doing more. The building has stellar employees and offers an array of services offered to over 8,000 seniors, some of whom never enter the building but receive services, some of whom come for socialization meals, others come for programs or transportation hub- our rides are up tremendously. However, the building is holding the City back from doing more.

The current Center is a place that needs more than what the City can accommodate within its walls. Mayor Driscoll outlines the history of the St. Joseph Site, and why it was chosen for the Community Life Center. It would have had a first floor CLC, with 18,000 square feet that would provide a seamless operation of the facility and stability for the neighborhood. It included a combination of condominiums and apartment rentals. The project went far, but the City could not advance without a 6 to 5 vote of City Council for the bond authorization. There was a split vote: 5 to 6. Despite a lot of effort and time, they saw this as a huge opportunity that was lost at the time. Nevertheless, they still recognized that the City needs a first class facility for the seniors that are here and a center that could perform the level of services that the City should and wants to provide for a City as diverse as Salem.

A Senior Center Committee was then formed in 2007 “to investigate possible locations for a new senior center.” This committee took a great deal of time to analyze options for the Senior Center. They worked on programmatic and siting issues.

Mr. Veno, a member of that Committee (co-chair), comments that they wanted to move past everyone’s “favorite site” everyone had a favorite site. They wanted to take a more analytical thought process by asking what we want a CLC to be able to accommodate. Thus, they determined the programming, parking, and other criteria that they want the building to accommodate. Then, City owned properties were evaluated against the criteria established and the list was narrowed.

Private properties were not considered originally because it was not part of the original scope. The opportunity to look at the current site at the corner of Boston and Bridge emerged as a private partnership. The site was ultimately considered and met the requirements, so was added to the list. It was a very analytical thoughtful process over the course of approximately 14 months. The process included public hearings, surveys and focus groups along with a very diverse group of people with different backgrounds. The Committee was driven by a consensus process.

Mayor Driscoll continues the presentation with a review of the cost of the various sites and the locations ultimately determined to be viable. The Mayor notes that the St. Joseph’s site had a purchase and sale bond for 4.2 million roughly for 18,000 square feet, whereas the current site P&S is 4.9 million for 20,000 square feet.

The Committee looked at two City owned sites, the existing facility and the Bridge and Boston Street as a public/private partnership. A rough estimate of renovating the existing building would have been around the 4.4 million dollar range. The final three sites (Two City owned sites, and the Boston/Bridge Street Site) were unanimously supported by his Committee unanimously after thorough review as they fit the criteria set forth by the Committee.

Mayor Driscoll reviews the original proposal for the location at Boston and Bridge Streets, but market demand ultimately did not support the advancement of the project. The cost of new construction, in particular rent to offset the cost of construction did not pan out.

The next proposal, she feels, is the best one. It is a standalone, 2 story building with less parking (298 spaces) but more outdoor space. It has 20,000 square feet. This is a space that will be built out, with

upgrades will be a little more than the 4.9 million is the most affordable. If the City were to start over, it would not be feasible to build lower than that price.

Existing conditions of the current CLC are shown. It needs upgrading. A feasibility study was completed for future use of that building; neighbors preferred residential as the preferred use, maybe even senior housing. We have not made investments in it because the City is thinking of leaving. As wonderful as the staff is, there is an urgent need for a new CLC.

The layout of the proposed new center is outlined.

The Mayor recaps the City's discussion with the development team. The development team said they cannot make the commercial portion work. They know they made an agreement to build a 20,000 sq. ft. CLC, but cannot do it without any other tenants in place. But they would like to look at residential, as there is a residential market in Salem. Although it will take more permitting and a different attention in detail, the developer believes it is possible. The Mayor commends the Planning Board and DRB on their work on ensuring the project is situated in the right spot and looks good. There would be a delay changing from commercial to residential; if delay anyway, would like to design a standalone CLC vs. combined in one building. Mayor Driscoll is slightly concerned it will not be big enough, but it was a struggle to get 20,000 square feet as it is.

Moving toward the idea of "senior center" to "community life center" that is in flexible space for all ages. A small building committee has been formed since the reboot of the project.

Elaine Bellow presents. This is her 18th Senior Center that she has designed in this area. The Mass. Council on Aging is a large professional organization of Senior Center directors across the State. Your Senior Center came up at their annual conference last week. It is being applauded for being a facility that would support mixed age group activities. This is a new direction in the field.

Ms. Bellow outlines the major design goals; including creation a nurturing place and supporting "Aging in Place" with healthy options and allowing an "age friendly" environment to evolve through mixed age groups.

She presents design ideas for the entry area. Multi-colors, with a little sheet rock and a little paint are cost effective options for decoration. Incorporation of some icon of the American home, in this case a simple clearance gas or electric fireplace is proposed which provides a warm welcome. Illustrations of potential design and gathering areas are shown.

There will be Dining/gathering spaces, activity spaces that can be divided and used in multiple ways.

Mayor Driscoll says that Ms. Bellow is working with a great team; also residents working on Committee are also present. All are excited about the project, which can only benefit from Planning Board input.

Mayor Driscoll turns the presentation over to Lynn Duncan, Director of Planning and Community Development to review the North River Canal Corridor Plan.

Ms. Duncan asks about the need for active outdoor space for seniors and Ms. Bellow elaborates. Some patio space, built in benches, walking paths are always incorporated. Green space around the building has been carefully planned. Having a two story building will allow for more outdoor usable space.

Ms. Duncan outlines the Gateway Center and the NRCC Neighborhood Master Plan (North River Canal Corridor). She concludes that this proposed plan is much more consistent with the NRCC Master Plan than the prior proposal that was approved, that consisted of medical office space or some type of commercial space.

The NRCC is very specific. Illustrations of the location are presented. NRCC Plan Recommendations are outlined. The site is identified as the “old Sylvann site” in the NRCC. Per the NRCC, the site has a key role in strengthening the identity of the NRCC while establishing the gateway to downtown Salem.

Ms. Duncan points out similarities between the master plan images and the proposed project, including the building that wraps around the corner and another free standing building. A major recommendation in the NRCC is an urban village and a gateway.

Ms. Duncan outlines the NRCC plan recommendations:

- To create a landmark building at the corner of Boston and Bridge
- Place the new buildings close to the street
- To improve and expand the existing sidewalk along Boston and Bridge Streets
- Provide a pedestrian plaza at the corner of Boston and Bridge to promote the urban village concept
- Locate parking at the rear with entry/exit as far away from the Boston/Bridge Street intersection as possible

Images of proposed plan are shown. Ms. Duncan points out the small plaza and parking the rear. NRCC master plan recommendations continue:

- Provide landscape buffers at the rear of the parcels to protect views of nearby residences
- Seek a shared use parking strategy between users with different peak hours
- Focus active ground level uses at the corner

At the time the plan was done there was an Activity and Use Limitation (AUL) due to contamination that would allow commercial use but not allow residential use. This is specifically noted in the plan. Although the vision of the plan is to create new housing opportunities that create a range of housing types and a range of affordability.

Ms. Duncan compares the Gateway Center proposal to the NRCC Plan Recommendations:

- It is mixed use: commercial, retail, housing and the CLC
- It is a landmark building that wraps around the corner
 - o The former proposal did not wrap around the corner
- Improves the existing sidewalk
- Public Plaza at proposed the corner
- Parking at the rear
- Building are proposed along the street

- Shared parking between uses that have definite, different peak hours. Between residential uses and the CLC
- Retail/Commercial at the Corner
- Landscape buffer at the back of parcel along Federal Street edge
- TOD within walking distance of commuter rail system
- In her perspective it is 24/7 use because its residential, creating an urban village

An urban village from a Planning perspective is an urban development typically characterized by medium density housing, mixed use zoning, good public transit, walkability and public space. Therefore, this proposal is much more consistent with the creation of an urban village as recommended by the NRCC plan.

Chair opens to Board, Kirt Rieder asks about status of deed restriction/AUL. In response, Attorney Correnti states that that the AUL dealt with a “hot spot.” It covered the whole site but focused on one particular area that had oil in the soil. The plan was to cap it and work around it, but their environmental consultant GZA, concluded it would be more feasible to remove the soil, which was done. A couple years ago the “hot spot” area had been removed and filled. The AUL will be modified to reflect the existing conditions. There will still be precautions will be taken on the site, under the guidance of GZA the LSP for the site.

Mayor Driscoll states that the development and CLC works for the City due to the funding cycle. When this was proposed for St. Josephs, the idea of funding this new capital investment, going out and getting that bond was taking the tax revenue from the new growth to support that. Thus, we need to look at this holistically. The area is marginal and needs attention, so being able to bootstrap off of private development is essential. This is an investment strategy to revitalize downtown and create opportunities.

The Chair opens to public.

Ken Wallis, 172 Federal St., comments that the project is well done, but is asked to stand behind CLC and look toward bigger, more moneymaking building, thus accepting both. If zoning is looked at, they will look at big building and see it does not fit. If accepted as zoned in for that area, we can have the CLC. We don't have to accept both. As a neighborhood, all they have is zoning, no other power, he feels proposal does not fit.

Jennifer Firth, 3 Carpenter St. says that transit oriented development - what does that mean? Also notes that because she lives in same neighborhood, walking to town on Bridge St. with no sidewalk, they will be giving developer accommodations so they should provide sidewalks on Bridge St. It is too dangerous. People who live in Bridge Street do not use it during the day because it is too dangerous. It is not a TOD, or a town oriented development.

Thomas Furey, 36 Dunlap St., Councilor at Large, comments that he respects the Planning Board and all its decisions. Many of his family members worked at Flynnntan and other historical businesses in the area. The Gateway Center is an ideal name for this new development in this Gateway City. However, he believes the CLC is in the wrong place. He was in favor originally. One of his deepest disappointments in his service on City Council is that the City does not have a vibrant Council on Aging. It is going to have

117 residential facilities, with business, retail, commercial and greenways and for that he is confident. But it is the wrong location.

This is on a hazardous waste site with flood concerns. It is also the wrong developer, excuses, missteps and delays. Also wrong for senior citizens. It is not walkable, too much traffic on Bridge and Boston Streets. Public/private is good on paper, but he does not see such a site in the area. He sees something like Marblehead HS with Senior Centers on 1st floor or Swampscott High school. He proposes that as Salem HS is underutilized with 1100 students where it could support 3000. It has easy access, and amenities. He suggests decoupling the Community Life Center from residential Gateway Center and starting from scratch.

William Legault, Salem City Council, says we want to wait for good things, but we can wait so long they never happen. This parcel is an eyesore on major roadway into Salem, have waited way too long. We have had many false starts on NRCC Master Plan. We finally seem to have traction with the Flynntan also possibly being developed. This is something we have to do, but that doesn't mean it has to be done exactly as planned. It is 2 projects not one, if no senior center is built the other part will not be built and vice versa. They are interconnected. The only way to decouple them would be to stop the entire project. He suggests that the Board should look at zoning and make adjustments to plan if elements do not fit into zoning. The neighbors live there and they have concerns which should be addressed. But that does not mean this project shouldn't happen. He feels project has to happen now; otherwise it would be put off 5 or 10 years. How we treat seniors, measures the quality of a city. As of now the City is "an embarrassment" over the past 30 or 40 years, doesn't matter who you blame we need to get something done. Make it happen but not at the expense of the neighbors.

Patricia Zedo of 10 Andrews St. states that she has been working with Jason Silva and the Mayor's office on age friendly initiative certified by the World Health Organization (WHO). They are the 3rd community in Massachusetts to be accepted by WHO. CLC proposal on the table was part of why they were accepted. Now they must put together strategic plan to be accepted. They saw how age friendly the City already is; we can't do it without CLC. Mayor mentioned there are 8000 seniors. Nationally, the fastest growing demographic is over 80 and smallest is under 15. Every day in the United States, 7000 people turn 65. Ten years is too long.

Kay Walsch of 5 West Terrace by the college. We live in a great, tight community, working with Patricia Zedo. Why not do this now? Not one place you go that will be perfect. This will be a "blessing for the community." Heavily involved with elders, 2nd masters is in gerontology, which is aging (which we do from the day we are born). This is not "the old people will go there, so let's not make it such a big deal." As some of us work with elderly and will be elderly someday. She completed an evaluation of Salem for her master's degree; this goes very far back (further back from the Church) and we have had at least four mayors try to do something.

We must be realistic. In her opinion this is better than the original plan, even though she would also have accepted the original plan. You can talk about other Council on Aging (this is not, this is a Community center). If you are bringing up a child or parent that is what age friend is. We are "a disgrace" compared to some of her other Council on Aging activities. Rehabilitation money for the existing center goes down the drain; it is a waste of money.

It costs money to say “no” to proposals and do rehabilitation on every building you do. It may not be “the best” but it will be better than what was there. Seniors are getting what we want. Why say “no” to the entire project. If put off further, it will not happen. She is “fed up” and almost decided not to come to this meeting. She believes it will work.

Board Comments:

Mr. Veno comments that the job of Planning Board is not to say yes or no to project but to assess as presented by applicant to see if aligns with planning documents. In this case the NRCC master plan and compliance to the zoning ordinance. The Zoning ordinance is not a checklist that must meet all criteria to be approved. It allows the Board to have flexibility with process, work with applicant to improve project and make it comply with the zoning requirements. The Zoning ordinance provides teeth for master plan so can take analytical approach to projects. He has not reviewed Master Plan in a while; the Board will be reviewing it to make sure project aligns but he is sure it is faithful in some of its specifics and in general. Second, an ongoing step/process is to go through details.

Barbara Cleary, 104 Federal St., comments that the project complies with the master plan in some ways but not in others. She was part of the group that developed the Bridge Boston St. Coalition that developed vision for the Master Plan. People did not want to see big box residential standalone buildings and zoning reflects that. People thought “urban village” would connect to the neighborhoods and asks to consider.

Motion and Vote: Helen Sides made a motion to continue the public hearing to November 5, 2015, seconded by Kirt Rieder. The vote was unanimous with seven (7) in favor (Mr. Anderson, Ms. Sides, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and none (0) opposed.



Location:	CLARK AVENUE (Map 6, Lots 7, 8 and 9)
Applicant:	NSD REALTY TRUST
Description:	A continuance of a public hearing for a Definitive Subdivision Plan in accordance with the Salem Subdivision Regulations and a Cluster Residential Development Special Permit in accordance with the City of Salem Code of Ordinances Sec. 7.2 Cluster Residential Development of the Salem Zoning Ordinance to allow the construction of a roadway to serve twenty-six (26) residential lots.

Documents and Exhibitions:

Here for the applicant is Mr. Joe Correnti of 63 Federal St. As a procedural matter, he states they would open the hearing for the stormwater management permit, as noted above. This is a subsequent application to the Form C and cluster subdivision request; they will run concurrently. The analysis of the stormwater management permit is similar to that of a subdivision.

The layout is presented. A peer review on Civil engineering will be ongoing and working with City Peer reviewer is working on that.

Mr. Rich Williams presents drainage and stormwater management, which he feels is a major concern for the project.

Sewer and water will tie into the existing structure on Clark Ave, which has sufficient capacity available. They also have an agreement with the Fire Dept. to provide residential sprinklers in the dwellings themselves. Electric and cable will also come underground from Clark Ave. and follow the road. As with all sites of more than five homes, Mass. Stormwater management and Salem codes must be met; this site has been designed to do that. The system includes catch basins within the road that follow a pipe system leading to five management areas, which he describes. There is one is a subsurface system to the right of the entrance and four detention basins that are constructed to receive stormwater management. All of those constructed surface detention basin are fed by the deep sump catch basins. Each of the detention basins has a fourbay (another pre-treatment device). All of those combined designed to remove 85% of suspended solids. Treatment is at 85% whereas 80% is required.

The subsurface system will be fed by the deep sump catch basin, and then there is structural oil grit separator that flow goes into the infiltration system. That combination of treatment devices provides 85%, above the requirement.

The rate of runoff will be reduced to all wetland areas; all details are in the stormwater management report, which will undergo peer review.

Mr. Williams also describes the drainage system in Clark Ave and how flow will be reduced.

There is an existing pipe drainage system that collects the stormwater in Clark Ave then discharges it to the wetlands system. The proposed design reduces that discharge by taking the flow that came from the hill and in the current conditions comes down through the homes and the hillside. That fill will be piped around to the wetland. This watershed area, in the existing conditions is about 3.5 acres. Thus, there is a fair amount of fill. It is design so that none of that run off will come off the site; it will all be collected in their drainage system and circulated around the properties. Therefore, the Clark Avenue properties will benefit from a stormwater point due to the drainage system.

Chair Anderson asks whether the two new catch basins at the end of the new road are self-contained or if the water will weep out over time. Mr. Williams responds that it will be self-contained. However, if there is a large storm and they reach capacity, the water would come back out the catch basins and go into drainage system. Mr. Williams states that there is not a lot of runoff that goes into those catch basins. Chair Anderson notes that it's a steep hill. Mr. Williams confirms, yes it is a steep hill but the area is small. Chair Anderson also asks why it is not on the other side of the road; it could go there but other side is a hill. Neighbors may not want it adjacent but if an engineering reason that's OK. Mr. Williams states, it could go on the other side of the road, but it is a hill. Chair Anderson suggests that further away from the abutter the better. Applicant will look at that. Mr. Rieder summarizes that the basin is clear cut to the neighbor's back door.

The Stormwater report has details on how the erosion sedimentation will be controlled pre and post construction.

Chair asks about adjacent neighbors and new property - how are they divided, plantings, fence? That area is densely vegetated; that neighborhood has a buffer so he wants to know how development will happen, if clear cutting, how will replace separation of neighbors. In discussion with neighbors, vegetative buffers and fencing were discussed with some areas to remain wooded. Chair thinks some gesture or discussion with neighbors should occur related to existing and proposed development. Plan should address that more clearly.

Mr. Correnti agrees and states that the plan itself responds to the neighbors in that the originally approved subdivision of 26 lots had a different road configuration. The road was moved in the configuration to ensure the new development will be backyard to backyard so that existing neighbors have backyard, not roadway, backing up to them. But will also consider Chairs suggestions.

Mr. Rieder states that detention pond should be pushed as far as possible, but should be shifted back more if possible to keep the band of existing vegetation in place to benefit standing of residences visually. Visually it may be a small trade off to shift it back. Mr. Rieder asks who will take care of the detention pond that spans three properties. Nick Mennino, Principal states that Association will take care of retention pond that spans 3 properties.

Mr. Mennino says there may be a grading reason why the pond is where it is. There will be landscaping over subsurface drainage system. Both direct abutters are present. He describes other disturbance and how it will be minimized. They will revegetate and make the entrance attractive. Chair suggests having the landscape plan ready for the next hearing; they will work on it. Mr. Williams comments on elevation and location of retention basin. There is a reason to put the catch basin there, and it was not to provide a larger back yard. In order to pick up as much from the road, the pond must be at a lower elevation. Chair comments that it will be a dry. It is not going to be standing water. It is a dry basin unless there is a rain event.

Chair opens to the public and Mr. Erick Petty, 11 Symonds St., agrees with chair regarding the landscaping and says that detention basins can be a feature rather than an eyesore. The basin could be planted in a win-win. He also asks the Board and Developers to consider street width; it looks like a lot of pavement but new research on what the ideal width of streets should be from FHWA and MassDOT suggest lanes of 10 or 11 feet can be better and cheaper for all involved. Anything wider than 22' of pavement should be cut down; I do not know what it is. Mr. Williams states that the City's requirement is 24' and they can't go below as directed by Salem Fire Dept.

Anthony Brooks 7 Clark Ave. He feels the area is beautiful and will miss seeing it undeveloped, but when they built his development 100' and 15K square feet were requirements. Putting in a subdivision, a cluster with smaller parcels concerns him. He doesn't see the benefit. He also comments that there is a sharp bend in the street with no sidewalk. In that area only one car can pass at a time and that can't happen. Some residents do park in the street and there is not sidewalk. During snow events, need to weave in and out of driveways to pass other vehicles, even on a good snow year. He is halfway up the street. Adding in a complex like that means 50 more cars up and down Clark Ave. and it is not designed for that capacity, particularly that bend. That street is much wider than the entrance to Clark Ave and this will lead to serious issues.

Allison Scott 24 Clark Ave, resident of 3 years there, considered senior citizens now, were told the property was conservation land and nothing could be built. She is not sure who told her that but the previous owners also said that. She has also seen deer in her driveway. She prefers quiet; everyone cares well for property. She contends that an additional housing complex serves no purpose. The project will take time and banging. She does not want to see that go on. She is concerned about the habitat that all the animals will lose. This will affect the land as well as peoples' lives. She asks "how can you take land that isn't owned, if a public way and on public record since 1918?" It is supposed to be land court protected. It has been owned by the City Land Court Protected since 1918. She feels it is an illegal land grab.

Atty Correnti explains that this project is land court registered land. It is a paper street known as Clark Ave. They are proposing to change the street as noted. This requires Land Court approval; they have been working with them for the past six months and will continue to do so once they have an approved plan. It is not a land grab and it is not illegal. This subdivision was approved 9 years ago for 26 lots and while it is unfortunate that people were told things, they are suggesting this is a better plan.

Chair Anderson states that several letters were received on the project that will be read into the record. Three letters are read into the record and are attached to this document.

Dave Colpits submitted two of the three but is not present; many concerns are presented regarding this development. He also questions the developer's right to the land the project is proposed on. He states they need to re-work the plan to take this into account.

Sandra Tran, 21 Clark Ave, states she is the most affected and is concerned about the increased traffic on the small street, as well as the impact on wildlife. The road was impassable by even one car during snowstorms; she reiterates that neighbors had to use each other's driveways to go down the street. She was also told this was conservation land that was not to be built on when she bought her house and questions the developer's right to build. She would like to see #12 eliminated or moved. Mr. Mention did speak to her about fencing and landscaping, but she still feels it is too close to her property. She would also like to see drainage moved further away. The Chair reassures her that any overflow to the system will go into the street, and not onto her property. She would still like to see more green areas. Ms. Tran is also concerned about the condition of the road, which has many potholes that have not been fixed.

Paolina Alexander of 12 Clark St., has lived there since 1964. She has water every time it rains too much; her two sump pumps work to clear the 24" of flooding in the basement. She says there is so much blasting that the underwater river (possibly) comes up through her walls, which are 12" thick. She lives in a valley and when the rocks are blown up, water comes in, and she gets no relief. She would like to know if there will be more blasting or if the houses will be built on bedrock. Her basement has had cracks that have been fixed twice due to blasting. Her greenhouse has cracked. If they are blasting, they need to think about other people. She contends that their flat land is causing her house to be a river.

Mr. Menino says there will be blasting, especially for the drainage system. Current blasting structures are much more refined and he feels she is far enough away to be in a different watershed. Ms. Alexander asks that they take another look as they are not familiar with the water situation.

The Chair suggests that existing buildings and properties be surveyed, so any changes can be documented after blasting. Ms. Duncan comments that the Fire Department's requirements relative to blasting and survey work will be available at the next meeting; Amanda will obtain them. Ms. Duncan states that drainage, stormwater management and New England Civil Engineering will peer review. Will also discuss traffic and blind spots with PD, public services and engineering will be consulted regarding current Clark Ave. and access.

Denis Colbert, 37 Clark St., wonders why we consider cluster subdivisions. R1 zoning means 100' frontage on 15K sf. It is in the zoning ordinance but Ms. Duncan clarifies. She says legislation at state was discussed to better protect open space to allow people to adopt cluster and do it by right. This is a special permit request. Usually it is viewed as favorable b/c lots are smaller but keeps open space/woods there and beneficial. IF a regular subdivision, ALL land would be clear cut. In this configuration, only land homes are on is cleared and open space remains around them. This will preserve habitat and also provide trails for recreational use. This connects to land owned by the Conservation Commission so they want to create a continuous greenway through the City. Mr. Rieder comments also on the benefit of this configuration with less clear cutting and less paving since there is not a road network.

Dave Wong of 15 Clark St. says the development looks okay but is concerned. He comments that Barn St. and Clark St. is the access road to this area. His house is at the blind corner. On snowy days, cars have no control, they will slide and spin. He is concerned about the amount of traffic by his house. When he backs out of his driveway he cannot see anything.

Motion and Vote: Dale Yale made a motion to continue the public hearing to October 15, 2015, seconded by Helen Sides. The vote was unanimous with seven (7) in favor (Mr. Anderson, Ms. Sides, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno and Mr. Koretz.

Location: 50 St. PETER STREET (Map 35, Lot 179)

Applicant: OLD SALEM JAIL VENTURES

Description: A public hearing for an amendment to the Planned Unit Development approved on December 12, 2006 and amended on April 22, 2008; July 28, 2008 and March 19, 2009 in accordance with Section 7.3 Planned Unit Development of the Zoning Ordinance. The proposed amendment is for the option to add three residential units in the former 3,200 square foot restaurant space. Parking for the three new units is proposed to be provided with the existing three onsite spaces that were dedicated to the restaurant use.

Documents and Exhibitions:

Attorney Correnti presents. Mark Sevatsky is also present on behalf of New Boston Ventures. Mr. Correnti comments that the City Council has taken up the issue of parking and how it could assist keeping it a restaurant space. The administration put forth a plan to the council and has stated that it would like to see it remain. The owners to not disagree but want to have a backup plan of conversion to residential units.

Mr. Sevatsky, New Boston Ventures, shows the map of 25 existing spaces for the 23 existing apartments. They are seeking a change in occupancy from restaurant to residential. The three spaces would be deeded for three additional residential units.

Board Discussion:

Mr. Veno asks if patio space would be deeded to three new units? Mr. Sevatsky answers, yes.

Ms. Sides asks if it would be split. Mr. Sevatsky states it would be split using plantings so each unit had a discrete space. Ms. Sides asks how they would get to parking; Mr. Sevatsky responds that there would be a corridor that would lead out. Mr. Correnti states it would be where the three spaces are shown on Bridge St. Side.

Ms. Yale asks about the status of restaurant or residential; she would be much happier if the green space was not used for parking.

Mr. Correnti states that they would like the commercial space there; that was always the intent and two restaurants have been there and left.. The owners have met with the administration. They are not sure if additional parking would make one succeed but think it would help. The Board opines that parking was not the issue.

Mr. Correnti, comments that public space usage was important, so there is exhibit space on one entrance, and the restaurant space is the preference. It is being presented and marketed as restaurant space, and what the City council did helps, but the market dictates. After five years since project inception, a vacant space is troubling so this is meant to be a backup plan only if the restaurant space does not work out. Ms. Duncan speaks to the issue; the City is supportive of the amendment as a backup but would very much like to keep the space commercial with public access to the former jail. A previous Planning Board amendment did allow the commercial space to be three units if it could not be a restaurant. Before this was built, there was access, switched from condos to rentals, changes in the plan were required by National Park Service, including moving access around so now restaurant is not visible. So City is working proactively, reaching out to restaurants and working aggressively to fill the space as commercial. She outlines that the Council approved up to 17 parking spaces. And since the green space is within the urban renewal area, the green space will need to go before design review board and Salem Redevelopment Authority.

Mr. Koretz asks a clarifying question, are the 17 spaces the council approved only allowed under the restaurant scenario or if this Board approves residential units, do they still get 17 spaces? Ms. Duncan says there is no contingency. Mr. Anderson states that the board is not being asked to review parking.

Ms. Duncan explains that the spaces could move forward without restaurant. Chair Anderson is curious how the amendment would read as far as apartments/commercial space.

Mr. Correnti says if too much contingency language is in there, owner, banker or fed tax credit regulator reads it and it is not understood that 3 units can go forward, it is not helpful so wording is important. They ask that wording be left to review by planner in City Solicitor/Board.

Ms. Duncan says there was wording previously so that would stand. Mr. Correnti agrees it is probably close. Mr. Rieder is wondering why it is invalid now. Ms. Duncan it was worded as “if the restaurant could not go in,” but they got a restaurant. The issue is that they can’t keep a restaurant. Mr. Rieder says that paper said a parking lot would come through Planning Board. Ms. Duncan states that she is struggling with this. She heard from Clerk that it requires DRB, ConCom and Planning Board approval. William Legault City Council states that Mayor presented it, not sure why ConCom would be involved but four boards would have to review.

Ms. Duncan opines it would be site plan review for PB, perhaps in floodplain so ConCom review.

Rieder asks if there is harm in waiting weeks or months rather than having a vote and having it denied? Mr. Correnti states that the parking is up to the City; for the Developer there are financial implications for having space empty. A five year period for initial tax credits is coming up. There is a phase 2 to the project. To wait for parking would be problematic. Administration was generous in giving its approval in anticipation of the applicant having to go before various boards. Rieder says if they say yes and City decides to build parking, impetus was on private property and will only become more private in a net loss. He wants to see them be optimistic and see restaurant with parking.

Ms. Duncan says council authorized the Mayor to move forward with the parking. Mr. Rieder is concerned they are moving too quickly, but Mr. Correnti reiterates that the intent is to keep it a restaurant; 3 restaurant groups have viewed it in two weeks. If the restaurant does not go forward, it is very unlikely that the parking will go forward as it requires expenditures from the City, though he does not speak for the City. They may not want to build spaces if there is no restaurant, is his feeling. Mr. Rieder is still not in a mood to approve as he feels there are little safeguards. Ms. Sides would approve and feels it is very reasonable, while it is a challenging location for a restaurant. A&B says his reasons were to expand. She wants to give them that option so they can continue to move forward.

Chair Anderson opens the meeting for public comment:

Jane Arlander, 93 Federal St., attended the subcommittee of the council to convert green space to parking area; her main reason for doing so was to maintain public access to Old Salem Jail site. If the restaurant goes away, we still have public access to the site so her statement that we will lose access if we don’t have the parking lot is incorrect. There is a wonderful exhibit that is open Monday through Saturday 10-4 but does not go all the way to the restaurant. If the restaurant is converted to residential, will public access be maintained? Yes, on terrace level.

Mr. Sevatsky responds that yes, the exhibit will continue to be held open to the public. Ms. Arlander reiterates that Mayor’s statement was incorrect. Ms. Duncan states that she is talking about access to that part of the building. Chair Anderson reiterates that we do not have a parking request before us and it is not part of this current discussion.

Councilor Legault comments that he is concerned with public access as well. He feels that both restaurants did not utilize a back part of the jail well- where they used to hang the bad guys. There is historical interest in that. He also encourages that they reach out to some of the tour companies in

Salem to see if they can access the property. He is not opposed to residential but also prefers to see the restaurant stay. The applicant will have architects investigate.

Jennifer Firth as president of Historic Salem Inc. would like to see public access maintained and did not realize there was a museum up until a couple weeks ago so it is not well advertised. Also says restaurant is very atmospheric and it would be a loss if converted to condos. She thinks we should give a restaurant a chance rather than granting the amendment tonight.

Tom Furey, 36 Dunlap St. Council at large, says that if we had history courses by Jim McAllister, any vote precluding opportunity to have public access would be wrong, including putting in 3 apartments. He feels Jim McAllister should be consulted to allow that opportunity to take place.

Mr. Correnti states there was no public access until New Boston ventures took over. As of now there is no public access since the doors are padlocked on the restaurant, though there is access to exhibit. He reminds the Board that in 2009, no one knew if a restaurant would work but they were hopeful. At that time the Planning Board did say make an effort, but we will allow for 3 units. They did not come without the blessing of the administration.

Mr. Veno refers to some recent precedent regarding the hotel development. They negotiated flexibility with developer, should the hotel not work out. Our expectations were the best use was hotel for that spot; this is a developer the City has a history of working with in good faith so they do not have a reason to believe that, that good faith collaboration will change. It is a very reasonable accommodation.

Mr. Rieder says that distinction of hotel to residential was they come back; in this case they don't have to come back to Planning Board. Mr. Veno responds that the scale is different than the hotel.

Ms. Duncan reframes the question as will the change still qualify as a Planned Unit Development (PUD). Ms. Duncan states that the project is still a mixed use project; therefore, still qualifies as a planned unit development.

Chair Anderson asks about the location of the public access to the exhibit; it is off the courtyard and there was no access from the restaurant to the exhibit; that was the original plan. Duncan says it is not that far but you do not see the restaurant entrance. Thus, parking is an issue as a matter of perception.

Eric Papetti, 11 Symonds comments that this is an issue of parking spawning more parking. It is more unpleasant to walk by other parking lots than other areas. So that should be considered, because it would be a shame to build more parking due to perception.

William Legault of City Council says it is not a problem of parking. It is a problem of signage and perceived access. Ms. Duncan clarifies that signage is a regulatory issue.

Mr. Sevatsky adds that many tours come through and tourists, dog walkers and the community use the courtyard, so having the vote for this has value today as appraisers look at the property and for future planning.

Motion and Vote: Helen Sides made a motion to close the public hearing, seconded by Dale Yale. The vote was unanimous with seven (7) in favor (Mr. Anderson, Ms. Sides, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno and Mr. Koretz)

ROLL CALL Motion and Vote: Helen Sides made a motion to approve the project, seconded by Bill Griset. The vote was unanimous with seven (7) in favor (Mr. Anderson, Ms. Sides, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno and Mr. Koretz)

Approval of Minutes

September 3, 2015 Regular Meeting Minutes

Motion and Vote: Matt Veno made a motion to approve the September 3, 2015 Regular Meeting Minutes with edits, seconded by Dale Yale. The vote was unanimous with six (6) in favor (Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno and Mr. Koretz) one (1) abstain (Sides) as she was not present, and none (0) opposed.

September 17, 2015 Regular Meeting Minutes

Minor edits were made by the Planning Board members.

Motion and Vote: Matt Veno made a motion to approve the September 17, 2015 Regular Meeting Minutes with edits, seconded by Dale Yale. The vote was unanimous with seven (7) in favor (Mr. Anderson, Ms. Sides, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno and Mr. Koretz) and none (0) opposed.

Old/New Business

207 Highland Avenue Project Update

Staff Planner Chiancola informs the Board the pigeon shelves at this location have been restored. The Board commented that it looks adequate.

Election for Planning Board Officers

The Board “volunteers” Matt Veno.

Motion and Vote: Dale Yale made a motion to nominate Matt Veno as the Vice Chair, seconded by Bill Griset, The vote was unanimous with seven (7) in favor.

Point Neighborhood 40R Smart Growth Overlay District Update

City has hired Metropolitan Area Planning Council to develop a 40R mixed use zoning district that will allow commercial use on the bottom and residential on top in the Point Neighborhood. Update on working groups is provided and projects will come before planning board as it is a zoning issue. The working group are examining boundaries, similar to studies but excludes Palmer Cove park.

New Business

Mr. Rieder comments on post on gate by Goodhue street. The Gate is gone, but the post is there. Also there is a temporary transformer at the Yin Yu Tang house. But new structure has not yet been built. The board requested for the Staff Planner to provide an update on these items at the next Planning Board meeting.

Adjournment

Motion and Vote: Kirt Rieder, made a motion to adjourn the meeting, seconded by Helen Sides . The vote was unanimous with seven (7) in favor (Mr. Anderson, Ms. Sides, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno and Mr. Koretz) and none (0) opposed.

Chairman Anderson adjourned the meeting at 10:16pm.

For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at: http://www.salem.com/Pages/SalemMA_PlanMin/

Respectfully submitted,

Stacy Kilb, Substitute Recording Clerk

For actions where the decisions have not been fully written into these minutes, copies of the decisions

Approved by the Planning Board on 12/03/2015

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