

**City of Salem Planning Board
Meeting Minutes
Thursday, January 26, 2016**

A joint public hearing of the Salem Planning Board and the Salem City Council was held on Tuesday, January 26, 2016 at 6:30 p.m. at City Council Chambers, City Hall, 93 Washington Street, Salem, Massachusetts.

City Council president Josh Turiel opened the meeting at 6:44 pm.

Roll Call

Those present were: Ben Anderson, Chair, Matt Veno, Vice Chair, Helen Sides, Kirt Rieder, Dale Yale, Bill Grisct, Noah Koretz and Carole Hamilton. Absent: None

City Council: Arthur Sargent Councilor at Large; Thomas Furey Councilor-at-Large; Jerry Ryan Councilor-at-Large; Elaine Milo Councilor-at-Large; Robert McCarthy Ward 1 Councilor; Heather Famico Ward 2 Councilor; Stephen Lovely Ward 3 Councilor; David Eppley Ward 4 Councilor; Josh Turiel Ward 5 Councilor; Beth Gerard Ward 6 Councilor; and Stephen Dibble Ward 7 Councilor.

Also present: Amanda Chiancola, Staff Planner, Lynn Duncan Director of Community Planning and Development (CPD) and Pamela Broderick, Planning Board Recording Clerk.

Action Item

A joint public hearing with the City Council on the proposed rezoning of the former Universal Steel site at 297 Bridge Street (Assessor Map 26, Lot 635), a portion of Beckford Way (assessor Map 26,) and the former Alpha Auto site at 311 Bridge Street (Assessor Map 26, Lot 618) from R2 Residential Two-Family to B-4 Wholesale & Automotive Zoning District.

- Director Community Planning & Development slide presentation
- Applicant slide presentation

President Turiel advised attendees this joint public hearing is focused specifically on the zoning aspects of the parcels under discussion. There is an advance sign-up sheet for the public comment portion of the meeting; individuals who have signed up will be heard from first. He expects the public hearing process on the remaining agenda items to continue beyond this session. The record reflects public comment received in writing to date.

Chair Anderson introduced the members of the Planning Board in attendance.

Mayor Kim Driscoll addressed the meeting by acknowledging the level of public interest in this project. She offered some background, reminding the Council and Board this was a brownfield site abandoned by the prior owner with a significant back tax bill. The City was able to seize the property and subsequently met with the neighborhood to discuss clean-up and temporary use as a parking lot, pending redevelopment. From the beginning, the City plan has been to rehabilitate the property and

then offer it for redevelopment. Many residents at the time of takeover asked for assurances the parking lot would be temporary. She is dismayed there has been a negative reaction from some citizens with regard to the current redevelopment proposal. She also noted the site would require more investment to bring clean-up to residential use levels. The City wants to be thoughtful about the redevelopment which is why the property has not been put up for auction. The Mayor also noted the occurrence of commercial businesses abutting residential lots happens frequently in Salem and is successful.

Lynn Duncan, director CPD, presented the technical information with regard to the site and redevelopment proposal. There are three (3) parcels to be rezoned:

- Portion of Beckford Way located between Universal Steel and Alpha Auto—not currently paved or maintained.
- 297 Bridge Street (formerly Universal Steel now a temporary parking lot)
- 311 Bridge Street (Alpha Auto)

Previously an industrial site, clean-up efforts on the Universal Steel site date back to 2007; the effort gained strength when the City took over the site in 2012. The temporary parking lot opened in 2014 after the Environmental Protection Agency completed the initial remediation work in September 2013. The City issued an RFP in February 2015 and received one proposal from an affiliate of F.W. Webb for a showroom and office building. Ms. Duncan provided the following overview about the proposed redevelopment and location:

- The proposed new showroom is approximately 39-40,000 square feet.
- Site is zoned R2, abutting residential buildings.
- Other commercial use businesses not consistent with R2 zoning on the Bridge Street corridor were indicated on a map displayed a slide.
- Across the street is the MBTA rail line and Pan Am railyard.

Ms. Duncan continued the review by offering a brief overview of the applicable zoning districts:

- R2: by right allows residential single family, two-family, childcare, agriculture, education, religious purposes (partial list).
- B4: by right allows a bank, professional offices, personal service, restaurant with no alcohol, retail, wholesale warehouse with distribution, vehicle services/sales and and storage building supplies (partial list).

She reviewed the process for the Planning Board to provide input on this matter:

After the close of the public hearing the Planning Board has twenty-one (21) days to vote on a recommendation to the City Council or the matter automatically reverts to Council without further discussion. At the Planning Board meeting deliberations will not be open for public comment.

Ms. Duncan offered key benefits the City sees to rezoning the parcels:

- Keep a long term business/employer in Salem,
- Redeveloped, the site will begin generating tax revenue,
- Revitalize this section of Bridge Street.

Ms. Duncan advised it is not practical to retain the R2 zoning for the Universal Steel site as the deed is restricted by an AUL (Activity and Use Limitation). Residential redevelopment would require extensive

additional remediation to clean up the site sufficiently to remove the AUL; the economics are prohibitive.

Applicant Presentation

Atty Joseph Correnti, 63 Federal Street, presented on behalf of the applicant. He explained that Sun King LLC is the realty arm of FW Webb.

- Robert Mucciarone; Treasurer, F.W. Webb
- Robert Matvichuk manages the Salem location
- Andrew McBeth, president, Greenleaf Construction

Aided by a slide presentation, Mr. Matvichuk opened the applicant presentation. F.W. Webb opened in Salem in 1944, moved to present location in early 1950s. The company has always provided building supplies and has grown substantially over the years. Older photos from the company's early days in Salem show the types of adjacent businesses were similar. In the past few years they have done extensive renovations to the interior of the existing building and installed a new roof. Their clientele includes institutions like Salem Hospital and Salem State University as well as tradesmen who service individual families. They have feedback from contractors and homeowners that a showroom is needed—people now want to browse and see examples before committing to the purchase of new fixtures. Current facility has no showroom and very small counter area. Their space limitations create a very inefficient environment as there is no room for more modern materials handling. Adding the new showroom/office space would enable redevelopment of the warehouse facility into a more efficient, modern business.

Andy McBeth, Greenleaf Construction, continued the slide presentation and reviewed specifics of the proposed plans. Highlights include:

- First floor 26,693 square feet (13,855 reserved for warehouse/counter and additional 12,838 square feet for self-serve materials access for tradesmen)
- Second floor, 13,000 square feet (showroom, office/training for tradesmen)
- Showroom/office building is 2 stories high
- 5 neighbors are close to existing docks, the docks are moving slightly away from current position.
- 3-4 tractor-trailer deliveries per week, 2 are their own trucks
- 2 box trucks currently deliver from this location, this will continue
- No truck traffic after 4pm or on weekends
- Wholesale component of building for contractors who can choose their materials and pay at counter.
- Showroom building for customers and contractors; includes training room for plumbers.

Council/Board Discussion

- Councillor Sargent asked to know when the City would actually see revenue from this project. Concerned about how the cost of additional clean-up will be provided and managed. Clean-up has a substantial impact on. The City's experience with several other sites was to find more extensive clean-up required than initially expected.
 - Mayor Driscoll indicated the applicant is paying full market value for the site, appraised value is \$990,000. It is clear based on conversations with the EPA there may be additional clean-up costs to develop the site; likely to be in the six figure range. The City

has a precedent of offering an assist to hold the current tax and defer tax increases over a period of years to compensate for the additional costs of clean-up rather than reducing the purchase price to include the cost it will take to clean the site, as she prefers to have the money upfront. This would come before the Council for a decision. In this case the City has done substantial investigative work with the EPA and has a fair idea of what is in the ground and where. Mayor Driscoll noted they will never be in a negative with the sale and reminded the Council that the site would be also collecting tax revenue. In addition, there will be covenants and protections in place given that we are a good faith purchaser as a municipality.

- Councillor Ryan asked if the loss of current parking spaces and that revenue poses a problem.
 - Mayor Driscoll advised we have utilization reports for City garages/lots and the MBTA. We are not at capacity excepting busy October weekends and extended snow emergencies last year. The MBTA garage has not been at full utilization other than a few days in October. She also noted the City expects to realize income from this sale that could be used to improve sidewalks and other amenities on this part of the Bridge Street corridor. In 11 months the garage raised approximately \$15,000.
 - Finance Director, Sarah Stanton noted that the \$15,000 is prior to deducting the cost of operations and maintenance (striping, cost of kiosks).
 - Mayor Driscoll noted that a parking lot is not allowed in the R2 zoning.
- Councillor Eppley clarified with council president that the focus of this agenda is to address the zoning issues; respectfully suggested other questions related to the project be held until the appropriate time.
- Councillor McCarthy asked Ms. Duncan to explain why a B4 zoning is requested not something else and what is the maximum size allowed for B4.
 - Ms. Duncan advised the Webb proposal was for rezoning to B4 to allow for wholesale/warehouse. McCarthy asked if this allowed in another zone.
 - Ms. Duncan confirmed yes, wholesale/warehouse allowed in B2.
 - Ms. Chiancola confirmed the difference is height; B4 height limit is 45 feet, B2 height limit is 30 feet.
 - Ms. Duncan noted the proposed height is 35 feet.
- Councillor Milo asked to confirm Design Review Board is not required for B4 projects.
 - Ms. Duncan concurred; Design Review would be required for urban renewal or NRCC corridor zoning. The Planning Board will conduct a site plan review.
- Chair Anderson asked if the rezoning is contingent upon sale of the property. If the deal falls through will the zone remain B4 or revert back to R2?
 - Lynn advised the PB will make its recommendation to Council within 21 days. She does not envision a case where the parcel is rezoned and the sale does not go through. Council would be expected to act on zoning/sale issues together.
- Mr. Rieder asked to clarify the restrictions imposed by the AUL. It precludes any residential on the site?
 - Ms. Duncan replied, yes. No residential housing, park, childcare, multi-family, etc.

President Turiel opened the meeting to public comment [speakers called in first come order on the sign-up sheet]:

- Lou Sirianni 6 Botts Court; deferred to Josiah Fisk and Vicki Sirianni as they have a slide presentation.

- Josiah Fisk 358 Essex Street; concerned about scale of the proposed building for this location. Developed drawings based on publicly available information, offered slides to show mockups of the building from Bridge Street and other angles. Compared the scale of the building to adjacent residences. Also compared the building footprint against surrounding residential buildings. This proposed building footprint is roughly equal to the footprint of all the residences on River Street. Also mentioned HVAC units on the top of the building would be very visible from Federal Street and McIntire District. He spoke to the value of the McIntire District to our tourism.
 - Councillor Eppley asked for clarification regarding the footprint of the building—asked if Fisk did a comparison of the number of residences against the current Webb warehouse. He also asked if the group had done a study to look at the former Universal Steel building height and footprint. Mr. Fisk replied, no.
 - Mr. Fisk advised the negatives are not about Webb they have been good neighbors, they are a good company. The objections are based on the specific location they have identified for their new building.
 - Councillor Dibble spoke to the Fisk drawings and asked for a particular photo to be taken down as it does not correctly represent scale, pointing out the relationship of street lights and other features are distorted.
- President Turiel advised comments should be focused on zoning only at this particular meeting.
- Vicki Sirianni 6 Botts Court; the proposed building is half the size of Target in terms of square footage. The NRCC extends to this parcel. NRCC allows R2 and NRCC mixed use zoning designation with its own requirements. The NRCC Master Plan has not been discussed in relation to this project. The Plan calls for significant visual elements/improvements, improved walkability of the neighborhood, residential development in scale and character with the historic neighborhood and buildings of a similar footprint and mass. on the southern edge of the zone. Appropriate light industrial suggested. The Webb proposal as it stands is not permitted within the NRCC per the Master Plan. Additional improved uses for B4 include: fast food, drive-through businesses, motor vehicle body work, motor vehicle sales are other possible uses. Should Webb change their business plan they will have property zoned B4 to put on the market. Spoke against B4 zoning for this parcel as it is inappropriate and incompatible with the NRCC overlay district. This is a zoning plan designed to accommodate a proposal rather than a proposal submitted in accordance with the RFP. Spoke in favor of the long view; it took 100 years to create the urban blight we are cleaning up, 25 years to develop a vision and a plan.
- President Turiel advised the public only regular public comment will be heard without aid of projectors.
- John Carr; advised the administration has talked this evening for 75 minutes, in addition to a January 6, 2016 meeting that did not include public comment. The administration and applicant have been allowed slide presentations. He served on the NRCC committee 2002-2003 to create innovative zoning along the corridor from the train station to the Salem/Peabody line. A professional city planner was hired to serve on this committee, which was subsequently adopted into the Salem zoning code. The Webb facility is currently zoned NRCC, the other two parcels are zoned R2. The proposal from Webb is to put the property in escrow, income is not forthcoming right away. Offered that the movement to rezone these parcels is driven solely by the Webb proposal which is not the preferred way the City should be doing business.
- Darrell Lebovici 122 Federal Street; sent a letter in opposition to the project. This is not the right plan for this location and it violates the intent of the NRCC Master Plan. This proposal does not

belong next to a historic neighborhood. The NRCC was created to facilitate development of these brownfields parcels in a manner complimentary to the surrounding neighborhoods.

- Meg Twohey 122 Federal Street; spoke against the proposal and suggested this is spot zoning which is illegal. The AUL prohibits even the use Webb is planning. This is a highly contaminated site. There is no provision for design review under B2 or B4 zoning. Certainly not the level of review for NRCC zoning.
- Carol Carr 7 River Street; her home is approximately 225 years old. This street was initially very run down with buildings covered in asbestos and aluminum siding. In the forty plus years they have lived on the street, the neighborhood has been reclaimed one house at a time. Residents planted the street trees and added flowers/landscaping. She noted the significant change in the North River Canal itself over the past 50 years. She spoke against the proposal as it is incompatible with the adjacent neighborhood; bringing noise, vehicle exhausts and reduced residential property values.
- Tim Jenkins 18 Broad Street; slide presentation; Webb has 16 distribution/warehouse/showroom facilities in MA and 11 supply stores. He noted B4 by right zoning limits businesses to no more than 50% wholesale use. The new building is about 2.5 times the size of the current building Webb has. Salem is their only MA location not located in a commercial district. Most of their facilities do not abut residential districts, and most are located adjacent similarly sized facilities. Spoke against this proposal for this location, abutting a National Historic District.
- Lynda Jenkins 18 Broad Street; distributed letter from Barbara McCleary; read excerpts into the record against the proposal citing incompatibility with the NRCC Master Plan and the spot zoning nature of the proposal. Zoning changes have long range impact beyond any single owner. Encouraged the City to work with Webb to find a more appropriate site.
- Jan Eschazier 15 1/5 River Street; bought their home near the blighted part of Bridge Street based on the vision offered by the NRCC Master Plan. Spoke against the proposal to rezone as incompatible with the NRCC Master Plan. Spoke in support of Webb and asked the City to continue to work with them to find an alternate location. Spoke in favor of keeping Beckford Way as a direct link to Leslie's Retreat Park.
- Fred Biebershiner; spoke in opposition to the proposal for the site development due to floodplain, 35-foot high building might be higher once elevated. Existing Webb building to be redeveloped how? Parking not available to convert this building to residential or office. City is trading the problem of the Universal Steel parcel for redevelopment of the Webb warehouse.
- Lisa Spence Derby Street; read from a letter that she submitted to council which spoke in opposition to redeveloping the parcel. Concerned about uncapping the brownfield on this highly contaminated site. EPA stopped cleaning up the site because they ran out of funding not because it was cleaned up. Soil data from this site is extremely contaminated with high levels of toxic chemicals. Cited multiple clean-up hazards for residents during any construction on the site. She critiqued the estimated clean-up costs in the Webb proposal in great detail and submitted how these costs could balloon substantially; in her estimate slightly over \$1 million.
- Jim Kearney 1 1/2 Cambridge Street; spoke in opposition to this proposal for this site as it is not compatible with the NRCC Master Plan. The proposal to rezone this property will damage the health of adjacent residents and the value of their property.
- Justin Whittier 10 River Street; spoke in favor of Webb as a Salem employer, and against their proposal for the parcel. The rezoning is incompatible with the NRCC Master Plan. The planned retail usage in the Webb proposal is not allowed in B4 zoning. B4 allows 80% lot coverage and is

designed for small lots and small buildings such as hair salons and mechanics. The zoning will outlast any single site owner; do not give up on the NRCC Master Plan.

- Andrew Carr 7 River Street; has a 3D video model demonstrating the dimensions of the proposed building. After discussion among City Councillors, the video was presented. Mr. Carr is opposed to the proposed project based on scale and mass and offered that it is incompatible with the NRCC Master Plan.
- Liz Nugent 12 River Street; abutter spoke against the proposal as incompatible with the NRCC Master Plan. Considers the view of the North River Canal, Leslie's Retreat Park and residences something to be preserved. An oversized warehouse is too much for this neighborhood.
- Peter Nugent 12 River Street; abutter spoke against the proposal and the change in zoning. Concerned about the flooding that continues to occur on Bridge Street and how that impacts any construction on this site as well as stirring up contaminated soil. Has already lived through the EPA work on the site with hazard notices posted on their house to stay inside on certain days when soil was being removed. Concerned about pipe storage on the property adjacent River Street.
- Dan Madigan 14 River Street; spoke favorably of FW Webb as a supplier of specialty products and local employer. Wants an appropriate development of the parcel in question but this proposal is incompatible with the neighborhood and the NRCC Master Plan. Wants to see more of the NRCC Master Plan realized. The adjacent neighborhood is very committed to this vision contributing labor and materials to improve the streetscape. Spoke of the importance to respect the character of a neighborhood. Disappointed in the aggressive vision of the City leadership on this issue.

President Turiel invited members of the public who did not sign up in advance to comment:

- Teasie Riley Goggins 9 Wisteria Street; spoke in favor of preserving neighborhoods and against spot zoning. Spoke against rezoning these parcels.
- Robert Liani owns Coffee Time Bakery, 96 Bridge Street; spoke in favor of the proposal because Salem should be more than a bedroom community. Bridge Street has been a commercial street for many years. The proposed project is an improvement over Universal Steel. Mentioned the value of having commercial property within the City; pays a higher tax rate and less dependent on City services. Not fair argument to compare residential footprints to a commercial footprint.
- Patrick Bulus 16 North Street; spoke in favor of the proposal. None of the recent NRCC projects have been permitted on by right basis. Perhaps the NRCC zone needs review. Spoke in favor of supporting a business that wants to grow.
- Dave Vitero of Peabody; a former Salem resident and FW Webb employee now lives in Peabody. He spoke in support of the proposal.
- Flora; spoke in support of the proposal because the site cannot be used for residential purposes and wants to see the parcel cleaned up. Hopes the redevelopment of this site will also require City to deal with long-term issues here like flooding and street lights.
- Ann Whittier 10 River Street; width of a street and scale are critical in determining the character and neighborliness of a residential neighborhood. Spoke in opposition to the proposal due to the anticipated decline in property values. Also does not want to disturb the cap on contaminated soil. Encouraged FW Webb to move away from the historic flood plain to a better commercial location.

Continued Board/Council Discussion:

- Councillor Sargent spoke to the value of long-term planning and vision that preserves neighborhoods and manages growth. We should not change zoning to favor developers over home owners and constituents. To rezone this parcel sends the wrong message to future home owners who may be considering Salem.
- Councillor Eppley moved to close the public hearing; there was a procedural discussion about keeping the public hearing open.
 - City Solicitor Elizabeth Rennard advised the hearing could not be continued to the regular Planning Board Meeting as this is a joint public hearing of City Council and Planning Board.
 - Ms. Duncan stated this hearing should be closed or continued to a specific time/date for a joint hearing. Public comment at the Planning Board would be illegal as both bodies would need to meet together to continue to hear comment.
- Councillor Furey spoke in favor of the project; Salem needs to keep local businesses like Webb.
- Councillor McCarthy noted the Planning Board recommendation is unknown, but at that time the Council will have further opportunity for discussion. The zoning decision will not be made until several more steps in the process have been completed. Council has the option to refer the Planning Board recommendation to committee for further discussion.
- Councillor Famico observed that when the Planning Board recommendation comes back to Council there will be opportunity for public comment.
- Mayor Driscoll spoke with appreciation for the individual comments in support of neighborhoods. Advised this feedback is helpful to the process, the administration supports neighborhoods as well. There is a need to clarify the zoning. The existing Webb building is NRCC but the sites in question have been R2 since the 1960s. City Solicitor has clarified the proposed change is not spot zoning. The City wants to get the zoning right. Looking for middle ground to be sensitive to neighborhood resident needs and find the best utilization for this City property. Thanked everyone for participating in the first step of the process.
- President Turiel read into the record a list of written comment in favor and against the proposed zoning change; he advised this feedback will be available on the City website.

Councillor Eppley’s motion to close the public hearing was seconded, the vote was unanimous in favor.

Councillor McCarthy made a motion to refer the matter of rezoning the referenced parcels from R2 to B4 to the Planning Board for recommendation, seconded by Councillor Furey. The vote was unanimous in favor.

Old/New Business

None

Adjournment

President Turiel adjourned the joint public hearing at 10:30pm.

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/node/2186/minutes/2016>

Respectfully submitted,
Pamela Broderick, Recording Clerk

Approved by the Planning Board on 02/18/2016

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