

**City of Salem Planning Board
Meeting Minutes
Thursday, February 4, 2016**

A regularly scheduled meeting of the Salem Planning Board was held on Thursday, November 5, 2015 at 7:00 p.m. at City Hall Annex, Room 313, 120 Washington Street, Salem, Massachusetts.

Chair Ben Anderson opened the meeting at 7:01 pm.

Roll Call

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

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

Action Item

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.

Chair Anderson advised the applicant has requested a continuance until Feb. 18 2016.

ROLL CALL Motion and Vote: Helen Sides made a motion to continue the public hearing to February 18, 2016, seconded by Matt Veno. The vote was unanimous with six (6) in favor (Mr. Anderson, Mr. Rieder, Ms. Yale, Mr. Koretz, Ms. Hamilton, Ms. Sides, and Mr. Veno) and none (0) opposed.

Location: 7 HOWARD STREET
Applicant: HOWARD STREET NOMINEE TRUST
Description: A continuance of a public hearing for a Site Plan Review in accordance with Salem Zoning Ordinance Section 9.5 to allow the conversion of a convent into six (6) residential dwelling units with six (6) parking spaces on the adjacent property by an easement.

Att. Scott Grover represents along with Larry Fray. There is nothing further to present but they would like to discuss the draft decision.

Motion and Vote: Matt Veno made a motion to close the public hearing, seconded by Dale Yale. The vote was unanimous with seven (7) in favor and none (0) opposed.

Chair Anderson clarifies that the applicant has seen this; it has been and some proposed comments have been submitted.

Edits:

- No questions on conformance with the plan.
- Transfer of ownership: edit to the first sentence. Mr. Grover states that the revision was to reflect that would be sold as individual units, but the original wording suggested that the Commission notified of the sale of each unit; this clarifies that it should be notified only if the building as a whole is sold.
- Amendments: n/a
- Construction practices: standard conditions
- Office of City Engineer: n/a
- Fire dept.: n/a
- Building commissioner, utilities, Dept. of Public Service, Board of Health, Health Dept, Maintenance: n/a
- Rieder comments that there is a duplication with landscaping on 11-c, which is similar to 14-c; the only difference being duration, there is no objection.
- Lighting: Mr. Grover explains that no actual lighting plan has been submitted as proposed lighting is limited. The only other lights in addition to the street lights will be lights on the buildings. Locations are indicated along with specs as part of application package.
- HVAC: Is proposed for the middle of building, and will be low, not visible from the public way but a trellis or screen would actually draw undesired attention to it. The applicant will screen from the public way if necessary but does not want to be obligated to do so; Chair Anderson requests a site visit walkthrough and adds the wording, “if needed.”
 - Mr. Veno asks if there are abutters who may view the HVAC system from elsewhere other than the public way, and if it can be screened for them. There is a suggestion to remove “from public way” and add, “if necessary at the discretion of the Board.” Ms. Sides comments that it is important that an evaluation is done since sometimes screening is worse than the equipment. Ms. Chiancola will do a final inspection and report back to board.
- Landscaping: n/a

- As built plans: n/a
- Violations: n/a

ROLL CALL Motion and Vote: Helen Sides made a motion to approve the changes, seconded by Noah Koretz. The vote was unanimous with seven (7) in favor (Mr. Anderson, Mr. Veno, Ms. Sides, Mr. Rieder, Ms. Yale, Mr. Koretz and Ms. Hamilton) and none (0) opposed.

Location: CLARK AVENUE (Map 6, Lots 7, 8 and 9)
Applicant: NSD REALTY TRUST
Description: A public hearing for a Definitive Subdivision Plan in accordance with the Salem Subdivision Regulations and a Cluster Residential Development Special Permit per 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.

Atty Joseph Correnti, 63 Federal Street, Salem, presented for the applicant. Other presenters included:

- Rich Williams; Civil Engineer; Williams & Sparages, 189 North Main Street, Suite 101, Middleton MA 01949.
- Nick Meninno, president Meninno Construction, 76 Oakville Street, Lynn 01905.

Since the last meeting, revised plans have been submitted. Re walkways, tree plantings, sidewalks, etc.: the applicant has tried to tie in all outstanding issues in this final plan. They have met with the City Engineer to review the offsite mitigation since Bill Ross, who did peer review for the onsite, had concerns that are now addressed. Offsite drainage and pavement issues as well as street work have now been addressed with City Engineer.

The original draft decision was made in 2006 so some conditions no longer apply. Rich Williams outlines steps taken since the last meeting, including a lighting design and the addition of street lights, which will be placed 200-225' apart, typical for street lighting.

Other changes:

- Updated plan to reflect open space path material to be mulch.
- Revised plan to show 4' sidewalks, the ADA minimum (3.5' was proposed)
- Layout and number of street trees have been updated and are described.
- Two other plans, including a revised intersection of Clark St. and Clark Ave, have been submitted. There will be additional paving of Clark Ave. and an additional drain on the underside.
- A map consistent with the old decision and traffic study of locations of stop signs, which do not exist yet on Barnes Ave. and Barnes Circle, has been proposed.

Chair Anderson asks for reasons for condition and revision of stop signs. It was noted in 2007 that there should be stop signs at the intersections of the streets and that they don't exist in this neighborhood and it was agreed that they should be added. The applicant will add one at their intersection as well as a painted line in the center line of Clark Avenue to the intersection of Clark St. and Clark Ave. to control traffic.

Chair Anderson asks if there was any agreement on the boulder and Mr. Mennino states that Dave Knowlton, City Engineer, agreed that he needs to work it out. The applicant will remove the boulder and clean up the site, but a large part of it is on private property. Mr. Knowlton will work with the homeowner as the applicant feels it is more appropriate for a City official rather than a developer to address this with them.

Mr. Veno asks about the planned layout of the stop signs, road, and centerline painting, and cites the recent history around center line road striping. People were not aware it was coming and he wonders if residents are aware and approve of this upcoming change. Mr. Correnti says they are not aware. The proposal is based on a sight distance issue on the corner, from the original proposal. Mr. Rieder comments that the applicant had said 40' cross section right of way is imperative; Mr. Correnti replies that this is based the required right of way width as per subdivision codes. Mr. Rieder says it does not align with the minimum tree/lawn strip requirements.

Ms. Chiancola indicates that planning staff discussed and reviewed the proposal of the narrower sidewalk and suggested that it not be narrowed to less than 5' as it may not be functional. Other options discussed were a one way sidewalk (on only one side of the development), or a paved sidewalk. Mr. Rieder comments that this issue is one of dimension, not materials, and feels that being a cul de sac, there will be less pedestrian traffic than downtown.

Pedestrian sidewalks and the necessity of sidewalks on both sides are discussed. A 4' sidewalk would meet ADA requirements and several board members feel it would be sufficient, given the level of foot traffic and the fact that current sidewalks in the area are overgrown and much narrower than 4', yet still serve their purpose. Sidewalks on both sides are preferable, even if they must be narrower than 5'.

Chair Anderson opens to the public:

Mr. Dennis Colbert, 37 Clark St. had submitted a question re street lighting: will it be LED to match the rest of the City. They will be LED lights.

Chair Anderson reads a letter from Mr. William G. Miller, Regional Council, into record: Aggregate Industries operates a nearby quarry where blastings may be heard and felt by residents. They would like all deeds for conveyance to include language regarding this.

Motion and Vote: Noah Koretz made a motion to close the public hearing, seconded by Carole Hamilton. The vote was unanimous with seven (7) in favor and none (0) opposed.

Mr. Rieder comments that the applicant may want to consider cast iron tactile domes at the curb cuts, as the plastic ones are easily damaged by snowplows. (Tactile domes are the sets of bumps placed at curb cuts and the edges of train platforms).

The Chair opens to the public again and Ms. Joyce Kenney comments that she has felt the tactile domes at Salem State, on a corner.

Draft conditions:

- Some items require approval from the City Engineering Dept.; they have been verbally discussed with the applicant but will need to be confirmed.
- A landscape plan is not included but will be identified
- Conformance with plans: n/a
- Endorsement of plans: n/a
- Amendments: n/a
- Subdivision regulations: n/a
- Waivers: #4 will be added for the width of the proposed sidewalk to be waived from 5' to 4' rather than 3.5' concrete, with grass strip a of 3.5'
- Transfer of ownership: n/a
- Security: n/a
- Endorsement of approval with comment: n/a
- Endorsement of approval with binds: n/a
- Timeframe: 2 year limit
- Homeowners Assoc: Ms. Yale asks if there is the intention of the city to take over the trail or open space. This is not the intent of City, but usually falls upon the homeowners association.
- Open Space: n/a
- Conservation Commission: n/a
- 11b Trails: Mr. Rieder asks about the caliper size of trees in the trail to be removed; the applicant will defer to the board and it is decided that 3" is an acceptable size.
- Safety improvements: Mr. Rieder recommends adding the address of a certain rock. Ms. Chiancola thinks it is 1 Clark Ave. but will verify and add the address. Logistics of its removal are discussed and it is reiterated that the City Engineer will follow up with the homeowner and the applicant.
- Board of Heath: n/a
- Drainage infrastructure improvements: The applicant has met with the City Engineer to discuss conditions; Ms. Chiancola still requires the exact language from the Engineer.
- Sewer: Mr. Correnti states that this entire paragraph (14C) can be removed. Mr. Mennino states that it was previously agreed that the developer would pave intersection of Clark Ave. and Clark St. up to the corner. However, in a meeting with Dave Knowlton, they agreed to pave all of Clark Ave., including up to Woodland Rd., not stopping at the granite curb. Thus, this paragraph is redundant and will be removed.
- Fire dept: n/a
- Building inspector: n/a
- Lighting: A condition will be added to indicate that this will be LED lighting; Mr. Rieder and Mr. Veno suggest wording.
 - Logistics of the lighting are described and discussed, along with timing of its design re certificates of occupancy.
 - #C under lighting does not make sense for street lights so will be removed, as lights are meant to light the right of way; light spilling onto private property is unavoidable.
 - The Commission has concerns about the timing of the development and installation of the lighting; the applicant is concerned about the wording, which indicates that lights must be installed rather than simply a plan being submitted, reviewed and approved prior to construction. Having lights installed prior to construction is not a condition that the applicant has seen before, and is very burdensome. National Grid also has a say in where, how and which types of lights can be used, so the applicant is at their mercy.

Timing and sequencing are further discussed. Chair Anderson suggests inspection for safety prior to issuance of Certificate of Occupancy.

- 16: Fire Department access is again discussed as homes may be occupied before the cul-de-sacs are built; it is determined that temporary access is required during construction so this is added to the conditions.
- Noise: n/a
- Preconstruction conference: n/a
- Construction practices: n/a
- Time constraints: n/a
- Blasting: Though not related to public comment, it is related to construction. The whole area will be blasted before any homes are occupied.
- Construction traffic: n/a
- Progress reports: n/a
- Public works: n/a
- Utilities: n/a, though Mr. Rieder asks why sidewalk and curbing falls under utilities. This is perhaps because they involve the City Engineer. Sidewalks are already on the plans.
- As built plans: n/a
- Violations: n/a

Mr. Rieder comments that the landscape plan is not included but must be referenced. Ms. Chiancola comments on the changes in the plan and Mr. Rieder states that they must be part of the set, or, as indicated by the applicant, referenced in the document.

Ms. Yale asks if it is possible to add language about blasting as requested in the letter from Aggregate; Atty Correnti states that they would not find that condition acceptable; he has never seen an abutter request such conditions. This goes public input, and Aggregate is seeking deed restrictions which would impair the developer's ability to market the property. The Commission agrees that having such deed restrictions in the Registry would be highly irregular and would not include it as a condition. It is up to buyers to review the map.

Noah Koretz made a motion to continue the public hearing to February 18, 2016, seconded by Kirt Rieder. The vote was unanimous with six (6) in favor (Mr. Anderson, Mr. Rieder, Ms. Yale, Mr. Koretz, Ms. Hamilton, Ms. Sides, and Mr. Veno) and none (0) opposed.

Mr. Correnti states that the applicant has nothing further to present, and will look for a revised decision from the Board with the above changes. He clarifies that the public hearing has been closed, which it has.

Location:	11 HERBERT STREET (MAP 35, LOT 320)
Applicant:	NSD REALTY TRUST
Description:	The Planning Board will discuss and vote to consider consent to allow the Zoning Board of Appeals to hold a public hearing for all parties interested in the reapplication of BLUE WATERS VERO, LLC, seeking Special Permits from Sec. 3.3.3 Nonconforming Structures and 3.3.5 Nonconforming Single and Two-Family Residential Structures and a Variance per Sec. 5.1 Off- Street Parking

Requirements of the Salem Zoning Ordinance to allow the conversion of a single-family dwelling unit to a two-family dwelling unit and associated parking at the property of 11 HERBERT STREET (Map 35 Lot 320)(R2 Zoning District). In particular, the Planning Board will consider whether the reapplication for the Variance request has been a specific and material change in the conditions upon which the previous unfavorable action was based.

This item is heard after Howard St. George Atkins at 59 Federal St. represents for the petitioner. He had asked if sufficient Board members were present; all but one member of the Board must be present. 8 members constitute a "membership" and he will require 7 votes for this matter. This is a rare presentation.

He outlines the procedure as allowable under statute 40A. It is summarized in a memo by the City Solicitor's memo summarizes. The Zoning Board of Appeals (ZBA) denied a petition in September, but Mr. Atkins feels that a number of errors were made both in the form of the presentation, and in the presentation itself. It was originally presented as a request for variances, whereas he feels a special permit is more appropriate as this is a nonconforming lot, but the use is allowed. Normally, a petitioner would not be able to present to the ZBA for another two years, but in this case, since a different relief is being requested, Mr. Atkins would be able to present to the ZBA before the two year prohibition, provided he is approved by this Board first. The statutory procedure requires this Board to approve "specific and material changes" in the new petition so that Mr. Atkins can go before ZBA again to present the same. Errors in the previous presentation to that Board also allow or permit him to go back within two years, as supported by case law.

Mr. Atkins describes the property as a house off of Derby St., built-in 1850. It is an R2 zone in a 2960 square foot lot, and the building has a footprint of 1000 square feet. It is currently being used as a single family home, but the petitioner would like to convert it to a two-family, on two floors, thus there is no change in footprint. However, a "change of use" requires 7500 square feet per unit, and that is not achievable in this case. Three parking spaces are required as well; that is possible but two of them must be tandem, hence his presentation to this Board. The statutory procedure requires this Board to approve specific and material changes in new petition so that he can go before ZBA again to present the same errors in presentation to Board also allow/permit him to go back within two years, as supported by case law.

The original presentation had some errors and omissions:

The original application before the ZBA had indicated that there would be four parking spaces, all in tandem, and a very small passageway between the parties. Two plans were presented, one for three parking spaces and one for four, the latter of which was marked "preferred."

Omitted were the facts that:

- The owner would create two condo units, allowing control over parking
- Each unit would be very small, under 500 square feet, thus designed for single people or a young couple starter home, so the number of parking spaces would not increase.
- Support from the neighborhood (via a petition) was brought in, and the rationale was that this is one of the few locations that has off street parking, a benefit.

Ms. Chiancola clarifies the timeline and what has occurred so far. The Planning Board must now decide if this petitioner has submitted sufficient information showing "specific and material changes" to be made to the project. If there are specific and material changes, the petitioner may resubmit to the ZBA within the two-year period.

Mr. Rieder observes that the number of spaces is irrelevant; the configuration is such that cars will have to pull in and back out into the street no matter what. Mr. Atkins states that the ZBA thought four spaces would result in very narrow area between the house and cars. Ms. Chiancola asks him to outline specific material changes.

Mr. Atkins reiterates that he is now requesting a special permit rather than a variance. Mr. Veno opines that this doesn't affect parking but Mr. Atkins disagrees, since that was the majority of the petition. Specifically, the only proposal submitted shows three parking spaces with two being tandem.

Ms. Yale asks for clarification and Mr. Atkins outlines the setup of the three spaces in question.

Mr. Veno asks about the prior, unfavorable ruling from the ZBA. It is unclear whether they ruled as they did on the "preferred" setup of four spaces or the "alternate" of three. This, then, is a change of requested relief.

Chair Anderson states that this originally was a two family home when built, became a single family, and the petitioner would like to make it a two family again. The Building inspector has seen the property and did confirm that it was originally a two family.

Ms. Hamilton asks about parking and the reasoning for denying the variance, and wonders if this is a substantial change to the application that now satisfies the requirements. Atty Atkins thinks it does and outlines the requirements for a variance, which are higher than those for a special permit.

Mr. Rieder comments that the material change is the reduction from four parking spaces to three, however, he notes that the petitioner will still have to pave over an area sufficient for four cars, so there could still be four spaces. He suggests instead leaving the fourth space unpaved.

Ms. Yale notes that approval from this Board will only allow the petitioner to appear again before the ZBA, not that they will necessarily be granted relief. Atty Atkins reminds the Board that the ZBA will also have to agree to allow him to present again, then must consider the issues. He would like the opportunity to give a more fair presentation.

Mr. Rieder comments that it would help him to NOT show a car next to fence but closer to Street in his illustration, since it runs counter to Atty Atkins' argument. He will change this.

Chair Anderson opens to the public.

Mr. Elliot Shea of 10 Herbert St. is in favor of the project, stating that the off street parking the project would provide is a "bonus" for local residents, as parking violations in the area is not enforced.

A motion to close the public hearing is made by Matt Veno, seconded by Dale Yale, and passes unanimously with all (7) in favor and none (0) opposed.

Mr. Veno asks about current area of proposed parking. Mr. Shay outlines. Mr. Rieder asks about a tree in the area; Mr. Shay indicates that it does not interfere with the driveway. It is unclear who owns it.

ROLL CALL Motion and Vote: Dale Yale made a motion to to approve the project as showing specific material changes related to the request for a special permit vs. variance for two family, as well as specific material changes for the requested relief from the variance for tandem parking, and also a substantial change from evidence presented at original ZBA meeting, thus the petitioner should be allowed to appear before ZBA prior to 2 years. The motion is seconded by Matt Veno but does NOT carry with six (6) in favor (Mr. Anderson, Mr. Veno, Ms. Sides, Mr. Rieder, Ms. Yale, Mr. Koretz) and one (1) (Ms. Hamilton) opposed.

Approval of Minutes

January 21, 2016 Regular Meeting Minutes

No comments or corrections were made by the Planning Board members.

Motion and Vote: Carole Hamilton made a motion to approve the January 21, 2016 Regular Meeting Minutes, seconded by Helen Sides. The vote was unanimous with all (7) in favor and none (0) opposed.

Old/New Business

Location:	11 HERBERT STREET (MAP 35, LOT 320)
Applicant:	NSD REALTY TRUST
Description:	An insignificant change request to the previously approved Site Plan Review and Planned Unit Development, specifically to allow one additional unit in Phase II, increasing the number of units from 13 to 14 units. The additional unit results from a third floor 3-bedroom unit being divided into a 2-bedroom unit and a 1-bedroom unit. The total units would increase from 39 to 40, with the total onsite parking remaining at 36 spaces. Offsite parking will increase from 7 to 8 spaces. There will be no exterior changes to the building and the total bedroom count in the project remains the same.

Here for the applicant is Mr. Joe Correnti of 63 Federal St. He states that this has been a successful project; now this is phase 2, with the building approved to be built but not yet built. The 13th or top unit was supposed to be a three bedroom 2,145 square foot unit; they would like to change it as it may not be as marketable as previously thought. It is an extra unit requiring extra parking. It is a PUD, so parking is determined by this Planning Board; there will be onsite parking and parking passes in the municipal garage within 500' of the site will be purchased and is allowed under zoning. This is an internal change only, as they need 14 units up from 13. The Board has no questions.

Motion and Vote: Matt Veno made a motion to approve an insignificant change request, seconded by Helen Sides. The vote was unanimous with all (7) in favor and none (0) opposed.

Deliberate and vote on recommendation for the rezoning of the parcels at 297 Bridge Street, a portion of Beckford Way, and 311 Bridge Street from R2 Residential Two-Family to B-4 Wholesale & Automotive Zoning District.

The Board has received a new public comment which cannot be read into the record as public hearing has been closed, and also the Chair reminds public that there can be no more comments from those present for this reason.

Chair Anderson opens to the Board and comments that he has thoroughly examined the request and condition for rezoning. Not all comments from the City Council hearing were related to the rezoning, so he is trying to consider only those that were relevant. In looking at this site, related specifically to the rezoning request with the understanding that that the site is a vacant lot not generating revenue, that it is in residential district but has not been used as a residential property, and it was commercial/industrial until 1965, he notes that there is a fair amount of precedent. He personally feels the site does merit a change in zoning. Lynn Duncan arrives at 8:51PM.

Chair Anderson outlines his concerns:

- Building size and orientation, specifically related to loading and accommodation to residents
- Architectural design
- Scale
- Quote for remediation
- Contaminants on site

However, he personally feels that the Licensed Site Professional (LSP) and other professional's onsite will follow procedures so as to design the project well in relation to the safety of the neighborhood and future users, re issues specifically related to rezoning. He is also confident that this Board can address the concerns of the neighbors voiced in the City Council meeting.

Mr. Veno outlines his comments and concerns:

- This may be considered "spot zoning" and whether or not it is allowable. This was addressed by the City Solicitor and he feels confident that it is not illegal spot zoning and would hold up in court.
- The state of property, with its legacy of industrial use, contaminants, and status as Brownfield site, make it inappropriate to be zoned residential and developed as such.
- The current use as a parking lot is not in the best interest of public welfare, and the proposed use is the most appropriate.
- The plan is consistent with the NRCC master plan. However, that plan indicates the revitalization of this area as residential, but either the planners were not aware of or did not consider the condition of the property that make it not developable as a residential property.

Chair Anderson comments that residential development could be done but the cost would be prohibitive. Mr. Veno feels that the benefits to the City and merits of the petition provide real value to the City re its commercial tax base. He reiterates that it will also meet the more specific requirements of the NRCC master plan. He also agrees that all of Chair Anderson's concerns re the impact on the

neighborhood as brought up at the Public hearing can be addressed by this Board. For all those reasons, he is not only comfortable but enthusiastic that this is the way the project should go.

Mr. Koretz agrees with Chair Anderson and Mr. Veno, and states that he believes the applicant did not present a design that was "conceptually appropriate" and that they should seriously consider doing that. He believes it does not make sense to keep the site residential. He is generally in favor of the project, but to the extent that last week's comments were actually about zoning, there is a valid concern that if the area is rezoned as requested and the deal falls through, what is allowed to be built as-of-right may not fit in with the neighborhood. He wonders if, in that case, this Board could again rezone the area, not necessarily back into residential, but perhaps R2 or another category less objectionable to the abutters. Ms. Sides wonders if, that would be necessary since in that case, the next petitioner would have to undergo the same scrutiny anyway.

Ms. Sides feels that this location on Bridge St. is very important to different Contractors; if they moved to another suggested location it would move their business. She would not approve the building as presented, and wishes they could include Design Review, but that is beyond the scope of this Board as the board does not provide the scrutiny that the DRB provides. She notes that topography is working in our favor, and the building will not be jammed up against people's houses and feels the imagery presented that showed that was extremely misleading and unprofessional" she was insulted by it. She understands what true perspective looks like and its value. Also another issue was the public way. Ms. Sides is enthusiastic about the zoning change, as a business belongs on that corridor, and Zoning should also be changed on Bridge St. Neck.

Mr. Rieder asks about the flood zone as compared to that of the Gateway site. Many comments and suggestions at last meeting led him to itemize questions re contamination mitigation and its effect on construction techniques.

Flood and construction techniques speak to height, and in an R2 zone a 35' tall structure could be built but contamination forces that off. The petitioner is asking for 35'. Parking falls under site plan review but segues into the issue of right-of-way and the disposition of Beckford Way. The City can let go of the public way and cede to being used by another. (9:05 on recording)

Public access can be maintained either through ownership by the City or some other way. Mr. Rieder asks if this Board can condition its approval on design or site plan review, but that is beyond its scope. Chair Anderson indicates that, if the project makes it thru City Council AND this Board's recommendation is positive, it can have those discussions, but the Planning Board is not being asked to review it this evening.

Lynn Duncan reiterates that this Board can only make a decision on zoning alone. If the current plan does not move forward, the Planning Board would still be in favor of revisiting the issue of determining the most appropriate zoning district for that parcel, provided it remains in City Control. That comment can be added.

Further Discussion:

- Wording should be included to indicate the reasons the Board supports this change, including the public benefit to acknowledge why it is not spot zoning.

- Design review may not explicitly be part of any condition, however Mr. Veno feels that a statement should be included that when/if this project comes before us for site plan review, given the public hearing circumstances, this Board would likely include design review as part of that process.
- Ms. Yale comments that this Board can address issues such as noise, buffering of views, etc. and she feels Webb would be amenable to suggestions and will want to enhance the building on the corner.
- Mr. Rieder mentions the omission of discussion re maintenance of public access to the site, which could be molded through site plan review. Ms. Duncan states that it is not part of zoning but is a requirement of the RFP (Request for Proposals). Vehicular and pedestrian access must be maintained but are not part of rezoning. She also says that in terms of process, assuming votes are favorable and the petitioner can move forward, it would allow the Mayor to enter into a land disposition agreement that would hold Webb's to those requirements stated in the RFP, such as price and public access easement (which may change during site plan review). The City would make sure that when the transfer of deed was done, that access and utilities easement would be put in place.

Mr. Rieder agrees but states that continued public access would be another positive (#8) bullet point to add to the list. That would address the fear of “walling off” of Beckford way.

Ms. Duncan says provide public access to the rear of 30 and 32 Beckford. Also Veno says replace “old” with “historically.”

Ms. Yale says clarifies that this was historically an industrial area, not “historic” in that sense of the word.

Matt Veno made a motion to recommendation approval of the rezoning from R2 Residential Two-Family to B4 Business Wholesale and Automotive for the following parcels: 297 Bridge Street (Assessor Map 26, Lot 635), a portion of Beckford Way (Assessor Map 26), and 311 Bridge Street (Assessor Map 26, Lot 618) because the proposed project promotes the public welfare for the following reasons:

It allows commercial redevelopment in a historically industrial area; (2) conforms to the City's Master Plan; (3) preserves and expands services from a company that has provided plumbing supplies to local contractors in the City for decades; (4) increases the tax revenue through new growth on two underperforming lots historically used for commercial enterprises; (5) creates additional jobs for area residents; (6) retains existing jobs that are threatened; (7) properly zones a lot that has not been remediated for residential use and would otherwise remain vacant and underutilized; and (8) maintains public access between Beckford Way and Bridge Street.

The motion is seconded by Carole Hamilton and carries with all (7) in favor (Mr. Anderson, Mr. Veno, Ms. Sides, Mr. Rieder, Ms. Yale, Mr. Koretz and Ms. Hamilton) and one (0) opposed.

Other:

Pam will no longer be recording minutes, so the Chair recommends a thank you gift.

Several Commissioners have commented on public presentations; Chair Anderson would like to put that topic on a future agenda so it cannot be discussed at this meeting. Items for discussion would include criteria for format, policies and procedures. This item will be put on the agenda for the next meeting.

Mr. Rieder asks about how to move forward re tactile dome pavers and comments that many other cities require cast iron.

The vacant Planning Board slot will soon be filled.

Adjournment

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

The meeting ends at 9:26 PM.

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,
Stacy Kilb, Substitute 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.