

**City of Salem Planning Board  
Meeting Minutes  
Thursday, February 18, 2016**

A public hearing of the Salem Planning Board was held on Thursday, February 18, 2016 at 7:00 p.m. at City Hall Annex, 120 Washington Street, Room 313, Salem, Massachusetts.

Chair Ben Anderson opened the meeting at 7:00 pm.

**I. ROLL CALL**

Those present were: Ben Anderson, Chair, Noah Koretz, Bill Griset, Dale Yale, Carole Hamilton, Helen Sides, Kirt Rieder, and Matt Venio (arriving late, 7:25),

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

**II. REGULAR AGENDA**

- A. Location:** 401 BRIDGE STREET (Map 25, Lot 74) and 44 Boston Street (Map 15, Lot 305)  
**Applicant:** HIGH ROCK BRIDGE STREET, LLC  
**Description:** **REVISED\*** The applicant has requested a continuance of the public hearing to the regularly scheduled Planning Board meeting on March 3, 2016 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. 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.

*A motion to continue to the March 3, 2016 Planning Board meeting is made by Helen Sides, seconded by Dale Yale, and the motion carries with all in favor.*

- B. 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 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, and a Stormwater Permit in accordance with the Salem Code of Ordinances Sec. 37.

Mr. Joseph Correnti, Attorney, of 63 Federal St., represents the applicant. Two weeks ago, drawings had been finalized and issues of lightings, sidewalks, and, tree lawns were finalized. There is no presentation this evening as the Board has final drawings, and additional drawings for construction will be submitted as the project progresses.

Kirt Rieder states that no landscape plan was available at the last meeting; it has been submitted since. Amanda Chiancola states that it is part of the set, and is not reprinted but is noted on Condition 1A.

Chair Anderson discusses the Form C Decision.

Items of comment/concern to the Board:

- Lighting: Atty Correnti comments that item 18C still has the original wording. Chair Anderson read into the record the revised condition, “The Owner shall coordinate with the electric company and the City Electrician regarding the installation of street lighting within the Subdivision.”
- Blasting: This has changed from 300 feet to 250 feet.

Atty Correnti notes a minor change to line two, which should read “NSD Realty Trust, hereafter referred to as ‘the applicant.’”

*A motion to approve the Form C-Definitive Subdivision, Cluster Residential Development Special Permit, and Stormwater Permit as conditioned is made by Matt Veno, seconded by Helen Sides, and carries 8-0 with Ben Anderson, Noah Koretz, Bill Grisct, Dale Yale, Carole Hamilton, Helen Sides, Kirt Rieder and Matt Veno in favor.*

Chair Anderson reads the decision into the record.

- C. Location: 14 and 16 ALMEDA STREET (Map 14 Lot 116 and Map 14 Lot 117)**  
**Applicant: TOWN AND COUNTRY HOMES, INC.**  
**Description: REVISED\* The applicant has requested a continuance of the public hearing to the regularly scheduled Planning Board meeting on March 17, 2016 for a Definitive Subdivision Plan to construct a roadway to serve two existing undeveloped lots.**

A motion to grant the 135 day deadline extension on March 18, 2016 is made by Bill Grisct, seconded by Kirt Rieder, and is approved 7-0 in a roll call vote with Ben Anderson, Noah Koretz, Bill Grisct, Dale Yale, Carole Hamilton, Helen Sides, and Kirt Rieder in favor.

Board members do not recall details of this presentation and feel that the applicant may need to present again. Carole Hamilton asks if March 18<sup>th</sup> allows enough time for a decision; the applicant would need a decision or another extension.

*A motion to continue to the March 17, 2016 meeting is made by Dale Yale, seconded by Bill Grisct, and passes 7-0 with Ben Anderson, Noah Koretz, Bill Grisct, Dale Yale, Carole Hamilton, Helen Sides and Kirt Rieder in favor.*

- D. Location: 186-190 MARLBOROUGH ROAD (Map 10 Lot 32)**  
**Applicant: HENRIE REALTY TRUST**  
**Description: A public hearing for a Waiver from Frontage Requirements of the Subdivision Control Law to allow less than the required 100 feet of frontage.**

This and the following item will be voted on separately. George Atkins, attorney, of 59 Federal St., presents the project. There are three residences on a single lot in an R1 district. He explains the reasoning

for the second item. Basically, the division of one lot into three will not constitute a subdivision. The applicant has already gotten variances from the Zoning Board, having met all traditional standards. It is a unique piece of land due to both its shape and low elevation. A large wet area to the rear is not usable, and there is a lot of ledge. Inability to separate the lots would be a hardship, and there is no harm to the surrounding district as there is no change in use. Mr. Atkins feels that a waiver is not necessary as conditions for a subdivision are being waived for something that is not a subdivision. Chair Anderson asks if there are two lots; one exists today with all three residences on it.

Sid Farber of 16 Rockdale Ave. asks if this is the same issue as the last two times [at previous City meetings such as the ZBA]. This is the same issue as before the ZBA; the applicant will not build on wetlands.

Amanda Chiancola clarifies that the Board is being asked to waive frontage requirement from 100' to 50' per lot.

*A motion to close the public hearing is made by Carole Hamilton, seconded by Bill Griset, and passes unanimously, 7-0.*

*A motion to waive the frontage requirement from 100' to 50' is made by Bill Griset and seconded by Carole. The motion carries 7-0 with Ben Anderson, Noah Koretz, Bill Griset, Dale Yale, Carole Hamilton, Helen Sides, and Kirt Rieder in favor.*

**E. Location: 186-190 MARLBOROUGH ROAD (Map 10 Lot 32)**

**Applicant: HENRIE REALTY TRUST**

**Description:** Board discussion and vote on an application for endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR), proposing to divide one (1) lot with three existing buildings into three lots.

Atty. Atkins has nothing to add. There is some discussion of lot shape as dictated by the building placements.

The Chair opens to public and Sid Farber of 16 Rockdale Ave. requests additional clarification, which the Board provides. No building will take place in the wetlands behind his house, and the footprint of the new building will remain mostly on the same footprint as the existing one in the middle. Atty Atkins adds that the Conservation Commission approved that construction, and moving construction further back would require more permits from that Commission, this Board, and the ZBA.

*A motion to close the public hearing is made by Helen Sides, seconded by Dale Yale, and carries 7-0 with Ben Anderson, Noah Koretz, Bill Griset, Dale Yale, Carole Hamilton, Helen Sides and Kirt Rieder are in favor.*

*A motion to endorse said Plan is made by Carole Hamilton, seconded by Noah Koretz, and carries 7-0 with Ben Anderson, Noah Koretz, Bill Griset, Dale Yale, Carole Hamilton, Helen Sides and Kirt Rieder in favor.*

### III. APPROVAL OF MINUTES

**A.** January 26, 2016

*A motion to approve the Jan. 26 minutes made by Dale Yale, seconded by Carole Hamilton, and carries with all in favor (8-0).*

**B.** February 4, 2016

*A motion to approve the Feb 4 2016 minutes is made by Helen Sides, seconded by Kirt Rieder, and carries with all in favor (8-0).*

#### **IV. OLD/NEW BUSINESS**

##### **A. Discussion of Planning Board Policies and Procedure as they relate to Public Presentations**

Amanda Chiancola has found draft guidelines from 2006 that were not adopted. Guidelines for presentations are outlined; members have a copy.

The Board would simply vote on these guidelines to adopt them. The City Solicitor has no issues re the Sunshine Ordinance or City policies. However, she recommends waiting until the next meeting to vote if there are amendments.

There is extensive discussion regarding the public "presentations" at the previous joint Council and Board meeting. Board member thoughts and comments were:

- Board is uncomfortable with performances that may take over such meetings
- Suggestions:
  - Require that such elaborate presentations be identified prior to the meeting. If more than the suggested three minute limit (see below) is needed, the Board requires a valid reason prior to the meeting, if possible.
  - Materials, especially videos, should be previewed by the Board to ensure that they are on topic, and may be excluded if not.
  - Impose a three minute time limit on each comment. The Chair will have some discretion in extending this limit, but that would be on a case-by-case basis. It is felt that such limits are reasonable, especially if many or a large number of neighbors share the same comments.
  - Visuals, such as a video presentation, could be allowed as long as they are within the time limit
  - The applicant should present the project; comments should be limited to those relevant to the particular project being reviewed. If comments deviate or the commenter goes over the allotted time, the Chair may interrupt to keep them on topic and keep the meeting running smoothly.
  - Post clear guidelines, once adopted, on a sign outside the meeting room, so they may be referred to as needed.
- None of this is in any way meant to discourage public comment, but grandstanding is not appropriate and limits should be in place to make sure that all members of the public have the opportunity to provide their input, as some may need to leave early. This will allow the board to hear novel input. The need for the public to be heard must be balanced with the need of the Board to run an orderly meeting.
- The merits and disadvantages of having a list of those who intend to comment at the meeting, prior to the meeting, are discussed. Any guidelines put in place should help those with comments to not repeat each other; if they will be collaborating, this will encourage them to be more concise.
- Amanda Chiancola will make the suggested edits to the draft document and present it at the next meeting.

##### **B. Tactile Dome Paver Material**

Amanda Chiancola presents, having this issue with the City Engineer, whose purview it is to review materials for these domes, which are installed for vision impaired. He has not familiar with cast iron as a material for these but is open to it or other materials as recommended by this Board. Kirt Rieder comments that cast iron is standard for other Cities; Cambridge requires cast iron. Kirt Rieder also clarifies that re this Board requiring applicants to use certain products i.e. metal fence vs. chain link, how do we require a certain material for this item? This could be done as a condition per approval of City Engineer.

#### **V. ADJOURNMENT**

## **VI. ADJOURNMENT**

*A motion to adjourn is made by Noah Koretz, seconded by Dale Yale, and all are in favor (8-0).*

The meeting ends at 8:05PM.

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/planning-board/webforms/planning-board-2016-decisions>

Respectfully submitted,  
Stacy Kilb, Substitute Recording Clerk

Approved by the Planning Board on 03/17/2016

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