

**City of Salem Planning Board
DRAFT Meeting Minutes
Thursday, September 3, 2015**

A regularly scheduled meeting of the Salem Planning Board was held on Thursday, September 3, 2015 at 7:00 p.m. in Room 313, Third Floor, at 120 Washington Street, Salem, Massachusetts.

Chairman Anderson opened the meeting at 7:13 pm.

Roll Call

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

Also present: Erin Schaeffer, Staff Planner, and Pamela Broderick, Planning Board Recording Clerk.

Approval of Minutes

July 30, 2015 Regular Meeting Minutes

Minor edits were made by the Planning Board members.

Motion and Vote: Matt Veno made a motion to approve the July 30, 2015 Regular Meeting Minutes with edits, seconded by Noah Koretz. The vote was unanimous with eight (8) in favor and none (0) opposed.

Regular Agenda

Location: 23 GLENDALE STREET (Map 33 Lot 646)
Applicant: FRED J. DION YACHT YARD
Description: A public hearing for a petition requesting a Flood Hazard Overlay District Special Permit in accordance with Sec. 8.1 of the Salem Zoning Ordinance to allow the reconstruction of an existing storage shed for additional boat storage measuring 60' wide, 80' long, and 26' high.

Documents and Exhibitions:

- Flood Hazard Overlay District Special Permit Application Form stamped received August 13, 2015
- Plan of Land prepared by Patrowicz Engineering 14 Brown Street, Salem, stamped received August 13, 2015
- Elevation Plan titled Dion's Salem Harbor Proposed new Buildings, prepared by Allan Dennis, P.E., 8 Wheeler Place, Marblehead, dated March 5, 2015

Atty George W. Atkins, III of Ronan, Segal & Harrington, 59 Federal Street; presented for the applicant.

Other presenters included:

- Susan St. Pierre; Principal, St. Pierre Consulting Services, 74 Bay View Avenue, Salem (waterfront permitting expertise).

- Fred Atkins; owner, 23 Glendale Street, Salem.

Atty Atkins introduced the project with a brief overview. Fred J. Dion Yacht Yard has been in business in Salem for 100 years, at the same location and managed by the same family. The location, deep in Salem Harbor is generally sheltered from high velocity wave action, and is periodically subjected to moderate flooding during storms and extreme tides. Existing structures for boat storage are designed to survive periodic flooding, with earth/gravel floors. Other factors that affect the site and influenced the positioning of the replacement building include:

- City storm drain lines that run from Glendale Street into the harbor
- City water line crosses the site of the new building and it will need to be moved.
- A private hydrant will also be relocated with siting advice from the City Fire Department
- The only utility inside the proposed building will be electricity

Atty Atkins advised this project has appeared before Zoning Board of Appeals and the Conservation Commission and received requested approvals from these Boards. The proponent has also met with neighbors to discuss the positioning and height of the proposed new building to avoid impacting view corridors.

Board Discussion:

The Board received satisfactory answers from Atty Atkins to a range of questions:

- Board noted the size of new building is nearly double, what is the use of the building that requires this expansion? Expand boat storage capacity.
- What issues required relief from the Zoning Board of Appeals (ZBA)? Nonconforming structures on the lot require a ZBA special permit.
- Will chemicals or toxins be stored in the proposed new building? No, there is a separate area for these.
- Board noted a couple of parking spots along the fence will be displaced by the new building. Can this parking be accommodated elsewhere on the lot? Yes.
 - The Board followed up with a discussion indicating concern that employees may be parking on Glendale Street, which is needed for residents. Employees do not use Glendale Street.
 - Board asked if the proponent was seeking to eliminate some parking on Glendale Street (currently both sides allowed) to provide easier access for trucks moving boats. Atty Atkins responded the proponent has no desire to disrupt the neighborhood and is not seeking any change to parking practices. He pointed out that expansion of boat storage capability will reduce the number of boats being taken out of the yard and along Glendale Street.
 - As required by the Flood Hazard Overlay District Special Permit, the Board asked if the building will create any changes to vehicular or pedestrian traffic flow within the site. Atty Atkins advised that other than the 1-2 lost parking spaces previously discussed, there will be no change to site navigation.
- Susan St Pierre identified the 100' buffer zone line on the map, which determines Conservation Commission jurisdiction. Planning Board review is driven by the flood hazard zone (entire site).

- Board asked about the height of the new building and does this create any changes to Building C. Atty Atkins advised the new building height is 26' flat roofed. No changes are needed to Building C.

Chair Anderson opened the meeting for public comment:

- Josh Turiel, City Councillor Ward 5, 238 Lafayette Street, asked about the materials to be used for construction? Atty Atkins advised no specific choices made yet, but he identified the basic ideas visible on the preliminary drawings.
- Tom Furey, City Councillor At Large, 36 Dunlap Street; spoke in favor of supporting a long-time Salem business who has proved themselves to be a good neighbor. Mr. Furey expressed appreciation that this business is reinvesting and staying in Salem.

Motion and Vote: Randy Clarke made a motion to close the public hearing, seconded by Kirt Rieder. The vote was unanimous with eight (8) in favor (Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and Ms. Hamilton) and none (0) opposed.

Board Discussion:

Chair Anderson reviewed the list of conditions per ordinance that must be considered by the Planning Board for the Flood Hazard Overlay District. After consideration of all issues, the Board determined all conditions have been met.

Motion and ROLL CALL Vote: Matt Veno made a motion to approve a Flood Hazard Overlay District Special Permit to allow reconstruction of an existing storage shed; with the following findings:

- The proposed use will comply in all respects to the uses and provisions of the underlying district in which the land is located.
- There are adequate convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property, particularly in the event of flooding of the lot(s) or adjacent lots(s) caused by either overspill from waterbodies or high runoff.
- Utilities, including gas, electricity, fuel, water and sewage disposal, shall be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding.
- Where the proposed use will be located within a coastal high hazard area (Zone VE on the FEMA Flood Insurance Rate Maps), the Planning Board shall also find the following conditions to be fulfilled;
 - New structures or substantial improvements shall be located landward of the reach of mean high tide.
 - The support of new structures or substantial improvements shall not be, in whole or in part, by the use of fill.

seconded by Carole Hamilton. The vote was unanimous with eight (8) in favor (Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and Ms. Hamilton) and none (0) opposed.

Location: 23 JACKSON and 17 VALE STREET (Map 25 Lot 661 and Map 25 Lot 660)
Applicant: WAYNE and MARIA MALIONEK

Description: A public hearing for a petition requesting a Waiver From Frontage Requirements of the Subdivision Control Law to allow less than the required 100 feet of frontage.

Board discussion and vote on an application for endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR).

Documents and Exhibitions:

Correspondence dated August 25, 2015, from Atty Scott Grover of Tinti, Quinn, Grover & Frey, 27 Congress Street; on behalf of the applicant, with a request for continuation to September 17th for the public hearing on the request for a Waiver from Frontage Requirements; and a continuation until September 22nd for the Board vote on an application for endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR).

Board Discussion:

Ms. Schaeffer advised the later date for the ANR provides time to meet the state requirements of recording at the City Clerk Office.

Motion and Vote: Dale Yale made a motion to continue the public hearing on the request for Waiver From Frontage Requirements until September 17, 2015, seconded by Bill Griset. The vote was unanimous with eight (8) in favor (Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and Ms. Hamilton) and none (0) opposed.

Motion and Vote: Noah Koretz made a motion to continue the Board discussion and decision on the ANR until September 22, 2015, seconded by Bill Griset. The vote was unanimous with eight (8) in favor (Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and Ms. Hamilton) and none (0) opposed.

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 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.

Documents and Exhibitions:

- Two additional public comment letters received:
 - Dated August 18, 2015, from the Federal Street Neighborhood Association
 - Dated August 7, 2015, from Rachel N. Lutts, 92 Orne Street, Salem
- Correspondence dated August 28, 2015, from Atty Joseph Correnti, of Serafini, Darling & Correnti, LLP, 63 Federal Street; on behalf of the applicant, with a request for continuation to September 17th.

Motion and Vote: *Kirt Rieder made a motion to continue the public hearing to September 17, 2015, seconded by Randy Clarke. The vote was unanimous with eight (8) in favor (Mr. Anderson, Ms. Sides, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and Ms. Hamilton) and none (0) opposed.*

Location:	9-11 DODGE STREET, 217-219 WASHINGTON STREET, and 231-251 WASHINGTON STREET (Map 34, Lots 0403, 0405, and 0406)
Applicant:	DODGE AREA, LLC
Description:	Continuation of the public hearing for an amendment to the approved Site Plan Review, Planned Unit Development Special Permit, and Flood Hazard Overlay District Special Permit. Specifically, the applicant proposes to remove the top floor of the West/South Building (residential mixed-use), and remove the deepest portion of the underground parking garage and to increase the depth of the in-line retail along lower Washington Street. As amended, the applicant proposes to construct an approximately 160,000 square foot mix-use development with 64 residential units, commercial space including a potential hotel, a parking structure with 212 parking space, associated landscaping and pedestrian and transportation improvements.

Documents and Exhibitions:

- Planned Unit Development Special Permit, Site Plan Review, Flood hazard District Special Permit and Stormwater Management Permit Decision, dated December 22, 2014.
- Decision draft with amendments

Seth Zeren, Development Manager for RCG, LLC, 17 Ivaloo Street, Ste 100, Somerville, presented for the applicant. Mr. Zeren offered to answer any additional questions the Board might have, noting that the previous presentation at July 30 meeting seemed to address all issues. He offered some corrections that are reflected in the decision draft:

- the building is 178,000 square feet, non-garage (vs. 160,000 square feet, non-garage, in the original decision),
- the number of apartments is 68 including work/live units (vs. 84 units in the original decision).

Ms. Schaeffer reported the City Building Inspector has no comments or additional conditions for this project.

Chair Anderson invited public comments.

No public comments were offered.

Motion and Vote: Randy Clarke made a motion to close the public hearing, seconded by Kirt Rieder. The vote was unanimous with eight (8) in favor (Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and Ms. Hamilton) and none (0) opposed.

Board Review of the Original Decision and Amendments:

The Board reviewed the proposed amendments and draft decision in detail. No edits were made to the draft decision.

- Ms. Hamilton asked to know the proponent’s recourse in the event market conditions do not support construction of the hotel and the developer chooses “option B”, the alternative of building residential units.
 - Mr. Zeren replied the proponent is obligated to return to the Planning Board and present specifics on the residential program.

Motion and ROLL CALL Vote: Noah Koretz made a motion to approve the Amendments to the previously approved Site Plan Review Decision (dated December 22, 2014), Planned United Development Special Permit, North River Canal Corridor District Special Permit and Flood Hazard District Special Permit and seconded by Randy Clarke. The vote was unanimous with eight (8) in favor (Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and Ms. Hamilton) and none (0) opposed. The amendments are hereby incorporated with the original decision and made a part of these minutes.

Old/New Business

- **Osborne Hills Realty Trust—Request for Bond Reduction Phase III**

Ms. Schaeffer reported the City received correspondence dated August 27, 2015, from Paul DiBiase, Trustee of Osborne Hills Realty Trust, 47 Marlborough Rod, Salem, with updates on the current status of the project and a request to reduce the surety bond by \$32,000. This would leave a balance of \$159,004. The reduction is due to completed work to install street lights/poles and electricity. The City’s contractor, Fay Spofford & Thorndike, LLC (5 Burlington Woods Dr. #210, Burlington, 01803), has confirmed the work has been done and the requested reduction amount is reasonable.

After brief discussion and clarification that Ms. Schaeffer was reporting on the project in her role as City Planner, the Board agreed to authorize the requested reduction.

Motion and ROLL CALL Vote: Matt Veno made a motion to authorize the reduction of the Phase III Surety Bond for Osborne Hills Realty Trust nu \$32,000, leaving a balance of \$159,004, seconded by Bill Griset. The vote was unanimous with eight (8) in favor (Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and Ms. Hamilton) and none (0) opposed. The amendments are hereby incorporated with the original decision and made a part of these minutes.

- **Draft Open Space and Recreation Plan Update**

Documents & Exhibitions:

City of Salem Open Space and Recreation Plan Updated 2015 – 2022 DRAFT, prepared by Gale Associates, Inc., 163 Libbey Parkways, Weymouth, 02189

The Department of Community Planning and Development has requested a letter from the Planning Board in support of the City's Open Space and Recreation Plan, to be included with the submission of said plan to the State.

The Board discussed two specific observations in relation to the City's management of open/green space.

- The Board unanimously agreed to recommend there be language added to this document to address any removal of open/green space from public inventory due to parking. The possible conversion of state-granted land at the intersection of old Bridge Street and the Sgt. James Ayube II Memorial Drive to parking primarily to be used by a private business was cited as an example issue. The conversion of any publicly owned green space to parking, especially space given to the City by the state for mitigation purposes, should be scrutinized and subject to public review.

Motion and ROLL CALL Vote: Randy Clarke made a motion to endorse the Open Space and Recreation Plan with additional comments to be attached, seconded by Dale Yale. The vote was unanimous with eight (8) in favor (Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and Ms. Hamilton) and none (0) opposed.

- **Election for Planning Board Officers**

The Board's preference is to conduct this business with all members present; it was tabled until the next meeting.

Adjournment

Motion and Vote: Randy Clarke made a motion to adjourn the meeting, seconded by Kirt Rieder. The vote was unanimous with eight (8) in favor (Mr. Anderson, Ms. Sides, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno, Mr. Koretz and Ms. Hamilton) and none (0) opposed.

Chairman Anderson adjourned the meeting at 830pm.

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,
Pamela Broderick, Recording Clerk

Approved by the Planning Board on XX/XX/2015

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