



## CITY OF SALEM

A public hearing of the Salem Planning Board was held on Thursday, March 7, 2024, at 6:30 p.m. via remote access. Public participation was possible via Zoom video and conference call.

Vice Chair Kirt Rieder opens the meeting at 6:31 pm.

### I. ROLL CALL

*Present:* Vice Chair Kirt Rieder (Vice-Chair), Carole Hamilton, Josh Turiel, Tom Furey, Jonathan Berk, Helen Sides, Sarah Tarbet (7)

*Absent:* Chair Bill Griset, Zach Caunter (2)

*Also in attendance:* Robyn Lee, staff planner

### II. REGULAR AGENDA

#### A. 301 Essex Street (Map 26, Lot 458)

**Applicant:** Scott Grover, Esq., f/b/o Jerry's LLC.

**Description:** A continuance of a public hearing for all persons interested in the application of Scott Grover, Esq., f/b/o Jerry's, LLC, for the property located at 301 Essex Street, Salem, MA (Map 26, Lot 458) in the B5 (Central Development) Zoning District for Site Plan Review of the Salem Zoning Ordinance section 9.5 Site Plan Review.

Specifically, the applicant proposes a 3.5-story addition to the existing building to create 20 residential units. The proposed site plan includes a driveway apron on Summer Street and 12 onsite parking spaces and 8 off-site parking spaces. Commercial space will remain on the first floor fronting Essex Street.

Attorney Scott Grover is here for the Applicant. Dan Ricciarelli of Segar Architects, Sean McDonnell of Griffin Engineering and Michael Becker, the developer, are also in attendance.

#### Planning Board Questions

Mr. Rieder takes issue with the Summer Street streetscape. He requests that the tree pit not be planted with a tree and a traffic sign and asks for language to be added to the decision regarding this.

**Public Comment**

No public comment was offered.

*Motion to close the public hearing is made by Helen Sides, seconded by Carole Hamilton and passes 7-0 in a roll call vote.*

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Tom Furey	Y
Jonathan Berk	Y
Helen Sides	Y
Sarah Tarbet	Y

Ms. Lee shares the draft decision on the screen.

Condition 4.c is added regarding the warning system for the parking garage. Mr. Grover says that the decision is vague but the team has sent the model they would like to use to the Planning Department. Mr. Furey asks if there is a site in Salem that would have a similar situation to an egress onto a busy street? Mr. Rieder says the old laundry building, Norman Street, the Brix. Mr. Ricciarelli offers that the Hampton Inn has a similar system and exits onto a busy street.

Mr. Rieder asks that condition 4.d be added to negate the placement of signage in the empty tree pit.

Mr. Rieder asks who is installing the street tree. Mr. Becker says that it would be the project team, but happy to collaborate with the Tree Warden. Mr. Rieder asks to add condition 12.c "The Applicant shall coordinate further with the Tree Warden to determine the actual size and species, likely to be a Jefferson Elm or Swamp White Oak at the required 3.5-inch caliper. The method of installation by city or applicant to be determined with a maximum cost of \$3000, at the open tree pit along Summer Street.

*A motion to approve the decision for 301 Essex Street is made by Helen Sides, seconded by Tom Furey, and passes 7-0 in a roll call vote.*

Kirt Rieder	Y
Carole Hamilton	Y

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

Josh Turiel	Y
Tom Furey	Y
Jonathan Berk	Y
Helen Sides	Y
Sarah Tarbet	Y

**B. Location: 266 Canal Street (Map 32, Lot 0038), 282 Canal Street (Map 32, Lot 0037), 286 Canal Street (Map 32, Lot 0036), 282 Rear Canal Street (Map 23, Lot 0144), and 2 Kimball Road (Map 32, Lot 0102)**

**Applicant:** Joseph Correnti Esp. f/b/o The Residences on Canal Street, LLP Description:

**Description:** Form B/Preliminary Subdivision Application

Attorney Kristin Kolick is here for the Applicant. This is to put into effect a zoning freeze.

**Planning Board Questions**

Mr. Furey is concerned that other developers will ask for the same considerations. Mr. Rieder says there is case law supporting this.

Mr. Turiel is concerned that the plan is filed with the underlying zoning he doesn't see the necessity of this. Happy to vote but doesn't see why. Ms. Kolick says that the concern is that should there be any changes to the zoning ordinance prior to the pulling of any and all permits that the project may be subject to zoning that wasn't in place when the Site Plan Review was submitted.

Ms. Lee shares the draft decision on screen.

*A motion to approve the decision is made by Jonathan Berk, seconded by Helen Sides, and passes 5-1 with one abstention in a roll call vote.*

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Tom Furey	N
Jonathan Berk	Y
Helen Sides	Y
Sarah Tarbet	A

**C. Location:** 52 Forrester Street (Map 41, Lot 224)

**Applicant:** Scott Grover, Esq., f/b/o Circle Hill Builders, LLC

**Description:** A public hearing for all persons interested in the application of Scott Grover, Esq., f/b/o Circle Hill Builders, LLC, for the property located at 52 Forrester Street, Salem, MA (Map 41, Lot 224) in the R2 (Residential Two-Family) Zoning District for a Flood Hazard Overlay District Special Permit of the Salem Zoning Ordinance section 8.1 FHOD (Flood Hazard Overlay District). Specifically, the applicant proposes a 2-story addition to the existing building to create one additional residential unit. The proposed site plan includes an enlargement of the existing driveway and the addition of three onsite parking spaces. The entire structure will be brought into compliance with flood zone requirements including the addition of flood vents and elevated parking and utilities.

Attorney Scott Grover is here for the Applicant. Dominick Pezzulo, Principal, Circle Hill Builders, Sean McDonnell, Griffin Engineering are also in attendance. This is strictly for review of the Flood Hazard Overlay District (FHOD) part of the ordinance. The project is limited and no review from the Planning Board is required other than the FHOD Special Permit.

Mr. McDonnell discusses the project. They will be reusing what they can regarding utilities. Everything in the house will be above FEMA standards. The basement will be filled in and converted to a crawl space, increasing flood storage capacity.

**Planning Board Questions**

Ms. Tarbet asks if they are intending the water to go in the crawl space? Mr. McDonnell says yes, into the crawl space. Ms. Tarbet asks if structural repairs will be needed in the basement. Mr. McDonnell says yes, if there are wood columns they will change them to steel. The Applicant is proposing a concrete slab for the base of the crawl space. Ms. Tarbet is concerned about how the second unit residents will access the street in the event of a flood. Mr. McDonnell says that the grade will be slightly higher. The street is at elevation 6, the house at elevations 7 or 8. Mr. McDonnell shares his screen and shows the route from the second unit egress to the street.

Mr. Rieder asks about the vent elevations. The bottom of the vent is at 8-8.5. Team has a foundation plan that is nearly ready for review.

Mr. Rieder says that they should add a sentence regarding stormwater collection on site but not tilted onto the neighbors property. Mr. Reider requests the Applicant provide additional information regarding the intended flow and collection of stormwater on the site.

**Public Comment**

Susan Moulton  
98 Washington Square East  
Confirming that the second unit is in the back.

*A motion to continue to the March 21, 2024 Planning Board meeting is made by Carole Hamilton, seconded by Sarah Tarbet, and passes 7-0 in a roll call vote.*

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Tom Furey	Y
Jonathan Berk	Y
Helen Sides	Y
Sarah Tarbet	Y

**III. OLD/NEW BUSINESS**

**A. Discussion and vote to accept a lapse in permit policy**

Ms. Lee shares the draft policy on screen. The building Commissioner and the City Solicitor have finalized the language.

**Planning Board Comments**

Mr. Furey discusses Cataldo site regarding this policy. Mr. Rieder says that unless projects have applied for an extension and been approved, they will have to start over. This is an automatic sunseting on a decision without an approved Planning Board extension.

Ms. Lee removed the text brackets per request of Ms. Tarbet and Mr. Rieder.

Mr. Furey asks if this will be used in relation to the old Council on Aging building at 5 Broad Street. This is not a retroactive policy, only to be used going forward.

Ms. Hamilton believes the Board will need public comment as this may apply to Special Permits. Ms. Hamilton asks to clear this with the City Solicitor. Mr. Rieder says that Special Permit gives the board a wider range and this is no different than adding language to the decision. Mr. Berk says that this seems like a policy statement. Mr. Rieder want to vote to accept/decline and then talk to the City Solicitor.

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

Motion to accept while removing the brackets is made by Helen Sides and seconded by Johnathon Berk and passes 7-0 in a roll call vote.

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Tom Furey	Y
Jonathan Berk	Y
Helen Sides	Y
Sarah Tarbet	Y

#### IV. APPROVAL OF MINUTES

##### A. Approval of the February 15, 2024, Planning Board Minutes

A motion to approve the February 15, 2024, meeting minutes is made by Helen Sides, seconded by Sarah Tarbet, and passes 7-0 in a roll call vote.

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Tom Furey	Y
Jonathan Berk	Y
Helen Sides	Y
Sarah Tarbet	Y

#### V. ADJOURNMENT

A motion to adjourn is made by Carole Hamilton, seconded by Josh Turiel, and passes in a 7-0 roll call vote.

Kirt Rieder	Y
Carole Hamilton	Y
Josh Turiel	Y
Tom Furey	Y
Jonathan Berk	Y
Helen Sides	Y
Sarah Tarbet	Y

**Adjourned at 7:39 pm**

**Minutes Approved on: March 21, 2024**