

**City of Salem Planning Board
Approved January 17, 2019**

A public hearing of the Salem Planning Board was held on Thursday, January 17, 2019 at 7:00 p.m. at City Hall Annex, 98 Washington St., Large Public Hearing Room, First Floor, Salem, Massachusetts.

Chair Ben Anderson calls the meeting to order at 7:01PM.

I. ROLL CALL

Those present were: Chair Ben Anderson, Noah Koretz, Matt Veno, Kirt Rieder, Carole Hamilton

Absent: Bill Grisct, DJ Napolitano, Helen Sides, Matt Smith

Also in attendance: Amanda Chiancola, Senior Planner

II. REGULAR AGENDA

A. Location: 81 Highland Ave; 108 Jefferson Ave; Old Rd; 1 Dove Ave; 79 Highland Ave; 55 Highland Ave; and 57 Highland Ave (Map 24, Lots 1, 2, 88, 19, 216, 218, and 220; and Map 14, Lot 129)

Applicant: North Shore Medical Center, Inc.

Description: *The applicant has requested a continuation to the regularly scheduled meeting on February 7, 2019* of the public hearing for all persons interested in the application of NORTH SHORE MEDICAL CENTER, INC. for an Amendment to the previously approved Site Plan Review decision and Stormwater Management Permit for the property located at 81 Highland Avenue (Map 24, Lot 1); 108 Jefferson Avenue (Map 24, Lot 88); Old Road (Map 24, Lot 19); 1 Dove Avenue (Map 24, Lots 216 and 218); 79 Highland Avenue (Map 14, Lot 129); 55 Highland Avenue (Map 24, Lot 220); and 57 Highland Avenue (Map 24, Lot 2). The applicant proposes changes to the area in front of the Davenport Building and Surgi-Center, where the old campus utility plant was located. Proposed improvements include changes to grading, additional parking spaces, and landscaping and creation of an accessible, multi-vehicle drop off and pick-up area. New signage is also proposed.

A motion to continue to the February 7, 2019 meeting is made by Carole Hamilton, seconded by Matt Veno, and passes 4-0 with Noah Koretz abstaining.

III. OLD/NEW BUSINESS

A. Deliberate and vote on a recommendation to the City Council of the amendment to the Salem Zoning Ordinance Special District Regulations by adding Section 8.7 – Municipal and Religious Reuse Overlay District. This Ordinance Amendment includes sections 8.7.1 through 8.7.11 outlining respectively, Purpose, Location, Eligibility, Dimensional Requirements, Uses Allowed by Special Permit, Site Plan Review, Historical Commission and Design Review Board Review, Affordability, Parking and Loading, Conflict, and Severability.

- Matt Veno comments he has some little thing and some substantive things, starting from the beginning:
 - strike “while facilitating”
 - P. 1 First line, add “a (not an) municipal and religious and adaptive use”

8.7.1 Purpose

In addition to that set out in Section 1.1 of the Ordinance, it is the intent of this Section 8.7 to allow for reuse of municipal properties (“Municipal”) and properties used for religious purposes and protected by G.L. c. 40A §3 (“Religious”). This overlay district provides zoning flexibility to allow for such redevelopment, historic preservation, economic development, housing production and environmental sustainability and resilience. When Buildings and Lots in Municipal or Religious use no longer serve such purposes, this Section envisions a process and zoning to allow for reuse, either by a public or private entity, which will best serve the community but will minimize impacts to surrounding neighborhoods.

- Kirt Rieder asks how is “religious purposes” defined, is it elsewhere in the code or in here? Amanda Chiancola responds that planning identified religious uses by looking at tax code/properties that are exempt. The ordinance defines religious uses as G.L. c. 40A §3 (Dover amendments). The board says this should be clarified.
- Definition of municipal facilities/properties/buildings. Facilities and buildings are the same thing, so make it facilities and properties.
- Lot is defined, parcel and property are not. The definition of “lot” is outlined

8.7.2 Location

The Municipal and Religious Reuse Overlay District shall apply in all zoning districts to eligible Lots as defined in Section 8.7.3 herein.

- Matt Venio feels location and eligibility are combined, public hearing -do we want to set general criteria, as in the current proposal, or specifically list parcels to which the Ordinance would apply.
- Carole Hamilton says zoning bylaw stays in effect until changed, and feels that it needs to be the former, Koretz and Rieder, and Anderson agree. Amanda Chiancola explains that there have been a few versions of this ordinance, the first version listed 3 properties, legal counsel advised against listing specifics as leads to accusations of spot zoning

8.7.3 Eligibility

The Municipal and Religious Reuse Overlay District shall apply to:

- Question of use vs. ownership and how it impacts redevelopment e.g. partial use. This just looks at the use, not the ownership.
- Referring to religious uses under Dover Amendment, this would be exempt ownership, not those leased from a 3rd party says Carole Hamilton e.g. Church renting space in warehouse, warehouse does not become an exempt property under Dover Amendment. Where do we pinpoint ownership rather than use?
- Clarification is needed on the above from City’s legal counsel, with a preference for one or the other. Noah Koretz says it is cleaner to define it by use rather than ownership; keep use and change the definition. However, this would potentially broaden it dramatically. There are no properties that he knows of and that have been discussed in which that distinction would make a difference, but he acknowledges there could be some in the future.
- Carole Hamilton explains that a building such as the City Hall Annex would not be picked up under tax code, even though it is a municipal use. If City was renting a building for 75 years, it might meet eligibility requirements if looking at use but not if looking at ownership. She is not sure she wants to give ownership that extra benefit. Noah would want this to apply even if say a Church has been renting for 20 years, Carole Hamilton disagrees, because it is a private owner. She thinks the purpose of this are repurpose buildings because of the current use. If you are a

private owner and you rent to Catholic Church, the private owner has underlying zoning path forward. Noah explains that would require demolishing the building because the underlying zoning is R1 or R2 and a use variance is not allowed. The key issue is there is no use variance so the structures cannot continue with some other use moving forward.

- Chair Anderson provides the example of Immaculate Conception. Even if that were private ownership, Catholic Archdiocese moved out, property owner cannot do anything with it because of use. Noah notes there is path to allow preservation of building and conversion to new use, or even demolition (if that was even an option).
- Carole Hamilton comments that she has been looking at how this ordinance will impact future buildings that will one day meet the eligibility criteria, such as this one (the City Hall Annex) since these criteria will go forward for a long time. Noah Koretz responds that this building is in an underlying zone that allows multi-family, whereas the other municipal religious uses and buildings are in R1 and R2 neighborhoods. Carole Hamilton notes so far identified.
- Could a developer not purposely rent to a church with the ultimate goal of converting under this asks Kirt Rieder. That is part of what Carole Hamilton is thinking. Noah Koretz plays out the hypothetical scenario of a building like this or a warehouse with a Church in it could potentially qualify, it would be a standalone large building and there would not be a path forward to reuse it as a use of the underlying zone, he does not see the downside. Would you want to require that building to be torn down? And with this specific list of uses not just any other use because they are purposely designed to be neighborhood compatible, very small commercial not heavy industrial. He thinks the list of uses were designed to not be more taxing on the neighborhood in respects to traffic, noise etc. than a church would have been.
- Kirt Rieder wonders if 3,000 square feet is an adequate threshold, and is there a minimum percentage that must be occupied by Church to consider a religious use. For example, if there is a religious icon on the property, is this religious use or must it be habitable.
- Chair Anderson notes that the ordinance requires a special permit. He understands the thought process of avoiding worst case scenario but the permit is not as of right, the Board and future Boards will be able to evaluate properties through that process.
- Chair Anderson asks if Board is being too restrictive? He suggests that the board not nitpick it death, unless they have something really specific. The Chair explains that he keeps going back to this being an incentive to save the properties and help our housing shortage. Clarifications and specifics to help understand are helpful, but things to make it more restrictive should be carefully considered.
- Kirt Rieder thinks it is great public parks are excluded but also wants conservation land and cemeteries excluded, and asks how other buildings such as Old Town Hall and City Hall can be excluded. But how and by whom to designate “historic”? Defined by age, and then becomes historic and could fall into eligibility. Amanda Chiancola explains that staff did not include conservation commission owned land because it has its own protections and there are not any ConCom owned properties that have buildings larger than 3,000 square feet. The whole goal is that a building is being repurposed. Vacant land does not qualify. Kirt Rieder says a columbarium, where urns are placed, can be expansive pieces of architecture. Board ultimately decides to include “public parks *and cemeteries* shall not be considered”.
- Noah Koretz says there are some privately owned buildings in the City that have historic value predating zoning that are nonconforming as of now, like Hamilton Hall, building could be preserved by converting to another use; however, would not be able to as this is written. Ben Anderson agrees but suggests the board focus on what is before them.
- Amanda Chiancola responds that this ordinance is in response to the City Council order to provide a permitting path for the Archdiocese properties (per their request) and a permitting path for 5

Broad Street. If private owners want to be included at a future date, they should reach out to the City Council as the Archdiocese has.

8.7.4 Dimensional Requirements

- Matt Venio comments that they heard a good deal of public comment on dimensional standards. He is concerned that there is no minimum lot area per dwelling for existing buildings. For our purposes there is no reason for the board to want to constrain their ability to provide flexibility, but it troubles him that there is no standard for existing buildings. Noah responds that is because they are already there. Chair Anderson explains that in the existing building the units are limited by the existing space by the parameters and volume of the building and what can marketability but Matt Venio is troubled by no minimum for existing building. Kirt Rieder responds that the parking limits significantly impact density.
- Noah Koretz comments that there are also limits to the size of units that can be marketed. Chair Anderson notes that PB would evaluate projects on a case by case basis for number of floors and height, since this is a special permit which the board can say no to. Matt Venio has no problem with the Board reviewing the special permit, but zoning will outlive all of them and is concerned about future boards so thinks there should be a minimum standard. Chair Anderson hesitates to do this because he understands the development process. The numbers that have to be crunched, the return on investment, land and development cost are all limiting factors. Through this ordinance we are trying to allow flexibility, not free rein, and it will not ever be a “worst case scenario” process. Unless you can come up with a number that makes sense, he does not have data that informs that right number of units for an existing structure.
- Noah Koretz says the worst thing we could do is to pick an arbitrary number because these are idiosyncratic buildings. Despite what people think, these are very expensive buildings to redevelop. Chair Anderson agrees that it would be less expensive to tear them down, and we want to make it easier to preserve them. Noah Koretz explains these are one off buildings. Architecture of building can also be limiting. Chair says let developer do homework and then Planning Board will evaluate. Matt Venio says the limitless density is concerning, he notes that gets the density would be limited by the practicality the building but does not know if it is better than choosing an arbitrary number. Carole Hamilton comments that 3,500 square feet, as suggested by public comment, is definitely not the right number.
- Matt Venio asks about 500 sf requirement under new construction -rationale? Modeling after B5 because we can look there and know what those units look like and what that density feels like because trying to provide flexibility. Matt Venio says this is being applied to buildings wherever they are, downtown or not, he recommends minimum standards and the density bothers him.
- Carole Hamilton says, if add new construction to an older building, say on a 30,000-sf lot, the 500’ – would have entire lot available so could put 6 units in addition to the existing building provided you can meet the underlying standards. Many are in R2 zones.
- Noah Koretz is concerned about the underlying zoning because most adaptive reuse projects he is aware require an addition to make them feasible. He acknowledges that the ordinance was changed between the two meetings but his worry is it could prohibit the key properties that the ordinance is supposed to provide a path for and this would have been a fundamentally unproductive exercise, be/ developers will say, “It won’t work since I can’t do an addition” and he is sure that would happen for some of the properties. It could be scaled up to a denser zone, but is considering the public comment he notes that could get out of hand. Possible to give a Board discretion re addition? Amanda Chiancola responds that staff wanted to give Board flexibility in certain circumstance, but legal said with exception of planned unit development Planning Board does not have jurisdiction over dimensional requirements.

- Noah Koretz says b/c this solves the fundamental problem of not having a path forward due to use issue, hypothetically a developer could need an addition that doesn't fit dim req, but could go to zoning for a variance on the dimensional piece but would not need it for use. So there is a path that makes him feel a little better. However, he feels it is bad practice to design ordinances in contemplation of a developer needing a variance, these should be the exception not the rule. Original draft said the % max lot coverage was 50% based on B5, height 50', max height in stories 4. Those are more consistent with buildings themselves. Go back to something similar, suggests Noah. He has been struggling with this since the first hearing, and especially since the language changed.
- The board considers recommending that the City Council go back to the original language? Chair Anderson comments he was fine with the initial language. Noah Koretz explains that in his professional experience he can think of very few award-winning historic preservation retrofits do not have some element new construction. It is necessary financially and dimensionally – these buildings are odd shapes. Chair Anderson notes part of the challenge is providing consistency with the additions to reduce construction costs because the existing structure is so expensive to redevelop. If you build an addition that has some consistency then some of those costs per square foot make more sense.
- Changes between first and second draft Ordinance are reviewed.
- Noah Koretz comments these are historically significant buildings that are going to fall apart if they create an ordinance that is too restrictive to reuse these buildings. He poses the question, is it better to have more density in the neighborhood than it had otherwise, or is it better to have one of the more historically significant buildings in that neighborhood gradually crumble overtime because there is no financially thing to do with the property, so the sites will become blighted.
- Matt Venio says don't have to give a blank check to future Planning Boards, but other board members say this is a path, it is not by right, all that would be evaluated by a future Planning Board. Matt Venio notes that the balance here is to protect against future poor interpretations by future less awesome Planning Boards than this to allow the kind of density that would be detrimental to some neighborhood not withstand the loss of the structure. Carole Hamilton says one of the criteria as a board to ensure the project must be compatible with neighborhood. She agrees this is putting constraints on the project while giving them latitude to be creative with their project.
- Kirt Rieder – max height of fences and bordering walls – should be feet. If existing historic fence is above that height, it should not be required to come down – not a higher standard is needed, but should say “as exists or 6 feet”
- Is there a distinction between existing buildings and additions that have happened over excessive waves of years, i.e. 200 year old church w/many additions, threshold is 20 years of continuous or former use?
- Carole Hamilton asks about min distance between buildings – leave as standard of underlying zoning? Gives a height and a way out of less, but a criterion. Koretz notes a public concern that this a way to put a brand-new building on one of these lots; he feels risk is not significant but understands the concern. For the most historically appropriate rehab, new piece would be connected and part of original, so he is OK leaving it as is. Min distance between buildings if more than 1 on lot: standard of underlying zone, ex. Standard for new construction if separate, would be consistent w/R2 that would be much more restrictive vs. an addition which has more permissive density requirements. That should protect against a new, separate building that doesn't fit. EX small church building w/huge apt behind it, will protect against this
- Carole Hamilton says going back to 4 on max height -are we including “not including ground floor parking allowed in addition to 4 stories” as per original? Yes, resilience is one goal that should remain

- Rooftop construction: Kirt Rieder asks is last sentence orphaned? 4-1, if we move forward with changes, it is not orphaned, if changes not made, it is orphaned. Kirt Rieder believes height of addition should be further defined to not exceed the cornice or the gutter. Do we limit vertical or other additions to cornice height? Kirt Rieder says Church that has a gable that could be 3 additional floors above gutter line, can you modify original structure to go up to ridge line of the main space? Also, are you able to put a big box and jam it with additional 5' square units behind it? Kirt Rieder says how do you define height of existing building, ridge, cornice, gutter? Anderson says in original talked about "or the underlying zoning, whichever is greater". There is a "gray zone" that is ill defined between the gutter line, ridge and steeple. There may not be gutters. Between ridge and gutter there is not usually any living purposes in existing, but on some Churches, it could be used. Don't allow above the ridgeline or parapet, whichever is higher. They agree on this. Character of the building would be transformed. Noah Koretz notes a trend in architecture repurposing a historic building including a 2-3 story ultramodern addition on the top. This may not be relevant to Salem.
- For the existing envelope, encourage use of space up to the top of the roof not including steeple. "Ridge or parapet, whichever is higher with nothing in an addition being able to be built higher"
- "height of modifications to the existing structures shall not exceed the height of the ridge or parapet of the existing structure, whichever is higher. [Additions or standalone, new construction – did we leave as is in original?"
- Height shall not include steeples or exceed ridge or parapet or other ornamental features of existing structure "to the extent that" paragraph changes: none

	<i>Residential Uses or Mixed Use— Existing Buildings</i>	<i>Residential Uses or Mixed Use— New Construction</i>
Minimum lot area (square feet)	2,000	2,000
Minimum lot area per dwelling unit (square feet)	—	500
Minimum lot width (feet)	30	30
Maximum lot coverage by all buildings (percent)	100	50
Minimum width of setbacks (feet)	—	standard of the underlying zone
Maximum height of buildings (feet)	—	55
Maximum height of buildings (stories)	—	5
Maximum height of fences and bordering walls (feet)	As exists or 6 whichever is greater	6

Minimum distance between buildings if more than 1 on a lot	standard of underlying zone
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Motion to recommend the above table of dimensional standards by Noah Koretz, seconded by motion carriers 4-1 with Ben Anderson, Carole Hamilton, Noah Koretz and Kirt Rieder in favor and Matt Veno opposed.

8.7.5 Uses Allowed by Special Permit

The Planning Board, upon a finding that a proposed use is in harmony with the purpose and intent of this Ordinance and Section 8.7, may grant a special permit pursuant to this Section 8.7 and Section 9.4 for one or more of the following uses on a Lot that meets the eligibility requirements of Section 8.7.3; provided, however that Commercial uses may only be located within a multifamily dwelling and may not exceed 30 percent of the gross floor area of said multifamily dwelling. In addition, for any Lot in the B2, B4, I and BPD Districts the Planning Board may grant such special permit only upon finding that the public good will be served and that (1) the residential use would not adversely affect the underlying district and (2) the uses permitted in the underlying nonresidential district are not noxious to the multi-family use.

The Planning Board may, in addition to a change in use of a Building currently in Municipal or Religious use, authorize the construction of new and expanded Buildings, pursuant to Section 8.7.

Discussion:

- The definition “adversely affect” is qualitative, up to the Board’s discretion
- Strike “nonresidential” from (1) and the first part of (2)

Special Permit Uses:

Discussion:

- Some discussion occurs regarding banks; this is a neighborhood-serving use that is well vetted through the NRCC process. He is concerned about the amount of parking and drive-throughs, but would be subject to the drive-through ordinance
- Regarding Specialty Food Stores, the Board would like to allow a convenience store/specialty food store that also sells sandwiches but, while not including counter or table service, also may have a very small seating area allowing onsite consumption (similar to the former Milk & Honey grocer on Church St.). The definition of “restaurant” states that 2/3 of its legal capacity is used for the consumption of food. The Board would also want fast food establishments excluded. A wide variety of neighborhoods is in question, so performance standards that make sense across all of them are warranted
 - Suggested language: *“specialty food stores including... but not including a restaurant or fast food establishment unless permitted by the underlying zoning.”*
- Regarding laundry, the Board does not want to exclude on site cleaning, but does wish to exclude dropoff/pickup service and onsite chemical dry cleaning

- Day care (acceptable ground floor use)
- Dwelling, Multi-family.
- Meeting and gathering space accessory to a principal use or for use by residents or tenants of a Lot.
- Artist lofts and living space, studios, workrooms and shops of artists, artisans and craftsmen, where products of the artistic endeavor or craft activity can be for sale on the premises or by specific off-premises commission from a sponsor or client.
- Banks and savings and loan institutions.
- Barber shops and beauty parlors.
- Books, stationery and gift stores.
- Business and professional offices.
- Crafts, related stores selling jewelry, crafts, etc. where production occurs on the premises.
- Dwelling units above first floor retail, personal service, or office use.
- Florist shops, but excluding greenhouses.
- Galleries.
- Nonprofit museums.
- Laundromats
- Medical and dental offices.
- Specialty food stores, including candy store, meat market, delicatessen, or bakery, but not including a restaurant or fast food establishment unless permitted by the underlying zoning.
- Tailor and custom dressmaking shops.
- All uses permitted as of right or by special permit in the underlying zone or R2 zone.

8.7.6 Site Plan Review

Each project submitted hereunder shall require site plan approval under Section 9.5. Absent special circumstances, applications under Section 8.7.5 for a special permit and under 8.7.6 for site plan approval should be filed together for contemporaneous consideration by the Planning Board.

8.7.7 Historical Commission and Design Review Board Review

At the time of, or before filing, an application under this Section 8.7, the applicant shall provide a copy of this application to the City of Salem Historical Commission. The Historical Commission shall review the application at a public meeting and shall provide advisory comments to the Planning Board. The Planning Board shall not take final action on an application under this Section 8.7 until it receives written comment on the application from the Historical Commission, or at least forty-five (60) days have passed since delivery by the application of the application to the Historical Commission. Said forty-five (60) day period may be extended by written agreement between the Applicant and Planning Board.

Nothing set forth in this Section 8.7.7 is intended to alter or amend the rights and obligations of the Historical Commission pursuant to the G.L. c. 40C.

Failure of an applicant hereunder to timely deliver a copy of the application to the Historical Commission and Design Review Board may be grounds for denial of the application.

Comments:

- The Board wishes Design Review Board input to be required for all additions, not just detached ones
- The 45 day period is extended to 60 days to allow for each Board to have up to two meetings to review the project, depending on the timing of the filing, to allow for a more thorough process while still keeping it efficient.

8.7.8 Affordability

Ten (10%) percent of the total units in any project proposed under this Section 8.7 shall be SHI Eligible Housing as defined by the Massachusetts Department of Housing and Community Development being affordable to a household of one or more persons whose maximum income does not exceed 80% of the area median income, adjusted for household size, or as otherwise established by DHCD guidelines for a period of 99 years as secured by a duly recorded deed restriction.

Comments:

- While the Board would like to see additional affordable housing required, Amanda Chiancola notes that the City is developing an inclusionary zoning ordinance that would apply across the board. An exact number has not yet been established, but market research is being done to find out what level of affordable housing is right for the City, and to discover which incentives would be most effective. Thus, the Board ultimately decides to leave the 10% as is, as it will later be superseded by the upcoming inclusionary zoning ordinance. Whether or not a density bonus could be applied as an incentive is discussed.
- The maximum income standard is left as is.

8.7.9 Parking and Loading

For new residential dwelling uses provisions shall be made for not fewer than one (1) parking space per dwelling unit for existing buildings and one and one-half (1.5) parking spaces per dwelling unit for new construction.

In contrast to all other defined housing, types built under the jurisdiction of the Salem Housing Authority for elderly and/or handicapped persons shall require 1/3 parking space per dwelling unit.

Nonresidential uses shall provide parking in accordance with Section 5.1.8 Table of Required Parking Spaces.

In mixed-use developments, the Planning Board may consider a reduction in total parking requirements based on an applicant-provided analysis of peak demand for non-competing uses. In such cases the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient. An applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board.

The parking requirements may be accommodated by either one or a combination of on-site parking and/or parking at municipal or other parking facilities in the vicinity of the Lot. All municipal or other parking facilities which are used to satisfy the parking requirement must meet the following criterion: The parking facility must be less than one thousand (1,000) feet from the Lot as measured in a straight line from the two (2) closest points between the Lot and the parking facility. If using a municipal facility, the owner must purchase an annual parking pass to satisfy the parking requirement.

A new loading zone shall not be required if the existing Building does not have an existing loading zone.

Discussion:

- Chair Anderson discusses the possibility of properties being under the Salem Housing authority for elderly/handicapped residents; these require 1/3 space per dwelling unit.
 - Amanda Chiancola does not see the SHA redeveloping any of these properties; it is more likely that the City Council would dispose of these properties by putting out a Request for Proposals to developers
 - Chair Anderson wonders if the Board would want to allow that level of parking only for elderly/handicapped housing; Kirt Rieder notes that this is by special permit and will be reviewed on a case by case basis, plus the ZBA would have to grant a variance, so this Board does not need to prescribe it now
 - The Board feels it couldn't hurt to put it in, so the following language is added: "In contrast to all other defined housing, types built under the jurisdiction of the SHA for elderly and/or handicapped persons shall require 1/3 parking space per dwelling unit."
- The Board wishes to make it clear that the Applicant must provide the peak demand analysis, so the language is updated to reflect this
- Discussion occurs regarding the second sentence in the third paragraph: "*In such cases the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.*"
 - The Board debates changing the language to "'may be determined to be sufficient by the planning board,'" however Amanda Chiancola opines that it must be specific, and that the Planning Board may not have that flexibility. They can recommend the change and Amanda Chiancola will check with the City Solicitor
- Regarding onsite/offsite parking in the fourth paragraph, Matt Veno does not object to the concept but feels that the agnostic reference to either/or misses an opportunity to signal a preference for onsite parking. Noah Koretz feels that allowing parking in a garage with capacity, in range should be preferred, but that may not be feasible; thus, the matter should be left up to the Planning Board to consider

Noah Koretz motions to submit the remaining recommendations as amended, seconded by Carole Hamilton, motion carries 5-0.

Board comments on the merits of having such discussion on light agenda nights

- B. *REVISED: Discussion of the Footprint Powerplant, including: status of landscaping, the gabion wall and pedestrian access. The Planning Board will also review and discuss changes the powerplant is proposing to submit to the Energy Facilities Siting Board.**

Comments and photos were submitted as replies; changes to be submitted are outlined.

Gabion Wall

Footprint would like to replace part of the gabion wall, which they feel would only be visible from the interior of the plant, with CMU (Concrete Masonry Units). The Board does not approve of this change, feeling that CMU will reflect sound whereas the gabion wall would disperse it. Some members comment that these changes only came about after the money-making parts of the project were complete.

Any recommendations from the Planning Board would go to the Energy Facilities Siting Board (EFSB). The project underwent Site Plan Review, but the decision was appealed to the EFSB, which is now the permitting body. However, they have been willing to work with the City and may consider Planning Board input.

The Board can send a letter directly to EFSB or to Footprint.

While graphics would be needed to illustrate the proposed changes, the Board feels strongly that the gabion wall should be built as approved.

Drain Line

Regarding changes to the drain line, no rationale that makes sense has been provided; the Board also feels strongly that the Applicant should build this as originally designed. They comment that the Applicant seems to be proposing that parts of the gabion wall be replaced by concrete, and then that switched to Betafence.

Stacked Lighting

This change is from running the lighting vertically within a concrete recess to having a spot light lower down, of a higher intensity, shining up. With the original strip lighting proposed, the effect is visible the lights themselves are not. The Board also feels that the original proposal should be followed.

Steam Turbine Building Polycarbonate

The Applicant has already purchased the materials but is reluctant to install them. Additional visuals would be helpful. The Board comments that the fins could be installed over the steel of the turbine tower, and disagrees that it would defeat the purpose of the translucence. Ultimately, the board decides that the Applicant may either make a case and provide drawings, images and a building section so they can understand the changes proposed vs. what was originally designed, or use the material as originally designed, even if it is redundant.

Stormwater outfall

This should be subject to approval of City Engineering

Other notes:

Noah Koretz prefers a date specific.

The double construction fence will be removed, but the neighborhood facing fence will remain. The City is exploring how the public will enter the area and has applied for grant funding to develop additional paths in the area. Those documents will be uploaded to DropBox.

A letter will be sent to Scott Silverstein and Chair Ben Anderson will be cc'd.

Other New Business:

Appointment to the Tree Commission will be made at the next meeting.

Future Planning Board meetings will include discussions on subdivision regulation updates. A grant has been obtained to work on this project, the first update since 1960. Stantec is providing consulting services. The City will have to comply with MS4 requirements by 2020, so low impact development techniques will be part of the discussion.

I. APPROVAL OF MINUTES

A. Regular Planning Board Meeting held on January 3, 2019.

Postponed due to lack of a quorum on this item.

II. ADJOURNMENT

A motion to adjourn is made by Noah Koretz, seconded by Kirt Rieder, and the matter carries.

The meeting ends at 9:50PM.

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: <https://www.salem.com/planning-board/webforms/planning-board-2018-decisions>

Respectfully submitted,
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 02/07/2019

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