

City of Salem Planning Board

November 1, 2018

A public hearing of the Salem Planning Board was held on Thursday, November 1, 2018 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 7:00PM.

MEETING AGENDA

I. ROLL CALL

Those present were: Chair Ben Anderson, Matt Veno, Kirt Rieder, Matt Smith, Bill Griset, Carole Hamilton

Absent: Helen Sides, Noah Koretz, DJ Napolitano

Also in attendance: Ashley Green, Staff Planner, and Stacy Kilb, Recorder

II. REGULAR AGENDA

A. Location: 72 Flint Street and 67-71 Mason Street (Map 26, Lots 91, 95 & 97)

Applicant: Riverview Place, LLC

Description: A continuation of a public hearing for all persons interested in the application of Riverview Place LLC for an Amendment to the previously approved Site Plan Review decision, Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District, Flood Hazard District Special Permit, and Stormwater Management Permit, for the property located at 72 Flint St. and 67-71 Mason St. (Map 26, Lots 91, 95 & 97). As amended, the applicant proposes reduction in the number of parking spaces from 309 spaces to 217 spaces including elimination of the parking deck, enhanced landscaping, reduction of the size of the building along Mason Street, and relocation of the commercial space.

Attorney Scott Grover, 27 Congress St., represents the Applicant. This is a petition to amend a Planning Board Decision that was originally from 2009 and also amended in 2014 on the former Salem Suede site.

This item was discussed at the September meeting, and the proposed amendments were viewed favorably. Changes are outlined and include:

- Elimination of parking deck due to reduction in NRCC parking requirements from 2 to 1.5 spaces per dwelling unit
- Relocation of commercial space to a more prominent location on the corner of Flint St. and Bridge St.
- Complete redesign of the building on Mason St. It will now be scaled down to be compatible with existing buildings, and will include just 8 townhouse units

A Design Review Board (DRB) recommendation is required due to this being in the NRCC; they have been before that Board and design changes have now been incorporated into the revised plans. One of these revisions was to move the Mason St. building closer to the street; this was also recommended by the Planning Board at the initial meeting. Design changes to the façade have also been made, and landscape changes also resulted from that change. The project was unanimously endorsed by the DRB.

David O'Sullivan, O'Sullivan Architects, reviews the design changes.

- Footprint change: Townhouses are not a flat building anymore
- Building 1: No significant changes

- DRB had some comments on roof deck and lighting; these were addressed
- Townhouse Building 3 saw significant changes; renderings are shown:
 - Front entries are recessed with canopies
 - Brick and siding alternate and are described
 - Cornice was made to be more substantial
 - Now shiplap in the recesses
 - Brick now on returns
 - Ends are taller, steps down in middle

James Manuel, Landscape Architect, discusses landscaping.

- Elimination of flowering pears; replaced with another variety of tree
- Building 3 has been moved closer to Mason St.; in the part that is more recessed, shade trees will be added. Ends will have flowering trees and then flanked by shade trees again
- Concern was regarding use of space; configuration reduces potential for misuse. Shrubs along foundation will help direct circulation in and out of the space; trees are in middle of green areas so they will not function as gathering spaces. Space will not be usable but will be visually appealing
 - Kirt Rieder wonders what the shade tree species are; several species are described
- Extra space has Lindens and some others added, including juniper shrubs and ornamental grasses on the islands

Chair Anderson comments that he is pleased with the design and decision to move Building 3 forward. He asks about an area along the river that shows stone steps; this is an existing rock slope, not an added feature. He confirms that the trash rooms are interior to the buildings, for both trash and recycling. There are no dumpsters.

Bill Griset approves of the landscape but especially appreciates the changes to the buildings. Matt Smith asks about bike parking; it will be in the garage but the exact number is unknown. There will also be a dog wash area.

Kirt Rieder notes that there will be 14 lindens and 3 pin oaks on Mason St; he would like to see 2 fewer lindens and 2 more oaks; the Applicant is amenable to this. He also asks about bioretention areas and the ginkgos therein, as that species does not like “wet feet.” The Applicant can place red maples there instead.

Chair Anderson opens to public comment but there are none.

A motion to close the Public Hearing is made by Matt Smith, seconded by Carole Hamilton, and the motion carries.

Attorney Correnti wishes to ascertain if any Board members have reservations that would prevent them from voting in favor, as there are only six members present and the vote must be unanimous; the Board approves of the project.

Chair Anderson asks about Matt Smith’s thoughts on the appropriate number of bike spaces; he approves of what is proposed, but it should not be made a requirement to add more this late in the game. 35 spaces will be provided under Building 1 and the Applicant anticipates providing 30-40 total. There is some discussion about the number of indoor vs. outdoor spaces. This could be a neighborhood as well as site amenity.

Chair Anderson reviews the Draft Decision of the Amendment. Language about bike storage will be inserted in the section on parking (p. 8).

On p. 5 Kirt Rieder notes the change to one Red Maple in each of the two bioretention areas. Also, along Mason St. two of the lindens will be replaced with pin oaks.

On p. 8 A new section will be added for bicycle parking; final location pending review by the Planning Department. The Applicant should aim for 40-50 bicycle spots. Some should be near the commercial area.

A motion to approve the Draft Decision is made by Matt Smith, seconded by Bill Griset, and the motion carries in a roll call vote with Ben Anderson, Matt Veno, Carole Hamilton, Kirt Rieder, Matt Smith, and Bill Griset all in favor (6-0).

- B. Location: 84 Congress Street (Map 34, Lot 218)**
Applicant: Gregory Investment Group LLC
Description: A public hearing for all persons interested in the application of GREGORY INVESTMENT GROUP LLC for the property located at 84 CONGRESS STREET (Map 34, Lot 218) for a Site Plan Review in accordance with the Salem Zoning Ordinance section 9.5 Site Plan Review. Specifically, the applicant proposes to demolish existing automotive service station and construct a four-story wood-frame structure containing twelve (12) residential units, a fitness space, first-floor commercial space, and fifteen (15) covered parking spaces. Associated improvements including landscaping and utility work are also proposed.

John Seger of Seger Architects presents the Plans. Rich Williams of Williams & Sparages is also present.

Mr. Seger presents an overview of the project. The Applicant met with the Planning Department and was originally seeking 18 units; this has since been reduced to 12. The location of the site is outlined. Some variances were obtained from the ZBA and community feedback from the Point Neighborhood Association has also been obtained.

A community room to be donated to the Point Neighborhood Association was added. Variances were approved by the ZBA on August 1st. Congress Street is two-way, but Dow Street is one-way. The surrounding buildings are described as mostly 3 and 4-story structures. A demolition delay waiver is being sought as the building is more than 50 years old. The site will be remediated on a limited basis to minimize disturbance.

Mr. Seger reviews the Garage plan

- Main entrance on Congress St.
- Current planters no longer contain trees, but trees will be added. The Applicant is open to suggestions for types of trees
- Parking garage entrance/exit is on Dow St. Two more planters will be added to that entrance/exit. There are see-through steel grates to improve visibility to exiting vehicles
- Electrical room with meter on the outside; a determination from National Grid will be sought as to whether they can have individual meters inside (outside is required)
- Gas meters in the rear
- 15 spaces for 12 units means parking will be tight; this was one of the variances sought
- Trash removal will be done by a private company with individual bins for trash and recycling
- Elevations are briefly described
- Street lighting is in place but the building façade will be lit
- Typical footprint of 2nd, 3rd and 4th floors is shown; 4 units per floor, with living rooms on corners with larger windows

- Massing is described
- Roof plan including condenser. This building is 41'; the adjacent is 45'. A sound fence option is being explored. There is no City noise ordinance impacting this decision but there is one at the state (DEP) level
- Renderings and elevations are shown and described
- Massing is described in more detail; Hardie Plank panel is being used on the corners and top; other claddings are also described
- Panels to screen the parking garage are described
- Cladding and lights are further described
- Elevations and lighting shown

Plans as submitted are discussed.

Rich Williams, of Williams & Sparages, discusses Civil Engineering plans.

- Existing conditions – Existing building; remainder of site is covered in pavement
- Contamination will be remediated with limited cleanup due to method of construction; there will be an LSP (Licensed Site Professional)
- Utilities are described; collection system including gas trap in garage are described.
- Trash and trash collection options are discussed; this is not finalized but will probably be smaller dumpsters, emptied twice a week, recycling and trash
- Gate and fence
- Snow removal – most will be taken offsite
- Easement granted to abutting property so they can park in the rear; this area must also be cleared of snow
- Chair Anderson asks if there are individual parking space entrances; there is one in the front and one in the rear, and it does not require mechanical exhaust.
 - Parking and entrances are discussed in more detail. The Dow St. side was left open for maneuverability; the abutter and tenants will drive through. Kirt Rieder is concerned that bike parking and utilities are located in that corridor and must be protected.

Kirt Rieder also asks for more detail regarding colors of the pavement; this is discussed.

In general, he approves of the project, but is concerned about the soils along the back of the curb; this should be explored so that trees can be kept healthy. Current trees could be unhealthy due to a gas leak or poor soils. He approves of the “tree lawn.” Soil volume in planters should be considered as well.

Chair Anderson comments that the Applicant should reconsider the fence around the dumpster; it should be more solid not chainlink. The applicant states that this is the abutter's fence. Areas the Applicant controls are discussed. Regarding the architecture, the Chair approves of scale and volumes, but suggests that the Applicant eliminate the EIFS (Exterior Insulation Finishing System) and consider another material. He feels that EIFS does not wear well and stains over time. Alternate materials are discussed. Mr. Seger would like a smooth surface. The Chair requests renderings and samples of cladding materials. The Applicant points out that as condominiums, there will be a Homeowners Association, so fees would cover maintenance, though they do appreciate the feedback.

Matt Smith would like to see bike parking incorporated more efficiently. He also wonders why the second floor setback does not match the street. Bringing it forward would also add square footage to the units.

Mr. Seger notes that units are 1200 square feet. He thought bringing it to the street would be overwhelming to pedestrians and the neighborhood. Chair Anderson notes that large roofs are a potential opportunity to bring the building closer, possibly with a smaller setback. Right now the space is blank, not an amenity. The Applicant could make an amenity or add square footage, even if not brought right to the edge. Kirt Rieder notes that this project is located in the neighborhood of Shetland Park, so intimidation is not an issue. Also this is a large right of way.

Kirt Rieder feels that a chain link fence is not desirable, but it is clear that the fence is back from Dow St. by 20', so the Applicant could leave the neighbor's fence in tact but add wooden fence. This is preferable. Chair Anderson would like a new package submitted to the Planning Dept to eliminate conflicts between the plans presented today and those provided previously to the Board and City departments.

Chair Anderson asks about the community center and fitness area renderings, and why there is not more glass along the street edge. This would allow for more options in the future. Mr. Seger notes that the electrical room is very large, and logistics of the room are discussed. Matt Smith notes the proximity of the best bike lane in the City.

Mr. Williams asks about the effect of the ZBA variances already obtained, if the mass of the structure is increased. Square footage may be on the decision, but the Applicant is unsure how this would be accommodated. They could just shift square footage to the main corner, rather than add. Procedures are discussed. The Applicant will confer with Tom St. Pierre, the Zoning Enforcement Officer, on how to proceed.

Chair Anderson opens to the public but there are no comments.

A motion to continue to the December 6, 2018 meeting is made by Kirt Rieder, seconded by Carole Hamilton, and passes 6-0.

- C. Location: 31 Juniper Avenue (Map 44, Lot 62)**
Applicant: Jasper Properties Services LLC
Description: A public hearing for all persons interested in the application of JASPER PROPERTIES SERVICES LLC for the property located at 31 JUNIPER AVENUE (Map 44, Lot 62) for a Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance Section 8.1. Specifically, the applicant proposes demolition of existing structure and construction of new single-family dwelling, utility work, minor grading, and associated improvements.

Presenting for the Applicant is John Bobreck of Bobreck Engineering.

Existing conditions are outlined; there was a special permit granted by the Board of Appeals to reconstruct and enlarge an existing nonconforming structure. The Applicant also received a negative Determination from the Conservation Commission.

Proposed conditions are outlined; the new building will be 200 square feet larger, with new sewer and water, and a new driveway. Erosion controls will be provided. Utilities within the structure will be installed above flood elevation. The current property is completely submerged at elevation 8-8.5; flood elevation is 11. There will be a two car garage. Flood vents will be installed on the foundation walls so water can pass through the structure without impacting the building.

Chair Anderson asks if this is fully within the flood zone; it is. Bill Griset asks about the age of the structure; this is unknown. Bill Griset is concerned that older, turn of the century homes are undergoing changes. Mr.

Bobreck says the house is older than 50 years old so they did have to get a waiver of the demolition delay from the Historical Commission.

Chair Anderson opens to public comment.

Leonard Milaszewski of 20 Juniper Ave is in favor of demolishing the existing, abandoned structure. However, he is concerned about the project and its current owners. There is trash and debris in the backyard that can be seen from the street; he is concerned that corners will be cut during the construction process. For example, shingles were removed this past summer with no containment; when neighbors inquired, tarps were placed. He used to Chair the Board of Health. He requests:

- Prior to demolition, the Board of Health require that a property show proof of extermination; vermin are likely as this property has been unoccupied for many years
- Dust control
- Refer the project to BOH, search for asbestos, which could be on pipes in a home of that age
- Fireman should be onsite during demolition
- He urges strict compliance with BOH and Planning Board conditions.

Maria Buckley of 18 Beach Ave. echoes the sentiments of Mr. Milaszewski, being in favor of demolition but concerned about public health issues. She wonders about renderings for the new building; this will be public record once submitted.

Chair Anderson comments that because this is a Flood Hazard Overlay District (FHOD) special permit, the Planning Board's jurisdiction is limited to reviewing the project in terms of the requirements under this section of the zoning ordinance. The finished floor of interior will be above 11, but its elevation is not clear. There is a two car garage on one side, not above elevation 11, and a crawl space. Utilities will be above the floodplain. There is no basement, only a crawl space on one side, with flood vents. Utility connections to the street include new sewer and water lines. The City Engineer reviewed and requested they cut and cap the existing ones. The house is in flood zone AE but the note says VE. The Applicant confirms it is not VE.

The Chair asks if egress is needed, and how would that happen given there could be 2-3' of water during a flood event. The Applicant says there could be 18" of water in the garage. Neighbors and owners were consulted, and water did not get onto property during the recent storms in March. Matt Venno notes that only item before the Board is the FHOD special permit, which only asks the Petitioner to answer 3-4 questions relating to exiting the building during a flood event, whether there are utilities above flood level, etc. That is the only scope that can be considered. Other concerns such as public health issues are not within the purview of the Planning Board.

Chair Anderson asks if a structural engineer has examined the foundation structure; it has. Seger Architects is designing and uses McBrie in Danvers for all their foundations. They will attest that this meets Building Code concerns regarding flood proofing.

Mr. Milaszewski comments that flood waters come over the wall at Juniper Beach, with water going by this house, and he describes floodwater logistics. Nearby houses experience worse flooding than this site.

A motion to close public comment is made by Bill Griset, seconded by Matt Smith, and the motion carries.

The Draft Decision is reviewed.

A motion to approve the Flood Hazard Overlay District Special Permit is made by Matt Veno, seconded by Matt Smith, and the matter carries.

III. OLD/NEW BUSINESS

- A. Location:** 9 South Mason Street, 3A Buffum Street Extension; and 23 Mason Street (also including 23 ½ Mason Street and 23R Mason Street) (Map 26, Lots 73, 74, 79)
Applicant: JUNIPER POINT 9 SOUTH MASON STREET LLC
Description: Receive and discuss construction phasing plan.

Attorney Joseph Correnti, 63 Federal St. represents Juniper Point. The project is now under construction, and the sequencing of the construction of the buildings has become an issue. This is directed by the bank and financing; normally they build from back to front. This development includes four buildings, one of which is the old ice cream factory, and another is the multi-family that is being converted to townhouses. The bank wanted them to work on the rehabs first.

Bob Griffin will show a sequencing plan. The Applicant is looking to sell units as they go along, not all at once. Demand for Building 3 is very high. They are seeking certificates of occupancy by the end of November for this building, but the rest of the site will still be under construction, so the concern is making sure the site is safe for those entering and leaving. This was not originally presented to the Planning Board as a phased plan, so the Planning Department asked the Applicant to explain to the Board how this phasing plan will work so they can sell units while the project is still under construction. Completion is expected by June or July 2019.

Bob Griffin presents the sequencing plan. There are no changes to the Plan itself, but only to the timing. The parking lot area for phase 1 will be paved in the next couple of weeks to accommodate parking for Building 3. A temporary construction fence with gates will be placed to keep residents out of the construction area. Phase 2 will be completed by the end of April 2019 with people moving into buildings 1 and 4. Building number 2 will be completed a few months later. At that point the project will be complete.

The Chair asks if there will just be a binder coat for parking at first. There will be, but it will be striped. The Chair also asks if rough grading has been done per the plan approved for their FHOD special permit. All underground detention areas and most utilities except extensions to building 2 are done. The grading is “reasonably close” to being done. The Chair does not want to cause problems for owners occupying the buildings in case of a flood.

- B. Location:** 9 South Mason Street, 3A Buffum Street Extension; and 23 Mason Street (also including 23 ½ Mason Street and 23R Mason Street) (Map 26, Lots 73, 74, 79)
Applicant: JUNIPER POINT 9 SOUTH MASON STREET LLC
Description: Receive and file correspondence from applicant regarding affordable units.

Attorney Correnti again represents the Applicant. The Board has received an outline of proposed affordable units; the Applicant has been in consultation with the City on this issue. With 29 units, 10% or 3 units are requested as affordable. The Applicant has been discussing which units, possibly in 29 and 29 ½ Mason St., to be offered as such. The two story building up front will be five-bedroom units; the first floor will be renovated; all are occupied as of now. Those as well as the single family, four-bedroom home, are planned as being added to the affordable inventory. They will be rental units; in general this seems to be preferred by the City. The Chair appreciates the information and follow up.

C. Draft Bicycle Parking Guidelines – Request for Comment/Input.

Matt Smith comments that the recommended minimum on p.2 says “recommended minimum number” but the language should be changed to “minimum *required* number;” it should be a stipulation, not a suggestion. Otherwise, the guidelines are strong. There is some discussion as to whether these are guidelines or requirements. Currently, these are only guidelines. To be a requirement, it would require a zoning amendment.

Chair Anderson asks how Applicants would be made aware of these guidelines. Bike parking can be required, but Applicants should be aware far ahead of time that this is so. Ashley Green states that this can be part of the application package. “Bicycle” should be used throughout as “Bike” includes motorcycle in the dictionary. Chair Anderson comments that in reference to the rack types, there is no reference to material or durability. Matt Smith has never seen this written but feels that mentioning durability would be a helpful addition.

Setback/dimensional requirements, for safety and access, are discussed. Long term bicycle parking is recommended to be protected from the elements. Matt Smith feels it should ideally be internal to the building, but if not should at least be covered. Additional clarity as to internal vs. outdoor bicycle parking should be provided in the guidelines.

Matt Veno provides some recommendations for language:

- First line, strike “should be considered” and add “bicycle parking is strongly encouraged”
- Last sentence, bicycle parking is “strongly encouraged for all projects” in lieu of “should at least be considered.”

Matt Smith feels there is no reason to have a lifting requirement. Chair Anderson comments that it depends on the situation. Bill Grisette asks why “creative unconventional” racks are listed/suggested, when commercial ones that have been proven effective are readily available. Matt Smith says some bike racks are public art and are effective, but Kirt Rieder comments they are few and far between. Do we want art or safe, utilitarian bicycle storage? Kirt Rieder suggests striking “are recommended,” and add “only with approval from the Planning Director.” A bike rack that looks like a bike rack will encourage usage, says Bill Grisette. Matt Smith comments that there are bike racks that look like bicycles, and this may be what they are getting at. Language is briefly discussed again.

IV. APPROVAL OF MINUTES

A. Regular Planning Board Meeting held on September 20, 2018.

A motion to accept the minutes from the September 20, 2018 meeting is made by Matt Smith, seconded by Matt Veno, and the matter carries.

B. Regular Planning Board Meeting held on October 18, 2018.

A motion to accept the minutes from the October 18, 2018 meeting is made by Bill Grisette, seconded by Kirt Rieder, and the matter carries with Carole Hamilton abstaining.

V. ADJOURNMENT

A motion to adjourn is made by Matt Veno, seconded by Bill Grisette, and the matter carries.

The meeting ends at 9:10pm.

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 12/06/2018

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