

City of Salem Planning Board
September 20, 2018

A public hearing of the Salem Planning Board was held on Thursday, September 20, 2018 at 7:00 p.m. at City Hall Annex, 98 Washington St., Large Public Hearing Room, First Floor, Salem, Massachusetts.

Kirt Rieder calls the meeting to order at 7:05PM.

I. ROLL CALL

Those present were: Carole Hamilton, Matt Veno (arriving late), Kirt Rieder, DJ Napolitano, Matt Smith, Noah Koretz, (6)

Absent: Bill Grisct, Chair Ben Anderson, Helen Sides (3)

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

II. REGULAR AGENDA

A. Location: 1 Jefferson Avenue (Map 25, Lot 649)

Applicant: 1 Jefferson LLC

Description: A public hearing for all persons interested in the application of 1 JEFFERSON LLC for the property located at 1 Jefferson Avenue (Map 25, Lot 649) for a Site Plan Review in accordance with the Salem Zoning Ordinance Section 8.2 and Section 9.5 and a continuation of a public hearing for all persons interested in the application of 1 JEFFERSON LLC for the property located at 1 Jefferson Avenue (Map 25, Lot 649) for a Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance Section 8.1. Specifically, the applicant proposes to demolish a portion of the existing building and construct a 7,553 square foot addition to the rear of the existing building to accommodate eight (8) garage bays and a mezzanine space on the second story. Associated improvements to stormwater management, utilities, parking and landscaping are also proposed.

Presenting for the Applicant is Dan Ricciarelli of Seger Architects with owner Todd Waller of 1 Jefferson LLC and John Bobreck of Bobreck Engineering. This is an industrial site; a portion at the rear of the existing building will be demolished and another extension erected, subdivided into 8 bays. The original and proposed configurations are outlined. The building was originally part of the Boston and Maine Railroad in the 1880s; the building will be refurbished with new siding and windows.

First and Second Floor Plans are presented, as are building elevations from several angles. Plantings are described. Cladding is described and how the two sections of the building will be differentiated. HVAC will be behind the existing building and thus hidden from the street.

Clapboard and corrugated siding will be used; colors are shown and described. Trim around the windows will be red. Renderings of various perspectives are provided. Hardie Board will be used for the clapboard; corrugated detail is also shown.

John Bobreck of Bobreck Engineering presents a Site Preparation Plan. He describes the existing surface as pavement, cobble and gravel.

- Site Plan:
 - Parking is described.

- Project is has undergone Zoning Board of Appeals (ZBA) and Conservation Commission approval; an Order of Conditions has been obtained from the latter.
- Water flowage is described; the site will be graded to pitch to catch basins and drainage infrastructure. All storm water will be treated. A new fire pipe will be installed.
- Landscape Plan:
 - Landscaping is described as bushes and small plants in front, and a tree with some grass out back. Additional descriptions are provided.
 - Snow storage is outlined. Many trees exist to the rear of the site on DPW property.
- Traffic patterns will remain one way around the site. Vehicles accessing one side of the building can still make a 90 degree turn into the doorway.
- Lighting Plan: documents fixtures to be installed
- Flood Mitigation Plan:
 - Site is Land Subject to Coastal Storm Flowage (LSCSF)
 - Engineering requested they meet pre and post discharge rates even though this is not required; site increases recharge of stormwater.
 - Flood mitigation egress plan is provided. The site is entirely submerged in a flood event; Flood vents will be installed so storm water can pass through without creating damage.

Kirt Rieder asks about contours. C-03 shows grade changes, but there are no 1' grade changes. Kirt Rieder notes that the 8' contour is all that cuts across the site; this should be shown on the plans. Kirt Rieder is not a fan of trees in a designated snow storage area, but feels that Jefferson Ave is spotty in regards to street tree coverage, and since it is unlikely that this will be improved, he advocates for 2 street trees along the sidewalk along Jefferson Ave. at the back of the curb. The Applicant should consult with the tree warden regarding appropriate species. Kirt Rieder is glad to see the industrial nature of building maintained.

Matt Smith is concerned that the area is already pedestrian-unfriendly, and this will only increase truck traffic. The curbing is not ADA compliant, and he requests that the Applicant please formalize the crossings at the entrance and exit, whether with striping or continuous sidewalk. The limits will be excavated as sidewalk is nonexistent; curbing will be re-set and sidewalk constructed out of bituminous. Kirt Rieder feels this is an opportunity to put in concrete sidewalk in order to differentiate the pedestrian area vs. bituminous for vehicles. He further notes there is a crosswalk at the front door to the building. Matt Venno comments that this will lead to increased vehicular use and thus pedestrian conflict. The entire front face of the property could benefit from the change.

Changes that are requested:

Property line to property line across frontage shall be the standard City sidewalk concrete treatment of Portland cement, not bituminous. Carole Hamilton asks why the sidewalk can't be extended to the other side; there is a garage bay door that will remain.

Kirt Rieder clarifies that they will reset the existing granite curb. He is also concerned about the curb cut from property line to existing garage door as it is very large. As a possibility, he suggests the Applicant add a half moon of granite curb so it appears uneven but is actually flush. Matt Smith concurs it is difficult to solve but feels that a concrete sidewalk should accomplish the design goal.

Dan Ricciarelli asks if drives are to be bituminous. Kirt Rieder clarifies. The MBTA and police have right of ways in between, comments Dan Ricciarelli. Concrete would provide a visual cue for trucks not to park there.

Vice Chair Matt Venno opens to public comment.

Tim Jenkins of 18 Broad St. speaks on behalf of Historic Salem, complimenting the petitioner on saving this unique building. He notes that it can be difficult to replace shingles, and would like to see that but understands the move to Hardie Plank. It is good to make building economically viable. There are a large number of heavy duty wires in that area that will be difficult to plant beneath, so he recommends a cypress or something that is evergreen but that does not grow tall.

Sidewalks are concrete on the other side. The MBTA property is a mess, unlikely to get cleaned up though.

This Project is less than 10,000 square feet, but more than 2,000 square feet, so this means the Board can give discretionary referral to the DRB. Noah Koretz does not feel a presentation to the DRB is necessary. It is in the entrance corridor; the zoning map is incorrect on that. Others agree with Noah Koretz. A peer reviewer has been hired for civil aspects; the first letter should be available in a week or so.

A motion to not refer the matter to the DRB is made by Carole Hamilton, seconded by Noah Koretz, and passes 6-0.

A motion to continue to the October 18, 2018 meeting, is made by Kirt Rieder, seconded by DJ Napolitano, and passes 6-0.

- B. Location:** 72 Flint Street and 67-71 Mason Street(Map 26, Lots 91, 95 & 97)
Applicant: Riverview Place, LLC
Description: 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.

Noah Koretz recuses himself from this item. David O'Sullivan of O'Sullivan Architects presents for the petitioner. Rich Williams and James Emanuel, Landscape Architect are also present.

This is an amendment to the existing approval. The major change is building 2, which was 24 units plus commercial space. Proposed now are 8 units as townhouses, with additional units as 1 bedrooms in other buildings. Commercial space has been moved as well. They are reducing parking spaces from 2 cars per unit to 1.5 due to the change in the zoning requirements, so they removed the parking deck and have landscaped additional spaces. Parking onsite for the neighborhood is still provided, but is now via a separate parking lot from the new residents.

Comparison views between the previously approved plans and those proposed now are presented. The scale is reduced to be more in keeping with what is on Mason Street currently. Additional revised unit plans are shown; a view of trees will replace that of the parking deck. The parking lot is now set on two levels and landscaped.

Rich Williams of Williams & Sparages describes other changes to the site.

- Parking & maneuvering
 - Previous and newly proposed. Rear of building 3 is accessed via garages
 - Reduction in impervious area

- Building changes
- Drainage Plan
 - Functionally equivalent, but some items have been re-routed due to changes in parking and alignment of axes
 - Some catch basins added in lieu of drainage from top of now eliminated parking deck
 - Total impervious area reduced by 6000 square feet; areas will now be landscaped so no adverse effect on drain system; same function and treatment as before.
- Traffic will be the same as the number of units is not changing

James Emanuel, Landscape Architect, presents the Landscape Plan

- Increase in the number of shade trees, especially where the garage was
- All dense buffer plantings previously proposed are being maintained
- Plantings along North River Canal remain
- Circulation patterns remain unchanged
- Plantings along Mason St. feature more prominently along the streetscape
- Revised configuration means roof terraces can be implemented

Mr. O'Sullivan outlines building elevations and cladding of brick and cement siding, a change from metal siding.

- Building 1 Elevations and footprint
 - All trash will now be in internal trash rooms inside the buildings, rather than outside
- Building 2 Elevations and footprint
 - Added a “powerhouse” style commercial space; stairs lead up as does a pedestrian, handicapped access ramp, due to flood elevations. All living spaces are at 12.8, 2' up from current flood elevation
 - Roof deck added; care was taken to concentrate activities toward the canal, away from neighbors and Flint St.
 - Taller fence and screening for HVAC are proposed.
- Townhouse concept
 - Small scale “mill housing” style; much shorter, pulled back from the street
 - 3 bed, 2.5 bath units though some 2 bedrooms became 1 bedroom units within the larger buildings; removed 16 units from this building and moved them into the two larger buildings without changing the footprint, making a higher percentage of 1 bedrooms in those buildings
 - Matt Veno feels it would be helpful to have a summary of the change in number of bedrooms. There are 30 fewer bedrooms onsite; this introduced another type of housing with 3 bedrooms, 2.5 baths and garages, fits more in with neighborhood on Mason St.

DJ Napolitano asks about the zoning height restriction. The NRCC allows a 50' building height unless in the 50' transitional zone of abutting residential. Part of building 2 is in that zone. Building 1 is not in the zone so can be 50'; 80% of building 2 can be 50' high but one small part has to be 40'. DJ Napolitano asks about the elevation; ZBA approved height variances.

Matt Smith approves of the placement of the retail; it adds to building and design is a nod to former industrial character. Will retail be one large space? It is a two floor space, with a roof deck as an amenity to residents. It is intended for a single commercial tenant.

Kirt Rieder asks about the slope from Mason St. to the parking area; the slope is 10%. It cannot be reduced anymore. He also asks how they will provide reasonable ADA access throughout this corner site. Any accessible route will come in off of Flint St., the main entrance.

Kirt Rieder asks about infiltration zones, capped areas, and planting areas. Why was more asphalt not permeable for infiltration purposes? Rich Williams notes the Applicant is improving runoff characteristics from what was originally proposed, and environmental conditions mean infiltration throughout site is not preferred. But it is in a select area, and these are outside localized contamination. Vertical offset between two lots is 5'. Details are under consideration but they will probably do wheel stops with a railing. The Applicant will work this out with the DRB. The entrance to lower terrace is described. Pedestrians can connect between the two terraces via a stairway within the building. This is the same for Building 1.

Kirt Rieder asks about utilities and a maximum slope will be added to the Plan. He appreciates the addition of vegetation, but asks that pear trees be swapped out. He also comments that the reduction of the building along Mason St. and pulling it back is a double edged sword. Many buildings are along the lot edge, which works at odds with consistency for neighborhood, but allows for a much larger landscaped area in front of the building. He comments that they have effectively created a good root zone environment for street trees. He requests that they plant half street trees and half shade trees, not just redbuds. Keep half of what is there, and replace the other 4 with shade trees closer to the street, as this is ultimately what will help improve Mason St. Trees can be pulled back to avoid power lines.

Kirt Rieder also comments on compost. It was discussed in the last process, and ultimately decided it was not a good idea here due to vermin and close relation to abutters. Kirt Rieder notes that this Board feels that large residential developments should have this factored in. Matt Venio, while not opposed, is not a fierce proponent either. James Emanuel replies that there are trash and recycling chutes in the buildings, and Kirt Rieder comments that this is a plus.

Carole Hamilton asks about on street parking on Mason St. in front of the buildings. There is none.

DJ Napolitano asks about an affordable component. There are 13 units, same as previously approved. He also mentions that the City requests developers to donate to a transportation enhancement fund for traffic mitigation. They are closer to the train station so this could be a smaller amount. The Applicant responds that there are other conditions incorporated into their previous Decision to mitigate for traffic. There is a question as to whether this is within the Planning Board's scope. Matt Venio notes that it is possible to put it on the table, but acknowledges that there is dedicated off street parking of 12 spots for those who live in the neighborhood, so the benefit is an amenity and mitigation to neighbors. Other conditions approved also have traffic calming measures offsite they are responsible for.

Matt Smith says they may want to consider parking challenges in October, possibly dedicating spaces to neighbor use during that month.

Kirt Rieder asks about designating on site Electric Vehicle parking for a residential development this large. Matt Smith recommends it as well as car sharing spaces. EV charging/parking will be put in as it is in the building code now. Applicants have built in car-sharing for use of residents in previous projects, and will do that here.

Matt Venio asks about the lot designated for the neighbors; a couple extra parking spaces are for employees, and this will be a matter of signage and policing by tenant. The Applicant did try to buffer residential from commercial space; it is not obvious that that lot is there, but they will add signage and could also do a sticker program.

Kirt Rieder comments that it would be good to see the concrete sidewalk continued rather than be cut by bituminous at the entrances, to better express the pedestrian sidewalk. Matt Smith agrees especially with commercial space being there.

Vice Chair Matt Venno opens to the public.

Jane Arlander of 93 Federal St. acknowledges the improvement over the 2009 and 2014 versions, and approves of dumpsters being moved inside as well as addition of off-street parking provided. She approves of the smaller size of building 3 on Mason St. but is concerned that it has been pulled back and is not in character with other homes there, and not compliant with the NRCC, which supports buildings on the street. She is concerned about the main entrance on Flint St. as it is a difficult area. Rich Williams comments that the driveway location is the same, and cars can only take a right out of the parking lot. Circulation does not change over the previously approved plan. Ms. Arlander asks about an island but this was not added due to traffic engineering. Will commercial space affect congestion in the entryway as it has been moved? James Emanuel says it should not affect it much. She refers to massing at 16-18 Franklin St., in which parking was considered a story. This item is not before the Board currently as it is already permitted.

Eric Papetti of 11 Symonds St. appreciates the reduction in parking. He comments that in addition to continuing cement sidewalk entries, the Applicant should keep at sidewalk levels, i.e., cars should have to go up, not pedestrians go down. He also requests that the Applicant continue to look for ways to make the northern access at an accessible slope, though he understands they may not be able to do so. He notes that the pathway or sidewalk does not need to be parallel to the driveway. Also bicycle parking is recommended; preferably secured, covered parking with repair stands and places to wash. There is a station proposed in this. Spaces in the garage are allocated for bike parking and have been enhanced with these revisions.

Councilor Beth Gerard, Ward 6, of 49 Larchmont Rd. is very approving of this plan, especially the addition of EV stations. She asks how many units there will be. There will be 130 units, as originally approved. She is also pleased to see extra parking for residents on Flint St.

Tim Jenkins of 18 Broad St., speaking on behalf of Historic Salem Inc., feels the project is moving in the right direction. While it is wonderful to have large trees on the streetscape, he feels the central area should include trees that can grow to 50' or 60' or more to reduce the appearance of the mass of the building. He agrees with adding shade trees for the canopy and the addition of parking for the neighborhood. He also approves of bike amenities

Frank Quirk of Peabody MA represents the owners of 63 Flint St. He asks about storm drains; these discharge to the canal. He has been in touch with Mass DOT in regards to improvements by the culvert, but nothing is scheduled until 2019 so storm drains currently will not be able to drain at an extreme high tide. The Applicant states that this has been designed with that in mind. Mr. Quirk is also working with Mass DOT regarding culverts and tidal gates and is putting in a system to mitigate that.

Matt Venno comments that he feels the changes are positive and he likes the vertical windows in the commercial building.

This will automatically go before the DRB.

A motion to continue to October 18, 2018 is made by Kirt Rieder, seconded by Matt Smith, and passes 6-0.

C. Location: 94 Washington Square East (Map 35, Lot 536)
Applicant: Spire Investments LLC

Description: A public hearing for all persons interested in the application of SPIRE INVESTMENTS LLC for the property located at 94 Washington Square East (Map 35, Lot 536) for a Site Plan Review in accordance with the Salem Zoning Ordinance section 9.5 Site Plan Review. Specifically, the applicant proposes to restore the historic mansion and construct a two-story addition to the existing one-story rear structure to return the property to residential use with a total of eighteen (18) residential units. Associated improvements to the parking lot, site access, landscaping, and utilities are also proposed.

Present for the Applicant:

Scott Cameron, Civil Engineer, Moore & Cameron Group, 66 Elm St. Danvers

Jay Goldberg, Spire Investments

Dick Goldberg, Spire Investments

John Apliss, Counsel

Michael Radner, Landscape Architect

Peter Pitman, Architect, Pitman & Wardley

Bridget Fortin, Architect, Pitman & Wardley

Mr. Cameron presents the project, which is the former Knights of Columbus property. The Applicant has met with neighbors, the Historical Commission, and the Zoning Board of Appeals, (ZBA). The ZBA issued a decision and granted variances for the number of stories and density as well as allowing the change from one nonconforming use to another nonconforming use.

A brief history of the property is presented. The location of the property is outlined. The majority of the property is paved; access is described. Handicapped access is also described. The project has evolved significantly during meetings with the neighbors and ZBA hearings.

Peter Pitman presents the project design on the 1818 Federal Style Sea Captain's house, updated in 1850 to Italianate style. Those stylistic elements will be maintained, but the real treasures, such as a library and staircases, are on the interior. They will also be preserved.

Various elevations of the property as it currently stands are shown. Renderings of the new annex building proposed are shown. The current annex will be razed and the new one built up from the existing foundation. Neighbors were concerned about mechanicals on the roof as well as density. Density was reduced from 20 to 18 units and mechanicals will be lowered into the resulting well from a design change. There were some concerns with the massing of the buildings. The Applicant presents a visual showing the massing of adjacent streets versus what is proposed in this filing. The Board finds the visuals helpful. Windows are described with wood on the mansion and clad on the addition. It will also have a brick veneer.

Michael Radner, Radner Design Associates, presents landscaping. He outlines details of stairs and sidewalks. Existing trees are described; some are on this property and some straddle the neighbor's property. They are locust trees and Norway maples. Some will need to be removed to accommodate proposed parking; only those on the Applicant's property will come out. New trees to mitigate the loss are shown. Some large shade trees will be planted at the front and side of the property. The Briggs St. side has a narrow planting strip as part of the drainage plan; this includes low plantings and small trees. Also along the Northern edge is some existing fencing. The chain link fence will be replaced so that there will be a continual solid fence there.

Lighting is described. They will be maintaining a historical feel. A Photometric Plan is shown. A decorative steel fence will be installed along the back of the property. The pedestrian plan will allow walking through

to the main entrance on the North; handicapped parking is described. A detailed Planting Plan has been provided.

Mr. Cameron describes utilities and fire suppression; there is no stormwater management in the street near the property currently. He presents a Demolition Plan, which shows areas of demolition including trees; he points out what trees, areas of fencing, etc. are going away and staying. Changes to the curbing are described. The Site Layout Plan calls out landscaping in the parking area, and the change in location of parking. Areas for snow storage are included. Changes to circulation are described. Cars will enter near the back then exit only onto Washington St.; this will also accommodate large emergency vehicles. 27 parking spaces as required will be provided, two of them handicapped. The handicapped entrance is described.

Curbing and edging are driven by the lack of stormwater management in the street. On the parking lot, it will be graded and a landscape strip added to accommodate stormwater collection. An underground infiltration system is being added. Pavement will be reduced so stormwater management isn't really required but is being added anyway. The solid waste system is described, as is outdoor bicycle storage. Gas, sewer and water will be placed in the same locations. Fire services will remain.

DJ Napolitano approves of the design but asks about the stretch going down Briggs St. He feels the building is very flat and flush, whereas on the other side buildings have more dimension. Would the Applicant consider giving the building more character by adding some dimension? The Applicant states that there is more relief than there appears to be in the two dimensional drawing; these features are described but they are building on the existing foundation so they are somewhat limited. They cannot encroach on setbacks without having zoning violations. Some balconies are recessed so the building was pushed back or broken up wherever possible, and they did look at other houses on the street as a source of vernacular from which to draw from. The houses they used for inspiration are shown.

Kirt Rieder asks about the removal of a 15" tree on Briggs St. and its replacement, behind the steel fence, in a strip that is 5' wide. This is ideal. However, in this neighborhood, street trees are king, being very massive. He would like to see more street trees on Briggs St. Three light poles should be replaced by three street trees. All plantings must be able to tolerate flooding as there is no drainage on the street. Possible species are discussed and will be added.

Kirt Rieder is "not a big fan of ye olde light fixtures," and comments that they are low for a parking area, but if the photometrics work, they can be used there, especially given the pedestrian scale of the area. However, these will have attention drawn to them due to their low height. The Applicant is open to considering alternate styles. Lighting logistics especially regarding abutters are further discussed.

No trees have been removed yet. Kirt Rieder is concerned about the wood fence in the snow storage area, but has no suggestions to resolve this incompatibility. Mr. Cameron notes that there will be more of a buffer, but they will examine the issue.

Kirt Rieder also feels the Accessible Icon Project should be used. Noah Koretz is concerned about the distribution of trees and this is discussed. He is also concerned that the about the ornamental architecture of the new building will overshadow the beauty of the old mansion. He cites a previous project, the Settlement House on Derby and Turner Streets, where the addition matches well with the older building, but is more minimalistic. The eye should be drawn to the historic structure.

Kirt Rieder asks the Applicant to consider alternate species to Zalcovas and he can recommend some. Oak and Elm would be good choices.

Vice Chair Matt Venno opens to the public.

Ms. Sharron Corrigan of 6 Briggs St. notes that original drawings had white on the Briggs St. side; now shown is tan. Color is still being considered so input may be given; she felt the white was too stark. Trim should be less so. She asks about street lamps; she believes there are too many. She agrees with Kirt Rieder's comment in that regard. Also there is a small tree near the addition; that will be removed. Ms. Corrigan comments that this revised plan is a vast improvement over the original.

This project will not go before the Design Review Board but did voluntarily go before the Historical Commission. Helen Sides, it is pointed out, also sits on the DRB.

Rose McMahon, 39 Washington Square, in the Sillsby Jr. House, asks about the landscaping and the lights. These are outlined. Some sconces will be mounted on the building and a large light removed. Some trees along the north side will be removed; those being removed and remaining are outlined. Fencing is discussed. The location of the dumpster is also outlined.

Ms. Corrigan also asks about the sidewalk; this will be re-done. Kirt Rieder comments that the bituminous should be replaced by concrete, including the egress and entrance aprons. There is an issue in one location that will be taken up with the DPW.

Erin Murphy, 96 Washington Square, appreciates the changes to the project, and the Applicant listening to neighbors' concerns. She asks about lanterns on the north side of the property and eliminating light spillage onto neighboring properties. This was discussed earlier. She would also like an official survey of property lines. The Applicant states that they will be staked out before work commences. She notes a slight elevation change between the two properties; hers is the lower side. Parking is described; spots will be assigned. Salem code dictates 1.5 per unit with 36 currently on the site; this will be reduced to 27. They have not yet decided if there will be visitor parking. Zoning code does account for that and statistical data suggests that .96 spaces will be needed per apartment; the average is lower than many people think.

Tim Jenkins, 18 Broad St., thanks the Applicant for voluntarily going before the Historical Commission, scaling the buildings down, and adding greenery. He asks about the lighting, preferring a warmer light. It will be in the 3000-3500 Kelvin range. Mr. Jenkins asks about the sidewalk, feeling that brick, though more expensive, if done properly and up to code, would be most appropriate. Having said that, concrete is better than asphalt. Ms. Corrigan asks about the driveway material and this is outlined. The Applicant asks about maintaining the City sidewalk; the City will take care of this. The City may also be able to provide bricks and this is briefly discussed.

A motion to continue to the October 18, 2018 meeting is made by Noah Koretz, seconded by Matt Smith, and the motion carries.

D. Location: 50 Ravenna Avenue (Map 8, Lot 7)

Application: The Julia Trust

Description: A public hearing for all persons interested in the application of The Julia Trust requesting a waiver of frontage requirements of the Subdivision Control Law located at 50 Ravenna Avenue (Map 8, Lot 7).

Kristin Kolick presents, describing the project location. The property is zoned R1. They are requesting the lot line be moved, but this requires a waiver of frontage. Variances were received from the ZBA. They have been before the Land Court to stake boundaries and get a Land Court Plan in place. Lot numbers have been assigned.

Bob Griffin of Griffin Engineering describes how the lot lines will be revised. Ravenna Ave. is a dead end road.

DJ Napolitano asks if both lots are owned by the Julia Trust; they are. It is two parcels in common ownership, and now there will be two buildable lots. Kirt Rieder feels that a significant portion of one lot is not buildable, but Bob Griffin describes the buildable area. Kirt Rieder asks, if approved, will they request relief from setbacks; this already went through Zoning and was resolved, so no further relief is needed. Carole Hamilton asks about the road and it and the driveway are described.

71' of frontage are provided; 100' are required. There are 171' total of frontage across the two lots. Kirt Rieder asks if they should stipulate no relief from setbacks, but conditions cannot be placed on a waiver of frontage. Ms. Kolick notes they would have to go back before the ZBA to seek relief from setbacks, and this is not planned.

A motion to waive frontage requirements is made by Noah Koretz, seconded by Matt Smith, and the motion carries in a roll call vote with Matt Smith, Carole Hamilton, DJ Napolitano, Kirt Rieder and Noah Koretz in favor.

- E. Location:** 50 Ravenna Avenue (Map 8, Lot 7)
Application: The Julia Trust
Description: Request for endorsement of a plan believed not to require approval under the Subdivision Control Law (ANR).

Ms. Kolick notes that given the variance obtained from the ZBA and waiver just granted by this Board, the Board must decide whether or not the property constitutes a subdivision. They meet the requirement on frontage on a public way, and they have adequate frontage through the variance and the waiver.

A motion to approve the request for endorsement of the plan believed not to require approval under the Subdivision Control Law is made by Carole Hamilton seconded by Matt Smith, and the motion carries.

III. OLD/NEW BUSINESS

- A. *Discussion and vote on a recommendation to the City Council regarding the proposed amendments to the City of Salem Zoning Ordinance relative to Sec. 3.0 Table of Principal and Accessory Uses and Sec. 10.0 Definitions relating to short-term rentals.**

Matt Veno is still not present. Kirt Rieder comments that there were two individuals who spoke out against the proposed amendment at the Joint Public Hearing with City Council, one on her difficulty with a non-owner occupied short term rental abutting her. Another spoke about how it would be counterproductive to increase instances of non-owner occupied short term rental. Noah Koretz did not attend the hearing but listened to most of it on SATV. At issue is a counterpart to an ordinance in the process of being passed under the Code of Ordinances. What is before the Board currently is a proposed zoning amendment that would grandfather in Non-Owner Occupied Short Term Rentals in certain zones. The original proposal received by City Council did not have NRCC listed. This was discussed at Council. It went to Committee, and there were changes during that process, one of which was to add NRCC to the table, but without a designation. Kirt Rieder and Matt Veno comment that the fact that the space under NRCC was empty is significant. It is usually not included because it is a separate section of zoning with its own table of uses, so should instead reference the NRCC table. Even if adopted, this is a section that would be added to the table of uses so the NRCC would not be in it, so this is odd. It should have been included as separate table of its own.

A concern was that it was missing, so it was added, but is meaningless, so should be referenced in its own section, section 8. This is not the Board's responsibility, but can be part of their recommendation.

At issue is whether to amend section 8.45 Table of Uses to include the following new uses: Non Owner Occupied Short Term Rental. The Board should determine if BA (requiring Zoning Board of Approval) or N. If not included in this table, it is an automatic "no." Matt Smith recommends that for clarity, it should be added. Consistency with the NRCC would mean it should be BA, and the Board discusses which is more appropriate. Board members feel it should be BA, to be consistent with surrounding zoning. This language will be added as a recommendation to City Council.

Some discussion occurred in regard to dates and the applicability of July 19 as a benchmark relative to an ordinance not yet adopted. A Non-Owner Occupied Short Term Rental has to have been in operation prior to July 19, and deadline to petition for continuing operation would not be set until the ordinance is adopted, at which point the 60 day window would start. I.e. anyone wanting to start such a unit in September would not be allowed to do so.

Matt Veno arrives at 7:25PM and presides over the meeting. Thus far the only thing the Board has agreed to is that the NRCC should be listed as BA in its own table.

Kirt Rieder has heard some comments not in favor of grandfathering, however given the dates that are passed and upcoming, he is more inclined to grandfather. Noah Koretz feels in this case not grandfathering is fundamentally unfair, as people have made decisions on their property based on non-existent regulations at the time. While it is fair to regulate moving forward, and in some cities there is a huge issue with Short Term Rentals, but it does not seem to be a glaring issue here. Matt Veno agrees, noting that to the degree the separate ordinance passed by the City Council creates a mechanism to inventory those properties that would be so grandfathered, it also allows the City to monitor those properties and the situation in general. He also agrees with grandfathering though has a "statutory discussion problem" Short Term Rental vs. Non Owner Occupied rental, and thinks it should be one, not two, definitions because it is not described elsewhere in the text. He notes that the Assistant City Solicitor did acknowledge this and so may concur, though only a few people in the hearing understood. There should not be a definition for a term that doesn't exist except for in another definition.

Kirt Rieder is surprised that it was unclear to anyone in the City how many properties are Owner Occupied or not. It seems nebulous to argue that it is not a concern re: housing stock. However this can be quantified over time; there is a method now and this is encouraging.

Matt Veno does not feel the need to wordsmith definitions, but suggests that City Council collapse the definitions together.

Noah Koretz asks if the Board is comfortable with the fact that this is not allowed in R1. He would prefer to see it consistent with other zones. Matt Smith notes that the discussion of single family homes in a two family neighborhood is relevant, and the character of a neighborhood is discussed. He doesn't agree with the argument that boarding houses are not allowed in R1 so non-owner occupied short term rentals should not be either. He is disturbed that City prefers one type of higher income neighborhood over others, and would prefer to see the City examine these issues in a more equal manner.

Kirt Rieder comments that it is not just rooming houses but bed and breakfasts that are prohibited from R1.

Noah Koretz agrees with Matt Smith, and notes that additionally, in many areas of the City, R1 and R2 change in the middle of the street, though it looks the same on both sides; thus, these distinctions are arbitrary. So, someone on one side of the street could do it, while someone on the other side could not. Matt Veno says the line must be drawn somewhere and it is important to have different zones. Carole Hamilton comments that it does make it

arbitrary as this concerns residential zones, not industrial/commercial. Noah Koretz comments that the Board could say BA for Industrial too, as this is not a use he sees a need to treat differently based on different zones. ZBA appeals will do similar analysis for any zone in the City, no matter the surrounding land uses.

Matt Venno opposes adding a residential use in the Industrial zone. In our ordinance, residential uses are not allowed in an Industrial zone, and only Planned Unit Developments are allowed in Industrially zoned areas. Matt Smith comments that if a property is in R1 and Owner Occupied, the owner can still rent out 2 or 3 rooms, and he asks what the difference is between that and a boarding house. He feels Owner Occupied should not be an issue, as mechanisms in the ordinance should be able to take care of any issues with problem properties. Boards should consider fairness across all neighborhoods. DJ Napolitano agrees with Matt Smith, noting that a property which is Non Owner Occupied does not mean that the building next to them is also Non Owner Occupied, thus it is also unfair to those in an R1 zone wanting to make additional money.

Matt Venno feels the use is fundamentally different than residential, and that R1 properties are different than R2 or R3 in character, so are treated distinctly. To introduce this type of use is more disruptive in an R1 neighborhood than in an R3 neighborhood; instead of someone living there and renting, there are people coming in for short periods. Noah Koretz wonders why this is different for R1 and R2. Matt Venno comments that more turnover is seen in R2 or R3 zones, and there are more rentals, so people become accustomed to turnover; R1 are more stable neighborhoods. Matt Smith agrees with not introducing a new use, but this Board is considering if it should be grandfathered in or restricted. He doesn't believe the boarding house or Bed & Breakfast argument. Currently these (Non Owner Occupied Short Term Rentals) are permissible in the absence of regulation; it is tolerated because it is not regulated. DJ Napolitano notes that properties down at the Willows, owners would not be able to rent out their house if they wanted to, so the City is cherry picking "winners and losers." This disenfranchises R1 homeowners.

Matt Smith comments that some people buy R1 houses as investments and rent by the week, so this change would take investment properties away from people. The City is using Air BnB and media coverage as a reason to do that. Noah Koretz states that by putting an "N" it would not be allowed under any circumstance, however, if "BA," the Zoning Board may decide in which instances it makes sense. DJ Napolitano notes that this is in regards not just to investment properties, but could apply to those owned by snowbirds, people who travel for work, etc. and want to rent out their house for the portion of year they are not in the house. Matt Smith comments that if renting out multiple rooms separately, it is different than renting out an entire house. A Bed & Breakfast is a service, and while this is a way for people to rent out a home to get income, the argument is false to him; the fact that they can't have a year round boarding house has already been dealt with. He also agrees with the "picking winners and losers" argument for economic reasons.

Noah Koretz motions to change R1 from N to BA, and is seconded by Carole Hamilton. The motion carries in a 4-2 vote with Matt Venno and Kirt Rieder opposed.

A motion to suggest that "Short Term Rental" in bold be removed and that sentence be added on to the end of sentence before it to combined the two definitions, is made by Noah Koretz, seconded by Carole Hamilton, and passes with all in favor 6-0.

Noah Koretz motions that the Board recommend that the table of uses for the NRCC be amended to include Non-Owner Occupied Short Term Rentals as a Board of Appeals permitted use. He is seconded by Matt Smith, and the motion carries 6-0.

A motion to approve the changes as amended is made by DJ Napolitano, seconded by Carole Hamilton, and passes 6-0.

B. Receive and File Chapter 91 Simplified Waterways License Application by Kathleen LaBonte for 116/118 Leach Street Condominium Association, proposing to remove an existing and construct a new bulkhead at 116/118 Leach Street.

Ashley Green describes the license application; no action is needed on the part of the Board, and if members have comments, they can be provided to her and she will provide them to the DEP.

C. FY19 Community Preservation Plan – Request for Comment/Input

Kirt Rieder comments that if an opportunity exists for the Planning Board to piggyback with the bike community for placement of shared bike use pavement, this would be a positive addition. Plans had included additional tree cover but none is in place currently so the zone is bereft of vegetation. The CPC did not provide funds for that project.

D. Discussion regarding start time of meetings.

DJ Napolitano wonders about an earlier start time for meetings, as most other City Boards meet at 6 or 6:30PM. Kirt Rieder notes that Helen Sides was not interested in pursuing an earlier time, and he himself also struggles with arriving on time. Matt Veno probably also faces similar difficulties, and the Chair would also not be able to make it earlier than 7PM. Kirt Rieder notes, however, that opportunities can be made to spread out applicants between meetings if necessary.

IV. APPROVAL OF MINUTES

This item is heard first at 7:05PM as Matt Veno is not yet present.

A. Regular Planning Board Meeting held on June 21, 2018.

A motion to approve the minutes of the Regular Planning Board Meeting held on June 21, 2018, with minor corrections, is made by Noah Koretz, seconded by DJ Napolitano, and passes 5-0.

B. Regular Planning Board Meeting held on July 5, 2018.

A motion to approve the minutes of the Regular Planning Board Meeting held on July 5, 2018 is made by Noah Koretz, seconded by DJ Napolitano, and passes 4-0 with Carole Hamilton abstaining.

C. Regular Planning Board Meeting held on July 19, 2018.

A motion to approve the minutes of the Regular Planning Board Meeting held on July 19, 2018 is made by DJ Napolitano, seconded by Noah Koretz, and passes 4-0 with Matt Smith Abstaining.

D. Regular Planning Board Meeting held on September 6, 2018.

Minutes not yet ready.

V. ADJOURNMENT

A motion to adjourn is made by Matt Smith, seconded by DJ Napolitano, and passes unanimously.

The meeting ends at 10:31PM.

Meeting Minutes, September 20, 2018

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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 11/1/2018

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