



CITY OF SALEM

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

Chair Bill Griset calls the meeting to order at 6:42 pm

I. ROLL CALL

Present: Chair Bill Griset, Josh Turiel, Tom Furey, Zachary Caunter, Helen Sides, Sarah Tarbet(6)

Absent: Carole Hamilton, Jonathan Berk, Kirt Rieder (3)

Also in attendance: Robyn Lee, staff planner, Tom Devine, senior planner

Chair Griset addressed the Open Meeting Law complaint from Daniel Dandreo III. Chair Griset consulted with the Assistant City Solicitor and the understanding is that the board did not violate the law. While this issue could have been discussed in an executive session, Chair Griset opted not to. Regarding the OML complaint form, one of the options is to delegate it to the City Solicitors office to respond to this complaint. Would appreciate a motion

Motion to delegate the response to Mr. Dandreo’s complaint to the City Solicitor’s office is made by Helen Sides, seconded by Tom Furey, and passes 6-0 in a roll call vote.

Mr. Caunter asks for confirmation on exactly what will be delegated. Chair Griset says that they will be delegating the entirety of the responsibility of responding to the complaint.

Bill Griset	Y
Josh Turiel	Y
Tom Furey	Y
Helen Sides	Y
Sarah Tarbet	Y
Zach Caunter	Y

II. REGULAR AGENDA

- A. Replace Sec. 8.1, Flood Hazard Overlay District, with new language to comply with Mass. Flood Hazard Management Program’s 2020 model ordinance to maintain the City’s participation in the National Flood Insurance Program (NFIP).** The section will apply to development within the overlay district with boundaries based on the Special Flood Hazard Area on the Essex County

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

Flood Insurance Rate Map, dated July 19, 2018. The Building Commissioner, designated as the Community Floodplain Manager, administers permits under this section and may issue a Determination of Non-Applicability for activities that have no or de minimis impact on flooding. Review criteria are: Activities may not substantially increase flood elevation in Zones A and AE; applicant shall provide Base Flood Elevation (BFE) and floodway data for work in unnumbered A Zones; subdivisions must meet established standards for flood protection; developments greater than 50 lots or 5 acres must provide technical data when BFE is not established by FEMA; in event of watercourse alteration, Floodplain Administrator notifies adjacent communities, affected bordering states, NFIP State Coordinator, and NFIP FEMA Program Specialist; City to notify NFIP State Coordinator and NFIP FEMA Program Specialist if acquiring new data that changes base flood elevation; in Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, Local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels; encroachments are prohibited in regulatory floodways unless a hydrologic and hydraulic analysis shows it will not increase BFE.

For projects in the Central Business District, the amendment shall be applicable upon approval of an Economic Feasibility Analysis by the Executive Office of Housing and Livable Communities.

Senior Planner Tom Devine is presenting. Mr. Devine recaps the joint public hearing meeting between the Planning Board and City Council on April 29, 2024. Planning Board only had a quorum for the first item so Mr. Devine is present to represent the remaining items to the board with quorum. The Flood Hazard Overlay District (FHOD) ordinance will be streamlined into an administrative permit through the Building Department. The FHOD is mainly to maintain eligibility for federal flood insurance. The state Floodplain Management Office requires that every project in a flood plain will be subject to the review, but there will be a certain level of non-applicability. Some elements of FHOD will be removed. The previously presented Coastal Resiliency Overlay District (C-ROD) captures most of the FHOD removed elements.

Planning Board Comments

Mr. Furey's video is not working this evening.

Mr. Furey is concerned about the Planning Board not being involved in this process. Mr. Devine understands the concern but emphasizes that when taken in conjunction with the C-ROD, that this is not an issue.

Mr. Turiel would like to clarify what role the Planning Board would have going forward. Right now, the board has room to question, and challenge based on flood issues and this change may take away the ability to mitigate flood issues on the projects. Mr. Devine sees this as replacing the limited FHOD special permit with more of a supercharged review for future flood risks. The board won't lose authority because the review will be more robust. Even a project that checks all the FHOD boxes, but maybe not the next 30 years. The change with the C-ROD looks towards future flood risk.

Mr. Furey feels that once you give something up it is hard to get back. Worries that this will take away from the open democracy that we need.

Ms. Tarbet was on the working group for the revisions. This is an evolution and expansion on the board's ability to comment in a future-looking way.

Public Comment

[F-HOD Public Comment - Board of the Federal Street Neighborhood Association.pdf](#)

John Hayes, 13 Hancock Street

Regarding the summary on “greater than 50 lots or 5 acres”, he would like to know what the size of a lot is.

Daniel Dandreo, 6 Verona Street

Wants to comment on his Open Meeting Law complaint. He feels that the theory with a public hearing is that the public should be heard from and able to ask questions of whomever they would like that is presenting. It is not fair to limit public comment to 3 minutes.

Motion to close the public hearing is made by Sarah Tarbet, seconded by Zach Caunter, and passes 6-0 in a roll call vote.

Bill Griset	Y
Josh Turiel	Y
Tom Furey	Y
Helen Sides	Y
Sarah Tarbet	Y
Zach Caunter	Y

Mr. Devine says that the zoning ordinances tonight must be considered with the C-ROD. And presenting this separately is awkward but necessary due to the lack of quorum at the joint public hearing. This is more than streamlining and revising, it is replacing the review process with something stronger and better.

B. Amend the Zoning Ordinance to revise Sec. 2.2, Overlay Districts, to add Coastal Resiliency Overlay District (C-ROD) to list of overlay districts.

Mr. Devine presents again. If the C-ROD is adopted as recommended by City Council, the C-ROD will be added to the Overlay Districts section of the City Ordinances.

Public Comment

Michael Blier, 18 Felt Street

Regarding Mr. Hayes's question on what defines a lot, it makes sense to have the dialogue between board and the public.

Motion to close the public hearing is made by Helen Sides, seconded by Sarah Tarbet, and passes 6-0 in a roll call vote.

Bill Griset	Y
Josh Turiel	Y
Tom Furey	Y
Helen Sides	Y
Sarah Tarbet	Y
Zach Caunter	Y

C. 250 Highland Ave (Map 8, Lot 118) and 260 Highland Ave (Map 8, Lot 117)

Applicant: Joseph Correnti, Esq., f/b/o PN Restaurants

Description: A public hearing for all persons interested in the application of Joseph Correnti f/b/o PN Restaurants for the property located at 250 Highland Avenue (Map 8, Lot 118) and 260 Highland Avenue (Map 8, Lot 117) in the B2 (Business Highway) and ECOD (Entrance Corridor Overlay District) Zoning Districts for Site Plan Review and a Special Permit in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review and Section 6.7 Drive-Through Facilities. Further, the applicant is requesting one waiver of Section 6.7.6 of the Ordinance requirements: Standard 1: 200 feet between curb cuts. Specifically, the applicant proposes a new approximately 1,995 square-foot Popeye's Louisiana Kitchen restaurant with a drive-through lane, associated parking, and landscaping. Site access will be provided through a right-in/right-out driveway on Highland Avenue and an exit-only driveway and entrance-only driveway on Verona Street. Internal circulation in the site will be one-way and operate in a counter-clockwise direction via the drive-through lane and adjacent bypass lane. The site will include 18 parking spaces and two (2) bike racks. Re-grading on the site is proposed along with reducing impervious surfaces for stormwater management.

Attorney Correnti is present for the applicant. Due to three Planning Board members not in attendance and one having missed the last meeting, Attorney Correnti seeks to continue.

Motion to continue to June 20, 2024 meeting is made by Josh Turiel, seconded by Helen Sides, and passes 6-0 in a roll call vote.

Bill Griset	Y
Josh Turiel	Y
Tom Furey	Y
Helen Sides	Y
Sarah Tarbet	Y
Zach Caunter	Y

D. 75 North Street (Map 26, Lot 58), 2 Commercial Street (Map 26, Parcel 57), and 3 South Mason Street (Map 26, Lot 54)

Applicant: Scott Grover, Esq., f/b/o 75 North Street, LLC

Description: A continuance of a public hearing for all persons interested in the application of Scott Grover f/b/o 75 North Street, LLC, for the property located at 75 North Street (Map 26, Lot 58), 2 Commercial Street (Map 26, Parcel 57), and 3 South Mason Street (Map 26, Lot 54) in the NRCC (North River Canal Corridor) Zoning District for Site Plan Review and Special Permits in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, Section 8.1 Flood Hazard Overlay District Special Permit, 8.2 Entrance Corridor Overlay District, Section 8.4 North River Canal Corridor Neighborhood Mixed Use District, and Section 37 of the Salem Code of Ordinances, Stormwater Management Permit. Specifically, the applicant proposes a four-story, 60-unit multi-family residential building on an approximate one-acre plot of land. The building features a ground floor for a lobby, building support, commercial use, and a parking garage and three upper floors for residential use. The applicant proposes 60 on-site parking spaces, a large publicly accessible open space and surrounding landscaping, pedestrian walkways, additional lighting, and a shifted curb line along North Street.

Attorney Scott Grover is present for the applicant. Also in attendance is Scott Thornton, Vanesse and Associates, Dan Skolski, DMS Designs; and Chris Koeplin, Beverly Crossing, and Melissa Restrepo of HSH, the traffic peer reviewer.

Mr. Skolski presents updates to the building. The biggest takeaway from the Planning Board and the Design Review Board (DRB) is that the building felt like two separate sites. This was intentional as the team didn't want to recreate a mill building but also views this site as a gateway building. The parapet has been lowered by two feet at the front. The brick between the windows is now a dark metal panel. The base will now be bricked to unify the facade. The brick has been extended down the canal side of the building. Vehicular door off of North Street has the canopy extended. Retail windows have been enlarged.

Planning Board Comment

Ms. Sides doesn't see the need for dividing lights on the doors. One or the other, not both. And on the Commercial Street corner, the canopy looks awkward. Mr. Skolski says the canopy is easily rectified.

Mr. Turiel still likes the look of the building at the North Street end but still feels like an attempt one big building look like multiple buildings. North Street would benefit from a building that was directly reminiscent of the old mill buildings.

Mr. Furey asks about the bottom floor being open to flooding. Is the bottom base enclosed? Mr. Skolski says that the openings are intentional to let water come in and go out. Mr. Koeplin says that they have to be able to store the water that is stored there today. The base will be crushed stone.

Ms. Tarbet likes the changes and that the brick actually feels modern. The brick piece at the end have its proportions off. Mr. Skolski says they can look at that and will be adjusting windows as well. Also working on the photometric lighting plan.

Scott Thornton from Vanesse Associates to discuss traffic. HSH released peer review on May 21 and Vanesse submitted their response on May 28. Many comment didn't require comment. Items include onsite bike facilities, trash pickup, etc. Melissa Restrepo of HSH says that they have provided a seconded round of comments to Traffic and Parking.

Public Comment

Written Public Comment

Michael Blier, 18 Felt Street, 83 North Street and 1 South Mason Street

There was no discussion on the context or history of the site. No property lines have been drawn. Attention to the south elevation but none paid to the north side of the building. And the DRB asked for shadow studies, this would be part of context. Mr. Blier is concerned about standing water in his parking lot freezing in the winter.

Richard Lindeman, 113 Federal Street

Concerned about construction in flood zone. Echoes Mr. Turiel's comments on the brick being important and Mr. Blier regarding the North side of the building. People will see this when coming in from 114. And the board needs to recognize that this building along with proposed construction at the Crescent Lot will be two large buildings greeting people as they enter the city from 114.

Ms. Tarbet asks if there will be rendering with the surrounding buildings. Mr. Koeplin says that they cannot get context right until they get design right.

Motion to continue to June 20, 2024 meeting is made by Josh Turiel, seconded by Tom Furey, and passes 6-0 in a roll call vote.

Bill Griset	Y
Josh Turiel	Y
Tom Furey	Y
Helen Sides	Y
Sarah Tarbet	Y
Zach Caunter	Y

III. OLD/NEW BUSINESS

A. Planning Board discussion and recommendation to City Council on two (2) separate zoning amendments listed below:

- i. **Amendment to the Zoning Ordinance to replace Section 8.1, Flood Hazard Overlay District (FHOD) with new language.**

Ms. Lee shares the recommendation on screen.

Motion to recommend the amendment to the Zoning Ordinance to replace Section 8.1 Flood Hazard Overlay District with new language to the City Council is made by Sarah Tarbet, seconded by Helen Sides and passes 5-1 in a roll call vote.

Bill Griset	Y
Josh Turiel	Y
Tom Furey	N
Helen Sides	Y
Sarah Tarbet	Y
Zach Caunter	Y

- ii. **Amendment to the Zoning Ordinance to revise Section 2.2, Overlay Districts, to add Coastal Resiliency Overlay District (C-ROD) to list of overlay districts.**

Ms. Lee shares the recommendation on screen.

Motion to recommend the amendment to the Zoning Ordinance to revise Section 2.2, Overlay Districts to add Coastal Resiliency Overlay District (C-ROD) to the list of overlay districts to the City Council is made by Helen Sides, seconded by Sarah Tarbet, and passes 6-0 in a roll call vote.

Bill Griset	Y
Josh Turiel	Y
Tom Furey	Y
Helen Sides	Y
Sarah Tarbet	Y
Zach Caunter	Y

B. Discuss and vote to approve revised Planning Board Fee Schedule.

Ms. Lee shares a table with breakdown of neighboring communities fee schedules as well as proposed increases. Chair Griset asks how new fees were arrived at, Ms. Lee says that the Director and Deputy director of Planning and Community Development came up with the fees.

Motion to approve the revised Planning Board fee schedule is made by Josh Turiel, seconded by Zach Caunter, and passes 6-0 in a roll call vote.

Bill Griset	Y
Josh Turiel	Y
Tom Furey	Y
Helen Sides	Y
Sarah Tarbet	Y
Zach Caunter	Y

C. Update from staff on previously approved projects.

Chair Griset says that Mr. Cataldo was unable to make the meeting. Ms. Lee has done further investigation and is working on a tracker to be shared with the board at a later date.

D. Open meeting law compliance violation complaint of Daniel Dandreo

This item was addressed at the start of the meeting.

IV. APPROVAL OF MINUTES

A. Approval of the May 16, 2024 Planning Board Minutes

Motion to approve the May 16, 2024 Planning Board minutes is by Zach Caunter, seconded by Helen Sides, and passes 6-0 in a roll call vote.

Bill Griset	Y
Josh Turiel	Y
Tom Furey	Y
Helen Sides	Y
Sarah Tarbet	Y
Zach Caunter	Y

Chair Griset appreciates the work of the board and the City Solicitors office who always provides counsel. And to Robyn who has done an excellent job of getting through the process of the complaint.

V. ADJOURNMENT

A motion to adjourn is made by Josh Turiel, seconded by Helen Sides, and passes in a 6-0 roll call vote.

Bill Griset	Y
Josh Turiel	Y

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

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Tom Furey	Y
Helen Sides	Y
Sarah Tarbet	Y
Zach Caunter	Y

Adjourned at 8:26 pm

Minutes Approved on: June 20, 2024