

City of Salem, Massachusetts



“Know Your Rights Under the Open Meeting Law, M.G.L. c. 39 §23B, and City Ordinance Sections 2-2028 through 2-2033.”

The City Council Committee on Public Health, Safety & Environment coposted
with the Committee of the Whole

met in the Council Chamber on Monday, June 27, 2011 at 6:30 P.M.

for the purpose of discussing the matter(s) listed below. Notice of this meeting was posted on
June 24, 2011 at 9:46 A.M.

(This meeting is being recorded.)

ATTENDANCE

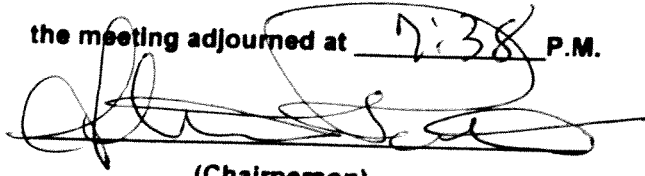
ABSENT WERE: COUNCILLOR O'KEEFE.

SUBJECT(S)

#317
Status of Proposed Gas Station located at 111 North St. (Trickett Realty)
MOTION BY COUNCILLOR PERRY TO KEEP MATTER
IN COMMITTEE. THE COMMITTEE WILL HAVE A
MEETING ON JULY 12TH AT 6:30. WITH THE
ATTORNEY CORNWELL AND OWNER BOB,
SIDHROPOTAKIS IN ATTENDANCE.

On the motion of C.

the meeting adjourned at 7:38 P.M.

A handwritten signature in black ink, appearing to be "John S. ...", written over a horizontal line.

(Chairperson)

36 Felt Street
Salem, MA
July 7, 2011

Ms. Cheryl A. LaPointe, City Clerk
Salem City Hall
93 Washington Street
Salem, MA

Subject: Proposed Automobile Service Station
111-113 North Street

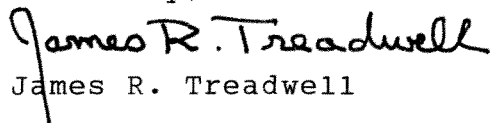
Dear Ms. LaPointe:

During the meeting of the City Council Committee on Public Health, Safety and the Environment on June 27, 2011 and, while I was addressing the Committee, I referenced certain documents that I had prepared regarding the subject development.

Please find copy of said documents enclosed with this letter. It will be appreciated if you would ensure that copy of these documents be provided to members of the Committee and be made to support the Journal of the Committee meeting of June 27, 2011.

Thank you very much for your assistance with this matter.

Sincerely,


James R. Treadwell

cc w/o attachments:

Councillor Steven A. Pinto, Chairman
Councillor Paul C. Prevey, Ward Six

CITY OF SALEM
2011 JUL -7 P 3:23

June 14, 2011

To: Councillor Paul Prevey
From: James Treadwell, AICP

DOCUMENTATION NEEDED TO SUPPORT THE LETTER OF JUNE 9, 2011,
FROM ROBERT SIDIROPOULOS, TRUSTEE, TRICKETT REALTY TRUST,
OWNER OF 111 NORTH STREET, SALEM(MA), TO THE MEMBERS OF
SALEM CITY COUNCIL

1. results of on-site soil sampling taken to determine the proper infiltration area for surface water,
2. location "behind the building" of new infiltration area,
3. the grading plan for the rear and side yard slopes,
4. the "previously agreed upon landscaping plan" together with evidence of such agreement with said landscaping plan,
5. the drainage plan that has been submitted to the City Engineer,
6. the test results that indicate the reduction of storm water runoff from the site.

Further, and in my opinion, the City Council and the Committee on Public Health, Safety and the Environment should be routinely advised, in advance, of all activities that are to be undertaken to implement this project and satisfy previous conditions and any other stipulations that are associated with the proposed development of 111 North Street.

Also, I would expect that Councillor Paul Prevey, the neighbors and abutters, together with their attorney and landscape architect, would be notified of and invited to participate in all deliberations between the representatives of Mr. Sidiropoulos and personnel of the City of Salem with regard to this project.

SATISFACTION OF CONDITIONS
AUTOMOBILE SERVICE STATION
111-113 NORTH STREET, SALEM

PREVIOUS DECISION OF THE BOARD OF APPEALS

"At a meeting of the Board held on July 27, 1970, it was unanimously voted to issue a Special Permit to Shell Oil Company, Inc., to construct a gasoline service station of colonial design in conformity with the service station building presently existing at the corner of 934 Massachusetts Avenue in Arlington, Massachusetts, as shown in photograph of same submitted to this Board; the petitioner shall have the further obligation of maintenance of the property to the rear line; the construction of the said building and the landscaping shall be in accordance with the new plans submitted by the petitioners to meet the objections of the neighbors, and which are further incorporated in a letter from the petitioners' attorney, David T. Doyle, to the Board, dated July 16, 1970, and said plans and letter become an integral part of this decision."

LETTER DATED JULY 16, 1970, FROM THE PETITIONERS' ATTORNEY,
DAVID T. DOYLE, TO THE BOARD OF APPEALS (EXCERPTS)
CONDITIONS ESTABLISHED BY THE BOARD

"To meet the objections of the neighbors, the plans have been modified in the following manner:

1. Changed landscaping on the left hand side of the property to alleviate complaint about grade conditions and to keep the retaining wall there. (Yeannakopolous side)
2. Moved the rear yard pavement line ten (10) feet further away from the rear property line.
3. Changed the location of the underground tanks so that that they are now closer to the street.
4. Relocated the five foot Cedar fence to the top of the slope in the rear to further screen the service station yard from the rear and side properties.
5. Relocated the rubbish area from the rear of the station to the side.
6. Changed the grade of the yard to reduce the overall height of the service station property.

7. Agreed to leave all the trees to the rear, clear the underbrush and plant weeping willows in the treeless area of the rear yard.
8. Changed the landscaping of the right side of the station (Tobin side).
9. Made known to the neighbors that Shell Oil Company, Inc. was agreeable to change from a Colonial to a Ranch Style design to reduce the overall height of the building as seen from the rear perspective. The Company is still willing to do this if the Board deems it advisable."

NEW PLANS SUBMITTED BY PETITIONER TO MEET THE OBJECTIONS OF
THE NEIGHBORS

The Proposed Plot Plan, 111-113 North Street, Salem, Mass, D-B70-5A, dated 1-27-70, 6/70 Revisions arising from hearing, represents the Plan submitted to meet objections of the neighbors.

STATUS: SATISFACTION OF THE ABOVE-CITED OBLIGATIONS AND
CONDITIONS, MAY 2011.

- a. The automobile service station/convenience store, built in 2010, is of "colonial design". However, the building's "...conformity with the service station building presently existing at the corner of 934 Massachusetts Avenue in Arlington, Massachusetts.." is debatable.
- b. The property has not been "maintained" to the rear line. In fact, all vegetation has been eliminated and fill has been placed to the rear of the building.
- c. While the retaining wall was kept on the left hand side of the property (Yeannakopolous side), it has been allowed to deteriorate and apparently is ineffective. The area between the wall and the left property line was not landscaped beyond being improved with loam and seed.

Note that the "Building Addition Concept Plan", dated 7/11/07, appears to show a shortened retaining wall along the left side of the property. However, there is not any explanation on the Plan regarding the wall.

Another plan of the development, undated and not titled but submitted by letter dated December 3, 2009 to the Building Commissioner, and therein alluded to as the "parking layout plan" shows a retaining wall that would represent an extension of the retaining wall in the 1970 "Proposed Plot Plan". Said wall would extend the entire length of the left property line and, further, would extend across the rear of the property.

- d. The condition that the "rear pavement line" be ten feet further away from the rear property line apparently is not reflected in the "Building Addition Concept Plan". For example, whereas the asphalt paving ended at +/- 37 feet of the rear line on the right side of the 1970 Plan, the more recent "Landscape Plan" and parking plan show a pavement line that would be 30 feet from the rear line.
- e. The "Proposed Plot Plan" indicates that the underground tanks were to be located closer to North Street. The Trickett Realty Trust "Building Addition Concept Plan" indicates the intention to "replace underground tanks within current approved storage location" and this this appears to be the case.
- f. The "Proposed Plot Plan" of 1970 indicated that a five foot Cedar screen fence would be placed at "...the top of the slope in the rear to further screen the service station yard from the rear and the side properties".

While the "Building Addition Concept Plan" and the parking layout plan fail to "identify" fencing, the "Landscape Plan", dated 5/26/09 (REV.1 7/1/09), shows a "stockade fence" located, generally, where the 1970 Plan would locate it. However, it cannot be ascertained if the location meets the "top of the slope in the rear" condition.

- g. The "Building Addition Concept Plan" reflects the 1970 "Proposed Plot Plan" and locates the rubbish area at the side (left) of the building. The parking layout plan of 2007 would also locate the rubbish area to the side of the building but to the right.
- h. From available data, it is not possible to judge if grading to reduce the overall height of the service station property is reflected in the Trickett Realty plans.
- i. The trees to the rear have not been retained and weeping willows have not been planted in the treeless area of the rear yard.
- j. The landscaping on the right side of the station (Tobin side) was shown as loam and sees with a bump-out "landscape area" at the right front of the parcel. It appears that the bump-out landscape area will be paved/parking.
- k. The alternative of a Ranch Style design for the building was apparently not selected by the Board.

SUMMARY STATUS OF THE CONDITIONS

Conditions involving location of the underground tanks, and the rubbish area appear to have been met by the "Building Addition Concept Plan".

The condition relative to maintaining the property to the rear property line has been violated by the placement of fill and the destruction of vegetation.

The conditions regarding the grade conditions and the retaining wall on Yeannakopolous side of the property, the location of the rear yard pavement line, the slope and the placement of the screen fence, the overall height of the property and its gradient, and the landscaping on the right side (Tobin side) of the parcel should be evaluated by the appropriate City staff.

ADDITIONAL CONSIDERATIONS

According to a floor plan of the building (undated, not titled, identified a "111 North Street, Salem, MA") two spaces within the building, totaling +/-1200 square feet, are not fitted out. The intended use of this space should be ascertained. The use as a sub-shop, branch bank, doughnut store, etc, could influence regarding parking, off-street loading, signage, etc.

What is the status of review of the following provisions of the Zoning Ordinance:

- a. Section 8.2, Entrance Corridor Overlay District, particularly as concerns signage, fencing and parking/landscaping.
- b. Section 6.3, Motor Vehicle Light Service Stations, and
- c. Section 5.1.10, Off-Street Parking, Additional Approval by the City Engineer?