

**City of Salem Planning Board  
Meeting Minutes  
Thursday, June 5, 2014**

A regularly scheduled meeting of the Salem Planning Board was held on Thursday, June 5, 2014 at 7:00 p.m. in Room 313, Third Floor, at 120 Washington Street, Salem, Massachusetts.

Chairman Puleo opened the meeting at 7:01 pm.

**Roll Call**

Those present were: Chuck Puleo, Chair, Ben Anderson, Kirt Rieder, Tim Ready, Vice Chair, Dale Yale, Randy Clarke, Helen Sides, Bill Griset and Matthew Veno. Absent: None

Also present: Dana Menon, Staff Planner, and Pamela Broderick, Planning Board Recording Clerk.

Chairman Puleo introduced new Planning Board member Matthew Veno. Mr. Veno will serve the remainder of George McCabe's term.

**Approval of Minutes**

**May 29, 2014 Draft Meeting Minutes**

No comments or corrections were made by the Planning Board members.

**Motion and Vote:** Tim Ready made a motion to approve the minutes, seconded by Dale Yale. The vote was unanimous with seven (7) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Sides, Ms. Yale, Mr. Clarke and Mr. Rieder) and none (0) opposed; Mr. Veno and Mr. Griset were ineligible to vote.

**Regular Agenda**

**Project:** Request for insignificant change to the Witch Hill Subdivision Decision of January 20, 2005 and the Modification to a Form C Subdivision Decision of March 1, 2012. The proposed changes consist of the addition of lots 216, 217, 218, 228 and 229 to Phase II; and the release of those lots from the covenant with the City.

**Applicant:** BARTLETT AND STEADMAN DEVELOPMENT CORP.

**Location:** MARTIN LANE, NURSE WAY, AND DELL STREET (Map 14, Lots 30, 31, 33, 34, 53, 54, 55, 144 and Map 9 Lots 259, 260)

**Documents and Exhibitions:** Definitive Subdivision Plan of Witch Hill, Salem MA, revised Dec 30, 2004.

Attorney George Atkins of Ronan, Segal & Harrington, 59 Federal Street, presented on behalf of the applicant.

Atty Atkins reminded the Board the project has been implemented in 3 phases that were previously approved by the Board. The last phase drawings did not include the remainder of Nurse Way. The request is to slightly move the Phase II line to Dell Street, and release the remaining lots for Phase 3. The

developer has a covenant with the city and is not asking for release of the remaining funds; they will be available to cover completion of the subdivision. The developer is not asking for a reduction of funds.

Board Discussion:

- The Board asked if the funds being held are more than adequate; Atty Atkins advised the funds are the original amount agreed to cover the entire project including this last phase.
- The Board asked how can they know project is substantially complete; Atty Atkins clarified this statement refers to the roadway and utilities. The developer is now ready to put these five lots up for sale.
- The Board clarified there are trails to be added to the outer perimeter; Atty Atkins confirmed yes, this will need to be done prior to the beginning of phase 3. The locations of the trails and new park were reviewed for the benefit of Board members not familiar with the project.

**Motion and Vote:** Ben Anderson made a motion to approve the request for insignificant change to the Witch Hill Subdivision Decision of January 20, 2005 and the Modification to a Form C Subdivision Decision of March 1, 2012, seconded by Randy Clarke. The vote was unanimous with eight (8) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Sides, Ms. Yale, Mr. Clarke, Mr. Rieder, and Mr. Griset) and none (0) opposed, Mr. Veno abstaining.

**Project:** Application for endorsement of a plan believed not to require approval under Subdivision Control (ANR), to subdivide Technology Way (existing Lot 723, City of Salem) and to subdivide the adjacent existing Lot 740 (KAK Realty Trust), in order to convey a portion of the existing Technology Way Lot to KAK Realty Trust for future development, and to create a cul-de-sac at the new terminus of Technology Way, under ownership by the City of Salem.

**Applicant:** KAK REALTY TRUST and CITY OF SALEM

**Location:** TECHNOLOGY WAY (Map 7, Parcels 0079 and 0078; Lot 723 on Plan 11802-54; Lot 740 on Plan 11802-61; Lot 724 on Plan 11802-5).

**Documents and Exhibitions:** Roadway Abandonment and Layout Subdivision Plan revised April 15, 2014

Attorney Joseph Correnti, 63 Federal Street, presented on behalf of the co-applicant KAK Realty Trust; the City of Salem is the other co-applicant.

Atty Correnti opened the presentation explaining that the City of Salem owns Technology Way and therefore the City is a co-applicant. Technology Way is one lot, which curves through the business park. This ANR request will enable expansion of the businesses located in the business park. The applicant wants to subdivide the street (lot) Technology Way, and move the cul-de-sac to enable expansion of an existing building occupied by Thermal Circuits (owned by KAK Realty Trust). Ultimately a portion of the subdivided street (lot) will be transferred to KAK Realty Trust, in exchange for a new cul-de-sac to be constructed at KAK's expense, and to be carved out of KAK's current lot. The remaining undeveloped portion of the business park is now owned by KAK Realty Trust. The principal of KAK Realty Trust is the owner of anchor tenant Thermal Circuits. The purpose of the project is to enable a multi-million dollar

expansion of the building occupied by Thermal Circuits and prepare for future development of the remaining parcel.

The ANR plan has already been submitted to Salem City Council to authorize the Mayor to sign the ANR application. The City has approved the project as described including the exchange of the City-owned existing cul-de-sac for KAK Realty Trust-owned land to provide a new cul-de-sac. All of these lots are registered Land Court lots. This plan has been vetted by the Land Court survey department, who has approved the plan as presented here. If endorsement is made by the Planning Board, the project will again appear before the Land Court for the next set of approvals needed.

Two subdivisions are proposed:

- Divide Technology Way into two parts
- Cut the new cul-de-sac out of the big lot owned by KAK Realty Trust
- Thermal Circuits will revise their certificate to reduce their frontage to the accurate figure 198-ft. This meets all lot size and frontage requirements for the business park development.

Board Discussion:

- Mr. Anderson observed there is the potential to land-lock the back portion of the undeveloped parcel (12 acres). Atty Correnti clarified the developer is aware of this potential and is exploring several options to provide access, frontage, and buildable lots.
- The Board asked who currently maintains the road Technology Way, which is city-owned. Atty Correnti offered he understands the city provides maintenance. He confirmed that KAK will be building the new cul-de-sac as part of the agreement with the City.
- The Board inquired if the current roadway has granite curbing, asked for assurance this will be continued in the new cul-de-sac. Atty Correnti advised Thermal Circuits will be making a multi-million dollar investment which will likely bring this building expansion back to the Planning Board for approvals.
- The Board expressed a favorable view of the project, with Mr. Clarke stating this is the type of development and growth Salem needs.

**Motion and Vote:** Randy Clarke made a motion to endorse a plan believed not to require approval under Subdivision Control (ANR), to subdivide Technology Way (existing Lot 723, City of Salem) and to subdivide the adjacent existing Lot 740 (KAK Realty Trust), in order to convey a portion of the existing Technology Way Lot to KAK Realty Trust for future development, and to create a cul-de-sac at the new terminus of Technology Way, under ownership by the City of Salem, seconded by Bill Griset. The vote was unanimous with nine (9) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Sides, Ms. Yale, Mr. Clarke, Mr. Rieder, Mr. Griset and Mr. Veno) and none (0) opposed.

**Project:** Continuation of the public hearing for a petition requesting Site Plan Review and a Flood Hazard District Special Permit, for the proposed redevelopment of the former Flynnntan site into a medical office building, with associated parking, landscaping, and demolition of existing buildings.

**Applicant:** DHM REALTY TRUST/PEDIATRIC ASSOCIATES OF GREATER SALEM, INC.  
**Location:** 70-92 ½ BOSTON STREET (Map 15, Lot 299; Map 16, Lot 139)

### **Documents and Exhibitions:**

Chairman Puleo disclosed that his firm has hired Griffin Engineering for a small project in Beverly. The state ethics commission recommended his firm file an Appearance of Conflict of Interest (Form 23B3) with the Mayor's office, which has been done. Mr. Puleo is getting no special pricing for the services of Griffin Engineering, and Mr. Puleo is still able to vote on this petition without a conflict of interest.

Attorney Joseph Correnti, 63 Federal Street, presented on behalf of the applicant. Additional presenters included:

Bob Griffin, Griffin Engineering Group LLC, Beverly, MA  
Romeo Moreira and Alan Buie of Perkins +Will Architects

Atty Correnti opened the presentation to advise the Board they have reviewed checklists with planning staff and city departments to ensure all questions are addressed and incorporated into the plan.

Mr. Griffin continued the presentation to address the most recent changes. The Board offered comment or requested clarification during his presentation. Highlights include:

- Revisions to the landscape plan were identified
  - Applicant agreed Japanese Maple will be the species and will update the Landscape Plan from "decorative red maple".
- Applicant is still discussing the location of generator/HVAC with National Grid.
- HVAC enclosure has been formalized on civil and landscape plans; holly will be used for screening.
- Alternate location for the generator/HVAC adjacent the loading dock identified on the plans; subject to final dimensions of the equipment.
- Color scheme for exterior materials has been added to the plan.
- Fire Department questions regarding snow storage, turning radius and hydrant locations have been addressed.
- Mr. Clarke continued to express concern for pedestrian conflict at the entrance circle and the 2 adjacent parking spaces. Mr. Griffin indicated the turning radius is generous and if problems do arise the adjacent parking spaces will be eliminated.
- The Board asked if there are designated handicapped spots; Mr. Moreira confirmed yes, the Boston Street lot has 2 spaces.
- Mr. Anderson asked if the garage exhaust is mechanical; Mr. Moreira confirmed yes, along the front elevation of the building incorporated into the planter at the front of the building.
- Mr. Griset asked about changes regarding snow storage for the upper lot, noting the current plans no longer show snow storage in the middle island of the Boston Street lot; Mr. Griffin indicated new locations in the back corners where the property line jogs. The Fire Department was trying to avoid a large pile in the middle of the parking lot in order to maintain visibility. The Board expressed additional concerns about the new location:
  - Snow piles melt/refreeze creating ice on the parking lot. Mr. Griffin advised the parking lot will have a 2% pitch, but there may be a need for sand/salt treatment.
  - Concern the grade drop off at the west end of the site might affect neighbors with snow buildup; Mr. Griffin clarified the immediate abutting yard is level with the Boston Street

lot and the grade will draw the melt to Goodhue Street storm water management drains.

***Chairman Puleo opened the hearing to the public for comment:***

- Mark Patterson 2 Beaver St, Salem— neighbor with direct view of the Goodhue Street side of the project spoke in favor of the project but voiced one particular concern. Directly across from his property is a 2-story concrete retaining wall. He requested the developer add vines or landscaping to soften it. Mr. Griffin advised they plan to texture the wall and there will be landscaping at the base; the expert opinion is that ivy will not be very effective in screening the concrete. The wall will be segmental blocks, considered to be more aesthetically appealing (not cast-in-place concrete).
- Ms. Menon advised there has been a suggestion from the Building Inspector that the area has been a target for graffiti in the past. The Building Inspector recommends a smooth finish with an anti-graffiti coating to enable easy cleaning.
- After discussion of both the concrete wall finish and landscaping along the wall, the Board considered the following revisions:
  - 5 evergreen trees proposed between the Grove/Beaver Street intersection and the north parking lot will create a screen to hide potential vandals/graffiti; these 5 trees should be changed to deciduous street trees, to provide both a screen but some degree of visibility to the retaining wall. A special condition should be added to the Board's decision that the final species of these five trees shall be approved by the city planner.
  - Recognizing a rough surface on the concrete wall could discourage graffiti, the Board was interested to know if the anti-graffiti coating could be successfully applied to a rough finish.
  - There are some species of climbing plants that could help screen the wall without damaging it – the applicant should look into the feasibility of planting such species.

Jim Treadwell 36 Felt Street, Salem; representing the Mack Park Neighborhood Association and Gallows Hill Neighborhood Group—asked about the applicant's contribution to the Grove Street Improvement plan as a mitigation contribution. Per Ms. Menon the applicant agreed to a special condition in the Planning Board's decision stating that the applicant shall pay up to half of the total purchase and installation cost of replacing the traffic signal at the Boston Street/Grove Street/Nichols Street intersection; capped at \$60,000. Said mitigation contribution will be applied to replace the existing signal at the Boston Street/Grove Street/Nichols Street intersection, or for other traffic mitigation needs as determined by the city planner. Mr. Treadwell endorsed the mitigation plan on behalf of the neighborhood groups and requested the Board endorse the mitigation before issuing a favorable decision.

**Motion and Vote:** *Helen Sides made a motion to close the public hearing, seconded by Randy Clarke. The vote was unanimous with nine (9) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Sides, Ms. Yale, Mr. Rieder, Mr. Clarke, Mr. Veno, and Mr. Griset) and none (0) opposed.*

Chairman Puleo, alternating with Ms. Menon, read into the record the draft decision. The Board collectively edited the draft decision, careful to confirm informal agreement on the wording of edits as they worked through each section of the draft decision. The revised landscape plan as submitted by the

applicant will be included in the decision document. The applicant is required to submit a revised Landscape Plan to include the following revisions:

- 5 Cedar trees between Goodhue parking area and intersection of Grove/Beaver Streets to be replaced with deciduous trees, species to be approved by the City Planner.
- “red decorative maple” to be replaced with “Japanese Maple”;
- Anti-graffiti coating shall be applied to the concrete wall (Goodhue Street) if feasible, and if not, then the developer shall add ivy or another climbing species at the base of the wall if feasible.
- Evergreen holly (not deciduous) will be used in the screening of the HVAC/transformer units.
- The six-foot fence at the western property boundary shall terminate even with the corner of the abutting building at 94 Boston Street.

**Motion and Vote:** Helen Sides made a motion to allow a 6-foot high wood stockade fence as a buffer between the Boston Street parking lot and the abutting residential parcel to the west, granting relief to the 4-foot height limitation of the North River Channel Corridor and the Entrance Corridor Overlay Zones, seconded by Kirt Rieder. The vote was unanimous with seven (7) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Sides, Ms. Yale, Mr. Rieder and Mr. Griset) and none (0) opposed; Mr. Veno and Mr. Clarke were ineligible to vote.

**Motion and Roll Call Vote:** Helen Sides made a motion to approve the Site Plan Review application, the Wetlands and Flood Hazard District Special Permit with conditions, seconded by Kirt Rieder. The vote was unanimous with seven (7) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Sides, Ms. Yale, Mr. Rieder and Mr. Griset) and none (0) opposed; Mr. Veno and Mr. Clarke were ineligible to vote. The decision is hereby incorporated and made a part of these minutes.

**Project:** Continuation of the public hearing for a petition requesting a Planned Unit Development Special Permit, Site Plan Review, and a Flood Hazard District Special Permit for the demolition of the existing Marina Building and the redevelopment of that site to include an expansion of the existing Salem Waterfront Hotel & Suites with associated parking and landscaping, and off-site parking at 13-15 Herbert Street and 25 Peabody Street.

**Applicant:** THE SALEM WATERFRONT HOTEL & SUITES, LLC

**Locations:** 19 Congress St (Map 34, Lot 489); 23 Congress St (Map 34, Lot 447); 223-231 Derby St (Map 34, Lot 446); 235 Derby St (Map 34, Lot 445); Congress St (Map 34, Lot 408); 13-15 Herbert St (map 35, Lot 321); 25 Peabody St (Map 34, Lot 436); The Remaining land of Pickering Wharf Condominium Trust (Map 34, Lot 408)

**Documents and Exhibitions:**

Site Plans Salem Waterfront Hotel Expansion (revised May 20, 2014)

Renderings from SMMA (North Elevation, West Elevation, Perspectives) dated June 5, 2014

Attorney George Atkins of Ronan, Segal & Harrington, 59 Federal Street, presented on behalf of the applicant. Other presenters included:

Tony Sasso, Salem Waterfront Hotel Expansion, project manager  
Scott Patrowicz, Patrowicz Land Development Engineering, 14 Brown Street, Salem, MA, civil engineer  
Kim Hazarvartian of TEPP LLC, Salem, NH, traffic consultant  
Mark Spalding, SMMA Architects, Cambridge, MA, architect  
James Emmanuel, RPLA, LEED, James K Emmanuel Associates, Marblehead, MA, landscape architect

Peer Reviewers presenting:

Bill Ross, New England Civil Engineering, 120 Washington Street, civil engineering peer review  
Ken Petraglia, BETA Group Inc., Norwood MA, traffic peer review

Chairman Puleo read into the record a letter from Atty Atkins outlining the significant changes to the project:

- Connecting bridge between the existing and new buildings has been deleted from the plan;
- New building is now planned as a 5- story building;
- No residential units are proposed for the new building;
- Herbert Street Lot is no longer required as no residential units are now part of the expansion;
- 10 additional hotel units are being added.

Atty Atkins opened the presentation to advise the Board there have been meetings between representatives from the Design Review Board and project architects to make changes, and the parking study has been completed.

Mark Spalding continued the presentation and reviewed the highlights as presented on new renderings:

- New building is 67-ft tall, 5 stories (higher ceilings on guest room floors).
- Continuous canopy added to the front of the building, along the walkway and adjacent the drop-off area.
- Gateway feature dimensions and form has been changed to wrap the corner from the waterside onto Congress St to encourage pedestrians and activate this entrance to the harborwalk.
- The turret is more integrated into the 2<sup>nd</sup> floor conference room curtain walls.
- Green screen proposed on west end to provide audio and visual screening of the loading dock and trash area.
- Eliminating a story of windows makes the building look less massive.

Atty Atkins advised the applicant will be working with city's new public art director for ideas regarding the public art to be placed in the turret/gateway feature.

Board Discussion and requests for clarification:

- The Board responded favorably to the architectural changes; agreed the turret entry at Congress Street is a design improvement and the building appears less massive.
- The Board asked to know the planned exterior materials; Mr. Spalding advised the plan provides the vocabulary of a wood clapboard building through use of cementitious clapboard (board and batten appearance) siding on the building, asphalt shingle roofing at the mansard and a base of cast stone to protect the wall. The cast stone base will be darker than other materials but a warm color.
- The Board suggested the glass curtain wall on the waterside of the restaurant have portions that can open.

- The Board asked how each guest room will be heated and/or cooled. Mr. Spalding advised windows will be operable. A VRF system with roof condensers and in-room units connected by piping not ductwork is planned; including pressurized air into the corridors. No through-wall units will be utilized.

Landscape architect James Emmanuel continued the presentation and described updates to the plan:

- Removed the Ginkgo tree on Congress Street and replaced with a evergreen shrubs;
- Different hardscape on terrace to distinguish from harbor walkway;
- Front side of the building no room for trees due to crosswalks and handicapped spaces.
- Green screen on west end of the building(structure and a plant that will grow on it) to provide screening for abutting condominium owners;
- Waterside of the building will feature planters on the granite block wall with breaks to allow the granite to also be a seating wall;
- Lighting embedded in the pavement and the wall, and shining down along the terrace and harborwalk;
- Mr. Emmanuel offered the opinion that trees cannot be successfully added to the waterfront patio of the building due to limitations in soil volume, and are not compatible with the planned use of the space including umbrellas, etc.

Atty Atkins suggested the landscape plan could be approved by the city planning department before a building permit is issued.

Board discussion and requests for clarifications:

- The Board noted there is a stipulation that any tree removed on Congress Street must be replaced.
- The Board asked to know the plan for trash receptacles throughout the entire site.
  - Atty Atkins suggested the national parks and other green space entities are evolving their view on providing trash receptacles.
  - Chapter 91 stipulates how many receptacles are required along the harborwalk. Chapter 91 is clearly requiring benches and receptacles. Board encouraged the applicant to consider types of receptacles and provide for recycling.
  - Mr. Clarke indicated the Board has the prerogative to require a trash receptacle plan for the site before approving the PUD application.
  - The proponent's current position is not to provide trash receptacles beyond what is required by Chapter 91.

The present sense of some Board members is to link the approval of the new PUD to the entire Pickering Wharf Complex including operations and maintenance standards that were overlooked in the original decision. Having these conditions linked to the PUD decision will enable local reinforcement of Chapter 91 requirements on co-existing stipulations.

Atty Atkins continued the presentation with an update on the parking study.

Both Kim Hazarvartian (applicant's traffic consultant) and the City's traffic and parking peer reviewer Ken Petraglia made on-site observations last weekend, when the hotel was hosting an event, and was a full capacity.



Mr. Hazarvartian of TEPP conducted his study on Saturday, May 30, between 3:00-6:00pm. He counted cars onsite and at the Congress Street lot, with 120 vehicles at peak. This verified the existing use data. Future use plan is 197 cars (without discount for public transportation) in 246 available spaces. The plan provides for 89 on-site spaces plus 157 spaces at the Congress Street lot for a total of 246 spaces. He did not observe any traffic congestion at the Congress/Derby intersection or on-site.

**BOARD DISCUSSION:**

- The Board asked for Mr. Hazarvartian's professional observations regarding traffic flow off/on Congress Street. Mr. Hazarvartian answered he saw no cut-through traffic and no congestion or buildup. Golf carts were present and blended in with traffic. He did notice poor pedestrian behavior on-site. Bicycle traffic was very light.
- Ms. Yale asked to know who is currently using the Congress Street lot as these visitors to Pickering Wharf will be displaced by future hotel use. Mr. Hazarvartian observed 2 passes for hotel-related vehicles in the lot (paper pass and sticker). He also found boater tags on some vehicles. He reported that the applicant has advised that less than 20 marina members have parking privileges. During the study period the highest count was 40 vehicles in the 157 spaces at the Congress Street lot.
- Atty Atkins clarified there are 69 onsite parking spaces onsite for hotel use, plus 157 space in the Congress Street lot for hotel usage, for a total of 226 spaces. The remaining 20 spaces on-site are for condominium use.
- The Board observed marina use will continue with the hotel expansion, and asked how they plan to provide for the marina parking. Mr. Hazavartian advised the marina needs were included in the study and confirmed these users will be at the Congress Street lot.
- The Board asked if the entire Congress Street lot is available for use. Mr. Hazavartian advised there are some spaces currently occupied by construction materials/equipment - about 3 spaces – which were included in the 157 count.

Traffic peer reviewer Ken Petraglia advised he is generally in agreement with Mr. Hazarvartian. He wanted to be on record saying that the 20% parking demand reduction formula for patrons travelling by public transportation does not apply here. Even without these deductions there are an adequate number of spaces for the project.

- Mr. Petraglia's general observations were positive; he took particular note of golf cart drivers who seemed to be well trained. Golf carts generally used the south driveway to/from Congress Street.
- He observed no unusual delays at the Congress/Derby intersection.
- The queues from Congress Street to turn right onto Derby often blocked the site's north driveway onto Congress Street.
- Regarding internal circulation, for the first time the cones that usually block the bank were not there. He did not observe any cut-through traffic or excessive speed. No pedestrian/vehicle conflicts observed on the site.
- Noted in the Congress St lot; observed 10 vehicles tagged as boaters (marina guests) and 30 vehicles tagged as hotel guests.

Mr. Petraglia concluded his presentation with two remaining recommendations:

- Remains convinced the Congress Street south drive should remain 2-way, particularly due to queues blocking the north driveway;
- ADA compliant crosswalk on Congress Street is needed as the hotel will generate more pedestrians to Congress lot. This is an appropriate mitigation contribution from the applicant.

**BOARD DISCUSSION:**

- The Board asked if bank spots were utilized; Mr. Petraglia and Mr. Hazavartian both agreed yes, generally 1-2 bank spots in use. Once or twice all 4 spaces were used (bank was open until 3pm).
- Mr. Anderson asked if there is room to have 2-way south Congress St drive and entrance dropoff; Mr. Petraglia advised that this would not be the case based on the current plans. The minimum entry drive width for 2-way traffic is 20-feet.
- Atty Atkins advised the applicant has been considering the traffic issues raised by the Board. The applicant continues to believe the pedestrian safety issue outweighs the traffic flow concern within the site.
- Mr. Anderson offered to the Board the opinion that this is traffic flow on private property and it is not advisable for the Board to stipulate a 2-way drive for the convenience of other merchants in the complex. It would be different if this driveway were a public street.
- Mr. Petraglia advised his concern is safety; particularly for those exiting to Derby and turning left onto Derby Street, when Derby is often queued back beyond the site driveway. The idea of the golf carts turning left onto Derby and then left onto Congress also presents safety concerns. The Congress Street north driveway is regularly blocked by the Congress Street/Derby Street light traffic queue, which will push the golf carts to exit onto Derby Street. Golf carts moving against cars (left onto Derby and left again onto Congress) puts passengers in a very exposed situation at a very busy intersection with multiple lanes of traffic. Cars have less time to react to slower golf carts.
- Mr. Rieder offered to the Board the opinion that public safety and traffic are inextricably linked and the issue cannot be framed as a choice in favor of public safety vs. a choice in favor of traffic convenience.
- Mr. Clarke offered to the Board the opinion that their role is to ensure an approved PUD integrates smoothly in relation to the entire neighborhood with operations that work for the neighborhood as a whole. It is within the Board's purview to consider how the traffic flows on this private property in relation to this busy intersection. Derby Street is a heavily traveled street that will become even busier with planned development around Salem Wharf.
- Mr. Ready explored with Mr. Petraglia his experience with the management of the onsite parking lot by the hotel operators and Mr. Ready thanked Mr. Petraglia for his work, acknowledged his concerns and thanked him for his service to the Board and to the city.

***Chairman Puleo opened the hearing to the public for comment:***

- Jim Treadwell 36 Felt Street, Salem—asked if Herbert Street will be coming off the description off the description of this project as it is no longer required.
  - Mr. Treadwell quoted Zoning Code Section 7.3 regarding planned unit development (PUD), which requires a specific time limit by which construction must begin. He asked if the Board has discussed this detail of the code. Chair Puleo advised no, this has not been discussed.

- Mr. Treadwell continued by stating his understanding of the zoning code is that the Congress Street lot must be owned by the developer—not leased. He pointed out that future development along the South River, including the planned dredging of the river above the Congress Street bridge, might result in elimination of this lot.
- He reminded the applicant that the PUD parking requirements will take precedent over B5 zoning, and observed that the PUD permits desirable deviations from zoning practices.
- He encouraged the Board to require all parking considered for this PUD be under ownership of the developer (not lease) to ensure it will continue to be available to the project.
- He observed that the recent parking study was not during peak season; more than a single day might be more appropriate for a project this substantial.
- Mr. Treadwell concluded by asking if the developer has presented to the community, specifically the Historic Derby Street Neighborhood Association. If not, encouraged the developer to reach out and invite public input.

Atty Atkins advised the Board he will revisit the following issues with the applicant:

- Trash receptacles
- ADA crosswalk on Congress Street
- Reconsider traffic flow within the site

Atty Atkins requested the Board be prepared to review a draft decision at the next meeting. The Board responded by emphasizing there are still significant issues that require resolution in addition to the items identified by Atty Atkins:

- Does the Congress Street lot need to be held in ownership. Matt Veno read the code to the Board. Atty Atkins suggested the B5 zone provides guidance as B5 is the underlying zone. Board consensus is to seek advice from the city solicitor.
- The traffic flow needs further discussion and consideration.

Atty Atkins pressed for a draft decision and offered to provide suggested language to the planning department. He concluded with an appeal for vision; asking the Board not to stipulate narrowly defined conditions that will kill the project.

**Motion and Vote:** Helen Sides made a motion to continue the public hearing to June 19, 2014, seconded by Randy Clarke. The vote was unanimous with eight (8) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Sides, Ms. Yale, Mr. Clarke, Mr. Rieder, Mr. Griset) and none (0) opposed. Mr. Veno is ineligible to vote on this petition.

#### **Old/New Business**

No business was discussed.

#### **Adjournment**

**Motion and Vote:** Randy Clarke made a motion to adjourn the meeting, seconded by Bill Griset. The vote was unanimous with nine (9) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Sides, Ms. Yale, Mr. Clarke, Mr. Rieder, Mr. Griset and Mr. Veno) and none (0) opposed.

Chairman Puleo adjourned the meeting at 10:07pm.

*For actions where the decisions are incorporated by reference into these minutes, copies of the decisions have been posted separately by address or project at: [http://www.salem.com/Pages/SalemMA\\_PlanMin/](http://www.salem.com/Pages/SalemMA_PlanMin/)*

Respectfully submitted,  
Pamela Broderick, Recording Clerk

Approved by the Planning Board on 6/19/2014