

**City of Salem Planning Board
Meeting Minutes
Thursday, June 19, 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 7:04 pm.

Roll Call

Those present were: Chuck Puleo, Chair, Ben Anderson, Kirt Rieder, Tim Ready, Vice Chair, Dale Yale and Randy Clarke. Absent: Helen Sides, Bill Griset and Matt Venio.

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

Approval of Minutes

Jun 5, 2014 Draft Meeting Minutes

Edits were made by the Planning Board members.

Motion and Vote: *Tim Ready made a motion to approve the minutes as revised, seconded by Kirt Rieder. The vote was unanimous with six (6) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Yale, Mr. Clarke and Mr. Rieder) and none (0) opposed.*

Regular Agenda

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 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); 25 Peabody St (Map 34, Lot 436); The Remaining land of Pickering Wharf Condominium Trust (Map 34, Lot 408)

Documents and Exhibitions: None

Attorney George Atkins of Ronan, Segal & Harrington, 59 Federal Street, presented on behalf of the applicant and requested the public hearing be continued to July 17, 2014. As a point of personal privilege Atty Atkins extended an apology to the board for any tensions unintentionally generated during his presentation at the June 5, 2014 meeting.

Chairman Puleo opened the hearing to the public for comment:

Jim Treadwell, 36 Felt Street, noted the Herbert Lot is still included in the agenda although this lot is no longer considered part of the application per the proponent.

Motion and Vote: Tim Ready made a motion to continue the public hearing to July 17, 2014, seconded by Dale Yale. The vote was unanimous with six (6) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Yale, Mr. Clarke, and Mr. Rieder) and none (0) opposed.

Old/New Business

A joint public hearing with the City Council to amend the City of Salem Zoning Ordinance to add a definition for “Brewery, Distillery, or Winery with a Tasting Room” and “Tasting Room” under Section 10; and to amend the Table of Principal and Accessory Use Regulations under Section 3.0 to add a new “Brewery, Distillery, or Winery with Tasting Room” use, to be allowed by-right in I and BPD zones, and by special permit of the Board of Appeals in the B1, B2, B4, and B5 zones.

Ms. Menon circulated a revised draft of the proposed amendment based on input from the joint public hearing of the City Council and the Planning Board on June 16th. Edits do not reiterate the power of existing boards.

The Board took up each of the following concerns expressed at the joint public hearing on June 16, 2014, and addressed them in group discussion:

- Proposed amendment language needs to be modified:
 - Ensure it complements M.G.L. Chapter 138 language without contradiction regarding pour sizes and by-right vs. special permit.
- Special/marketing events need to be carefully managed to avoid negative impact on the neighborhoods (traffic and late night noise).
- Adequate notification of abutters when application is submitted.
- Concerns regarding disposal of spent vegetative material/trash and possible odors in the neighborhood.
- Councilor Siegel’s concern about including the BPD zone as most tenants/occupants in this zone prefer industrial neighbors not retailers.

The Board concluded:

- Special/marketing events will be managed by the Licensing Board and Zoning Board of Appeals as both these boards have extensive oversight and can address hours of operation. They can also impose a range of conditions and restrictions to protect neighbors in dense residential zones. Capacity for events is determined by the building inspector and fire department.
- Adequate notice to abutters is routinely provided by the Zoning Board of Appeals at the application stage of a project. Licensing requirements associated with tasting rooms have public notice requirements from the Licensing Board.
- The Board of Health and Building Inspector should be able to provide adequate oversight with regard to ventilation, trash/spent vegetative disposal.
- The proposed ordinance amendment is attached to the Industrial Uses table; the tasting room as defined does not meet the definition of retailer; this ordinance amendment will fall under industrial uses.

Specifically with regard to the proposed language to address pouring sizes, the Board reviewed the relevant sections of M.G.L. c. 138, § 19, Farmer Series Pouring Permits for Farmer-Breweries, Farmer-Wineries and Famer-Distilleries. The state defines the size of the tasting pour for each type of beverage.

Mr. Ready asked if the city solicitor had reviewed the latest draft; Ms. Menon advised not yet. Mr. Ready clarified the Board could recommend the amendments subject to review by city solicitor. His sense is that the proposed edits to the draft address the concerns raised by City Councilors without usurping any responsibilities of the Zoning Board of Appeals, or other applicable entities.

Chair Puleo observed that although members of the public were in attendance, the public hearing for this matter was closed on June 16, 2014. Members of the public should address any comments to their city councilor.

The revised draft amendment was read into the record for the benefit of Planning Board members and the public in attendance.

Motion and Roll Call Vote: Tim Ready made a motion to endorse the draft amendments subject to review by the City solicitor, and recommend adoption by the City Council, seconded by Ben Anderson. The vote was five (5) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Yale and Mr. Rieder) and none (0) opposed, with one abstention (Mr. Clarke).

Adjournment

Motion and Vote: Dale Yale made a motion to adjourn the meeting, seconded by Kirt Rieder. The vote was unanimous with six (6) in favor (Mr. Puleo, Mr. Ready, Mr. Anderson, Ms. Yale, Mr. Clarke and Mr. Rieder) and none (0) opposed.

Chairman Puleo adjourned the meeting at 8:45pm.

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/

Respectfully submitted,
Pamela Broderick, Recording Clerk

Approved by the Planning Board on 7/17/2014