

**City of Salem Planning Board
Meeting Minutes
Thursday, March 19, 2015**

A regularly scheduled meeting of the Salem Planning Board was held on Thursday, December 18, 2014 at 7:00 p.m. in Room 313, Third Floor, at 120 Washington Street, Salem, Massachusetts.

Chairman Puleo opened the meeting at 7:08pm.

Roll Call

Those present were: Chuck Puleo, Chair, Ben Anderson, Vice Chair, Randy Clarke, Kirt Rieder, Dale Yale, Bill Grisct, Matthew Venno and Noah Koretz. Absent: Helen Sides.

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

Approval of Minutes

December 18, 2014 Regular Meeting Minutes

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

Motion and Vote: Randy Clarke made a motion to approve the December 18, 2014 Regular Meeting Minutes, seconded by Ben Anderson. The vote was unanimous with eight (8) in favor and none (0) opposed.

Regular Agenda

Location:	220 Highland Avenue (Map 8, Lot 0124)
Applicant:	Tropical Products, Inc.
Description:	A public hearing for an application for Site Plan Review, to consider an application to remove the existing silos and to extend the building along Highland Avenue, with a 574 square foot addition to the first floor, and a 3,485 square foot addition to the second floor.

Documents and Exhibitions:

- Site Plan Review Application dated February 24, 2015
- Plan of Land, prepared by B&R Survey, 100 Grove Street, Worcester, MA; dated February 17, 2015
- Existing Building / Proposed Project Site Plan & Elevations pages C-1, A-1 thru A-4 from MBA International Architects, dated February 24, 2015
- Correspondence from MBA International Architects to Salem City Chief Engineer dated March 10, 2015 & March 11, 2015.

Atty George Atkins of Ronan, Segal & Harrington, 59 Federal Street, presented for the applicant.
Additional presenters included:

- William Medinger, AIA, president & principal, MBA International Architects, 44 Washington Street, Melrose MA
- Ed Berman, President, Tropical Products, 220 Highland Avenue, Salem, MA.
- Renee Dionne, Vice President Finance & Operations, Tropical Products, 220 Highland Avenue, Salem, MA.

Atty Atkins introduced the project team in attendance. His overview remarks highlighted two matters:

- There is some urgency because of the partial roof collapse over the winter, which occurred in the oldest part of the building. This project will also address the roof issue. The applicant hopes for a favorable decision at this meeting.
- Zoning Board of Appeals granted needed approvals at its March 18, 2015 meeting.

Atty Atkins also provided an overview of the scope of the project; illustrated by the submitted drawings:

- Small increase in the building footprint on southeast corner of existing building by removing existing silos, adding approximately 500 square feet.
- Addition of a second floor
- Addition will match the present building's exterior materials.
- No additional changes to the building or landscaping are proposed.
 - For clarification, the Board asked if the existing curb cut adjacent to the silos will remain. Atty Atkins advised there will not be deliveries there but the curb cut will remain. All loading dock facilities are at the rear of the building and will remain at the present location.

Mr. Berman continued the presentation and discussed the business factors leading to the building expansion. The company manufactures personal care, household and pet products. The business employs 50 people and is growing, and needs more room to operate. Hours of operation are Monday through Friday, 730am-5pm. The required high quality standards prohibit adding a second shift; they would prefer to expand the capacity of the first shift.

Board Discussion:

Mr. Anderson noted the following short falls in the submission as compared to ordinance requirements. While sensitive to the urgency of the project timeline, he observed the Board has a responsibility to apply a consistent approach to all projects. Areas of concern that require more information:

- Traffic flow/circulation (in relation to the 10 additional parking spots being striped in the existing lot):
 - Parking Ordinance page 23 paragraph 2; cannot provide vehicular parking in same area as loading area. Need to see truck turning radii and understand how trucks get in/out of loading bay in compliance with the ordinance. Truck turning radii should be on the drawings.
 - Wants to understand the basis for the parking space calculation; not certain all 10 spaces are needed. These specifics must be part of the submission.
 - Requirement for spaces is technically 39, versus the 45 total they are seeking. Atty Atkins advised there are 0 company vehicles, and 25 spaces for the 50 employees, plus 14 spaces based on the square-footage of the building in non-storage use.
 - Existing 2 trailers at the rear of the property are supplemental storage; will be removed when the second floor addition is available.

- Will there be additional lighting on the new exterior of the building?
- Submission documents include correspondence relating to the current roof drain; please clarify and advise what the plan is for drainage from the new roof.
 - Atty Atkins advised the current system directs roof runoff to the parking lot; this will also be the case with the new roof.
 - Ms. Menon advised the City Engineer is comfortable with a condition being written into the decision stating that the applicant shall provide to the City Engineer a drainage plan showing how the roof runoff for the addition will be handled, for approval prior to issuance of the Certificate of Occupancy.
- Where are wetlands on the property? Atty Atkins advised wetlands are to the northwest of the property, the buffer runs through the parking lot.
 - The Board indicated that the location of wetlands must appear on the submitted plans.
- Confirm the addition is on top of existing first floor walls, no new hole. Floorplans for the addition would clarify. Why windows on 2nd floor if just storage?
 - Mr. Medinger advised the wash-down function is critical to the business; the plan is to expand the wash-down area to utilize most of the first floor, and move storage to the second floor.
 - The plan is to go up 14 feet for a 2nd floor (not a double-height space).
 - The small lab on the drawing (first floor) is used for quality control tests before product released to production lines.
 - Hot water tanks used for wash-down are on the first floor.
 - Structure will be new within the existing masonry walls.
 - The second floor will be all storage; the windows are included to refine the elevation of the building.
 - The three (3) loading dock doors and docks at the rear of the building that currently exist will remain.

Additional Discussion:

The Board observed the present curb cut for silos does not need to remain at the current width. In the spirit of the Complete Streets policy, it can and should be narrowed. Atty Atkins advised this will require a permit from Massachusetts Department of Transportation (Mass DOT). The Board agreed, the applicant will need to seek a permit from Mass DOT for the required work.

Ms. Menon advised the Complete Streets working group representative provided comments for this project. This is the first project to be reviewed by the Complete Streets representative. Some of the comments may not be a good fit for a project of this scope. She noted that some comments relate to sidewalks along Highland Avenue, which is a state highway. The Planning Department staff recommends focusing on the following recommendations:

- 4-5-foot ADA accessible sidewalk to connect building entrance to the gravel shoulder along Highland Avenue.
- Bicycle racks

The Board discussed recommending that the applicant replace the gravel shoulder along their frontage on Highland Avenue with a paved concrete sidewalk that would maintain ADA accessibility around the fire hydrant, connect to the existing 6-foot wide sidewalk in front of the Pep Boys location on the south side, and to the property line on the north side.

- Atty Atkins observed that permitting may be required from Mass DOT to do any sidewalk work.

The Board clarified the additional points:

- Next Planning Board Meeting is scheduled for April 2, 2015
- Conservation Commission has determined this project does not include any work that falls under their jurisdiction.
- Does waste water from wash-down process require treatment?
 - Mr. Berman advised the wash-down waste water drains to back of the building and ultimately to the sewer system. Water does not require special treatment. Prior business operation did use an onsite treatment plant before connecting to the sewer. When Tropical Products moved in the SESD required analysis; the report indicated the waste water from their operation is no more toxic than from residential home outflows; no hazardous chemicals are in use at the plant.

Chair Puleo opened the meeting for public comment:

- Michael Panneton, 19 Greenlawn Ave; concerned about impact during the construction phase. Prior experience with the build-out of Pep Boys, CVS/Dunkin Donuts and other nearby Highland Avenue businesses were disastrous. Construction needs to be limited to business hours.

Motion and Vote: Randy Clarke made a motion to continue the public hearing to the Planning Board's next regularly scheduled meeting on April 2, 2015, seconded by Ben Anderson. The vote was unanimous with eight (8) in favor (Mr. Puleo, Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno and Mr. Koretz) and none (0) opposed.

Location: 162 & 150 Federal Street (Map 26, Lots 2 & 96)
Applicant: Renewal Ventures, LLC, Assignee of rights granted to William Wharff
Description: Board discussion and vote on the request for a six (6) month extension to commence constructions authorized by the September 25, 2012 Site Plan Review and Flood hazard District Special Permit Planning Board Decision for conversion of a former convent to eight (8) residential units.

Documents and Exhibitions:

- Planning Board decision to grant six (6) month extension stamped October 1, 2014 (meeting on September 18, 2014)
- Correspondence from Atty George Atkins, written request for second extension, dated March 11, 2015

Atty George Atkins of Ronan, Segal & Harrington, 59 Federal Street, presented for the applicant.

Additional presenters included:

- David Pabich, Principal, Salem Renewal, LLC, 141 Washington Street.

Atty Atkins advised that since the Board approved this project in 2012, it was discovered that an oil spill on the adjacent property has migrated to affect this parcel. There are multiple parties now involved in the parcels and clean-up.

Environmental mitigation & submission of the final report of the onsite oil spill has not been completed, which has prevented conclusion of the purchase of the property by the permit assignee. Mitigation work has been done and is now being monitored. Final Solution documentation needs to be presented to the Massachusetts Department of Environmental Protection. There are at minimum two (2) LSP's involved in monitoring and approving the clean-up. Once the environmental issues are resolved, the purchase, a potential ANR filing, and other steps will be taken to move this complicated project ahead.

Mr. Pabich explained the history of the spill. It originated with an underground oil tank likely installed by the Catholic Archdiocese in what was a convent building at the time (now an office building owned by AG Hess). The leaking apparently went on for some decades. A migrating plume was identified around 2009 that originated on 162 Federal Street, and had migrated toward 150 Federal Street. Clean-up measures have included vacuum extraction and injection of an enzyme agent to neutralize the remaining hazardous material. The LSP for the Archdiocese needs to determine if all possible clean-up measures have been taken or if more must be done. The solution will likely include an "activity use limitation".

Board Discussion:

The Board noted the oil spill was an issue when the first site plan was approved in 2012. The Board has already granted one six-month extension past the two-year life of the site plan approval. How long should any project be allowed to extend start of construction on an approved site plan? Should Board call for new site plan given the period of inactivity? Chair Puleo cited other projects that involved extensive delays for various reasons.

After discussing the slow decision-making on the part of the current property owner and its LSP, The Board ultimately agreed to grant one more extension, noting their reluctance to grant further extensions in the event there is no additional activity or new findings.

Motion and Vote: *Ben Anderson made a motion to grant the request for a six (6) month extension to commence construction authorized by the September 25, 2012 Site plan Review and Flood Hazard District Special Permit Planning Board Decision for a conversion of a former convent to eight (8) residential units; said approval now to expire September 25, 2015, seconded by Randy Clarke. The vote was unanimous with eight (8) in favor (Mr. Puleo, Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno and Mr. Koretz) and none (0) opposed.*

Location: 405-427 Highland Avenue (Map 3, Lots 74, 75 & 76)

Applicant: Paul Ferragamo

Description: Board discussion and vote on an application for endorsement of a plan believed not to require approval under Subdivision Control (ANR), proposing to subdivide the existing three lots at 405-427 Highland Avenue (map 3, Lots 74, 75 & 76) into five lots.

Documents and Exhibitions:

- Land Subdivision Plan of Land for 4 Residential Lots #405-427 Highland Avenue, prepared by Patrowicz Land Development Engineering & North Shore Survey Corporation, both at 14 Brown Street; dated March 6, 2015.
- City of Salem For A Application for Endorsement of Plan Believed Not to Require Approval, dated March 12, 2015.

Atty George Atkins of Ronan, Segal & Harrington, 59 Federal Street, presented for the applicant.

Atty Atkins provided a brief overview; the site has extensive elevation rise and rock ledge with a lot of stone to be removed. This negatively impacts the return on investment to develop this property. Originally permitted for approximately 14 lots; the plan has been revised a couple of times based on the limitations imposed by topography. There has been some preliminary discussion with Massachusetts DOT about the Highland Avenue curb cuts that will be required by the proposed subdivision.

Board Discussion

- Atty Atkins clarified for the Board, the existing driveway from Clark Street into lots 4 and 5 will be relocated and a new driveway will be added for lot 5; joint driveways prohibited due to emergency vehicle access reasons. These driveways will access Clark Street.
- Board confirmed the request will be for three (3) curb cuts for lots 1, 2 & 3, directly onto Highland Avenue.
- Board discussed the possibility of shared driveways as a strategy to reduce the number of curb cuts needed onto Highland Avenue. Again, any joint driveway configuration must provide for turning radius and emergency vehicle access.
- Board observed it is poor urban development to create 5 curb cuts for 5 lots, and particularly 3 curb cuts for single-family homes directly onto Highland Avenue.

Motion and Vote: Dale Yale made a motion to endorse the plan believed not to require approval under Subdivision Control (ANR), to subdivide the existing three lots at 405-427 Highland Avenue into five lots, seconded by Kirt Rieder. The vote was unanimous with eight (8) in favor (Mr. Puleo, Mr. Anderson, Mr. Clarke, Mr. Rieder, Ms. Yale, Mr. Griset, Mr. Veno and Mr. Koretz) and none (0) opposed.

Old/New Business

- 28 Goodhue update; staff followed up with the owners regarding the gate installed across the multiuse path. Ms. Menon reported that the developer agreed to remove the gate once the snow melts enough to allow access. The gate had been installed after the last inspection.
 - Board directed staff to send correspondence to the owner allowing thirty (30) days to de-install the gate and hardware or he will be in violation of the approved Site Plan (not withstanding any existing snow/ice that may need to be removed to complete the work). Said correspondence should also be copied to the Building Department.
 - If the gate does not appear on the “as built” plan on file with the Building Department, the developer is in clear violation of the conditions of the occupancy permit.
 - Board also requested Planning Staff to reach out to the City Solicitor seeking an opinion on whether the Planning Board can require the occupancy permit be revoked for

owners in violation of approved site plans? If not, what recourse is there for enforcement of Site Plans approved by the Planning Board?

- Mr. Koretz asked staff to research whether the city composting pilot program will be renewed, and if the Planning Board can require that composting be included in the Planning Board's conditions for approval of future residential projects of a certain size (parameters to be determined).
 - The Board discussed the best way to add both recycling and composting to the required approvals for multi-family developments of a certain size. Chair Puleo noted there is not even a requirement for recycling at multi-unit developments. The Board agreed that simply withholding approval of Site Plans until these services are added to plans seems insufficient, as enforcement of all aspects of approved Site Plans is an area that needs to be addressed by the City (see above item). Staff was asked to research and recommend next steps on the matter of composting and recycling requirements for development projects.

Adjournment

Motion and Vote: Randy Clarke made a motion to adjourn the meeting, seconded by Dale Yale. The vote was unanimous with eight (8) in favor (Mr. Puleo, 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 8:35pm.

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: http://www.salem.com/Pages/SalemMA_PlanMin/

Respectfully submitted,
Pamela Broderick, Recording Clerk

Approved by the Planning Board on 4/2/2015

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