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Report to City Council

September 8, 2005

Proposed Rezoning:

To see if the City will vote to amend the Salem Zoning Ordinance and associated zoning map by creating a North River Canal Corridor (NRCC) Neighborhood Mixed Use District along the North River Canal area. The proposed district includes the following parcels:

Map 15, Lots: 297, 298, 299, 300, 301, 305

Map 16, Lots: 367, 368, 369, 370, 371, 372

Map 25, Lots: 74

Map 26, Lots: 1, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 47, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59,
60, 61, 62, 63, 64, 65, 70, 73, 83, 87, 89, 90, 91, 92, 93, 94, 95, 97, 141, 400,
401, 402, 403, 404, 405, 406, 407, 423, 634, 642, 643

At its meeting on September 1, 2005, the Planning Board voted to recommend as follows on the proposed amendment to the Zoning Ordinance:

Voted seven (7) in favor and one (1) opposed to recommend approval of the proposed rezoning subject to further study and expert guidance on:

1. Section 7-20 (I) *Density Regulations*
2. Boundaries of the proposed district

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DEPT. OF PLANNING &
COMMUNITY DEVELOPMENT**Salem Planning Board
Minutes of Meeting
Thursday, September 1, 2005**

A regular meeting of the Salem Planning Board was held on Thursday, September 1, 2005 in the third floor conference room at 120 Washington Street, Salem, Massachusetts at 7:00 p.m.

Those present were: Walter Power, Paul Durand, Pam Lombardini, David Weiner, Christine Sullivan, Gene Collins, Tim Ready and Chuck Puleo. Also present were City Planner Lynn Duncan, and Eileen Sacco, Clerk.

Members Absent: John Moustakis

Recommendation to the Salem City Council on the North River Canal Corridor
Neighborhood Mixed Use District

Lynn Duncan addressed the Board and explained that a joint public hearing was re-opened on August 16, 2005 with the Salem City Council and the Salem Planning Board regarding this matter. She noted that the Board has 21 days from the close of the hearing to give a recommendation to the City Council. She also noted that this is not a formal public hearing and therefore public comment is not usual but that the Board may entertain some comments from the public if they so choose.

Ms. Duncan distributed copies of the revised North River Canal Corridor Neighborhood Mixed Use District Plan. She explained that her recommendation to the Board is to approve the ordinance as drafted and recommend revisions to the City Council for discussion.

Paul Durand stated that he likes the proposed changes, however as an architect he has some experience in trying to come up with a project in keeping with the spirit of an ordinance and he feels that the density requirement as proposed is too strict. He noted that there are many types and sizes of parcels to consider. He cited the Flynn Tan property on Boston Street as an example, noting that it is a site that would be expensive to redevelop because of the cost of the clean up. He stated that the development proforma needs to be considered relative to density. He further noted that he feels that the intent of the ordinance is good, but the allowable density may be problematic and suggested that someone with knowledge of the supply side of the issue should be involved in this. He suggested that the City Council engage in a further review of section 7-20 (I).

Chuck Puleo noted that the minimum lot requirement is 15,000 s.f. and questioned if there are other lots that are 15,000 s.f. in the area. Lynn Duncan stated that she did not know off hand. Chuck Puleo noted that the Flynn Tan site and 28 Goodhue Street are sizeable properties.

Rita Markunas addressed the Board and noted that she chaired the NRCC committee. She explained that it was the intent of the committee to ensure quality of life with regard to density. She noted that there are a lot of brownfield sites and the regulations do not allow for residential development on those sites. She stressed that the intent was always to maintain the quality of life for the existing neighborhoods.

Christine Sullivan praised the Committee for a thoughtful, articulate, and balanced document. She cautioned that there may be issues that have unintended consequences.

Walter Power noted that in hindsight, the Planning Board should have had a special meeting to review this.

Rita Markunas suggested that in light of the short amount of time, the Planning Board should consider holding a special meeting on September 8th. Lynn Duncan suggested that a special meeting would still limit the time for the Board to consider this proposed rezoning and noted that she is not sure that the issues could be resolved in a week. She suggested that if people have concerns should attend the City Council Committee meetings on the rezoning.

Gene Collins addressed the Board and stated that he felt that the area for the district is much too large and should not go beyond North Street. He noted that most of Mason Street is residential.

Walter Power stated that he has an issue with the Webb Plumbing building. He noted that he attended several meetings of the NRCC and he feels that this is a great document and a great example of how a community can participate. He noted that the Webb building stands alone and his reading of the document indicates that nothing could be built in the district unless it is a two family. He suggested that this site would be a great site for multi-family units as it has access to the train and the court and he did not feel that it would serve the city well to prevent that. He noted that the Board has been careful in the past to design projects in that area that include plenty of landscaping treatments etc. to address conflicts with the neighbors. He also noted that this building is down hill from Federal Street and any developer for the site would have to work with the neighbors. He stated that he would like the Board and the Council to consider the right zoning for that parcel. He also noted that it is more a part of the downtown and that overall area. If the building were torn down the City would lose quite a piece of history.

Jim Treadwell addressed the Board and noted that the committee was trying to encourage artist workspace type developments. He also noted that the intent of the committee with regards to the Webb building was to include the building next to it as well. He also noted that the committee was concerned about parking.

Mr. Treadwell also noted that density standard is according to existing zoning for multi family housing. He also noted that Mason Street was rezoned to R2 and that is being recommended for the south side of Mason Street, and that would encourage a good quality mixed use development.

Charlie Ferris of Franklin Street addressed the Board and noted that there is no density bonus in the plan for Franklin Street. He questioned if the Planning Board members received both documents, the Neighborhood Master Plan and the zoning ordinance regarding this. Several members stated that they did not have both documents. Lynn Duncan explained that the Planning Board role is to make a recommendation to the City Council on the zoning ordinance itself. She stated that she would get copies of the Neighborhood Master Plan completed in 2003 for the members who do not have one.

Gene Collins expressed concern that the master plan and what is being proposed are two different things. Ms. Markunas addressed the Board and explained that the Committee took into consideration all of the properties in the area that need attention. Gene Collins stated that he is opposed to spot zoning.

Walter Power read a letter from Attorney Liacos regarding property located at 53 Grove Street and noted that he is concerned about the grandfathering of the property and the potential loss of the use if the property is vacant for two years. He stated that it would be a hardship and this needs to be thought about. Lynn Duncan, City Planner, explained that existing property owners and uses are grandfathered as long as they are in use. She noted that if the use is abandoned after two years they lose that protection by state statute.

Patricia Donahue addressed the Board and stated that an industrial or commercial building that is not rented for two years creates a negative impact on the neighborhood. She also stated that the Committee had a mandate to look at the entire area to work out the district and they created a connection to the district. She noted that Franklin Street is a combination of residential and commercial and they are concerned with what is appropriate for the neighborhoods.

Paul Durand referred to the density of the JPI site and explained that the build out there is 24 units per acre. He noted that under this plan that development would have been 13 units per acre.

Tim Ready noted that there seems to be three issues that are of concern to some members of the Board that need resolution before a recommendation can be made to the City Council. He suggested that they be outlined for subsequent consideration as the Council deliberates on the matter. He also suggested that the Planning Board participate in those discussions.

Paul Durand stated that he felt that the density bonus language is terrific and will help with the basic requirement for density for a larger project.

Lynn Duncan explained that the Planning Board makes a recommendation to the City Council and the Council will then deliberate on it further. She noted that Councillor Bencal has stated that he intends to have a meeting of the Committee of the Whole on this proposed rezoning and noted that when the Planning Board makes its recommendation to the Council the formal role of the Planning Board ends.

Sally Buyers of Franklin Street addressed the Board and stated that she has owned her property for 20 years and over the years she has brought developers in and has had little success. She stated that she feels that this is spot zoning and it is illegal. Walter Power suggested that Ms. Buyers address her concerns to the City Council.

Patricia Donahue addressed the Board and stated that she has been a life long resident of the city and her participation in this process was because she wanted the best for Salem. She stated that she feels that the problem with density is that it is too much for Salem.

Paul Durand noted that he understands the intent of the NRCC mixed use, and noted that he would urge the City Council to review the issue of density to assure the quality of life, noting that it can be obtained by smart growth. He further noted that he feels that the expertise of an Attorney and a Financial Consultant are necessary in

this process. He also noted that without a review of the density the intent would not be carried out.

Christine Sullivan stated that she is struggling to be clear on this with such a short period of time to act on this. She suggested that the city should take a longer time to get some expert opinions. She also stated that she would like to vote on the issues separately.

Paul Durand made a motion that the Planning Board recommend approval of the proposed North River Canal Corridor Mixed Use Ordinance subject to further study and expert guidance on Section 7-20 (L) *Density Regulations* and Boundaries of the proposed district; seconded by David Welner and approved (7-1) with Gene Collins opposed.

Continuation of Public Hearing - Site Plan Review - Salem Harbor CDC - 50 Palmer Street

Atty. Bill Quinn addressed the Board and noted that a site visit was held this evening. He introduced Madeline Nash to address any issues that the Board may have.

Madeline Nash addressed the Board and noted that this is the third meeting held for this project. She reviewed the process that they have used to develop this project. She noted that the design will strengthen the streetscape along Congress Street and afford people already living in the area to participate in the lottery to select buyers. She also noted that they have received positive support from the neighbors.

Lynn Duncan noted that there are unresolved issues and that revised plans need to be prepared. She noted that Ward One Councilor Lucy Corchardo submitted a letter in support of the project, noting the issues of fire access on Naumkeag Street and parking issues. Ms. Duncan also noted that the Fire Department is recommending no parking on either side of Naumkeag Street and the neighbors are not opposed. Councilor Corchado has agreed to bring the no parking issue before the City Council for adoption.

Walter Power read a letter from the Fire Department regarding the parking and fire access issues. He noted that the concerns are

1. that no parking be allowed on either side of Naumkeag Street, corner to corner to allow turning access for the fire trucks
2. the telephone pole is kicking out into the street and needs to be straightened.
3. A fire hydrant needs to be added to the plan.

Lynn Duncan stated that if the project were to be approved, City Council approval of a "no parking zone" could be incorporated as a condition.

Ms. Duncan also noted that suitable snow storage on the site is a concern. Madeline Nash located the proposed area on the plan. Atty. Quinn stated that they would accept a condition with suitable language regarding snow storage.

Ms. Duncan also noted that the stormwater management plan needs to be stamped by a licensed PE. Madeline Nash stated that they have plans to submit to Joe Nerdon in the Engineering Department.