

**Meeting Minutes**  
April 28, 2021  
**Present**  
Seth Lattrell, Port Authority  
Deputy/Planner  
Matthew Littell, Utile  
Will Cohen, Utile  
Elizabeth van der Els, Utile  
Tom Skinner, Durand & Anastas  
Mayor Kimberley Driscoll, Mayor  
Capt. Bill McHugh, Salem Marine  
Society/Harbormaster

Mira Riggan, Derby Street Neighborhood Association  
Beth Debski, Salem Partnership  
Bob McCarthy, Ward 1 Councilor  
Barbara Warren, Salem Sound Coastwatch  
Pat Gozemba, Salem Alliance for the Environment  
Kate Fox, Destination Salem  
Fred Ryan, Public Safety  
John Russel, Ward 1 Resident  
Paul Deprey, National Parks Service

## **Salem Municipal Harbor Plan (MHP)** Harbor Plan Committee Meeting #6

### **Meeting Agenda**

- North River Planning Area
- Priorities for the Footprint Survey Results
- DPA Master Plan Principals
- Crescent Lot: Presentation from Development Team
- Next Steps
- Public Comment

### **Meeting Date, Time, and Location**

- April 28, 2021
- Convened: 4:00 pm
- Adjourned: 6:44 pm
- Zoom web conference

### **Actions**

- No voting occurred at this meeting.
- No Public Comment

development as the entire planning area shows vulnerability in the most recent Massachusetts flood risk model.

In the North River Planning Area, the following parcels are being developed: the Crescent Lot, the Cataldo Ambulance parcel, and the Ferris Junkyard. The Crescent Lot is 34,750 square feet site that includes a 97-space parking lot adjacent to the MBTA Commuter Rail Station. Cataldo Ambulance is a 44,431 square feet site with frontage on North and Franklin Streets. Ferris Junkyard is an 82,328 square feet site that consists of three parcels located at 16, 18 and 20R Franklin Street. Future development will need to consider the following: general connectivity to waterfront assets, visual access of water, navigating grade changes, upland pedestrian access to Furlong Park, flood mitigation and continuity of pedestrian access at water's edge.

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## **North River Planning Area**

Since the last Municipal Harbor Plan (MHP) Salem has successfully initiated or completed recommendations set forth in the Harbor Plan in the North River including, preliminary design of the South River dredging, construction of portions of the harborwalk and public park along the South River Basin. The North River Planning Area includes: parcels northwest and southwest of the North River, the Crescent Lot a 34,750 square feet 97 space parking lot adjacent to the MBTA Commuter Rail Station, the land across the river bounded by North Street and Franklin Street, and Furlong Park. The majority of the planning area is regulated by Chapter 91.

Key comments from the Social Pinpoint in the North River included ideas around water access and water recreation and transportation connections to downtown. Resiliency needs to be considered for future planning and

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## **Crescent Lot: Presentation from Development Team**

The Winn Development Team presented to the Committee on the Crescent Lot. The project team is working with the City and the SRA to achieve the following goals: Promote, connectivity between site, pedestrian realm and MBTA; Transit accessible mixed income housing; sustainable development; Development that supports courthouse restorations; tax revenue, job reaction, property value enhancement. The project site is 34, 750 sf. The site is constrained by Ch. 91 height and spatial use compliance.

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## **Engagement**

The "Priorities for the Footprint Property Survey" is live on the website and 647 people have responded with 86% of respondents who live in Salem and 51% of respondents who work in Salem. The focus of this survey is to identify

priorities for the reuse of over 40 acres of privately owned land around the new power plant.

The first question in the survey asked survey takers to rank their priorities for the reuse of the site. The future uses included eight options including, neighborhood development, jobs, marine industrial use, recreation use and public access, temporary and seasonal use. Renewable energy and offshore wind, resiliency, and tax revenues. Recreational use and public access ranked the highest for first choice followed by renewable energy and wind. Neighborhood development ranked the highest for least desired for the reuse of the site. For second, third and fourth choice the preferences were between jobs, renewable energy and offshore wind, temporary and seasonal uses, and resiliency. The second question asked what marine industrial uses would be preferred for the Footprint site, for this question survey takers were given the option to select all that applied. Offshore wind and renewable energy ranked highest with 393 votes followed closely by expand passenger vessel operations with 363 votes. The next question asked what neighborhood development options were preferred for the site, survey takers were allowed to select all that applied. Survey takers did not think housing was appropriate for the site with 352 votes. The next question asked for preferences for temporary uses. There was a lot of support for season markets with 451 votes, seasonal programming like ice skating has 443 votes and outdoor performances also had a lot of support with 448 votes. The last question asked what features and activities would be preferred for the site and there is consistent support for all of the options, Recreational options got 334 votes, public restrooms got 390 votes, public art got 390 votes, educational programming got 357 votes and a fishing pier got 397 votes.

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### DPA Master Plan Guiding Principles

To promote a diverse, sustainable, and resilient industrial port, the Salem DPA Master Plan will establish principles to guide the development of the Salem DPA. The principles include guidance on preferred water-dependent industrial uses, other allowable uses within the DPA, and design principles.

The Salem DPA is ideally situated and has the key characteristics to transform into a maritime hub for water-borne transshipments; a center for marine science and research; an expanded port-of-call for cruise ships; an expanded terminal for ferries and other forms of passenger

water transportation; and dockage for local fishing boats. Due to its location near residential neighborhoods and the narrow local roadway system, the Salem DPA is not well-suited for maritime industrial activities that rely on moving goods by land to and from the port to other markets. The Salem DPA's transition from a largely single purpose coal-burning power plant to cleaner natural gas and the remediation of portions of the DPA has focused interest on making the Salem DPA environmentally sustainable and climate resilient, consistent with the goals being developed for Resilient Cities.

The preferred water-dependent industrial uses include renewable energy, education, expanded cruise ship activity, bulk cargo activity, and dockage. Other allowable uses within the DPA include the existing Footprint power facility and related infrastructure, as authorized by DEP's Chapter 91 variance dated November 1, 2013. In conformance with Chapter 91 regulations, up to 25% of the Salem DPA may be used for supporting DPA uses. Temporary or seasonal uses are allowed as long as they do not conflict with water-dependent industrial uses. Public access is also allowed as long as it does not conflict with water-dependent industrial uses, with an additional goal of providing alternative public access routes to minimize the potential for conflicts.

To the extent practicable, activities and development within the Salem DPA shall be designed and carried out based on the following principles: climate resiliency, considering the carbon footprint, allow multiple uses and minimize conflicts with residential neighborhoods. Local projects that reflect similar design principles include the pocket park in East Boston in the DPA that allows point access, the sidewalk and pedestrian access in South Boston's DPA and PORT park in Chelsea that is a part of Eastern Salt shipping facilities.

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### Next Steps

Dates for future Committee meetings and public meetings will be shared shortly.

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### Committee Questions

*Bill McHugh*

This is a question for Tom Skinner, and I guess it's a comment and a question all at once. Tom, you know, as far as you mentioned, management, I think in your presentation and I just want to get an explanation or

comment from you regarding cargoes that may be egregious to the one structure of the site which used as a traditional DPA and that the Port Authority or the regulatory local authority would have the right to go ahead and manage the types of cargo. Is that correct?

*Tom Skinner*

Yes. The Ch.91 licensing process, it's not the only approval that's needed. So you're absolutely right. The other things that affect the cargo, public safety, if there's a transportation issue or there's a concern that where a certain type of vehicle has to be used on the roadways, that can't be used and those things are sort of separate. This is just related to what the Chapter 91 license covers. So there are other layers of government review for port users.

*Mira Rigglin*

You mentioned that you're going to be looking at traffic, circulation plans and how wide is that area going to be? Because traffic in and out of that area not only affects the immediately adjacent area, but a large berth down to the Customs House up Web. I mean, it's a large, large area that will be affected by any increase in traffic. So how far is that berth of looking at the traffic would go?

*Seth Latrell*

Is that in relation to Tom's DPA principles?

*Mira Rigglin*

Yes, that was in relation to the DPA principles.

*Seth Latrell*

I think that the idea, and Tom, jump in if I'm wrong, but I think the idea was just ensuring that those traffic impacts would be looked at by the future development and we wouldn't be dictating the scope of that study because it would depend on the size and nature of the study. And in dictating the scope, the study is not really something that the Harbor Plan can do, but it's helping to guide our other agencies and our other regulatory authorities and city departments to make sure that they are paying attention to that. Typically, with the traffic study, it does extend to major arterial roads. But again, that really depends on where you're seeing that impact. And you would scope that study based on the nature of the project when the project comes forward.

*Mira Rigglin*

One other little question. Are you going to have them look at the effects of the whole infrastructure? I mean, we have an aging infrastructure. And this could have an impact. Is that going to be something that you're going to have any future development look at?

*Seth Latrell*

That could certainly be something that if we do want to build into the DPA principles, but regardless, that would be something that any development would need to look at closely, particularly given the scale of the site. But the impact depends very much on the nature of the use. So we wouldn't want to be overly prescriptive in that. Kind of brings back another point that I did want to highlight is that we're trying to frame these as principles and not as rules because we want to make sure that there's flexibility for change in the future, both from environmental change, economic change, change in ownership. So we don't want to draft principles that are going to limit the ability for the site to be developed, but we want to make sure that the development that happens within the DPA going forward is closely watched and is compatible with the neighborhood.

*Bill McHugh*

On your team too, Seth, with additional meetings. I know I have heard from a couple of people it would be helpful to have a less structured meeting in between so that committee members, obviously, even if it was a public meeting, that everybody, all committee members attended could actually just start to compare what they've heard and kind of almost get a feeling for what direction they think things should go.

*Barbara Warren*

Thank you. I wanted to go back to the North River planning area discussion right when we began, two of the things that were mentioned that I wanted to comment on. One was the better water access kayaks and water transport to the MBTA station. That's the North River. It's a tidal river. When the water goes out, it's very much a mudflat. Worked with the city on the Furlong Park redevelopment. And we did create a walkway, some stairs that would go down to allow the public to put kayaks in and in the signage, we made sure that we reminded people that they can only kayak at high tide. If you go in at high tide and you go have a wonderful paddle and you come back three hours later, you're not going to get there and you certainly don't want to be stuck in the mud. So the North River, I've had conversations with people who run EPA Superfund sites that that area will not be dredged. And so we just might just

wipe that off the table. It would be a huge area. It's contaminated. So I would love to have water access to the MBTA. It's a wonderful dream. But in our lifetime, I don't think that would happen. So just bringing a little reality here. And then the other one that I felt wasn't mentioned was the fact that there are railroad tracks between the MBTA and the river. They exist. I don't see trains on that section, but I really don't know. And so, again, that's something that we need to think of when we're talking about that. Thank you.

*Bob McCarthy*

Thank you, Seth, sorry I was late. Thanks for promoting me to the panel. I was in the audience for a while. I'm curious, obviously impacts on any development of the footprint site are going to be impactful. I guess my question is, how far back do we look to see, to relate how impactful they are? I mean, if you want to go back five years when there were fifteen hundred people working to build the power plant, that was nightmarish. The old power plant used to have two hundred odd employees. The new power plant has twenty-five employees. And so I guess when we look at it, is it just based on the existing conditions as it is now, because you have a new power plant that's got basically twenty five employees and 50, 40 some odd empty acres, or do they look back to when it was a full blown power plant running? Twenty, thirty years ago, I'm not sure. I'm just asking the question, not trying to advocate one way or the other. When they look at the impacts, obviously, anything we do, anything anyone does there is going to be impactful. But I guess when they try to scale it out to how impactful it is, how far back do they look is the question.

*Seth Latrell*

Sure. I'll do my best to give the traffic engineer answer, but obviously I'm not a traffic engineer by any means. Traditionally in a traffic study, when you're doing that assessment, you do counts based on existing conditions. And usually those are within a couple of years of the study. So to make sure that you're getting a current and accurate reflection of traffic, they typically also try to do those traffic counts at a time of year when there's no, say, Halloween or a school vacation, when there would be less roadway traffic. They try to capture a time of year that is a more typical traffic condition. Then they would project the future traffic conditions onto that existing condition plan and look at the area intersections to see where you have delays and what that increase in delay is. So sometimes you could look back to a prior condition if you had data on it to try and assess how it would look and feel for the community. But for a formal traffic study, it would be looking at the existing conditions because, as much as the past conditions did

reflect an increase in construction traffic or an increase in workers on site, it also doesn't factor in the changes that have happened downtown that have impacted traffic on Darby Street or changes otherwise to intersections on timing and those sorts of things.

*Bob McCarthy*

No, I agree. I just didn't want to see any study to include when they were constructing the new plant, because at one point it was fifteen to eighteen hundred workers and it was not fun. Let's put it that way.

*John Russell*

So maybe I'm the only one that needs this, but I'm just looking for a clarification on the authority of the committee, if we come up with a plan that we all agree on, the neighborhoods love, can footprint now come in and nix it because it doesn't fit what they want to do and they've got an allowable use that we can't prohibit.

*Seth Latrell*

What we're trying to do is craft a framework with this DPA master plan that provides the flexibility for the landowner footprint to implement a project that works for everybody. We're not developing a concrete, here's how we want to see the site planned out, here's the use that we want to see. That's outside of our ability. What we can do is build these principles that are within our control that will then be enforceable through the permitting process. So I think your point is kind of hitting on that statement that we've made before that you can't prohibit allowed uses. And that's certainly a concern and something that we're going to be looking at through our other toolkit as well. You know, beyond just harbor planning, it could be that the DPA principles are also adopted by the Port Authority, who manages what comes over the berth. So I think we have more work to do on that front. The Harbor Plan can't say no to a specific use, but it can start to guide those specific uses so that it's clear that we don't want something that's going to overburden our roadway network or is going to be really noisy, really dusty. And then it does fall on DEP then in the licensing effort to help enforce those principles. But we also have zoning. We have the Port Authority, we have other ways as well. Barbara, I saw your hand first and then Mayor Driscoll, I'll hand it over to you.

*Barbara Warren*

I just wanted to thank Tom Skinner for beginning the conversation about how we'll frame the Salem Harbor plan

to create the buffers that we need to avoid overtaxing our roadways. And that's really what we should be doing now. So I look forward to having a more detailed conversation about what those parameters we will be setting up in the Harbor plan, given that it will be a DPA and uses that are permitted in the DPA. So I'm glad we are getting to that point and looking forward to continuing that discussion. Thank you.

*Mayor Driscoll*

Yeah, thanks, everyone. I just wanted to pick up on two points that John mentioned because it at times can be esoteric, the work that we're doing, and I view the work of the Harbor Plan Committee, to be clear, we're not adopting a plan. We're not adopting a plan the way you would see before a planning board or a development authority. We're creating guardrails. And I think it's really clear for us to understand, we could say we really feel strongly about "X" and we may not necessarily get "X" as an outcome at a particular site, because in certain instances we don't own the land. And I look at this process as putting us in a position to try and tell the landowners these are the things we hope and expect you'll think about. These are the things we want to incentivize, and these are the things we want to de-incentivize. But if somebody wanted to come and put salt there and it's allowed in a DPA, I don't know that we can prohibit it now. We can require screening and we can encourage some of the things to limit the impacts. But it's really our role here is sort of setting some of those guardrails and for things we may want to expand and allow for and certainly to de-incentivize the things that we don't want to see and make sure we're looking at things like buffers and adequacy in the neighborhood to be protected from anything that might happen there. So I hope people think of our role that way, not adopting a plan that says this tall, this wide, here's where the building is going to go. There's a whole lot of process to come after our work is done with respect to specifics about what might happen. The second point I want to make is there is certainly a desire, I think, by the owners of the property, I'm getting back to Footprint, not so much about the northern downtown, the North River parcels, to understand the offshore wind capacity at this site, is the State interested in working on some sort of a joint effort to think about this site as a key asset? And some of those conversations are underway. And we know that Footprint is sure to put out an RFP or a call for if you're interested, let us know. I want people to be assured, I think they're taking it seriously. I think we're taking it seriously, trying to understand what the future opportunities exist for wind. And is this a site that's pivotal in the State asset mapping of supporting offshore wind as an industry? And I think there are more questions

than answers right now, but there's some good work underway trying to ascertain exactly those answers.

*Pat Gozemba*

I want to follow up on what Mayor Driscoll was talking about, and that is the property that now belongs to Footprint. And I also wanted to remind all of us that at both Port Authority meetings, and I believe at a Harbor Planning meeting, but they may be merging in my head, Footprint did express the opinion that they weren't interested in offshore wind and being part of developing offshore wind there, but that they would be willing to sell the property. And my question goes to a further vision, which is, are we in any way, and by we I mean in the city, are we thinking about trying to develop some kind of public private partnership around the idea of develop, buying that property and then thinking about having the city have control, having us have control over what would go in there that would be, of course, allowable and be meeting the letter of the law. So I would like to advance the discussion to another theoretical level. And that is to say, you know, what could we do were we to tap into some of the federal funding that is now available, for instance, in this whole push for offshore wind and the whole push around infrastructure? I think we need to be looking outside it. And I remember Mayor Driscoll, when we go back to the visioning sessions that we had with Sasaki around the property that belonged to Dominion, we didn't own the property, but we came up with some visions for what could be on that property. And I think that's what we've got to, if we really believe, as I do, that offshore wind is the future that offers a real insurance policy in terms of a tax base, that it offers job opportunities, I think we should be looking, bigger picture for Federal funding, for redeveloping our port and for supporting renewable energy. Thank you.

*Mayor Driscoll*

And just to offer a postscript to that. Thanks, Pat, and I really want to thank you for all your advocacy as a long-time resident of our community. I do think there is a goal for us to understand what the potential vision for this site is. But I want to be clear, the Municipal Harbor Planning process is not what we did with Sasaki, which was a feasibility study looking at what's going to happen with this site. As you recall at that time, Dominion owned it. And then midway through the work, Dominion had said, we're closing the plant. So it went from sort of a hypothetical to a very much, hey, what could really be here? This is a little bit of a different process. A Municipal Harbor plan is what are the rules and regulations we want to put in place around waterfront property? How wide are the guardrails we want

to make, what are the things we want to incentivize and de-incentivize? And that's what our role is as this Harbor Plan Committee. And it's an important one. And it certainly plays into a vision, but it's not exactly what we did before. It's a little bit different. And the timing is really strange. Right? I do think Footprint has been working towards trying to think about how to use that port in a way that would be productive. Offshore wind wasn't where it is right now. It feels like there was a major shift with a new administration, thankfully, for our planet's sake, for a lot of good reasons. And so there's a little bit of catch up being played around. Hey, is this a site that's important? It seems like the answer to that is yes. Well, then what does that mean? From a statewide perspective, because as much as I love to be in the driver's seat when we're looking at opportunities to help our community, I'm also really concerned about these investments. This does not happen at one small city saying we want to have offshore wind, we're going to plant a stake here. There are tens, if not hundreds of millions of dollars that need to be invested. If we think about what happened in New Bedford, it needs to be an aligned strategy that the city, the state, the Commonwealth and the federal government see this as the potential for supporting offshore wind. And therefore, you are going to work in partnership around developing a site like that. Is that a public private partnership? Is that a port authority? Is that a state initiative as it is in New Bedford where the state owns the land? There are a lot, as I said, a lot more questions to understand what that could look like, who could be involved. And most assuredly, if OK, if this is the site that's really pivotal and important, what does that mean for investments? What does that mean for timing? I don't want this site to look the way it does ten years from now. I think that would be a loss for us if we're still looking at underutilized space. Nor do we want to jump at something that provides a short term gain without a lot of long term benefit. This is a generational opportunity. So we're at this pivot point right now in April, where I think there's a lot of stirring going on. And we need to understand what those possibilities are. And I think the state sees it, too. So I'm encouraged that there could be an aligned vision to get us there. What the actual mechanics are about, who owns it and all of that, I think remains to be seen. But we just have a lot more questions than answers right now. But I'm hopeful and we'll see where it goes. On that note, I just want to say that involves the property owner. It's not like we're doing this in the absence of the landowner. That's a pretty important key part of the discussion, a pretty key party to have at the table to think about this. Does that make sense, Pat, did you follow me on that?

*Pat Gozemba*

I do, and I do understand those distinctions between the process that went on with Sasaki and now. But one of the things that I love about having you as the mayor is that I think you can articulate big visions and you can grasp that bigger potential. And I really am hoping that we'll start thinking outside of the box of what little Salem can do. And let's start thinking about how we have this amazing asset that is of real importance to the country and our city as well. But I think you can lead that kind of vision. So I look forward to talking to you some more about what are possibilities for large, public, private kind of financing, because I know that you're very good about that. Thank you.

*Seth Latrell*

OK, so any other hand's comments, questions from committee members before we open it up to the public? All right, so not seeing any we will open it up to public comment... We did have one comment come through in the Q&A and I'll read that out.... The comment that came in the Q&A was related to the wind project. And it was stating that if you raise the elevation of ground, does that increase the height of buildings allowed? Meaning, is the height of the building being measured from the original elevation or a newly created elevation? We don't have the Winn team in front right now, but I think much of that will need to be sort of figured out through the development process. We'll have to figure that out when we make any clarifications that may be needed as part of this harbor plan. I don't know that we have a firm answer there. Tom, if you want to jump in, if you have anything on that. But otherwise, I think that it's still TBD.

*Tom Daniel*

Thank you, Seth. So the building height for the crescent lot is measured from Bridge Street and building height is defined as the average elevation of the new base. And the zoning enforcement officer indicated that Bridge Street would be the elevation that was used for the height determination. I think the presentation was talking about from a Ch.91 perspective, having that ground floor elevation from a Ch.91 perspective, being up at that Bridge Street level.

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This memorandum represents our understanding of the events which transpired and the actions which were taken. If they do not conform to a recipient's understanding, prompt written notice must be communicated to the writer. If no corrections or objections are made, this memorandum will be relied upon as a factual interpretation of this meeting.