

City of Salem, Massachusetts



"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25 and
City Ordinance Sections 2-2028 through 2-2033."

The City Council Committee of the Whole

met in the Council Chamber Tuesday, October 25, 2016 at 6:30 P.M.

for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on

October 18, 2016 at 3:09 P.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE:

None

SUBJECT(S)

#569 – Disposition and deed restrictions of City owned parcel located at 297 Bridge Street

#484 - 5 additional Liquor Licenses

569 - special conditions listed apply if Webb is the winning bidder

Mayor passed out (attached) a sheet explaining the restricted uses

C. Dibble asks for Artist lofts to be allowable

C. Lovely concerned about Webb LLC as bidder, and environmental liability. Risk is diminished because of tax title and EPA. C. Lovely wants this done prior to sale.

C. Famico concerned that restriction is not properly noticed

The uses of Arts studios or offices will be added to the use restriction

C. Dibble asks about entity, Webb is the existing business

This is targeted

C. McCarthy moves remain in committee, second
C. Gerard passes 11-0

#484

Continued from previous meeting - section 3
under discussion

City solicitor: licenses would be reviewed
by committee, city council would have a representative
licensing board has final say (McCarthy)

C. Lovely brings up process - council can
recommend award

C. Miln would like being informed about applicants

C. Dibble asks about zoning. These licenses ~~do~~
NOT trump zoning.

● Polly Wilbert speaks from the public, worried
about alcohol-related violence and police staffing.
Is opposed.

Teasie Riley-Goggin is opposed. Believes that it's bad
that people have fun with a glass in hand.

C. Eppley moves approved, and C. Gerard
passes 10-1, C. Sargent opposed

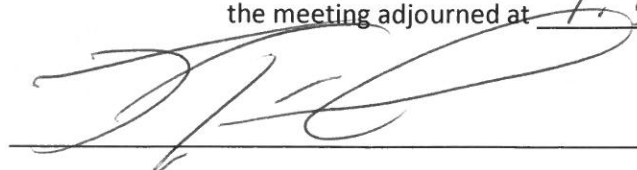
On the motion of C.

Furey

the meeting adjourned at

7:55

P.M.



(Chairperson)



CITY OF SALEM

In City Council, October 13, 2016

Ordered:

Prior to the disposition of the City-owned parcel at 297 Bridge Street,

- 1) the Mayor shall receive authorization from the City Council by a two-thirds vote prior to executing a deed conveying the parcel;
- 2) a proposed deed restriction shall be prepared by the City Solicitor and submitted to the City Council for approval prior to the disposition of the parcel which shall include, but not be limited to, use and build restrictions on the parcel for at least fifty years; and
- 3) the City Solicitor shall prepare and submit to the City Council, prior to the disposition of the parcel, a condition of the sale requiring that the Planning Board not take action on site plan review for a redevelopment proposal involving the parcel until after it has received a recommendation from the Design Review Board concerning the design of the project.

In City Council October 13, 2016
Referred to the Committee of the Whole

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

**MEMORADUM OF SALE
297 BRIDGE STREET
LOT 1; LOT AREA 52,491 SF (PROPERTY)**

The Memorandum of Sale for Lot 1, 297 Bridge Street shall include, along with standard conditions found in a purchase and sale agreement, the following special conditions:

1. Minimum sale price of \$498,550.00.
2. In the event the Property is utilized in connection with the expansion of a business use on the adjacent parcel located at 293 Bridge Street, Salem, Massachusetts the following conditions shall apply:
 - a. Any expansion subject to Site Plan Review by the Planning Board under the Salem Zoning Ordinance, shall require that the Buyer agree to submit the expansion plans to the Salem Design Review Board (DRB) for recommendation to the Planning Board prior to the issuance of any Site Plan Review Special Permit. The DRB review process shall not exceed 45 days.
 - b. The Buyer shall not be required to purchase the Property unless and until all necessary municipal permits and approvals have been issued beyond appeal.
 - c. Any Deed of Lot 1 delivered to the abutting property owner at 293 Bridge Street shall contain the restrictions set forth on Exhibit A attached below which include use and building restrictions.

EXHIBIT A

DEED RESTRICTION TO BE INCLUDED IN DEED FROM CITY OF SALEM TO F.W. WEBB SHOULD WEBB BE THE WINNING BIDDER OF AUCTION OF UNIVERSAL STEEL (297 BRIDGE STREET, LOT 1) PROPERTY

Pursuant to Massachusetts General Law Chapter 184, the Grantor hereby reserves for itself and the direct abutters to this parcel of land, a fifty-year restriction on any construction of structures requiring foundations or footings on the subject parcel. Notwithstanding the aforementioned restriction, an owner of said parcel shall be permitted to place access ramps, loading docks, stairways and fences, along with any required footings on the subject parcel for the sole purpose of servicing the building erected on the adjacent parcel at 293 Bridge Street.

By acceptance and recording of this Deed, the Grantee, its successors or assigns (hereinafter "Grantee") agrees to the imposition of a fifty-year restriction on the uses of the subject parcel and the adjacent parcel located at 293 Bridge Street, Salem, Massachusetts, and further described in a Deed recorded with the Essex South District Registry of Deeds in Book 10346, Page 361 (together the "Site"), which parcels shall merge for zoning purposes.

The following existing uses shall be specifically permitted on the Site: retail store, except department store, not elsewhere set forth in the Salem Zoning Ordinance; sale and storage of building supplies; and wholesale, warehouse, or distribution facility (the "Ongoing Use"). All other uses otherwise permitted in the B4 zoning district shall be prohibited.

The Grantor shall, as provided in Chapter 184, §27 of the General Laws, record a Notice of Restriction for these encumbrances for the remainder of the fifty-year term before the expiration of thirty years from the date of recording this Deed. Such Notice of Restriction shall be issued by the Grantor or any benefitted abutter to the Site, namely owners of benefitted properties at 30 Beckford Street, 102, 100, 94 and 92 Federal Street and 293 and 311 Bridge Street, and shall include a description of the land being benefitted, identify the affected parcel of land and the name(s) of the record owner of the parcel at the time the notice is recorded and a book and page reference to this deed.

Notwithstanding the foregoing, should the Ongoing Use be discontinued prior to the expiration of the use restriction, then the Grantee agrees as consideration for this Deed, to petition the City of Salem (within 1 year of the discontinuance of use) to rezone the Site to NRCC or the successor district to NRCC should it no longer exist. Upon successful rezoning of the Site, the deed restriction related to the parcel located at 293 Bridge Street shall become null and void and of no further affect. The restrictions set forth herein related to the parcel at 297 Bridge Street shall remain in effect for no less than fifty years from the date of this conveyance.

USE TABLE COMPARISON OF SAMPLE USES

<u>PRINCIPAL USES</u>	<u>B4</u>	<u>NRCC</u>	<u>293-297 Bridge St - B4 with Deed Restriction</u>
RESIDENTIAL USES			
Dwelling, Single-family	N	Y	N
Dwelling, Two-family	N	Y	N
Dwelling, Multifamily (NRCC – com. use 1 st floor and include affordable housing with density bonus)	N	Y	N
Dwelling unit above first floor retail, personal service, or office use	N	Y	N
COMMERCIAL USES			
Arts and crafts studios and workshops	BA	Y	N
Bank, financial agency	Y	Y	N
Business or professional offices	Y	Y	N
Club or lodge, private	N	PB	N
Drive-through facilities; fast-food	PB	N	N
Drive-through facilities; other	PB	PB	N
General service establishment (NRCC allows banks, florist, etc)	Y	Y	N
Hotel, motel, or inn	BA	PB	N
Medical and dental offices	Y	Y	N
Motor vehicle general and body repair	BA	N	N
Motor vehicle light service	Y	N	N

Motor vehicle, trailer and boat sales, service and rental	Y	N	N
Personal service establishment (NRCC service establishments include tailor, barber, etc)	Y	Y	N
Plumbing, carpentry and sheet metal shop (NRCC allows light fabrication by BA)	Y	PB	N
Restaurant, with service of alcoholic beverages	N	PB	N
Restaurant; drive-in or fast-food	Y	N	N
Restaurant; no service of alcoholic beverages	Y	PB	N
Retail department store located within a shopping plaza	N	N	N
Retail store, except department store, not elsewhere set forth (NRCC requires PB over 3000 sf)	Y	Y/PB	Y
Sale and storage of building supplies	Y	N	Y
Supermarket	N	N	N
INDUSTRIAL USES			
Brewery, distillery, or winery with tasting room	BA	PB	N
Light manufacturing	N	PB	N
Manufacturing (NRCC allows biotech/pharmacy product manufacture by right)	N	Y/N	N
Mini-storage warehouse facility	BA	N	N
Publishing and printing	Y	N	N
Research, laboratories, and development facilities (NRCC does not allow manufacture of finished item)	N	Y	N
Wholesale, warehouse, or distribution facility	Y	N	Y

Cheryl LaPointe

From: Beth Rennard
Sent: Tuesday, October 25, 2016 12:36 PM
To: City Councilors
Cc: Cheryl LaPointe; Kim Driscoll; Dominick Pangallo
Subject: deed restrictions 297 Bridge St
Attachments: Deed Restriction 293-297 Bridge.doc

Councilors, in preparation for our meeting this evening, I have attached the special conditions of a Memorandum of Salem (document used in lieu of a P&S at auction sales) for the purchase of 297 Bridge Street along with the proposed deed restriction should the lot be sold to FW Webb. The attached is a two-page document.

Elizabeth Rennard
City Solicitor
City of Salem Legal Department
93 Washington Street
Salem, MA 01970
978-619-5633
978-744-1279 (fax)
brennard@salem.com

Please note the Massachusetts Secretary of State's office has determined that most emails to and from municipal officials are public records. FMI please refer to: <http://www.sec.state.ma.us/pre/preidx.htm>.
Please consider the environment before printing this email.

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