

**CITY OF SALEM**  
**MAY 13, 2021**  
**CITY COUNCIL REGULAR MEETING**

A Regular Meeting of the City Council is being held remotely on Thursday, May 13, 2021, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on May 11, 2021, at 1:46 P.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

Council President Madore presided.

Councillor Sargent moved to dispense with the reading of the record of the previous meeting. It was so voted.

President Madore requested that everyone please rise to recite the Pledge of Allegiance.

**PUBLIC TESTIMONY**

1. Jeff Cohen, 12 Hancock St., Salem – PACE Resolution

**(#49) & (#46) – VERIZON WIRELESS TO INSTALL TELECOMMUNICATIONS ON BRIDGE STREET**

This hearing was continued from the February 11, 2021, meeting. The motion to continue the public hearing until June 10, 2021, was adopted by a roll call vote of 11 yeas, 0 nays and 0 absent. The new date was to give Verizon Wireless time to continue their discussions with the Design Review Board.

**#227 – (#220) – COMCAST TO INSTALL CONDUITS ON FIRST STREET**

A hearing was to be held on Comcast to install Conduits on First Street. Comcast Representative could not log into the zoom meeting. A motion was made to continue the hearing until May 27, 2021. It was so voted.

**(#191) – APPOINTMENT OF ANNA FREEDMAN AS THE CITY'S FINANCE DIRECTOR**

Held from the last meeting, the Mayor's appointment of Anna Freedman to the position of City Finance Director/Auditor with term to expire January 31, 2023, was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent. Suspension of the rules as requested and received to allow Anna Freedman to address the Council.

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**(#192) – APPOINTMENT OF AMANDA CHIANCOLA AS THE ASSISTANT PLANNING DIRECTOR**

Held from the last meeting, the Mayor's appointment of Amanda Chiancola to the position of Assistant Planning Director with term to expire January 31, 2022, was confirmed by a roll call vote of 10 yeas, 0 nays, 0 absent and 1 present. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, and Madore were all recorded in the affirmative. Councillor Dibble was recorded as present.

Suspension of the rules as requested and received to allow Amanda Chiancola to address the Council.

**(#193) – APPOINTMENT OF MATTHEW VENO TO THE CONTRIBUTORY RETIREMENT BOARD**

Held from the last meeting, The Mayor's appointment of Matt Veno to the Salem Contributory Retirement Board with term to expire March 24, 2022, was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent. Suspension of the rules as requested and received to allow Matt Veno to address the Council.

**#228 – APPOINTMENT OF RACHEL BLAISDELL AS THE ASSISTANT TREASURER**

The Mayor's appointment of Rachel Blaisdell to the position of Assistant Treasurer with a term to expire January 31, 2023, was held under the rules.

**#229 – APPOINTMENT OF MILO MARTINEZ TO THE HISTORICAL COMMISSION**

The Mayor's appointment of Milo Martinez to the Historical Commission with a term to expire April 11, 2022, was held under the rules.

**#230 – RE-APPOINTMENT OF BARBARA SIROIS TO THE BEAUTIFICATION COMMITTEE**

The Mayor's re-appointment of Barbara Sirois to the Beautification Committee for a term to expire May 24, 2024, was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

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**#231 – RE-APPOINTMENT OF SOBIEDA JAVIER AS A CONSTABLE**

The Mayor's re-appointment of Sobieda Javier to serve as a Constable with a term to expire April 26, 2024, was received and filed.

**#232 – ORDINANCE AMENDING OUTDOOR COOKING APPLIANCES, HEATING EQUIPMENT AND FIREPLACES**

The following ordinance submitted by Mayor was adopted for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

**An Ordinance** amending outdoor cooking appliances, heating equipment and fireplaces.

***In the year two thousand and twenty one***

**An Ordinance** to amend an Ordinance relative to outdoor cooking appliances, heating equipment and fireplaces.

***Be it ordained by the City Council of the City of Salem, as follows:***

**Section I.** Article III *Fire Prevention Code* of Chapter 20 of the Code of Ordinances is hereby amended by deleting Sec. 20 -129 in its entirety and replacing it with the following:

"Sec. 20 -129. – Use of solid fuel outdoor patio and space heaters, outdoor decorative heating appliances and outdoor fireplaces within the city.

- a. Unless otherwise provided herein, it is prohibited within the city to use any outdoor patio or space heater, decorative heating appliance such as a chiminea, fire pit or outdoor fireplace using solid fuel including charcoal, wood, fuel pellets or any non-gaseous fuel.
- b. Solid fuel campfires shall be permitted at Winter Island Campground within the confines of the entire park beginning at the main entrance security gate, but not including the beach, walkway leading to the beach or within the confines of historic Fort Pickering. Campfires are permitted under the following conditions:
  - (1) No campfire shall be permitted in any location on Winter Island other than designated campsites. All fires must be within a proper firepit no larger than 30 inches. Campfires must be kept small and always remain within the designated firepit.
  - (2) Bon fires are not permitted.
  - (3) Only clean, untreated, and non-contaminated wood may be burned. No construction debris, composite materials, paper, household waste, rubber, plastic, leaves, pressure treated or painted wood may be burned.

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- (4) Solid fuel/wood may be sold by Winter Island staff.
- (5) No accelerants such as gasoline, oil, or kerosene may be used.
- (6) All campfires must be supervised at all times by an adult 18 years and older.
- (7) No campfires are allowed prior to 5 p.m. and all fires must be extinguished by 11:30 p.m.
- (8) The Winter Island Manager may establish and enforce rules and regulations governing campfires within the designated campsites on Winter Island.

- c. Fire officials and the Winter Island Manager or their designees are authorized to enforce this ordinance."

**Section II.** This Ordinance shall take effect as provided by City Charter.

**#233 – PERPETUAL EASEMENTS TO SIFI NETWORKS**

The following Order submitted by the Mayor was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: The Mayor is hereby authorized, on behalf of the City of Salem, to execute perpetual easements to SiFi Networks Salem LLC to allow certain encroachments at the Bridge Street Traffic Circle and 77 Wilson Street, as identified on the attached plans prepared by High Point Survey and Geospatial Data, which plans are attached hereto. Final plans and easement shall be in a form approved by the City Solicitor.

**#234 – RESOLUTION PROCLAIMING AAPI HERITAGE MONTH**

The following resolution submitted by the Mayor, was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Resolution: Proclaiming Asian American and Pacific Islander Heritage Month in Salem

WHEREAS: Salem is a community that is welcoming and inclusive of people of all ethnicities, backgrounds, races, and identities and all its residents deserve to be treated with dignity, respect, compassion, and fairness; and

WHEREAS: Close to 1,500 Salem residents are Asian American or of Pacific Island heritage, including first responders, teachers, tradespeople, business owners, professionals, and community leaders; and

WHEREAS: Across our nation, Asian Americans and Pacific Islanders have vastly contributed to our country's economy, culture, education, government, arts, literature,

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science, and technological achievements and advancement, despite numerous institutional and systemic injustices; and

WHEREAS: Celebrating Asian American and Pacific Islander heritage in May was first established in the United States in 1978 by a joint congressional resolution; and

WHEREAS: Since March 2020 acts of violence and discrimination against Asian Americans have increased dramatically across the nation;

NOW THEREFORE BE IT RESOLVED: That the Mayor and City Council of Salem do hereby declare the month of May for this year and all years henceforth to be **Asian American and Pacific Islander Heritage Month** in the City of Salem, Massachusetts, and encourage all residents to commit themselves to celebrating the special contributions, history, and heritage of our Asian American and Pacific Islander residents and to explore the many resources available at [asianpacificheritage.gov](http://asianpacificheritage.gov); and be it further

RESOLVED: That Mayor and City Council of Salem condemn all acts of violence, discrimination, and injustice directed toward Asian Americans and Pacific Islanders and reaffirm that racism, in any form and directed toward any group of people, has no place in Salem.

**#235 – RESOLUTION - MENTAL HEALTH AWARENESS MONTH**

The following resolution submitted by the Mayor, was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Resolution: Proclaiming Mental Health Awareness Month in Salem

WHEREAS: Mental health is essential to our overall health and the importance of attending to mental health has become even more pronounced during the COVID-19 pandemic, which has both exacerbated mental health challenges and imposed new barriers to treatment; and

WHEREAS: Nearly 1 in 5 Americans – which means between 8,000 and 9,000 Salem residents – live with a mental health condition or challenge, many of whom may face stigmas or even discrimination as a result; and

WHEREAS: Mental health challenges have grown substantially, especially among our youth, in communities of color, and within the LGBTQI+ population, within recent years; and

WHEREAS: People living with mental health conditions are due our compassion, respect, understanding, and support as their friends, families, and neighbors, as well as

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our commitment that they can safely and affordably access quality, evidence-based mental health care services; and

WHEREAS: Salem has been a leader in prioritizing support for mental health care, including through the Our Salem, Our Kids initiative to bolster social and emotional supports for Salem children, the expansion of mental health, psychiatric, and behavioral health services at Salem Hospital, and the addition in 2011 of a mental health clinician at the Salem Police Department, which will be expanded to additional clinicians in the coming year;

NOW THEREFORE BE IT RESOLVED: That the Mayor and City Council of Salem do hereby declare the month of May for this year and all years henceforth to be Mental Health Awareness Month in the City of Salem, Massachusetts, and encourage all residents to commit themselves to caring for and respecting those in our community who live with mental health conditions, increasing awareness and understanding of mental health care in general, and supporting efforts to improve access to appropriate mental health services for those in need of such services.

**#236 – FEBRUARY 2021 MONTHLY FINANCIAL REPORT**

The following order introduced by Councillor Turiel was adopted.

ORDERED: That the FY2021 monthly February 2021 report be received and filed

**#237 – TRAFFIC ORDINANCE AMENDING HANDICAP PARKING – ORNE STREET**

The following Ordinance introduced by Councillor Riccardi was adopted for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year Two Thousand and Twenty One

An Ordinance to amend an Ordinance relative to Traffic Ch. 42, Sec. 50B, "Handicapped Zones, Limited Time"

*Be it ordained by the City Council of the City of Salem, as follows:*

**Section I.** Amending Chapter 42, Section 50B – "Handicapped Zones, Limited Time" is hereby amended by adding the following:

Orne Street – One Handicapped Parking Space to be added in front of #44 Orne Street, for the distance of twenty (20) feet.

**Section II.** This Ordinance shall take effect as provided by City Charter.

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**#238 – PARKING RATES FOR FORT AVENUE**

The following Order introduced by Councillor McCarthy was adopted as amended. Councillor McCarthy made a motion to have the new rate of \$1.00 per hour not take effect until April 1, 2022.

**Original Order:**

ORDERED: The parking rates for the location identified below shall be \$1.00 per hour:

Fort Avenue – Parking Meter Zones Established – southeasterly side beginning at Bay View Avenue for a distance of five hundred ninety (590) feet. Two (2) hour parking. April 1 to October 31. Monday through Sunday, 8:00am to 8:00pm.

**Amended Order:**

ORDERED: The parking rates for the location identified below shall be \$1.00 per hour, effective April 1, 2022

Fort Avenue – Parking Meter Zones Established – southeasterly side beginning at Bay View Avenue for a distance of five hundred ninety (590) feet. Two (2) hour parking. April 1 to October 31. Monday through Sunday, 8:00am to 8:00pm.

**#239 – TRAFFIC ORDINANCE AMENDING Ch. 42, SECS. 51, 51B, 56, & 75 – FORT AVENUE AND MEMORIAL DRIVE**

The following ordinance introduced by Councillor McCarthy was adopted for first passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

***In the year Two Thousand and Twenty One***

**An Ordinance Relative to Traffic**

***Be it ordained by the City Council of the City of Salem, as follows:***

**Section 1.** Section 51 of Article V shall be amended by repealing the following:

Fort Avenue – Parking Prohibited on Certain Streets – from Bay View Avenue to Island Road southeasterly side.

**Section 2.** Section 51 of Article V shall be further amended by adding the following:

Memorial Drive – Parking Prohibited on Certain Streets – southwesterly side between Restaurant Row and Fort Avenue.

**Section 3.** Section 51B of Article V shall be amended by repealing the following:

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Fort Avenue – Parking Prohibited at Certain Times on Certain Streets – both sides between Memorial Drive and Columbus Avenue. Two (2) hour parking).

Fort Avenue – Parking Prohibited at Certain Times on Certain Streets – southerly side, at the intersection of Bayview Avenue and running in an easterly direction for a distance of five hundred and ninety (590) feet. Fifteen (15) minute parking.

**Section 4.** Section 56 of Article V shall be amended by adding the following:

Fort Avenue – Parking Meter Zones Established – southeasterly side beginning at Bay View Avenue for a distance of five hundred ninety (590) feet. Two (2) hour parking. April 1 to October 31. Monday through Sunday, 8:00am to 8:00pm.

**Section 5.** Section 75 of Article V-A shall be amended by repealing the following:

Fort Avenue – Parking Prohibitions Towing Zone (Resident Sticker) – ZONE A, COLOR BLUE, in a northerly direction, from Columbus Avenue to Bay View Avenue. Resident Sticker Parking, Tow Zone.

And replacing it with:

Fort Avenue – Parking Prohibitions Towing Zone (Resident Sticker) – ZONE A, COLOR BLUE, from Columbus Avenue to Bay View Avenue, southeasterly side. Resident Sticker Parking, Tow Zone.

**Section 6.** This ordinance shall take effect as provided by City Charter.

**#240 – POLICIES FOR OPENING STREETS AND NOTIFYING THE PUBLIC**

The following Order introduced by Councillor Morsillo was adopted (late file).

Ordered: That the Committee on Government Services, co-posted with the Committee of the Whole, meet with the Engineering Department, representatives from National Grid Gas, National Grid Electric, Comcast, and Verizon, and any other utility company that regularly opens the public ways, to discuss enforcement and possible updates to ordinances and department policies regarding utility maintenance and service delivery. Specifically, proper patching, permits, and timely public notification, for all work done by the company or by their subcontractors, and any other issues that the Committee and the Engineering Department deem important.

**#241 – (#70) – ORDINANCE AMENDING SHORT TIME RENTALS**

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.



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The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Ordinance amending Short Term Rentals has considered said matter and would recommend that the matter remain in committee.

**#242 – (#209) – GENDER NEUTRAL LANGUAGE ORDINANCE**

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Gender-Neutral Language Ordinance has considered said matter and would recommend adoption for second passage as amended (amendments to include new language in Section 1 and to not change man hole to maintenance hole)

An amendment to replace Section 1 with the following was adopted.

**“SECTION I.** The City of Salem Code of Ordinances is hereby amended as set forth below and this Code shall continue to use gender-neutral nouns and pronouns, subject to approval of the City Solicitor, who shall direct the city’s official codifier to update nouns and pronouns within the Code when appropriate.”

Councillor Hapworth made a motion to keep Maintenance Hole in the gender neutral language ordinance. Seconded by Councillor Riccardi.

Councillor Sargent stated it was important to keep ordinance consistent with terminology.

Councillor Prosniewski stated as a previous public safety officer the word man hole should not be changed.

Councillor Flynn stated as a current firefighter keep as is. When there is an incident in Salem, we get called out to a manhole cover. We know what we are looking for. If companion companies respond from other cities or towns to our call they will be confused. Councillor Dibble stated we just heard from a retired police officer with over 40 years of experience and a current fire fighter with almost 30 years asking us not to change this for sake of safety. We can always revisit this in the future.

Councillor Hapworth agrees with Councillor Flynn and Hapworth, but we are not impacting how someone speaks about these. We don’t want to be cherry picking certain words – against spirit of why we are changing the language.

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Councillor Morsillo stated there is nothing in our ordinance book on how to send out calls. I'm willing to hear the argument if someone can tell me how this effects public safety calls. We should keep gender neutral consistent; other communities are doing this.

On the motion to use the replacement language of maintenance hole instead of man hole was defeated by 5 yeas, 6 nays and 0 absent.

On the motion of second passage as amended, adding section 1 and keeping the language man hole cover was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

**#243 - (#532 & # 589 of 2019 & #400 of 2020) – RESIDENT STICKER PARKING ORDINANCE**

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Amending Resident Sticker Parking Program has considered said matter and would recommend that the matter remain in Committee.

**#244 – (#21 of 2020) – ADA COMPLIANCE – PETITION FROM STEVE KAPANTAIS**

Councillor Riccardi offered the following report for the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom was referred the matter of Petition from Steve Kapantais to address the City's compliance to ADA Law and the recently released transition report has considered said matter and would remain in Committee.

**#245 - (#172) - FRIENDS OF THE COMMON TO DISCUSS FUNDRAISING EFFORTS**

Councillor Riccardi offered the following report for the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom was referred the matter of meeting with the

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Friends of the Common to discuss plans and fundraising for the maintenance and repair of the interior has considered said matter and would recommend the presentation be received and filed.

**#246 – (#210) – PACE RESOLUTION**

Councillor Riccardi offered the following report for the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

The Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom was referred the matter of PACE Resolution has considered said matter and would recommend adoption.

Councillor Riccardi requested and received suspension of the rules to allow MASS Development to speak.

**#247 – (#212) – MEETING WITH SRA TO DISCUSS UPDATE ON COURTHOUSE AND CRESCENT LOT**

Councillor Dominguez offered the following report for the Committee on Community and Economic Development co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Community and Economic Development co-posted with the Committee of the Whole to whom was referred the matter of meeting with the SRA to discuss updates on the Courthouse and the Crescent Lot, has considered said matter and would recommend the update be received and filed.

**#248 – NATIONAL GRID TO INSTALL CONDUITS ON FIRST STREET**

A hearing was ordered for May 27, 2021, on a petition from National Grid to install a Conduit on First St.

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**#249 - #251 - License Applications**

The following license applications were granted.

**PUBLIC GUIDES:** Daniel Berger-Jones 7 School St Pl. Boston  
 Kali Orna 52 Homefair Dr. Fairfield, CT  
 Geoff Van Wyck 29 High St. Marblehead  
 Donald Warnock Jr. 1 Fortune Way, Salem  
 Elaina Vratos 1 Arbella St., Manchester

**TAXI OPERATORS:** Jose Fabian 196 Loring Ave., Salem  
 Wildy Tejada 2 Park St., Peabody  
 Guillermo Javier 32 Rainbow Ter., Salem  
 Edwin Ventura 34 Perkins St., Salem  
 Delta Fabian Gomez 32 Rainbow Ter., Salem  
 Ramon Rodriguez 100 Lafayette St., Salem  
 Rafael Moya 407 Essex St., Salem

**VEHICLE FOR HIRE OPERATORS ONLY** Tammy Harrington 48 Federal St., Beverly  
 Roger Fruggiero 11 Berrywood Ln., Salem  
 Elizabeth Kauler 28 Goodhue St., Salem  
 Peter Harrington 28 Goodhue St., Salem  
 Jeffrey Trott 21B Andrew St., Salem

**#252 - SEAWORM**

The Following License Application was referred to the Committee on Ordinances, Licenses and Legal Affairs.

**SEAWORMS:** Manuel Silva 80 Northend St., Peabody

**#253 - #254 – CLAIMS**

The Following Claims were referred to the Committee on Ordinances, Licenses and Legal Affairs.

Lucilia Sprague 364 Essex St., Salem  
 Abigail Wirling 15 Winfing Brook Dr., Berwick, ME

**#255 – BONDS**

The Following Bond was referred to the Committee on Ordinances, Licenses and Legal Affairs and returned approved.

**CONSTABLE:** Sobeida Javier 147 Spruce St., Lawrence

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**(#68) – ORDINANCE AMENDING ZONING RELATIVE TO ADUS**

Second Passage of the following zoning ordinance was then taken up.

Councillor Dibble wanted to amend Sec.4 (4) (3) to require if owners move into ADU then the principle dwelling should be rented at 30% below fair market value and Sec. 4 (5) (S) to add and prohibited in the principal dwelling unit. Councillor Hapworth recused himself since discussing Short-Term Rentals.

Councillor Madore repeated that in the Ordinances, Licenses and Legal Affairs committee if we proceed then it is in conflict with the Short-Term Rental ordinance.

Councillor Dibble withdrew his two motions and make a motion to refer back to committee and bring it out at our May 27<sup>th</sup> meeting.

Councillor Morsillo not willing to send it back to committee. Feels like we are stalling right now.

The Motion by Councillor Dibble to refer this matter back to the Committee on Ordinances, Licenses, and Legal Affairs co-posted with the Committee of the Whole was seconded by Councillor Prosniewski. This motion failed by a roll call vote of 4 yeas, 7 nays and 0 absent. Councillors Sargent, Flynn, Dominguez and Dibble were recorded in the affirmative. Councillors Turiel, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, and Madore were recorded in the negative.

Councillor Turiel not willing to send back to committee but willing to get legal answers and vote at the next meeting. Councillor Turiel made a motion to Lay this on the Table. This was seconded by Councillor Dibble. This was passed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

*In the year Two Thousand and Twenty One*

**An Ordinance** to amend an ordinance relative to accessory dwelling units.  
 Be it ordained by the City Council of the City of Salem, as follows:

**Section 1.** The City of Salem Zoning Ordinance Section 3. Table of Principal and Accessory Use Regulations is hereby amended by deleting the use entitled Accessory Living Area and adding the following new uses within Section E Accessory Uses:

E. ACCESSORY USES	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD	NRCC
Affordable Accessory Dwelling Unit attached to	Y	Y	Y	Y	N	N	N	N	N	N	Y

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a Principal Dwelling (as defined in Sec 3.2.8) or within a Principal Dwelling.											
Affordable Accessory Dwelling Unit within an Existing Detached Accessory Building, as defined in Sec 3.2.8	Y	Y	Y	Y	N	N	N	N	N	N	Y

**Section 2.** Section 10 Definitions is hereby amended by deleting the definition “Accessory Living Area” in its entirety and inserting the definition “Affordable Accessory Dwelling Unit” as follows:

“Affordable Accessory Dwelling Unit: A housekeeping unit with a maximum rent at least 30 percent below the United States Department of Housing and Urban Development (HUD) fair market rent limit for Salem, with its own sleeping, cooking and sanitary facilities, located either in a detached accessory building, or within or attached to a principal dwelling and subordinate in size to the principal unit(s), separated from it in a manner which maintains the appearance of the principal unit(s), and allowed pursuant to Section 3.2.8 of this ordinance.”

**Section 3.** Section 3.2.4 Accessory Buildings and Structures is hereby amended by deleting paragraph 4 in its entirety and replacing it with the following new paragraphs 4, 5 and 6 as follows:

“4. Accessory structures, garages and detached affordable accessory dwelling units shall not exceed one and one-half (1.5) stories or eighteen (18) feet in height.

5. Detached affordable accessory dwelling units shall comply with all regulations set forth in Section 3.2.4 (Accessory Buildings and Structures) of this Ordinance with the exception of setbacks, which shall comply with Section 3.2.4(6).

6. Detached affordable accessory dwelling units shall comply with all setbacks of the principal structure, as set forth in Section 4.1 of this ordinance (Dimensional Requirements), irrespective of whether the principal structure on the property in question complies with such setbacks or not, unless otherwise permitted by a Special Permit pursuant to subsection 3 of Section 3.2.8.”

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**Section 4.** Section 3.2.8 Accessory Dwelling Areas is hereby amended by deleting Section 3.2.8 in its entirety and replacing it with the following:

“3.2.8 Affordable Accessory Dwelling Units. Affordable Accessory Dwelling Units shall be allowed as provided set forth in this section.

1. Purpose.

- A. To add affordable rental units to the housing stock to meet the needs of smaller households and make housing units available to households who might otherwise have difficulty finding housing.
- B. To encourage the efficient use of the city's housing supply while preserving the character of the city's neighborhoods.
- C. To maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as to protect the stability, property values, and the residential character of the neighborhood.
- D. To permit the owner of an existing, or a proposed, principal dwelling to construct one additional affordable dwelling unit per principal dwelling. Such a use is incidental and subordinate in size to the principal dwelling.
- E. To increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households.

2. Procedure.

- A. The Building Inspector shall administer and enforce the provisions of this section.

3. Special Permit. Pursuant to Section 9.4, in the interests of design flexibility and overall project quality, the Zoning Board of Appeals may grant a Special Permit for the following:

- A. An existing detached accessory building as defined in subsection 8 of Section 3.2.8 that is not in compliance with the setbacks of the principal dwelling unit.
- B. An expanded detached accessory building as defined in subsection 8 of Section 3.2.8.

4. Application.

- A. The Application for the Building Permit, shall:

- 1. Be signed by one hundred (100) percent of the record title ownership interest of the principal dwelling and shall include a copy of the deed and in the case of a property held by a condominium trust, all owners of all units within the condominium.

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2. Include a floor plan of the affordable accessory dwelling unit, the principal dwelling where it is to be located and all elevations. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the affordable accessory dwelling unit.
3. Be accompanied by a letter of intent signed by the homeowner(s) and shall be submitted to the Department of Planning and Community Development that certifies the rent of the accessory dwelling unit will be at least 30 percent below the established fair market rent limit determined by the United States Department of Housing and Urban Development.

5. Requirements.

- A. The maximum rent of the affordable accessory dwelling unit, including utilities and parking, shall be at least thirty percent below the established Fair Market Rent limit for the City of Salem as determined annually by the United States Department of Housing and Urban Development.
- B. The affordable accessory dwelling unit shall not be constructed within a new detached accessory building, as defined in subsection 8 of Section 3.2.8.
- C. The affordable accessory dwelling unit shall not be considered a dwelling unit for the purpose of Section 5.1 Required Parking.
- D. The affordable accessory dwelling unit shall not result in a net loss of the total measured caliper inches of private trees on the lot in which the affordable accessory dwelling unit will be located unless a payment in per caliper inch of the tree diameter at breast height (DBH) at the prevailing rate set by the Tree Warden is made to the tree replacement fund.
- E. The affordable accessory dwelling unit shall not contain less than 350 square feet of habitable space.
- F. The affordable accessory dwelling unit shall not contain in excess of 900 square feet of habitable space.
- G. The affordable accessory dwelling unit shall not exceed 50% of the gross floor area of the principal dwelling.
- H. No more than one (1) affordable accessory dwelling unit shall be permitted for each principal dwelling unit and at least one (1) owner of the residence in which the affordable accessory dwelling unit is created shall reside in one (1) of the dwelling units, either the principal or accessory unit created therein, as a principal place of residence. For the purpose of this section, the "owner" shall be one or more individuals who hold title to the property, or a purchase and sales agreement and for whom the dwelling shall be the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence. Owner occupancy is required for an affordable accessory dwelling unit to be permitted.



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- I. An affordable accessory dwelling unit shall not be permitted in a building with five (5) or more units.
- J. Electricity, water, oil and gas shall be provided by a single service to both the affordable accessory dwelling unit and the principal dwelling, and included in the rent.
- K. The affordable accessory dwelling unit may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling and the accessory dwelling unit shall remain in common or single ownership and shall not be severed in ownership.
- L. All stairways to the affordable accessory dwelling unit above the first floor shall be located on the rear or side of the dwelling.
- M. The affordable accessory dwelling unit shall not contain more than two (2) bedrooms.
- N. The affordable accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.
- O. The affordable accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
- P. There shall be no occupancy of the affordable accessory dwelling unit until the Building Inspector has issued a certificate of occupancy that the principal dwelling and affordable accessory dwelling unit are in compliance with all applicable health and building codes.
- Q. The Building Permit shall be revoked upon determination by the Building Inspector that any condition imposed by Section 3.2.8 has not been fulfilled.
- R. By filing the Application for a Building Permit for an affordable accessory dwelling unit, all owners consent to an inspection without a warrant upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section.
- S. Short term rentals, as defined in Salem Code of Ordinances Chapter 15, are prohibited in the accessory dwelling unit.
- T. The affordable accessory dwelling unit shall obtain a certificate of fitness subject to the provisions of Section 2-705 of the City of Salem Code of Ordinances.

6. Termination.

- A. The affordable accessory dwelling unit use shall terminate immediately upon any violation of any term or condition of this ordinance that the owner fails to cure, upon thirty (30) days written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.
- B. Duty of Owner Upon Termination include:

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- a. The owner shall discontinue the use of the affordable accessory dwelling unit as a separate dwelling unit.
  - b. The kitchen facilities of the affordable accessory dwelling unit shall be removed unless determined by the Building Inspector to be incidental and subordinate as an accessory use of the principal dwelling.
  - c. Any additional exterior entrance constructed to provide access to the accessory dwelling unit shall be permanently closed, unless the Building Inspector provides a waiver. The owner shall permit an inspection by the Building Inspector without a warrant.
7. Severability. All the clauses of this ordinance are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw."
8. Definitions.

*Attached affordable accessory dwelling unit:* An affordable accessory dwelling unit created by adding gross floor area to the principal dwelling after the adoption of this ordinance.

*Existing detached accessory building:* A detached accessory building that is existing as of the effective date of this ordinance, that has a foundation, and is a minimum of 350 square feet.

*Expanded detached accessory building:* An existing detached accessory building that is expanded after the effective date of this ordinance.

*New detached accessory building:* A detached accessory building that is not existing as of the effective date of this ordinance.

*Principal dwelling unit:* A dwelling unit permitted as a principal residential use under Section 3, Table of Principal and Accessory Use Regulations. By way of example a single-family home permitted pursuant to Section 3 shall comprise of one principal dwelling unit, whereas a two-family home permitted pursuant to Section 3 shall comprise of two principal dwelling units. An accessory dwelling unit shall not be considered a principal dwelling unit.

**Section 5.** This Ordinance shall take effect as provided by City Charter.

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**(#213) – TRAFFIC ORDINANCE AMENDING CH. 42 SEC. 51B – PARKING  
PROHIBITED CERTAIN TIMES ON CERTAIN STREETS – REPEAL – ESSEX STREET**

Second Passage of the following ordinance was adopted for second passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year two thousand and twenty-one

An Ordinance to amend an Ordinance relative to Traffic, Parking Prohibited, Certain Times on Certain Streets

Be it ordained by the City Council of the City of Salem, as follows:

Section 1. Chapter 42, Section 51B, is hereby amended by repealing the following:

**Repeal** – Directly in front of #60 Essex Street, for a distance of forty (40) feet, thirty (30) minute parking, 8:00 A.M. to 6:00 P.M. (10/20/99)

Section 2. This Ordinance shall take effect as provided by City Charter.

**(#214) – TRAFFIC ORDINANCE AMENDING CH. 42 SEC. 49 – STOP SIGN –  
APPLETON STREET & LIBERTY HILL AVENUE**

Second Passage of the following ordinance was adopted for second passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year two thousand and twenty-one

An Ordinance to amend an Ordinance relative to Traffic, Stop Sign

Be it ordained by the City Council of the City of Salem, as follows:

Section 1. Chapter 42, Section 49, Obedience to Isolated Stop Signs, is hereby amended by adding the following:

Appleton Street, northwesterly bound traffic on Appleton Street at Liberty Hill Avenue

Section 2. This Ordinance shall take effect as provided by City Charter.

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**(#215) – TRAFFIC ORDINANCE AMENDING CH. 42 SEC. 49 – STOP SIGN –LIBERTY HILL AVENUE & APPLETON STREET**

Second Passage of the following ordinance was adopted for second passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year two thousand and twenty-one

An Ordinance to amend an Ordinance relative to Traffic, Stop Sign

Be it ordained by the City Council of the City of Salem, as follows:

Section 1. Chapter 42, Section 49, Obedience to Isolated Stop Signs, is hereby amended by adding the following:

Liberty Hill Avenue, northeasterly bound traffic on Liberty Hill Avenue at Appleton Street

Section 2. This Ordinance shall take effect as provided by City Charter.

On the motion of Councillor Sargent the meeting adjourned at 9:16 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK