

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

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Assistive Listening System Now Available for City Council Meetings.
Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk Cheryl LaPointe at 978-619-5610 or clapointe@saalem.com.

A Regular Meeting of the City Council held in the Council Chamber on Thursday, February 22, 2018 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 20, 2018, at 11:49 A.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

Council President Gerard presided.

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

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

PUBLIC TESTIMONY

1. Alan Hoffman, 23 Valiant Way, Salem – Maitland Farm Zoning Ordinance
2. Jeff Cohen, 12 Hancock St., Salem – City Clerk appointment
3. Jonathan Hammond, 31 Williams St., Salem – B-2 Zoning re: Cannabis
4. Norman Bogosian, 35 Valiant Way, Salem – Maitland Farm Zoning Ordinance
5. Simon Avish, 33 Pleasant St, Salem – City Clerk appointment
6. Brandon Murphy, 19 E. Collins St, Salem – Marijuana Zoning
7. Scot B. Sternbergh, 28 Pickman Rd., Salem – Clerk appointment
8. Tyler Terry, 22 School St., Salem – Cannabis zoning, NRCC zoning
9. Anya Dokina, 1 Paradise Rd., Salem – Farming zoning
10. Ana Nuncio, 20 Winter St., Salem – Clerk appointment
11. Mark A. Verkennis, 25 Valiant Way, Salem – Agricultural Use amendment
12. Judith Reilly, 20 West Ave. #3, Salem – Clerk appointment
13. Marsha Finkelstein, 2 Clifton Ave. #2 – Clerk appointment

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

- 14. Natalie Hernandez, 3 Sophia Rd., Salem – Nathaniel Bowditch School
- 15. Arianna Nunez, 37 Ward St., Salem – Nathaniel Bowditch School
- 16. Ayaris Velez, 197 North St., Salem – Nathaniel Bowditch School
- 17. Darly Hernandez, 3 Sophia Rd., Salem – Nathaniel Bowditch School
- 18. Larry Slater, 24 Valiant Way, Salem – Maitland Farm zoning
- 19. Fawaz Abusharkh, 4 Harrison Rd. – clerk appointment

(#49) - APPOINTMENTS TO THE AFFORDABLE HOUSING TRUST FUND BOARD OF TRUSTEES

Held from the last meeting, Mayor's appointment of the following to serve as members of the Salem Affordable Housing Trust Fund Board of Trustees with their terms to expire, was held until the next meeting.

<u>Name</u>	<u>Address</u>	<u>Term to Expire</u>
Rebecca Curran	14 Clifton Ave., Salem	January 25, 2020
Mickey Northcutt	9 Northey St., Salem	January 25, 2020

(#96) – APPOINTMENT OF DEBORAH AMARAL TO PARK & RECREATION COMMISSION

Held from the last meeting, the Mayor's appointment of Deborah Amaral to serve as a member of the Salem Parks and Recreation Commission with a term to expire on May 1, 2018, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

Councillor Flynn received unanimous consent for suspension of the rules to allow Ms. Amaral to speak.

(#97) – APPOINTMENT OF ATTORNEY CHRIS DRUCAS TO THE ZONING BOARD OF APPEALS

Held from the last meeting, the Mayor's appointment of Attorney Chris Drucas to serve as a member of the Salem Zoning Board of Appeals with a term to expire on May 1, 2018, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillor Dibble, Dominguez, Flynn,

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

Councillor Peterson received unanimous consent for suspension of the rules to allow Attorney Drucas to speak.

(#98) – APPOINTMENT OF BEJAMIN ANDERSON AND GRACE HARRINGTON TO THE SALEM AFFORDABLE HOUSING TRUST FUND BOARD OF TRUSTEES

Held from the last meeting, the Mayor's appointment of Benjamin Anderson and Grace Harrington to serve as members of the Salem Affordable Housing Trust Fund Board of Trustees with their terms to expire on February 1, 2020, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

Councillor Peterson received unanimous consent for suspension of the rules to allow Ms. Harrington and Mr. Anderson to speak.

#137 – APPOINTMENT OF ANNIE SCOTT TO THE BEAUTIFICATION COMMITTEE

The Mayor's appointment of Annie Scott, to the Salem Beautification Committee for a term to expire on February 22, 2021, was held until the next meeting under the rules.

#138 – APPOINTMENT OF NICK ANGERAMO TO THE SALEM YOUTH COMMISSION

The Mayor's appointment of Nick Angeramo, to the Salem Youth Commission for a term to expire on May 12, 2019, was held until the next meeting under the rules.

#139 - REAPPOINTMENTS TO THE SALEM CONSERVATION COMMISSION

The Mayor's reappointment of the following to serve as members of the Salem Conservation Commission with their terms to expire on February 22, 2021, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

Thomas Campbell, 23 Olde Village Dr.
Tyler Glode, 2 Heritage Dr. #36
Bart Hoskins, 22 Larchmont Rd.

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

#140 – REAPPOINTMENTS OF THE FOLLOWING TO THE ZONING BOARD OF APPEALS

The Mayor's reappointment of the following to serve as members of the Salem Zoning Board of Appeals with the following terms to expire, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

Paul Viccica, 35 Broad St., Salem
Peter Copelas, 40 Warren St., Salem

February 22, 2019
March 8, 2023

#141 – REAPPOINTMENT OF SARA FIORE TO THE BEAUTIFICATION COMMITTEE

The Mayor's reappointment of Sara Fiore to serve as a member of the Salem Beautification Committee with the term to expire on February 22, 2021, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

#142 – REAPPOINTMENT OF DAMIAN JOHNSON TO THE BOARD OF ASSESSORS

The Mayor's reappointment of Damian Johnson to serve as a member of the Salem Board of Assessors with the term to expire on February 22, 2021, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

#143 – REAPPOINTMENT OF DR. JEREMY SCHILLER TO THE BOARD OF HEALTH

The Mayor's reappointment of Dr. Jeremy Schiller to serve as a member of the Salem Board of Health with the term to expire on February 22, 2021, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

#144 – REAPPOINTMENT OF GEORGE BARBUZZI TO THE SALEM COUNCIL ON AGING

The Mayor's reappointment of George BarbuZZi to serve as a member of the Salem Council on Aging with the term to expire on February 22, 2021, was confirmed by a roll call vote of 11 yeas, 0 nays, 0 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, Turiel and Gerard were recorded as voting in the affirmative.

Councillor Turiel recused himself and left the Council Chambers

CITY OF SALEM**FEBRUARY 22, 2018****REGULAR MEETING OF THE CITY COUNCIL****#145 – REAPPOINTMENT OF JANE TUIEL TO THE SALEM HISTORICAL COMMISSION**

The Mayor's reappointment of Jane Tuiel to serve as a member of the Salem Historical Commission with the term to expire on February 22, 2020, was confirmed by a roll call vote of 10 yeas, 0 nays, 1 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Milo, Peterson, Sargent, and Gerard were recorded as voting in the affirmative. Councillor Tuiel was recorded as absent.

#146 – APPROPRIATION FOR REPLACEMENT OF 2 ELEVATORS AT THE MUSEUM PLACE GARAGE

The following Order recommended by the Mayor, was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole under the rules.

ORDERED: That the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00) is hereby appropriated within the "Capital Outlay Renovation & Repair" account to be expended for the replacement of two elevators at the Museum Place Parking Garage in accordance with the recommendation of Her Honor the Mayor.

#147 – APPROPRIATION TO BE EXPENDED FOR ADDITIONAL COSTS AT 90 WASHINGTON STREET

The following Order recommended by the Mayor, was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole under the rules.

ORDERED: That the sum of Eighty Thousand Nine Hundred and One Dollars and Forty-Eight Cents (\$80,901.48) is hereby appropriated within the "Capital Outlay Renovation & Repair" account to be expended for additional cost at 90 Washington Street by the Building Department in accordance with the recommendation of Her Honor the Mayor.

#148 – RESOLUTION TAX INCREMENT EXEMPTION AGREEMENT WITH 65 WASHINGTON STREET LLC

The following Resolution recommended by the Mayor was referred to the Committee on Administration and Finance co-posted with Committee of the Whole.

RESOLUTION:

WHEREAS, the City of Salem has been in negotiation with 65 Washington Street, LLC regarding development consisting of 55 units of market rate housing, six units of affordable housing reserved

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

for families earning less than 80 percent of median area income, and ground floor retail at 65 Washington Street;

WHEREAS, 65 Washington Street, LLC has applied for certification under the Massachusetts Housing Development Incentive Program created by Chapter 40V of Massachusetts General Laws;

WHEREAS, the project proposed by 65 Washington Street, LLC meets the minimum requirements of the Housing Development Incentive Program and the local objectives of the City of Salem's Housing Development Zone Plan;

WHEREAS, the proposed project is located at 65 Washington Street, Salem, MA which is within the boundaries of the City of Salem's designated Housing Development Zone;

WHEREAS, the City of Salem has agreed to offer 65 Washington Street, LLC a Tax Increment Exemption Agreement. Said agreement is hereby approved by the City Council.

WHEREAS, 65 Washington Street, LLC in investing \$27 million to create 61 total units of housing;

NOW, THEREFORE, BE IT RESOLVED that the Salem City Council hereby approves the Certified Project Application of 65 Washington Street, LLC and forwards said application to the Massachusetts Department of Housing and Community Development for its approval and endorsement.

Further, the Salem City Council authorizes the Mayor to execute the Tax Increment Exemption Agreement between the City of Salem and 65 Washington Street, LLC. Said agreement will provide for an exemption on property taxes based on the growth portion in assessed valuation of the property for a period of five (5) years, beginning the first full fiscal year after the final residential Certificate of Occupancy is issued for the new building at 65 Washington Street, and in accordance with the schedule below:

<u>Term</u>	<u>Exemption %</u>
1	10%
2	10%
3	10%
4	10%
5	10%

Said exemption being in accordance with the requirements and regulations established, which govern the implementation of such Tax Increment Exemption Agreements.

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

#149 – MONTHLY FINANCIAL REPORT DATED JANUARY 31, 2018

Councillor Turiel introduced the following Order which was adopted.

ORDERED: That the monthly financial report dated January 31, 2018 be referred to the Committee on Administration and Finance.

#150 – PLANNING DIRECTOR AND SOLICITOR CONSIDER AMENDMENTS TO ZONING ORDINANCE FOR SECTION 3.2 TO ALLOW SPECIAL PERMIT FOR AGRICULTURAL USE

Councillor Dibble introduced the following Order which was adopted.

ORDERED: That the Planning Director work with the City Solicitor to consider and develop amendments to the current Zoning Ordinance Section 3.2 (Accessory Use) to allow for a special permit provision relative to agricultural use. The Planning Director shall report their findings and recommendations to the City Council for consideration.

Councillor Milo recused herself and left the Council chamber.

#151 – RESOLUTION TO CREATE A WORKING GROUP RE: EARLY CHILDHOOD FACILITY WITHIN SALEM STATE UNIVERSITY CAMPUS

Councillor Dibble introduced the following Order which was adopted.

ORDERED:

Whereas: The matter of correcting both the segregation practice that has been allowed for several years at the Bowditch School, and moving the Horace Mann Lab School off busy Loring Ave and into a proper learning facility within a vacated Bowditch School building is bigger than just a School Department issue, because if made permanent, the stable housing stock within Ward 7 will be harmed and Ward 7 should not become the only ward in Salem without an elementary school.

Whereas: The City of Salem and Salem State University, to the mutual benefit of all their students and their education programs should significantly increase its working relationship to strengthen and grow the University's programs for their students majoring in both K-12 Education and in Early Childhood. All the data indicates that early childhood education for 3, 4, and 5 year olds gives a terrific and TRULY MEANINGFUL head-start for young scholars. We have a population (parents and children) who truly need this extra support, but Salem has a waiting list of over 150 youngsters who will never get the needed early foundation. There is a logical synergy between innovative

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

teaching programs at Salem State University and an early childhood program. To really improve our school system, we should create a better foundation in Early Childhood for all Salem young children and we can do so while improving the education of our present K-12 students. Close your eyes and imagine SSU student teachers having immediate access to a pre-school program through elementary (plus) school housed in a renovated SSU South Campus Harrington Building connected to the upper (former Horace Mann South School) now named SSU's Academic Building. It renews and takes the SSU/Horace Mann/Salem School system relationship to the next level. This could be a national model.

Whereas: It's an odd quirk of history that Horace Mann's second wife was Mary Peabody of Salem. Her sister Elizabeth is credited with opening the first kindergarten in the United States. Elizabeth and Mary Peabody and Horace Mann understood the benefit of starting a child's education at an early age. They understood the benefits of a full access government supported non-sectarian public education supported by teaching colleges. Massachusetts was the model for the entire US public education system. It should remain so.

Now therefore it is ordered: that the Mayor of Salem schedule a public working group meeting to be held in late March or early April 2018 to discuss and determine the feasibility of locating a huge early childhood facility and an elementary school within the SSU South Campus and to discuss the growth and strengthening of SSU's Early Childhood Education Program and SSU's K-12 Education Program by having such a facility sponsored jointly by the City of Salem and Salem State University and funded by a yet to be determined wide variety of public and private funding sources.

Be it further ordered: that the Mayor invite the following to participate in this working group meeting: all members of the Salem School Committee, Senator Lovely, Representative Tucker, two At-Large Salem City Councillors, the Ward 7 Councillor, SSU President John Keenan, SSU Education Dean Cambone, two staff representatives from SSU Early Childhood Education Program, two staff representatives from SSU K-12 Education program, a member of SSU Board of Trustees, Bowditch and Horace Mann School Principals, School Council and PTC representation of both the Bowditch and Horace Mann Schools, Head Start, Pathways, DCAMM, a representative of Governor Baker's office, Boston's Match Education Charter School, Massachusetts Board of Elementary and Secondary Education, and the Massachusetts Board of Higher Education, and any other parties the Mayor and School Committee determines could assist.

Councillor Milo returned to the Council Chamber.

CITY OF SALEM**FEBRUARY 22, 2018****REGULAR MEETING OF THE CITY COUNCIL****#152 – ELECTION OF A CITY CLERK**

Councillor Furey introduced the following Order which was adopted as amended by a roll call vote of 9 yeas, 2 nays, 0 absent. Councillor Dibble, Dominguez, Flynn, Furey, McCarthy, Milo, Sargent, Turiel and Gerard were recorded as voting in the affirmative. Councillors Madore and Peterson were recorded as voting in the negative.

Councillor Turiel amended to remove the last sentence "Upon completion of this term she shall be re-elected for a term of three years expiring November 9, 2021."

Councillor Furey moved for immediate reconsideration in the hopes it would not prevail which was denied.

ORDERED: That upon the retirement of the City Clerk on March 30, 2018, in accordance with City Ordinance Chapter 2 Section 2-311, the City Council shall elect by majority vote the City Clerk, therefore I nominate to elect assistant city clerk Ilene Simons as City Clerk with a term beginning March 31, 2018 and finish the unexpired term of the city clerk to expire November 9, 2018. Upon completion of this term she shall be re-elect for a term of three years expiring November 9, 2021.

Amended version that was adopted:

ORDERED: That upon the retirement of the City Clerk on March 30, 2018, in accordance with City Ordinance Chapter 2 Section 2-311, the City Council shall elect by majority vote the City Clerk, therefore I nominate to elect assistant city clerk Ilene Simons as City Clerk with a term beginning March 31, 2018 and finish the unexpired term of the city clerk to expire November 9, 2018.

#153 – FORM AN AD-HOC COMMITTEE TO REVIEW APPLICATIONS FOR THE POSITION OF CITY CLERK

Councillor Gerard introduced the following Order.

Councillor Milo moved to table the matter. It was so voted.

ORDERED: That an AD-Hoc Committee be formed for the purpose of reviewing applications and to interview candidates for the replacement of the City Clerk due to the vacancy in accordance with Chapter 2, Section 2-68 of the City of Salem Ordinance.

CITY OF SALEM**FEBRUARY 22, 2018****REGULAR MEETING OF THE CITY COUNCIL****RECEIVED AFTER THE DEADLINE OF TUESDAY NOON****#154 – IMPROVE LIGHTING IN THE DOWNTOWN**

Councillor Sargent introduced the following Order which was referred to the Committee on Government Services due to the late file.

ORDERED: that the City Council Committee on Government Services meet to review and make recommendations to improve street lighting in the downtown / B-5 Zone.
Invited: The City Electrician or his representative and City Engineer or his representative.

RECEIVED AFTER THE DEADLINE OF TUESDAY NOON**#155 – MEET TO DISCUSS ORDINANCE FOR AFFORDABLE HOUSING TRUST FUND**

Councillor Madore introduced the following Order which was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole due to the late file.

ORDERED: that the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet to review the Salem Affordable Housing Trust Ordinance along with Council Order #65, and report back to the full Council regarding recommendations for possible changes to the Ordinance.

#156 – (#129, #130) GRANTING CERTAIN LICENSES

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of granting certain licenses has considered said matter and would recommend that the following be granted:

TAG DAYS: Salem Boys Lacrosse, 4/7/18 & 4/28/18
 Salem Youth Football & Cheering, 10/6/18 & 10/20/18

CITY OF SALEM**FEBRUARY 22, 2018****REGULAR MEETING OF THE CITY COUNCIL****#157 – (#126, #678 of 2017) ZONING AMENDMENT TO SECTION 3.0 PRINCIPLE USES**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of the Planning Board's recommendation regarding a proposed Zoning Ordinance Amendment to sub-section 3.1 Principle Uses of Sec 3.0 regarding land area for agricultural uses has considered said matter and would recommend adoption of the Planning Board recommendation to deny.

#158 – (#65) ORDINANCE AMENDING POWERS AND DUTIES RELATIVE TO THE AFFORDABLE HOUSING TRUST FUND BOARD OF TRUSTEES

Councillor McCarthy 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 Committee of the Whole to whom was referred the matter of an Ordinance Amending Chapter 2 Sec. 1005 – Powers and Duties of Ch. 2, Article IV, Div. 14 -relative to the Affordable Housing Trust Fund Board of Trustees, has considered said matter and would recommend the matter remain in Committee.

#159 – (#74) VALET PARKING PROGRAM USING WASHINGTON STREE AND RILEY PLAZA

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole to whom was referred the matter discussing the use of up to four parking spaces on Washington St. to be used in conjunction with the two southernmost rows of parking in Riley Plaza for a valet parking pilot has considered said matter and would recommend the matter remain in Committee.

#160 – (#101) APPROPRIATION FOR “GOLF COURSE – EQUIPMENT” ACCOUNT

Councillor Turiel offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

CITY OF SALEM**FEBRUARY 22, 2018****REGULAR MEETING OF THE CITY COUNCIL**

The Committee on Administration and Finance co-posted with Committee of the Whole to whom was referred the matter of the appropriation in the amount of \$42,148.86 from Receipts Reserved – Golf Course to Golf Course – Equipment Account has considered said matter and would recommend approval.

CITY PLANNER SUBMITTING ZONING ORDINANCE AMENDMENTS

A communication from the City Planner Tom Daniels submitting the following Zoning Ordinance amendments.

#161 – ORDINANCE AMENDING ZONING SECTION 3.0 TABLE OF PRINCIPLE AND ACCESSORY USE REGULATIONS

The following Ordinance was referred to the Planning Board to schedule a joint public hearing with the City Council.

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to Zoning

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

Section 1. Section 3.0 – TABLE OF PRINCIPAL AND ACCESSORY USE REGULATIONS of the Zoning Ordinance is hereby amended as follows to correct scrivener's errors from the 2009 recodification of the Zoning Ordinance:

- a. Within Section A. Residential Uses of the Table, delete the letter "N" as it appears in the B1 zoning district in the row entitled "Dwelling unit above first floor retail, personal service, or office use" and insert the letter "Y"
- b. Within the Zoning District I of Section C. Commercial Uses of the Table, make the following amendments:
 - 1) Delete the "N" as it appears in the row entitled "Club or lodge, private" and insert a "Y"
 - 2) Delete the "BA" as it appears in the row entitled "Commercial recreation, indoor" and insert a "Y"

CITY OF SALEM**FEBRUARY 22, 2018****REGULAR MEETING OF THE CITY COUNCIL**

- 3) Delete the “N” as it appears in the row entitled “Commercial recreation, outdoor” and insert the letters “BA”
 - 4) Delete the “N” as it appears in the row entitled “General service establishment” and insert the letter “Y”
 - 5) Delete the “N” as it appears in the row entitled “Personal service establishment” and insert the letter “Y”
 - 6) Delete the “N” as it appears in the row entitled “Plumbing, carpentry, and sheet metal shop” and insert the letter “Y”
 - 7) Delete the “N” as it appears in the row entitled “Restaurant, with service of alcoholic beverages” and insert the letter “Y”
- c. Within the Zoning District I of Section D. Industrial Uses of the Table, make the following amendments:
- 1) Delete the “BA” as it appears in the row entitled “Light Manufacturing” and insert a “Y”
 - 2) Delete the “BA” as it appears in the row entitled “Manufacturing” and insert a “Y”
 - 3) Delete the “BA” as it appears in the row entitled “Mini-storage warehouse facility” and insert a “Y”
 - 4) Delete the “BA” as it appears in the row entitled “Research, laboratories, and development facilities” and insert a “Y”
- d. Within the Zoning District I of Section E. Accessory Uses of the Table, make the following amendments:
- 1) Delete the “N” as it appears in the row entitled “Adult day care” and insert a “Y”
 - 2) Delete the “N” as it appears in the row entitled “Private garages and other accessory structures” and insert a “BA”

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

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

#162 – ORDINANCE AMENDING ZONING SECTION 3.2.5 – SWIMMING POOLS

The following Ordinance was referred to the Planning Board to schedule a joint public hearing with the City Council.

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to Zoning

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

Section 1. Section 3.2.5 -Swimming Pools is hereby amended to correct a Scrivener's error from the 2009 recodification of the Salem Zoning Ordinance by inserting a new paragraph at the end of this section as follows:

"2. Pools shall be surrounded on all sides by a permanent wall or fence at least four (4) feet high and located no further than twenty-five (25) feet from any side of the pool. Fences shall be constructed of pickets, stockade or chain-link type material. Rail fences shall not be permitted. The fence shall have only one (1) opening, three (3) feet maximum in width, with a locking and closing device so as to keep the gate shut at all times."

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

#163 – ORDINANCE AMENDING ZONING SECTION 4.1.1 – TABLE OF DIMENSIONAL REQUIREMENTS

The following Ordinance was referred to the Planning Board to schedule a joint public hearing with the City Council.

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to Zoning

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

Section 1. Section 4.1.1 – Table of Dimensional Requirements is hereby amended by adding the following new row to the table:

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

TABLE OF DIMENSIONAL REQUIREMENTS

	RC	R1	R2*	R3**	B1****	B2	B4	I	BPD	NRCC
Maximum height of Retaining walls, Boundary walls and/ Or fences (feet) ***	6	6	6	6	10	10	10	10	10	4

Section 2. Section 4.1.1 – Table of Dimensional Requirements is hereby amended by adding the following new sentence to the end of asterisk *** notation:

“Fences shall be no more than six (6) feet for residential uses and ten (10) feet for commercial uses.”

Section 3. Section 4.1.1 – Table of Dimensional Requirements is hereby amended by adding the following new, asterisked notation and inserting the asterisks in the B1 column heading:

“**** B-1 All dwelling units constructed in the B-1 Zoning District shall comply with dimensional requirements of the R3 Multi-Family Residential Zoning District.”

Section 4. This Ordinance shall take effect as provided by City Charter.

#164 – ORDINANCE AMENDING ZONING SECTION 10.0 - DEFINITIONS

The following Ordinance was referred to the Planning Board to schedule a joint public hearing with the City Council.

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to Zoning

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

Section 1. Section 10.0 DEFINITIONS of the Salem Zoning Ordinance is hereby amended by:

- a. Inserting the following at the end of the definition of “Dwelling Unit”:

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

“as defined by the Commonwealth of Massachusetts State Building Code Regulations and Standards 780 CMP 310.2 and M.G.L. Chapter 140 Section 22. No more than three (3) people not within second degree of kindred shall live.”

- b. Deleting the definition of “Rooming, boarding or lodging house” in its entirety and replacing it with the following:

“Rooming, boarding or lodging house: A house where lodgings are let to four (4) or more persons not within second degree of kindred to the person conducting it, and shall include fraternity houses and dormitories of educational institutions, but shall not include fraternity houses and dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under section or rest homes so licensed, or group residences licensed or regulated by agencies of the Commonwealth.”

- c. Amending the definition of “General service establishment” by inserting the word “and” immediately before the word “furniture” and deleting the phrase “and the like.”
- d. Inserting three new definitions as follows:

“*Assisted Living Residences*: Offer a combination of housing, meals and personal service care to adults for a fee that includes room and board and services. Assisted living residences are intended for adults who may need some help with activities such as housekeeping, meals, bathing, dressing, and/or medication assistance and who like the security of having assistance available on a 24 hour basis in a home-like and non-institutional environment. Assisted living residences do not provide medical or nursing services and are not design for people who need serious medical care on an ongoing basis.”

“*Site Plan Review*: Site plan review is a review process established by the City to protect and promote health, safety, convenience and general welfare of the residents of Salem. Site plan review establishes criteria for the layout, scale, appearance, safety, and environmental impacts of development. Site plan review focuses on parking, traffic, drainage, utilities, landscaping, lighting and other aspects of the proposal to arrive at the best possible design for the location.”

“*Zoning Board of Appeals*: the Zoning Board of Appeals as established by Chapter 40A, Section 12 of the Massachusetts General Laws.”

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

CITY OF SALEM

FEBRUARY 22, 2018

REGULAR MEETING OF THE CITY COUNCIL

#165 – ORDINANCE AMENDING ZONING SECTION 8.4.9 PARKING REQUIREMENTS

The following Ordinance was referred to the Planning Board to schedule a joint public hearing with the City Council.

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to Zoning

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

Section 1. sub-paragraph 4(a) of Section 8.4.9 – Parking Requirements is hereby amended by deleting 4(a) in its entirety and replacing it with the following:

“a. One and a half (1.5) parking spaces per dwelling unit.”

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

#166 – #167 LICENSE APPLICATIONS

The following license applications were granted.

PUBLIC GUIDES: Robert Lease, 12 Lowell St., Waltham
PJ Maguire, 102 Shanley Dr. Attleboro
Kenneth Glover, 20 Essex St., Beverly

TAXI OPERATORS: Ramon Rodriguez, 9 Prince St. Pl., Salem
Cesar Maldonado Cruz, 7 Prince St. Pl., Salem
Juan Carlos Ramon, 9233 Crane Brook Way, Peabody

#168 – TAG DAY APPLICATIONS

The following license applications were referred to the Committee on Ordinances, Licenses and Legal Affairs

TAG DAYS: S.H.S. MCJROTC, 3/10/18, 3/25/18, 4/14/18, 4/29/18,
5/6/18, 5/13/18, 6/9/18

CITY OF SALEM**FEBRUARY 22, 2018****REGULAR MEETING OF THE CITY COUNCIL****#169 - CLAIMS**

The following Claims referred to Committee on Ordinances, Licenses and Legal Affairs.

Mark D. Fields, 352 Jefferson Ave., Salem

#170 – BONDS

The following Bonds were referred to the Committee on Ordinances, Licenses and Legal Affairs and returned approved.

DRAINLAYER K&B Excavating, 105 Mason St., Salem
(Name Change to Brennan Construction)

(#16) – SECOND PASSAGE ORDINANCE RELATIVE TO SMOKING PROHIBITED ON OFF-ROAD PAVED BICYCLE ROUTE

The matter of second passage of an Ordinance relative to Ch. 24-16 – Smoking Prohibited on Off-road, paved bicycle route was then taken up. It was adopted for second and final passage.

(#17) – SECOND PASSAGE ORDINANCE RELATIVE TO NON-CRIMINAL FINES

The matter of second passage of an Ordinance relative to Ch. 1 Sec. 1-10 – Non Criminal Disposition of Ordinance Violations relative to penalty for smoking prohibited on off-road, paved bicycle route was then taken up. It was adopted for second and final passage.

(#18) – SECOND PASSAGE ORDINANCE RELATIVE TO MISCELLANEOUS OFFENSES

The matter of second passage of an Ordinance relative to Ch. 24 – Offenses and Miscellaneous Provisions Section 24-30 – Retain Marijuana Establishment limits was then taken up. It was adopted for second and final passage.

(#19) – SECOND PASSAGE ORDINANCE RELATIVE TO SALEM COMMON USE POLICY

The matter of second passage of an Ordinance relative to Ch. 26, Article III, Common Use Policy Parks and Recreation, prohibited activities was then taken up. It was adopted for second and final passage.

CITY OF SALEM**FEBRUARY 22, 2018****REGULAR MEETING OF THE CITY COUNCIL****(#564) – SECOND PASSAGE ORDINANCE AMENDING ZONING FOR SECTION 3.0 TABLE OF PRINCIPLE AND ACCESSORY USES FOR MARIJUANA**

The matter of second passage of an Ordinance amending Zoning Section 3.0 – Table of Principal and Accessory Uses relative to Marijuana Cultivator, Manufacturer, Testing Facility and Retailer was then taken up. It was adopted for second and final passage by a roll call vote of 9 yeas, 2 nays, 0 absent. Councillors Dibble, Dominguez, Furey, Madore, McCarthy, Milo, Peterson, Turiel and Gerard were recorded as voting in the affirmative. Councillor Flynn and Sargent were recorded as voting in the negative.

(#565) – SECOND PASSAGE ORDINANCE AMENDING ZONING SECTION 6.0 -SPECIAL REGULATIONS RELATIVE TO MARIJUANA ESTABLISHMENTS

The matter of second passage of an Ordinance amending Zoning Section 6.0 – Special Regulations of Salem Zoning Ordinance relative to Marijuana Establishments was then taken up. It was adopted for second and final passage by a roll call vote of 9 yeas, 2 nays, 0 absent. Councillors Dibble, Dominguez, Furey, Madore, McCarthy, Milo, Peterson, Turiel and Gerard were recorded as voting in the affirmative. Councillor Flynn and Sargent were recorded as voting in the negative.

(#566) – SECOND PASSAGE ORDINANCE AMENDING ZONING SECTION 10.0 – DEFINITIONS RELATIVE TO MARIJUANA

The matter of second passage of an Ordinance amending Zoning Section 10.0 – Definitions by adding terms and definitions relative to Marijuana was then taken up. It was adopted for second and final passage by a roll call vote of 9 yeas, 2 nays, 0 absent. Councillors Dibble, Dominguez, Furey, Madore, McCarthy, Milo, Peterson, Turiel and Gerard were recorded as voting in the affirmative. Councillor Flynn and Sargent were recorded as voting in the negative.

On the motion of Councillor Furey the meeting adjourned at 9:25 P.M.

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK