

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 on Government Services Co-Posted with the Committee of the Whole
met remotely on March 29, 2021 at 6:00 P.M.
for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on
March 24, 2021 at 4:21 P.M.

(This meeting is being recorded)

ATTENDANCE

Committee: C. Prosniowski, C. Dibble, C. Hapworth, C. McCarthy

COW: C. Riccardi, C. Morsillo

AHTF: Caroline Watson-Felt, Filipe Zamborlini

Planning: Tom Daniel

Guests from DHCD: Peter Milano, Chris Kluchman

ABSENT WERE: Councillor Flynn

SUBJECT(S)

#394 Meet with Governor Baker's Office regarding Jobs & Housing.

C. Hapworth: want to set groundrules tonight, this is an informational presentation, questions should be to seek more understanding, no grandstanding or leading questions

C. Dibble: This all started because they mayor was lying to us...

C. Hapworth: C. Dibble, this is not what tonight's meeting is about, no grandstanding

C. Dibble: I'm in order, I didn't mention names

C. Hapworth: You did, this is not what we're doing

Chris Kluchman: Housing and Housing choice presentation delivered

C. Dibble: Are there programs available to help with economic growth?

Chris K. – Climate resiliency, neighborhood stabilization, federal funding

C. Dibble – Senior Housing?

Chris K. – Work w/ CDC's many programs available. ADU's supported by AARP

Filipe Zamborlini – How can municipalities use land near public transit? What are recommendations? How is state working with municipalities?

* Chris K. – Economic community planning grant fund, transit housing development bill, tracks near transit make housing production challenging

Filipe Z – Will DHCD work with DOT for air rights over tracks?

Peter Milano – Presentation

C. McCarthy – what is the balance between housing and economic growth, given workforce is working from home?

Chris K – Need for stable housing is becoming even more vital, yet to be seen what will shake out after Pandemic. Offices may be converted to housing, seeing that in some areas already. Need to be careful when we incent business to move into cities

C. Dibble. – How can we recruit high paying jobs to Salem?

Tom Daniel – Many programs discussed today are programs we are already using in Salem. Work with employers to help with training programs, opportunity zones

C. Turiel – We have housing demand, less commercial, what we are seeing is statewide

Chris K. – Salem has investigated what housing is needed. Zoning sets the table, still need people to come eat

Tom D. – 700k grant look to economic study, what opportunities do we have to grow certain sectors

On the motion of C. Dibble
_____ 7:30 _____ P.M.

the meeting adjourned at

A handwritten signature in black ink, appearing to read "J. D. Apple", is written over a horizontal line.

(Chairperson)

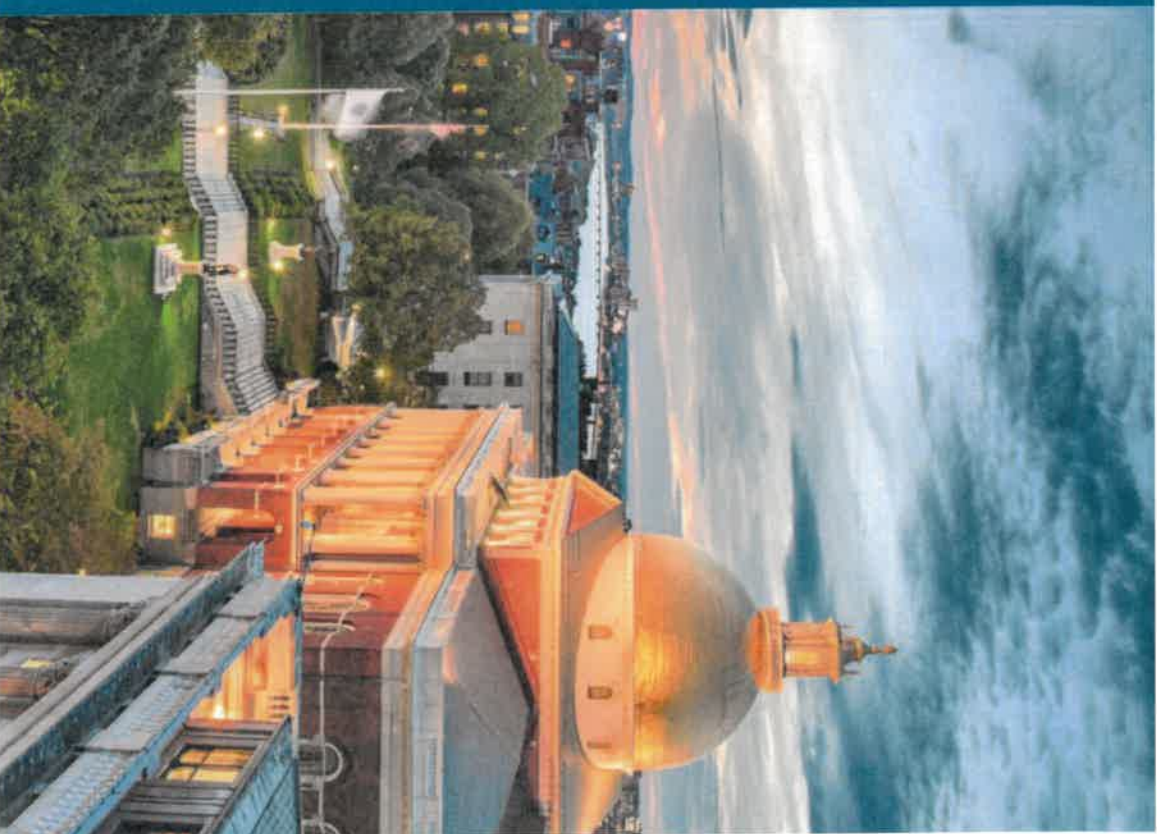


Commonwealth of Massachusetts
Executive Office of Housing and
Economic Development

City of Salem

March 29, 2021

MA Office of Business Development
Senior Director
Peter Milano





KICK-STARTING GROWTH THROUGH INCENTIVES, GRANTS, CAPITAL FINANCING AND MORE...

Economic Development Incentive Program (EDIP)

Regional Economic Development Organization | Partner Grants

Regional Pilot Program Grants

Workforce Development & Training

Financing Partnerships

Sector Specific Resources

COVID-19 Business Resource Liaison

Start-up Assistance

Innovation & Technical Assistance

International Trade Investments

Industry Expertise

Site Selection

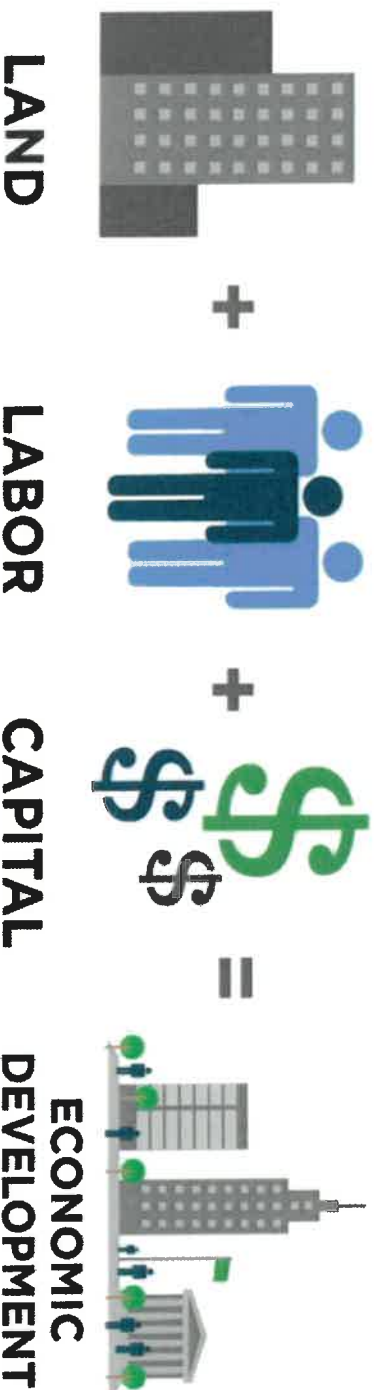
Permitting & Regulatory Assistance

Infrastructure Support

ECONOMIC DEVELOPMENT INCENTIVE PROGRAM (EDIP)

Designed to foster job creation and stimulate business growth

Companies receive state tax credits and local property tax incentives in exchange for job creation, job retention and private investment commitments



Massachusetts Regional Small Business Grants



REGIONAL PILOT GRANT PROGRAM

Program was designed to encourage partnerships among municipalities, public entities and 501(c) organizations to create solutions for recovery specific to their economies. Maximum grant is \$250,000.

<https://www.mass.gov/info-details/regional-pilot-project-grant-program>

MA OFFICE OF TRAVEL & TOURISM (MOTT)

My Local MA Campaign, <https://www.lovemylocalma.com/>

Travel and Tourism Recovery Grant Program - Grant awardees will be announced soon.

Program was designed to fund marketing projects that support the My Local MA campaign, enhance tourism recovery and have the potential to increase non-resident visitation. Maximum grant is \$150,000. <https://www.mass.gov/forms/travel-and-tourism-recovery-grant-program-for-fy21>

MASSACHUSETTS GROWTH CAPITAL CORPORATION (MGCC)

One-stop resource for debt financing and assistance for small businesses

Administered \$725 million in small business grant programs

<https://www.empoweringsmallbusiness.org>

Workforce Development



MASSHIRE CAREER CENTERS

Can assist your company with the recruiting, screening, and training of new staff.

<https://www.mass.gov/masshire-career-centers>

WORKSHARE PROGRAM

Allows workers in an entire company, a company department, or even a small unit within the company, to share reduced work hours while also collecting unemployment insurance benefits to supplement their reduced wages.

<https://www.mass.gov/topics/workshare-program>

WORK OPPORTUNITY TAX CREDIT

Federal tax credit available to employers for hiring individuals from certain targeted groups who have consistently faced significant barriers to employment.

<https://www.irs.gov/businesses/small-businesses-self-employed/work-opportunity-tax-credit>



MASSHIRE



Workforce Development

WORKFORCE TRAINING GRANT, COMMONWEALTH CORPORATION

- **General Grant** up to \$250k
- **Express Grant** funds are limited to \$30,000 per company per calendar year and \$3,000 per employee per course.
- **Small Business Direct Access Program** addresses smaller-scale training needs by making training slots in popular topics available, free of charge, to eligible businesses. A business may access up to \$15,000 in grant funds per calendar year through the [Massachusetts Training Exchange](http://workforcetrainingfund.org/).
<http://workforcetrainingfund.org/>

SAFETY TRAINING GRANT, DIVISION OF INDUSTRIAL ACCIDENTS UP TO \$25K

Promotes safe and healthy conditions in the workplace by awarding state funds to eligible applicants who submit responses designed to provide and improve safety education and training in Occupational Safety and Health to employers/employees within the Commonwealth covered by the Massachusetts Workers' Compensation Law (M.G.L. Chapter 152). <https://www.mass.gov/the-dias-workplace-safety-training-grant>

FREE SAFETY CONSULTATION, DIVISION OF LABOR STANDARDS

On-site consultations to businesses to help them recognize and control potential safety and health hazards.
<https://www.mass.gov/service-details/osha-consultation-summary>

Free Technical Assistance



MA SMALL BUSINESS DEVELOPMENT CENTER (MSBDC) provides free and confidential one-to-one business advice focusing on, business growth and strategies, financing and loan assistance as well as strategic, marketing and operational analysis. In addition, low-cost educational training programs are offered across the state targeted to the needs of small business. <https://www.msbdc.org/>

SCORE is the nation's largest network of free, expert business mentors, is a nonprofit association dedicated to entrepreneurial education and the formation, growth and success of small business nationwide. <https://www.score.org/>

CENTER FOR WOMEN AND ENTERPRISE provides opportunities for women entrepreneurs and women in business to increase professional success, personal growth, and financial Independence. <https://www.cweonline.org/>

The **VETERANS BUSINESS OUTREACH CENTER (VBOC)** Program is designed to provide entrepreneurial development services such as business training, counseling and resource partner referrals to transitioning service members, veterans, National Guard & Reserve members and military spouses interested in starting or growing a small business. The VBOC of New England is operated by the Center for Women & Enterprise who offer quality classes, programs and services to those who want to start and grow their business. <http://www.cweonline.org/About-CWE/Veterans-Business-Outreach-Center>

SMALLBSTRONG.COM a non-profit organization empowered to help women and minority owned small businesses by providing expedited, pro-bono resources ranging from access to capital to consulting, business restructuring, business growth, digital marketing and customer engagement plans. <https://www.smallbstrong.com/>



Commonwealth Resource Partners



MassMEDIC



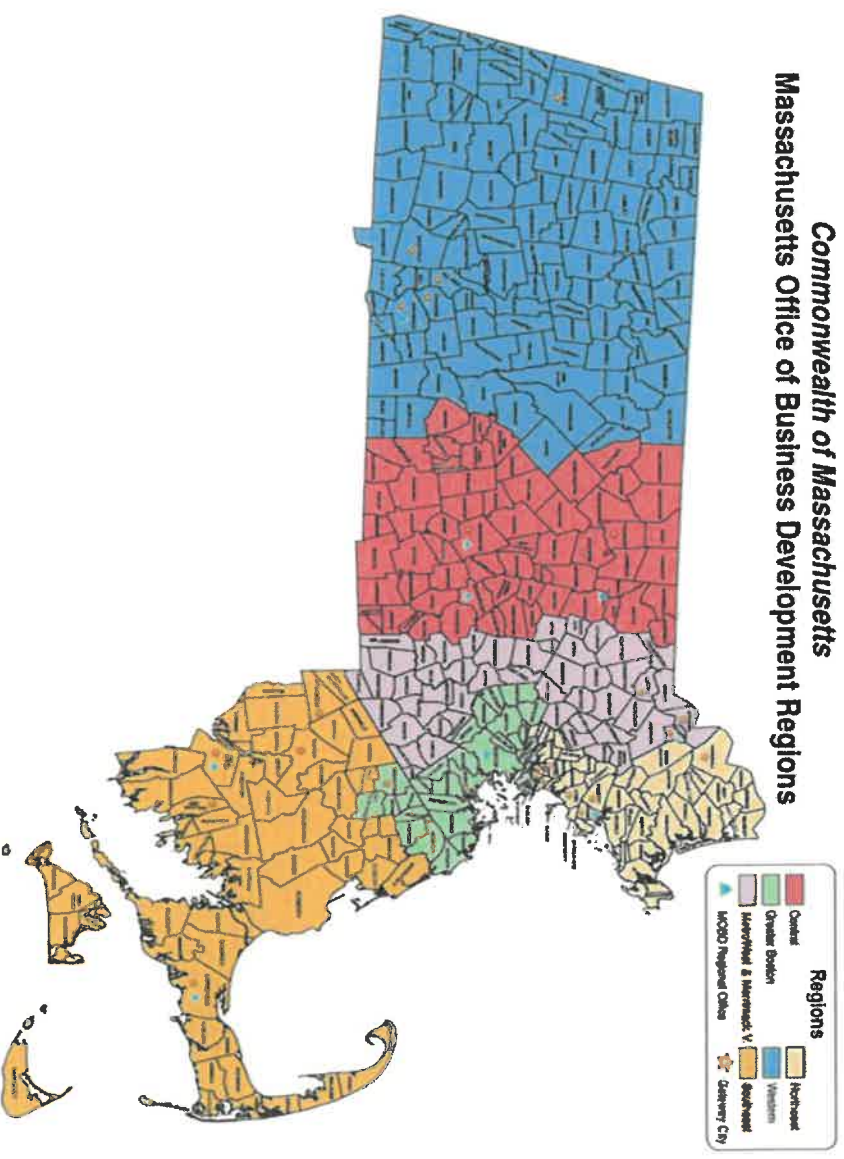
EXECUTIVE OFFICE OF HOUSING & ECONOMIC DEVELOPMENT



Massachusetts
Office of Business
Development
(MOBD)

Mass.gov/MOBD

Commonwealth of Massachusetts
Massachusetts Office of Business Development Regions





EXECUTIVE OFFICE OF HOUSING & ECONOMIC DEVELOPMENT Massachusetts Office of Business Development (MOBD) Mass.gov/MOBD

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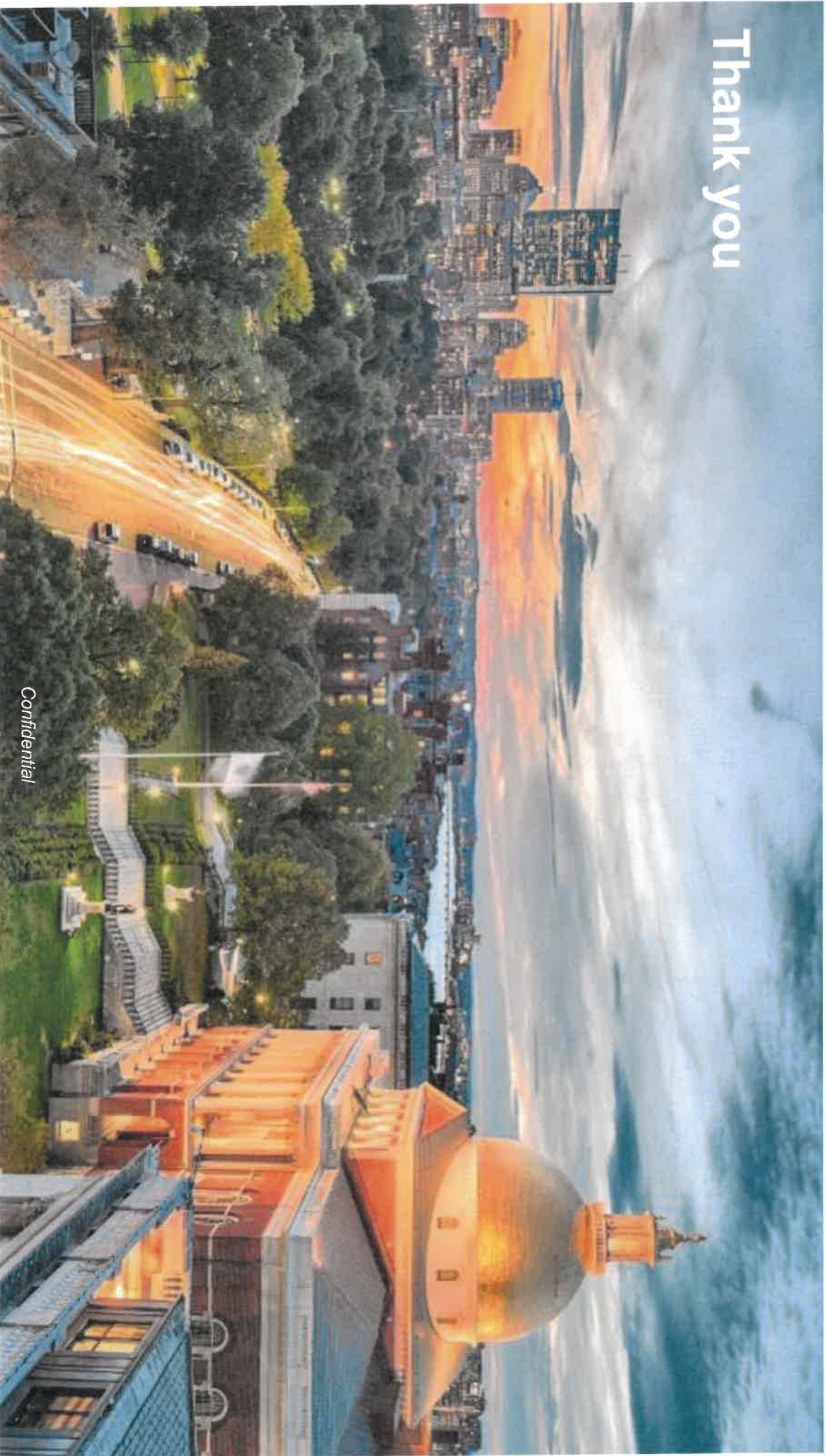
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METROWEST & MERRIMACK VALLEY

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Thank you



Confidential

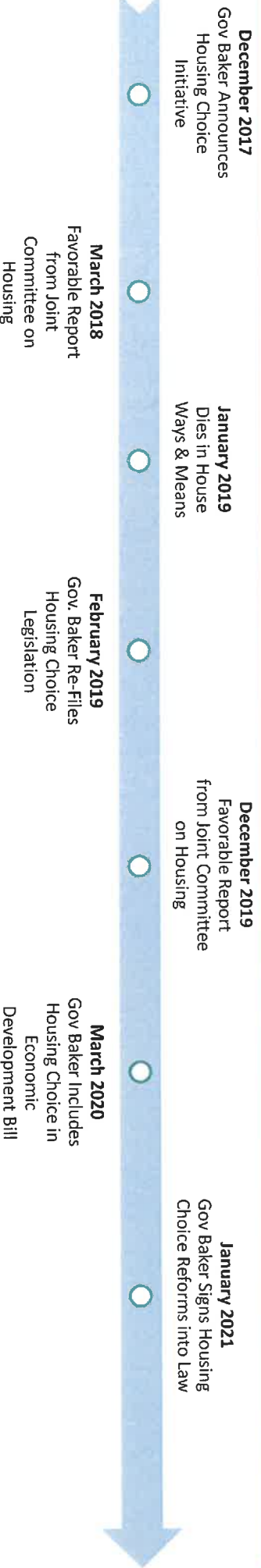


Housing Choice

March 2021

**DRAFT FOR POLICY AND PROGRAM
DEVELOPMENT**

Housing Choice



- Multi-year effort to better enable municipalities to adopt the zoning measures needed to meet the state's housing needs.
- The Baker-Polito Administration understands that not all cities and towns are the same.
- Where there is majority consensus in communities around increasing housing production, a minority of voters should not be able to block zoning reform.
- Through targeted amendments to MGL c. 40A, the state can create a more predictable and fair process for zoning, and ultimately housing production.



The Housing Choice Campaign

- An expansive coalition of elected officials, housing advocates, planners, builders, citizens, and countless others worked to push this reform forward.
- **Spotlight Series:** 13 Spotlight Events held statewide throughout 2019 and early 2020 with dozens of endorsements spanning state and local officials, businesses, developers, non-profits, and housing advocates.
 - Dubbed a “Housing Choice Palooza” (April 25, 2019) by the Boston Globe’s Jon Chesto, the tour stopped in 13 communities.
- An energized **public hearing** on the bill in May 2019 that filled most of Gardner Auditorium.
- Countless meetings, discussions, speeches, panels, articles, editorials and policy papers...
 - E.g. Met with over 100 legislators



The Boston Globe

Business

TUE BRITTON, CHAIR, TERRITORIAL PLANNING & POLICY | BOSTON GLOBE'S JON CHESTO

Housing Choice brings big zoning law changes

JON CHESTO
CRIMINAL JUSTICE EDITOR



After the passage of the bill, the state will have a new zoning law that will allow for more flexibility in how land is used. This is a significant change that will help to address the housing crisis in the state. The bill will also allow for more affordable housing options and will help to streamline the zoning process. This is a major step forward in the fight against the housing crisis.



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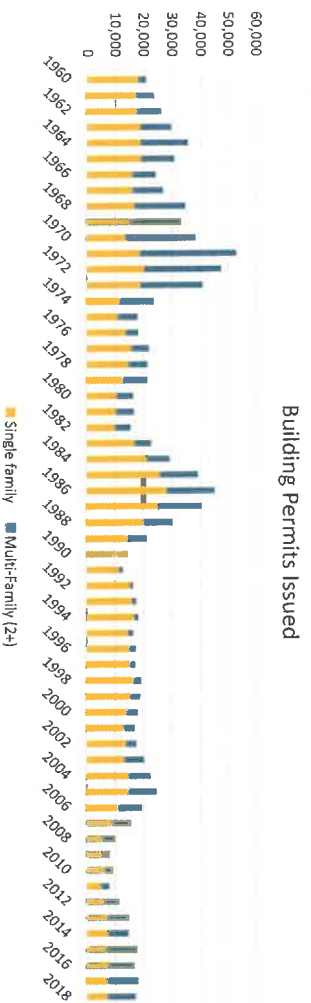
@MASSEOHED



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DEVELOPMENT

The Housing Crisis

- Massachusetts faces a core challenge to create adequate housing to support our economy and families.
- Between 1960 and 1990, Massachusetts communities permitted almost 900,000 housing units. Since 1990, communities have permitted less than 470,000 new units.
 - In 1971, 53,272 housing units were permitted in Massachusetts. From 2017-2019, the total combined amount of permitted units is just 52,137.



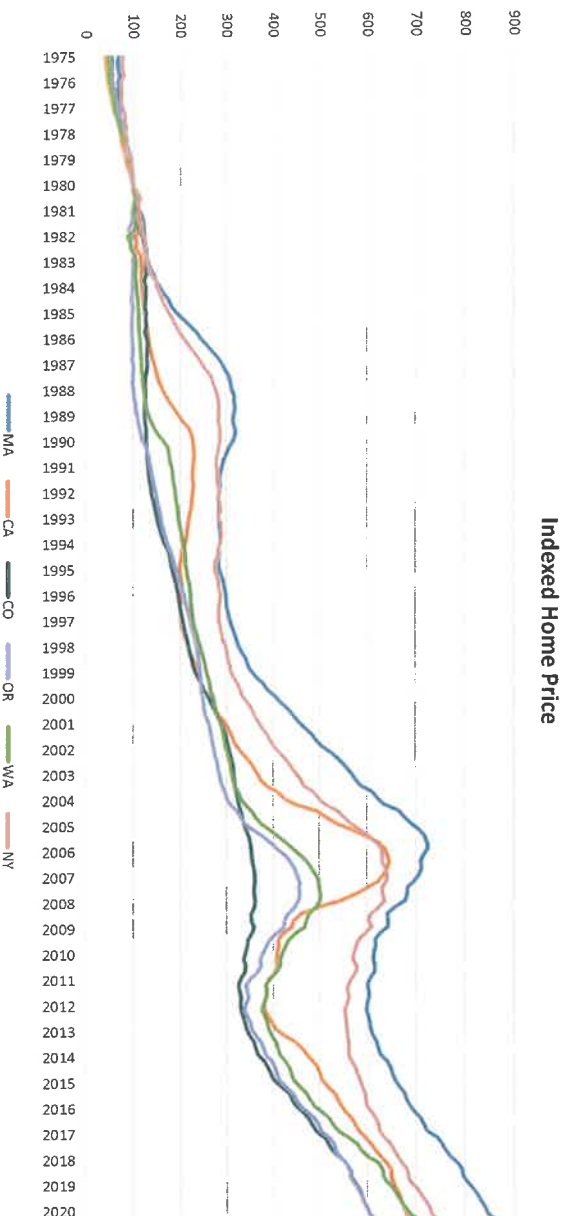
- Rents have risen dramatically across the state, and in the inner core. Statewide, rents have increased by 75% since 2000, while inner core communities have seen rents almost — or more than — double over the same period.
- Home prices have increased faster than any other state since 1980.
- As a result of increasing housing costs, the number of homeowners and renters who are cost burdened has increased significantly:
 - **Homeowners:** In 2000, less than 30% of households making less than \$100,000 were cost burdened (i.e. paying more than 30% of their income on housing). In 2017, approximately 50% of households were.
 - **Renters:** In 2017, 1 in 4 renters paid more than 50% of their income towards rent.
- Municipalities play a key role on whether or not housing is built because of their role in zoning and permitting. Cities and towns are necessary partners if the Commonwealth is to confront these housing challenges.

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Home Prices



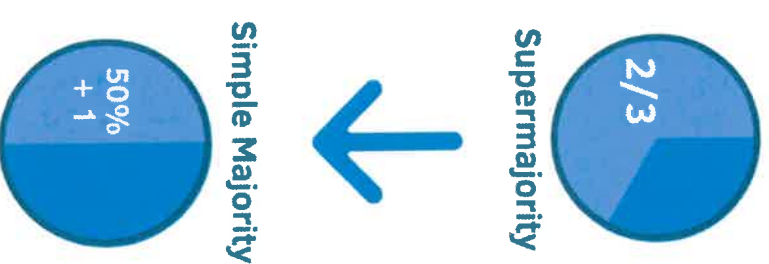
- Massachusetts single-family home prices were at the national average in 1980 and since then have increased more than any other state.
 - In 2020, the median single-family sale price reached \$445,500 – an 11.4% increase over 2019.



Overview of Housing Choice



- Targeted changes to M.G.L.c. 40A to reduce the threshold of votes needed to adopt certain zoning measures that promote housing production from 2/3 to simple majority.
 - These changes apply to all cities and towns in Massachusetts, except the City of Boston (which has its own zoning enabling act).
- The goal is to make it easier for local governments to approve housing supportive zoning and development.
- The new law outlines a series of housing best practices that can be enacted by simple majority vote (e.g. reducing residential dimensional requirements, adopting 40R “Smart Growth” or “Starter Home” zoning, allowing accessory dwelling units or “in-law” units by right, etc.)
 - More detail on this in later slides...



Other Notable Zoning Changes in the 2020 Economic Development Bill



- **Revenue Sharing Agreements:**
 - Allows municipalities to enter into revenue sharing agreements for sites affecting more than one local government by a simple majority vote.
- **Bonding Provision:**
 - Provides that a court, in its discretion, may require a plaintiff appealing a decision to approve a special permit, variance or site plan to post a surety or cash bond in an amount *up to* \$50,000 to secure the payment of costs if the court finds that the harm to the defendant or to the public interest resulting from delays caused by the appeal outweighs the financial burden of the surety or cash bond on the plaintiffs.
- **MBTA Communities:**
 - Provides that each MBTA community “shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right.”
 - More information on this topic later in the presentation...

Qualifying Amendments for Simple Majority Vote

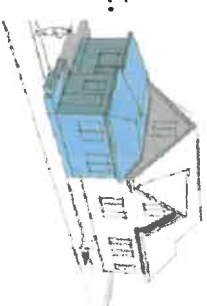


- Zoning that allows for certain kinds of housing developments “as of right”:
 - Multi-family (3+ units) and Mixed-Use Development in an Eligible Location
 - Accessory Dwelling Units
 - Open Space and Residential Development (OSRD)
- Zoning that allows for certain kinds of housing development by special permit:
 - Multi-family and Mixed-Use Development in an Eligible Location
 - Accessory Dwelling Units that are not attached to the primary home
 - Allowing for increased density through a Special Permit process
 - Reduction of parking requirements for residential or Mixed-Use Development
- Zoning that allows for:
 - Changes to dimensional standards that allow for additional units (e.g., FAR, height, lot area, setbacks, open space, parking).
 - Amendments that adopt Smart Growth or Starter home districts, per M.G.L. c. 40R
 - Natural resource protection zoning (similar to Open Space Residential Development)
 - Transfer of Development Rights

Examples of Zoning Qualifying for Simple Majority (1/2)

- Allowing for Accessory Dwelling Units (ADUs) to be approved as of right:
 - A municipality proposes zoning to allow only owner occupied ADUs up to 800 square feet as of right. This qualifies for a simply majority because the zoning meets the statutory criteria as being no larger than ½ the size of the main home or 900 square feet.
 - A zoning proposal to allow 1,200 square foot ADUs as of right would **NOT** qualify for a simple majority vote.
- Reducing minimum lot area needed per dwelling, such as:
 - changing the requirement from “one-acre zoning” to ½ acre for single family homes,
 - changing a minimum 10,000 square foot lot size to 7,500 square feet, or
 - reducing the minimum lot area per dwelling unit from 10,000 square feet per dwelling unit (4.5 units/acre) to 5,000 square feet per dwelling unit (9 units/acre).
- A city wants to adopt a 40R district allowing multi-family residential units in its downtown near a commuter rail station. This 40R district would be a new Zoning Overlay, and would require a housing density of 20 units per acre.
 - Instead of needing 8 of 11 votes from the city council under the current law, only 6 of 11 votes would be required.

Attached ADU



Examples of Zoning Qualifying for Simple Majority (2/2)

- A town wants to allow duplexes in its central residential district where only single family dwellings are allowed in order to encourage development of housing that better meets the needs of its seniors.
 - They have 60 voters for town meeting (quorum = 50) and such a zoning article would require 31 votes instead of 41.



Examples of zoning changes that would **NOT** qualify for the simple majority vote (i.e. would continue to require a 2/3 vote):

- Zoning change that would change a zoning map from Limited Business to Heavy Industrial.
- Zoning change that would increase the minimum lot size for a residential zoning district as such change decreases the overall density.

- Special Permit Granting Authority Board—Simple Majority Vote:

- A Town allows for multi-family projects to be approved by Special Permit in its Town Center District which has a commuter rail station. Such projects require a Special Permit review by the 5-member Planning Board.
- A developer submits a project located ¼ mile from the commuter rail station for a 100 unit building with 12 affordable units. Instead of requiring 4 affirmative votes from the Planning Board, the project only needs 3 affirmative votes.



Zoning Protests



- Housing Choice modifications to M.G.L. c. 40A § 5 make it more difficult for affected owners and abutters to deter zoning amendments.
- Prior to the enactment of the Housing Choice legislation:
 - a written protest made by the owners of 20% of the affected land area or abutting land, would increase the required voting threshold to change the zoning, and
 - The threshold increased from a 2/3 super majority to an even larger $\frac{3}{4}$ super majority.
- Under the new law, no zoning change will trigger a supermajority greater than 2/3:
 - a protest will only change the voting threshold if it is made by owners of 50% of the affected land area or abutting land, and
 - To affirm a zoning amendment under protest, the city council or town council must approve the protested zoning amendment with a 2/3 majority
- Note, this provision applies only in a **city** or a **town** with a **town council** of **fewer than 25 members**.

Determining the Voting Threshold



- The new law does not specify who determines whether a proposed zoning ordinance or bylaw is the kind that can be approved by a simple majority vote.
- We recommend that proponents, planning boards, and legislative bodies clarify the voting threshold that applies to any zoning proposal:
 - The proponent of a zoning ordinance or bylaw should include in the petition a statement explaining how it meets any of the criteria for being approved by a simple majority vote.
 - After holding the public hearing required under the Zoning Act, and after consultation with municipal legal counsel, the planning board should include in its report a determination on the voting threshold for the zoning proposal.
 - The legislative body's vote consistent with that recommendation will affirm the voting threshold.
- All zoning bylaws adopted by towns must be submitted to the Attorney General for review and approval. If the Attorney General finds an inconsistency between the proposed bylaw and state law, the bylaw or portions of it may be disapproved.

- New section 3A of the Zoning Act provides that an MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:
 - Minimum gross density of 15 units per acre
 - Not more than ½ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
 - No age restrictions
 - Suitable for families with children.
- The statute requires DHCD to issue guidelines that define compliance with this new section of the Zoning Act.
- DHCD issued preliminary guidance on January 29th.

Next Steps on MBTA Communities



- The Baker-Polito Administration wants to work with stakeholders, including towns and cities, to develop thoughtful compliance criteria and timelines so that the end result is good policy.
- We believe that stakeholder engagement is essential in order to implement this section effectively.
- To that end, municipalities (i.e. MBTA Communities) will be deemed to be in compliance with this new section until more detailed compliance criteria is established.
 - Communities seeking to pursue MassWorks or the Housing Choice Capital Grants Program in the upcoming 2021 grant cycle will remain fully eligible to apply to these programs.
- We will have more information on the stakeholder process in the coming weeks.

Guidance and Supplemental Information



- Guidance & supplemental information can be found via:
 - [Mass.gov/housingchoice](https://www.mass.gov/housingchoice)
- Contact Information:
 - housingchoice@mass.gov



QUESTIONS?

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APPENDIX

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Eligible Location (1/2)



- The proponent of a zoning ordinance or bylaw should explain in the petition if the land area affected meets any of the criteria for an eligible location.
- Planning board should make a determination about eligible location during the public hearing process when applicable.
- Additional guidance for determining eligible locations:
 - Regulations implementing Chapter 40R (760 CMR 59) set forth detailed criteria that DHCD applies when it determines if a land area is an eligible location under that statute may be useful as guidance.
 - Locations should be deemed eligible if within 0.5 miles of the kind of transit station listed in the statutory definition.
 - The Planning Board can make **other** eligible location determinations during its hearing process.
 - If there is uncertainty, the municipality can request an **advisory opinion** from EOHEd.

Eligible Location (2/2)



- If there is uncertainty about whether a zoning proposal affects an eligible location, the municipality may request an advisory opinion from EOHED.
 - Such a request must be made by the mayor, city council, board of aldermen, or planning board (when the zoning amendment is proposed in a city); or by the select board or planning board (when the zoning amendment is proposed in a town).
 - The request should be made by completing the application at the following website: <https://www.mass.gov/forms/request-an-advisory-opinion-on-ch40a-eligible-locations>
 - EOHED will endeavor to provide a written advisory opinion within 30 days of receipt of a complete request.