

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 Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole met in the Council Chamber on July 21, 2022 at 6:00 P.M. for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on July 15, 2022 at 9:37 A.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: None

Also in Attendance: COW: C Morsillo, C Merkl, C Hapworth, C Watson Felt, C McCarthy (Remote)

City of Salem: Beth Rennard, City Solicitor, David Kucharsky, Director of Parking and Traffic, Tom St Pierre, Salems Zoning Enforcement Officer, Dominick Pangallo, Chief of Staff (Remote)

SUBJECT(S)

#387 Halloween Parking Overlay District

C Riccardi opened the meeting and recapped the Planning Board vote and comments that were provided to council. She requested that the city solicitor speak to whether we would be able to make any amendments, if it was the will of the body, at this point in the process as suggested by the PB. B Rennard noted suggestions made by the PB would be outside of the 4 corners and the process, as they were not advertised or discussed at the Joint Public Hearing, so if we wished to make those amendments, the process would need to start over.

C Riccardi requested the T&P director speak to the regulations that have been drafted as well as any additional comments as he was not at the joint public hearing

D Kucharsky noted that the regulations are a first draft and have not been reviewed by the T&P Commission yet, which they will do at their August meeting. Jeff Swartz and Jaime Garmendia from the T&P Commission were also present. The drafted regulations were suggestions from staff. Copy of regulations provided:

October Parking Overlay Regulations

(Staff Recommendations)

Application Requirements

The Traffic and Parking Director shall take an application on a rolling basis and shall not issue a permit for any businesses, as provided in City ordinance, to a business with any outstanding code violations, unpaid taxes,

water/sewer or tax liens, or other existing judgments or penalties imposed by the city so long as the matter remains unresolved.

Parking Areas

Vehicles must be parked in spaces that conform with the dimensional requirements identified in Section 5.1 of the Zoning Ordinance "Off Street Parking"

- Lot shall be adequately lit for public safety
- No parked vehicle shall obstruct any public ways
- Lot shall comply with MAAB regulations relative to handicap parking requirements

Hours of Operation

Mon-Sun 8AM-6PM

Incoming vehicles shall cease at 6pm

Applicant staff shall be available during operation times, 8AM to 6PM

Signage

No signs shall be placed within a public right of way or municipal light pole or sign post

Enforcement

- The Traffic and Parking Director shall enforce the October Parking Overlay Regulations
- The Zoning Officer shall enforce MAAB regulations, signage and unpermitted lots

C Dominguez asked what the application fee would be. D Kucharsky noted it is not set yet – TBD, it would match the efforts put into issuing the permits. Confirmed it would need to renew annually.

C Cohen asked what the penalties might look like if someone violated the regulations. D Kucharsky noted also not decided yet; will most likely be tiered; Warning, Fine, Loss of Permit

C Prosniewski asked amount the number of lots / spaces this effects. D Kucharsky said this is still be researched. A map will be provided. C Prosniewski asked if the fees can be capped / how much the lots can charge. B Rennard noted that fees cannot be limited via a zoning ordinance. If we did want to do that, it would need to be in the general code, not zoning.

C Merkl asked about enforcement challenges. D Kucharsky noted the hours of enforcement do match his staffing.

C Morsillo asked about the hours of operations and confirmed the hours of operation 8-6 does not mean that cars will not be allowed in the lot passed 6; just no more can enter. C Morsillo asked about the language around the existing parking language in our ordinance. D Kurchasky noted clearly delineated spaces, access, etc, is described in our current ord. C Morsillo also noted that there is no language around cars waiting in the regulations, and if that could be addressed,

C Hapworth noted that enforcement is a concern. We are not enforcing now, why do we think that will change? B Rennard noted the regulations will allow more staff to assist. Currently one zoning enforcement officer is responsible for the entire city now; this would provide an entire department as well as the ability to know who was permitted.

C Hapworth asked if there was any data to support that having this parking will get more cars off the street. What is the rationale to do this?

D Kucharsky noted the programs that are being run to get cars to not drive downtown; shuttles, lots outside of downtown, etc.

C Riccardi requested the Zoning Enforcement officer Tom St Pierre to speak. T StPierre noted that this issue has accelerated the past few years but is not new. Up until a few years ago, there have been few

complaints about commercial lots being used for visitors and we have 'looked the other way' as public safety appreciated these available spots. He felt it was either legitimize everything or close them all down. He did not feel like shutting down all available commercial parking is a good route to go down. C Riccardi asked how new lots are approved; he noted lots with 4 or more spaces require a building / engineering approval. He also noted this is of economic benefit to business where normally their 'regular' business suffers in the month of October. T St Pierre noted that the downtown + ¼ mile area was chosen as we already have enforcement officers in that area and it would be management for enforcement.

C Riccardi read Lt Tucker, SPD, comments in to the record (he was unable to attend this meeting)

We support these measures to bring some order to the practice of selling parking space on private property. From the Police Department's perspective, we need a way to respond when we receive complaints about property owners advertising and selling spaces. The overlay district and the proposed procedures within the ordinance will give us a method of responding to these complaints.

We agree that the ultimate goal is to convince people not to bring their cars into Salem, or at least into the downtown. But for now, that is what many people do. I don't know that the overlay district will increase the available parking, and subsequently increase the amount of traffic. I see it as a means of organizing what already exists.

Dave

Lt. David Tucker

Traffic Division

Salem Police Department

D Pangallo provided comment: Noted that he did a quick look at google maps and there are about 1,000 spaces downtown, and an additional 2,000 in Shetland that would possibly be impacted (~3,000). The goal of this ordinance was not to eliminate cars; the administration has been focused on that with other programs that have been implemented including community car share services, Salem skipper, shuttle services, additional ferry and train services, etc, but the realistic prospective is to try to not displace these additional cars. These are not advertised lot, this is a relief valve for those that do not plan when traveling into Salem. The purpose was not to reduce, but to help manage those that still drive in.

C Hapworth asked for clarity as to how the zone was chosen. T StPierre noted the zone was chosen based on where the complaints came from and where enforcement is possible.

C Morsillo noted that paying for spots in lots has been going on for decades. This change does not mean that other lots, outside of downtown, will no longer be used. Shuttles, etc will still be used. Municipal lots will still be used as they are immune from zoning. She noted that cars will still park in the lots whether they charge or not. She asked about advertising and if we can regulate that at all.

B Renard noted if this is passed, it would be a by-right use and was not sure if how to manage the business (ie advertising) can be regulated in general code. It cannot be in zoning. She will research further.

C Merkl noted that advertising is also her concern. Also, 3,000 spots is not going to solve the gridlock issues downtown.

C Cohen noted that it has been said if we eliminated these lots / parking, that people would no longer drive downtown and he disagrees with that statement. He does not feel that the majority of the lots are

'nuisance' lots and there are many that raise a lot of money that help them continue throughout their year.

C Varela does not feel like we will be able to change the behavior of all of those that drive downtown looking for parking – we are a city, and a tourist city. He feels this overlay will solve some issues and provide some clout to solve issues that have been brought up.

C Prosniewski provided history of Halloween parking in Salem. There is a push in the media to keep traffic outside of downtown during Halloween and streets are often shut down. He is not keen on shutting down these lots as he feels they are needed.

C Riccardi commented that we need to not look at zoning based on individual properties. We also can focus on more than one thing at a time. We can look for ways to house cars downtown, and we can work on programs to encourage those not to drive downtown. But no matter our efforts, cars will still drive downtown looking for a spot to park. Concerned that we may be pulling ~3,000 available spots from our inventory, and feels that the zone should be city wide, not just downtown as it is counter to our efforts.

Public Comments:

Jeff Schwartz, 65 Washington St, Speaking as a downtown resident, Asst Director of Salem Chamber of Commerce, and as a Traffic and Parking Commissioner. He feels we should not wait to address this problem. This is not an either or, it is an and. These spaces exist already. Salem has many challenges and communicating out to all is one. He also feels this should go beyond downtown.

Rob Lianni, Bridge St Coffee Time Bake Show Owner; Noted that he is in favor of legitimizing the parking that is going on in bigger lots. He feels it should be beyond downtown. He also provided comments on the general resident only parking program in the city.

Anthony O'Donnel, 85 Washington St, He has a lot behind his business that has 85 available spaces. As a funeral home downtown, he is unable to hold services and run a full business in the month of October. He noted that guests generally spend about 3 hours in the spaces. So, ~3,000 spaces is taking ~9,000 cars off the road. He also noted that he was the only private lot that followed the restrictions currently under law. He stated we should be using all tools available to us. As a resident and business owner downtown he is effected.

C Madore, 28A Federal St, as a resident next to two of these private lots that would be affected, she has concerns and suggestions. She feels the motivation behind the filing is confusing; who requested it. It seems reactive as the regulations were drafted after the filing, and not in the interest of the public. It feels like the motivation was based on complaints. Adopting is going to do more harm than good. It will allow 1,000 more parking spaces downtown. She is confused as to why this is filed as a zoning ordinance. Doing so allows parking to become a legitimate business for commercial lots. Why not residential and expanded throughout the entire city. She does not feel the committee is working on the correct matters. She commented that there are ways to address this that are not zoning and it should not be available for just a few businesses downtown.

Matt Cornell; 18 Briggs St, He noted that a paid parking lot in the city of salem is not allowed in the city. How are we creating an overlay with no underlay. Also, Foxboro has parking regulation by-laws. Why can we not do that - a by-law makes more sense than an overlay which was hastily drafted.

Susan Cooke, 8 Brown St, she is moved to speak to her concerns about the surprise of this. There needs to be a more thoughtful way of looking at what this overlay is. There is no rush for this and she does not agree with implanting the overlay.

Liz Aberg, 10 Forrester St, No comment on how this is implemented, but she feels private lots should be allowed downtown. Any effort to get cars off the street is appreciated. This ordinance is a great idea. She feels both items – encouraging cars not to drive in AND allowing this overlay to be done together

Ended Public Comment

D Pangallo – noted both Topsfield and Foxboro have parking regulated via zoning, which is what we are discussing here for Salem

C Riccardi noted that she is impressed with the amount of feedback that has been received on this topic. She is concerned about how this arrived at council, with no discussion with T&P as well as councillors, but we are here now and need to make a decision. C Riccardi feels that not allowing private parking downtown would be detrimental. She also feels the area should be larger, but understands that amendment is not possible with this version.

C Hapworth noted that the legitimization of parking downtown might have unintended consequences down the road if building parking is more profitable.

C Riccardi asked when the matter will be in front of T&P. D Kucharsky noted the August 10th meeting this topic will be discussed.

C Riccardi asked about amendments and what that process would be – ie if we wanted to make an amendment to the area. B Rennard started that would be the start of a new process, once this (if this) is passed)

C Varela agreed this should be amended to allow private lots city wide but understands that it is not within the four corners. He is confident that the body can make that amendment. He also feels that continued discussion is needed on the drafted regulations.

C Varela made a motion to keep the matter in committee, 2nd by C Prosniewski.

Under Discussion: C Prosniewski asked that a map be provided of available spaces. D Kucharsky noted he will be working on that.

C Dominquez asked why this needs to stay in Committee. He felt that the conversation that needed to take place had happened and was not sure what else would be discussed in committee, how much time is needed. C Riccardi noted the timeline, the matter should be removed from committee by the next council meeting - 9/15, if it moves forward. C Riccardi noted that these conversations do not necessarily need to happen in committee, it seems many of us have feedback that can be provided directly to the Traffic and Parking Department and Commission.

C Cohen noted he has learned many things this evening and with his conversations he has had around this topic and would like to continue these discussions in committee.

C Watson –Felt noted she has concerns around the enforcement model – there is no answer on how that will happen. No answer has been provided on fees. She does not feel that the community downtown has not been able to provide feedback. She feels we have no answer regarding fee restrictions, and what MGL might state on that. There has been no data, research or study done on this matter. She feels that the body cannot make an informed decision without this. This lacks strategy, community engagement. We have a comprehensive problem, and this is not a comprehensive solution. She sees this as harmful to the downtown area and does not support this amendment.

RVC to keep the matter in committee:

C Cohen Y
C Dominguez N
C Prosniewski Y
C Varela Y
C Riccardi N

3/2 - Matter will remain in committee

C Riccardi noted that she will look to schedule a meeting end of August, after the T&P Commission has meet, to continue discussions, and re-iterated the importance of councilors to provide their feedback, comments and questions directly to D Kucharsky.

On the motion of C. Dominguez the meeting adjourned at 7:48 P.M.



(Chairperson)