

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 August 22, 2022 at 6:30 P.M.

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

August 17, 2022 at 3:17 P.M.

(This meeting is being recorded)

**ATTENDANCE**

**ABSENT WERE:** None. C Dominguez joined via ZOOM. Also in attendance: COW: C Morsillo, C Hapworth, C Watson Felt, City Of Salem: Beth Rennard, City Solicitor (Remote) Amanda Chiancola, Planning Dept, (In Person)

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**SUBJECT(S)**

**#598 Home Occupations**

C Riccardi opened the meeting and provided context to the submission of the Zoning Ord Amendment, which is a discussion at this point. If the committee did choose to recommend any edits to the Home Occupation (HO) section of the current Zoning Ordinance back to council, a Joint Public Hearing would be called. Once that is called, we are limited to what is within the four corners of the amendment presented, so we want to listen to questions and concerns before we get to that point to have the best possible recommendation back to council.

B Rennard provided a summary of the amendment by showing redlines of what was submitted to council in 2021:

- Zoning table edited by adding Home Occupation as “Y” yes for RC, R1, R2, R3 and NRCC zones (originally “SP” Special Permit)
- Edited the Accessory Use definition of Home Occupation to “are allowed by right” (originally “May be authorized by special permit”)
- Striking the second bullet under Home Occupation Section “with not more than one (1) regular employee not residing in the dwelling unit (leaving just “Shall be operated only by the residents of the dwelling unit”)

**Discussion**

C Valela; concerned this draft does not cover tangible items. State code allows home residential cooking space as a business, and this would cause a discrepancy with that code

C Cohen: Hard to tell what is allowable and what is not. Is there any recourse for bad actors?

B Renard: Would need a better definition of what bad behavior is

C Hapworth: Also concerned about tangible items. Would artists that are creating art out of their home - is that currently allowed? Also wondering why 25% is space used is the limit?

B Renard; No – not allowed. Accessory use generally limits the space allowed, keeps the occupation as accessory to the primary use

C Riccardi requested more info around the definition on Home Occupation. Also noted the documents available in the OLLA Shared Drive. Planning assisted by researching permits that have been issued in the city – going back about 30 years. [#598 Home Occupation](#)

Amanda Chiancola from the Planning Department; The American Planning Association (APA) has general definition: “Home occupations include any professional or personal service, online or in-person retailing, or manufacturing or assembly activities occurring on the same lot as a principal residential structure.” Cities and towns either tighten this or broaden this when writing ordinances.

C Watson Felt asked for clarification on in person retailing in the APA definition. Also if there is any APA guidance on the percentage of residency that may be used for HO. A Chiancola will look for details on the % of space used.

C Varela noted it will always be an accessory use because residency will be the primary use. He believes many HOs in the city are not accurately tracked and an updated HO ordinance would assist with this issue. He feels more specific language around what is allowed as well as what should be prohibited (ie Auto repair, etc) would be helpful.

C Prosniewski: Are parking and traffic items addressed in this draft? Neighbors will want to know what this impact will be.

C Riccardi noted that there were no suggested amendments for that portion. Currently the ZBA does has parking and traffic as part of their general checklist for ZBA Special Permit decision making.

C Cohen confirmed the ZBA process.

C Varela provided some suggested related to traffic & parking language

C Morsillo is wondering if there is some way the ord can be written where some occupations that have very minimal impact would be by-right, while others that may have impact (above and beyond normal home use)

B Renard noted there are some models / variations that can be looked at. Written as: By Right, Special Permit, Prohibited for example.

C Hapworth: Seems like we have two categories here: Home Occupation and Light Home Occupation and perhaps we can frame this in that manner.

B Rennard noted her and Amanda can collect some examples for the committee to review.

C Varela noted that residencies do not have limitations on how many people can visit your home – why would we have that on home occupations. How could we distinguish what is for home use and what is for home occupation use?

C Watson Felt noted that expectations for cars and visitors for a primary residential use IS different from a business – for example a sewing class that might have eight additional cars at multiple times a day, repeatedly. There is a difference here with a cumulative effect.

C Riccardi asked B Rennard what Tom St Pierres, City Zoning Enforcement Officer, issues with this amendment were. Note: Tom St Pierre was invited to the Committee meeting and informed the chair he would be able to attend but did not attend. He relayed his comments to the City Solicitor. B Rennard noted Toms concerns were with enforcement; protecting the neighborhoods from an nuisances and compatibility with the neighborhoods. C Riccardi noted that enforcement should be something that is considered with any suggested amendments, so this does not fall solely on the Zoning Enforcement Officer.

C Varela commented about hours of occupation – this is an accessory use, and any existing noise and sounds ordinance rules will still be in effect.

C Riccardi noted some next steps; Committee will meet again to review items that were suggested this evening; Examples of how to bucket HOs; Lists of permitted / prohibited / by right HOs; etc. Also reminded that there are examples, articles and more in the OLLA Shared Folder

**Public Comments**

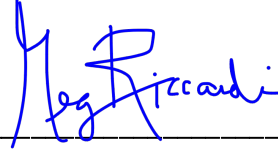
None

**Motions**

C Cohen moved to keep the matter in committee, 2<sup>nd</sup> by C Prosniewski

RCV: 5/0 Matter remains in Committee

On the motion of C. Cohen the meeting adjourned at 7:20 P.M.



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(Chairperson)