

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  
met remotely via zoom on Thursday, March 3rd at 6:00 P.M.  
for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on  
March 1<sup>st</sup>, 2022 at 8:01 AM

**(This meeting is being recorded)**

**ATTENDANCE**

**ABSENT WERE:** C Prosniewski

**Also in attendance:** C Watson Felt, C Hapworth, C McClain, C McCarthy

**City of Salem;** Tom Devine, Tom Daniels, Kate Kennedy, Beth Rennard

**Beals & Thomas:** Andrew Gorman, Stacy Minihane

**SUBJECT(S)**

#53 Ordinance to increase Protection & Conservation for Wetlands

#54 Ordinance Amending Sec 1-10 (c) Non-Criminal disposition for Wetlands

C Riccardi opened meeting at 6:03pm. Stated agenda for meeting

T Daniels provided background and thanks to the working group that got us to where we are today.

T Devine- presented background to the public process that got us to where we are today (redlined existing ordinance in OLLA); Public Process; Public Forums (4), Working Group Meetings, Project Web Page.

A Gorman – shared a presentation. This included details on how does this differs from Mass State Statue? Not much, a lot is similar. There is a difference in setbacks. The working group also wanted to address climate change adaptation and mitigation ; jurisdiction; distinct and unique definitions; a waiver mechanism. Also reviewed, the types of wetlands, and setbacks written into the ordinance.

C Varela asked how resource areas are identified? Are existing maps used? A Gorman noted via field delineation.

C Cohen asked how Con Com / The city would analyze changes in climate change with items in front of them. A Gorman noted that the burden is put on the proponent to explain their decision-making process. The Commission then determines if that analysis is sufficient.

C Varela asked about fines -- are they daily? B Rennard said yes – or they could be. Or, they could be condition based (ie three days are provided to remedy)

C Watson Felt asked for examples of how this process would work. How does the property owner know that their property is wetlands? A Gorman noted that the onus is really on the property owner. T Devine noted that the Buidling Department does have geo software that is reviewed when permits are pulled which would trigger a review by the Conservation Agent. This is an upgrade in recent years.

C Merkl asked about property and wetland lines – what is they have changed since a property open made a change; previously not in wetlands, but now is. Is the property owner responsible for remedy? B Renard noted that similar to zoning, it would be grandfathered in

C McClain asked if there are any standards or resources available for the ConCom to watch over time. Putting together a guidance document? S Minihane noted that it was left out of the ord by design to not lock in the details that could be fluid. The intent of the ordinance is to set the framework for what is subject to the Commissions jurisdiction and what the values are. Also noted that Ordinance and Regulations are separate (The Implementing regs are drafted and amended by ConCom). A possible resource list is also a good idea.

C McClain asked if the fines are incremental. B Rennard stated they are generally incremental. (An example was provided - if there were four separate violations of the ordinance, there could be four “First Offense” fines issued). T Devine described how fines occur now. C McClain stated that he thought the fines could be stronger. B Rennard noted the max fine allowable for an ordinance violation is \$300.

Motion made by C Cohen to amend #53, Ordinance Amending Sec 1-10 (c) non-Criminal disposition for Wetlands, “Chapter 50....Second Offense amend from \$150 to \$200 and the Third Offense to amend from \$200 to \$300. Seconded by C Varella. No Discussion; Passed w/ a RCV 4/0

Motion made by C Cohen, on matter #53, penalties; to recommend adoption as amended for first passage; seconded by C Dominguez. No Discussion – Passed w/ a RCV 4/0

Motion made by C Cohen, on matter #54, Ordinance to increase Protection & Conservation for Wetlands; to recommend adoption for first passage; seconded by C Varela. No Discussion – Passed w/ a RCV 4/0

On the motion made by C Dominguez to adjourn; Seconded by C Varela No Discussion – Passed w/ a RCV 4/0

the meeting adjourned at 7:01 P.M.



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(Chairperson)