

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 Tuesday, April 26th at 6:00 P.M.

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

April 19, 2022 at 1:05 P.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: None **Also in Attendance:** COW: C Merkl, C Watson Felt, C Morsillo, C Hapworth, C McClain; City of Salem; Beth Rennard, Jenna Ide, Cassie Moskos, Kerry Murphy

SUBJECT(S)

Zoning Ordinance relative to Urban Agriculture

Zoning Ordinance relative to Green Infrastructure

C Cohen moved to take the agenda out of order, 2nd by C Prosniewski

Zoning Ordinance relative to Urban Agriculture

Cassie Moskos from the Planning Department reviewed the redlines and comments made by the planning department after the last OLLA meeting. Discussion was primarily around the definition of ground mounted solar, roof top solar and whether edits are within the four corners of the legal posting. Beth Rennard and Cassie will meet to review the comments and feedback provided and report back to OLLA further revisions. It will also need researched more around possible municipal use exceptions, penalties for noncompliance, inspections of abandoned panels, and a review of the existing tree ordinance in relation to the green infrastructure ord.

C Cohen moved to keep the matter in committee, seconded by C Varela; Motion carried 5/0

Zoning Ordinance relative to Green Infrastructure

C Varela left the meeting, Kerry Murphy from the City joined the meeting.

The planning board submitted to the Council their review of the Urban Ag order – they voted in favor of the ord, with one amendment suggested in regards to the ownership of hives.

C Riccardi noted that after the JPH and the Planning board meeting, members of the Bee keeping community reached out to her and Kerry Murphy to discuss the bee section specifically which resulted in additional edits being suggested this evening.

Public Comment:

Anita Deeley, Resident of Beverly, MA and Owner of Beverly Bees, a business located in Salem's Artist Row. Ms Deeley also worked for 5 years as the Mass Bee Commission – noted that 4 hives are preferred, 2 is too restrictive and could be dangerous if a Hive needs to be split, or a swarm rescued. also noted that honey is harvested in October and sales year round would be good.

Brenda Kissane, 28A Federal Street, Salem; Noted that Honeybees are very safe and agreed that the hive count per lot should be increased to 4.

Richard Girard, 9 Salt Wall Lane, Salem; A member of the Board of Directors for Essex County Beekeepers association (and local beekeeper) Supports an increase to 4 hives per lot as well as other redlines discussed this evening. Also noted there are only 5 registered beekeepers currently in Salem

Cheryl Rafuse, 84 Barstow St, Salem; As a local landscaping / plant business owner, the importance of honey bees to our cross pollination is critical and we should be supporting their existence. Also noted bees are very safe

Amendments as discussed by committee:

Section 3.2.7:

Section 1 Sale of Products; items: e & f

A popular time for harvesting honey is the end of October and can continue throughout the early winter, so the restriction from May to October is too restrictive. Hives are portable and may be located on a neighbors lot, or neighbors may not have the special equipment needed to extract the honey from the hives, so they just "host" the hive. It is then not possible to separate the honey once extracted – it all goes into one pot. Edits help remove some restrictions on these special items:

- a. All products sold on the Lot must be produced on-site. For purposes of this Ordinance, the term "produced on-site means" grown on the Lot or, in the case of domestic fowl ~~or honey bees~~ produced on the Lot by the animals kept thereon and in the case of honey, hives must be either be located on the Lot or extracted on the Lot-.
- b. Sales of products shall be permitted between the hours of 7:00 am and 6:00 pm., May 1 to October 31st with the exception of Honey, which may be year-round-. Sales shall not be permitted more than three days per week and no more than 25 total days per year.

Motion on above amendment RCV by committee voted 4/0 in favor.

Section 2 Domestic Fowl: items a and c (ii) 2 amended as below

Coop size can vary depending on the breed of fowl. There is currently no minimum required. Some fowl only need 2 sq feet, so this four sq ft would be unnecessarily adding space. Also, in reverse some require more than four. The edit below helps with this issue:

2. Domestic Fowl

- a. Domestic fowl must be owned by a resident or commercial tenant of the location ~~dwelling on the lot~~ who shall be responsible for the care and control of the fowl.
 1. Coop and Runs: ~~Coop space must allow a minimum of four (4) square feet per fowl and one (1) nest box per three (3) fowl.~~ Adequate housing and runs must be provided for domestic fowl to protect them from wind, weather and predators. Housing shall provide plenty of ventilation, ample space to allow fowl to move freely and an area out of direct sunlight to lay eggs
 2. ~~Run. Runs must allow a minimum of four (4) square feet per fowl~~

Motion on above amendment RCV by committee voted 4/0 in favor.

Section 3 Honeybees: items a, b, c, e & f amended as below

Again, ownership was discussed and noted in the below amendment. Also, the number of hives was arbitrarily set at 2 in our first draft, when that may cause more harm than good. We also discussed the common sizes of hives and 6 feet in height is the most likely the max. This matches the fence height. Finally, flyways on roof tops were discussed and noted as not the best idea with the wind we have in the area, so this requirement was removed. The flyway on non-roof tops was also detailed, as well as clarification language around the opening was added:

3. Honeybees

- a. Honeybees must be owned, ~~-rented, or hosted~~ by a resident, ~~or commercial tenant, or owner~~ of the ~~dwelling location on the lot~~ who shall be responsible for the care and control of the Honeybees.

- b. A maximum of ~~two-four~~ (24) hives may be kept on a Lot with additional hives pending approval from the Salem Board of Health. Additional Board of Health regulations may further limit the number and/or manner of keeping of honeybees on lot. If an emergency split or rescue of a swarm results in more than four hives on a lot, the Board of Health must be notified within two business days.
- c. Dimensional Regulations
 - i. No Hive shall exceed five (~~5~~6) feet in height and twenty (~~20~~25) cubic feet in size on any Lot or roof.
- d. Setback Requirements
 - i. Where there is a solid wall, fence or similar barrier between the subject property and abutting property, no setback from the property line is required. Where there is no wall, fence or similar barrier between subject property and abutting property, Hives shall be set back five (5) feet from the property line.
 - ii. No Hive shall be located closer than ten (10) feet from the lot line dividing the Lot from a sidewalk or street.
- e. Hive Placement and Flyways.
 - i. For any ground level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:
 - 1. The Hive opening must face away from doors and/or windows of the principal building on an abutting Lot; or
 - 2. A flyway of at least six (6) feet in height comprising of a solid lattice-fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the honeybees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.
- f. Specific Rooftop Beekeeping Requirements.
 - i. Dimensional Regulations.
 - 1. No Hive shall exceed five (~~5~~6) feet in height and twenty (~~20~~25) cubic feet in size on any Lot or roof.
 - ii. Setback Requirements
 - 1. Hives shall be set back six (6) feet from the edge of the roof.
 - iii. Hive Placement ~~and Flyways.~~
 - 1. 1. For any roof level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot or a shared access space, ~~either of the following conditions must exist:~~ the Hive opening must face away from doors and/or windows; ~~or~~
 - a. ~~A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the honeybees upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.~~

Motion on above amendments RCV by committee voted 4/0 in favor

Motion made by C Cohen and seconded by C Dominguez to for recommend adoption as amended for first passage

RCV by committee voted 4/0 in favor

On the motion of C. Dominguez, seconded by C Prosnowski, RVC 4/0 the meeting adjourned at 8:24 P.M.



(Chairperson)