

**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 1, 2021 at 6:00 P.M.**

**for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on  
June 28, 2021 at 4:37 P.M.**

**(This meeting is being recorded)**

**ATTENDANCE**

**ABSENT WERE: Councilor Sargent, Councilor Prosniewski**

**In Attendance from the Committee of the Whole: Councilor Riccardi**

**Also in Attendance: Beth Rennard, City Solicitor; Patti Kelleher, Planning Department; Mayor Driscoll; Larry Spang, Historical Commission Chair; Emily Udy and Barbara Cleary, Historic Salem, Inc.**

**SUBJECT(S)**

**#208 Amending an Ordinance Relative to Demolition Delay Ordinance**

Ms. Kelleher introduces the changes in the Demolition Delay Ordinance: The City has had a Demolition Delay Ordinance since the 1980's and every year, the Commission reviews 5-10 permit applications for demolition under this Ordinance. Any building over 50 years old needs to go through this process before being granted a permit. The Ordinance could use more strength and clarity for applicants and for the Commission. Proposed revisions: 1. To clearly define what constitutes demolition, along with other terms; 2. Start the Demolition delay period when the Commission makes a determination that the building should be preserved, instead of when the application is made; 3. Clearly define the process that the Commission uses to review a proposed demolition; 4. Extend the delay period to 12 months from the current 6 months. The current 6-month period is one of the shortest delay periods on the North Shore. The ordinance changes were reviewed with Tom St Pierre, Building Inspector and Beth Rennard, City Solicitor, and are based on a model by-law written by the Massachusetts Historical Commission.

The Committee discusses the ordinance section by section.

Councilor Hapworth moves to modify the definition of Demolition to include :

"DEMOLITION" – Any act of pulling down, destroying, removing, or razing: 1) 50% or more of all exterior walls of a building, including framing, windows, doors, exterior finishes, and details; or 2) 50% of exterior walls that are viewable from a public way; or 3) 50% of all roof assemblies of a building; or 4) 50% of roof assemblies that are viewable from a public way; or 5) Enclosure or alteration of more than 50% of the exterior walls so that they no longer function as exterior walls. Any combination of the above that occurs within a 5-year time frame will be included in the calculation of fifty percent.

The motion is seconded by Councilor Dominguez. Passes 3-0.

Ms Udy suggests that the document will be clearer if defined terms use capitalization. The changes will be added to the text for final review.

Councilor Hapworth moves to change "municipal employee" to "Historic Commission staff person" in Section 12-78, Part B. Administration. Also, change "determinations" to "investigations" in the same section. Seconded by Councilor Dominguez. Passes 3-0.

Ms Kelleher explains that Section 12-80, Public Hearing lays out a public hearing instead of a public meeting, a change that will require notice to neighbors, and a period of 14 days to send out notification.

Ms Udy discusses changing to a tiered approach to the delay period, allowing 12 months for houses from 50-99 years of age, and 18 months for houses 100 year and older. Ms Kelleher agrees that many communities have extended their delay periods to 18+ months for 100+ year-old homes.

Councilor Hapworth motions to make a change to paragraph 6 in Section 12-80, Public Hearing, "No demolition permit may then be issued for a period of 12 months from the date of the public hearing *for buildings between 50-99 years from construction, or 18 months from the date of the public hearing for buildings 100 years and older*, unless otherwise agreed to by the Commission." Seconded by Councilor Dominguez. Passes 3-0.

Councilor Hapworth motions to make an addition to the end of paragraph 8 in Section 12-80, Public Hearing, "The Commission may take into consideration preservation and treatment of exterior and interior character-defining features as part of development plans." Seconded by Councilor Dominguez. Passes 3-0.

Councilor Hapworth asks if "character-defining features" should be defined. Ms. Rennard, Ms Udy and Ms. Kelleher will work on this definition, either in the text or added to the Definitions section.

Mr. Spang thanks the Committee for the work and suggests that the National Parks Service has a definition for "Character-defining elements", which can be a basis for the definition, found in Preservation Brief #17.

Councilor Morsillo asks about Section 12-81, the last paragraph talks about extensions of time not exceeding 6-months each. Is there a limit to these extensions? Ms Rennard took this to mean that if the parties are working together, they would extend the period of time that they can work on a resolution. Ms. Kelleher agrees with this reading. It is not intended to extend a demolition indefinitely without a resolution. Ms Rennard will clarify this paragraph.

Councilor Dominguez moves to keep this in Committee to finalize the wording as noted. Seconded by Councilor Hapworth. Passes 3-0.

On the motion of C. Dominguez the meeting adjourned at 6:53 P.M.

A handwritten signature in cursive script, reading "Patricia Morsillo", written in dark ink. The signature is positioned above a horizontal line.

(Chairperson)