

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 Public Health, Safety and Environment co-posted with the Committee of the Whole  
met in the Council Chamber on Monday, March 8<sup>th</sup> at 6:00 P.M.  
for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on  
February 23, 2021 at 1:21 P.M.

**(This meeting is being recorded)**

**ATTENDANCE**

**ABSENT WERE:** None

**Also in ATTENDANCE:**

C Hapworth C Madore

City Solicitor Beth Renard, Kerry Murphy, City of Salem, Andy Varela, Maitland Mountain Farm

**SUBJECT(S)**

#76 – Draft Ordinance relative to Urban Agriculture

C Riccardi opened the meeting at 6:00pm setting an agenda for the evening

Kerry Murphy spoke on the background of the ordinance draft, why it was written, and the purpose. The success of the Mack Park Food Farm this past summer generated a lot of interest in local growing. The ordinance is a way to provide awareness to local agriculture. It is a way to increase access to healthy food and reduce food insecurity. Growing your own food and raising chickens could be a supplemental source of income, and this ordinance allows residents to sell what they grow as an accessory use. It also promotes resiliency and encourages innovative technology to increase food production. The draft sets parameters for all of these activities.

Andy Varela noted that state law was taken into account while drafting this ordinance, as well as other local urban agriculture ordinances in Somerville and Cambridge. He noted residents may be nervous about engaging in urban agriculture, but with protections put in place more may be interested.

**PUBLIC COMMENT**

Jeff Cohen, 12 Hancock St - Spoke on behalf of the SERC committee and noted that they voted unanimously to endorse this ordinance. From the perspective of resiliency and sustainability - we are in a climate emergency and we need to do a lot. Sequestering Carbon is very important. Planting trees, etc will contribute to the welfare of the city.

Pat Gozemba, 7 Sutton Ave, On behalf of SAFE, noted that the ord was endorsed by SAFE. Growing and raising food for ourselves within the community is important. April 1st SAFE has invited the Mack Park Food Farm to speak at SAFE and thanked them for their education.

Matt Buchanan, 95 Front St, Marblehead, MA, Got involved with gardens as a renter in Salem and having little space to garden at home utilizing the Community Gardens. As a teacher at the SPS, he sees the positive impact gardening has on both kids and adults.

Pat Schultz, 40 Summer St, We have the capacity and space for urban agriculture and he does not see a downside

C Riccardi noted those that had been sent a copy of the ordinance for written feedback, including; Officer Famico (ACO), Dave Greenbaum (Health Agent), Zoning Agent / Building Inspector, Tom St Pierre and Tom Daniel, Head of Planning. Also the city Solicitor who is in attendance. Dave Greenbaum noted he would like to have the Board of Health also review and submit feedback on the draft.

C Dominguez thanked those that drafted the ordinance and he sees the necessity for this and this is a win-win situation and he read the ordinance and does not see a reason to oppose

C Prosniewski also thanked those that drafted the ord. C Prosniewski questioned the wording about wine and cheese production and how that worked.

Kerry Murphy noted that the language was from the existing zoning table.

B Renard confirmed that there is current language related to wine production in Salem. She questioned if the goal of the ordinance was to change anything related to 40A (state regulations) and where the language came from relative to primary usage. She had many questions, such as perhaps a limit on the number of chickens, was the intent to limit gardening in B2, and questions around composting. She stated she had about 50 comments and would like to meet with the group that drafted this as she had questions about the intent on a few items.

Kerry Murphy offered to meet separately

Andy Varela confirmed the intent is not to change state law, but to figure out permissions from the city for small entities, like backyard farms. The intent was not to augment primary use, other than the change of 5 acres to 2 acres.

C Riddardi agreed a separate meeting to review the city solicitors feedback would be helpful.

Beth Renard asked if the intent of the ordinance was to allow anyone to have a farm stand in front of their house. Kerry confirmed yes, we wanted to add language to allow home growers to sell if they wish to. Beth Renard noted there are some issues with respect to that which we need to flush it out as there are some densely populated areas in the city.

C Dominguez asked if we needed to vote on this this evening. He feels it would be best for the city solicitor to review with the Urban Agriculture group first. C Riccardi confirmed this can / should stay in committee.

C Dibble thanks those that drafted the ord. He feels there are some portions that need clarity and could be streamlined. He would like clarification on home composting - is this all organic matter, or is meat and oil, etc allowed? This needs to be spelled out. Business in residential zones needs to be discussed; we need to protect residential neighborhoods, have proper set backs. The ordinance does not cover one property, but would essentially cover the whole city. He noted written comments should be submitted by the Fire Department, The Zoning Enforcement Officer, The Health Dept and the Board of Health, The Planning Director, The Animal Control officer, should be included. He also volunteered for the meetings with the city solicitor and the zoning enforcement officer. He also noted the NRCC should be added and included. He also noted concerns with the beehives and setbacks and other nuisances. He thinks it needs to be fine tuned to protect the neighborhoods. He also noted the importance of including the zoning enforcement officer in the discussions.

K Murphy noted that they are drafting an accompanying board of health regulation sheet that would summarize the requirements. Regarding the setbacks, they were looking at other cities as a guidance for these numbers. The set back on greenhouses was reduced as it is currently 50 feet, and that is prohibited by most in the city.

C Madore suggested that the motion for departments to review not name specific members and that it stay in committee

C Dominguez questioned what the motion amendment would be. He feels the comments from the city solicitor should be addressed before we invite other department heads

C Morsillo questioned the timing of reviews. She wanted to know if the review would be first the city solicitor and the authors, then would it go to the board of health, or would we get to review first? Then after their reviews, are we going to split up the topics (livestock, gardens, etc).

C Riccardi asked B Rennard and K Murphy what they thought would be a reasonable timeframe for meeting

B Rennard said her review is complete and she is ready to meet. K Murphy will reach out to schedule a meeting soon.

C Riccardi confirmed the cadence of legal review - PHSE Meeting to review - Board of Health review - PHSE meeting to review feedback -- PHSE meetings to review remaining topics. C Dibble is available to assist with the meetings with B Renard and the Authors. C Dibble would like to have

Voted on C Dominguez's motion, seconded by C Dibble, for The City Solicitor to meet with the Urban Agriculture committee and invite the Zoning Enforcement officer and a member of PHSE to discuss her comments on the Urban Agriculture Ordinance and then report back to PHSE at the March 23rd PHSE meeting. Voted 5-0

On the motion of C. Dibble seconded by C Dominguez the meeting adjourned at \_\_6:51\_\_P.M.

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(Chairperson)