

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 July 7, 2021 at 6:00 P.M.

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

July 1, 2021 at 6:36 P.M.

(This meeting is being recorded)

**ATTENDANCE**

**ABSENT WERE:** C Dibble

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**SUBJECT(S)**

#76 The Urban Agriculture Ordinance Draft

Also in Attendance: City Solicitor Beth Renard, Health Agent Dave Greenbaum, Kerry Murphy (City of Salem), Jeff Cohen (SERC), Andy Varela (Maitland Mountain Farm)

Meeting was opened at 6:04 pm C Prosniewski joined at 6:07 pm

Chair Riccardi opened the meeting by providing an overview of where we stood currently with the drafted ordinance. This is the third time PHSE is meeting with this as an agenda item, and there have been multiple meetings with the City Solicitor, K Murphy, T St Pierre, D Greenbaum and others discussing the draft and submitted recommended revisions. Wanted to meet as a committee and provide an update on where these discussions stood.

C Riccardi noted that the majority of the changes and edits in the most recent draft are formatting related when comparing to the draft originally submitted to the committee. We need to make sure we are not duplicating definitions, etc, and are deleting / replacing to the existing ordinances. B Renard has worked on this and has a new draft that she will share with the committee.

C Riccardi also noted that the Board of Health will be reviewing the drafted related Health regulations at their meeting at 7pm (after the PHSE meeting)

B Renard screen shared the updated draft & the committee reviewed the document. B Renard noted she updated to use the Ordinance Amendment formatting. Section one is the definitions. The first paragraph notes the definition deletions that are needed for existing definitions, and what will be replaced with the new ordinance definitions. The second section is the updated Zoning Table changes (the use and where it is allowed). The third section deletes the current urban ag language and replaces with the new language.

She touched on the changes (from the initial draft submitted to PHSE) that are recommended, including:

**Sale of Products:** Added language; Sales of products shall be permitted between the hours of 7:00am and 6:00pm., May 1 to October 31st. Sales shall not be permitted more than three days per week and no more than 25 days per year

**Domestic Fowl and Honeybees permitting process:** this is an outstanding item where a conversation needs to occur with Officer Famico (who currently handles the inspections) and D Greenbaum (who would like the inspections to be under the Health Department) and how to carry forward with the processing of this.

C Riccardi will work on scheduling this conversation but noted materially this will not change.

**Farm Structures:** T St Pierre is reviewing this section and will provide his feedback by Tuesday. No changes have been made to this section at this point.

**Farm Stands:** It was noted by B Renard that T St Pierre may recommend a special permit for Farm stands in Residential zoning districts.

**Greenhouses:** B Renard noted that T St Pierre is review the Greenhouse language

**Community Gardens / Farms:** The definition of Community Gardens was removed in error; B Renard will be adding it back in. This will be added back and mirror the revised language similar to Community Farm to allow for the sale of items: “revenue from any sales of products grown or raised on a community farm must be used for the sole purpose of sustaining the community farm”

C Riccardi Summarized the changes (noted above) and opened up the floor for discussion

C Morsillo asked how the 25 days was chosen for the Sale of Products. A Varela noted that this would allow at least one day a week during the 6 month window

C Dominguez asked is there was any restrictions on who could purchase the items – he feels that if business could purchase all of the items in the farm stand, that would not be fair to the people who want to buy the produce.

M Riccardi noted that the person selling the items is the homeowner / resident, not a business. Not sure how a restriction on who could purchase would be enacted. Would there be an ID process? B Renard noted that this restriction may not be appropriate for a zoning ordinance. D Greenbaum noted that restaurants must purchase from a wholesale distributor. A Varela noted that restaurants can buy from farms without a wholesale license if produce is not cut / processed.

Greenhouse structures were discussed: A Varela pointed out that a Greenhouse used for agriculture purposes, one made by metal and plastic, is not a structure, but is a piece of equipment. K Murphey mentioned Beverly and their definitions to distinguish between a more permanent greenhouse (ones that would require a permit) and one that is not (no footing, plastic, etc). Will look more into this language and wait for T St Pierres review.

The edits to the Zoning table changes were noted: The addition of the line under principal, exempt:..” or 2 acres or more if the sale of these products annually generates at least \$1,000 per acre annually on which the facility is located. May be conducted outdoors, in a greenhouse or on the roof of a principal or accessory structure.” Is derived from Mass General law. There were no questions or comments on this edit.

J Cohen noted that SERC unanimously voted to support this ordinance. He clarified how this overlaps with the Green Building Ordinance, that is also currently in draft. He does not feel this would conflict.

M Riccardi noted that K Murphy and D Greenbaum have worked on the Board of Health regulations

C Morsillo moved to keep this matter in committee, pending T St Pierres review. Seconded by C Dominguez

C Riccardi noted her concern with keeping this in committee pending a review from a particular person. While we do have a revised version, the meat of the ordinance is the same as what was submitted months ago, and a review and feedback should have been submitted by now. Concerns of perpetually waiting for feedback that may not come could stall this indefinitely.

K Murphy noted that this would be a burden if there was an added requirement for a special permit for the farm stand. There is already an annual fee related to the soil test. C Morsillo asked how much soil testing costs. A Varela noted these are in the \$50 range.

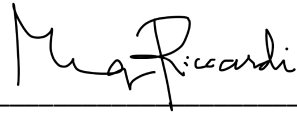
M Riccardi reviewed again what the next steps would be if the committee decided to move forward. This will need to go to a Joint Public Hearing.

C Riccardi reiterated the timeline and additional meetings that will need to occur for this ordinance. B Rennard noted that if this goes back to Council with the recommendation to hold a Joint Public Hearing, we have 65 days to schedule said meeting. After the public hearing is closed, there are 90 days to complete the process. She also cautioned against sending it back if possible major changes may be made as the advertising for the meeting will need to be correct. D Greenbaum asked about the timing and the Board of Health Regulations as the BOH is not meeting again until September. C Riccardi noted that they should be completed together, but September would be the absolute earliest this could possibly be completed.

On C Morsillos motion to keep this matter in committee, the committee voted 4-0 in the affirmative.

C Morsillo and C Riccardi had a discussion regarding possible scheduling of a committee meeting next week, prior to council meeting.

On the motion of C. Morsillo the meeting adjourned at 6:40 P.M.

A handwritten signature in black ink, appearing to read "C. Riccardi", is positioned above a horizontal line.

(Chairperson)