

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 of the Whole met in the Council Chamber on January 19, 2023 at 6:30 P.M.

for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on January 17, 2023 at 11:09 A.M. (This meeting is being recorded)

**ATTENDANCE**

**ABSENT WERE:** C McClain

**In Attendance Remotely:** C Hapworth C Watson Felt

**Also in Attendance:** City of Salem: Amanda Cianciola

**SUBJECT(S)**

# 628 (of 2022) Ordinance to Amend a Zoning Ordinance Relative to Accessory Buildings and Structures and Affordable Accessory Dwelling Units

C Stott opened the meeting at 6:31 pm, provided background and planning board decision, which will be discussed this evening;

"The Planning Board voted nine (9) (Chair Bill Grisct, Kirt Rieder, Zach Caunter, Carole Hamilton, Sarah Tarbet, Helen Sides, Tom Furey, Jonathan Berk, and Josh Turiel) in favor, and zero (0) opposed to recommend that the City Council:

1. Adopt the proposed change to clarify the requirement that it is exterior stairways to an affordable accessory dwelling unit above the first floor which must be located on the rear or side of the dwelling;
2. Adopt the proposed change to remove the bedroom restriction;
3. Not adopt the proposed change to require utilities for accessory and primary dwelling to be on separate meters;
4. Adopt the proposed change to allow new detached structures and require detached structures to comply with the setback requirements of an accessory structure.

"The Planning Board voted seven (7) (Chair Bill Grisct, Kirt Rieder, Zach Caunter, Sarah Tarbet, Helen Sides, Tom Furey, and Jonathan Berk) in favor, and two (2) (Carole Hamilton and Josh Turiel) opposed to recommend that the City Council:

5. Adopt the proposed change to remove the owner occupancy requirement."

Items 1-3 were discussed

C Morsillo provided background to the utilities and the request to not make the amendment. C Prosniewski spoke in support of removing the bedroom restriction, even though those would be small.

C Morsillo moved that we send back to Council the proposed changes of: stairway clarification language & removing the bedroom restrictions with a recommendation to adopt for first passage and for the separate utility structures to not adopt the proposed change. 2<sup>nd</sup> by Councilor Cohen RCV: 9/0 - Matter carries

Moved on to the remaining two items for discussion: Removal of owner occupancy restriction & detached structures.

C Watson-Felt asked for clarification on the setback requirements for detached structures. A Chiancola stated that the current ordinance does not allow and creation of AADUs on new detached structures, this proposed amendment would allow this. Also the current ordinance requires existing detached structures to be within the setbacks of the primary structure, This amendment would change both (new and existing) to be within the setbacks for accessory structures. Primary Structure setbacks are different by zone, accessory setbacks are city wide. Further discussion on what those are.

Discussion continued on the detached structures and removal of owner occupancy continued

#### **Public Comment**

Stephen Nickerson, 5 Cedercrest Ave, Salem: Does not feel that the AADU should be amended, and we should move on to other topics.

Terrence Strum; 4 Liberty Hill, Salem, In support of the detached structure changes. Not in support of removing the owner occupancy restriction.

#### **No further public comment**

C Morsillo moved that we send back to Council the proposed changes for detached structures with a recommendation to adopt for first passage, 2<sup>nd</sup> by C Merkl

**RCV: 8/1 - matter carried**

Watson Felt YES  
Varela YES  
Prosniewski YES  
Morsillo YES  
Merkl YES  
Hapworth YES  
Dominguez NO  
Cohen YES  
Stott YES

Discussion continued on the removal of owner occupancy restrictions

C Varela moved that we send back to Council the proposed change to remove owner occupancy with a recommendation to adopt for first passage, 2<sup>nd</sup> by C Merkl

**RCV: 5/4 - matter carried**

Watson Felt NO  
Varela YES  
Prosniewski NO  
Morsillo YES  
Merkl YES  
Hapworth NO  
Dominguez NO  
Cohen YES  
Stott YES

On the motion of C. Cohen, with 9/1 RCV confirming, the meeting adjourned at 8:07 P.M.

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(Chairperson)