

**CITY OF SALEM**  
**APRIL 22, 2021**  
**CITY COUNCIL REGULAR MEETING**

A Regular Meeting of the City Council is being held remotely on Thursday, April 22, 2021 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on April 20, 2021 at 10:08 A.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

Council President Madore presided.

Councillor Prosniewski moved to dispense with the reading of the record of the previous meeting. It was so voted.

President Madore requested that everyone please rise to recite the Pledge of Allegiance.

**PUBLIC TESTIMONY**

1. Patricia Gozemba, 17 Sutton Ave., Salem – ADU Zoning Ordinance
2. John Boris, 5 Bedford St., Salem – ADU Zoning Ordinance
3. Edward Aroko, 5 Aborn St., Salem – ADU Zoning Ordinance
4. Steve Kapantais, 23A Wisteria St., Salem – Bike Share Program
5. Rosa Ordaz, 13 Forest Ave., Salem – ADU Zoning Ordinance
6. Judith Reilly, 20 West Ave., Salem – ADU Zoning Ordinance
7. Filipe Zamborlini, 2 Perkins St., #3, Salem – ADU Zoning Ordinance
8. Caroline Watson-Felt, 2 Beacon St., Salem – Demolition Delay Ordinance
9. Lori Stewart, 7 Barnes Rd., Salem – ADU Zoning Ordinance
10. Jeff Cohen, 12 Hancock St., Salem – ADU Zoning Ordinance
11. Nicole McLaughlin, 4 Roosevelt Rd., Salem – ADU Zoning Ordinance
12. Fawaz Abusharkh, 4 Harrison Rd., Salem – ADU Zoning Ordinance
13. Alice Merkle, 28A Federal St., Salem – ADU Zoning Ordinance

**#191 – APPOINTMENT OF ANNA FREEDMAN AS THE FINANCE  
DIRECTOR/AUDITOR**

The Mayors appointment of Anna Freedman to the position of City Finance Director/Auditor with term to expire January 31, 2023 was held under the rules.

**#192 – APPOINTMENT OF AMANDA CHIANCOLA AS THE ASST. PLANNING  
DIRECTOR**

The Mayors appointment of Amanda Chiancola to the position of Assistant Planning Director with term to expire January 31, 2022 was held under the rules.

**CITY OF SALEM****APRIL 22, 2021****CITY COUNCIL REGULAR MEETING****#193 – APPOINTMENT OF MATT VENO TO THE SALEM CONTRIBUTORY RETIREMENT BOARD**

The Mayors appointment of Matt Veno to the Salem Contributory Retirement Board with term to expire March 24, 2022 was held under the rules.

**#194 – RE-APPOINTMENT OF JAMES SHEA TO THE PARKS & RECREATION COMMISSION**

The Mayor's re-appointment of James Shea to the Parks & Recreation Commission with a term to expire May 1, 2026 was confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

**#195 – RE-APPOINTMENT OF MARK IANUZZI AS A CONSTABLE**

The Mayor's re-appointment of Mark Ianuzzi to serve as a Constable with a term to expire April 23, 2024 was received and placed on file.

**#196 – APPROPRIATION OF \$1,135,872.00 TO REPLENISH CUTS DUE TO COVID-19**

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the sum of One Million, One Hundred Thirty-Five Thousand, Eight Hundred and Seventy-Two Dollars (\$1,135,872.00) is hereby transferred and appropriated from the "Stabilization Fund" to the General Fund Various Accounts (listed below) to replenish cuts made in anticipation of COVID 19 in accordance with the recommendation of Her Honor the Mayor.

**General Fund:**

- \$ 89,800.00 – Municipal Departments - restores \$'s for 14-hour furlough budget cuts.
- \$ 852,093.00 – School Department - restores \$'s for furlough budget cuts.
- \$ 5,636.00 – City Clerk – Adjust Maureen Fisher to Actual Payroll
- \$ 9,000.00 – Human Resources – Adjust Education Training to level fund from Prior Year.
- \$ 11,805.00 – Treasurer – Adjust to Actual Salary
- \$ 14,820.00 – Parking Dept – restores a part-time position that was vacant when the budget was submitted.
- \$ 17,118.00 – Library – restores payroll to cover part-time cuts and additional furloughs
- \$ 2,000.00 – Parks and Recreation – restores parks maintenance.
- \$ 18,600.00 – Planning – restore payroll reductions due to retirements.
- \$ 115,000.00 – Public Services Department - Tree, Planting, Removal and Maintenance restores tree expenses to level funding.

**CITY OF SALEM****APRIL 22, 2021****CITY COUNCIL REGULAR MEETING****#197 – APPROPRIATION OF \$250,000.00 TO INSTALL NEW PUBLIC BATHROOMS IN SOUTH HARBOR GARAGE**

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) is hereby appropriated and transferred from the “Capital Outlay Fund 2000” to the ST CIP Traffic and Parking Public Garage Account (20002118-5846CJ) to install new public bathroom facilities in accordance with the recommendation of Her Honor the Mayor.

**#198 – APPROPRIATION OF \$37,441.46 FOR EMERGENCY WATER REPAIR PERFORMED ON LORING AVENUE**

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the sum of Thirty-Seven Thousand, Four Hundred Forty One Dollars and Forty-Six Cents (\$37,441.46) is hereby appropriated and transferred from the “Capital Outlay Fund 2000” to the ST CIP Engineering WS Emergency Account (20002129-5846CI) emergency water repair performed on Loring Ave. performed on October 3, 2020, with the recommendation of Her Honor the Mayor.

**#199 – APPROPRIATION OF \$30,000.00 TO UPDATE LOCAL WETLANDS PROTECTION POLICY**

The following order was submitted by the Mayor. A motion by Councillor Dibble seconded by Councillor Dominguez to refer to the matter to the Committee on Administration and Finance co-posted with the Committee of the Whole was denied by a roll call vote of 4 yeas, 7 nays and 0 absent. Councillors Sargent, Prosniewski, Dominguez and Dibble were recorded in the affirmative. Councillors Turiel, Riccardi, Morsillo, McCarthy, Hapworth, Flynn and Madore were recorded in the negative. The matter was then adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the sum of Thirty Thousand Dollars (\$30,000.00) is hereby appropriated from the “Fund Balance Reserved for Appropriation – Free Cash” account (1-3245) to the Planning Contracted Services account to update the local wetlands protection policy in accordance with the recommendation of Her Honor the Mayor.

<b>Account</b>	<b>Description</b>	<b>Amount</b>
11822-5320	Contracted Services	\$ 30,000.00
<b>Total</b>		<b>\$ 30,000.00</b>

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Councillor Morsillo stated what we are working on is very specific to Salem. Getting technical help will help us get this out faster and legally. We just can't cut and paste from other communities.

Councillor Turiel stated he would like to see this pass and get a policy in front of us sooner than later.

Councillor Dibble felt this could be done in-house and save some money.

Councillor Prosniowski stated he understands both Councillor Morsillo and Councillor Dibble. Residents need to know where they stand now and in the future.

Councillor McCarthy stated these changes need to be done legally. We need to appropriate the money so we can move forward on the work that is going on relative to this subject.

**#200 – APPROPRIATION OF \$30,000.00 TO RENOVATE PUBLIC BATHROOMS AT ARTIST ROW**

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the sum of Thirty Thousand Dollars (\$30,000.00) is hereby appropriated and transferred from the "Capital Outlay Fund 2000" to the ST CIP Planning Artist Row Account (20002118-5846CL) to renovate the public bathroom facilities in accordance with the recommendation of Her Honor the Mayor.

**#201 – APPROPRIATION OF \$23,200.00 TO COVER COST FOR RECRUIT TRAINING**

The following order submitted by the Mayor was adopted under suspension of the rules by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Prosniowski recused himself from this matter and was recorded as absent.

ORDERED: That the sum of Twenty-Three Thousand Two-hundred Dollars (\$23,200.00) is hereby appropriated from the "Fund Balance Reserved for Appropriation – Free Cash" account (1-3245) to increase the Police Department Training and Education Account to cover the cost recruit training in accordance with the recommendation of Her Honor the Mayor.

<b>Account</b>	<b>Description</b>	<b>Amount</b>
12102-5317	Training and Education	\$ 23,200.00
<b>Total</b>		<b>\$ 23,200.00</b>

**CITY OF SALEM****APRIL 22, 2021****CITY COUNCIL REGULAR MEETING****#202 – APPROPRIATION OF \$20,000.00 TO UPGRADE FIRE DEPT. VOC VOICE ALARM DISPATCH SYSTEM**

The following order submitted by the Mayor was adopted under suspension of the rules by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Flynn recused himself from this matter and was recorded as absent.

ORDERED: That the sum of Twenty Thousand Dollars (\$20,000.00) is hereby appropriated from the "Fund Balance Reserved for Appropriation – Free Cash" account (1-3245) to replenish the Fire Department purchase of services account to upgrade VOC voice-alarm dispatch system. in accordance with the recommendation of Her Honor the Mayor.

<b>Account</b>	<b>Description</b>	<b>Amount</b>
12202-5300	Purchase of Services	\$ 20,000.00
<b>Total</b>		<b>\$ 20,000.00</b>

**#203 – APPROPRIATION OF \$15,675.00 FOR THE FUEL CANOPY COLLAPSE AT DPW**

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the sum of Fifteen Thousand, Six Hundred Seventy-Five Dollars (\$15,675.00) is hereby appropriated and transferred from the "Capital Outlay Fund 2000" to the ST CIP DPS Facility Account (20002129-5846CK) to address the fuel canopy collapse at the DPS Facility in accordance with the recommendation of Her Honor the Mayor.

**#204 – APPROPRIATION OF \$12,199.39 FOR RETIREMENT BUYBACK FOR SALLY MURTAUGH**

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent. Councillor Dibble requested that a city seal and letter of thanks be sent to Ms. Murtaugh. It was so voted.

ORDERED: That the sum of Twelve Thousand One-Hundred Ninety-Nine dollars and Thirty-Nine Cents (\$12,199.39) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2021 contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

<b>Name</b>	<b>Department</b>	<b>Amount</b>
Sally Murtaugh	Building Services	\$ 12,199.39
		<b>\$ 12,199.39</b>

**CITY OF SALEM****APRIL 22, 2021****CITY COUNCIL REGULAR MEETING****#205 – APPROPRIATION OF \$10,500.00 TO REPLENISH CUTS DUE TO COVID-19**

The following order submitted by the Mayor was adopted under suspension of the rules by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the sum of Ten Thousand, Five Hundred dollars (\$10,500.00) is hereby appropriated from the "Stabilization Fund" to Various Enterprise Funds Accounts to replenish cuts made in anticipation of COVID 19 in accordance with the recommendation of Her Honor the Mayor.

**Water/Sewer/Trash Enterprise Funds: \$10,500.00** – Enterprise Departments - restores \$'s for 14-hour furlough budget cuts.

**#206 – DONATION OF \$5,000.00 FOR MURALS**

The following order submitted by the Mayor was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: To accept from the Peabody Essex Museum in the amount of Five Thousand Dollars (\$5,000.00) to support the creation of murals being commissioned by the City's Public Art Commission.

**#207 – SUBMITTAL OF CDBG GRANT APPLICATION**

The following order submitted by the Mayor was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

ORDERED: That the City Council hereby approves the submittal of the City of Salem's Application for Federal Assistance to the United States Department of Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) funds for the period of July 1, 2021 through June 30, 2022 in the amount determined by HUD's formula entitlement allocation (\$1,082,754).

**#208 – DEMOLITION DELAY ORDINANCE**

The following ordinance submitted by the Mayor was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

*In the year Two Thousand Twenty-one*

**An Ordinance** to amend an ordinance relative to demolition delay.

*Be it ordained by the City Council of the City of Salem, as follows:*

**Section I.** The Salem Code of Ordinances is hereby amended by deleting in its entirety Section 2-1572 of Chapter 2 entitled *Review process for granting demolition permits for historic*

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*buildings or structures and inserting the following new Division within Article II. Maintenance of Structures and Property of Chapter 12 Building, Electricity and Plumbing Regulations:*

***“Division 4. Demolition Review for Historically Significant Buildings***

***Sec. 12-76. INTENT AND PURPOSE***

This Demolition Delay Ordinance is intended to establish a uniform process for preserving and protecting significant buildings and structures in the City that constitute or reflect distinctive features of the architectural, cultural, political, or social history of the City; to encourage owners of these buildings to actively seek out alternatives that preserve, rehabilitate, relocate or restore these buildings rather than demolish them; and to provide a reasonable time period for public discussion before a historic building is lost. The ordinance further seeks to document those buildings that cannot be saved through photographic, video and/or written materials and to preserve those materials as part of the public record.

The intent of this ordinance is not to permanently prevent demolition, but rather to provide an opportunity to develop preservation solutions for properties threatened with demolition.

***Sec. 12-77. DEFINITIONS***

“APPLICANT” - Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

“APPLICATION” - An application for the demolition of a building.

“BUILDING” – Any combination of materials forming a shelter for persons, animals, or property.

“BUILDING COMMISSIONER” - The person occupying the office of Director of Inspectional Services or otherwise authorized to issue demolition permits.

“BUSINESS DAY” – A day which is not a legal municipal holiday, Saturday or Sunday.

“COMMISSION” – The Salem Historical Commission or its designee.

“COMMISSION STAFF” – The person regularly providing staff services for the Commission whom the Commission has designated Commission Staff for the purposes of this ordinance.

“DEMOLITION” - Any act of pulling down, destroying, removing, dismantling or razing of an entire building or the removal of 50% or more of the existing structure of the building with the intent of completing the same.

“DEMOLITION PERMIT” - The building permit issued by the Building Commissioner for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

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“LOCAL HISTORIC DISTRICT” – Derby Street Local Historic District, Lafayette Street Local Historic District, McIntire Local Historic District, Washington Square Local Historic District or any other historic district which from time to time may be established under M.G.L. Ch. 40C.

“PREFERABLY PRESERVED” - Any significant building that the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve month demolition delay period of this ordinance. The twelve month delay begins with the opening of the public hearing.

“SIGNIFICANT BUILDING” – Any building within the city that is in whole or in part fifty years or more old and which has been determined by the Commission or its designee to be in the public interest to be significant based on any of the following criteria:

- The Building is listed in, or is within an area listed in, the National Register of Historic Places; or
- The Building has been found eligible for the National Register of Historic Places; or
- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City of the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or as one of a series of like buildings that document an historical period.

#### ***Sec. 12-78. PROCEDURE AND ADMINISTRATION***

a) Applicability. No demolition permit for a building that is in whole or in part 50 years or more old shall be issued without following the provisions of this ordinance. If a building is of undetermined age, it shall be assumed that the building is over 50 years old for the purposes of this ordinance.

For a residential garage or storage shed, but excluding carriage houses as defined in the zoning ordinance, section II.B, the Building Commissioner shall forward an application for demolition of such a structure to the Commission. Within 21 days of the receipt of such a request, the Commission shall make a determination of the historical or architectural significance of the garage or shed. If the structure is deemed significant, the application shall be forwarded to the full Commission for review as outlined in this section. If the structure is deemed to possess no historic or architectural significance or if no action is taken within the 21-day period, a demolition permit shall be issued.

b) Administration. The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance; adopt a schedule of reasonable fees to cover the costs associated with the administration of this ordinance; and may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

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**Sec. 12-79. APPLICATION**

An applicant proposing to demolish a building subject to this ordinance shall file an application with the Historical Commission. The application shall be made or co-signed by the owner of record at the time of Application and shall contain or be accompanied by the following information:

- The address of the building to be demolished.
- The owner's name, address, and telephone number.
- Existing conditions photographs of all street façade elevations of the building.
- A description of the building to be demolished.
- The reason for requesting a demolition permit.
- If the application for demolition is based on a claim of structural deficiency, the applicant may be required by the Commission to submit a structural report on the structure's soundness that is prepared by a licensed professional structural engineer.
- A brief description of the proposed reuse, reconstruction, or replacement.
- Site plan and/or map of property.

**Sec. 12-80. PUBLIC HEARING**

Within thirty (30) days of the receipt of the Application by the Commission, the Commission shall hold a public hearing. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in City Hall for a period of not less than 14 days prior to the date of said hearing and the Applicant and the Building Commissioner shall be notified in writing of the meeting time and place. The notice shall also be placed on the City's online meeting calendar 14 days prior to the hearing. A copy of said notice shall be mailed to the Applicant and to all abutters and abutters to abutters, including those across the street of the lot on which the building is located.

During the public hearing, the Commission shall decide whether the building is historically significant. If agreed to in writing by the Applicant, the determination of the Commission may be postponed.

Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Commissioner and the applicant in writing. The Building Commissioner may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall determine whether the building should be preferably preserved.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Commissioner and Applicant in writing. The Building Commissioner may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and Applicant in writing. No demolition permit may then be issued for a period of 12 months from the date of the public hearing unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Commissioner in writing

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within 21 days of the public hearing, the Building Commissioner may issue the demolition permit.

Upon determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve months from the date of the public hearing unless otherwise agreed to by the Commission.

The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the 12 months if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this ordinance is served even with the issuance of the demolition permit or the building permit. This may include that the Commission is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to identify alternative plans for demolition, or the applicant has agreed to accept a demolition permit on specified conditions approved by the Commission.

Such conditions may include the review and approval by the Commission of a revised set of submitted development plans.

The owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Commissioner. Should the owner fail to secure the building, and as a result, such building is lost through fire or other cause, this shall be considered voluntary demolition for the purposes of this ordinance.

Following the twelve month delay period, the Building Commissioner may issue the demolition permit.

#### **Sec. 12-81. EXPIRATION TIMES FOR DEMOLITION AUTHORIZED BY COMMISSION**

Where the Commission has determined that the demolition of a building *would not* be detrimental to the historical or architectural heritage or resources of Salem, or where 21 days have passed after the date of the Commission's public hearing on a demolition application without Commission notification of its determination to the Building Commissioner, thereby in either case permitting the Building Commission to issue a demolition permit in accordance with procedures set forth in these regulations, any request to extend such demolition permit or a renewed permit application shall be reviewed *de novo* if the demolition previously authorized is not substantially concluded within one year of the issuance of the demolition permit, or, if no permit has been issued, within one year of the Commission's initial determination

Where the Commission has determined that the demolition of a building *would* be detrimental to the historical or architectural heritage or resources of Salem, hereby preventing the Building Commissioner from issuing a demolition permit in accordance with the procedures set forth in these regulations, such determination shall be reviewed *de novo* if:

- a) A demolition permit application is not submitted to the Building Commissioner within six months of the expiration of the twelve month delay period, or
- b) Application for demolition is so made within six months of the expiration of the twelve month delay period, but actual demolition is not substantially concluded within six months of the issuance of the demolition permit.

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Transfer of Ownership – The time limits set forth above apply only to the original owner requesting a demolition permit. Any subsequent owner of the property shall be required to apply *de novo* pursuant to the procedures set forth above and should demolition be delayed, be subject to the time periods set forth herein from the date such new demolition delay is imposed, unless otherwise determined by the Commission.

In implementation of the above, the Commission shall include the applicable expiration date for authorization of the demolition in any notification to the Building Commissioner with a copy to the demolition permit applicant, provided that the Commission Chair may, for cause, grant in writing one or more extensions of time of such authorization for periods not exceeding six months each.

***Sec. 12-82. EMERGENCY DEMOLITION***

If after an inspection, the Building Commissioner finds that a building subject to this ordinance is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, nothing in this Ordinance shall prevent the Building Commissioner from issuing, pursuant to statutory authority, an emergency demolition permit to the owner of the building or structure. The Building Commissioner shall then prepare a report explaining the condition of the building and the basis for his decision which shall be immediately forwarded to the Commission.

***Sec. 12-83. ENFORCEMENT AND REMEDIES***

The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this ordinance or to prevent a threatened violation thereof.

Any owner of a building subject to this ordinance that demolishes the building without first obtaining a demolition permit in accordance with the provisions of this ordinance shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful recreation of the demolished building is completed or unless otherwise agreed to by the Commission.

***Sec. 12-84. HISTORIC DISTRICT ACT***

Following a determination that the building is significant and preferably preserved, the Commission may recommend to the City Council that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this ordinance shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this ordinance do so conflict, that act shall prevail.

***Sec. 12-85. SEVERABILITY***

In case any section, paragraph or part of this ordinance be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.”

**CITY OF SALEM****APRIL 22, 2021****CITY COUNCIL REGULAR MEETING****#209 – ORDINANCE AMENDING GENDER SPECIFIC NOUNS AND PRONOUNS**

An Ordinance to amend gender-specific nouns and pronouns in the City of Salem's Code of Ordinance submitted by the Mayor was adopted for first passage and referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole was adopted by a roll call vote of 9 yeas, 2 nays and 0 absent. Councillors Turiel, Sargent, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez, and Dibble were recorded in the affirmative. Councillors Riccardi and Madore were recorded in the negative.

**#210 – RESOLUTION TO PARTICIPATE IN THE COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM**

The following Resolution submitted by the Mayor was referred to the Committee on Public Health, Safety and the Environment co-posted with the Committee of the Whole. Councillor Madore stated she is not an employee of Mass Development.

**Resolution: Authorizing the City of Salem to Participate in the Massachusetts Commercial Property Assessed Clean Energy Program (PACE Massachusetts)**

**WHEREAS**, pursuant to M.G.L. c. 23M, as amended (the "PACE Act"), the Commonwealth has established a commercial sustainable energy program known as the Massachusetts Property Assessed Clean Energy Program ("PACE Massachusetts") to provide a financing mechanism ("PACE financing") to private owners of commercial and industrial properties for certain qualifying commercial energy improvements ("improvements"); and

**WHEREAS**, pursuant to the PACE Act, PACE Massachusetts is administered by the Massachusetts Development Finance Agency ("MassDevelopment"), in consultation with the Massachusetts Department of Energy Resources; and

**WHEREAS**, under PACE Massachusetts, the owner of the commercial or industrial property benefitting from the improvements (the "benefitted property") is required to repay the PACE financing through the payment of a betterment assessment (a "PACE betterment assessment") placed on such benefitted property by the municipality in which the benefitted property is located; and

**WHEREAS**, in order for an owner of commercial or industrial property to participate in PACE Massachusetts, Section 2 of the PACE Act requires that the municipality in which such property is located must elect to participate in PACE Massachusetts; and

**WHEREAS**, the City of Salem (the "Municipality") has determined that it is in the best interest of the Municipality to participate in PACE Massachusetts as a "participating municipality," as provided in the PACE Act, to permit the owners of commercial and industrial properties located in the Municipality to access PACE financing for qualifying commercial energy improvements through PACE Massachusetts;

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The City Council of the City of Salem, with the approval of the Mayor, hereby approves the Municipality participating in PACE Massachusetts pursuant to the PACE Act, and authorizes the [Mayor/Town Manager] to enter into a PACE Massachusetts Municipal Assessment and Assignment Agreement (the "Agreement") with MassDevelopment, pursuant to which the Municipality will agree to (i) levy PACE betterment assessments and impose PACE betterment assessment liens on benefitted properties located in the Municipality, in the amounts determined by MassDevelopment to be sufficient to repay the PACE financing, (ii) assign the PACE betterment assessment liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the PACE financing (each a "capital provider"), as collateral for such PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE betterment assessment installment payments, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be substantially in the form presented to this meeting, with such changes, modifications and insertions as the [Mayor/Town Manager] may approve as being in the best interest of the Municipality. The Collector Treasurer of the City/Town or such other City/Town agency as may be designated in the Agreement is authorized to levy such PACE betterment assessments and impose the PACE betterment assessment liens on behalf of the City/Town without further authorization by this legislative body.

Notwithstanding any other provision of law to the contrary, officers and officials of the Municipality, including, without limitation, municipal tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in the Agreement, the Municipality has no liability to the owner of the benefitted property or to any capital provider related to the Municipality's participation in PACE Massachusetts.

**#211 – RESOLUTION PROCLAIMING FAIR HOUSING MONTH IN SALEM**

The following resolution submitted by the Mayor was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

**Resolution: Proclaiming Fair Housing Month in Salem**

WHEREAS: The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS: The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

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WHEREAS: The City of Salem is committed to the mission and intent of the Fair Housing Act to provide fair and equal housing opportunities for all; and

WHEREAS: Our social fabric, economy, health, and environment are all strengthened by ensuring diverse and inclusive communities where all residents are housing secure; and

WHEREAS: While progress has been made in many respects, more than 50 years after the passage of the Fair Housing Act, housing discrimination still persists and far too many neighborhoods and communities remain segregated either by policy or by tradition; and

WHEREAS: Acts of housing discrimination and barriers to equal housing opportunity are inconsistent with our common goals of equity, security, and fairness for all.

NOW THEREFORE BE IT RESOLVED: That the Mayor and City Council of Salem do hereby declare the month of April for this year and all years henceforth to be **Fair Housing Month** in the City of Salem, Massachusetts, as a demonstration of our community's commitment to inclusivity and support for equal housing opportunities for all residents and prospective residents of our City.

**#212 – MEETING WITH SRA FOR UPDATE ON COURTHOUSE AND CRESCENT LOT**

The following order introduced by Councillor Dominguez was adopted.

ORDERED: Per the request of the Salem Redevelopment Authority that the Committee on Community and Economic Development co-posted with the Committee of the Whole meet to receive an update from the SRA on the courthouse and crescent lot redevelopment project and that the Winn Development Team be included in this meeting. And be it further ordered that this meeting take place on Wednesday, May 5, 2021 at 6:00 P.M.

**#213 - AMENDING TRAFFIC ORDINANCE CH. 42, SEC. 51B – PARKING PROHIBITED – REPEAL ESSEX STREET**

The following ordinance introduced by Councillor Morsillo was adopted for first passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

In the year two thousand and twenty-one

An Ordinance to amend an Ordinance relative to Traffic, Parking Prohibited, Certain Times on Certain Streets

Be it ordained by the City Council of the City of Salem, as follows:

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Section 1. Chapter 42, Section 51B, is hereby amended by repealing the following:

**Repeal** – Directly in front of #60 Essex Street, for a distance of forty (40) feet, thirty (30) minute parking, 8:00 A.M. to 6:00 P.M. (10/20/99)

Section 2. This Ordinance shall take effect as provided by City Charter.

**#214 - AMENDING TRAFFIC ORDINANCE CH. 42, SEC. 49 – ISOLATED STOP SIGN – APPLETON STREET AT LIBERTY HILL AVE.**

The following ordinance introduced by Councillor Morsillo was adopted for first passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

In the year two thousand and twenty-one

An Ordinance to amend an Ordinance relative to Traffic, Stop Sign

Be it ordained by the City Council of the City of Salem, as follows:

Section 1. Chapter 42, Section 49, Obedience to Isolated Stop Signs, is hereby amended by adding the following:

Appleton Street, northwesterly bound traffic on Appleton Street at Liberty Hill Avenue

Section 2. This Ordinance shall take effect as provided by City Charter.

**#215 - AMENDING TRAFFIC ORDINANCE CH. 42, SEC. 49 – ISOLATED STOP SIGN – LIBERTY HILL AVE. AT APPLETON STREET**

The following ordinance introduced by Councillor Morsillo was adopted for first passage by a roll call vote of 11 yeas, 0 nays and 0 absent.

In the year two thousand and twenty-one

An Ordinance to amend an Ordinance relative to Traffic, Stop Sign

Be it ordained by the City Council of the City of Salem, as follows:

Section 1. Chapter 42, Section 49, Obedience to Isolated Stop Signs, is hereby amended by adding the following:

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Liberty Hill Avenue, northeasterly bound traffic on Liberty Hill Avenue at Appleton Street

Section 2. This Ordinance shall take effect as provided by City Charter.

**#216 – REPORT FROM PLANNING BOARD RELATIVE TO NUMBER OF ADU UNITS AND PARKING ISSUES**

The following Order submitted by Councillor McCarthy was adopted.

ORDERED: That the Planning Board report back to the Council in 18 months with how many ADU units were created, a summary of parking issues and any other issues.

**#217 – (#140 & #173) – APPROPRIATION OF \$50,000.00 FOR BIKE SHARE PROGRAM**

Councillor Turiel offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole. It was voted to accept the report.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of \$50,000.00 appropriation for the Bike Share Program has considered said matter and would recommend adoption.

Councillor Dibble made a motion to have the matter remain in committee. Councillor Dominguez seconded the motion. The motion failed by a roll call vote of 5 yeas, 6 nays and 0 absent. Councillors Sargent, Prosniewski, Flynn, Dominguez and Dibble were recorded in the affirmative. Councillors Turiel, Riccardi, Morsillo, McCarthy, Hapworth and Madore were recorded in the negative.

The motion to adopt the recommendation passed by a roll call vote of 6 yeas, 5 nays and 0 absent. Councillors Turiel, Riccardi, Morsillo, McCarthy, Hapworth and Madore were recorded in the affirmative. Councillors Sargent, Prosniewski, Flynn, Dominguez and Dibble were recorded in the negative.

**CITY OF SALEM****APRIL 22, 2021****CITY COUNCIL REGULAR MEETING****#218 – (#68 & #184) – ZONING ORDINANCE AMENDMENT RELATIVE TO ADU'S WITH EXISTING DETACHED DWELLING ONLY**

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of a Zoning Ordinance Amendment relative to ADU's with existing detached dwelling only has considered said matter and would recommend adoption as amended for first passage by roll call vote.

Councillor Morsillo explained that the committee held two meetings on the ADUs. At the last meeting, it was decided that the will of the body was to move forward on the originally ADU zoning ordinance submitted which did not allow for new detached structures. They went through the ordinance line by line and took suggestions of the Planning Board and few additional amendments from tonight which include, removing any parking requirements, tighten up the language on separately owned homes on one lot (i.e. town houses, row houses), place external staircases on rear or side of building.

Councillor Dominguez stated he is very passionate about this issue. A lot of attention has been placed on ADUs. He was elected to represent everyone's interest. The way this issue has been handled is not good government. This has been brought in three (3) times. Knowing it is going to pass this time since a super majority is no longer required, but want to bring to the attention that he feels that we should put this on the ballot and let the people decide.

The City Clerk was asked if this can be done. Without any advanced notice of being able to research this and trying to do this quickly during a council meeting is very difficult. There are many factors involved such as reading the charter, city ordinances, mass general laws and speaking with the City Solicitor and possible the Attorney General's Office). The City Clerk explained although more time needed for due diligence, that zoning ordinances cannot be placed on the ballot due to the state statute and the process a zoning ordinance must go through (public hearing, referring to the planning board, advertising, etc).

Councillor Dominguez continued to say that he knows of many people not in favor of this. He understands it is just one tool in the tool box but it doesn't help those who really need it. The way it is now he cannot support it.

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Councillor Sargent asked for a point of clarification that we are discussing and voting on council order #68. That is correct.

Councillor Dibble stated in 2019 the ADU was fairly straight forward and it was shot down, in 2020 it never reached the point of taking a vote. Now in 2021, the threshold for the number of votes to pass a zoning ordinance has changed. He believes there are enough votes to pass but there have been some major changes from the last two submittals. Glad no new structures are allowed. He also stated he is a proponent of affordable housing but it needs to be truly affordable housing for our seniors. But we need to be careful. There is no teeth to the affordable issue – no way to get to people who need it the most. He is also concerned about short-term rentals. Short-term rentals should not be allowed if have an ADU. He stated he was glad to see that no doors or staircases in the front of the house to protect the look of the neighborhood. The major change is allowing every condo (up to five units) on a property an ADU in every unit. May not happen but it could. Going back to 2019 and 2020 it was stated one ADU per property not units. There are many 2 and 3 family homes in Salem that have been converted into condos. One unit could add one in the basement and the other in the attic.

Councillor Morsillo stated that short term rentals is a separate matter so you have not missed your chance on amending that.

Councillor Turiel stated he doesn't consider 2019 nor this one to be perfect. Not looking for perfect but straightforward. This allows people to stay in Salem and get income from it. He doesn't think this will create a lot of new units, but it may allow for those illegal units to come forward and legalize theirs. He keeps hearing 2 different sides; one that says nobody is going to build these and then hears there will be ADUs everywhere. Remember this is owner occupied so not investment properties. Can't help solve every issue but it may help a couple of dozen homeowners a year especially since you don't have to decommission the unit as in the original version. Ordinance is not perfect but positive.

Councillor Hapworth if your upset with luxury condos or new construction that doesn't fit in with the character of Salem. Then this you could say goes in the other direction. It allows the homeowner to build. This is the opposite of what a lot of us oppose in Salem with new construction.

Councillor Dibble brought up an example of the 12 condos being proposed at the ZBA. There will be 3 buildings with 4 units in each. Under this ordinance, 24 units could exist. The neighbors are opposed to just the 12 units; how will they feel if 24 could go there. He thinks the developers will take advantage of this.

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Councillor Dibble made a motion to strike the section out of this ordinance that allows an ADU for each unit and replace it with one (1) ADU per property as it was in before. Councillor Sargent seconded the motion.

A motion to strike one (1) ADU per unit was denied by a roll call vote of 4 yeas, 7 nays and 0 absent. Councillors Sargent, Flynn, Dominguez and Dibble were recorded in the affirmative. Councillors Turiel, Riccardi, Prosniowski, Morsillo, McCarthy, Hapworth, and Madore were recorded in the negative.

Councillor Riccardi stated she attended that meeting as a resident of Orchard Street. Need to be careful on how we use our words so we can be accurate. Twelve units would not qualify so that example is inaccurate.

Councillor Sargent stated if a group of 12 condos and each an individual condo then it would apply and you could have 24 units because just to allow one would be taking away the right of others.

Councillor Madore stated that ADUs are not allowed if more than 5 units.

Councillor Sargent disagrees with the way it reads.

Councillor Turiel this cannot be done in a building with multiple units. The buildings have to be stand alone buildings like townhomes. They occupy the same physical property. Those residents would be able to do this. It takes the power away from big developers or landlords. This is only owner occupied. There is a lot of protections built into this.

Councillor Sargent wanted to speak about affordable housing before the final vote. We are one of the best cities and towns in Massachusetts doing this – We are in the top 15, that means 336 cities and towns do not have enough affordable housing. This is a regional burden put on Salem. But that's the way we are. Salem is always willing to help. A lot of people asked for this to help a family member and I supported that back then and like it to remain in place.

Councillor Prosniowski stated a lot of work has gone into this to try to appease everyone. We should be moving forward on this and not going around in circles. We are not going to solve the housing crisis. Is it affordable? A lot of people rent units for less than \$1350. Who is this going to help – Elderly person without a family living in their house on a small pension this will help them supplement their income to have an ADU. For young people trying to find a job and buy a house down the road. Homeowners should have the option to find ways to stay in their home.

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Councillor McCarthy stated this is giving homeowners more options to stay in their own home. Let's not create fear around what may or may not happen. Look at the positive. Older couples may have a big house because they raised their family there and now with this option they may now be able to stay there. Not developers, not absentee landlords, but homeowners. In regards to condos, many condo documents state you can't do certain things like no subletting or cannot use your unit as an air bnb. Adus have to have a minimum size and can't exceed 50% of space. If you live in a 800 sq ft condo, you would have to give away 350 sq ft for the ADU and only live in the remaining 450 sq ft. Let's trust the homeowner who may be your neighbor to keep the character of the neighborhood while giving them options to stay in their home.

A motion for adoption as amended for first passage was passed by a roll call vote of 7 yeas, 4 nays and 0 absent. Councillors Turiel, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, and Madore were recorded in the affirmative. Councillors Sargent, Flynn, Dominguez and Dibble were recorded in the negative.

**Full Version of Text for ADU Zoning Ordinance adopted for first passage:**

*In the year Two Thousand and Twenty One*

**An Ordinance** to amend an ordinance relative to accessory dwelling units.

Be it ordained by the City Council of the City of Salem, as follows:

**Section 1.** The City of Salem Zoning Ordinance Section 3. Table of Principal and Accessory Use Regulations is hereby amended by deleting the use entitled Accessory Living Area and adding the following new uses within Section E Accessory Uses:

E. ACCESSORY USES	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD	NRCC
Affordable Accessory Dwelling Unit attached to a Principal Dwelling (as defined in Sec 3.2.8) or within a Principal Dwelling.	Y	Y	Y	Y	N	N	N	N	N	N	Y

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Affordable Accessory Dwelling Unit within an Existing Detached Accessory Building, as defined in Sec 3.2.8	Y	Y	Y	Y	N	N	N	N	N	N	Y
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**Section 2.** Section 10 Definitions is hereby amended by deleting the definition “Accessory Living Area” in its entirety and inserting the definition “Affordable Accessory Dwelling Unit” as follows:

“Affordable Accessory Dwelling Unit: A housekeeping unit with a maximum rent at least 30 percent below the United States Department of Housing and Urban Development (HUD) fair market rent limit for Salem, with its own sleeping, cooking and sanitary facilities, located either in a detached accessory building, or within or attached to a principal dwelling and subordinate in size to the principal unit(s), separated from it in a manner which maintains the appearance of the principal unit(s), and allowed pursuant to Section 3.2.8 of this ordinance.”

**Section 3.** Section 3.2.4 Accessory Buildings and Structures is hereby amended by deleting paragraph 4 in its entirety and replacing it with the following new paragraphs 4, 5 and 6 as follows:

“4. Accessory structures, garages and detached affordable accessory dwelling units shall not exceed one and one-half (1.5) stories or eighteen (18) feet in height.

5. Detached affordable accessory dwelling units shall comply with all regulations set forth in Section 3.2.4 (Accessory Buildings and Structures) of this Ordinance with the exception of setbacks, which shall comply with Section 3.2.4(6).

6. Detached affordable accessory dwelling units shall comply with all setbacks of the principal structure, as set forth in Section 4.1 of this ordinance (Dimensional Requirements), irrespective of whether the principal structure on the property in question complies with such setbacks or not, unless otherwise permitted by a Special Permit pursuant to subsection 3 of Section 3.2.8.”

**Section 4.** Section 3.2.8 Accessory Dwelling Areas is hereby amended by deleting Section 3.2.8 in its entirety and replacing it with the following:

“3.2.8 Affordable Accessory Dwelling Units. Affordable Accessory Dwelling Units shall be allowed as provided set forth in this section.

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## 1. Purpose.

- A. To add affordable rental units to the housing stock to meet the needs of smaller households and make housing units available to households who might otherwise have difficulty finding housing.
- B. To encourage the efficient use of the city's housing supply while preserving the character of the city's neighborhoods.
- C. To maximize privacy, dignity, and independent living among family members preserving domestic family bonds as well as to protect the stability, property values, and the residential character of the neighborhood.
- D. To permit the owner of an existing, or a proposed, principal dwelling to construct one additional affordable dwelling unit per principal dwelling. Such a use is incidental and subordinate in size to the principal dwelling.
- E. To increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households.

## 2. Procedure.

- A. The Building Inspector shall administer and enforce the provisions of this section.

## 3. Special Permit. Pursuant to Section 9.4, in the interests of design flexibility and overall project quality, the Zoning Board of Appeals may grant a Special Permit for the following:

- A. An existing detached accessory building as defined in subsection 8 of Section 3.2.8 that is not in compliance with the setbacks of the principal dwelling unit.
- B. An expanded detached accessory building as defined in subsection 8 of Section 3.2.8.

## 4. Application.

## A. The Application for the Building Permit, shall:

- 1. Be signed by one hundred (100) percent of the record title ownership interest of the principal dwelling and shall include a copy of the deed and in the case of a property held by a condominium trust, all owners of all units within the condominium.
- 2. Include a floor plan of the affordable accessory dwelling unit, the principal dwelling where it is to be located and all elevations. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the affordable accessory dwelling unit.
- 3. Be accompanied by a letter of intent signed by the homeowner(s) and shall be submitted to the Department of Planning and Community Development that certifies the rent of the accessory dwelling unit will be at least 30

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percent below the established fair market rent limit determined by the United States Department of Housing and Urban Development.

5. Requirements.

- A. The maximum rent of the affordable accessory dwelling unit, including utilities and parking, shall be at least thirty percent below the established Fair Market Rent limit for the City of Salem as determined annually by the United States Department of Housing and Urban Development.
- B. The affordable accessory dwelling unit shall not be constructed within a new detached accessory building, as defined in subsection 8 of Section 3.2.8.
- C. The affordable accessory dwelling unit shall not be considered a dwelling unit for the purpose of Section 5.1 Required Parking.
- D. The affordable accessory dwelling unit shall not result in a net loss of the total measured caliper inches of private trees on the lot in which the affordable accessory dwelling unit will be located unless a payment in per caliper inch of the tree diameter at breast height (DBH) at the prevailing rate set by the Tree Warden is made to the tree replacement fund.
- E. The affordable accessory dwelling unit shall not contain less than 350 square feet of habitable space.
- F. The affordable accessory dwelling unit shall not contain in excess of 900 square feet of habitable space.
- G. The affordable accessory dwelling unit shall not exceed 50% of the gross floor area of the principal dwelling.
- H. No more than one (1) affordable accessory dwelling unit shall be permitted for each principal dwelling unit and at least one (1) owner of the residence in which the affordable accessory dwelling unit is created shall reside in one (1) of the dwelling units, either the principal or accessory unit created therein, as a principal place of residence. For the purpose of this section, the "owner" shall be one or more individuals who hold title to the property, or a purchase and sales agreement and for whom the dwelling shall be the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence. Owner occupancy is required for an affordable accessory dwelling unit to be permitted.
- I. An affordable accessory dwelling unit shall not be permitted in a building with five (5) or more units.
- J. Electricity, water, oil and gas shall be provided by a single service to both the affordable accessory dwelling unit and the principal dwelling, and included in the rent.
- K. The affordable accessory dwelling unit may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal

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dwelling and the accessory dwelling unit shall remain in common or single ownership and shall not be severed in ownership.

- L. All stairways to the affordable accessory dwelling unit above the first floor shall be located on the rear or side of the dwelling.
- M. The affordable accessory dwelling unit shall not contain more than two (2) bedrooms.
- N. The affordable accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.
- O. The affordable accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.
- P. There shall be no occupancy of the affordable accessory dwelling unit until the Building Inspector has issued a certificate of occupancy that the principal dwelling and affordable accessory dwelling unit are in compliance with all applicable health and building codes.
- Q. The Building Permit shall be revoked upon determination by the Building Inspector that any condition imposed by Section 3.2.8 has not been fulfilled.
- R. By filing the Application for a Building Permit for an affordable accessory dwelling unit, all owners consent to an inspection without a warrant upon reasonable notice by the Building Inspector to ensure compliance with all terms of this section.
- S. Short term rentals, as defined in Salem Code of Ordinances Chapter 15, are prohibited in the accessory dwelling unit.
- T. The affordable accessory dwelling unit shall obtain a certificate of fitness subject to the provisions of Section 2-705 of the City of Salem Code of Ordinances.

6. Termination.

- A. The affordable accessory dwelling unit use shall terminate immediately upon any violation of any term or condition of this ordinance that the owner fails to cure, upon thirty (30) days written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.
- B. Duty of Owner Upon Termination include:
  - a. The owner shall discontinue the use of the affordable accessory dwelling unit as a separate dwelling unit.
  - b. The kitchen facilities of the affordable accessory dwelling unit shall be removed unless determined by the Building Inspector to be incidental and subordinate as an accessory use of the principal dwelling.
  - c. Any additional exterior entrance constructed to provide access to the accessory dwelling unit shall be permanently closed, unless the Building

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Inspector provides a waiver. The owner shall permit an inspection by the Building Inspector without a warrant.

7. Severability. All the clauses of this ordinance are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.”
8. Definitions.

*Attached affordable accessory dwelling unit:* An affordable accessory dwelling unit created by adding gross floor area to the principal dwelling after the adoption of this ordinance.

*Existing detached accessory building:* A detached accessory building that is existing as of the effective date of this ordinance, that has a foundation, and is a minimum of 350 square feet.

*Expanded detached accessory building:* An existing detached accessory building that is expanded after the effective date of this ordinance.

*New detached accessory building:* A detached accessory building that is not existing as of the effective date of this ordinance.

*Principal dwelling unit:* A dwelling unit permitted as a principal residential use under Section 3, Table of Principal and Accessory Use Regulations. By way of example a single-family home permitted pursuant to Section 3 shall comprise of one principal dwelling unit, whereas a two-family home permitted pursuant to Section 3 shall comprise of two principal dwelling units. An accessory dwelling unit shall not be considered a principal dwelling unit.

**Section 5.** This Ordinance shall take effect as provided by City Charter.

**#219 – (#97 & #184) – ZONING ORDINANCE AMENDMENT RELATIVE TO  
ADU’S WITH NEW CONSTRUCTION DETACHED DWELLING**

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Zoning Ordinance Amendment relative to ADU’s with new construction detached dwelling has considered said matter and would recommend that the matter remain in committee.

**CITY OF SALEM****APRIL 22, 2021****CITY COUNCIL REGULAR MEETING****#220 – PETITION FROM COMCAST TO INSTALL CONDUIT ON FIRST STREET**

A hearing was ordered for May 13, 2021 on a petition from Comcast to install a Conduit on First St.

**#221 – PETITION TO OPERATE A PEDICAB FOR SIGHTSEEING AND CONSUMPTION OF ALCOHOL**

A petition from Kayla Page Beese to open a new business for a Pedi-Cab for 21+ for sightseeing and consumption of alcohol was referred to the Committee on Ordinances, Licenses and Legal Affairs.

**#222 - #223 – LICENSE APPLICATIONS**

The Following License Application were granted.

PUBLIC GUIDES:                Ellis Jones 27 Creighton St., Boston  
                                      Shelby Kravette 154 Tracy Ave., Lynn

TAXI OPERATORS:            Rafael Gomez 57 Harbor St., Salem  
                                      Johnny Fabian 52 Ward St., Salem  
                                      Jesus Rosario 30 Warren St., Peabody  
                                      Felipe Garcia 30 Ridgeway St., Lynn  
                                      Gorman Jose Meja Rosario 34 Prince St., Salem  
                                      Ramon Espinal Jr. 15 Heritage Dr., Salem  
                                      Domingo Moronta 5 Albion St., Salem  
                                      Jose Munoz Negro 16 Cherry St., Salem  
                                      Rosa Almancar 80 Essex St., Beverly  
                                      Cristian Tejada Nunez 15 Pond St., Salem  
                                      Welkins Vicioso 52 Dow St., Salem

**#224 - #226 – CLAIMS**

The Following Claims were referred to the Committee on Ordinances, Licenses and Legal Affairs.

Lawrence Borrmann 19 Harbor St., Salem  
Christine Keller 88 Cavendish Cir., Salem  
Eugenia Koutsos 1 Red Jacket Lane, Salem

**CITY OF SALEM****APRIL 22, 2021****CITY COUNCIL REGULAR MEETING****#93 – ORDINANCE TO AMEND CH. 44 SEC. 32(A) – NUMBER OF TAXI CABS AND LIMOUSINES**

The following ordinance was adopted for second passage by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

In the year two thousand and twenty one

An Ordinance to amend an Ordinance relative to vehicles for hire

Be it ordained by the City Council of the City of Salem, as follows:

**Section I.** Chapter 44, Sec. 44-32(a) vehicle license is amended by deleting the last sentence in sub-paragraph (a) and replacing it with the following:

“The city council shall not approve the issuance of more than 35 taxicab and 50 limousine or livery licenses.”

**Section II.** This Ordinance shall take effect as provided by City Charter.

On the motion of Councillor Sargent the meeting adjourned at 10:34 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK