

CITY OF SALEM

FEBRUARY 25, 2021

CITY COUNCIL REGULAR MEETING

A Regular Meeting of the City Council is being held remotely on Thursday, February 25, 2021 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 23, 2021 at 10:02 A.M. This meeting is being taped and is live on S.A.T.V.

All Councillors were present.

Council President Madore presided.

Councillor Dibble 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. JP Lenny, 19 Flint St., Salem – Flood Zone and Wetlands
2. Anne Sterling, 20 Orchard St., Salem - Flood Zone and Wetlands
3. Frances Riggleri, 450 Lafayette St., Salem – Recent Crime in Salem
4. Erika Rowley, 11 Savoy Rd., Salem - Flood Zone and Wetlands
5. Steve Kapantais, 23A Wisteria St., Salem – ADA Resolution
6. Stacia Kraft, 140 Federal St., Salem - Flood Zone and Wetlands
7. Heather Famico, 195 Essex St., Salem – ADA Resolution
8. Justine Whittier, 10 River St., Salem - Flood Zone and Wetlands
9. Jeff Cohen, 12 Hancock St., Salem - Flood Zone and Wetlands

(#50 - #52) - APPOINTMENTS OF CAROLINE WATSON-FELT, SARAH TARBET, & JEFF SWARTZ

Held from the last meeting, the Mayors appointment of following with terms to expire were confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Turiel requested a City Seal and letter of thanks be sent to Ben Anderson. It was so voted.

Councillor Hapworth requested and received suspension of the rules for any of the appointees to speak.

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<u>Name</u>	<u>Address</u>	<u>Committee</u>	<u>Term to Expire</u>
Caroline Watson-Felt	2 Beacon St.	AHTFB	2/8/2022
Sarah Tarbet	1 Chase St.	Planning Board	3/1/2024
Jeff Swartz	23 High St.	Traffic & Parking Comm	9/29/2022

#85 - #87 – REAPPOINTMENTS TO THE DESIGN REVIEW BOARD, HISTORICAL COMMISSION AND PLANNING BOARD

The Mayor's re-appointments of the following with terms to expire were confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

<u>Name</u>	<u>Address</u>	<u>Committee</u>	<u>Term to Expire</u>
Catherine Miller	15 Warren St.	Design Review Board	3/1/2024
Glenn Kennedy	108 Leach St .	Design Review Board	3/1/2024
David Jaquith	81 Railroad Ave.	Design Review Board	3/1/2024
F. Reed Cutting	14 Clifton Ave.	Historical Commission	3/1/2023
D.J. Napolitano	8 Patton Rd.	Planning Board	3/10/2026

#88 – REAPPOINTMENTS OF DEPARTMENT HEADS

The Mayor's re-appointments of the following Department Heads with terms to expire were confirmed by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

<u>Name</u>	<u>Position</u>	<u>Term to Expire</u>
Bonnie Celi	Collector	1/31/2024
David Knowlton	Director of Public Services	1/31/2023
David Kucharsky	Director of Traffic & Parking	1/31/2023
Teresa Gove Arnold	Council on Aging Director	1/31/2023
Tom Watkins	Purchasing Agent	1/31/2023

CITY OF SALEM**FEBRUARY 25, 2021****CITY COUNCIL REGULAR MEETING****#89 – CPA FUNDS OF \$190,000.00 FOR MACK PARK FOOD FARM AND FOREST RIVER BATH HOUSE**

The following order was submitted by the Mayor.

Councillor Dibble motioned to divide the question. He felt the cost of the Forest River Project was spiraling out of control. Councillor Dominguez seconded the motion. The matter to divide the question was adopted (by seeing 11 hands).

The matter of approving \$15,000.00 of the CPA funds to the Mack Park Food Farm was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor Dominguez motioned to refer this matter on Forest River to the Committee on Administration and Finance co-posted with Committee of the Whole. Councillor Dibble seconded the motion.

Councillor Turiel stated this is not appropriating city funds. This money has already been decided on by the CPA Committee. Our role as Councillors is only to accept or reject the project.

Councillor Dibble wanted to object to bringing this whole matter forward and have it referred under the rules. Councillor McCarthy we do not decide where these funds get allocated. We only get to decide yes or no on a project. The process was vetted through the CPA Committee. Understand when Councillors object when a private project, but these funds are going to a city project. Let us get the kids back to the pool and having programs.

The motion to refer to committee failed by a roll call vote of 3 yeas, 8 nays and 0 absent. Councillors Sargent, Dominguez and Dibble were recorded in voting in the affirmative and Councillors Turiel, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn and Madore were recorded in the negative.

Councillor Turiel stated procedurally the objection should be made first when the matter is brought up to come before us not after. He also stated this was in no way ever a \$3 Million dollar project. Maybe \$8-9 Million back in 2018. Since that time things were added to the project and it expanded. Bigger project than originally looked, but when approved it was based on the best estimates.

The matter of approving \$175,000.00 of the CPA funds to the Forest River Project was adopted by a roll call vote of 10 yeas, 1 nays and 0 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez and Madore were recorded in the affirmative. Councillor Dibble was recorded in the negative.

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ORDERED: That One Hundred Ninety Thousand Dollars (\$190,000.00) is hereby appropriated within the CPA Funds for FY 2021 to the accounts listed below in accordance with the recommendation of the Community Preservation Committee.

FY	Fund	Fund Name	Description	Org/Obj	Amount
2021	2001	General Fund CPA	CPA-Mack Park Food Farm	2001321- 580658	15,000.00
2021	2001	General Fund CPA	CPA-Forest River Outdoor Rec & Nature Ctr	2001321- 580669	175,000.00
Total					\$190,000.00

**#90 – APPROPRIATION OF \$44,219.00 TO REIMBURSE VOICES AGAINST
INJUSTICE FROM THE WITCH HOUSE TICKET SALES**

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

ORDERED: That the sum of Forty-Four Thousand, Two Hundred and Nineteen Dollars (\$44,219.00) be hereby appropriated from the Witch House Revolving Account to reimburse Voices Against Injustice from the Witch House ticket sales in accordance with the recommendation of Her Honor the Mayor.

#91 – DONATION OF \$5,900.00 FOR PICNIC TABLES AND BENCHES

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 the donations from various donors for a total of Five Thousand, Nine Hundred Dollars (\$5,900.00) for dedication picnic tables and benches. These funds will be deposited into the Park & Recreation Donation Fund 24061-4830 in accordance with the recommendation of Her Honor the Mayor.

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Name	Department	Amount
Donna Lambert	Park & Rec Donation Fund	1,500.00
William and Josephine Tremblay	Park & Rec Donation Fund	1,400.00
Carol Dearborn Living Trust	Park & Rec Donation Fund	1,950.00
Witch City Tee's	Park & Rec Donation Fund	1,050.00
Total		\$ 5,900.00

#92 - RESOLUTION: AFFIRMING THE CITY OF SALEM'S COMMITMENT TO ACCESSIBILITY AND INCLUSION OF PEOPLES OF ALL ABILITIES

The following Resolution submitted by the Mayor.

WHEREAS Salem has demonstrated a strong commitment to inclusion and accessibility as one of only half of Massachusetts municipalities with an Americans with Disabilities (ADA) Transition Plan and as one of the first in the Commonwealth to adopt, unanimously, a fully-inclusive non-discrimination ordinance including additional protections against discrimination based on ability; and

WHEREAS the volunteer members of Salem's Commission on Disabilities have and continue to work diligently in service to their community to ensure that public services, programs, and spaces are accessible equally to all residents of Salem; and

WHEREAS the Salem for All Ages initiative has, for the last four years, worked to implement a large list of action items that make Salem a more inclusive place for people of all ages and abilities, including, but not limited to, a sidewalk master plan, funding for accessible shuttles, age and ability-centered customer service training and style guidance for person-first language for City departments and agencies, prioritization of locations to the T for accessible benches and shelters at bus stops, hosting a public forum on accessible and human-centered design, and much more; and

WHEREAS the City has added expanded accessibility options for public meetings, made available assistive listening devices for public meetings, implemented almost all recommended improvements to its website coming out of the most recent ADA Transition Plan, and is working with the website vendor to implement the remaining recommendations; and

WHEREAS the City's Capital Projects Department has developed a dashboard for tracking whole accessibility projects and capital projects that include accessibility elements as partial components of the larger project and shares that dashboard with relevant department heads so they can monitor progress in this area; and

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WHEREAS the City of Salem's FY2020 budget funded 28 capital projects that included accessibility improvements and in the past decade the City has carried out dozens of specific accessibility projects; and

WHEREAS Salem's state legislators have secured \$56,000 in the last two years in state funds to carry out accessibility improvements at Forest River Park's baseball field and on Salem Common; and

WHEREAS the City has maximized the fine allowable under state law for illegally parking in a handicapped parking space and is providing 100% of those collected fines to the Commission on Disabilities to carry out accessibility improvement projects; and

WHEREAS Salem today is a community that celebrates and welcomes everyone, is dedicated to pursuing equity and justice, and is committed to policies and practices that seek to undo systemic discrimination;

THEREFORE we affirm the City of Salem's strong and ongoing commitment to accessibility in services, programs, and infrastructure and further pledge to commit to the following additional actions to that end:

- (1) Continue to prioritize and implement the recommendations from the most recent ADA Transition Plan and carry out, when possible, additional reviews of City properties, parks, and buildings not included in the most recent Plan;
- (2) Continue to identify and track in the City's annual budget and capital plan projects and items that are accessibility related and that are reflected in the most recent ADA Transition Plan;
- (3) Utilize and update the ADA project tracker dashboard and make it available in an accessible format to the public online;
- (4) Work with the Commission on Disabilities and Salem for All Ages Task Force to continue monitoring City services, programs, and infrastructure to identify opportunities to further improve accessibility for people of all abilities and ages;
- (5) Prioritize funding to carry out a future update to the ADA Transition Plan in 2023;
- (6) Monitor progress on meeting accessibility goals in capital projects;
- (7) Ensure all City website content managers in each municipal department are following accessible content management guidelines on their department's and/or board's page of the website; and
- (8) Conduct regular trainings for City staff on strengthening our ADA skillsets, including plan review, customer service and inclusion standards with persons of all abilities.

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Councillor Riccardi made a motion to add a #9 to state “Work towards identifying our accessible housing stock, specifically in any future housing studies, utilizing a standard Accessibility Index and commit to ensure future housing plans highlight our accessible housing needs.” Seconded by Councillor Dibble.

Councillor McCarthy asked for clarification. This resolution is specific to City Departments and City Projects now branching out. Whose housing stock since the city does not build housing. How does this fit into the resolution?

Councillor Riccardi looks at it similar to our Affordable Housing Goals. We recently did a Housing Study that broke down our housing needs, affordability and housing stock and there should be an accessible component in any future housing stock plans and goals that go through the Planning Department and any other City Boards or Commissions.

On the motion to amend this resolution by adding #9. The amendment was adopted (by seeing 11 hands).

Councillor Dibble made a motion to add a #10 to state: Re-Focus oversight on all future public construction projects to make sure these improvements meet state access codes and federal ADA laws going forward as many City projects were recently constructed in violation of ADA access laws. Seconded by Councillor Dominguez. The amendment was adopted (by seeing 11 hands)

The motion to adopt the resolution as amended was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Resolution as Amended:

WHEREAS Salem has demonstrated a strong commitment to inclusion and accessibility as one of only half of Massachusetts municipalities with an Americans with Disabilities (ADA) Transition Plan and as one of the first in the Commonwealth to adopt, unanimously, a fully-inclusive non-discrimination ordinance including additional protections against discrimination based on ability; and

WHEREAS the volunteer members of Salem’s Commission on Disabilities have and continue to work diligently in service to their community to ensure that public services, programs, and spaces are accessible equally to all residents of Salem; and

WHEREAS the Salem for All Ages initiative has, for the last four years, worked to implement a large list of action items that make Salem a more inclusive place for people of all ages and abilities, including, but not limited to, a sidewalk master plan, funding for accessible shuttles, age and ability-centered customer service training and style guidance for person-first language for City departments and agencies,

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prioritization of locations to the T for accessible benches and shelters at bus stops, hosting a public forum on accessible and human-centered design, and much more; and

WHEREAS the City has added expanded accessibility options for public meetings, made available assistive listening devices for public meetings, implemented almost all recommended improvements to its website coming out of the most recent ADA Transition Plan, and is working with the website vendor to implement the remaining recommendations; and

WHEREAS the City's Capital Projects Department has developed a dashboard for tracking whole accessibility projects and capital projects that include accessibility elements as partial components of the larger project and shares that dashboard with relevant department heads so they can monitor progress in this area; and

WHEREAS the City of Salem's FY2020 budget funded 28 capital projects that included accessibility improvements and in the past decade the City has carried out dozens of specific accessibility projects; and

WHEREAS Salem's state legislators have secured \$56,000 in the last two years in state funds to carry out accessibility improvements at Forest River Park's baseball field and on Salem Common; and

WHEREAS the City has maximized the fine allowable under state law for illegally parking in a handicapped parking space and is providing 100% of those collected fines to the Commission on Disabilities to carry out accessibility improvement projects; and

WHEREAS Salem today is a community that celebrates and welcomes everyone, is dedicated to pursuing equity and justice, and is committed to policies and practices that seek to undo systemic discrimination;

THEREFORE we affirm the City of Salem's strong and ongoing commitment to accessibility in services, programs, and infrastructure and further pledge to commit to the following additional actions to that end:

- (1) Continue to prioritize and implement the recommendations from the most recent ADA Transition Plan and carry out, when possible, additional reviews of City properties, parks, and buildings not included in the most recent Plan;
- (2) Continue to identify and track in the City's annual budget and capital plan projects and items that are accessibility related and that are reflected in the most recent ADA Transition Plan;
- (3) Utilize and update the ADA project tracker dashboard and make it available in an accessible format to the public online;
- (4) Work with the Commission on Disabilities and Salem for All Ages Task Force to continue monitoring City services, programs, and infrastructure to identify opportunities to further improve accessibility for people of all abilities and ages;

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- (5) Prioritize funding to carry out a future update to the ADA Transition Plan in 2023;
- (6) Monitor progress on meeting accessibility goals in capital projects;
- (7) Ensure all City website content managers in each municipal department are following accessible content management guidelines on their department's and/or board's page of the website; and
- (8) Conduct regular trainings for City staff on strengthening our ADA skillsets, including plan review, customer service and inclusion standards with persons of all abilities.
- (9) Work towards identifying our accessible housing stock, specifically in any future housing studies, utilizing a standard Accessibility Index and commit to ensure future housing plans highlight our accessible housing needs.
- (10) Re-Focus oversight on all future public construction projects to make sure these improvements meet state access codes and federal ADA laws going forward as many City projects were recently constructed in violation of ADA access laws.

#93 – AMENDING AN ORDINANCE RELATIVE TO TAXI CAB AND LIVERIES

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

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.

CITY OF SALEM**FEBRUARY 25, 2021****CITY COUNCIL REGULAR MEETING****#94 – MEET WITH SALEM POLICE DEPARTMENT REGARDING RECENT CRIMES**

The following Order introduced by Councillor Dibble was adopted.

Councillor McCarthy asked and received suspension of the rules to allow Acting Chief of Police to speak. Due to technical difficulties Acting Chief King could not remotely access zoom from his phone however he will be giving a presentation in committee.

Councillor Prosniowski asked why the Police need to come out and explain. He doesn't see other department heads needing to come in to explain issues. He finds this procedure unusual.

Councillor McCarthy stated that he usually picks up the phone and calls a department head if he has a question or concern.

ORDERED: That the Public Health, Safety and Environment co-posted with the Committee of the Whole meet immediately with Salem Police to discuss the recent string of violent crimes throughout Salem, what police are doing to stop it from continuing and share what they can on successes they have on each matter, what additional resources are needed, and how can the Council and all residents can assist.

**#95 – ORDINANCE AMENDING TRAFFIC RELATIVE TO CH. 42 SEC. 50B, -
BOARDMAN STREET – HANDICAP PARKING**

The following Ordinance introduced by Councillor Hapworth was adopted for first 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 Traffic Ch. 42, Sec. 50B, "Handicapped Zones, Limited Time"

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

Section I. Amending Chapter 42, Section 50B – "Handicapped Zones, Limited Time" is hereby amended by adding the following:

Boardman Street – One Handicapped Parking Space to be added in front of #27 Boardman Street, for the distance of twenty (20) feet.

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

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The following Order introduced by Councillor Dominguez.

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet relative to the Salem's Wetlands Protection and Conservation Ordinance, Chapter 50 – Wetlands Protection and Conservation, and the Flood Hazard Overlay District Zoning Ordinance, Section 8.1, to review both ordinance's language and construction permitting requirements and to draft amendments to ensure:

1. Establishment of both a "no build" and a "do not disturb" 100-foot buffer zone for Salem's wetlands and 100-year flood zone for flood plains. Chapter 50
2. Removal of the inclusion of wetlands and flood plains, and their respective buffers, in calculations for zoning and construction permitting, since using these areas in these calculations further threatens the viability of these essential environmental characteristics because of the consequences of proximity and encroachment. Chapter 50
3. Prohibition of construction within Salem's floodplains and wetlands, and their respective buffers, so that Salem's coastal shoreline, rivers, wetlands and vernal pools continue unimpeded to provide their environmentally integral mechanisms for protecting our community from rising sea levels, climatic disturbance, and increasing storm impacts, along with drought and flood impacts. Section 8.1

Councillor Morsillo stated she is really disappointed that no one reached out to her to get an update. It's known by this group that she has been working with the Planning Board and Conservation Commission to update the ordinances. A letter from Tom Daniel outlining the updates to these ordinance were also known. Has no problem with this going to committee but to ensure the 3 items in the order are not needed. Does this take into account other homeowners in flood plains that are no on the coast line i.e. those living on Bridge Street? These homeowners could not add a deck or make any changes. Same for those who live on Marlborough Road or Charles Street. This is a far reaching ordinance and it is a big job. No one on Council is more frustrated than her on how slow the pace is. We need to write meaningful legislation that does not end us in court. It takes a lot of work, but the work is happening.

Councillor Dominguez responded that this group has been waiting for a response and wants to see action taken. He wants to bring attention to the whole body and have a discussion.

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Councillor Dibble agrees with Councillor Morsillo. That is why the matter should go to committee. He was not aware that she was involved. Our wetlands ordinance has not teeth and should be re-written so better protection in Salem . We need to make sure it is done right and legally. Councillor Dibble would like to add an amendment that the following be invited: City Solicitor, Conservation Commission Chair or Representative, SERC chair or representative, City Planner or Designee. Councillor Dominguez seconded motion.

Councillor Morsillo asked to amend the Order removing the 3 items and add the invitees. Councillor Turiel seconded motion, but we can put it into committee with any language we want and what language comes out of committee is at the discretion of the committee. Councillor Morsillo withdrew motion.

Councillor Sargent stated it is important to know other home owners who are in the flood zones like the South River. Grand fathered houses should be allowed to add on. Learn from past mistakes.

The Order was adopted as amended:

ORDERED: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole meet relative to the Salem's Wetlands Protection and Conservation Ordinance, Chapter 50 – Wetlands Protection and Conservation, and the Flood Hazard Overlay District Zoning Ordinance, Section 8.1, to review both ordinance's language and construction permitting requirements and to draft amendments to ensure:

1. Establishment of both a "no build" and a "do not disturb" 100-foot buffer zone for Salem's wetlands and 100-year flood zone for flood plains. Chapter 50
2. Removal of the inclusion of wetlands and flood plains, and their respective buffers, in calculations for zoning and construction permitting, since using these areas in these calculations further threatens the viability of these essential environmental characteristics because of the consequences of proximity and encroachment. Chapter 50
3. Prohibition of construction within Salem's floodplains and wetlands, and their respective buffers, so that Salem's coastal shoreline, rivers, wetlands and vernal pools continue unimpeded to provide their environmentally integral mechanisms for protecting our community from rising sea levels, climatic disturbance, and increasing storm impacts, along with drought and flood impacts. Section 8.1

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And be further ordered that the following be invited: City Solicitor, City Planner or Representative, Conservation Commission Chair or Representative, SERC chair or representative.

#97 – ORDINANCE AMENDING ZONING RELATIVE TO ADUS WITH DETACHED ACCESSORY DWELLING

The following Zoning Ordinance Amendments introduced by Councillor McCarthy was referred to the Planning Board to hold a Joint Public Hearing by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

Councillor McCarthy stated he was not sure why Accessory dwellings were not included. He is bringing this in so we can discuss them if someone wanted to make that motion. It would not be within the four corners of the other ordinance already referred. The Solicitor said this was the best way to approach this. The two zoning amendments can be advertised jointly, and the joint public hearing can be held at the same time.

ORDINANCE to amend a zoning ordinance relative to accessory dwelling units.

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
Affordable Accessory Dwelling Unit within a new Detached Accessory Building, as defined in Sec 3.2.8	SP	SP	SP	SP	N	N	N	N	N	N	SP

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-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

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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.

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 lot. Such a use is incidental and subordinate 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.
- C. A new detached accessory building as defined in subsection 8 of Section 3.2.8.

4. Application.

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

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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. A letter of intent signed by the homeowner(s) 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 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 on a lot that is a half of a mile or less from the MBTA train station or MTBA bus stop shall not require an off-street parking space.
- C. The affordable accessory dwelling unit on a lot that is more than a half of a mile from the MBTA train station or MTBA bus stop shall have one (1) dedicated off-street parking space. The minimum parking required for the principal dwelling pursuant to Section 5.1 of this ordinance shall not count as off-street parking for the affordable accessory dwelling unit.
- D. The affordable accessory dwelling unit shall not result in a net loss of the total measured caliper of private trees on the lot in which the affordable accessory dwelling unit will be located unless a payment in the amount of \$100 per caliper of the tree diameter at breast height (DBH) 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. No more than one (1) affordable accessory dwelling unit shall be located upon a single lot.

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- H. An affordable accessory dwelling unit shall not be permitted in a building with five (5) or more units.
- I. 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 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 and for whom the dwelling is the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence.
- J. Electricity, water and gas shall be provided by a single service to both the affordable accessory dwelling unit and the principal dwelling.
- 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 dwelling and the accessory dwelling unit shall remain in common or single ownership and shall not be severed in ownership.
- L. Entry shall be located through existing entry or on the back or side of the main dwelling.
- M. Egress access shall be located on the side or rear of the building so that visibility from public ways is minimized.
- N. The affordable accessory dwelling unit shall not contain more than two (2) bedrooms.
- O. The affordable accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.
- P. 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.
- Q. 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.
- R. 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.
- S. 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.
- T. Short term rentals, as defined in Salem Code of Ordinances Chapter 15, are prohibited in the accessory dwelling unit.

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- U. 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 two (2) weeks 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 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.

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

CITY OF SALEM**FEBRUARY 25, 2021****CITY COUNCIL REGULAR MEETING****#98 – MEET WITH SALEM SOUND COASTWATCH FOR PRESENTATION
FOR SALEM'S GREENWAY GATEWAY CITY PROGRAM**

The following Order introduced by Councillor Riccardi was adopted. No discussion late file.

Ordered: That the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole invite Salem Coast Soundwatch to make a presentation on the City's Greenway Gateway City Program.

**#99 – (#65) – APPROPRIATION OF \$200,000.00 FOR ESSEX STREET
IMPROVEMENTS**

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 and adopt the recommendation by a roll call vote of 10 yeas, 1 nay and 0 absent. Councillors Turiel, Sargent, Riccardi, Prosniewski, Morsillo, McCarthy, Hapworth, Flynn, Dominguez and Madore were recorded in the affirmative. Councillor Dibble was recorded in the negative.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of \$200,000.00 Appropriation for Essex St. Improvements has considered said matter and would recommend adoption by roll call vote.

**#100 – (#71) – APPROPRIATION OF \$890,000.00 TO FUND IMPROVEMENT
PROJECT FOR WATER MAIN ON HIGHLAND AVE.**

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 and adopt the recommendation by a unanimous roll call vote of 11 yeas, 0 nay and 0 absent.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of \$890,000.00 to fund improvement project for a water main on Highland Ave. has considered said matter and would recommend adoption by roll call vote.

CITY OF SALEM**FEBRUARY 25, 2021****CITY COUNCIL REGULAR MEETING****#101 – (#496 of 2020) – AMENDING AN ORDINANCE RELATIVE TO PUBLIC GUIDES – AMPLIFICATION**

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Amending an Ordinance relative to Public Guides – Amplification has considered said matter and would recommend that the Ordinance below be adopted for First Passage.

#101A – ORDINANCE RELATIVE TO PUBLIC GUIDES – AMPLIFICATION

In the year two thousand and twenty one

An Ordinance to amend an Ordinance relative to public guides

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

Section I. Chapter 40, Sec. 40-30. – Prohibitions is hereby amended by deleting subparagraph 8 in its entirety and replacing it with the following:

“(8) Utilize a voice amplification device on Brown Street, Howard Street, Brown Street Court, Kimball Court, Higginson Square or in the alley between 93 and 99 Washington Street;”

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

#102 – (#541 OF 2020) – WAIVING PUBLIC GUIDE FEES FOR 2021

Councillor Morsillo offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Waving Public Guide Fees for 2021 has considered said matter and would recommend waving the 2021 tour guide renewal fees of \$10 or \$20, and if the tour guide has already paid the fee, then it will be used for the tour guides 2022 renewal fee only.

CITY OF SALEM**FEBRUARY 25, 2021****CITY COUNCIL REGULAR MEETING****#103 – CITY OF SALEM 2021 MUNICIPAL ELECTION CALENDAR**

The City of Salem 2021 Municipal Election Calendar submitted by the City Clerk, Ilene Simons was adopted by a unanimous roll call vote of 11 yeas, 0 nays and 0 absent.

**CITY OF SALEM
2021 PRELIMINARY & BIENNIAL CITY ELECTION
MINIMUM REQUIRED CERTIFIED SIGNATURES (WARD – 25) (CITY WIDE – 100)**

Friday	JULY 23*	5:00 P.M.	Last day and hour for taking out Nomination Papers (C. 53, S. 9A) 48 weekday hours prior to last day to certify). Candidates or designee must file signed statement of intent. Nomination papers to candidates only or to their agents appointed in writing. (C. 53, S. 17)
Tuesday	JULY 27	5:00 P.M.	Last day and hour for filing all Nomination Papers and petitions with Board of Registrars of Voters for certification of signatures (Ch. 53, S. 7A). Registrars need not certify more names than required plus 20%. (14 days prior to last day to certify)
Tuesday	AUGUST 10**	5:00 P.M.	Last day and hour for filing certified nomination papers by the Board of Registrars of Voters with City Clerk (Ch. 53, S.10) (35 days prior to election)
Wednesday	AUGUST 11		Post the list of names and addresses of candidates
Thursday	AUGUST 12	5:00 P.M.	Last day and hour for filing objections and/or withdrawals to nomination papers. (C. 55B, S. 7)
Thursday	AUGUST 12***	5:05 P.M.	Drawing for places on ballot, by lot, by City Clerk in the Council Chambers. Candidate or representative may be present. (+ By Zoom if necessary)
Wednesday	AUGUST 25	8:00 P.M.	LAST DAY TO REGISTER VOTERS FOR PRELIMINARY (20 days prior to election) (MGL 51, Sec. 26, 28)
Tuesday	SEPTEMBER 7	--	LAST DAY TO POST WARRANT
Wednesday	SEPTEMBER 8	5:00 P.M.	LAST DAY AND HOUR TO APPLY TO VOTE BY MAIL
Monday	SEPTEMBER 13	12:00 P.M.	LAST DAY AND HOUR TO APPLY IN-PERSON FOR AN ABSENTEE BALLOT

****TUESDAY			SEPTEMBER 14	PRELIMINARY ELECTION****
Monday	SEPTEMBER 20	5:00 P.M.	LAST DAY & HOUR TO FILE FOR A RECOUNT. Last day & hour for filing withdrawals or objections to nominations made at preliminary and for filing written acceptances by write-in or sticker candidates who won in the preliminary with City Clerk (C. 55B, S. 7)	
Monday	SEPTEMBER 20***	5:05 P.M.	Drawing for places on ballot, by lot, by City Clerk in the Council Chambers. Candidate or representative may be present. (+ By Zoom if necessary)	
Wednesday	OCTOBER 13	8:00 P.M.	LAST DAY TO REGISTER VOTERS FOR CITY BIENNIAL ELECTION (20 days prior to election) (MGL 51, Sec. 26, 28)	
Tuesday	OCTOBER 26	-	LAST DAY TO POST ELECTION WARRANT	
Wednesday	OCTOBER 27	5:00 P.M.	LAST DAY AND HOUR TO APPLY TO VOTE BY MAIL	
Monday	NOVEMBER 1	12:00 P.M.	LAST DAY AND HOUR TO APPLY IN-PERSON FOR AN ABSENTEE BALLOT	

****TUESDAY			NOVEMBER 2	BIENNIAL ELECTION****
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Friday	NOVEMBER 12	5:00 P.M.	LAST DAY & HOUR TO FILE FOR A RECOUNT	
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* Nomination forms to candidates only or their agents appointed in writing

CITY OF SALEM**FEBRUARY 25, 2021****CITY COUNCIL REGULAR MEETING**

**** Registrars need not certify more names than required plus 20%**
***** Meeting held in Council Chambers. City Clerk will draw positions**
+ By Zoom if necessary

ATTEST:_____
ILENE SIMONS, CITY CLERK

**IMPORTANT: All Candidates Must Comply Fully With CAMPAIGN FINANCE LAW , (Ch. 55 of the
General Laws)**

#104 - #105 – LICENSE APPLICATIONS

The Following License Applications were granted.

PUBLIC GUIDES: Julia Gleason 61 Wheelwright Farm, Cohasset
Jonathan Michael Ferreira 62 Elm St. #2, Somerville
Kenneth Glover 20 Essex St., Salem

TAXI CAB: Salem Taxi (4 Taxi Cabs)

#106 – DRAINLAYER / CONTRACT OPERATOR LICENSES

The Following Drainlayer/Contractor Operator License Applications were granted.

R. DiLisio Co., Inc. 113 Fayette St., Lynn
Pitt Pipeline Co., Inc. 35 Sullivan Rd., Billerica
Unlimited Removal & Demolition Inc., Lynn

#107 - #109 - CLAIMS

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

Theresa Connell 145 Fort Ave, Salem
Dean Oliver 61 King St., Peabody
Erin Vuijk 39 Station Rd., Salem

CITY OF SALEM**FEBRUARY 25, 2021****CITY COUNCIL REGULAR MEETING****(#72) – ORDINANCE AMENDING TRAFFIC, CH 42, SECS. 13, 57a & 75 – ARBELLA STREET**

Second Passage of the following Ordinance was taken up. It was adopted for second and final 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 Ordinance Relative to Traffic

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

Section 1. Chapter 42, Section 13 of Article I shall be amended by repealing the following:

Arbella Street – Service Zones – southerly side, beginning at a point 20 feet from the corner of Bridge Street and proceeding easterly for thirty (30) feet as marked by signs. (12/21/87)

Section 2. Chapter 42, Section 75 of Article V-A shall be amended by repealing the following:

Arbella Street – Parking Prohibitions Towing Zones (Resident Sticker) – Zone C, color green, in its entirety, Resident Sticker Parking, Tow Zone. (11/13/01)

And replacing it with the following:

Arbella Street – Parking Prohibitions Towing Zones (Resident Sticker) – Zone C, color green, northerly side in its entirety, southerly side beginning at a point one hundred (100) feet from the intersection of Bridge Street in an easterly direction to the intersection with Collins Street.

Section 3. Chapter 42, Section 57A of Article V shall be amended by adding the following:

Arbella Street – Parking Time Limited: Unmetered Zones – southerly side, beginning at a point 20 feet from the corner of Bridge Street and proceeding easterly for fifty-four (54) feet, fifteen (15) minute parking. Monday through Saturday, 8:00am to 6:00pm, Sunday 12:00pm to 6:00pm.

Section 4. This ordinance shall take effect as provided by City Charter.

CITY OF SALEM**FEBRUARY 25, 2021****CITY COUNCIL REGULAR MEETING****(#73) – ORDINANCE AMENDING TRAFFIC, CH 42, SEC. 50B – LYNDE ST. – HANDICAP PARKING.**

Second Passage of the following Ordinance was taken up. It was adopted for second and final 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 Traffic Ch. 42, Sec. 50B, "Handicapped Zones, Limited Time"

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

Section I. Amending Chapter 42, Section 50B – "Handicapped Zones, Limited Time" is hereby amended by adding the following:

Lynde Street – One Handicapped Parking Space to be added in front of #10 Lynde Street, for the distance of twenty (20) feet.

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

On the motion of Councillor Sargent the meeting adjourned at 9:15 P.M.

ATTEST:

ILENE SIMONS
CITY CLERK