

**CITY OF SALEM**

**FEBRUARY 27, 2020**

**CITY COUNCIL REGULAR MEETING**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, February 27, 2020 at 7:30 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on February 25, 2020 at 9:52 A.M. This meeting is being taped and is live on S.A.T.V.

Councillor Sargent was absent (excused)

Council President McCarthy presided.

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

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

**PUBLIC TESTIMONY**

1. Jeff Cohen, 12 Hancock St., Salem – Inclusionary Zoning
2. Steve Kapantais, 23A Wisteria St., Salem - Inclusionary Zoning
3. Fawaz Abusharkh, 4 Harrison Rd., Salem - Inclusionary Zoning, Museum Garage

**#118 - (#93) – NATIONAL GRID TO INSTALL JO POLE ON ORANGE STREET**

A hearing was held on the Order for National Grid and Verizon to install 1 JO pole on Orange Street. Sibitah Mahabier-Sheehy, National Grid representative, 44 River Street, Beverly appeared in favor. The reason is to move the pole to accommodate a curb cut.

(Councillor Turiel assumes the Chair)

Councillor McCarthy asked why there are two poles on the plan going in to replace one pole.

Ms. Sheehy responded that there is a pole for a guide wire. Property owner will anchor this on his property. We will take this back to the Engineer. The process is a little backwards the owner hasn't applied for the curb cut yet.

Len Carson, 7 Curtis St., owner of property, stated he didn't go for a curb cut first because he didn't know if the pole could be moved. The plan is for one pole to install. He signed an easement to give permission for one pole to be anchored on his property.

No one appeared in opposition.

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Councillor McCarthy moved to keep the public hearing open and continue until March 12, 2020. It was so voted.

(Councillor McCarthy resumed the chair)

**(#44) – APPOINTMENTS OF DEPUTY AUDITOR AND ASSISTANT TREASURER**

Held from the last meeting the Mayor's appointment of the following Department Staff with their terms to expire were confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

Cheryl Ann Dick	Deputy Auditor	term expires January 31, 2022
James Michael Cowdell	Assistant Treasurer	term expires January 31, 2023

Councillor Turiel requested and received unanimous consent to allow Ms. Dick and Mr. Cowdell to speak.

**(#46) – APPOINTMENT OF COLLEEN DOWNIE TO THE BICYCLING COMMITTEE**

Held from the last meeting the Mayor's appointment of Colleen Downie to the Bicycling Advisory Committee with a term to expire February 13, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

Councillor Riccardi requested and received unanimous consent to allow Ms. Downie to speak.

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****(#47) – APPOINTMENT OF STEVEN SMALLEY TO THE ZONING BOARD OF APPEALS**

Held from the last meeting the Mayor's appointment of Steven Smalley to the Zoning Board of Appeals with a term to expire April 11, 2021 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent. Councillor Madore requested and received unanimous consent to allow Mr. Smalley to speak.

**#119 – APPOINTMENT OF KRISTIN MACEK TO THE COUNCIL ON AGING**

The Mayor's appointment of Kristin Macek to the Council on Aging Board with a term to expire February 27, 2023 was held under the rules until the next meeting.

**#120 – REAPPOINTMENT OF WILLIAM GRISET TO THE PLANNING BOARD**

The Mayor's reappointment of William Griset to the Planning Board with a term to expire March 1, 2025 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**#121 – REAPPOINTMENT OF VIJAY JOYCE TO THE HISTORICAL COMMISSION**

The Mayor's reappointment of Vijay Joyce to the Historical Commission with a term to expire March 1, 2023 was confirmed by a roll call vote of 9 yeas, 0 nays and 2 absent. Councillors Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillors Dibble and Sargent were recorded as absent.

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#122 – REAPPOINTMENT OF HELEN SIDES TO THE DESIGN REVIEW BOARD**

The Mayor's reappointment of Helen Sides to the Design Review Board with a term to expire March 1, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**#123 – REAPPOINTMENT OF MARC PERRAS TO THE DESIGN REVIEW BOARD**

The Mayor's reappointment of Marc Perras to the Design Review Board with a term to expire March 1, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**#124 – REAPPOINTMENT OF REBECCA CURRAN TO THE AFFORDABLE HOUSING TRUST FUND BOARD**

The Mayor's reappointment of Rebecca Curran to the Affordable Housing Trust Fund Board with a term to expire January 25, 2022 was confirmed by a roll call vote of 9 yeas, 0 nays and 2 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Madore and Sargent was recorded as absent. (Councillor Madore recused herself from this matter and returned after the vote was taken)

**#125 – REAPPOINTMENT OF CHARLES BARTON TO THE BOARD OF REGISTRAR OF VOTERS**

The Mayor's reappointment of Charles Barton to the Board of Registrars with a term to expire March 1, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**#126 – REAPPOINTMENT OF ABIGAIL BUTT TO THE COUNCIL ON AGING**

The Mayor's reappointment of Abigail Butt to the Council on Aging with a term to expire March 1, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#127 – REAPPOINTMENT OF JULIE CARVER TO THE COUNCIL ON AGING**

The Mayor's reappointment of Julie Carver to the Council on Aging with a term to expire March 1, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**#128 – REAPPOINTMENT OF DEBRA LOBSITZ TO THE COMMISSION ON DISABILITES**

The Mayor's reappointment of Debra Lobsitz to the Commission on Disabilities with a term to expire March 1, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**#129 – REAPPOINTMENT OF ROBERT MILLERICK TO THE BOARD OF ASSESSORS**

The Mayor's reappointment of Robert Millerick to the Board of Assessors with a term to expire March 1, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**#130 – REAPPOINTMENT OF PAUL KIRBY TO THE BOARD OF HEALTH**

The Mayor's reappointment of Paul Kirby to the Board of Health with a term to expire March 1, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**#131 – REAPPOINTMENT OF MARY ELLEN HALLIWELL TO THE BEAUTIFICATION COMMITTEE**

The Mayor's reappointment of Mary Ellen Halliwell to the Beautification Committee with a term to expire March 1, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#132 – REAPPOINTMENT OF SANDRA POWELL TO THE BEAUTIFICATION COMMITTEE**

The Mayor's reappointment of Sandra Pauer to the Beautification Committee with a term to expire March 1, 2023 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

**#133 – REAPPOINTMENT OF RONALD BERTHEIM AS A CONSTABLE**

Mayor's re-appointment of Ronald Bertheim to serve as Constables with a term to expire February 25, 2023 was received and filed.

Councillor McCarthy thanks all the reappointments for their service.

**#134 – APPROPRIATION OF \$142,412.48 FOR WATER MAIN BREAK ON BRIDGE ST.**

The following Order introduced by the Mayor was referred to the Committee on Administration and Finance co-posted with the Committee of the Whole.

ORDERED: That the sum of One Hundred Forty-Two Thousand Four Hundred Twelve Dollars and Forty-Eight Cents (\$142,412.48) is hereby appropriated from the "Retained Earnings – Water/Sewer Fund" account (6000-3120) to the Water Enterprise Fund Contracted Services account (610032-5320) to be expended for the repair of a 20-inch water main break located at Bridge Street in accordance with the recommendation of Her Honor the Mayor.

**#135 – APPROPRIATION OF \$43,357.05 FOR WATER MAIN BREAK ON LORING AVE.**

The following Order introduced by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Forty-Three Thousand Three Hundred Fifty-Seven Dollars and Five Cents (\$43,357.05) is hereby appropriated from the "Retained Earnings – Water/Sewer Fund" account (6000-3120) to the Water Enterprise Fund Contracted Services account (610032-5320) to be expended for the repair of a water main break on Loring Avenue in accordance with the recommendation of Her Honor the Mayor.

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#136 – APPROPRIATION OF \$20,000 FOR POLICE DETAIL FOR WATER MAIN BREAKS**

The following Order introduced by the Mayor was adopted under suspension of the rules. (Councillor Prosniewski recused himself from this matter and returned after the vote was taken)

ORDERED: That the sum of Twenty Thousand Dollars (\$20,000.00) is hereby appropriated from the “Retained Earnings – Water/Sewer Fund” account (6000-3120) to Water Enterprise Fund Police Detail account (610032-5301) to be expended for Police Details incurred as a result of unforeseen water breaks in accordance with the recommendation of Her Honor the Mayor.

**#137 – APPROPRIATION OF \$15,680.59 TO REPAIR LIGHTS AT LESLIE RETREAT PARK**

The following Order introduced by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Fifteen Thousand, Six-hundred Eighty Dollars and Fifty Nine Cents (\$15,680.59) is hereby appropriated and transferred from the Capital Outlay Fund 2000” to a ST Electric Department Leslie Retreat Park repair and maintenance account to be expended by the Electric Department to repair underground wiring and malfunctioning luminaries in the Leslie Retreat Park in accordance with the recommendation of Her Honor the Mayor.

**#138 – APPROPRIATION OF \$7,737.00 FOR VENTILATOR SHAFT AT WINTER ISLAND**

The following Order introduced by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Seven Thousand Seven Hundred Thirty-Seven Dollars (\$7,737.00) is hereby transferred and appropriated from the “Fund Balance Reserved for Appropriation – Free Cash” account (1-3245) to Public Property Building Inspection Clean/Lien account 12412-5713C to cover costs associated with the Officers Building located at Winter Island in which the removal of the ventilator shaft was determined to be necessary to stabilize a dangerous condition for the health and wellbeing of the public in accordance with the recommendation of Her Honor the Mayor.

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#139 – DONATION OF \$2,190.00 TO THE COUNCIL ON AGING FUND**

The following Order introduced by the Mayor was adopted.

ORDERED: To accept the donation of Two Thousand, One Hundred Ninety Dollars (\$2,190.00) from the Friends of the Salem Council on Aging to be deposited into the Council on Aging Donation Fund 2401 (24011-4830) for the purposes of supporting aerobic exercise and other wellness programs from March through December of this year in accordance with the recommendation of Her Honor the Mayor.

**#140 – RESOLUTION SUPPORTING THE CREATION OF THE SOUTH SALEM  
COMMUTER RAIL STATION**

The following Resolution introduced by the Mayor was adopted.

WHEREAS, the City of Salem and the MBTA began studying the feasibility of a commuter rail station for South Salem over two decades ago; and

WHEREAS, that work was revived with an updated feasibility study in 2016 and an economic impact study in 2017; and

WHEREAS, the City of Salem, Salem State University, North Shore Medical Center, and the Salem Partnership are supportive of the construction of this station to reduce congestion on surrounding roadways, improve worker, student, and patient access to Salem's largest employers, address climate change goals by reducing motor vehicle use, improve neighborhood values, and increase smart, transit-oriented housing;

THEREFORE, we, the Mayor and City Council of the City of Salem, do hereby endorse the final design, permitting, and construction of the South Salem commuter rail station, as outlined in the 2016 feasibility study and presented to the public and we further request that the Massachusetts Department of Transportation, United State Department of Transportation, and the City's state and federal legislative delegations make this project a priority and support funding requests to enable its completion.

*Submitted to the City Council by: Mayor Kimberley Driscoll, City Councillor Josh Turiel,  
City Councillor Stephen Dibble*

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#141 – ORDINANCE AMENDING CH. 2 SEC. 2028 (2 - AUXILIARY AIDS FOR ACCESSABILITY)**

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

ORDINANCE: An Ordinance providing for auxiliary aids and services for effective communication or reasonable modifications for accessibility in public meetings.

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

**Section 1.** Chapter 2 is hereby amended by adding the following at the end of section 2-2028(e):

“Persons requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator as soon as possible and no less than 2 business days before the meeting, program, or event.”

**Section 11.** This Ordinance shall take effect as provided by City Charter.

**#142 – ZONING ORDINANCE RELATIVE TO INCLUSIONARY HOUSING**

The following Zoning Ordinance introduced by the Mayor was referred to the Planning Board to hold a Joint Public Hearing.

**ORDINANCE:** An Ordinance to amend the zoning ordinance by adding, “Inclusionary Housing”. (Section 5.4 and Sec. 10)

**Section 1.** Section 5- Regulations of the Zoning Ordinance is hereby amended by adding the following new section:

***5.4 - INCLUSIONARY HOUSING***

**5.4.1 Purpose and Intent.** The purpose of this section is to expand the City of Salem’s housing stock, especially its Affordable Housing Units; to leverage market-rate housing production towards the production of Affordable Housing Units; to provide for housing choices for households of all incomes, ages, and sizes; to increase the production of

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Affordable Housing Units to meet employment needs; and to establish standards and guidelines in order to implement the foregoing.

It is intended that the Affordable Housing Units that result from this section be considered as Local Action Units, in compliance with the requirements specified by the Massachusetts Department of Housing and Community Development (DHCD) Local Initiative Program.

**5.4.2 Applicability.**

1. This Section §5.4 applies to any subdivision or development, whether new construction, conversion, adaptive reuse or expansion of an existing structure, involving the creation of six (6) or more dwelling units. It applies to all residential dwelling types as defined by the Salem zoning ordinance with the exception of assisted living residences, nursing or convalescent homes, and other similar uses.
  - a. A subdivision or division of land shall mean any subdivision as defined in the Subdivision Control Law, G.L. c.41, §81K-81GG, or any division of land under G.L. c.41, §81P, into lots for residential use.
  - b. Developments shall not be segmented or phased to avoid compliance with this Section. "Segmentation" shall mean any development or any division of land that would cumulatively result in an increase of six or more residential lots or dwelling units above the number existing on a parcel of land or contiguous parcels in common ownership up to twenty-four months prior to the application. Where such segmentation occurs, it shall be subject to this Section.
2. This Section §5.4 does not apply to the rehabilitation, repair or reconstruction of any building or structure, all of or substantially all of which is destroyed or damaged by fire or other casualty or a natural disaster; provided, however, no rehabilitation, repair or reconstruction shall result in a net increase of six (6) units beyond what previously existed prior to the damage or destruction thereof except in conformance with this section.
3. No special permit or site plan review for a development requiring a special permit or site plan review, and no building permit for a use permitted as of right, shall be issued for a development subject to this Section §5.4 unless the applicant provides the percentage of the total dwelling units in the development as Affordable Housing as described herein.

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****5.4.3 Mandatory Provision of Affordable Units.**

1. Affordable Housing requirement. As a condition of development, the applicant shall contribute to the local stock of Affordable Housing Units in accordance with the following requirements:
  - a. In any development subject to this Section §5.4, ten (10) percent of the dwelling units shall be Affordable to households with incomes at or below sixty (60) percent of AMI.
  - b. Affordable units shall be made available to eligible households with incomes at or below 60% AMI at purchase prices or rents that adhere to the income limits determined by the U.S. Department of Housing and Urban Development (HUD) applicable to the City of Salem, and shall comply with the DHCD Local Initiative Program regulations.
  - c. Nothing in this Section shall preclude the applicant from providing additional Affordable units, or greater affordability, or both, than the minimum requirements.
2. Special Permit for Tiered Affordability
  - a. Purpose. Adaptive reuse of abandoned, underutilized or functionally obsolete properties as housing enables growth in established locations while preserving or restoring the architectural fabric of Salem. In the event that an adaptive reuse project in the B5 zoning district would not be feasible with the Affordable unit requirements of Section 5.4.3, the Affordability unit requirements of Section 5.4.3 may be met by a special permit from the Planning Board that would allow tiered affordability levels of the required Affordable units up to 80 percent of the area median income if all the criteria of Section 5.4.3(2) are met.
  - b. Eligibility.
    - i. The project must be located in the B5 zoning district.
    - ii. The incentives of Section 5.4.4 are not permitted if the Affordable unit requirements of Section 5.4.3 are met by a special permit.
    - iii. The applicant shall obtain a letter from the Salem Historical Commission that determines:
      1. The building is located on the State Register of Historic Places or that the building is significant in the history, archaeology, architecture or culture of Salem.

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2. The building is a minimum of 50 years old.
3. The exterior work comply with the Secretary of the Interior Standards.
- iv. The applicant shall obtain a positive recommendation letter from the Affordable Housing Trust Fund Board concerning the proposed affordability tiers.
- c. Criteria for a Tiered Affordability Special Permit.
  - i. Increasing the affordability level of any of the required Affordable units above 60 percent of the area median income is discouraged. The applicant shall demonstrate to the Affordable Housing Trust Fund Board that all other resources have been exhausted.
  - ii. The applicant shall provide financial pro-forma to the Affordable Housing Trust Fund Board that demonstrates the affordable unit provisions in Section 5.4.3(1) would prevent the adaptive reuse project from being financially feasible. The pro-forma shall use DHCD's Chapter 40B Guidelines for determining whether the project is "uneconomic" and related terms such as "return on total cost" and "net operating income" or other guidelines that are recognized by real estate and affordable housing industry standards that are determined to be acceptable by the Affordable Housing Trust Fund Board.
  - iii. The pro-forma will be peer reviewed by a third-party accountant chosen by the Affordable Housing Trust Fund Board and paid for by the applicant. The Affordable Housing Trust Fund Board shall include consideration of the criteria in Section 5.4.3(2)(c) i and ii in their recommendation letter to the Planning Board.
  - iv. A permanent preservation restriction mutually agreed upon between the applicant and the City of Salem Historical Commission shall be provided to the City of Salem to protect the historically significant features of the exterior of the building.
3. **Fractions.** When the requirement for Affordable Housing Units results in a fraction of a unit, the applicant shall have the choice to round up to the next whole number or convert the fraction of a unit to a cash payment to the Salem Affordable Housing Trust Fund. For example, a twelve-unit project would require 1.2 Affordable units (10% of 12); the last 0.2 unit may be satisfied by providing an additional unit (for a total of 2 Affordable units) or through a cash payment equivalent to 0.2 unit.

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The payment shall be based on the construction cost of an average-sized unit in the development, or the construction cost of a unit of 1000 square feet, whichever is smaller. The residential construction cost per square foot shall be determined by the construction cost reported on the project's building permit application.

$$\text{Fractional payment} = (\text{Required fraction of a unit}) \times (\text{Construction cost per residential square foot}) \times (1000 \text{ square feet or average unit size, whichever is less})$$

For mixed-use projects or projects that include structured parking, only the residential construction cost and the residential square footage will be considered to determine the construction cost per residential square foot. For projects using historic tax credits or other historic preservation incentive, the cost of the historic credit or incentive may be subtracted from the total construction cost reported on the project's building permit application.

**5.4.4 Density and Parking.** Developments subject to this Section 5.4, with the exception of those obtaining a special permit pursuant to Section 5.4.3.2, may incorporate either or both of the following:

1. Density Bonus. Developments in compliance with the Affordable Housing requirements of this Section §5.4 are permitted an increase of 25% of the total number of units that would normally be permitted in the applicable zoning district. The Affordable Housing requirements are calculated on the total number of new units, including units created through the density bonus.
  - a. The minimum lot area per dwelling unit normally required in the applicable zoning district shall be reduced by the amount necessary to permit the additional units. This reduction of the minimum lot area per dwelling unit shall be by right for developments in compliance with the requirements of this Section §5.4.
  - b. The number of stories normally permitted in the applicable zoning district may be increased by one story provided it does not exceed the maximum height, and all yard and setback requirements normally required in the applicable zoning district may be reduced by up to 50%, with a Special Permit granted by the Planning Board. In granting a Special Permit, the Planning Board will consider the Special Permit criteria established in Section 9.4.2 and whether the permit is necessary to provide for the additional units permitted by the density bonus.

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2. Parking Reduction Special Permit. Developments in compliance with this Section §5.4 are permitted to reduce the number of required parking spaces with a Special Permit granted by the Planning Board as follows:
  - a. In granting the Special Permit, the Planning Board will consider the criteria established in Section 9.4.2
  - b. For developments located within a half mile of the commuter rail station, the development is permitted to reduce the number of parking spaces to one parking space per dwelling unit.
  - c. For developments located further than a half mile from the commuter rail station, the development is permitted to reduce the number of parking spaces to one parking space per dwelling unit if Transportation Demand Management (TDM) practices are incorporated, as evidenced by a Transportation Demand Management Plan to reduce demand for parking, and approved by the Planning Board as a condition of project approval. The Planning Board will assess the need for TDM measures based on site location. TDM methods to reduce parking demand on site may include but are not limited to:
    - i) Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses;
    - ii) Use off-site parking to satisfy parking requirements;
    - iii) Pay a stipend to residents without cars;
    - iv) Provide a guaranteed emergency ride home;
    - v) Provide transit pass subsidies;
    - vi) Provide covered bicycle parking and storage;
    - vii) Provide bicycle or car sharing on site;
    - viii) Other means acceptable to the Planning Board.

**5.4.5 Provisions Applicable to Affordable Housing Units.**

1. Location. All Affordable Housing Units must be dispersed evenly throughout the development.
2. Exterior design. The exterior of Affordable Housing Units must be indistinguishable from the market-rate units in terms of design, appearance, materials, and quality of construction.

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3. Interior size and finishes. The size and interior finishes of the Affordable Housing Units may differ from the market-rate units within the parameters described below:
  - a. Affordable Housing Units may be smaller than the market-rate dwellings, but in no event shall the gross floor area of any affordable unit be less than the minimum floor area required under the regulations or guidelines of the Local Initiative Program set forth by DHCD.
  - b. The Affordable Housing units must be supplied with the same base appliances and fixtures as the market rate units; for example, if market-rate units include a dishwasher, Affordable units must include one as well. However, the product specifications for the fixtures, appliances, and interior finishes in Affordable units may differ from those in the market-rate units, provided that such finishes and features are durable, of good quality, consistent with contemporary standards for new housing, and in compliance with the standards set forth by Local Initiative Program design and construction standards.
  - c. Affordable Housing Units must be supplied with the same mechanical systems and energy efficiency features as market-rate units, including windows, insulation, plumbing, and heating and cooling systems.
  - d. The bedroom mix in the Affordable Housing Units shall be proportionate to the bedroom mix of the market-rate units.
  - e. Residents of Affordable Housing Units shall have similar access to all building and site common areas and amenities as residents of market-rate units, including but not limited to outdoor spaces, amenity spaces, storage, parking, bicycle parking facilities, and resident services.
  - f. Compliance with Section 5.4.5 shall be determined by Salem Department of Planning and Community Development staff.
4. Timing of construction of Affordable units and payment made. Affordable Housing Units must be constructed at a proportion of one (1) affordable unit for every five (5) Market Rate Units. The payment for fractional units, if applicable, shall be made before issuance of the Certificate of Occupancy.

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**5.4.6 Resident Selection and Marketing Plan for Affordable Units.**

1. Applicants creating new Affordable Housing Units under this Section §5.4 are required to select qualified homebuyers or renters via lottery under an Affirmative Fair Housing Marketing Plan (AFHMP) prepared and submitted by the applicant and approved by the Salem Department of Planning and Community Development and DHCD as part of the Local Initiative Program. The AFHMP must include a plan to address AFHMP requirements upon resale of ownership units. The marketing plan shall comply with federal and state fair housing laws and guidelines in effect on the date of filing of the special permit or other permit application with the City of Salem. No Certificate of Occupancy for a development subject to §5.4 shall be issued unless the Salem Department of Planning and Community Development has determined that the applicant's AFHMP complies with this requirement. The affirmative marketing costs for the Affordable Housing units shall be the responsibility of the applicant.
2. If the applicant agent is unable to find an eligible homebuyer within 180 days of marketing the unit, in accordance with the AFHMP, the applicant may sell the property to a household earning up to 80% of the area median income upon approval of the Affordable Housing Trust Fund Board.

**5.4.7 Preservation of Affordability.** Each Affordable Housing Unit created in accordance with this Section shall have limitations governing its resale through the use of an Affordable Housing Restriction. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for low- and moderate-income households.

1. As a condition of development, all Affordable Housing Units provided under this Section §5.4 shall be subject to an Affordable Housing Restriction in a form consistent with the LIP guidelines or any other applicable guidelines issued by DHCD, acceptable to the Planning Board, that ensures Affordable units can be counted toward Salem's Subsidized Housing Inventory. The Affordable Housing restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of MGL c. 184, § 26 or §§ 31 and 32. Affordability restrictions shall be contained in applicable Affordable Housing Restrictions, regulatory agreements, deed covenants, contractual agreements, land trust arrangements and/or other mechanisms to ensure compliance with the affordability requirements of this Section.

The applicant shall be responsible for preparing and complying with any documentation that may be required by DHCD to qualify Affordable Housing

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Units for listing on the Chapter 40B Subsidized Housing Inventory as Local Action Units.

2. The Affordable Housing Restriction shall contain limitations on use, occupancy, resale and rents, and provide for periodic monitoring, by the City or its designee named in the deed rider as the monitoring agent, to verify compliance with and enforce said restriction. This monitoring is intended to verify that Affordable homeownership units remain owner-occupied and are resold at a price affordable to low- or moderate-income homebuyers, and that Affordable rental units are occupied by low- or moderate-income tenants at rents they can afford. The applicant is responsible for providing ongoing monitoring through an organization qualified to serve as a monitoring agent on behalf of the City.
3. The restriction shall establish that Affordable units created under the provisions of §5.4 shall remain affordable to the designated income group in perpetuity, or for as long as legally permissible, per Affordable Housing restrictions that comply with Local Initiative Program requirements as they may be amended for inclusion in the Chapter 40B Subsidized Housing Inventory and is enforceable under G.L. c. 184, § 26 or §§ 31-32.
4. The restriction shall grant the City of Salem or its designee the right of first refusal to purchase the property in the event that a subsequent qualified homebuyer cannot be located. In any and all instances Section 5.4.7(3) shall remain in effect.
5. The Affordable Housing Restriction shall provide that initial sales and rentals of Affordable Housing units and subsequent re-sales and rentals shall comply with federal, state and local fair housing laws, regulations and policies, and DHCD Local Initiative Program guidelines. For Affordable homeownership units, the procedure for resale and the responsibilities of the homeowner, the City and/or its monitoring agent, and DHCD are described in detail in DHCD's Local Initiative Program regulations.
6. The Affordable Housing Restriction shall provide that, in the event that any Affordable rental unit is converted to a condominium unit, the condominium unit shall be restricted in perpetuity as Affordable to the income level required for Affordable ownership units in Section 5.4.3.1.
7. No Certificate of Occupancy shall be issued until the applicant executes an enforceable agreement with the City and provides evidence acceptable to the Salem Department of Planning and Community Development that the agreement has been recorded at the Essex County Registry of Deeds. It is the applicant's responsibility to prepare a complete regulatory agreement, to obtain the

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necessary signatures and to record a fully executed agreement at the Registry of Deeds prior to the issuance of any Certificate of Occupancy (or in the case of a subdivision, lot releases).

8. For an Affordable homeownership unit, no Certificate of Occupancy shall be issued until the applicant submits documentation acceptable to the Salem Department of Planning and Community Development that an Affordable Housing deed rider has been signed by the homebuyer and recorded at the Essex County Registry of Deeds.

**5.4.8 Conflict with Other Sections.** The provisions of this Section §5.4 shall be considered supplemental of existing sections of this zoning ordinance. To the extent that a conflict exists between this Section §5.4 and others, the provisions of this Section §5.4 shall apply.

**5.4.9 Severability.** If any portion of this Section is declared to be invalid, the remainder shall continue to be in full force and effect.

**Section 2.** The Salem Zoning Ordinance Section 10 Definitions is hereby amended by following definitions:

*Affordable Housing Restriction:* A deed restriction, contract, mortgage agreement, or other legal instrument, acceptable in form and substance to the City of Salem, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of Chapter 184, Sections 26 or 31-32 of the Massachusetts General Laws.

*Affordable Housing Unit:* A dwelling unit that is affordable to and occupied by a low- or moderate-income household and meets the requirements of the Massachusetts Department of Housing and Community Development, Local Initiative Program, for inclusion on the Chapter 40B Subsidized Housing Inventory.

*Area Median Income:* The median income for households within the metropolitan area that includes the City of Salem, as defined in the annual schedule of low- income limits published by the U.S. Department of Housing and Urban Development, adjusted for household size.

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*Eligible Household:* A household of one or more persons whose maximum income does not exceed 60% of Area Median Income, or other income limit established in Section 5.4.

*Eligible Buyer:* An individual or household certified by the Monitoring Agent to have met all of the eligibility requirements set forth in the Affordable Housing Restriction and applicable Program Guidelines to buy an Affordable unit, including limits on income and assets, suitability of financing, etc.

*Local Action Unit:* An Affordable Housing unit developed through a city's zoning or permit issuance process as part of the Local Initiative Program and eligible for inclusion on the Subsidized Housing Inventory.

*Local Initiative Program:* A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 56.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit as defined in Chapter 40B.

*Low-Income Household:* A household with income at or below 60% of area median income, adjusted for household size, for the metropolitan area that includes the City of Salem, as determined annually by the United States Department of Housing and Urban Development (HUD).

*Market Rate Unit:* All dwelling units in a development subject to Section 5.4 that are not Affordable Housing Units as defined therein.

*Maximum Affordable Purchase Price or Rent:* A selling price or monthly rent that does not exceed the maximum purchase price or rent guidelines of the program used to qualify Affordable Housing Units for inclusion on the DHCD Chapter 40B Subsidized Housing Inventory. For homeownership units, the maximum affordable purchase price shall account for the monthly cost of a mortgage payment, property taxes, insurance, and condominium fees where applicable. For rental units, the maximum affordable rent shall account for the monthly cost of rent and utilities. The household income used to compute the maximum affordable purchase price or rent shall be adjusted for household size, considering the household size for which a proposed affordable unit would be suitable under guidelines of the Local Initiative Program or any successor affordable housing program established by the state.

*Monitoring Agent:* The Monitoring Agent is a qualified individual or agency for the purposes of administration, monitoring and enforcement of the Affordability Requirement for a Project pursuant to the Affordability Monitoring Services Agreement.

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*Salem Affordable Housing Trust Fund*: A fund established by the City of Salem pursuant to Massachusetts General Laws, Chapter 44, Section 55C, for the purpose of creating or preserving Affordable Housing in the City of Salem for the benefit of low- and moderate-income households.

*Subsidized Housing Inventory (SHI)*: The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 31.04.

**Section 3.** This Ordinance shall take effect as provided by City Charter.

**#143 – MAYOR TO ADDRESS COUNCIL REGARDING SALEM 400 CELEBRATION**

The communication and the presentation from the Mayor to address the City Council relative to the status of the Salem 400 Celebration was received and placed on file.

The Mayor presented a power point presentation regarding the Salem 400 Celebration. It covered various topics including the timeline, who makes up the working group, other communities celebrating their 400<sup>th</sup> in the next ten years, background about Salem's Tercentenary in 1926, the mission statement for 2026, Goals that have been set for this upcoming celebration, an historic timeline from 1626 – 2026, branding, Programs and Partners and Signature Parks and Tree Initiatives.

Councillor Dominguez asked if diversity will be included such as the Latino Community and history.

Mayor Driscoll responded yes.

Councillor Hapworth – Telling stories – permanent and lasting signature. How we tell our past history.

Mayor Driscoll stated we are really just getting started but will take suggestions.

Councillor Madore asked for an outline of the next steps and how the Council and Community can get involved.

Mayor Driscoll stated there will be a public launch date to be determined. The next step is how to attack the work. Setting goals for 2026 i.e. housing, climate control, who is going to be responsible and how to get this work done. Will it be some or all City lead, some cities/town have formed a 501 C (3). We need to figure out what works best for us. Nobody wants to take the lead on this. Will we have an Advisory Board, Stake

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Holders such as Salem State and the Peabody Essex Museum. We hired Fresh to help us with a logo/brand to use.

Councillor Madore stated still trying to figure out what our message is instead of this just being one big party.

Mayor Driscoll stated she hoped that wasn't the impression she was giving. Trying to figure out what type of Salem do we want for 2026.

Councillor Dibble stated to make sure we make Pioneer Village its due as part of our celebration.

**#144 – RAISE THE IRISH FLAG**

The following Order introduced by Councillor Flynn was adopted.

ORDERED: That the Director of Park, Recreation & Community Services raise the Irish Flag at Riley Plaza on March 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> in honor of St. Patrick's Day

**#145 – TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 50B – HANDICAP PARKING – HAZEL STREET**

The following Ordinance introduced by Councillor Turiel was adopted for first passage.

ORDINANCE: In the year Two Thousand and Twenty

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Amending Chapter 42, Section 50B – “Handicapped Zones, Limited Time” is hereby amended by adding the following:

Hazel Street – One Handicapped Parking Space to be added in front of #38 Hazel Street, beginning four (4) feet North of the driveway at 38 Hazel Street, running north for twenty (20) feet.

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

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#146 – TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 49 – STOP SIGN AT WHEATLAND AND LAWRENCE STREET**

The following Ordinance introduced by Councillor Morsillo was adopted for first passage.

In the year Two Thousand and Twenty

An Ordinance to amend an Ordinance relative to Traffic

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

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

Wheatland Street, at the intersection with Lawrence Street, add one stop sign, easterly bound traffic on Wheatland Street.

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

**#147 – TRAFFIC ORDINANCE AMENDING CH. 42, SEC. 49 – STOP SIGN AT PINGREE AND LYNCH STREET**

The following Ordinance introduced by Councillor McCarthy was adopted for first passage. (Councillor Turiel assumes the Chair)

In the year Two Thousand and Twenty

An Ordinance to amend an Ordinance relative to Traffic

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

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

Pingree Street, northerly bound traffic on Pingree Street at Lynch Street.

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

(Councillor McCarthy assumes the chair)

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#148 – CREATE ORDINANCE OR RESOLUTION TO ADDRESS BAN ON PLASTICS, STYROFOAM, CIGARETTE BUTTS, NIP BOTTLE LITTER & HELIUM RELEASE**

The following Order introduced by Councillor Dibble was adopted.

ORDERED: That the Committee on Public Health, Safety, and the Environment, co-posted COW meet to create a resolution and/or ordinance to address each of the following: ban of single use plastics, plastic straws, Styrofoam, cigarette butt litter, alcohol “nip” bottle litter, helium balloon release prohibition, and that the following be invited: SAFE, SERC, Salem Sound Coastwatch, Salem Recycles, Salem League of Women Voters, Salem Public Schools Environmental Coordinator or Superintendent, City Engineer and Health Agent.

Councillor Prosniewski read into record the letter from Sound Watch (See letter below). He also stated as a past member of the dive team, he has seen the trash that still exists at the bottom of our ocean. We have no idea because we can't see it.

Salem City Council Members,

It is with great enthusiasm that Salem Sound Coastwatch supports Councilor Dibble and the rest of the Public Health, Safety and Environment Committee in their efforts to pass a single-use plastic and polystyrene related resolution and eventual ordinance.

Marine debris is one of the greatest threats to the health and longevity of our oceans and all of the life that surrounds it. Humans, as the only manufacturers and users of plastics and non-biodegradable materials, are the sole creator of marine debris and must, therefore, be held responsible for addressing the issue it poses for our water and our environment. Perhaps the second largest threat to our oceans is the public's lack of awareness and/or current lack of widespread commitment to solving the problem. An ordinance seeking to limit the amount of single-use plastics or polystyrene materials an establishment may offer to its customers would lessen both of these threats. We believe that exposing the public to alternatives to the too-often-expected plastic straw, utensil or food container, we can greatly reduce the amount of debris that ends up in our oceans and engage our community in a more sustainable existence.

As many of you know, Salem Sound Coastwatch is dedicated to protecting the environment and improving the water quality of Salem Sound. Our past projects, similar to the proposed resolution or ordinance, include facilitating the plastic bag ordinances passed in Salem, Beverly and Danvers. We were involved in the beginning stages of a “Skip the Straw” campaign here in Salem, have been involved with all of the storm drain murralling around town, and have a number of other community service projects currently underway at the hands of our “Talking Trash for Clean Oceans” Teen Interns.

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We look forward to working with the Council to formulate and pass this resolution or ordinance and are excited to see what can be accomplished to reduce single-use plastics in our community.

Respectfully,  
The Salem Sound Coastwatch Team

**#149 – DRAFT ORDINANCE RELATIVE TO GAS BAN**

The following Order introduced by Councillor Dibble was adopted.

ORDERED: That the Committee on Public Health, Safety, and the Environment, co-posted with the Committee of the Whole meet to review the draft gas ban ordinance below and that SAFE, SERC, Salem Sound Coastwatch, Salem League of Women Voters, and the chair of the ZBA, City Engineer, Fire Chief, Health Agent, and Building Inspector be invited with each receiving a copy of the draft ordinance.

**Prohibition on New Fossil Fuel Infrastructure in Major Construction**

That the Salem City Council amend its Code of Ordinance (Zoning) by adopting a new ordinance creating the following: “Prohibition on New Fossil Fuel Infrastructure in Major Construction” as set forth below.

***Purpose***

Whereas, this Ordinance adopted by the City of Salem, under its home rule powers and its police powers under Massachusetts General Laws to protect the health and welfare of the inhabitants of the city of Salem from air pollution, including that which is causing climate change and thereby threatens the City and its inhabitants,

Whereas, the City of Salem has hundreds of existing gas leaks in gas line infrastructure beneath streets and sidewalks that are either not being repaired or not being repaired within a timely period of time and rate payers are forced to pay for this leaking gas at a profit to the gas company, thereby the gas company has little financial incentive to make these needed leak repairs. The leaked gas has been proven to harm and kill public shade trees. Salem Fire Dept repeatedly responds to these leaks but the leaks continue to go unrepaired, costing Salem residents money with each Fire Dept response,

And Whereas, leaked gas has been linked to cause asthma in children. Gas piped to Salem is often is derived from fracked gas sources where numerous chemicals are added to the fracking process and are said to come to Salem in pipelines to Salem

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homes and businesses with these chemicals mixed with the gas. The “Natural Gas” can now be said to be “Un-Natural Gas”. Some of these numerous chemicals are known to cause cancer and other human health impacts, and the gas company has failed to answer if these chemicals can or are removed by the gas company before reaching Salem homes and businesses.

***Definitions***

“New Building” is defined as a new building or new accessory building (a building devoted exclusively to a use accessory to the principal use of the lot) that is associated with a valid building permit application on or after the Effective Date.

“On-Site Fossil Fuel Infrastructure” is defined as fuel gas or fuel oil piping that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter (customer-side of gas meter).

“Significant Rehabilitation” is defined as a renovation project associated with a valid building permit application on or after the Effective Date of this ordinance that:

(1) For existing structures regulated by the current edition of the Massachusetts State Building Code 780 CMR 51.00, Massachusetts Residential Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 75% of the Gross Floor Area as defined in the Salem Zoning Ordinance.

(2) For existing structures regulated by the current edition of the Massachusetts State Building Code 780 CMR 34, the Massachusetts State Basic/Commercial Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 50% of the building floor area prior to the project, as defined by the Massachusetts Building Code.

“Work Area” is defined as the portions of a building affected by renovations for the reconfiguration of space and/or building systems, as indicated in the drawings associated with a building permit application. Areas consisting of only repairs, refinishing, and/or incidental work are excluded from the Work Area.

***Waiver and appeal***

The Zoning Board of Appeals (ZBA), only with recommendations from the Salem Health Agent, Salem Fire Chief, and Salem Building Inspector, shall perform the requirements of Sections XXXX(Waivers) and XXXX(Appeals).

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING*****Applicability***

The requirements of this article shall apply to all permit applications for New Buildings and Significant Rehabilitations proposed to be located in whole or in part within the City as follows.

- A. The requirements of this article shall apply to utility service piping connecting the grid to a meter, or to a gas meter itself.
- B. The requirements of this article shall not apply to piping required to fuel backup electrical generators.
- C. The requirements of this article shall not apply to piping required for cooking appliances and related appliances.
- D. The requirements of this article shall not apply to the use of portable propane appliances for outdoor cooking and heating.
- E. The requirements of this article shall not apply to the piping required to produce portable or domestic hot water from centralized hot water systems in buildings with floor areas of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system.
- F. So long as new fossil fuel piping is not installed, the requirements of this ordinance shall not apply to the extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping.
- G. The requirements of this ordinance shall not apply to research laboratories for scientific or medical research or to medical offices regulated by the Massachusetts Department of Public Health as a health care facility.
- H. The requirements of this ordinance shall not apply to repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.

***Effective Date and Enforcement***

Upon the Effective Date, no permits shall be issued by the for the construction of New Buildings or Significant Rehabilitations that include the installation of new On-Site Fossil Fuel Infrastructure, except as otherwise provided in Sections XXXX(Applicability), XXXX(Waivers) and XXXX(Appeals). As used herein, "Effective Date" shall be January 1, 2021.

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****Waivers**

A waiver from this section/ordinance may be sought from the Salem ZBA on the grounds of financial infeasibility supported by a detailed cost comparison, inclusive of available rebates and credits, or impracticality of implementation. A waiver request may be made at any time and may be based upon submission of conceptual plans. The ZBA shall apply its criteria to evaluate whether particular portions of a project are financially infeasible or impractical to implement under the requirements of this section and shall issue waivers narrowly for those portions, where appropriate, rather than for an entire project. Particular consideration for waivers will be given to projects sponsored by the Salem Housing Authority (SHA), given the SHA's limited sources of capital funds.

**Appeals**

An appeal may be sought from the Salem ZBA following a denial of a building permit on the grounds that this ordinance is not applicable to a project pursuant to Section XXXX(Applicability). Any appeal shall be supported by detailed information documenting the basis of the appeal.

**#150 - (#104 - #112) – GRANTING CERTAIN LICENSES**

Councillor Madore offered the following report for the Committee on Ordinances, Licenses and Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of granting certain licenses has considered said matter and would recommend that the following licenses be granted.

SECOND HAND VALUABLES      Witch City Consignment 301 Essex St  
ecoATM, LLC 11 Traders Way (inside Shaw's)

TAG DAYS                      Salem's Veterans Council May 15,17,18, 22-25, July 2-4, Nov. 5-11, 2020  
Dance Enthusiasm February 29, March 22 & June 14, 2020  
SHS Softball March 29, April 11 & May 23, 2020  
Salem Little League May 16, June 6 & 20, 2020  
SHS Girls Volleyball September 27 & October 17, 2020  
Salem Youth Football & Cheering October 10 & 24, 2020  
North Shore Breakers October 18 & 25, 2020

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#151 – (#53) – BOND ORDER IN THE AMOUNT OF \$755,000.00 FOR THE MUSEUM PLACE GARAGE**

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. The Bond Order was adopted for second and final passage by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Dibble, Dominguez, Flynn, Hapworth, Madore, Morsillo, Prosniewski, Riccardi, Turiel and McCarthy were all recorded as voting in the affirmative. Councillor Sargent was recorded as absent.

The Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of a Bond Order in the amount of \$755,000.00 to pay costs of reconstructing and making extraordinary repairs to the Museum Place Parking Garage has considered said matter and would recommend adoption for second and final passage by RCV.

Councillor Turiel moved for Immediate Reconsideration in the hopes it would not prevail. Reconsideration was denied.

**#152 - (#55) – APPROPRIATIONS FOR THE CONTINGENCY COSTS AND DESIGN COSTS IN THE AMOUNT OF \$151,000.00 AND \$194,000.00**

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.

The Committee on Administration & Finance co-posted with the Committee of the Whole to whom was referred the matter of appropriations in the amount of \$151,000.00 and \$194,000.00 (Total Amount \$345,000.00) for contingency costs and to cover design plans for the Museum Parking Garage has considered said matter and would recommend adoption.

**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#153 – (#56) – APPROPRIATION OF \$140,000.00 TO LEGAL SERVICES**

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.

The Committee on Administration & Finance co-posted with the Committee of the Whole to whom was referred the matter of an appropriation in the amount of \$140,000.00 to the Legal Services General Fund Account has considered said matter and would recommend adoption.

Councillor Turiel moved for Immediate Reconsideration in the hopes it would not prevail. Reconsideration was denied.

**#154 – (#59) – APPROPRIATION OF \$40,000.00 FOR HIGHLAND AVE. CORRIDOR STUDY**

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

The Committee on Administration & Finance co-posted with the Committee of the Whole to whom was referred the matter of an appropriation in the amount of \$40,000.00 to fund a Corridor Planning Study and Action Plan of Highland Avenue has considered said matter and would recommend adoption.

Councillor Morsillo reminded everybody that this is not a traffic study. This will be used more for what can be developed up there.

Councillor Madore stated this was good timing. This study is to manage our growth – not a traffic study. We all want to solve the traffic congestion. Desire for more jobs brings more traffic. We need more housing. Plan for ways to live close to doing everyday things i.e. shopping and eating.

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The Following License Applications were granted.

PUBLIC GUIDES:	Christine O'Donnell 32 Huntoon St., Boston Kathryn Rutkowski 2 Essex St., Salem Kathleen Ward 3 Sutton Terr., Salem Pamela Akgun 62 Dixon St., Newport, RI Lumaris Bell 116 Boston St., Salem Wendy Quinn 2 Clocktower Pl., Nashua, NH
TAXI CAB/LIMOS:	Americab 92 Jackson St #208 (4 Limos) Salem Taxi 30 Federal St (1Taxi Cabs/1 Limo)
TAXI OPERATORS:	Della Fabian Gomez 32 Rainbow Terr., Salem Johnny Fabian Cornell 52 Ward St., Salem Guillermo Javier 32 Rainbow Terr., Salem Bienvenido Vicoso-Gill 52 Dow St., Salem Jose Lopez 16 Mason St., Salem Ramon Espinal Jr.15 Heritage Dr., Salem Felipe Garcia 30 Ridgeway St, Lynn Cristian Nunez 21 Bowditch St., Peabody Welkins Vicoso 52 Dow St., Salem Roberto Guitierrez 29 Park St., Salem Victoriano Ozoria 7 Roslyn St. Ct., Salem Rafael Moya 407 Essex St., Salem Argenis C. Almonte 173 Boston St., Salem Hipolito Ozoria 10 Porter St., Salem Leandro Aristy 78 Tremont St., Salem

**#158 – TAG DAY APPLICATIONS**

The Following License Application was referred to the Committee on Ordinances, Licenses and Legal Affairs.

TAG DAY:	SHS Girls Lacrosse March 14 & April 25, 2020
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**CITY OF SALEM****FEBRUARY 27, 2020****CITY COUNCIL REGULAR MEETING****#159 – CLAIMS**

The Following Claim was referred to the Committee on Ordinances, Licenses and Legal Affairs.

Anni Zechello 284 Bay RD., Stoughton

**(#559 OF 2018) – SECOND PASSAGE OF AN ORDINANCE AMENDING CH. 16  
SEC. 68 RELATIVE TO GREEN LAWN CEMETERY**

The matter of a second and final passage of an ordinance to Amend an Ordinance Relative to Green Lawn Cemetery was then taken up. It was adopted for second and final passage.

***An Ordinance*** to amend an Ordinance relative to Greenlawn Cemetery

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

***Section 1.*** Sec. 16-68. – *Form of deed for sale of new lots* is hereby amended by adding the following immediately after the last sentence in the “FIFTH” paragraph:

“The City also reserves the right to remove any extraneous items found at or around a grave site including, but not limited to, flags, sports paraphernalia, drawings, photographs and memorial lights. The removal of such items shall occur immediately upon discovery by Cemetery Personnel and maintained for no less than 21 days. The only exception to this provision shall be permanent veteran’s markers officially sanctioned by the federal or state government.”

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

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**(#686 OF 2018) - SECOND PASSAGE OF AN ORDINANCE AMENDING CH. 36  
RELATIVE TO SOLID WASTE**

The matter of a second and final passage of an ordinance to Amend an Ordinance Relative to Solid Waste was then taken up. It was adopted for second and final passage.

**An Ordinance** to amend an ordinance relative to solid waste management.

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

**Section 1.** Chapter 36 is hereby amended as follows:

- 1) Section 36-4 Pickup of Large Items is hereby amended by deleting the first paragraph in its entirety and replacing it with the following:

“a) Up to two bulk items such as mattresses and furniture shall be collected by appointment by the City’s solid waste collection contractor during the resident’s recycling pick-up week.

b) E-Waste, including computers and televisions, and appliances may be recycled at quarterly collection events scheduled by the City Engineer. A fee may be charged for the disposal of certain e-waste items.
- 2) Section 36-4 is further amended by deleting the first phrase of the second paragraph, “Items from demolishing or refurbishing properties such as ductwork, furnaces, radiators” and replacing it with “Construction and demolition debris including asphalt, bricks, concrete and other masonry materials, soil, rock, wall coverings, drywall, plumbing fixtures, insulation, roofing shingles, plate glass, metal, wood waste, electrical wires”
- 3) Section 36-5 Residential Curbside Solid Waste and Recycling Collection is hereby amended by deleting the first paragraph in its entirety and replacing it with the following:

“The City shall provide weekly municipal curbside solid waste and bi-weekly recycling collection to all owner-occupied residential units and non-owner occupied rental units, limited to six or less unit buildings, serviced by the municipal collection contract at the time this section is adopted.”

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- 4) Section 36-5 Residential Curbside Solid Waste and Recycling Collection is hereby further amended by deleting, with the third paragraph of this section, the phrase “including paper, cardboard, aluminum containers, recyclable paper, metal, glass and single polymer plastics.”
- 5) Section 36-6 Collection Fee for Certain Residents is hereby amended by adding the following to end of the first sentence in Section 36-6 (f):  
  
“ if evidence of ownership and an affidavit is filed with the City Engineer within 90 days of purchase of property or change in deed.”
- 6) Section 36-8 Collection Fee for Certain Commercial Establishments is hereby amended by adding the phrase “per commercial unit” at the end of the first sentence of this section.
- 7) Section 36-7 Commercial curbside solid waste and recycling collection is hereby amended by deleting the second paragraph in its entirety and inserting it as a new Section 36-9 entitled “Penalties.” This paragraph is further amended by deleting the word “section” as it appears in the first sentence and replacing it with the word “chapter.”

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

On the motion of Councillor Turiel the meeting adjourned at 9:30 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK