



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

October 20, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Janine Liberty of 6 Maple Avenue to the Public Art Commission for a term of two years to expire November 15, 2024.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Liberty for her continued dedicated service and commitment to our community.

Sincerely,

Kimberley Driscoll
Mayor
City of Salem



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Mayor

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October 20, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Joel Dashnaw of 25 Pickman Road to the Salem Recycling Committee. This letter is being provided to you for informational purposes only, as City Council confirmation is not required for this committee.

Mr. Dashnaw current serves as an account manager for commercial and industrial recycling for Republic Services, where he managed over 500 recycling accounts. Prior to that he assisted in fieldwork on recycling and materials management projects for Cascadia Consulting Group and was a sustainability manager with Save that Stuff in Charlestown, providing event management, consulting, and education services related to recycling and material recovery for dozens of major clients, including the City of Cambridge, Harvard, BU, BC, Emerson, Novartis, and the Boston Athletic Association, among others. He has been a speaker for the Climate Action Business Network and holds a Master's degree from SUNY Albany. Prior to moving to Salem Mr. Dashnaw was co-chair of the Seattle Public Utilities' Solid Waste Advisory Committee and a volunteer on the City of Cambridge's Recycling Advisory Committee.

Please join me in welcoming Mr. Dashnaw to SalemRecycles. We are fortunate that he is willing to serve our community in this important role and lend his expertise and insights to the group and its work.

Sincerely,

Kimberley Driscoll
Mayor
City of Salem

CC: Janelle Rolke, City of Salem Waste Reduction Coordinator



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

October 20, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Order accepts a donation of \$7,500 from ATG for the Salem Taxpayer Scholarship Fund. I recommend adoption of the enclosed Order and hope you will join me in thanking ATG for this generous donation to the City's scholarship fund for our students.

Sincerely,

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council,

October 20, 2022

Ordered:

To accept the donation from “Alternative Therapies Group, Inc, (‘ATG’), in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00). These funds will be deposited into the Taxpayer Scholarship Account 83041-4830 in accordance with the recommendation of Her Honor the Mayor.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

October 20, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Before the pandemic residents of Orne Square reached out to the City with street light concerns on their roadway. Orne Square is illuminated by only one streetlight, but because of the sharp right angle of the street that single light was not sufficient to provide light safely on the entirety road. While the City offered to install new conventional streetlights, because of the street's proximity to McIntire Historic District, the residents offered to pay the difference between the cost of conventional lights and historic-appearing fixtures instead, so that decorative fixtures could be installed.

While the initial plan had called for a standard wired streetlight plan, after multiple meetings between the City and residents, we have determined that solar-powered decorative fixtures would be suitable and, in fact, preferable here. The primary reason is that because these will be new fixtures, new trenching would be required, as well as an interconnection to National Grid for electricity. Solar units can be installed less expensively, as they do not require trenches or the same interconnection.

The residents of Orne Square will fund a portion of this project and the enclosed Order appropriates the balance, \$38,000, from our short-term capital project. I recommend adoption of the enclosed Order and invite you to contact City Electrician John Giardi, Assistant Solicitor Sharyn Lubas, or Chief of Staff Dominick Pangallo should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Driscoll", is written over a horizontal line.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council,

Ordered:

October 20, 2022

That the sum of Thirty-Eight Thousand Dollars (\$38,000.00) is hereby appropriated within the "Capital Outlay" account (20002308-5846FP) to be expended by the Electrical Department for the installation of solar lighting in the Orne Square area in accordance with the recommendation of Her Honor the Mayor.



KIMBERLEY DRISCOLL
MAYOR

JOHN J. GIARDI
CITY ELECTRICIAN

CITY OF SALEM, MASSACHUSETTS

ELECTRICAL DEPARTMENT
44 LAFAYETTE STREET
TEL (978) 745-6300
FAX (978) 745-4638
JGIARDI@SALEM.COM

October 5, 2022

Mayor Kimberley L. Driscoll
City Hall
93 Washington Street
Salem, MA 01970,

RE: Request for Transfer of Funds

Dear Mayor Driscoll:

The Electrical Department is respectfully requesting \$38,000 be allocated from Short-Term Capital to procure and install solar lighting in the Orne Square area. This funding will allow for the installation of three (3) solar decorative lights that are consistent with the appropriate period lighting for the area. This installation will also help determine the feasibility of adding additional solar lighting within the city. Finally this will help us and the residents achieve our common goal with the least amount of cost to the City of Salem.

Should you have any questions prior to considering this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "John J. Giardi".

John J. Giardi
City Electrician

CITY OF SALEM
ST Capital Outlay Expenditure Request Form – FY 2023

From Department: Electrical Date: 10/5/22

Department Head Name: John Giardi

Authorization Signature: _____

Amount: \$ 38,000

Description: This funding will allow for the installation of three (3) solar decorative lights that are consistent with the appropriate pond lighting for the area. This installation will also help determine the feasibility of adding additional solar lighting within the city.

For Finance Department Use Only:

☒ City Council Approval Needed (Y/N)

CIP Balance: \$ 5,236,843.23

Recommendation:

☒ Approved ☐ Denied



Finance Director

Processed: _____ Date: _____ By: _____

CO # _____ JE# _____ Trans # _____

Org: _____ Obj: _____



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

October 20, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to present for your consideration amendments to the affordable accessory dwelling unit (ADU) ordinance. Since the ordinance was adopted in April last year, only eight building applications have been submitted for affordable accessory dwelling units. Amendments to the ordinance are proposed here to remove the current zoning barriers to creating these much-needed affordable units. Most of the recommendations below were reviewed with the Council at a Committee of the Whole meeting in early September. In combination with the recently announced ADU design and construction grants, and the enactment of the state law granting Salem homeowners the ability to exempt affordable ADUs from their property taxes, we are optimistic that more ADUs will begin to be constructed in our community.

New Detached Units

The amendment proposes to allow new detached units rather than only allowing detached units in existing buildings. Most residential lots in Salem do not meet the minimum lot area, of course. As such, most often, a new detached unit will require dimensional relief. Nevertheless, allowing new detached units will provide a path forward for the creation of these units.

Setbacks for detached units

- The current side yard setback requirement for detached units ranges from 15 to 40 feet, depending on the zoning district. The ordinance proposes a 5-foot setback, in alignment with any other accessory structure.

Utilities for detached units

- The current ordinance requires utilities to be served from a single meter. However, this contradicts the City Engineering requirements that require a separate waterline for

detached structures. The proposed ordinance allows for water to be served from a separate service. However, it still requires that the rent, including water and all other utilities, cannot exceed 70% of the fair market rent.

Owner Occupancy

Several communities have identified owner occupancy requirements as a barrier. In fact, the entire state of Oregon has required ADU codes to eliminate owner occupancy requirements. The American Association of Retired Persons (AARP) also advises against owner occupancy requirements because it makes the financing of ADUs more difficult, just as it would if applied to single-family homes. Lifting this barrier will enable the construction of more ADUs, without imposing a hardship on neighborhoods.

Maximum Bedrooms

As recommended in the Housing Roadmap, the ordinance proposes to remove the two-bedroom maximum due to fair housing concerns.

Stairway Revision

This amendment clarifies that the requirement for stairs to be on the side or rear of the property is specific to exterior stairs.

I recommend adoption of this ordinance and invite you to contact Amanda Chiancola, Deputy Director of Planning and Community Development, and Dominick Pangallo, Chief of Staff, if you have any questions regarding this ordinance.

Sincerely,



Kimberley Driscoll
Mayor
City of Salem

Ordinance Amending the City's ADU Ordinance – Fact Sheet

What is the purpose of this Ordinance?

To make amendments to the existing accessory dwelling unit (ADU) ordinance based on feedback from Councillors, property owners, and City staff. Changes are primarily intended to increase flexibility to encourage the creation of more ADUs to help homeowners generate a secondary income stream and help the City meet its housing needs.

Section I.a and I.b - Setbacks

Currently the ordinance requires detached ADUs to have the same setbacks as a primary structure. This revision allows detached ADUs to have the same setbacks as an accessory structure.

Section II.a – Detached ADUs

The current ordinance prohibits new detached ADUs. This revision would create a path forward for such units, provided they were able to meet dimensional requirements or receive relief for them.

Section II.b – Owner occupancy

The current ordinance prohibits non-owner-occupied properties from having ADUs. This revision would allow for non-owner-occupied residences to include an ADU. This change is a best practice recommended by the AARP and is increasingly being implemented by cities around the nation. Limiting ADUs to buildings that are occupied by the building owner restricts the ability to create ADUs, both in new construction (which is not “owner occupied” until it sold and occupied) and in multi-unit buildings that may be owned by an individual who does not live in the building.

Section II.c – Water service

The current ordinance requires water to be on a single service to both the primary structure and the ADU. Current regulations by the Engineering Department require that service to different dwelling units be separated. The Department is reviewing that regulation, but if it cannot be amended this section should be adopted. If the Department is able to modify their regulation, the City Council can strike this section before adoption of the Ordinance.

Section II.d – Exterior stairways

The current ordinance states that stairways to ADUs that are above the first floor must be on the rear or side of a building. This section adds language clarifying that this requirement applies only to the exterior stairways.

Section II.3 – Bedroom maximum

The current ordinance limits ADUs to no more than two bedrooms. This section would strike that limitation. Because of their smaller overall footprint, ADUs tend not to be more than two bedrooms naturally. Beyond that, however, the City's recent Housing Roadmap identified this limit as a fair housing concern and recommended revising it.

Section III – Definitions

Because of the addition of detached ADUs in Section II.a above, the need to differentiate between existing, expanded, and new detached ADUs is unnecessary and should be removed from the existing ordinance language.

Affordable Accessory Dwelling Unit Ordinance

Report and Discussion

AMANDA CHIANCOLA, AICP

SEPTEMBER 8, 2022

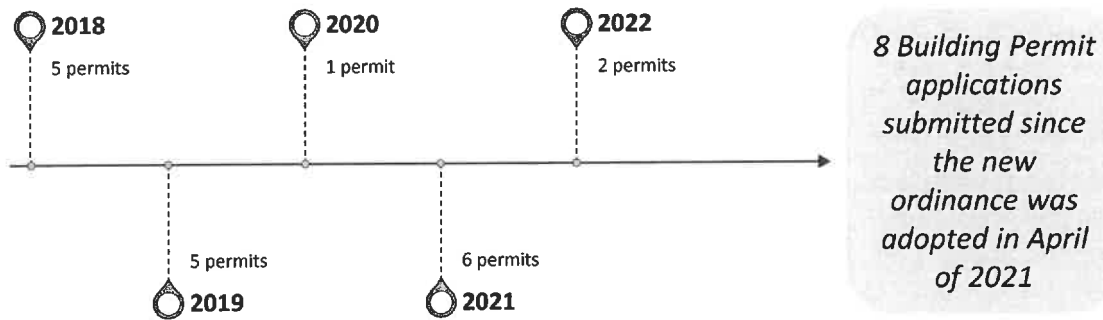
1

Report back to Council

On April 22, 2021, the City Council adopted an Order that Planning report back to the Council in 18 months with how many ADU units were created, a summary of parking issues and any other issues.

2

Permit Tracking



3

Parking Issues and any Other Issues

To date, staff has not received complaints on parking or other items relating to the creation of ADUs. However, staff has received comments relating to potential barriers in the ordinance, as listed below. Staff recommends Council discuss.

- ❖ **Bedroom Restriction**
- ❖ **Owner Occupancy**
- ❖ **Detached Structures**
- ❖ **Utilities on a Single Meter**

4

BEDROOM RESTRICTION Section 3.2.8.5(m)

The affordable accessory dwelling unit shall not contain more than two (2) bedrooms.

Purpose: Ensure that the affordable ADUs will be *accessory* to the main home.

Concern: Per the City's Housing Roadmap, the current ADU ordinance presents an issue with Fair Housing considerations, as it limits the number of bedrooms per ADU. While this policy may not have been intended to have a discriminatory effect, it may have a disparate impact towards families with children, a protected class as defined by the Fair Housing Act.

5

**Additional
restrictions
included for
the purpose of
ensuring that
the affordable
ADUs are
accessory.**

Other Restrictions: Section 3.2.8.5

- f. The affordable accessory dwelling unit shall not contain in excess of 900 square feet of habitable space.
- g. The affordable accessory dwelling unit shall not exceed 50% of the gross floor area of the principal dwelling.
- n. The affordable accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.
- o. The affordable accessory dwelling unit must be capable of being discontinued as a separate dwelling unit without demolition of any structural component of the principal dwelling.

Staff Recommendation: The bedroom limit does not appear to be necessary given that there are four other restrictions that address the accessory nature of ADUs. Furthermore, the requirement could result in a disparate impact on families with children which negates the ordinance's purpose of creating diverse housing options. As such, staff recommends the bedroom limitation be removed.

6

OWNER OCCUPANCY Section 3.2.8.5(h)

.....at least one (1) owner of the residence in which the affordable accessory dwelling unit is created shall reside in one (1) of the dwelling units, either the principal or accessory unit created therein, as a principal place of residence. For the purpose of this section, the "owner" shall be one or more individuals who hold title to the property, or a purchase and sales agreement and for whom the dwelling shall be the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence. Owner occupancy is required for an affordable accessory dwelling unit to be permitted.

Purpose: The requirement for the primary dwelling or the ADU to be owner occupied addresses neighborhood concerns about absentee landowners and from investors.

Concern: It has been brought to staff's attention that the requirement precludes builders from including an ADU in new construction.

Staff Recommendation: Council discuss and inform staff if the Council is in support of revising the owner occupancy requirement to allow for new construction to allow ADUs.

7

DETACHED STRUCTURES Section 3.2.8.5(b)

The affordable accessory dwelling unit shall not be constructed within a new detached accessory building, as defined in subsection 8 of Section 3.2.8.

Purpose: There was a neighborhood character concern.

Concern: A few community members and builders have reached out to staff inquiring whether they could install a new detached accessory dwelling unit. The ordinance allows affordable accessory dwelling units to be created within existing detached structures, provided that the detached structure meets the setback that is required for the primary structure. Whereas affordable accessory dwelling units are prohibited in new detached structures.

Staff Recommendation: Council discuss and inform staff if the Council is in support of allowing new detached accessory units.

8

UTILITIES

Section 3.2.8.5(j)

Electricity, water, oil, and gas shall be provided by a single service to both the affordable accessory dwelling unit and the principal dwelling and included in the rent.

Purpose: Requiring accessory dwelling units to be on the same service as the primary home is a best practice that was included in the ordinance that achieves two objectives: 1. for the rent to include the utilities, and 2. for the unit to remain accessory to the primary home.

Concern: The City Engineer has identified this requirement as a concern as the engineering regulations require separate buildings within the same parcel to have their own water and sewer meter.

Staff Recommendation: As previously discussed, there are four additional requirements within the ordinance that ensure the units are accessory. Also, the City Engineer allows for separate water meters to be merged to one account. Staff recommends removing "water" from Section 3.2.8.5(j) because it creates a conflict with the engineering regulations and because the objective can be achieved by merging the water account.

3.2 ACCESSORY USES

3.2.4 Accessory Buildings and Structures. Accessory buildings and structures, such as garages and tool sheds, shall be allowed subject to the following regulations:

1. No accessory building or structure shall be located within any required front yard or within any side yard of a corner lot.
2. No accessory building or structure shall be located nearer than ten (10) feet to the principal building, unless such accessory building or structure is attached to the principal building.
3. No unattached accessory building or structure shall be located nearer than five (5) feet to any side lot line (side lots in this instance refer to a projected line starting from the front lot line, terminating at the rear lot line parallel five (5) feet from the side or five (5) feet from the rear lot line. The building area of such building or structure, excluding garages, shall not exceed one (1) percent of the lot area or one hundred twenty (120) square feet, whichever is greater, and shall not be located closer than ten (10) feet to any other building on the same lot or any abutting lot.
4. Accessory structures, garages and detached affordable accessory dwelling units shall not exceed one and one-half (1.5) stories or eighteen (18) feet in height.
5. Detached affordable accessory dwelling units shall comply with all regulations set forth in Section 3.2.4 (Accessory Buildings and Structures) of this Ordinance ~~with the exception of setbacks, which shall comply with Section 3.2.4(6).~~
6. ~~Detached affordable accessory dwelling units shall comply with all setbacks of the principal structure, as set forth in Section 4.1 of this ordinance (Dimensional Requirements), irrespective of whether the principal structure on the property in question complies with such setbacks or not, unless otherwise permitted by a Special Permit pursuant to subsection 3 of Section 3.2.8.~~

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 principal dwelling. Such a use is incidental and subordinate in size to the principal dwelling.
 - e. To increase the supply of housing and the diversity of housing options, in response to demographic changes such as smaller households and older households.
2. Procedure.
 - a. The Building Inspector shall administer and enforce the provisions of this section.
3. Special Permit. Pursuant to Section 9.4, in the interests of design flexibility and overall project quality, the Zoning Board of Appeals may grant a Special Permit for the following:
 - a. An existing detached accessory building as defined in subsection 8 of Section 3.2.8 that is not in compliance with the setbacks of the principal dwelling unit.

b. An expanded detached accessory building as defined in subsection 8 of Section 3.2.8.

4. Application.

a. The Application for the Building Permit, shall:

1. Be signed by one hundred (100) percent of the record title ownership interest of the principal dwelling and shall include a copy of the deed and in the case of a property held by a condominium trust, all owners of all units within the condominium.
2. Include a floor plan of the affordable accessory dwelling unit, the principal dwelling where it is to be located and all elevations. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the affordable accessory dwelling unit.
3. Be accompanied by a letter of intent signed by the homeowner(s) and shall be submitted to the Department of Planning and Community Development that certifies the rent of the affordable 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 shall not be constructed within a new detached accessory building, as defined in subsection 8 of Section 3.2.8.~~

eb. The affordable accessory dwelling unit shall not be considered a dwelling unit for the purpose of Section 5.1 Required Parking.

ec. The affordable accessory dwelling unit shall not result in a net loss of the total measured caliper inches of private trees on the lot in which the affordable accessory dwelling unit will be located unless a payment in per caliper inch of the tree diameter at breast height (DBH) at the prevailing rate set by the Tree Warden is made to the tree replacement fund.

ed. The affordable accessory dwelling unit shall not contain less than 350 square feet of habitable space.

fe. The affordable accessory dwelling unit shall not contain in excess of 900 square feet of habitable space.

gf. The affordable accessory dwelling unit shall not exceed 50% of the gross floor area of the principal dwelling.

hg. No more than one (1) affordable accessory dwelling unit shall be permitted for each principal dwelling unit, ~~and at least one (1) owner of the residence in which the affordable accessory dwelling unit is created shall reside in one (1) of the dwelling units, either the principal or accessory unit created therein, as a principal place of residence. For the purpose of this section, the "owner" shall be one or more individuals who hold title to the property, or a purchase and sales agreement and for whom the dwelling shall be the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence. Owner occupancy is required for an affordable accessory dwelling unit to be permitted.~~

ih. An affordable accessory dwelling unit shall not be permitted in a building with five (5) or more units.

ji. Electricity, ~~water~~, oil, and gas shall be provided by a single service to both the affordable accessory dwelling unit and the principal dwelling, and included in the rent.

- ~~kj.~~ 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 ~~shk.~~ all remain in common or single ownership and shall not be severed in ownership.
- ~~lk.~~ All exterior stairways to the affordable accessory dwelling unit above the first floor shall be located on the rear or side of the dwelling.
- ~~m.~~ ~~The affordable accessory dwelling unit shall not contain more than two (2) bedrooms.~~
- ~~n.~~ The affordable accessory dwelling unit shall be clearly subordinate in use, size and design to the principal dwelling.
- ~~om.~~ 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.
- ~~pn.~~ 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.
- ~~qo.~~ 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.
- ~~rp.~~ 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.
- ~~sq.~~ Short term rentals, as defined in Salem Code of Ordinances Chapter 15, are prohibited in both the affordable accessory and principal dwelling units.
- ~~tr.~~ The affordable accessory dwelling unit shall obtain a certificate of fitness subject to the provisions of Section 2-705 of the City of Salem Code of Ordinances.

6. Termination.

- a. The affordable accessory dwelling unit use shall terminate immediately upon any violation of any term or condition of this ordinance that the owner fails to cure, upon thirty (30) days written notice mailed to the applicant and to the occupants at the dwelling address by certified mail, return receipt requested.
- b. Duty of Owner Upon Termination include:

 - i. The owner shall discontinue the use of the affordable accessory dwelling unit as a separate dwelling unit.
 - ii. 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.
 - iii. 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.~~

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

City of Salem

In the year Two Thousand and Twenty-Two

An Ordinance to amend an ordinance relative to zoning

Section I. Amend Section 3.2.4 *Accessory Buildings and Structures* by

- a. Deleting the phrase “with the exception of setback, which shall comply with Section 3.2.4(6)” from paragraph 5.
- b. Deleting paragraph 6 in its entirety.

Section II. Amend Section 3.2.8(5) *Affordable Accessory Dwelling Units. Requirements* by

- a. Deleting paragraph 5(b) in its entirety.
- b. Deleting the following text from Section 5(h) “and at least one (1) owner of the residence in which the affordable accessory dwelling unit is created shall reside in one (1) of the dwelling units, either the principal or accessory unit created therein, as a principal place of residence. For the purpose of this section, the "owner" shall be one or more individuals who hold title to the property, or a purchase and sales agreement and for whom the dwelling shall be the primary residence as evidenced by voter registration, tax return or other documentation demonstrating primary residence. Owner occupancy is required for an affordable accessory dwelling unit to be permitted.”
- c. Deleting the word “water” from section 5(j).
- d. Inserting the word “exterior” following the word “all” in Section 5(l).
- e. Deleting Section 5(m) in its entirety.

Section III. Amend Section 3.2.8 by deleting, in their entirety, the definitions of “Existing detached accessory building,” “Expanded detached accessory building,” and “New detached accessory building.”

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



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

October 20, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Enclosed please find two Resolutions that are required for adoption in order for the City to receive two recently announced state grant awards for the second phase of two major signature park projects.

Recently the Commonwealth announced that it was awarding a \$400,000 Parkland Acquisitions and Renovations for Communities (PARC) grant to the City for Phase II of the Willows project and \$513,595 from the Land and Water Conservation Fund (LWCF) grant program for Phase II of the Palmer Cove project. The total grant awards of \$913,595 will be matched by other grant funds, ARPA allocations, and City capital dollars totaling an additional \$938,595.

At the Willows, Phase II will involve resurfacing of pedestrian pathways to make them ADA compliant, planting of new trees, removal of overhead wires, addition of green space, and modifications to the upland area in preparation for the new Willows Pier. At Palmer Cove, Phase II will consist of completion of the path network with an improved park gateway, a second basketball court and new multiuse field, a new playground, bocce court, and outdoor fitness equipment, enhanced kayak launch, and new trees and a rain garden.

I recommend adoption of the enclosed Resolutions and invite you to contact my Chief of Staff, Dominick Pangallo, Planning Director Tom Daniel, or Signature Parks Manager Michael Crounse should you have any questions.

Sincerely,

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council, October 22, 2022

Resolved

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARC PROGRAM FOR PHASE II IMPROVEMENTS TO SALEM WILLOWS

Whereas: Salem Willows is by far a community wide asset and the preservation and improvements to this park are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: Salem Willows Phase II renovation will greatly enhance this park by upgrading the pedestrian pathways to meet ADA standards, reducing pavement, and adding greenspace for recreation, trees, and bioretention basins, etc.;

Whereas: This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of the project; and

Whereas: The project was instead viewed as feasible only when fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of parks through the Parkland Acquisitions and Renovations for Communities (PARC) Grant Program; and

Whereas: The project will cost a total of \$825,000.00

NOW, THEREFORE, BE IT RESOLVED

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Council hereby appropriates \$825,000.00 to implement the project, to be reimbursed up to a maximum amount of \$400,000.00 by the Executive Office of Energy and Environmental Affairs; and
3. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Planning and Community Development; and
4. That Salem Willows is dedicated to park purposes under M.G.L. chapter 45, section 3; and
5. That this resolution shall take effect upon the EEA's announcement of the awarding of said PARC Grant and be null and void in the event no grant is awarded.



CITY OF SALEM

In City Council, October 22, 2022

Resolved

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE LWCF PROGRAM FOR PHASE II IMPROVEMENTS TO PALMER COVE PARK

Whereas: Palmer Cove Park is by far a community wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: The Palmer Cove Park Phase II renovation will greatly enhance this facility with conversion of the baseball field to a grass multiuse field, construction of a second basketball court, new asphalt paths, a rain garden, new tree plantings, enhanced kayak launch, and site furnishings, including play equipment, benches, and signage., etc.;

Whereas: This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of the project; and

Whereas: The project was instead viewed as feasible only when fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of parks through the Land and Water Conservation Fund Grant Program per the Land and Water Conservation Fund Act, P.L. 88-578, 78 Stat 897; and

Whereas: The project will cost a total of \$1,027,190.00

NOW, THEREFORE, BE IT RESOLVED

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Council hereby appropriates \$1,027,190.00 to implement the project, to be reimbursed up to a maximum amount of \$513,595.00 by the Executive Office of Energy and Environmental Affairs; and
3. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Planning and Community Development; and
4. That Palmer Cove Park is dedicated to park purposes under M.G.L. chapter 45, section 3; and
5. That this resolution shall take effect upon the EEA's announcement of the awarding of said LWCF Grant and be null and void in the event no grant is awarded.