



CITY OF SALEM PLANNING BOARD

A public hearing of the Salem Planning Board was held on Monday, December 19, 2022, at 6:30 p.m. via remote access. Public participation was possible via Zoom video and conference call.

Chair Bill Griset opens the meeting at 6:30 pm

I. ROLL CALL

Present: Bill Griset (Chair), Kirt Rieder (Vice Chair), Tom Furey, Carole Hamilton, Zach Caunter, Jonathan Berk, Josh Turiel, Helen Sides, Sarah Tabet (9)

Absent: (0)

Also in attendance: Elena Eimert, staff planner, Beth Forrestal

II. REGULAR AGENDA

A. Deliberate and vote on a recommendation to the City Council on Zoning Ordinance amendments relative to Accessory Dwelling Units

- Elena Eimert gives a brief recap. All items related to this meeting are in the SharePoint file.
- Chair Griset would like to clarify items prior to reviewing the decision.
 - The following was read into the record by Helen Sides

"No matter how many restrictions we remove the number of ADUs built will be a drop in the bucket.

Digging and pouring foundation, trenching for utilities, design, construction, time at boards for approval, landscape restoration etc. all make for a very expensive small building. Most likely updates to the existing house would need to take place. But this doesn't make me opposed to free standing ADUs.

Attached ADUs are much more feasible. Perhaps the rear yard setback for attached ADUs should be reduced to 10 ft. from 30 ft. And consideration given to some existing non-conforming houses' ability to accommodate a new construction ADU.

Accessory buildings are permitted to have a 5 ft set back by right on the rear and side yards. This is too close in my judgement. One reason being that in the state building code windows are only permitted on a façade greater than 5 ft away from a setback unless the wall is constructed with special fire protection. Adding another cost.

Owner occupancy should not be controlled by zoning. Zoning exists to define uses, not users. There is an unspoken bias against renters in this requirement. Home ownership is not possible for so many. Regulating the upkeep of property is better left to the board of health and the building department. As with the Bridge St Overlay district, aspects of the ordinance go beyond the function of zoning.

For so long we have grappled with the need for city wide zoning reform. Instead we are picking away at the edges. A first step for affective change would be to eliminate R1 zoning completely.

Significant changes for affordable housing in Salem will be reached with the approval of Inclusionary Zoning. Sites such as the Gateway should be revisited and developed with a higher percentage of affordable units than approved so many years ago, city owned at grade parking lots should become housing on top of parking.

I am very grateful to read of the recent funding granted the NSCDC for the developments of the St James School and the Old Boys & Girls Club.”

- Josh Turiel: Helen’s points about setbacks are well taken. No issue with ADUs as free standing with the caveat of a better and more thorough permit process. I do think that in the spirit of what was put forward, the ownership requirement is important and not something I would recommend giving up. There is opportunity to relax that requirement to better serve the “snowbirds”. Regarding the requirement that all units be priced below market, I think ADUs are naturally less expensive than standalone rental housing. Would like to see the incentives in place to keep rents lower than market rate.
- Tom Furey: Provides a personal statement of own living in an ADU throughout the years. The ADU ordinance and the amendments proposed are but one tool in the toolbox to create affordable housing in Salem.
- Sarah Tarbet: The owner occupancy requirement should be removed as it is biased against renters and generalizing renters and developers as “bad” is not a good thing. This also creates a financial barrier to some. There is no restriction on owner occupancy on single family homes, if the

worry is that the renters will change the face of the neighborhood. There are far more single-family homes without ADUs. It is valuable to keep the setback requirements as creating detached structures in single family home neighborhoods, it is valuable to keep the setback requirements in these neighborhoods. The fire code is in play here with adding or not adding windows. The utilities are still confusing for me.

- Elena Eimert: The Planning Department has changed their position on this amendment. The city's standard that primary structures be served by a separate service for water. The amendment was to bring ADUs in line as the ADU will never be sold independently of the primary dwelling. The City Engineer is comfortable with the ADU and primary dwelling being on the same water meter. Planning doesn't recommend adoption of that amendment.
- Jonathan Berk: This is just one of many tools we will be seeing. We need a variety of housing types. Don't think we will see more than a few dozen over the next years.

Elena Eimert puts the draft recommendation on the screen.

- Adopt the proposed change to clarify the requirement that it is exterior stairways to an affordable accessory dwelling unit above the first floor which must be located on the rear or side of the dwelling;
- Adopt the proposed change to remove the bedroom restriction;
- Not adopt the proposed change to require utilities for accessory and primary dwelling to be on separate meters;
- Adopt the proposed change to allow new detached structures and require detached structures to comply with the setback requirements of an accessory structure.
 - Some discussion on how the Special Permit process will serve as a guardrail for wildly inappropriate construction. Helen Sides says that she has dealt with setbacks before where she is not able to put projects with windows. And perhaps can see the following – setbacks 0 feet to 3 feet would have no windows; setbacks with 3-5 feet would require review for fire rated materials and windows.
- Adopt the proposed change to remove the owner occupancy requirement.
 - There was significant discussion on the removal of the owner occupancy requirement. Josh Turiel is amenable to exemptions for this requirement but not adopting the riddance of the entire requirement. He asked the board to consider the scenario of a homeowner having a home with and ADU for a certain amount of time but then relocates over time but retains the home with the ADU as income property. Josh Turiel and

Carole Hamilton were concerned about the increase in absentee landlords and the potential of a single-family home to be purchased and turned into 2 ADUs. The idea of expanding rental opportunities is often in contrast with the speculative buyer/absentee landlord.

Jonathan Berk continues the discussion by seeing the removal of the owner occupancy requirement as allowing more housing to be created. Doesn't see the issue of 2 rental units. More rental opportunities is a good thing. Having a developer come in and buy both units and rent both units – the ADU and the primary dwelling – seems like a positive. Josh Turiel feels that by adding an ADU to an existing single-family home, you will be able to preserve the ownership opportunity and increase rental opportunity; he would rather expand rental opportunities but have had negative experiences with speculation and unit sales.

Carole Hamilton felt that by reducing speculation by absentee landlords, it may allow a young person to purchase a home as the rent from the ADU could offset mortgage costs. Jonathan Berk also states that there is an assumption that someone will purchase a home and be able to take out a loan to fix their new home AND/OR be able to take out a load to create an ADU. Regarding absentee landlords, that is a code enforcement issue.

Bill Griset provides an anecdote to further push the point for affordable workforce housing rather than people having a 2-hour commute as they cannot afford to live in the community in which they work.

There is further discussion on absentee landlordism. To some members, it feels prejudicial against renters and that they are the problem in a neighborhood. ADUs across the country typically have this restrictions and it is systemically elitist to assume that renters will be bad. Josh Turiel counters that there are real issues with absentee landlords in his neighborhood and that they are real pain points to the other neighbors – renters and homeowners alike and this is a lower enforcement priority.

Sarah Tarbet reminds the board that the point of these amendments is to remove barriers to allow for more rental units and this owner occupancy requirement is a huge barrier. And this is likely blown out of proportion for the percentage of homes this will affect.

Kirt Rieder states that his own opinion on the owner occupancy has changed due to researching different communities around the country

and world. And the consensus is that a big hinderance to the process is the owner occupancy requirement.

Helen Sides, it used to be that you would have aging parents and it would require the parents income and the homeowners income to be combined for the project. It is tough, even on developers to buy a house, build an ADU, and make money. We need to remove restrictions that limit people from doing this. We are trying to create affordable housing.

- The Planning Board decides to split out the first four amendments from the owner occupancy amendment.

The recommendation can be viewed here:

[Planning Board Recommendation Letter on ADU zoning ordinance amendments.pdf](#)

Motion to send a recommendation to City Council on the first 4 amendments made by Helen Sides, and seconded by Tom Furey, and passes 9-0 in a roll call vote.

Bill Grisct	Y
Kirt Rieder	Y
Tom Furey	Y
Carole Hamilton	Y
Zach Caunter	Y
Jonathan Berk	Y
Josh Turiel	Y
Helen Sides	Y
Sarah Tarbet	Y

Motion to send a recommendation on the adoption of the proposed change to remove the owner occupancy requirement from the ADU ordinance to City Council made by Tom Furey, and seconded by Helen Sides, and passes 7-2 in a roll call vote.

Bill Grisct	Y
Kirt Rieder	Y
Tom Furey	Y
Carole Hamilton	N
Zach Caunter	Y
Jonathan Berk	Y
Josh Turiel	N
Helen Sides	Y
Sarah Tarbet	Y

III. OLD/NEW BUSINESS

A. Updates from Staff

- Elena Eimert: There will be forthcoming information on a Joint Public Hearing in January on the proposed rezoning of 67 Derby Street from R2 to Industrial.

IV. APPROVAL OF MINUTES

A. Approval of the December 1, 2022, Joint Public Hearing Minutes

- The Board decided to revisit the minutes in the January 5 meeting.

IV. ADJOURNMENT

Motion to adjourn made by Carole Hamilton, and seconded by Kirt Rieder, and passes in an 9-0 roll call vote

Bill Griset	Y
Kirt Rieder	Y
Tom Furey	Y
Carole Hamilton	Y
Zach Caunter	Y
Jonathan Berk	Y
Josh Turiel	Y
Helen Sides	Y
Sarah Tarbet	Y

Adjourned at 7:27 pm
Approved by Planning Board on January 5, 2023