

City of Salem, Massachusetts  
Office of the City Clerk

2019 OCT -8 AM 10:01

Ilene Simons  
City Clerk



CITY CLERK  
SALEM, MASS

October 8, 2019

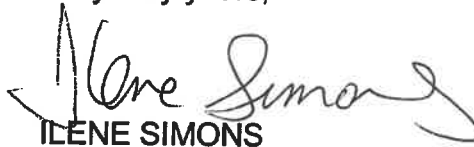
**MEETING NOTICE AND AGENDA**

**"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25, and  
City Ordinance Sections 2-2028 through 2-2033."**

The City Council will meet in the City Council Chamber on Thursday, October 10, 2019 at 7:00 P.M. to hold its regular meeting for the purpose of discussing any and all business.

The Agenda for this meeting is posted on the website and also listed below.

Very truly yours,

  
ILENE SIMONS  
CITY CLERK

ATTEST:

This notice posted on "Official Bulletin Board"  
City Hall, Salem, Mass. on *Oct 8, 2019*  
at *10:01 AM* in accordance with MGL Chap. 30A,  
Sections 18-25.

**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**“Know Your Rights Under the Open Meeting Law, M.G.L. Chapter 30A ss. 18-25, and City Ordinance Sections 2-2028 through 2-2033.”**

**Assistive Listening System Now Available for City Council Meetings.**

**Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk Ilene Simons at 978-619-5610 or isimons@salem.com.**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, October 10, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on October 8, 2019, at 10:01 A.M. This meeting is being taped and is live on S.A.T.V.

Councillors absent:

Council President Dibble presided.

Councillor \_\_\_\_\_ moved to dispense with the reading of the record of the previous meeting.

VOTED

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

**PUBLIC TESTIMONY**

**Public Testimony not to exceed 15 minutes**

**Public Testimony is not a public hearing or question and answer period**

**Name must be on roster 30 minutes prior to meeting**

**Agenda items only**

**How to Sign Up:**

**Anyone wishing to present testimony at a City Council meeting regarding a matter on the agenda, must sign the roster in person stating their name, address and subject matter. The Roster will be available in the City Clerk’s Office (Room 1) and may sign the roster From the time the agenda is posted until thirty (30) minutes prior to the start of the regular Council Meeting (by 6:30 p.m.). Only those on the roster may present testimony at the Meeting. (For complete rules for Public Testimony please refer to Council Rules Section 28C)**

**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**HEARINGS**

ORDERED: A hearing held from September 12, 2019 AT&T to install a conduit on Liberty Hill Ave.

APPEARING IN FAVOR:

APPEARING OPPOSED:

Councillor Gerard	Moved the Hearing be Closed	Voted
Councillor Gerard	Moved Granted	Voted

**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**HEARINGS**

ORDERED: Comcast to install a conduit on Washington Sq. East / Briggs St

APPEARING IN FAVOR:

APPEARING OPPOSED:

Councillor Madore

Moved the Hearing be Closed

Voted

Councillor Madore

Moved Granted

Voted

OCTOBER 10, 2019

CITY COUNCIL

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

NONE



**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

ORDERED: That the City of Salem hereby requests the adoption of a Tree Replacement revolving account in accordance with M.G.L. Chapter 44, Section 53E ½ which authorizes special purpose revolving account in accordance with the recommendation of Her Honor the Mayor

Action Contemplated

Councillor Peterson

Moved Adoption  
OR  
Refer to Admin. & Finance

Voted

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**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**MAYOR'S INFORMATIONAL PAGE**

Communication from the Mayor regarding a brief summary of the housing related matters that are currently before the City Council and also submitting the Affordable Housing Trust Fund (AHTF) Board's FY2019 Annual report. (See Mayor's Letter below)

Action Contemplated

Councillor Peterson

Moved Received And Filed

Voted

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(Copy of Mayor's Letter - AHTF Annual Report on file at City Clerk's Office)

Ladies and Gentlemen of the Council:

I am writing to provide you with a brief summary of the housing related matters that are currently before the City Council and to submit the Affordable Housing Trust Fund (AHTF) Board's FY2019 Annual Report. Over the past 18 months, we have had considerable education, outreach, and deliberation with the Council and the public at large regarding housing challenges and opportunities in Salem. The extensive prior analysis, data, and discussions have helped initiate several important housing policy initiatives within this calendar year.

I note that after this week's Council meeting, there are only three meetings left in 2019 and we hope to be able to wrap up several pending housing matters within this timeframe, including, but not limited to the following: the Accessory Living Area Zoning Amendment (aka ADUs) which is approaching a statutory deadline for action; the extension of the Housing Development Incentive Program (HDIP); a review of Inclusionary Housing options; and support for project specific initiatives. This correspondence provides a brief overview of several pending matters, as well as a copy of the Affordable Housing Trust Fund's FY2019 Annual Report.

**Accessory Living Area Zoning Amendment**

As you are aware, the Accessory Living Area Zoning Amendment was submitted to the Council on June 13, 2019. Here is a link to the proposed ordinance and cover letter.

[https://www.salem.com/sites/salemma/files/uploads/06\\_13\\_2019\\_city\\_council\\_filings.pdf#page=81](https://www.salem.com/sites/salemma/files/uploads/06_13_2019_city_council_filings.pdf#page=81)

The Planning Board has provided a positive recommendation for the Accessory Living Area Zoning Amendment. At the Council meeting on September 12, 2019, the matter was referred to the Sub-committee on Ordinance License and Legal Affairs (OLLA). In order to meet the 90-day statutory requirement for action, the City Council must vote on second passage of the Accessory Living Area Ordinance by November 13<sup>th</sup>. As such, we are hoping that the OLLA committee will be able to meet this Thursday, October 10<sup>th</sup>, to take up the ordinance. **If this ordinance can be recommended out of the OLLA committee this week, it would allow for the Council to consider first passage on October 10<sup>th</sup> and second passage on October 24<sup>th</sup>. The Council's only meeting in November falls beyond the 90-day timeframe, which is why it's imperative that the Council take up the ADU ordinance this month.** I know that Planning Department staff have been doing outreach to Councillors on the ordinance, but in the event you need additional information, I am providing links to prior actions to date on the ADU ordinance, here:



**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**MAYOR'S INFORMATIONAL PAGE**

- The Planning Board's recommendation can be found here <https://imaginesalem.org/s/PB-Recommendation.pdf>.
- The staff memorandum dated July 31, 2019 that responded the questions about the ordinance is also here: <https://imaginesalem.org/s/Accessory-Dwelling-Unit-update.pdf>.
- The staff memorandum dated August 29, 2019 that responded to questions after the close of the public hearing can be found here: <https://imaginesalem.org/s/Staff-Response-to-0815-ADU-questions.pdf>.

In addition to work on the ordinance itself, we are also working on a new loan fund project that would enable homeowners interested in creating ADUs to tap into a loan fund at a reduced interest rate in exchange for agreeing to an affordability restriction on the new unit created. This is one tool to incentivize the creation of these units in a way that will help achieve our affordable housing goals.

**Zoning Map Amendment**

There are currently two private development projects in the pipeline that will require City Council action to move forward. The first is a zoning map amendment proposed by KR Starr Realty Holding LLC to change the property located at 355 and 373 Highland Avenue and 2, 3, 5, 6 and 10 Cedar Road from Business Highway and Business Park Development to Residential Multi-Family. A Cinemaworld had previously been considered for the parcels; however, that project did not move forward. KR Starr Realty Holding LLC is proposing the zoning amendment to facilitate a mixed-use project on this site. The joint public hearing for the map amendment is scheduled for November 14<sup>th</sup>. The zoning map amendment is necessary in order to redevelop the site as mixed-use development. The project team has met extensively with the Ward Councillor and the neighborhood association from this area. Please keep in mind that even with the zoning amendment, the project will still require a special permit from the Planning Board. The project will also be seeking City support through a Tax Increment Exemption Agreement through the Housing Development Incentive Program (HDIP); however, the project lies outside the current program area (see HDIP Area Expansion below).

**Tax Increment Exemption Agreement**

The second current housing project is by Harbor Point Developers, who recently received Planning Board site plan review approval to adaptively reuse the former St. Joseph's rectory and school building into multifamily housing. This is an exciting opportunity to preserve the historic buildings and create new housing opportunities. However, due to the complexities in redeveloping historic structures that have been neglected for nearly 20 years, the project will require significant effort including public partnerships for state and federal historic rehabilitation tax credits. Harbor Point Developers will be seeking local support from the City Council by way of a Tax Increment Exemption (TIE) Agreement through the HDIP before the end of the year.

**Housing Development Incentive Program Area Expansion**

The former St. Joseph's site is located in the Housing Development (HD) program area, but there are many challenging sites throughout the city, such as the Cinemaworld site, that are not located in the HD program area. The HDIP can increase the feasibility of residential development by providing an additional financial tool to overcome development challenges that we know exist throughout the city. This tool is similar to the Tax Increment Financing (TIF) program which has been used citywide to foster the creation of jobs. We would like to have similar flexibility with respect to the creation of mixed-use development throughout Salem. Not every project requires TIFs or TIEs, but it is a tool that can be useful for projects that have to overcome economic barriers on long vacant and/or hard to develop sites. As with TIFs, each TIE request requires individual and specific City Council approval. The expansion of the HD program area is currently before you. The public hearing for the matter closed on September 23, 2019. The matter is now waiting for the Community and Economic Development committee to move the proposal out of committee, for action by the full Council.

**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**MAYOR'S INFORMATIONAL PAGE**

Lastly, as you know, the Affordable Housing Trust Fund Board reconvened in 2018 to help craft strategies that will produce and preserve affordable housing. Since it has reconvened, the AHTF has held numerous meetings and helped draft several affordable housing policies, including the accessory living area amendment that is currently before you. Please accept the enclosed 2019 Fiscal Year Report which provides a summary of the funds expended and a description of the activities commenced by the AHTF last fiscal year.

I look forward to continuing this conversation with the City Council and others in our community to move these efforts forward.

Sincerely,  
Kimberley Driscoll, Mayor

**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**MOTIONS, ORDERS, AND RESOLUTIONS**

Councillor Furey

ORDERED: That the regular meetings of the City Council for the month of November and December 2019 be held on November 21, 2019 and December 12, 2019 be adopted.

Action Contemplated

Councillor Furey

Moved Adopted

Voted

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Councillor Dibble

ORDERED: That the Public Health, Safety and Environment Committee co-posted with the Committee of the Whole immediately meet with Quarry Official to discuss excessive and increased strength of blasting and strongly shaking Salem homes and invite the Director of Inspectional Services, City Engineer, Health Agent and Quarry Officials.

Action Contemplated

Councillor Dibble

Moved Adopted

Voted

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Councillor Madore

ORDERED: That the October temporary resident only parking for Essex Street between Cambridge Street to Boston Street be removed.

Action Contemplated

Councillor Madore

Moved Adopted

Voted

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OCTOBER 10, 2019

CITY COUNCIL

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Madore

ORDERED: that the Committee on Ordinances, Licenses, and Legal Affairs co-posted to review Street Performer Rules and Regulations and discuss amendment of Ch. 28 Transient vendors, hawkers, peddlers, and solicitors to add definite of Street Performers and that the Salem Public Art Commission be the license issuing authority for street performers. Invited are Licensing Board Clerk, Public Art Planner, Public Art Commission, City Solicitor.

Action Contemplated

Councillor Madore

Moved Adopted

Voted

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Councillor Dominguez

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:

Summit Street – One Handicapped Parking Space to be added in front of #20, beginning four (4) feet southwest of the driveway at 16 Summit Street, running southwesterly for a distance of twenty (20) feet.

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

Action Contemplated

Councillor Dominguez

Moved Adoption for first passage

Voted

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OCTOBER 10, 2019

CITY COUNCIL

REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Gerard

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 as follows:

**Repeal** North Street – One Handicapped Parking Space in front of #157, North Street for a distance of twenty (20) feet.

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

Action Contemplated

Councillor Gerard

Moved Adoption for first passage

Voted

**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMITTEE REPORTS**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an ordinance amending traffic- Beaver St. Ch. 42 Sec 10 one-way streets and Sec 51 parking prohibited has considered such matter and has recommended the following (\*Meeting has not taken place yet; however Councillor Flynn has submitted a letter to withdraw vthis Ordinance).

Accept the Report Voted

Adopt the Recommendation Voted

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of a zoning ordinance amendment relative to Accessory Living Uses Sec. 3.0 – Use Regulation by deleting and replacing 3.2.8 ordinance

Accept the Report Voted

Adopt the Recommendation Voted

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of a zoning ordinance amendment relative to Accessory Living Uses Sec. 3.1 – Table of Principal and Accessory Use Regulations

Accept the Report Voted

Adopt the Recommendation Voted

**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMITTEE REPORTS**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of a code of ordinance amendment relative to Short Term Rentals Ch. 15, Sec. 4(a) – Ineligible Residential Units

Accept the Report                      Voted

Adopt the Recommendation              Voted

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**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**COMMUNICATIONS FROM CITY OFFICIALS**

Communication from the City Solicitor requesting an Executive Session with the Mayor and Legal Counsel to discuss strategy with respect to the land dispute at 20//20R Franklin Street

Salem City Council  
City Hall  
Salem, MA

Ladies and Gentlemen of the Council:

On August 1, 2019, the City Council met in executive session with the Mayor and legal counsel to discuss strategy with respect to threatened litigation relative to land in dispute at 20/20R Franklin Street.

At that meeting, Councilors asked for additional information and legal analysis. At this time, I respectfully request the Council schedule a second executive session to further discuss this case. I am requesting the matter be discussed in executive session because an open meeting may have a detrimental effect on the City's litigating position. An executive session on or before October 24, 2019 is preferred. I am available to work with the City clerk to find an acceptable date for this meeting. Thank you.

Sincerely,  
Elizabeth Rennard

Action Contemplated

Councillor Gerard

Moved Received and Filed  
And that an Executive Session  
of the full Council be scheduled

Voted

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**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**PETITIONS**

A petition from Verizon to install 6 conduits at Norman St. / Holyoke Sq.

HEARING ORDERED OCTOBER 24, 2019

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A petition from National Grid to install 1 conduit at 10-12 Lynde St.

HEARING ORDERED OCTOBER 24, 2019

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A Petition from Raymond Gottwald to discuss Short Term Rentals various issues at 12 Curtis St. #4

Action Contemplated

Councillor McCarthy

Moved Referred to Ordinances, Licenses  
Legal Affairs

Voted

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**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**PETITIONS**

The Following License Applications:

**PUBLIC GUIDES:**

Donna Dunn 174 East Maine St., #1 Gloucester  
Kevin Roberts 29 Hayden Rowe St., Hopkinton  
Allison Christiansen 34 Briggs St #2, Salem  
Kelley Gifford 24 Flying Cloud Lane Salem  
Megan Donoghue 9 English St., Salem  
Jacques Denault 3 Scarlet Lane, Danvers  
Mary Raker 2 Hall Pond Rd., Boylston  
Isabella Connor 53 Lindor Rd., North Reading  
Chris Dowgin PO Box 249 Salem  
Cathy Gushgarian 29 Vine St Apt 8 Winchester  
Justin Doyle 22 Briggs St., Salem  
Caroline Parker 44 Pingree St., Salem

**LIMOS:**

Salem Taxi, 30 Federal St., Salem

**TAXI OPERATORS:**

Ramon DeJesus Gomez 88R Congress St.#1, Salem  
Angel DeJesus Capellan 190 Loring Ave., Salem  
Miguel Jimenez 4 Heritage Dr. Apt 28, Salem

Action Contemplated

Councillor McCarthy

Moved Granted

VOTED



**OCTOBER 10, 2019**

**CITY COUNCIL**

**REGULAR MEETING**

**PETITIONS**

The Following License Applications:

**PUBLIC GUIDES:** Jason Jewett, 20 Harrison Ave, Salisbury

Action Contemplated

Councillor McCarthy

Moved Denied

Voted

The Following Claims:

Leandra Adortse 8 Heritage Dr. Apt 28, Salem  
Erin Vuijk 39 Station Rd., Salem  
Colette O'Hara 8 Jere Rd., Reading  
Stephen Smith 22 Conant St., Salem

Action Contemplated

Councillor McCarthy

Refer to Comm. On Ord., Lic. & Legal Affairs

Voted

OCTOBER 10, 2019

CITY COUNCIL

REGULAR MEETING

UNFINISHED BUSINESS

SECOND READING of an Order to amend the rules and Orders of the City Council by amending Section 10 by deleting the words "shall rise and"

Action Contemplated

Council Turiel	Moved adoption by RCV	Yeas	Nays	Absent
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SECOND PASSAGE OF AN ORDINANCE:

Councillor Turiel

ORDINANCE: *to amend an Ordinance relative to Ordering display of flags*

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

**Section 1.** Chapter 2, Section 145 is hereby amended by deleting Sec. 2-145 in its entirety and replacing it with the following:

"The Mayor or the City Council may at any time order flags to be displayed on the public buildings or on any city flagstaff, and that the Mayor shall transmit the order to the appropriate department."

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

Action Contemplated

Councillor Turiel	Moved Adoption for second and final passage	Voted
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OCTOBER 10, 2019

CITY COUNCIL

REGULAR MEETING

UNFINISHED BUSINESS

Councillor Madore

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:

Skerry Street – One Handicapped Parking Space to be added in front of #7, starting four (4) feet from the driveway and continuing westerly for a distance of twenty (20) feet.

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

Action Contemplated

Councillor Madore

Moved Adopted for Second and Final Passage

Voted

On the motion of Councillor

the meeting adjourned at

P.M.