

City of Salem, Massachusetts
Office of the City Clerk

Ilene Simons
City Clerk



Room 1
City Hall

March 22, 2022

MEETING NOTICE AND AGENDA

The Salem City Council will meet remotely on Thursday, March 24, 2022, at 7:00 P.M. to hold its regular meeting for the purpose of discussing any and all business via remote participation in accordance with Chapter 20 of the Acts of 2021 and as amended by Chapter 22 of the Acts of 2022. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the city's website, at www.salem.com. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the city's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

For this meeting, members of the public who wish to watch, listen or provide comment (if applicable) during the meeting may do so in the following manner:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83157887849?pwd=aGxmUmZ3N1F3TU9XSm9oT1dwdEFNdz09>
Password: 343402

Go to the website link <https://zoom.us/join>. Enter meeting/webinar ID# 831 5788 7849 followed by the meeting password above if directed to do so.

Or Telephone: Participants can dial a toll free number at 877-853-5257 (Toll Free) or 888- 475-4499 (Toll Free). When prompted, enter meeting/webinar ID#: 831 5788 7849 and follow the instructions to join the meeting. For those dialing in, you may press *9 to raise your hand to speak if signed up for public testimony or to participate in the public hearing portion of the agenda (if applicable)

Watch meeting live on SATV on Channel 22.

Members of the public wishing to speak on the agenda items must follow the "How to Sign Up for Public Testimony" outlined on the agenda below.

Members of the public wishing to speak during hearings designated as public hearings may do so by following how to participate noted above.

Very truly yours,

ATTEST:

ILENE SIMONS
CITY CLERK

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

“When in person, individuals 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 at (978-619-5630) as soon as possible and no less than 2 business days before the meeting, program, or event.” Assistive Listening System is available for City Council Meetings. Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk’s Office at 978-745-9595 ext. 41200 or isimons@salem.com.

**“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.”**

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

A Regular Meeting of the City Council was held remotely via zoom on Thursday, March 24, 2022, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on March 22, 2022, at 1:12 P.M. This meeting is being recorded and is live on S.A.T.V.

Councillors absent:

Council President Morsillo presided.

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

VOTED

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

PUBLIC TESTIMONY

Public Testimony not to exceed 15 minutes
Name must be on roster 30 minutes prior to meeting
Agenda items only

Public Testimony not to exceed 15 minutes. Public Testimony is not a public hearing or question and answer period. Public Testimony shall only pertain to Agenda items. Sign up must occur 30 minutes prior to meeting.

How to Sign Up:

Due to Chapter 20 of the Acts of 2021 and as amended by Chapter 22 of the Acts of 2022, anyone wishing to present testimony at a City Council meeting regarding a matter on the agenda, may sign up until the date of the meeting by 6:30 P.M. by email. Please email isimons@saalem.com and include your name, address, subject matter you wish to speak about, phone number, email address and screen name in which you will be using that evening. If you are able you may participate in Public Testimony remotely or the Council President will read your comment into the record if emailed.

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

HEARINGS

NONE

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting the Mayor's appointment of Manda Spittle of 8 Woodbury Court to the Commission on Disabilities with a term to expire March 10, 2025.

Action Contemplated

Councillor Riccardi	Moved Confirmation by RCV	Yea Nay Abs
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Held from the last meeting the Mayor's appointment of Kathy Winn, 133 Fort Avenue to the Salem Harbor Authority with a term to expire January 12, 2023

Action Contemplated

Councillor McCarthy	Moved Confirmation by RCV	Yea Nay Abs
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The Mayor's appointment of Thomas Philbin of 6 Planters St. to the Conservation Commission with a term to expire March 24, 2025

C.	Sus. Of the Rules	C.	Objection
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Action Contemplated

Councillor Watson-Felt	Held under the Rules	Voted
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The Mayor's appointment of Elvis Gustavo of 7 Champlain Rd to the Sustainability, Energy, and Resiliency Committee, with a term to expire March 24, 2025

C.	Sus. Of the Rules	C.	Objection
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Action Contemplated

Councillor Hapworth	Held under the Rules	Voted
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CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Mayor's re-appointment of Christine Derby of 73 Tremont St., as a Constable with a term to expire February 1, 2025.

Action Contemplated

Councillor Riccardi

Moved Received and Filed

Voted

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDERED: That the sum of Two Hundred Seventy-Three Thousand Two Hundred and Two Dollars (\$273,202.00) is hereby transferred from the Police Department's "FT Salaries" account (12101-5111) to the Police Department's "Radio & Vehicle Maintenance" account as provided below to cover payment associated with the purchase and up-fitting of four (4) front-line cruisers in accordance with the recommendation of Her Honor the Mayor.

Description	Fund	Amount
Radio & Vehicle Maintenance	12102-5253	\$ 273,202.00
		\$ 273,202.00

Councillor McCarthy Suspension of the Rules Councillor Objection

Action Contemplated

Councillor McCarthy Refer to the Comm. on Admin. & Finance
OR
Moved Adoption by RCV Yeas Nays Abs

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDERED: That the sum of Two Hundred Thousand, Four Hundred Thirty-Six Dollars and Twenty-Nine Cents (\$200,436.29) be approved within the “Retirement Stabilization Fund-Vacation/Sick Leave Buyback” account (83113-5146) to be expended for the contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

Name	Department	Amount
Paul Gallant	Salem Fire Department	\$43,175.05
Michael O'Donnell	Salem Fire Department	\$63,392.79
Patricia Marfongelli	Salem Fire Department	\$47,677.30
Jeffrey Brown	Salem Fire Department	\$23,974.90
Patricia Robertie	Salem School Department	\$22,216.25
		\$200,436.29

Councillor McCarthy Suspension of the Rules Councillor Objection

Action Contemplated

Councillor McCarthy Refer to the Comm. on Admin. & Finance
OR
Moved Adoption by RCV Yeas Nays Abs

ORDERED: That the sum of Eighty Thousand Dollars (\$80,000.00) is hereby appropriated and transferred from the “Capital Outlay Fund 2000” to ST CIP Public Services (20002223-5846DM) for costs associated with Licensed Site Professional Services (LSP) related to Gonyea Park in accordance with the recommendation of Her Honor the Mayor.

Councillor McCarthy Suspension of the Rules Councillor Objection

Action Contemplated

Councillor McCarthy Refer to the Comm. on Admin. & Finance
OR
Moved Adoption by RCV Yeas Nays Abs

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDERED: That the sum of Thirty Thousand Dollars (\$30,000.00) is hereby appropriated from the "Fund Balance Reserved for Appropriation – Free Cash" account (1-3245) to the account listed below to fund advertising costs for ordinances and other matters requiring notice by the City Clerk's Office in accordance with the recommendation of Her Honor the Mayor.

Advertising (City Council)	11112-5306	\$30,000.00
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Councillor McCarthy	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor McCarthy	Refer to the Comm. on Admin. & Finance OR Moved Adoption by RCV	Yeas	Nays	Abs
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ORDERED: That the sum of Eleven Thousand Six Dollars and Sixty-Six Cents (\$11,006.66) is hereby appropriated from the "Fund Balance Reserved for Appropriation – Free Cash" account (1-3245) to the account listed below to fund costs associated with clean-up and repairs due to a sprinkler pipe freeze at the Salem Police Station in accordance with the recommendation of Her Honor the Mayor.

Building Maintenance	12102-5300	\$11,006.66
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Councillor McCarthy	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor McCarthy	Refer to the Comm. on Admin. & Finance OR Moved Adoption by RCV	Yeas	Nays	Abs
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CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

COMMUNICATIONS FROM THE MAYOR

ORDERED: To accept the donation from the Salem Five Charitable Foundation in the amount of Five Thousand Dollars (\$5,000.00) for tree planting projects at the Salem Common. These funds will be deposited into the Tree Donation Account #26C01-4830 in accordance with the recommendation of Her Honor the Mayor.

Action Contemplated

Councillor McCarthy	Moved Adoption by RCV	Yeas	Nays	Abs
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ORDERED: A 300 sq. ft. portion of the City-owned right of way that encompasses the Stairs from Bridge Street to the Crescent Shape Lot at 252 Bridge Street as shown on the Plan of Land titled "252 Bridge Street", prepared by Hancock Associates, 185 Centre Street, Danvers, MA 01923, and dated 3/4-2022, is hereby declared surplus property as it is not needed for any municipal use.

Action Contemplated

Councillor Riccardi	Moved Adoption by RCV	Yeas	Nays	Abs
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CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

MAYOR'S INFORMATIONAL PAGE

Following letter from the Mayor

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

As the City Council begins to plan for a return to in-person meetings, I would be grateful for the opportunity to address you at your first in-person meeting in order to provide an update on the state of the City and the issues that we face together.

Whether the Council would prefer the update to be part of your regular agenda or at a Committee of the Whole meeting immediately prior to the in-person regular meeting, I am amenable to either approach.

Sincerely,

Kimberley Driscoll
Mayor
City of Salem

Action Contemplated

Councillor McCarthy

Moved Received and Filed &
to invite the Mayor to the first in-person
Council Meeting or Comm. of the Whole Meeting

Voted

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

Councillor Cohen

ORDERED: That the City Council Committee on Government Services, co-posted with the Committee of the Whole, meet to discuss the potential for Salem to own its own electric & gas company and distribution and that a recommendation be reported to the City Council no later than the last meeting in October.

Action Contemplated

Councillor Cohen

Moved Adoption

Voted

Councillor Riccardi

ORDERED: That the Public Health, Safety and Environment Committee, co-posted with Committee of the Whole, meet to discuss the usage of road salt during the winter months, its effects on the environment, and possible alternatives, and invite the Director of the Department of Public Services, the Tree Commissioner, as well as a designee from the Conservation Commission.

Action Contemplated

Councillor Riccardi

Moved Adoption

Voted

Councillor Riccardi

Ordered: that the Committee on Ordinances, Licenses, and Legal Affairs meet with representatives of Salem's taxi/livery companies and representatives of the Salem Police Department to discuss possible changes to Chapter 44 Vehicles for Hire Section 38: Fares Established and other concerns related to taxi/livery companies in Salem.

Action Contemplated

Councillor Riccardi

Moved Adoption

Voted

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

Councillor Riccardi

In the year Two Thousand and Twenty-Two

An Ordinance Relative to Traffic

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

Section 1. Section 75A – Parking prohibitions towing zone (October resident parking) of Article V-A is hereby amended by deleting the following streets from Section A - Temporary October Resident Permit Parking:

Becket Avenue, Bridge Street from Howard Street to Webb Street, Cabot Street from Cedar Street to Gardner Street, Cross Street from Saunders Street to Lemon Street, Derby Street from Palfrey Court to Fort Avenue, Essex Street from Flint Street to Monroe Street, Hawthorne Boulevard on the westerly side of the two-way section, Leavitt Street from Lafayette Street to Congress Street, Palmer Street from Lafayette Street to Congress Street

And inserting the following streets:

Barton Place, Beacon Street, Bridge Street from Howard Street to Beacon Street, Broad Street from Dalton Parkway to Jackson Street, Cabot Street from Cedar Street to Hancock Street, Conant Street, Cross Street, Cross Street Court, Dalton Parkway even side only (14-18 Dalton Pkwy), Derby Street from Webb Street to Fort Avenue, Essex Street from Boston Street to Monroe Street, Fowler Street, Gardner Street, Hancock Street from Cabot Street to Lafayette Street, Harrington Court, Leavitt Street from Lafayette Street to Perkins Street, North Pine Street, Palmer Street, Pearl Street, Perkins Street, Pingree Street, Prince Street Place, Saunders Street, South Pine Street, Warner Street

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

Action Contemplated

Councillor Riccardi Moved adoption for first passage by RCV Yeas Nays Abs

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

Councillor Riccardi

ORDERED: That residents of the following streets shall be granted eligibility for temporary resident permit parking, and certain streets shall be designated as temporary resident permit parking streets, from October 1 to November 1, 2022. Eligible residents will have a temporary resident parking permit sent to them in the mail and must display the permit following the written instructions included with said permit. One temporary guest pass shall be issued if requested in accordance with Article V-A Section 75A Subsection C. Temporary resident permit parking signage will be installed on said streets. Temporary October Resident Permit Parking shall be in effect from 5:00 P.M. to 7:00 A.M., Monday through Friday, and 12:00 P.M. to 7:00 A.M. Saturday through Sunday, October 1 to November 1, 2021. Temporary October Resident Parking shall occur on the street in existing parking areas and shall not supersede other parking restrictions, including but not limited to, handicap/accessible parking spaces, parking within four (4) feet of a driveway, parking within twenty (20) feet of an intersection, or parking restricted on a certain side of the street.

Temporary signage shall be installed before October 1 indicating streets designated as Temporary October Resident Permit Parking streets and all parking shall be prohibited during the hours indicated except by motor vehicles displaying a Temporary October Resident Parking permit.

1. Dearborn Street from North Street to Lee Street

Action Contemplated

Councillor Riccardi

Moved adoption by RCV

Yeas Nays Abs

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

Councillor Riccardi

Ordered: The parking rate for the locations identified below shall be \$1.00 per hour:

Canal Street – Temporary Parking Meter Zone Established – both sides, from the intersection with Lyme Street to a point approximately two hundred fifty (250) feet south of the intersection with Washington Street / Mill Street. October 1 to October 31, 2022. Saturday through Sunday, 12:00pm to 6:00pm. Residents may park for free during these times but must register with the Passport Parking App.

Margin Street – Temporary Parking Meter Zone Established – east side only, from the intersection with Endicott Street to a point just north of the Salem Police Department's driveway (95 Margin St). October 1 to October 31, 2022. Saturday through Sunday, 12:00pm to 6:00pm. Residents may park for free during these times but must register with the Passport Parking App.

And be it further Ordered:

The parking rate for the location identified below shall be \$2.00 per hour:

North Street – Temporary Parking Meter Zone Established – 22 perpendicular spaces located adjacent to the North Street Bridge and 4 Franklin Street. October 1 to October 31, 2022. Saturday through Sunday, 12:00pm to 6:00pm. Residents may park for free during these times but must register with the Passport Parking App.

Action Contemplated

Councillor Riccardi

Moved adoption by RCV

Yeas Nays Abs

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

Councillor Hapworth

The following 3 traffic ordinances amending Handicap Parking to repeal from certain streets:

In the year Two Thousand and Twenty-two

An Ordinance to amend an Ordinance relative to Traffic – Handicap Parking

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

Section 1. Chapter 42, Section 50B – “Handicap Parking – Time Limited” is hereby amended as follows:

REPEAL – Boardman Street – in front of #27 Boardman Street for a distance of twenty (20) feet

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

In the year Two Thousand and Twenty-two

An Ordinance to amend an Ordinance relative to Traffic – Handicap Parking

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

Section 1. Chapter 42, Section 50B – “Handicap Parking – Time Limited” is hereby amended as follows:

REPEAL – Lafayette Street – in front of #292 Lafayette Street for a distance of twenty (20) feet

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

In the year Two Thousand and Twenty-two

An Ordinance to amend an Ordinance relative to Traffic – Handicap Parking

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

CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

Section 1. Chapter 42, Section 50B – “Handicap Parking – Time Limited” is hereby amended as follows:

REPEAL – Lynde Street – in front of #10 Lynde Street for a distance of twenty (20) feet

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

Action Contemplated

Councillor Hapworth Moved adoption for first passage by RCV Yeas Nays Abs

Councillor Watson-Felt

In the year two thousand and twenty-two

An Ordinance to amend an ordinance relative to the traffic and parking commission.

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

Section 1. Chapter 2, Article IV, Division 12 Traffic and Parking Commission is hereby amended by:

- 1) deleting the phrase “and recommend traffic ordinance amendments and commission regulations to the mayor and city council for their approval” and replacing it with the phrase “as well as develop and adopt commission regulations relative to traffic and parking” within the first sentence of *Section 2-986 Created: composition; compensation of members;*
- 2) deleting the phrase “make recommendations to the mayor and the city council to adopt or amend city ordinances and commission regulations” and replacing it with the phrase “develop regulations” within the second paragraph of *Section 2-988 Powers, duties and responsibilities generally;*
- 3) deleting the phrase “effective upon approval by the city council” and replacing it with the phrase “pertaining to traffic and parking” within the first sentence of *Section 2-989 Effective date of regulations; limitations;*
- 4) deleting *Section 2-989 Effective date of regulations; limitations* in its entirety and replacing it with the following:

CITY OF SALEM
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REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

“2-989 Effective date of regulations; limitations. The commission may adopt regulations pertaining to traffic and parking. Any approved regulations shall authorize the commission to administer the specific parking and traffic regulations contained therein and may authorize the commission to act without further council approval on certain public street or parking designations.

No commission regulation shall be effective until:

1. The commission provides notice, in writing, of a new or amended regulation to the city council. Delivery of such notice shall be to the city clerk.
2. The city council shall be provided ten (10) days from the date of such notification to request a joint public meeting of the commission and city council so that the commission may reconsider any identified new or amended regulation. Said meeting must be scheduled within ten (10) days from the date the request is sent to the commission. Such date may be extended by agreement of the council president and commission chair.
3. If no request for a joint public meeting is received from the city council within the ten (10) day period set forth above, the new or amended regulation shall be in effect on the eleventh (11) day following its original adoption.
4. At any scheduled joint public meeting, the commission shall revisit the identified regulation, reconsider such, accept public comment, and vote to reaffirm, reject, or modify the regulation.

Nothing in this division shall be construed as giving the traffic and parking commission power to supersede the police department in the regulation and enforcement of traffic and parking on the city streets.”

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

Action Contemplated

Councillor Watson-Felt	Referred to the Comm. on Ord., Lic. & Legal Affairs co-posted with Comm. of the Whole OR Adopt for first passage by RCV	Voted
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CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

Councillor Watson-Felt

In the year Two Thousand and Twenty-two

An Ordinance

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

Section 1. Delete in their entirety the following sections of Chapter 42, Salem Traffic Ordinance, and incorporate within the Traffic and Parking Regulations:

Article I, Sec. 10. One-way streets.

Article I, Sec. 10A. One-way streets, Certain times.

Article I, Sec. 11. Bus Stops.

Article I, Sec. 12. Taxicab stands.

Article I, Sec. 13. Service Zones.

Article I, Sec. 13A. Parking in service zone limited – Live parking.

Article I, Sec. 13B. Fire lanes.

Article I, Sec. 14. Corner distances.

Article I, Sec. 17. Penalties

Article I, Sec. 17A. Schedule of fines re: Penalties.

Article II, Sec. 20A. Experimental regulations for the purpose of trial.

Article III, Sec. 28. Location of bus stops and taxicab stations.

Article III, Sec. 29A. Signs, traffic signals, devices, school zones, meters and markings.

Article IV, Sec. 43. No driving on sidewalks.

Article IV, Sec. 43A. Operation of electronic personal assistance mobility devices.

Article IV, Sec. 49. Obedience to isolated stop signs.

Article V, Sec. 50. Prohibited in certain specified places.

Article V, Sec. 50A. Handicapped zones.

Article V, Sec. 50B. Handicapped zones, limited time.

Article V, Sec. 50C. Handicapped zone, bus stop.

Article V, Sec. 51. Parking prohibited on certain streets.

Article V, Sec. 51A. Night parking.

Article V, Sec. 51B. Parking prohibited at certain times on certain streets.

Article V, Sec. 52. Bus Stops.

Article V, Sec. 53. Taxicab stands.

Article V, Sec. 54. Reserved parking, horse drawn carriages.

Article V, Sec. 54.A. Reserved parking, Holyoke Square.

Article V, Sec. 55. Parking vehicles for sale prohibited.

CITY OF SALEM
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REGULAR MEETING

MOTIONS, ORDERS AND RESOLUTIONS

Article V, Sec. 55A. Parking time limited.

Article V, Sec. 55B. Prohibited from parking – Residential districts or in front of residential housing or apartments or entrance corridor overlay districts – Commercial vehicles.

Article V, Sec. 56. Zones Established.

Article V, Sec. 57. Parking time limited; hours of operation.

Article V, Sec. 57A. Parking time limited; unmetered zones.

Article V, Sec. 57B. Parking time limited; off-street parking areas.

Article V, Sec. 57C. Parking time limited; monthly zones.

Article V, Sec. 58. Acquisition and installation; space between meters.

Article V, Sec. 59. Meter signals indicating legal/illegal parking; overtime parking.

Article V, Sec. 60. Establishment and marking of spaces.

Article V, Sec. 61. Bus stops, taxicab stands, service zones, etc.

Article V, Sec. 62. Deposit of coins required to use parking spaces; unused time.

Article V, Sec. 63. Fees.

Article V, Sec. 64. Deposit of coins to extend parking beyond legal time.

Article V, Sec. 65. Vehicles to be parked wholly within designated spaces.

Article V, Sec. 66. Tampering with, depositing slugs, etc.

Article V, Sec. 67. Commercial vehicles loading or unloading.

Article V, Sec. 68. Collection and deposit of money: City of Salem Parking Meter Account.

Article V, Sec. 69. Use of fees received.

Article V, Sec. 70. Enforcement of division.

Article V-A, Section 74. General prohibition towing zones.

Article V-A, Section 75. Parking prohibitions towing zone (resident sticker).

Section 11. Amend Chapter 42, Salem Traffic Ordinance, by replacing the deleted sections, with the following:

Article I, Sec. 10. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article I, Sec. 10A. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article I, Sec. 11. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article I, Sec. 12. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article I, Sec. 13. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article I, Sec. 13A. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article I, Sec. 13B. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article I, Sec. 14. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article I, Sec. 17. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article I, Sec. 17A. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article II, Sec. 20A. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article III, Sec. 28. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article III, Sec. 29A. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

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MOTIONS, ORDERS AND RESOLUTIONS

Article V-A, Section 74. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Article V-A, Section 75. Repealed. See Traffic and Parking Regulations, Traffic and Parking Commission.

Action Contemplated

Councillor Watson-Felt	Referred to the Comm. on Ord., Lic. & Legal Affairs co-posted with Comm. of the Whole OR Adopt for first passage by RCV	Voted
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Councillor Morsillo

Ordered: That the Committee of the Whole meet with the Supt. of Schools for a presentation to update the Council on the Salem Public Schools

Action Contemplated

Councillor Morsillo	Moved Adopted	Voted
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CITY OF SALEM
MARCH 24, 2022
REGULAR MEETING

COMMITTEE REPORTS

Councillor McCarthy offered the following report for the Committee on Administration and Finance co-posted with the Committee of the Whole to whom was referred the matter of Compensation of the Mayor Sec. 2-142. (Action unknown meeting held after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted
By RCV

Councillor Prosniewski offered the following report for the Committee on Public Health, Safety and Environment co-posted with the Committee of the Whole to whom was referred the matter of an Ordinance to establish foodware & packaging

Accept the Report Voted

Adopt the Recommendation Voted
By RCV

Councillor Hapworth offered the following report for the Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of Council Rules and Orders Sec. 28C (discussion of remote participation during hybrid meetings)

Accept the Report Voted

Adopt the Recommendation Voted
By RCV

Councillor Hapworth offered the following report for the Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of Request from Salem United to have a City Council Liaison

Accept the Report Voted

Adopt the Recommendation Voted
By RCV

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REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

The following communication from the Planning Board relative to the Marijuana Buffer Zones

Report of the Planning Board to City Council Re: Marijuana Buffer Zones

March 18, 2022

At its meeting on March 17, 2022, the Planning Board discussed a proposed amendment to the Zoning Ordinance to amend Section 6.10.6 to eliminate the buffer zones that prohibit the siting of marijuana establishments within 500 feet of houses of worship and funeral homes or within 1000 feet from institutions of higher education, colleges or universities, which was referred from the March 7, 2022, joint public hearing with the City Council.

The Planning Board voted six (6) in favor (Bill Griset, Tom Furey, Helen Sides, Sarah Tarbet, Todd Waller, Carole Hamilton) and zero (0) opposed to recommend that the City Council adopt the proposed amendment to the Zoning Ordinance.

If you have questions regarding this matter, please contact Tom Daniel, AICP, Director of Planning & Community Development, at 978-619-5685.

Sincerely,
William Griset, Chair

CC: Ilene Simons, City Clerk

Action Contemplated

Councillor Riccardi

Moved Received and Filed

Voted

Zoning Ordinance Amending Buffer Zones for Marijuana Establishments

An Ordinance to amend the zoning ordinance regarding buffer zones relative to marijuana establishments.

Section 1. Section 6.10.6 of the Code of Zoning Ordinances is amended by replacing (5) in its entirety with the following:

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“5. Pursuant to M.G.L.A. c. 94G, § 5(b)(3), a marijuana establishment shall not be located within five hundred (500) feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.”

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

Action Contemplated

Councillor Riccardi	Moved adoption for first passage by RCV	Yeas	Nays	Abs
	OR			
	Refer to the Comm. on Ord., Lic. & Legal Affairs			
	Co-posted with the Comm. of the Whole			

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The following communication from the Planning Board relative to Green Infrastructure

Report of the Planning Board to City Council Re: Green Infrastructure Amendment

March 18, 2022

At its meeting on March 17, 2022, the Planning Board discussed a proposed amendment to the Zoning Ordinance to address Green Infrastructure, including electric vehicle chargers, bicycle parking, and solar energy generation. This amendment was referred to the Planning Board at the March 7, 2022, joint public hearing with the City Council.

The Planning Board voted six (6) in favor (Bill Griset, Tom Furey, Helen Sides, Sarah Tarbet, Todd Waller, Carole Hamilton) and zero (0) opposed to recommend that the City Council adopt the proposed amendment to the Zoning Ordinance, with the following comments:

- In Section 5.5.2, striking the language “and the remaining 75% of parking spaces shall be Electric Vehicle-Ready for future installation.”
- The Planning Board would like further clarity on what it means to be EV charging ready.

If you have questions regarding this matter, please contact Tom Daniel, AICP, Director of Planning & Community Development, at 978-619-5685.

Sincerely,
 William Griset, Chair

Action Contemplated

Councillor Riccardi

Moved Received and Filed

Voted

Zoning Ordinance Amendment relative to Municipal Green Infrastructure

An Ordinance to amend an ordinance relative to zoning. (action on pg 36)

Section 1. Amend Section 3.1 Table of Principal and Accessory Use Regulations by inserting the following uses within C. Commercial Uses and E. Accessory Uses:

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<i>C. Commercial Uses</i>	RC	R1	R2	R3	B1	B2	B4	B5	BPD	NRCC	I
Medium-Scale Ground Mounted Solar Energy System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Large-Scale Ground Mounted Solar Energy System	PB	PB	N	Y	Y	Y	Y	Y	Y	Y	Y
<i>E. Accessory Uses</i>											
Roof-Mounted Solar Energy System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Small-Scale Ground Mounted Energy System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Medium-Scale Ground Mounted Solar Energy System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Section 2. Amend Section 4.1.2 Notes to Table of Dimensional Requirements by inserting the phrase “roof-mounted solar energy systems” immediately following the word “ventilators” as it appears in paragraph 7 and further amend this Section by inserting the following new paragraphs:

“8. Small- and medium-scale ground mounted solar energy systems accessory to principal use may be located no closer than ten (10) feet from the front, side, or rear lot line.

9. Lot Coverage-Ground mounted solar energy systems shall not count towards building coverage as defined in Section 10.0 definitions.”

Section 3. Amend Section 5 General Regulations by adding the following new sections:

“5.4. BICYCLE PARKING

5.4.1 Purposes. Bicycling infrastructure in Salem is a basic necessity to residents, visitors, and employers and can provide a key “last mile” connection to destinations throughout the city. The purpose of this section is to provide specific guidelines to project proponents to determine the type, location, and amount of bicycle parking required for each development project. The intended result is to require development projects to include bicycle parking that enhances the project’s value and helps to make Salem a more desirable place to live, work, and visit.

5.4.2. Requirements.

The required minimum quantity of bicycle parking spaces is as outlined below. Additional bicycle spaces are encouraged but are not required beyond the minimum stated.

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Single-family and two-family residential: none

Residential with three or more units: 1 long-term bicycle space per unit, 1 short-term space per 4 units

Commercial/Industrial/Exempt or Institutional: 1 long-term space per 4 employees. Number of short-term spaces to be determined by the Planning Board, but shall not be less than 2.

5.4.3 Additional Notes. Fractions of spaces shall be rounded up to a whole number. Minimum bicycle storage consists of one double-sided rack. Total employees for this purpose is the maximum number of employees present on premises at one time.

Section 5.5 ELECTRIC VEHICLE CHARGING STATIONS

5.5.1 Purposes. In line with the Massachusetts Decarbonization Roadmap to reduce carbon emissions by at least 85% by 2050 and the City of Salem’s Resilient Together Mobility Goals, the City will encourage use of electric vehicles by further enabling electric vehicle charging. As of 2017, the transportation sector accounted for 42% of greenhouse gas emissions in the Commonwealth and 43% of greenhouse gas emissions in the City of Salem. Electric Vehicles offer the most promising option for replacing internal combustion engine vehicles.

5.5.2 Requirements. New developments of 5,000-square-foot or larger shall have 25% of parking spaces be installed with Electric Vehicle Supply Equipment; and the remaining 75% of parking spaces shall be Electric Vehicle-Ready for future installation.”

Section 4. Amend Section 6 Special Regulations by adding the following new section:

“Section 6.12-Solar Energy Facilities

6.12.1 Purpose. The purpose of this section is to accommodate solar energy facilities in appropriate locations, while minimizing any adverse visual, safety, and environmental impacts of the facilities.

6.12.2 Applicability. This section applies to all uses identified as requiring a site plan review per Section 9.5.2 or a special permit for ground mounted solar energy facilities per Section 3.1, Table of Uses.

6.12.3 Siting Preferences. Where a solar facility is sited, as well as placement on the site once selected, is an important consideration. The City strongly discourages locations that result in

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significant loss of land and natural resources, including farm and forest land, and encourages rooftop siting, as well as locations in industrial and commercial districts, or on vacant, disturbed land. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide.

6.12.4 Dimensional Regulations

1. Height- For primary uses see Section 4, Table 4.1.1. For accessory uses see Section 4.1.2.7
2. Setbacks- For primary uses see Section 4, Table 4.1.1. For small- and medium-scale ground mounted solar energy systems accessory to principal use may be located no closer than ten (10) feet from the front, side, or rear lot line. All ground-mounted solar energy systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable.
3. Lot Coverage-Ground mounted solar energy systems shall not count towards building coverage as defined in Section 10.0 definitions.

6.12.5 Special Permit.

1. The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for solar energy systems. The SPGA shall adopt rules relative to the application for special permits for ground mounted solar plan approval and file a copy with the City Clerk. After notice and public hearing and after due consideration of the reports and recommendations of other city boards, commissions and or departments, the SPGA may grant such a permit. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such applicable conditions as the SPGA finds reasonably appropriate to improve the site design to serve the purposes of this section.
2. The Planning Board shall include as part of its special permit review and proceedings all the provisions and requirements of the Site Plan Review standards applicable to large-scale ground-mounted solar energy systems. See Section 9.4 for additional Special Permit Requirements.

6.12.6 Large and Medium Scale Ground Mounted Solar Energy System Site Plan Review

1. Site Plan Documentation Required. In addition to the requirements of Section 9.5, the following items shall be included:
 - (a) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;

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- (b) Documentation of the major system components to be used, including the panels, mounting system, and inverter(s);
- (c) Additional requirements for large scale ground mounted solar energy systems
 - (i) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electric Code (527 CMR 12.00) compliant disconnects and overcurrent devices;
 - (ii) Documentation of actual or prospective access and control of the project site (see also Solar Design Guideline Document);
 - (iii) An operation and maintenance plan (see Solar Design Guideline Document);
 - (iv) Proof of liability insurance; and

6.12.7 Large and Medium Scale Ground Mounted Solar Energy System Maintenance, Removal, and Abandonment

1. Monitoring and Maintenance.

(a) Solar Energy System Installation Conditions - The ground-mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Building Commissioner. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s), unless accepted as a public way.

(b) Modifications - All material modifications to a ground-mounted solar energy system made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

2. Abandonment or Decommissioning

(a) Removal Requirements-Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned consistent with Subsection (b), below of this ordinance shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

- (i) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.

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- (ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (iii) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(b) Abandonment-Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

6.12.8 Site Plan Review-Roof-mounted and Small-scale Ground-Mounted Solar Energy Systems

1. Applicability-Where these solar energy systems may be accessory to a use allowed through Site Plan Review, the Site Plan Review shall include review of their adequacy, location, arrangement, size, design, and general site compatibility.

6.12.9 Pre-Existing Non-Conforming Uses and Structures

Improvements that do not change the use or the basic exterior characteristics of the building or structure are allowed. Such improvements include but are not limited to the installation or replacement of solar energy systems.”

Section 5. Amend Section 8.4.15 *Site Plan Review* of Section 8.4 *North River Canal Corridor Neighborhood Mixed Use District* by inserting the following additional site plan requirement as the fourth requirement and renumbering the requirements to a total of five:

- “4. Adequate net-zero-energy plan;”

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Section 6. Amend Section 9.4.2 *Criteria* of Section 9.4 *Special Permits* within Section 9 *Administration and Procedures* by deleting the following:

“5.Impacts on the natural environment including view; and”

and replacing it with the following:

“5.Impacts on the natural environment including greenhouse gas emissions and view; and”

Section 7. Amend Section 9.5.2 *Applicability* of Section 9.5 *Site Plan Review* within Section 9 *Administration and Procedures* by adding the following at the end of paragraph number 2:

“; or

3. Large scale ground mounted solar energy system in the R3, B2, B4, B5, BPD, NRCC, or I district; or
4. Medium scale ground mounted solar energy system in the RC, R1, R2, or R3 district.”

Section 8. Amend Section 9.5.3 *Application* of Section 9.5 *Site Plan Review* within Section 9 *Administration and Procedures* by deleting the phrases “fifteen (15) copies of” and “include fifteen (15) copies of” as they appear in the first paragraph and further amend this Section by adding the following to the end of this Section:

“11. Plans depicting the property lines and physical features, including roads, for the project site;

12. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

13. Locations of active farmland, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the DEP.

14. Locations of floodplains or inundation areas for moderate or high hazard dams; and

15. Locations of local or National Historic Districts.

16. Location, arrangement, size, and design of roof mounted and small-scale ground mounted solar energy systems.”

Section 9. Amend Section 9.5.4 *Narrative* of Section 9.5 *Site Plan Review* within Section 9 *Administration and Procedures* by inserting the Phrase “, including parking with electric vehicle charging stations and parking for bicycles;” at the end of paragraph number 2 and further amending this Section by inserting the following after paragraph number 8 and renumbering the requirements to a total of 10:

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“9. Sustainability and resiliency, including energy planning and alignment with local climate mitigation goals;”

Section 10. Amend Section 9.5.5 *Distribution* of Section 9.5 *Site Plan Review* within Section 9 *Administration and Procedures* by replacing the words “his” with “their” as they appear in the first paragraph and further amending the first paragraph of this Section by inserting the phrase “Head of the Sustainability Department or their designee,” immediately preceding the phrases “Board of Health”.

Section 11. Amend Section 9.5.6 *Review Criteria* of Section 9.5 *Site Plan Review* within Section 9 *Administration and Procedures* by adding the following to the end of this Section:

- “14. Adequacy of bicycle parking facilities and number of bicycle parking spaces proposed for each development;
15. Adequacy of electric vehicle charging station;
16. Adequacy and general site compatibility of roof mounted and small-scale ground mounted solar energy systems; and
17. Adequacy of a net-zero-energy plan to outline site energy uptake, creation, and consumption.”

Section 12. Amend Section 10 *Definitions* by adding the following new definitions:

“Electric Vehicle (EV): Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets and that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, producing zero tailpipe emissions or pollution when stationary or operating.

Electric Vehicle Supply Equipment (EVSE): Equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

Electric-Vehicle-Ready: Electric-Vehicle-Ready shall mean providing raceway to every parking space, adequate space in the electrical panel and space for additional transformer capacity to accommodate the future installation of the transformer, if necessary.

Long-term Bicycle Parking: Long-term Bicycle Parking must be located in an enclosed, limited-access area designed to protect bicycles from precipitation and from theft, such as bicycle lockers, covered bicycle sheds, or bicycle rooms within a building.

Net-zero energy site: a site that is optimally efficient, and over the course of a year, generates energy onsite, using clean renewable resources, in a quantity equal to or greater than the total amount of energy consumed onsite.

Net-zero-energy plan: A document outlining a development’s energy sources, locations (on or off-site), and consumption. The Plan outlines how the development can become a net-zero energy site, as defined above; or, why achieving net-zero energy site is not possible through renewable resources on-site, given site or other constraints.

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Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Short-term Bicycle Parking: Short-term bicycle parking must be located in a publicly accessible space within 50 feet of pedestrian entrances. Short-term bicycle parking is intended primarily to serve visitors, such as retail patrons making trips of up to a few hours; however, it may serve other bicycle users as needed.

Solar Access: The access of a solar energy system to direct sunlight.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Grid-Intertie: A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large-Scale: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies

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more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

Solar Energy System, Off-Grid: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Passive: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Energy System, Small-Scale: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

Solar Thermal System: An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling."

Section 13. This Ordinance shall take effect as provided by City Charter.

Action Contemplated

Councillor Riccardi	Moved adopted for first passage by RCV OR Refer to the Comm. on Ord., Lic. & Legal Affairs Co-posted with the Comm. of the Whole	Yeas	Nays	Abs
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PETITIONS

A request from the Public Arts Commission for a City Council Liaison to be appointed

Action Contemplated

Councillor Hapworth	Moved Adopted OR Refer to the Comm. on Gvt. Services	Voted
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A communication from Alan Hanscom requesting the City Council to consider a temporary measure to not have vendors, carnival rides and food trucks on Salem Common for the Summer and fall of 2022, in order to allow time for recovery and repair of the damages that were a result of overuse of the Common in 2021

Action Contemplated

Councillor Watson-Felt	Moved refer to Government Services	Voted
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A communication from Rosemary O'Connor to meet with the City Council regarding National Grid shutting of electricity to parts of North Salem on March 29, 2022 from 10 PM to 6 AM on March 30, 2022

Action Contemplated

Councillor Riccardi	Moved Refer Public Health, Safety & Environment	Voted
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PETITIONS

The Following License Applications:

PUBLIC GUIDES:	Ellis Jones 27 Creighton St., Jamaica Plain Daniel Berger Jones 7 School St., Pl. Roxbury Jessica November 14 Cambridge St., Salem Daniel Minkle Fury 126 Federal St., Salem David Molinet 30 Franklin St., Malden Hanna Burnett 47 Fremont St., Somerville Charles Galvin 5 Warren St., Salem Katherine Travers 394 Essex St., Salem Jeffrey Horton 10 Summer St., Salem Zachary Chechile 6 Knapp St., Somerville Vijay Joyce 107 Preston Pl., Beverly
TAXI CAB/ LIMOS:	Witch City Taxi 92 Jackson St., (3 Taxi Cabs) Salem Taxi 30 Federal St., Salem (7 Limos) Witch City Taxi 92 Jackson St., Salem (3 Limos) Americab 92 Jackson St., Salem (8 Limos)
TAXI OPERATORS:	Johnny Fabian Corniel 52 Ward St., Salem Jose Lopez 16 Mason St., Salem Pedro Taveras 129 Washington St., Peabody Felipe Garcia 30 Ridgeway St., Lynn Franklin Pimentel 300 Washington St., Salem Roberto Gutierrez 8 Chase St., Salem Cesar Santana 47 Collins St., Lynn Domingo Moronta Abreu 5 Albion St., Salem Ramon Rodriguez 9 Prince St. Pl., Salem Cesar Maldonado Cruz 7 Prince St. Pl., Salem Elis Saul Gomez Encanacion 7 Pickman Rd., Salem

Action Contemplated

Councillor Riccardi

Moved Granted

Voted

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PETITIONS

The Following Taxi Operator License

TAXI OPERATOR: Josue Sanchez 1000 Loring Ave., A34, Salem

Action Contemplated

Councillor Riccardi	Moved Denied	Voted
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The Following Contract Operator/Drainlayer Licenses:

Nardone Incorporated 45 Outlook Rd., Wakefield

Action Contemplated

Councillor Riccardi	Moved Granted	Voted
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The Following Claims:

Newton & Melissa Murphy 36 Balcomb St., Salem
Paul & Valerie Koloscius 2 Cross Ave., Salem
Margaret O'Brien 36 Juniper Ave., Salem
Lynn Feazel 33 Conant St., Danvers
Mary Hagen 39 Osgood St., Salem
Edmond Morneau 118 Columbus Ave., Salem

Action Contemplated

Councillor Riccardi	Moved referred to the Comm. on Ord., Lic. & Legal Affairs	Voted
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UNFINISHED BUSINESS

Second Passage of an ordinance to amend an ordinance relative to Chapter 50 –
 Wetlands Protection and Conservation (action on pg 51)

In the year Two Thousand and Twenty-Two

An Ordinance to Replace The Existing Ordinance, Chapter 50 Wetlands Protection
 And Conservation to increase protections for wetlands in the City of Salem.

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

SECTION 1. Sections 50-1 through 50-12 of Part III of the City of Salem Code, Ordinances,
 Chapter 50, Wetlands Protection and Conservation is hereby amending by deleting Sections 50-1
 through 50-12 in their entirety and replacing it with the following new Sections 50-1 through 50-
 18:

“Chapter 50 WETLANDS PROTECTION AND CONSERVATION*"

Sec. 50-1. Introduction.

This Ordinance is intended to utilize the City of Salem’s Home Rule authority to protect
 additional resource areas, identify additional values, and create additional standards and
 procedures stricter than those of the Wetlands Protection Act (M.G.L.A. c. 131, § 40; “the
 WPA”) and Regulations thereunder (310 CMR 10.00).

Sec. 50-2. Purpose.

The purpose of this Wetlands Protection Ordinance is to protect the wetlands, water resources,
 and adjoining land areas in Salem by controlling activities deemed by the Conservation
 Commission likely to have a significant or cumulative effect upon the following resource area
 values. Those identified with an asterisk* are in addition to the interests protected by the WPA.

- public or private water supply
- ground water supply
- flood control
- storm damage prevention
- prevention of pollution
- protection of land containing shellfish
- protection of fisheries

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- protection of wildlife habitat
- *climate change adaptation and mitigation,

Collectively, the "resource area values protected by this Ordinance"

Sec. 50-3. Jurisdiction.

Except as permitted by the Conservation Commission, no person shall remove, fill, dredge, discharge into, build upon, degrade, or otherwise alter in or over any of the following resource areas: any freshwater wetland (e.g. wet meadows, bogs, swamps); any coastal wetland (e.g. coastal/barrier beaches, coastal dunes, coastal banks, rocky intertidal shores, land under the ocean, salt marsh, land under salt ponds, land containing shellfish, fish runs, land subject to tidal action); vernal pool; river, stream, pond, reservoir, or lake, or any bank to said waters, or any land under said waters; riverfront area; designated port areas or any land subject to inland and/or coastal flooding or inundation.

Additionally, except as permitted by the Conservation Commission, no person shall remove, fill, dredge, discharge into, build upon, degrade, or otherwise alter in or over land within 100-feet of the above resource areas, hereinafter the "buffer zone". Notwithstanding the foregoing, and in accordance with the WPA, the following resource areas do not have an associated buffer zone: riverfront area, land under waters, land containing shellfish, fish runs, land subject to tidal action, and designated port areas.

Sec. 50-4. Exceptions.

The above prohibitions shall not apply to emergency projects recognized by the WPA so long as the Conservation Commission or its designee certifies the emergency in accordance with the standards under the WPA and implementing regulations at 310 CMR 10.00.

Additionally, the requirements of this Ordinance and its implementing regulations shall not apply to the minor activities and other exemptions recognized by the WPA and its implementing regulations at 310 CMR 10.00 so long as the Conservation Commission is notified of proposed work via certified mail a minimum of 30 days prior to commencement of activities located in areas protected by this Ordinance.

Maintenance (but no further alteration, expansion, or change in character or use) of pre-existing lawfully located uses and structures that were in place on or before the promulgation of the Ordinance are permitted without application for a permit to the Conservation Commission, provided that notice of such activities is sent via certified mail a minimum of 30 days prior to commencement of work.

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Sec. 50-5. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where further definition/clarification is provided through regulation. Terms follow the definitions found in the WPA and its implementing regulations at 310 CMR 10.00. To the extent not defined herein, words used in these regulations shall have the definitions contained in the WPA.

Ancillary Structure shall mean any structure on the same lot or lots in common ownership as the principal use, and whose purpose is customarily incidental to the main or principal building or use of the land.

Alter includes, without limitation, the following actions when undertaken in areas subject to this chapter: (1) Removal, placement, excavation or dredging of soil, sand, gravel, or aggregate material of any kind. (2) Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention characteristics. (3) Drainage or other disturbance of the water level or water table. (4) Dumping, discharging or filling with any material. (5) Driving of piles, erection of buildings or structures of any kind. (6) Placing of obstructions, whether or not they interfere with the flow of water. (7) Destruction of plant life, including cutting of trees, but excluding maintenance of landscape areas (provided that no unauthorized expansion of landscaping occurs) that were in place as of the original Ordinance adoption (DATE). (8) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

Banks means that part of land adjoining any body of water which confines the water. Bank is associated with all intermittent streams shown on the USGS Map and display riverine characteristics, even those upgradient of other wetland resource areas in cases where a defined channel with evidence of flow is observed.

Climate Change Adaptation and Mitigation are measures designed or intended to protect resource areas from the impacts of climate change and to protect the ability of resource areas to mitigate the impacts of climate change with consideration of the resource area values protected by the Ordinance.

Climate Change Impacts include without limitation: extreme heat; the timing, frequency, intensity, and amount of precipitation, storm surges, and rising water levels; increased intensity or frequency of storm events or extreme weather events; and frequency, intensity, and duration of droughts.

Coastal Wetland means any bank, marsh, swamp, meadow, flat or other lowland subject to tidal action or coastal storm flowage.

Freshwater Wetland is an area where soils are saturated and/or inundated such that they support wetland indicator plants. The ground water and surface water hydrological regime, soils, and the

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vegetational community which occur in a freshwater wetland, are defined under this Ordinance based on the definition of “Bordering Vegetated Wetland” at 310 CMR 10.00. The term freshwater wetland shall include isolated vegetated wetlands which are at least 750 square feet in size as defined herein.

Green infrastructure/Nature-based solutions means projects and practices incorporating the natural environment, supplement natural processes, or work in concert with natural systems to provide flood, fire, or drought risk reduction, or clean water or air benefits. Green infrastructure practices protect, restore, augment, or mimic ecological processes.

Isolated Vegetated Wetland (IVW) shall include wetlands which meet the MassDEP manual entitled “Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act” (1995 and as may be amended from time to time) with respect to the delineation standards for soils, hydrology, and vegetation, are at least 750 square feet in size or greater, but that do not require connectivity to surface waters. The Conservation Commission may, through written determination, exclude areas from being considered IVW if compelling evidence is presented that the IVW exists as a result of stormwater infrastructure or other human-induced disturbance/activity. Additionally, the Conservation Commission may find that areas that would otherwise qualify as IVW, but that are dominated by a prevalence of invasive and/or non-native plant species, are non-jurisdictional.

Passive Passage means any pedestrian activity which does not involve the disturbance of the substrate or existing vegetative conditions.

Person includes any individual, groups of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth, or political subdivisions thereof to the extent subject to city ordinances, administrative agencies, public or quasi-public corporations or bodies, the city, and any other legal entity, its legal representatives, agents or assigns.

Previously Disturbed or Degraded means areas which previously or currently lawfully contain(ed) impervious areas such as buildings, roadways, parking lots, or that were graded or altered by direct human activities not associated with natural resource or land management activities such that their present character is notably different than it would be had it not been altered. Previously Disturbed or Degraded areas may be partially vegetated provided there is a notable absence of topsoil (e.g., O or A Soil Horizon) or other compelling anthropogenic factor which documents the historic land use therein. An Applicant carries the burden of proof to demonstrate that land is Previously Disturbed or Degraded. Previously Disturbed or Degraded areas must have been the result of a lawful use/activity in order to be considered as such.

Stream means a body of running water that moves in a definite channel in the ground due to a hydraulic gradient. Such a waterway is a stream regardless of its relationship to other resource areas. Streams do not include manmade channels unless such channels represent channelization

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or redirection of historically naturally occurring streams, or were created for the purpose of functioning as a stream (such as may be done for ecological projects, or replication/mitigation).

Structures include, but are not limited to, commercial and industrial buildings, single family houses, multifamily dwellings, porches, decks, additions, sheds, outbuildings, pools, docks, pile supported features, septic systems and any of their components, underground storage tanks, roadways, fencing which functions as a barrier to wildlife habitat (excluding perimeter sediment controls and snow fencing), driveways, and retaining walls supporting more than a 4-foot height of fill. Stormwater management infrastructure and other utilities shall be excluded from the definition of structure.

Vernal Pool shall mean an area that provides breeding habitat for species that depend on ephemeral bodies of water for breeding and other life stages. To be considered vernal pools such areas must meet certification criteria as defined by the MA Natural Heritage and Endangered Species Program (NHESP). Certain areas that have been extensively altered by human activities as of the effective date of this Ordinance amendment and maintained as such continuously are not regulated as vernal pools. Such disturbed areas may include, for example, the built and utilized footprints of: paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas. Areas mapped by NHESP as potential vernal pools are considered vernal pools under this Ordinance unless the project proponent demonstrates to the Conservation Commission that said area is not certifiable per NHESP criteria. In evaluating the information presented to demonstrate that an area is not a vernal pool, the Commission shall consider appropriate factors, including the extent of the investigations conducted and drought/rainfall conditions, for example.

Wildlife Habitat means important food, shelter, migratory or overwintering areas, or breeding areas for wildlife. Certain areas that have been extensively altered by human activities as of the effective date of this Ordinance amendment and maintained as such continuously are not important wildlife habitat. Such disturbed areas may include, for example, the built and utilized footprints of: paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas. The Commission may, on a case-by-case basis, include some areas of human disturbance to be considered wildlife habitat if the subject area is demonstrated to be such by a competent source.

The Conservation Commission may, through its implementing regulations, expand upon or add additional definitions in order to protect the resource area values established by this Ordinance.

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Sec. 50-6. Conservation Commission Filing.

No person shall remove, fill, dredge, alter or build upon, over, or within areas subject to the Conservation Commission's jurisdiction without filing a written application for a permit including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this chapter. Such

application must be identical in form to a Notice of Intent or Request for Determination of Applicability as described in M.G.L.A. c. 131, § 40 and the implementing regulations at 310 CMR 10.00. The Conservation Commission may establish a filing fee schedule for such applications.

Notwithstanding the above, activities located solely within the 100-foot Buffer Zone to inland or coastal land subject to flooding or inundation may be reviewed by the Conservation Agent to determine whether a filing is required. In such cases, the Conservation Agent's administrative determination as to whether or not to require a filing shall be based upon a review of whether the project location is so topographically separated from the flood zone that the Ordinance values do not apply and that the proposed work qualifies as a minor activity as enumerated in 310 CMR 10.02(2)(b)2.

Sec. 50-7. Hearing on Permit Application; Access to Property. Notice of the time and place of the hearing shall be provided by the Applicant, using a legal notice document to be provided by the Conservation Office, not less than five days prior to the hearing, by publication in a newspaper of general circulation in the City. The Conservation Office may establish submission requirements, including required notifications to other City Departments, for example. The applicant shall provide notice to all abutters in the same form as detailed in M.G.L.A. c. 131, § 40 and the implementing regulations at 310 CMR 10.00. Notwithstanding the foregoing, abutter notification is not required for Request for Determination of Applicability filings.

For the purposes of reviewing an application for permit, the Conservation Commission, its agents, officers, and employees may enter upon privately owned land for the purpose of performing their duties under this chapter.

Sec. 50-8. Buffer Zone and Setbacks

In reviewing activities within the buffer zone, the Conservation Commission shall presume the buffer zone is important to the protection of its subject resource area because activities undertaken in close proximity have been shown to have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities.

Adverse impacts to wetland resource areas from construction and use within their related buffer zone can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, loss of trees and other vegetation, and degradation of wildlife habitat. Therefore, this

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Ordinance gives the Commission broad discretion to permit, condition, and prohibit work within the buffer zone as the specific situation warrants.

This Ordinance further establishes the following areas within the 100-foot buffer zone, which are subject to specific requirements and greater scrutiny:

- **25-foot No Disturbance Zone** – the first 25-feet within the buffer zone extending from an applicable resource area in which virtually no activities or work, other than passive passage, stormwater outfall components, and utilities, are permitted. No vegetation may be disturbed, leaf litter and woody debris remains in place, etc. The No Disturbance Zone shall remain unchanged from its pre-development project state when considering both the construction period and the long-term use of the project site. The land use restrictions within the No Disturbance Zone are to be further tabulated in the implementing regulations.

- **50-foot Mitigation Zone** – the first 50-feet within the buffer zone extending from an applicable resource area in which disturbance is prohibited without adequate mitigation as determined by the Conservation Commission. The Mitigation Zone overlaps the No Disturbance Zone detailed above and wetland resource areas defined herein.

Beyond the above-described zones, the Conservation Commission shall consider proposals for work in the buffer zone in terms of broad forms of disturbance areas. This approach is intended to allow flexibility for property use while maintaining adequate levels of wetland resource area protection. Additional buffer zone disturbance setbacks may be enumerated through implementing regulations.

In considering the types of work and activities allowable within the overall 100-foot buffer zone, and conditions to apply, the Conservation Commission shall consider the following,

1. **Values and Functions of the Resource Area.** The quantity and quality of resource values and functions should be considered explicitly in placing conditions on buffer zone work.

2. **Pre-Project Characteristics of the Site.** Ground slope, soil conditions, vegetation, and prior disturbance are some of the site-specific characteristics that shall be considered in setting conditions for work in the buffer zone.

3. **The nature of the activities proposed and their potential likelihood of impacting the Ordinance values.**

4. **The Project's implementation of climate change adaptation measures.**

As appropriate to protect the Ordinance values, the Conservation Commission may expand the minimum setbacks indicated herein or in implementing regulations.

The Applicant shall carry the burden of proof for demonstrating to the Commission's satisfaction that the proposed work or activities in the buffer zone are necessary, and that reasonable

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alternatives do not exist. Said demonstration may take the form of a written narrative or report with accompanying exhibits as appropriate.

Applicants wishing to rebut the presumptions set forth above shall provide the Commission with a written waiver request in accordance with Section 50-10 herein.

Notwithstanding the above, the Conservation Commission may, without requiring a formal waiver request, reduce the setbacks for:

1. Redevelopment of sites that contain previously disturbed or degraded areas regardless of whether such areas are within the relevant setback, so long as work results in an overall improvement to the applicable setback in terms of the ability of the associated resource area to protect the values of this Ordinance.
2. Projects involving work necessary to access buildable upland (including access roads, driveways, and utilities) as long as there is no other means of accessing said buildable upland, and said work meets all the other requirements of the WPA and this Ordinance.
3. If in its judgment such a reduction is necessary to accommodate a project that will have an overall benefit to the public and to the environment (such as a project addressing sewer inflow and infiltration, or an environmental enhancement project).
4. If in its judgment such a reduction is necessary to accommodate reasonable recreational access and connectivity by path, including paved or other surface type multiuse paths or other least intrusive means of access, to other portions of a property or the shoreline, as long as there is no other alternative means of accessing the other portions of the property, and that such alteration does not exceed the minimum path necessary to be compliant with state and federal accessibility requirements. Such paths are to include elevated boardwalks as appropriate to minimize impacts. Such alterations may require wetlands replication.
5. Ancillary Structures associated with single-family dwellings constructed prior to the adoption of this Ordinance.

The setback requirements shall not apply to:

1. Projects requiring Chapter 91 Licenses pursuant to the water-dependent use provisions, repairs of existing Chapter 91 Licensed structures, or other coastal engineering structures deemed by the Conservation Commission to be necessary to protect the interests of the WPA and this Ordinance.
2. Projects involving the maintenance and repair, but not expansion of or change in character or use of, existing and lawfully located buildings and structures, including roads, culverts, utilities, septic systems, or storm water drainage structures.

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3. Remediation activities performed under the Massachusetts Contingency Plan, provided that the activities comply with all other applicable state and local regulations.

Sec. 50-9. Climate Change Resiliency.

Climate change is an overriding public interest. Consideration of the effects of climate change on the City's wetlands resource areas is necessary to maintain the values of the Ordinance into the future. Additionally, appropriate protection of wetlands resource areas and their values will facilitate the City's climate change preparedness and resilience.

The Applicant shall, to the maximum extent practicable, integrate considerations of adaptation planning into their project to promote climate change resilience so as to protect and promote resource area values into the future. The Applicant shall consider the resource area's ability to be resilient to the effects of climate change and protect the values of the Ordinance. These considerations are especially important in Land Subject to Flooding and Coastal Storm Flowage (100-year floodplain), coastal wetlands, and other resource areas which protect the interest of Flood Control and Storm Damage Prevention, including the associated buffer zones. Resource areas may be directly impacted by extreme weather events expected to be more prevalent or more intense due to climate change, in surface runoff of pollutants, and in wildlife habitat due to changes in temperature.

In reviewing project climate change resiliency information, the Conservation Commission shall give consideration as to the size and scale of the project and the extent to which resource area impacts are avoided, minimized, and mitigated. Green infrastructure/nature-based solutions are preferred to demonstrate compliance with the climate change adaptation and mitigation resource area value.

The Conservation Commission may, through implementing regulations, adopt additional provisions and mapping related to resource area values respective of climate change in accordance with best available science. Mapping adopted by the Conservation Commission may include, without limitation, projections of Sea Level Rise and future storm events/flood zones for project proponents to consider in applications for work submitted to the Conservation Commission.

Sea Level Rise Considerations

The City of Salem recognizes the relative rise in elevation of the sea surface over time. Those portions of coastal floodplains which are immediately landward of salt marshes, coastal beaches, barrier beaches, coastal dunes or coastal banks require special protection as they are likely to be in a state of transition as the entire complex of coastal wetland resources gradually moves landward due to rising relative sea levels.

Development activities carried out within the transitional areas of coastal floodplains will be subject to increased storm damage and may interfere with the natural landward migration of the

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adjacent coastal resource areas. Therefore, the Salem Conservation Commission may adopt, through implementing regulations, performance standards for coastal resource areas with respect to Sea Level Rise.

Sec. 50-10. Waiver Criteria.

An Applicant may seek relief from the standards of the Ordinance and any implementing regulation by requesting a waiver to the applicable standards. The Commission may, at its discretion, grant a waiver to the standards of the Ordinance and regulations based on the Applicant's clear and convincing demonstration of the following:

1. The proposed land-use activity(ies) conforms with the goals and statutory interests of the Ordinance and regulations adopted thereunder, and the activity(ies), including proposed mitigation measures, will have an insignificant impact on the values protected by this Ordinance;
2. The relief requested by the project proponent is the minimum waiver necessary to achieve the project goals and to allow for reasonable use of the property;
3. The requested waiver is not the result of any prior action of the project proponent or any predecessor in title (i.e., the Applicant must document that the waiver is not the result of a self-created or self-imposed hardship);
4. The granting of the waiver will not hinder the ability of wetland resource areas or buffer zones to provide climate mitigation or protect the adjacent landscape from storm surge as anticipated based on best available information;
5. Where applicable, work within required setbacks noted herein shall not result in adverse impacts to the resource area values. Project proponents shall provide clear documentation to the Conservation Commission as to the means and methods for avoiding construction-phase impacts and impacts from the future existence of the project within setbacks; and
6. The Applicant shall demonstrate that all other feasible project alternatives to avoid or minimize impacts have been exhausted, including seeking relief from municipal zoning provisions as applicable.

Relief in the form of a waiver to a provision of the Ordinance does not remove the Applicant's responsibility for compliance with all other requirements of the Ordinance.

Sec. 50-11. Severability.

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

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Sec. 50-12. Relationship to State Statute.

The Conservation Commission shall not impose additional or more stringent conditions pursuant to M.G.L.A. c. 131, § 40 than it imposes pursuant to this chapter, nor shall it require an applicant filing a notice of intention pursuant to M.G.L.A. c. 131, § 40 to provide materials or data in addition to those required pursuant to this chapter.

Restoration of land in violation. Consistent with M.G.L.A. c. 131, § 40, any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of this chapter or in violation of any permit issued pursuant to this chapter shall forthwith comply with any such order or restore such land to its conditions prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

Sec. 50-13. Promulgation of Regulations.

After due notice and public hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.

Sec. 50-14. Burden of Proof.

The Applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application for the permit required by this chapter will not harm the interests protected by this chapter. Failure to provide adequate evidence to the Conservation Commission supporting a determination that the proposed work will not harm the values protected by this chapter shall be sufficient cause for the Conservation Commission to deny a permit or to grant a permit with conditions or, in the Conservation Commission's discretion, to continue the hearing to another date to enable the Applicant or others to present additional evidence.

Sec. 50-15. Security.

The Conservation Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

1. A bond or deposit of money or negotiable securities in an amount determined by the Conservation Commission to be sufficient and payable to the Conservation Commission upon default.
2. A conservation restriction, easement or other covenant running with the land, executed and properly recorded or registered, in the case of registered land, with the Essex South District of Registry of Deeds.

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Sec. 50-16. Appeal.

A decision of the Conservation Commission shall be reviewable in the Superior Court in accordance with M.G.L.A. c. 249, § 4.

Sec. 50-17. Enforcement.

Any person who violates any section of this chapter or any condition of a permit issued pursuant to this chapter shall be punished by fines as provided in Section 1-10 (c) – Noncriminal disposition of ordinance violations.. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. Upon request of the Conservation Commission or of the City Council, the Mayor, and City Solicitor shall take such legal action as may be necessary to enforce this chapter and permits issued pursuant to this chapter.

Sec. 50-18. Effective Date.

This Ordinance Amendment becomes effective upon final passage and signature of the Mayor and shall apply to all Notices of Intent filed on or after that date and any subsequent procedures related to such filings made on or after that date. This Ordinance Amendment shall not apply to projects for which a Notice of Intent was filed (and for which an Order of Conditions remains valid) prior to the effective date.”

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

Action Contemplated

Councillor Riccardi	Moved adopted for second & final passage by RCV	Yeas	Nays	Abs
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Second Passage of an ordinance to amend an ordinance relative to Ch. 1 Sec. 10(c) – Non-criminal disposition of violations for wetlands

In the year Two Thousand and Twenty-Two

An Ordinance to amend Section 1-10 (c). – noncriminal disposition of ordinance violations.

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

SECTION 1. Section 1-10. of Part III of the City of Salem Code, Ordinances, Chapter 1, Noncriminal Disposition of Ordinance Violations is hereby amending by adding the following language to the end of the Section 1-10 (c):

“Chapter 50, Wetlands Protection and Conservation Ordinance

Penalty for violations of Wetlands Protection and Conservation Ordinance.

Penalty:

First offense\$100.00

Second offense\$200.00

Third offense\$300.00

Enforcing persons: Conservation Agent; police department personnel.”

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

Action Contemplated

Councillor Riccardi	Moved adopted for second & final passage by RCV	Yeas	Nays	Abs
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On the motion of Councillor

the meeting adjourned at

P.M.