

*City of Salem, Massachusetts  
Office of the City Clerk*

*Ilene Simons  
City Clerk*



*Room 1  
City Hall*

May 10, 2022

**MEETING NOTICE AND AGENDA**

The Salem City Council will hold its regular meeting in-person on Thursday, May 12, 2022, at 7:00 P.M. in the Council Chambers, 93 Washington Street, 2<sup>nd</sup> floor for the purpose of discussing any and all business.

Members of the public may attend in person or remotely via Zoom by going to the website link noted below:

<https://us02web.zoom.us/j/83389770818?pwd=b0g4UTZ5eEpxYTh6bE83V2lKdUdtQT09>  
Password: 943094

Go to the website link: <https://zoom.us/join>. Enter meeting/webinar ID# **833 8977 0818** 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#: **833 8977 0818** 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).

The public may also watch the meeting live on SATV on Channel 22.

Very truly yours,

ATTEST:

ILENE SIMONS  
CITY CLERK

“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](mailto: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**  
**MAY 12, 2022**  
**REGULAR MEETING**

A Regular Meeting of the City Council was held in-person and remotely via zoom on Thursday, May 12, 2022, at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on May 10, 2022, at 9:51 A.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. 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:**

Sign the roster in the City Clerk's Office, Room #1 no later than 6:30 P.M. on the date of the meeting or send an email no later than 6:30 PM on the date of the meeting to [isimons@saalem.com](mailto:isimons@saalem.com). Include your name, address, subject matter you wish to speak about, phone number, email address and screen name you will be using. You may participate in Public Testimony remotely or in-person or the Council President may read your comment into the record, if emailed.

CITY OF SALEM  
MAY 12, 2022  
REGULAR MEETING  
  
HEARINGS  
  
NONE

**CITY OF SALEM**  
**MAY 12, 2022**  
**REGULAR MEETING**

**APPOINTMENTS AND REAPPOINTMENTS**

Mayor's Appointment of Eliud Alcala 11 South St. #3, to the Council on Aging Board with a term to expire March 1, 2023.

Action Contemplated

Councillor McClain                      Held Under the Rules                      Voted

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Mayor's re-appointments of the following to various boards and commissions:

John Boris	5 Bedford St.	Housing Authority	Term to Expire: May 24, 2027
Lynda Coffill	56 Belleview Ave	Council on Aging	Term to Expire: May 23, 2025
Darleen Melis	115 Federal St.	Tree Commission	Term to Expire: May 23, 2025
Naomi Cottrell	55 Warren St.	Tree Commission	Term to Expire: May 23, 2025

Action Contemplated

Councillor Hapworth                      Moved Confirmed by RCV                      Yea    Nay    Abs

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**CITY OF SALEM**  
**MAY 12, 2022**  
**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

ORDERED: That the sum of Eighteen Thousand Dollars (\$18,000.00) is hereby transferred from the Building Department's "FT Salaries" account (12411-5111) to the Building Department's "Electricity" account as provided below to cover payment associated with electric bills for April, May, and June 2022 for City Hall, City Hall Annex, and the Council on Aging, in accordance with the recommendation of Her Honor the Mayor.

Description	Fund	Amount
Electricity	11962-5211	\$ 18,000
		<b>\$ 18,000</b>

Councillor McCarthy      Suspension of the Rules      Councillor      Objection

Action Contemplated

Councillor McCarthy      Refer to the Comm. on Admin. & Finance  
OR  
Moved Adoption      Voted

ORDERED: That the sum of Eight Thousand Dollars (\$8,000.00) is hereby transferred and appropriated from the Receipts Reserved funds listed below to the Department of Public Services Burial Account (14112-5383) in accordance with the recommendation of Her Honor the Mayor.

From	To	Amount
2430- 4800      R/Res Sale of Lots	14112- 5383      DPS Burial	\$ 4,000.00
2431- 4800      R/Res Sale of Vaults	14112- 5383      DPS Burial	4,000.00
<b>Total</b>		<b>\$ 8,000.00</b>

Councillor McCarthy      Suspension of the Rules      Councillor      Objection

Action Contemplated

Councillor McCarthy      Refer to the Comm. on Admin. & Finance  
OR  
Moved Adoption      Voted

**CITY OF SALEM**  
**MAY 12, 2022**  
**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

ORDERED: That the sum of Three Thousand Dollars (\$3,000.00) is hereby transferred from the Elections and Registrations Department's "Seasonal Election Workers" account (11621-5118) to the Elections and Registrations Department's "Voting Machine Services" account as provided below to cover payment associated with replacing a damaged ballot drop box in accordance with the recommendation of Her Honor the Mayor.

<b>Description</b>	<b>Fund</b>	<b>Amount</b>
		\$ 3,000.00
Voting Machine Services	11622-5386	
		<b>\$ 3,000.00</b>

Councillor McCarthy      Suspension of the Rules      Councillor      Objection

Action Contemplated

Councillor McCarthy      Refer to the Comm. on Admin. & Finance  
OR  
Moved Adoption      Voted

ORDERED: That the sum of Two Thousand Two Hundred Fifty Dollars (\$2,250.00) is hereby transferred from the Building Department's "FT Salaries" account (12411-5111) to the Building Department's "Telephone" account as provided below to for payment of invoices for seven municipal phone lines in accordance with the recommendation of Her Honor the Mayor.

<b>Description</b>	<b>Fund</b>	<b>Amount</b>
		\$ 2,250.00
Telephone	11962-5341	
		<b>\$ 2,250.00</b>

Councillor McCarthy      Suspension of the Rules      Councillor      Objection

Action Contemplated

Councillor McCarthy      Refer to the Comm. on Admin. & Finance  
OR  
Moved Adoption      Voted

**CITY OF SALEM**  
**MAY 12, 2022**  
**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

Ordered: That the City of Salem hereby accepts Section 3D of Massachusetts General Laws, Chapter 64G, subsection (a) which will allow the City to impose a community impact fee of not more than 3 per cent of the total amount of rent upon each transfer of occupancy of a professionally managed unit located within the City, with 35 per cent of such fees collected dedicated to affordable housing or local infrastructure projects. A professionally managed unit is 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator's primary residence.

Action Contemplated

Councillor Riccardi

Moved Adoption

Voted

OR

Refer to the Comm. on Ord., Lic. &  
Legal Affairs co-posted w/ COW

Ordered: That the City of Salem hereby accepts Section 3D of Massachusetts General Laws, Chapter 64G, subsection (b), which will allow the City to impose a community impact fee of not more than 3 per cent of the total amount of rent upon each transfer of occupancy of a short-term rental unit located within a two-family or three-family dwelling that includes the operator's primary residence, with 35 per cent of such fees collected dedicated to affordable housing or local infrastructure projects.

Action Contemplated

Councillor Riccardi

Moved Adoption

Voted

OR

Refer to the Comm. on Ord., Lic. &  
Legal Affairs co-posted w/ COW

**CITY OF SALEM**  
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**REGULAR MEETING**

**COMMUNICATIONS FROM THE MAYOR**

Ordered: That Pursuant to Massachusetts General Law Chapter 64G, Section 3D which permits the imposition of a local community impact fee upon (a) each transfer of occupancy of a professionally managed unit located; and (b) upon each transfer of occupancy of a short-term rental unit within a two-family or three-family dwelling that includes the operator's primary residence, the City shall assess an impact fee of 3%, with 35 per cent of such fees collected dedicated to affordable housing or local infrastructure projects.

Action Contemplated

Councillor Riccardi

Moved Adoption

Voted

OR

Refer to the Comm. on Ord., Lic. &  
Legal Affairs co-posted w/ COW

**An Ordinance** to allow short-term rentals in the City of Salem.

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

**AN ORDINANCE AMENDING THE SHORT-TERM RESIDENTIAL RENTAL ORDINANCE**

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

**SECTION 1.** An amendment to **City of Salem Code, Ordinances, PART III, Chapter 15, SHORT-TERM RESIDENTIAL RENTALS**, as follows:

**Delete the definition of “primary residence” in Section 15-2, Definitions, and replace with the following:**

*“Primary residence.* The residential unit in which the operator resides for at least six months out of a 12-month period. Primary residence is demonstrated by showing that as of the date of registration of the residential unit, the operator has resided in the residential unit for six of the past 12 months, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license, other state-issued identification, or proof of residential exemption.”



**CITY OF SALEM**  
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**COMMUNICATIONS FROM THE MAYOR**

**Delete subsection (4) in Section 15-4, Ineligible Residential Units, and replace with the following:**

“(4) Residential units located within a property subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, water/sewer or tax liens, or other existing judgments or penalties imposed by the city so long as the matter remains unresolved. If a violation or other order is issued after the residential unit has been registered, the residential unit's registration shall be suspended until the violation has been cured or otherwise resolved.”

**Delete subsection (9) in Section 15-6, Requirements for Residential Units, and replace with the following:**

“(9) *Retention of records.* The operator shall retain and make available to ISD and/or the Health, Police and Fire Departments, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating number of months that operator has resided or will reside in the residential unit and records showing that operator is the owner or valid leaseholder of the residential unit offered as a short-term rental. The operator shall retain such records for a period of three years from the date the residential unit is last registered for a certificate of fitness inspection.”

**Delete subsection (10) d. in Section 15-6, Requirements for Residential Units, and replace with the following:**

“d. Any listing made by the operator with any booking agent or on any website shall prominently display proof of current registration and receipt of a certificate of fitness within the prior 12 months.”

**Delete the first paragraph of Section 15-8, Complaint Process; Violations, and replace with the following:**

“Complaints shall be made to the police, fire, health and/or inspectional services department and investigation shall commence within 30 days. Violations may, at the enforcement official's discretion, result in a warning or an ordinance ticket and the maximum appropriate fine. Three or more such tickets within a six month period will result in the unit no longer being eligible to that operator for use as a short-term rental for a period of six months following the most recent violation.”

**Delete Section 15-9, Enforcement, and replace with the following:**

“(a) *Enforcement by city.* The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L.A. ch. 40, § 21D, and, if applicable, by seeking to restrain a violation by injunction. A violation of this section shall be sufficient cause for revocation of the right to operate the short-term rental and/or a penalty by a non-criminal disposition, as provided in M.G.L.A. ch. 40, § 21D, in an amount set forth in section 1-10 of this Code. Any person aggrieved by the revocation of the right to operate a short-term rental, or the imposition of a penalty may file an appeal as provided by the general laws.

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**COMMUNICATIONS FROM THE MAYOR**

(b) *Enforcement by booking agent.* The city shall enter into agreements with booking agents for assistance in enforcing the provisions of this section, including but not limited to an agreement, whereby the booking agent agrees to remove a listing from its platform that is deemed ineligible for use as a short-term rental under the provisions of this ordinance and whereby the booking agent agrees to prohibit a host from listing any short-term rental without proof of registration. Where the City is unable to enter into such agreements, the City shall inform the booking agent of the ineligibility of a listing and if applicable, seek injunctive relief.”

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

Action Contemplated

Councillor Riccardi	Moved Adoption for first passage	Voted
	OR	
	Refer to the Comm. on Ord., Lic. & Legal Affairs co-posted w/ COW	

**An Ordinance** to amend the enforcement of and penalties for violations of the short-term residential rental ordinance in the City of Salem.

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

**AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, SEC. 1-10. NONCRIMINAL DISPOSITION OF ORDINANCE VIOLATIONS.**

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

**SECTION 1.** An amendment to **City of Salem Code, Ordinances, Sec. 1-10. Noncriminal Disposition of Ordinance Violations**, as follows:

**Add the following language to the Ordinance in subsection (c):**

“Chapter 15, Short-Term Residential Rentals

Penalty:

First offense \$100.00

Second offense 200.00

Third offense 300.00

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**COMMUNICATIONS FROM THE MAYOR**

Enforcing persons: Inspectional services personnel, health department personnel, police department personnel, fire prevention personnel.”

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

Action Contemplated

Councillor Riccardi	Moved Adoption for first passage	Voted
	OR	
	Refer to the Comm. on Ord., Lic. & Legal Affairs co-posted w/ COW	

**An Ordinance** to amend the certificate of fitness requirements in the City of Salem.

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

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3, SECTION 2-705, CERTIFICATE OF FITNESS OF RENTED DWELLING UNIT, APARTMENT OR TENEMENT**

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

**SECTION 1.** An amendment to **City of Salem Code, Ordinances, Chapter 2, Article IV, Division 3, Section 2-705** as follows:

**Delete Section (a) (3), and replace with the following:**

“(a)(3) *Short-term rentals.* A certificate of fitness shall also be required for any owner of residential property who rents or leases a dwelling or any portion of a dwelling on a short-term basis pursuant to Chapter 15 of the Ordinance. "Short-term" shall be defined as a rental or rentals of fewer than 30 days in one calendar year. Owners who intend to offer such short-term rentals to tourists must notify the board of health to register the property as such and schedule an inspection to receive a certificate of fitness. This registration and certificate must be renewed every year or upon a change in ownership, but not upon any change in the short-term tenancy.”

**Delete Section (e), and replace with the following:**

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**COMMUNICATIONS FROM THE MAYOR**

“(e) *Posting of certificate.* Upon issuance of such certificate, it shall be posted in a conspicuous place in which the unit is located or a copy of it shall be given to any person occupying the unit. For short-term rentals, proof of a current certificate shall be included in any listing of the property.”

**SECTION 2.**

This ordinance shall take effect as provided by City Charter.

Action Contemplated

Councillor Riccardi	Moved Adoption for first passage	Voted
	OR	
	Refer to the Comm. on Ord., Lic. & Legal Affairs co-posted w/ COW	

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**CITY OF SALEM**

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**REGULAR MEETING**

**MAYOR'S INFORMATIONAL PAGE**

**NONE**

**CITY OF SALEM**  
**MAY 12, 2022**  
**REGULAR MEETING**

**MOTIONS, ORDERS AND RESOLUTIONS**

Councillor McCarthy

ORDERED: That the monthly financial report for FY2022 dated March 2022 be received and filed.

Action Contemplated

Councillor McCarthy

Moved Adoption

Voted

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Councillor Merkl

ORDERED: That the Veteran's Agent raise the flags of the Asian and Pacific Island nations in Riley Plaza on Monday, May 23, 2022 through Sunday, May 29, 2022, in celebration of Asian American and Pacific Islander Heritage Month.

Action Contemplated

Councillor Merkl

Moved Adoption

Voted

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Councillor Hapworth

Resolution: Congratulating the Salem Witch Museum on their 50<sup>th</sup> Anniversary

WHEREAS: The Salem Witch Museum celebrates its 50<sup>th</sup> anniversary this May, having first opened its doors in 1972.

WHEREAS: During those 50 years, the Salem Witch Museum has employed hundreds of Salem residents, from high school students to senior citizens.

WHEREAS: The Salem Witch Museum has been a loving steward of their own historic building, the iconic East Church, having invested generously in the maintenance of both the structure, its surrounding landscape and sidewalk.

WHEREAS: Staff and leadership of the Salem Witch Museum have supported and been actively engaged in this community for 50 years

**CITY OF SALEM**  
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**MOTIONS, ORDERS AND RESOLUTIONS**

WHEREAS: The Salem Witch Museum Education team continues to offer virtual lectures to students from around the world who are learning about the Salem Witch Trials.

WHEREAS: The Salem Witch Museum has played an active role in the academic understanding of the phrase “witch hunt” collecting data from guests since 2013 and sharing it with researchers from the University of Texas.

NOW THEREFORE BE IT RESOLVED: That the Salem City Council do hereby express our congratulations, thanks and appreciation to the staff and leadership of the Salem Witch Museum on the occasion of their 50<sup>th</sup> anniversary.

AND BE IT FURTHER RESOLVED: That the City Council make this Resolution a matter of record of these proceedings, and that a suitable copy of this Resolution be sent to the Salem Witch Museum, along with a copy of the City Seal, as a token of our very best wishes for continued success.

Action Contemplated

Councillor Hapworth

Moved Adoption

Voted

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**CITY OF SALEM**  
**MAY 12, 2022**  
**REGULAR MEETING**  
**COMMITTEE REPORTS**

Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Zoning Ordinance relative to Green Infrastructure has considered said matter and would recommend the matter be adopted for First Passage as amended by roll call vote. (See back-up for amended version).

Accept the Report                      Voted

Adopt the Recommendation   Voted

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Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Zoning Ordinance relative to Visibility at Intersections has considered said matter and would recommend that the matter remain in committee

Accept the Report                      Voted

Adopt the Recommendation   Voted

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Councillor Riccardi offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Zoning Ordinance relative to the Bridge Street Neck Overlay District has considered said matter and would recommend that the matter be adopted for First Passage as amended by roll call vote. (See back-up for amended version)

Accept the Report                      Voted

Adopt the Recommendation   Voted

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**CITY OF SALEM**  
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**COMMITTEE REPORTS**

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 Traffic Violence and Pedestrian Safety has considered said matter and would recommend that the matter remain in committee

Accept the Report                      Voted

Adopt the Recommendation    Voted

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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 Safety Issues caused by illegal dirt bikes has considered said matter and would recommend that the matter remain Committee

Accept the Report                      Voted

Adopt the Recommendation    Voted

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COMMUNICATIONS FROM CITY OFFICIALS

NONE

**CITY OF SALEM**  
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**REGULAR MEETING**  
**PETITIONS**

Petition from National Grid to install Conduits on Essex St.

HEARING ORDERED MAY 26, 2022

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Petition from Salem Main Streets to close Front Street to traffic for the Salem Arts Festival on Saturday June 4<sup>th</sup> and Sunday June 5, 2022

Action Contemplated

Councillor Watson-Felt

Moved Granted

Voted

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The Following License Applications:

PUBLIC GUIDES:

Melanie Novick 130 Gore St. Cambridge  
Joan Crane 16 Highcrest Park Webster  
Donald Warnock 1 Fortune Way Salem

TAXI CABS:

Salem Taxi 30 Federal St., Salem (1 Taxicab)

TAXI OPERATORS:

Robinson Gutierrez 19 Ward St., Salem  
Johnny Ynoa 12 First St., Salem  
Felix Nunez Arias 50 Childs St., Lynn  
Antonio Fernandez 230 Jefferson Ave., Salem  
Reidy Rosario 12 Mason St., Salem  
Luz Sanchez 117 Congress St., Salem  
Richard Martinez deleon 9 Saratoga St., Lawrence  
Ray Ayber Pena 38 Ward St., Salem

VEHICLE FOR HIRE  
OPERATORS ONLY:

Ramon Guzman 45 Walsh Ave., Peabody  
Elizabeth Kauler 28 Goodhue St., Salem  
Migael Santana 59 Harbor St., Salem

Action Contemplated

Councillor Riccardi

Moved Granted

Voted

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**CITY OF SALEM**  
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**PETITIONS**

The Following License Applications:

TAG DAY: Salem Veterans Council, May 27, 28, 29 & 30, 2022  
 July, 1, 2, 3 & 4, 2022  
 Nov. 4, 5 & 6, 2022

SHS Marching Band, December 3, 2022

Action Contemplated

Councillor Riccardi	Refer to Comm. on Ord., Lic., & Legal Affairs	Voted
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The Following Claims:

Joyce Chandler 0 Defreancesico Ave., Salem  
 Justin Messino 61 Wharf St., Salem  
 Gil Torion 30 Clark St., Salem

Action Contemplated

Councillor Riccardi	Moved referred to the Comm. on Ord., Lic. & Legal Affairs	Voted
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**CITY OF SALEM**  
**MAY 12, 2022**  
**REGULAR MEETING**  
**UNFINISHED BUSINESS**

Second Passage of Ordinance to amend Zoning relative to Urban Agriculture

*In the year Two Thousand Twenty-two*

**An Ordinance** to amend an ordinance relative to zoning and urban agriculture.

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

**Section I.** Section 10 of the Zoning Ordinance is hereby amended by deleting the definitions for *Agricultural use, nonexempt; Coop; Customary agricultural, horticultural and floricultural operations; Farm stand, nonexempt; and Urban agriculture* in their entirety and inserting the following new definitions:

“Agriculture, Urban (Urban Agriculture): An umbrella term that describes a range of accessory food and plant growing practices, either for personal use or for sale as an accessory use, that may include composting, the keeping of domestic fowl and honeybees, but does not include other livestock.

Arbor: An accessory Structure consisting of an open frame, freestanding or attached to another structure, with horizontal and/or vertical latticework often used as a support for climbing food or ornamental crops.

Coldframe: A Temporary Structure that is an accessory unheated outdoor Structure built close to the ground, no higher than thirty-six inches (36”) typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from cold weather.

Composting: A process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can safely be used as fertilizer.

Coop: An enclosed shelter that houses domestic fowl.

Domestic fowl: A breed of bird specialized for meat production and/or egg laying and specifically excluding roosters.

Commercial Farm, Exempt (noun): Protected by G.L. c. 40A, § 3- meaning the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual

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**UNFINISHED BUSINESS**

volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities shall be limited to parcels of 5 acres or more or to parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For the purposes of this definition, the term "agriculture" shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof; provided, however, that the terms agriculture, aquaculture, floriculture and horticulture shall not include the growing, cultivation, distribution or dispensation of marijuana as defined in section 2 of chapter 369 of the acts of 2012, marijuana as defined in section 1 of chapter 94C or marijuana or marijuana as defined in section 1 of chapter 94G.

**Roof Farm:** Urban agriculture, on a roof of a principal or accessory structure with the intent to make personal use of or to sell whole, unprocessed produce, honey and/or eggs as an accessory use or, in the case of a commercial use, to be used in products sold on-site. All sales are subject to compliance with local, state and federal regulations.

**Yard Farm:** Urban agriculture on a residential Lot with intent to make personal use of or to sell whole, unprocessed produce, honey and/or eggs as an accessory use. All sales are subject to compliance with local, state and federal regulations including Board of Health soil testing requirements.

**Farm Stand (Accessory):** A Temporary Structure such as a table, stall or tent, operated by a sole vendor for the purpose of selling clean, whole, eggs, or honey, unprocessed produce and plants, all of which must be grown or produced on site.

**Farm Structures:** Includes, but are not limited to, sheds, compost bins, shade pavilions, trellises or other vertical supports for growing crops, and structures used to extend the growing season such as Greenhouses, Hoop houses, Coops, Coldframes and similar structures.

**Garden, home/yard:** An accessory use on a residential lot to grow plants and produce for beautification, recreation, and personal consumption. The garden may be outdoors, in an accessory structure or on the roof of a structure. Sales are prohibited.

**Greenhouse:** A Structure primarily constructed of a frame and transparent plastic material, in which temperature and humidity can be controlled for the cultivation or protection of plants or other agricultural products. All greenhouse structures are subject to setback and building code requirements.

**Honeybee:** A common domestic bee, *Apis mellifera* species.

**Hoop house:** An accessory Temporary Structure typically made of, but not limited to flexible PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape, for the purposes of growing food or ornamental crops.

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Raised Bed: method of cultivation in which soil is placed over a geotextile barrier, raised and ordinarily formed into three (3) to four (4) foot wide mounds. The soil may be enclosed by a frame generally made of untreated wood. Raised beds are not considered a Structure.

<b>TABLE OF PRINCIPAL AND ACCESSORY USE REGULATIONS</b>											
<b>PRINCIPAL USES</b>	<b>RC</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>B4</b>	<b>B5</b>	<b>I</b>	<b>BPD</b>	<b>NRCC</b>
<b>B. EXEMPT AND INSTITUTIONAL USES</b>											
Commercial Farm, Exempt <sup>1</sup> :	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>E. ACCESSORY USES</b>	<b>RC</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>B4</b>	<b>B5</b>	<b>I</b>	<b>BPD</b>	<b>NRCC</b>
Urban Agriculture (Subject to Section 3.2.7):	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garden, home/yard	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**Section III.** Section 3.2 - Accessory Uses of the Zoning Ordinance is hereby amended by deleting Section 3.2.7 *Urban Agriculture* and Section 3.2.1 *Customary Agricultural, Horticultural and Floricultural Operations* in their entirety and replacing it with the following:

**“3.2.7 Urban Agriculture**

Urban Agriculture is allowed as an Accessory Use in all zoning districts, provided that no Urban Agriculture activity shall be conducted, nor Farm Structure erected, except in

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<sup>1</sup> A Commercial Farm, Exempt operated on a City-owned Lot or by the City on a Lot that is not owned by the City is exempt from the requirement that such use be conducted on parcels of 5 acres or more or parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, so long as the products produced thereon are to be used for the benefit of the community and any revenue from any sales of those products are used for the sole purpose of sustaining the community farm.

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compliance herewith and with any other applicable laws, rules regulations including without limitation the building code and any requirements of the Salem Board of Health.

**1. Sale of Products**

The on-site sale of agricultural products, including whole, unprocessed produce, honey or eggs, is allowed subject to the following provisions:

- a. Retail sale display areas shall not exceed fifty square feet.
- b. One Farm Stand is allowed per lot.
- c. No sales display, sign or Structure, including a Farm Stand, shall be located on a public sidewalk or street or block vehicle and/or pedestrian flow.
- d. Signage shall be limited to one (1) sign and not exceed six (6) square feet; signs shall not be illuminated or require electricity. No off-premises signs are allowed.
- e. All products sold on the Lot must be produced on-site. For purposes of this Ordinance, the term “produced on-site means” grown on the Lot or, in the case of domestic fowl produced on the Lot by the animals kept thereon and in the case of honey, hives must be either be located on the Lot or extracted on the Lot.
- f. Sales of products shall be permitted between the hours of 7:00 am and 6:00 pm., May 1 to October 31<sup>st</sup> with the exception of Honey, which may be year-round. Sales shall not be permitted more than three days per week and no more than 25 total days per year.

**2. Domestic Fowl**

- a. Domestic fowl must be owned by a resident or commercial tenant of the location who shall be responsible for the care and control of the fowl.
- b. No roosters shall be kept under an Urban Agricultural use or any other use on lots in Salem.
- c. Dimensional Regulations
  - i. Maximum Height.
    1. Coop. Enclosed Coop space shall not exceed eight (8) feet in height.
    2. Run. Runs shall not exceed eight (8) feet in height.
  - ii. Size
    1. Coop structures shall meet all building code requirements. Structures exceeding one hundred twenty (120) sq feet or eight (8) feet in height will require building permits and structures with electrical or plumbing shall require appropriate permits. Changes in the building code shall pre-empt this section.
    2. Coop and Runs: Adequate housing and runs must be provided for domestic fowl to protect them from wind, weather and predators. Housing shall provide plenty of ventilation, ample space to allow fowl to move freely and an area out of direct sunlight to lay eggs



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d. Setback Requirements

- i. No fixed coop or run shall be located nearer than five (5) feet to any principal building, including the principal building on an abutting lot, and no coop or run shall be located nearer than five (5) feet to any side or rear lot line. Side lots in this instance refer to a projected line starting from the front lot line, terminating at the rear lot line parallel five (5) feet from the side lot line.
  - ii. Coops and/or runs are not permitted within 20 feet of a front lot line.
  - iii. Moveable coops (i.e. coops on wheels) and runs are not subject to setback requirements.
  - iv. Any lawfully existing domestic fowl-keeping use or structure in existence prior to the adoption of this Section shall be allowed to continue, as per the zoning code enforcement standards for other pre-existing nonconforming uses and structures. Any future alterations to applicable pre-existing uses or structures shall comply with this section or seek necessary approvals.
  - v. Coop structures shall not interfere with any existing public easements.
- e. Any domestic fowl-keeping use or structure in existence prior to the adoption of this Ordinance shall be allowed to continue, as per the zoning code enforcement standards of other pre-existing nonconforming uses and structures. Any future alterations to applicable pre-existing uses or structures shall seek necessary approvals.

**3. Honeybees**

- a. Honeybees must be owned, rented, or hosted by a resident, commercial tenant, or owner of the location who shall be responsible for the care and control of the Honeybees.
- b. A maximum of four (4) hives may be kept on a Lot with additional hives pending approval from the Salem Board of Health. Additional Board of Health regulations may further limit the number and/or manner of keeping of honeybees on lot. If an emergency split or rescue of a swarm results in more than four hives on a lot, the Board of Health must be notified within two business days.
- c. Dimensional Regulations
  - i. No Hive shall exceed five (6) feet in height and twenty (25) cubic feet in size on any Lot or roof.
- d. Setback Requirements
  - i. Where there is a solid wall, fence or similar barrier between the subject property and abutting property, no setback from the property line is required. Where there is no wall, fence or similar barrier between subject property and abutting property, Hives shall be set back five (5) feet from the property line.
  - ii. No Hive shall be located closer than ten (10) feet from the lot line dividing the Lot from a sidewalk or street.

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- e. Hive Placement and Flyways.
  - i. For any ground level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:
    - 1. The Hive opening must face away from doors and/or windows of the principal building on an abutting Lot; or
    - 2. A flyway of at least six (6) feet in height comprising of a solid fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the honeybees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.
- f. Specific Rooftop Beekeeping Requirements.
  - i. Dimensional Regulations.
    - 1. No Hive shall exceed five (6) feet in height and twenty (25) cubic feet in size on any Lot or roof.
  - ii. Setback Requirements
    - 1. Hives shall be set back six (6) feet from the edge of the roof.
  - iii. Hive Placement.
    - 1. 1. For any roof level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot or a shared access space, the Hive opening must face away from doors and/or windows

**4. Yard Farms**

- a. Yard farms may be kept on residential properties only.
- b. Ownership, care and control of the farm shall be the responsibility of a resident of the dwelling on the lot.
- c. Land devoted to the Yard Farm shall be well-maintained and free from debris, noxious odor and excessively tall weeds and grass.
- d. Yard farms may include Raised Beds, Arbors, Greenhouses, Hoop Houses and Cold Frames as accessory structures subject to applicable setbacks and dimensional regulations.
- e. All accessory structures shall also be well-maintained in a safe condition.

**5. Roof Farms**

- a. Ownership, care and control of the roof farm shall be the responsibility of the owner or tenant of Lot.

**6. Farm Structures**

- a. Farm structures such as arbors, greenhouses, hoop houses and cold frames, shall be allowed as accessory structures subject to the following provisions:
  - i. Green houses are allowed within any rear or side yard up to but not closer than five (5) feet from the Lot line.

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- ii. Arbors, hoop houses and cold frames are allowed within any rear or side yard up to but not closer than one (1) foot from the Lot line.
- iii. Farm Structures shall not exceed a maximum height of 15 feet and cannot be taller than the principal structure on the Lot; the covers shall be removed and stored when plants are not being cultivated or structure is not being used for an urban agricultural use
- iv. Farm structures, when combined with other buildings on the property, shall not exceed the maximum lot coverage by all buildings listed in the Table of Dimensional Requirements.
- v. Farm Structures shall not interfere with any existing public easements.

**7. Composting**

- a. Composting must be contained within an enclosed bin that does not have direct contact with flammable materials.
- b. Setback Requirements
  - i. Compost bins, structures and windrows shall be set back five (5) feet from all Lot lines.
  - ii. Compost bins, structures and windrows shall not be located in any portion of a yard area that abuts a Street.
- c. Accessory composting shall be used primarily to support onsite operations and shall comprise no more than five (5%) percent of the Lot area.”

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

Action Contemplated

Councillor Riccardi

Moved adoption for second and final passage by RCV

Yeas   Nays   Abs

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Second Passage of a Zoning Ordinance Amendment Relative To Section 8.2 – Entrance Corridor Overlay District Of Section 8.0 Special District Regulations

In the year two thousand and twenty-two

**An ordinance** to amend an ordinance relative to zoning

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

**Section 1.** Section 8.2 – Entrance Corridor Overlay District of Section 8.0 Special District Regulations is hereby amended as follows:

A) Add to the first paragraph Section 8.2.5 – Parking Area - “Trees are a crucial component of the entry corridor, available in a broad range of species and sizes. Shade trees are preferred for their medium to large canopy width and height for a full range of community benefits identified in the tree ordinance, including cooling and stormwater uptake.” Before the sentence “The requirements for such landscaping are as follows:”

B) Delete paragraphs 1 through 3 within Section 8.2.5 Parking Areas in their entirety and replace them with:

“1. Landscaping shall include one (1) medium to large shade tree of three and one-half-inch to four-inch caliper diameter at breast height (DBH) for each three (3) parking spaces unless otherwise waived pursuant to Section 8.2.9 of this section. Trees shall be planted in plant beds bounded by six-inch granite curbing.

2. No plant bed shall be less than fifteen (15) square feet, and no dimension of such plant bed shall be less than forty-two (42) inches, measured from inside face of curb to inside face of curb or wall.

3. A planting strip of no less than forty-two (42) inches wide shall separate vehicles parked face to face in a parking area. Such planting strip shall include one (1) three and one-half-inch to four-inch caliper tree every twenty-seven (27) feet.”

C) Insert a new section

“8.2.9 Design Waivers.

1. Upon the request of the Applicant, the Planning Board may grant a Special Permit pursuant to Section 9.4 to waive the following requirements in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the Entrance Corridor Overlay District. Applicants shall annotate plans to identify this distinction prior to approval.

A. In lieu of the standard three and one-half-inch to four-inch caliper DHB shade trees required per Section 8.2.5(1), the Planning Board may grant a waiver to allow up to 20% of the trees located within an ECOD to be smaller two-inch to three-inch caliper

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DBH ornamental trees and or container grown multi-stem and hedge species with a corresponding applicant payment to the Tree Replacement fund per Salem Code of Ordinances Ch. 43 Sec. 61, amount to be determined by the Tree Warden.”

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

Action Contemplated

Councillor Riccardi                      Moved adoption for second and final passage by RCV

Yeas   Nays   Abs

Second Passage of an ordinance to amend an ordinance relative to Ch. 44, Sec. 38 – Vehicle for Hire, Fares Established.

*In the year two thousand and twenty-two*

**An Ordinance** to amend an Ordinance relative to vehicles for hire

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

**Section I.** Chapter 44, Sec. 44-38 Fares Established is hereby amended by replacing the one mile or fraction thereof fare of “\$5.50” with “\$7.00” as it appears in the table within this section.

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

Action Contemplated

Councillor Riccardi                      Moved adoption for second and final passage                      Voted

On the motion of Councillor McCarthy the meeting adjourned at

P.M.