



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

January 25, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I appoint, subject to City Council confirmation, the following members of the Salem Affordable Housing Trust Fund Board of Trustees.

First Name	Last Name	Address	Term	Term Expiration
Rebecca	Curran	14 Clifton Avenue	2-years	January 25, 2020
Mickey	Northcutt	9 Northey Street #1	2-years	January 25, 2020

These individuals were selected based on their expertise and their role on other relevant City boards that are engaged with housing issues – specifically Zoning Board of Appeals and Community Preservation Committee. I enthusiastically recommend confirmation of their appointments to the Affordable Housing Trust Fund Board and ask that you join me in thanking them for their commitment to our community and to helping us address our housing situation.

Very truly yours,

A handwritten signature in cursive script that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 8, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am very pleased to appoint Deborah Amaral, of 172 Marlborough Road, to the Salem Parks and Recreation Commission to fill the remainder of the five-year term of Leslie Tuttle, which will expire on May 1, 2018. I hope you will join me in thanking Ms. Tuttle for her service on the Parks and Recreation Commission, as well as the Community Preservation Committee, and for her commitment to our community.

Ms. Amaral has a lengthy career in recreation and community service, having served as the Executive Director of the Salem YMCA for nearly eleven years. In 2011 she left that role to take on the position of CEO of the Malden YMCA, where she currently oversees the daily operations of that organization, as well as numerous programs, events, classes, and more. Ms. Amaral is dedicated to the youth of Salem, having served as a member of the Salem School Committee for several years. She earned a B.A. in Political Science and Religion from Drew University before going on to receive an M.B.A. with a focus on public and non-profit management from Boston University in 1994.

I strongly recommend confirmation of Ms. Amaral's appointment to the Parks and Recreation Commission. We are fortunate that she is willing to serve our community in this important role and lend her expertise and dedication to the commission and its work.

Very truly yours,

A handwritten signature in black ink that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 8, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am very pleased to appoint Attorney Chris Drucas, of 68 Cavendish Circle, to the Salem Zoning Board of Appeals to fill the remainder of the three-year term of Tom Watkins, which will expire on May 1, 2018. I hope you will join me in thanking Mr. Watkins for his service on the ZBA and for his commitment to our community.

Attorney Drucas has owned his own law practice here in Salem since 1974, where he specializes in corporate and business law. He has much experience in zoning and land use law, as well as estate administration and planning, employment law, and contracts. His clients are local small and family-owned businesses. Attorney Drucas earned his undergraduate degree in economics from Northeastern University and went on to receive his law degree from Suffolk University Law School. Prior to moving to Salem, Attorney Drucas served as a Selectman in the Town of Swampscott, where he also served as an elected Town Meeting Member and on the Finance Committee. Attorney Drucas has volunteered extensively for our community and the region, serving on the board of the Salem YMCA and Salem Red Cross, and as chair of the board for Project Cope and HealthNet.

I strongly recommend confirmation of Attorney Drucas' appointment to the Zoning Board of Appeals. We are fortunate that he is willing to serve our community in this important role and lend his expertise and dedication to the board and its work.

Very truly yours,

A handwritten signature in black ink that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 8, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I appoint, subject to City Council confirmation, the following members of the Salem Affordable Housing Trust Fund Board of Trustees.

First Name	Last Name	Address	Term	Term Expiration
Benjamin	Anderson	10 Adams Street	2-years	February 8, 2020
Grace	Harrington	107 Highland Avenue #3	2-years	February 8, 2020

These individuals were selected based on their expertise and their role on other relevant City boards that are engaged with housing issues – specifically Planning Board and the Salem Redevelopment Authority. I enthusiastically recommend confirmation of their appointments to the Affordable Housing Trust Fund Board and ask that you join me in thanking them for their commitment to our community and to helping us address our housing situation.

Very truly yours,

A handwritten signature in black ink that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am very pleased to appoint Annie Scott, of 36 Endicott Street, to the Salem Beautification Committee to fill a vacant seat for a three-year term to expire February 22, 2021.

Ms. Scott a decade of landscape design work and currently works as the founding partner and lead landscape designer for Thrive Design, a firm that specializes in residential, commercial, and public landscapes that feature native plantings. She earned her Master of Arts in Landscape Design from the Conway School of Landscape Design and a B.A. in Visual Arts from Bradford College. As a graduate student she worked on the Griswold Master Plan for Turners Falls and the Town of Leicester's Open Space and Recreation Plan. She is a member of the Society for Ecological Restoration and a volunteer with the Community Design Collaborative.

I strongly recommend confirmation of Ms. Scott's appointment to the Beautification Committee. We are fortunate that she is willing to serve our community in this important role and lend her expertise and dedication to the committee and its work.

Very truly yours,

A handwritten signature in black ink that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem

ANNIE R. SCOTT

36 Endicott Street Salem MA 01970 | Phone: 267.237.1489 | e-mail: annierscott@gmail.com

Related Work Experience

2015- Present THRIVE DESIGN SALEM, MA/ PHILADELPHIA, PA (THRIVEDESIGN.STUDIO)

Founding Partner and Lead Landscape Designer

Thrive Design works with both residential, commercial and community clients to create robust native plant landscapes which serve ecological functions and are aesthetically beautiful.

2012- 2015 TINY TERRA FERMA PHILADELPHIA, PA (TINYTERRAFERMA.COM)

Co-Owner and Principle Landscape Designer

Tiny Terra Ferma was founded on a desire to promote the use of native and edible plants in everyday landscapes. The company was a multi-faceted design/build business with a storefront and nursery on Main Street in Manayunk. In 2015 Tiny Terra Ferma was invited to and exhibited at the Philadelphia Flower Show, the largest and oldest flower show in the world.

2010- 2013 THE SCHUYLKILL PROJECT PHILADELPHIA, PA (DESTNATIONSCHUYLKILLRIVER.ORG)

Project Manager

- William Penn-funded nonprofit; coordinated with city agencies for resources and support to empower volunteers and organizations to steward greenspace in neighborhoods along the Schuylkill River. Created and implemented restoration planting plan along the Manayunk Canal and Towpath. Coordinated and supported schoolyard greening projects. Tasks included landscape design, project management, grant writing, social media and volunteer support, outreach and programming.

2008- 2013 FREELANCE DESIGN WORK PHILADELPHIA, PA

Landscape Designer

Key projects included master plan for the Garces Restaurant Group's Luna Farm and various residential landscapes with emphasis on edible plants. Worked with Hunter Landscape Design, designing for non-profit affordable housing developments in North Philadelphia. Designed native plant rain gardens and roof-top terrace gardens in Center City Philadelphia. Designed and installed eco-friendly gardens using native plants and organic practices in the greater Philadelphia area and provided on-site management with Earthwise Landscapes.

2008 DONALD PELL GARDENS PHOENIXVILLE, PA

Landscape Designer

Worked independently and collaboratively to create ecologically sensitive, site specific residential and institutional site designs in the greater Philadelphia area. Work included all phases of design process including site visits, base mapping, site analysis, drafting, plant selection, research, and construction details. Created cost estimates and proposals, and maintained contact with clients, contractors, and vendors.

2003-2004 MICHAEL FARMER AND ASSOCIATES ROCKPORT, ME

Office Assistant and CAD Operator

- Drafted site plans, land-use plans and residential landscape designs, also provided office support.

Design and Planning Volunteer Work Philadelphia PA

2009 –PRESENT IVY RIDGE GREEN (IVYRIDGEGREEN.ORG)

Cofounded neighborhood greenspace collaborative with a mission to preserve and enhance greenspace and build community. Projects included the Ivy Ridge Trail, planting plan for the Fountain Street Steps, and building a core group stewards for Germany Hill. Organized biweekly work parties to promote cleanups and engagement.

2008 COMMUNITY DESIGN COLLABORATIVE

- Worked with design team and community to create a master plan for Gold Star Park in Philadelphia.
- Project included a rendered master plan, construction details, budget, implementation and project phasing.

2007- 2014 PHILADELPHIA ORCHARD PROJECT

Volunteer and Orchard committee member

Designed and planted edible gardens for POP: The Philadelphia Orchard Project plants orchards in the city of Philadelphia that grow healthy food, create green spaces, and provide community food security.

Conway School of Landscape Design Student Projects

SPRING 2007 STRATHMORE CAMPUS MASTER PLAN TURNERS FALLS VILLAGE MONTAGUE, MA

Created a master plan for film school campus located in a 2.85-acre historic paper mill complex. Design focus on pedestrian and bicycle connections to the village center, stormwater management, greenroof, water catchment systems and a courtyard for community cinema.

SPRING 2007 GRISWOLD MASTER PLAN TURNERS FALLS VILLAGE, MONTAGUE, MA

Designed a master plan for a 2.9-acre mixed-use development on a former mill site.

WINTER 2007 OPEN-SPACE AND RECREATION PLAN DRAFT LEICESTER, MA

Facilitated two public meetings to solicit community input. Analyzed site conditions using GIS/ArcView and suggested a course of action to protect natural resources, native habitats and ecosystems. Suggestions guided the community to promote optimal land management, to preserve scenic, rural, and historic landscapes and direct growth appropriately.

Work History

2004-2007 WHITE DOG CAFE PHILADELPHIA, PA

Worked as a server in an upscale restaurant that pioneered the celebration of local and organic ingredients and sustainable family farms in the Philadelphia restaurant scene.

2001-2003 VESPID CURRIERS PHILADELPHIA, PA

Delivered time-sensitive documents in Philadelphia by bicycle.

1993-2001 VARIOUS AGRICULTURE JOBS VERMONT, HAWAII AND MAINE

Harvested blueberries in Maine; in Vermont worked on organic dairy and produce farms; and harvested bananas, papayas and coffee in Hawaii.

Affiliations

**PENNSYLVANIA HORTICULTURAL SOCIETY, MEMBER AND MAJOR EXHIBITOR
SOCIETY FOR ECOLOGICAL RESTORATION, MEMBER
IVY RIDGE GREEN, CO-FOUNDER AND VOLUNTEER
COMMUNITY DESIGN COLLABORATIVE, VOLUNTEER
PHILADELPHIA ORCHARD PROJECT, VOLUNTEER AND COMMITTEE MEMBER**

Skills

COMPUTER APPLICATIONS:

Vectorworks, CAD, GIS, Photoshop, InDesign, Illustrator & Sketch-Up, Quickbooks, Excelle.

OTHER:

Design and drafting skills, knowledge of native and edible plants, plant identification, sourcing, pruning, and care, project management, and community organizing.

Education

**2006-2007 CONWAY SCHOOL OF LANDSCAPE DESIGN CONWAY, MA
*Master of Arts in Landscape Design***

**2005-2006 THE BARNES FOUNDATION MERION, PA
*Coursework in Botany, Taxonomy, and Landscape Design.***

**2003-2005 COMMUNITY COLLEGE OF PHILADELPHIA PHILADELPHIA, PA
*AutoCAD and Drafting Coursework***

**1996-2000 BRADFORD COLLEGE HAVERHILL, MA
*Bachelor of Arts in Visual Arts Hasaltine Arts Award Recipient. GPA: 3.36***

FALL 1998 STUDIO ARTS CENTER INTERNATIONAL FLORENCE, ITALY



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I appoint, subject to Council confirmation, Nick Angeramo to the Youth Commission for a one-year term to expire May 12, 2019. Nick Angeramo will be replacing the seat held by Samuel Hoang whose term expires May 12, 2019. Samuel Hoang will participate as an Associate Youth Commission Member.

Nick is a freshman at Salem High School and president of his class. An honor roll student at Salem High School. He is part of the marching and jazz bands, sings with Witch Pitch?, plays on the golf team, and is involved in the theater arts. Nick has taught singing at the North Shore Idol summer camp and designed sound for dance productions at A Performing Arts Academy and the Greater Salem Ballet Company.

Mr. Angeramo has been and will continue to be a great asset to the Salem Youth Commission.

Sincerely,

A handwritten signature in cursive script that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Mr. Thomas Campbell, of 23 Olde Village Drive, to the Salem Conservation Commission for a term of three years to expire February 22, 2021.

I enthusiastically recommend confirmation of his reappointment to the Conservation Commission and ask that you join me in thanking him for his continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in black ink that reads "Kim Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Mr. Tyler Glode, of 2 Heritage Drive #36, to the Salem Conservation Commission for a term of three years to expire February 22, 2021.

I enthusiastically recommend confirmation of his reappointment to the Conservation Commission and ask that you join me in thanking him for his continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in black ink that reads "Kim Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Mr. Bart Hoskins, of 22 Larchmont Road, to the Salem Conservation Commission for a term of three years to expire February 22, 2021.

I enthusiastically recommend confirmation of his reappointment to the Conservation Commission and ask that you join me in thanking him for his continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in cursive script that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

March 8, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Mr. Peter Copelas, of 40 Warren Street, to the Salem Zoning Board of Appeals for a term of five years to expire March 8, 2023.

I enthusiastically recommend confirmation of his reappointment to the Zoning Board of Appeals and ask that you join me in thanking him for his continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in cursive script that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Mr. Paul Viccica, of 35 Broad Street, to the Salem Zoning Board of Appeals for a term of one year to expire February 22, 2019.

I enthusiastically recommend confirmation of his reappointment to the Zoning Board of Appeals and ask that you join me in thanking him for his continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in cursive script that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Ms. Sara Fiore, of 21 Summit Avenue, to the Salem Beautification Committee for a term of three years to expire February 22, 2021.

I enthusiastically recommend confirmation of her reappointment to the Beautification Committee and ask that you join me in thanking her for her continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in black ink that reads "Kim Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Mr. Damian Johnson, of 25 Ocean Avenue, Marblehead, to the Salem Board of Assessors for a term of three years to expire February 22, 2021.

I enthusiastically recommend confirmation of his reappointment to the Board of Assessors and ask that you join me in thanking him for his continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in black ink, reading "Kim Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Dr. Jeremy Schiller, of 14 Broad Street, to the Salem Board of Health for a term of three years to expire February 22, 2021.

I enthusiastically recommend confirmation of his reappointment to the Board of Health and ask that you join me in thanking him for his continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in black ink, reading "Kim Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Mr. George Barbuzzi, of 17 Preston Road, to the Salem Council on Aging for a term of three years to expire February 22, 2021.

I enthusiastically recommend confirmation of his reappointment to the Council on Aging and ask that you join me in thanking him for his continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in cursive script that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Ms. Jane Turiel, of 238 Lafayette Street, to the Salem Historical Commission for a term of two years to expire February 22, 2020.

I enthusiastically recommend confirmation of her reappointment to the Historical Commission and ask that you join me in thanking her for her continued dedicated service and commitment to our community.

Very truly yours,

A handwritten signature in black ink that reads "Kim Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM

In City Council,
February 22, 2018

Ordered:

That the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00) is hereby appropriated within the "Capital Outlay Renovations & Repairs" account (20003-584618) to be expended for the replacement of the two elevators in the Museum Place Parking Garage in accordance with the recommendation of Her Honor the Mayor.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Order appropriates \$250,000 from our short-term Capital Improvement Fund in order to replace both elevators in the Museum Place garage.

As you may be aware, the elevators in the garage are now passing their anticipated useful life and, over the last two years, have had an increasing frequency of maintenance issues. Since 2015 we have spent over \$70,000 on repairs to the elevators and, if they are not replaced, we anticipate exceeding that rate in the next few years. Replacing these elevators now is not only financially responsible, it will also ensure these heavily utilized components of our main downtown parking garage are safe for those who make use of them. These elevators are critical to the many thousands of residents, employees, and visitors who use the garage each month. As the existing elevators have reached the end of their lifespan they have begun to fail in ways that increase the risk to public safety, which is not acceptable. It is time for them to be replaced. With increased parking revenues we have seen in the last few months, I believe this cost is also fiscally manageable.

In order for this work to be bid and underway toward completion as close to October as possible, I encourage adoption of this appropriation Order no later than your March 22nd regular meeting at the very latest.

Very truly yours,

A handwritten signature in black ink that reads "Kimberley Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor
City of Salem



City of Salem, Massachusetts

Traffic & Parking Department
120 Washington Street, 3rd Floor
Salem, MA 01970
www.salem.com

Kimberley L. Driscoll, Mayor

Matthew Smith, Traffic & Parking Director

February 16, 2018

The Honorable Kimberley L. Driscoll
Mayor of Salem
93 Washington Street
Salem, Massachusetts 01970

RE: Request for Funding: Museum Place Parking Garage Elevator Replacement

Dear Honorable Mayor Driscoll:

This request is for a Council Order to provide \$250,000 of "Short-Term Capital Outlay" to be used for the replacement of the two elevators in the Museum Place Parking Garage.

The two elevators in the Museum Place Garage are over 40 years old and have reached the end of their useful life according to our elevator service contractor. Elevators typically have a useful life of 30 years, which can be extended through regular, ongoing maintenance. The Parking Department has actively maintained and upgraded systems over the years; however, maintenance requests and expenditures have increased over the last three years, exceeding \$70,000. These costs are expected to increase as they continue to age. For reliability, safety and cost perspectives, the time to replace them is now before conditions worsen and one or both become inoperable.

The cost to replace the two elevators is estimated at approximately \$250,000 and will take 20 weeks to complete the full project once the order is placed. This includes an 8 week delivery time, and 6 weeks to replace each elevator. For the parking facility to remain accessible, one elevator will be repaired at a time.

By approving the funding request now, the replacement of the elevators could possibly be completed by mid- to late summer prior to the busy fall tourism season when the elevators are most used.

Thank you.

Sincerely,

Matt Smith
Traffic and Parking Director

CITY OF SALEM
Capital Outlay Expenditure Request Form

To: MAYOR

From Department: Traffic and Parking Date: February 16, 2018

Expense Line To : 20003 - 584618

Amount:

Description: Replacement of the two 40+ year old elevators in the Museum Place Garage.

Expense Line To :

Amount:

Description:

For Finance Dept and Mayor's Use Only:

City Council Approval

Recommendation:

Approved Denied

Finance Director

Mayor

Processed: Date: _____ By: _____

CO # _____ JE# _____ Trans # _____



CITY OF SALEM

In City Council,
February 22, 2018

Ordered:

That the sum of Eighty Thousand Nine Hundred and One Dollars and Forty-Eight Cents (\$80,901.48) is hereby appropriated within the "Capital Outlay Renovations & Repairs" account (20003-584618) to be expended for additional costs at 90 Washington Street by the Building Department in accordance with the recommendation of Her Honor the Mayor.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

February 22, 2018

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentleman of the Council:

Enclosed herewith is a request to transfer Eighty Thousand Nine Hundred and One Dollars and Forty-Eight Cents (\$80,901.48) within the Capital Outlay Renovations & Repairs account (20003-584618).

This transfer is necessary to cover additional costs at 90 Washington Street by the Building Department.

I recommend passage of this accompanying order.

Sincerely,

A handwritten signature in black ink that reads "Kimberley Driscoll". The signature is written in a cursive, flowing style.

Kimberley Driscoll
Mayor



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM PUBLIC PROPERTY DEPARTMENT

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TEL: 978-745-9595 ♦ FAX: 978-740-9846

Funding Request Letter

February 15, 2018

RE: New Annex – Revised Costing, Electrical & Interior Signage

Mayor Driscoll,

Please find the attached funding request for floor plan changes, exterior electrical revisions and interior signage for the New City Hall Annex project at 90 Washington Street. Specifically, the request includes:

- Revisions to Human Resources layout, Engineering Department office revisions MIM and staff area revisions.
- Electrical and lighting revisions.
- Interior directional signage at entry lobby and Department informational signage.

The amount being requested is *Eighty Thousand Nine Hundred One Dollars and Forty-Eight Cents* (\$80,901.48).

If you have any questions regarding this submittal please contact my office.

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas St. Pierre".

Thomas St. Pierre
Building Commissioner and Zoning Enforcement Officer

Cc: file

CITY OF SALEM
Capital Outlay Expenditure Request Form

To: MAYOR

From Department:

PUBLIC PROPERTY

Date:

2/15/18

Expense Line To : 20003-586018 - Equipment

Amount:

Description:

90 WASHINGTON ST (NEW ANVIL)
DESIGN REVISIONS, BILL REVISIONS & INT. SIGNAGE

Expense Line To : 20003-584618 - Renovations & Repairs

Amount:

80,901.48

Description:

See above

For Finance Dept and Mayor's Use Only:

City Council Approval

Recommendation:

Approved

Denied



Finance Director

Mayor

Processed: Date: _____

By: _____

CO # _____

JE# _____

Trans # _____



CITY OF SALEM

In City Council,

Resolved

WHEREAS, the City of Salem has been in negotiation with 65 Washington Street, LLC regarding a development consisting of 55 units of market rate housing, six units of affordable housing reserved for families earning less than 80 percent of median area income, and ground floor retail at 65 Washington Street;

WHEREAS, 65 Washington Street, LLC has applied for certification under the Massachusetts Housing Development Incentive Program created by Chapter 40V of Massachusetts General Laws;

WHEREAS, the project proposed by 65 Washington Street, LLC meets the minimum requirements of the Housing Development Incentive Program and the local objectives of the City of Salem’s Housing Development Zone Plan;

WHEREAS, the proposed project is located at 65 Washington Street, Salem, MA, which is within the boundaries of the City of Salem’s designated Housing Development Zone;

WHEREAS, the City of Salem has agreed to offer 65 Washington Street, LLC a Tax Increment Exemption Agreement. Said agreement is hereby approved by the City Council;

WHEREAS, 65 Washington Street, LLC is investing \$27 million to create 61 total units of housing;

NOW, THEREFORE, BE IT RESOLVED that the Salem City Council hereby approves the Certified Project Application of 65 Washington Street, LLC and forwards said application to the Massachusetts Department of Housing and Community Development for its approval and endorsement.

Further, the Salem City Council authorizes the Mayor to execute the Tax Increment Exemption Agreement between the City of Salem and 65 Washington Street, LLC. Said agreement will provide for an exemption on property taxes based on the growth portion in assessed valuation of the property for a period of five (5) years, beginning the first full fiscal year after the final residential Certificate of Occupancy is issued for the new building at 65 Washington Street, and in accordance with the schedule below:

Term	Exemption %
1	10%
2	10%
3	10%
4	10%
5	10%

Said exemption being in accordance with the requirements and regulations established, which govern the implementation of such Tax Increment Exemption Agreements.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

February 22, 2018

Salem City Council
93 Washington Street
Salem, MA 01970

Ladies and Gentlemen of the City Council:

I am writing to respectfully request that you authorize a tax increment exemption (TIE) agreement between the City of Salem and 65 Washington Street, LLC. The partners of the LLC comprise the development team that was selected by the Salem Redevelopment Authority (SRA) to redevelop the property that houses the former Salem District Court at 65 Washington Street. A TIE is an instrument enabled by the Commonwealth through its Housing Development Incentive Program (HDIP) to allow for development projects consisting of at least 80% market rate residential units to, pending an agreement with a municipality, forgo paying all or a portion of property taxes on the increment resulting from a completed project. Essentially, this is the same concept as a TIF, which we have approved numerous times for commercial projects.

As you may recall, in April 2017 the City Council approved an HDIP Zone and Plan that includes six parcels in downtown Salem. One of these parcels is 65 Washington Street. The HDIP program allows eligible projects to seek tax credits from the State, but in order to do so, the developer of such projects must enter into a TIE agreement with its sponsor municipality. Therefore, this is a necessary step for the developer of the District Court to pursue state tax credits. The City has negotiated a TIE agreement with 65 Washington Street, LLC for the minimum allowable tax abatement and length of time; 10 percent over five years.

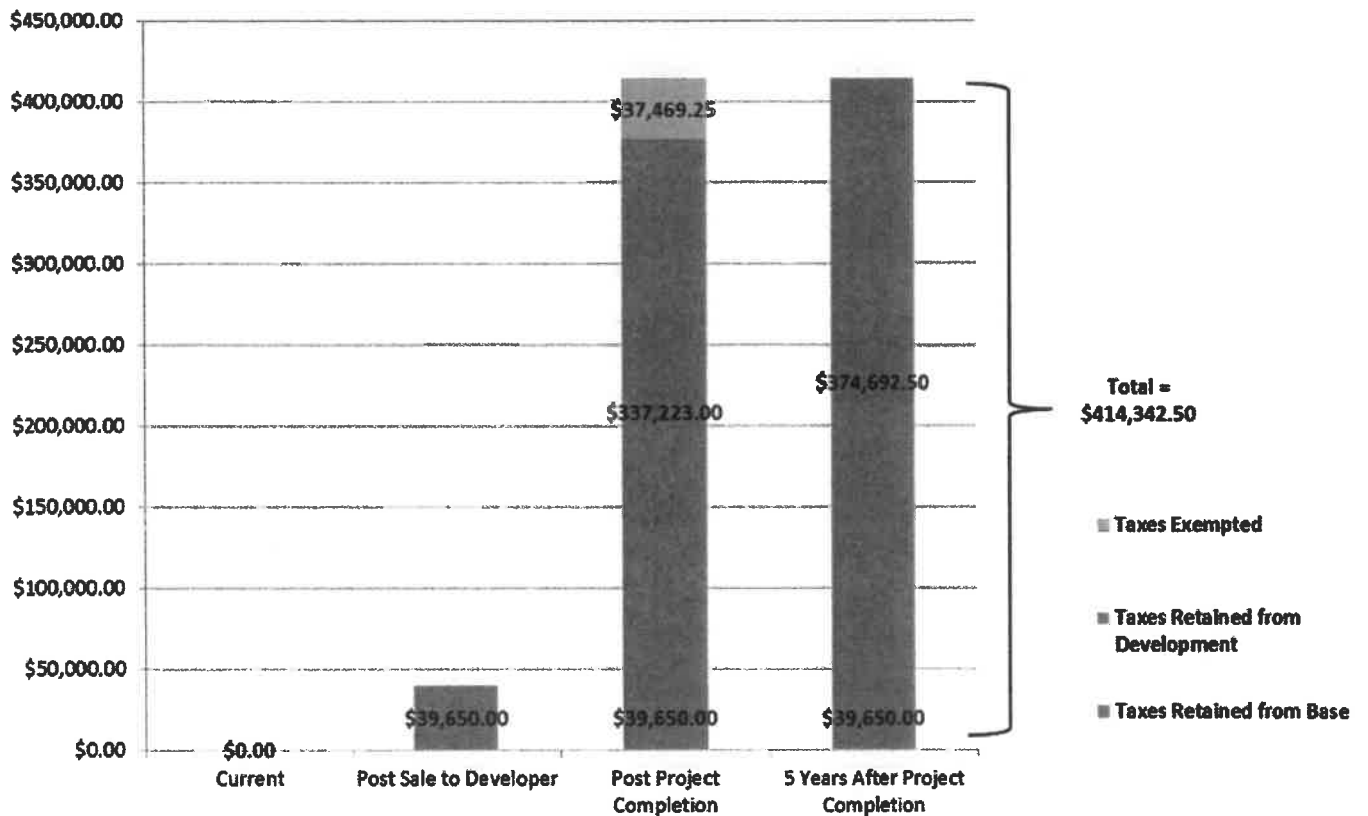
In August 2017, the SRA approved the schematic design of the proposed development project which includes 61 condominium units (of which six will be affordable), approximately 3,000 square feet of ground floor retail space, and on-site parking that includes one space per unit, plus additional tandem spaces and parking stackers that will be offered to future residents. The project is currently being reviewed by the Planning Board.

The Assessor estimates that the base value of the property with the building post-sale will be \$2.5 million. She further estimates that the anticipated investment in the building will increase the property value by \$23,625,000. The TIE, over five years, would provide a tax exemption of a projected \$187,346.25 on this incremental assessed value according to the following schedule:

Term Year	Exemption	Incremental Assessed Value	Exempted Property Taxes	Estimated Property Taxes	Estimated Base Tax Bill	Total Annual Taxes Paid
1	10%	\$23,625,000	\$37,469.25	\$337,223.25	\$39,650.00	\$376,873.25
2	10%	\$23,625,000	\$37,469.25	\$337,223.25	\$39,650.00	\$376,873.25
3	10%	\$23,625,000	\$37,469.25	\$337,223.25	\$39,650.00	\$376,873.25
4	10%	\$23,625,000	\$37,469.25	\$337,223.25	\$39,650.00	\$376,873.25
5	10%	\$23,625,000	\$37,469.25	\$337,223.25	\$39,650.00	\$376,873.25
6	0%	\$23,625,000	\$0.00	\$374,692.50	\$39,650.00	\$414,342.50
		Total	\$187,346.25		Total	\$2,298,708.75

As you will see, we will collect approximately \$2.3 million in total over a six-year period. When the TIE expires after five years, the City will collect approximately \$414,000 per year in taxes from the property.

Annual Property Taxes Generated From 65 Washington Street



I believe that this is a good investment for the City of Salem and will ensure that a high quality project gets built on a currently dormant, yet prominent site. We know that we need more housing in Salem and this project will provide that at a location that is one block away from our MBTA station. For your benefit I am attaching a document produced by SRA staff that covers more information about the project, the HDIP, and why a TIE is a worthy investment for the City. I ask that you join me and the SRA in supporting the proposed TIE agreement, and also that you authorize me to execute it on the City's behalf. Thank you for your consideration.

Sincerely,



Kimberley Driscoll
Mayor
City of Salem

Attachments:

- TIE Agreement
- Resolution
- Information from SRA on Salem District Court Redevelopment Project



Salem District Court Redevelopment Project

The project to redevelop the District Court parcel at 65 Washington Street is advancing as evidenced by the project receiving approval of its schematic design from the Salem Redevelopment Authority (SRA) and the project going before the Planning Board for consideration of a Planned Unit Development (PUD) special permit. The developer of the project, 65 Washington Street LLC (comprised of Diamond Sinacori LLC and Urban Spaces LLC), will seek to execute a tax increment exemption (TIE) agreement with the City in order to support the financial feasibility of the project and ensure a high quality final product.

There are several reasons why the District Court project is an advantageous one for the City, and why the City should endorse the use of a TIE to support it. These reasons include but are not limited to the following:

1. Generation of New Taxes:

- Currently the property generates \$0 per year in property taxes. The project, as proposed, will eventually net the City a projected \$414,343 per year in property taxes. If the proposed TIE is agreed to and approved, the City will forgo \$187,346 of a total of \$2,071,713; a small relative price to pay to ensure that a high quality project proceeds.
- In addition to new property taxes, the project will provide a retail location that will generate taxes (potentially meals taxes if it is a restaurant). The people living in the building will strengthen the market for downtown retail and restaurant establishments.

2. New Housing Units:

- The project provides much needed new housing units. The city currently has an undersupply of housing, especially in the downtown. This project provides a variety of unit types including three bedroom units and deed restricted affordable units. The project also takes advantage of being in close proximity to the MBTA station which aligns the project with "smart growth" principles.

3. Vibrancy of Downtown:

- The vacant court building is a blight on a major and visible street corner in downtown Salem. This is one of the first sites one sees when driving down Washington Street or walking from the MBTA station. Having a new mixed-use project at this location instead of the vacant building that currently stands there is in the best interests of adding to the vibrancy of the downtown environment.

4. Salem Should Ensure that HDIP Funds Support Local Projects:

- State tax credits available through the Commonwealth's HDIP program are limited and only available to eligible projects in Gateway Cities (Salem is a designated Gateway City as defined by the Commonwealth). If projects in Salem, such as the District Court project, do not apply for and/or receive state tax credits through this program, projects in other Gateway Cities will encumber the funds. The City should support efforts to direct these limited resources to projects in Salem.

HDIP / TIE Agreement

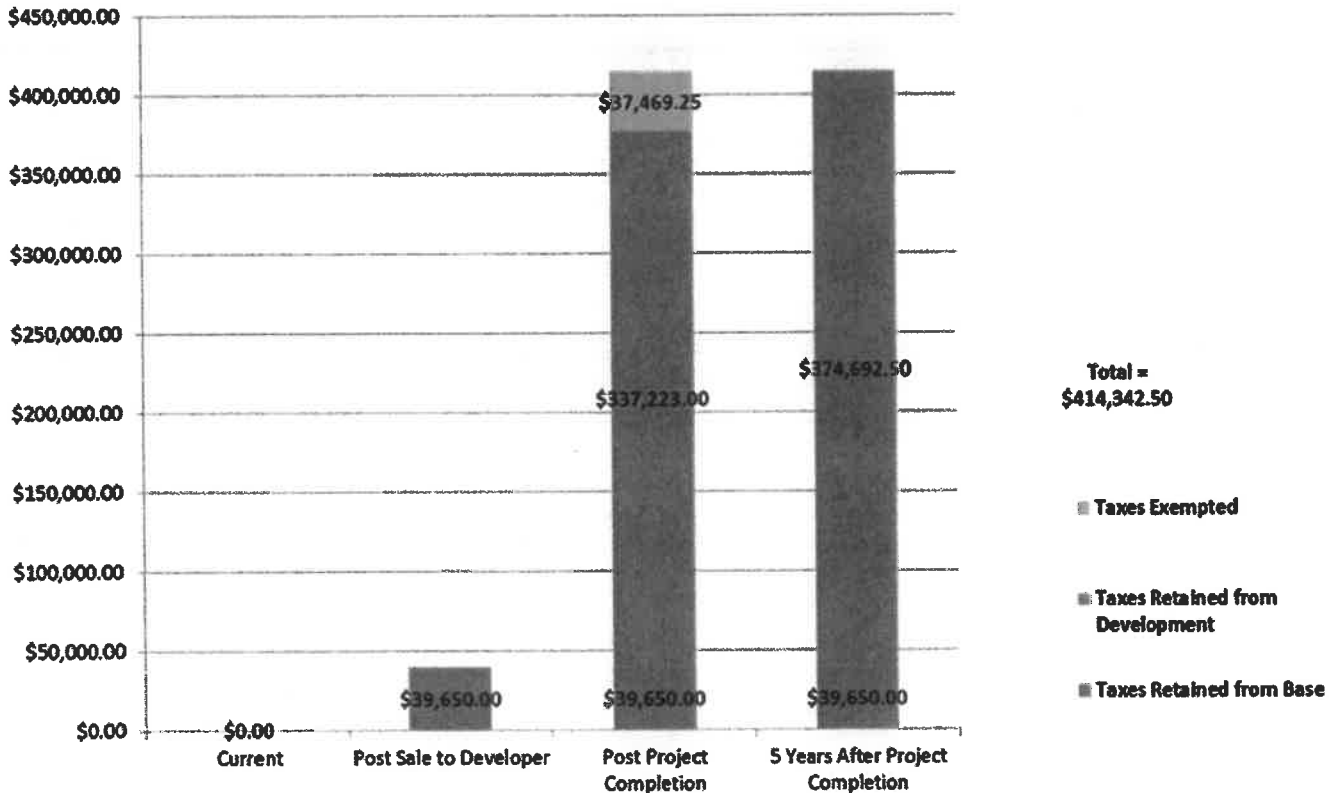
In April 2017, the City of Salem approved an HD Zone for select downtown parcels, including the District Court parcel. A property owner that proposes a multi-family housing development that contains at least 80% market rate units in an HD Zone parcel may enter into a tax increment exemption (TIE) agreement with the sponsor municipality, and then proceed to apply for state tax credits worth up to 25% of qualified construction costs or a maximum of \$2 million.

The District Court project team will seek a TIE agreement for the minimum abatement of taxes over the minimum allowable length of time as dictated by State statute. This amounts to a discount of ten percent off of the new property taxes owed as a result of the project being completed (the increment) over a period of five years.

As shown on the graph below, the property currently generates no property taxes. After the property is acquired by the developer, the base property value will begin to generate \$39,650 per year. Once the project is complete, it will generate an additional \$374,693 per year for five years, \$37,469 of which will not be collected per year over that period of time. The property will continue to pay out the full complement of the base value property tax. After completion of the project and the TIE period, the owner will pay a total projected \$414,343¹ per year in perpetuity.

The City Council will need to approve the TIE agreement by majority vote, as well as authorize the Mayor to execute it on the City's behalf. Likewise, 65 Washington LLC will need to receive approval from the Commonwealth's Department of Housing and Community Development (DHCD) in order to receive state tax credits.

ANNUAL PROPERTY TAXES



Background

¹ It should be understood that this figure and the others cited herein are projections based on the current residential property tax rate and a projected assessed value of the project by the City's Assessor. In all likelihood, the tax rate will fluctuate and the ultimate assessed value of the project will differ from year to year, which affects the amount of property taxes that will be collected.

On June 17, 2015 the SRA released a request for proposals (RFP) for sale and redevelopment of the former District Court property at 65 Washington Street. This process was mutually agreed upon by the City, SRA, and the Commonwealth's Division of Capital Asset Management and Maintenance (DCAMM) via a memorandum of understanding entered into by these parties.

The SRA received proposals from three developers. It held three public meetings to respectively designate finalist proposals for consideration, interview project teams, and select a final and alternate proposal. The proposal selected by the SRA was submitted by developer Diamond Sinacori of Boston and called for a mixed-use building with 61 residential condominium units of which six (6) would be affordable and 14 would be three-bedroom units, a building height of 69 feet, 71 on-site parking spaces, and 8,463 square feet of retail/restaurant space on the ground floor.

Since selection of the proposal, the SRA and Diamond Sinacori worked through the following major milestones:

- April 28, 2016: SRA and developer execute a final amended letter of intent outlining terms and details of a path forward for delivery of the project;
- October 24, 2016: The City, on behalf of the SRA, receives a memo from its environmental consultant Tighe & Bond essentially substantiating the contention of Diamond Sinacori that approximately \$850,000 in removal of hazardous materials from the District Court building would need to occur prior to demolition of the building, which was discovered over several weeks of due diligence investigations coordinated by the developer;
- January 31, 2017: SRA and developer execute a land disposition agreement (LDA) that lays out all terms for the project up to closing on the property;
- April 13, 2017: City Council votes to approve a Housing Development Zone (HD) and Housing Development Plan for select parcels in downtown Salem, including the District Court parcel. The Housing Development Incentive Program (HDIP) program allows the developer of the District Court project to enter into a tax increment exemption (TIE) agreement with the City and apply for up to \$2 million in tax credits from the Commonwealth for the production of market rate housing units;
- June 1, 2017: SRA and developer execute an amended LDA;
- August 9, 2017: Proposed project receives approval of its schematic design from the SRA.

Early in 2017, the original proponent of the project (Diamond Sinacori, LLC) joined with an additional financing partner (Urban Spaces, LLC of Cambridge). The two partners are now working cooperatively to complete the project.

As it stands now, the project still calls for 61 units with six affordable units and a height of 69 feet. The configuration of the ground floor and parking has changed. This change is a result of soil contamination and the developer opting to not excavate for underground parking. Doing so would be cost prohibitive. The retail space has been reduced, and the number of three bedroom units has changed from 14 to 10. On the following page is a summary table of changes in the project from the original to current design proposed.

	Original Proposal	Current Design
Number of Units	61	61
Total Parking spaces	71	88
Standard and Compact	71	61
Tandem		6
Stackers		21
Bicycle Storage		30 spaces
Building height	69 ft.	69 ft., 6 in.
Total Building Square Footage	125,410 s.f.	109,534 s.f.
Total Retail Space	8,463 s. f.	2,806 +/- s.f.

Design

As mentioned in the background section, the project received approval of its schematic design from the SRA in August of 2017. This was after three meetings to refine the design with the Design Review Board (DRB), resulting in a recommendation for schematic design approval.

At that time, the DRB, SRA, and developer acknowledged that there was work still to be done to improve the project's design. This work continues as the project continues its review before the Planning Board for a Planned Unit Development (PUD) special permit. In particular, there are design challenges for how to treat the ground floor along Federal Street and a portion of the façade that wraps around to Washington Street. The developer has committed to significant landscaping along Federal Street and the use of public art as a means to address the façade at these areas of the buildings. In regards to public art specifically, the developer hired an art consultant and has engaged in a series of meetings with City staff, including the Public Art Planner, as well Montserrat College of Art President Steve Immerman, on various iterations that could be feasible for the project. The public art component of the project is not yet finalized, but this level of engagement on the issue demonstrates the developer's interest in producing a high quality result.

The project stands at 69 feet tall, which is allowable by-right in the downtown's B-5 district. By comparison, the Derby Lofts building is 78 feet and nearby 10 Federal Street is 58 feet to its roofline.

The use of retail on the ground floor, wrapping the corner at Washington and Church Street, will serve to continue the retail presence along both of these streets. The DRB worked extensively with the developer to make this space as transparent as possible, so as to be able to see into and through the space for sightlines and activity.

Local Permitting

Beyond needing the SRA's approval of the schematic design, the project needs a Planned Unit Development (PUD) Special Permit and Site Plan Review from the Planning Board. It is in this process that the Planning Board determines an appropriate number of parking spaces and other parameters for the project. The Planning Board began its review of the project on December 7, 2017.

The project will also require review and approval of its final design. It will seek a recommendation from the DRB and final approval from the SRA. It is at the conclusion of this process that the project will achieve "100% design development," which will then allow for the developers to seek bids from contractors who will vie to construct the project.

**HOUSING DEVELOPMENT INCENTIVE PROGRAM
TAX INCREMENT EXEMPTION AGREEMENT**

between

CITY OF SALEM, MASSACHUSETTS

and

65 WASHINGTON STREET, LLC

This Agreement is made this ____ day of ____, 2018 by and between the City of Salem, acting through its Mayor Kimberley Driscoll ("Municipality"), with a principal address of City Hall, 93 Washington Street, Salem, MA 01970 and 65 Washington Street, LLC ("Sponsor") a Massachusetts Limited Liability Corporation with a principal address of 75 State St. Boston MA 02109, c/o Hemenway and Barnes, LLP

Section 1 – Agreement

The Municipality and the Sponsor, for good and valuable consideration of the covenants and agreements herein contained, hereby make this agreement regarding a Tax Increment Exemption ("TIE") pursuant to the Housing Development Incentive Program (HDIP), M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 ("HD TIE"), with respect to the Property as herein defined.

Section 2 – Definitions

Each reference in this Agreement to the following terms shall be deemed to have the following meanings:

- Act:* M.G.L. c. 40V as may be amended from time to time.
- Completion:* Temporary or permanent certificates of occupancy have been issued for the entire Project.
- DHCD:* Department of Housing and Community Development
- Event of Default:* An "Event of Default" as defined in Section 5 below.
- Final Certification:* Determination by DHCD that the Sponsor has completed the construction of the Property, consistent with the Construction Plans, including 61 residential condominiums, 55 of which will be defined as Market Rate Residential Units ("MRRUs"), as set forth in the Act and the Regulations, and six (6) will be deed restricted affordable.
- Fiscal Year:* An annual period of July 1 through June 30.
- HD Project:* A Certified Housing Development Project as defined in the Act and the Regulations.
- HD Zone:* The Housing Development Zone adopted by Salem City Council on the 13th of April, 2017 and approved by DHCD as evidenced by a Certificate of Approval

dated 7th of June, 2017 and recorded with the Southern Essex District Registry of Deeds, Book 35972, Page 153.

- MRRU:** Market Rate Residential Unit(s) as defined at Section 3.B.1.
- Property:** 65 Washington Street, Salem, MA 01970 as shown in Exhibit 1 "Map of Property" and further described in Exhibit 2 "Legal Description of Property."
- Regulations:** 760 CMR 66.00.
- Construction Plans:** The materials submitted for Conditional Certification pursuant to 760 CMR 66.05(3)(a) and approved by DHCD.
- Sponsor:** 65 Washington Street, LLC with an address at 75 State St. Boston MA 02109, c/o Hemenway and Barnes, LLP, its successors and assigns.

Section 3 – Sponsor’s Covenants

A. New Construction of the Property: Sponsor will undertake the new construction of the Property in accordance with the work and schedule set forth in the Construction Plans.

B. Market Rate Residential Units: There shall be a total of sixty-one (61) condominiums in the Project comprised of thirteen (13) one-bedroom condominiums, thirty-eight (38) two-bedroom condominiums and ten (10) three-bedroom condominiums of which fifty-five (55) shall be Market Rate Residential Units with all MRRUs priced consistently with the market.

C. Marketing: Sponsor shall cause the MRRU to be marketed in a manner that is consistent with the strategies, implementation plan, and affirmative fair housing efforts set out in the Construction Plans.

D. HD Project Certification: Sponsor shall take all actions reasonably necessary to obtain Final Certification of the Property as an HD Project including but not limited to submitting applications to DHCD for Preliminary Certification, Conditional Certification, and Final Certification consistent with the requirements of the Act and the Regulations.

Section 4 – Tax Increment Exemption ("TIE")

Municipality agrees to grant the Sponsor an exemption to the real property taxes due on the Property pursuant to G.L. c.59 according to the following terms:

A. Base Value: Salem Assessor’s Office lists 65 Washington Street with a FY2018 value of \$2,309,200.

B. MRRU Percentage: Ninety Percent (90.2%) of the sixty-one residential condominiums on the Property will be designated as Market Rate Residential Units (MRRUs). Fifty-five (55) of the sixty-one (61) condominiums will be marketed as MRRUs. The MRRU Percentage shall be confirmed as required in paragraph F, below. Six (6) condominiums shall be designated as affordable housing units set aside for families earning an income of no more than 80% of AMI.

C. **Exemption Percentage:** Commencing on the Effective Date as defined in Section 6(a) below, the Exemption Percentage shall be as follows:

Year 1	10%
Year 2	10%
Year 3	10%
Year 4	10%
Year 5	10%

D. **The Increment:** As defined at 760 CMR 66.06(1)(b)(2).

E. **Calculation:** For each Fiscal Year during the term of this Agreement, the HD TIE shall be determined by applying the Exemption Percentage to the property taxes on the Increment.

F. **Confirmation or Amendment of Calculation:** Upon Completion, and prior to applying for Final Certification of the Project, the Sponsor and Municipality shall file a "Tax Increment Exemption – Confirmation of Calculation" in the form attached as Exhibit 3 ("TIE Confirmation"). To the extent that the dates or figures in the TIE Confirmation differ from those set forth in this Agreement, the contents of the TIE Confirmation shall control and shall be deemed to have amended this Agreement.

Section 5 – Default

A. **Event of Default:** An "Event of Default" shall arise under this Agreement upon the occurrence of any one or more of the following events:

1. **Breach of Covenant Prior to Final Certification:** Subject to the limitations set forth in the Regulations at section 66.05(4)(b), Sponsor defaults in the observance or performance of any material covenant, condition, or agreement to be observed or performed by Sponsor pursuant to the terms of this Agreement, and the continuance of such default for sixty (60) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of sixty (60) days, then Sponsor shall have such additional reasonable period of time, not to exceed sixty (60) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial sixty (60) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

2. **Breach of Covenant Subsequent to Final Certification:** Subject to the limitations set forth in the Regulations at Section 66.05(5), and as determined by DHCD, Sponsor's conduct is materially at variance with the representations made in its Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and continuance of such default for sixty (60) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of sixty (60) days, then Sponsor shall have such additional reasonable period of time, not to exceed sixty (60) days, to cure such default provided the Sponsor shall have

commenced to cure such default within the initial sixty (60) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

3. Misrepresentation: Any representation made herein or in any report, certificate, financial Statement, or other instrument furnished in connection with this Agreement shall prove to be false in any material respect.

B. Rights on Default

1. Prior to Final Certification: Upon the occurrence of an Event of Default prior to Final Certification, then this Agreement shall become null and void.

2. Subsequent to Final Certification: Upon the occurrence of an Event of default subsequent to Final Certification, then:

a. Revocation of Certification: Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that DHCD revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which DHCD determines that a material variance commenced.

b. Termination of Agreement: Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.

c. Recoupment of Economic Benefit: Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent revocation.

Section 6 – Miscellaneous

A. Effective Date: The effective date of the HD TIE shall be July 1st of the first Fiscal Year following Final Certification of DHCD's Final Certification of the HD Project pursuant to the requirements of the Act and regulations, which date is anticipated to be in 2021. The Effective Date shall be confirmed as required in Section 4 Paragraph F above.

B. Terms of Agreement: This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.

C. Reporting: Sponsor or the Condo Association, in the event that Sponsor delegates this responsibility, shall submit reports to the Municipality no later than thirty (30) days after June 30 of each fiscal year for the term of this Agreement. Each report shall contain the following information:

1. Until Completion, the status of construction in relation to the schedule contained in the Construction Plan;

2. Until Completion, the status of marketing in relationship to the Construction Plans; and

3. For each condominium, the number of bedrooms in the unit, whether it was sold as of the most recent fiscal year and the sale price.

D. Assignment: The Municipality and the Sponsor agree that, following the sale of the Property or the sale of the final condominium, or earlier pursuant to the Property's condo documents, the Sponsor shall transfer ownership and control of the Property to the condominium association to be organized and formed in the future. The rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by sale or merger.

E. Notices: Any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) business days after the day on which mailed or, if sent by overnight courier, on the business day after delivered to such courier.

1. Municipality: _____

2. Sponsor: _____

3. Copy to DHCD: All such notices shall be copied to DHCD at:

Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02124
ATTN: HDIP Program Coordinator

4. Change of Address. Either party may change the address to which notices are to be sent to it by giving them written notice of such change of address to the other party in the manner herein provided for giving notice.

F. Modifications: No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose for which given. No failure or delay on the part of the Municipality, in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any right, power or privilege.

IN WITNESS WHEREOF, the Sponsor has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, and the Municipality has caused this Agreement to be executed in its name and behalf and its seal duly affixed by Mayor Kimberly Driscoll as of the day and year first above written.

CITY OF SALEM

65 Washington Street, LLC

Kimberley Driscoll, Mayor

Merrill Diamond

Duly Authorized

EXHIBIT 2

LEGAL DESCRIPTION OF PROPERTY

65 Washington Street, Salem, MA 01970

Beginning at the northwest corner of the Property at the intersection of Washington Street and Federal Street (the Point of Beginning) and running:

N 80° 15' 05" E, 143.86 feet by Federal Street;

Thence turning and running:

S 09° 44' 55" E, 71.21 feet by land now or formerly of ISAY Realty Trust; and,

S 11° 50' 54" E, 94.97 feet by land now or formerly of 30 Church Street, LLC;

Thence turning and running:

S 80° 08' 31" W, 18.12 feet by Church Street;

Thence turning and running:

N 06° 21' 17" W, 49.68 feet;

S 82° 50' 21" W, 10.23 feet;

S 83° 24' 40" W, 39.91 feet; and,

S 06° 34' 28" E, 52.43 feet, by land now or formerly of East India Group, LLC.

Thence turning and running:

S 80° 08' 31" W, 45.99 feet; and

S 82° 23' 12" W, 44.52 feet by Church Street; and,

Thence turning and running:

N 05° 49' 34" W, 165.06 feet by Washington Street to the Point of Beginning

Subject to and with the benefit of the following:

1. Confirmatory Taking by Salem Redevelopment Authority dated as of February 18, 1970 and recorded with Essex South District Registry of Deeds, Book 5668, Page 220.
2. Taking by the Salem Redevelopment Authority, pursuant to eminent domain taking document dated September 2, 1970 and recorded with said Deeds, Book 5713, Page 239.
3. Right-of-way to Church Street set forth in a deed from the City of Salem to the Salem Redevelopment Authority dated April 14, 1975, recorded with said Deeds, Book 6176, Page 553, and as further defined in a deed from Salem Redevelopment Authority to the County of Essex dated August 28, 1975 and recorded with said Deeds, Book 6176, Page 556.
4. Discontinuance of public rights in Federal Street by the City of Salem, pursuant to City Council Order dated July 24, 1978, and recorded with said Deeds, Book 6545, Page 656, as affected by Layout of Federal Street by the City of Salem by instrument dated July 24, 1978 and recorded with said Deeds, Book 6245, Page 659.

5. Discontinuance of public rights in Church Street by the City of Salem, pursuant to City Council Order by instrument dated March 8, 1979 and recorded with said Deeds, Book 6576, Page 790, as affected by layout of Church Street as a public way pursuant to City Council Order by instrument dated March 8, 1979 and recorded with said Deeds, Book 6576, Page 794.

EXHIBIT 3

TAX INCREMENT EXEMPTION – CONFIRMATION OF CALCULATION

In connection with the Tax Increment Exemption Agreement dated _____, 20____ by and between the City of Salem, and 65 Washington Street, LLC, a Limited Liability Corporation with an address at 75 State Street Boston, MA 02109, with respect to the property at 65 Washington Street Salem MA 01970 (the "Agreement"), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

1. The effective date of the Agreement is: _____

2. The MRRU is: _____

3. The assessed value of the of the residential portion of the Property upon Completion is: _____

To the extent that the dates or figures in this "Tax Increment Exemption – Confirmation of Calculation" differ from those set forth in the Agreement, the contents of this document shall control and shall be deemed to have amended the Agreement.

MUNICIPALITY

SPONSOR

By: [CHIEF EXECUTIVE OFFICER]

By:

By: [LEGISLATIVE BODY]

By:

Dated: _____

City of Salem

In the year two thousand and eighteen

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 3.0 TABLE OF PRINCIPAL AND ACCESSORY USE REGULATIONS of the Zoning Ordinance is hereby amended as follows to correct Scrivener's errors from the 2009 recodification of the Zoning Ordinance:

- a. Within Section A. Residential Uses of the Table, delete the letter "N" as it appears in the B1 zoning district in the row entitled "Dwelling unit above first floor retail, personal service, or office use" and insert the letter "Y".
- b. Within the Zoning District I of Section C. Commercial Uses of the Table, make the following amendments:
 - 1) delete the "N" as it appears in in the row entitled "Club or lodge, private" and insert a "Y"
 - 2) delete the "BA" as it appears in the row entitled "Commercial recreation, indoor" and insert a "Y"
 - 3) delete the "N" as it appears in the row entitled "Commercial recreation, outdoor" and insert the letters "BA"
 - 4) delete the "N" as it appears in the row entitled "General service establishment" and insert the letter "Y"
 - 5) delete the "N" as it appears in the row entitled "Personal service establishment" and insert the letter "Y"
 - 6) delete the "N" as it appears in the row entitled "Plumbing, carpentry and sheet metal shop" and insert the letter "Y"
 - 7) delete the "N" as it appears in the row entitled "Restaurant, with service of alcoholic beverages" and insert the letter "Y"
- c. Within the Zoning District I of Section D. Industrial Uses of the Table, make the following amendments:
 - 1) delete the "BA" as it appears in in the row entitled "Light manufacturing" and insert a "Y"
 - 2) delete the "BA" as it appears in the row entitled "Manufacturing" and insert a "Y"
 - 3) delete the "BA" as it appears in the row entitled "Mini-storage warehouse facility" and insert a "Y"
 - 4) delete the "BA" as it appears in the row entitled "Research, laboratories, and development facilities" and insert a "Y"

- d.** Within the Zoning District I of Section E. Accessory Uses of the Table, make the following amendments:
- 1) delete the "N" as it appears in in the row entitled "Adult day care" and insert a 'Y'
 - 2) delete the "N" as it appears in the row entitled "Private garages and other accessory structures" and insert a "BA "

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



CITY OF SALEM, MASSACHUSETTS
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

KIMBERLEY DRISCOLL
MAYOR

TOM DANIEL, AICP
DIRECTOR

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-619-5685 ♦ FAX: 978-740-0404

February 15, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: Zoning Amendments—Scrivener's Errors

Ladies and Gentlemen of the City Council:

Please find attached Ordinances addressing several housekeeping matters relating to the Salem Zoning Ordinance.

The City Council approved the re-codification of the Zoning Ordinance in September 2009. The re-codification resulted in a reorganized and simplified structure with updated terms which made the text easier to understand and apply. However, there were a number of Scrivener's errors made at that time which we would like to correct.

As you will see in the attached Ordinances, the Scrivener's errors are in two sections:

1. Section 3.0 Table of Principal and Accessory Use Regulations; and
2. Section 3.2.5 Swimming Pools.

The Zoning Enforcement Officer and I recommend adoption of these Ordinances and welcome any questions you may have regarding them.

Sincerely,

Tom Daniel
Director

City of Salem

In the year two thousand and eighteen

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 3.2.5 Swimming Pools is hereby amended to correct a Scrivener's errors from the 2009 recodification of the Salem Zoning Ordinance by inserting a new paragraph at the end of this section as follows:

“2. Pools shall be surrounded on all sides by a permanent wall or fence at least four (4) feet high and located no further than twenty-five (25) feet from any side of the pool. Fences shall be constructed of pickets, stockade or chain-link type material. Rail fences shall not be permitted. The fence shall have only one (1) opening, three (3) feet maximum in width, with a locking and closing device so as to keep the gate shut at all times.”

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



CITY OF SALEM, MASSACHUSETTS
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

KIMBERLEY DRISCOLL
MAYOR

TOM DANIEL, AICP
DIRECTOR

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-619-5685 ♦ FAX: 978-740-0404

February 15, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: Zoning Amendments—Scrivener's Errors

Ladies and Gentlemen of the City Council:

Please find attached Ordinances addressing several housekeeping matters relating to the Salem Zoning Ordinance.

The City Council approved the re-codification of the Zoning Ordinance in September 2009. The re-codification resulted in a reorganized and simplified structure with updated terms which made the text easier to understand and apply. However, there were a number of Scrivener's errors made at that time which we would like to correct.

As you will see in the attached Ordinances, the Scrivener's errors are in two sections:

1. Section 3.0 Table of Principal and Accessory Use Regulations; and
2. Section 3.2.5 Swimming Pools.

The Zoning Enforcement Officer and I recommend adoption of these Ordinances and welcome any questions you may have regarding them.

Sincerely,

Tom Daniel
Director

City of Salem

In the year two thousand and eighteen

An Ordinance to amend the Ordinance relative to Zoning

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

Section 1. Section 4.1.1 Table of Dimensional Requirements is hereby amended by adding the following new row to the table:

Table of Dimensional Requirements										
	RC	R1	R2*	R3**	B1****	B2	B4	I	BPD	NRCC
Maximum height of retaining walls, boundary walls and/or fences (feet)***	6	6	6	6	10	10	10	10	10	4

Section 2. Section 4.1.1 Table of Dimensional Requirements is hereby amended by adding the following new sentence to the end of asterisk *** notation:

“Fences shall be no more than six (6) feet for residential uses and ten (10) feet for commercial uses.”

Section 3. Section 4.1.1 Table of Dimensional Requirements is hereby amended by adding the following new, asterisked notation and inserting the asterisks in the B1 column heading:

“**** B1- All dwelling units constructed in the B1 Zoning District shall comply with dimensional requirements of the R3 Multi-family Residential Zoning District.”

Section 4. This Ordinance shall take effect as provided by City Charter.



KIMBERLEY DRISCOLL
MAYOR

TOM DANIEL, AICP
DIRECTOR

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DEPARTMENT OF PLANNING AND
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TELE: 978-619-5685 ♦ FAX: 978-740-0404

February 15, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: Zoning Amendments—Changes to Section 4.1.1 and Section 10.0

Ladies and Gentlemen of the City Council:

Please find attached Ordinances addressing changes to Section 4.1.1 Table of Dimensional Requirements and changes and additions to Section 10.0 Definitions.

The first set of changes concerns Section 4.1.1. The 2009 re-codification resulted in the omission of dimensional requirements for walls and fences. The requirements were also incomplete. In addition, the dimensional requirements for dwelling units in the B1 Zoning District were missing. The attached Ordinance corrects these errors.

The second set of changes concerns Section 10.0 as follows:

- Definitions for “Dwelling Unit” and “Rooming, boarding or lodging house” are being updated to conform with definitions used by the Commonwealth of Massachusetts;
- A language clarification is being made for the definition of “General service establishment”; and
- Three new definitions that conform with the definitions used by the Commonwealth of Massachusetts are being added for “Assisted Living Residences,” “Site Plan Review,” and “Zoning Board of Appeals.”

The Zoning Enforcement Officer and I recommend adoption of these Ordinances and welcome any questions you may have regarding them.

Sincerely,

Tom Daniel
Director

City of Salem

In the year two thousand and eighteen

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 10.0 DEFINITIONS of the Salem Zoning Ordinance is hereby amended by:

a. Inserting the following at the end of the definition of “Dwelling Unit”:

“as defined by the Commonwealth of Massachusetts State Building Code Regulations & Standards 780 CMP 310.2 and M.G.L. Ch. 140 Section 22. No more than three (3) people not within second degree of kindred shall live.”

b. Deleting the definition of “Rooming, boarding or lodging house” in its entirety and replacing it with the following:

“Rooming, boarding or lodging house: A house where lodgings are let to four (4) or more persons not within second degree of kindred to the person conducting it, and shall include fraternity houses and dormitories of educational institutions, but shall not include fraternity houses and dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under section or rest homes so licensed, or group residences licensed or regulated by agencies of the Commonwealth.”

c. Amending the definition of “General service establishment” by inserting the word “and” immediately before the word “furniture” and deleting the phrase “and the like.”

d. Inserting three new definitions as follows:

“Assisted Living Residences: Offer a combination of housing, meals and personal service care to adults for a fee that includes room and board and services. Assisted living residences are intended for adults who may need some help with activities such as housekeeping, meals, bathing, dressing, and/or medication assistance and who like the security of having assistance available on a 24 hour basis in a home-like and non-institutional environment. Assisted living residences do not provide medical or nursing services and are not design for people who need serious medical care on an ongoing basis.”

“Site Plan Review: Site plan review is a review process established by the City to protect and promote health, safety, convenience and general welfare of the residents of Salem. Site plan review establishes criteria for the layout, scale, appearance, safety, and environmental impacts of development. Site plan review focuses on parking, traffic, drainage, utilities, landscaping, lighting and other aspects of the proposal to arrive at the best possible design for the location.”

“Zoning Board of Appeals: The Zoning Board of Appeals as established by Chapter 40A, Section 12 of the Massachusetts General Laws.”

Section 2. This Ordinance shall be adopted as provided in the City Charter.



KIMBERLEY DRISCOLL
MAYOR

TOM DANIEL, AICP
DIRECTOR

CITY OF SALEM, MASSACHUSETTS
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-619-5685 ♦ FAX: 978-740-0404

February 15, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: Zoning Amendments—Changes to Section 4.1.1 and Section 10.0

Ladies and Gentlemen of the City Council:

Please find attached Ordinances addressing changes to Section 4.1.1 Table of Dimensional Requirements and changes and additions to Section 10.0 Definitions.

The first set of changes concerns Section 4.1.1. The 2009 re-codification resulted in the omission of dimensional requirements for walls and fences. The requirements were also incomplete. In addition, the dimensional requirements for dwelling units in the B1 Zoning District were missing. The attached Ordinance corrects these errors.

The second set of changes concerns Section 10.0 as follows:

- Definitions for “Dwelling Unit” and “Rooming, boarding or lodging house” are being updated to conform with definitions used by the Commonwealth of Massachusetts;
- A language clarification is being made for the definition of “General service establishment”; and
- Three new definitions that conform with the definitions used by the Commonwealth of Massachusetts are being added for “Assisted Living Residences,” “Site Plan Review,” and “Zoning Board of Appeals.”

The Zoning Enforcement Officer and I recommend adoption of these Ordinances and welcome any questions you may have regarding them.

Sincerely,

Tom Daniel
Director

City of Salem

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to zoning

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

Section I. Sub-paragraph 4(a) of Section 8.4.9 Parking Requirements is hereby amended by deleting 4(a) in its entirety and replacing it with the following:

“a. One and a half (1.5) parking spaces per dwelling unit.”

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



KIMBERLEY DRISCOLL
MAYOR

TOM DANIEL, AICP
DIRECTOR

CITY OF SALEM, MASSACHUSETTS
DEPARTMENT OF PLANNING AND
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February 15, 2018

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

RE: Zoning Amendment—North River Canal Corridor Mixed Use District Parking Requirement

Ladies and Gentlemen of the City Council:

Please find attached an Ordinance addressing the parking requirement in the North River Canal Corridor Mixed Use District (NRCC).

The City Council established the NRCC zoning in December 2004. When first submitted to the City Council in June 2004, the draft zoning had a parking requirement of 1.0 space per unit. The parking requirement was revised to 1.5 spaces per unit when the final zoning was submitted to the City Council in September 2004. The Planning Board recommended the 1.5 spaces per unit requirement to the City Council in October 2004. The City Council changed the requirement to 2.0 spaces per unit at first passage in December 2004 and adopted it at second passage.

The parking requirement of 2.0 spaces per unit is the greatest parking requirement in any zoning district in Salem. Best practices would provide for a lower parking requirement of 1.0 or 1.5 spaces per unit in an area like the NRCC that is accessible to transit and within convenient walking and biking distance to goods and services, recreation and entertainment destinations, and other daily needs. By requiring more parking than is needed, there is less land available for pervious open space. The excess parking increases the cost of development which in turn increases the cost to residents and commercial tenants.

I recommend adoption of the attached Ordinance which would change the residential parking requirement to 1.5 spaces per unit in the NRCC and would be consistent with the RC, R1, R2, R3, and B5 (for new construction) zoning districts. I welcome any questions you may have regarding this recommendation.

Sincerely,

Tom Daniel
Director

City of Salem

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to prohibiting smoking on the Off-road, Paved Bicycle Route

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

Section I.

Chapter 24 Offenses and Miscellaneous Provisions, Sec. 24-16. Smoking in theaters is hereby amended by deleting this section in its entirety, as smoking in public theaters is prohibited by M.G.L. Ch. 270, §22, and replacing it with the following:

“Sec. 24-16. Smoking Prohibited on Off-road, Paved Bicycle Route.

No person shall smoke on any designated, off-road, paved bicycle route in the city. A map of the bicycle route shall be on file in the office of the city clerk. Any person violating this section shall be subject to a fine not to exceed \$50.00. Signage posting the smoking prohibition and fine shall be placed along the designated non-smoking route. Enforcement of this section shall be by non-criminal disposition as set forth in M.G.L. Ch. 40 §21D and the City of Salem Code of Ordinances Ch. 1 §§1 through 10. Enforcing persons shall be police officers and the health agent or his/her designee.”

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

In City Council January 11, 2018.

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole

In City Council February 8, 2018

Adopted for first passage

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

City of Salem

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to non-criminal disposition of Ordinance violations

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

Section I.

Chapter 1, Section 1-10(c) Non-criminal Disposition of Ordinance Violations is hereby amended by inserting the following new penalty:

“Chapter 24. Section 16. Smoking Prohibited on Off-road, Paved Bicycle Route

Penalty: \$50 per offense

Enforcing Person: Police officers and health agent or his/her designee”

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

In City Council January 11, 2018

Referred to the Committee on Ordinances, Licenses and Legal Affairs composed with Committee of the Whole

In City Council February 8, 2018

Adopted for first passage

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

City of Salem

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to Chapter 24, Offenses and Miscellaneous Provisions to place a limitation on the number of marijuana retailers that may be located within the City pursuant to M.G.L. c. 94G, §3.

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

Section I.

Chapter 24. Offenses and Miscellaneous Provisions.

A new section is hereby added at the end of Chapter 24 as follows:

“Sec. 24-30. – Retail marijuana establishments; limits.

The number of marijuana retailers within the city shall be limited to no more than twenty percent (20%) of the number of licenses issued within the city for the retail sale of alcoholic beverages not to be drunk on the premises where sold under section 15 of chapter 138 of the General Laws.

A marijuana retailer is defined as any entity licensed to purchase and deliver marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.”

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

In City Council January 11, 2018

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole

In City Council February 8, 2018

Adopted for first passage

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

City of Salem

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to use of Salem Common

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

Section I. Article III – Common Use Policy of chapter 26 Parks and Recreation is hereby amended by:

- a) Deleting the title of Article III, “Salem Common Use Policy”, and replacing it with “Salem Common”;
- b) Inserting a new division title, “Division 1. Use Policy”, immediately following the Article III title;
- c) Deleting Sec. 26-72 – Prohibited Activities in its entirety;
- d) Re-numbering Sec. 26-73 through Sec. 26-75 as Sec. 26-74;
- e) Inserting the following new division immediately following the new Sec. 26-74:
“Division 2. Prohibited Activities; permitted and non-permitted events
Sec. 26-75. – Prohibited activities.

The following activities are strictly prohibited on the Salem Common:

- (1) Destruction, defacement, removal, or disturbance of any sign, equipment, monument, marker, planting, bandstand or arch.
- (2) Distribution or display of commercial advertising, soliciting of business, or any other commercial transactions, except in connection with a permitted event.
- (3) Operation of devices in violation of Chapter 22, Noise Ordinance.
- (4) Disorderly conduct.
- (5) Use of metal-detecting devices.
- (6) Non-permitted vehicles.
- (7) The driving or parking of vehicles within the inside perimeter (track) of the common.
- (8) Mechanical rides or amusements, including carnivals and circuses.

- (9) Digging or disturbing the soil.
- (10) Drinking alcoholic beverages, except in connection with a permitted event.
- (11) Playing basketball between 10:00 p.m. and 8:00 a.m.
- (12) Climbing on trees and fences.
- (13) Using grills or making fires, except in connection with a permitted event.
- (14) Loitering, as defined in subsection 24-12(a), on the common grounds between 10:00 p.m. and 5:00 a.m.
- (15) Smoking within fifty (50) feet of the perimeter of any play structure, basketball court and bandstand. "Smoking" means carrying or having in one's possession a lighted cigarette, cigar or pipe, or other object used for a similar purpose, giving off or containing any substance giving off smoke.

Sec. 26-76. Penalties and Enforcement.

Whoever violates any provision of this article shall be subject to a fine of \$ \$50.00. The Police and Health Department officials shall enforce this Division. The Superintendent of Parks and Recreation may also revoke any permit issued by the park and recreation commission following a violation of this Article.

Sec. 26-77 – 26-99. – Reserved.”

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

In City Council January 11, 2018

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole

In City Council February 8, 2018

Adopted as amended for first passage

ATTEST:

**CHERYL A. LAPOINTE
CITY CLERK**

City of Salem

In the year two thousand and seventeen

An Ordinance to amend an Ordinance relative to Zoning
Be it ordained by the City Council of the City of Salem, as follows:

Section 3.0 Table of Principal and Accessory Uses

Amend Section 3.0 Table of Principal and Accessory Uses to include the following new uses:

The following uses shall be permitted as set forth in the Table of Principal and Accessory Use Regulations.

	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD
Retail Marijuana Cultivator	N	N	N	N	N	BA	BA	BA	BA	BA
Marijuana Product Manufacturer	N	N	N	N	N	N	N	N	BA	BA
Marijuana Testing Facility	N	N	N	N	N	BA	N	BA	BA	BA
Marijuana Retailer	N	N	N	N	N	BA	BA	BA	BA	BA

In City Council September 28, 2017

Referred to the Planning Board to schedule a joint public hearing with the City Council

Joint public hearing held November 15, 2017 and continued to November 27, 2017

Public Hearing Continuation held on November 27, 2017

Referred to the Planning Board for their recommendation

In City Council January 11, 2018

Received Planning Board recommendation which was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole along with this Ordinance

In City Council February 8, 2018

Adopted as amended by roll call vote of 8 yeas, 2 nays, 1 absent

ATTEST:

**CHERYL A. LAPOINTE
CITY CLERK**

City of Salem

In the year two thousand and seventeen

An Ordinance to amend an Ordinance relative to Zoning

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

The following is an amendment to *Section 6.0- Special Regulations* of Salem Zoning Ordinance:

Section 6.10 - Marijuana Establishments

M.G.L. c. 94G, authorizes a system of state licensing for businesses engaging in the cultivation, testing, processing and manufacturing, and retail sales of marijuana, collectively referred to as “marijuana establishments.” In addition to the discretion the city has to issue a letter of support or non-opposition to a potential licensee to the state licensing authority, Section 3 of M.G.L. c. 94G allows cities to adopt ordinances that impose reasonable safeguards on the operation of marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with the law.

Section 6.10.1 Purpose

The purpose of this ordinance is to allow state-licensed retail marijuana establishments to exist in the City of Salem in accordance with applicable state laws and regulations and impose reasonable safeguards to govern the time, place and manner of marijuana establishment operations and any business dealing in marijuana accessories in such a way as to ensure public health, safety, well-being, and undue impacts on the natural environment as it relates to cultivation, processing and manufacturing subject to the provisions of this Zoning Ordinance, M.G.L. c. 40A, and M.G.L. c. 94G.

Section 6.10.2 Applicability; Effective Date

This section applies to all marijuana establishments including marijuana cultivators, testing facilities, product manufacturers, processors, and retailers licensed by the Commonwealth pursuant to M.G.L. c. 94G.

Under M.G.L. c. 94G, experienced marijuana establishment operators including medical marijuana treatment centers as defined in Chapter 369 of the Acts of 2012 with a registration in good standing, or a reorganized marijuana business established by a vote of at least 2/3 of the Board of Directors of any entity that submitted an application for a registration to operate a medical marijuana treatment center to the Department of Public Health before October 1, 2015 and was issued a provisional registration to operate a medical marijuana treatment center by the Department of Public Health are also subject to this Zoning Ordinance should an experienced marijuana establishment operator of a medical marijuana treatment center convert into a retail marijuana establishment.

Section 6.10.3 Definitions

The following definitions, consistent with M.G.L. c. 94G, shall apply in the interpretation and enforcement of this section:

1. Marijuana cultivation facility- an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.
2. Marijuana manufacturing facility- an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.
3. Marijuana testing facility- a laboratory that is licensed by the commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the commission.
4. Marijuana retailer- an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Section 6.10.4 Special Permit Required

The Zoning Board of Appeals may grant a special permit for marijuana establishments, as defined in M.G.L. c. 94G, in accordance with the standards set forth in this section and the general criteria for granting a special permit contained in section 9.4 of the Zoning Ordinance.

Section 6.10.5 Requirements

1. It shall be unlawful for any person to operate a marijuana establishment without obtaining a special permit to operate pursuant to the requirements of this Ordinance.
2. A separate special permit is required for each different marijuana establishment detailed in section 6.10.3, above. In the case that one or more different types of marijuana establishments are proposed, each establishment type shall require a special permit from the Zoning Board of Appeals.
3. The special permit requirements set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law.

4. The issuance of a special permit pursuant this chapter does not create an exception, defense, or immunity to any person or entity in regard to any potential criminal liability the person or entity may have for the production, distribution, or possession of marijuana.
5. A special permit issued for a marijuana establishment is not transferable or assignable to a different location or a different type of marijuana establishment.

Section 6.10.6 General Provisions

The following apply to all marijuana establishments as defined above and in M.G.L. c. 94G, including marijuana cultivation facilities, manufacturing facilities, testing facilities, and retail establishments:

1. Security, Operations, and Emergency Plans. All marijuana establishments shall file a security plan, operation and management plan, and emergency plan with the Salem Police Department:
 - a. Security Plan
 - i. The petitioner shall submit a security plan to the Salem Police Department and Department of Planning and Community Development, in conformance with the requirements of the Salem Police Department, to demonstrate that there is limited undue burden on city public safety officials as a result of the proposed business prior to the issuance of a certificate of occupancy.
 - ii. The security plan shall include the details of all security measures for the site and the transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises property from theft or other criminal activity.
 - b. Operation and Management Plan

All marijuana establishments shall submit an operation and management plan to the Building Department which shall include, but not be limited to the following elements: Organizational Structure, Location, Property Description, Hours of Operation and Staffing, description of proposed operations, distribution practices, employee safety, general compliance, fire prevention, sanitation requirements, electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, proposed water system and utility demand prior to the issuance of a building permit.
 - c. Emergency Response Plan

All marijuana establishments shall meet with the Salem Fire Department and the Salem Police Department to discuss and identify emergency plans/contingency plans for the site prior to the issuance of a certificate of

occupancy. A written Emergency Response Plan shall be filed with the Salem Fire Department and the Salem Police Department pursuant to M.G.L. c. 94G, §12.

2. A marijuana establishment may only be involved in the use permitted by its definition. Retail marijuana establishments may only be located in buildings with other uses, including other types of marijuana establishments, only if the marijuana establishment is separated by full walls from the other use.
3. All marijuana establishments shall be within a fully enclosed building.
4. Marijuana establishments shall not be located in mobile structures.
5. Pursuant to M.G.L. c. 94G, §5(b)(3), a marijuana establishment shall not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, or within 500 feet of houses of worship and funeral homes, or within 1,000 feet from institutions of higher education, colleges or universities.
6. Marijuana establishments shall, at a minimum, meet the requirements imposed on registered marijuana dispensaries for storage.
7. No odor from marijuana establishments may be noxious or cause a public nuisance.
8. No retail marijuana establishment shall be managed by any person other than the licensee or their assign. Such licensee or assign shall be on the premises during regular hours of operation and responsible for all activities within the licensed business and shall provide up to date emergency contact information for the Salem Police Department to have on file.
9. All waste disposal, shall at a minimum, meet the requirements imposed on registered marijuana dispensaries for disposal to prevent exposure to the public or create a nuisance.
10. The marijuana establishment shall remove all material, plants, equipment, and any other retail marijuana establishment items upon ceasing its operation.
11. All business signage shall be subject to the requirements to be promulgated by the Cannabis Control Commission and the requirements of Sections 4-31 through 4-60 of the Code of Ordinances.
12. No marijuana shall be smoked, eaten, or otherwise consumed or ingested within any type of licensed marijuana establishment.
13. Hours of operation for marijuana retailers shall be consistent with those of package stores licensed under M.G.L. c. 138.

Section 6.10.7 Application Procedure and Submission Requirements

If a Special Permit is required by *Section 3.0 Table of Principle and Accessory Uses* of the Zoning Ordinance, the petitioner (Applicant) shall submit a standard petition form and materials of the Zoning Board of Appeals application in addition to the following required materials:

1. Notice from the City shall be sent by mail, postage prepaid to "parties in interest" as used in M.G.L. c. 40A within five hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list.
2. Applicant shall submit proof of approval from the Commonwealth of Massachusetts for the proposed marijuana establishment by submitting copies of all required registrations, licenses and permits issued to the applicant by the state and any of its agencies for the facility as well as the letter of support or non-opposition issued by the city.
3. The Applicant shall submit proof of site control and right to use the premises proposed for the marijuana establishment and may include a deed, notarized statement from the property owner and a copy of the lease agreement, or real estate contract contingent upon successful licensing, or a letter of intent by the owner of the premises indicating intent to lease the premises to the petitioner contingent upon successful permitting.
4. In addition to complying with any other state or city requirement related to good character and criminal background, any person or entity proposed to have interests in the license to operate a marijuana establishment shall not have committed any marijuana licensing violation affecting public safety, or received any suspension or revocation of any other state or local marijuana business licenses.
5. A statement signed by the organization's chief executive officer disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly situated individuals. If any of the above are entities rather than persons, the Applicant must disclose the identity and current contact information of all responsible individuals.
6. A detailed description of the proposed activities to occur on site in relation to the standard special permit criteria set out in Section 9.4 of the Salem Zoning Ordinance and specific requirements set forth in this chapter.
7. The petitioner shall submit a security plan to the Salem Police Department and the Department of Planning and Community Development, in conformance with the requirements of the Salem Police Department, to demonstrate that there is limited undue burden on city public safety officials as a result of the proposed business prior to the issuance of a certificate of occupancy.
8. The petitioner shall submit an operation and management plan to the Salem Police Department and the Department of Planning and Community Development.

9. The petitioner shall submit a copy of an Emergency Response Plan to the Salem Police Department, the Salem Fire Department, and the Department of Planning and Community Development.
10. The petitioner shall submit proof that it provided notification in writing to all churches, libraries, institutions of higher education, licensed daycares, nursery schools, or playgrounds within 500 feet of its proposed location to provide them with the opportunity to comment at the Board of Appeals.

Section 6.10.8 Special Permit Findings

In addition to the findings for a special permit in Section 9.4 of the Zoning Ordinance, the Zoning Board of Appeals must also make the following findings:

1. The applicant demonstrates that the marijuana establishment will meet all of the permitting requirements of all applicable agencies within the Commonwealth and will be in compliance with all applicable state laws and regulations, including, but not limited to M.G.L. c. 94G, §12 *General Marijuana Establishment Operation*.
2. The applicant has satisfied all of the conditions and requirements of this section and other applicable sections of the Zoning Ordinance and any applicable city ordinances.
3. The facility provides adequate security measures to ensure that there are not direct threats to the health or safety of employees, staff, or members of the public and that storage and location of cultivation is adequately secured.

Section 6.10.9 Requirements Specific to Marijuana Cultivation Facilities

As the cultivation and processing of marijuana is not considered agriculture under M.G.L. c. 128, §1A, and is subject to M.G.L. c. 94G, §12, the following restrictions to ensure the health, safety, well-being of the public, and limit undue impacts on the natural environment as it relates to cultivation, shall apply:

1. All marijuana cultivation facilities shall use high-efficiency lights and equipment to limit energy and water usage demand.
2. All marijuana cultivation facilities shall use LEDs for all fixtures except for those that are used in flowering rooms. High Pressure Sodium grow lights may be used for no more than fifty percent (50%) of the total square footage of the cultivation area to maximize flowering conditions and limit electricity demand.
3. No more than one-half of the marijuana plants may be mature, flowering plants.
4. No pesticides, insecticides, or other chemicals shall be used in the cultivation of marijuana.
5. Marijuana cultivators shall comply with all regulations that may be promulgated by the Cannabis Control Commission.

Section 6.10.10 Requirements Specific to Marijuana Manufacturing Facilities

Marijuana manufacturing facilities shall be subject to M.G.L. c. 94G, §12 and the following restrictions to ensure the health, safety, and well-being of the public, and limit any undue impacts on the natural environment as it relates to manufacturing, shall apply:

1. All marijuana manufacturing facilities shall use high-efficiency lights and manufacturing equipment to limit energy and water usage demand.
2. All marijuana manufacturing facilities shall comply with all regulations that may be promulgated by the Cannabis Control Commission.

Section 6.10.11 Requirements Specific to Marijuana Testing Facilities

1. All marijuana testing facilities shall use high-efficiency lights and equipment to limit energy and water usage demand.
2. Marijuana testing facilities shall be subject to the requirements of M.G.L. c. 94G, §15 and any regulations that the Cannabis Control Commission may promulgate thereunder to ensure there are no undue impacts on the health, safety, and well-being of the public.

Section 6.10.12 Requirements Specific to Marijuana Retailer Establishments

Marijuana retailers shall be subject to M.G.L. c. 94G, §12 and the following restrictions to ensure there are no undue impacts on the health, safety, and well-being of the public:

1. As defined in M.G.L. c. 94G, and as established in section 24-30 of the Code of Ordinances, the number of marijuana retailers shall be limited to no more than 20% of the number of licenses issued within the city for the retail sale of alcoholic beverages not to be drunk on the premises where sold under M.G.L. c. 138, §15.
2. All marijuana retail establishments shall comply with all regulations that may be promulgated by the Cannabis Control Commission.

Section 6.10.13 Unlawful Acts

1. It shall be unlawful for any person to operate any marijuana establishment in the city without a valid license issued by the state licensing authority under the M.G.L. c. 94G.
2. When a marijuana establishment has received a renewal license from the state, the business shall submit a copy to the Department of Planning and Community Development and the Building Department within thirty (30) days of receipt.

3. It shall be unlawful for any person to operate any retail marijuana, marijuana product manufacturing, or marijuana cultivation establishment without a special permit from the City of Salem Zoning Board of Appeals.

Section 6.10.14 Severability

If any provision of this section is invalidated by subsequent legislation or regulation, or held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

In City Council September 28, 2017

Referred to the Planning Board to schedule a joint public hearing with the City Council

A joint public hearing was held on November 15, 2017 and continued to November 27, 2017

Continuation of a public hearing was held on November 27, 2017

Referred to the Planning Board for their recommendation

In City Council January 11, 2018

Received Planning Recommendation which was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole along with this ordinance

In City Council February 8, 2018

Adopted for first passage as amended by roll call vote of 8 yeas, 2 nays, 1 absent

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

CITY OF SALEM

In the year Two Thousand and Seventeen

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. The following is an amendment to **Section 10.0. Definitions** by adding the following terms and definitions:

Amend Section 10.00 Definitions of the City of Salem Zoning Ordinance to add the following terms and definitions:

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana cultivator", an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

"Marijuana processing", to harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means.

"Marijuana Manufacturing", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana" or "Marihuana", all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(2) Hemp; or

(3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

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

In City Council September 28, 2017

Referred to the Planning Board to schedule a joint public hearing with the City Council
Joint public hearing held on November 15, 2017 and continued November 27, 2017

Public hearing closed on November 27, 2017 and referred to the planning board for their recommendation

In City Council January 11, 2018

Received planning board recommendation and referred to the Committee on Ordinances,
Licenses and Legal Affairs co-posted with Committee of the Whole

In City Council February 8, 2018

Adopted ~~for first~~ passage by roll call vote of 9 yeas, 0 nays, 1 absent

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK