



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

January 13, 2022

Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the Council:

I am pleased to appoint Stephen Cortes of 200 Leisure Lane #89, Stoneham, to the position of Director of Assessing for the City of Salem for a one-year term to expire January 31, 2023.

Mr. Cortes joined the Salem's Assessors office in 2012 as an Assistant Assessor. Prior to that he served as an Assistant Assessor in the City of Worcester, as well as a customer service representative for the Worcester Treasurer and Collector's Office. Mr. Cortes is certified by the Massachusetts Association of Assessing Officers and is deeply familiar with Salem and our Assessing Department. In 2020, when the previous Director of Assessing retired, Mr. Cortes was named Acting Director of the department. In his time as Acting Director Stephen has ably led the office with professionalism and skill, including managing the process of our FY2022 tax classification hearing and rate setting.

I recommend confirmation of Mr. Cortes's appointment to this position and hope you will join me in welcoming him into his new role.

Very truly yours,

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

January 13, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint two individuals to the Cemetery Commission for three-year terms to expire January 13, 2025. Ms. Kate Hanson, of 130 Boston Street #2, will fill the seat previously held by Jennifer Ratliff, who has stepped down from the Commission. Mr. Jacob St. Louis, of 34 Buffum Street #4, will fill a vacant seat reserved by ordinance for an arborist, horticulturist, or similarly qualified individual.

Ms. Hanson is the Director of Research and Prospect Management, providing development support for Facing History and Ourselves and, prior to that, she served for a decade doing similar work at the Museum of Science. Ms. Hanson holds both a Bachelor's degree and Master's degree in art history from Pennsylvania State University.

Mr. St. Louis is a certified arborist and currently works as the climbing foreman for SavaTree of Middleton. Before that he worked for Tree Fellers and Hamilton Tree & Landscape. He has been an engaged community volunteer, offering his services to the Friends of the Salem Woods, the Friends of Fort Lee, and the Audubon Society.

I strongly recommend confirmation of Ms. Hanson and Mr. St. Louis' appointments to the Cemetery Commission. We are fortunate that they are willing to serve our community in this important role and lend their insights and dedication to the Commission and its work.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

**Kimberley Driscoll  
Mayor**

**Office of the Mayor**

January 13, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Joe McEvoy of 5 Beacon Street #2 to the Board of Trust Fund Commissioners to complete the remainder of a 12-year term previously held by the late Judge Thaddeus Buczko, to expire March 1, 2026.

Mr. McEvoy is currently the Chief Strategy Officer for Action Inc, a non-profit human service agency located in Cape Ann that serves over 5,500 individuals each year with housing, energy assistance, education, and workforce development programs. Prior to being named the agency's CSO, Mr. McEvoy served as its Director of Planning and Development for six years. Before joining Action Inc., Mr. McEvoy was a program manager for Cambridge Education and a public sector management consultant for Mott MacDonald. He earned his Bachelor and Master's degrees in Economics and Social History from the University of Glasgow and volunteers locally on the board of the Boys and Girls Club of Greater Salem and on the "Next Generation Cape Ann Committee" of the Cape Ann Chamber of Commerce.

I strongly recommend confirmation of Mr. McEvoy's appointment to the Trust Fund Board. We are fortunate that he is willing to serve our community in this important role and lend his insights and dedication to the Board and its work.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Catherine Bertrand of 2 Beacon Street to the Salem Public Art Commission. Ms. Bertrand will complete the remainder of an unexpired two-year term to conclude January 11, 2024. The seat had previously been filled by Emily Larsen, who has stepped down from the Commission. I hope you will join me in thanking Ms. Larsen for her service to our community on this board.

Ms. Bertrand has spent the last 13 years working independently as an acting coach and a professional photographer. From 2006 to 2008 and 2014 to 2017 she served as the Artistic Director for the Salem Theatre Company and, also from 2006 to 2008, as the general manager for the Summer Theatre at Salem program at Salem State University, where she earned her Bachelor's degree in theater. Ms. Bertrand is a member of the Lincoln Center Directors Lab and volunteers locally on the board of the Clothing Connection and on the Salem Public School's LGBTQ+ Action Committee.

I strongly recommend confirmation of Ms. Bertrand's appointment to the Public Art Commission. We are fortunate that she is willing to serve our community in this important role and lend her insights and expertise to the Commission and its work.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem





## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Brooke Nagle of 35 Washington Square #2 to the Beautification Committee for a three-year term to expire January 27, 2025.

Ms. Nagle is a downtown resident and marketing professional who is passionate about improving our public spaces. She has volunteered with a youth mentoring organization in the past and is eager to bring that same service to the work of the Beautification Committee. In addition to "on the ground" work for the committee, Ms. Nagle is particularly interested in helping boost the group's visibility more broadly in the community. She holds a Bachelor's degree in marketing from Champlain College and currently works as a Global Customer Advocacy Specialist for VMware in Boston.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", written in a cursive style.

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Richard Jagolta of 41 Chestnut Street to the Board of Assessors for a term of 3 years to expire February 1, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Mr. Jagolta for his continued dedicated service and commitment to our community.

Sincerely,

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

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Donna Clifford of 26 Gables Circle to the Council on Aging for a term of 3 years to expire February 1, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Clifford for her continued dedicated service and commitment to our community.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



**CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Beth Gerard of 49 Larchmont Road to the Cemetery Commission for a term of 3 years to expire February 1, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Gerard for her continued dedicated service and commitment to our community.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Patricia Donahue of 12 Dearborn Lane to the Cemetery Commission for a term of 3 years to expire February 1, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Donahue for her continued dedicated service and commitment to our community.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



# CITY OF SALEM

In City Council,

Ordered:

January 27, 2022

That the sum of Eighty Thousand, Ninety-Eight Dollars and Twenty Eight Cents (\$80,098.28) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2022 contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

Name	Department	Amount
David Adams	Salem Public Schools	\$ 24,071.08
Susan Hamlin	Salem Public Schools	\$ 36,888.80
Pamela Shorr	Salem Public Schools	\$ 19,138.40
		<b>\$ 80,098.28</b>



**CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

January 27, 2022

To the City Council  
City Hall  
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request for an appropriation of Eighty Thousand, Ninety-Eight Dollars and Twenty-Eight cents (\$80,098.28) appropriated within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146).

This transfer is necessary to fund the retirement buybacks for the following School employees:

<b>Name</b>	<b>Department</b>	<b>Amount</b>
David Adams	Salem Public Schools	\$24,071.08
Susan Hamlin	Salem Public Schools	\$36,888.80
Pamela Shorr	Salem Public Schools	\$19,138.40
TOTAL:		<u>\$80,098.28</u>

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll  
Mayor



KIMBERLEY L. DRISCOLL  
MAYOR

LISA B. CAMMARATA  
DIRECTOR OF HUMAN  
RESOURCES

## CITY OF SALEM MASSACHUSETTS

HUMAN RESOURCES  
98 WASHINGTON STREET, 3<sup>RD</sup> FLOOR  
SALEM, MASSACHUSETTS 01970  
TEL. 978-619-5630  
FAX 978-745-7298

### MEMORANDUM

TO: Anna Freedman, Director of Finance  
DATE: January 4, 2022  
RE: Retirement Stabilization Fund

\*\*\*\*\*

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is entitled to the following amount of sick leave and vacation buyback.

**David Adams**

90 sick days @ \$199.76 per day	\$17,978.40
30.5 vacation days @ \$199.76 per day	\$ 6,092.68
<b>Total:</b>	<b>\$24,071.08</b>

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

LBC



**CITY OF SALEM**  
**APPROVAL-SICK DAYS/VACATION BUY-BACK**

From: Department \_\_\_\_\_ School \_\_\_\_\_

Date 12/4/21

Authorized Signature: \_\_\_\_\_

Department Head/City or Business Manager/School

NAME: \_\_\_\_\_

DAVID ADAMS

**CALCULATION**

VACATION DAYS

# 30 1/2 @ \$ 199.76 = \$ 6,092.68 ✓

SICK DAYS

# 90 @ \$ 199.76 = \$ 17,978.40 ✓

PRO-RATED STIPENDS

# \_\_\_\_\_ @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

OTHER

# \_\_\_\_\_ @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

**Total Amount Due:**

\$ 24,071.08 ✓

Please attach corresponding PAF or other backup to this sheet.

**Reason:** \_\_\_\_\_

**For Human Resources's Use Only:**



VACATION DAYS



SICK DAYS



PER ACCRUAL REPORT



OTHER

**Org and Object:**

83H3

- 5146

**Recommendation:**



Approved

\_\_\_\_\_  
H R Director/City or Superintendent/Schools



# SALEM PUBLIC SCHOOLS

THIS FORM CANNOT BE PROCESSED UNLESS ALL SHADED AREAS AND PERTINENT INFORMATION IS SUPPLIED  
PERSONNEL ACTION/DATA FORM

PART A

DATE

12/6/21

NAME (LAST, FIRST, MIDDLE)

Adams, David

EMPLOYEE NO.

510045

JOB TITLE

Building Custodian

JOB CODE

5420

DEPARTMENT

School

SCHOOL

Salem High School

DEPT NO.

250

## CHECK ALL THAT APPLY

- 1. EMPLOYMENT ☐
- 2. WAGE SALARY ADJUST ☐
- 3. TRANSFER ☐
- 4. LEAVE OF ABSENCE ☐
- 5. ADDRESS/NAME CHANGE ☐
- 6. TERMINATION ☐
- 7. OTHER ☒

## 1. EMPLOYMENT

ADDRESS: STREET

CITY

STATE

ZIP

SOCIAL SECURITY NO.

NEW HIRE

REHIRE

RECALL

Salaried

Hourly

PERMANENT

Full Time ☐ 20 HRS+ ☐ Part Time ☐

4. TEMP

CIVIL SERVICE

DATE APPROVED

VETERAN

SHIFT

PAY RATE

PER

SHIFT PREM.

GRADE

STEP

PHONE #

DATE OF BIRTH

SEX

ETHNIC CODE

SCHEDULED HOURS

HOURLY RATE

# DEPENDENTS

MARITAL STATUS

REQUIRED LICENSE: TYPE(S)

CLASS

EXPIRATION DATE

## 2. WAGE/SALARY ADJUSTMENT (GIVE EXPLANATION IN SEC 8)

ANNIVERSARY DATE

DATE OF LAST INCREASE

PRESENT RATE PER

PROPOSED RATE PER

NEW HOURLY RATE

GRADE

STEP

EFFECTIVE DATE

## 3. TRANSFER JOB/SHIFT/DEPT (GIVE EXPLANATION IN SEC 8)

NEW DEPT & NO.

NEW JOB TITLE

NEW JOB CODE

RATE CHANGE?

NEW GRADE

NEW STEP

NEW PAY RATE PER

EFFECTIVE DATE

SHIFT CHANGE

FROM

TO

## 4. LEAVE OF ABSENCE (GIVE EXPLANATION IN SEC 8)

FROM

TO

DATE RETURNED

## 5. ADDRESS/NAME CHANGE

NEW ADDRESS: STREET

CITY

STATE

ZIP

NEW PHONE NO.

CORRECT NAME TO

## 6. TERMINATION (GIVE EXPLANATION IN SEC 8)

LAST DAY WORKED

DATE HIRED

RECOMMENDED FOR REEMPLOYMENT?

REASON

QUALITY OF WORK

ATTENDANCE

ATTITUDE

JOB KNOWLEDGE

## 7. EMERGENCY CONTACT

NAME

PHONE NO.

RELATIONSHIP

## 8. EXPLANATION OF ACTION (or other action)

Retirement 11-30-21  
Sick days 90 days @ 199.76 per day = \$17,978.40  
Vacation days 30.5 @ \$199.76 per day = \$6,092.68

DIRECTOR'S SIGNATURE

DATE

DIRECTOR OR PRINCIPAL'S SIGNATURE


DATE

ASST SUPERINTENDENT'S SIGNATURE

DATE

SUPERINTENDENT'S SIGNATURE

DATE



12/6/2021

BUSINESS MANAGER'S SIGNATURE

DATE



**KIMBERLEY L. DRISCOLL**  
**MAYOR**

**LISA B. CAMMARATA**  
**DIRECTOR OF HUMAN**  
**RESOURCES**

## **CITY OF SALEM MASSACHUSETTS**

**HUMAN RESOURCES**  
**98 WASHINGTON STREET, 3<sup>RD</sup> FLOOR**  
**SALEM, MASSACHUSETTS 01970**  
**TEL. 978-619-5630**  
**FAX 978-745-7298**

### **MEMORANDUM**

**TO:** Anna Freedman, Director of Finance  
**DATE:** January 4, 2022  
**RE:** Retirement Stabilization Fund

\*\*\*\*\*

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

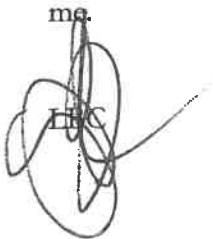
This former employee is entitled to the following amount of sick leave buyback.

**Susan Hamlin**

80 sick days @ \$461.11 per day	<b>\$36,888.80</b>
<b>Total:</b>	<b>\$36,888.80</b>

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact

ma.  
  
LBC

**CITY OF SALEM**  
**APPROVAL-SICK DAYS/VACATION BUY-BACK**

From: Department \_\_\_\_\_ School \_\_\_\_\_

Date 12/6/21

Authorized Signature: \_\_\_\_\_

Department Head/City or Business Manager/School

NAME: \_\_\_\_\_

Susan Hamlin

**CALCULATION**

VACATION DAYS

# \_\_\_\_\_ @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

SICK DAYS

# 80 @ \$ 461.11 = \$ 36,888.80 ✓

PRO-RATED STIPENDS

# \_\_\_\_\_ @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

OTHER

# \_\_\_\_\_ @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

**Total Amount Due:**

\$ 36,888.80

Please attach corresponding PAF or other backup to this sheet.

Reason: \_\_\_\_\_

Retirement

**For Human Resources's Use Only:**

☐

VACATION DAYS

☒

SICK DAYS

☐

PER ACCRUAL REPORT

☐

OTHER

Org and Object: \_\_\_\_\_

83113 - 5146

Recommendation: \_\_\_\_\_

☒

Approved

\_\_\_\_\_  
H R Director/City or Superintendent/Schools



# SALEM PUBLIC SCHOOLS

THIS FORM CANNOT BE PROCESSED UNLESS ALL SHADED AREAS AND PERTINENT INFORMATION IS SUPPLIED  
PERSONNEL ACTION/DATA FORM

PART A

DATE 12/6/2021

NAME (LAST, FIRST, MIDDLE) Hamlin, Susan		EMPLOYEE NO. 500534	<b>CHECK ALL THAT APPLY</b> 1. EMPLOYMENT <input type="checkbox"/> 2. WAGE SALARY ADJUST <input type="checkbox"/> 3. TRANSFER <input type="checkbox"/> 4. LEAVE OF ABSENCE <input type="checkbox"/> 5. ADDRESS/NAME CHANGE <input type="checkbox"/> 6. TERMINATION <input type="checkbox"/> 7. OTHER <input checked="" type="checkbox"/>
JOB TITLE Teacher		JOB CODE 5260	
DEPARTMENT School	SCHOOL Horace Mann	DEPT NO. 250	

## 1. EMPLOYMENT

ADDRESS: STREET		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NEW HIRE <input type="checkbox"/>	REHIRE <input type="checkbox"/>	RECALL <input type="checkbox"/>	Salaried <input type="checkbox"/> Hourly <input type="checkbox"/>	
PERMANENT Full Time <input type="checkbox"/> 20 HRS+ Part Time <input type="checkbox"/> Part Time <input type="checkbox"/>	4. TEMP <input type="checkbox"/>	CIVIL SERVICE <input type="checkbox"/>	DATE APPROVED	VETERAN <input type="checkbox"/>	SHIFT	PAY RATE	PER	SHIFT PREM.	GRADE	STEP
PHONE #	DATE OF BIRTH	SEX	ETHNIC CODE	SCHEDULED HOURS	HOURLY RATE	# DEPENDENTS	MARITAL STATUS			
REQUIRED LICENSE: TYPE(S)		CLASS				EXPIRATION DATE				

## 2. WAGE/SALARY ADJUSTMENT (GIVE EXPLANATION IN SEC 8)

ANNIVERSARY DATE	DATE OF LAST INCREASE	PRESENT RATE PER	PROPOSED RATE PER	NEW HOURLY RATE	GRADE	STEP	EFFECTIVE DATE
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## 3. TRANSFER JOB/SHIFT/DEPT (GIVE EXPLANATION IN SEC 8)

NEW DEPT & NO.	NEW JOB TITLE	NEW JOB CODE	RATE CHANGE?			
NEW GRADE	NEW STEP	NEW PAY RATE PER	EFFECTIVE DATE	SHIFT CHANGE	FROM	TO

## 4. LEAVE OF ABSENCE (GIVE EXPLANATION IN SEC 8)

FROM	TO	DATE RETURNED
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## 5. ADDRESS/NAME CHANGE

NEW ADDRESS: STREET	CITY	STATE	ZIP	NEW PHONE NO.	CORRECT NAME TO
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## 6. TERMINATION (GIVE EXPLANATION IN SEC 8)

LAST DAY WORKED	DATE HIRED	RECOMMENDED FOR REEMPLOYMENT?		
REASON	QUALITY OF WORK	ATTENDANCE	ATTITUDE	JOB KNOWLEDGE

## 7. EMERGENCY CONTACT

NAME	PHONE NO.	RELATIONSHIP
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## 8. EXPLANATION OF ACTION (or other action)

Retirement 1-14-21  
90 days severance pay @461.11 per day = \$36,888.80

DIRECTOR'S SIGNATURE

DATE

DIRECTOR OR PRINCIPAL'S SIGNATURE

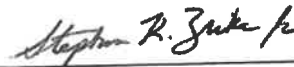
DATE

ASST SUPERINTENDENT'S SIGNATURE

DATE

SUPERINTENDENT'S SIGNATURE

DATE



12/6/2021

BUSINESS MANAGER'S SIGNATURE

DATE



**KIMBERLEY L. DRISCOLL**  
MAYOR

**LISA B. CAMMARATA**  
DIRECTOR OF HUMAN  
RESOURCES

## CITY OF SALEM MASSACHUSETTS

HUMAN RESOURCES  
98 WASHINGTON STREET, 3<sup>RD</sup> FLOOR  
SALEM, MASSACHUSETTS 01970  
TEL. 978-619-5630  
FAX 978-745-7298

### MEMORANDUM

**TO:** Anna Freedman, Director of Finance  
**DATE:** January 4, 2022  
**RE:** Retirement Stabilization Fund

\*\*\*\*\*

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is entitled to the following amount of sick leave and vacation buyback.

**Pamela Shorr**

40 sick days @ \$478.46 per day \$19,138.40

**Total: \$19,138.40**

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

  
LBC



**CITY OF SALEM**  
**APPROVAL-SICK DAYS/VACATION BUY-BACK**

From: Department \_\_\_\_\_ School \_\_\_\_\_

Date 12/6/21

Authorized Signature: \_\_\_\_\_

Department Head/City or Business Manager/School

NAME: \_\_\_\_\_

Pamela Shoel

**CALCULATION**

VACATION DAYS

# \_\_\_\_\_ @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

SICK DAYS

# 40 @ \$ 478.46 = \$ 19,138.40 ✓

PRO-RATED STIPENDS

# \_\_\_\_\_ @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

OTHER

# \_\_\_\_\_ @ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

**Total Amount Due:**

\$ 19,138.40

Please attach corresponding PAF or other backup to this sheet.

Reason: \_\_\_\_\_

Retirement

**For Human Resources's Use Only:**

☐

VACATION DAYS

☒

SICK DAYS

☐

PER ACCRUAL REPORT

☐

OTHER

Org and Object: \_\_\_\_\_

83113

- 5146

Recommendation: \_\_\_\_\_

☒

Approved

\_\_\_\_\_  
H R Director/City or Superintendent/Schools



# SALEM PUBLIC SCHOOLS

THIS FORM CANNOT BE PROCESSED UNLESS ALL SHADED AREAS AND PERTINENT INFORMATION IS SUPPLIED  
PERSONNEL ACTION/DATA FORM

PART A

DATE 12/6/2021

NAME (LAST, FIRST, MIDDLE) Shorr, Pamela		EMPLOYEE NO. 503556	<b>CHECK ALL THAT APPLY</b> 1. EMPLOYMENT <input type="checkbox"/> 2. WAGE SALARY ADJUST <input type="checkbox"/> 3. TRANSFER <input type="checkbox"/> 4. LEAVE OF ABSENCE <input type="checkbox"/> 5. ADDRESS/NAME CHANGE <input type="checkbox"/> 6. TERMINATION <input type="checkbox"/> 7. OTHER <input checked="" type="checkbox"/>
JOB TITLE Teacher		JOB CODE 5116	
DEPARTMENT School	SCHOOL Saltonstall	DEPT NO. 250	

## 1. EMPLOYMENT

ADDRESS: STREET		CITY	STATE	ZIP	SOCIAL SECURITY NO.	NEW HIRE <input type="checkbox"/>	REHIRE <input type="checkbox"/>	RECALL <input type="checkbox"/>	Salaried <input type="checkbox"/> Hourly <input type="checkbox"/>	
PERMANENT Full Time <input type="checkbox"/> 20 HRS+ Part Time <input type="checkbox"/> Part Time <input type="checkbox"/>	4. TEMP <input type="checkbox"/>	CIVIL SERVICE <input type="checkbox"/>	DATE APPROVED	VETERAN <input type="checkbox"/>	SHIFT	PAY RATE	PER	SHIFT PREM.	GRADE	STEP
PHONE #	DATE OF BIRTH	SEX	ETHNIC CODE	SCHEDULED HOURS	HOURLY RATE	# DEPENDENTS	MARITAL STATUS			
REQUIRED LICENSE: TYPE(S)		CLASS				EXPIRATION DATE				

## 2. WAGE/SALARY ADJUSTMENT (GIVE EXPLANATION IN SEC 8)

ANNIVERSARY DATE	DATE OF LAST INCREASE	PRESENT RATE PER	PROPOSED RATE PER	NEW HOURLY RATE	GRADE	STEP	EFFECTIVE DATE
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## 3. TRANSFER JOB/SHIFT/DEPT (GIVE EXPLANATION IN SEC 8)

NEW DEPT & NO.	NEW JOB TITLE	NEW JOB CODE	RATE CHANGE?			
NEW GRADE	NEW STEP	NEW PAY RATE PER	EFFECTIVE DATE	SHIFT CHANGE	FROM	TO

## 4. LEAVE OF ABSENCE (GIVE EXPLANATION IN SEC 8)

FROM	TO	DATE RETURNED
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## 5. ADDRESS/NAME CHANGE

NEW ADDRESS: STREET	CITY	STATE	ZIP	NEW PHONE NO.	CORRECT NAME TO
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## 6. TERMINATION (GIVE EXPLANATION IN SEC 8)

LAST DAY WORKED	DATE HIRED	RECOMMENDED FOR REEMPLOYMENT?		
REASON	QUALITY OF WORK	ATTENDANCE	ATTITUDE	JOB KNOWLEDGE

## 7. EMERGENCY CONTACT

NAME	PHONE NO.	RELATIONSHIP
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## 8. EXPLANATION OF ACTION (or other action)

Retirement 12-31-2021  
40days severance @\$478.46 = 19,138.40

DIRECTOR'S SIGNATURE

DATE

DIRECTOR OR PRINCIPAL'S SIGNATURE

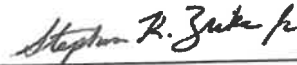
DATE

ASST SUPERINTENDENT'S SIGNATURE

DATE

SUPERINTENDENT'S SIGNATURE

DATE



12/6/2021

BUSINESS MANAGER'S SIGNATURE

DATE



# CITY OF SALEM

In City Council,

**Ordered:**

January 27, 2022

That the sum of Six Thousand, Eight-Hundred Thirty-Four Dollars and Twenty-Eight Cents (\$6,834.28) is hereby appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the retroactive wage adjustments for sick leave buyback, holidays, and SMV stipend to retired officers provision pursuant to the July 1, 2020 collective bargaining agreement with the Salem Police Patrolman's Association as needed in accordance with the recommendation of Her Honor the Mayor.



**CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

January 27, 2022

To the City Council  
City Hall  
Salem, Massachusetts

Ladies and Gentleman of the Council:

Enclosed herewith is a request to transfer Six Thousand, Eight Hundred Thirty-Four Dollars and Twenty-Eight Cents (\$6,834.28) appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave provision pursuant to the July 1, 2020, collective bargaining agreement with the Salem Police Patrolman's Association.

This transfer is necessary to fund retroactive wages for Salem Police Patrolman's Association recently negotiated contract being paid out to not only current officers, but also to retired officers.

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", written over the printed name.

Kimberley Driscoll  
Mayor

KD/jaw



**KIMBERLEY L. DRISCOLL**  
**MAYOR**

**LISA B. CAMMARATA**  
**DIRECTOR OF HUMAN**  
**RESOURCES**

## **CITY OF SALEM MASSACHUSETTS**

**HUMAN RESOURCES**  
**98 WASHINGTON STREET, 3<sup>RD</sup> FLOOR**  
**SALEM, MASSACHUSETTS 01970**  
**TEL. 978-619-5630**  
**FAX 978-745-7298**

### **MEMORANDUM**

**TO: ANNA FREEDMAN**

**FROM: LISA CAMMARATA**

**RE: RETRO FOR RETIREES FY 22**

The Salem Police Patrolman's Association recently settled the unit's contract with the City of Salem, resulting in retroactive wages being paid out to not only current officers, but also to retired officers. When those officers retired, they were entitled to compensation based on certain contractual sections such as sick leave buyback, holidays, and the SMV stipend. Said compensation paid out to those retirees was paid at the rate of pay prior to the contract's settlement.

Attached is a spreadsheet outlining the affected retirees and the respective amounts in the aforementioned benefits owed to them.

The total amount is \$6,834.28, as outlined in the attached spreadsheet from the Chief of Police.

In accordance with the July 2008 policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in Munis and issue payments to these former employees upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

Handwritten signature in blue ink, with the initials "ABC" written above it. Below the signature, the date "1/6/2022" is written in blue ink.

**CITY OF SALEM**  
**APPROVAL - SICKDAYS/VACATION BUY-BACK**  
**(RETRO FOR RETIREES FY22)**

Officer	Retirement Date	Vacation Hours	Rate Paid (at time of retirement)	New Rate (with new contract increase)	Retro Owed	Sick Hours	Rate Paid (at time of retirement)	New Rate (with new contract increase)	Retro Owed	Straight Holiday Rate	New Straight Holiday Rate (with new contract increase)	Number of holidays	Retro Owed	Holiday x 1.5 Rate	New Holiday x 1.5 Rate (with new contract increase)	Number of holidays	Retro Owed	Total Retro
Jonathan Bedard	7/29/2021	4/4	\$40.73	\$42.16	\$606.92	720	\$40.73	\$42.16	\$1,029.60	\$331.65	\$343.05	2	\$22.80	\$497.48	\$514.58	10	\$171.00	\$1,829.72
Frederick Dubiel	7/13/2021	279	\$33.99	\$35.19	\$394.80	0	\$33.99	\$35.19	\$0.00	\$277.72	\$287.30	2	\$19.16	\$416.57	\$430.95	10	\$145.80	\$497.76
James Johnson	7/15/2021	264	\$33.16	\$34.35	\$314.16	720	\$33.16	\$34.35	\$585.80	\$271.05	\$280.55	2	\$19.00	\$406.58	\$420.82	10	\$142.40	\$1,852.36
Michael Levesque	7/17/2021	284	\$33.42	\$34.61	\$337.95	720	\$33.42	\$34.61	\$585.80	\$273.15	\$282.65	2	\$19.00	\$409.72	\$423.97	10	\$142.50	\$1,356.56
Edward Vaillancourt	7/17/2021	416	\$40.10	\$41.53	\$594.88	720	\$40.10	\$41.53	\$1,029.60	\$326.62	\$338.02	2	\$22.80	\$489.94	\$507.03	10	\$170.90	\$1,818.18
<b>Totals</b>					<b>\$71,188.12</b>				<b>\$3,772.80</b>				<b>\$102.76</b>				<b>\$770.60</b>	<b>\$6,834.28</b>

From: Department: 2110 Police

Authorized Signature:

Chief of Police, Lucas J. Miller

Date:

11/16/21

For Human Resources Use Only:

☒ VACATION HOURS

☒ SICK HOURS

☐ PER ACCRUAL REPORT

☐ OTHER

Org & Object:

Recommendation:

☐ APPROVED

HR Director/City or Superintendent/Schools



# CITY OF SALEM

In City Council,

Ordered:

January 27, 2022

Per MGL Chapter 44 Section 64 which allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriations by two-thirds vote of the City Council we request the sum of Five Hundred Ninety Dollars (\$590.00) of outstanding Fiscal Year 2021 invoices is hereby allowed to be paid from the Fiscal Year 2022 Electrical Department budget as listed below in accordance with the recommendation of Her Honor the Mayor.

Department	Vendor	Amount
Building	Boston Board Up LLC	\$ 590.00
Total		\$ 590.00





**CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

January 27, 2022

To the City Council  
City Hall  
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request to transfer Five Hundred Ninety Dollars (\$590.00) of outstanding Fiscal Year 2021 invoices to be paid from the Fiscal Year 2022 Electrical Department budget.

Department	Vendor	Amount
Building	Boston Board Up LLC	\$590.00
Total:		\$590.00

This order is necessary to cover the costs to pay for invoices from prior Fiscal Year. MGL Chapter 44 Section 64 allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriation by a two-thirds vote of the City Council.

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll  
Mayor



KIMBERLEY DRISCOLL  
MAYOR

## CITY OF SALEM, MASSACHUSETTS

BUILDING DEPARTMENT  
98 WASHINGTON STREET, 2<sup>ND</sup> FLOOR  
TEL. (978) 745-9595

THOMAS ST. PIERRE  
DIRECTOR OF PUBLIC PROPERTY/BUILDING COMMISSIONER

January 11, 2022

Mayor Kimberley Driscoll  
93 Washington Street  
Salem, Ma. 01970

Dear Mayor Driscoll,

I am requesting funds from FY2022 to be used to pay an invoice we received December 21, 2021 from Boston Board Up LLC from money available in the Building Department's Clean It/Lien It (12412-5713C) account as this building is abandoned.

Attached is a copy of the invoice dated December 29, 2020 and the completed transfer fund form.

Thank you for your attention in this matter.

Sincerely,

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

Thomas St. Pierre  
Director of Inspectional Services

Enclosures

**Boston Board Up LLC**

11 Adam Road, Unit #9

Stoneham, MA 02180 US

+1 8009499113

info@bostonboardupservices.com

http://www.boardupboston.com



# INVOICE

**BILL TO**City of Salem  
93 Washington St  
Salem, MA 01970 USA**SHIP TO**39 Salem St City of Salem  
Thomas St Pierre  
39 Salem Street  
Salem, MA 01970 USA**INVOICE # 11055****DATE 12/29/2020****DUE DATE 12/29/2020****TERMS Due on receipt****SHIP DATE**

12/29/2020

**TRACKING NO.**

20-0363-TMP

**JOB LOCATION**

39 Salem Street Salem

**DESCRIPTION****QTY RATE AMOUNT**Board up truck that transports tools and materials to a typical board up call with a  
Technician

2 185.00 370.00

Padlock and Hasp

2 110.00 220.00

Thank you for your Business

**BALANCE DUE****\$590.00**

Vendor #:	36889
Approp #:	12412-5713C
PO #:	
Approved By:	

DEC 21 PM1:36  
DEC

TAX ID # 81-1496874

It's not just about business, it's about the people!  
#herewhenyouneedus #theclearchoice



# CITY OF SALEM

**In City Council,**

**January 27, 2022**

**Ordered:**

To accept the donation of a gift card from Home Depot in the amount of One Thousand Dollars (\$1,000.00) for community engagement activities. These funds and the resulting expenditures will be accounted for in the Police Donation Account - Fund (2411) account in accordance with the recommendation of Her Honor the Mayor.



**CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Enclosed herewith is a request to accept the following donation of a gift card from Home Depot in the amount of One Thousand (\$1,000.00) for community engagement activities. These funds and the resulting expenditures will be accounted for in the Police Donation Account – Fund (2411) account.

In order to accept the donation approval must be given by both the Mayor and City Council. I ask that the members of the City Council join with me in accepting these funds to be used towards the Salem Police Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the typed name.

Kimberley Driscoll  
Mayor



# City of Salem, Massachusetts

## Police Department Headquarters

CHIEF OF POLICE  
LUCAS J. MILLER

95 Margin Street  
Salem, Massachusetts 01970  
(978) 744-2204

10 January 2022

Mayor Kimberley Driscoll  
City Hall  
93 Washington Street  
Salem, Massachusetts 01970

Dear Mayor Driscoll,

The Home Depot store, located at 50 Traders Way, Salem, has donated a \$1,000.00 American Express gift card to the Department as part of "*Operation Surprise*", a corporate-sponsored community engagement and recognition event.

As you are aware, officers routinely come into contact with individuals and families who have immediate or emergency financial needs. This \$1,000.00 donation will be utilized to assist individuals in need and to help support Departmental community-engagement activities. We have internal protocols and procedures in place to account for the disbursement of funds received from "*Operation Surprise*".

I have personally thanked the staff of Salem's Home Depot store and recognized their donation on the Department's Facebook page. Given the significance of the donation and its intended purpose, I would like to make you, and the City Council, aware of this generosity.

Sincerely,

Lucas J. Miller  
Chief of Police

cc: City Finance Director (RE: 24111-4830) ✓  
SPD Executive Officer  
Chief's Secretary

# City of Salem

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*In the year Two Thousand and Twenty-Two*

**An Ordinance** to increase protections for wetlands in the City of Salem.

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

A NEW ORDINANCE TO REPLACE THE EXISTING ORDINANCE, CHAPTER 50  
WETLANDS PROTECTION AND CONSERVATION

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

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

**“Chapter 50 WETLANDS PROTECTION AND CONSERVATION\***

**Sec. 50-1. Introduction.**

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

**Sec. 50-2. Purpose.**

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

- ☐ public or private water supply
- ☐ ground water supply
- ☐ flood control

- ☐ storm damage prevention
- ☐ prevention of pollution
- ☐ protection of land containing shellfish
- ☐ protection of fisheries
- ☐ protection of wildlife habitat
- ☐ \*climate change adaptation and mitigation,

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

### **Sec. 50-3. Jurisdiction.**

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

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

### **Sec. 50-4. Exceptions.**

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

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

Maintenance (but no further alteration, expansion, or change in character or use) of pre-existing lawfully located uses and structures that were in place on or before the promulgation of the Ordinance are permitted without application for a permit to the Conservation Commission,



provided that notice of such activities is sent via certified mail a minimum of 30 days prior to commencement of work.

#### **Sec. 50-5. Definitions.**

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

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

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

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

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

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

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

**Freshwater Wetland** is an area where soils are saturated and/or inundated such that they support wetland indicator plants. The ground water and surface water hydrological regime, soils, and the vegetational community which occur in a freshwater wetland, are defined under this Ordinance based on the definition of "Bordering Vegetated Wetland" at 310 CMR 10.00. The term freshwater wetland shall include isolated vegetated wetlands which are at least 750 square feet in size as defined herein.

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

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

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

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

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

**Stream** means a body of running water that moves in a definite channel in the ground due to a hydraulic gradient. Such a waterway is a stream regardless of its relationship to other resource areas. Streams do not include manmade channels unless such channels represent channelization or redirection of historically naturally occurring streams, or were created for the purpose of functioning as a stream (such as may be done for ecological projects, or replication/mitigation).

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

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

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

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

#### **Sec. 50-6. Conservation Commission Filing.**

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

Applicability as described in M.G.L.A. c. 131, § 40 and the implementing regulations at 310 CMR 10.00. The Conservation Commission may establish a filing fee schedule for such applications.

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

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

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

#### **Sec. 50-8. Buffer Zone and Setbacks**

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

Adverse impacts to wetland resource areas from construction and use within their related buffer zone can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, loss of trees and other vegetation, and degradation of wildlife habitat. Therefore, this Ordinance gives the Commission broad discretion to permit, condition, and prohibit work within the buffer zone as the specific situation warrants.

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

- **25-foot No Disturbance Zone** – the first 25-feet within the buffer zone extending from an applicable resource area in which virtually no activities or work, other than passive passage, stormwater outfall components, and utilities, are permitted. No vegetation may be disturbed, leaf litter and woody debris remains in place, etc. The No Disturbance Zone shall remain unchanged

from its pre-development project state when considering both the construction period **and** the long-term use of the project site. The land use restrictions within the No Disturbance **Zone** are to be further tabulated in the implementing regulations.

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

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

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

1. **Values and Functions of the Resource Area.** The quantity and quality of resource values and functions should be considered explicitly in placing conditions on buffer **zone** work.
2. **Pre-Project Characteristics of the Site.** Ground slope, soil conditions, vegetation, and prior disturbance are some of the site-specific characteristics that shall be considered in **setting** conditions for work in the buffer zone.
3. **The nature of the activities proposed and their potential likelihood of impacting the Ordinance values.**
4. **The Project's implementation of climate change adaptation measures.**

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

The Applicant shall carry the burden of proof for demonstrating to the Commission's satisfaction that the proposed work or activities in the buffer zone are necessary, and that reasonable alternatives do not exist. Said demonstration may take the form of a written narrative or report with accompanying exhibits as appropriate.

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

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

1. Redevelopment of sites that contain previously disturbed or degraded areas regardless of whether such areas are within the relevant setback, so long as work results in an overall improvement to the applicable setback in terms of the ability of the associated resource area to protect the values of this Ordinance.



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

The setback requirements shall not apply to:

1. Projects requiring Chapter 91 Licenses pursuant to the water-dependent use provisions, repairs of existing Chapter 91 Licensed structures, or other coastal engineering structures deemed by the Conservation Commission to be necessary to protect the interests of the WPA and this Ordinance.
2. Projects involving the maintenance and repair, but not expansion of or change in character or use of, existing and lawfully located buildings and structures, including roads, culverts, utilities, septic systems, or storm water drainage structures.
3. Remediation activities performed under the Massachusetts Contingency Plan, provided that the activities comply with all other applicable state and local regulations.

#### **Sec. 50-9. Climate Change Resiliency.**

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

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

more intense due to climate change, in surface runoff of pollutants, and in wildlife habitat due to changes in temperature.

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

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

### **Sea Level Rise Considerations**

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

Development activities carried out within the transitional areas of coastal floodplains will be subject to increased storm damage and may interfere with the natural landward migration of the adjacent coastal resource areas. Therefore, the Salem Conservation Commission may adopt, through implementing regulations, performance standards for coastal resource areas with respect to Sea Level Rise.

### **Sec. 50-10. Waiver Criteria.**

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

1. The proposed land-use activity(ies) conforms with the goals and statutory interests of the Ordinance and regulations adopted thereunder, and the activity(ies), including proposed mitigation measures, will have an insignificant impact on the values protected by this Ordinance;
2. The relief requested by the project proponent is the minimum waiver necessary to achieve the project goals and to allow for reasonable use of the property;
3. The requested waiver is not the result of any prior action of the project proponent or any predecessor in title (i.e., the Applicant must document that the waiver is not the result of a self-created or self-imposed hardship);

4. The granting of the waiver will not hinder the ability of wetland resource areas or buffer zones to provide climate mitigation or protect the adjacent landscape from storm surge as anticipated based on best available information;

5. Where applicable, work within required setbacks noted herein shall not result in adverse impacts to the resource area values. Project proponents shall provide clear documentation to the Conservation Commission as to the means and methods for avoiding construction-phase impacts and impacts from the future existence of the project within setbacks; and

6. The Applicant shall demonstrate that all other feasible project alternatives to avoid or minimize impacts have been exhausted, including seeking relief from municipal zoning provisions as applicable.

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

#### **Sec. 50-11. Severability.**

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

#### **Sec. 50-12. Relationship to State Statute.**

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

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

#### **Sec. 50-13. Promulgation of Regulations.**

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

#### **Sec. 50-14. Burden of Proof.**

The Applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application for the permit required by this chapter will not harm the interests protected by this chapter. Failure to provide adequate evidence to the Conservation



Commission supporting a determination that the proposed work will not harm the values protected by this chapter shall be sufficient cause for the Conservation Commission to deny a permit or to grant a permit with conditions or, in the Conservation Commission's discretion, to continue the hearing to another date to enable the Applicant or others to present additional evidence.

#### **Sec. 50-15. Security.**

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

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

#### **Sec. 50-16. Appeal.**

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

#### **Sec. 50-17. Enforcement.**

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

#### **Sec. 50-18. Effective Date.**

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

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





## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to present for your consideration the amended Wetlands Protection and Conservation Ordinance. The Ordinance is the result of careful and thoughtful work over the past year, managed by our Department of Planning and Community Development. The department led a robust public outreach process, convened a Working Group of advocates and interested parties, and worked with an outside expert to develop an Ordinance specifically reflective of Salem's challenges, opportunities, and community character.

The proposed Ordinance and its implementing regulations define setbacks, protect additional resource areas, and, for the first time, give the Conservation Commission legal authority to consider climate change impacts and mitigation in its project review. The proposed Ordinance empowers the Commission with new tools to be even more proactive and effective stewards of Salem's wetlands, while providing applicants with a clear and consistent permitting process. With the passage of this Ordinance, Salem will become just the fourth municipality in Massachusetts to intentionally address climate change impacts in its wetlands ordinances.

The proposed Ordinance also adds a clear purpose and set of definitions to our Code. In addition to administrative and organizational changes, the following table summarizes key policy changes of significance, which exceed the minimum requirements of the state's Wetlands Protection Act:

	<b>Existing</b>	<b>Proposed</b>
No-build zone	None	25'
Mitigation zone	None	50'
Isolated vegetated wetland (IVW) protections	None	Yes
Vernal pool protection	Limited	Yes
Climate change considered in project review	No	Yes

I am especially pleased that through a series of public forums, online survey, and an interactive project webpage, this initiative has given more Salem residents the knowledge to not only offer informed comments on the draft Ordinance, but to be active and constructive participants the Conservation Commission's public meetings going forward.

The draft amendment is accompanied by a proposed revision of Chapter 1, Section 10 ("Noncriminal disposition of ordinance violations"), to affirm the City's authority to enforce the amended Wetlands Ordinance through the issuance of noncriminal fines. We have also enclosed a red-line version of the Wetlands Ordinance and the current working draft of the accompanying Conservation Commission regulations regarding this measure.

I would like to especially recognize and thank Councillor Patti Morsillo, the members of the Working Group, and the City staff who devoted so much time and thoughtful attention to the creation of these measure. I look forward to discussing this important conservation and climate change measure with you when it is referred to committee and I invite you to contact Tom Daniel, Director of Planning and Community Development, if you have any questions regarding this measure in advance of that meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll". The signature is fluid and cursive, with the first name "Kim" and last name "Driscoll" clearly distinguishable.

Kimberley Driscoll  
Mayor  
City of Salem

## City of Salem

In the year Two Thousand and Twenty-Two

An Ordinance to increase protections for wetlands in the City of Salem.

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

### A NEW ORDINANCE TO REPLACE THE EXISTING ORDINANCE, CHAPTER 50 WETLANDS PROTECTION AND CONSERVATION

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

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

### “Chapter 50 WETLANDS PROTECTION AND CONSERVATION\*"

#### Sec. 50-1. Introduction.

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

#### Sec. 50-2. Purpose.

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

- ☐ public or private water supply
- ☐ ground water supply
- ☐ flood control

- ☐ storm damage prevention
- ☐ prevention of pollution
- ☐ protection of land containing shellfish
- ☐ protection of fisheries
- ☐ protection of wildlife habitat
- ☐ \*climate change adaptation and mitigation,

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

### **Sec. 50-3. Jurisdiction.**

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

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

### **Sec. 50-4. Exceptions.**

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

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

Maintenance (but no further alteration, expansion, or change in character or use) of pre-existing lawfully located uses and structures that were in place on or before the promulgation of the



Ordinance are permitted without application for a permit to the Conservation Commission, provided that notice of such activities is sent via certified mail a minimum of 30 days prior to commencement of work.

#### **Sec. 50-5. Definitions.**

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

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

**Alter** includes, without limitation, the following actions when undertaken in areas subject to this chapter: (1) Removal, placement, excavation or dredging of soil, sand, gravel, or aggregate material of any kind. (2) Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention characteristics. (3) Drainage or other disturbance of the water level or water table. (4) Dumping, discharging or filling with any material ~~which may degrade water quality.~~

~~.(5) Driving of piles, erection of buildings or structures of any kind. (6) Placing of obstructions, whether or not they interfere with the flow of water. (7) Destruction of plant life, including cutting of trees.~~

~~, but excluding maintenance of landscape areas (provided that no unauthorized expansion of landscaping occurs) that were in place as of the original Ordinance adoption (DATE).~~ (8) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

~~Applicant, bog, coastal wetlands, freshwater wetlands, swamps, wet meadows, and marshes shall have the meanings defined in M.G.L.A. c. 131, § 40.~~

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

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

**Climate Change Impacts** include without limitation: extreme heat; the timing, frequency, intensity, and amount of precipitation, storm surges, and rising water levels; increased intensity

or frequency of storm events or extreme weather events; and frequency, intensity, and duration of droughts.

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

**Freshwater Wetland** is an area where soils are saturated and/or inundated such that they support wetland indicator plants. The ground water and surface water hydrological regime, soils, and the vegetational community which occur in a freshwater wetland, are defined under this Ordinance based on the definition of “Bordering Vegetated Wetland” at 310 CMR 10.00. The term freshwater wetland shall include isolated vegetated wetlands which are at least 750 square feet in size as defined herein.

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

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

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

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

~~(b) — The conservation commission may adopt additional definitions consistent with this section in its regulations promulgated pursuant to section 50-8.~~

~~(Code 1973, § 34-1)~~

~~Cross-reference(s) — Definitions generally, § 1-2.~~

**Previously Disturbed or Degraded** means areas which previously or currently lawfully contain(ed) impervious areas such as buildings, roadways, parking lots, or that were graded or



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

**Stream** means a body of running water that moves in a definite channel in the ground due to a hydraulic gradient. Such a waterway is a stream regardless of its relationship to other resource areas. Streams do not include manmade channels unless such channels represent channelization or redirection of historically naturally occurring streams, or were created for the purpose of functioning as a stream (such as may be done for ecological projects, or replication/mitigation).

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

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

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

basis, include some areas of human disturbance to be considered wildlife habitat if the subject area is demonstrated to be such by a competent source.

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

#### **Sec. 50-6. Conservation Commission Filing.**

##### **Sec. 50-2. Prohibited activities; determination of applicability.**

No person shall remove, fill, dredge, alter or build upon ~~or within 100 feet of any brook, stream, river, pond, lake, estuary or bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, wet meadow or swamp or upon any land under such waters or any land subject to tidal action, wet meadow or swamp or upon any land under such waters or any land subject to tidal action, coastal storm flowage, flooding or inundation or within 100 feet of the 100-year floodline, other than in the course of maintaining, repairing, or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, over, or within areas subject to the Conservation Commission's jurisdiction~~ without filing a written application for a permit ~~so to remove, fill, dredge, alter, or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this chapter. Such application may must~~ be identical in form to a notice of intention filed pursuant to Notice of Intent or Request for Determination of Applicability as described in M.G.L.A. c. 131, § 40, shall be sent by certified mail to the conservation commission, shall be accompanied by and the implementing regulations at 310 CMR 10.00. The Conservation Commission may establish a filing fee of \$25.00 payable to the city and may be filed before other permits, variances and approvals required by the zoning ordinance, the Subdivision Control Law or any other ordinance or regulation have been obtained, provided that a complete application has been filed for each such permit, variance or approval. Upon written request of any person, the conservation commission shall, within 21 days of its receipt, make a written determination as to whether this chapter is applicable to any land or work thereon. When the person requesting a determination is other than the owner, notice of the determinations shall be sent to the owner as well as to the requesting persons schedule for such applications.

{Code 1973, § 34-2}

#### **Notwithstanding the above, activities located solely** ~~**Sec. 50-3. Hearing on permit application; access to property.**~~

(a) ~~The conservation commission shall hold a public hearing on the application for the permit required in section 50-2~~ within the 100-foot Buffer Zone to inland or coastal land subject to flooding or inundation may be reviewed by the Conservation Agent to determine whether a filing is required. In such cases, the Conservation Agent's administrative determination as to whether or not to require a filing shall be based upon a review of whether the project location is



so topographically separated from the flood zone that the Ordinance values do not apply and that the proposed work qualifies as a minor activity as enumerated in 310 CMR 10.02(2)(b) 2.

**Sec. 50-7.21 days of its receipt. Hearing on Permit Application; Access to Property.** Notice of the time and place of the hearing shall be given by the conservation commission, at the expense of the applicant provided by the Applicant, using a legal notice document to be provided by the Conservation Office, not less than five days prior to the hearing, by publication in a newspaper of general circulation in the city and by mailing a notice to the applicant, the board of health, the city council, the city engineer, the planning board, City. The Conservation Office may establish submission requirements, including required notifications to other City Departments, for example. The applicant shall provide notice to all abutters, and to such other persons as the conservation commission may by regulation determine, in the same form as detailed in M.G.L.A. c. 131, § 40 and the implementing regulations at 310 CMR 10.00. Notwithstanding the foregoing, abutter notification is not required for Request for Determination of Applicability filings.

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

(Code 1973, § 34-3)

#### **Sec. 50-4. Issuance of 8. Buffer Zone and Setbacks**

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

Adverse impacts to wetland resource areas from construction and use within their related buffer zone can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, loss of trees and other vegetation, and degradation of wildlife habitat. Therefore, this Ordinance gives the Commission broad discretion to permit, condition, and prohibit work within the buffer zone as the specific situation warrants.

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

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

long-term use of the project site. The land use restrictions within the No Disturbance Zone are to be further tabulated in the implementing regulations.

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

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

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

If, after the public hearing as provided in section 50-3, the conservation commission determines that the area which is the subject of the application is significant to the public or private water supply, to the groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, or to the protection of fisheries (collectively referred to as the "interests protected by this chapter"), the conservation commission shall, within 21 days of such hearing, issue or deny a permit for the work requested. If it issues a permit after making such determination, the conservation commission shall impose such conditions as it determines are necessary or desirable for protection of those interests, and all work shall be done in accordance with those conditions. If the conservation commission determines that the area which is the subject of the application is not significant to the interests protected by this chapter or that the proposed activity does not require the imposition of conditions it shall issue a permit without conditions within 21 days of the public hearing. (Code 1973, § 34-4)

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

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

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

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

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

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



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

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

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

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

The setback requirements shall not apply to:

1. Projects requiring Chapter 91 Licenses pursuant to the water-dependent use provisions, repairs of existing Chapter 91 Licensed structures, or other coastal engineering structures deemed by the Conservation Commission to be necessary to protect the interests of the WPA and this Ordinance.
2. Projects involving the maintenance and repair, but not expansion of or change in character or use of, existing and lawfully located buildings and structures, including roads, culverts, utilities, septic systems, or storm water drainage structures.
3. Remediation activities performed under the Massachusetts Contingency Plan, provided that the activities comply with all other applicable state and local regulations.

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## **Sec. 50-9. Climate Change Resiliency.**

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

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

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

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

## **Sea Level Rise Considerations**

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

Development activities carried out within the transitional areas of coastal floodplains will be subject to increased storm damage and may interfere with the natural landward migration of the adjacent coastal resource areas. Therefore, the Salem Conservation Commission may adopt, through implementing regulations, performance standards for coastal resource areas with respect to Sea Level Rise.

## **Sec. 50-10. Waiver Criteria.**



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

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

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

#### **Sec. 50-11. Severability.**

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

#### **Sec. 50-12. ~~Sec. 50-5.~~Relationship to state statute.** **State Statute.**

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

(Code 1973, § 34-5)

**~~Sec. 50-6. Emergency projects.~~**

~~This chapter shall not apply to any emergency project as defined in M.G.L.A. c. 131, § 40.~~

~~{Code 1973, § 34-6}~~

**~~Sec. 50-7. Restoration of land in violation.~~**

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

~~{Code 1973, § 34-7}~~

**Sec. 50-8-13. Promulgation of ~~regulations~~ Regulations.**

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

~~{Code 1973, § 34-8}~~

**Sec. 50-9-14. Burden of ~~proof~~ Proof.**

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

~~{Code 1973, § 34-9}~~

**Sec. 50-10-15. Security.**

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



(1): A bond or deposit of money or negotiable securities in an amount determined by the ~~conservation commission~~ Conservation Commission to be sufficient and payable to the ~~conservation commission~~ Conservation Commission upon default.

(2): A conservation restriction, easement or other covenant running with the land, executed and properly recorded or registered, in the case of registered land, with the Essex South District of Registry of Deeds.

~~{Code 1973, § 34-10}~~

#### **Sec. 50-11. 16. Appeal.**

~~(a) — The applicant, an owner of land abutting the land upon which the proposed activity is to be done, any ten residents of the city or any other person aggrieved by a determination of the conservation commission to deny or issue a permit pursuant to this chapter, with or without conditions, may appeal the determination to the city council by filing a notice of appeal within ten days of issuance or denial of the permit.~~

~~(b) — A notice of appeal shall be deemed filed when sent, by certified mail, return receipt requested, to the city council. A copy of the notice shall be sent by the appellant by certified mail, return receipt requested, to the applicant if not the appellant, to the conservation commission, and to all other parties at the conservation commission hearing.~~

~~(c) — Within 60 days following such filing, the city council shall review the conservation commission's determination and shall either affirm the action of the conservation commission or remand the application to the conservation commission for further proceedings. Review by the city council shall be limited to consideration of whether the conservation commission's action was arbitrary, capricious, in excess of its authority under this chapter or unsupported by evidence.~~

~~{Code 1973, § 34-11}~~

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

**Sec. 50-12-17. Enforcement.**

Any person who violates any section of this chapter or any condition of a permit issued pursuant to this chapter shall be punished by ~~a fine of not more than \$200.00; fines as provided in Section 1-10 (c) – Noncriminal disposition of ordinance violations..~~ Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. ~~This chapter may be enforced by a police officer or other officer having police powers.~~ Upon request of the ~~conservation commission~~ Conservation Commission or of the ~~city council~~ City Council, the ~~mayer~~ Mayor, and ~~city solicitor~~ City Solicitor shall take such legal action as may be necessary to enforce this chapter and permits issued pursuant to this chapter.

~~{Code 1973, § 34-12}~~

**Sec. 50-18. Effective Date.**

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

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

## **Draft Regulation Components – Salem Wetlands Protection Update**

### **1. Authority**

The Salem Wetland Protection Regulations are promulgated pursuant to the Salem Wetlands Protection Ordinance (Chapter 50 of Code of Ordinances, the “Ordinance”).

### **2. Definitions**

The definitions in Section 2.00 of these regulations are for terms as used in the Ordinance and for terms as used in these regulations. To the extent not defined herein or in the Ordinance, words used in these regulations shall have the definitions contained in the Massachusetts Wetlands Protection Act (M.G.L.A. Chapter 131, Section 40) and the rules and regulations promulgated there under (310 CMR 10.00)

**[Add additional definitions not established by the Ordinance]**

### **3. General Provisions and Procedures**

**[Placeholder for Administrative Processes if needed]**

### **4. Public Hearings**

The Conservation Commission shall commence a public hearing for a permit application within 21 days of receipt and acceptance of a completed application (as determined by the Commission staff), unless a waiver of the timeframe has been granted by the Applicant. Notice of time, date and place of hearing shall be given by the Commission as described in the Salem Wetlands Protection Ordinance. All application and advertising fees must be paid in full prior to the opening of a public hearing. Failure to pay these fees constitutes an incomplete application and may result in a denial of the application or delay to the start of the public hearing.

The Conservation Commission’s review and deliberation on a Request for Determination of Applicability (RDA) under the Ordinance or Regulations shall not be considered a public hearing.

### **5. Abutter Notification Process**

Public hearing notification to abutters at the expense of the Applicant is required under the Massachusetts Wetlands Protection Act and the Salem Wetlands Protection Ordinance. The time, date and place of the public hearing for a Notice of Intent (NOI), Abbreviated Notice of Intent (ANOI), or Abbreviated Notice of Resource Area Delineation (ANRAD) application, must be provided to all abutters within 100 feet of the land on which the proposed work is to be done and across bodies of water. If abutters within 100 feet are located in an adjacent municipality, they must also be notified. Abutter notification shall be undertaken in accordance with 310 CMR 10.05(4)(a) regardless of whether an area is subject to jurisdiction pursuant to the MA Wetlands Protection Act and implementing Regulations at 310 CMR 10.00 and/or subject to jurisdiction pursuant to the Ordinance. No abutter notification is required for an RDA.

## 6. Buffer Zone Standards

A resource area Buffer Zone is an area subject to protection under the Ordinance and is land extending 100 feet horizontally outward from the boundary of all the resource areas subject to protection under the Ordinance (excluding Riverfront Area, Land Under Waters, Land Containing Shellfish, Fish Runs, Land Subject to Tidal Action, and Designated Port Areas). The Buffer Zone is not itself a resource area.

### A. Presumptions of Significance; Findings

1. A Buffer Zone to a wetland resource area is significant to the protection of the resource area values of the Ordinance and serves to protect, maintain, as well as enhance the function of the adjoining resource area. The Commission may require specific No Disturbance Zones, or Mitigation Zones starting at the delineated edge of wetland resource areas in order to adequately protect the resource area values under the Ordinance.

The Commission will employ heightened scrutiny for activities proposed within the setbacks described below, including use of peer review consultants to provide expert technical input as needed.

- i. The 25-foot No Disturbance Zone is as established in Section 50-8 of the Ordinance. The intent of the 25-foot No Disturbance Zone is that no alterations, other than activities that improve the character of this Zone with regard to its contribution to the associated resource area's ability to maintain the Ordinance values, shall be allowed other than as may be described in the Ordinance or elsewhere herein. Prohibited alterations within No Disturbance Zones include, but are not limited to, clearing or cutting of vegetation, landscaping, grading, filling, excavating, constructing driveways, roads, septic systems, stormwater management systems and structures. Notwithstanding the foregoing, as specified in the Ordinance, passive passage, stormwater outfall components, and utilities may be allowed within the 25-foot No Disturbance Zone if no other practicable alternative exists.
- ii. The 50-foot Mitigation Zone is as established in Section 50-8 of the Ordinance. The Mitigation Zone overlaps with the 25-foot No Disturbance Zone such that even if disturbance is allowed between 0' to 25' through an exemption or waiver, the requirements of the Mitigation Zone still apply. This Mitigation Zone shall also encompass wetland resource areas defined under the Ordinance (Section 50-5).

The intent of the Mitigation Zone is that disturbance is prohibited without adequate mitigation provided as determined by the Conservation Commission. Such mitigation may be located on or off the site of the proposed work, as long as located in areas subject to Salem Conservation Commission jurisdiction.

Mitigation may take the form of public walking paths, tree plantings, other native plantings, select adaptive plantings for climate change planning, creation of additional wetland areas, invasive species management, improved stormwater controls, elevation of structure above heights required by other statute/building code, conservation restrictions, or funding, for example. The extent and type of mitigation required shall be based upon a variety of factors, including but not limited to the impact of proposed activities and nature of the existing buffer zone.

Onsite mitigation, especially in relation to the climate change adaptation and mitigation resource area value, shall be preferred over off-site mitigation for the purposes of protecting the statutory interests of the Ordinance.

The Commission may exclude certain activities that are undertaken for the benefit of the public or that will result in notable public benefits from the mitigation requirements in this Zone. Such activities may include seawall pointing, replacement, and /or improvement, up to 100 linear feet but excluding any filling/grading associated with said work, for example.

The Conservation Commission may, at its discretion, require the Applicant to provide a quantitative and/or qualitative assessment of the existing Buffer Zone by a competent source to demonstrate that land use activities within the 50-foot Mitigation Zone will not adversely impact the resource area values of the Ordinance.

For all activities within the Mitigation Zone, the Applicant shall demonstrate that such activities will not have an adverse effect on the ability of the wetland resource areas to protect the values of the Ordinance.

Additionally, the Applicant shall address how on-going use of the area will not contribute to future degradation of the wetland resource area values of the Ordinance.

- B. The Commission may, at its discretion, require the installation of permanent, immovable barriers (large rocks, stone walls, fencing, or other types of permanent markers) along the line where the limit of work or disturbance is proposed. Permanent barriers are an effective visual reference, and help avoid "lawn creep" by future landowners who may not be as aware of the wetland resource areas as the original Applicant. The



Commission shall prefer natural or low-impact barriers for this demarcation and reserves its right to review these materials on a case-by-case basis.

- C. The No Disturbance Zone and Mitigation Zone to wetland resource areas are as tabulated below. Where a resource area is not listed, there is not a specified setback; however as with all resource area buffer zones, the Conservation Commission will review each project on a case-by-case basis to evaluate what setbacks are appropriate.

Table A. No Disturbance Zone and Mitigation Zone (in linear feet distance from resource area)

Resource Area	Project Site Characteristic & Type of Work	
	Undeveloped	Previously Disturbed or Degraded
<b>Freshwater Vegetated Wetlands (Including IVW), Coastal Wetlands (including Bank), Perennial Stream/River, Intermittent Stream, Water Body<sup>1</sup></b>		
No Disturbance Zone	25'	Lesser of Existing Limit of Disturbance or 25'
Mitigation Zone	50'	Lesser of Existing Limit of Disturbance or 50'
<b>Vernal Pools</b>		
No Disturbance Zone	75'	Lesser of Existing Limit of Disturbance or 75'
Mitigation Zone	100'	Lesser of Existing Limit of Disturbance or 100'

- D. Site plans submitted to the Salem Conservation Commission for either an NOI or an ANRAD shall reflect the resource area setbacks displayed in Table A.
- E. The establishment of the No Disturbance Zone and Mitigation Zone as defined by the Ordinance and herein shall not compromise or diminish the Conservation Commission's jurisdiction over the 100-foot Buffer Zone as established by the WPA or the Ordinance.

## 7. Climate Change Adaptation and Mitigation

Projects shall be evaluated with regard to whether they preclude the ability of a wetland resource area to be resilient to the effects of climate change (e.g. salt marsh migration, increased temperatures, etc.) or if project components will be likely to result in future wetland resource area impacts due to the effects of climate change (e.g. water tight sanitary sewer in

<sup>1</sup> Includes pond, reservoir, or lake

areas subject to current, or predicted, future flooding where the latter occurs within other areas subject to the Commission's jurisdiction).

#### Application Criteria for Climate Change Adaptation and Mitigation

To satisfy the resource area values defined in the Ordinance related to climate change, project proponents submitting a Notice of Intent must provide the following documentation for the Conservation Commission's review:

1. Describe project design considerations which address storm and flood damage.
2. Describe how the project accounts for potential future increases in stormwater runoff and how best management practices account for storm surges and extreme weather events anticipated due to climate change to the maximum extent practicable.
3. Describe planting plans and other measures such as limiting increases in impervious surface cover to maintain and enhance the resiliency of the resource area to withstand potential temperature and rainfall changes due to climate change, as well as Sea Level Rise.
4. Describe measures to protect proposed and existing structures and minimize damage to structures due to the impacts of climate change.
5. Any vegetated wetland impacts proposed within areas also situated within Land Subject to Flooding or Coastal Storm Flowage shall be mitigated at a 2:1 ratio within the same flood zone area. Impacts allowed within said resource areas shall be at the discretion of the Conservation Commission's findings that the resource area values of the Ordinance are not adversely affected by the Project.

The Conservation Commission shall, in its generation of an Order of Conditions, document whether or not the project protects and/or enhances resource area values with relation to Climate Change Adaptation and Mitigation.

Applicants petitioning for an RDA shall not be required to respond to the Climate Change Adaption and Mitigation standards herein.

#### **8. Applications**

#### **9. Inland Resource Areas and Performance Standards**

#### **10. Coastal Resource Areas and Performance Standards**

#### **11. Mitigation**

#### **12. Waiver Provisions**

|

An Applicant may seek relief from the standards of the Ordinance or these Regulations. Request(s) for waiver(s) must be submitted in writing. The standards for the granting of waivers is as outlined in Section 50-10 of the Ordinance.

**13. Effective Date**

**14. Enforcement**

**15. Severability**



# City of Salem

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*In the year Two Thousand and Twenty-Two*

**An Ordinance** to amend the ordinance to provide for enforcement and penalties for violations of the Wetlands Protection and Conservation Ordinance.

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

## AN AMENDMENT TO SECTION 1-10 (c). – NONCRIMINAL DISPOSITION OF ORDINANCE VIOLATIONS

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

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

*“Chapter 50, Wetlands Protection and Conservation Ordinance*

Penalty for violations of Wetlands Protection and Conservation Ordinance.

Penalty:

First offense .....\$100.00

Second offense .....\$150.00

Third offense .....\$200.00

Enforcing persons: Conservation Agent; police department personnel.”

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



KIMBERLEY DRISCOLL  
MAYOR

TOM DANIEL, AICP  
DIRECTOR

# CITY OF SALEM, MASSACHUSETTS

## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

98 WASHINGTON STREET, 2<sup>ND</sup> FLOOR ♦ SALEM, MASSACHUSETTS 01970  
978-619-5685

January 24, 2022

Mayor Kimberley Driscoll  
City of Salem  
93 Washington Street  
Salem, MA 01970

Re: Proposed Amendments to Wetlands Protection and Conservation Ordinance, Ch. 50 and  
Noncriminal Disposition of Ordinance Violations, Ch. 1, Section 10

Mayor Driscoll:

I am pleased to provide the enclosed amended Wetlands Protection Ordinance—a result of a year-long effort by City staff, community stakeholders, and an environmental consultant. This document strengthens and modernizes Salem's local wetlands protection policies. It is built upon a robust public engagement process and lengthy Working Group deliberation. I would like to take this opportunity to provide a summary of this process.

In January 2021, DPCD staff met with a core group of interested parties, including Conservation Commission Chair Greg St. Louis, Planning Board Member Kirt Rieder, and Ward 3 Councilor Patricia Morsillo to identify stakeholders and project goals.

The City then convened a Working Group consisting of the following members:

- Patti Morsillo, Ward 3 Councilor
- Bob McCarthy, Ward 1 Councilor
- Greg St. Louis, Conservation Commission Chair
- Dan Ricciarelli, Conservation Commission
- Kirt Rieder, Planning Board
- Sarah Tarbet, Planning Board
- Barbara Warren, Salem Sound Coastwatch
- Steve Feinstein, Symes Associates
- Susan Yochelson, Salem Alliance for the Environment
- Gail Kubik, Sustainability, Energy and Resiliency Committee
- Dennis Colbert, Salem resident

I would like to thank the members of the Working Group for their dedication and thoughtful participation through this extensive process.

The Working Group first convened on March 31 and met a total of nine times throughout the year. They identified the need to hire an outside expert experienced at communicating complex technical matters to a broad audience and synthesizing wetlands science, example ordinances, and public input to generate the proposed ordinance language. Accordingly, the City selected Beals + Thomas through a public RFP process with funding approved by the City Council and Conservation Commission.

The City and its consultant launched an interactive project webpage and online survey in July (PublicInput.com/SalemWetlands) and led four online public forums. In addition to being a platform for public input for the proposed ordinance amendment, the forums provided an introduction to wetlands science and Conservation Commission jurisdiction. The City made project documents, as well as recordings of the forums, available on the project webpage.

The proposed amendment substantially strengthens the ordinance and supplements the protections above and beyond the state's Wetlands Protection Act. The ordinance creates a no-build zone within 25 feet of wetlands and prohibits development within 50 feet without adequate mitigation. The Commission's jurisdiction is expanded to include isolated wetlands and vernal pools, which otherwise have only limited protection. And for the first time, the ordinance gives the Conservation Commission explicit legal authority to consider climate change in its project review. Further updates include specific waiver criteria and administrative processes.

The proposed ordinance is supported by draft regulations to be considered for adoption by the Conservation Commission. A draft of core regulations is enclosed. Staff and Beals + Thomas will be working with the Commission over the coming weeks to finalize these regulations for the Conservation Commission's adoption.

In addition, the draft amendment is accompanied by a proposed revision of Chapter 1, Section 10, Noncriminal disposition of ordinance violations, to affirm the City's authority to enforce the amended Wetlands ordinance through the issuance of noncriminal fines.

Please do not hesitate to contact me to discuss further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Daniel".

Tom Daniel, AICP  
Director



## CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll  
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to present for your consideration the amended Wetlands Protection and Conservation Ordinance. The Ordinance is the result of careful and thoughtful work over the past year, managed by our Department of Planning and Community Development. The department led a robust public outreach process, convened a Working Group of advocates and interested parties, and worked with an outside expert to develop an Ordinance specifically reflective of Salem's challenges, opportunities, and community character.

The proposed Ordinance and its implementing regulations define setbacks, protect additional resource areas, and, for the first time, give the Conservation Commission legal authority to consider climate change impacts and mitigation in its project review. The proposed Ordinance empowers the Commission with new tools to be even more proactive and effective stewards of Salem's wetlands, while providing applicants with a clear and consistent permitting process. With the passage of this Ordinance, Salem will become just the fourth municipality in Massachusetts to intentionally address climate change impacts in its wetlands ordinances.

The proposed Ordinance also adds a clear purpose and set of definitions to our Code. In addition to administrative and organizational changes, the following table summarizes key policy changes of significance, which exceed the minimum requirements of the state's Wetlands Protection Act:

	Existing	Proposed
No-build zone	None	25'
Mitigation zone	None	50'
Isolated vegetated wetland (IVW) protections	None	Yes
Vernal pool protection	Limited	Yes
Climate change considered in project review	No	Yes

I am especially pleased that through a series of public forums, online survey, and an interactive project webpage, this initiative has given more Salem residents the knowledge to not only offer informed comments on the draft Ordinance, but to be active and constructive participants the Conservation Commission's public meetings going forward.

The draft amendment is accompanied by a proposed revision of Chapter 1, Section 10 ("Noncriminal disposition of ordinance violations"), to affirm the City's authority to enforce the amended Wetlands Ordinance through the issuance of noncriminal fines. We have also enclosed a red-line version of the Wetlands Ordinance and the current working draft of the accompanying Conservation Commission regulations regarding this measure.

I would like to especially recognize and thank Councillor Patti Morsillo, the members of the Working Group, and the City staff who devoted so much time and thoughtful attention to the creation of these measure. I look forward to discussing this important conservation and climate change measure with you when it is referred to committee and I invite you to contact Tom Daniel, Director of Planning and Community Development, if you have any questions regarding this measure in advance of that meeting.

Sincerely,



Kimberley Driscoll  
Mayor  
City of Salem

# City of Salem

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*In the year Two Thousand and Twenty-Two*

**An Ordinance** to amend mooring permit fees.

**Section 1.** Section 10-24(d) *Mooring Permit* of Chapter 10 *Boats and Waterways* is hereby amended by deleting paragraphs (1) through (4) in their entirety and replacing them with the following:

- “(1) Fee for mooring, \$7.00 per foot of vessel per year.
- (2) Fee for slip, \$7.00 per foot of vessel per year.
- (3) Fee for commercial transient mooring, \$100.00 per year.
- (4) Fee for guest mooring (city owned), \$40.00 per day.
- (5) Fee for private float, \$100 per year.
- (6) Fee for a waitlist for a mooring, \$10 per year.”

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



## **CITY OF SALEM, MASSACHUSETTS**

Kimberley Driscoll  
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Ordinance adjusts Salem's moorings fees based on a recently completed survey by our Harbormaster to ensure our fees are fully reflective of the cost of providing this public service to recreational and commercial boaters. Also enclosed is the fee analysis conducted as a basis for this change.

If adopted, this Ordinance would change the mooring and slips fee from \$6.00 per linear foot to \$7.00, commercial mooring fees from \$75.00 flat rate to \$100.00 flat rate, the private float fee from \$10.00 flat rate to \$100.00 flat rate, and institute a \$10.00 fee per year for the wait list. These fees and rates are also competitive and in line with what other area municipalities charge for similar services.

As our waterfront and harbor have become even more busy, the work of our Harbormaster's Department has become all the more important. These fees directly fund that public safety work, ensuring that the cost for providing this essential service is appropriately borne by those who benefit from it. I recommend adoption of the enclosed Ordinance and invite you to contact Harbormaster Bill McHugh should you have any questions regarding it.

Sincerely,

Kimberley Driscoll  
Mayor  
City of Salem



CAPT. BILL McHUGH  
HARBORMASTER

CITY OF SALEM

## Harbormaster

51 Winter Island Rd.  
Salem, MA 01970  
(978) 741-0098  
Fax (978) 741-5641

January 14, 2022

Hon. Salem City Council  
93 Washington Street  
Salem, MA 01970

Dear Council members:

Pursuant to MGL chapter 91 section 10A, the Harbormaster Department issues mooring permits for vessels moored in designated special anchorage areas within Salem's jurisdictional waters. This is a common practice for coastal communities and municipalities with inland bodies of water that maintain a marine department throughout the Commonwealth.

Presently, Salem assesses a fee of \$6.00 per linear foot measured fore and aft for recreational vessels moored to ground tackle fixed to the ocean bottom (mooring) or alongside a dock (slip). Commercial mooring permits associated with a marine service facility or entity are assessed at a flat rate of \$75.00, while private floats moored along the shoreline at a residence pay a flat rate of \$10.00. The last mooring permit fee increase imposed by my office occurred in 2016 when we raised the charge for boats moored in slips from \$3.00 per foot to \$6.00 per foot to standardize the mooring fee. The rationale was that boats in slips require the same level of service from the Harbormaster Department as those kept on moorings.

MGL chapter 91 section 10A provides, "any mooring fee collected shall be deposited into and used in accordance with the purposes of a municipal waterways improvement and maintenance fund established pursuant to section 5G of chapter 40". Under MGL chapter 40 section 5G, the revenues may be utilized for the following purposes, but not limited to: harbor improvement, public access, wharves, and moorings as well as law enforcement and fire prevention. As such, it is reasonable that the mission and services of the Harbormaster Department may be fully funded by mooring permit fees. Currently, the cost associated with maintaining the high level of service provided by the City through its Harbormaster Department is much greater than the revenues provided by the mooring permit fees as depicted by the enclosed analysis.

Accordingly, with the level of service that the City provides on the water throughout the year, I respectfully suggest we increase our mooring fees as follows:

Moorings and Slips: \$6.00 per linear foot to \$7.00.

Commercial Mooring: \$75.00 Flat rate to \$100.00.

Private Float: \$10.00 Flat rate to \$100.00.

Wait list: Implement a \$10.00 administrative fee per year.

The proposed increases would generate approximately \$38,000 in additional revenue predicated on the current vessel compliment in the harbor. As always, I am available to answer any questions.

Respectfully,

Capt. Bill McHugh  
City of Salem Harbormaster



### Mooring Fee Analysis

<b>Revenue</b>		
# permits issued	1,300	
\$6.00 per foot LOA	<u>38,000</u>	Approximate total linear boat length
	\$228,000.00	
Transient Mooring Fee		
\$40.00 per night	\$ 5,000.00	
Dinghy/Tender Slip Revenue	\$7,800.00	Estimated 26 rings permitted at McCabe & Winter Isl.
<b>TOTAL REVENUE</b>	<b>\$240,800.00</b>	
<b>Expenses</b>		
Administrative Salaries ( Public Safety & Harbor Management)	\$ 145,784.00	
Administrative Salaries Harbor Improvement-Planning	\$ 92,878.00	
Part-time Salary for Public Safety -Waterway Access	\$ 105,000.00	
Printing & Contracted Services ( Harbor Management)	\$ 10,775.00	
Administrative Expenses (Office)	\$ 9,200.00	
Operational Expenses ( Public Safety)	\$ 44,100.00	Vessel Maintenance, Fuel, Duty Equipment
<b>TOTAL EXPENSES</b>	<b>\$ 407,737.00</b>	



# CITY OF SALEM

**In City Council,**

January 27, 2022

**Ordered:**

That the Rules of Orders and the City Council shall be amended as follows:

Section 26. – Appointment of chairperson when into committee of the whole; and

Section 27. – Rules when in committee of the whole

Be deleted in its entirety; and

Section 30. Committees, generally be amended by adding the following:

#6. Committee of the Whole. The Committee of the Whole shall consist of all members of the Council and be chaired by the President or their designee, and shall meet separately when required to address matters before it.

# City of Salem

*In the year Two Thousand and Twenty Two*

## **An Ordinance Relative to Traffic**

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

**Section 1.** Section 75 – Parking prohibitions towing zone (resident sticker) of Article V-A be amended by adding the following:

Cleveland Street – ZONE D-COLOR YELLOW-north side only, beginning forty (40) feet from the intersection with Jefferson Avenue, proceeding in a westerly direction for a distance of thirty (30) feet. No visitor passes shall be issued for qualifying addresses on this street.

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



City of Salem, Massachusetts  
Office of the City Council  
City Hall



REQUEST FOR TRAFFIC ORDINANCE RECOMMENDATION

MEMO TO: Lt. David Tucker Police Traffic Division  
FROM: Councilor Morsillo DATE: January 24, 2022

In accordance with the Council Rule 32A, I hereby request your recommendation for the following Traffic Ordinance:

NAME OF STREET Cleveland Street

TYPE OF STREET CHANGE Parking Prohibitions Towing Zones (Resident Sticker)

DESCRIPTION OF AREA WHERE CHANGE IS REQUESTED On Cleveland Street, on the north side only, alongside the Ste. Anne's Church.

COUNCILLOR'S COMMENTS/EXPLANATION When functions are held at the Ste. Anne's School building on Cleveland Street, all of the parking on the street is usually filled. This results in no available parking for certain homes on Cleveland Street that do not have any off-street parking.

POLICE TRAFFIC DIVISION RECOMMENDATION

The Police Traffic Division hereby submits the following recommendation for the above request:

☒ APPROVAL  
☐ DENIAL  
☐ TRIAL PERIOD

CHAPTER: 42 SECTION: 75 TITLE: Parking Prohibitions Towing Zones (Resident Sticker)

DESCRIPTION: Cleveland Street: ZONE D – COLOR YELLOW - On Cleveland Street, on the north side only, beginning forty (40) feet from the intersection with Jefferson Avenue, proceeding in a westerly direction for a distance of thirty (30) feet.

COMMENTS (IF ANY):

POLICE TRAFFIC DIVISION

RETURN THIS FORM TO THE CITY CLERK'S OFFICE

City of Salem Clerk's Office, 93 Washington St, Salem Massachusetts 01970

(978) 745-9595 ext 41202 www.salem.com

# City of Salem

*In the year Two Thousand and Twenty Two*

## **An Ordinance Relative to Traffic**

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

**Section 1.** Section 51 of Article V shall be amended by adding the following:

Jefferson Avenue – Parking Prohibited on Certain Streets – westerly side beginning approximately one hundred and sixty-five (165) feet south of the intersection with Jackson Street in a southerly direction for a distance of eight (80) feet

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



City of Salem, Massachusetts  
Office of the City Council  
City Hall



REQUEST FOR TRAFFIC ORDINANCE RECOMMENDATION

MEMO TO: Lt. David Tucker

Police Traffic Division

FROM: Councilor Morsillo

DATE: January, 24 2022

In accordance with the Council Rule 32A, I hereby request your recommendation for the following Traffic Ordinance:

NAME OF STREET Jefferson Avenue

TYPE OF STREET CHANGE Parking prohibited on certain streets

DESCRIPTION OF AREA WHERE CHANGE IS REQUESTED On Jefferson Avenue, in front of numbers 36 and 38.

COUNCILOR'S COMMENTS/EXPLANATION The business at 36-38 Jefferson Avenue reports that exiting their driveway on Jefferson Avenue is very hazardous, due to the approach of south-bound traffic traveling at a fast pace on Jefferson Avenue.

POLICE TRAFFIC DIVISION RECOMMENDATION

The Police Traffic Division hereby submits the following recommendation for the above request:

XX APPROVAL

       DENIAL

       TRIAL PERIOD

CHAPTER: 42 SECTION: 51 TITLE: Parking Prohibited on Certain Streets

DESCRIPTION: Jefferson Avenue – Parking Prohibited on Certain Streets – westerly side beginning approximately one hundred and sixty-five (165) feet south of the intersection with Jackson Street in a southerly direction for a distance of eight (80) feet

COMMENTS (IF ANY):       

Lt David Tucker

POLICE TRAFFIC DIVISION

RETURN THIS FORM TO THE CITY CLERK'S OFFICE

City of Salem Clerk's Office, 93 Washington St, Salem Massachusetts 01970

(978) 745-9595 ext 41202 www.salem.com

# City of Salem

*In the year Two Thousand and Twenty Two*

## **An Ordinance Relative to Traffic**

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

**Section 1.** Section 51 of Article V shall be amended by adding the following:

Leavitt Street – Parking Prohibited on Certain Streets – southerly side beginning at the intersection with Prince Street in a westerly direction for a distance of one hundred and five (105) feet

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



City of Salem, Massachusetts  
Office of the City Council  
City Hall



REQUEST FOR TRAFFIC ORDINANCE RECOMMENDATION

MEMO TO: Lt. David Tucker

Police Traffic Division

FROM: Councilor Cohen

DATE: January, 24 2022

In accordance with the Council Rule 32A, I hereby request your recommendation for the following Traffic Ordinance:

NAME OF STREET Leavitt Street

TYPE OF STREET CHANGE Parking prohibited on certain streets

DESCRIPTION OF AREA WHERE CHANGE IS REQUESTED On Leavitt Street, in front of numbers 26 and 28.

COUNCILOR'S COMMENTS/EXPLANATION Leavitt Street is undergoing a minor redesign, in order to organize the parking, reduce parking on sidewalks and to ensure that traffic can navigate the roadway. As part of the design, parking should be prohibited on this section of Leavitt Street due to the narrow width.

POLICE TRAFFIC DIVISION RECOMMENDATION

The Police Traffic Division hereby submits the following recommendation for the above request:

XX APPROVAL

       DENIAL

       TRIAL PERIOD

CHAPTER: 42 SECTION: 51 TITLE: Parking Prohibited on Certain Streets

DESCRIPTION: Leavitt Street – Parking Prohibited on Certain Streets – southerly side beginning at the intersection with Prince Street in a westerly direction for a distance of one hundred and five (105) feet.

COMMENTS (IF ANY):       

Lt. David Tucker

POLICE TRAFFIC DIVISION

RETURN THIS FORM TO THE CITY CLERK'S OFFICE

City of Salem Clerk's Office, 93 Washington St, Salem Massachusetts 01970

(978) 745-9595 ext 41202 www.salem.com



# City of Salem

***In the year Two Thousand and Twenty Two***

**An Ordinance Relative to Traffic**

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

**Section 1.** Ch. 42, Section 49 – Obedience to Isolated Stop Signs shall be amended by adding the following:

Cedarcrest Road – Stop Sign – southeast bound traffic on Cedarcrest Road at  
Cedarcrest Avenue

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



**City of Salem, Massachusetts**  
Office of the City Council  
City Hall



**REQUEST FOR TRAFFIC ORDINANCE RECOMMENDATION**

MEMO TO: Lt. David Tucker

Police Traffic Division

FROM: Councilor Varela

DATE: January 25, 2022

In accordance with the Council Rule 32A, I hereby request your recommendation for the following  
Traffic Ordinance:

NAME OF STREET Cedarcrest Road

TYPE OF STREET CHANGE Obedience to Isolated Stop Signs

DESCRIPTION OF AREA WHERE CHANGE IS REQUESTED On Cedarcrest Road, at the intersection  
with Cedarcrest Avenue, a stop sign is needed to control southeast-bound traffic.

COUNCILLOR'S COMMENTS/EXPLANATION The residents of this neighborhood report that this  
intersection is dangerous due to poor visibility. The Ward Councilor, after consultation with the Traffic and Parking  
Department has requested that the southbound traffic on Cedarcrest Road be required to stop at Cedarcrest Avenue.

**POLICE TRAFFIC DIVISION RECOMMENDATION**

The Police Traffic Division hereby submits the following recommendation for the above request:

XX APPROVAL

       DENIAL

       TRIAL PERIOD

CHAPTER: 42 SECTION: 49 TITLE: Obedience to Isolated Stop Signs

DESCRIPTION: Cedarcrest Road: southeast-bound traffic on Cedarcrest Road at Cedarcrest Avenue.

COMMENTS (IF ANY):       

Lt. David Tucker  
**POLICE TRAFFIC DIVISION**

**RETURN THIS FORM TO THE CITY CLERK'S OFFICE**

*City of Salem Clerk's Office, 93 Washington St, Salem Massachusetts 01970*

*(978) 745-9595 ext 41202 www.salem.com*

## City of Salem

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*In the year Two Thousand and Twenty Two*

An Ordinance Relative to Traffic, Ch. 42, Sec. 50B – Handicapped Zones, Limited Time

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

**Section 1.** Section 50B – Handicapped Zones, Limited Time shall be amended by adding the following:

Naumkeag Street – One Handicap Parking space to be added in front of #36 Naumkeag Street, for a distance of twenty (20) feet

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



City of Salem, Massachusetts  
Office of the City Council  
City Hall



REQUEST FOR TRAFFIC ORDINANCE RECOMMENDATION

MEMO TO: Lt. David Tucker Police Traffic Division  
FROM: Councilor McCarthy DATE: January 25, 2022

In accordance with the Council Rule 32A, I hereby request your recommendation for the following Traffic Ordinance:

NAME OF STREET Naumkeag Street

TYPE OF STREET CHANGE Handicapped Parking, Time Limited

DESCRIPTION OF AREA WHERE CHANGE IS REQUESTED In front of 36 Naumkeag Street,  
one parking space is needed for the disabled resident.

COUNCILLOR'S COMMENTS/EXPLANATION A resident of 36 Naumkeag Street is disabled and  
uses a vehicle in conjunction with an HP placard. The off street parking poses a real difficulty due to their  
mobility issue and often there is no on-street parking available.

POLICE TRAFFIC DIVISION RECOMMENDATION

The Police Traffic Division hereby submits the following recommendation for the above request:

XX APPROVAL

       DENIAL

       TRIAL PERIOD

CHAPTER: 42 SECTION: 50B TITLE: Handicapped Zones, Limited Time

DESCRIPTION: One HP parking space to be added, in front of 36 Naumkeag Street, for a distance of  
twenty (20) feet.

COMMENTS (IF ANY):       

Lt. David Tucker

POLICE TRAFFIC DIVISION

RETURN THIS FORM TO THE CITY CLERK'S OFFICE

City of Salem Clerk's Office, 93 Washington St, Salem Massachusetts 01970

(978) 745-9595 ext 41202 www.salem.com

# **PRESERVATION RESTRICTION AGREEMENT**

**between**

**BROOKHOUSE HOME BOARD OF GOVERNANCE  
D/B/A BROOKHOUSE HOME**

**and the**

**CITY OF SALEM, MASSACHUSETTS**

## **BY AND THROUGH THE SALEM HISTORICAL COMMISSION**

THIS PRESERVATION RESTRICTION AGREEMENT is made this 10<sup>th</sup> day of November 2021 by and between the BROOKHOUSE HOME BOARD OF GOVERNANCE, D/B/A THE BROOKHOUSE HOME, located at 180 Derby Street, Salem, Massachusetts ("Grantor") and the CITY OF SALEM ("Grantee"), a municipality duly organized under the laws of the Commonwealth of Massachusetts and located in Essex County, Massachusetts, to be administered, managed and enforced by it agent, the SALEM HISTORICAL COMMISSION, located at 98 Washington Street, Salem, Massachusetts, 01970 ("Commission"),

WHEREAS, the Grantor is the owner of certain real property (hereinafter referred to as "**the Property**") with improvements thereon known as the Brookhouse Home (hereinafter referred to as "**the Building**"), located at 180 Derby Street, Salem, Massachusetts, more particularly described in a deed dated June 1, 1860 from Robert Brookhouse to the Association for the Relief of Aged and Destitute Women of Salem and recorded in Essex South Registry of Deeds in Book 623, Page 239. A copy of the description of the Property is attached hereto and incorporated herein by this reference as Exhibit A.

WHEREAS, the Building is described as follows, and also depicted in a set of nineteen (19) photographic images taken in September and October, 2019 and March, 2021, with copies of said images attached hereto and incorporated herein by reference as Exhibit C:

The Brookhouse Home building at 180 Derby Street was constructed in 1810-1812 by Benjamin W. Crowninshield and designed in the Federal style by noted Salem architect, Samuel McIntire. Crowninshield was one of Salem's most successful merchants and served as Secretary of the Navy under Presidents Madison and Monroe. In 1861, Robert Brookhouse, a Salem merchant and philanthropist, establish the building as a home for aged women when he donated it to the Salem Association for Relief of Aged and Destitute Women. Numerous alterations have been made to the house beginning about 1822 when it was expanded for conversion to a duplex and later, in several stages, to accommodate its utilization as a home for aged women. Additions made in 1906 and 1916 were designed by Boston architect, William Gibbons Rantoul (1867-1949). The 1906 alterations included a three-story replacement of an 1860s addition on the north end and the construction of a new three-story addition north of it. Other additions were made on the west side of these two rear sections.

The Building is located on a 26,277 SF lot at the NW corner of Orange and Derby Streets. The Building sits behind a small, front lawn with a yard to the west, all enclosed by a cast-iron picket fence.

The three-story, hipped roof Building is constructed of brick in a Flemish bond pattern and features a foreshortened third story. The 5x6 bay Building is rectangular in plan, with several large, three-story rear ells that are staggered on the east elevation along Orange Street. The Building sits on a high granite foundation and its main entrance (south) is reached by several granite steps. The Building's hipped roof is clad in slate shingles and two large interior chimneys piece the roofline above the east and west elevations. Two additional chimneys are located on rear ells. Fenestration on the main block and the later ells consists primarily of 6/6, double-hung, wood sash with splayed and reeded brownstone lintels and sills (painted white).

#### South Elevation

The Building's symmetrical façade (south) features a center-entrance with a semi-elliptical fanlight and  $\frac{3}{4}$  sidelights with elliptical tracery. The entrance is sheltered by a portico (ca. 1820) with smooth shafted Doric columns supporting an entablature composed of a filleted frieze and a cornice. Engaged pilasters are located at the junction between the portico and the Building. Windows on this elevation are flanked by louvered blinds. A bronze plaque commemorating the incorporation of the Home for Aged Women in 1861 by Robert Brookhouse is centered in the middle bay of the façade between the second and third stories.

#### East Elevation

The Building's east elevation is six bays deep on the main block with an additional six bays and four bays, respectively on the two rear ells. The first ell features five symmetrically arranged bays with an additional bay on the north end that is likely a later addition. First story windows on the first five bays are set within blind arches with bays four and five featuring shortened windows with brick infill below. A brick string course is located directly above the arches. Bay six on this ell includes paired 8/8 windows on the first story with a brick lintel.

On the northernmost ell, a Classical style entrance on Orange Street features an engaged, Doric square-section posts supporting an entablature with frieze, accented with rosettes, a dentil range treated with a Greek key motif and a cornice. Above it at the second level is a blind, elliptical arch with a carved keystone, a window and a wrought iron balcony. A distinguishing feature of this section is the use of tripartite windows.

#### North Elevation

The north elevation of the rear ell is two bays with foreshortened windows on the first and third stories. All windows are 6/6 double hung sash with splayed lintels. The brick string course from the east elevation of the ells continues on this elevation. Two metal downspouts are located on the corners of the elevation. One interior chimney is located on this wall.

#### West Elevation

The west elevation of the main block is six bays deep with a secondary, ca. 1860, Federal style entrance with elliptical fanlight located in the fifth bay (S to N). The lot gradually rises to the north, which results in a declining foundation height to the secondary entrance, which is accessed at grade.

Further north, on the west elevation of the rear ell is a two-story portico supported by four, massive, smooth-shafted Doric columns. Within the portico the ell contains three bays of tripartite windows topped by elliptical fanlights on the first story and tripartite windows with splayed lintels on the second story. A second story balcony contains metal grillwork and is lit by pendant lanterns.

North of this portico is a two-story brick addition that extends two bays to the west. Its west elevation is marked by a tripartite window on the first story set within a semi-circular arched recess. Stepped back from this to the north is a west facing, single-story entrance featuring a paneled door with transom. A chimney is engaged with the north elevation of this addition. At the intersection of the addition with the ell is another entry sheltered by a flat roof portico supported by a single, smooth-shafted column. A copper downspout is located at the junction of the northern-most ell.

The northern-most rear ell features details similar to those on the ell's east elevation. Tripartite windows flank single-sash windows on the second and third stories. First story windows are also single sash. Windows feature simple splayed lintels except for second story tripartite windows that feature splayed lintels with keystones.

#### Open Air Shelter

A single-story, Open Air Shelter, built sometime during the early twentieth century, is located at the northern limit of the lawn. It has brick walls at the rear (north) and west side, but has a lattice-work opening on the east side where it is supported by a brick pier. On its south elevation it takes the form of a



seven-bay pergola supported by heavy, smooth-shafted Doric columns. At the west end of the structure is an entirely enclosed section of brick with a semi-circular window in the south wall.

WHEREAS, due to their historical and architectural significance, the Building and the Property were included in the Derby Street Historic District established by the City of Salem on December 17, 1974, were included in the Derby Waterfront Historic District listed in the National Register of Historic Places on May 17, 1976, and as a result of the foregoing are included in the State Register of Historic Places; and

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter "preservation values") and significance of the Building and the Property and have the common purpose of preserving the aforesaid preservation values and significance of the exterior of the Building and the Property; and

WHEREAS, the preservation values of the Building and the Property are documented in a series of photographs and documents (hereinafter, "Baseline Documentation") incorporated herein and attached hereto as by reference as Exhibit A, B and C, which Baseline Documentation the parties agree provides an accurate representation of the Building and Property as of the date of this grant; and

WHEREAS, the Baseline Documentation (Exhibits A, B and C) shall consist of the following:

Exhibit A. Legal Property Description

Exhibit B. Assessors' Parcel Map Detail of Parcel 35-0326

Exhibit C. Nineteen (19) Baseline Photographs Dated September and October, 2019, and March, 2021; and

WHEREAS, the Building is in need of preservation and restoration; and

WHEREAS, upon the recommendation of the Community Preservation Committee and approved as Project by the City Council, the sum of One Hundred and Twenty-five Thousand Dollars (\$125,000) from the Community Preservation Fund ("Funds") was appropriated for the purpose of funding a grant for the restoration of exterior brickwork of the Building; and

WHEREAS, the Grantor and the Grantee have reached an Agreement whereby the Grantee shall provide the Funds so appropriated to the Grantor to be expended for the preservation and renovation of the aforementioned Building, under the terms and conditions set forth herein and in such other documents as the parties may execute, and the Grantor agrees to accept such Funds to be used exclusively for such purposes and under such terms and conditions ("Restriction" or "Preservation Restriction");

WHEREAS, the Grantor in further consideration of the receipt of such Funds and to ensure the preservation of the aforementioned Building agrees and desires, to impose certain restrictions, obligations and duties upon itself, its successors and assigns, so as to maintain, protect and preserve the architectural and historical integrity of the Building;

WHEREAS, the preservation of the Building is important to the public for the enjoyment and appreciation of its architectural and historical heritage and serves the public interest in a manner consistent with the purposes of Massachusetts General Laws, Chapter 184, Sections 31, 32 and 33 ("Act"); and

WHEREAS, the Commission is authorized to accept preservation restrictions in the name of the City of Salem and the Commission is a governmental body duly organized under the laws of the Commonwealth of Massachusetts, including the General Laws, Chapter 40C, authorized and directed by the Grantee to manage the Property and Buildings burdened by such restrictions, consistent with the provisions of the Act and to administer and enforce this preservation restriction;

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby irrevocably grant and convey to the Grantee in gross in perpetuity this Restriction over the Property and exterior of the Building and the Property to be administered, managed and enforced by the Commission.

1. Purpose: It is the Purpose of this Restriction to assure that, the architectural, historic, and cultural features of the exterior of the Building will be retained and maintained forever substantially in its current condition or in a restored condition approved by the Commission for preservation purposes and to prevent any use or change of the Property or the exterior of the Building or the Property that will significantly impair or interfere with the Building's preservation values or alter views of the exterior of the Building.

2. Preservation Restriction: The Grantor grants the Grantee the right to forbid or limit:

- a. any alteration to the appearance, materials, workmanship, condition or structural stability of the Building unless (i) clearly of a minor nature and not affecting the characteristics which contribute to the architectural or historical integrity of the Building and the Property, or (ii) the Grantee has previously determined that it will not impair such characteristics after reviewing plans and specifications submitted by Grantor in accordance with the requirements of paragraph 7, which determination shall not be unreasonably withheld, or (iii) required by casualty or other emergency promptly reported to Grantee in accordance with the requirements of paragraph 9. For the purposes of this Agreement, interpretation of what constitutes alterations of a minor nature and ordinary maintenance and repair is governed by the Restriction Guidelines, which are attached hereto as Exhibit D and hereby incorporated by reference.
- b. any other act or use that may be harmful to the historic preservation of the Building or the Property.

3. Restriction as to Expenditure of Funds: Subject to Paragraph 2 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the purposes of this Restriction, the Grantor shall expend such Community Preservation Funds to rehabilitate and restore the Building.

4.1. Grantor's Covenants: Covenant to Maintain. Subject to Paragraph 2 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the purposes of this Restriction, the Grantor covenants and agrees at all times to maintain the Building in the same structural condition and state of repair to that existing following the substantial completion of restoration work to be completed as a result of the expenditure of Community Preservation Funds. Grantor's obligation to maintain shall require replacement, repair, and reconstruction by Grantor whenever necessary to preserve the exterior of the Building. Subject to the casualty provisions of paragraphs 9 and 10, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction of the Building whenever necessary in accordance with the policies and procedures of the Commission and in accordance with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (36 CFR 67 and 68), as these may be amended from time to time (hereinafter the "Secretary's Standards").

4.2. Grantor's Covenants: Prohibited Activities. The following acts or uses are expressly forbidden except as otherwise conditioned in this paragraph:

- a. the Building shall not be demolished, removed, or razed except as provided in Paragraphs 9 and 10;
- b. the dumping of ashes, trash, rubbish, or any other unsightly or offensive materials is prohibited on the Property near the Building;
- c. no above-ground utility transmission lines, except those reasonably necessary for the existing Building, may be created on the Property, subject to utility easements already recorded;

- d. no additions and/or outbuildings may be attached to the Building without prior approval of the Grantor; and
- e. moving the Building to another location shall be forbidden without prior approval of the Commission.

**5. Conditional Rights Requiring Grantee Approval:** Subject to Paragraph 4 and the terms and conditions of this Restriction and such other terms and conditions as the Commission may reasonably impose to accomplish the purposes of this Restriction, the Grantor shall not alter the Building without prior express written approval of the Commission. Without said approval Grantor shall not make any changes to the Building, including the alteration, partial removal, construction, remodeling, or other physical or structural change, including permanent signs, and any change in material or color or any change to the footprint, size, mass, ridge-line, and rooflines of the Building. Grantor shall similarly not make any alterations to the surrounding Property that would obscure the current view of the Building, such as the installation of permanent signage or trees or very large shrubs without approval of the Commission.

Activities by Grantor to maintain the Building and the Property which are intended to be performed in accordance with the provisions of paragraph 4.1, and which are of a minor nature, shall not require the prior approval of the Commission. For the purposes of this section, interpretation of what constitutes ordinary maintenance of a minor nature is governed by the Restriction Guidelines (Exhibit D), which are attached to this Agreement and hereby incorporated by reference.

**6. Grantor's Reserved Rights Not Requiring Further Approval by the Grantee:** Subject to the provisions of paragraphs 2 and 4.2, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Restriction and by the Commission without further approval by the Commission:

- a. the right to engage in all those acts and uses that:
  - (i) are permitted by governmental statute or regulation;
  - (ii) do not substantially impair the preservation values of the Building and Property; and
  - (iii) are not inconsistent with the Purpose of this Restriction;
- b. pursuant to the provisions of Paragraph 4.1, the right to maintain and repair the Building strictly according to the Secretary's Standards. As used in this sub-paragraph, the right to maintain and repair shall mean the use by the Grantor of in-kind materials and colors, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the exterior of the Building. The right to maintain and repair as used in this sub-paragraph shall not include the right to make changes in appearance, materials, workmanship from that existing prior to the maintenance and repair without the prior approval of the Commission in accordance with the provisions of Paragraph 5;

**7. Review of Grantor's Requests for Approval:** Grantor shall submit to the Commission for the Commission's approval of those conditional rights set out at Paragraphs 2 and 5 and two copies of information (including plans, specifications, and designs where appropriate) identifying the proposed activity with reasonable specificity. In connection therewith, Grantor shall also submit to the Commission a timetable for the proposed activity sufficient to permit the Commission to monitor such activity. Within sixty (60) days of the Commission's receipt of any plan or written request for approval hereunder, the Commission shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case the Commission shall provide Grantor with written suggestions for modification or a written explanation for the Commission's disapproval. Any failure by the Commission to act within sixty (60) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed to constitute approval by the Commission of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted, so long as

the request sets forth the provisions of this section relating to deemed approval after the passage of time provided that nothing herein shall be construed to permit Grantor from undertaking any of the activities prohibited hereunder.

8. Standards for Review: In exercising any authority created by this Restriction to inspect the Building; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage, the Commission shall apply the Secretary's Standards.

9. Casualty Damage or Destruction: In the event that Building or Property shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement or other casualty, Grantor shall notify the Commission in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Building and Property and to protect public safety, shall be undertaken by Grantor without the Commission's prior written approval of the work. Within sixty (60) days of the date of damage or destruction, if required by the Commission, Grantor at its expense shall submit to the Commission a written report prepared by a qualified restoration architect and an engineer who are acceptable to the Grantor and the Commission, which report shall include the following:

- a. an assessment of the nature and extent of the damage;
- b. a determination of the feasibility of the restoration of the Building and/or reconstruction of damaged or destroyed portions of the Building; and
- c. a report of such restoration/reconstruction work necessary to return the Building to the condition existing at the date hereof or the condition subsequently approved by the Commission.

10. Review After Casualty Damage or Destruction: If, after reviewing the report provided in Paragraph 9 and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and the Commission shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Building in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission agree that restoration/reconstruction of the Building is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such restoration/reconstruction and Grantor may, with prior written consent of the Commission, alter, demolish, remove or raze the Building, and/or construct new improvements on the Property, Grantor and Grantee may agree to seek to extinguish this Restriction in accordance with the laws of the Commonwealth of Massachusetts and paragraph 23 hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Commission are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts arbitration statute then in effect, and all other applicable laws, rules, regulations, and ordinances. Arbitrator shall have experience in historic preservation matters.

11. Insurance: Grantor shall keep the Building insured by an insurance company rated "A" or better by Best's or equivalent rating agency for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death and property damage. Property damage insurance shall include



change in condition and building ordinance coverage, in form and amount sufficient to replace **fully** the damaged Building without cost or expense to Grantor or contribution or coinsurance from Grantor. Grantor shall deliver to the Commission, within ten (10) business days of the Commission's written request thereof, certificates of such insurance coverage. Provided, however, that whenever the **Property** is encumbered with a mortgage or deed of trust nothing contained in this paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds.

12. Indemnification: Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend, at its own cost and expense, Grantee, its boards, commissions, appointees, agents, directors, employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses and expenditures (including attorneys' fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Building; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance or regulation as a hazardous, toxic, polluting or contaminating substance; or other injury or other damage occurring on or about the Building; unless such injury, death, or damage is caused by Grantee or its boards, commissions, appointees, agents, directors, employees, or independent contractors. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property with the same effect and priority as a mechanic's lien.

13. Written Notice: Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing;

Grantor: Brookhouse Home Board of Governance  
180 Derby Street  
Salem, MA 01970

Grantee: Salem Historical Commission  
c/o City of Salem  
Department of Planning & Community Development  
98 Washington Street  
Salem, MA 01970

Each party may change its address set forth herein by a notice to such effect to the other party.

14. Evidence of Compliance: Upon request by Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein, or that otherwise evidence the status of this Restriction to the extent of Grantee's knowledge thereof.

15. Inspection: With the consent of Grantor, Grantee or its representatives shall be permitted at reasonable times to inspect the Building and the Property on an annual basis. Grantor covenants not to withhold unreasonably its consent in determining dates and times for such inspections.

16. Grantee's Remedies: The Grantor, for itself, its assigns and successors, expressly acknowledges that a violation of this Preservation Restriction Agreement, including a failure to expend such Funds for their intended purposes, may result in the Commission exercising its right to enforce the terms and conditions of the Restriction by seeking appropriate legal and equitable relief, including, but not limited to, restoration of the Building, repayment of the Funds, and such other legal and equitable remedies as may be available to the Commission to effectuate the purposes of this Restriction and to enforce the Grantor's obligations hereunder.

In the event Grantor is found to have violated any of its obligations, Grantor shall reimburse Grantee for any costs or expenses incurred in connection with Grantee's enforcement of the terms of this Restriction, including all court costs, and attorneys', architectural, engineering, and expert-witness fees. Grantor shall,

at its own expense and with approval of Commission, reverse any actions or activities which violated this restriction and altered the Building.

Nothing in this Restriction shall impose upon the Commission any duty to maintain or require that the Building be maintained in any particular state or condition, notwithstanding the Commission's acceptance hereof. Enforcement of the terms of this Preservation Restriction shall be at the discretion of the Commission. Any election by the Commission as to the manner and timing of the exercising of its right to enforce this Preservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights. By its acceptance of this Preservation Restriction, the Commission does not assume any liability or obligation relating to the condition of the Building or the Property, including compliance with hazardous materials or other environmental laws and regulations.

17. Notice from Government Authorities: Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Building or Property received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

18. Notice of Proposed Sale: Grantor shall promptly notify Grantee in writing of any proposed sale of the Property and provide the opportunity for Grantee to explain the terms of the Restriction to potential new Grantors prior to sale closing.

19. Runs with the Land: Except as provided in Paragraphs 9 and 10, the restrictions, obligations and duties set forth in this Restriction shall run with the Property and shall inure to the benefit of the Commission and all parties claiming by, through or under the Commission and shall bind the Grantor and all parties claiming by, through or under the Grantor. The rights hereby granted to the Commission constitute the perpetual right of the Commission to enforce this Preservation Restriction Agreement. The Grantor hereby covenants for itself to stand seized and hold title to the Property subject to the terms of this Restriction. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest and all persons hereafter claiming under or through Grantor and Grantee, and the words "Grantor", "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, Grantor of the Property shall have no obligation pursuant to this instrument where such Grantor shall cease to have any Grantorship interest in the Property by reason of a bona fide transfer. The restrictions, stipulations and covenants contained in this Restriction shall be inserted by Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title to or any lesser estate in the Property or any part thereof, including by way of example and not limitation, a lease of all or a portion of the Property.

20. Assignment: Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a similar local, state, or national charitable corporation or trust that qualifies under the Act, and whose purposes, inter alia, are to promote preservation of historical, cultural, or architectural resources, provided that any such conveyance, assignment or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out. Grantor shall give prior written approval of such conveyance, assignment, or transfer by Grantee, such approval not to be unreasonably withheld.

21. Alternate Designee: Grantee may, at its discretion, remove and replace the Commission as its designee to administer, manage, and enforce this Restriction, provided that any new designee is qualified as such under the Act and other applicable law.

22. Recording and Effective Date: Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this Restriction which shall become effective upon its being duly executed by the



Grantor, the City of Salem, and the Salem Historical Commission, its being approved by the Massachusetts Historical Commission, and its being recorded with the Southern Essex District Registry of Deeds.

23. Extinguishment: Grantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Property may make impossible the continued Grantorship or use of the Property for the Purpose of this Restriction and necessitate extinguishment of the Restriction. Such a change in conditions may include, but is not limited to, partial or total destruction of the Building resulting from casualty. Such an extinguishment must meet all the requirements of the Act for extinguishment, including approvals following public hearings by the City of Salem and the Massachusetts Historical Commission to determine that such extinguishment is in the public interest. In the event of a sale of the Property, net proceeds of sale shall be paid to Grantor.

24. Condemnation: If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such taking shall be paid out of the recovered proceeds. Such recovered proceeds shall be paid to Grantor.

25. Interpretation: The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction:

- a. Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Property shall not apply in the construction or interpretation of this Restriction and this instrument shall be interpreted broadly to affect its Purpose and the transfer of rights and the restrictions on use contained herein.
- b. This instrument may be executed in two counterparts, one of which is to be retained by Grantor and the other, after recording, to be retained by Grantee. In the event of any disparity between the counterparts produced, the recorded counterpart shall in all cases govern. Except as provided in the preceding sentence, each counterpart shall constitute the entire Restriction of the parties.
- c. This instrument is made pursuant to the Act, but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law or private Restriction either in existence now or at any time subsequent hereto.
- d. Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods or use. In the event of any conflict between any such ordinance or regulation and the terms hereof Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.

If any court or other tribunal determines that any provision of this instrument is invalid or unenforceable, such provision shall be deemed to have been incorporated herein automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event any provision invalidated is of such a nature that it cannot be modified, the provision shall be deemed deleted from this Preservation Restriction as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.

26. Amendment: If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the qualification of this Restriction or the status of Grantee under any applicable law. Any such amendment shall be consistent with the protection of the preservation values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall architectural and historic values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the Southern Essex District Registry of Deeds. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

27. Release: This Preservation Restriction is intended to be a restriction in gross in perpetuity and may only be released, in whole or in part, by the Grantee pursuant to the procedures for release established by the Act and otherwise by law, including approvals following public hearings by the City of Salem and the Massachusetts Historical Commission to determine that such a release is in the public interest.

28. Archaeological Activities: The conduct of archaeological activities on the Property, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by the Grantor and approved in writing by the Grantee and the State Archaeologist of the Massachusetts Historical Commission (M.G.L. C. 9, Sec. 27C, 950 C.M.R. 70.00).

29. Subordination: Grantor and Grantee acknowledge that as of the date of this Agreement, the Property and the Building are subject to a perpetual Preservation Restriction Agreement held on the Property and the Building by the Commonwealth of Massachusetts by and through the Massachusetts Historical Commission and recorded with the Essex South Registry of Deeds on September 25, 1987 in Book 9200, Page 223 (hereinafter the "MHC Agreement"). Grantor agrees that in addition to complying with the restrictions contained in this Agreement, Grantor will continue to comply with the restrictions contained in the MHC Agreement. Grantor and Grantee agree that this Agreement shall be subservient to the MHC Agreement, and further agree that should any dispute arise between Grantee and the Massachusetts Historical Commission in the process of fulfilling the requirements of these restrictions, the Grantee shall defer to the demands and requirements set out by the Massachusetts Historical Commission.

IN WITNESS WHEREOF, the Grantor sets its hand and seal this 10<sup>th</sup> day of November, 2021.  
By:

**GRANTOR:**  
Brookhouse Home Board of Governance

Thomas M Crane  
Thomas Crane  
President

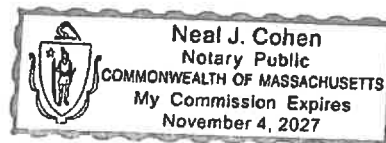
Kevin T Daly  
Kevin Daly  
Treasurer

COMMONWEALTH OF MASSACHUSETTS

Essex,ss.

On this 10<sup>th</sup> day of November, 2021, before me, the undersigned notary public, personally appeared Thomas Crane, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes.

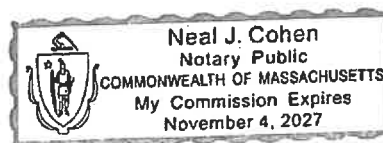
Neal J. Cohen  
Notary Public  
My Commission Expires: 11/4/2027



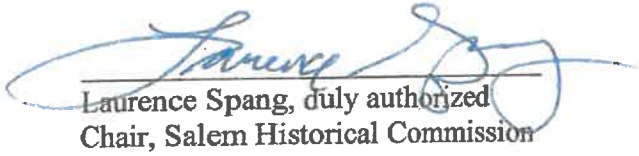
Essex,ss.

On this 10<sup>th</sup> day of November, 2021, before me, the undersigned notary public, personally appeared Kevin Daley, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes.

Neal J. Cohen  
Notary Public  
My Commission Expires: 11/4/2027



**ACCEPTANCE BY THE SALEM HISTORICAL COMMISSION**

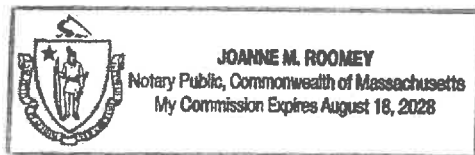
  
Laurence Spang, duly authorized  
Chair, Salem Historical Commission

**COMMONWEALTH OF MASSACHUSETTS**

Essex, ss.

Salem, MA

On this 20<sup>th</sup> day of January, 2022 before me, the undersigned notary public, personally appeared Laurence Spang, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached, document and acknowledged to me that he signed it voluntarily for its stated purpose as duly authorized Chair of the Salem Historical Commission.



  
Notary Public, Joanne M. Roomey  
My Commission Expires: 8/18/28

**APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION**

**COMMONWEALTH OF MASSACHUSETTS**

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that foregoing preservation restriction has been approved pursuant to Massachusetts General Law, chapter 184, section 32.

MASSACHUSETTS HISTORICAL COMMISSION

\_\_\_\_\_  
Brona Simon  
Executive Director and Clerk

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public, personally appeared Brona Simon proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## **EXHIBIT A**

### **Legal Property Description**

The land with the buildings thereon, situated at 180 Derby Street, Salem, Essex County, Massachusetts, and being described as follows:

Bounded Southerly by Derby Street, Westerly by Curtis Street, Northerly by land late of Brown's heirs and Easterly by Orange Street with the brick dwelling house and out buildings standing thereon.

Source: Southern Essex District Registry of Deeds, Book 623, Page 239.

# EXHIBIT B

Salem Assessors' Parcel Map 35-0326





# EXHIBIT C

## Baseline Photographs



Photo #1: Front (South) façade, Derby Street



Photo #2: Detail of front entrance (South), Derby Street



Photo #3:  
Orange  
Street  
façade  
(East) –  
view from  
Derby  
Street

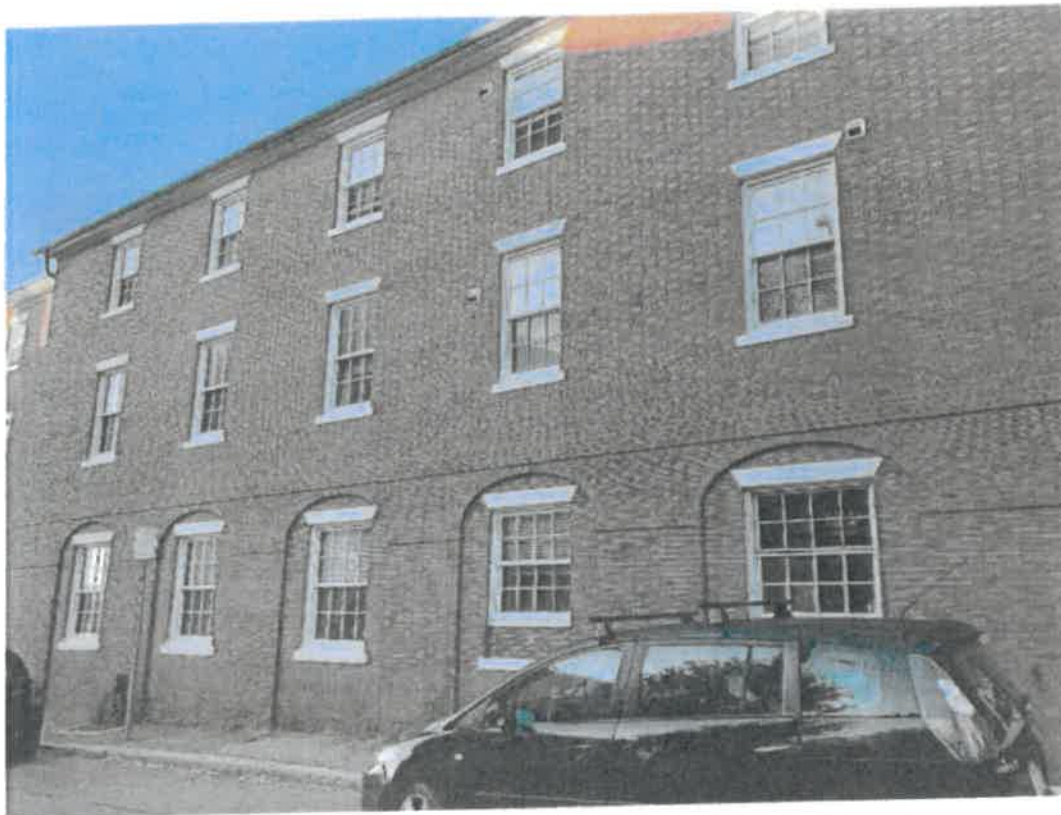


Photo #4:  
Orange  
Street façade  
(East),  
center  
section



**Photo #5: Orange Street façade (East) – view of rear section from corner of Orange & Curtis Streets**



Photo #6: Detail of Orange Street (East) entrance





**Photo #7 –  
View of  
rear façade  
(North),  
Curtis  
Street**



**Photo #8 –  
View of  
North and  
West  
façades  
from  
Curtis  
Street**



**Photo #9  
- View of  
West  
Façade  
rear  
section  
from  
Curtis  
Street**



**Photo #10  
- View of  
West  
Façade  
entrance**





Photo #11  
- View of  
West  
Façade  
from  
interior of  
lot, rear  
section



Photo #12  
- View of  
West  
façade  
from  
interior of  
lot,  
courtyard



**Photo #13**  
**– View of**  
**West**  
**façade**  
**from**  
**interior of**  
**lot,**  
**courtyard**



**Photo #14**  
**– View of**  
**West**  
**Façade**  
**from**  
**interior of**  
**lot, front**  
**and center**  
**sections**



Photo #15 – View of West façade from interior of lot, front section

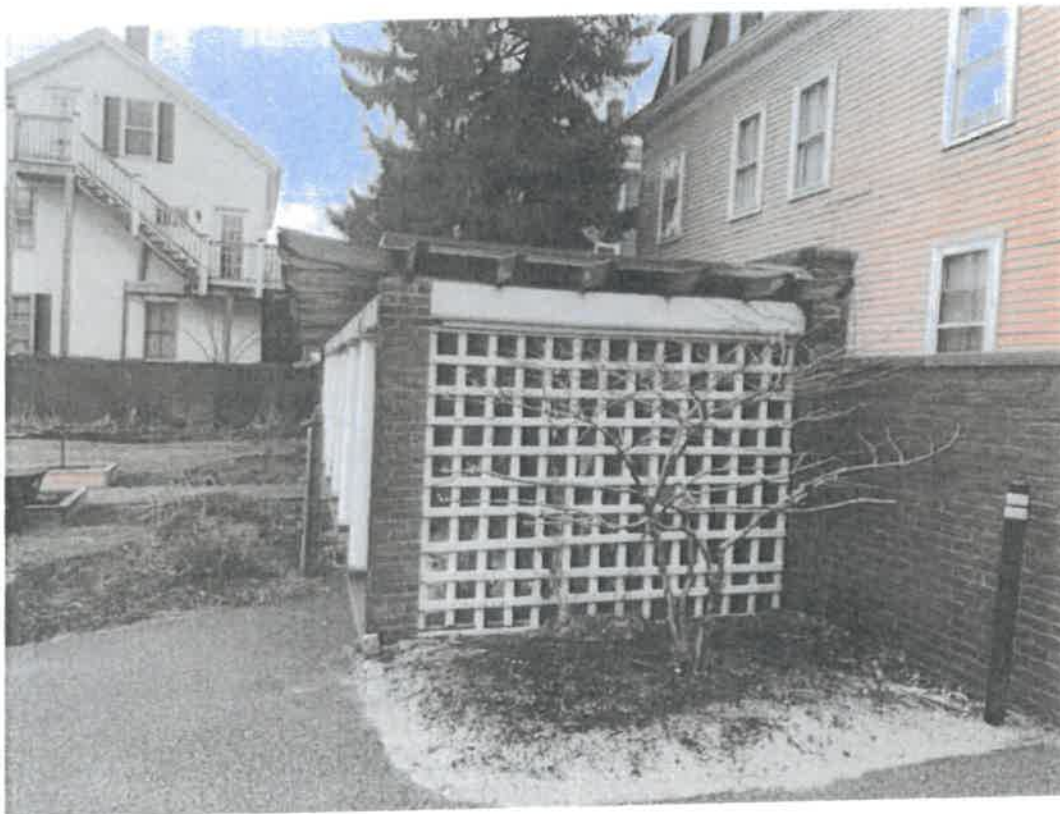


Photo #16 – Detail of West  
façade entrance





**Photo #17**  
**- View of**  
**open air**  
**shelter**  
**South**  
**facade**



**Photo #18**  
**- View of**  
**open air**  
**shelter East**  
**facade**



Photo #19 –  
View of rear  
wall of popen  
air shelter  
North façade

## **EXHIBIT D**

### **RESTRICTION GUIDELINES**

The purpose of the Restriction Guidelines is to clarify paragraph three of the terms of the preservation restriction, which deals with alterations to the Property. Under this section permission from the SALEM HISTORICAL COMMISSION (COMMISSION) is required for any major alteration. Alterations of a minor nature, which are part of ordinary maintenance and repair, do not require COMMISSION review.

In an effort to explain what constitutes a minor alteration and what constitutes a major change, which must be reviewed by the COMMISSION, the following list has been developed. By no means is this list comprehensive: it is only a sampling of some of the more common alterations, which may be contemplated by the property owner.

#### **PAINT**

Minor - Exterior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.

Major - Painting or fully stripping decorative surfaces or distinctive stylistic features including murals, stenciling, ornamental woodwork, stone, masonry, decorative or significant original stucco or plaster.

#### **WINDOWS AND DOORS**

Minor - Regular maintenance including caulking, painting and necessary reglazing. Repair or in-kind replacement of existing individual decayed window parts.

Major - Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows. The addition of storm windows is also considered a major change; however, with notification it is commonly acceptable.

#### **EXTERIOR**

Minor - Spot repair of existing cladding and roofing including in-kind replacement of clapboards, shingles, slates, etc.

Major - Large-scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e. removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; spot repointing of masonry. Structural stabilization of the property is also considered a major alteration.

#### **LANDSCAPE/OUTBUILDINGS**

Minor - Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major - Moving or subdividing buildings or property; altering of property; altering or removing significant landscape features such as gardens, vistas, walks, plantings, walls, fences; ground disturbance affecting archaeological resources.

#### **HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS**

Minor - Repair of existing systems.



Major - Installing or upgrading systems which will result in major exterior appearance changes (i.e. exterior ducts, piping, ventilators, HVAC units); the removal of substantial quantities of original materials in the course of construction.

Changes classified as major alterations are not necessarily unacceptable. Under the preservation restriction such changes must be reviewed by the COMMISSION and their impact on the historic integrity of the property assessed.

It is the responsibility of the property owner to notify the COMMISSION in writing when any major alterations are contemplated. Substantial alterations may necessitate review of plans and specifications.

The intent of the preservation restriction is to enable the COMMISSION to review proposed alterations and assess their impact on the integrity of the building, not to preclude future change. COMMISSION will attempt to work with property owner to develop mutually satisfactory solutions, which are in the best interests of the Property.

**APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION**

**COMMONWEALTH OF MASSACHUSETTS**

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that foregoing preservation restriction has been approved pursuant to Massachusetts General Law, chapter 184, section 32.

MASSACHUSETTS HISTORICAL COMMISSION

\_\_\_\_\_  
Brona Simon  
Executive Director and Clerk

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public, personally appeared Brona Simon proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

ACCEPTANCE AND APPROVAL BY THE CITY OF SALEM

I, the undersigned City Clerk of the City of Salem, Massachusetts, hereby certify that at a meeting duly held on XXXXXXXX, the City Council voted to approve and accept the foregoing Preservation Restriction Agreement for the preservation of the historic resources of said City and being in the public interest pursuant to Massachusetts General Laws Chapter 184, Section 32.

By its Clerk

\_\_\_\_\_  
Ilene Simons  
City Clerk

The undersigned hereby certifies that the foregoing preservation restrictions have been approved and accepted by the City of Salem

\_\_\_\_\_  
Kimberley Driscoll  
Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public, personally appeared Ilene Simons, proved to me through satisfactory evidence of identification, which my personal knowledge of the identity of the principal, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes as Clerk of the City of Salem.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public, personally appeared, Kimberley Driscoll, proved to me through satisfactory evidence of identification, which was my personal knowledge of the identity of the principal, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes as Mayor of the City of Salem.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



## CITY OF SALEM

In City Council, January 27, 2022

**Ordered:** The Salem City Council hereby declares that the 10,217 square foot parcel identified as "Parcel A" on the attached plan entitled "Plan of Land located in Salem, Massachusetts, Essex County," prepared for City of Salem and Salem Housing Authority, dated November 2, 2021 prepared by Meridian Associates, is surplus to the City's needs.

Be it further Ordered that the Mayor is authorized, on behalf of the City, to deed Parcel A to the Salem Housing Authority at no cost pursuant to the requirements set forth in Massachusetts General Law Chapter 30B, Section 16(i). The deed shall include an easement to the City for maintenance of the adjacent seawall and an easement for the public to pass and repass over Parcel A which shall be maintained as open space.

**ELIZABETH M. RENNARD**  
CITY SOLICITOR  
93 WASHINGTON STREET  
SALEM, MA 01970  
TEL: 978.619.5633  
FAX: 978.744.1279  
EMAIL: BRENNARD@SALEM.COM



**CITY OF SALEM**  
KIMBERLEY L. DRISCOLL, MAYOR  
LEGAL DEPARTMENT  
93 WASHINGTON STREET  
SALEM, MASSACHUSETTS 01970

**VICTORIA B. CALDWELL**  
ASSISTANT CITY SOLICITOR  
93 WASHINGTON STREET  
SALEM, MA 01970  
TEL: 978.619.5634  
EMAIL: VCALDWELL@SALEM.COM

**SHARYN G. LUBAS**  
ASSISTANT CITY SOLICITOR  
93 WASHINGTON STREET  
SALEM, MA 01970  
TEL: 978.744.0171 x 50106  
EMAIL: SLUBAS@SALEM.COM

January 27, 2022

Honorable Salem City Council  
Salem City Hall  
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Order surpluses and conveys to the Salem Housing Authority a 10,217 square foot parcel of City property identified on the enclosed plan as Parcel A. This parcel consists of the narrow strip of land between the Authority's Pioneer Terrace buildings and the seawall along Palmer's Cove.

For years the Authority has maintained this property under the assumption it was part of the Pioneer Terrace facility. Recently, the Authority received a state grant for \$500,000 to complete substantial improvements to this parcel, to enhance its use for pedestrians and passive recreation and to tie in aesthetically with the recently complete improvements in the adjacent Palmer Cove Park. A survey conducted as part of the design phase of this project identified that the parcel was, in fact, owned by the City. Because the state grant cannot be used on non-Housing Authority property, the Authority is requesting this conveyance.

The enclosed Order specifies that the final deed of such conveyance must include an easement to the City for the maintenance of the abutting seawall and for the public use of the parcel as open public space for anyone's enjoyment.

Sincerely,

Beth Rennard  
City Solicitor





Mayor Kim Driscoll  
City of Salem  
Washington Street  
Salem, MA 01970

John A. Boris, Chairman  
Kimberley Driscoll, Vice Chair  
Charity Lezama, Treasurer  
Benjamin Shallop, Assistant Treasurer

Cathy Hoog, Executive Director

January 19, 2022

Dear Honorable Mayor Driscoll,

Please accept this correspondence as a request for consideration of conveying the land marked as "Parcel A" in the attached plot plan to the Salem Housing Authority.

This strip of land has been managed by the Salem Housing Authority (SHA) for many years and was assumed to be owned by the Housing Authority.

SHA applied for a funding opportunity in partnership with the North Shore Community Development Corporation in 2020 for a Creative Placemaking Grant through the Department of Housing and Community Development (DHCD). This grant application involved a plan to work together with the existing Architect for the City's Palmer Cove Park enhancements project to incorporate existing park enhancements along the SHA elderly housing development property, Pioneer Terrace that abuts the Palmer Cove Park in an effort to include and join the housing development and the residents with the enhancements in the City further increasing the concept of "placemaking". The project was intended to join the enhancements in the park with additional improvement features for the residents and the public to enjoy along Pioneer Terrace and the waterfront area in front of Pioneer Terrace (Parcel A) which adjoins Palmer Cove Park. Fortunately, the grant application was awarded by DHCD for \$500,000 to complete these enhancements. SHA performed surveys in conjunction with the design process for the Creative Placemaking project and realized that parcel A was in fact owned by the City of Salem.

Because state funding through this grant program will not allow for spending on non-housing authority property, SHA is requesting consideration of conveying this land to the housing authority.

A significant portion of the design of the creative placemaking was to incorporate use of this strip of land for waterfront activities, seasonal art displays and areas for the residents and public to enjoy the beautiful views.



Consideration from the City would be greatly appreciated and would allow for SHIA to move forward with a project that will further enhance and join the improvements at Palmer Cove Park to the residents of Pioneer Terrace, creating an inclusive creative placemaking design.

If you have any further questions, please don't hesitate to ask.

Regards,

  
Cathy Hoog  
Executive Director

## WATERFRONT PATH | PALMER COVE PARK 2020



## EXISTING DRIVEWAY | PIONEER TERRACE 2020





# WATERFRONT TERRACE | PALMER COVE PARK 2021



AFTER





## PALMER COVE | AS-BUILT (CURRENT)





## PALMER COVE | PHASE 2 WITH IMPROVEMENTS AT PIONEER TERRACE









David R. Flewelling  
Specialist 2 Construction  
Comcast Cable Communications  
9 Forbes Road, Suite 9B  
Woburn, MA 01801  
Cell – 617-279-7864  
[dave\\_flewelling@comcast.com](mailto:dave_flewelling@comcast.com)

January 19, 2022

Ms. Maureen Fisher  
Salem Assistant City Clerk  
City Hall  
93 Washington Street  
Salem, MA 01970

RE: 2 Lynde Street Salem  
Grant of Location-Petition

Dear Ms. Fisher:

Enclosed please find materials supporting Comcast request for a grant of location from the Salem City Council. The work associated with the attached petition is for the purpose of providing the Comcast Service to number 2 Lynde Street. For a more detailed description of the work please refer to the attached construction plans.

I look forward to the opportunity to address this matter in further detail at the next Salem City Council Meeting. Should you have any questions or concerns, please feel free to contact me at (617) 279-7864.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Flewelling", written over a horizontal line.

David R. Flewelling  
Comcast  
Specialist 2, Construction

Enclosure (3)

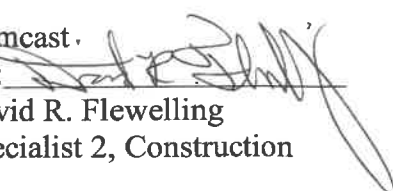
PETITION OF COMCAST FOR LOCATION FOR CONDUITS, MANHOLES AND  
POLES

To the City Council for the City of Salem, Massachusetts:

Respectfully represents Comcast Cable Communications Management LLC., a company incorporated for the distribution of broadband services, that it desires to construct a line for such broadband under the public way or ways hereinafter specified.

Lynde Street: Locating the existing Comcast Conduit located at number 6 Lynde Street. Excavating to place a 24" x 36" vault over the conduit. From the newly placed vault excavating to place (1) 1" PVC Conduit 5' +/- to number 2 Lynde Street.

Wherefore, your petition prays that, after due notice and hearing as provided by law, the City Council may by Order grant your petitioner permission to construct, and a location for, such a line of conduits, manholes and poles with the necessary wires and cables therein, said conduits manholes and poles to be located, substantially as shown on the plan made by Dewsnap Engineering dated January 18, 2022 and filed here with, under the following public way or ways of said City of Salem.

Comcast.  
By:   
David R. Flewelling  
Specialist 2, Construction

Dated this January 19, 2022

City of Salem, Massachusetts

Received and filed \_\_\_\_\_, 2022

\_\_\_\_\_



PROPOSED COMCAST VAULT (24"x36")  
SHALL BE PLACED OVER EXISTING  
COMCAST CONDUIT IN BITUMINOUS  
CONCRETE PATCH

BITUMINOUS CONCRETE PATCH  
SHALL BE REPLACED WITH CONCRETE  
PER CITY OF SALEM ENGINEERING  
AND DPW STANDARDS.

N/F  
ELLIE BEAN REALTY, LLC  
4 LYNDE STREET  
PARCEL ID: 35-0020-0

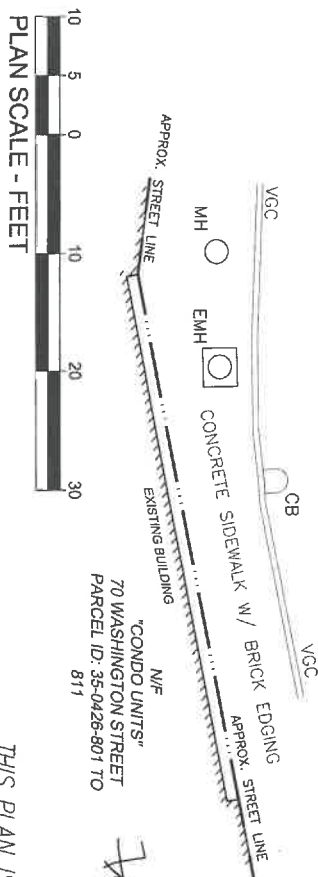
N/F  
THE RUCI REALTY TRUST  
2 LYNDE STREET  
PARCEL ID: 35-0021-0

N/F  
60 WASHINGTON STREET LLC  
60 WASHINGTON STREET  
PARCEL ID: 35-0022-0

# LYNDE STREET

PROPOSED COMCAST UNDERGROUND  
CONDUIT, 1'-1" PVC, SCH. 40.  
LENGTH = 5± (PROPOSED COMCAST  
VAULT TO BUILDING AT 2 LYNDE STREET)

EXISTING CONCRETE PANEL TO BE  
REMOVED AND REPLACED TO CITY  
OF SALEM ENGINEERING AND  
DPW STANDARDS



THIS PLAN IS DRAWN ON 11" X 17" PAPER.



## GENERAL LEGEND

- SMH SEWER MANHOLE
  - WG WATER GATE
  - DMH DRAIN MANHOLE
  - GS GAS GATE
  - EMH ELECTRIC MANHOLE
  - CMH COMCAST MANHOLE
  - VGC VERT. GRANITE CURB
  - PM PARKING METER
  - SP SIGN POST
  - ADA HANDICAP
- C — COMCAST UNDERGROUND CONDUIT
- D — DRAIN LINE
- G — GAS LINE
- W — WATER LINE
- S — SEWER LINE
- E — UNDERGROUND ELECTRIC LINE
- T — UNDERGROUND TELEPHONE
- P — PROPOSED COMCAST UNDERGROUND CONDUIT(S)

## WARD 2, PRECINCT 2

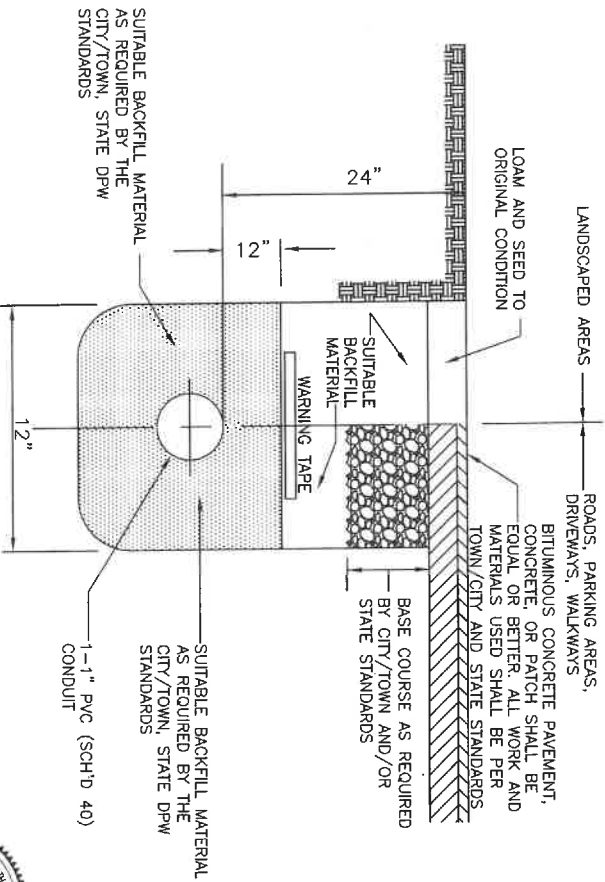
### PROPOSED COMCAST UNDERGROUND

### ESSEX COUNTY

### PLAN OF LAND IN SALEM, MA

Prepared for:	COMCAST 9 FORTES ROAD, SUITE 88 WOBURN, MA 01801	Prepared By:	DEWAP ENGINEERING ASSOC. LLP 178 Lincoln Avenue - Salem, MA 01968 Tel: (781) 253-0595
Date:	JANUARY 18, 2022	Scale:	1" = 10'
Checked By:	F.D.D. & P.A.D.	PROJECT LOCATION:	2 LYNDE STREET
Drawn By:	P.A.D.		
Field By:	P.A.D. & A.C.D.		
Sheet No.	1 of 3		

1. The details depicted are for general reference only. The final product used shall be the responsibility of the general contractor and shall be of equal or greater material than that depicted and shall conform to the Engineering/DPW Standards for the state, city/town where the project is located.



GENERAL CATV TRENCH DETAIL  
FOR 1" PVC, SCH. 40 CONDUIT

NOT TO SCALE

THIS PLAN IS DRAWN ON 11" X 17" PAPER.

## NOTES:

1. These plans were prepared from record plan data on file at the City of Salem, Registry of Deeds and various utility companies.
2. The locations of underground utilities shown are based on above ground structures and record drawings, if any, provided to the Surveyor. The Locations of underground utilities/structures may vary from location hereon and are not warranted to be accurate and/or correct. Additional buried utilities/ structures may be encountered. No excavations were performed during the progress of this survey to locate buried utilities/ structures.
3. Prior to any construction the Contractor shall notify DIG-SAFE at least 72 hours in advance at 811 (National Call Number) for verification of utilities and for field locations.
4. It is the responsibility of the Utility Contractor installing the Comcast underground conduit to notify those utility companies not associated with the DIG-SAFE system to verify the locations of their respective utilities. Also, the installing contractor shall be responsible for repairing or replacing any traffic signal loops damaged during the installation of the new Comcast underground conduit.
5. All work to be performed is the installation of a Comcast underground conduit and 2x3 vault.
6. All work shall conform to the approving authorities Engineering and DPW Standards.
7. Prior to the start of any construction, the Utility Contractor shall confirm the number, vaults, the number of conduits and the size of the conduit(s) for this project with the Comcast project Coordinator.
8. Upon completion of the trench work for the day, the contractor shall backfill, compact and pave the trench and the work area shall be broom swept clean. In grassed areas the trench shall be loamed and seeded and hay mulch spread to keep the area stabilized until the grass has taken hold.
9. Street/Property lines are not the result of a boundary survey and are considered to be approximate.

### CONSTRUCTION NOTES:

1. Following the Dig-Safe "mark out" and field verification of the existing underground utilities, the Proposed 4'x4' Manhole shall be adjusted in the field by the utility contractor to avoid being located over any existing utilities.

**WARD 2, PRECINCT 2**

PROPOSED COMCAST UNDERGROUND ESSEX COUNTY PLAN OF LAND IN SALEM, MA		Prepared for: COMCAST 9 FORBES ROAD, SUITE 801 WOBURN, MA 01801
Prepared By: DEM/NSAP ENGINEERING ASSOC. LLP 178 Lincoln Avenue - Saigon, MA 01906 Tel. (417) 233-0595	Date: JANUARY 18, 2022	Checked By: F.D.D. & P.A.D.
Scale: AS SHOWN	Drawn By: P.A.D.	Field By: P.A.D. & A.C.D.
PROJECT LOCATION: 2 LYNDE STREET		
Sheet No. 2 of 3		





David R. Flewelling  
Specialist 2 Construction  
Comcast Cable Communications  
9 Forbes Road, Suite 9B  
Woburn, MA 01801  
Cell – 617-279-7864  
[dave\\_flewelling@comcast.com](mailto:dave_flewelling@comcast.com)

January 19, 2022

Ms. Maureen Fisher  
Salem Assistant City Clerk  
City Hall  
93 Washington Street  
Salem, MA 01970

RE: 51 Charter Street Salem  
Grant of Location-Petition

Dear Ms. Fisher:

Enclosed please find materials supporting Comcast request for a grant of location from the Salem City Council. The work associated with the attached petition is for the purpose of enlarging an existing Comcast Manhole to permit more space for equipment. For a more detailed description of the work please refer to the attached construction plans.

I look forward to the opportunity to address this matter in further detail at the next Salem City Council Meeting. Should you have any questions or concerns, please feel free to contact me at (617) 279-7864.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Flewelling", written over a horizontal line.

David R. Flewelling  
Comcast  
Specialist 2, Construction

Enclosure (3)



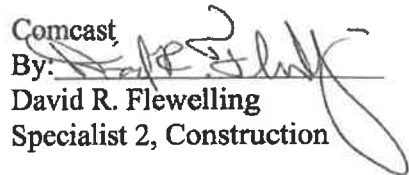
PETITION OF COMCAST FOR LOCATION FOR CONDUITS, MANHOLES AND  
POLES

To the City Council for the City of Salem, Massachusetts:

Respectfully represents Comcast Cable Communications Management LLC., a company incorporated for the distribution of broadband services, that it desires to construct a line for such broadband under the public way or ways hereinafter specified.

Charter Street: Excavating to enlarge the existing Comcast Manhole to 4'x4'.

Wherefore, your petition prays that, after due notice and hearing as provided by law, the City Council may by Order grant your petitioner permission to construct, and a location for, such a line of conduits, manholes and poles with the necessary wires and cables therein, said conduits manholes and poles to be located, substantially as shown on the plan made by Dewsnap Engineering dated January 18, 2022 and filed here with, under the following public way or ways of said City of Salem.

Comcast  
By:   
David R. Flewelling  
Specialist 2, Construction

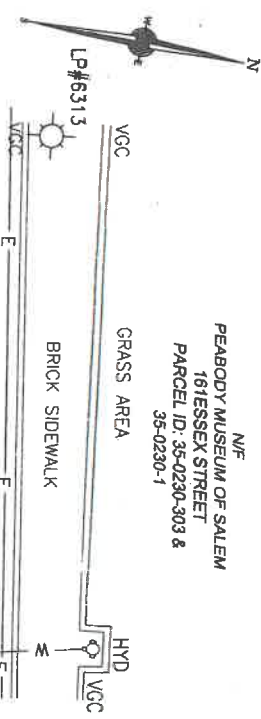
Dated this January 19, 2022

City of Salem, Massachusetts

Received and filed \_\_\_\_\_, 2022

\_\_\_\_\_

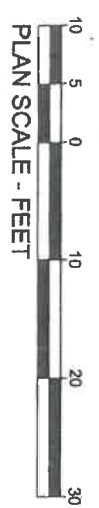
N/F  
PEABODY MUSEUM OF SALEM  
181 ESSEX STREET  
PARCEL ID: 35-0230-303 &  
35-0230-1



CHARTER ST.

EXISTING COMCAST MANHOLE IS TO BE REPLACED WITH A NEW MANHOLE (C.I.P. 4'x4'). EXISTING FRAME AND COVER WILL BE INSTALLED WITH NEW MANHOLE.

CONTRACTOR INSTALLING THE NEW MANHOLE SHALL CONFIRM THE LOCATION OF THE SEWER MAIN TO INSURE THE NEW MANHOLE IS NOT PLACED OVER IT.



GENERAL LEGEND

- SMH SEWER MANHOLE
- WG WATER GATE
- DMH DRAIN MANHOLE
- OG GAS GATE
- EMH ELECTRIC MANHOLE
- CMH COMCAST MANHOLE
- VGC VERT. GRANITE CURB
- SWL SINGLE YELLOW LINE
- DYL DOUBLE YELLOW LINE
- C COMCAST UNDERGROUND CONDUIT
- D DRAIN LINE
- G GAS LINE
- W WATER LINE
- S SEWER LINE
- E UNDERGROUND ELECTRIC LINE
- T UNDERGROUND TELEPHONE
- P.P. PROPOSED COMCAST CAST IN PLACE (C.I.P.) MANHOLE



NOTES:

- These plans were prepared from record plan data on file at the City of Salem, Registry of Deeds and various utility companies.
- The locations of underground utilities shown are based on above ground structures and record drawings, if any, provided to the Surveyor. The locations of underground utilities/structures may vary from location hereon and are not warranted to be accurate and/or correct. Additional buried utilities/structures may be encountered. No excavations were performed during the progress of this survey to locate buried utilities/structures.
- Prior to any construction the Contractor shall notify Dig-SAFE at least 72 hours in advance at 811 (National Call Number) for verification of utilities and for field locations.
- It is the responsibility of the Utility Contractor installing the Comcast underground conduit to notify those utility companies not associated with the Dig-SAFE system to verify the locations of their respective utilities. Also, the installing contractor shall be responsible for repairing or replacing any traffic signal loops damaged during the installation of the new Comcast underground conduit.
- All work to be performed is replacing the existing Comcast Manhole with a new Manhole (Cast in Place (C.I.P. 4'x4').
- All work shall conform to the approving authorities Engineering and DPW Standards.
- Prior to the start of any construction, the Utility Contractor shall confirm the size of the new manhole and city/town requirements for this project with the Comcast Project Coordinator.
- Upon completion of the installation of the new manhole, the contractor shall backfill, compact and pave around the new manhole per city requirements, and the work area shall be broom swept clean.
- Street/Property lines are not the result of a boundary survey and are considered to be approximate.

CONSTRUCTION NOTES:

- Following the Dig-Safe "mark out" and field verification of the existing underground utilities, the Proposed 4'x4' Manhole shall be adjusted in the field by the utility contractor to avoid being located over any existing utilities.

WARD 1, PRECINCT 1

PROPOSED COMCAST UNDERGROUND

ESSEX COUNTY

PLAN OF LAND  
IN  
SALEM, MA

Prepared for:	COMCAST 9 ROSS ROAD, SUITE 40 WOBURN, MA 01801	Prepared by:	DEWSNAP ENGINEERING ASSOC. LLP 173 Union Ave., Suite 100 Woburn, MA 01801 Tel: 617/731-233-0085
Date:	JANUARY 18, 2022	Scale:	1" = 10'
Checked By:	F.D. & P.A.D.	PROJECT LOCATION:	CHARTER STREET
Drawn By:	P.A.D.		
Field By:	P.A.D. & A.C.D.		
	Sheet No. 1 of 1		



January 20, 2022

City of Salem

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit please contact:

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845  
Phone 978-725-1392.

Very truly yours,

*Robert Coulter*

Name: Distribution Design Supervisor  
Supervisor, Distribution Design

Enclosures

Questions contact – Sibhita Mahabier 781-258-9169

Petition of the Massachusetts Electric Company d/b/a National Grid  
Of NORTH ANDOVER, MASSACHUSETTS  
For Electric conduit Location:

To City Council of Salem, Massachusetts

Respectfully represents the Massachusetts Electric Company d/b/a National Grid of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked: Peabody St - Salem - Massachusetts.

The following are the streets and highways referred to:

Plan # 29981452 Peabody St - National Grid to install beginning at a point approximately 270' +/- feet north/northeast of the centerline of the intersection of Lafayette St and Peabody St and continuing approximately 112' +/- feet in an easterly direction. Installation of 112' +/- of 6-4" PVC Conduits encased in concrete from MH 164 to 34 Peabody St.

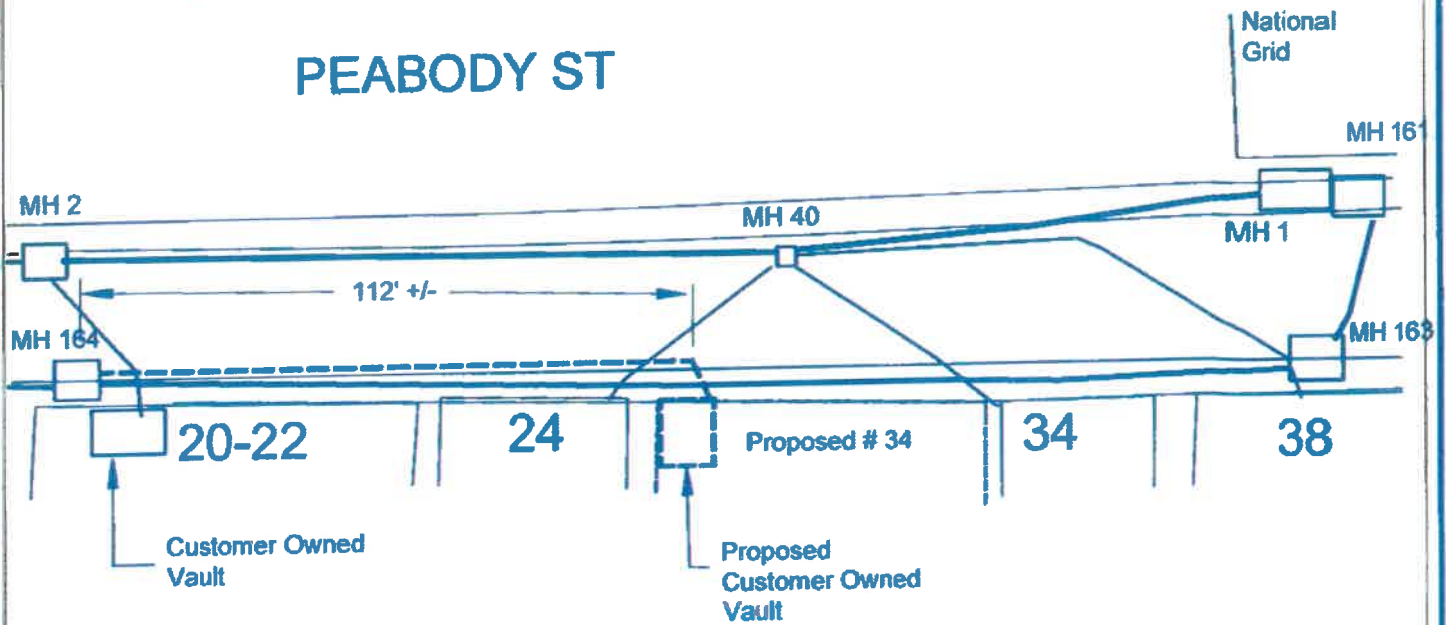
Location approximately as shown on plan attached

Massachusetts Electric Company d/b/a National Grid  
BY *Robert Coulter*  
Engineering Department

Dated: January 20, 2022



## PEABODY ST



### UNDERGROUND PETITION

- |                      |                         |
|----------------------|-------------------------|
| ① POLE (EXISTING)    | — EDGE OF STREET        |
| ○ MANHOLE (EXISTING) | — PROPOSED CONDUIT 1-3" |
| □ PROPOSED VAULT     | — EXISTING CONDUITS     |

Installation of 112' +/- of 6-4" PVC Conduits Encased in Concrete from MH 164 to Proposed Building Vault at 34 Peabody St., Salem, MA 01970.

**nationalgrid**

Date: 01-14-2022

WORK REQUEST: 12-22-29981452

To The: City Of Salem

For Proposed: 6-4" Conduit  
Encased in  
Concrete

Location: Peabody St

Drawn By: Sibhita Mahabier-Sheehy

DISTANCES ARE APPROXIMATE



January 19, 2022

City of Salem

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit please contact:

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845  
Phone 978-725-1392.

Very truly yours,

A handwritten signature in blue ink that reads "Robert Coulter".

Name: Distribution Design Supervisor  
Supervisor, Distribution Design

Enclosures



Questions contact – Sibhita Mahabier 781-258-9169

Petition of the Massachusetts Electric Company d/b/a National Grid  
Of NORTH ANDOVER, MASSACHUSETTS  
For Electric conduit Location:

To City Council of Salem, Massachusetts

Respectfully represents the Massachusetts Electric Company d/b/a National Grid of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked: Norman St - Salem - Massachusetts.

The following are the streets and highways referred to:  
Plan # 30363542 Norman St - National Grid to install beginning at a point approximately 90 feet southeast of the centerline of the intersection of Norman St and Summer St and continuing approximately 30 feet in a northeast direction. Install 60ft +/- (2), 3" conduits southeast from existing manhole on Norman St.

Location approximately as shown on plan attached

Massachusetts Electric Company d/b/a National Grid  
BY Robert Coulter  
Engineering Department

Dated: January 19, 2022

**UNDERGROUND PETITION**

☐ NGRID MH (EXISTING)    ☒ PROPOSED CONDUIT  
☐ CUST MH (EXISTING)

**Job description**

- NGRID is petitioning to install 60ft +/- 2-3" PVC conduits SW from existing NGRID MH on Norman St, Salem.

**nationalgrid**

Date: 01-14-2012

WORK REQUEST # 30303542

To The City Of Salem

For Proposed Guy Wire Location 1A Holyoke Sq

Drawn By Michael Kazan

DISTANCES ARE APPROXIMATE

## Ilene Simons

---

**From:** Alphonse V. Wright <alpha\_aad@hotmail.com>  
**Sent:** Tuesday, January 11, 2022 12:03 PM  
**To:** Ilene Simons  
**Subject:** Request for City Council Liaison

**Caution:** This email originated from outside our system. Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Day Ilene,

I am writing you to request that at the next City Council meeting, an item be put on the agenda to assign a liaison for the newly named Salem Human Rights Coalition (formerly No Place for Hate). If I need to direct this request to another office, could you please direct me to them, and I apologize for taking up your time.

Cheers,  
Alphonse V. Wright  
Co-Chair, Salem Human Rights Coalition



# CITY OF SALEM

In City Council,

**Ordered:**

January 13, 2022

ORDERED: That the order of the City Council passed on July 9, 2020 and approved by the Mayor on July 13, 2020 authorizing an appropriation and borrowing in the aggregate amount of \$9,638,451 to fund the Fiscal Year 2021 General Fund Capital Improvement Program and allocating such authorized amount among various capital projects in specified amounts ("the FY21 CIP Loan Order"), is hereby amended to replace the project designated in the FY21 CIP Loan Order as "School – Salem High Bathroom renovations - \$200,000" with the following project: "School – Salem Public Schools bathroom renovations - \$200,000"; and that the FY21 CIP Loan Order is otherwise ratified and confirmed in all respects.

In City Council January 13, 2022

Adopted for first passage by a roll call vote of 11 yeas, 0 nays and 0 absent

In City Council January 27, 2021

**ATTEST:**

ILENE SIMONS  
CITY CLERK

# City of Salem

---

*In the year Two Thousand and Twenty-Two*

**An Ordinance** to expand the safety enhancement zone.

**Section 1.** Section 1-11 of the Code of Ordinances is amended by replacing (b)(1) definitions in its entirety with the following:

“Safety enhancement zone is defined as the B-5 Central Business District of the City of Salem’s Zoning Ordinance and all areas of the city up to and including one mile from the border of the B-5 Central Business District.”

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

# City of Salem

---

*In the year Two Thousand and Twenty-Two*

**An Ordinance** to expand the safety enhancement zone.

**Section 1.** Section 1-11(b) *Definitions* of Chapter 1, Sec. 1-11 *Safety Enhancement Zone; Violations and Penalties* is hereby amended by deleting paragraph (1) in its entirety and replacing it with the following:

“Safety enhancement zone is defined as the B-5 Central Business District of the City of Salem’s Zoning Ordinance and all areas of the City within one mile of the border of the B-5 Central Business District.”

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