

JUNE 27, 2019

CITY COUNCIL

REGULAR MEETING

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

Assistive Listening System Now Available for City Council Meetings. Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk Ilene Simons at 978-619-5610 or isimons@salem.com.

A Regular Meeting of the City Council held in the Council Chamber on Thursday, June 27, 2019 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on June 25, 2019, at 8:30 A.M. This meeting is being taped and is live on S.A.T.V.

Councillors absent:

Council President Dibble presided.

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

VOTED

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

PUBLIC TESTIMONY

Public Testimony not to exceed 15 minutes

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

Name must be on roster 30 minutes prior to meeting

Agenda items only

How to Sign Up:

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

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

*Ilene Simons
City Clerk*



June 25, 2019

MEETING NOTICE AND AGENDA

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

The City Council will meet in the City Council Chamber on Thursday, June 27, 2019 at 7:00 P.M. to hold its regular meeting for the purpose of discussing any and all business.

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

Very truly yours,

ATTEST:

ILENE SIMONS
CITY CLERK

JUNE 27, 2019
CITY COUNCIL
REGULAR MEETING
HEARINGS

ORDERED: Comcast to install a pole and conduit at Artists Row

APPEARING IN FAVOR:

APPEARING IN OPPOSITION:

Councillor Madore	Moved that the hearing be closed	Voted
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Councillor Madore	Moved Granted	Voted
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CITY COUNCIL

REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the Mayor's appointment of Milo Martinez 78 Washington St., #2 (Replacing Jane Turiel) as an alternate member to the Historical Commission with a term to expire February 22, 2020.

Action Contemplated

Councillor Madore	Moved Confirmation by RCV	Yeas	Nays	Abs
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Held from the last meeting, the Mayor's appointment of Vijay Joyce 10 ½ Herbert St., Unit 31 (Replacing Joanne McCrea) as a member to the Historical Commission with a term to expire March 1, 2020.

Action Contemplated

Councillor McCarthy	Moved Confirmation by RCV	Yeas	Nays	Abs
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Held from the last meeting, the Mayor's appointment of Sara Moore of 34 Leach St, (Replacing Kerry Murphy) to serve as a member of the City of Salem Board of Health with a term to expire March 23, 2020.

Action Contemplated

Councillor Turiel	Moved Confirmation by RCV	Yeas	Nays	Abs
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REGULAR MEETING

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the Mayor's appointment of Sue Kirby of 45 St. Peter St., (Replacing Maureen Call) to serve as a member of the City of Salem Housing Authority with a term to expire March 1, 2020.

Action Contemplated

Councillor Madore	Moved Confirmation by RCV	Yeas	Nays	Abs
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The Mayor's appointment of Maureen McKinnon to serve on the Salem Commission on Disabilities with a term to expire on June 27, 2022.

Councillor	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor Turiel	Held Under the Rules
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The Mayor's appointment of Malissa Vieira to serve on the Salem Conservation Commission with a term to expire on November 15, 2021.

Councillor	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor McCarthy	Held Under the Rules
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APPOINTMENTS AND REAPPOINTMENTS

The Mayor's appointment of Paul Viccica to serve on the Salem Zoning Board of Appeals with a term to expire on May 1, 2022.

Councillor Suspension of the Rules Councillor Objection

Action Contemplated

Councillor Peterson Held Under the Rules

The Mayor's reappointment of Alexander Mitchell-Munevar to the Board of Registrars of Voters with a term to expire on June 23, 2022.

Action Contemplated

Councillor Gerard Moved Confirmation by RCV Yeas Nays Abs

The Mayor's reappointment of Michael Quigley to the Salem Youth Commission with a term to expire on June 23, 2022.

Action Contemplated

Councillor Dominguez Moved Confirmation by RCV Yeas Nays Abs

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COMMUNICATIONS FROM THE MAYOR

ORDERED: Per MGL Ch. 44 Sec. 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 February 14, 2017 and the February 1, 2017 and the March 21, 2018 invoices are hereby allowed to be paid from the Fiscal Year 2019 budget account DPS Snow Removal Account in the amount of \$29,127.50 with the recommendation of Her Honor the Mayor.

Councillor Peterson	Moved Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor Peterson	Moved Adoption by RCV	Yeas	Nays	Abs
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Ordered: The Salem City Council hereby authorizes a pilot program to temporarily establish multi-use lanes on one side of four entrance corridors into the downtown during the summer of 2019, on weekends only, from July 19th to August 26th. Such lanes shall only be established with the approval of the City Marshal and any Ward Councillors representing Wards containing the proposed lane. The lanes shall be established on the following dates and times:

Friday, July 19 at 8PM to Monday, July 22 at 8AM
 Friday, July 26 at 8PM to Monday, July 29 at 8AM
 Friday, August 2 at 8PM to Monday, August 5 at 8AM
 Friday, August 9 at 8PM to Monday, August 12 at 8AM
 Friday, August 16 at 8PM to Monday, August 19 at 8AM
 Friday, August 23 at 8PM to Monday, August 26 at 8AM

The four entrance corridors on which a multi-use lane will be established are:

Loring Avenue, southern side, beginning at a point 550 feet from the intersection with Canal Street and continuing for a distance of 1450 feet
 Lafayette Street, eastern side, beginning at the intersection with West Avenue and continuing to the intersection of Leach Street
 Congress Street, eastern side, beginning at the intersection with Leavitt Street and continuing to the intersection with Peabody Street
 North Street, western side, beginning at Highland Street and continuing to the intersection of Franklin Street

Action Contemplated

Councillor Sargent	Moved	Voted
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MAYOR'S INFORMATIONAL PAGE

NONE

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MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Flynn/Peterson

RESOLUTION:

WHEREAS: The Theophilopoulos Family, Owners of One-Way Lumber after 39 years of serving this community as a business owner, has decided to close their doors in August. Their dedication to our community and residents has been a cherished asset to the City of Salem, Massachusetts.

WHEREAS: Petro (Perry) Theophilopoulos grew up in Salem and has been a life-long resident of Salem. Anastasia Tsiousi was born in Greece and lived in Lowell, MA until she met Perry. They were married on July 3, 1966 and have been happily married for 53 years living in Salem. They were blessed with two sons Arthur and Paul.

WHEREAS: Perry attended Salem High School and later joined the Navy, initially the submarines having trained on the first nuclear sub, the Nautilus and later having served the Navy on the largest ice breaker ever commissioned at that time, The USS Glacier AGB4 who's service included at least two very interesting years at the South Pole. Perry received an acknowledgement and thank you letter from Admiral Bird's wife for continuing her husband's goals in "Operation Deep Freeze".

WHEREAS: Perry having initially worked as a builder and cabinet maker, took the advice of his wife (smart man) and together opened Young World Nursery School in 1974. And in 1980, Tasia took Perry's advice and with no retail experience opened One Way Lumber. It was one of the first all enclosed Lumber Yards and certainly one of the only women operated yards in the country. In 1984, One Way Lumber also became an Ace Hardware Franchise, one of the first in the North Shore.

WHEREAS: For almost 40 years, One Way Lumber has built a reputation on quality trust, and service, from the homeowners, to the large builders. Although a Franchise, Perry and Tasia always maintained a feeling of a Mom and Pop lumber yard which has served many Salem residents and families and welcomed all those who entered its doors in a cheerful and professional manner. They were always there giving professional and more often than not personal advice.

WHEREAS: As One-Way Lumber operations are currently winding down, it will be greatly missed by many. The Theophilopoulos family will also miss everyone. The family appreciates the almost 40 years of friendships and dedication from all of its customers. They feel it was truly a joy and blessing to service Salem residents and the local communities.

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MOTIONS, ORDERS, AND RESOLUTIONS

NOW THEREFORE BE IT RESOLVED: That the City Council on behalf of its residents extend to Petro, Anastasia, Arthur and Paul sincere thanks to them for their many years of dedication to this community. And congratulate Petro and Anastasia on their retirement and wish them well on their trip to Greece and spending time with their family.

AND BE IT FURTHER RESOLVED: That the City Council make this Resolution a matter of record of these proceedings, and that a suitable copy of this Resolution be presented to Petro and Anastasia Theophilopoulos on behalf of the Salem City Council, as a token of our appreciation and very best wishes for good health and happiness in the future.

Action Contemplated

Councillor Flynn/Peterson

Moved Adoption

Voted

Councillor Flynn

ORDINANCE: In the year Two Thousand and Nineteen

An Ordinance to amend an Ordinance relative to Traffic,

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

SECTION 1. Amending Chapter 42 Section 10 – “One-way Streets”

By repealing the following:

Beaver Street – from where the easterly end of Silver Street intersects with Beaver Street, thence easterly to the easterly end of the property line of No. 17 Beaver Street.

And retaining the following:

Beaver Street – from where the easterly end of Silver Street intersects with Beaver Street thence easterly to Grove Street. (1/8/78 DPW 5-1498)

SECTION 2. Amending Chapter 42 Section 51 – “Parking Prohibited on Certain Streets”

By repealing the following:

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REGULAR MEETING

MOTIONS, ORDERS, AND RESOLUTIONS

Beaver Street – Parking prohibited on certain streets southerly side.

And replacing it with the following:

Beaver Street – Parking prohibited on certain streets southerly side, from Safford Street extending easterly to a point approximately 70 ft from the intersection with Grove Street.

SECTION 3. This ordinance shall take effect as provided by City Charter

Action Contemplated

Councillor Flynn

Moved Adopted for First Passage
OR Refer. To the Comm. on Ord., Lic. &
Legal Affairs

Voted

Councillor Turiel

Ordinance: In the year Two Thousand and Nineteen

An Ordinance to amend an Ordinance relative to Traffic,

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

SECTION 1. Amending Chapter 42 Section 11 – “Bus Stops”

By adding the following:

Lafayette Street – BUS STOPS – easterly side, for a distance of fifty-four (54) feet beginning at the driveway of 287 Lafayette Street in a northerly direction.

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

Action Contemplated

Councillor Turiel

Moved Adopted for First Passage
OR Refer. To the Comm. on Ord., Lic. &
Legal Affairs

Voted

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MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Madore

Ordinance: In the year Two Thousand and Nineteen

An Ordinance to amend an Ordinance relative to Traffic,

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

SECTION 1. Chapter 42, Section 54A – “Reserved Parking, Holyoke Square”

Be amended by repealing the following:

Parking shall be reserved in accordance with the Salem Redevelopment Authority Deed of Easement recorded at Book 22087, Page 438, which restricts parking exclusively for Holyoke Square, Inc. during regular business hours, defined as Monday through Friday, from 7:30 a.m. to 5:30 p.m., at 13 parking spaces along the Holyoke Square side of so much of the public ways known as Norman Street and Holyoke Square as about Holyoke's property at Holyoke Square. A violation of this Ordinance shall be considered a violation of a restricted parking area.

And replacing it with the following:

Parking shall be reserved in accordance with the Salem Redevelopment Authority Deed of Easement recorded at Book 22087, Page 438, which restricts parking exclusively for Holyoke Square, Inc. (NKA CDX Analytics, LLC) during regular business hours, defined as Monday through Friday, from 7:30 a.m. to 5:30 p.m., at 6 parking spaces along the Holyoke Square side of so much of the public way known as Norman Street which are identified as spaces numbered 1, 2, 3, 4, 5 and 6 on the Easement Plan of land for Holyoke Square recorded at Plan Book 372, Plan No. 64 in the Southern Essex Registry of Deeds.

A violation of this Ordinance shall be considered a violation of a restricted parking area.

SECTION 2. Chapter 42, Section 57C – “Parking Time Limited: Monthly Zones”

Be amended by repealing the following:

Holyoke Square – Parking Time Limited: Monthly Zones, easterly side from Norman to Gedney Street.

SECTION 3. Chapter 42, Section 51B – “Parking prohibited at certain times on certain streets”

Be amended by repealing the following:

Holyoke Square – Parking prohibited at certain times on certain streets southerly side, two (2) hour parking limit.

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MOTIONS, ORDERS, AND RESOLUTIONS

SECTION 4. Chapter 42, Section 75 – “Parking Prohibitions Towing Zone”

Be amended by repealing the following:

Gedney Street – Parking Prohibitions Towing Zone (Resident Sticker) Zone D – Color Yellow – southerly side, beginning at No. 19 for a distance of fifty-eight (58) feet to Gedney Court

And Replacing with the following:

Gedney Street – Parking Prohibitions Towing Zone (Resident Sticker) Zone D – Color Yellow – southerly side, between Summer Street and Gedney Court

SECTION 5. Chapter 42, Section 56 – “Parking Meters, Zones Established”

Be amended by adding the following:

Gedney Street – Parking Meters Zones Established – southerly side, beginning at Gedney Court, easterly, for a distance of seventy-six (76) feet. Two (2) hour parking.

Gedney Street – Parking Meters Zones Established – northerly side, between Summer Street and Margin Street. Two (2) hour parking.

Holyoke Square – Parking Meters Zones Established – easterly side, between Norman Street and Gedney Street. Two (2) hour parking.

Holyoke Square – Parking Meters Zones Established – westerly side, between Norman Street and Gedney Street. Two (2) hour parking.

SECTION 6. This ordinance shall take effect as provided by City Charter

Action Contemplated

Councillor Madore

Moved Adopted for First Passage
OR Refer. To the Comm. on Ord., Lic. &
Legal Affairs

Voted

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MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Furey

ORDER: That the regular meetings of the City Council, for the months of July and August be combined and held on Thursday, July 18, 2019

Action Contemplated

Councillor Furey

Moved Adoption

Voted

Councillor Peterson

Ordered: That the Monthly Financial Report dated May 31, 2019 be referred to the Committee on Administration and Finance

Action Contemplated

Councillor Peterson

Moved Adoption

Voted

Councillor Dibble

Ordered: That the Friends of Greenlawn Cemetery give an update to the City Council at its next regularly scheduled Council Meeting (July 18th) on various matters, such as the Chapel and making Greenlawn Cemetery and Arboretum

Action Contemplated

Councillor Dibble

Moved Adoption

Voted

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REGULAR MEETING

COMMITTEE REPORTS

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs to whom was referred the matter of an ordinance amending an ordinance relative to Fire Prevention – Outdoor Cooking and Fireplaces has considered such matter and has recommended (action unknown took place after agenda deadline)

Accept the Report	Voted
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Adopt the Recommendation	Voted
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Councillor Flynn offered the following report for the Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of a PA system for the City Council Chambers has considered such matter and has recommended (action unknown took place after agenda deadline)

Accept the Report	Voted
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Adopt the Recommendation	Voted
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Councillor Flynn offered the following report for the Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of Reviewing Applications and making Recommendations for the City Council appointments to the Tree Commission has considered such matter and has recommended (action unknown took place after agenda deadline)

Accept the Report	Voted
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Adopt the Recommendation	Voted
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COMMITTEE REPORTS

Councillor Flynn offered the following report for the Committee on Government Services to whom was referred the matter of discussing improvement to lighting in the Downtown has considered such matter and has recommended (action unknown took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Flynn offered the following report for the Committee on Government Services co-posted with the Committee of the Whole to whom was referred the matter of National Grid halting any non-emergency work in Salem until the lockout is over has considered such matter and has recommended (action unknown took place after agenda deadline)

Accept the Report Voted

Adopt the Recommendation Voted

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REGULAR MEETING

COMMUNICATIONS FROM CITY OFFICIALS

The Following Order introduced by Jane Guy, Asst. Community Development Director

That Eight Hundred and Fifty-three Thousand Two Hundred and Two Dollar's (\$853,202.00) is hereby appropriated within the CPA Funds for the FY 2020 projects listed below in accordance with the recommendation of Community Preservation Committee (CPC).

FY	Fund	Fund Name	Description	Funding	Amount	Total
2020	2004	Community Housing	NSCDC Lighthouse 47	FY20 Housing Res	80,889.00	
	2001	CPA General Funds		FY20 Reserves	119,111.00	200,000.00
2020	2003	Historical Resources	Courthouse Development	FY20 Historic Res	40,000.00	40,000.00
2020	2003	Historical Resources	Old Town Hall Master Plan	FY20 Historic Res	25,000.00	25,000.00
2020	2003	Historical Resources	Brookhouse Home Brick Repointing	FY20 Historic Res	15,889.00	
	2001	CPA General Funds		FY20 Reserves	109,111.00	125,000.00
2020	2001	CPA General Funds	Broad St Cemetery Pres & Design	FY20 Reserves	35,000.00	35,000.00
2020	2001	CPA General Funds	Nathaniel Bowditch House Roof Replace	FY19 Fund Balance	43,000.00	43,000.00
2020	2001	CPA General Funds	Salem Athenaeum Study	FY19 Fund Balance	22,653.20	
	2001	CPA General Funds		FY20 Reserves	12,548.80	35,202.00
2020	2001	CPA General Funds	Gallows Hill Park Renovation	FY19 Fund Balance	19,111.00	
2020	2002	Open Space/Rec		FY20 Open Space/Rec	80,889.00	100,000.00
2020	2001	CPA General Funds	Forest River Pool Design & Permitting	FY20 Reserves	150,000.00	150,000.00
2020	2001	CPA General Funds	Willows Restoration Phase 1	FY20 Reserves	100,000.00	100,000.00
					853,202.00	853,202.00

Total Housing-->	80,889.00
Total Historic-->	80,889.00
Total Open Space/Rec-->	80,889.00
Total FY20 Budget Reserve-->	525,770.80
Total FY19 Fund Balance-->	84,764.20
Grand Total-->	853,202.00

Councillor Peterson

Moved Adoption

Voted

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COMMUNICATIONS FROM CITY OFFICIALS

The Following Order introduced by the City Solicitor

Ordered: In accordance with Massachusetts General Law, Chapter 268A, Section 20(b) the City Council hereby declares that John Robinson has met the requirements for exemption as set forth in this Section and may be retained as a foreman at Winter Island by the Park, Recreation and Community Services Department for the 2019 summer season, not to exceed 500 hours in this calendar year.

Action Contemplated

Councillor Dominguez

Moved adoption

Voted

A Communication from the Planning Board submitting their recommendation relative to a Zoning Ordinance Amendment for Municipal and Religious Reuse Special Permit

**Report of the Planning Board to City Council
Re: Proposed Municipal and Religious Reuse Special Permit Zoning Amendment**

June 25, 2019

At its meeting on June 20, 2019 the Planning Board discussed the proposed Zoning Ordinance amendment to add "Municipal and Religious Reuse" discussed at a joint public hearing with the City Council on June 17, 2019.

The purpose of this amendment is to allow for the reuse of buildings currently or formerly in municipal or religious use into new uses that may not otherwise be allowed on those properties to promote historic preservation, economic development, housing production and environmental sustainability and resilience.

The Planning Board voted seven (7) in favor (Ben Anderson, Bill Griset, Carole Hamilton, Kirt Rieder, DJ Napolitano, Helen Sides, Matt Venno) and none (0) opposed to recommend that the City Council approve the amendment with modifications. The Board's recommended modifications to the zoning amendment are in the attachment. Below are a summary of the Board's comments and recommendations.

Comments:

After considering the public discussion regarding affordability and workforce housing, the Planning Board believes that it is more appropriate to incorporate these topics in a future zoning amendment, such as an inclusionary zoning ordinance.

Regarding parking, many of the older buildings eligible under this zoning amendment were built before parking ordinances were in affect and in neighborhoods that developed around pedestrian, as opposed to vehicular, access. These constraints can make the addition of parking spaces extremely expensive and the reuse of

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COMMUNICATIONS FROM CITY OFFICIALS

municipal and religious buildings financially infeasible. More stringent parking requirements could cause these properties to continue to sit vacant, which would defeat a primary purpose of the zoning amendment.

Modifications:

The Board recommends inclusion of the modifications submitted to the Planning Board and City Council on June 12, 2019 by Tom Daniel, AICP, Director of Planning and Community Development. The amendment text submitted below accepts these edits and includes additional recommendations from the board as follows

- 1) Strike all instances of the word “currently” to provide greater clarity for which buildings are eligible for a Special Permit, while not altering the initial purpose of the proposed amendment. Additionally, strike the word “in” from 6.11.3 item 3 to correct the sentence structure.
- 2) Clarify language in the first sentence of section 6.11.7 by striking “At the time of, or before filing, an application...” and replace with “No later than at the time of an application...”
- 3) In 6.11.8 strike the sentence “Such properties will not be eligible for resident parking permits to fulfill these requirements” and amend the first paragraph of the section by adding “On-street parking shall not count toward this requirement.” The Board interpreted this sentence as specifically referencing the fulfillment of special permit requirements and thought that new residents would be able to apply for on-street parking permits. Since on street parking has never counted toward fulfilling parking requirements, the Board recommended rephrasing the language.

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

Yours truly,

Ben J. Anderson, Chair

CC: Ilene Simons, City Clerk

In the year two thousand nineteen

An Ordinance to amend the zoning ordinance by adding “Municipal and Religious Building Reuse” as a use permitted in certain zoning districts upon the issuance of a special permit by the Planning Board subject to the requirements of new section 6.11 of the zoning ordinance.

Section 1. Section 3.1 Table of Principal and Accessory Use Regulations of the City of Salem Zoning Ordinance (the “Zoning Ordinance”) is hereby amended by adding the following principal use under “B. Exempt and Institutional Uses”:

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	R C	R 1	R 2	R 3	B 1	B 2	B 4	B 5	I	B P D	N R C C
Municipal or Religious Building Reuse**	P B	P B	P B	P B	n	n	n	n	n	n	n

** Subject to Section 6.11.

Section 2. Section 6 - Special Regulations of the Zoning Ordinance is hereby amended by adding the following new section:

6.11 Municipal or Religious Reuse Special Permit

6.11.1 Purpose.

The purpose of this Section 6.11 is to allow for the reuse of buildings ~~currently~~ in municipal or religious use into new uses that may not otherwise be allowed on those properties so as to promote historic preservation, economic development, housing production and environmental sustainability and resilience.

6.11.2 General

A Building ~~currently~~ in municipal or religious use may be converted to one or more of the uses set forth in Section 6.11.5 upon the issuance of a special permit by the Planning Board authorizing that new use or uses. The special permit shall apply only to the Building and not to any structural extensions or alterations other than those allowed under 6.11.4. If the petitioner meets the requirements of this Section 6.11, the Planning Board may approve, or approve with conditions, an application for such special permit.

6.11.3 Eligibility for Special Permit

One or more Buildings ~~currently~~ in municipal use or religious use shall be eligible for a special permit under Section 6.11 where:

1. the Building(s) ~~currently~~ in municipal or religious use and for which a change of use is proposed is at least 4,000 square feet;
2. one or more of the Building(s) ~~currently~~ in municipal or religious use and for which a change of use is proposed to a Building at least fifty (50) years old at the time of application under this Section 6.11 and
3. the applicant seeks to change the use of the Building from ~~currently~~ in municipal or religious use to one or more of the uses identified in Section 6.11.5.

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A Building shall be considered ~~currently~~ in municipal use if substantially all of that Building was actively used for municipal purposes for at least 20 continuous years, including some point in the last 20 years immediately preceding an Application under this section.

A Building shall be considered ~~currently~~ in religious use if substantially all of that Building was actively used for religious purposes and protected by G.L. c. 40A §3 for at least 20 continuous years, including some point in the last 20 years immediately preceding an Application under this section provided, however, that a Building used as a religious school must have been in that use for at least 20 continuous years, including some point in the last 50 years immediately preceding an Application under this section.

Public parks and cemeteries, together with the Buildings thereon, shall not be considered ~~currently~~ in municipal use for the purpose of Section 6.11.

6.11.4 Dimensional Requirements

The following shall apply to any use for which a special permit is granted under Section 6.11:

There shall be no minimum lot area per dwelling unit requirement for the Building for which the Special Permit is issued.

Any rooftop construction needed for Building circulation, drainage, ventilation, utilities, accessibility features or passive recreation shall be excluded from the calculation of Building height. Existing fences and bordering walls may be replaced and/or extended to a height equal to the existing fence or bordering walls or 6 feet whichever is greater.

The Planning Board may, in issuing a special permit hereunder, allow structural extensions and alterations to existing nonconforming Buildings where the Planning Board finds that: (1) those changes are necessary for purposes of public health and safety, access for disabled persons, utilities, mechanical equipment or code compliance concerns and (2) those extensions and alterations shall not be substantially more detrimental than the existing nonconformity.

6.11.5 Uses Allowed by Special Permit

The Planning Board, upon a finding that a proposed use is in harmony with the purpose and intent of this Section 6.11, may grant a special permit pursuant to this Section 6.11 and Section 9.4 for one or more of the following uses in a Building that meets the eligibility requirements of Section 6.11.3; provided, however that Commercial uses may only be located within a multifamily dwelling and may not exceed 30 percent of the gross floor area of said multifamily dwelling. In addition, for any Building in the R1, R2, R3, and RC Districts, the Planning Board may grant such special permit that includes a Commercial use only upon finding that the public good will be served and that the Commercial use would not adversely affect the underlying residential district.

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Special Permit Uses:

1. Dwelling, Multi-family.
2. Meeting and gathering space incidental to a principal use or for use by residents or tenants of a Lot.
3. Artist lofts and living space, studios, workrooms and shops of artists, artisans and craftsmen, where products of the artistic endeavor or craft activity can be for sale on the premises or by specific off-premises commission from a sponsor or client.
4. Banks and savings and loan institutions.
5. Barber shops and beauty parlors.
6. Books, stationery and gift stores.
7. Business and professional offices.
8. Crafts, related stores selling jewelry, crafts, etc. where production occurs on the premises.
9. Dwelling units above first floor retail, personal service, or office use.
10. Florist shops, but excluding greenhouses.
11. Galleries.
12. Laundromats/dry cleaning establishments, excluding onsite dry cleaning.
13. Medical and dental offices.
14. Specialty food stores, including grocer, candy store, meat market, delicatessen, or bakery, but not a restaurant or fast food establishment unless permitted by the underlying zone.
15. Tailor and custom dressmaking shops.
16. Not for profit museums.

The Planning Board may issue a special permit hereunder allowing the combination of any of the uses listed in Section 6.11.5 with one or more uses permitted as of right or by special permit in the applicable zoning district or the R2 zone.

Nothing set forth in this Section 6.11 shall be construed as requiring a special permit where the owner of a property ~~currently~~ in municipal use or religious use seeks to convert that use to one or more uses that are allowed as of right in the applicable zoning district.

6.11.6 Site Plan Review

Each project submitted hereunder shall require site plan approval under Section 9.5. Absent special circumstances, applications under Section 6.11.5 for a special permit and under 6.11.6 for site plan approval should be filed together for contemporaneous consideration by the Planning Board.

6.11.7 Historical Commission and Design Review Board Review

~~At the time of, or before filing, an application~~ No later than at the time of an application under this Section 6.11, the applicant shall provide a copy of the application to the City of Salem Historical Commission and the Design Review Board. The Historical Commission and the Design Review Board shall each review the application at a public meeting and shall provide advisory comments to the Planning Board. Those boards may review the application at a joint meeting or separately. The Historical Commission and Design Review Board shall review the application for conformance to

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COMMUNICATIONS FROM CITY OFFICIALS

the Secretary of the Interior's Standards for the Treatment of Historic Properties. The Planning Board shall not take final action on an application under this Section 6.11 until it receives written confirmation from the Historical Commission and the Design Review Board that the application conforms to the Secretary of the Interior's Standards. The Planning Board may take action if at least sixty (60) days have passed since delivery of the application to the Historical Commission and the Design Review Board and the Planning Board has not received any findings from the Historical Commission or Design Review Board during the sixty (60) day period. Said sixty (60) day period may be extended by written agreement between the Applicant and Planning Board.

Nothing set forth in this Section is intended to alter or amend the rights and obligations of the Historical Commission pursuant to the G.L. c. 40C.

Failure of an applicant hereunder to timely deliver a copy of the application to the Historical Commission or Design Review Board may be grounds for denial of the application.

6.11.8 Parking and Loading

For new residential dwelling uses, provisions shall be made for not less than one (1) parking space per dwelling unit for existing buildings. [On-street parking shall not count toward this requirement.](#)

Notwithstanding anything to the contrary, housing built under the jurisdiction of the Salem Housing Authority for elderly and/or handicapped persons shall require one-third (1/3) parking space per dwelling unit.

Nonresidential uses shall provide parking in accordance with Section 5.1.8 Table of Required Parking Spaces.

In mixed-use developments, the Planning Board may consider a reduction in total parking requirements based on an analysis of peak demand for non-competing uses provided by the applicant. In such cases the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient as determined by the Planning Board. An applicant shall use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board.

The parking requirements may be accommodated by either one or a combination of on-site parking and/or parking at municipal or other parking facilities in the vicinity of the Lot. All municipal or other parking facilities which are used to satisfy the parking requirement must meet the following

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COMMUNICATIONS FROM CITY OFFICIALS

criterion: The parking facility must be fewer than one thousand (1,000) feet from the Lot as measured in a straight line from the two (2) closest points between the Lot and the parking facility. If using a municipal facility, the owner must purchase an annual parking pass to satisfy the parking requirement.

~~Such properties will not be eligible for resident parking permits to fulfill these requirements.~~

A new loading zone shall not be required if the existing Building does not have an existing loading zone.

6.11.9 Severability

The provisions of this Section 6.11 are severable. The invalidity of any paragraph, subsection or provision of this Section 6.11 shall not invalidate any other paragraph, subsection or provision hereof.

Action Contemplated

Councillor McCarty	Moved received and filed				Voted
Councillor McCarthy	Moved Adoption for first passage by RCV Or Refer to the Comm. on Ord., Lic. & Legal Affairs co-posted with the Comm. of The Whole	Yeas	Nays	Abs	

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PETITIONS

Presentation by David Sweetser, in response to Councillor Milo’s order to invite him to speak to the City Council to give an update on the project at the Community Life Center

Action Contemplated

Councillor Milo

Moved Received and filed

Voted

Petition from National Grid to install 1 conduit on Briggs St.

HEARING ORDERED JULY 18, 2019

Petition from AT&T to install telecommunication on a pole located at 40 Liberty Hill Ave and to also install a conduit

HEARING ORDERED JULY 18, 2019

Request from the Salem Common Neighborhood Association to hold Kids Fun Fest Carnival October 19, 20, 26 & 27, 2019.

Action Contemplated

Councillor Madore

Moved Granted

Voted

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REGULAR MEETING
PETITIONS

A request from the Residents of Clark St. hold a block party on September 7, 2019 from 12:00 P.M. to 7:00 P.M. with a rain date of September 8, 2019.

Action Contemplated

Councillor Peterson	Moved Granted	Voted
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A request from the Residents of English St. to hold a block party on July 14, 2019 from 12:00 P.M. to 6:00 P.M. with a rain date of July 21, 2019.

Action Contemplated

Councillor McCarthy	Moved Granted	Voted
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A request from the Residents of Hemenway Rd. to hold a block party on July 4, 2019 from 10:00 A.M. to 10:00 P.M.

Action Contemplated

Councillor Turiel	Moved Granted	Voted
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A request from the Residents of Orchard St. to hold a block party on September 21, 2019 from 3:00 P.M. to 10:00 P.M.

Action Contemplated

Councillor Gerard	Moved Granted	Voted
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PETITIONS

A request from the Residents of Conners Rd. to hold a block party on July 4, 2019 from 1:00 P.M. to 9:00 P.M.

Action Contemplated

Councillor Madore

Moved Granted

Voted

A request from the Peabody Essex Museum, 161 Essex St. to hold a block party on July 27, 2019 with events from 3:00 P.M. to 10:00 P.M. Street to be closed at 121 Essex St. from 12:00 P.M. through Midnight.

Action Contemplated

Councillor Madore

Moved Granted

Voted

The Following License Applications:

PUBLIC GUIDES:

Katherine York, 102 Bay View Ave., Salem
Bridgette Perkins, 100 Wharf St., Salem
Pamela Cyran, 394 Essex St., Salem

TAXI OPERATOR:

Jaime Lopez, 12 Rockmere Garden, Lynn

VEHICLE FOR HIRE –
OPERATORS ONLY:

Mark Gauthier, 40 Oak Ave., Peabody

Action Contemplated

Councillor McCarthy

Moved Granted

VOTED

JUNE 27, 2019

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REGULAR MEETING

PETITIONS

The following License Applications:

PUBLIC GUIDES: Beth Crowley, 7 Forrester St., Salem

Action Contemplated

Councillor McCarthy Moved Denied VOTED

The following License Applications:

PUBLIC GUIDES: Thomas Vallor, 4 Lyme St., Salem

Action Contemplated

Councillor McCarthy Moved VOTED

The Following License Applications:

TAG DAYS: MCJROTC: July 20; August 10 & 17; September 15 & 29;
October 13, 20, 27, 2019

Action Contemplated

Councillor McCarthy Refer to Comm. On Ord., Lic. & Legal Affairs Voted

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PETITIONS

The Following Claims:

Leanne Schild, 354 Essex St., Salem
Todd Malicki, 21 Buffum St., Salem
Allena Pond, 65 Mason St., Salem
Carol Cudmore, 19 Becket St., Salem

Action Contemplated

Councillor McCarthy

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

Voted

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CITY COUNCIL

REGULAR MEETING

UNFINISHED BUSINESS

SECOND PASSAGE OF AN ORDINANCE:

In the year Two Thousand and Nineteen

An Ordinance to amend to amend an Ordinance relative to Ch. 46, Sec. 230 - Sewer Use Charges

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

Section I. Chapter 46, Section 230 is hereby amended by deleting subsection (c) in its entirety and replacing it with the following:

“(c) The rates for sewer use charges effective July 1, 2019 shall be as follows:

Residential, per 100 cubic feet...	\$ 6.91
Nonresidential, per 100 cubic feet up to 25,000 cubic feet per month	\$10.46
Nonresidential, per 100 cubic feet for 25,000 cubic feet and greater per month	\$13.40

The use of all water and sewer funds and SESD funds shall be excluded from all private development projects.”

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

Action Contemplated

Councillor McCarthy

Adopted for second and final passage

Voted

JUNE 27, 2019

CITY COUNCIL

REGULAR MEETING

UNFINISHED BUSINESS

SECOND PASSAGE OF AN ORDINANCE:

An Ordinance to amend an Ordinance relative to Rates for Use of Water

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

Section 1. Chapter 46, Section 66 is hereby amended by deleting subparagraph (b) in its entirety and replacing it with the following:

“(b) The rate for all water furnished by meter measurements effective July 1, 2019 shall be as follows:

- (1) Residential, per 100 cubic feet \$3.46
- (2) Nonresidential, per 100 cubic feet \$4.68

Section 2. Chapter 46, Section 66 is hereby further amended by deleting subparagraph (e) in its entirety and replacing it with the following:

“(e) The minimum rate for residential metered water for each quarter shall be \$34.60 per 1000 cubic feet effective July 1, 2019.

The use of all water and sewer funds and SESD funds shall be excluded from all private development projects.”

Section 3. This Ordinance shall take effect as provided by City Charter.

Action Contemplated

Councillor McCarthy	Adopted for second and final passage	Voted
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CITY COUNCIL

REGULAR MEETING

UNFINISHED BUSINESS

SECOND PASSAGE OF AN ORDINANCE

In the year two thousand and Nineteen

An Ordinance to amend an Ordinance relative to Traffic

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

Section 1. Chapter 42, Section 50B – “Handicap Zone Limited Time” is hereby amended by adding the following:

In Front of #5 Winter Street for a distance of 20 feet, “Handicap Parking, Limited Time,Tow Zone”

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

Action Contemplated

Councillor Madore

Adopted for second and final passage

Voted

JUNE 27, 2019CITY COUNCILREGULAR MEETINGUNFINISHED BUSINESSSECOND PASSAGE OF A BOND ORDER

Fiscal Year 2020 Water/Sewer Enterprise Fund Capital Improvement Program
Bond Ordered:

That the sum of \$1,800,000.00 be and hereby is appropriated to pay costs of the following capital equipment and capital improvement projects listed under the heading FY20 CIP- Funded from BOND AUTHORIZATION and for the payment of all costs incidental and related thereto, and that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and/or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor

FY20 CIP-Funded from \BOND AUTHORIZATION		
Water	Bertram Field Phase 2	\$ 100,000
Water	City Wide System Flushing, Valve Maint., Leak Detection and GIS Admin.	\$ 100,000
Water	Distribution Main System Initiatives (plan, design & construct)	\$ 100,000
Water	Transmission main system initiatives (plan, design & construct)	\$ 100,000
Sewer	Derby St at Congress - Drainage system repairs (Waterfront Hotel Commitment)	\$ 250,000
Sewer	Bertram Field Phase 2	\$ 250,000
Sewer	SSES report implementation (eliminate I/I sources city wide)	\$ 600,000
Sewer	City Wide System Flushing, Valve Maint., Leak Detection and GIS Admin.	\$ 200,000
Sewer	Pre-Paving Sewer/ drain inspections (prior to annual paving)	\$ 50,000
Sewer	Spoil Material Testing and Disposal at DPS	\$ 50,000
	TOTAL BOND AUTHORIZATION:	\$ 1,800,000

BE IT FURTHER ORDERED:

That the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

Action Contemplated

Councillor Peterson Moved Second and Final Passage by RCV Yeas Nays Abs

UNFINISHED BUSINESS

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CITY COUNCIL

REGULAR MEETING

SECOND PASSAGE OF A BOND ORDER

FISCAL YEAR 2020 GENERAL FUND CAPITAL IMPROVEMENT PROJECT

Fiscal Year 2020 General Fund Capital Improvement Program			
Ordered:			
<p>That the sum of \$11,770,192.00 be and hereby is appropriated to pay costs of the following capital equipment and capital improvement projects listed under the heading FY20 CIP- Funded from BOND AUTHORIZATION and for the payment of all costs incidental and related thereto, and that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and/or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.</p>			
FY20 CIP-Funded from \BOND AUTHORIZATION			
Dept.	Description	Amount	
Electrical	Smart Signalization Expansion	225,000	
Engineering	Boston Street Corridor Roadway improvements (TIP program)	200,000	
Engineering	Bridge Street (Massworks) Roadway improvements	150,000	
Engineering	Common Bandstand Restoration	43,400	
Engineering	Forest River Park and Pool Design/Improvements	200,000	
Engineering	Willows Park Restoration	210,000	
Engineering	Derby St Complete Streets	842,400	
Engineering	Szetela Lance Shared Use Path	303,000	
Engineering	Roads, Sidewalks & Crosswalks (Non Chapter 90 eligible)	1,540,000	
IT	Annual Equipment-Life-Cycle Mgmt Program (City)	120,995	
IT	Annual Equipment- Life-Cycle Mgmt Program (Schools)	171,506	
IT	Ongoing Digitization of record, City wide	75,000	
IT	View Permit Upgrade	74,680	
IT	Theft detection system replacement		

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			30,000	
Library	Children's Room redesign furniture and fixtures		20,000	
Library	Envelope & leak detection		10,000	
Recreation	Bertram Field Phase 2		4,956,357	
Recreation	Court Renovations		75,000	
Recreation	Playground, Irrigation & Fence Upgrades		75,000	
FY20 CIP-Funded from \BOND AUTHORIZATION				
Dept.	Description		Amount	
Parking and Traffic	Traffic Calming Improvements		76,500	
Parking and Traffic	Bicycle Infrastructure Upgrades (Annual)		25,500	
Parking and Traffic	Museum Place Garage Renovation Phase 1 Design		200,000	
Parking and Traffic	Parking Kiosk Purchase/Installation		50,000	
Parking and Traffic	Signs/Safety/Tactical		25,500	
Parking and Traffic	MP & SH Garage Maintenance		100,000	
Planning	Gallows Hill Park Renovation		227,259	
Planning	Municipal Harbor Plan		55,500	
Planning	Palmer Cove Park Renovation		50,000	
Planning	Bike Plan Implementation		25,000	
Planning	Dickson Memorial Chapel Study and Door Repair		25,000	
Planning	Underpass Public Art Installation		25,000	
Planning	OTH Capital and Business Needs Study		25,000	
Police	Police & Fire Radio Communication System		50,000	
Police	Cameras - Community/Police			

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		75,000	
Police	Boiler and Heaters	157,595	
Public Services	Ball Field Maint. Mach.	31,000	
Public Services	Winter Island Lighthouse Concrete Restoration, Painting	30,000	
Schools	SHS Library Remodel	20,000	
Schools	Saltonstall Water Heaters	84,000	
Schools	Witchcraft Chiller & Assoc. HVAC System	605,000	
Schools	Site/Field Studies & Small Repairs to Capital Assets	30,000	
Schools	Life Safety Studies & Small Repairs to Capital Assets	90,000	
Schools	MEP/Elevator/Utility Studies & Small Repairs to Capital Assets	180,000	
Schools	Roof/Envelope Studies&Small Repairs to Capital Assets	25,000	
Schools	Access/ADA/Architectural Studies & Small Repairs to Capital Assets	160,000	
	TOTAL BOND AUTHORIZATION:	\$ 11,770,192	
<p>Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.</p>			
Be it further Ordered:			

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That the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.				

Action Contemplated

Councillor Peterson	Moved Second and Final Passage by RCV	Yeas	Nays	Abs
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On the motion of Councillor

the meeting adjourned at

P.M.