

CITY OF SALEM
June 24, 2024
JOINT PUBLIC HEARING OF THE
CITY COUNCIL AND THE PLANNING BOARD

In the year Two Thousand and Twenty-Four

An Ordinance to amend an ordinance relative to business neighborhood zoning

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

Section I. Section 3.1 Table of Principal and Accessory Use Regulations of the Zoning Ordinance is hereby amended by:

- a. Replacing the “N” in the B1 zoning district column with a “BA” for two Commercial Uses, Commercial recreation and Indoor Restaurant, with service of alcoholic beverages;
- b. Replacing the commercial use text “Retail store, except department store, not elsewhere set forth” with “Retail or grocery store, except department store, not elsewhere set forth;”
- c. Replacing the “N” in the B1 zoning district column with a “Y” for the Accessory Use of Family day care, small; and
- d. Replacing the “N” in the B1 zoning district column with a “BA” for the Accessory Use of Home occupation.

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

Councilors attendance: Council President Ty Hapworth, Councilor Cynthia Jerzylo, Councilor Caroline Watson-Felt, Councilor Patricia Morsillo, Councilor John Harvey, Councilor Jeff Cohen, Councilor Megan Stott, Councilor Alice Merkle, Councilor Conrad Prosniewski

Councilors Absent: Councilor Kyle Davis, Councilor Andy Varela (recused)

The meeting was called to order at 6:35 pm. Council President Hapworth presided.

Planning Board in attendance: Acting Chair Kirt Rieder, Zach Caunter, Tom Furey, Sarah Tarbet, Jonathan Berk, Josh Turiel

Absent: Carole Hamilton, Bill Griset, Helen Sides

Also in attendance: Robyn Lee, Staff Planner, James Wellock, Assistant City Solicitor

Mr. Wellock presents the changes proposed to the Zoning ordinance as the Planning Department and the Mayor's Office seek to address ridding the B1 of the Special Permit required for business to operate a grocery store or operate a day care. Commercial recreation, restaurants with service of alcoholic beverages, and accessory use of home occupations may be permitted as a Special Permit.

City Council Questions:

Councilor Watson-Felt asks for the data on how many of these businesses exist in Salem already. Mr. Wellock has no data on that but notes that there are exceptions grandfathered in.

Councilor Hapworth offers that the Derby Street and Vinnin Square areas are both examples of Special Permits in the B1.

Councilor Jerzylo asks where this idea stems from and what the reasoning is behind it. Mr. Wellock says that it is to address the needs of the business neighborhood zone. Councilor Jerzylo looks to the Planning Board for an answer. Mr. Rieder says that the origins are with the Planning Department, not the Planning Board. Mr. Wellock shares communications from the Mayor.

Planning Board Questions

The board had no questions.

Public Comment:

Teasie Gognin, 9 Wisteria Street

Is not in favor of the zoning changes and requests that Council listen to Arthur Sargent, who is speaking next.

Arthur Sargent, 8 Maple Avenue

Believes there needs to be more research into this and expresses concern these changes will serve the city at large, not the neighborhood as intended. Mr. Sargent offers the example of leather factories on Irving Street remaining as the zoning changed. The factories were not shuttered but rather allowed so close in a more organic

manner and not grandfathered in for further industrial use in neighborhoods. Mr. Sargent notes that Dotty and Ray's is the only instance of a liquor license issued in the B1 and feels this was done erroneously and that one mistake cannot be used a justification for the zoning change.

Councilor Morsillo moves to close the public hearing. All in favor, the matter carries.

Councilor Morsillo moves to refer the matter to the Planning Board for review and recommendation. All in favor, the matter carries.

Acting Chair Rieder moves to close the Planning Board public hearing. All in favor, the matter carries

Acting Chair Rieder moves to adjourn the Planning Board. All in favor, the matter carries.

Councilor Prosniewski motions to adjourn. All in favor, the matter carries.

Adjourned at 6:59 pm