



2024 JUN 17 AM 9:11
CITY CLERK
SALEM, MASS

6/11/2024

Angelo Martignetti
7C Caleb's Lane #2
Rockport, MA 01966

To Whom It May Concern:

This letter is to request an extension of the operating hours for our Burger King store located at 259 Highland Avenue in Salem. We are currently allowed to operate from the hours of 6am until 10pm for our dining room, and until 12am for our drive-thru. We are requesting an extension of our drive-thru hours only, to be open 24 hours. I have enclosed a check for \$245, as requested. If possible, we would like to get on the agenda for the Council Meeting on June 27th. If you require anything else from us, feel free to contact me. I left my home address above as I will receive correspondence quicker that way.

Thank You,

A handwritten signature in black ink, appearing to read "Angelo Martignetti".

Angelo Martignetti
District Manager
508-907-1184
amartignetti@mastoran.com



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Office of the Mayor

June 27, 2024

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Dear City Councillors:

I reappoint, subject to City Council confirmation, Donald Bates of 31 Settlers Way, to the Registrars of Voters for a term of three years to expire July 19, 2027.

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

Sincerely,

Dominick Pangallo
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Office of the Mayor

July 11, 2024

Honorable Salem City Councillors
Salem City Hall
Salem, Massachusetts 01970

Dear Councillors,

I appoint, subject to City Council confirmation, Graeme Marcoux of 40 Bow Street to the Conservation Commission for a three year term to expire July 8th, 2027.

Mr. Marcoux has taught Environmental and Marine Sciences at Salem High School for nearly twenty years and is responsible for developing standards-based curriculums for all levels of those subjects and created the Science Research Internship course. He has been chosen to present at several Massachusetts Math and Science Initiative (MMSI) sessions across the state and was nominated for the Margaret Howard Voss Teach Recognition Award and continues to achieve high success rates preparing students for the AP Environmental Science exam. Mr. Marcoux is also the Head Coach for the Cross Country and Swimming and Diving teams and the Assistant Coach for the Indoor and Outdoor Track and Field Teams at Salem High. He is also an advisor for the National; Green School Society, Student Council and Outdoor Activities Club.

Mr. Marcoux holds both a bachelor's degree in Environmental Conservation and a master's degree in Environmental Education from the University of New Hampshire. He received a Certificate of Advanced Graduate Studies (CAGS) in Educational Leadership from Salem State University in 2020.

I strongly recommend confirmation of Mr. Marcoux's appointment to the Conservation Commission. We are fortunate that he is willing to volunteer in this important role and lend his time, interests and dedication to this important board and its work.

Sincerely,
A handwritten signature in black ink that reads "Dominick Pangallo".

Dominick Pangallo
Mayor, City of Salem



CITY OF SALEM

In City Council, July 11, 2024

Ordered:

That the sum of One Million Two Hundred Seven Thousand, Two Hundred Ninety-Three Dollars (\$1,207,293.00) is hereby transferred to the accounts as provided below to cover remaining final FY2024 costs necessary to close the fiscal year in accordance with the recommendation of His Honor the Mayor.

TO ACCOUNT:				FROM ACCOUNT:			
Org/Obj	Dept	Account	Amount	Org/Obj	Dept	Account	Amount
14231-5131	Snow & Ice Personnel	Salaries - Overtime	\$ 1,863.00	19141-5174	Human Resources	Medical Insurance	\$ (842,543.00)
14232-5292	Snow & Ice Expenses	Snow Removal	\$ 840,680.00				
		<i>ORGS</i>	<i>\$ 842,543.00</i>			<i>TRANSFER OUT TOTAL</i>	<i>\$ (842,543.00)</i>
		<i>TRANSFER IN TOTAL</i>					
11112-5306	City Council	Advertising	\$ 30,000.00	19141-5174	Human Resources	Medical Insurance	\$ (30,000.00)
		<i>ORG TRANSFER IN TOTAL</i>	<i>\$ 30,000.00</i>			<i>TRANSFER OUT TOTAL</i>	<i>\$ (30,000.00)</i>
11611-5131	Clerk's Office	Overtime	\$ 6,950.00	19141-5174	Human Resources	Medical Insurance	\$ (6,950.00)
		<i>ORG TRANSFER IN TOTAL</i>	<i>\$ 6,950.00</i>			<i>TRANSFER OUT TOTAL</i>	<i>\$ (6,950.00)</i>
11621-5131	Elections & Registrations	Overtime	\$ 750.00	11622-5306	Elections & Registrations	Advertising	\$ (750.00)
		<i>ORG TRANSFER IN TOTAL</i>	<i>\$ 750.00</i>			<i>TRANSFER OUT TOTAL</i>	<i>\$ (750.00)</i>
11352-5320	Finance	Contracted Services	\$ 35,000.00	11351-5111	Finance	Salaries Full-Time	\$ (35,000.00)
		<i>ORG TRANSFER IN TOTAL</i>	<i>\$ 35,000.00</i>			<i>TRANSFER OUT TOTAL</i>	<i>\$ (35,000.00)</i>
15431-5113	Veterans Services	Salaries - Part Time	\$ 500.00	15432-5249	Veterans Services	Ground Maintenance	\$ (500.00)
		<i>ORG TRANSFER IN TOTAL</i>	<i>\$ 500.00</i>			<i>TRANSFER OUT TOTAL</i>	<i>\$ (500.00)</i>
11512-5303	Solicitor	Legal Services	\$ 34,000.00	11511-5111	Solicitor	Full-Time Salaries	\$ (34,000.00)
		<i>ORG TRANSFER IN TOTAL</i>	<i>\$ 34,000.00</i>			<i>TRANSFER OUT TOTAL</i>	<i>\$ (34,000.00)</i>
11452-5709	Treasurer	Credit Card/EFT Fees	\$ 15,000.00	19141-5174	Human Resources	Medical Insurance	\$ (15,000.00)
		<i>ORG TRANSFER IN TOTAL</i>	<i>\$ 15,000.00</i>			<i>TRANSFER OUT TOTAL</i>	<i>\$ (15,000.00)</i>

TO ACCOUNT:				FROM ACCOUNT:			
Org/Obj	Dept	Account	Amount	Org/Obj	Dept	Account	Amount
19452-5740	Treasurer	Municipal Insurance Premium	\$ 60,000.00	11521-5171A	Human Resources	CB/Salary Reserve	\$ (60,000.00)
		ORG TRANSFER	\$ 60,000.00			TRANSFER OUT TOTAL	\$ (60,000.00)
		IN TOTAL					
19452-5740	Treasurer	Medicare	\$ 92,300.00	11521-5171A	Human Resources	CB/Salary Reserve	\$ (92,300.00)
		ORG TRANSFER	\$ 92,300.00			TRANSFER OUT TOTAL	\$ (92,300.00)
		IN TOTAL					
19131-5173	Human Resources	Unemployment	\$ 90,000.00	11521-5171A	Human Resources	CB/Salary Reserve	\$ (90,000.00)
		ORG TRANSFER	\$ 90,000.00			TRANSFER OUT TOTAL	\$ (90,000.00)
		IN TOTAL					
16911-5111	Historical Commission	Full-Time Salaries	\$ 250.00	16912-5710	Historical Commission	In-State Travel	\$ (250.00)
		ORG TRANSFER	\$ 250.00			TRANSFER OUT TOTAL	\$ (250.00)
		IN TOTAL					
			TOTAL \$ 1,207,293.00				TOTAL \$ (1,207,293.00)



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Mayor

Office of the Mayor

July 11, 2024

Salem City Council
93 Washington Street
Salem, MA 01970

Dear Councillors,

At the conclusion of each fiscal year the City requests a series of transfers to address any budgetary deficits that exist within department lines for the ending year. The enclosed Order requests such transfers, totaling \$1,207,293.00, for FY2024. These transfers move excess budget from one account to another, where spending for the fiscal year exceeded what was budgeted.

Because the City is not allowed to run deficits, if these transfers are not approved by the City Council the necessary funds would need to be raised on the FY2025 tax recap, adding to our residents' and business' future tax burden. To avoid impacting taxpayers in such a manner, we are instead requesting these transfers to close out FY2024 with balanced accounts.

The full list of the 12 transfers is detailed in the Finance Director's letter enclosed with the Order. Because Massachusetts General Law requires such transfers to be made within the first 15 days of the fiscal year, I recommend adoption of this Order at your meeting of July 11, 2024.

Sincerely,

Dominick Pangallo
Mayor
City of Salem



City of Salem, Massachusetts

Finance Department
93 Washington Street
Salem, MA 01970
www.salem.com

Dominick Pangallo, Mayor

Anna Freedman, Finance Director

July 3, 2024

Honorable Salem Mayor Dominick Pangallo
Salem City Hall
Salem, Massachusetts

Dear Honorable Mayor Pangallo:

Enclosed herewith is a request to transfer \$1,207,293.00 in available FY2024 funds to cover remaining final costs necessary to close out FY2024. Under Massachusetts General Law, Chapter 44, Section 33B, communities may transfer during the first 15 days of the new fiscal year, to apply to the previous fiscal year, any amount previously appropriated in one department to another department to address any remaining deficits. If the technical transfers noted below do not occur, this will negatively impact Salem's free cash for FY2024, and deficits will need to be raised on the FY2025 tax recap per DOR requirements, adding to the upcoming tax rate. Please note, none of these transfers supports any new spending or initiatives at year-end.

- Enclosed herewith is a request to transfer a total of \$ \$842,543.00 in available funds from the Human Resource Department's Medical Insurance Account (19141-5174) to the Snow and Ice "Snow Removal" account (14232-5292) and Snow and Ice "Overtime" account (14231-5131) to eliminate the snow and ice deficit for FY2024. Under Massachusetts General Law, communities may spend in excess of appropriation during the fiscal year for snow and ice-related expenditures and must then raise any remaining deficit on the next fiscal year's tax recap or address the deficit with remaining funds at year-end. Transferring now at year-end to eliminate this deficit by using available FY2024 funds will eliminate the need to raise the revenue to offset this deficit on the FY2025 tax recap, saving taxpayers money.
- \$30,000 transfer to City Council - Advertising (11112-5306) from the Human Resource Department's Medical Insurance Account (19141-5174) to fund higher than budgeted advertising costs for matters that require publication.
- \$6,950 transfer to Clerk's Office Overtime account (11611-5131) from the Human Resource Department's Medical Insurance Account (19141-5174) to fund higher than projected overtime costs.
- \$750 transfer to Elections & Registrations Overtime account (11621-5131) from the Elections & Registrations Advertising account (11622-5306) to fund higher than projected overtime costs.

- \$35,000 transferred to Finance Department Contracted Services (11352-5320) for auditing services provided during department understaffing afforded by available Finance Department Full-Time Salaries (11351-5111).
- \$500 transferred to the Veterans Services Part-Time Salaries line (15431-5113) from available funds from the Veterans Services Ground Maintenance account (15432-5249) to fund part-time salary costs that were inadvertently under budgeted.
- \$34,000 to the Legal Department's Legal Services line (11512-5303) from the Legal Department's Full-Time Salaries account (11511-5111) for external legal review services.
- \$15,000 transferred to the Treasurer's Office Credit Card/EFT fees account (11452-5709) from the Human Resource Department's Medical Insurance Account (19141-5174) for higher than projected electronic transaction fees.
- \$60,000 transferred to the Treasurer's Office Insurance Premiums account (19452-5740) to fund higher than anticipated insurance deductibles and unanticipated insurance premiums (our workers' comp premium ran lower than expected but our general liability ran higher) and \$92,300 transferred to the Treasurer's Office Medicare account (19191-5177) to fund the employer share of Medicare withholding associated with the finalized FY2024 collective bargaining contracts from the HR CB/Salary Reserve (11521-5171A) account.
- \$90,000 transferred to the Human Resources Unemployment line (19131-5173) from the HR CB/Salary Reserve (11521-5171A) to fund higher than anticipated unemployment costs. This line funds both school and city unemployment claims. HR is closely monitoring claims to determine if there are any trends going into FY2025.
- \$250 transferred to Historical Commission Full-Time Salaries (16911-5111) from Historical Commission In-State Travel (16912-5710) due to a minor miscalculation in the FY2024 budget.

Please let me know if you would like to discuss further.

Regards,



Anna Freedman
Finance Director

Enclosures



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Mayor

Office of the Mayor

July 11, 2024

Salem City Council
93 Washington Street
Salem, MA 01970

Dear Councillors,

I am pleased to share that we have settled our collective bargaining agreement with the Salem Police Patrolmen's Association.

Pursuant to the terms of the agreement, members of the unit are entitled to a retroactive wage increase for FY2024. Two of the three enclosed Orders appropriate funds from stabilization (\$350,597.04) and from the salary reserve account (\$339,949.12) to fund these increases. Additionally, under the terms of the agreement, members are entitled to salary adjustment for FY2025. A third Order, also enclosed, appropriates \$258,695.31 to the FY2025 Police Department salaries account to fund these increases.

I recommend adoption of the enclosed Orders and wish to thank the members of the City's bargaining team for the many hours they have spent in negotiations with the Patrolmen's Association over the past several months to achieve this agreement.

Sincerely,

Dominick Pangallo
Mayor
City of Salem



CITY OF SALEM MASSACHUSETTS

HUMAN RESOURCES
98 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970
TEL. 978-619-5630

DOMINICK S. PANGALLO
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN
RESOURCES

July 11, 2024

Honorable Dominick Pangallo, Mayor
Salem City Hall, 93 Washington Street
Salem, Massachusetts 01970

RE: Salem Police Patrolman's Association

Dear Mayor Pangallo:

I am respectfully requesting a transfer of \$350,597.04 from the General Stabilization Fund to the Human Resources Retro Wages Account (11521-5161) to fund the FY 2024 retroactive wages costs associated with the contract settlement recently reached effective July 1, 2023, with the Salem Police Patrolman's Association.

Additionally, to fund the FY 2025 costs associated with this agreement, I am respectfully requesting transfers of \$339,949.12 from the Human Resources Salary Reserve (11521-5171A) and \$258,695.31 from the General Stabilization Fund to the Police Department personnel lines as noted below.

FY25 BUDGET ADJUSTMENTS		
Org/Obj	Account Description	FY25 Budget Adjustment
12101-5111	Salaries (full time)	\$258,695.31
12101-5131	Overtime	\$23,624.56
12101-5136	Holidays	\$18,903.28
12101-5141	Longevity	\$8,600.00
12101-5145	Education Incentive	\$151,690.19
12101-5154	Specialty Stipends	\$128,000.00
12101-5156	Night Differential	\$9,131.09
	Total	\$598,644.43

Thank you for your attention to this request, and please contact me if you have any questions.

Sincerely,


Lisa B. Cammarata

cc: Anna Freedman, Finance Director



CITY OF SALEM

In City Council,

Ordered:

July 11, 2024

That the sum of Three Hundred Fifty Thousand Six Hundred Dollars (\$350,597.04) is hereby appropriated from the General Stabilization Fund to the "Human Resources Retro Wages Account" (11521-5161) for the FY2024 retroactive wages for pay increases pursuant to the contract settlements reached with Salem Police Patrolmen's Association effective July 1, 2023, in accordance with the recommendation of His Honor the Mayor.



CITY OF SALEM

In City Council,

Ordered:

July 11, 2024

That the sum of Two Hundred Fifty-Eight Thousand Six Hundred Ninety-Five Dollars and Thirty-One Cents (\$258,695.31) is hereby appropriated from the General Stabilization Fund to the "Police Department – Full Time Salaries" account (12101-5111) for the FY2025 wages for pay increases pursuant to the contract settlements reached with Salem Police Patrolmen's Association effective July 1, 2023, in accordance with the recommendation of His Honor the Mayor.



CITY OF SALEM

In City Council,

Ordered:

July 11, 2024

That the sum of Three Hundred Thirty-Nine Thousand, Nine Hundred Forty-Nine Dollars and Twelve Cents (\$339,949.12) is hereby appropriated from the Human Resources Department's "Salary/CB Reserve Account" (11521-5171A) to the accounts listed below to fund the FY 2025 pay increases associated with the memorandum of agreement reached with the Salem Police Patrolmen's Association effective July 1, 2023, in accordance with the recommendation of His Honor the Mayor.

Police-Overtime	12101-5131	\$ 23,624.56
Police-Holidays	12101-5136	\$ 18,903.28
Police-Longevity	12101-5141	\$ 8,600.00
Police-Ed Incentive	12101-5145	\$151,690.19
Police-Specialty Stipends	12101-5154	\$128,000.00
Police-Night Differential	12101-5156	\$ 9,131.09

\$339,949.12



CITY OF SALEM

In City Council,

Ordered:

July 11, 2024

ORDERED: That, \$200,000 is appropriated to pay a portion of the costs of improvements at the Jefferson Avenue and Willson Street intersection, including installation of traffic signals, crosswalks, streetlights and ADA compliant pedestrian ramps (the "Project"), including all costs incidental and related thereto; that this appropriation shall be funded from \$200,000 of unexpended bond premium which was appropriated pursuant to an order of the City Council approved by the Mayor on June 27, 2017, and amended by an order of the City Council approved by the Mayor on December 12, 2017, which amount was raised pursuant to such order by issuing bond anticipation notes dated June 27, 2019 and permanently financed by issuing bonds dated September 25, 2019, and which unexpended amount was previously appropriated for design costs for the bridge at Jefferson Avenue in Salem and is no longer needed for that purpose, which project has been completed and has no remaining costs to be paid, the remaining balance of \$200,000 borrowed therefor is hereby appropriated to pay costs of the Project, including all costs incidental and related thereto, pursuant to Section 20 of Chapter 44 of the Massachusetts General Laws.; and that the Mayor is authorized to take any action necessary to carry out this project.



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Mayor

Office of the Mayor

July 11, 2024

Salem City Council
93 Washington Street
Salem, MA 01970

Dear Councillors,

The enclosed Order reallocates \$200,000 in unspent bond proceeds from 2019 for a Jefferson Avenue bridge design project to the on-going work on the Jefferson/Willson intersection.

As noted in the accompanying letter from the Finance Director, as this is a bond Order, it requires two passages by the City Council. Where the Council only meets once in a regular meeting over the summer, and given the time-sensitive nature of the intersection safety project, we are requesting first passage at your meeting of July 11th and second passage at a special meeting later in the month of July.

I want to take this opportunity to extend my gratitude to the Finance Director, City Treasurer, and our Director of Capital and Green Infrastructure, for all their diligence in the debt analysis work that they have undertaken over the past months and which identified the opportunity to reallocate these funds. I recommend adoption of the enclosed Order.

Sincerely,

Dominick Pangallo
Mayor
City of Salem



City of Salem, Massachusetts

Finance Department
93 Washington Street
Salem, MA 01970
www.salem.com

Dominick Pangallo, Mayor

Anna Freedman, Finance Director

July 3, 2024

The Honorable Dominick Pangallo
Mayor of Salem
93 Washington Street
Salem, Massachusetts 01970

Re: Reallocating \$200,000 in unspent bond proceeds

Dear Mayor Pangallo:

Consistent with the Finance Department's ongoing efforts to refine our debt portfolio, we have identified \$200,000 in currently unspent bond proceeds from 2019. These proceeds, currently allocated to "Jefferson Ave Bridge Design" are no longer needed for their original purpose and should be reallocated. To more efficiently and effectively use these proceeds, enclosed is a bond authorization order that would reallocate said \$200,000 to the Jefferson/Willson Intersection Improvements project. This would allow the funds to be spent down quickly on a priority project.

Please note, like all bond orders, this authorization requires two passages by City Council. Also, please note that because the Jefferson/Willson Intersection Improvements project is in progress (as it is also supported with a separate funding source), if this authorization is not processed until the fall, the City may miss the opportunity to use these unspent bond proceeds for this project. We would not be able to allocate any costs to the unspent bond proceeds that were incurred prior to approval of the use of the funds for this purpose.

Please let me know if there are any further questions, or if I could be of any additional assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna Freedman".

Anna Freedman
Finance Director

cc: Kristen Lindberg, City Treasurer
Enclosures



CITY OF SALEM

In City Council,

Ordered:

July 11, 2024

That the sum of Sixty-Four Thousand Seven Hundred Forty-Eight Dollars and Sixty Cents (\$64,748.60) is hereby appropriated from the "Fund Balance Reserved for Appropriation – Free Cash" account to the account listed below for the purpose of repairing Peabody Street Park, including the River Walk walkway in accordance with the recommendation of His Honor the Mayor.

Description	Fund	Amount
Dept of Public Services Contracted Services Account	14112-5320	\$ 64,748.60
		\$ 64,748.60



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Mayor

Office of the Mayor

July 11, 2024

Salem City Council
93 Washington Street
Salem, MA 01970

Dear Councillors,

The enclosed Order requests \$64,748.60 from Free Cash to the Department of Public Services' contracted services account (14112-5320) to carry out a program of repairs and improvements to Peabody Street Park and the adjacent South River Walk.

The requested funds will be used to pay for the disposal of the approximately 6.7 tons of trash from the park site, repair the turf and grass, address damage to trees, replace the damaged historical interpretation and other signage, and pay for the fence to secure the site while this work is undertaken. These costs are in addition to the \$11,213 in biohazard remediation and pest extermination already expended by the Health Department at the site.

I recommend adoption of the enclosed Order at your meeting of July 11, 2024, so that this work can begin promptly, and this park can again be opened to the public. Please feel free to contact DPS Director Ray Jodoin should you have any questions regarding this request.

Sincerely,

Dominick Pangallo
Mayor
City of Salem



Dominick Pangallo
Mayor

RAYMOND JODOIN
DPS DIRECTOR

CITY OF SALEM
SALEM, MASSACHUSETTS
DEPARTMENT OF PUBLIC SERVICES
5 JEFFERSON AVE
SALEM, MA 01970
Phone: (978) 978-744-3302
Fax: (978) 745-0349

MEMORANDUM

July 8, 2024

To: Dominick Pangallo, Mayor

From: Raymond Jodoin, DPS Director

RE: Request to Transfer \$64,748.60 from the General Free Cash

This memo has been prepared to request a transfer of funds from the General Fund Free Cash to fund the department's cost to repair Peabody Street Park, including the River Walk walkway. The cost of the transfer is as follows:

Description	Amount
Disposal of solid waste	\$801.60
Renovation of the soil and Grass	\$47,900.00
Tree service	\$5,930.00
Fencing cost	\$5,167.00
Sinage	\$4,950.00
	<hr/>
	\$64,748.60

The funds should be transferred to the DPS General Budget line 14112- 5320.

If you have questions or need more information, please contact me.

Respectfully submitted,

Raymond Jodoin

Raymond Jodoin, DPS Director

Cc: Anna Freedman, Finance Director

CITY OF SALEM – Finance Department

Free Cash, W & S R/E, R/Res & Budget Transfer Request Form

From: DPS 280 Department [Signature] Department Head Authorizing Signature 7-8-24 Date

Budget or R/Res Transfers To: _____ Desc: _____ Budget Amt: _____
(Org/Object) Balance: _____

From: _____ Desc: _____ Balance: _____

(*Note - Please include letter to Mayor for Transfers from different Personnel & Non-personnel lines)

Current Balance in Receipts Reserved Fund Above (if applicable) - \$ _____ Date: _____

Free Cash or Retained Earnings (W/S) To: 14112-5320 Desc: CONTRACTED Services Budget Amt: 771,000.00
(Org/Object) Balance: 489,472.03

Raise & Appropriate
 Please circle one

Amount Requested: 64,748.60

Reason (Be Specific) REPAIRS TO PeABODY Street park
+ ROAD work Including Signal + Tree Remediation

For Finance Department and Mayor's Use Only:

_____ Budget Transfer _____ Mayor Approval _____ City Council Approval

_____ Free Cash Appropriation – City Council Approval – Gen Fund \$ _____
Free Cash Balance

_____ R/E Appropriation – Water \$ _____ _____ R/E Appropriation Sewer \$ _____
R/E Balance R/E Balance

_____ Receipts Reserve – City Council Approval \$ _____
R/Res Fund Balance

_____ Raise & Appropriate _____ Other _____

Recommendation: Approved Denied _____
Finance Director

Completed: Date: _____ By: _____ CO # _____ JE#: _____ Transfer #: _____



CITY OF SALEM

In City Council,

Ordered:

July 11, 2023

That the sum of Five Thousand Dollars (\$5,000.00) be hereby appropriated from the following "Receipts Reserved for Appropriation" account, to be transferred to the Park & Rec Equipment account 16512-5860 for emergency funds to replace ten year old pump that is no longer working at Olde Salem Greens, in accordance with the recommendation of His Honor the Mayor.

Description	Amount
Receipts Reserved – Golf Course	\$ 5,000.00
Total	\$ 5,000.00



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Office of the Mayor

July 11, 2024

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Dear Councillors,


Enclosed herewith is a request for an appropriation of Five Thousand Dollars (\$5,000) from the following "Receipts Reserved for Appropriation" account to be transferred to Park & Rec Equipment account (16412-5860).

<u>Description</u>	<u>Amount</u>
Receipts Reserved – Golf Course	<u>\$5,000.00</u>
Total	\$5,000.00

This appropriation is necessary to replace a ten-year-old pump that is no longer working at Olde Salem Greens.

I recommend adoption of the enclosed Order and invite you to contact Park, Recreation and Community Services Director Patricia O'Brien should you have any questions regarding it.

Sincerely,


Dominick Pangallo
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS
PARK, RECREATION & COMMUNITY SERVICES
401 Bridge Street, Salem MA 01970
(978) 744-0924
Fax (978) 219-1665

Dominick Pangallo
MAYOR

Trish O'Brien
SUPERINTENDENT

July 5, 2024

Dear Mayor Pangallo,

I am writing to request emergency funds to replace a 10 year old pump that is no longer working at Olde Salem Greens as well as other pump work. See attached quote.

We do not have any cushion in the line items to be able to cover this without reimbursing the budget line.

Requesting \$5,000 from R/R account to Equipment line: 16512-5860

Thank You

Sincerely,

Trish O'Brien

Trish O'Brien
Superintendent, City of Salem
Park, Recreation and Community Services
Jean A. Levesque Community Life Center



CITY OF SALEM

In City Council,

Ordered:

July 11, 2024

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 Four Thousand Four Hundred Twenty Nine Dollars and Seven Cents (\$4,429.07) of outstanding Fiscal Year 2023 invoices is hereby allowed to be paid from the Fiscal Year 2025 Engineering Department budget as listed below in accordance with the recommendation of His Honor the Mayor.

Department	Vendor	Amount
Engineering Department (Water) (610132-5211 Electricity-Pump Station)	Salem & Beverly Water Supply Board	\$ 4,429.07
Total		\$ 4,429.07



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Office of the Mayor

July 11, 2024

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Dear City Councillors,

Enclosed herewith is a request to transfer Four Thousand Four Hundred Twenty Nine Dollars and Seven Cents (\$4,429.07) for Engineering Department Fiscal Year 2023 invoices to be paid from the Fiscal Year 2025 Engineering Department budget.

This Order is necessary to cover the costs to pay an invoice from the Salem & Beverly Water Supply Board for Salem Pump Station power use. Per MGL Chapter 44 Section 64 which allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriation by two-thirds vote of the City Council.

I recommend passage of the accompanying Order.

Sincerely,

Dominick Pangallo
Mayor
City of Salem



Dominick Pangallo
Mayor

Deborah L. Duhamel, P.E.
City Engineer

CITY OF SALEM

Engineering Department

98 Washington Street, 2nd floor

Salem, MA 01970

Phone: (978) 619-5673

July 3, 2024

The Honorable Dominick Pangallo
Mayor of Salem
93 Washington Street
Salem, MA 01970

RE: Salem Pump Station Electric Power – May 2023 - Invoice

Dear Mayor Pangallo:

I would like to request the enclosed invoice in the amount of \$4,429.07, dated 6/6/23, be paid from our Fiscal Year 2024 Water Engineering budget for Electricity-Pump Station (610132-5211). Due to staffing turnover this bill was not paid in Fiscal Year 2023, therefore this portion of the bill remains outstanding.

Given that this expense was incurred in May 2023, falling within Fiscal Year 2023, we are requesting the amount be paid from our Fiscal Year 2024 budget.

Sincerely,

Deborah L. Duhamel, P.E.
City Engineer

Enclosure

Salem & Beverly Water Supply Board

978-922-2600
50 Arlington Ave.

Invoice

Invoice #:

Invoice Date: 6/6/2023

Due Date: 6/30/2023

Project:

P.O. Number:

Bill To:

Water Registrar
City of Salem
98 Washington Street
Salem, MA 01970

Date	Description	Amount
6/6/2023	Salem Pump Station Electric Power for May 2023	20,371 14

We appreciate your prompt payment.

Total \$20,371 14

Payments/Credits -\$15,942.07

Balance Due \$4,429.07



CITY OF SALEM

In City Council,

July 11, 2024

Ordered:

To accept the donation from Howling Wolf Mexican Cantina in the amount of One Thousand One Hundred Dollars (\$1,100.00) to Mack Park Farm from the proceeds of a charity fundraiser held at Howling Wolf Mexican Cantina for the Health Department. These funds will be deposited into the Mark Park Farm account 25S01-4800 in accordance with the recommendation of His Honor the Mayor.



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Office of the Mayor

July 11, 2024

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Dear City Councillors,

Enclosed is a request to accept a donation from Howling Wolf Mexican Cantina in the amount of One Thousand One Hundred Dollars (\$1,100.00) to the Mack Park Farm. These funds will be deposited into the Mack Park Farm account (25S01-4800).

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.

Sincerely,

Dominick Pangallo
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

BOARD OF HEALTH

88 WASHINGTON STREET, 3RD FLOOR

SALEM, MA 01970

TEL: (978) 741-1000

health.salem.com



Public Health
Prevent. Promote. Protect.

DOMINICK PANGALLO
MAYOR

DAVID GREENBAUM, RS, CHO
HEALTH AGENT

July 3, 2024

To: Dominick Pangallo, Mayor
City Council

Re: Request to accept \$1,100.00 donation to Mack Park Farm

The Health Department requests the Mayor and City Council accept a check donation of \$1,100.00 to Mack Park Farm from the proceeds of a charity fundraiser held at Howling Wolf Mexican Cantina. Information is as follows:

Amount of Donation: \$1,100.00

Fund Number: 25S0

Fund Name: Mack Park Farm

Munis Revenue Org/Object for deposit: 25S01-4800

Thank you for your attention to the above request.

Sincerely,

David Greenbaum
Health Agent

DG:md



Date: May 17, 2024

Project: Salem Wind Port, 67 Derby Street

Attn: City of Salem City Council

Subject: Proposal/Request to Extend Allowable Construction Hours

Dear City Council Members,

Crowley would like to request an extension or modification of the allowable construction work hours as described in the Salem Ordinances.

Request Narrative:

Work hour adjustments for Monday through Friday would permit the crews to arrive 2-hrs prior to the existing ordinance construction hours and allow crews to commute outside of normal peak traffic hours. This allowance would help increase public safety and enable compliance with the conditions in our planning board decision. Both the Fire Chief and the Police Chief have voiced their concern with construction traffic coinciding or overlapping with local peak traffic hours including school traffic. The requested extension would address these concerns by allowing construction traffic to arrive on site prior to the morning rush hour. The extension would have a similar effect on traffic in the afternoon/evening.

According to our proposed general contractor, 0700 construction starts are common around the area. The construction crews will likely be both local as well as travelling longer distances. We anticipate them carpooling as this is what we have been told.

The extension would also assist to expedite the project timeline and reduce the overall pile driving duration by approximately two months. Pile driving is the critical path of the construction schedule and allowing the crews earlier set-up time, preparation time, and construction production time to achieve a full day of production would assist in mitigating neighborhood impacts by completing the project quicker than if they only worked an 8-hr day. The extension overall is 2-hours in the morning and 3-hours in the evening. One additional hour of pile driving per day in the morning. Majority of the work will be done at the quayside. We will be monitoring noise and vibration during construction.

We would like to request the following:

CONSTRUCTION HOURS:

Monday – Friday:

06:00 – 07:00: All activities not exceeding 10db over background level measured at the nearest residential property line allowed.

0700 – 0800: Requesting an extra hour to start all work including pile driving.

08:00 - 17:00: All activities allowed (same as ordinance)

17:00 - 19:00: All activities not exceeding 10db over background level measured at the nearest residential property line allowed.

Saturday:

06:00 – 07:00: All activities not exceeding 10db over background level measured at the nearest residential property line allowed.

0700 – 0900: Early start to all activities including pile driving.

09:00 – 17:00: All activities allowed including pile driving.

17:00 – 19:00: All activities not exceeding 10db over background level measured at the nearest residential property line allowed.

Sunday & Holidays:

Any work compliant with the federal, state, and local code and ordinances. Since work is on-site, we request only major federal holidays considered as holidays not acceptable for work.

Construction Exceptions:

Extended hours for concrete pouring activities will periodically be allowed. Subject to City approval. Coordination and notifications requirements can be agreed upon.

Deliveries of materials and equipment made to the site are subject to the local code and ordinances.

OPERATIONAL HOURS:

Upon completion of Construction/Redevelopment, Salem Wind Terminal will require the ability to operate at all hours, not unlike the Sewer Plant, Power Plant, and other operators in the industrial zoned locations of Salem. Due to the nature of the marine industry especially the requirements to have vessels arriving and departing around tidal, current, and other environmental conditions dictates the operational flexibility for the safety of the mariners and the port. Most operations that occur outside of normal working hours will be proximate to the pier side areas. Furthermore, this work will be subject to the lighting requirements in the planning board conditions for 67 Derby Street. Thank you for your consideration and attention to this request, if there is anything we can do to answer any questions or discuss the request please feel free to contact us.

Thank you,

Jared Kemp
Project Manager
Crowley

City of Salem

In the year Two Thousand and Twenty-Four

An Ordinance to amend an Ordinance relative to Advertising

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

Section 1. Section 4-51- On-premises signs in nonresidential districts is hereby amended as follows:

“Sec. 4-51(a)(4)(c) – deleting “18 feet” and replacing it with “5 feet”.

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

Sec. 4-51. On-premises signs in nonresidential districts.

- (a) The following on-premises signs in nonresidential districts are permitted:
- (1) All signs allowed in residential districts.
 - (2) A wall sign attached parallel to a building which projects no more than 15 inches from the building surface, provided that the top of such sign is no higher than whichever of the following is lowest:
 - a. Twenty-five feet above sidewalk or finish grade;
 - b. The top of the sills of the first level of windows above the first story; or
 - c. The height of the building at the building line.
 - (3) A permanent nonilluminated sign on the inside of the glass of a window, provided that the total area of the sign does not exceed 30 percent of the total glass area of windows appurtenant to the use to which the sign is accessory, and provided that signs on ground floor windows be included in calculating the total area of signs on a sign frontage.
 - (4) A sign attached at right angles to a building, provided that such sign has no more than two faces and:
 - a. There is no more than one such sign for each entrance door to a business establishment;
 - b. It projects no more than five feet from the building;
 - c. The sign advertises a use which occupies at least 5 feet ~~18 feet~~ of sign frontage;
 - d. The bottom of the sign is at least ten feet from grade and its top is no higher than whichever of the following is lowest:
 1. Twenty-five feet above sidewalk or finish grade;
 2. The top of the sills of the first level of windows above the first story; or
 3. The height of the building at the building line;
 - e. The area of the sign shall not exceed 24 square feet on either side, except that an additional ten square feet on each face is allowed for a sign which incorporates a public service message device such as a time and temperature sign; and
 - f. There are no exposed guy wires or turnbuckles.
 - (5) A freestanding sign, provided that such sign has no more than two faces and:
 - a. If there are one or two uses, as defined by section 5 of the zoning ordinance, as amended on August 27, 1965, September 2, 1969 and August 1, 1972, on the lot, the area of each face does not exceed 65 square feet and the top of such sign is no higher than 25 feet above sidewalk or finish grade; or
 - b. If there are three or more such uses on the lot, the area of each face does not exceed 125 square feet and the top of such sign does not exceed 30 feet above grade.

A lot with a front lot line of 200 or more feet may have two freestanding signs.
 - (6) Temporary signs pertaining to special sales or events lasting no more than 15 days affixed to windows, provided that their total area does not exceed 30 percent of the window. No permit is required for such temporary sign.
 - (7) Directional signs necessary for public safety and convenience which do not exceed 12 square feet per face and which bear no advertising. Such signs are not counted in computing total sign area allowed by this section.

- (8) A sign painted on or attached to the face of, but not extending above, a canopy or marquee or a sign attached to the underside of a canopy or marquee.
- (9) A sign painted on or attached to an awning.
- (b) A sign may bear lettering to indicate the street number; the name and kind of business, service or facility conducted on the premises; the year the business was established; a slogan; hours of operation; time and temperature; and lettering which is part of a trademark.
- (c) The registered trademark of a specific commodity may occupy no more than 25 percent of the area of a sign, except that if the sale of the commodity is the major business conducted on the premises, there shall be no such restriction.
- (d) Signs shall be lighted only by continuous light, except that a warning sign or a sign illuminated to show time and temperature may have intermittent illumination. Signs shall remain stationary.
- (e) No support for a sign shall extend above the cornice line of a building to which it is attached.
- (f) The total area* in square feet of all permanent signs on a sign frontage, except for signs on windows above the first floor, freestanding signs, and directional signs, shall not exceed the following:

Average Distance of Sign From Centerline of Abutting Street	Sign Frontage* Multiplied by
0—99	2
100—399	2.5
400 and over	3

*See section 4-32.

However, a use with less than 25 feet of sign frontage may have a maximum of 50 square feet of permanent signs.

- (g) The distance of a sign on or under a canopy, marquee or awning from the centerline of an abutting street shall be construed to be the same as if such sign were attached to the building to which the canopy, marquee or awning is attached.
- (h) If the first floor of a building is substantially above street grade and the basement is only partially below street grade, separate occupants of each level may each have one-half the square feet of signage to which a use would be entitled if it were a single ground floor use.
- (i) If a building fronts on two or more streets, the sign area for each street frontage shall be computed separately.

(Code 1973, § 3-45)

Ilene Simons

From: Andrew Varela
Sent: Sunday, July 7, 2024 10:26 PM
To: Ilene Simons; Maureen Fisher; Ty Hapworth
Cc: Beth Rennard; Dominick Pangallo; Amanda Chiancola
Subject: Amendment to sec 4-51 On-premises signs in nonresidential districts.
Attachments: Sec_4_51.___On_premises_signs_in_nonresidential_districts. with strike.docx

Subject: Amendment Proposal to Section 4-51 On-Premises Signs in Nonresidential Districts

Dear Madam City Clerk and Colleagues,

I am submitting an amendment to Section 4-51 regarding on-premises signs in nonresidential districts. The attached ordinance document outlines the proposed change, reducing the allowable sign frontage from 18 feet to 5 feet.

The primary reason for this amendment is to create a fairer environment for businesses by allowing signs attached at right angles to buildings. This change is particularly relevant for our brick-and-mortar establishments in business districts where buildings have been continuously subdivided since the 1970s.

The current ordinance, last updated in 1976, was originally concerned with businesses putting up multiple signs. However, this concern is outdated. The amendment seeks to address the current need for equity, especially for small businesses with limited frontage. These establishments, often operated by Salem residents or economically disadvantaged individuals from the North Shore, would greatly benefit from increased visibility through lateral signs.

As always, I wanted to give Mayor Pangallo and the Planning Department a heads-up about this amendment. I will be seeking first passage at the upcoming meeting on July 11th.

Thank you all for your attention and support.

Best regards,
Andy Varela
Councilor, Ward 7

978-548-8455



City of Salem

In the year Two Thousand and Twenty-four

An Ordinance relative to the licensing board

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

Section I. Sec. 2-112 – *Clerk of licensing board* of Chapter 2, Division 1 - *Generally* is hereby amended by:

- 1) Deleting the section heading “clerk of licensing board” and replacing it with “Licensing board: clerk; public notice of certain applications; authority of board.
- 2) Deleting the first two sentences of paragraph c) in their entirety and replacing them with the following:

“All applications for common victualer, annual or seasonal liquor, lodging house or inn, and auto dealer licenses filed with the city licensing board, for an original license issued under the General Laws of Massachusetts or under the city Code, as the case may be, or for a transfer of such a license from one location to another, or for a change in the description of a licensed premises, shall be made on a form to be prescribed by the licensing board and shall include a sworn statement by the applicant giving the names and addresses of all persons who have a direct or indirect beneficial interest in such license. Notation of the date and hour of filing shall be made on every application. Within ten days after receipt of any such application, the applicant shall cause a notice thereof to be published at the expense of the applicant.”

- 3) Deleting the first two sentences of paragraph d) in their entirety and replacing them with the following:

“Every applicant of a license requiring public notice as set forth in section (c) for an original license, or for a transfer of such a license from one location to another, or for a change in the description of a licensed premises, or someone in the applicant's behalf, shall, within three days after publication as provided in this section, cause a copy of the published notice be sent by mail, evidenced by a certificate of mailing from the U.S. Postal Service, or in the case of liquor, lodging or inn, and auto dealer licenses by certified mail, return receipt requested, to each of the persons appearing upon the assessors' most recent valuation list as the owners of

the property abutting or within 300 feet, as the General Law provides for each license type, of the premises where the license is intended to be exercised and, if a school, which gives not less than the minimum instruction and training to children of compulsory school age required by M.G.L.A. c. 71, or a church or hospital, is located within a radius of 500 feet from the premises, to such school, church or hospital.”

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

ELIZABETH M. RENNARD
CITY SOLICITOR
93 WASHINGTON STREET
SALEM, MA 01970
EMAIL: BRENNARD@SALEM.COM



CITY OF SALEM
DOMINICK PANGALLO
MAYOR

LEGAL DEPARTMENT
93 WASHINGTON STREET
SALEM, MASSACHUSETTS 01970

JAMES F. WELLOCK
ASSISTANT CITY SOLICITOR
TEL: 978.619.5634
EMAIL: JWELLOCK@SALEM.COM

JOANNE M. ROOMEY
PARALEGAL
PUBLIC RECORDS ACCESS OFFICER
TEL: 978.619.5638
EMAIL: JROOMEY@SALEM.COM

July 11, 2024

Salem City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is an Ordinance to amend an Ordinance relative to public notification of certain licenses issued by the Salem Licensing Board. A copy of the proposed amendment and a strike-through version of the current ordinance with the proposed changes are attached for your review.

The proposed amendment is intended to clarify which licenses require abutter notification and to reduce the cost to common victualer applicants of sending abutter notifications certified, return receipt mail. Currently, there is no state law requirement, unlike that of liquor license applications, for the method of delivery of abutter notices for common victualer establishments, restaurants with no alcohol. The proposed ordinance changes the method for such delivery to be accompanied by a certification of mailing from the U.S. Postal Service. The cost of a certification is \$2 per addressee as opposed to \$8.05 for certified, return receipt mail. In many cases, applicants adjacent to condominiums are spending close to \$2,000 for one mailing. This proposed change will save new small businesses money but still ensure abutters receive notification of their application to the Licensing Board.

I wholeheartedly endorse the adoption of the attached amendment to the City Ordinance.

Sincerely,

Elizabeth Rennard, Esq.

Sec. 2-112. ~~Clerk of Licensing board;~~ clerk; public notice of certain applications; authority of board.

- (a) The position of clerk of the licensing board is created. The clerk shall work under the direction of the city solicitor to carry out the duties prescribed by the licensing board, including all clerical duties in connection with licensing board matters as well as other duties.
- (b) The licensing board may appoint, subject to civil service laws, rules and regulations, the clerk who shall not be a member of the board.
- (c) All applications for common victualer, annual or seasonal liquor, lodging house or inn, and auto dealer licenses ~~to filed with~~ the city licensing board, for an original license issued under the General Laws of Massachusetts or under the city Code, as the case may be, ~~or for the renewal of such license,~~ or for a transfer of such a license from one location to another, or for a change in the description of a licensed premises, shall be made on a form to be prescribed by the licensing board and shall include a sworn statement by the applicant giving the names and addresses of all persons who have a direct or indirect beneficial interest in such license. Notation of the date and hour of filing shall be made on every application. Within ten days after receipt of any such application, the ~~applicant licensing board~~ shall cause a notice thereof to be published at the expense of the applicant. Such notice shall be published in a newspaper published within the city or, if no newspaper is published within the city, in a newspaper, published within the commonwealth, providing general circulation within the city. After such publication the name of the newspaper publishing such notice shall be noted by the licensing board on the application for a license. The notice shall set forth the name of the applicant in full, the kind of license applied for, a description of the location and area where the license is intended to be exercised, designating, if practicable, the street and number. No application shall be acted upon by the licensing board except after hearing thereon which shall be held not sooner than ten calendar days after the publication of such notice. An affidavit of the person making such publication on behalf of such authority, together with a copy of the notice published, shall be filed in the office of such authority, and a copy of such affidavit shall be prima facie evidence that such notice has been published in accordance with this section. Where there are no premises actually in existence at the time the application is made, the applicant may file with the licensing board a plan showing the actual dimensions of premises which are to be constructed on which the license is to be exercised. The licensing board may thereafter grant a license upon the condition that such license shall issue upon completion of such premises according to such plan, and the decision of the licensing board as to whether or not the plan has been complied with shall be final.
- (d) Every applicant of a license requiring public notice as set forth in section (c) ~~for an original license, or a renewal of such license,~~ or for a transfer of such a license from one location to another, or ~~an applicant for a~~ change in the description of a licensed premises, or someone in the applicant's behalf, shall, within three days after publication as provided in this section, cause a copy of the published notice be sent by mail, evidenced by a certificate of mailing from the U.S. Postal Service, or in the case of a liquor, lodging or inn, and auto dealer licenses by certified mail, return receipt requested, to each of the persons appearing upon the assessors' most recent valuation list as the owners of the property abutting or within 300 feet, as the General Law provides for each license type, ~~abutting on~~ of the premises where the license is intended to be exercised and, if a school, which gives not less than the minimum instruction and training to children of compulsory school age required by M.G.L.A. c. 71, or a church or hospital, is located within a radius of 500 feet from the premises, to such school, church or hospital. ~~Such notice shall indicate the necessity of a written objection to prevent the issuance or transfer of such license.~~ An affidavit of the applicant or of the person mailing such notice in the applicant's behalf, together with a copy of the notice mailed, shall be filed in the office of the licensing board, and a copy of such affidavit shall be prima facie evidence that such notice has been mailed in accordance with this section. If any abutter or the authorities in charge of any such school, church or hospital shall make complaint in writing to the licensing board that such license was

granted, renewed or transferred hereunder without such notice having been mailed to them as required, hereby and after due hearing it appears that such notice was not mailed as aforesaid, the licensing board may cancel the license.

- (e) No application by the same applicant for the same type of license to be exercised on the same premises may be filed within one year of the date of the applicant's last prior application except in the discretion of the licensing board.
- (f) Nothing herein shall be construed to limit the power of the licensing board to promulgate, to the maximum extent permitted by law, additional rules and regulations governing applications for, or issuance, supervision, suspension or revocation of, any license issued under the General Laws of Massachusetts or under the city Code, as the case may be.
- (g) Nothing herein shall be construed to limit the discretion of the licensing authorities in determining matters pertaining to the issuance, supervision, suspension or revocation of, any license issued under the General Laws of Massachusetts or under the city Code, as the case may be, and the scope of such discretion is hereby reaffirmed to be the maximum permitted by law.

(Code 1973, § 2-52; Ord. of 5-28-1998, § 1; Ord. of 6-9-11, § 1; Ord. of 5-13-2021 , § I)



City of Salem

In the year Two Thousand and Twenty-four

An Ordinance relative to certificate of fitness

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

Section I. Sec. 2-705 – Certificate of fitness of rented dwelling unit, apartment or tenement of Chapter 2, Division 3 Board of Health is hereby amended by deleting sub-paragraph 1) in its entirety and replacing it with following:

“(1) *Three-year inspection requirement.* Every three years, each rental unit shall be inspected to ensure compliance with the state sanitary code and city ordinances. The three-year inspection requirement shall not apply to any owner-occupied unit”.

Section II. Sec. 2-705 – Certificate of fitness of *rented dwelling unit, apartment or tenement* of Chapter 2, Division 3 Board of Health is hereby further amended by deleting the phrase “including those in owner occupied two- and three- family homes” in its entirety as it appears in the first sentence of sub-paragraph 2).

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



CITY OF SALEM, MASSACHUSETTS

BOARD OF HEALTH
98 WASHINGTON STREET, 3RD FLOOR
SALEM, MA 01970
TEL. (978) 741-1800
health@saalem.com

DOMINICK PANGALLO
MAYOR

DAVID GREENBAUM, RS, CHO
HEALTH AGENT

July 11, 2024

Salem City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is an Ordinance to amend an Ordinance relative to certificates of fitness inspections for rental units within the City of Salem. A copy of the proposed amendment and a strike-through version of the current ordinance with the proposed changes are attached for your review.

The reason therefore is to clarify and update the ordinance language and make the inspection timeline uniform for all rented dwellings in the City of Salem.

I wholeheartedly endorse the adoption of the attached amendment to the City Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "David Greenbaum".

David Greenbaum
Health Agent

Sec. 2-705. Certificate of fitness of rented dwelling unit, apartment or tenement.

- (a) *Purpose.* To ensure that all rental units within the city are fit for human habitation and meet the requirements of the sanitary code, all rented dwelling units, apartments, or tenements, other than those in a hotel or motel or otherwise exempted from this ordinance, shall be required to obtain a certificate of fitness at least every three years and every time a new tenant occupies a rental unit.
- (1) *Three-year inspection requirement.* Every three years, each rental unit, ~~excluding those in owner occupied two and three family homes or those which have provided proof of passing a HUD inspection within the previous three years,~~ shall be inspected to ensure compliance with the state sanitary code and city ordinances. ~~Any dwelling unit, apartment, or tenement which has not been found in violation of any sanitary or building code provisions and has not received any disorderly house citations in the three-year period since last inspected will be subject to inspection every five years, provided there has been no change of ownership or tenancy.~~ The three-year inspection requirement shall not apply to any owner-occupied unit, ~~regardless of the number of units in the building.~~
- (2) *Inspection upon change of tenancy.* Each rented dwelling unit, apartment, or tenement, ~~including those in owner occupied two and three family homes,~~ shall be subject to inspection whenever they are vacated by the occupant thereof or prior to such vacancy. The owner or lessor of such residential property shall be responsible for notifying the board of health of such vacancy and for scheduling an inspection required by this section. A change in tenancy shall not include circumstances where the change results in an owner becoming the new occupant of the unit.
- (3) *Short-term rentals.* A certificate of fitness shall also be required for any owner of residential property who rents or leases a dwelling or any portion of a dwelling on a short-term basis pursuant to Chapter 15 of the Ordinance. "Short-term" shall be defined as a rental or rentals of fewer than 30 consecutive days in one calendar year. Owners who intend to offer such short-term rentals to tourists must notify the board of health to register the property as such and schedule an inspection to receive a certificate of fitness. This registration and certificate must be renewed every year or upon a change in ownership, but not upon any change in the short-term tenancy.
- (4) *Problem property.* Any rental dwelling unit, apartment, or tenement located at an address to which the police department has been called to not fewer than four times within the preceding 12 month period for any incident involving any arrestable offense including, but not limited to, disturbing the peace, trespassing, underage drinking or assault; or where the inspectional services department and/or the board of health have received no fewer than four sustained complaints within the preceding 12 month period, may be deemed a "problem property" and subject to annual inspection at the discretion of the director of inspectional services or the board of health agent.
- (b) *Certification required; fee.* Such unit must be inspected and certified by the board of health or its agents as meeting 105 CMR 410.000, State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation, as promulgated and from time to time amended by the state department of public health. The fee for such an inspection shall be \$50.00 per unit.
- (c) *Refusal of certification.* If, after any inspection by the board of health or its agents pursuant to this section, an inspector refuses to issue a certificate of fitness, such inspector shall issue a written order or copy of the inspection form setting forth the violations of chapter 11 of the state sanitary code existing in the unit, which must be corrected before a certificate of fitness may be issued. It shall be the responsibility of the owner or lessor receiving such order to notify the board of health when such violations have been corrected. The initial inspection fee shall cover the cost of the initial inspection and one re-inspection of the unit. An additional fee of \$50.00 shall be imposed for the third and any subsequent inspections.

-
- (d) *Time of inspections.* The board of health or its agents shall make such an inspection within ten working days of notification from the owner as to a change of tenancy or the intent to establish a short-term rental. If the inspection shall not have been made within ten working days, the owner or lessor may proceed to rent the unit provided the owner arranges for an inspection to occur within 30 days of notification. The health agent, in consultation with the director of inspectional services, shall establish a schedule for the inspections required under this provision.
 - (e) *Posting of certificate.* Upon issuance of such certificate, it shall be posted in a conspicuous place in which the unit is located or a copy of it shall be given to any person occupying the unit. For short-term rentals, proof of a current certificate shall be included in any listing of the property.
 - (f) *Appeal procedure.* The appeal procedure from any decision of the board of health shall be same as that set forth in chapter 11 of the state sanitary code.
 - (g) *Records.* Owners shall keep a register listing the names of tenants and dates of tenancy for the previous five years, including any short-term tenants, and make such record available for to the board of health inspector upon request. The owner's register shall not be retained by the board of health and shall not be a public record under the law. Whether or not a certificate of fitness has been issued by the board of health for a particular unit shall be a matter of public record.
 - (h) *Penalties.* Any owner or lessor of such property used for dwelling purposes failing to comply with this section shall be subject to a fine of \$50.00 each and every day that they allow any person to live, occupy, or inhabit the premises without having received a certificate of fitness from the board of health for a particular unit upon a change in tenancy or upon failure to comply with the inspection requirement.
 - (i) *Certification requirement limited.* Absent a change in tenancy or ownership, no rented dwelling unit, apartment, or tenement shall be required to be certified for occupancy more than once in any consecutive three-year period, unless the property has been determined by the director of inspectional services or the board of health agent to meet the criteria for designation as a problem property so as to be subject to annual inspection.
 - (j) *Exemptions.* Exemptions from this section shall include property owned and managed by the city housing authority. Also exempted from this section is property consisting of 100 or more rental units that is subject to periodic inspections by the state housing finance agency, the Metropolitan Housing Assistance Program, the Department of Housing and Urban Development, and/or the city housing authority. Any new construction completed less than five years prior to the date on which the rented dwelling unit, apartment, or tenement becomes vacant shall not be required to be inspected under this section unless it has been designated as a problem property as provided above.
 - (k) *Right to inspect.* Notwithstanding the foregoing, the board of health reserves the right to inspect any dwelling unit, apartment, or tenement in accordance with the provisions of the state sanitary code.
 - (l) *Other remedies.* This section shall not be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this section or from other law.

(Code 1973, § 2-344; Ord. of 7-17-2008, § 1; Ord. of 12-7-2017 ; Ord. of 5-13-2021 , § 1; Ord. of 9-15-2022 , § 1)

CITY OF SALEM
ciudad de salem
ELECTION ORDER
Orden de elecciones

In City Council July 11, 2024
En Ayuntamiento 11 de julio de 2024

ORDERED: That the meetings of the qualified voters of the City of Salem be held in the several voting precincts in the City at the polling places designated hereinafter on **Tuesday, September 3, 2024**, for the purpose of casting votes in the Presidential Primary Officers for the election of candidates of political parties for the following office:

ORDENO: Que las reuniones de los votantes calificados de la Ciudad de Salem se celebren en los varios recintos electorales de la Ciudad en los lugares de votacion designados a continuacion el martes 3 de septiembre de 2024, con el proposito de emitir votos en las eleccion primaria estatal para los candidatos de los partidos politicos para los siguientes cargos:

SENATOR IN CONGRESS. SENADOR EN EL CONGRESO	FOR THIS COMMONWEALTH POR ESTA MANCOMUNIDAD
REPRESENTATIVE IN CONGRESS REPRESENTANTE EN EL CONGRESO	FOR THE SIXTH DISTRICT POR DISTRITO SEXTO
COUNCILLOR CONCEJAL	FOR THE FIFTH DISTRICT POR DISTRITO QUINTO
SENATOR IN GENERAL COURT SENADOR DE LA LEGISLATURA ESTATAL	FOR THE SECOND ESSEX DISTRICT POR DISTRITO SEGUNDO DE ESSEX
REPRESENTATIVE IN GENERAL COURT REPRESENTANTE DE LA LEGISLATURA ESTATAL	FOR THE SEVENTH ESSEX DISTRICT POR DISTRITO SEPTIMO DE ESSEX
CLERK OF COURTS SECRETARIO DE LAS CORTES	FOR ESSEX COUNTY POR CONDADO DE ESSEX
REGISTER OF DEEDS REGISTRADOR DE ESCRITURAS PUBLICAS	FOR ESSEX SOUTHERN DISTRICT POR DISTRITO DE ESSEX SOUTHERN

AND BE IT FURTHER ORDERED: That the following places be and hereby are designated as polling places for said meetings:

Y SE ORDENE ADEMÁS: Que los siguientes lugares sean y por la presente sean designados como lugares de votación para dichas reuniones:

WARD ONE / DISTRITO UNO

PRECINCT 1 RECINTO 1	Bentley Academy, 25 Memorial Drive Gimnasio, Escuela Bentley Academy, 25 Memorial Drive
PRECINCT 2 RECINTO 2	Community Room, 135 Lafayette Street Sala Comunitaria, 135 Lafayette Street

WARD TWO / DISTRITO DOS

PRECINCT 1 & 2 RECINTO 1 & 2	Community Life Center, 401 Bridge Street Centro De Vida Comunitaria, 401 Bridge Street
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WARD THREE / DISTRITO TRES

PRECINCT 1 & 2 RECINTO 1 & 2	Salem High School Auditorium, 77 Willson Street Auditorio, Salem High School, 77 Willson Street
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WARD FOUR / DISTRITO CUATRO

PRECINCT 1 & 2
RECINTO 1 & 2

Witchcraft Heights School Gymnasium, 1 Frederick Street
Gimnasio, Escuela Witchcraft Heights, 1 Frederick Street

WARD FIVE / DISTRITO CINCO

PRECINCT 1 & 2
RECINTO 1 & 2

Saltonstall School Auditorium, 211 Lafayette Street
Auditorio, Escuela Saltonstall School, 211 Lafayette Street

WARD SIX / DISTRITO SEIS

PRECINCT 1 & 2
RECINTO 1 & 2

Bates School Gymnasium, 53 Liberty Hill Avenue
Gimnasio, Escuela Bates School, 53 Liberty Hill Avenue

WARD SEVEN / DISTRITO SIETE

PRECINCT 1 & 2
RECINTO 1 & 2

Salem State Enterprise Center, 121 Loring Avenue
Salem State Enterprise Center, 121 Loring Avenue

AND BE IT FURTHER ORDERED: That the polls at said meetings be opened at 7:00 a.m. and closed at 8:00 p.m. and that the City Clerk be instructed to post this notice as required by law.

Y SE ORDENE ADEMÁS: Que las urnas en dichas reuniones se abran a las 7:00 a.m. y se cierren a las 8:00 p.m. y que se instruya a la Secretaria de la Municipal para que publique este aviso como lo exige la ley.

Given under our hands this 11th day of July, 2024.
Dado en nuestras manos el día 11 de julio de 2024.

City Council, City of Salem
ayuntamiento, ciudad de salem



CITY OF SALEM PLANNING BOARD

CITY CLERK, SALEM MASS.
RCUD 2024 JUL 9 AM 9:06

Report of the Planning Board to City Council
Re: Business Neighborhood Zoning

July 9, 2024

At its meeting on July 8, 2024, the Planning Board discussed the proposed business neighborhood zoning changes, which would amend Section 3.1, Table of Principal & Accessory Use Regulations.

The item was referred to the Planning Board for its recommendation from the June 24, 2024, joint public hearing with the City Council.

The Planning Board voted six (6) (Acting Chair Carole Hamilton, Jonathan Berk, Zach Caunter, Tom Furey, Sarah Tarbet, and Josh Turiel) in favor, and zero (0) opposed to recommend that the City Council adopt the ordinance. The Planning Board presents the following information to support their recommendation that these changes are in the City's best interest and should be fully adopted by the City Council.

- 1. A City Created Before Modern Zoning:** As we're all very well aware, Salem is a City rich with history. We're lucky to live in a place beloved by visitors from around the World and sought after by many who hope to move here as a place rich with a mix of history, culture and modern-day amenities like restaurants, breweries, shops and entertainment. Much of what we love about Salem was created long before modern zoning codes were ever put in place. This fact, while lost on some, is actually a very good thing because today's zoning would never allow many of the Salem neighborhoods we love, including much of what we see today in B1, to be built today. Things like setback requirements, separation of uses, unit counts, floor area ratio (FAR), open space requirements and minimum parking requirements would all largely prevent most of Salem from being built in any form resembling what we currently see today.
- 2. Many Proposed Uses Already Exist:** There are several restaurants serving alcohol today within the B1 currently, including Mercy Tavern, Dube's, and the VFW Post on Derby Street.
- 3. The Majority of Americans Want To Live Within Walking Distance Of Neighborhood Amenities:** Consistently, in survey after survey, the desire to live within walking distance of neighborhood amenities like shops, restaurants, gyms and parks is shown to be high.
- 4. Other Regulations In Place To Protect Against Any Concerns:** While some of the newly proposed uses will be "Allowed" like grocery stores and child care facilities, others like restaurants serving alcohol be shifted to "BA," meaning a permitting process will still be required, allowing residents to submit their concerns to the applicable public

commissions and boards, giving them opportunity to place restrictions on any permits granted. In addition, health inspectors and other city departments would still be able to enforce any nuisance issues that may arise, just as they do in other areas of the City. Things like music and hours of operation would all be controlled, and any new liquor license would still need to be obtained through a formal process.

In closing, the Planning Board thanks you for your consideration of their recommendation and welcomes any follow-up questions prior to your vote on this matter. Please contact Tom Daniel, AICP, Director of Planning and Community Development at 978-619-5685 with any questions you may have.

A handwritten signature in cursive script, appearing to read "Carole Hamilton". The signature is written in black ink and is positioned above the typed name and title.

Carole Hamilton, Acting Chair of the Planning Board
CC: Ilene Simons, City Clerk



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

June 6,2024

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

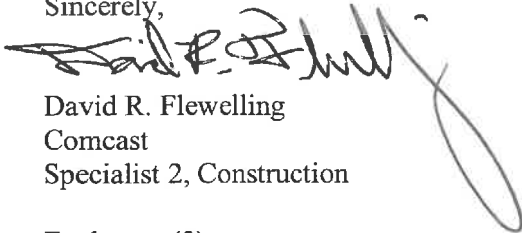
RE: 36 Federal Street Salem
Grant of Location-Petition

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 installing a new conduit to provide the Comcast Service to number 36 Federal 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", with a large, stylized flourish extending from the end of the signature.

David R. Flewelling
Comcast
Specialist 2, Construction

Enclosure (3)

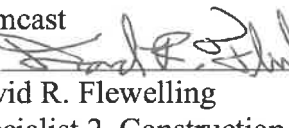
PETITION OF COMCAST FOR LOCACTION FOR CONDUITS, MANHOLES AND
POLES

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.

Federal Street: Starting at the existing Comcast Vault located at the corner of North Street and Federal Street excavating to place (1) 3" PVC Conduit 395'+/_ to a proposed 3'x3' manhole to provide the Comcast Service to number 36 Federal 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 Axis Engineering dated June 5,2024 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 June 6,2024

City of Salem, Massachusetts

Received and filed _____, 2024



COMCAST

PROPOSED CONDUIT INSTALLATION

AT

36 FEDERAL ST

SALEM, MA

WARD 2 - PRECINCT 2



LOCUS
NTS

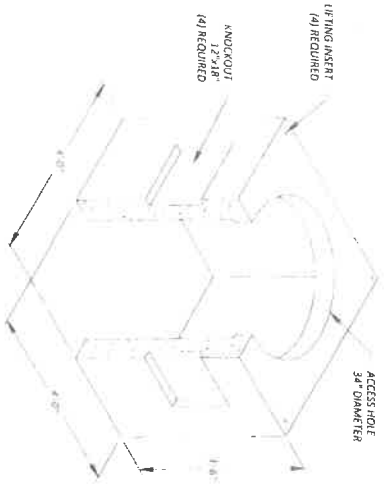
INDEX OF DRAWING

SHEET NO.	DESCRIPTION
01	COVER SHEET
02	PROPOSED CONDUIT INSTALLATION GENERAL NOTES AND DETAILS

AXIS
ENGINEERING GROUP
201 Boston Post Rd West - Suite 100
Methuen, MA 01752
(774) 556-5824 www.axisengr.com

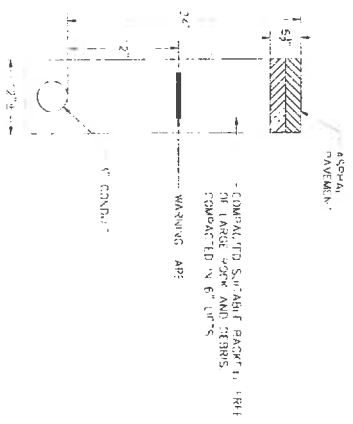
GENERAL NOTES

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. WHERE AN EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATION, ELEVATION AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR, AND THE INFORMATION FURNISHED TO THE ENGINEER FOR RESOLUTION OF THE CONFLICT.
3. THE CONTRACTOR SHOULD MAINTAIN A SEPARATION OF 18 INCHES MIN. WHEN CROSSING EXISTING WATER FACILITIES.
4. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION AND ADJUSTMENT OF GAS, ELECTRIC, TELEPHONE AND ANY OTHER PRIVATE UTILITIES BY THE UTILITY COMPANY.
5. THE CONTRACTOR SHALL NOT DISTURB PUBLIC TREES AND SHRUBS.
6. AREAS OUTSIDE THE LIMITS OF PROPOSED WORK DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED BY THE CONTRACTOR TO THEIR ORIGINAL CONDITION AT NO EXPENSE TO THE OWNER.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PLACING AND MAINTAINING TEMPORARY RESURFACING AND/OR PLATING FOR ALL EXCAVATIONS IN PAVED STREETS AND SIDEWALKS UNTIL PERMANENT RESURFACING IS COMPLETE.
8. JOINTS BETWEEN NEW BITUMINOUS CONCRETE ROADWAY PAVEMENT AND SAW CUT EXISTING PAVEMENT SHALL BE SEALED WITH BITUMEN AND BACK SANDED.
9. THE CONTRACTOR SHALL PROTECT AND SUPPORT ALL EXISTING UTILITY LINES THAT BECOME EXPOSED DUE TO EXCAVATION REQUIRED TO INSTALL THE PROPOSED CONDUIT.
10. THE CONTRACTOR SHALL REPLACE ALL DISTURBED TRAFFIC SIGNAL LOOP DETECTORS TO GOOD WORKING CONDITION AS REQUIRED BY THE LATEST STANDARDS OF THE MUNICIPAL TRAFFIC DEPARTMENT.
11. ALL EXISTING STATE, COUNTY, CITY AND TOWN LOCATION LINES AND PRIVATE PROPERTY LINES HAVE BEEN ESTABLISHED FROM AVAILABLE INFORMATION AND THEIR EXACT LOCATION ARE NOT GUARANTEED.
12. THE CONTRACTOR SHALL REPLACE ALL PAVEMENT MARKINGS IN THEIR ENTIRETY THAT HAVE BEEN DAMAGED BY TRENCH EXCAVATION OR OPERATIONS OF THE CONTRACTOR WITH SIMILAR COLOR AND SIZE THERMOPLASTIC MARKINGS.



3X3X3 I.D. MANHOLE W/6" WALLS & ROOF
CHASE STANDARD - 3,900 Lbs.
MUST MEET OR EXCEED ALL STATE, LOCAL D.O.T.
REGULATIONS FOR ROADWAY LOADINGS
N.T.S.

ROADWAY PATCH AND SUCCESSION INSTALLATION DETAILS



CONCRETE MANHOLE
4" MAXIMUM CONCRETE SURFACING
12" ROW TO CENTER OF MANHOLE
ASPHALT PATCH AND SUCCESSION
VARIABLE WIDTH AND LENGTH

Legend

1	EXISTING UTILITIES
2	PROPOSED UTILITIES
3	PROPOSED CONDUIT
4	PROPOSED MANHOLE
5	PROPOSED ROADWAY PATCH
6	PROPOSED SUCCESSION
7	PROPOSED TRAFFIC SIGNAL LOOP DETECTOR
8	PROPOSED TRAFFIC SIGNAL LOOP DETECTOR
9	PROPOSED TRAFFIC SIGNAL LOOP DETECTOR
10	PROPOSED TRAFFIC SIGNAL LOOP DETECTOR
11	PROPOSED TRAFFIC SIGNAL LOOP DETECTOR
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18	PROPOSED TRAFFIC SIGNAL LOOP DETECTOR
19	PROPOSED TRAFFIC SIGNAL LOOP DETECTOR
20	PROPOSED TRAFFIC SIGNAL LOOP DETECTOR

EXISTING UTILITIES SHOWN ARE APPROXIMATE AND CONTRACTOR SHALL VERIFY THE LOCATION OF ALL PUBLIC AND PRIVATE UTILITIES PRIOR TO BEGINNING WORK. CALL BEFORE YOU DIG. 800-4-A-DAWN (3229) IS REQUIRED FOR ALL UNDERGROUND UTILITIES.

AXIS
ENGINEERING GROUP

COMCAST

GENERAL NOTES AND DETAILS

Project No. 2023
Sheet No. 101
Date: 10/1/23

D



COMCAST

TRAFFIC MANAGEMENT PLAN

AT

36 FEDERAL ST

SALEM, MA

WARD 2 - PRECINCT 2



LOCUS
N.T.S

INDEX OF DRAWING

SHEET NO.	DESCRIPTION
01	COVER SHEET
02	TRAFFIC CONTROL 01
03	TRAFFIC CONTROL 02
03	TRAFFIC CONTROL 03

AXIS

ENGINEERING GROUP
201 Boston Post Rd West - Suite 100
Salem, MA 01972
(774) 562-2824 www.axisengr.com

City of Salem

In the year Two Thousand and Twenty-Four

An Ordinance to increase coastal flood resiliency in the City of Salem.

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

Section I. The Zoning Ordinance of the City of Salem is hereby amended by adding the following new section to Chapter 8, Special District Regulations:

“Section 8.9 – COASTAL RESILIENCY OVERLAY DISTRICT

8.9.1 Purpose. The City of Salem recognizes that the increased frequency and intensity of coastal flooding events resulting from climate change poses a threat to human health, safety, and welfare. Through the creation of this Coastal Resiliency Overlay District (C-ROD), the City hereby establishes land use rules reflective of anticipated future sea level rise and coastal flooding scenarios and aims to foster land use that is resilient to projected increased coastal flood risk. This Ordinance is informed by science and technical data available at the time of its adoption, through the Massachusetts Coast Flood Risk Model’s (MC-FRM) projected Significant Wave Height elevation in a 100-year flood event in 2070 and is anticipated to be updated periodically as new data become available and to maintain reference to a coastal flood risk projection with an approximately fifty-year time horizon.

The goals of this Ordinance are to:

- Protect buildings from projected increased coastal flood risk, with especially high protection provided to residential dwelling units, to protect the health, safety and welfare of occupants and minimize the burden on emergency response services.
- Encourage thoughtful and strategic investment in the built environment to advance the community’s goals, in areas including but not limited to housing and economic opportunity, through resilient land use that adapts to future coastal flood risk.
- Encourage adaptations to future coastal flood risk that are appropriate to the variety of Salem’s existing building stock as well as the community’s unique historic buildings, neighborhoods, and landscapes.
- Provide consistent regulation of land uses within locations projected to be subject to increasing coastal flood risk for the benefit of the city, community, and builders.

8.9.2 District Boundaries. The C-ROD boundary consists of the areas as shown on the zoning map. This mapping is based on the MC-FRM’s projected Significant Wave Height elevation in a 100-year flood event in 2070. Where interpretation of these boundaries is in question, the

Building Commissioner shall make interpretations, where needed, as to the exact boundaries of the district. The precise boundaries of the C-ROD shall be based on actual site conditions, as determined by the Building Commissioner, based on elevations provided by a licensed professional surveyor. Any person aggrieved by the Building Commissioner’s determination may appeal to the Zoning Board of Appeals pursuant to G.L. c. 40A, Sections 8 and 15 and Section 9 of the Salem Zoning Ordinance.

Sea Level Rise Base Flood Elevation and Use Requirements: Minimum Sea Level Rise Base Flood Elevation (“SLR BFE”): The SLR BFE shall be no lower than the corresponding MC-FRM projected 100-year flood event’s Significant Wave Height in 2070 as depicted on mapping on file with the City of Salem Department of Planning & Community Development.

8.9.3 Applicability. A building located within the district boundary is subject to the C-ROD as shown on Table 1 below:

TABLE 1: C-ROD APPLICABILITY

Building Type	Modification of Existing Buildings	New Construction
Residential 6 units or more		Yes
Residential 5 units or fewer	No, unless expanding Structural Lot Coverage over 100% or by any amount that includes a new dwelling unit.	Yes
Detached accessory buildings		No
Non-residential greater than 7,500 square feet		Yes
Non-residential less than 7,500 square feet	No	Yes

Notes:

1. For the purpose of the C-ROD, an Accessory Dwelling Unit (ADU) shall be considered a residential unit.
2. A mixed-use building within the C-ROD shall be subject to the requirements of this Section if any of the residential or non-residential thresholds in Table 1 are met.
3. Applicability to Central Business (B5) Zoning District: For projects in the Central Business (B5) District, this Section 8.9 shall be applicable upon approval by the Executive Office of Housing and Livable Communities of a district compliance application that includes the C-ROD district in the compliance model of the application.

8.9.4 Limitation on Uses Below SLR BFE. Residential dwelling units, building mechanical uses, and building electrical service uses shall be located above the SLR BFE except as allowed in the list below and subject to Section 8.9.7, C-ROD Site Plan Review:

1. Residential access and vertical circulation (including lobbies, stairs, and similar spaces)
2. Residential storage
3. Residential Multifamily Common Support and Amenity Space
4. Parking
5. All non-residential uses
6. Building Mechanical Uses and Electrical Service Uses that Cannot Practically Be Located Above SLR BFE, as defined in Section 8.9.25.

8.9.5 Exemptions. The following are exempt from the provisions of the C-ROD.

1. Modification of an existing building where, within a 24-month period, Level 2 Alteration neither exceeds 50% of the aggregate building area below the SLR BFE nor 75% of the aggregate building area above the SLR BFE. Aggregate building area shall be as defined in the Massachusetts State Building Code.
2. New construction or modification of existing structures that do not meet the definition of "Building" per Section 10 of the Zoning Ordinance.
3. Portions of an existing building under separate ownership from a portion of the building where work subject to this Section is proposed to occur. For example, work in one condominium may not trigger the ordinance's applicability to a separately owned condominium in the same building where work is not proposed.
4. When a modification of an existing building is subject to this ordinance, Building Mechanical Uses and Building Electrical Uses not being reconfigured or extended may remain below the SLR BFE.

8.9.6 Relief from Dimensional Requirements. Where the Project is subject to this C-ROD Ordinance, the design shall adhere to the following provisions:

1. Building Height: Irrespective of Sections 10.0 and 4.1.2.6 of the Salem Zoning Ordinance, Building Height shall be measured starting from the SLR BFE for Projects subject to this Section.
2. Gross Floor Area: In addition to areas excluded by other provisions of the Ordinance, the following shall be excluded from the measurement of Gross Floor Area for Projects subject to this Section: Areas devoted to interior vertical circulation from grade to the SLR BFE (such as stairs, ramps, or elevators); and areas devoted to flood protection equipment.
3. Front, Rear, and Side Yards. The following may be located within required setbacks irrespective of other provisions of the Salem Zoning Ordinances:
 - a. In Front, Rear, and Side Yards: Areas used for vertical circulation (such as stairs, ramps, or elevators) from grade to the required SLR BFE where setbacks are maintained to the maximum extent practicable; and
 - b. In Rear and Side Yards: Flood Protection Equipment, and structures housing mechanical equipment above the required SLR BFE, where setbacks are maintained to the maximum extent practicable.

8.9.7 C-ROD Site Plan Review Required. Projects subject to this section must undergo Site Plan Review per the provisions of this section, which are in lieu of the requirements of Section

9.5 of the Zoning Ordinance, unless 9.5.2 applies, in which case the project is subject to both C-ROD Site Plan Review and Site Plan Review Section 9.5. Absent special circumstances, applications under this Section 8.9 for C-ROD Site Plan Approval and under Section 9.5 for Site Plan Approval should be filed together for contemporaneous consideration by the Planning Board.

8.9.8 C-ROD Site Plan Review Application. An Applicant for a Site Plan Review shall file the application to the Planning Board and one (1) copy to the City Clerk. The application shall contain the following information:

- A. Any application for approval of a site plan review under this section shall be accompanied by a site plan, which shall be at a scale to be established by the Planning Board. The plan shall contain the following information, at a minimum:
 1. Location and dimensions of all buildings and other construction;
 2. Location and dimensions of all parking areas, loading areas, bicycle racks or bicycle storage areas, walkways and driveways. Plans shall clearly identify pavement grade changes exceeding five (5) percent, and any vegetated slopes steeper than 1V:3H, identify all pedestrian and vehicular pavement materials;
 3. Location and dimensions of internal roadways and access ways to adjacent public roadways;
 4. Lot lines within which the development is proposed in relation to the nearest road intersection;
 5. Location, type, dimensions and quantities of landscaping and screening including retaining walls and fences;
 6. Current and proposed locations, dimensions, and screening of utilities including: water, storm water, sewer, drainage, drain inlets, drainage tanks, back flow preventers, manholes, hydrants, gas, electrical, telephone, wireless communication facilities, HVAC-related mechanicals, transformers, switchgears, generators, intake and exhaust features including: ventilation, stacks, fans, louvers, steam, and recycling and other waste disposal locations;
 7. Location of all existing natural features, including ponds, brooks, streams, wetlands, street trees, and existing vegetation up to the curb line;
 8. Topography of the site, with one foot contours;
 9. Plans depicting the property lines and physical features, including roads, for the project site;
 10. Proposed changes to the landscape of the site, grading, vegetation clearing and planting;
 11. Locations of active farmland, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP;
 12. Locations of local or National Historic Districts;
 13. Location, arrangement, size, and design of roof mounted and small-scale ground mounted solar energy systems;

14. Location and elevation of existing and proposed applicable FEMA zones, structures, watercourses, applicable Base Flood Elevation mapping, drainage, and drainage easements, means of access, utilities, and sewage disposal facilities, if any;
 15. Boundaries of C-ROD overlay district and SLR BFE within the site and citation of information used to establish SLR BFE;
 16. Project design that addresses the requirements of the C-ROD Ordinance as applicable; and
 17. For buildings that are individually listed in the National Register of Historic Places or have been determined by the Salem Historical Commission to be historically significant: Application materials listed in Section 1.7 of the Salem Historical Commission Guidelines Notebook.
- B. A statement, signed and sealed by a state licensed architect or engineer, that all covered building spaces below the SLR BFE are designed to be floodproof in compliance with the requirements of this ordinance.
 - C. A written narrative describing the proposed Project and how it complies with the requirements in Section 8.9.10 of this C-ROD Ordinance.
 - D. A list of federal, state, and other local permits required for the Project.

8.9.9 Distribution. The Planning Board shall, within seven (7) days after the receipt of an application pursuant to this Ordinance, transmit one (1) copy of said application to the Director of Sustainability and Resiliency, Building Commissioner, City Engineer, Head of the Fire Department or the Head of the Fire Department's designee, Board of Health, and Conservation Commission, who may at their discretion review and provide written commentary to the Planning Board.

The Planning Board shall not take final action on such application until it has received a report thereon from the Director of Sustainability and Resiliency, Building Commissioner, City Engineer, Head of the Fire Department or the Head of the Fire Department's designee, Board of Health, and Conservation Commission or until thirty-five (35) days have elapsed after distribution of such application to the listed parties.

The Salem Historical Commission shall review Projects that are individually listed in the National Register of Historic Places or have been determined by the Salem Historical Commission to be historically significant. The Historical Commission shall review the application at a public meeting and shall provide advisory comments to the Planning Board. The Historical Commission shall review the application for conformance to 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 until it receives written confirmation from the Historical Commission that the application conforms to the Secretary of the Interior's Standards. The Planning Board may act if at least sixty (60) days have passed since delivery of the application to the Historical Commission and the Planning Board has not received any findings from the Historical Commission 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, and an Applicant's adherence thereto, pursuant to M.G.L. c. 40C.

8.9.10 Site Plan Review Criteria. When reviewing Projects subject to the C-ROD Ordinance, the Planning Board shall consider the following to the extent applicable. These criteria are in lieu of the general Site Plan Review Criteria in section 9.5 of the Salem Zoning Ordinance, unless the project is also subject per Section 9.5.2, in which case both C-ROD and Site Plan Review Section 9.5 both apply.

1. Adequacy of best engineering practices to eliminate or minimize flood risk or damage to covered building spaces below the SLR BFE, except unoccupied, unimproved, or unenclosed areas (such as crawlspaces) that are not intended for any uses described in this C-ROD Ordinance.
2. If project includes parking located below the SLR BFE within or beneath a building:
 - a. Adequacy of alternatives analysis to demonstrate that locating parking above the SLR BFE is infeasible; and
 - b. Adequacy of operations and management plan to remove vehicles from below the SLR BFE prior to a forecasted flood event.
3. Adequacy of flood protection for all Building Mechanical Uses and Electrical Service Uses that cannot practically be located above SLR BFE, as defined in Section 8.9.25:
4. Adequacy of convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and sidewalks, particularly in the event of coastal floodwater rising to the SLR BFE.
5. Adequacy of project design to support pedestrian connections.
6. Adequacy of the minimization of the visual impact of utilities, building mechanicals, and flood protection equipment (see Wet and Dry Floodproofing) to the maximum extent practicable.
7. Adequacy of protection of the building's historic character and compatibility with historic character of the surrounding neighborhood.

8.9.11 Decision. After a notice and public hearing as set in G.L. c. 40A, s. 9 and 11, the Planning Board, by a simple majority, may approve the plan provided that it meets the criteria set forth in Section 8.9.10.

8.9.12 Conditions. The Planning Board may, in appropriate cases as it determines, impose further restrictions upon the development or parts thereof as a condition to granting the approval and may waive any defined restrictions provided the project meets the 8.9.16 Waiver criteria. The Planning Board may, as a condition of approval, require that the Applicant give effective notice to prospective purchasers of the flood hazard conditions associated with said premises and the steps undertaken by the Applicant to alleviate the effects of same.

8.9.13 Relationship to Underlying Zoning. The C-ROD constitutes an overlay district as defined in Section 2.2 of the Salem Zoning Ordinance. The provisions of the Underlying Zoning, as they may be amended from time to time, continue to apply, except as expressly superseded by this C-ROD Ordinance. Where conflicts exist between this C-ROD Ordinance and the remainder of City's Zoning Ordinance, the requirements set forth in this Section shall govern.

8.9.14 Reconstruction After Catastrophe. Irrespective of Section 3.3.7 of the Salem Zoning ordinance, reconstruction of buildings with greater than 5 residential dwelling units or 7,500 square feet of non-residential space shall be subject to this C-ROD ordinance.

8.9.15 Waivers. The Planning Board is empowered to grant a C-ROD Site Plan Review approval that includes a waiver(s) from provisions of the C-ROD Ordinance.

8.9.16 Waiver criteria. In rare cases, waivers may be granted by the Planning Board only upon the Applicant's demonstration that structures, their occupants, and contents are and will be protected from future flood risk per the purposes of this Ordinance without strictly meeting every provision of this Ordinance. In such cases, the Planning Board shall only grant the minimum waiver necessary. In evaluating whether a waiver from one or more of the provisions C-ROD Ordinance is appropriate, the Planning Board shall consider the following:

1. Whether the grade of the existing roadways or sidewalks from which the Property derives its frontage makes full compliance with Section 8.9.10(4) (Vehicular and pedestrian movement) of this Ordinance impractical.
2. Whether there is no practicable way to achieve vertical circulation that complies fully with both this C-ROD Ordinance and with the Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB) standards.
3. Whether the purposes of this Ordinance can be achieved wholly or in part through innovative design approaches without strictly meeting every provision of this Ordinance.
4. Whether the purposes of this Ordinance can be achieved wholly or in part through exterior site features, including, but not limited to, flood walls, earthen berms, or grading above the SRL BFE.

8.9.17 Historic Properties Waiver. If a building subject to the C-ROD lies within a Local Historic District, is individually listed in the National Register of Historic Places, or has been determined by the Salem Historical Commission at a public meeting to be historically significant, the Applicant may request a waiver from one or more provisions of this ordinance provided the petitioner demonstrates that the project meets the provisions of the ordinance to the maximum extent practicable, and that full compliance with the ordinance is not feasible without degrading the structure's historic character.

8.9.18 Waiver Request Submittal Requirements. The Planning Board will only consider the issuance of a waiver to one or more provisions of this Ordinance if the Applicant submits a written request including all of the following:

1. A complete Site Plan Review application under this Ordinance.
2. A list of the specific provision(s) from which a waiver is sought.
3. A written narrative supporting how the waiver request meets the waiver criteria described in Section 8.9.16.
4. Any additional information or materials that may support the Planning Board's consideration of the waiver request.

8.9.19 Peer Review. The Planning Board may retain third-party review services by qualified individuals to assist with the review of applications filed pursuant to this C-ROD Ordinance, as

may the Zoning Board of Appeals to support consideration of an appeal of the Building Commissioner's decision regarding the boundaries of the C-ROD, pursuant to MGL Ch. 44, Section 53(G).

8.9.20 Severability. If any section, provision, or portion of this C-ROD Ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the Ordinance shall be effective. In areas of conflict that would prevent compliance with the MA Building Code, the Building Code shall prevail.

8.9.21 Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Board upon the written request of the applicant.

8.9.22 Enforcement. No building permit or Site Plan Review approval for a Project proposed and subject to this C-ROD Ordinance shall be issued without proof of prior compliance and, as appropriate, permit issuance under this Ordinance.

8.9.23 Fee. The Board may adopt reasonable administrative fees and technical review fees for C-ROD site plan review.

8.9.24 Appeal. Any decision of the Board pursuant to this Section may be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

8.9.25 Definitions. The defined terms in this Section are for terminology used in this C-ROD Ordinance. To the extent not defined herein, refer to Flood Hazard Overlay District (Section 8.1) for additional definitions of terms related to this Section and Definitions (Section 10.0), notwithstanding any contrary provision(s) elsewhere in the Ordinance.

1. **Building Mechanical Uses** – Refers to use of a site, structure, or portion(s) thereof to house the mechanical system of a building, including heating, ventilation, air conditioning, or other like features.
2. **Building Mechanical Uses and Electrical Service Uses that Cannot Practically Be Located Above SLR BFE** – Refers to those Building Mechanical Uses and Electrical Service Uses that must be located below the SLR BFE in order to serve their intended purpose. For example, wiring and piping entering a building from underground must pass through the area below the SLR BFE to serve mechanical or electrical units located above the SLR BFE.
3. **Building Electrical Service Use** – Refers to uses of a site, structure, or portion(s) thereof to house the main electrical service equipment of a building, including main panelboards, transformers, switchgear, or other like features.
4. **Floodproofing, Dry** – Is the practice of sealing a space or a building up to the level of the Sea Level Rise Base Flood Elevation (SLR BFE) or higher in order to keep water from entering and strengthening structural members in anticipation of the hydrostatic and hydrodynamic pressure caused by floodwaters.

5. Floodproofing, Wet – Constructing for the movement of water through a space or a building, which equalizes hydrostatic pressure and helps prevent structural failure, and utilizing materials that will withstand flooding without damage.
6. Flood Protection Equipment - Equipment used to prevent or minimize water infiltration or flood damage. This type of equipment may include, but is not limited to, permanent or deployable flood walls and retention tanks for stormwater or floodwater.
7. Level 2 Alteration– Includes the reconfiguration of space, addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment. (From 2021 International Building Code).
8. Proposed Project/Project – The construction or modification of a building that is subject to this ordinance.
9. Residential Multifamily Common Amenity and Support Space - A shared area within a building that is outside dwelling units and that houses amenities or services available for the shared use or support of residents of a multifamily residential complex. This may include, but is not limited to, a swimming pool, sauna, exercise room, pet washing facility, game room, lounge, mailroom, service desk, management office, or custodial closet.
10. Sea Level Rise Base Flood Elevation (SLR BFE) –The SLR BFE shall be established by the top of the water elevation predicted by the coastal flood risk scenario depicted on the SLR BFE Map on file with the Department of Planning & Community Development.
11. Structural Lot Coverage - That portion of a lot that is covered or occupied by any building or structure, but excluding unenclosed, covered, or uncovered landings or porches (unless such covered landings or porches have habitable space directly above), steps, roof overhangs, bay windows, chimneys and bulkheads as permitted in required setbacks, as well as outdoor fireplaces, decks, patios and pools.
12. Underlying Zoning - The zoning regulations that are otherwise applicable to a Proposed Project or Property within the C-ROD, including the regulations of any other overlay district(s) as set forth in this Ordinance.
13. Zoning Relief - Any Zoning Variance or Special Permit, exception, or zoning map or text change, or any other relief granted for a Proposed Project issued by the Zoning Board of Appeals or Salem Planning Board.”

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

In City Council March 14, 2024

Referred to Planning Board to hold a Joint Public Hearing

Joint Public Hearing held on April 29, 2024

Joint Public Hearing Closed

Referred to the Planning Board for recommendation

In City Council May 9, 2024

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole by a roll call vote of 11 yeas, 0 nays and 0 absent

In City Council June 27, 2024

Adoption for first passage as amended by a roll call vote of 10 yeas, 1 nay and 0 absent

In City Council July 11, 2024

City of Salem

In the year Two Thousand and Twenty-Four

An Ordinance to replace the existing flood hazard overlay district to maintain eligibility for the Federal Flood Insurance Program in the City of Salem.

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

Section I. Section 8.1 of the City of Salem Zoning Ordinance, Flood Hazard Overlay District (FHOD), is hereby amended by deleting this section in its entirety and replacing it with the following new Section 8.1:

“8.1 - FLOOD HAZARD OVERLAY DISTRICT (FHOD)

8.1.1 Purpose. The FHOD Ordinance is adopted to maintain the City of Salem’s National Flood Insurance Program (NFIP) designation. The FHOD is established as an overlay to all other districts. In Massachusetts, the FHOD is part of a federal requirement for communities that choose to participate in the NFIP. All development in the FHOD, including structural and non-structural activities, whether permitted by right or by building permit, must comply with, 780 CMR (the Massachusetts Statewide Building Code, the “MA Building Code”), 310 CMR (the Department of Environmental Protection Regulations), the Salem Wetlands Protection & Conservation Ordinance (Chapter 50) and its implementing regulations.

The goal of the FHOD is furthermore to:

1. Ensure the safety of the public, the environment, and property through reducing threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions; and
6. Reduce damage to public and private property resulting from flood waters.

8.1.2 Definitions. The defined terms in this Section are for terms used in this FHOD Ordinance. To the extent not defined herein or elsewhere in the Ordinance, words used herein shall have the definitions found in Title 44 of the Code of Federal Regulations, section 59.1, or in the current edition of the MA Building Code where undefined federally.

1. *Development* means any human-made change to improved or unimproved land, including but not limited to construction of buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]
2. *Floodway* means the channel of the river, creek, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
3. *Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes but is not limited to docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
4. *Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
5. *Historic structure* means any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or
 2. Directly by the Secretary of the Interior in states without approved programs.[US Code of Federal Regulations, Title 44, Part 59]
6. *New construction*. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]
7. *Recreational vehicle* means a vehicle which is:
 - a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.[US Code of Federal Regulations, Title 44, Part 59]

8. *Regulatory floodway* - see *Floodway*.
9. *Special flood hazard area*. The land area subject to flood hazards and shown on a Flood Insurance Rate Map (FIRM) or other flood hazard boundary map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.
10. *Start of construction*. The date of issuance of a building permit for New Construction (which includes substantial Repair, Rehabilitation, or Improvement), provided the actual Start of Construction is within 180 days after the date of issuance of said permit. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings, or construction of columns. For a Substantial Repair, Rehabilitation, or Improvement, the actual "Start of Construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. "Permanent construction" as referenced above does not include land preparation (such as clearing, excavation, grading or filling); the installation of streets or walkways; excavation for a basement, footings, piers (including in-water piers) or foundations; the erection of temporary forms; or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building.
11. *Structure* means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
12. *Substantial repair of a foundation*. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.
13. *Variance* means a grant of relief by the Salem Zoning Board of Appeals from the terms of the FHOD.
14. *Violation* means the failure of a structure or other development to be fully compliant with this FHOD Ordinance. A structure or other development without an elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

8.1.3 Applicability. The City of Salem requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

8.1.4 Determination of Non-Applicability. Upon applicant's submittal of a written description of the project scope, the Building Commissioner may issue a Determination of this Ordinance's Non-Applicability in the event that activities within the FHOD boundaries will have no impact or de minimis impact on flooding.

8.1.5 FHOD Boundaries. The FHOD is herein established as an overlay district. The district includes all special flood hazard areas within Essex County designated as Zone A, AE, AH, AO, A99, V, or VE on the most recent Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.

The exact boundaries of the FHOD shall be defined by the 1%-chance base flood elevations shown on the FIRM dated July 19, 2018 and further defined by the Essex County Flood Insurance Study (FIS) report dated July 19, 2018. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk and Floodplain Administrator.

8.1.6 Designation of Community Floodplain Administrator. The City of Salem hereby designates the position of Building Commissioner to be the official Floodplain Administrator for the City.

8.1.7 Permit Application Procedure. An Applicant for a Permit shall file the application to the Office of Inspectional Services which shall comply with the following submittal requirements:

1. A site plan at an appropriate scale, typically one (1) inch equals forty (40) feet shall be prepared by the appropriate registered professional and shall show at least the following:
 - a. Lot lines within which the development is proposed in relation to the nearest road intersection;
 - b. The location, boundaries and dimensions of each lot in question;
 - c. One-foot contours of the existing and proposed land surface; and
 - d. Location of existing and proposed applicable FEMA zones, structures, watercourses, applicable Base Flood Elevation mapping, drainage, and drainage easements, means of access, utilities, and sewer disposal facilities including leaching fields, if any.
2. A written description of the proposed development or use relative to all applicable provisions of this FHOD Ordinance.
3. Signed attestation that all applicable federal, state, and other local permits required for the project have been obtained.

A permit shall be issued only if a project conforms to this article and all other applicable laws.

8.1.8 Permit Fees. Fees for FHOD permits shall be paid as follows:

1. Request for Determination of Non-Applicability, \$25.00
2. FHOD permit, \$300.00

8.1.9 Lapse. Rights authorized by a FHOD permit that are not exercised within one (1) year of the date of the grant of such permit shall lapse.

8.1.10 All Other Permits. The Proponent must acquire all other necessary permits prior to the issuance to an FHOD permit and must demonstrate that all necessary permits have been acquired to the extent lawfully feasible.

8.1.11 FHOD Permit Criteria.

1. In Zones A and AE, the proposed use, including filling or excavating, shall not increase the water surface elevation of the one-hundred-year flood more than a net zero or de minimis amount, with consideration of any compensatory flood storage or other mitigation provided.
2. Unnumbered A Zones. In A Zones, in the absence of FEMA Base Flood Elevation (BFE) data and floodway data, the Applicant shall obtain, review, and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other sources (including engineering studies). This shall apply to New Construction, Substantial Repair, Rehabilitation or Improvement, or other Development so defined herein within a Zone A. The Applicant shall elevate residential structures to or above the BFE, provide floodproofing or elevate nonresidential structures to or above the BFE, and prohibit encroachments into floodways.
3. Subdivision Proposals/Development Proposals. All Subdivision proposals and Development proposals in the FHOD district shall:
 - a. be reviewed to assure that:
 - Such proposals minimize flood damage.
 - All public utilities and facilities are located and constructed so as to minimize flood damage.
 - b. Base flood Elevation data. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine BFE on a Project Site, where the BFE is not established by FEMA.
4. Recreational vehicles. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the applicable Zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
5. Protection of Dunes. Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.
6. Watercourse alterations or relocations in riverine areas. In a riverine area, the Floodplain Administrator or their designee shall notify the following of any alteration or relocation of a watercourse:
 - a. Adjacent Communities, especially upstream and downstream
 - b. Bordering States, if affected
 - c. NFIP State Coordinator Massachusetts Department of Conservation and Recreation 251 Causeway Street, 8th floor, Boston, MA 02114
 - d. NFIP Program Specialist Federal Emergency Management Agency, Region I 99 High Street, 6th Floor, Boston, MA 02110

7. Requirement to Submit New Technical Data. If the City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:
 - a. NFIP State Coordinator Massachusetts Department of Conservation and Recreation 251 Causeway Street, 8th floor, Boston, MA 02114
 - b. NFIP Program Specialist Federal Emergency Management Agency, Region I 99 High Street, 6th Floor, Boston, MA 02110
8. Violation and Floodway Encroachment. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, Local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Essex County FIRM, encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

8.1.12 Variance and Hardships. Variances to Building Code floodplain standards.

For variances to the state Building Code, the City will request from the MA Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

The City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the FHOD.

8.1.13 Variances to FHOD Ordinance. The Salem Zoning Board of Appeals may grant a variance after due notice and a public hearing in accordance with Section 9.3.2 of the Ordinance so long as the Board finds the relief requested meets the requirements outlined below. A variance from this Ordinance must meet the requirements set out by State law (M.G.L. Chapter 40A, Section 10) and may only be granted if:

1. Good and sufficient cause and exceptional non-financial hardship exist;
2. the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
3. the variance is the minimum action necessary to afford relief.

8.1.14 Abrogation and Greater Restriction Section. The floodplain management regulations found in this FHOD Ordinance shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.

8.1.15 Disclaimer of Liability. The degree of flood protection required by this FHOD Ordinance is considered reasonable but does not imply total flood protection.

8.1.16 Severability. If any section, provision or portion of this FHOD Ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the Ordinance shall be effective.

8.1.17 Local Enforcement. The Building Commissioner is authorized and directed to enforce all of the provisions of this Section.

8.1.18 Amendments to this Ordinance. The adoption of the FHOD Ordinance is a requirement for Salem’s continued participation in the flood insurance program of the federal government. Future amendments to this FHOD Ordinance shall comply with applicable federal requirements.

8.1.19 Relation to Other Laws. The provisions of this FHOD Ordinance are not intended to repeal, amend, abrogate, annul or interfere with any lawfully adopted state or federal laws or regulations or any local ordinances, covenants, regulations or rules. However, where this FHOD Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern. (Note: The jurisdiction of the Building Commissioner under the Salem FHOD ordinance includes areas not shown on the FEMA FIRM Maps).”

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

In City Council March 14, 2024
Referred to the Planning Board to hold a Joint Public Hearing
Public Hearing held on April 29, 2024 – Advertised in Salem News on April 18, and 25, 2024
Joint Public Hearing Closed
Referred to the Planning Board for recommendation
In City Council June 13, 2024
Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the
Committee of the Whole
In City Council June 27, 2024
Adopted as amended for first passage by a roll call vote of 10yeas, 1 nay and 1 absent

ATTEST:

ILENE SIMONS
CITY CLERK

City of Salem

In the year Two Thousand and Twenty-Four

An Ordinance to amend the Salem Zoning Ordinance to establish the Coastal Resiliency Overlay District (C-ROD).

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

Section I. Section 2.2 of the Salem Zoning Ordinance, Overlay Districts, is hereby amended by adding the following new district to the bottom of the table:

Coastal Resiliency Overlay District	(C-ROD)
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Section II. This Ordinance shall take effect as provided by City Charter.

In City Council March 14, 2024

Referred to the Planning Board to hold a Joint Public Hearing

Advertised in the Salem News April 18, 2024 and April 25, 2024

Joint Public Hearing held on April 29, 2024

Joint Public Hearing closed

Referred to the Planning Board for their recommendation

In City Council June 13, 2024

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

In City Council June 27, 2024

Adopted for first passage by a roll call vote of 10 yeas, 1 nay and 0 absent

ATTEST:

ILENE SIMONS
CITY CLERK



City of Salem

In the year Two Thousand and Twenty-four

An Ordinance relative to the traffic ordinance and the traffic and parking department

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

Section I. Section 17B is hereby amended by deleting the words “traffic and parking director” as they appear in this section and replacing them with the words “director of the department of transportation.”

Section II. Section 17B is further amended by deleting the words “traffic and parking commission” as they appear in the section and replacing them with the words “transportation commission.”

Section III. Section 17B is further amended by deleting the words “traffic and parking department” as they appear in the section and replacing them with the words “department of transportation.”

Section IV. Section 75A(B) is hereby amended by deleting the words “traffic and parking” as they appear in this section and replacing them with “the department of transportation.”

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

In City Council June 13, 2024
Adopted for First Passage

City of Salem

In the year Two Thousand and Twenty-four

An Ordinance to amend the Ordinance relative to the Non-Discrimination Policy

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

Section I. Chapter 2 – Administration, Article XVI. – Non-Discrimination Policy, Sec. 2-2055.
Purpose and intent is hereby amended by inserting the words “source of income, housing status” before the word “sex” within the last sentence.

Section II. Chapter 2 – Administration, Article XVI. – Non-Discrimination Policy, Sec. 2-2056.
Policy is hereby amended by inserting the words “source of income, housing status” before the word “sex” within the last sentence.

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

In City Council June 13, 2024
Adopted for First Passage

ATTEST:

ILENE SIMONS
CITY CLERK

City of Salem

In the year Two Thousand and Twenty-Four

An Ordinance

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

Section 1. Section 17A of Article 1 be amended by removing the following:

\$25.00 fine – Upon a crosswalk

And replacing it with:

\$50.00 fine – Upon a crosswalk

Section 2. Section 17A of Article 1 be amended by removing the following:

\$25.00 fine – Upon a sidewalk

And replacing it with:

\$50.00 fine – Upon a sidewalk

Section 3. Section 17A of Article 1 be amended by removing the following:

\$15.00 fine – Alongside or opposite street excavation

And replacing it with:

\$25.00 fine – Alongside or opposite street excavation

Section 4. Section 17A of Article 1 be amended by removing the following:

\$15.00 fine – Bus stop

And replacing it with:

\$50.00 fine – Bus stop

Section 5. Section 17A of Article 1 be amended by removing the following:

\$15.00 fine – Emergency snow artery

And replacing it with:

\$25.00 fine – Emergency snow artery

Section 6. Section 17A of Article 1 be amended by removing the following:

\$15.00 fine – Fire lane

And replacing it with:

\$50.00 fine – Fire lane

Section 7. Section 17A of Article 1 be amended by removing the following:

\$15.00 fine – In front of a schoolhouse

And replacing it with:

\$25.00 fine – In front of a schoolhouse

Section 8. Section 17A of Article 1 be amended by removing the following:

\$15.00 fine – Less than twelve feet of unobstructed lane

And replacing it with:

\$25.00 fine – Less than twelve feet of unobstructed lane

Section 9. Section 17A of Article 1 be amended by removing the following:

\$15.00 fine – Taxi

And replacing it with:

\$25.00 fine – Taxi

Section 10. Section 17A of Article 1 be amended by removing the following:

\$15.00 fine – Within twenty feet of a corner

And replacing it with:

\$25.00 fine – Within twenty feet of a corner

Section 11. Section 17A of Article 1 be amended by removing the following:

\$15.00 fine/\$75.00 Fine during month of October for violation of Parking Prohibitions Towing Zone
(Resident Sticker)

And replacing it with:

\$25.00 fine/\$75.00 Fine during month of October for violation of Parking Prohibitions Towing Zone

Section 12. This ordinance shall take effect as provided by City Charter.

In City Council June 27, 2024
Adopted for first passage

ATTEST:

ILENE SIMONS
CITY CLERK

City of Salem

In the year Two Thousand and Twenty-Four

An Ordinance Relative to Traffic

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

Section 1. Section 75 of Article V-A be amended by repealing the following:

Franklin Street – Parking Prohibitions Towing Zone (Resident Sticker) – from Franklin Court to Osborne Street, odd numbered—north side only. Zone F, Color White. "Resident Sticker Parking, Tow Zone" (4/3/06)

Wilfred Terrace – Parking Prohibitions Towing Zone (Resident Sticker) – ZONE B-COLOR RED-both sides, in its entirety. (5/17/93)

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

In City Council June 27, 2024
Adopted for first passage

ATTEST:

ILENE SIMONS
CITY CLERK