

CITY OF SAELM  
JOINT PUBLIC HEARING  
OF THE CITY COUNCIL AND PLANNING BOARD  
JUNE 27, 2022, AT 6:30 PM

The City Council will hold a hybrid Joint Public Hearing with the Planning Board remotely and in person in the City Council Chambers, 93 Washington Street, 2nd floor, Salem, MA on **Monday, June 27, 2022, at 6:30 P.M.** in accordance with Chapter 40A, Section 5, of the Massachusetts General Laws and with Chapter 20 of the Acts of 2021 and as amended by Chapter 22 of the Acts of 22. The purpose of the public hearing is to provide interested parties with an opportunity to comment on the proposed Zoning Ordinance Amendment relative to Halloween Parking Overlay District as follows:

Meeting opens at 6:41 PM

City Council:

*Present:* Alice Merkl, Robert McCarthy, Caroline Watson-Felt, Leveille McClain, Jeff Cohen, Andrew Varela, Megan Riccardi, Patricia Morsillo, Ty Hapworth, Conrad Prosniewski (10)

*Absent:* Domingo Dominguez (1)

Planning Board:

*Present:* Bill Griset, Tom Furey, Zach Caunter, Carole Hamilton, Sarah Tarbet, Todd Waller, Helen Sides (7)

*Absent:* Kirt Rieder (1)

*Also in attendance:* Elena Eimert, staff planner; Beth Forrestal, planning assistant; Dominic Pangallo, Chief of Staff to Mayor Driscoll; and Tom St. Pierre, zoning enforcement officer

**Section 1.** The City of Salem Zoning Ordinance Section 8.0 – Special District Regulations is hereby amended by adding a new sub-section as follows:

**“8.7 – HALLOWEEN PARKING OVERLAY DISTRICT**

**8.7.1 Purpose** The purpose of the Halloween Parking Overlay District (“HPOD”) is to augment the underlying zoning regulations in the overlay district to allow for additional necessary off-street parking during periods of peak demand associated with the Halloween season.

**8.7.2 Establishment of Halloween Parking Overlay District** the Halloween Parking Overlay District is hereby established and consists of the area(s) shown on the Map entitled “Halloween Parking Overlay District” on file with the City Clerk, as it may, from time to time, be amended.

**8.7.3 Permitted Uses**

1. Any use permitted in the underlying zoning district shall be a permitted use in the HPOD.
2. In addition, each year during the period beginning on the Friday preceding October 1 and ending on the first Monday after October 31, lots in the HPOD lawfully in use for nonresidential purposes may be used for independent public parking as follows:

- a. Parking on any Lot shall only be permitted in spaces that are lawfully existing off-street parking and
- b. Subject to any regulation adopted by the Traffic and Parking Commission which may include, but not limited to, an application and fee.”

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

Dominic Pangallo: Will provide a brief summary and explain the purpose behind the ordinance.

Despite encouraging other methods of travel, most of the tourists arrive in private vehicles. Downtown Salem has four thousand (4,000) downtown public parking spaces used by visitors, employees, and downtown residents. On Halloween last year, we had an estimated sixty-three thousand (63,000) visitors, fifty-nine thousand (59,000) more people than we have parking for. We expanded the free shuttle to additional weekends. About four thousand (4,000) people were transported from satellite lots to Riley Plaza on Halloween. We’ve added additional ferry runs on Halloween weekends - the ferry provided transportation to one thousand and three hundred (1,300) passengers on Halloween. This left fifty-three thousand and seven hundred (53,700) travelling by other means. Some biked, walked, took the train, but many thousands of others drove. Destination Salem heavily promotes that travelers should “have a plan, don’t drive” yet tens of thousands drive around until they find a spot. Right now people park wherever they want, and often in neighborhoods. We will continue efforts to prevent nuisance behavior, goal of this ordinance. Some property owners take advantage of non-municipal lots by charging for parking during October, but these lots are not consistent with current zoning when utilized for parking other than the businesses intended purpose. This zoning ordinance change will create an overlay district to provide structure and order. This will also authorize the Traffic and Parking department to set up additional regulations, including a permitting process, additional signage, hours of operation, and lighting. This allows us to address violators with specificity. A single operator in violation of these requirements could be shut down, but we don’t need to shut down every lot, just the perpetrators. Location of lots would not be advertised/promoted by the city, if ordinance is accepted. While many downtown businesses see uptick in October business, others do not. This can result in less business and these parking lots can offset losses by providing parking revenue during October. We believe is that this is a good step forward as it establish rules for in a largely unregulated practice that is difficult to monitor and manage.

### **Questions from City Council**

- Councilor Watson-Felt: One of the points you made is that this would lead to more specific enforcement. Why is there a lack of enforcement now?
  - Dominic Pangallo: This practice is not consistent with zoning now. This allows consistency of treatment and regulation across lots. Now with rules, we can go after one lot for violations and not punish all.
- Councilor Watson-Felt: Why aren’t we thinking more broadly? Why don’t we run more shuttles and expand bike services? This will openly encourage people to drive. Why not lean into previous messages of discouraging driving and incentivize additional park and rides?
  - Dominic Pangallo: This is not an either/or. We can continue to expand ways to get into Salem while having the new zoning. We have worked with MBTA to increase trains. Shuttles have been free, adding to the costliness of October. We are looking for more free satellite lots served by the shuttles. We have been pushing trains (drive to Beverly, take train). We can regulate private lots and beef up other access to the city. If we have 50,000 people not parking downtown, taking a shuttle or the ferry, we aren’t going to find 50,000 more spaces of satellite parking.

- Councilor Hapworth: See that this is an effort to codify what is already happening. The issue with Halloween is that there are too many people driving into Salem, looking to find and expecting to find a place to park. Has trouble looking at something that encourages bad behavior by legalizing with an ordinance – this creates a demand and signifies this is okay when we need to go in another direction. Traffic is the biggest detriment to Halloween in Salem. Trying to see the argument as to why we are doing this. I don't feel comfortable with what is in front of us.
  - Dominic Pangallo: Two points. 1. We need to be realistic. In a perfect world, we would tell people don't bring your cars and they listened. Even in 2020, when we told people not to come to the city, we had twenty thousand (20,000) on Halloween night. Realistically, we can allow that these cars will be here. Better to be off street and in a lot. 2. Realistic perspective: people don't pay attention, these cars will be here, and we don't want them in the neighborhoods. They don't even think about parking until they get here. We try to communicate with sign boards, and wayfinding signage, so when you enter the city, you see a sign telling you where has capacity. Continuing to push to add trains, ferry, shuttles, but always several thousand driving.
    - Councilor Hapworth: Are the number of parking spaces you shared including the lots operating in the shadows?
      - Dominic Pangallo: 4,000 count is City lots and garages and street spaces.
    - Councilor Hapworth: If we aren't marketing these lots, how do people know where to go?
- Councilor Morsillo: We definitely need more wayfinding signs to get people from Riley Plaza to satellite parking places. Traffic and Parking reaching out to businesses on outskirts of city to find lots for satellite parking. Currently centered on Highland Avenue with Shaw's and Walmart but haven't heard back. It makes sense for people coming in from the south – parking in lots and getting people on shuttle busses. The same for Vinnin Square and Centennial Park in Peabody. We need to work with neighboring municipalities. We all also have friends who visit in October and should be able to get to our houses.
  - Dominic Pangallo: We are exploring options on Highland Avenue for the shuttle. Concern with very far location from is that as you get further away from downtown, people get discouraged from taking shuttle and may drive in. Shuttles can get stuck in traffic.
- Councilor Morsillo: More signs are good to get people into satellite parking
- Councilor Morsillo: How is this enforced? Number of spaces allowed in a lot? Illegally parked cars? Handicapped parking for handicapped plates?
  - Tom St. Pierre: Ordinance says existing legal parking, including handicapped spots. This is where David agreed to jump in, and the meter people will add these lots to their routes.
- Councilor Morsillo: Is there an application fee for these lot permits?
  - Tom St. Pierre: Yes.
- Councilor Merkl: Any information on shuttles and how successful they were? How were lines to get on the shuttles? Were people discouraged by lines? Can downtown handle increase in shuttles? Also great idea for more signage, i.e., could there be signs further out saying that city lots are full?
  - Dominic Pangallo: Yes, signage for lots are at lots or right before. This is a learning process. Shuttles did have long lines last year leading to frustration and more driving. We need more shuttles and/or larger shuttles. Last year shuttles were stuck in traffic, from the hospital lot and Salem State. We are looking for ways to improve. It is a free service to encourage people to use it.

- Councilor Merkl: People would appreciate if they knew they won't get all the way into downtown (if there is significant traffic) but letting them know they can walk from x spot, just on edge of downtown. Might be helpful to let people know they will have to walk a short way.
  - Dominic Pangallo: Right now dropped in Riley Plaza.
- Councilor Varela: Commend the administrations creativity in finding ways for tourists. A bit of hesitation: Are things going to be addressed as consistent with parking lots? General liability insurance, garage keepers' insurance, workers comp insurance? Is the resident handling vehicle? Are there attendants?
  - Dominic Pangallo: Those specifics are for Traffic and Parking regulations to create. This ordinance empowers Traffic and Parking Commission to create this system. Anything legally required will likely be included.
- Councilor Cohen: Whatever we do is just going to mitigate this a bit. In Ward 5, people come down Jefferson, Loring, or Lafayette. They just park on any side street they can find to avoid all the traffic. People benefited from the resident parking last year. No place really to direct people. I think trying is great. I think Councilor Morsillo's ideas for looking outside city are good. Maybe look into corporate partners?
- Councilor McClain: Wholeheartedly agrees with other comments on locating satellite parking further out of downtown and delivering people to slightly further out locations. We want to encourage you to not be discouraged by the frustrated shuttle riders. This will reduce volume of vehicles on road. This gets us closer. How many spaces will this overlay bring online?
  - Tom St. Pierre: I wouldn't try to guess. I think the thing to remember is that this isn't adding new spaces, we are trying to legitimize a current practice. If I have to enforce this, it will be a full prohibition. Police want cars off the roads and not circling around looking for parking. Ordinance legitimizes and regulates what is already occurring.
- Councilor McClain: What are the current vectors for residents in neighborhood with a business nestled in a neighborhood that chooses to operate a parking lot? What pathway does this create for the neighbors to help them deal with this issue?
  - Tom St. Pierre: The B5 overly is ¼ mile. We thought we captured quite a few.
    - Councilor McClain: I ask because you spoke to the idea that our Traffic and Parking department will be enforcing the ordinance. The scope of enforcement will change if this passes. Great to have sense if David Kucharsky can absorb this work.
      - Tom St. Pierre: These are areas that David's enforcement folks are already out in. He felt they could handle this in existing patrols.
- Councilor McClain: A lot of the lots doing this currently are operating off books activities. Revenue will be generated now, permitting fees, insurance, etc. The concerns I've heard are around 'how does this help us?' I am open on how to use this revenue to fund other transportation (shared transit options) projects. It would give me confidence that this isn't just a band aid.
  - Tom St. Pierre: Some lots run by charities that business owners allow them to run. It's going to be hard for-profit/semi-profit/etc. We weren't looking at revenue sides.
  - Dominic Pangallo: You are correct. By law, permit process can only be the cost to administer program. The City Solicitor is investigating to see if we can have a special act can have a surcharge, etc. Certainly if we were able to do that, we could recover revenue to support shuttles. Pass the costs on to the parkers to covers the other transportation costs.

- Councilor McClain: It wouldn't hurt to think about ways we can talk to folks operating these lots, you can charge what you can get, but not an infinite amount.
  - Dominic Pangallo: We have to ask City Solicitor if we can limit how much people can charge.
- Councilor Prosniewski: Has seen what works and doesn't work. Satellite parking we have now works well. Salem State and the high school were full all the time. I encourage the city to find other lots. There is nothing in the ordinance to cap costs at private lots. There was a lot of price gouging last year.
  - Dominic Pangallo: I will ask the City Solicitor again. Maybe through regulations we can limit fees to a certain amount in order to receive permit.
- Councilor Prosniewski: We need to increase our advertising of public transportation. We put our faith in the media to advertise using public transportation.
  - Dominic Pangallo: Unintended consequences to the train: Lines at North Station.
- Councilor McCarthy: No perfect solution. We've tried over the years to try to control this. Unfortunately, whether or plan or not, it's like the Willows on a 90-degree day. For the charities over the years, people know how to market their lots. Some concerns – signage for packed parking. Let's try it and tweak it. Concerns: Signage for full downtown parking; Sign boards need to not block sidewalks; regulations for pricing.
  - Tom St. Pierre: When we thought of this ordinance, we decided it had to be down to zoning. We involved Traffic and Parking Commission to allow a more flexible board to change things, allows for flexibility after a season. Changing zoning is a big deal. That is the idea.
- Councilor Riccardi: Interested in the Planning Board's feedback and the public comments. Smart to put regulations in the Traffic and Parking Commission v. Zoning. I am having a hard time conceptualizing that this will solve the problem lots. Without draft regulations, it is hard for me to understand how this will work. Appreciate the zoning area was determined acknowledgement of where enforcement is possible, but I think it is limiting. We just discussed lots that aren't in the zone (Bentley and Carlton). Can we consider way to include other lots outside of that area - If the lot has x-number of spaces, also in zone, etc. Not sure what solution is but warrants additional conversation.
  - Dominic Pangallo: Regarding enforcement, with Commission regulations, there would be penalties, could include revoking permit. Also, would be violation of zoning if someone was offering parking without complying with the overlay ordinance.
    - Tom St. Pierre: City lots not subject to the overlay.
- Councilor McCarthy: It goes to the point that we use the high school for satellite lot. What about municipal lots not under jurisdiction?
  - Tom St. Pierre: Municipal users are exempt.
- Dominic Pangallo: That doesn't answer the question of the church lot: I don't know if there are sizeable lots beyond that? The hospital lot is leased by us. Can't tell you how many legal spaces in Church lot.

### **Planning Board Questions:**

- Tom Furey: How much input have downtown businesses had? Glad to see this in June and not later on. How much were businesses involved? Like PEM, etc.
  - Dominic Pangallo: Developed by staff based on feedback. We haven't had direct output with the business community. The PEM doesn't benefit from this type of parking, mostly garage parking.

- Zach Caunter: Skeptical of what this is meant to accomplish. Doesn't sound like it will mitigate driving and traffic in Salem. It just legitimizes poor behavior of these lots. Pedestrian safety should be paramount in the downtown area, discouraging driving downtown should be the mission. It sounds like it is more a traffic control problem than a parking problem, enforcement issue. Shuttles should be given priority access to certain areas of downtown. This may make them more attractive. Not sure what this ordinance is meant to accomplish. We can't collect a lot of revenue from them to fund alternative ways to enter the city.  
Interesting proposal but I don't know if it will accomplish the goal that we want it to.
  - Dominic Pangallo: The goal is 100% to mitigate traffic. The intention is not to lessen traffic or create more parking, it is just to codify and make it legal, as they're being used in violation of existing ordinance. Also put guardrail around it to not be negative in the neighborhoods. Net number of spaces doesn't increase just regulates parking already there.
- Helen Sides: There is no reason we can't charge for the shuttle. Particularly if it would increase the number of shuttles we could use, no need to be free.
  - Dominic Pangallo: The shuttle was originally a free program with intention to make it attractive to people. We are having conversations of self-subsidizing the program.
- Todd Waller: I think this a good idea. Solving a problem that is out there regardless. We've lost spots downtown. We need more parking in October. Our guests (*hospitality*) have found it harder to find parking downtown. We've suffered from COVID, and outdoor seating has taken away spots, construction and new development has taken away spots. We are getting squeezed. If this legitimizes existing spaces, it serves us well. It might not be the best but in the interim, we need to do something. Concerned that zoning overlay doesn't include lots that should be included. There is a limitation to commercial vehicles in this overlay, they are not included. We should collaborate with businesses with lots being unused and try to work with them.
- Sarah Tarbet: Gets the logic to regulate what is already happening. Curious about map though, agree it could be expanded beyond the ¼ mile radius and more consideration of streets themselves. I wonder if there is an opportunity to increase pedestrian safety with the regulations and address other accessibility issues?
  - Dominic Pangallo: Same laws for existing lots and sidewalks will exist.

Public Comment:

John Windsor  
21 Boardman Street

We have had problems with our neighbors, the O'Donnell Funeral Home. It is a very long parking lot with, I think, 24 direct abutters. It is zoned residential, but they have a variance that they can use the lot. We had an issue a couple of years ago, they clearcut the lot (5-10 trees cleared, even on our property). A few times they have used this for Halloween parking when against zoning. I had to email Tom St. Pierre each time and something was done about it, and they stopped. The first time was for their own profit and later non-profits. But it turns our backyards into a fairground. It is zoned residential. When cars leave, all at once and clogging downtown. Better for families if you don't have cars downtown. I don't know how ongoing this will be, but if it is a full month of October, that is our backyard. I've spoken with neighbors, and they all agree. It changes nature of neighborhood.

Beth Anne Cornell:  
18 Briggs Street

As a 20-year resident of the downtown, as an abutter to the O'Donnell Funeral Home with the capacity to park over 100 cars, and as a SPS parent, I strongly oppose this proposal.

Allowing businesses to provide parking during October is not a solution to the problem of Halloween traffic, but encouragement to visitors to pack our already strained transportation infrastructure with even more cars. This proposal will create more traffic and undermine the traffic-calming measures the city has worked so hard to put in place over the last few years, and it will lead to further gridlock and pollution, endanger pedestrians, and diminish the quality of life experienced by downtown residents during October.

Mr. Pangallo's suggestion that this proposal does not create additional spots is not true. This will allow businesses like the O'Donnell Funeral home, which has been prevented from charging visitors for parking by the city because of complaints from neighbors, has the potential to put over 100 parking spaces online. It is no secret to City officials in this room that neighbors of the O'Donnell funeral home, whose expansive lot abuts roughly thirty residences in the heart of the Salem Common neighborhood, oppose this space being used as an October tourist lot. And we were not approached about this plan. We've heard from Mr. Pangallo that if you don't allow one business to do it, then no one will be able to –same rules for everyone. So I want to be clear that it is not the case that I or many of us on Boardman and Briggs St oppose the overlay only for this particular business. In reality, if we are taking traffic and congestion seriously, the city should enforce the current regulations so that no business is allowed to open their property for parking. Like Councilor McCarthy, I've spent many hours manning lots raising money for charity, but this is not sustainable. And it isn't environmentally responsible.

We as a city should commit to partnering with the MBTA to advertise the commuter rail in earnest and redouble our efforts to persuade visitors to seek alternate methods of transportation. I would propose an alternative to the overlay: that the city create an enforcement bureau and crack down on all the parking being run out of businesses for which it is not an accessory use. Fee-for-parking is simply not permitted, the same way it's not permitted to run an Airbnb out of an unoccupied home.

The reality is that downtown Salem is residential, and this plan does not take into account the day to day lives of residents. And believe me, I love having tourists here. My mother and children are a part of the tourist economy. But, as Councilor Hapworth points out, I need to get our kids to soccer, and my father-in-law to the doctor. My dad needs to get to work. Mr. Pangallo notes that "in the real world" folks are going to show up. But for us in the downtown, this is our real world, and we need the support of our city leaders to help us navigate – literally– our lives during the month of October.

I hope that the Planning Board and City Council will oppose this proposal for the safety of residents and guests of the downtown, for the quality of life of downtown residents, for the Salem Public School children walking home from school every Friday afternoon, and for the environment that we as a city have committed to protect.

End Public Comment

- Councilor Watson-Felt: What isn't felt by a lot of people tonight is that when you allow or not allow parking, it's like playing a lottery, people will continue to look hoping to find a spot and that is the problem. We get people parking up to the corner, or blocking crosswalks, and it is difficult to be seen. Or over an hour for tow truck to come to the illegal car blocking a driveway. It's about the overflow effect on the neighbors. People push and take what they want. I agree we need a solution. Want to echo that if we do both, we will continue to have problems. We need to encourage more lots outside of downtown. More shuttles, better

signage, all outside of downtown. As the Ward 2 councilor, I would like a ban on use of parking lots downtown. This could induce new lots to participate. Thank you to my constituents for showing up tonight.

- Councilor Cohen: To think we can change behavior, deter people, because we advertise more is not going to happen. People will continue to drive. If you make a change in one part, you will adversely affect another. Is there a way to have the ordinance constructed to identify some exceptions? Friends adjacent to O'Donnell's and I feel for them but not sure eliminating all parking is going to do anything but cause more problems.
  - Dominic Pangallo: Enforcement mechanism now is that no one can use these lots, but people are still coming. Like our short-term rental program, if you are a problem property, you don't get to operate.
- Councilor Hapworth: If tourists don't know if they can find parking, that is the issue. We don't know how many spaces there are right now, how would a tourist? Even a 5% decrease is better in the amount of people coming in on our roads. I think this is taking us back in the wrong direction.
- Councilor Prosniewski: Need to take into consideration businesses affected by traffic. Service-related business - doctors, hair salons, lawyers, they don't make appointments in October. And they might have lots to subsidize their income. As far as O'Donnell's, I don't know how much business he can put off. He may be amicable to limiting parking.
- Councilor McClain: Agree with the at-large councilor. Not inclined to say, "well lets shut it all down" there are benefits to lots operating. Haven't heard what are the problem properties and how can we target and deal with them? Other issues that we might see addressed in regulations?
  - Dominic Pangallo: I think that benefit of an overlay district with regulations is that we can go to a property that is disruptive to neighbors with poor lighting, signage, hours, littering, etc. Only to that one property and not all. It allows us to target specific properties.
- Councilor McClain: I think that what has emerged is there is a real desire and need to have a comprehensive plan to alternative transportation in this city. No overarching master plan where we knit together shuttles, rideshare, bikes. Halloween is our stress test and that's how it becomes the conversation. This comes up all the time, it is critical for infrastructure, climate change, etc. We need a master plan.
- Councilor Merkl: I think about identifying problem lots – hard to make this determination. Lots wouldn't have a lot of control – they don't know who problem parkers will be. Also, could we have more information on how dependent some organizations are on this income (churches, nonprofits, etc)?
  - Dominic Pangallo: In the ordinance, there are violations that indicate you are problem property. Something similar to that might be part of regulations determined by the Commission. There is an expectation for the lot runners. We don't know how many non-profits benefit or depend on these lots. Could also ask for this data in applications.

A motion to close the Joint Public Hearing is made by Councilor Riccardi and passes 10-0 in a roll call vote.

Councilor Cohen	Y
Councilor Hapworth	Y
Councilor McCarthy	Y
Councilor McClain	Y
Councilor Merkl	Y



Councilor Prosniowski	Y
Councilor Riccardi	Y
Councilor Varela	Y
Councilor Watson-Felt	Y
Councilor Morsillo	Y

*A motion to refer the matter to the Planning Board for further review and recommendation is made by Councilor Riccardi and passes 10-0 in a roll call vote.*

Councilor Cohen	Y
Councilor Hapworth	Y
Councilor McCarthy	Y
Councilor McClain	Y
Councilor Merkl	Y
Councilor Prosniowski	Y
Councilor Riccardi	Y
Councilor Varela	Y
Councilor Watson-Felt	Y
Councilor Morsillo	Y

## **Adjournment**

*A motion to adjourn the Planning Board is made by Helen Sides, seconded by Todd Waller, and passes 7-0 in a roll call vote.*

Bill Griset	Y
Tom Furey	Y
Todd Waller	Y
Helen Sides	Y
Carole Hamilton	Y
Zach Caunter	Y
Sarah Tarbet	Y

*On a motion from Councilor McCarthy, the meeting adjourned at 8:16 PM*

***Approved by the Planning Board on 07/07/2022.***