

**CITY OF SALEM**  
**MONDAY, APRIL 29, 2024**  
**JOINT PUBLIC HEARING OF THE**  
**CITY COUNCIL AND THE PLANNING BOARD**

The Salem City Council will hold a Joint Public Meeting with the Planning Board in-person in the City Council Chambers, City Hall, 93 Washington Street, 2<sup>nd</sup> floor, Salem, MA on Monday, April 29, 2024 at 6:30 P.M. in accordance with Chapter 40A, Section 5, of the Massachusetts General Laws for the purpose of discussing a three (3) Zoning Ordinance Amendments relative to Coastal Resiliency Overlay District, Flood Hazard Overlay District, and amending Sec. 2.2, Overlay Districts, to add Coastal Resiliency Overlay District (C-ROD) to list of overlay districts.

In person shall be the primary method of public access to such meetings. A secondary method of public access may be provided, if technologically feasible through Salem Access Television, and/or remotely through zoom. Please see below.

The public hearing is to provide interested parties with an opportunity to comment on these Zoning Amendments. The complete text of these three (3) zoning ordinances are available in the back-up documentation, at the City Clerk's office, 93 Washington Street, Salem or the Planning Department, City Hall Annex, 98 Washington Street, Salem during normal working hours.

- Please click the link below to join the webinar.

<https://us02web.zoom.us/j/81606633948?pwd=U0h0Ym9mSEZKRXBnbXM3WEhNbkhTZz09>  
Password: 669959

- Open the Zoom website: <https://zoom.us/join>. Enter meeting/webinar ID #816 0663 3948 as directed on the webpage and click "Join." Follow the on- screen instructions to join the meeting.
- Participants can dial a toll-free phone number at 888-475-4499 or 877-853-5257 (Toll Free) to join the meeting. When prompted, enter meeting/webinar ID #816 0663 3948 and follow the instructions to join the meeting.

The public may also watch the meeting live on SATV on Channel 22.

Below are summaries of each zoning ordinance amendments.

**SUMMARY**

1. Add Sec. 8.9, Coastal Resiliency Overlay District (C-ROD) to establish standards for development within areas subject to projected worsening flood risk. Boundaries are based on the MA Coast Flood Risk Model's projected Significant Wave Height elevation in a 100-year flood event in 2070. Section applies to all new buildings within the overlay district and modification of buildings with 6 or more residential units or greater than 7,500 sq. ft. non-residential space. Modification of an existing building where within a 24-month period Level 2 Alteration (per State Building Code) neither exceeds 50% of the aggregate building area below the Sea Level Rise Base Flood Elevation (SLR BFE) nor 75% of the aggregate building area above the SLR BFE. Residential dwelling units, building mechanical uses, and electrical service uses shall be located above the SLR BFE with the exception of Building Mechanical Uses and Electrical Service Uses that Cannot Practically Be Located Above the SLR BFE. Section provides limited relief from dimensional requirements for Building Height (measured from SLR BFE); and gross floor area and front, rear, and side yards (to exclude vertical circulation and flood protection equipment). Projects subject to the ordinance shall undergo C-ROD site plan review by the Planning Board who shall consider the following C-ROD site plan review criteria: adequacy of best practices to minimize flood risk or damage; adequacy of alternatives analysis and operations and

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maintenance plan for parking located below the SLR BFE within or beneath a building; adequacy of flood protection for all Building Mechanical Uses and Electrical Service Uses that Cannot Practically Be Located Above SLR BFE; adequacy of convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and sidewalks in the event of coastal flooding; adequacy of project design to support pedestrian connections; adequacy of the minimization of the visual impact of utilities, building mechanicals, and flood protection equipment; adequacy of protection of the building's historic character and compatibility with historic character of the surrounding neighborhood. Waivers may be granted by the Planning Board if a project can achieve the purposes of this section without strictly meeting every provision, subject to the following considerations: whether existing roadway and sidewalk grade make compliance with requirement for vehicular and pedestrians movement during flood event impractical; whether there is no way to achieve vertical circulation that complies fully with both this section and the Americans with Disabilities Act and MA Architectural Access Board standards; whether the purposes of the ordinance can be achieved through innovative design approaches or through external site features. A project within a Local Historic District, individually listed on the National Register of Historic Places, or determined by the Salem Historical Commission to be historically significant, that meets the provisions of the ordinance to the maximum extent practicable but demonstrates that full compliance with the ordinance is not feasible without degrading the structure's historic character, may request a waiver from the Planning Board.

For projects in the Central Business District, the amendment shall be applicable upon approval of an Economic Feasibility Analysis by the Executive Office of Housing and Livable Communities.

2. Replace Sec. 8.1, Flood Hazard Overlay District, with new language to comply with Mass. Flood Hazard Management Program's 2020 model ordinance to maintain the City's participation in the National Flood Insurance Program (NFIP). The section will apply to development within the overlay district with boundaries based on the Special Flood Hazard Area on the Essex County Flood Insurance Rate Map, dated July 19, 2018. The Building Commissioner, designated as the Community Floodplan Manager, administers permits under this section and may issue a Determination of Non-Applicability for activities that have no or de minimis impact on flooding. Review criteria are: Activities may not substantially increase flood elevation in Zones A and AE; applicant shall provide Base Flood Elevation (BFE) and floodway data for work in unnumbered A Zones; subdivisions must meet established standards for flood protection; developments greater than 50 lots or 5 acres must provide technical data when BFE is not established by FEMA; in event of watercourse alteration, Floodplain Administrator notifies adjacent communities, affected bordering states, NFIP State Coordinator, and NFIP FEMA Program Specialist; City to notify NFIP State Coordinator and NFIP FEMA Program Specialist if acquiring new data that changes base flood elevation; 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; encroachments are prohibited in regulatory floodways unless a hydrologic and hydraulic analysis shows it will not increase BFE.

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3. Amend the Zoning Ordinance to revise Sec. 2.2, Overlay Districts, to add Coastal Resiliency Overlay District (C-ROD) to list of overlay districts.

The complete text of the amendments are available for inspection at the City Clerk's Office, 93 Washington Street, Salem or the Planning Dept., City Hall Annex, 98 Washington Street, Salem, during normal business hours.

ATTEST:

ILENE SIMONS  
CITY CLERK  
WILLIAM GRISET  
PLANNING BOARD CHAIR

“Persons requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator at (978-619-5630) as soon as possible and no less than 2 business days before the meeting, program, or event.”

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

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A Joint Public Hearing of the Salem City Council and the Planning Board was held in-person in the City Council Chambers, City Hall, 93 Washington Street, 2<sup>nd</sup> floor, Salem, MA on Monday, April 29, 2024 at 6:30 P.M. in accordance with Chapter 40A, Section 5, of the Massachusetts General Laws for the purpose of discussing a three (3) Zoning Ordinance Amendments relative to Flood Hazard Overlay District, Coastal Resiliency Overlay District, and amending Sec. 2.2, Overlay Districts, to add Coastal Resiliency Overlay District (C-ROD) to list of overlay districts.

Notice of this hearing was posted on April 22, 2024 at 3:20 P.M. and advertised in the Salem News on April 18, 2024 and April 25, 2024.

Absent were:

Councillor Ty Hapworth presiding.

The following Planning Board Members were present:

Also, in attendance were:

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**(#111) – Ordinance amending zoning by adding Section 8.9 – Coastal Resiliency Overlay District (C-ROD)**

**SUMMARY**

1. Add Sec. 8.9, Coastal Resiliency Overlay District (C-ROD) to establish standards for development within areas subject to projected worsening flood risk. Boundaries are based on the MA Coast Flood Risk Model's projected Significant Wave Height elevation in a 100-year flood event in 2070. Section applies to all new buildings within the overlay district and modification of buildings with 6 or more residential units or greater than 7,500 sq. ft. non-residential space. Modification of an existing building where within a 24-month period Level 2 Alteration (per State Building Code) neither exceeds 50% of the aggregate building area below the Sea Level Rise Base Flood Elevation (SLR BFE) nor 75% of the aggregate building area above the SLR BFE. Residential dwelling units, building mechanical uses, and electrical service uses shall be located above the SLR BFE with the exception of Building Mechanical Uses and Electrical Service Uses that Cannot Practically Be Located Above the SLR BFE. Section provides limited relief from dimensional requirements for Building Height (measured from SLR BFE); and gross floor area and front, rear, and side yards (to exclude vertical circulation and flood protection equipment). Projects subject to the ordinance shall undergo C-ROD site plan review by the Planning Board who shall consider the following C-ROD site plan review criteria: adequacy of best practices to minimize flood risk or damage; adequacy of alternatives analysis and operations and maintenance plan for parking located below the SLR BFE within or beneath a building; adequacy of flood protection for all Building Mechanical Uses and Electrical Service Uses that Cannot Practically Be Located Above SLR BFE; adequacy of convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and sidewalks in the event of coastal flooding; adequacy of project design to support pedestrian connections; adequacy of the minimization of the visual impact of utilities, building mechanicals, and flood protection equipment; adequacy of protection of the building's historic character and compatibility with historic character of the surrounding neighborhood. Waivers may be granted by the Planning Board if a project can achieve the purposes of this section without strictly meeting every provision, subject to the following considerations: whether existing roadway and sidewalk grade make compliance with requirement for vehicular and pedestrians movement during flood event impractical; whether there is no way to achieve vertical circulation that complies fully with both this section and the Americans with Disabilities Act and MA Architectural Access Board standards; whether the purposes of the ordinance can be achieves through innovative design approaches or through external site features. A project within a Local Historic District, individually listed on the National Register of Historic Places, or determined by the Salem Historical Commission to be historically significant, that meets the provisions of the ordinance to the maximum extent practicable but demonstrates that full compliance with the ordinance is not feasible without degrading the structure's historic character, may request a waiver from the Planning Board.

For projects in the Central Business District, the amendment shall be applicable upon approval of an Economic Feasibility Analysis by the Executive Office of Housing and Livable Communities.

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APPEARING IN FAVOR:

APPEARING IN OPPOSITION:

Councillor Morsillo	Moved that the public hearing be closed	Voted
Councillor Morsillo	Moved that the matter be referred to the Planning Board for their recommendation	Voted

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**(#112) – Ordinance amending zoning relative to Sec. 8.1 - Flood Hazard Overlay District (FHOD)**

**SUMMARY**

Replace Sec. 8.1, Flood Hazard Overlay District, with new language to comply with Mass. Flood Hazard Management Program's 2020 model ordinance to maintain the City's participation in the National Flood Insurance Program (NFIP). The section will apply to development within the overlay district with boundaries based on the Special Flood Hazard Area on the Essex County Flood Insurance Rate Map, dated July 19, 2018. The Building Commissioner, designated as the Community Floodplan Manager, administers permits under this section and may issue a Determination of Non-Applicability for activities that have no or de minimis impact on flooding. Review criteria are: Activities may not substantially increase flood elevation in Zones A and AE; applicant shall provide Base Flood Elevation (BFE) and floodway data for work in unnumbered A Zones; subdivisions must meet established standards for flood protection; developments greater than 50 lots or 5 acres must provide technical data when BFE is not established by FEMA; in event of watercourse alteration, Floodplain Administrator notifies adjacent communities, affected bordering states, NFIP State Coordinator, and NFIP FEMA Program Specialist; City to notify NFIP State Coordinator and NFIP FEMA Program Specialist if acquiring new data that changes base flood elevation; 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; encroachments are prohibited in regulatory floodways unless a hydrologic and hydraulic analysis shows it will not increase BFE.

For projects in the Central Business District, the amendment shall be applicable upon approval of an Economic Feasibility Analysis by the Executive Office of Housing and Livable Communities.

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APPEARING IN FAVOR:

APPEARING IN OPPOSITION:

Councillor Morsillo	Moved that the public hearing be closed	Voted
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Councillor Morsillo	Moved that the matter be referred to the Planning Board for their recommendation	Voted
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