



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Donna Clifford of 26 Gables Circle to the Council on Aging for a term of 3 years to expire February 1, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Clifford for her continued dedicated service and commitment to our community.

Sincerely,

A handwritten signature in blue ink, reading "Kim Driscoll", is written over a light blue circular stamp.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Beth Gerard of 49 Larchmont Road to the Cemetery Commission for a term of 3 years to expire February 1, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Gerard for her continued dedicated service and commitment to our community.

Sincerely,

A handwritten signature in blue ink that reads "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Patricia Donahue of 12 Dearborn Lane to the Cemetery Commission for a term of 3 years to expire February 1, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Donahue for her continued dedicated service and commitment to our community.

Sincerely,

A handwritten signature in blue ink, reading "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Richard Jagolta of 41 Chestnut Street to the Board of Assessors for a term of 3 years to expire February 1, 2025.

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

Sincerely,

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Brooke Nagle of 35 Washington Square #2 to the Beautification Committee for a three-year term to expire January 27, 2025.

Ms. Nagle is a downtown resident and marketing professional who is passionate about improving our public spaces. She has volunteered with a youth mentoring organization in the past and is eager to bring that same service to the work of the Beautification Committee. In addition to "on the ground" work for the committee, Ms. Nagle is particularly interested in helping boost the group's visibility more broadly in the community. She holds a Bachelor's degree in marketing from Champlain College and currently works as a Global Customer Advocacy Specialist for VMware in Boston.

I strongly recommend confirmation of Ms. Nagle's appointment to the Beautification Committee. We are fortunate that she is willing to serve our community in this important role and lend her insights and passion to the Committee and its work.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", written in a cursive style.

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to appoint Catherine Bertrand of 2 Beacon Street to the Salem Public Art Commission. Ms. Bertrand will complete the remainder of an unexpired two-year term to conclude January 11, 2024. The seat had previously been filled by Emily Larsen, who has stepped down from the Commission. I hope you will join me in thanking Ms. Larsen for her service to our community on this board.

Ms. Bertrand has spent the last 13 years working independently as an acting coach and a professional photographer. From 2006 to 2008 and 2014 to 2017 she served as the Artistic Director for the Salem Theatre Company and, also from 2006 to 2008, as the general manager for the Summer Theatre at Salem program at Salem State University, where she earned her Bachelor's degree in theater. Ms. Bertrand is a member of the Lincoln Center Directors Lab and volunteers locally on the board of the Clothing Connection and on the Salem Public School's LGBTQ+ Action Committee.

I strongly recommend confirmation of Ms. Bertrand's appointment to the Public Art Commission. We are fortunate that she is willing to serve our community in this important role and lend her insights and expertise to the Commission and its work.

Sincerely,

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll

Mayor

January 27, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Enclosed herewith is a request to accept the following donation of a gift card from Home Depot in the amount of One Thousand (\$1,000.00) for community engagement activities. These funds and the resulting expenditures will be accounted for in the Police Donation Account – Fund (2411) account.

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 to be used towards the Salem Police Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the typed name.

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

January 27, 2022

Ordered:

To accept the donation of a gift card from Home Depot in the amount of One Thousand Dollars (\$1,000.00) for community engagement activities. These funds and the resulting expenditures will be accounted for in the Police Donation Account - Fund (2411) account in accordance with the recommendation of Her Honor the Mayor.



City of Salem, Massachusetts

Police Department Headquarters

95 Margin Street

Salem, Massachusetts 01970

(978) 744-2204

CHIEF OF POLICE

LUCAS J. MILLER

10 January 2022

Mayor Kimberley Driscoll
City Hall
93 Washington Street
Salem, Massachusetts 01970

Dear Mayor Driscoll,

The Home Depot store, located at 50 Traders Way, Salem, has donated a \$1,000.00 American Express gift card to the Department as part of "*Operation Surprise*", a corporate-sponsored community engagement and recognition event.

As you are aware, officers routinely come into contact with individuals and families who have immediate or emergency financial needs. This \$1,000.00 donation will be utilized to assist individuals in need and to help support Departmental community-engagement activities. We have internal protocols and procedures in place to account for the disbursement of funds received from "*Operation Surprise*".

I have personally thanked the staff of Salem's Home Depot store and recognized their donation on the Department's Facebook page. Given the significance of the donation and its intended purpose, I would like to make you, and the City Council, aware of this generosity.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucas J. Miller".

Lucas J. Miller
Chief of Police

cc: City Finance Director (RE: 24111-4830) ✓
SPD Executive Officer
Chief's Secretary



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

January 27, 2022

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request to transfer Five Hundred Ninety Dollars (\$590.00) of outstanding Fiscal Year 2021 invoices to be paid from the Fiscal Year 2022 Electrical Department budget.

Department	Vendor	Amount
Building	Boston Board Up LLC	\$590.00
Total:		\$590.00

This order is necessary to cover the costs to pay for invoices from prior Fiscal Year. MGL Chapter 44 Section 64 allows for a municipality to pay for prior fiscal year invoices using current fiscal year appropriation by a two-thirds vote of the City Council.

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

Ordered:

January 27, 2022

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 Five Hundred Ninety Dollars (\$590.00) of outstanding Fiscal Year 2021 invoices is hereby allowed to be paid from the Fiscal Year 2022 Electrical Department budget as listed below in accordance with the recommendation of Her Honor the Mayor.

Department	Vendor	Amount
Building	Boston Board Up LLC	\$ 590.00
Total		\$ 590.00



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BUILDING DEPARTMENT
98 WASHINGTON STREET, 2ND FLOOR
TEL. (978) 745-9595

THOMAS ST. PIERRE
DIRECTOR OF PUBLIC PROPERTY/BUILDING COMMISSIONER

January 11, 2022

Mayor Kimberley Driscoll
93 Washington Street
Salem, Ma. 01970

Dear Mayor Driscoll,

I am requesting funds from FY2022 to be used to pay an invoice we received December 21, 2021 from Boston Board Up LLC from money available in the Building Department's Clean It/Lien It (12412-5713C) account as this building is abandoned.

Attached is a copy of the invoice dated December 29, 2020 and the completed transfer fund form.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas St. Pierre".

Thomas St. Pierre
Director of Inspectional Services

Enclosures

Boston Board Up LLC

11 Adam Road, Unit #9

Stoneham, MA 02180 US

+1 8009499113

info@bostonboardupservices.com

http://www.boardupboston.com



INVOICE

BILL TO

City of Salem

93 Washington St

Salem, MA 01970 USA

SHIP TO

39 Salem St City of Salem

Thomas St Pierre

39 Salem Street

Salem, MA 01970 USA

INVOICE # 11055**DATE** 12/29/2020**DUE DATE** 12/29/2020**TERMS** Due on receipt**SHIP DATE**

12/29/2020

TRACKING NO.

20-0363-TMP

JOB LOCATION

39 Salem Street Salem

DESCRIPTION**QTY****RATE****AMOUNT**

Board up truck that transports tools and materials to a typical board up call with a Technician

2

185.00

370.00

Padlock and Hasp

2

110.00

220.00

Thank you for your Business

BALANCE DUE**\$590.00**

Vendor #:	36889
Approp #:	12412-5713C
PO #:	
Approved By:	

DEC 21 PM 1:36
DEC

TAX ID # 81-1496874

It's not just about business, it's about the people!
#herewhenyouneedus #theclearchoice



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

January 27, 2022

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request for an appropriation of Eighty Thousand, Ninety-Eight Dollars and Twenty-Eight cents (\$80,098.28) appropriated within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146).

This transfer is necessary to fund the retirement buybacks for the following School employees:

Name	Department	Amount
David Adams	Salem Public Schools	\$24,071.08
Susan Hamlin	Salem Public Schools	\$36,888.80
Pamela Shorr	Salem Public Schools	\$19,138.40
TOTAL:		<u>\$80,098.28</u>

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

Ordered:

January 27, 2022

That the sum of Eighty Thousand, Ninety-Eight Dollars and Twenty Eight Cents (\$80,098.28) be approved within the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the FY 2022 contractual buyback(s) listed below in accordance with the recommendation of Her Honor the Mayor.

Name	Department	Amount
David Adams	Salem Public Schools	\$ 24,071.08
Susan Hamlin	Salem Public Schools	\$ 36,888.80
Pamela Shorr	Salem Public Schools	\$ 19,138.40
		\$ 80,098.28



CITY OF SALEM MASSACHUSETTS

KIMBERLEY L. DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN
RESOURCES

HUMAN RESOURCES
98 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970
TEL. 978-619-5630
FAX 978-745-7298

MEMORANDUM

TO: Anna Freedman, Director of Finance
DATE: January 4, 2022
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is entitled to the following amount of sick leave and vacation buyback.

David Adams

90 sick days @ \$199.76 per day	\$17,978.40
30.5 vacation days @ \$199.76 per day	\$ 6,092.68
Total:	\$24,071.08

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

LBC

CITY OF SALEM
APPROVAL-SICK DAYS/VACATION BUY-BACK

From: Department _____ School _____

Date 12/4/21

Authorized Signature: _____

Department Head/City or Business Manager/School

NAME: _____

David Adams

CALCULATION

VACATION DAYS

30 1/2 @ \$ 199.76 = \$ 6,092.68 ✓

SICK DAYS

90 @ \$ 199.76 = \$ 17,978.40 ✓

PRO-RATED STIPENDS

_____ @ \$ _____ = \$ _____

OTHER

_____ @ \$ _____ = \$ _____

Total Amount Due:

\$ 24,071.08 ✓

Please attach corresponding PAF or other backup to this sheet.

Reason: _____

For Human Resources's Use Only:



VACATION DAYS



SICK DAYS



PER ACCRUAL REPORT



OTHER

Org and Object:

83H3

- 5146

Recommendation:



Approved

H R Director/City or Superintendent/Schools



PART A

SALEM PUBLIC SCHOOLS

THIS FORM CANNOT BE PROCESSED UNLESS ALL SHADED AREAS AND PERTINENT INFORMATION IS SUPPLIED
PERSONNEL ACTION/DATA FORM

DATE

12/6/21

NAME (LAST, FIRST, MIDDLE) Adams, David		EMPLOYEE NO. 510045	CHECK ALL THAT APPLY 1. EMPLOYMENT <input type="checkbox"/> 2. WAGE SALARY ADJUST <input type="checkbox"/> 3. TRANSFER <input type="checkbox"/> 4. LEAVE OF ABSENCE <input type="checkbox"/> 5. ADDRESS/NAME CHANGE <input type="checkbox"/> 6. TERMINATION <input type="checkbox"/> 7. OTHER <input checked="" type="checkbox"/>
JOB TITLE Building Custodian		JOB CODE 5420	
DEPARTMENT School	SCHOOL Salem High School	DEPT NO. 250	

1. EMPLOYMENT

ADDRESS: STREET		CITY	STATE	ZIP	SOCIAL SECURITY NO.		NEW HIRE <input type="checkbox"/>	REHIRE <input type="checkbox"/>	RECALL <input type="checkbox"/>	Salaried <input type="checkbox"/> Hourly <input type="checkbox"/>	
PERMANENT Full Time <input type="checkbox"/> 20 HRS+ <input type="checkbox"/> Part Time <input type="checkbox"/>		4. TEMP <input type="checkbox"/>	CIVIL SERVICE <input type="checkbox"/>	DATE APPROVED	VETERAN <input type="checkbox"/>	SHIFT	PAY RATE	PER	SHIFT PREM.	GRADE	STEP
PHONE #		DATE OF BIRTH	SEX	ETHNIC CODE	SCHEDULED HOURS	HOURLY RATE	# DEPENDENTS		MARITAL STATUS		
REQUIRED LICENSE: TYPE(S)			CLASS				EXPIRATION DATE				

2. WAGE/SALARY ADJUSTMENT (GIVE EXPLANATION IN SEC 8)

ANNIVERSARY DATE	DATE OF LAST INCREASE	PRESENT RATE PER	PROPOSED RATE PER	NEW HOURLY RATE	GRADE	STEP	EFFECTIVE DATE
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3. TRANSFER JOB/SHIFT/DEPT (GIVE EXPLANATION IN SEC 8)

NEW DEPT & NO.	NEW JOB TITLE	NEW JOB CODE	RATE CHANGE?			
NEW GRADE	NEW STEP	NEW PAY RATE PER	EFFECTIVE DATE	SHIFT CHANGE	FROM	TO

4. LEAVE OF ABSENCE (GIVE EXPLANATION IN SEC 8)

FROM	TO	DATE RETURNED
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5. ADDRESS/NAME CHANGE

NEW ADDRESS: STREET	CITY	STATE	ZIP	NEW PHONE NO.	CORRECT NAME TO
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6. TERMINATION (GIVE EXPLANATION IN SEC 8)

LAST DAY WORKED	DATE HIRED	RECOMMENDED FOR REEMPLOYMENT?		
REASON	QUALITY OF WORK	ATTENDANCE	ATTITUDE	JOB KNOWLEDGE

7. EMERGENCY CONTACT

NAME	PHONE NO.	RELATIONSHIP
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8. EXPLANATION OF ACTION (or other action)

Retirement 11-30-21 Sick days 90 days @ 199.76 per day = \$17,978.40 Vacation days 30.5 @ \$199.76 per day = \$6,092.68	DIRECTOR'S SIGNATURE DATE
	DIRECTOR OR PRINCIPAL'S SIGNATURE DATE
	ASST SUPERINTENDENT'S SIGNATURE DATE
	SUPERINTENDENT'S SIGNATURE  DATE 12/6/2021
	BUSINESS MANAGER'S SIGNATURE DATE



CITY OF SALEM MASSACHUSETTS

KIMBERLEY L. DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN
RESOURCES

HUMAN RESOURCES
98 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970
TEL. 978-619-5630
FAX 978-745-7298

MEMORANDUM

TO: Anna Freedman, Director of Finance
DATE: January 4, 2022
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

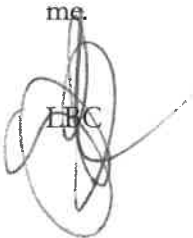
This former employee is entitled to the following amount of sick leave buyback.

Susan Hamlin

80 sick days @ \$461.11 per day	\$36,888.80
Total:	\$36,888.80

In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.


LBC

CITY OF SALEM
APPROVAL-SICK DAYS/VACATION BUY-BACK

From: Department _____ School _____ Date 12/6/21

Authorized Signature: *Mary P. [Signature]*
Department Head/City or Business Manager/School

NAME: Susan Hamlin

CALCULATION

VACATION DAYS # _____ @ \$ _____ = \$ _____

SICK DAYS # 80 @ \$ 461.11 = \$ 36,888.80 ✓

PRO-RATED STIPENDS # _____ @ \$ _____ = \$ _____

OTHER # _____ @ \$ _____ = \$ _____

Total Amount Due: \$ 36,888.80

Please attach corresponding PAF or other backup to this sheet.

Reason: Retirement

For Human Resources's Use Only:

- ☐ VACATION DAYS
☒ SICK DAYS
☐ PER ACCRUAL REPORT
☐ OTHER

Org and Object: 83113 - 5146

Recommendation:

☒ Approved

[Signature]
HR Director/City or Superintendent/Schools



PART A

SALEM PUBLIC SCHOOLS

THIS FORM CANNOT BE PROCESSED UNLESS ALL SHADED AREAS AND PERTINENT INFORMATION IS SUPPLIED
PERSONNEL ACTION/DATA FORM

DATE 12/6/2021

NAME (LAST, FIRST, MIDDLE) Hamlin, Susan		EMPLOYEE NO. 500534	CHECK ALL THAT APPLY 1. EMPLOYMENT <input type="checkbox"/> 2. WAGE SALARY ADJUST <input type="checkbox"/> 3. TRANSFER <input type="checkbox"/> 4. LEAVE OF ABSENCE <input type="checkbox"/> 5. ADDRESS/NAME CHANGE <input type="checkbox"/> 6. TERMINATION <input type="checkbox"/> 7. OTHER <input checked="" type="checkbox"/>
JOB TITLE Teacher		JOB CODE 5260	
DEPARTMENT School	SCHOOL Horace Mann	DEPT NO. 250	

1. EMPLOYMENT

ADDRESS: STREET		CITY	STATE	ZIP	SOCIAL SECURITY NO.		NEW HIRE <input type="checkbox"/>	REHIRE <input type="checkbox"/>	RECALL <input type="checkbox"/>	Salaried <input type="checkbox"/> Hourly <input type="checkbox"/>
PERMANENT Full Time <input type="checkbox"/> 20 HRS+ Part Time <input type="checkbox"/> Part Time <input type="checkbox"/>	4. TEMP	CIVIL SERVICE	DATE APPROVED	VETERAN	SHIFT	PAY RATE	PER	SHIFT PREM.	GRADE	STEP
PHONE #	DATE OF BIRTH	SEX	ETHNIC CODE	SCHEDULED HOURS	HOURLY RATE	# DEPENDENTS	MARITAL STATUS			
REQUIRED LICENSE: TYPE(S)			CLASS				EXPIRATION DATE			

2. WAGE/SALARY ADJUSTMENT (GIVE EXPLANATION IN SEC 8)

ANNIVERSARY DATE	DATE OF LAST INCREASE	PRESENT RATE PER	PROPOSED RATE PER	NEW HOURLY RATE	GRADE	STEP	EFFECTIVE DATE
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3. TRANSFER JOB/SHIFT/DEPT (GIVE EXPLANATION IN SEC 8)

NEW DEPT & NO.	NEW JOB TITLE	NEW JOB CODE	RATE CHANGE?			
NEW GRADE	NEW STEP	NEW PAY RATE PER	EFFECTIVE DATE	SHIFT CHANGE	FROM	TO

4. LEAVE OF ABSENCE (GIVE EXPLANATION IN SEC 8)

FROM	TO	DATE RETURNED
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5. ADDRESS/NAME CHANGE

NEW ADDRESS: STREET	CITY	STATE	ZIP	NEW PHONE NO.	CORRECT NAME TO
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6. TERMINATION (GIVE EXPLANATION IN SEC 8)

LAST DAY WORKED	DATE HIRED	RECOMMENDED FOR REEMPLOYMENT?		
REASON	QUALITY OF WORK	ATTENDANCE	ATTITUDE	JOB KNOWLEDGE

7. EMERGENCY CONTACT

NAME	PHONE NO.	RELATIONSHIP
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8. EXPLANATION OF ACTION (or other action)

Retirement 1-14-21 90 days severance pay @461.11 per day = \$36,888.80	DIRECTOR'S SIGNATURE DATE
	DIRECTOR OR PRINCIPAL'S SIGNATURE DATE
	ASST SUPERINTENDENT'S SIGNATURE DATE
	SUPERINTENDENT'S SIGNATURE  12/6/2021 DATE
	BUSINESS MANAGER'S SIGNATURE DATE



KIMBERLEY L. DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN
RESOURCES

CITY OF SALEM MASSACHUSETTS

HUMAN RESOURCES
98 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970
TEL. 978-619-5630
FAX 978-745-7298

MEMORANDUM

TO: Anna Freedman, Director of Finance
DATE: January 4, 2022
RE: Retirement Stabilization Fund

Attached you will find a retirement buy back for a former employee of the Salem Public Schools.

This former employee is entitled to the following amount of sick leave and vacation buyback.

Pamela Shorr

40 sick days @ \$478.46 per day **\$19,138.40**

Total: \$19,138.40

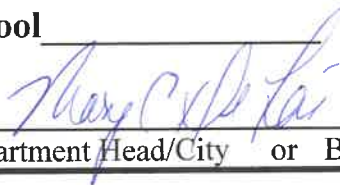
In accordance with the July 2008 Policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in MUNIS and issue payments to this former employee upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.


LBC

CITY OF SALEM
APPROVAL-SICK DAYS/VACATION BUY-BACK

From: Department _____ School _____ Date 12/6/21

Authorized Signature: 
Department Head/City or Business Manager/School

NAME: Pamela Shoel

CALCULATION

VACATION DAYS # _____ @ \$ _____ = \$ _____

SICK DAYS # 40 @ \$ 478.46 = \$ 19,138.40 ✓

PRO-RATED STIPENDS # _____ @ \$ _____ = \$ _____

OTHER # _____ @ \$ _____ = \$ _____

Total Amount Due: \$ 19,138.40

Please attach corresponding PAF or other backup to this sheet.

Reason: Retirement

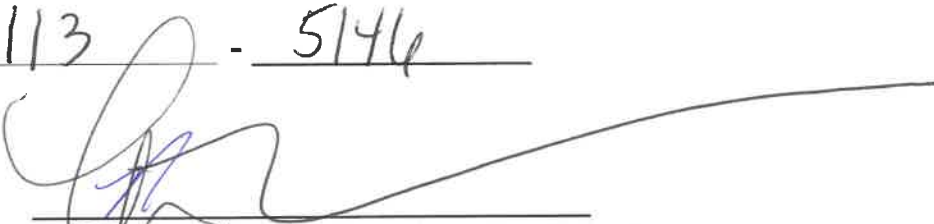
For Human Resources's Use Only:

- ☐ VACATION DAYS
☒ SICK DAYS
☐ PER ACCRUAL REPORT
☐ OTHER

Org and Object: 83113 - 5146

Recommendation:

☒ Approved


H R Director/City or Superintendent/Schools



PART A

SALEM PUBLIC SCHOOLS

THIS FORM CANNOT BE PROCESSED UNLESS ALL SHADED AREAS AND PERTINENT INFORMATION IS SUPPLIED
PERSONNEL ACTION/DATA FORM

DATE 12/6/2021

NAME (LAST, FIRST, MIDDLE) Shorr, Pamela		EMPLOYEE NO. 503556	CHECK ALL THAT APPLY 1. EMPLOYMENT <input type="checkbox"/> 2. WAGE SALARY ADJUST <input type="checkbox"/> 3. TRANSFER <input type="checkbox"/> 4. LEAVE OF ABSENCE <input type="checkbox"/> 5. ADDRESS/NAME CHANGE <input type="checkbox"/> 6. TERMINATION <input type="checkbox"/> 7. OTHER <input checked="" type="checkbox"/>
JOB TITLE Teacher		JOB CODE 5116	
DEPARTMENT School	SCHOOL Saltonstall	DEPT NO. 250	

1. EMPLOYMENT

ADDRESS: STREET		CITY	STATE	ZIP	SOCIAL SECURITY NO.		NEW HIRE <input type="checkbox"/>	REHIRE <input type="checkbox"/>	RECALL <input type="checkbox"/>	Salaried <input type="checkbox"/> Hourly <input type="checkbox"/>
PERMANENT Full Time <input type="checkbox"/> 20 HRS+ Part Time <input type="checkbox"/> Part Time <input type="checkbox"/>	4. TEMP	CIVIL SERVICE	DATE APPROVED	VETERAN	SHIFT	PAY RATE	PER	SHIFT PREM.	GRADE	STEP
PHONE #	DATE OF BIRTH	SEX	ETHNIC CODE	SCHEDULED HOURS	HOURLY RATE	# DEPENDENTS	MARITAL STATUS			
REQUIRED LICENSE: TYPE(S)		CLASS				EXPIRATION DATE				

2. WAGE/SALARY ADJUSTMENT (GIVE EXPLANATION IN SEC 8)

ANNIVERSARY DATE	DATE OF LAST INCREASE	PRESENT RATE PER	PROPOSED RATE PER	NEW HOURLY RATE	GRADE	STEP	EFFECTIVE DATE
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3. TRANSFER JOB/SHIFT/DEPT (GIVE EXPLANATION IN SEC 8)

NEW DEPT & NO.	NEW JOB TITLE	NEW JOB CODE	RATE CHANGE?			
NEW GRADE	NEW STEP	NEW PAY RATE PER	EFFECTIVE DATE	SHIFT CHANGE	FROM	TO

4. LEAVE OF ABSENCE (GIVE EXPLANATION IN SEC 8)

FROM	TO	DATE RETURNED
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5. ADDRESS/NAME CHANGE

NEW ADDRESS: STREET	CITY	STATE	ZIP	NEW PHONE NO.	CORRECT NAME TO
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6. TERMINATION (GIVE EXPLANATION IN SEC 8)

LAST DAY WORKED	DATE HIRED	RECOMMENDED FOR REEMPLOYMENT?		
REASON	QUALITY OF WORK	ATTENDANCE	ATTITUDE	JOB KNOWLEDGE

7. EMERGENCY CONTACT

NAME	PHONE NO.	RELATIONSHIP
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8. EXPLANATION OF ACTION (or other action)

Retirement 12-31-2021 40days severance @\$478.46 = 19,138.40	DIRECTOR'S SIGNATURE DATE
	DIRECTOR OR PRINCIPAL'S SIGNATURE DATE
	ASST SUPERINTENDENT'S SIGNATURE DATE
	SUPERINTENDENT'S SIGNATURE  12/6/2021 DATE
	BUSINESS MANAGER'S SIGNATURE DATE



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Ordinance adjusts Salem's moorings fees based on a recently completed survey by our Harbormaster to ensure our fees are fully reflective of the cost of providing this public service to recreational and commercial boaters. Also enclosed is the fee analysis conducted as a basis for this change.

If adopted, this Ordinance would change the mooring and slips fee from \$6.00 per linear foot to \$7.00, commercial mooring fees from \$75.00 flat rate to \$100.00 flat rate, the private float fee from \$10.00 flat rate to \$100.00 flat rate, and institute a \$10.00 fee per year for the wait list. These fees and rates are also competitive and in line with what other area municipalities charge for similar services.

As our waterfront and harbor have become even more busy, the work of our Harbormaster's Department has become all the more important. These fees directly fund that public safety work, ensuring that the cost for providing this essential service is appropriately borne by those who benefit from it. I recommend adoption of the enclosed Ordinance and invite you to contact Harbormaster Bill McHugh should you have any questions regarding it.

Sincerely,

Kimberley Driscoll
Mayor
City of Salem

City of Salem

In the year Two Thousand and Twenty-Two

An Ordinance to amend mooring permit fees.

Section 1. Section 10-24(d) *Mooring Permit* of Chapter 10 *Boats and Waterways* is hereby amended by deleting paragraphs (1) through (4) in their entirety and replacing them with the following:

- “(1) Fee for mooring, \$7.00 per foot of vessel per year.
- (2) Fee for slip, \$7.00 per foot of vessel per year.
- (3) Fee for commercial transient mooring, \$100.00 per year.
- (4) Fee for guest mooring (city owned), \$40.00 per day.
- (5) Fee for private float, \$100 per year.
- (6) Fee for a waitlist for a mooring, \$10 per year.”

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



CAPT. BILL McHUGH
HARBORMASTER

CITY OF SALEM

Harbormaster

51 Winter Island Rd.
Salem, MA 01970
(978) 741-0098
Fax (978) 741-5641

January 14, 2022

Hon. Salem City Council
93 Washington Street
Salem, MA 01970

Dear Council members:

Pursuant to MGL chapter 91 section 10A, the Harbormaster Department issues mooring permits for vessels moored in designated special anchorage areas within Salem's jurisdictional waters. This is a common practice for coastal communities and municipalities with inland bodies of water that maintain a marine department throughout the Commonwealth.

Presently, Salem assesses a fee of \$6.00 per linear foot measured fore and aft for recreational vessels moored to ground tackle fixed to the ocean bottom (mooring) or alongside a dock (slip). Commercial mooring permits associated with a marine service facility or entity are assessed at a flat rate of \$75.00, while private floats moored along the shoreline at a residence pay a flat rate of \$10.00. The last mooring permit fee increase imposed by my office occurred in 2016 when we raised the charge for boats moored in slips from \$3.00 per foot to \$6.00 per foot to standardize the mooring fee. The rationale was that boats in slips require the same level of service from the Harbormaster Department as those kept on moorings.

MGL chapter 91 section 10A provides, "any mooring fee collected shall be deposited into and used in accordance with the purposes of a municipal waterways improvement and maintenance fund established pursuant to section 5G of chapter 40". Under MGL chapter 40 section 5G, the revenues may be utilized for the following purposes, but not limited to: harbor improvement, public access, wharves, and moorings as well as law enforcement and fire prevention. As such, it is reasonable that the mission and services of the Harbormaster Department may be fully funded by mooring permit fees. Currently, the cost associated with maintaining the high level of service provided by the City through its Harbormaster Department is much greater than the revenues provided by the mooring permit fees as depicted by the enclosed analysis.

Accordingly, with the level of service that the City provides on the water throughout the year, I respectfully suggest we increase our mooring fees as follows:

Moorings and Slips: \$6.00 per linear foot to \$7.00.

Commercial Mooring: \$75.00 Flat rate to \$100.00.

Private Float: \$10.00 Flat rate to \$100.00.

Wait list: Implement a \$10.00 administrative fee per year.

The proposed increases would generate approximately \$38,000 in additional revenue predicated on the current vessel compliment in the harbor. As always, I am available to answer any questions.

Respectfully,

Capt. Bill McHugh
City of Salem Harbormaster

Mooring Fee Analysis		
Revenue		
# permits issued	1,300	
\$6.00 per foot LOA	<u>38,000</u>	Approximate total linear boat length
	\$228,000.00	
Transient Mooring Fee		
\$40.00 per night	\$ 5,000.00	
Dinghy/Tender Slip Revenue	\$7,800.00	Estimated 26 rings permitted at McCabe & Winter Isl.
TOTAL REVENUE	\$240,800.00	
Expenses		
Administrative Salaries (Public Safety & Harbor Management)	\$ 145,784.00	
Administrative Salaries Harbor Improvement-Planning	\$ 92,878.00	
Part-time Salary for Public Safety -Waterway Access	\$ 105,000.00	
Printing & Contracted Services (Harbor Management)	\$ 10,775.00	
Administrative Expenses (Office)	\$ 9,200.00	
Operational Expenses (Public Safety)	\$ 44,100.00	Vessel Maintenance, Fuel, Duty Equipment
TOTAL EXPENSES	\$ 407,737.00	



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

January 27, 2022

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentleman of the Council:

Enclosed herewith is a request to transfer Six Thousand, Eight Hundred Thirty-Four Dollars and Twenty-Eight Cents (\$6,834.28) appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave provision pursuant to the July 1, 2020, collective bargaining agreement with the Salem Police Patrolman's Association.

This transfer is necessary to fund retroactive wages for Salem Police Patrolman's Association recently negotiated contract being paid out to not only current officers, but also to retired officers.

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll
Mayor

KD/jaw



CITY OF SALEM

In City Council,

Ordered:

January 27, 2022

That the sum of Six Thousand, Eight-Hundred Thirty-Four Dollars and Twenty-Eight Cents (\$6,834.28) is hereby appropriated in the "Retirement Stabilization Fund-Vacation/Sick Leave Buyback" account (83113-5146) to be expended for the retroactive wage adjustments for sick leave buyback, holidays, and SMV stipend to retired officers provision pursuant to the July 1, 2020 collective bargaining agreement with the Salem Police Patrolman's Association as needed in accordance with the recommendation of Her Honor the Mayor.



KIMBERLEY L. DRISCOLL
MAYOR

LISA B. CAMMARATA
DIRECTOR OF HUMAN
RESOURCES

CITY OF SALEM MASSACHUSETTS

HUMAN RESOURCES
98 WASHINGTON STREET, 3RD FLOOR
SALEM, MASSACHUSETTS 01970
TEL. 978-619-5630
FAX 978-745-7298

MEMORANDUM

TO: ANNA FREEDMAN

FROM: LISA CAMMARATA

RE: RETRO FOR RETIREES FY 22

The Salem Police Patrolman's Association recently settled the unit's contract with the City of Salem, resulting in retroactive wages being paid out to not only current officers, but also to retired officers. When those officers retired, they were entitled to compensation based on certain contractual sections such as sick leave buyback, holidays, and the SMV stipend. Said compensation paid out to those retirees was paid at the rate of pay prior to the contract's settlement.

Attached is a spreadsheet outlining the affected retirees and the respective amounts in the aforementioned benefits owed to them.

The total amount is \$6,834.28, as outlined in the attached spreadsheet from the Chief of Police.

In accordance with the July 2008 policy, I am requesting you verify the availability of the funds from the Retirement Stabilization Fund, prepare the Council Order, and continue the process in order that my staff can input the information in Munis and issue payments to these former employees upon Council approval.

Thank you for your cooperation, and if you should have any questions, please do not hesitate to contact me.

ABC
1/6/2022

CITY OF SALEM
APPROVAL - SICKDAYS/VACATION BUY-BACK
(RETRO FOR RETIREES FY22)

Officer	Retirement Date	Vacation Hours	Rate Paid (at time of retirement)	New Rate (with new contract increase)	Retro Owed	Sick Hours	Rate Paid (at time of retirement)	New Rate (with new contract increase)	Retro Owed	Straight Holiday Rate	New Straight Holiday Rate (with new contract increase)	Number of holidays	Retro Owed	Holiday x 1.5 Rate	New Rate contr
Jonathan Bedard	7/29/2021	424	\$40.73	\$42.16	\$606.32	720	\$40.73	\$42.16	\$1,029.60	\$331.65	\$343.05	2	\$22.80	\$437.48	
Frederick Dubiel	7/13/2021	279	\$33.99	\$35.19	\$334.80	0	\$33.99	\$35.19	\$0.00	\$277.72	\$287.30	2	\$19.16	\$416.57	
James Johnson	7/15/2021	264	\$33.16	\$34.35	\$314.16	720	\$33.16	\$34.35	\$856.80	\$271.05	\$280.55	2	\$19.00	\$406.58	
Michael Levesque	7/17/2021	284	\$33.42	\$34.61	\$337.96	720	\$33.42	\$34.61	\$856.80	\$273.15	\$282.65	2	\$19.00	\$409.72	
Edward Vaillancourt	7/17/2021	416	\$40.10	\$41.53	\$594.88	720	\$40.10	\$41.53	\$1,029.60	\$326.62	\$338.02	2	\$72.80	\$489.94	
Totals					\$2,188.12				\$3,772.80				\$102.76		

From: Department: 210 Police

Authorized Signature: 
Chief of Police, Lucas J. Miller

Date: 11/16/21

For Human Resources Use Only:

☒ VACATION HOURS


☒ SICK HOURS

☐ PER ACCRUAL REPORT

☐ OTHER

Org & Object: _____

Recommendation: ☐ APPROVED


HR Director/City or Superintendent/Schools



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

January 27, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I am pleased to present for your consideration the amended Wetlands Protection and Conservation Ordinance. The Ordinance is the result of careful and thoughtful work over the past year, managed by our Department of Planning and Community Development. The department led a robust public outreach process, convened a Working Group of advocates and interested parties, and worked with an outside expert to develop an Ordinance specifically reflective of Salem's challenges, opportunities, and community character.

The proposed Ordinance and its implementing regulations define setbacks, protect additional resource areas, and, for the first time, give the Conservation Commission legal authority to consider climate change impacts and mitigation in its project review. The proposed Ordinance empowers the Commission with new tools to be even more proactive and effective stewards of Salem's wetlands, while providing applicants with a clear and consistent permitting process. With the passage of this Ordinance, Salem will become just the fourth municipality in Massachusetts to intentionally address climate change impacts in its wetlands ordinances.

The proposed Ordinance also adds a clear purpose and set of definitions to our Code. In addition to administrative and organizational changes, the following table summarizes key policy changes of significance, which exceed the minimum requirements of the state's Wetlands Protection Act:

	Existing	Proposed
No-build zone	None	25'
Mitigation zone	None	50'
Isolated vegetated wetland (IVW) protections	None	Yes
Vernal pool protection	Limited	Yes
Climate change considered in project review	No	Yes

I am especially pleased that through a series of public forums, online survey, and an interactive project webpage, this initiative has given more Salem residents the knowledge to not only offer informed comments on the draft Ordinance, but to be active and constructive participants the Conservation Commission's public meetings going forward.

The draft amendment is accompanied by a proposed revision of Chapter 1, Section 10 ("Noncriminal disposition of ordinance violations"), to affirm the City's authority to enforce the amended Wetlands Ordinance through the issuance of noncriminal fines. We have also enclosed a red-line version of the Wetlands Ordinance and the current working draft of the accompanying Conservation Commission regulations regarding this measure.

I would like to especially recognize and thank Councillor Patti Morsillo, the members of the Working Group, and the City staff who devoted so much time and thoughtful attention to the creation of these measure. I look forward to discussing this important conservation and climate change measure with you when it is referred to committee and I invite you to contact Tom Daniel, Director of Planning and Community Development, if you have any questions regarding this measure in advance of that meeting.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kim Driscoll", written in a cursive style.

Kimberley Driscoll
Mayor
City of Salem

City of Salem

In the year Two Thousand and Twenty-Two

An Ordinance to increase protections for wetlands in the City of Salem.

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

A NEW ORDINANCE TO REPLACE THE EXISTING ORDINANCE, CHAPTER 50 WETLANDS PROTECTION AND CONSERVATION

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

SECTION 1. Sections 50-1 through 50-12 of Part III of the City of Salem Code, Ordinances, Chapter 50, Wetlands Protection and Conservation is hereby amending by deleting Sections 50-1 through 50-12 in their entirety and replacing it with the following new Sections 50-1 through 50-18:

“Chapter 50 WETLANDS PROTECTION AND CONSERVATION*"

Sec. 50-1. Introduction.

This Ordinance is intended to utilize the City of Salem’s Home Rule authority to protect additional resource areas, identify additional values, and create additional standards and procedures stricter than those of the Wetlands Protection Act (M.G.L.A. c. 131, § 40; “the WPA”) and Regulations thereunder (310 CMR 10.00).

Sec. 50-2. Purpose.

The purpose of this Wetlands Protection Ordinance is to protect the wetlands, water resources, and adjoining land areas in Salem by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon the following resource area values. Those identified with an asterisk* are in addition to the interests protected by the WPA.

- ☐ public or private water supply
- ☐ ground water supply
- ☐ flood control

- ☐ storm damage prevention
- ☐ prevention of pollution
- ☐ protection of land containing shellfish
- ☐ protection of fisheries
- ☐ protection of wildlife habitat
- ☐ *climate change adaptation and mitigation,

Collectively, the "resource area values protected by this Ordinance"

Sec. 50-3. Jurisdiction.

Except as permitted by the Conservation Commission, no person shall remove, fill, dredge, discharge into, build upon, degrade, or otherwise alter in or over any of the following resource areas: any freshwater wetland (e.g. wet meadows, bogs, swamps); any coastal wetland (e.g. coastal/barrier beaches, coastal dunes, coastal banks, rocky intertidal shores, land under the ocean, salt marsh, land under salt ponds, land containing shellfish, fish runs, land subject to tidal action); vernal pool; river, stream, pond, reservoir, or lake, or any bank to said waters, or any land under said waters; riverfront area; designated port areas or any land subject to inland and/or coastal flooding or inundation.

Additionally, except as permitted by the Conservation Commission, no person shall remove, fill, dredge, discharge into, build upon, degrade, or otherwise alter in or over land within 100-feet of the above resource areas, hereinafter the "buffer zone". Notwithstanding the foregoing, and in accordance with the WPA, the following resource areas do not have an associated buffer zone: riverfront area, land under waters, land containing shellfish, fish runs, land subject to tidal action, and designated port areas.

Sec. 50-4. Exceptions.

The above prohibitions shall not apply to emergency projects recognized by the WPA so long as the Conservation Commission or its designee certifies the emergency in accordance with the standards under the WPA and implementing regulations at 310 CMR 10.00.

Additionally, the requirements of this Ordinance and its implementing regulations shall not apply to the minor activities and other exemptions recognized by the WPA and its implementing regulations at 310 CMR 10.00 so long as the Conservation Commission is notified of proposed work via certified mail a minimum of 30 days prior to commencement of activities located in areas protected by this Ordinance.

Maintenance (but no further alteration, expansion, or change in character or use) of pre-existing lawfully located uses and structures that were in place on or before the promulgation of the Ordinance are permitted without application for a permit to the Conservation Commission,

provided that notice of such activities is sent via certified mail a minimum of 30 days prior to commencement of work.

Sec. 50-5. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where further definition/clarification is provided through regulation. Terms follow the definitions found in the WPA and its implementing regulations at 310 CMR 10.00. To the extent not defined herein, words used in these regulations shall have the definitions contained in the WPA.

Ancillary Structure shall mean any structure on the same lot or lots in common ownership as the principal use, and whose purpose is customarily incidental to the main or principal building or use of the land.

Alter includes, without limitation, the following actions when undertaken in areas subject to this chapter: (1) Removal, placement, excavation or dredging of soil, sand, gravel, or aggregate material of any kind. (2) Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention characteristics. (3) Drainage or other disturbance of the water level or water table. (4) Dumping, discharging or filling with any material. (5) Driving of piles, erection of buildings or structures of any kind. (6) Placing of obstructions, whether or not they interfere with the flow of water. (7) Destruction of plant life, including cutting of trees, but excluding maintenance of landscape areas (provided that no unauthorized expansion of landscaping occurs) that were in place as of the original Ordinance adoption (DATE). (8) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

Banks means that part of land adjoining any body of water which confines the water. Bank is associated with all intermittent streams shown on the USGS Map and display riverine characteristics, even those upgradient of other wetland resource areas in cases where a defined channel with evidence of flow is observed.

Climate Change Adaptation and Mitigation are measures designed or intended to protect resource areas from the impacts of climate change and to protect the ability of resource areas to mitigate the impacts of climate change with consideration of the resource area values protected by the Ordinance.

Climate Change Impacts include without limitation: extreme heat; the timing, frequency, intensity, and amount of precipitation, storm surges, and rising water levels; increased intensity or frequency of storm events or extreme weather events; and frequency, intensity, and duration of droughts.

Coastal Wetland means any bank, marsh, swamp, meadow, flat or other lowland subject to tidal action or coastal storm flowage.

Structures include, but are not limited to, commercial and industrial buildings, single family houses, multifamily dwellings, porches, decks, additions, sheds, outbuildings, pools, docks, pile supported features, septic systems and any of their components, underground storage tanks, roadways, fencing which functions as a barrier to wildlife habitat (excluding perimeter sediment controls and snow fencing), driveways, and retaining walls supporting more than a 4-foot height of fill. Stormwater management infrastructure and other utilities shall be excluded from the definition of structure.

Vernal Pool shall mean an area that provides breeding habitat for species that depend on ephemeral bodies of water for breeding and other life stages. To be considered vernal pools such areas must meet certification criteria as defined by the MA Natural Heritage and Endangered Species Program (NHESP). Certain areas that have been extensively altered by human activities as of the effective date of this Ordinance amendment and maintained as such continuously are not regulated as vernal pools. Such disturbed areas may include, for example, the built and utilized footprints of: paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas. Areas mapped by NHESP as potential vernal pools are considered vernal pools under this Ordinance unless the project proponent demonstrates to the Conservation Commission that said area is not certifiable per NHESP criteria. In evaluating the information presented to demonstrate that an area is not a vernal pool, the Commission shall consider appropriate factors, including the extent of the investigations conducted and drought/rainfall conditions, for example.

Wildlife Habitat means important food, shelter, migratory or overwintering areas, or breeding areas for wildlife. Certain areas that have been extensively altered by human activities as of the effective date of this Ordinance amendment and maintained as such continuously are not important wildlife habitat. Such disturbed areas may include, for example, the built and utilized footprints of: paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas. The Commission may, on a case-by-case basis, include some areas of human disturbance to be considered wildlife habitat if the subject area is demonstrated to be such by a competent source.

The Conservation Commission may, through its implementing regulations, expand upon or add additional definitions in order to protect the resource area values established by this Ordinance.

Sec. 50-6. Conservation Commission Filing.

No person shall remove, fill, dredge, alter or build upon, over, or within areas subject to the Conservation Commission's jurisdiction without filing a written application for a permit including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this chapter. Such application must be identical in form to a Notice of Intent or Request for Determination of

from its pre-development project state when considering both the construction period and the long-term use of the project site. The land use restrictions within the No Disturbance Zone are to be further tabulated in the implementing regulations.

□ **50-foot Mitigation Zone** – the first 50-feet within the buffer zone extending from an applicable resource area in which disturbance is prohibited without adequate mitigation as determined by the Conservation Commission. The Mitigation Zone overlaps the No Disturbance Zone detailed above and wetland resource areas defined herein.

Beyond the above-described zones, the Conservation Commission shall consider proposals for work in the buffer zone in terms of broad forms of disturbance areas. This approach is intended to allow flexibility for property use while maintaining adequate levels of wetland resource area protection. Additional buffer zone disturbance setbacks may be enumerated through implementing regulations.

In considering the types of work and activities allowable within the overall 100-foot buffer zone, and conditions to apply, the Conservation Commission shall consider the following,

1. **Values and Functions of the Resource Area.** The quantity and quality of resource values and functions should be considered explicitly in placing conditions on buffer zone work.
2. **Pre-Project Characteristics of the Site.** Ground slope, soil conditions, vegetation, and prior disturbance are some of the site-specific characteristics that shall be considered in setting conditions for work in the buffer zone.
3. **The nature of the activities proposed and their potential likelihood of impacting the Ordinance values.**
4. **The Project's implementation of climate change adaptation measures.**

As appropriate to protect the Ordinance values, the Conservation Commission may expand the minimum setbacks indicated herein or in implementing regulations.

The Applicant shall carry the burden of proof for demonstrating to the Commission's satisfaction that the proposed work or activities in the buffer zone are necessary, and that reasonable alternatives do not exist. Said demonstration may take the form of a written narrative or report with accompanying exhibits as appropriate.

Applicants wishing to rebut the presumptions set forth above shall provide the Commission with a written waiver request in accordance with Section 50-10 herein.

Notwithstanding the above, the Conservation Commission may, without requiring a formal waiver request, reduce the setbacks for:

1. Redevelopment of sites that contain previously disturbed or degraded areas regardless of whether such areas are within the relevant setback, so long as work results in an overall improvement to the applicable setback in terms of the ability of the associated resource area to protect the values of this Ordinance.

more intense due to climate change, in surface runoff of pollutants, and in wildlife habitat due to changes in temperature.

In reviewing project climate change resiliency information, the Conservation Commission shall give consideration as to the size and scale of the project and the extent to which resource area impacts are avoided, minimized, and mitigated. Green infrastructure/nature-based solutions are preferred to demonstrate compliance with the climate change adaptation and mitigation resource area value.

The Conservation Commission may, through implementing regulations, adopt additional provisions and mapping related to resource area values respective of climate change in accordance with best available science. Mapping adopted by the Conservation Commission may include, without limitation, projections of Sea Level Rise and future storm events/flood zones for project proponents to consider in applications for work submitted to the Conservation Commission.

Sea Level Rise Considerations

The City of Salem recognizes the relative rise in elevation of the sea surface over time. Those portions of coastal floodplains which are immediately landward of salt marshes, coastal beaches, barrier beaches, coastal dunes or coastal banks require special protection as they are likely to be in a state of transition as the entire complex of coastal wetland resources gradually moves landward due to rising relative sea levels.

Development activities carried out within the transitional areas of coastal floodplains will be subject to increased storm damage and may interfere with the natural landward migration of the adjacent coastal resource areas. Therefore, the Salem Conservation Commission may adopt, through implementing regulations, performance standards for coastal resource areas with respect to Sea Level Rise.

Sec. 50-10. Waiver Criteria.

An Applicant may seek relief from the standards of the Ordinance and any implementing regulation by requesting a waiver to the applicable standards. The Commission may, at its discretion, grant a waiver to the standards of the Ordinance and regulations based on the Applicant's clear and convincing demonstration of the following:

1. The proposed land-use activity(ies) conforms with the goals and statutory interests of the Ordinance and regulations adopted thereunder, and the activity(ies), including proposed mitigation measures, will have an insignificant impact on the values protected by this Ordinance;
2. The relief requested by the project proponent is the minimum waiver necessary to achieve the project goals and to allow for reasonable use of the property;
3. The requested waiver is not the result of any prior action of the project proponent or any predecessor in title (i.e., the Applicant must document that the waiver is not the result of a self-created or self-imposed hardship);

Commission supporting a determination that the proposed work will not harm the values protected by this chapter shall be sufficient cause for the Conservation Commission to deny a permit or to grant a permit with conditions or, in the Conservation Commission's discretion, to continue the hearing to another date to enable the Applicant or others to present additional evidence.

Sec. 50-15. Security.

The Conservation Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

1. A bond or deposit of money or negotiable securities in an amount determined by the Conservation Commission to be sufficient and payable to the Conservation Commission upon default.
2. A conservation restriction, easement or other covenant running with the land, executed and properly recorded or registered, in the case of registered land, with the Essex South District of Registry of Deeds.

Sec. 50-16. Appeal.

A decision of the Conservation Commission shall be reviewable in the Superior Court in accordance with M.G.L.A. c. 249, § 4.

Sec. 50-17. Enforcement.

Any person who violates any section of this chapter or any condition of a permit issued pursuant to this chapter shall be punished by fines as provided in Section 1-10 (c) – Noncriminal disposition of ordinance violations.. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. Upon request of the Conservation Commission or of the City Council, the Mayor, and City Solicitor shall take such legal action as may be necessary to enforce this chapter and permits issued pursuant to this chapter.

Sec. 50-18. Effective Date.

This Ordinance Amendment becomes effective upon final passage and signature of the Mayor and shall apply to all Notices of Intent filed on or after that date and any subsequent procedures related to such filings made on or after that date. This Ordinance Amendment shall not apply to projects for which a Notice of Intent was filed (and for which an Order of Conditions remains valid) prior to the effective date.”

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

City of Salem

In the year Two Thousand and Twenty-Two

An Ordinance to amend the ordinance to provide for enforcement and penalties for violations of the Wetlands Protection and Conservation Ordinance.

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

AN AMENDMENT TO SECTION 1-10 (c). – NONCRIMINAL DISPOSITION OF ORDINANCE VIOLATIONS

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

SECTION 1. Section 1-10. of Part III of the City of Salem Code, Ordinances, Chapter 1, Noncriminal Disposition of Ordinance Violations is hereby amending by adding the following language to the end of the Section 1-10 (c):

“Chapter 50, Wetlands Protection and Conservation Ordinance

Penalty for violations of Wetlands Protection and Conservation Ordinance.

Penalty:

First offense\$100.00

Second offense\$150.00

Third offense\$200.00

Enforcing persons: Conservation Agent; police department personnel.”

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



CITY OF SALEM, MASSACHUSETTS

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

KIMBERLEY DRISCOLL
MAYOR

98 WASHINGTON STREET, 2ND FLOOR ♦ SALEM, MASSACHUSETTS 01970
978-619-5685

TOM DANIEL, AICP
DIRECTOR

January 24, 2022

Mayor Kimberley Driscoll
City of Salem
93 Washington Street
Salem, MA 01970

Re: Proposed Amendments to Wetlands Protection and Conservation Ordinance, Ch. 50 and
Noncriminal Disposition of Ordinance Violations, Ch. 1, Section 10

Mayor Driscoll:

I am pleased to provide the enclosed amended Wetlands Protection Ordinance—a result of a year-long effort by City staff, community stakeholders, and an environmental consultant. This document strengthens and modernizes Salem's local wetlands protection policies. It is built upon a robust public engagement process and lengthy Working Group deliberation. I would like to take this opportunity to provide a summary of this process.

In January 2021, DPCD staff met with a core group of interested parties, including Conservation Commission Chair Greg St. Louis, Planning Board Member Kirt Rieder, and Ward 3 Councilor Patricia Morsillo to identify stakeholders and project goals.

The City then convened a Working Group consisting of the following members:

- Patti Morsillo, Ward 3 Councilor
- Bob McCarthy, Ward 1 Councilor
- Greg St. Louis, Conservation Commission Chair
- Dan Ricciarelli, Conservation Commission
- Kirt Rieder, Planning Board
- Sarah Tarbet, Planning Board
- Barbara Warren, Salem Sound Coastwatch
- Steve Feinstein, Symes Associates
- Susan Yochelson, Salem Alliance for the Environment
- Gail Kubik, Sustainability, Energy and Resiliency Committee
- Dennis Colbert, Salem resident

I would like to thank the members of the Working Group for their dedication and thoughtful participation through this extensive process.

The Working Group first convened on March 31 and met a total of nine times throughout the year. They identified the need to hire an outside expert experienced at communicating complex technical matters to a broad audience and synthesizing wetlands science, example ordinances, and public input to generate the proposed ordinance language. Accordingly, the City selected Beals + Thomas through a public RFP process with funding approved by the City Council and Conservation Commission.

The City and its consultant launched an interactive project webpage and online survey in July (PublicInput.com/SalemWetlands) and led four online public forums. In addition to being a platform for public input for the proposed ordinance amendment, the forums provided an introduction to wetlands science and Conservation Commission jurisdiction. The City made project documents, as well as recordings of the forums, available on the project webpage.

The proposed amendment substantially strengthens the ordinance and supplements the protections above and beyond the state's Wetlands Protection Act. The ordinance creates a no-build zone within 25 feet of wetlands and prohibits development within 50 feet without adequate mitigation. The Commission's jurisdiction is expanded to include isolated wetlands and vernal pools, which otherwise have only limited protection. And for the first time, the ordinance gives the Conservation Commission explicit legal authority to consider climate change in its project review. Further updates include specific waiver criteria and administrative processes.

The proposed ordinance is supported by draft regulations to be considered for adoption by the Conservation Commission. A draft of core regulations is enclosed. Staff and Beals + Thomas will be working with the Commission over the coming weeks to finalize these regulations for the Conservation Commission's adoption.

In addition, the draft amendment is accompanied by a proposed revision of Chapter 1, Section 10, Noncriminal disposition of ordinance violations, to affirm the City's authority to enforce the amended Wetlands ordinance through the issuance of noncriminal fines.

Please do not hesitate to contact me to discuss further.

Sincerely,



Tom Daniel, AICP
Director

City of Salem

In the year Two Thousand and Twenty-Two

An Ordinance to increase protections for wetlands in the City of Salem.

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

A NEW ORDINANCE TO REPLACE THE EXISTING ORDINANCE, CHAPTER 50 WETLANDS PROTECTION AND CONSERVATION

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

SECTION 1. Sections 50-1 through 50-12 of Part III of the City of Salem Code, Ordinances, Chapter 50, Wetlands Protection and Conservation is hereby amending by deleting Sections 50-1 through 50-12 in their entirety and replacing it with the following new Sections 50-1 through 50-18:

“Chapter 50 WETLANDS PROTECTION AND CONSERVATION*"

Sec. 50-1. Introduction.

This Ordinance is intended to utilize the City of Salem’s Home Rule authority to protect additional resource areas, identify additional values, and create additional standards and procedures stricter than those of the Wetlands Protection Act (M.G.L.A. c. 131, § 40; “the WPA”) and Regulations thereunder (310 CMR 10.00).

Sec. 50-2. Purpose.

The purpose of this Wetlands Protection Ordinance is to protect the wetlands, water resources, and adjoining land areas in Salem by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon the following resource area values. Those identified with an asterisk* are in addition to the interests protected by the WPA.

☐ public or private water supply

☐ ground water supply

☐ flood control

-
- ☐ storm damage prevention
 - ☐ prevention of pollution
 - ☐ protection of land containing shellfish
 - ☐ protection of fisheries
 - ☐ protection of wildlife habitat
 - ☐ *climate change adaptation and mitigation,

Collectively, the "resource area values protected by this Ordinance"

Sec. 50-3. Jurisdiction.

Except as permitted by the Conservation Commission, no person shall remove, fill, dredge, discharge into, build upon, degrade, or otherwise alter in or over any of the following resource areas: any freshwater wetland (e.g. wet meadows, bogs, swamps); any coastal wetland (e.g. coastal/barrier beaches, coastal dunes, coastal banks, rocky intertidal shores, land under the ocean, salt marsh, land under salt ponds, land containing shellfish, fish runs, land subject to tidal action); vernal pool; river, stream, pond, reservoir, or lake, or any bank to said waters, or any land under said waters; riverfront area; designated port areas or any land subject to inland and/or coastal flooding or inundation.

Additionally, except as permitted by the Conservation Commission, no person shall remove, fill, dredge, discharge into, build upon, degrade, or otherwise alter in or over land within 100-feet of the above resource areas, hereinafter the "buffer zone". Notwithstanding the foregoing, and in accordance with the WPA, the following resource areas do not have an associated buffer zone: riverfront area, land under waters, land containing shellfish, fish runs, land subject to tidal action, and designated port areas.

Sec. 50-4. Exceptions.

The above prohibitions shall not apply to emergency projects recognized by the WPA so long as the Conservation Commission or its designee certifies the emergency in accordance with the standards under the WPA and implementing regulations at 310 CMR 10.00.

Additionally, the requirements of this Ordinance and its implementing regulations shall not apply to the minor activities and other exemptions recognized by the WPA and its implementing regulations at 310 CMR 10.00 so long as the Conservation Commission is notified of proposed work via certified mail a minimum of 30 days prior to commencement of activities located in areas protected by this Ordinance.

Maintenance (but no further alteration, expansion, or change in character or use) of pre-existing lawfully located uses and structures that were in place on or before the promulgation of the

Ordinance are permitted without application for a permit to the Conservation Commission, provided that notice of such activities is sent via certified mail a minimum of 30 days prior to commencement of work.

Sec. 50-5. Definitions.

(a) — The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; further definition/clarification is provided through regulation. Terms follow the definitions found in the WPA and its implementing regulations at 310 CMR 10.00. To the extent not defined herein, words used in these regulations shall have the definitions contained in the WPA.

Ancillary Structure shall mean any structure on the same lot or lots in common ownership as the principal use, and whose purpose is customarily incidental to the main or principal building or use of the land.

Alter includes, without limitation, the following actions when undertaken in areas subject to this chapter: (1) Removal, placement, excavation or dredging of soil, sand, gravel, or aggregate material of any kind. (2) Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention characteristics. (3) Drainage or other disturbance of the water level or water table. (4) Dumping, discharging or filling with any material ~~which may degrade water quality.~~

(5) Driving of piles, erection of buildings or structures of any kind. (6) Placing of obstructions, whether or not they interfere with the flow of water. (7) Destruction of plant life, including cutting of trees, but excluding maintenance of landscape areas (provided that no unauthorized expansion of landscaping occurs) that were in place as of the original Ordinance adoption (DATE). (8) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

~~Applicant, bog, coastal wetlands, freshwater wetlands, swamps, wet meadows, and marshes shall have the meanings defined in M.G.L.A. c. 131, § 40.~~

Banks means that part of land adjoining any body of water which confines the water. Bank is associated with all intermittent streams shown on the USGS Map and display riverine characteristics, even those upgradient of other wetland resource areas in cases where a defined channel with evidence of flow is observed.

Climate Change Adaptation and Mitigation are measures designed or intended to protect resource areas from the impacts of climate change and to protect the ability of resource areas to mitigate the impacts of climate change with consideration of the resource area values protected by the Ordinance.

Climate Change Impacts include without limitation: extreme heat; the timing, frequency, intensity, and amount of precipitation, storm surges, and rising water levels; increased intensity

or frequency of storm events or extreme weather events; and frequency, intensity, and duration of droughts.

Coastal Wetland means any bank, marsh, swamp, meadow, flat or other lowland subject to tidal action or coastal storm flowage.

Freshwater Wetland is an area where soils are saturated and/or inundated such that they support wetland indicator plants. The ground water and surface water hydrological regime, soils, and the vegetational community which occur in a freshwater wetland, are defined under this Ordinance based on the definition of “Bordering Vegetated Wetland” at 310 CMR 10.00. The term freshwater wetland shall include isolated vegetated wetlands which are at least 750 square feet in size as defined herein.

Green infrastructure/Nature-based solutions means projects and practices incorporating the natural environment, supplement natural processes, or work in concert with natural systems to provide flood, fire, or drought risk reduction, or clean water or air benefits. Green infrastructure practices protect, restore, augment, or mimic ecological processes.

Isolated Vegetated Wetland (IVW) shall include wetlands which meet the MassDEP manual entitled “Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act” (1995 and as may be amended from time to time) with respect to the delineation standards for soils, hydrology, and vegetation, are at least 750 square feet in size or greater, but that do not require connectivity to surface waters. The Conservation Commission may, through written determination, exclude areas from being considered IVW if compelling evidence is presented that the IVW exists as a result of stormwater infrastructure or other human-induced disturbance/activity. Additionally, the Conservation Commission may find that areas that would otherwise qualify as IVW, but that are dominated by a prevalence of invasive and/or non-native plant species, are non-jurisdictional.

Passive Passage means any pedestrian activity which does not involve the disturbance of the substrate or existing vegetative conditions.

Person includes any individual, groups of individuals, association, partnership, corporation, company, business organization, trust, estate, the ~~commonwealth~~**Commonwealth**, or political subdivisions thereof to the extent subject to city ordinances, administrative agencies, public or ~~quasi-public~~**quasi-public** corporations or bodies, the city, and any other legal entity, its legal representatives, agents or assigns.

~~(b) — The conservation commission may adopt additional definitions consistent with this section in its regulations promulgated pursuant to section 50-8.~~

~~{Cede 1973, § 34-1}~~

~~Cross reference(s) — Definitions generally, § 1-2.~~

Previously Disturbed or Degraded means areas which previously or currently lawfully contain(ed) impervious areas such as buildings, roadways, parking lots, or that were graded or

altered by direct human activities not associated with natural resource or land management activities such that their present character is notably different than it would be had it not been altered. Previously Disturbed or Degraded areas may be partially vegetated provided there is a notable absence of topsoil (e.g., O or A Soil Horizon) or other compelling anthropogenic factor which documents the historic land use therein. An Applicant carries the burden of proof to demonstrate that land is Previously Disturbed or Degraded. Previously Disturbed or Degraded areas must have been the result of a lawful use/activity in order to be considered as such.

Stream means a body of running water that moves in a definite channel in the ground due to a hydraulic gradient. Such a waterway is a stream regardless of its relationship to other resource areas. Streams do not include manmade channels unless such channels represent channelization or redirection of historically naturally occurring streams, or were created for the purpose of functioning as a stream (such as may be done for ecological projects, or replication/mitigation).

Structures include, but are not limited to, commercial and industrial buildings, single family houses, multifamily dwellings, porches, decks, additions, sheds, outbuildings, pools, docks, pile supported features, septic systems and any of their components, underground storage tanks, roadways, fencing which functions as a barrier to wildlife habitat (excluding perimeter sediment controls and snow fencing), driveways, and retaining walls supporting more than a 4-foot height of fill. Stormwater management infrastructure and other utilities shall be excluded from the definition of structure.

Vernal Pool shall mean an area that provides breeding habitat for species that depend on ephemeral bodies of water for breeding and other life stages. To be considered vernal pools such areas must meet certification criteria as defined by the MA Natural Heritage and Endangered Species Program (NHESP). Certain areas that have been extensively altered by human activities as of the effective date of this Ordinance amendment and maintained as such continuously are not regulated as vernal pools. Such disturbed areas may include, for example, the built and utilized footprints of: paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas. Areas mapped by NHESP as potential vernal pools are considered vernal pools under this Ordinance unless the project proponent demonstrates to the Conservation Commission that said area is not certifiable per NHESP criteria. In evaluating the information presented to demonstrate that an area is not a vernal pool, the Commission shall consider appropriate factors, including the extent of the investigations conducted and drought/rainfall conditions, for example.

Wildlife Habitat means important food, shelter, migratory or overwintering areas, or breeding areas for wildlife. Certain areas that have been extensively altered by human activities as of the effective date of this Ordinance amendment and maintained as such continuously are not important wildlife habitat. Such disturbed areas may include, for example, the built and utilized footprints of: paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas. The Commission may, on a case-by-case

basis, include some areas of human disturbance to be considered wildlife habitat if the subject area is demonstrated to be such by a competent source.

The Conservation Commission may, through its implementing regulations, expand upon or add additional definitions in order to protect the resource area values established by this Ordinance.

Sec. 50-6. Conservation Commission Filing.

~~Sec. 50-2. Prohibited activities; determination of applicability.~~

No person shall remove, fill, dredge, alter or build upon ~~or within 100 feet of any brook, stream, river, pond, lake, estuary or bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, wet meadow or swamp or upon any land under such waters or any land subject to tidal action, coastal storm flowage, flooding or inundation or within 100 feet of the 100-year floodline, other than in the course of maintaining, repairing, or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, over, or within areas subject to the Conservation Commission's jurisdiction~~ without filing a written application for a permit ~~so to remove, fill, dredge, alter, or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this chapter. Such application may~~must be identical in form to a ~~notice of intention filed pursuant to Notice of Intent or Request for Determination of Applicability as described in M.G.L.A. c. 131, § 40, shall be sent by certified mail to the conservation commission, shall be accompanied by and the implementing regulations at 310 CMR 10.00. The Conservation Commission may establish a~~ filing fee of \$25.00 payable to the city and may be filed before other permits, variances and approvals required by the zoning ordinance, the Subdivision Control Law or any other ordinance or regulation have been obtained, provided that a complete application has been filed for each such permit, variance or approval. Upon written request of any person, the conservation commission shall, within 21 days of its receipt, make a written determination as to whether this chapter is applicable to any land or work thereon. When the person requesting a determination is other than the owner, notice of the determinations shall be sent to the owner as well as to the requesting persons schedule for such applications.

{Code 1973, § 34-2}

Notwithstanding the above, activities located solely~~Sec. 50-3. Hearing on permit application; access to property.~~

(a) ~~The conservation commission shall hold a public hearing on the application for the permit required in section 50-2 within the 100-foot Buffer Zone to inland or coastal land subject to flooding or inundation may be reviewed by the Conservation Agent to determine whether a filing is required. In such cases, the Conservation Agent's administrative determination as to whether or not to require a filing shall be based upon a review of whether the project location is~~

so topographically separated from the flood zone that the Ordinance values do not apply and that the proposed work qualifies as a minor activity as enumerated in 310 CMR 10.02(2)(b)2.

Sec. 50-7.21 days of its receipt. Hearing on Permit Application; Access to Property. Notice of the time and place of the hearing shall be given by the conservation commission, at the expense of the applicant provided by the Applicant, using a legal notice document to be provided by the Conservation Office, not less than five days prior to the hearing, by publication in a newspaper of general circulation in the city and by mailing a notice to the applicant, the board of health, the city council, the city engineer, the planning board, City. The Conservation Office may establish submission requirements, including required notifications to other City Departments, for example. The applicant shall provide notice to all abutters, and to such other persons as the conservation commission may by regulation determine, in the same form as detailed in M.G.L.A. c. 131, § 40 and the implementing regulations at 310 CMR 10.00. Notwithstanding the foregoing, abutter notification is not required for Request for Determination of Applicability filings.

(b) — The conservation commission For the purposes of reviewing an application for permit, the Conservation Commission, its agents, officers, and employees may enter upon privately owned land for the purpose of performing their duties under this chapter.

(Code 1973, § 34-3)

Sec. 50-4. Issuance of 8. Buffer Zone and Setbacks

In reviewing activities within the buffer zone, the Conservation Commission shall presume the buffer zone is important to the protection of its subject resource area because activities undertaken in close proximity have been shown to have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities.

Adverse impacts to wetland resource areas from construction and use within their related buffer zone can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, loss of trees and other vegetation, and degradation of wildlife habitat. Therefore, this Ordinance gives the Commission broad discretion to permit, condition, and prohibit work within the buffer zone as the specific situation warrants.

This Ordinance further establishes the following areas within the 100-foot buffer zone, which are subject to specific requirements and greater scrutiny:

□ **25-foot No Disturbance Zone** – the first 25-feet within the buffer zone extending from an applicable resource area in which virtually no activities or work, other than passive passage, stormwater outfall components, and utilities, are permitted. No vegetation may be disturbed, leaf litter and woody debris remains in place, etc. The No Disturbance Zone shall remain unchanged from its pre-development project state when considering both the construction period and the

long-term use of the project site. The land use restrictions within the No Disturbance Zone are to be further tabulated in the implementing regulations.

□ **50-foot Mitigation Zone** – the first 50-feet within the buffer zone extending from an applicable resource area in which disturbance is prohibited without adequate mitigation as determined by the Conservation Commission. The Mitigation Zone overlaps the No Disturbance Zone detailed above and wetland resource areas defined herein.

Beyond the above-described zones, the Conservation Commission shall consider proposals for work in the buffer zone in terms of broad forms of disturbance areas. This approach is intended to allow flexibility for property use while maintaining adequate levels of wetland resource area protection. Additional buffer zone disturbance setbacks may be enumerated through implementing regulations.

In considering the types of work and activities allowable within the overall 100-foot buffer zone, and conditions: to apply, the Conservation Commission shall consider the following.

If, after the public hearing as provided in section 50-3, the conservation commission determines that the area which is the subject of the application is significant to the public or private water supply, to the groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, or to the protection of fisheries (collectively referred to as the "interests protected by this chapter"), the conservation commission shall, within 21 days of such hearing, issue or deny a permit for the work requested. If it issues a permit after making such determination, the conservation commission shall impose such conditions as it determines are necessary or desirable for protection of those interests, and all work shall be done in accordance with those conditions. If the conservation commission determines that the area which is the subject of the application is not significant to the interests protected by this chapter or that the proposed activity does not require the imposition of conditions it shall issue a permit without conditions within 21 days of the public hearing.
(Code 1973, § 34-4)

1. **Values and Functions of the Resource Area.** The quantity and quality of resource values and functions should be considered explicitly in placing conditions on buffer zone work.

2. **Pre-Project Characteristics of the Site.** Ground slope, soil conditions, vegetation, and prior disturbance are some of the site-specific characteristics that shall be considered in setting conditions for work in the buffer zone.

3. **The nature of the activities proposed and their potential likelihood of impacting the Ordinance values.**

4. **The Project's implementation of climate change adaptation measures.**

As appropriate to protect the Ordinance values, the Conservation Commission may expand the minimum setbacks indicated herein or in implementing regulations.

The Applicant shall carry the burden of proof for demonstrating to the Commission's satisfaction that the proposed work or activities in the buffer zone are necessary, and that reasonable

alternatives do not exist. Said demonstration may take the form of a written narrative or report with accompanying exhibits as appropriate.

Applicants wishing to rebut the presumptions set forth above shall provide the Commission with a written waiver request in accordance with Section 50-10 herein.

Notwithstanding the above, the Conservation Commission may, without requiring a formal waiver request, reduce the setbacks for:

1. Redevelopment of sites that contain previously disturbed or degraded areas regardless of whether such areas are within the relevant setback, so long as work results in an overall improvement to the applicable setback in terms of the ability of the associated resource area to protect the values of this Ordinance.
2. Projects involving work necessary to access buildable upland (including access roads, driveways, and utilities) as long as there is no other means of accessing said buildable upland, and said work meets all the other requirements of the WPA and this Ordinance.
3. If in its judgment such a reduction is necessary to accommodate a project that will have an overall benefit to the public and to the environment (such as a project addressing sewer inflow and infiltration, or an environmental enhancement project).
4. If in its judgment such a reduction is necessary to accommodate reasonable recreational access and connectivity by path, including paved or other surface type multiuse paths or other least intrusive means of access, to other portions of a property or the shoreline, as long as there is no other alternative means of accessing the other portions of the property, and that such alteration does not exceed the minimum path necessary to be compliant with state and federal accessibility requirements. Such paths are to include elevated boardwalks as appropriate to minimize impacts. Such alterations may require wetlands replication.
5. Ancillary Structures associated with single-family dwellings constructed prior to the adoption of this Ordinance.

The setback requirements shall not apply to:

1. Projects requiring Chapter 91 Licenses pursuant to the water-dependent use provisions, repairs of existing Chapter 91 Licensed structures, or other coastal engineering structures deemed by the Conservation Commission to be necessary to protect the interests of the WPA and this Ordinance.
2. Projects involving the maintenance and repair, but not expansion of or change in character or use of, existing and lawfully located buildings and structures, including roads, culverts, utilities, septic systems, or storm water drainage structures.
3. Remediation activities performed under the Massachusetts Contingency Plan, provided that the activities comply with all other applicable state and local regulations.

Sec. 50-9. Climate Change Resiliency.

Climate change is an overriding public interest. Consideration of the effects of climate change on the City's wetlands resource areas is necessary to maintain the values of the Ordinance into the future. Additionally, appropriate protection of wetlands resource areas and their values will facilitate the City's climate change preparedness and resilience.

The Applicant shall, to the maximum extent practicable, integrate considerations of adaptation planning into their project to promote climate change resilience so as to protect and promote resource area values into the future. The Applicant shall consider the resource area's ability to be resilient to the effects of climate change and protect the values of the Ordinance. These considerations are especially important in Land Subject to Flooding and Coastal Storm Flowage (100-year floodplain), coastal wetlands, and other resource areas which protect the interest of Flood Control and Storm Damage Prevention, including the associated buffer zones. Resource areas may be directly impacted by extreme weather events expected to be more prevalent or more intense due to climate change, in surface runoff of pollutants, and in wildlife habitat due to changes in temperature.

In reviewing project climate change resiliency information, the Conservation Commission shall give consideration as to the size and scale of the project and the extent to which resource area impacts are avoided, minimized, and mitigated. Green infrastructure/nature-based solutions are preferred to demonstrate compliance with the climate change adaptation and mitigation resource area value.

The Conservation Commission may, through implementing regulations, adopt additional provisions and mapping related to resource area values respective of climate change in accordance with best available science. Mapping adopted by the Conservation Commission may include, without limitation, projections of Sea Level Rise and future storm events/flood zones for project proponents to consider in applications for work submitted to the Conservation Commission.

Sea Level Rise Considerations

The City of Salem recognizes the relative rise in elevation of the sea surface over time. Those portions of coastal floodplains which are immediately landward of salt marshes, coastal beaches, barrier beaches, coastal dunes or coastal banks require special protection as they are likely to be in a state of transition as the entire complex of coastal wetland resources gradually moves landward due to rising relative sea levels.

Development activities carried out within the transitional areas of coastal floodplains will be subject to increased storm damage and may interfere with the natural landward migration of the adjacent coastal resource areas. Therefore, the Salem Conservation Commission may adopt, through implementing regulations, performance standards for coastal resource areas with respect to Sea Level Rise.

Sec. 50-10. Waiver Criteria.

An Applicant may seek relief from the standards of the Ordinance and any implementing regulation by requesting a waiver to the applicable standards. The Commission may, at its discretion, grant a waiver to the standards of the Ordinance and regulations based on the Applicant's clear and convincing demonstration of the following:

1. The proposed land-use activity(ies) conforms with the goals and statutory interests of the Ordinance and regulations adopted thereunder, and the activity(ies), including proposed mitigation measures, will have an insignificant impact on the values protected by this Ordinance;
2. The relief requested by the project proponent is the minimum waiver necessary to achieve the project goals and to allow for reasonable use of the property;
3. The requested waiver is not the result of any prior action of the project proponent or any predecessor in title (i.e., the Applicant must document that the waiver is not the result of a self-created or self-imposed hardship);
4. The granting of the waiver will not hinder the ability of wetland resource areas or buffer zones to provide climate mitigation or protect the adjacent landscape from storm surge as anticipated based on best available information;
5. Where applicable, work within required setbacks noted herein shall not result in adverse impacts to the resource area values. Project proponents shall provide clear documentation to the Conservation Commission as to the means and methods for avoiding construction-phase impacts and impacts from the future existence of the project within setbacks; and
6. The Applicant shall demonstrate that all other feasible project alternatives to avoid or minimize impacts have been exhausted, including seeking relief from municipal zoning provisions as applicable.

Relief in the form of a waiver to a provision of the Ordinance does not remove the Applicant's responsibility for compliance with all other requirements of the Ordinance.

Sec. 50-11. Severability.

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Sec. 50-12. ~~Sec. 50-5.~~ Relationship to state statute. State Statute.

The ~~conservation commission~~**Conservation Commission** shall not impose additional or more stringent conditions pursuant to M.G.L.A. c. 131, § 40 than it imposes pursuant to this chapter, nor shall it require an applicant filing a notice of intention pursuant to M.G.L.A. c. 131, § 40 to provide materials or data in addition to those required pursuant to this chapter.

~~{Code 1973, § 34-5}~~

~~Sec. 50-6.~~ Emergency projects.

This chapter shall not apply to any emergency project as defined in M.G.L.A. c. 131, § 40.

{Code 1973, § 34-6}

~~Sec. 50-7.~~ Restoration of land in violation.

~~Any~~ Consistent with M.G.L.A. c. 131, § 40, ~~any~~ person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of this chapter or in violation of any permit issued pursuant to this chapter shall forthwith comply with any such order or restore such land to its conditions prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

{Code 1973, § 34-7}

Sec. 50-8-13. Promulgation of ~~regulations~~ Regulations.

After due notice and public hearing, the ~~conservation commission~~ Conservation Commission may promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the ~~conservation commission~~ Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.

{Code 1973, § 34-8}

Sec. 50-9-14. Burden of ~~proof~~ Proof.

The ~~applicant~~ Applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application for the permit required by this chapter will not harm the interests protected by this chapter. Failure to provide adequate evidence to the ~~conservation commission~~ Conservation Commission supporting a determination that the proposed work will not harm the ~~interests~~ values protected by this chapter shall be sufficient cause for the ~~conservation commission~~ Conservation Commission to deny a permit or to grant a permit with conditions or, in the ~~conservation commission's~~ Conservation Commission's discretion, to continue the hearing to another date to enable the ~~applicant~~ Applicant or others to present additional evidence.

{Code 1973, § 34-9}

Sec. 50-10-15. Security.

The ~~conservation commission~~ Conservation Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

(1). A bond or deposit of money or negotiable securities in an amount determined by the ~~conservation commission~~Conservation Commission to be sufficient and payable to the ~~conservation commission~~Conservation Commission upon default.

(2). A conservation restriction, easement or other covenant running with the land, executed and properly recorded or registered, in the case of registered land, with the Essex South District of Registry of Deeds.

~~{Code 1973, § 34-10}~~

Sec. 50-~~11~~. 16. Appeal.

~~(a) The applicant, an owner of land abutting the land upon which the proposed activity is to be done, any ten residents of the city or any other person aggrieved by a determination of the conservation commission to deny or issue a permit pursuant to this chapter, with or without conditions, may appeal the determination to the city council by filing a notice of appeal within ten days of issuance or denial of the permit.~~

~~(b) A notice of appeal shall be deemed filed when sent, by certified mail, return receipt requested, to the city council. A copy of the notice shall be sent by the appellant by certified mail, return receipt requested, to the applicant if not the appellant, to the conservation commission, and to all other parties at the conservation commission hearing.~~

~~(c) Within 60 days following such filing, the city council shall review the conservation commission's determination and shall either affirm the action of the conservation commission or remand the application to the conservation commission for further proceedings. Review by the city council shall be limited to consideration of whether the conservation commission's action was arbitrary, capricious, in excess of its authority under this chapter or unsupported by evidence.~~

~~{Code 1973, § 34-11}~~

A decision of the Conservation Commission shall be reviewable in the Superior Court in accordance with M.G.L.A. c. 249, § 4.

Sec. 50-~~12-~~17. Enforcement.

Any person who violates any section of this chapter or any condition of a permit issued pursuant to this chapter shall be punished by ~~a fine of not more than \$200.00. fines as provided in Section 1-10 (c) – Noncriminal disposition of ordinance violations..~~ Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. ~~This chapter may be enforced by a police officer or other officer having police powers.~~ Upon request of the ~~conservation commission~~ Conservation Commission or of the ~~city council~~ City Council, the ~~mayer~~ Mayor, and ~~city solieitor~~ City Solicitor shall take such legal action as may be necessary to enforce this chapter and permits issued pursuant to this chapter.

~~(Code 1973, § 34-12)~~

Sec. 50-18. Effective Date.

This Ordinance Amendment becomes effective upon final passage and signature of the Mayor and shall apply to all Notices of Intent filed on or after that date and any subsequent procedures related to such filings made on or after that date. This Ordinance Amendment shall not apply to projects for which a Notice of Intent was filed (and for which an Order of Conditions remains valid) prior to the effective date.”

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

Draft Regulation Components – Salem Wetlands Protection Update

1. Authority

The Salem Wetland Protection Regulations are promulgated pursuant to the Salem Wetlands Protection Ordinance (Chapter 50 of Code of Ordinances, the “Ordinance”).

2. Definitions

The definitions in Section 2.00 of these regulations are for terms as used in the Ordinance and for terms as used in these regulations. To the extent not defined herein or in the Ordinance, words used in these regulations shall have the definitions contained in the Massachusetts Wetlands Protection Act (M.G.L.A. Chapter 131, Section 40) and the rules and regulations promulgated there under (310 CMR 10.00)

[Add additional definitions not established by the Ordinance]

3. General Provisions and Procedures

[Placeholder for Administrative Processes if needed]

4. Public Hearings

The Conservation Commission shall commence a public hearing for a permit application within 21 days of receipt and acceptance of a completed application (as determined by the Commission staff), unless a waiver of the timeframe has been granted by the Applicant. Notice of time, date and place of hearing shall be given by the Commission as described in the Salem Wetlands Protection Ordinance. All application and advertising fees must be paid in full prior to the opening of a public hearing. Failure to pay these fees constitutes an incomplete application and may result in a denial of the application or delay to the start of the public hearing.

The Conservation Commission’s review and deliberation on a Request for Determination of Applicability (RDA) under the Ordinance or Regulations shall not be considered a public hearing.

5. Abutter Notification Process

Public hearing notification to abutters at the expense of the Applicant is required under the Massachusetts Wetlands Protection Act and the Salem Wetlands Protection Ordinance. The time, date and place of the public hearing for a Notice of Intent (NOI), Abbreviated Notice of Intent (ANOI), or Abbreviated Notice of Resource Area Delineation (ANRAD) application, must be provided to all abutters within 100 feet of the land on which the proposed work is to be done and across bodies of water. If abutters within 100 feet are located in an adjacent municipality, they must also be notified. Abutter notification shall be undertaken in accordance with 310 CMR 10.05(4)(a) regardless of whether an area is subject to jurisdiction pursuant to the MA Wetlands Protection Act and implementing Regulations at 310 CMR 10.00 and/or subject to jurisdiction pursuant to the Ordinance. No abutter notification is required for an RDA.

6. Buffer Zone Standards

A resource area Buffer Zone is an area subject to protection under the Ordinance and is land extending 100 feet horizontally outward from the boundary of all the resource areas subject to protection under the Ordinance (excluding Riverfront Area, Land Under Waters, Land Containing Shellfish, Fish Runs, Land Subject to Tidal Action, and Designated Port Areas). The Buffer Zone is not itself a resource area.

A. Presumptions of Significance; Findings

1. A Buffer Zone to a wetland resource area is significant to the protection of the resource area values of the Ordinance and serves to protect, maintain, as well as enhance the function of the adjoining resource area. The Commission may require specific No Disturbance Zones, or Mitigation Zones starting at the delineated edge of wetland resource areas in order to adequately protect the resource area values under the Ordinance.

The Commission will employ heightened scrutiny for activities proposed within the setbacks described below, including use of peer review consultants to provide expert technical input as needed.

- i. The 25-foot No Disturbance Zone is as established in Section 50-8 of the Ordinance. The intent of the 25-foot No Disturbance Zone is that no alterations, other than activities that improve the character of this Zone with regard to its contribution to the associated resource area's ability to maintain the Ordinance values, shall be allowed other than as may be described in the Ordinance or elsewhere herein. Prohibited alterations within No Disturbance Zones include, but are not limited to, clearing or cutting of vegetation, landscaping, grading, filling, excavating, constructing driveways, roads, septic systems, stormwater management systems and structures. Notwithstanding the foregoing, as specified in the Ordinance, passive passage, stormwater outfall components, and utilities may be allowed within the 25-foot No Disturbance Zone if no other practicable alternative exists.
- ii. The 50-foot Mitigation Zone is as established in Section 50-8 of the Ordinance. The Mitigation Zone overlaps with the 25-foot No Disturbance Zone such that even if disturbance is allowed between 0' to 25' through an exemption or waiver, the requirements of the Mitigation Zone still apply. This Mitigation Zone shall also encompass wetland resource areas defined under the Ordinance (Section 50-5).

The intent of the Mitigation Zone is that disturbance is prohibited without adequate mitigation provided as determined by the Conservation Commission. Such mitigation may be located on or off the site of the proposed work, as long as located in areas subject to Salem Conservation Commission jurisdiction.

Mitigation may take the form of public walking paths, tree plantings, other native plantings, select adaptive plantings for climate change planning, creation of additional wetland areas, invasive species management, improved stormwater controls, elevation of structure above heights required by other statute/building code, conservation restrictions, or funding, for example. The extent and type of mitigation required shall be based upon a variety of factors, including but not limited to the impact of proposed activities and nature of the existing buffer zone.

Onsite mitigation, especially in relation to the climate change adaptation and mitigation resource area value, shall be preferred over off-site mitigation for the purposes of protecting the statutory interests of the Ordinance.

The Commission may exclude certain activities that are undertaken for the benefit of the public or that will result in notable public benefits from the mitigation requirements in this Zone. Such activities may include seawall pointing, replacement, and /or improvement, up to 100 linear feet but excluding any filling/grading associated with said work, for example.

The Conservation Commission may, at its discretion, require the Applicant to provide a quantitative and/or qualitative assessment of the existing Buffer Zone by a competent source to demonstrate that land use activities within the 50-foot Mitigation Zone will not adversely impact the resource area values of the Ordinance.

For all activities within the Mitigation Zone, the Applicant shall demonstrate that such activities will not have an adverse effect on the ability of the wetland resource areas to protect the values of the Ordinance.

Additionally, the Applicant shall address how on-going use of the area will not contribute to future degradation of the wetland resource area values of the Ordinance.

- B. The Commission may, at its discretion, require the installation of permanent, immovable barriers (large rocks, stone walls, fencing, or other types of permanent markers) along the line where the limit of work or disturbance is proposed. Permanent barriers are an effective visual reference, and help avoid “lawn creep” by future landowners who may not be as aware of the wetland resource areas as the original Applicant. The

Commission shall prefer natural or low-impact barriers for this demarcation and reserves its right to review these materials on a case-by-case basis.

- C. The No Disturbance Zone and Mitigation Zone to wetland resource areas are as tabulated below. Where a resource area is not listed, there is not a specified setback; however as with all resource area buffer zones, the Conservation Commission will review each project on a case-by-case basis to evaluate what setbacks are appropriate.

Table A. No Disturbance Zone and Mitigation Zone (in linear feet distance from resource area)

Resource Area	Project Site Characteristic & Type of Work	
	<i>Undeveloped</i>	<i>Previously Disturbed or Degraded</i>
<i>Freshwater Vegetated Wetlands (Including IVW), Coastal Wetlands (including Bank), Perennial Stream/River, Intermittent Stream, Water Body¹</i>		
No Disturbance Zone	25'	Lesser of Existing Limit of Disturbance or 25'
Mitigation Zone	50'	Lesser of Existing Limit of Disturbance or 50'
<i>Vernal Pools</i>		
No Disturbance Zone	75'	Lesser of Existing Limit of Disturbance or 75'
Mitigation Zone	100'	Lesser of Existing Limit of Disturbance or 100'

- D. Site plans submitted to the Salem Conservation Commission for either an NOI or an ANRAD shall reflect the resource area setbacks displayed in Table A.
- E. The establishment of the No Disturbance Zone and Mitigation Zone as defined by the Ordinance and herein shall not compromise or diminish the Conservation Commission's jurisdiction over the 100-foot Buffer Zone as established by the WPA or the Ordinance.

7. Climate Change Adaptation and Mitigation

Projects shall be evaluated with regard to whether they preclude the ability of a wetland resource area to be resilient to the effects of climate change (e.g. salt marsh migration, increased temperatures, etc.) or if project components will be likely to result in future wetland resource area impacts due to the effects of climate change (e.g. water tight sanitary sewer in

¹ Includes pond, reservoir, or lake

areas subject to current, or predicted, future flooding where the latter occurs within other areas subject to the Commission's jurisdiction).

Application Criteria for Climate Change Adaptation and Mitigation

To satisfy the resource area values defined in the Ordinance related to climate change, project proponents submitting a Notice of Intent must provide the following documentation for the Conservation Commission's review:

1. Describe project design considerations which address storm and flood damage.
2. Describe how the project accounts for potential future increases in stormwater runoff and how best management practices account for storm surges and extreme weather events anticipated due to climate change to the maximum extent practicable.
3. Describe planting plans and other measures such as limiting increases in impervious surface cover to maintain and enhance the resiliency of the resource area to withstand potential temperature and rainfall changes due to climate change, as well as Sea Level Rise.
4. Describe measures to protect proposed and existing structures and minimize damage to structures due to the impacts of climate change.
5. Any vegetated wetland impacts proposed within areas also situated within Land Subject to Flooding or Coastal Storm Flowage shall be mitigated at a 2:1 ratio within the same flood zone area. Impacts allowed within said resource areas shall be at the discretion of the Conservation Commission's findings that the resource area values of the Ordinance are not adversely affected by the Project.

The Conservation Commission shall, in its generation of an Order of Conditions, document whether or not the project protects and/or enhances resource area values with relation to Climate Change Adaptation and Mitigation.

Applicants petitioning for an RDA shall not be required to respond to the Climate Change Adaption and Mitigation standards herein.

8. Applications

9. Inland Resource Areas and Performance Standards

10. Coastal Resource Areas and Performance Standards

11. Mitigation

12. Waiver Provisions

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An Applicant may seek relief from the standards of the Ordinance or these Regulations. Request(s) for waiver(s) must be submitted in writing. The standards for the granting of waivers is as outlined in Section 50-10 of the Ordinance.

13. Effective Date

14. Enforcement

15. Severability