



CITY OF SALEM PLANNING BOARD

**City of Salem Planning Board and City Council
JOINT MEETING
Tuesday, July 14, 2021**

Presiding City Councilor Christine Madore opens the meeting at 7:02PM

City Council Members Present:

Robert K. McCarthy	Ward 1 Councilor
Christine W. Madore	Ward 2 Councilor
Patricia Morsillo	Ward 3 Councilor (Presiding)
Josh H. Turiel	Ward 5 Councilor
Megan Riccardi	Ward 6 Councilor
Stephen G. Dibble	Ward 7 Councilor
Domingo J. Dominguez	Councilor At Large
Ty Hapworth	Councilor At Large
Arthur C. Sargent III	Councilor At Large

City Council Members Absent:

Councilor Prosniewski
Councilor Flynn, Ward 4

Planning Board Members Present:

Kirt Rieder
Helen Sides
Bill Grisct
Sarah Tarbet
Todd Waller
Tom Furey
Noah Koretz

Planning Board Members Absent:

DJ Napolitano
Helen Sides
Carole Hamilton (resigned)

Others Present:

1. WATERFRONT INDUSTRIAL OVERLAY DISTRICT (WIOD)

This item is heard second.

Council member comments:

Councilor Turiel:

- This was brought b/c of Shetland Park's redevelopment plans as put before the State.
- Purpose of WIOD as it is, is outlined
 - Promote economic health, stability by encouraging commercial industrial development to increase employment/tax revenue
 - Related uses are listed
 - Continue historic industrial/mercantile nature of waterfront
- Complex has been a commercial/industrial facility for more than 100 years.
- Middle and high school as well as gov't offices, industrial bakery, businesses, commercial offices, a gym, furniture restoration, all are in the complex. We need to be able to accommodate businesses, we don't have another large industrial area to do this.
- Only other industrial district is a small one off Highland Ave.
- To eliminate this valuable commercial tax base would be a detriment, goes against City's economic goals.
- Acknowledges housing issues in the City, believes we need to enhance housing but not at the expense of active, revenue and job-creating commercial property.
- Purpose is to eliminate PUD zoning from being used within this particular district, would continue to be available to other industrial areas in the City, but this would protect commercial and industrial character of the area.
- Moving forward there may be a better solution that allows City to meet economic goals while providing housing, but wholesale replacement of buildings with housing is not a solution.

Councilor Hapworth

- Also approves of new housing, but incremental growth should be explored. This would double the size of the point and "change the neighborhood overnight."
- Few spaces in Salem for new businesses exist; Shetland Park is one.

Planning Board Comments:

Tom Furey

- Notes Cummings Center in Beverly. This could be the new "Cummings Center of Salem"
- Nothing should be precluded for this complex. We need "new things."
- Concerned that Councilor Turiel alone sponsored this, with no co-sponsors, Interested in Councilor McCarthy's input.
- PEM planning a storage place, decided against Shetland Park b/c of climate change, flooding, etc.

Councilor McCarthy (responding to Tom Furey)

- Concerned that Council implemented Overlay District b/c Shetland requested it, b/c wanted to be "competitive with Cummings Ctr in Beverly."

- Prior to Mr. Lappin's passing, previous owners reached out and considered zoning change to allow mixed use and/or housing, but parcel was sold and new owners were asked if they were going to want to pursue continuation of zoning
 - They were more focused on evaluating what they had/were doing, and said "no" at that point.
 - Engaged Point Neighborhood in discussions, then City was blindsided by the new owner's State filing to put 1500 units there.
 - He is not opposed to having a conversation but does not approve of being blindsided. If they overpaid for the property, that is not our problem. But we need to make sure future development will conform and meet with City's and neighborhood's needs. He has attended Point meetings.
 - He is leery that they would make such a filing with no discussion with the City, only with the neighborhood.
 - He wants to protect the Point neighborhood from doubling its size by adding the same amount of units that currently exist. Filing with the state with no broad-based discussion is not acceptable as this will affect the City as a whole. Can't add 1500 units w/out realizing there will be citywide impacts.
- He discussed Plan w/Councilor Turiel, all rec'd letter from Attorney Quinn based on his not liking this plan of action b/c it targets overlay district, but that was put in to help Shetland properties be competitive w/Cummings Ctr. If that has changed, that is another discussion needed. We can't have an entity come in, try to add 1500 units with little discussion.

Councilor Sargent

- WIOD table of uses does not mention PUD.
- Cannot eliminate PUD from WIOD.

Councilor Turiel

- Legal: WIOD is an overlay zone, we can add things, which this does, or take away.
- b/c PUD is permitted in underlying industrial area, b/c nothing is said about it in WIOD, we can add other uses we see fit, or take away uses we don't want there.
- Overlay happens to encompass a particular parcel but is not aimed at that parcel.
- By removing PUD from WIOD it will supersede it from being in the Industrial zone (??)
- If we eliminate WIOD district, only permissible uses would be those permitted by right in the Industrial zone, allowing PUD but taking away some things allowed in WIOD.

Councilor Sargent

- Notes permitted uses: Must take it out of ALL industrial zones, not overlay.
- Discussion on how to remove PUD, must be removed from all industrial zones, would be confusing, PB please review.
- No mention of zoning 7.3 PUD's.
- 2 ways you can have PUD: where is it allowed? Industrial zone allows PUD.
- PUD section: what is allowed where? Zones are outlined.
- Even if we disallow here someone could apply under section 7.3.

Councilor Dibble

- Concerned we are targeting one property
- Concerned it is "spot zoning" and would like opinion of City Solicitor.
- In favor of not allowing housing in Shetland, if not spot zoning.

- Need to maintain and encourage businesses, not more luxury apts/condos.
- Business should go forward on business properties.

Mayor Driscoll

- Conversations w/ Councilors McCarthy, Turiel, and Project Proponents, neighborhood leaders had constructive dialogue.
- Understands concerns, recognizes we are at our best when we come together, wants us to all work together.
- We need to address impacts and move forward.
- ENF filing was not the right approach to take; any growth/investment.
- All properties are NOT resilient and need improvement, committed to working together along w/stakeholders and Councilors.

Planning Board Comments:

Kirt Rieder

- Understands/ agrees with rationale. Concerns:
 - Poised to remove PUD as option from single property
 - Will upend established review process, as PUD is not by right.
 - Will be no way to see what is acceptable to councilors and the Public.

Public comment:

Jeff Cohen, 12 Hancock St. Vice Chair, SERC

- Not speaking on behalf of SERC in favor or against, personally in favor of Councilor Turiel's motion.
- Attended initial Point Neighborhood meetings.
- Traffic, issues raised by Councilor Dibble were discussed w/no mention even when asked, about any housing.
- Developers came to 3 meetings, presented at two, most discussion was about resiliency
- Property is in one of the most vulnerable areas of Salem.
- Grateful to know they were going to raise parking lot, but we asked them at each meeting about their intent; they discussed two buildings to be kept as commercial are 400 and 700' long, building to convert to housing is 1400' long but this was never mentioned.
- Discussed parking enhancements, allowing nonprofits and commercial entities to prosper.
- From Sust and Res standpoint, changing to put housing in means you have to take necessary steps to change infrastructure, not needed in commercial setting.
- Unique area w/view, potential bus stop. Could be an incubator business opportunity.

Polly Wilbert, 7 Cedar St.

- In favor of removing PUD.
- Attended 2 neighborhood meetings.
- Concerned about development re housing.
- Acreage in Salem converted from industrial to residential, not in the City's best interest to continue that. Commercial/industrial is a crucial component of tax base.

- We need percentages of different kinds of taxes to undergird the City's fiscal future.
- Resulting job loss would be bad.
- PD needs to look, planning fiscal component, not just usage.
- Investor behind Prime Storage does not have Salem's best interest at heart.
- PUD is a loophole that should be closed.
- Capacity of public services/infrastructure to handle climate change is of concern.
- Taking down a 400,000 sf building and replacing w/residential is of serious concern.
- 17' berm around edge, but water will go somewhere, maybe Pickering Wharf or Pioneer Terrace, not a positive tradeoff.

Mary Whitney, 356 Essex St.

- In favor of removing PUD.
- Background in regional Planning.
- Other city: had too much housing, wanted to shift back to business via zoning.

Bill Quinn, Attorney, Tinti Quinn Grover and Frye 27 Congress St. In Shetland Park (office)

- Represents owner.
- If someone has money and we can direct them, we can get property improvements.
- Active, capable Boards and politicians in Salem.
- No significant project is approved "as is," with no improvement. Community needs and benefits are provided with every project.
- Not a good idea to file ENF w/state without having gone through City channels, owners are sorry they did it this way, it was withdrawn the next day at request of Salem officials.
- Salem is a big City as far as its project capacity, a lot of review must occur.
- If a Shetland project is approved, it will take years to follow through at state, federal and local levels.
- Any large development will require a zoning change by City Council.
- He was involved in original PUD when property was owned by Mr. Lappin, confirms that they want to be on even competitive footing w/Cumming Center, Lynnfield Mall, etc. so property could survive.
- When Mr. Lappin sold, there were preliminary plans incl housing that did not result in any filings.
- Best and highest use of property would be combined: public access, amenities, many businesses, sent letters to retain existing tenants, would not evict anyone.
- Objective is to take care of those already paying rent there.
- PUD was defined as only Shetland Park but can apply to any 25+ acre park but neither City nor any landowner has chosen to.
- Neighborhood meetings were "eye opening" with lots of common ground w/Point Neighborhood residents. Waterfront access is desired.
- Affordable housing is a possibility but has not been deeply discussed; they are amenable.
- Taxes will be increased by millions of dollars. They are now the highest taxpayer (he thinks).
- Will create additional jobs to service residential property.
- Public access to the waterfront would be unparalleled, use focused on that by Point neighborhood.
- Doesn't sit well with being a long-term contributor/dialogue if City wants to take rights away from them, right off the bat.
- Most recent developments at Cummings Center and Lynnfield mall are apts. And condos.

- If targeting one property, maybe there is something wrong w/PUD ordinance that may need improving. Not fair to spot zone and target one property owner that would impact only them.
- Applicants apply for more than what they know they will get. ENF was filed for the most dense development possible.
- City will have complete control over what developer does. Could stay what it is, which is not bad. Owners have improved office buildings over the past year, they value businesses and tenants.
- No professional basis for the Council's change.

Councilor Madore notes it will not be voted on tonight.

Fawaz Abusharkh, 4 Harrison Rd.

- In favor of no residential at Shetland Park, wants to expand prohibition to all commercial properties, if it is spot zoning.
- Attended meeting, troubled that housing proposed is not what Salem needs, would add to infrastructure and traffic with no benefit to Salem.
- Salem has been doing this type of development "all over."
- Does not support housing, avoid spot zoning – generalize to all commercial and industrial properties.

Linda Fararreso, 57 Aurora Ln.

- Supports Councilor Turiel's proposal.
- Agrees w/other comments re saving commercial properties.

Patrick Schmidt Prime Group Anderson Young, does not live in Salem. 5 Copper Beach Circle, Westborough, MS

- He is the developer.
- RE ENF: he filed b/c was advised it would be an 18-month process, first half would deal with resiliency followed by another 18-month Chapter 91 process.
- They recognize it is not zoned residential, would need City Council approval and would have a long road to get there.
- Apologizes for not meeting w/City Councilors and SERC.
- Iterative process, not sure what they will do re residential.
- The community thought they were taking away jobs by eliminating building #4 so proposed another building to save them as incubators.
- Drugstore and grocery store (not Whole Foods) discussed as a possibility.
- Opportunity to improve the schools, all in one building.
- Long way to go with everything.
- Green space would be as large as Salem Common.
- Resiliency improvements/17' height, would hurt other ways of Salem, need to explore other options.
- Want to improve nonprofit situations. Leases thru 2024-25. Sent out letter saying they want to keep every tenant. They don't want to hurt downtown/bring restaurants/etc.
- Will improve parking and safety.
- Constellation performing arts is DYING to come to Salem, Shetland Park can do it with redevelopment.
- They understand jobs, traffic, etc.

- Filing the ENF was a mistake but was not meant to hurry the process through permitting.

Victoria Ricciardiello 5 Foster St.

- Supports Turiel.
- Against add'l building as housing in any form.
- Concerns:
 - Traffic
 - Loss of revenue upon conversion to housing
 - Loss of manufacturing opportunities
 - Lives of residents need to be improved

Sean Selby, Arlington MA, Prime Group Architect

- Site is industrial zone, but what does that mean? Does not allow buildings over 45' tall, 2 buildings are already more than that, places restrictions on site.
- If we want to build out for commercial use, 45' is very restrictive.
- Building 4 sawtooth roof, if you want a FB or Google to lease it, it is an 1100' long building w/some windows on water side, but not many. Very deep, hard to find takers for it.
- If going to build out commercial space for high paying jobs, that building is inadequate, not modern/updated, no amount of updating would help as it is so oddly shaped.
 - Ex. School in building 3, that was built to be a textile mill/factory. Halls at 3PM school day are so congested they can barely get out.
 - Building 4 has the same problem.

Councilor Morsillo

- Affects whole City.
- Taken aback by comments tonight.
- Does not approve of using zoning as a reactionary tool, but we are here b/c they decided to jump ahead of the process b/c part of it will take 18 months.

Councilor Turiel

- If change to WIOD is spot zoning, then the entire WIOD is spot zoning.
- Were we addressing a specific parcel it would open it to spot zoning, but we are talking about an overlay district that happens to only include Shetland Park, however other parcels could be considered part of it if they so chose, for ex. Footprint property which meets criteria, but is not part of WIOD, just an industrial district.
- We are not spot zoning by changing the overlay zone (not a parcel).
- Zoning in general: he disagrees with premise in public and Council comment: does not believe Salem is "full." Calling it "luxury:" this is how real estate brokers market; they do not want to advertise "average" or "mediocre" apts. Put in a nice countertop, call it luxury. "Luxury" here is used as a pejorative but is a marketing term.
- PB examines every single proposed project, if in ECOD or adjacent to wetland, or downtown, many boards/groups render judgement and provide expertise on them.
- If not for a particular neighborhood/parcel Corridor, City Council decides what zoning rules are.

- If I buy a lot on Highland Ave. and rules say I can put housing there, rules the City Council passed stand, if CC does not like it then it needs to change what is possible in those zones.
- To compare to Cummings as intended w/WIOD district, Beverly did make it possible for Cummings to put in housing, but that complex is on a major road w/direct highway access, close to other major arterial roads, which is why they filled better than Salem. Also housing built there in scale is below what has been discussed for Shetland, and Cummings is a larger complex.
- Must work with buildings and zoning in place. There are opportunities to do better in Shetland. Maybe once everything is settled there will be opportunities, but not on scale as proposed in ENF.
- Without a tool in place, we have no effective way to limit things other than height restriction for which they could get a variance.
- More work and discussion needs to happen.
- Pass this unless another agreement can be reached w/Shetland, leave public hearing open for at least a month, maybe this matter will not be needed.

Additional Planning Board Comments: none

Dates are discussed. Kirt Rieder notes that the Planning Board does not meet at all in August. Councilor Morsillo reminds everyone of the upcoming election in September, noting this should be taken up sooner rather than later. An opinion of the City solicitor re spot zoning is desired.

Mayor Driscoll suggests considering the September timeline re community impact group/stakeholders, it is summer for them as well, may be difficult to get it underway in next 6 weeks. Get a legal opinion but keep hearing open until September.

Councilor Turiel re legal perspective: City solicitor wrote wording and verified it is permissible, to share w/group is fine. Re urgency: the fact that process has begun, at this point would be unable to apply until zoning zone has been passed or not, they cannot file any plans so there is no extreme urgency in a resolution.

Counselor Morsillo moves to keep the Public hearing open and continue to September 30, 2021 by roll call vote.

In favor:

Robert K. McCarthy

Christine W. Madore

Patricia Morsillo

Josh H. Turiel

Megan Riccardi

Stephen G. Dibble

Domingo J. Dominguez

Ty Hapworth

Arthur C. Sargent III

9 Affirmative, 2 absent

2. GENDER NEUTRAL LANGUAGE IN THE CITY'S ZONING CODE OF ORDINANCES An Ordinance to replace gender-specific nouns and pronouns in the City of Salem's Zoning Code of Ordinances.

This item is discussed first.

City Council comment: none

Public comment:

Jeff Cohen, 12 Hancock St., Board Member of Salem Project Out, a nonprofit that helps transgender and nonbinary folx be themselves.

- Notes that today is International Nonbinary Day.
- Pronouns don't mean anything to many, but for others, it validates who they are, he is in support.

Councilor Morsillo moves to close public hearing by roll call vote.

In favor:

Robert K. McCarthy

Christine W. Madore

Patricia Morsillo

Josh H. Turiel

Megan Riccardi

Stephen G. Dibble

Domingo J. Dominguez

Ty Hapworth

Arthur C. Sargent III

9Affirmative, 2 absent

Councilor Morsillo moves to refer the matter to the Planning Board for recommendation by roll call vote.

In favor:

Robert K. McCarthy

Christine W. Madore

Patricia Morsillo

Josh H. Turiel

Megan Riccardi

Stephen G. Dibble

Domingo J. Dominguez

Ty Hapworth

Arthur C. Sargent III

9Affirmative, 2 absent

3. TEMPORARY MORATORIUM ON NEW CONSTRUCTION WITHIN BUFFER ZONES OF A WETLAND OR ON A FLOODPLAIN

The language on the petition is read into the record.

“No new building permits shall be issued for any construction within the buffer zones of a wetland or on a floodplain in any zoning district within the City of Salem for a period of 2 years. The reason for this temporary moratorium is because the City has experienced multiple projects being approved for construction within the buffer zones of wetlands and within floodplains. Time is needed so that the city can conduct a comprehensive study on the impact of construction within buffer zones and floodplains. This

moratorium shall not apply to building permits for future phases of any project which has obtained all required permits and approvals. This moratorium shall apply to building permits that would encroach upon our wetlands and floodplains from the date of this ordinance.”

24 names that have signed are read into the record.

Councilor McCarthy

- Concerns that as written, “from day one,” anyone in a floodplain, whether coastal or inland, buildings currently there, who lives in floodplain, they can’t redo kitchen or bathroom. Eliminates ALL building permits.
- People on Council who signed petition: what is intent? Protect resources or to stop development in the resources? Those who own properties in the resources will not be able to make improvements. NS Medical Center is considering improvements, and this would impact them.

Councilor Dibble

- 1500-1900 Salem residents signed a previous version asking to strengthen wetlands/flood hazard laws, asking the City Council to take action by Dec. 2020. Nothing has happened, and there were no public meetings. This needs to happen.
- He was not aware of the private group that was meeting.
- Purpose is to stop overcrowding of Salem and building of large luxury apartment developments in and near wetlands and FHOD.
- Not designed to stop higher paying jobs/businesses, only luxury apartments.
- He moves that language be changed to specify/cite residential only. Residential projects of under 6 units are exempt. All residential development except for single family houses and complexes under 6 units. The City Solicitor has commented that such a moratorium would be allowed.

Procedural issues are discussed. Can language be changed in a public hearing or must it be referred to committee?

Councilor Dominguez

- Intention was to bring to Committee, wetland protection must be taken into account.
- Elected officials must work on a recommendation.

Councilor Morsillo

- Notes that members of the Conservation Commission, Planning Board, and others that handle development are experts.
- We are trying to use a wetlands ordinance to stop multi-unit development, this is wrong.
- Ordinances are built on sciences, it must stay that way, that is what Conservation Commission uses when approving projects and buffers.
- We are in a position where councilors are bringing through impactful zoning changes on hundreds of residences and businesses “not written, went too far, want to change.” As written this would preclude ANY building permits by homeowners and businesses in areas in question.
- Has notice gone out to homeowners? How many know that their properties are in floodplains? They may not be aware we are trying to “pull the rug out from under them and their property rights” for the next 2 years b/c we do not want multi-unit development in Salem.

- They won't be able to build a new deck or addition on their house, b/c we don't trust our Boards to vet projects and go through the process.
- This is WRONG.

Councilor Turiel

- This is a "horrid idea."
- If Council and members have issues w/potential for development or how zoning allows it, we should examine, beside underlying regs, which is a process in progress, the underlying zoning.
- If the City Council wants single family zoning, it can try to make and pass that change.
- If it is OK with R2 everywhere, specify what you want/find acceptable.
- Building housing has, in many cases and places, revitalized sections of the City, resulting in improvements on empty land for generations, properties cleaned up, taxes increased, attracted people to Salem. When housing is built, whether "luxury" or "mediocre," we contribute to keeping prices from rising through the roof.
- Issue w/housing prices, only 2 ways to address: supply and demand. Increase supply (build more housing) or decrease demand (by making the City awful).
- Every development proposal must be vetted regardless. Buffer zones must be updated, this needs to happen. Must worry about how clean it is, we still have brownfield sites, but using this as a tool is not worth our time being here tonight.
- Hopes the Planning Board will "fling it off and see it vanish sooner rather than later" so we can update regs and review underlying zoning.

Councilor Dominguez

- Group of residents concerned about wetlands proposed this.
- Elected officials must listen, but this is not happening.
- Process has taken months. Committee refused to discuss this.

Councilor Riccardi

- Moratorium was written to protect wetlands and floodplains, intent/reason could be discussed further.
- Intent is to stop housing from being built, which is just wrong. Not the correct path to be doing this.
- If intent is no more multi-unit buildings, write an ordinance prohibiting it and submit that.
- We should protect wetlands and environment, ordinance must be updated (see: yesterday's forum, <https://publicinput.com/salemwetlands>)
- She hears "Do it quickly!" Don't disguise opposition to housing under the guise of environmental protection. A broad stroke that will have immense implications.
- Agrees it is a JPH.

Councilor Madore

- This is an action of the extreme, far-reaching and trying to hide anti-development sentiment under the banner of environmentalism.
- If you are true environmentalist, you would propose a zoning amendment to eliminate parking minimums in development, b/c at least 1/3 of greenhouse gas emissions in US is caused by cars and transportation.

- Hears in development, PB, CC, meetings, we need to provide more parking for people who want to live in buildings, but then we complain about traffic and claim to be climate activists.
- Why are we building for cars? Why not build for those who want bikes/ferry/train? Cites husband Blue Bikes/ferry.
- We have people who live here that don't have cars. Or large families with only one car. If you are a true environmentalist, you will not ask the Council to stop residential or other buildings to protect wetlands. You will propose an ordinance, which is what we are working on now. Again cites Ordinance and differences in wetland resource areas.
- To say "nothing has happened" is an offence to work of PB, staff and volunteers on Boards that have been doing this.
- Hired a consultant to do the research and put out public survey, live today.
<https://publicinput.com/salemwetlands>
- Hours devoted in this chamber to argue the topic is not the definition of "nothing has happened." This is gaslighting members of public.
- Issue is complex, cannot simply slap on a moratorium. She notes trends in state/cities/towns for moratoriums; each one has failed. Last night Amherst Field, North Andover, also another.
- This is not how you do thoughtful planning/get public feedback.
- The extent of such a moratorium is beyond what we can perceive. Spoke to property owner who wants to capitalize on land and build a duplex in her ward, it is completely within floodplain even though it does not seem like it. Nearly a "taking of property rights."
- Thoughtful work is happening.

Councilor Dibble

- Agrees that moratorium is extreme, and that wording could be better, hence his motion for a change in wording.
- Been going on for over a year, hundreds asking for help from Council and Mayor, but we are not acting on it.
- Many "Not for Salem" signs protesting overdevelopment, and working on protecting resources/floodplains.
- Again notes 1900 signatures last summer/Sept. for City Council to act on by Dec. 2020. Was put into committee Ward 3 Councilor refused to hold a meeting on it.
- Tried to take it out of the committee and put into another, but not enough support.
- Same group put forward this petition.
- Keeps arguing that Council would NOT have a public meeting on it, asking to act on "a simple motion."

Councilor Dibble motions to add the sentence: "The moratorium would apply to residential only, with the exception of properties under 6 units, which are exempt," and is seconded by Councilor Dominguez.

The City Clerk reminds him that this is the language of those who submitted the moratorium, not City Council language, and this should be remembered when taking vote. It should go to the Planning Board and come back with recommendations. The Planning Board will take this into consideration.

Councilor Sargent outlines the procedure:

1. Close hearing.
2. Send to PB.
3. Council votes for or against it.

We have no choice, whether we like it or not, but must follow procedure.

Councilor Morsillo

- Re Councilor Dibble's recommendation that the PB discuss added wording: What is the science that shows that buildings with units of more than 6 are more detrimental to the buffer than those with less than 6?

Planning Board Comments

Kirt Rieder

- PB is not asking for a moratorium, because as written, it upends ability of that Board and the Conservation Commission to review and process applications small and large.
- The Board asked for a science-based modification to the existing ordinance.
- Last evening during the public meeting, wetland ordinance consultants, who were scientists hired by City, noted that buffer zones are not resource areas, but wetlands are, and are protected by the state.
- Timeline for updating the Ordinance is shorter than the 2 years written into moratorium.
- He advocates to let this process work its way through, will come to Council for a vote.

Noah Koretz

- Echoes comments of Councilors Morsillo, Madore, Ricciardi.
- If concerned about flooding and wetlands, tune into Planning Board and Conservation Commission hearings. We discuss this at length. Hours and hours are spent per project on these issues, we require significant changes to better protect wetlands and flood zones in the city.
- When first read and heard he thought "how clever, a play against multifamily housing from those who complain about it, disguised as an environmental thing." If not paying attention it seems the right thing to do. Yet Councilor Dibble gave it away, admitting that the purpose is to stop large residential buildings.
- The fact is that this is a sweeping dramatic moratorium on zoning, thought was not put in in advance if it would apply to single family or commercial, sloppiness it reached us in is not acceptable.
- Idea of adding in, on the fly, "oh this shouldn't apply to commercial" is offensive. I.e. you can't build residential but can build a Wal-Mart? This was not thought out enough to come to us, not a serious policy proposal, it is political theater, does not belong in front of us.

Tom Furey

- Agrees with Noah Koretz.
- Notes attendance of Planning Dept Staff and their work.
- Moratorium gave City Council 3 days to consider, most ill-advised move he has seen in 36 years of involvement on City Council.
- Must trust experts, scientists, as in last night's meeting.

Bill Grisct

- Agrees w/PB comments and above councilors.
- Councilor Dominguez was concerned that we as Boards and the City do not listen to Citizens, but we do. Issues related to these themes were discussed at great length by both the Planning Board and City Council.
- Councilor Dibble came with good intentions in the petition he signed, said he did not like language, attempted to amend “on the fly,” which may not reflect other 23 people’s desires.
- Agrees it is “political theater” and does not want to see increase in acrimony.
- This has been given its due, Planning Board will do its job if directed by Council to review.
- Sees it as a thinly disguised attempt to stop multi-unit development.

Mayor Driscoll

- Opposed to moratorium.
- Would prohibit any building permit in any area.
- MA has enacted regulations regarding minimum construction standards in resource areas/buffers, which represent significant sections of our City
- Building requires Conservation Commission, sometimes Planning Board review, before any project can proceed.
- Local and state must approve if a larger project.
- W/urging from Morsillo, set up working group to review current regulations, do we want local guidelines to be stricter? We need professional guidance, important that review be undertaken thoughtfully and with community input.
- This moratorium applies a sledgehammer to a situation that requires a scalpel.
- Would prevent schools, city, homeowners from undertaking ANY work requiring a building permit in these areas. Repair kitchen, upgrade roof, expand a house – all would be prohibited.
- Salem Oil and Grease, Flynnntan, etc. would not have happened at all.
- Unclear what floodplain is to be used? FEMA? Other?
- No one is against stewardship, but the moratorium is short sighted and harmful.
- Ultimate goal of preventing growth and stopping all building permits in 2 years will not help address housing shortage, affordable housing. Less supply, more demand – this will exacerbate shortage.
- Limiting owners from obtaining building permits will limit growth and limit tax revenues from growth = cut services or have property owners pay more.
- Surprised that 2 City Councilors would support such a damaging proposal.
- There is a thoughtful process going on. This is a public hearing but urges Council to reject the proposal.

Councilor McCarthy

- This is a JPH, recommendation is to send to PB, they send it back, is this proper time to entertain a motion to amend? Motion would be to ask PB to consider his change, will come back with referral to PB if change is appropriate or not, then entertain a motion. We MUST entertain only what is in front of us.

Procedural matters are discussed. Planning Board, then committee to make any changes.

Public Comment

Several letters have been written by businesses in opposition to the Moratorium.

Tom Egan, 57 Wharf St.

Attorney for Michael and Richard Rockett, Salem business owners (Waterfront Hotel)

- Opposed to moratorium.
- Cites benefits their hotel has provided to City: Taxes, revenue, etc.
- Blanket moratorium on building permits is detrimental.
- City of Salem has means to restrict wetland/resource area growth via Planning Board and Conservation Commission on case-by-case basis, no two-year moratorium needed.
- Permits for upkeep and maintenance could not even be filed for two years.
- A copy of the letter will be sent to the City Clerk.

Steve Kapantais, 23A Wisteria St.

- In favor, co-author of moratorium.
- Discusses genesis and intent of wetland ordinance.
- Co-author of moratorium, meant to protect resource areas.
- 1800 signatures did not contain FHOD first time, asked by others to include those.
- Comments that it is “unpolished, unprofessional,” but was written by residents.
- Asked the Council to bring to PB, but was not allowed, so that led to this petition.
- Recommendations to not send to Planning, you don’t have an option, must send to Planning Department [sic] for review and recommendation
- You refused us the right to have this heard so are hamstrung by what the law says.
- Re current working group: it is excellent. We need to improve our wetland ordinance, this is being worked on now. When moratorium was filed they did not know that was being worked on.
- A 2 year moratorium is too long, if work will be done in coming months. Suggests a 5 month moratorium.
- Why looking at writing as its entirety? When has any amendment come forward that has not been tweaked? “It’s not perfect, so no.”

Alvi E Ibanez, 20 ½ Barnes Rd.

- Moratorium happened b/c ordinance was in silence.
- No communication about updates.
- Echoes Steve Kapantais’ comments above.
- Notes Kirt Rieder said they were “powerless” b/c of how laws are written to stop Overlook Acres, Conservation Commission Chair said same thing. One of main reasons Overlook Acres was approved was b/c of poorly written ordinances.
- Planning Board and Conservation Commission must be empowered, and Ordinances updated to prevent issuance of undesirable permits.
- Intention of moratorium was NOT to stop development. That came from Overlook Acres.

Lev McClain, 22 Albion St.

- Env impact, property rights, political.
- Env impact of moratorium – everyone agrees that wetlands protection regs must be strengthened.
- Moratorium does not provide for increased protection of wetlands and flood zones. More issues are at stake vs. talking about what is built adjacent, env stewardship is not simple. Contamination due to prior uses and cleanup is an issue, but there is no discussion of this.

- Hobbles ability of Conservation Commission and Planning Board to take any individual action.
- No, no further exploration of issues with this moratorium. If passes, will be no opportunity to unpack/educate public.
- Property Rights: Moratorium is unacceptable, residents should be able to improve property, this impacts residents especially in Ward 4. Impacts High School, Hospital, etc.
- No citizen may introduce a law that disenfranchises other community members.
- Action on this issue: citizens are seeking greater action re env issues and conversation re development, however this proposal as the last, is reactionary. Project proposed that people didn't like so they want to change the playing field to keep the project from happening.
- Instead we must create goals and zoning/regs to support them, not only respond to what we don't like, as that makes it harder for smaller players to make it.
- Has problem w/comments from Councilors who signed it. If you consider candidates/current councilors/families, 20% of signatories are those.
- Giving Salem an opportunity to be heard before Council, don't bring something that does not have a chance of success, work with constituents, promote existing forums and processes, help them improve, will avoid moments like this where we are functionally disenfranchising people b/c we need this improved, it is bogged down.

Councilor Sargent

- Move it along

Fawaz Abusharkh 3 Harrison Rd.

- "Fake attacks" on language, all know that was not intent.
- Lack of transparency of working group's efforts.
- "Shut down" when they tried to say anything.
- Franklin St. And other project needed licensing while working group was working on Ordinance. Why give permits to big projects that may eventually conflict with new rules? They were shut down on this too, so trying to reach out in other ways.
- It is not about stopping development, but trying to "smear" other councilors for something that is not their intent. The rant goes on.

Councilor Madore stops him, asks him to refrain from attacking Council and PB, please wrap up comments of moratorium.

- Fuzzy: Council must decide on language, present it, adopt it, then issue permits.

Jeff Cohen, 12 Hancock St.

- Opposed to moratorium; he agrees with the comments of Planning Board members Koretz and Rieder, and Councilors Morsillo, Riccardi, McCarthy and Turiel. It is a bigger issue.
- 30,000 foot view. Worked/works in Energy Efficiency business, Citizens Climate Lobby member, Vice Chair of SERC, not fond of nature but does what he does to address issues raised by Councilor Dominguez: protect the planet, community for the Earth and future generations.
- We are enduring a climate crisis in Salem. July will shatter all rainfall records: flooding is being experienced, roof leaks, etc.
- 40% of greenhouse gas emissions in Salem are from buildings. GBO in City Council for over a year. Not one councilor except for Dibble stood up for it. We need to mitigate the climate crisis.
- No one is against protecting wetlands; this is important that we rally as a community and focus on totality of climate crisis which is an emergency.

- Shetland Park is one area vulnerable. Streets under sea level, areas filled, etc. We must do something significant.
- Need to do more than protect wetlands. He will write a resilience ordinance that will scare people – people will be displaced. “No residential on first floor” must happen today.

Jenn Lynch, 38 Charles St.

- Opposed for all reasons discussed above.
- Moratorium is too far-reaching.
- Thanks ConCom and PB for using science to inform review and decision making.

Mary Whitney, 356 Essex St.

- In favor of moratorium, not as written but as a tool.
- Supreme Court noted they are legal, not “takings” and used in MA successfully.
- While working on changing laws/master/comprehensive plan, moratoriums can be implemented
- 2002 ruling involved 32-month total building moratorium.
- Disagrees that it is a thinly veiled anti-development attempt.
- Ardent environmentalist, how to balance growth and conservation for healthy, livable, fair communities.
- Moratorium prevents comprehensive plan?? Not sure what court case. Good moratorium could enhance property values.
- Projects move forward while laws are being updated. Need to hit pause of projects during that process. <https://www.cga.ct.gov/2002/olrdata/pd/rpt/2002-R-0499.htm> ???

Bill Grisct

- Zoning Ordinances/process: previous speaker noted “time out, get the law done.”
- Ordinance, zoning, is NEVER done, it is not static, it changes and grows over time as it responds to needs in the community.
- So to say, “Get law done, THEN, go ahead with projects” – this is a misapplication of how zoning lives.

David Freni, 5 Wyman Ave.

- Problem brought up by almost 2,000 residents a few months ago, may have been extreme but need to aim high and shoot for overprotection.
- Find common ground.
- 2030’s moon rotation will cause extreme coastal flooding (NASA publication).
- Don’t put a building in now that will have drastic implications in 10-20 years.

Scott Silverstein, Footprint Harbor Real Estate, 67 Derby St.

- Appreciates proposal may be changing re non res properties, cautions Council and Board re law of unintended consequences.
- Harbor Planning Process/ Port Authority have explored offshore wind and uses for site. Rec’d encouraging responses to offshore wind.
- As drafted/submitted, moratorium would impact ability of site to host offshore wind.

Councilor Sargent

- Should we build on buffers and wetlands or not? Not just housing.
- Must send to PB, people who brought it forward must be heard.
- Cant say “concerned about floodplains/sea level rise” but allow unrestricted building in sensitive areas.

Councilor Dibble

- Alvi Ibanez affected by 500 apartments around wetlands, he and others assisted in 1800+ signatures petition, “begged for help” from council and other Boards.
- He was courteous despite his frustration (this Clerk disputes that assertion; see above).
- They “got creative after being shut down” once Chair did not schedule meeting, he applauds them, they “forced City Council to remand back to PB.”

Councilor Turiel

- Addressing Steve Kapantais: Must be remanded forward.
- Addressing Councilor Dibble: Yes, it MUST be sent to PB, that is why we are here. Looking forward to that.
- It does not mean they have to vote for it. They do not have to support when it comes back. He will not support it. Up to each individual Councilor to make own judgement, PB's job is to address it. Not about the working or how well or not it's written, it is about intent. Residents were not heard during earlier attempts as the process they used was not legal. As delivered, whatever their intent is, the process would shut down everything. That is not the actual goal, but that is what it was written twice to do.
- Green signs all originally said “stop overdevelopment, “then that plus “protect our wetlands” when just overdevelopment didn't resonate.
- Wetlands need to be protected but there is a “ludicrous amount of politics behind it.” We need to get protection right but not shut things down. We just need to figure out what we need to protect and how to do that.
- Greater protection, no matter your side, is supported by all.

Noah Koretz

- Confused re derision of “sending it to the Planning Board”. No one has said anything about NOT sending it to PB, that is the procedure.
- Confounding is that “you can't have your cake and eat it too.” Public: “this is a group of amateurs, we are desperate to get it in front of you.” If it was amateurs, the reaction would have been different, but the two City Councilors whose job is this process, had a hand in it. By definition they are not amateurs. A group of citizens organized but this is a petition by a group including two City councilors. Can't say “listen to what they say” when you are part of that group, that is where frustration comes from.

Councilor Dominguez

- Feels that you play differently when ball is in your hand.
- Performed his duty as Councilor, to listen to citizens who were not being heard by local government.
- Signed petition as resident of the City.
- Two councilors trying to defend voice of people.
- This is politics as usual, City of Salem will scapegoat him.

Councilor Sargent

- Respects work of PB.
- If it was a group of people without City Councilors, if resourceful enough to get before PB thru City Council, Councilors did not initiate, helped them move it forward to get it before the PB.
- That's what City Councilors do.

Councilor Morsillo moves to close the public hearing by roll call vote.

Robert K. McCarthy
Christine W. Madore
Patricia Morsillo
Josh H. Turiel
Megan Riccardi
Stephen G. Dibble
Domingo J. Dominguez
Ty Hapworth
Arthur C. Sargent III

9 Affirmative, 2 absent

Councilor Morsillo moves to refer the matter to the Planning Board for its recommendation by roll call vote.

Robert K. McCarthy
Christine W. Madore
Patricia Morsillo
Josh H. Turiel
Megan Riccardi
Stephen G. Dibble
Domingo J. Dominguez
Ty Hapworth
Arthur C. Sargent III

9 Affirmative, 2 absent

Councilor Sargent motions to adjourn, and 9 hands are raised.

The meeting ends at 10:50PM.

For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at: <https://www.salem.com/planning-board/webforms/planning-board-2021-decisions>

Respectfully submitted,
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 12/2/2021