



KIMBERLEY DRISCOLL
MAYOR
TOM DANIEL, AICP
DIRECTOR

CITY OF SALEM, MASSACHUSETTS

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

98 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TELE: 978-619-5685

April 7, 2021

Salem City Council
Salem City Hall
93 Washington Street
Salem, MA 01970

Dear Members of the City Council,

At the March 30, 2021 joint public hearing with the City Council and Planning Board, Councillor Dibble requested for staff to provide language that would put an income restriction on accessory dwelling units. Councillor Dibble also requested the City Solicitor, Zoning Enforcement Officer and City Engineer provide a response to questions he had raised. Also, Councillor Madore recommended that the Planning Board consider an amendment that would allow for more than one affordable accessory dwelling unit on lots that have small townhouse style condominiums. This letter is to provide a response to the above stated requests.

Income Restriction

A key change the proposed ordinance provides is the removal of the current *tenant* restriction that limits accessory dwelling units to family members or caregivers. Staff recommended removal of the tenant restriction because it deters the effectiveness of creating these small accessory units that Salem urgently needs. Please note that an *income* restriction would prevent the homeowner from being able to rent to the tenant of their choice, such as a family member or friend. As such, an income restriction is another form of a tenant restriction.

In addition to limiting the homeowner's ability to rent to a tenant of their choice, an income restriction would create a burden to the homeowner and City. The homeowner would be required to submit a copy of the tenant's household income each year and it would require staff to verify that the household is income qualified. This is an onerous process for the homeowner and a significant administrative task for the City. While the income restriction is a well-intended proposal, staff recommends not including it in the ordinance because it is a burdensome requirement that could stymie the creation of affordable accessory dwelling units.

Update on the Response from City Departments

A response from the City Engineer regarding whether the City's existing infrastructure can handle accessory dwelling units is enclosed. The City Solicitor will provide the Council an opinion on the legality of setting rents in a private home under a separate cover. Staff reached out to the Zoning Enforcement Officer to request comments on the ordinance; however, no response has been provided to date.

More than One Unit on Certain Lots

On April 1, 2021, the Planning Board voted unanimously to recommend the City Council adopt the Affordable Accessory Dwelling Unit Ordinance, including the provision that would allow for new detached units by way of a special permit. The Planning Board also recommended revisions, including Councillor Madore's recommendation to allow more than one affordable accessory dwelling unit per lot. The Planning Board discussed the example of a small townhouse style condominium and agreed that it would be unfair to allow only one homeowner to build an affordable accessory dwelling unit in that situation. As such, the Planning Board recommended removal of letter 4.H.—“No more than one affordable accessory dwelling unit shall be located upon a single lot.” In making this recommendation the Planning Board noted that this is for situations where affordable accessory dwelling units are proposed in multiunit ownership properties, such as a rowhouse with multiple units that have basements that can be converted into an accessory dwelling unit. There is no desire, however, to allow more than one accessory unit on a single-family home lot. To that end, staff recommends replacing letter 4.H. with the following requirement:

4.H. No more than one (1) affordable accessory dwelling unit shall be allowed per primary dwelling unit.

Please do not hesitate to contact me at achiancola@saalem.com if you have any additional questions.

Sincerely,



Amanda Chiancola, AICP
Acting Deputy Director

Enclosure: Memorandum from City Engineer, David Knowlton

Cc: Mayor Kimberley Driscoll
Tom Daniel, DPCD Director
Ilene Simons, City Clerk



Kimberley Driscoll
Mayor

CITY OF SALEM
SALEM, MASSACHUSETTS
ENGINEERING DEPARTMENT
98 WASHINGTON STREET, 2ND FLOOR
SALEM, MA 01970
Phone: (978) 619-5673
Fax: (978) 745-0349

DAVID H. KNOWLTON, P.E.
CITY ENGINEER / DPS DIRECTOR

MEMORANDUM

April 6, 2021

To: Dominick Pangallo, Chief Administrative Aide to the Mayor

From: David H. Knowlton, P.E., City Engineer / DPS Director *David*

RE: Impact of City Utilities from proposed Accessory Dwelling Unit Ordinance

This memo has been prepared to provide my opinion on the impact to City infrastructure expected from the proposed Accessory Dwelling Unit (ADU) Ordinance, as requested at a recent City Council and Planning Board joint public hearing.

Based on the information provided to me from the Planning Department, I believe the impact on City infrastructure will be minimal. The Pioneer Institute has provided data showing that municipalities with a similar ADU ordinance, without residency restrictions, saw between 20 to 60 permits issued. Currently 71% of the households in the City are comprised of 1 to 2 people. Being conservative, and assuming we see 60 ADU permits, with 2 people per ADU would equate to an increase in 120 people. Even if the City sees 100 ADU permits, the increase would be only 200 people. This is a relatively small increase to the current population of +/- 41,000 and would impose very limited demand on the City's water/sewer/drainage systems.

The requirement for any new detached ADU building to go through the Special Permit process pursuant to subsection 3 of Section 3.2.8; which will require these applications to review the adequacy of utilities and address deficiencies, further protects the City infrastructure.

If you have any questions, or require additional information, please call.

Cc: Tom Daniel, Planning and Community Development Director