

**Meeting Minutes**  
November 10, 2020  
**Present**  
Seth Lattrell, Port Authority  
Deputy/Planner  
Will Cohen, Utile  
Elizabeth van der Els, Utile  
Tom Skinner, Durand & Anastas  
Craig Seymour, RKG  
Mayor Kimberley Driscoll, Mayor  
Capt. Bill McHugh, Salem Marine  
Society/Harbormaster

Mira Riggan, Derby Street Neighborhood Association  
Beth Debski, Salem Partnership  
Bob McCarthy, Ward 1 Councilor  
Barbara Warren, Salem Sound Coastwatch  
Rinus Oosthoek, Salem Chamber of Commerce  
Pat Gozemba, Salem Alliance for the Environment  
Ben Szalewicz, Salem State  
Kate Fox, Destination Salem  
Fred Ryan, Public Safety  
John Russel, Ward 1 Resident  
Kathryn Glenn, CZM

## **Salem Municipal Harbor Plan (MHP)**

### Harbor Plan Committee Meeting #3

#### **Meeting Agenda**

- Introduction
- Social Pinpoint
- DPA Uses and Restrictions
- Next Steps
- Public Comment

#### **Meeting Date, Time, and Location**

- November 10, 2020
- Convened: 4:00 pm
- Adjourned: 5:00 pm
- Zoom web conference

#### **Actions**

- No voting occurred at this meeting
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#### **Social Pinpoint**

Social Pinpoint is an online mapping tool that allows the community to share their input on opportunities and issues along the waterfront. Community members have been providing feedback since October 14th. To date we have had 320 visits to the map and 108 comments. Of the feedback we have received 72% have been ideas or suggestions. A number of the comments have been about increasing food options along the waterfront, improving public access, and increasing the dock and boating options. A lot of the suggestions are wish list items, but we think it is useful to have this first iteration of brainstorming that we can refine. While not all the comments are feasible based on state regulations there are some comments that are typical DPA uses like improving the ferry to commercial fishing.

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#### **Designated Port Area (DPA)**

DPAs are land and water areas set aside for working port industrial uses that need to use the water to operate. Within a DPA, land and water use are limited primarily to Water-Dependent Industrial (WDI) activities. In a DPA Master Plan, a municipality may request flexibility for certain use standards, but there must be a balance that is flexible with strategic elements that ensure the DPA interests are still protected.

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#### **Potential Uses**

Tom Skinner of Durand & Anastas explained potential DPA uses based on regulatory complexity. This framework allows consideration of a wide range of potential uses within the context of existing use restrictions. Potential uses are grouped somewhat subjectively by low, moderate, and high degrees of complexity. Framework is designed to illustrate options for the MHP, not to pre-determine future uses on public/private DPA land.

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#### **Complexity of Use**

“Low complexity” DPA options are those that require minimal if any approval by state agencies. Low complexity options include conforming WDI uses (shipping, passenger vessels, flood control, marine robotics, constructing & servicing offshore platforms & buoys) and occasional temporary (seasonal) uses. They also include up to 25% non-marine industrial or commercial uses, known as Supporting DPA uses, that do not conflict with WDI and have potential for some public access. “Moderate complexity” DPA potential uses are those that require changes to current allowable uses in a DPA, with additional review and approval by state agencies. “High complexity” DPA potential uses are those that are currently prohibited in DPAs, such as large-scale commercial/retail, residential use, or large permanent parks. To accommodate any

prohibited DPA use requires either a DPA boundary review by CZM to remove the area from the DPA or legislation, either of which may be difficult to obtain.

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### Public Access

Public access (e.g. a Harborwalk) may be allowed in a DPA if it does not conflict with or diminish the DPA's capacity for WDI uses. Examples of DPA public access include, using wharfs and piers when they are not in use by ships, either with time-of-day or seasonal restrictions, or as part of DPA infrastructure, like a multi-use path on a flood control berm, if there are no WDI operational conflicts.

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### Schedule and Next Steps

The next scheduled Committee meeting will take place on January 20, 2021 but the project team is working to schedule discussions with the key landowners.

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### Committee Questions

- Where are the 9 acres that have irrevocable restrictions? (Barbara Warren)
  - Area of the site along Derby and Blaney Street of the Footprint property and northeast corner of the property. The reason for the restriction is that those acres are outside of the historic fill-tidelines line which places them outside of Chapter 91 jurisdiction. When they were negotiating the variance for Chapter 91 and the permitting of the powerplant one of the conditions of the Chapter 91 variance was the landowner (Footprint) was required to place the restrictions on the site so that Chapter 91 would extend throughout the property. The irrevocable restriction includes 9 acres in the northeast corner of the site. The triangle between the SESD, the new power plant, and Cat Cove. We will show the 9 acres site at the next meeting.
- Does the 9 acres have DPA?
  - It does have DPA but it doesn't have to go through licensing, but it has to go through

compliance with the Harbor Planning process.

- Does housing require a high complexity approach? (Rinus Oosthoek)
  - Yes, housing is a prohibited activity in a DPA.
- Supporting use can be many things as long it does not conflict with the DPA, so there are a lot of things that the commercial use can be like restaurants and shops. Additionally, Chapter 91 does require that no more than 25% is supporting use (non-marine industrial or commercial uses) and the DPA requires no more than 25% of the general area. (Kathryn Glenn)

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This memorandum represents our understanding of the events which transpired and the actions which were taken. If they do not conform to a recipient's understanding, prompt written notice must be communicated to the writer. If no corrections or objections are made, this memorandum will be relied upon as a factual interpretation of this meeting.