

**CITY OF SALEM
SEPTEMBER 9, 2026
JOINT PUBLIC HEARING OF THE
CITY COUNCIL AND THE PLANNING BOARD**

A Joint Public Hearing of the Salem City Council and the Planning Board was held in person on Wednesday, September 9, 2026, at 6:00 P.M. in accordance with Chapter 40A, Section 5, of the Massachusetts General Laws for the purpose of discussing two (2) different proposed Zoning Ordinance Amendments relative to Data Centers and Parking Spaces, Parking and Loading and Development Standards.

Absent were Councilor Prosniewski

Council President Alice Merkl presiding

The following Planning Board Members were present: Chair Kirt Rieder, Vice Chair Sarah Tarbet, Jonathan Berk, Elena Eimert, Tom Furey, and Helen Sides

Absent were Josh Turiel

Arriving late were Zach Caunter at 6:16 p.m.

Also, in attendance were Mayor Dominic Pangallo, and Amy Kwesell of KP Law

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SUMMARY

1st Zoning Ordinance

Section I. Section 3.1 Table of Principal and Accessory Use Regulations of the City of Salem Zoning Ordinance is hereby amended by adding in Section D industrial Uses, after “Contractor’s Yard; landscaping business,” the following, shown in underline and italics:

<u>D. INDUSTRIAL USES</u>	<u>RC</u>	<u>RI</u>	<u>R2</u>	<u>R3</u>	<u>BI</u>	<u>B2</u>	<u>B4</u>	<u>BS</u>	<u>I</u>	<u>BPD</u>
<u>Data Center</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Section II. Section 10.0 Definitions is hereby amended by inserting the following definition after the definition for “COOP”:

Data Center: A facility, or portion thereof, primarily designed or used to house computer servers and related information technology infrastructure for the storage, processing, management, or transmission of electronic data. A Data Center may include, but is not limited to, server racks, data storage systems, cooling systems, power conditioning equipment, substations, uninterruptible power supplies, backup generators, telecommunications equipment, security systems, and associated mechanical and electrical infrastructure. For purposes of this ordinance, a Data Center shall not be considered an Office, Warehouse, Manufacturing, or Research use. Notwithstanding anything herein to the contrary, Data Centers are prohibited in each and every underlying district, overlay district and special district of this Ordinance.

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

Mayor Pangallo states that the city has received positive feedback on this ordinance and makes clear that the language does not prevent the creation of server rooms for businesses. He states that the town of Mansfield established a threshold of two (2) megawatts of demand at full build out; Shutesbury established a definition based on square footage. Both of these bylaws were approved by the Attorney General’s office. As the city’s code does not speak to data centers, it is not an allowable use, this ordinance is created out of an abundance of caution and is seeking to define AI data centers and prohibit them. The impacts of the centers have become clear and are not impacts that should be invited into Salem. He does not believe that the city is starved for economic activity. Nor does he believe there is a way to set guardrails for the largest of these

facilities that will not be challenged or litigated by those who stand to gain the most. The industrial history of the city left the ground poisoned and inhibited the ability to build homes and renovate parks and the shoreline.

Councilor King is curious how the Mayor feels about the executive order requiring that requires datacenters to have local approval before state permitting. Mayor Pangallo defers to Attorney Kwesel. The executive order does not have any impact on this ordinance. The order is for larger centers and that definition is much narrower.

Councilor Sydoriak asks how this would impact the opportunity to have a hospital, etc.? Mayor Pangallo says that the direction that Mansfield and Shutesbury went (size or energy usage) could be part of the Planning Board's recommendation back to Council. Attorney Kwesel says any use that is currently permitted would be a legacy use. And anyone applying for a permit prior to July 1, has this legacy status. She qualifies that something like a hospital would be excluded as data storage is not the primary use. Councilor Sydoriak asks where data centers could be placed if the ordinance does not pass. Attorney Kwesel says that right now they are prohibited everywhere in Salem, however many municipalities are creating ordinances out of an abundance of caution, to avoid future building commissioners from interpreting the zoning differently.

Councilor Smith asks if "portion thereof primarily designed for," means a room or a separate structure; Attorney Kwesel says they anticipate a separate structure. Mr. Smith asks if there are any active permits right now. He is concerned that people may scramble to get their data centers open before the ordinance passes. Ms. Kwesel says that the executive order would also hold up the data centers as it does require a community benefits agreement (CBA).

Councilor Holappa asked the Mayor if he has spoken with the building commissioner; he has and his interpretation of the conversation is that this is codifying for the future.

Councilor King says there are basically five (5) buckets data centers fall into: enterprise, co-location, edge, modular, and hyperscale. Suggests regulating data centers based on the types and allowing smaller scale here to avoid more pressure to have larger scale elsewhere. Mayor Pangallo says there was discussion on the categories but tying it to the physical characteristics of the building (square footage or power draw) is more consistent in the future.

Councilor King thinks that the benefits for the energy grid/environment are valid but would encourage any variant of the language to include an offset. Pushes back on the concept on the idea of Salem not having any data centers and expresses concern that banning them in one spot puts a burden on another. Believe that reasonable and high expectation language could be drafted.

Councilor Sydoriak asks why more flexibility wasn't considered via the special permit process. Mayor Pangallo says that the special permit process creates another burden for the business

owner. He doesn't think there is a reasonable offset to allow this, that CBAs will be challenged in court, and the legislature can reverse what was passed.

PLANNING BOARD COMMENTS

Ms. Tarbet wonders if environmental impact is the thing that is most concerning. Is there a mechanism to prevent that rather than the label of data center. Mayor Pangallo says that there are existing regulations to environmental impacts. This is an industry that demonstratively affects communities and water and electricity. And after construction generates very little employment.

Mr. Rieder tripped up by the facility or portion thereof making it seem to be about new construction of a certain size. Would like the prohibition to cover data centers added to existing buildings and would like regulation based on square footage. Water usage is the biggest concern as new technologies could increase energy efficiency surrounding electricity. Of particular concern is the adaptive reuse of buildings like the old telephone switching center. Highly unlikely that salt water can be used. Attorney Kwesel says the ordinance would apply to adaptive reuse as it would be a new use and must be a use that is allowed. On mitigation, there is no way that some of the facilities can be mitigated. Anticipates CBAs to be "let us do what we want, and we will pay you something."

PUBLIC COMMENT

Steve Kapantais
Wisteria Street

Thinks the wrong questions are being asked. He hears comments that salt water can't be used, when a data center in Portugal has been constructed to use salt water. The technology surrounding data centers is changing rapidly and believes a 365-day moratorium would be a better path – allowing the city to become better educated. Construction jobs are needed in the city, and data centers would provide them. Finds discussion on water usage to be incongruous as 37% of the water delivered to Salem is lost, up nearly 120% from six (6) years ago.

George Burden

Finds interesting that they are looking at banning something using a lot of land and not creating a lot of jobs and not sure we need to ban data centers might be something that people in Salem might prefer as they don't increase traffic.

Councilor Varella motions to close the public hearing, all in favor

Councilor Varella motions to refer the matter to the Planning Board, all in favor

Jonathan Berk motions to close the public hearing, seconded by Graham Wing, all in favor

2nd Zoning Ordinance

Section I. Amend Section 5.1.8 Table of Required Parking Spaces by

- a. Deleting the phrase "Dwellings, two-family;" in the first row of the table
- b. Adding to the phrase "Dwellings, two-family;" to the second row of the table, so it reads:

Use	Required Parking
Dwellings, None two- family; Dwellings, multifamily	

Section II. Amend Section 6.11.8 Parking and Loading

- a. Inserting the phrase "and two-family dwelling units" after "For multifamily dwelling units" at the beginning of the section.

Section III. Amend Section 8.7.8.4 Development Standards. Parking Standards Section B. Parking Ratios, section i

- a. by inserting the phrase "and two-family dwellings" after "For multifamily dwellings"

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

Councilor King says the language at the heart of the ordinance removes parking minimums for two (2) family homes. Council reviewed parking minimums for residential multifamily housing, with the key being that those changes were only for multifamily housing (3+ units). The goal is to close a loophole. Today, single family homes require two (2) spots and for a two (2) family, three (3) spots are required. The removal of parking minimums was partially to spur development as parking costs money. She reminds that this doesn't ban parking but rather gives flexibility to builders based on where the project is located. A conversation about parking is also a conversation of housing. The Planning Department not able to attend tonight and directed Council to the resources at Imagine Salem and the Housing Roadmap. The research already exists to support this ordinance.

Councilor Sydoriak believes that two (2) family dwellings were left out of the previous ordinance intentionally. Would like to exercise caution regarding the word "loophole." This is piggybacking on a thorough study.

Councilor Holappa asks a series of hypothetical questions and provides a brief history of why we have parking minimums. But ultimately asks if these parking minimums are serving the

community as they were originally intended. Feels minimums should be removed completely. Last year's study showed that there were two (2) factors most considered: how affluent the family/unit is and that the closer to transit is than the fewer cars owned. The perspective is offered that Ward 6 residents are often opposed to new housing due to the potential of increased traffic.

Councilor Turowski is grateful that Councilor King brought this forward. Says that constituents have downsized cars when moving to Salem as Ward 1 is within transit zones.

Councilor Smith says that by looking at the chart, three plus (3+), multifamily dwellings are incentives for development so if you are thinking of two (2) or three (3) family home, you will go with a three (3) family. This could have been something they thought about. The other concern is the free market around parking is not actually free; there are developers who seek to maximize profit, not quality of life. Some of these things are in place to guide developers. Would like answers from Planning and understand if this is a good thing to maintain.

Councilor Merkl cautions against the expectation of the Planning Department's attendance at the meeting. They were not brought in to speak, and this is merely the beginning of the process. There will be other times.

Councilor Holappa questions "what's the worst it can happen?" And asks how many new units are in the pipeline right now. If everything that could go wrong does go wrong, this can be adjusted.

Councilor King echoes that the Planning Department has been helpful answering questions and Councilor Holappa's point that this will evolve over time. Feels this small change will push Salem in the right direction

Councilor Flynn is concerned that people will still have cars and move here with cars and will park in other neighborhoods; plus, their own visitors. It's not fair to say that it won't be an inconvenience for others. There is reason why they did this with two (2)-family houses and would like to know the reasons why they did that. Definitely not a loophole.

PLANNING BOARD COMMENTS

Mr. Berk says that a lot of the data a year ago was from other cities but now Salem has a year's worth of data. We see buildings near the train with less parking, buildings far from train with more parking. Small developers charge more for housing with parking. There are concerns that should be addressed but there is data to support the removal of all parking.

Ms. Eimert, not speaking as a former member of the Planning Department but as someone who was involved in the previous ordinance. Says that the work was guided by the greatest possible impact, multifamily housing, and to reduce risk of overparking. The previous project partnered

with the Massachusetts Area Planning Council (MAPC) Perfect Fit Study and built on their dataset. Findings support for reduction in parking in duplexes. Many households have one (1) or fewer cars. Building excess parking attracts cars. Think about flexible designs to build housing in areas that make sense for car free. Duplex and two (2) family homes provide affordable home ownership. This is what people want. A lot of parking challenges we have are an issue of allocation, not supply. Encouraging parking in wrong locations doesn't meet needs. Also, a city wide resident parking permit system would be better than the patchwork system.

Mr. Wing says that this doesn't incentivize anything as multifamily housing is not allowed in R2 zones. A lot of housing doesn't meet this at all; there are plenty of houses on his street that have one (1) or three (3) cars.

PUBLIC COMMENT

Polly Wilbert
7 Cedar Street

Missing information. Would like the Planning Department to share with Council on a quarterly basis a spreadsheet on the status of the Housing Roadmap. There is already not enough snow emergency parking. People who work in Salem park in neighborhoods further constraining the neighborhoods. Experiences her driveway being blocked often. There is a demographic issue - a fair number of seniors rely on their cars to get them to opponents and avoid isolation. If they live in a dense part of city, they need their cars close by. How many new jobs have been created in Salem that can support a family successfully? Many people will need to commute elsewhere. Not all jobs are on public transport. People who need to make a living make the traffic in and out of the city. Constraining parking constrains economic success. Get more information on the impact on this.

Councilor King moved to close the public hearing, all in favor

Councilor King moved that the matter be referred to the Planning Board for review and recommendation

Jonathan Berk motions for the Planning Board to close the public hearing and adjourn, seconded by Zach Caunter, all in favor

Councilor Hapworth moves to adjourn, all in favor. Meeting adjourned at 7:25 p.m.

Minutes approved by the Planning Board, with changes, on October 15, 2026

