

## **SUMMARY and GOALS:**

To protect and conserve the Malden River while expanding public access and use. To require improvements for properties that abut the Malden River, including public pedestrian access and walkways, landscaped buffers of native, non-invasive species, and yard setbacks.

Various City Plans support the goals of these amendments:

- Malden Vision (2008) and Malden Master Plan (2010)
- Urban Land Institute-Technical Assistance Panel Report (2015)
- Open Space & Recreation Plan (2017)
- Commercial Street Corridor Framework Plan (2018)
- Placemaking project: “A Catalyst for Change on the Malden River” (MAPC Report 2020)

Numerous Community Initiatives relate to these amendments:

- Friends of the Malden River (formed in 2012 and on-going)
- Mystic Greenways Initiative Malden River Greenway Plan (2017)
- Malden River Works DPW Site project (2019 and on-going)
- Malden River Creative Placemaking project (2019-2020)
- Malden River Route (2013)
- Lower Mystic River Potential Walking Routes Malden (2011)

## **PROPOSED AMENDMENTS:**

*To further amend Chapter 12.12 (use Regulation), of the Revised Ordinances of 2020, as follows:*

### **Adding an entirely new section: 12.12.200**

#### **12.12.200 Malden River Site Plan Review**

##### **A. Purpose and Intent:**

To ensure that the design and layout of new development and redevelopment will protect and conserve the Malden River and expand public access and use. The intent of the Site Plan Review process is to regulate rather than prohibit use of properties that abut the Malden River through reasonable conditions which may be recommended by the Site Plan Review Committee (SPRC). Site Plan Review is an administrative review and shall not be construed as a special permit for review or appeal purposes.

##### **B. Applicability:**

A Site Plan Review is required for any construction of a value that amounts to 5% or more of the City assessed value of the building or any reuse of an existing building on property that abuts the Malden River wherever daylighted, in accordance with the provisions below.

C. Relationship to the Building Permit and Occupancy Permit:

The Building Inspector shall not issue a building permit unless and until a Site Plan Review has been completed, and a letter with site plan conditions, if any, has been forwarded to the Building Inspector by the SPRC within the time frame noted in Paragraph F. If the site plan review letter contains specific conditions, said conditions shall become conditions for the issuance of the building permit, among others, that the Building Inspector may require. Further, the Building Inspector shall not issue a final occupancy permit unless and until all site plan conditions as required by the SPRC have been implemented by the developer.

D. Site Plan Submission Criteria:

The applicant shall submit 10 copies of a site plan proposal drawn at a scale not to exceed one-inch equals 20 feet (1"=20'). The Site Plan Review materials shall be submitted to the City Planner; said office shall then forward all materials to the Site Plan Review Committee. A registered Professional Surveyor or registered Professional Engineer must stamp the submitted site plan. At a minimum, the submittal materials shall include the following items as applicable:

1. a cover letter generally describing the nature and location of the project;
2. Parcel lot lines for the proposed project and abutting parcels; and all easements boundaries, if any;
3. a proposed parking plan including location of access and egress;
4. location of snow storage areas;
5. location of existing and proposed buildings and public/private ways on the project site;
6. location of solid waste containers, if any;
7. location of Malden River and existing and proposed topography, including locations of culverts, and water bodies, if any;
8. proposed landscaping;
9. location of open space;
10. fencing, walls, and existing and proposed lighting;
11. location, material, and size of all signs; and,
12. all required improvements specified in Section J herein below.

E. Site Plan Review Committee:

1. Composition: The Site Plan Review Committee (SPRC) shall be comprised of 7 members:
  - the Mayor or Mayor's designee;
  - the President of the City Council or designee;
  - the Ward Councillor representing the ward where the property is located or a designee;
  - the Executive Director or designee of the Malden Redevelopment Authority;
  - the City Planner or designee;
  - the City Engineer or designee; and,
  - the Chair of the City Council Waterfront Access Committee or designee.

The City Council President or designee shall serve as the Chairperson of the SPRC.

2. Operation: The department head or designee from the following city departments or agencies may provide written recommendations to the SPRC within a minimum of seven (7) days prior to a public project review meeting: Inspectional Services, Public Works, Fire Department, Police, Board of Health, and Conservation Commission.

The SPRC may request assistance of architects and engineers and other professionals during its deliberations and request that the applicant assist in paying for review costs consistent with Mass. Gen. Laws, Chapter 44 § 53.

Only SPRC members may be party to any vote or agreement.

A majority of those present shall be required to approve any and all site plan review conditions applied to a development under review.

A quorum for conducting business shall be seven members.

E. Review Schedule:

The SPRC shall hold a public project review meeting with the applicant no later than 45 days after submitting the proposed site plan to the City Planner. The SPRC shall hold as many meetings as necessary within a 65-day review period to review the proposal. However, within 65 days of the submission of the plan to the City Planner the SPRC shall provide recommendations in writing to the Building Inspector. If no action is taken within 65 days, the application shall be deemed approved as submitted and the applicant may apply for a building permit without a Site Plan Review letter.

F. Notice:

Notice of the public project review meeting shall be given in accordance with the provisions of this Ordinance. The public shall be given the opportunity to be heard at the public project review meeting.

G. Appeals:

Applicants for a Site Plan Review may appeal any and all conditions approved by the SPRC to the Malden Board of Appeal. However, in no instance shall this administrative site plan approval process be construed as a special permit for the purpose of any appeal.

H. Expiration:

A Site Plan Review approval will expire on the date that is one year from date of notice to the Building Inspector unless a building permit has been issued or unless otherwise specified by the Site Plan Review Committee.

I. Site Plan Review Criteria:

The SPRC shall review all site plans, at a minimum, for conformance with the following required improvements:

1. Public Pedestrian Access: Install and maintain public pedestrian access to the Malden River that complies with the following:

- a) Continuous pedestrian connections must be provided between all major points of pedestrian activity on the property, including, but not limited to, connections to the Malden River waterfront pathway, connections to all public and private ways abutting the property.
- b) Must have two points of access – no dead ends.
- c) Waterfront public access areas shall be accessible to persons with physical disabilities in accordance with the Architectural Access Board
- d) Signage:
  - i. All waterfront public access areas shall contain an entry sign mounted on a permanent structure. Such sign shall be located within five feet of the boundary of the entrance from a street, public park or other public way.
  - ii. Must include “Hours of operation: Dawn to dusk” and “Open to the Public.”

2. Riverfront Walkway: Install and maintain pedestrian walkway adjacent to the Malden River that has a minimum width of ten (10) feet, and complies with the following:

- a) Surfacing: All surfacing material for a required circulation path shall be permanent, durable, and accessible to persons with physical disabilities.
- b) Maintenance: The property owner shall be responsible for the completion and maintenance of all required waterfront public access areas on the property.

3. Buffer Area: Install and maintain landscaped buffer area adjacent to river that complies with the following:

- a) Planted with native, non-invasive species, and rehabilitated to remove invasive species.
- b) Public access areas abutting the Malden River must be designed to reduce the level of storm water runoff into the river and with special attention to the provision of wildlife habitat.
- c) Trees: A minimum of one canopy tree shall be provided for every 30 feet of riverfront public pathway and supplemental public access area.

4. Setbacks: Any new construction shall be set back a minimum of 100 feet from the river.

5. Parking: No surface parking is permitted within 75 feet of the Malden River, unless the parking is needed to meet the parking requirements of the City zoning ordinance.

6. Optional Amenities:

- a) Seating: One linear foot of seating shall be provided for every 75 square feet of riverfront public pathway and supplemental public access area.
- b) Lighting: An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, shall be required. Such level of illumination shall be maintained from one-half hour before sunset to one-half hour after sunrise.
- c) Trash receptacles placed as needed in coordination with the City.

**Under 12.16 Dimensional Controls:**

**REVISE Section 12.16.050: A Waiver of Rear Yard Setbacks in Industrial Districts**

Delete reference to “rivers or water courses” as follows:

*The rear yard requirement for all allowed uses is waived in those cases where properties abut railroad or rapid transit rights-of-way, ~~rivers or water courses~~, and associated properties or easements in public ownership.*