



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final Rules & Ordinance Committee

*Chairperson Craig Spadafora  
Vice Chair Peg Crowe  
Ryan O'Malley  
David Camell  
Stephen Winslow*

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Wednesday, June 16, 2021

6:00 PM

215 Pleasant Street - Room 108  
Malden, MA 02148

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### Roll Call

*Also in attendance City Planner Michelle Romero, Building Commissioner Nelson Miller and Evan Spetrini, Senior Planner & Policy Manager MRA,*

*This meeting was chaired by Councillor Crowe.*

*Meeting began 6:01*

**Present:** 5 - Craig Spadafora, Peg Crowe, Ryan O'Malley, David Camell and Stephen Winslow

### Minutes to be Approved

### Business

#### [41-21](#)

Order: Be it ordained that Section 12.12 (Use Regulation), of the Revised Ordinances of 2020, be amended by adding new Section 12.12.200, to include Malden River Site Plan Review.

**Sponsors:** Craig Spadafora

*The document discussion centered on was paper 41-2021, Planning Board recommendations from the 4/21 Public Hearing. On page 2 of 5 the City Planner and City Engineer moved down to section 2, as non voting members. Councillor Winslow stated in section E, the seat for Executive Director of MRA needs to be changed to the new position name: Director of Strategic Planning and Economic Development. Discussion turned to how many residents would be part of the Site Plan Review Committee (Section E.). Councillor O'Malley made a motion to have 2 residents on the Site Plan Review Committee appointed by the Mayor with confirmation by the Council and change the position name from executive Director of the MRA to Director of Strategic Planning and Economic Development, seconded by Councillor Camell, it was so voted Camell (y), Crowe (y), O'Malley (y), Winslow (y), Spadafora (y).*

*In Section E. 2. Councillor Camell made a motion to amend on line 5 to strike the word "request" and replace with "require" and on line 6 add G to MGL Chapter 53 ("change to 53G"), seconded by Councillor O'Malley, it was so voted; Camell (y), Crowe (y), O'Malley (y), Winslow (y) Spadafora (y).*

*Discussion took place on the top of page 3 of 5 on the quorum conducting business that was changed from 7 to 100% of its members. City Planner Romero stated because it is a small number you would want all board members be present to vote. If a quorum was*

*anything less than 100% a small number of board members could decide policy.*

*City Planner Romero went back to page 1 of 5 and the need for prior to applying for to the site plan review the need for the applicant obtaining any zoning relief. Councillor O'Malley made a motion on page 1 under Section B Applicability to add "Prior to applying for Site Plan Review, applicant should obtain any necessary zoning relief and approvals of the Historical Commission and Conservation Commission, seconded by Councillor Spadafora; It was so voted Camell (y), Crowe (y), O'Malley (y), Winslow (y) Spadafora (y).*

*On page 3 of 5, Section I, Expiration, Councillor Winslow made a motion to add the phrase "of Site Plan Approval", after the word, "notice", seconded by Councillor Spadafora, it was so voted; Camell (y), Crowe (y), O'Malley (y), Winslow (y), Spadafora (y)*

*Councillor Winslow made a motion in Section J.4 Setbacks after the word construction add " not required by the Malden River Site Plan Ordinance", seconded by Councillor O'Malley, it was so voted; Camell (y), Crowe (y), O'Malley (y), Winslow (y), Spadafora (y)*

*On page 4 Section J.5 Parking Councillor Winslow made a motion After the first sentence , add the following sentence: "Any required parking that is removed pursuant to this provision does not need to be replaced on-site and a Traffic Demand Management Plan is required, seconded by Councillor O'Malley it was so voted; Camell (y), Crowe (n), O'Malley (y), Winslow (y), Spadafora (y).*

*Councillor Winslow made a motion under Section .5 Parking to change 10% to 5%, seconded by Councillor O'Malley, it was so voted; Camell (y), Crowe (y), O'Malley (y), Winslow (y), Spadafora (y)*

*On page 1 A. Purpose and Intent, Councillor O'Malley made a motion after the first sentence to add; "As used herein this Ordinance, the Malden River is defined to be the Malden River and Little Creek , as referenced by the USGS Topographic map, where daylighted "., seconded by Councillor Spadafora, it was so voted; Camell (y), Crowe (y), O'Malley (y), Winslow (y), Spadafora (y)*

*Councillor Camell made a motion Section. I.6 be deleted entirely, seconded by Councillor O'Malley, it was so voted; Camell (y), Crowe(y), O'Malley (y), Winslow (y), Spadafora (y)*

**A motion was made by Councillor Camell, seconded by Councillor O'Malley, that the Ordinance be recommended favorably as amended and with the Planning Board recommendations. The motion carried by the following vote:**

**Yea:** 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow

#### 42-21

Order: Be it hereby ordained that Chapter 12 of the Revised Ordinances of 2020 be amended (see attachment):

##### **#1.**

Amend Chapter 12.08.040 FLOODPLAINS by adding:

C. To mitigate the risks of flooding, all parcels, entirely or partially within, directly adjacent to, or within 500 feet of a Zone AE, Flood Plain District, as defined by 12.08.040 A, must maintain a 100 ft setback of publicly accessible open space from the edge of any watercourse, river, or channel. Watercourses, rivers, and channels shall include but are not limited to the Malden River, a channelized waterway, and Little Creek which are located in map panel 25017C0437E of the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management

Agency (FEMA.) The publicly accessible open space shall include a 10 foot wide pathway which complies with the accessibility requirements of the Americans with Disabilities Act, and shall be planted with plants with a wetland indicator category of FAC, FAC+, FACW-, FACW, FACW+, or OBL as identified in the U.S. Fish and Wildlife Service's National List of Plant Species that Occur in Wetlands: Massachusetts (Reed, 1988.) Furthermore, the publicly accessible open space shall be kept clear of plants identified as "invasive", "likely invasive", or "potentially invasive" in "The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts" (April, 2005) by the Massachusetts Invasive Plant Advisory Group.

**#2.**

Amend FLOODPLAIN DISTRICTS 12.12.110 A, by inserting "4. 12.08.040 C and 12.16.140 A."

**#3.**

Amend IN INDUSTRIAL DISTRICTS 12.16.050 A, by striking "rivers or water courses, and associated properties or easements in public ownership".

**#4.**

Amend YARD REQUIREMENT FOR ALL DISTRICTS by adding "K. All parcels shall comply with FLOODPLAINS 12.08.040 C and 12.16.140 A."

**#5.**

Amend USEABLE OPEN SPACE REQUIREMENTS FOR ALL DISTRICTS 12.16.080 by inserting "E. Usable open space in all districts shall comply with FLOODPLAINS 12.08.040 C and 12.16.140 A."

**#6.**

Amend 12.16 by inserting a new section "12.16.140 SETBACK FROM RIVERS, CHANNELS, AND WATERCOURSES FOR ALL DISTRICTS

1. To mitigate the risks of flooding, all parcels, entirely or partially within, directly adjacent to, or within 500 feet of a Zone AE, Flood Plain District, as defined by 12.08.040 A, must maintain a 100 ft setback of publicly accessible open space from the edge of any watercourse, river, or channel. Watercourses, rivers, and channels shall include but are not limited to the Malden River, a channelized watercourse, and Little Creek which are located in map panel 25017C0437E of the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA.) The publicly accessible open space shall include a 10 foot wide pathway which complies with the accessibility requirements of the Americans with Disabilities Act, and shall be planted with plants with a wetland indicator category of FAC, FAC+, FACW-, FACW, FACW+, or OBL as identified in the U.S. Fish and Wildlife Service's National List of Plant Species that Occur in Wetlands: Massachusetts (Reed, 1988.)<sup>[1]</sup><sup>[1]</sup> Furthermore, the publicly accessible open space shall be kept clear of plants identified as "invasive", "likely invasive", or "potentially invasive" in "The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts" (April, 2005) by the Massachusetts Invasive Plant Advisory Group<sup>[2]</sup><sup>[2]</sup>."

**#7.**

Amend TABLE OF INTENSITY REGULATIONS 12.16.010 by inserting a new column between "Rear" and "Min, Usable Open Space" titled "Setback from Watercourse, River, and Channel" and further inserting "100' " in all rows in the new column from

"AGRICULTURE" to "Public Service Corporation".

**Sponsors:** Ryan O'Malley

**This paper was not discussed.**

## **Other Business**

## **Adjournment**

**A motion was made by Councillor Camell, seconded by Councillor Winslow, that the meeting be adjourned. The motion carried by the following vote:**

**The meeting adjourned at 8:44 P.M.**

**Yea:** 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow