

12.28.140 ROWE'S QUARRY RECLAMATION AND REDEVELOPMENT DISTRICT

- A. Purpose: The Rowe’s Quarry Reclamation & Redevelopment District (RQRRD) is intended to encourage development of a comprehensive mixed use project on large, contiguous and underutilized parcels of land while conserving public health, securing public safety, providing sufficient light and air, making adequate provisions for transportation, water, water supply, drainage, sewerage, parks, open space and preservation of natural resources, increasing public amenities and providing adequate tax revenue to offset effects of large-scale development.
- B. Definitions: Except as otherwise provided, terms used in this section shall have the meanings ascribed in MCC 12.32.060.
- C. Uses: All development shall comply with 1) the terms of the Land Reclamation Agreement, dated January 30, 2007, between Overlook Ridge, LLC, the City of Malden and the City of Revere (hereinafter, “the Land Reclamation Agreement”) incorporated herein by reference and available for public inspection in the City Clerk’s Office 2) the “Full Build Master Plan, Malden & Revere, The Highlands at Overlook Ridge”, prepared by CDM, ADD Inc. and Roseland Properties Co., revised September 29, 2007 (hereinafter, “the Master Plan”),
1. Allowed Uses: Only the following uses shall be allowed, either by Site Plan Review (SPR) by the Rowe’s Quarry Site Plan Review Committee (RQSPRC) or by special permit (SP) issued by the City Council, or combination of both per the schedule set forth below or permitted by right as indicated by “Yes”. “No” indicates that the use is prohibited.

Use	RQ1	RQ2	RQ3
Dwelling, Multifamily up to 8 stories inclusive	SPR	SPR	No
Dwelling, Multifamily more than 8 stories but not exceeding 10 stories	SPR & SP	SPR & SP	No
Retail Sales, Convenience	SPR	SPR	SPR
Retail Sales, General	SPR	SPR	SPR
Retail Services, Convenience	SPR	SPR	SPR
Retail Services, General	SPR	SPR	SPR
Restaurant, All Other and including coffee shops	SPR	SPR	SPR
Excavation/Gravel Operations	Yes	Yes	SPR
Hotel not exceeding 12 stories	No	SPR	SPR
Offices, General not exceeding 12 stories	No	SPR	SPR
Medical Centers not exceeding 12 stories	No	No	SPR
1st and 2nd floor Retail, Sales & Service, Convenience & General, Restaurants including coffee shops and General Offices	SPR	SPR	SPR
Uses Accessory to Allowed Uses	SPR	SPR	SPR
Load Dock & Exterior Dumpsters	No	No	SPR

2. Restrictions on Residential Units: Residential units shall be limited to two bedrooms, except on the top story of any building, where units shall be limited to three bedrooms.
3. Prohibited Uses: The following uses shall be prohibited in all subdistricts:
 - a. Any use not specifically allowed by Paragraph B;
 - b. Batching Plant;
 - c. Automotive sales and sale of automotive parts;
 - d. Stand alone buildings for retail use containing a single tenant occupying more than 30,000 square feet.

D. Dimensional Regulations: All development within the Rowe's Quarry Redevelopment and Reclamation District (RQRRD) shall conform to the dimensional regulations set forth below.

1. Standards: For purposes of determining whether the proposal satisfies dimensional regulations, the following standards shall apply:
 - a. Where a proposed building is located partially within the City of Malden and partially within the City of Revere, dimensional requirements shall only apply to that portion of a proposed building located in the City of Malden.
 - b. Land within another municipality may not be used to satisfy dimensional requirements applicable in Malden.

2. Dimensional Regulations:

- a. Minimum Distance Between Principle Buildings: 30 feet, 20 feet of which may not be encumbered by a structure.
- b. Maximum Height: 12 feet per story for residential and office use and 18 feet for retail and restaurant use. Parapets less than five (5) feet high, chimneys, flag poles, ventilators, water tanks, antennas, penthouses, solar panels, wind generators and associated towers, and other projections used for or intended to be used exclusively for utility services or access to the roof may exceed the height limitations of this section by not more than twenty (20) feet. In the RQRRD, height shall be the vertical dimension of a building as measured from the mean level of the established grade at the building to the mean height of the roof.

- a. Minimum Setback from Property Lines: 30 feet, except for lots on Vining Street. Minimum setbacks from property lines on Vining Street shall be 50 feet; provided that the 25 feet from the property line shall be a Buffer Area devoted solely to landscape screening; and provided further that:
- b. No structure greater than 6 stories may be located within 200 feet of the property line of the nearest residential lot on Vining Street;
- c. No retail or restaurant uses shall be located within 100 feet of the closest Vining Street property line;
- d. No hotel or office building shall be located within 400 feet of the closest Vining Street property line.
- e. In RQ1, a landscape plan for the Buffer Area shall be submitted and subject to Site Plan Review and approval.

3. Minimum Building Setback from Streets or Ways, Public or Private: 20 feet

4. Minimum Usable Open Space: The minimum usable open space shall be

a. For residential uses

- (1) 200 square feet per dwelling unit, which shall be reasonably available and proximate to the residential building to which it is allocated and, in no event, more than 200 feet from the building;
- (2) A maximum of 25% of the usable open spaces may be provided on the roof or within a building and may include, but not be limited to, sauna and whirlpool baths; physical exercise rooms; handball, paddleball, and/or squash courts; tennis courts; basketball courts; swimming pools; lawns or greens; walks; benches; and other active or passive recreational facilities.

b. Other

- (1) Total usable open space shall be no less than 10% of the total land area of the RQRRD.
- (2) Town Common: A certificate of occupancy for any building within RQ1 shall not be issued until the developer has designated a location for a Town Common, containing a minimum of 50,000 square feet, which may include land located in Malden and/or Revere, and has commenced construction of such Town Common. The Town Common shall be completed within 2 months following issuance of such certificate of occupancy. Plans for the Town Common shall be submitted to the RQSPRC together with the application for site plan approval of the first residential building within RQ1. Land within the Town Common shall not be counted toward the minimum usable open space requirement for residential use, but shall be counted toward the minimum open space requirement of 10% of the land area of the RQRRD.
- (3) Compliance with open space requirements shall be subject to Site Plan Review.

5. Frontage: Frontage shall meet the following requirements:

- a. 70 feet along a public way, a private way approved and endorsed by the Malden Planning Board, or a private internal access drive.
- b. Where frontage is provided by an internal access drive such access drive shall contain a paved roadway width from curb to curb of at least twenty-four (24) feet
- c. Where parking is allowed on the access drive, the paved width shall be increased nine (9) feet for each side of the access drive used for parallel parking and eighteen (18) feet for each side of the access drive used for head-in parking.
- d. Notwithstanding the foregoing, the main access boulevard that provides access from Salem Street to Route One shall require approval by the Planning Board under the Subdivision Control Law.
- e. Compliance with frontage requirements shall be subject to Site Plan Review.

6. Sidewalks: Sidewalks shall be required on all ways open for public use and shall be subject to Site Plan Review.

7. Density, Lot Area Per Dwelling Unit: 750 square feet per dwelling unit.

8. Massing Impact: Any building proposed in RQ1 shall be sited and designed to reduce, as much as is reasonably practicable, any massing impacts on property located on Vining Street. The location, design and massing impact of any proposed building shall be subject to Site Plan Review.

9. Dimensional Limitations on Retail Use:

- a. Retail uses in residential buildings shall not exceed 40,000 gross square feet in the aggregate.
- b. Stand-alone retail buildings may not exceed 90,000 gross square feet in the aggregate.
- c. No individual tenant or occupant of a stand alone building used for retail uses shall occupy more than 15,000 gross square feet, except that a supermarket may have up to 30,000 gross square feet.
- d. Notwithstanding the foregoing, the maximum area devoted to retail use set forth herein shall be reduced proportionately (on a one to one basis) upon the issuance of a building permit by the City of Revere that authorizes retail uses on land within the City of Revere that is (a) contiguous to land within the RQRRD, and (b) subject to the Land Reclamation Agreement. By way of example, if a building permit is issued for 20,000 gross square feet of stand alone retail use on such contiguous land within the City of Revere, then only 70,000 gross square feet of stand alone retail use will thereafter be allowed within the RQRRD in Malden.
- e. In RQ1 and RQ2, Convenience Retail Sales and Services, General Retail Sales and Services, Restaurants, including coffee shops and General Offices within a residential building shall be entirely contained on the first or second floor and no individual tenant shall occupy more than 5,000 square feet.
- f. In RQ3, stand-alone buildings shall not exceed 30 feet or 2 stories for Convenience Retail Sales and Services, General Retail Sales and Services or 10,000 square feet for Restaurants, including coffee shops.

E. Site Plan Review Required: Any proposed project within the RQRRD must undergo Site Plan Review by the Rowe's Quarry Site Plan Review Committee ("RQSPRC") in accordance with the provisions below.

1. Purpose and Intent: To preserve or improve the visual and environmental character of the RQRRD and the City of Malden, generally; to ensure that the design and layout of new development will not be detrimental to surrounding land uses; and to separate different and potentially incompatible adjacent land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from artificial lighting, or the view of unsightly buildings and parking lots. The intent of the Site Plan Review process is to regulate uses through reasonable conditions imposed by the RQSPRC concerning the location of buildings, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply, public safety and fire safety and similar site plan related issues. If in the judgment of the RQSPRC, the imposition of reasonable conditions would not ensure that the proposed development would conform to the standards and criteria set forth herein, the RQSPRC may deny site plan approval entirely.
2. Composition of RQSPRC: The RQSPRC shall consist of the following:
 - a. the Mayor or his designee;

- b. the Ward City Councillor or his designee;
- c. the Planning Board Chairman or his designee;
- d. the City Engineer or his designee;
- e. the City Planner;
- f. the Director of the Malden Redevelopment Authority;
- g. a Councillor At Large, designated by the Council President

The RQSPRC shall be provided with written recommendations on a proposed plan from the director of public works, the fire chief or fire prevention officer, the head of the traffic division of the police department, the director of public health, the conservation commission and the Building Inspector.

3. Relationship to the Building Permit or 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 RQSPRC within the time frame noted in the Site Plan Review Schedule. If the Site Plan Review letter contains specific conditions, said conditions shall become conditions for the issuance of the building permit. Further, the Building Inspector shall not issue a final occupancy permit unless and until all site plan conditions as required by the RQSPRC have been implemented by the developer.
4. Site Plan Submission Criteria: The applicant for Site Plan Review shall submit 12 copies of a site plan prepared on standard 24"x36" mylar sheets drawn at a scale not to exceed one-inch equals 40 feet (1"=40'). The Site Plan Review materials shall be submitted to the Malden Planning Department. A registered Professional Survey or registered Professional Engineer must stamp the submitted site plans. Specifically, the water, sewer, and drainage portions of the submitted site plans must be stamped by a Registered Engineer. At a minimum, the submittal materials shall include the following items as applicable:
 - a. A cover letter generally describing the nature and location of the project.
 - b. Parcel lot lines for the proposed project and abutting parcels; and all easement boundaries, if any.
 - c. Heights and use of all buildings abutting the proposed project, including a building or buildings directly across from the proposed project but separated by a public or private right of way.
 - d. Proposed parking plans including location of access and egress; location of snow storage areas.
 - e. A traffic impact assessment (TIA) with the estimated average daily traffic and morning and evening peak hour traffic to be generated by the proposal. Further, the TIA must assess impacts, if any, to surrounding intersections servicing the project site if the proposed project generates more than 200 additional trips during the peak morning and evening hours. The TIA must be performed by a qualified traffic engineer in conformance with the criteria established by the Transportation Research Board of the National Research Council. Notwithstanding the foregoing, a final certificate under the Massachusetts Environmental Policy Act from the Secretary of the Executive Office of Environmental Affairs that authorizes the proposed development may be substituted for the TIA.

- f. Location of existing and proposed buildings and public/private ways on the project site.
 - g. Rendering of all facades of proposed buildings. Where practicable, drawings of elevations shall be at a scale of 1"=8'.
 - h. Foundation lines of the proposed buildings, gross floor area and building height.
 - i. Location of solid waste containers.
 - j. Existing and proposed topography, including location of culverts, and water bodies, if any.
 - k. Areas subject to a 100-year flood, if any, as shown on the most recent, applicable Federal Emergency Management Agency Flood Insurance Rate Map.
 - l. Provisions for safe and adequate drainage and sewage; and the location, capacity and projected uses of all utilities.
 - m. Proposed landscaping, including all screening and buffering of adjacent residential areas, if necessary.
 - n. Location of open space, if required.
 - o. Location of all historic structures registered on a local, state, or federal list, or similar features on site, including an indication of their protective status, if any.
 - p. Fencing, walls, and existing and proposed lighting.
 - q. Location, material, and size of all signs.
 - r. For projects located in RQ1, a shadow study showing impacts, if any, on Vining Street residences.
5. Site Plan Review Criteria. The RQSPRC shall at a minimum review all site plans for the following:
- a. Protection of adjoining premises against detrimental impacts of surface water drainage, sound, and excess lighting.
 - b. Convenience and safety of vehicular and pedestrian movement within the site and to and from the site, and the location of driveway openings in relation to traffic and/or adjacent streets, whether private or public.
 - c. Adequacy and arrangement of parking and loading spaces, and the ability of the site plan to accommodate parking in areas other than the front of a building.
 - d. Compliance with handicapped access regulations;
 - e. Protection against impacts to surface water, groundwater, wetlands, and other natural resources on or under the site.
 - f. Adequacy of roadways for the provision of safe and convenient access.
 - g. Building design to ensure that the proposed project is architecturally compatible with neighboring structures within the RQRRD, including building massing, proportions, setbacks, materials, fenestration, ground level treatment and other related architectural characteristics.
 - h. Within surface parking areas serving retail and restaurant uses there shall be a minimum of one tree per every 20 cars, located within a landscaped island within the parking lot. Within such parking lots there shall be no uninterrupted run of

parking spaces for over 20 cars without a break for landscaping. Additional landscaping shall be provided along the edge of all parking areas.

- i. Trees shall be installed in sidewalks running in front of retail stores spaced at 30 feet on center.
- j. Roadway widths and turning radii shall meet the requirements of service and fire protection vehicles. Service areas shall be screened from pedestrian view by either architectural or landscape screening elements. All trash areas shall be screened with architectural enclosures.
- k. Provisions for with grading, ledge removal, blasting, or similar construction-related activity;
- l. Adequacy of retaining walls;
- m. Consistency with the Master Plan for the RQRRD and land adjacent to the RQRRD, as the same may be amended, and as adopted pursuant to the Land Reclamation Agreement.

6. Review Schedule: The RQSPRC shall hold a public project review meeting with the applicant within 30 days of submission to the City Planner of a proposed Site Plan that complies with Site Plan Submission Criteria described herein. The RQSPRC shall hold as many public project review meetings thereafter as are reasonably necessary to review the proposal. The RQSPRC shall provide recommendations in writing to the Building Inspector, in the form of a Site Plan Review letter, a copy of which shall be filed with the Office of the City Clerk, within 14 days of the final public project review meeting.

7. Appeals: Applicants for a Site Plan Review may appeal any and all conditions imposed by the RQSPRC to the Board of Appeal within thirty (30) days of the date on which the Site Plan Review letter is filed with the City Clerk by filing written notice of appeal, specifying the grounds thereof, with the City Clerk who shall forthwith transmit copies to the RQSPRC, the Inspector of Buildings, and the Board of Appeal. The RQSPRC and the Inspector of Buildings shall forthwith transmit to the Board of Appeal all documents and papers constituting the record of the case in which the appeal is taken. In no instance shall the administrative Site Plan Approval process be construed as a special permit for the purpose of any appeal.

8. Amendments: The applicant may petition the RQSPRC at any time to amend the conditions contained the Site Plan Review letter filed with the City Clerk and the conditions of the building permit based on that Site Plan Review letter, which shall be reviewed by the RQSPRC in accordance with the Site Plan Review Schedule.

F. Parking: Where a proposed building is located partially within the City of Malden and partially within the City of Revere, parking requirements shall only apply to that portion of the building located in the City of Malden. No land within another municipality may be used to satisfy parking requirements applicable in Malden. Parking spaces serving a use in RQ2 or RQ3 may be located in either RQ2 or RQ3. Parking spaces located in RQ1 may only serve a use in RQ1 and all parking spaces required for a use in RQ1 must be located in RQ1. The foregoing limitations on the location of parking spaces shall not apply where the parking space serves a residential use. In no event may a parking space be located more than 400 feet from the use that it serves.

Use	Minimum number of parking spaces
Dwelling, Multifamily up to 8 stories inclusive	2.0 per dwelling unit

Dwelling, Multifamily more than 8 stories but not exceeding 10 stories	2.0 per dwelling unit
Retail Sales, Convenience	4.5 per 1,000 gross square feet
Retail Sales, General	4.5 per 1,000 gross square feet
Retail Services, Convenience	4.5 per 1,000 gross square feet
Retail Services, General	4.5 per 1,000 gross square feet
Restaurant, All Other and including coffee shops	10 per 1,000 gross square feet
Excavation/Gravel Operations	MCC 12.20
Hotel not exceeding 12 stories	1 per room
Offices, General not exceeding 12 stories	MCC 12.20
Medical Centers, not exceeding 12 stories	MCC 12.20
Uses Accessory to Allowed Uses	MCC 12.20

1. Loading requirements may be reduced pursuant to Site Plan Review upon a finding by the RQSPRC that the required number of loading spaces exceeds the likely need for loading spaces with respect to a specific use.
2. Off-street parking and loading facilities shall comply with the dimensions for parking spaces and loading spaces and the minimum widths for parking aisles and access and egress driveways required pursuant to MCC 12.20 of this ordinance, unless deviations from these requirements are requested, and approved through the Site Plan Review process. In addition, off-street parking and loading facilities shall provide adequate lighting and screening as required by the RQSPRC pursuant to Site Plan Review.

G. Signs: Signs within the RQRRD shall comply all provisions of city ordinance, including MCC 12.24.010, and shall be subject to Sign Design Review.

H. City of Malden Expendable Trust Fund:

1. In addition to any per unit payment required under the Land Reclamation Agreement, an applicant who receives a special permit shall be required to make a payment into the City of Malden Expendable Trust Fund for that portion of the structure or structures which exceed eight stories. By way of example, if a special permit is granted authorizing an increase from eight stories to ten stories, the payments described herein shall be owed only for floors nine and ten.
2. Payment Amount: Payments under this section shall be equal to 3% of total applicable construction cost, as determined by an independent cost estimator. The selection of a cost estimator shall be approved by the City Council. The cost of estimation services shall be borne by the applicant.
3. Schedule of Payments: Payment shall be made in two equal installments, payable in accordance with the following schedule:
 - a. 1st installment: upon granting of a building permit, and as prerequisite to the issuance of the building permit;
 - b. 2nd installment: upon granting of a temporary or permanent occupancy permit for any portion of the project, and as a prerequisite to the issuance of the occupancy permit;

provided that, at any time prior to the time for payment described herein, the applicant may elect to make a lump sum payment of the entire required contribution.

4. As a mitigation fee, a developer shall contribute \$2,000 per dwelling unit to the City of Malden Expendable Trust Fund to be used at the City's reasonable discretion to mitigate future impacts of the development and/or for infrastructure improvements; the fee shall be payable upon application for an occupancy permit; provided that no payment shall be required for any unit assessed a similar fee under the Land Reclamation Agreement.

I. General Regulations for the RQRRD: Notwithstanding any other provisions of this ordinance, the following shall be allowed in the RQRRD, subject to site plan review:

1. multiple buildings on a single lot are allowed, provided that the dimensional requirement for building separation is met;
2. retaining walls, alteration of grade and ledge removal; however, blasting shall be subject to the Land Reclamation Agreement;
3. after the issuance of Site Plan Review Letter and any building permits based thereon, the owner of the property on which the development is proposed may divide or subdivide the property and convey the property or portions thereof to related or unrelated entities, as necessary to complete the development plans, and this subdivision or conveyance shall be deemed to be in compliance with this section, provided that the use of the property remains in compliance with the conditions of the Site Plan Review letter and the building permit. For instance, it is the intent of this provision that the proponent shall be able to record a Master Deed and Unit Deeds for condominiums created within the contiguous development and to convey ownership of the common areas to an association of unit owners and ownership of units to individuals.