



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

Chairperson Peg Crowe
Vice Chair Amanda Linehan
Councillor at Large Carey McDonald
Councillor Chris Simonelli
Councillor Jadeane Sica

Tuesday, November 1, 2022

5:30 PM

215 Pleasant Street
Room 105
Malden, MA 02148

Roll Call

Chair Crowe called the meeting to order at 5:30 P.M.

Also in attendance City Planner Michelle Romero.

Present: 4 - Peg Crowe, Amanda Linehan, Carey McDonald and Jadeane Sica

Absent: 1 - Chris Simonelli

Business

[316-22](#)

Order: That MCC 12.12.190.E be amended

Sponsors: Amanda Linehan

Attachments: [6.15.21 Prop #2](#)

[CCP 316 2022 PBR 8.22](#)

Chair Crowe stated that the paper is due to expire on November 14th if not voted on by the City Council. Chair Crowe said that the paper was voted unfavorable by the Planning Board. Chair Crowe spoke to the Planning Board's recommendations if the paper was to move forward.

Councillor McDonald said he did have an amendment to the paper. Councillor McDonald said at the hearing, the Planning Board addressed the buffer zone restrictions but he wasn't sure that all the uses should be included in the recommendations by the Planning Board. Councillor McDonald said of the list he would only include (a) residential, (b) daycare licensed by the Commonwealth of Massachusetts, e) public, non-profit or private school providing education in kindergarten, or grades 1-12, f) religious facilities, o) substance abuse treatment center, p) any park playground, recreational field or recreational facility, and including, but not limited to; the Malden Teen Enrichment Center, the YMCA and the YWCA. This would be his motion for the amendment.

Councillor Sica said that she would want m) convenience stores to be included, Councillor Sica said that kids are always going into convenience stores. Councillor Sica further stated that anyone serving liquor should be included.

Councillor Linehan said she agreed with Councillor McDonald that gives some leeway with the paper.

Chair Crow gave the example of 888 Eastern Ave with 10 store fronts but 36 Charles Street anything going in there would be in the same building.

Councillor Sica said that 888 Eastern Ave from a security point would be difficult and the kids would not necessarily walk by the shop but there is a concern with kids being able to smell the cannabis. Councillor Sica reiterated that she would like to see convenience stores stay on the list. Councillor Sica continued that there are convenience stores that sell liquor as well.

Councillor McDonald stated that security plans for marijuana shops are airtight and there is no onsite use of cannabis so there would be no odor coming from any of these establishments.

City Planner Michelle Romero wanted to go on the record that the Planning Board recommended to disapprove the amendment and gave recommendations only if the Council was going to move forward. Ms. Romero also stated if there was a concern with alcohol sales then k) restaurants (fast-food service, and all others), l) retail sales of alcohol (any SF gfa), m) convenience stores, n) supermarket should all be included. Ms. Romero said that Councillor McDonald's point of buffer zones was correct and this would need to be addressed going forward and that buffer zones are property lines. Ms. Romero continued that if this is not brought forward tonight, the paper could be refilled for another public hearing and the committee could make recommendations for the next hearing.

Councillor Linehan stated for a procedural point, if we are not in agreement on this paper but open to another paper with change she would be willing to do that but does not want to try again but not wanting to ping pong back and forth.

Councillor Sica stated this paper does not affect the 4 or 5 licenses that have gone forward and we shouldn't be trying to take this out of committee just because of the deadline, she further suggested to let the paper expire because we aren't just talking about strip malls, we need to redo the paper.

Ms. Romero stated even if a new paper is filed, the Planning Board recommendation could be the same, if the paper is taken out tonight and fails, although Council Rules says it cannot be taken up again for 6 months, the Planning Board rules are that it could not be heard again for 2 years.

Councillor Linehan said she feels there is not consensus in the room, if it fails, that is not a good outcome.

Councillor McDonald said he would defer to Councillor Linehan's judgment.

Councillor Linehan said she appreciated Councillor Sica's willingness for middle ground but it doesn't sound like we will get there tonight.

Councillor McDonald made a motion on his amendment to have the list only include (a), (b), (e), (f), (o) and (p) from the Planning Board's recommendation and would like to get that in the record, the motion was seconded by Councillor Linehan, it was so voted : Crowe (y), Linehan (y), McDonald (y), Sica (n). the motion carried 3-1.

NO action was taken on this paper and the paper is due to expire on November 14, 2022 if no action is taken.

Tabled Papers

[238-22](#) Order: That the Malden City Council establish a Food Policy Council

Sponsors: Peg Crowe

Attachments: [FPC draft ordinance](#)

[283-21](#) Order: That the City of Malden submit to the Massachusetts Legislature for passage in substantially the following form: (See Attached).

Sponsors: Stephen Winslow

Attachments: [Traffic Comm. - Charter Update 2021.Paper.283.21 Attachment](#)

[313-21](#) Order: Be it hereby ordained that the City of Malden Ordinances section 2.16 "Board, Commissions, and Committees" be amended to require remote participation by members of the public for all public meetings by inserting a new section 2.16.001 "Remote participation required."

Sponsors: Ryan O'Malley, Deborah DeMaria and Amanda Linehan

[382-22](#) Be it ordained that Section 11.24.010 PLACEMENT OF POLES, WIRES AND TELE-COMMUNICATIONS EQUIPMENT IN, ALONG OR ON PUBLIC WAYS be amended in the following manner (See attachment)

Sponsors: Craig Spadafora

Attachments: [Double Pole Ordinance](#)

[403-22](#) Be it hereby Ordained by the Malden City Council that the Code of the City of Malden (MCC) 7.20.010 (A) (12) is hereby amended by striking "from 8 a.m. to 8 p.m. Monday through Saturday and 10 a.m. to 8 p.m. on Sunday" and replaced with "the same hours as Trafton Park unless the Stadium and Athletic Commission establishes different hours."

Sponsors: Stephen Winslow

Adjournment

A motion was made by Vice Chair Linehan, seconded by Councillor Sica, that the be adjourned. The motion carried by a unanimous vote.

the meeting adjourned at 6:02 P.M.