



City of Malden
Massachusetts

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May 15, 2025

Malden City Council
Malden City Hall
215 Pleasant Street
Malden, MA 02148

Re: Amendments of Title 12.12.030, Code of City of Malden
Table of Use Regulations
Day Care Centers, Non-profit Educational Facilities, Religious Facilities
Site Plan Review for Educational, Religious and Child Care Facilities
City Council Paper #185/2025

Dear Councilors:

On May 14, 2025, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

After the public hearing, on May 14, 2025, a majority of the Planning Board, namely, all nine members present, decided to recommend to the City Council:

1. Approval of the proposed amendments as submitted.

For your reference, enclosed please find the Planning Report & Recommendation dated May 14, 2025, which was presented at the public hearing.

Finally, please be advised that if the City Council fails to act on the amendments within 90 days after the public hearing, a new duly advertised public hearing must be held; and the final date for action is **August 14, 2025**.

Please do not hesitate to contact me with any questions. Thank you.

Sincerely,

Michelle A. Romero
City Planner

Enclosure

CC: Mayor Gary Christenson
Alicia McNeil, City Solicitor

PLANNING REPORT & RECOMMENDATION

To: Malden Planning Board
From: Malden City Planner
Date: May 14, 2025
Subject: Zoning Amendments – CCP 185/2025
Site Plan Review for Educational, Religious & Childcare Facilities
§12.12.030, Title 12, Code of the City of Malden (*MCC- all § references herein*)

PETITION. The petition is made under §12.32.050; the City Council is petitioner; and Ward 6 Councilor Stephen Winslow is sponsor. For full text of proposed amendments, see attached petition (CCP 185/2025).

SUMMARY of PROPOSED AMENDMENTS.

The proposed amendments are required to render the table of Use Regulations (§12.12.030) consistent with Site Plan Review regulations (§12.12.500) recently ordained (CCP 356/2024), namely, to indicate that site plan review is required for day care centers, non-profit schools, and religious facilities in all zoning districts (Residence A, Residence B, Residence C, Residential Office, Neighborhood Business, Central Business, Highway Business, Industrial 1 and Industrial 2). The amendments would update the table as follows:

| Use | A | B | C | RO | BN | CB | HB | I1 | I2 |
|----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Day Care Centers | Yes SPR | Yes SPR | Yes SPR | Yes SPR | SP SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR |
| Non-Profit School | Yes SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR |
| Religious Facilities | Yes SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR | Yes SPR |

APPLICATION and EXEMPTIONS: The amendments will apply to new construction and new use/occupancy of existing buildings, unless exempt by City ordinance (§12.28.010); the express language of the amendment; state law (M.G.L. c. 40A, §6), which exempts the subject of a building permit or special permit issued before the first publication of notice of the public hearing (April 25, 2025); or the state Permit Extension Act (Section 280 of Chapter 238 of the Acts of 2024).

Note 1: *There are two Applications for Tentative Approval of Preliminary Plan filed under the subdivision control law (M.G.L.c.41, §81S) that may be subject to exemption (M.G.L. c. 40A, §6 freeze of zoning in effect at time of submittal for 8 years, provided that a definitive plan is submitted and approved within 7 months):*

- 1. Permit application #CMID-069525-2024 re: 17 Columbia Street, 25 Columbia Street, 12-24 Lebanon Street and 28 Lebanon Street; filed November 14, 2024, disapproved December 11, 2024.*
- 2. Permit application #CMID-069527-2024 re: 12 Jacob Street, 16 Jacob Street, 20 Jacob Street, 31 Granite Street, 4 Laurel Street, 50 Laurel Street; filed November 14, 2024, disapproved December 11, 2024.*

Note 2: *Permit application # CMID-069474-2024 re: 31 Granite Street (educational use- gymnasium) is being considered exempt; filed November 6, 2024.*

EFFECTIVE DATE: The effective date is the date of the City Council’s vote to ordain the amendments (§12.32.050.F) unless otherwise specified. The Council must act on the amendments within ninety (90) days after the public hearing closes, otherwise, a new duly advertised public hearing must be held (§12.32.050.D); accordingly, if the public hearing closes on May 14, 2025, **the final date for action is August 12, 2025.**

STANDARD of REVIEW: The Planning Board’s review and recommendation of the proposed zoning changes should be directed by *substantive planning objectives, community need and general welfare.*

PLANNING RECOMMENDATION: (*Prepared prior to the public hearing*) That the Planning Board recommends to the City Council: Approval of the proposed amendments, as submitted.



Legislation Details (With Text)

File #: 185-25 **Version:** 1 **Name:**

Type: Order **Status:** Agenda Ready

File created: 4/9/2025 **In control:** Planning Board

On agenda: 4/15/2025 **Final action:**

Title: Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 12.12.030 USE REGULATIONS is hereby amended as follows to update existing Table of Use Regulations to correspond with recent Site Plan Review regulations for Day Care Centers, Non-Profit Educational Facilities, and Religious Facilities as ordained in Paper 356 Series of 2024.

Sponsors: Stephen Winslow

Indexes:

Code sections:

Attachments: 1. Admin Corr Table SPR 4.7.25 rev 4.10.25

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------|--------|
| 4/15/2025 | 1 | City Council | | |

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For Non-Profit Schools and Religious Facilities, change "Yes" to "SPR" in columns A, B, C, RO, BN, BC, BH, I1 and I2. For Day Care Centers, change "Yes" to "SPR" in columns A, B, C, RO, BC, BH, I1 and I2, and change "SP" to "SPR" in column BN.