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VIA ELECTRONIC MAIL & USPS

Malden City Council
c/o Ryan O'Malley, City Council President and Lisa Cagno, Clerk of Committees
City of Malden
215 Pleasant Street
Malden, MA 02148
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RE: Proposed Zoning Amendment No. 356-24

Dear Councilors:

On behalf of the Mystic Valley Regional Charter School ("MVRCS"), I would like to comment very briefly on the revisions to proposed zoning amendment No. 356-24 ("Proposed Amendment"). First, the City Council should be aware that, while the Proposed Amendment and its prior iteration appear to have arisen out of a desire to require site plan approval for MVRCS's future use of its Maplewood properties, the Proposed Amendment **cannot** apply to any of those properties.¹ On November 14, 2024, MVRCS filed applications for subdivision approval for those properties, and, under Massachusetts law, the zoning in effect at the time the applications were filed will therefore govern any projects MVRCS has for those properties for at least eight years. Accordingly, if the Proposed Amendment is adopted, it will not have any effect on plans that MVRCS may propose for its Maplewood properties until 2032, at the earliest, but it will impact plans proposed by (i) all other private schools (such as Malden Catholic) or non-profit educational providers (including, potentially, the YMCA and YWCA), (ii) all religious entities, and (ii) and all daycare providers.

Second, the Proposed Amendment apparently disregards two important recommendations made by the Planning Board. For instance, the Planning Board recommended that the Site Plan Review Committee ("SPRC") be required to act within 65 days of the submission of an application, but the Proposed Amendment contains **no** time limit for conducting the public hearing or voting on an application.² Next, the Planning Board recommended that the City Council "[o]btain review of the proposed amendments by the City Solicitor and opinion of the City Solicitor re: legality of the proposed amendments and consistency with M.G.L. c. 40A, § 3."³ There is no indication, from the information posted on-line, that any such review has occurred or that any such opinion has been provided. If the Proposed Amendment

¹ Because the Proposed Amendment will not impact MVRCS's Maplewood properties, MVRCS has chosen to keep this letter short and identifies only a couple of the most obvious flaws in the Proposed Amendment.

² See City Planner's letter dated December 12, 2024 ("City Planner's 12/12/24 Letter"), at Section II.E.1. While the Proposed Amendment does require that the SPRC issue a written decision within 14 days of its vote, it provides no requirement as to when the hearing or the vote must occur.

³ City Planner's 12/12/24 Letter at Section I.
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is adopted and is challenged in Court, the failure to comply with these recommendations would make it especially vulnerable.

To summarize, if the Proposed Amendment is adopted, it cannot be applied to MVRCS's Maplewood properties until 2032, at the earliest; it will, however, apply to other educational uses, religious uses, and daycare uses; and it will disregard two key Planning Board recommendations.

Sincerely,

/s/ Jennifer R. Schultz

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cc: Carol Ann Desiderio, Malden City Clerk
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