



City of Malden

Massachusetts

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October 14, 2021

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

**Re: Amendments of §12.12, Ch.12, Revised Ordinances of 2020, as Amended
Site Plan Review for Non-Residential Uses Allowed By Right in All Zoning Districts
City Council Paper #405/2021**

Dear Councilors:

On October 13, 2021, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

As a result of the public hearing, on October 13, 2021, a majority of the Planning Board, namely, six of those seven members present and voting, voted to recommend to the City Council the following:

- I. Obtain legal review by the City Solicitor of the proposed amendments and the opinion of the City Solicitor regarding:
 - A. Legality of the proposed amendments with respect to educational uses and religious uses, per M.G.L. c. 40A, §3.
 - B. Proposed provision re: application to all permit applications filed (proposed Section C).
- II. Approval of the proposed amendments, further amended to apply to only educational uses and religious uses, and revised as follows:
 - A. Revise proposed Section A (Purpose and Intent) to read as follows:

“To set forth the process to establish reasonable regulations consistent with MGL Chapter 40A Section 3 of the design and layout of new or expanded educational use or religious use of any buildings or property ~~non-residential buildings allowed by right in any district, including religious and educational institutions.~~”
 - B. Revise proposed Section B (Applicability) to read as follows:

“No building or structure with a gross floor area exceeding 10,000 square feet, or surface parking area exceeding 10,000 square feet, for a ~~non-residential~~ religious or educational use ~~that is allowed by right, including any charitable or philanthropic, religious or educational use or purpose,~~ shall be constructed or extended, or established in an existing building, except in conformity with a site plan bearing an endorsement of approval by the Site Plan Review Committee.”
 - C. Revise proposed Section C (Relationship to Building Permit and Occupancy Permit) to read as follows:

“This section shall apply as a pre-condition of the issuance of any building permit, ~~without regard to the date of the filing of an application for a building or demolition permit,~~ provided this ordinance/amendment shall not apply to any application for a building permit filed before the date of first publication of the notice of public hearing re: this ordinance/amendment.”

- D. Revise proposed Section D (Site Plan Submission Criteria), second sentence, as follows:
“The Site Plan Review materials shall be submitted to the ~~City Planner~~ **Building Commissioner**; said office shall forward all materials to **the City Clerk for** the Site Plan Review Committee.”
- E. Revise proposed Section F (Review Schedule) as follows:
Change, “City Planner,” to “City Clerk.”
- F. Revise proposed Section H (Site Plan Review Criteria), first sentence, to read as follows:
“The SPRC shall review all site plans and set reasonable conditions for the ~~bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage~~ **design and layout** so as to.”
- G. Revise proposed Section H (Site Plan Review Criteria), subsections 4, 6 and 7, to read as follows:
4) “Provide ~~adequate space~~ for the off-street loading and unloading, **as required by §12.20 of this Ordinance**, of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment and require any regular off-site loading and unloading of vehicles be in legally-established zones for such purpose and that the traffic and walking route plans show that those zones will limit adverse off-site traffic and parking impacts.”
6) “Provision of on-site open space and recreational facilities **as required by §12.16 of this Ordinance** to serve the needs of the establishment so as to avoid the over use of nearby public open space.”
7) “In pedestrian-orientated areas, safety improvements, ~~building setbacks~~ and curb cuts reasonably necessary for the continued walkability of people of all ages and abilities passing the site.”

For your reference, attached please find the Planning Report & Recommendation dated October 13, 2021, which was presented at the public hearing.

Finally, please be advised, that, if the City Council fails to act on the amendments within ninety (90) days of the date the public hearing closed, a new duly advertised public hearing must be held. Accordingly, **the final date for action is January 11, 2022.**

I am available to discuss and answer any questions regarding the amendments and the Planning Board’s recommendations. Please do not hesitate to contact me. Thank you.

Sincerely,



Michelle A. Romero
City Planner

Attachment

CC: Greg Lucey, City Clerk
Kathryn Fallon, City Solicitor
Mayor Gary Christenson