



City of Malden

Massachusetts

INSPECTIONAL SERVICES
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Malden, Massachusetts 02148
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April 22, 2021

With Administrative Correction
May 19, 2021

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

**Re: Amendment of §12.12, Ch.12, Revised Ordinances of 2020, as Amended
Use Regulations for Malden River Site Plan Review
City Council Paper #41/2021**

Dear Councilors:

On April 14, 2021, the Planning Board and City Council Ordinance Committee jointly held a “virtual” public hearing regarding the above-referenced proposed amendments.

As a result of the public hearing, on April 14, 2021, a majority of the Planning Board, namely, nine of those nine members present, voted to recommend to the City Council approval of the proposed amendments as submitted and with the following revisions and recommendations:

- A. Revise Section 12.12.200 B, Applicability, as follows:
 - i. Delete the word, “construction,” and insert the phrase, “work requiring a permit.”
 - ii. After the word “daylighted,” insert the phrase, “at the time application is made under this Ordinance,”
 - iii. Insert the following sentence at the end of the section:
“Any permit for any work issued prior to the date of first publication of the notice of public hearing on this Ordinance shall be exempt from the provisions of this Ordinance.”
- B. Revise Section 12.12.200. E. Site Plan Review Committee, as follows:
 - i. Composition (Section E1):
 - a) Delete, “the City Planner or designee” and “the City Engineer or designee.”
 - b) The Board recommends that citizen representatives be added to the Committee.
 - ii. Operation (Section E2):
 - a) Add to the end of the first sentence: City Engineer and City Planner.
 - b) In the fifth sentence, delete “seven” and insert, “100% of the ”
- C. Revise Section 12.12.200.I.3, Buffer Area, as follows:
 - i. Insert the following phrase at the end of subsection (a):
“with the exception of any invasive trees greater than a 4” caliper, measured by diameter breast height; and any invasive removal strategy shall include a sapling replanting strategy.”

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- ii. insert the following sentence as a new subsection:
“The most current versions of the following shall be used as guidelines to determine invasiveness of species to be planted and removed: *U.S. Fish and Wildlife Service’ National List of Plant Species that Occur in Wetlands: Massachusetts* (Reed, 1988); and *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* (April 2005) by Massachusetts Invasive Plant Advisory Group.”
 - iii. insert the following sentence as a new subsection:
“Maintenance: The property owner shall be responsible for the completion and maintenance of the landscaping of the required buffer area.”
- D. Revise Section 12.12.200.I.5. Parking, as follows:
- i. Delete the phrase, “”unless the parking is needed to meet the parking requirements of the City ordinance.”
 - ii. Add the following provision:
“The greater of two parking spaces or 10% of existing parking on-site shall be designated for Malden River Users, unless this puts property in violation of the zoning ordinance.
- E. Revise Section 12.12.200.I.6. Optional Amenities, as follows: Delete this section in its entirety.
The Board recommends against all proposed amenities (seating, lighting and trash receptacles).
- F. The Board recommends the City Council obtain the opinion of the City Solicitor regarding whether the Ordinance may restrict the option to obtain a variance of these provisions.

The minutes of the joint public hearing will be made available at your request. For your reference, attached please find the Planning Report & Recommendation dated April 14, 2021.

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 July 13, 2021.**

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