



# City of Malden

## Massachusetts

INSPECTIONAL SERVICES  
215 Pleasant Street, 3<sup>rd</sup> Floor  
Malden, Massachusetts 02148  
(781) 397-7000 ext. 2044

January 28, 2025

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

**Re: Amendments of Various Sections, Title 12, Code of City of Malden  
Accessory Dwelling Units  
City Council Paper #13/2025**

Dear Councilors:

On January 27, 2025, the Planning Board and City Council Rules and Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

After the public hearing, on January 27, 2025, a majority of the Planning Board, namely, six members, decided to recommend to the City Council approval of the proposed amendments as submitted and with the following additional revisions (new/additional language italicized):

1. Section 12.12.030. Table of Use Regulations. To revise the proposed provision as follows:  
For Accessory Dwelling Unit (*more than one*, second or subsequent): change “SP” to “No”
2. Section 12.16.010. Table of Intensity Regulations. To delete all proposed numbers in all columns and to add the following: “MCC, Section 12.32.030.D.5”
3. Section 12.32.030.D.1. Purpose and Intent. To revise the second sentence of the proposed provision to read as follows:  
The intent of this ordinance is to *protect the health, safety and general welfare of the City’s present and future inhabitants and to* address the potential impacts that the addition of an Accessory Dwelling Unit to a property may have on the *principal dwelling*, surrounding neighborhood and adjacent residences, including, but not limited to, impacts related to density, congestion, nuisance and parking; and to comply with M.G.L. c.40 A, Section 3, the so-called, “Affordable Homes Act.”
4. Section 12.32.030.D.2. Applicability. To revise the following proposed provisions to read as follows:
  - A. Prior to the issuance of any building permit or certificate of occupancy *for* any Accessory Dwelling Unit, a Site Plan Review and Site Plan Approval from the Site Plan Review Committee shall be required pursuant to this section.
  - B. The Building Commissioner as Zoning Enforcement Officer shall determine whether a unit is an Accessory Dwelling Unit.
5. Section 12.32.030.D.3. Scope of Review. To revise the proposed provision to read as follows:  
*Through site plan review, the City may review and impose terms and conditions on, the appearance and layout of a proposed use of land or structures for an ADU prior to the issuance of a building permit; and may consider what reasonable requirements concerning dimensional standards, such as, dimensional setbacks, lot coverage, open space, bulk, height and number of stories of the structure, if any, should be imposed on the use.*
6. Section 12.32.030.D.4. General.
  - a) Section 12.32.030.D.4.F: to add the word, “required” before “open space.”
  - b) To add the following provision: G. Only one ADU shall be allowed on a single Lot.

7. Section 12.32.030.D.5. Design Standards.
  - a) Section 12.32.030.D.5.A. Siting and location. To revise the proposed provision to read as follows:  
An Accessory Dwelling Unit may be allowed only on a property that contains a *principal dwelling*.
  - b) Section 12.32.030.D.5.C. Dimensional requirements. To revise the proposed provision to read as follows:  
The requirements shall be those required for the principal dwelling, or a single-family residential dwelling or accessory structure in the zoning district in which the ADU is located, whichever results in more permissive regulation.
  - c) Section 12.32.030.D.5 D. To revise the following proposed provision to read as follows:  
Any expansion of a building's footprint or addition to an existing principal dwelling for an Accessory Dwelling Unit shall comply with all dimensional controls.
  - d) Section 12.32.030.D.5 E. Size. To revise the following proposed provision as follows:  
The maximum size of an Accessory Dwelling Unit is 900 square feet *of gross floor area* or half the size of the *gross floor area* of the principal dwelling, whichever is *smaller*.
8. Section 12.32.030.D.6.D. Parking Requirements.  
To delete proposed subsection D (definition of Bus Station) in its entirety.
9. Section 12.32.030.D.7. Submission requirements. To delete the proposed section in its entirety and insert the following:  
All applications for site plan review shall be in writing and shall provide the information identified in Title 4 of the Code of City of Malden.
10. Section 12.32.030.D.10. Decision.  
To delete, "90 days" and "90-day," and insert, "14 days" and "14-day."
11. To make the following typographical corrections in the following sections:
  - a) Section 12.32.030.D.1. "M.G.L. c.40A"
  - b) Section 12.32.030.D.9.A. "OSPCD"
  - c) Section 12.32.030.D.12. insert, "M.G.L.c.40A, Section 3 or" after the word "to" and before the word "regulations"
12. Section 12.32.030.E (Administration, Certificates and Permits): Special Permit for Accessory Dwelling Units. To delete the proposed provision in its entirety.

For your reference, enclosed please find the Planning Report & Recommendation dated January 27, 2025, and Mayor Christenson's follow up memorandum dated January 27, 2025, which were 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 **April 27, 2025.**

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

Sincerely,



Michelle A. Romero  
City Planner

Enclosures

CC: Mayor Gary Christenson  
Alicia McNeil, City Solicitor