



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Agenda - Final Rules & Ordinance Committee

*Chairperson Craig Spadafora*  
*Vice Chair Peg Crowe*  
*Ryan O'Malley*  
*David Camell*  
*Stephen Winslow*

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Tuesday, May 18, 2021

6:15 PM

REMOTE VIRTUAL MEETING

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### [254-21](#)

In accordance with Governor Baker's 3/12/20 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A,ss18, and the Governor's 3/23/20 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, this meeting will be conducted via remote participation.

In person attendance by members of the public is prohibited, and all effort will be made to permit public attendance of this meeting, in the manner specified below, via remote access by internet, telephone, and if available via public broadcast of the meeting by Malden Access Cable Television on public access television channels.

Public access will also be provided by posting draft minutes, and/or a transcript, recording, or record of the meeting on the city of Malden website at [cityofmalden.org](http://cityofmalden.org) as soon as practicable after the meeting.

Additional information/guidelines for the public can be found here:

<https://www.cityofmalden.org/DocumentCenter/View/2487/Public-information-on-Public-Meetings-and-Hearings-during-the-Declared-State-of-Emergency-related-to-COVID19PDF>

Members of the public who wish to attend remotely can do so using the following information:

Please click the link below to join the webinar:

<https://cityofmalden.zoom.us/j/94544234543?pwd=TTJQenVHUFQ1UXltVUxrRlhaMWWiQT09>

Passcode: 307991

Or One tap mobile:

US: +19294362866,,94544234543#,,,,\*307991#

+16465189805,,94544234543#,,,,\*307991#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 929 436 2866

+1 646 518 9805

Webinar ID: 945 4423 4543

Passcode: 307991

International numbers available: <https://cityofmalden.zoom.us/j/94544234543?pwd=TTJQenVHUFQ1UXltVUxrRlhaMWWiQT09>

If you would like to request a reasonable accommodation, please contact Maria Luise, ADA Compliance Coordinator at [mluise@cityofmaiden.org](mailto:mluise@cityofmaiden.org) <<mailto:mluise@cityofmaiden.org>> or 781-397-7000, Ext 2005.

## Roll Call

## Minutes to be Approved

[255-21](#) Minutes of the Meeting of May 11, 2021.

## Business

### [238-21](#)

Communication: Planning Board (Paper # 40-21) Amendment of §12.16.050, Ch.12, Revised Ordinances of 2020, as Amended Dimensional Controls in Industrial Districts City Council Paper #40/2021. Amendment as submitted and with the following revisions:

- A. Do not delete the words, “or water courses,”
- B. After the words, “or water courses,” insert the phrase, “excluding the Malden River.”

**Sponsors:** Craig Spadafora

### [239-21](#)

Communication: Planning Board (Paper # 41-21) 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;

Approval of the proposed amendments as submitted and with the following revisions and recommendations:

**Sponsors:** Craig Spadafora

### [240-21](#)

Communication: Planning Board (Paper # 42-21) Amendments of Ch.12, Revised Ordinances of 2020, as Amended: Floodplain District (§12.08.040), Use Regulations for Floodplain District (§12.12.110), Table of Intensity Regulations (§12.16.010), Yard Requirements for All Districts (§12.16.070), Usable Open Space Requirements for All Districts (§12.16.080) Dimensional Controls in Industrial Districts (§12.16.050) per Paper #42-21.

[40-21](#) Order: Be it ordained that Section 12.16 (Dimensional Controls) of the Revised

Ordinances of 2020 be amended by revising Section 12.16.050 as to waiving rear yard setbacks in Industrial Districts by deleting reference to “rivers or water courses.

**Sponsors:** Craig Spadafora

**41-21**

Order: Be it ordained that Section 12.12 (Use Regulation), of the Revised Ordinances of 2020, be amended by adding new Section 12.12.200, to include Malden River Site Plan Review.

**Sponsors:** Craig Spadafora

**42-21**

Order: Be it hereby ordained that Chapter 12 of the Revised Ordinances of 2020 be amended as follows:

**#1.**

Amend Chapter 12.08.040 FLOODPLAINS by adding:

C. To mitigate the risks of flooding, all parcels, entirely or partially within, directly adjacent to, or within 500 feet of a Zone AE, Flood Plain District, as defined by 12.08.040 A, must maintain a 100 ft setback of publicly accessible open space from the edge of any watercourse, river, or channel. Watercourses, rivers, and channels shall include but are not limited to the Malden River, a channelized waterway, and Little Creek which are located in map panel 25017C0437E of the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA.) The publicly accessible open space shall include a 10 foot wide pathway which complies with the accessibility requirements of the Americans with Disabilities Act, and shall be planted with plants with a wetland indicator category of FAC, FAC+, FACW-, FACW, FACW+, or OBL as identified in the U.S. Fish and Wildlife Service's National List of Plant Species that Occur in Wetlands: Massachusetts (Reed, 1988.) Furthermore, the publicly accessible open space shall be kept clear of plants identified as “invasive”, “likely invasive”, or “potentially invasive” in “The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts” (April, 2005) by the Massachusetts Invasive Plant Advisory Group.

**#2.**

Amend FLOODPLAIN DISTRICTS 12.12.110 A, by inserting “4. 12.08.040 C and 12.16.140 A.”

**#3.**

Amend IN INDUSTRIAL DISTRICTS 12.16.050 A, by striking “rivers or water courses, and associated properties or easements in public ownership”.

**#4.**

Amend YARD REQUIREMENT FOR ALL DISTRICTS by adding “K. All parcels shall comply with FLOODPLAINS 12.08.040 C and 12.16.140 A.”

**#5.**

Amend USEABLE OPEN SPACE REQUIREMENTS FOR ALL DISTRICTS 12.16.080 by inserting “E. Usable open space in all districts shall comply with FLOODPLAINS 12.08.040 C and 12.16.140 A.”

**#6.**

Amend 12.16 by inserting a new section “12.16.140 SETBACK FROM RIVERS, CHANNELS, AND WATERCOURSES FOR ALL DISTRICTS

1. To mitigate the risks of flooding, all parcels, entirely or partially within,

directly adjacent to, or within 500 feet of a Zone AE, Flood Plain District, as defined by 12.08.040 A, must maintain a 100 ft setback of publicly accessible open space from the edge of any watercourse, river, or channel.

Watercourses, rivers, and channels shall include but are not limited to the Malden River, a channelized watercourse, and Little Creek which are located in map panel 25017C0437E of the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA.) The publicly accessible open space shall include a 10 foot wide pathway which complies with the accessibility requirements of the Americans with Disabilities Act, and shall be planted with plants with a wetland indicator category of FAC, FAC+, FACW-, FACW, FACW+, or OBL as identified in the U.S. Fish and Wildlife Service's National List of Plant Species that Occur in Wetlands: Massachusetts (Reed, 1988.)<sup>[1]</sup><sup>[1]</sup> Furthermore, the publicly accessible open space shall be kept clear of plants identified as "invasive", "likely invasive", or "potentially invasive" in "The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts" (April, 2005) by the Massachusetts Invasive Plant Advisory Group<sup>[2]</sup><sup>[2]</sup>."

**#7.**

Amend TABLE OF INTENSITY REGULATIONS 12.16.010 by inserting a new column between "Rear" and "Min, Usable Open Space" titled "Setback from Watercourse, River, and Channel" and further inserting "100' " in all rows in the new column from "AGRICULTURE" to "Public Service Corporation".

**Sponsors:**

Ryan O'Malley

## Other Business

## Adjournment