



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

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

Tuesday, May 18, 2021

6:15 PM

REMOTE VIRTUAL MEETING

Roll Call

Also in attendance Assistant City Solicitor John McNaught, Building Commissioner Nelson Miller, City Planner Michelle Romero, Evan Spetrini, MRA's Senior Planning & Policy Manager.

Vice Chair Crowe presided over the meeting, Council Chair Spadafora stepped aside because of a family business being located on Canal Street.

Present: 5 - Craig Spadafora, Peg Crowe, Ryan O'Malley, David Camell and Stephen Winslow

Minutes to be Approved

[255-21](#)

Minutes of the Meeting of May 11, 2021.

A motion was made by Winslow, seconded by Chairperson Spadafora, that the Committee Minutes be approved. The motion carried by the following vote:

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow

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

A motion was made by Councillor O'Malley, seconded by Councillor Winslow, that the Communication be amended. The motion carried by the following vote:

The vote was to add Little Creek after "excluding the Malden River".

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow

[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

Councillor O'Malley asked if Little Creek needed to be excluded as well as the Malden River. Councillor Winslow stated canal designation is a wetlands issue. City Planner Romero stated we needed to be sure what is being talked about and this paper was proposed with the Malden River Plan. Councillor O'Malley made a motion to amend the paper to add excluding Little Creek with the Malden River. Mr. Spetrini referenced the map in the packet as a reference point for the river. Ms. Romero suggested to reference a more standardized map defined by USGS Maps.

A motion was made by Councillor O'Malley, seconded by Councillor Winslow, that the Order be amended. The motion carried by the following vote:

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow

To add the wording as referenced by USGS Maps.

A motion was made by Councillor O'Malley, seconded by Councillor Winslow, that the Order be amended. The motion carried by the following vote:

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow

A motion was made by Councillor O'Malley, seconded by councillor Winslow, that the Order be recommended favorably as amended. The motion carried by the following vote:

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow

[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

City Planner Romero corrected the paperwork that was sent out the hearing took place on

April 14th not April 12th. Building Commissioner Miller gave background on item B regarding buildings permits and the process, also scenarios with the 5% of assessment of the property related to triggering a required Site Plan Review. Councillor Spadafora asked if there were any properties that would be exempt from the requirement, specifically the City, National Grid or MRA properties. The City would be the only exemption. Councillor Murphy didn't want small businesses hurt by the requirement asked about a tiered structure. Mr. Spetrini stated he could have an analysis of the businesses, Mr. Miller said he had that information through building permits issued and will send the information to Mr. Spetrini. Ms. Romero stated it would be helpful to see this information for the 17 businesses that could be affected.

A motion was made by Councillor O'Malley, seconded by Councillor Winslow, that the Order be tabled. The motion carried by the following vote:

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow

[42-21](#)

Order: Be it hereby ordained that Chapter 12 of the Revised Ordinances of 2020 be amended (see attachment):

#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.)^{[1][1]} 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][2]}."

#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

A motion was made by Councillor O'Malley, seconded by Councillor Winslow, that the Order be tabled. The motion carried by the following vote:

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow

Other Business

Adjournment

A motion was made by Councillor O'Malley, seconded by Councillor Winslow, that the be adjourned. The motion carried by the following vote:

the meeting was adjourned at 7:09 P.M.

Yea: 5 - Chairperson Spadafora, Vice Chair Crowe, O'Malley, Camell and Winslow