

PLANNING REPORT & RECOMMENDATION

To: Malden Planning Board
From: Malden City Planner
Date: May 14, 2025
Subject: Zoning Amendments – CCP 185/2025
Site Plan Review for Educational, Religious & Childcare Facilities
§12.12.030, Title 12, Code of the City of Malden (*MCC- all § references herein*)

PETITION. The petition is made under §12.32.050; the City Council is petitioner; and Ward 6 Councilor Stephen Winslow is sponsor. For full text of proposed amendments, see attached petition (CCP 185/2025).

SUMMARY of PROPOSED AMENDMENTS.

The proposed amendments are required to render the table of Use Regulations (§12.12.030) consistent with Site Plan Review regulations (§12.12.500) recently ordained (CCP 356/2024), namely, to indicate that site plan review is required for day care centers, non-profit schools, and religious facilities in all zoning districts (Residence A, Residence B, Residence C, Residential Office, Neighborhood Business, Central Business, Highway Business, Industrial 1 and Industrial 2). The amendments would update the table as follows:

Use	A	B	C	RO	BN	CB	HB	I1	I2
Day Care Centers	Yes SPR	Yes SPR	Yes SPR	Yes SPR	SP SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR
Non-Profit School	Yes SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR
Religious Facilities	Yes SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR	Yes SPR

APPLICATION and EXEMPTIONS: The amendments will apply to new construction and new use/occupancy of existing buildings, unless exempt by City ordinance (§12.28.010); the express language of the amendment; state law (M.G.L. c. 40A, §6), which exempts the subject of a building permit or special permit issued before the first publication of notice of the public hearing (April 25, 2025); or the state Permit Extension Act (Section 280 of Chapter 238 of the Acts of 2024).

Note 1: *There are two Applications for Tentative Approval of Preliminary Plan filed under the subdivision control law (M.G.L.c.41, §81S) that may be subject to exemption (M.G.L. c. 40A, §6 freeze of zoning in effect at time of submittal for 8 years, provided that a definitive plan is submitted and approved within 7 months):*

- 1. Permit application #CMID-069525-2024 re: 17 Columbia Street, 25 Columbia Street, 12-24 Lebanon Street and 28 Lebanon Street; filed November 14, 2024, disapproved December 11, 2024.*
- 2. Permit application #CMID-069527-2024 re: 12 Jacob Street, 16 Jacob Street, 20 Jacob Street, 31 Granite Street, 4 Laurel Street, 50 Laurel Street; filed November 14, 2024, disapproved December 11, 2024.*

Note 2: *Permit application # CMID-069474-2024 re: 31 Granite Street (educational use- gymnasium) is being considered exempt; filed November 6, 2024.*

EFFECTIVE DATE: The effective date is the date of the City Council's vote to ordain the amendments (§12.32.050.F) unless otherwise specified. The Council must act on the amendments within ninety (90) days after the public hearing closes, otherwise, a new duly advertised public hearing must be held (§12.32.050.D); accordingly, if the public hearing closes on May 14, 2025, **the final date for action is August 12, 2025.**

STANDARD of REVIEW: The Planning Board's review and recommendation of the proposed zoning changes should be directed by *substantive planning objectives, community need and general welfare.*

PLANNING RECOMMENDATION: (*Prepared prior to the public hearing*) That the Planning Board recommends to the City Council: Approval of the proposed amendments, as submitted.