



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

Councillor Linehan, Chair
Councillor Crowe, Vice-Chair
Councillor O'Malley
Councillor Sica
Councillor Simonelli

Tuesday, December 17, 2024

6:00 PM

215 Pleasant Street
Room 105
Malden, MA 02148

Roll Call

Chair Linehan called the meeting to order at 6:01 PM.

Also in attendance was Nelson Miller, Zaheer Samee, Christopher Mooney, Lisa Cagno, and Councillors Colon Hayes, Spadafora, and Winslow.

Present: 4 - Councillor Amanda Linehan, Councillor Peg Crowe, Ryan O'Malley and Jadeane Sica

Absent: 1 - Chris Simonelli

New Business

[388-24](#)

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 9, Chapter 20, Section 030 STANDARDS AND REGULATIONS FOR RESIDENTIAL WASTE be hereby amended by adding section K. All non-owner-occupied properties with 3 units or more must install year-round rodent control measures in proximity to the trash storage area to prevent rodent activity.

Sponsors: Stephen Winslow, Craig Spadafora and Ryan O'Malley

Due to time constraints during the meeting of December 17, Paper 388 was not taken up for business.

[443-24](#)

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) is hereby amended as noted in the body of said paper, effective upon the successful passage of a Home Rule Petition approving corresponding amendments to the City Charter.

Sponsors: Stephen Winslow

Council President Winslow offered an update to the committee on the status of Paper 443-24, stating Clerk Desiderio has submitted request to the Solicitor's Office to begin drafting the Home Rule Petition. Whereas this paper is designed to work on a timeline in conjunction with the HRP, there is nothing further to do at this time until the HRP is ready to be reviewed.

Tabled Papers

[179-24](#)

Order: That the Council's Rules and Ordinance Committee, in collaboration with the Board of Health and Health Director, update MCC 09.04.010A related to standing water so as to protect and allow for the use of rain barrels, exempting them from the nuisance category of our municipal health code under the final discretion of the City Health Director.

Sponsors: Amanda Linehan and Carey McDonald

Due to time constraints during the meeting of December 17, Paper 179 was not taken up for business.

[287-24](#)

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 12, Chapter 12, Section 090, Subsection B. OFFSITE OFF-STREET PARKING LOTS and Title 12, Chapter 20, Section 020, Subsection I. GENERAL OFF-STREET PARKING REQUIREMENTS is hereby amended as follows:

Sponsors: Ryan O'Malley

Attachments: [Current Ordinance 12.12.090](#)

[Purpose of Amendments to 12.12.090 and 12.20.010](#)

Due to time constraints during the meeting of December 17, Paper 287 was not taken up for business. It is the desire of the Committee to include Nelson Miller and Michelle Romero in the discussion when this paper is taken up for business.

[288-24](#)

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 12 Chapter 20 Section 010 PARKING, LOADING, AND SCREENING REGULATIONS - Table of Off-street Parking and Loading Regulations is hereby amended by striking the values from the "Minimum Number of Parking Spaces" column for the corresponding "Use" rows and inserting in their place the following values:

Dwelling single family: 0.5 per bedroom

Dwelling single family with two kitchens: 0.5 per bedroom

Dwelling two family: 0.5 per bedroom

Dwelling three and four family: 0.5 per bedroom

Dwelling town or row house: 0.5 per bedroom

Dwelling, cohousing: 0.5 per bedroom

Sponsors: Ryan O'Malley

Attachments: [Current Ordinance 12.20.010](#)

[Purpose of Amendments to 12.12.090 and 12.20.010](#)

Due to time constraints during the meeting of December 17, Paper 288 was not taken up for business. It is expected to be taken up again after the ADU presentation by OSPCD at the January 7, 2025 Council meeting.

[402-24](#)

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 6.12.010 HOURS OF OPERATION; IN GENERAL is hereby amended by adding under Paragraph A: Retail Car Wash 8:00 AM to 6:00 PM

Sponsors: Ryan O'Malley and Stephen Winslow

Due to time constraints during the meeting of December 17, Paper 402 was not taken up for business.

[431-24](#)

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 11 Chapter 24 Section 020 Subsection F DIMENSIONS AND APPEARANCE is hereby amended as follows:

- In item 2, strike '7-cubic feet' and replace with '24-cubic feet'.
- In item 5, between the words '16-feet above ground level' and 'using a bracket' insert 'excluding the meter socket'.
- In item 5, in the last sentence strike 'more than fifty (50) inches above the height of the pole' and replace with 'above the pole more than 60 inches or 10% of the pole height, whichever is higher.'

Sponsors: Carey McDonald

Attachments: [Current 11.24.020 Siting and Installation of Wireless Communications Equipment](#)
[Public Comment - 431-24 John Saia 11-26-2024.pdf](#)

A motion was made by Councillor Sica, seconded by Councillor O'Malley, that the Ordinance be taken from the table. The motion carried by a unanimous vote.

Discussion on this paper began with Councillor Spadafora reporting that he had been researching how other cities address small cell installations and discussing options with Building Commissioner Nelson Miller. The specific city they are looking at for the purposes of this paper is Cambridge, MA because the city has a very comprehensive ordinance governing small cells. Their dimensional and location regulations for the equipment are the biggest differences from Malden's ordinance.

Dimensionally, there are three changes Commissioner Miller recommends making. Size of equipment cabinets are getting bigger industry wide. Increase 7-cubic feet in exterior volume to 24-cubic feet. Increase the distance wireless communication equipment may extend above the height of the pole from 50 inches to 60 inches or 10% of the pole height, whichever is higher. Decrease the height of equipment off the ground from 16 to 8 feet above the ground, excluding the meter socket.

There are other aspects of Cambridge's ordinance that Commissioner Miller stated should be entertained by this committee at a later date, such as where the small cells are located, how close one may be to another, how close one may be to a building, to a window, to an intersection, other utility poles. They also have specific regulations depending on what kind of a pole is utilized.

It was decided the paper would be amended to strike the original language in its entirety and instead amend Subsection F DIMENSIONS AND APPEARANCE, items 2 and 5 with the following:

- *In item 2, strike '7-cubic feet' and replace with '24-cubic feet'.*
- *In item 5, between the words '16-feet above ground level' and 'using a bracket' insert 'excluding the meter socket'.*
- *In item 5, in the last sentence strike 'more than fifty (50) inches above the height of the pole' and replace with 'above the pole more than 60 inches or 10% of the pole height, whichever is higher.'*

A motion was made by Councillor Crowe, seconded by Councillor O'Malley, that the Ordinance be amended. The motion carried by a unanimous vote.

A motion was made by Councillor O'Malley, seconded by Councillor Crowe, that the Ordinance be recommended favorably as amended to the City Council. The motion carried by a unanimous vote.

Adjournment

A motion was made by Councillor O'Malley, seconded by Councillor Crowe, that the meeting be adjourned. The motion carried by a unanimous vote.

Meeting adjourned at 6:28 PM.