

Malden River Zoning Amendment – Set Back from the Malden River Channel

Goal: To mitigate the risks of flooding and improve public access, the below zoning amendments aim to create a 100ft setback from the Malden River for publicly accessible buffer of open space. The 100ft setback is informed by the recommendations and public feedback provided in the following visions, reports, and plans:

Placemaking as a Catalyst for Change on the Malden River Report (2020) – Recommended 100 ft set back from river front.

Commercial Street Corridor Study (2018) - The recommendations of Commercial Street Corridor Study are consistent with the current Malden River Greenway master plan sponsored by the Mystic Greenways Initiative. In particular, there commendations regarding connectivity to Malden and Everett through pedestrian and bicycle infrastructure align with the network recommendations of the Greenway master plan. Changes to zoning could create an overlay or base district for the Corridor to connect riverfront activation with desired uses. The City could also develop design standards and guidelines to be incorporated into the City’s zoning that impact urban design challenges throughout the Corridor, including guidelines that ensure high-quality access to the Malden River is consistent throughout the riverfront area.

Open Space and Recreation Plan (OSRP) (2017) – The 2017 OSRP, an update and revision to the 2010 OSRP, identified access to the Malden River as a community priority and set a long-term goal for the City to continue developing the Malden River as new open space. The action plan for implementation of the OSRP includes expansion of public access and improved open space through enhanced development requirements, such as new standards in the City’s Zoning Ordinances and using the Chapter 91 process to create pathways.

Mystic Greenways Initiative (2017) - The Mystic Greenways Initiative is an effort by the Mystic River Watershed Association to create a continuous waterfront park system, including along both sides of the Malden River. The Initiative recently worked with cities, developers, businesses, community groups, and residents of Malden, Medford, and Everett to create a Malden River Greenway master plan and recommendations for new parks, paths, and boating amenities along the Malden River (see Appendix D). The timing of the Greenway master plan process was similar to that of this Framework Plan, which enabled cooperative discussions regarding the respective planning efforts. This Framework Plan’s recommendations regarding connectivity to Malden and Everett through pedestrian and bicycle infrastructure align with the network recommendations of the Greenway master plan.

Urban Land Institute – Technical Assistance Panel (ULI-TAP) Report (2015) – The report highlighted the cultural diversity of both cities and the proximity to regional transportation. It noted that challenges include poor access and sightlines to the Malden River, problematic access to the regional transportation network, a lack of a gateway, poor signage, and infrastructure in need of improvement.

Gaining Public Access to the Malden River – Opportunities and Challenges of Chapter 91 (2014) - A team of Tufts University students evaluated the implementation of Chapter 91 along the Malden River in past, current, and potential applications for the Mystic River Watershed Association. The team found that about 50 percent of current property owners within the Chapter 91 jurisdiction, including areas in Malden, Everett, and Medford, have a valid Chapter

91 license. The report's authors found a lack of detail in approved licenses and a lack of enforcement of the license requirements. This created situations where property owners had the ability to provide low quality access or not develop the open space as specified by the license. For example, only one out of the 27 licenses reviewed specified handicap accessibility to the open space, and only one license required architectural compatibility of future buildings with the open space.

Plan for Downtown Malden Blue Print for Action (2013) - The report states that the lower portion of Canal Street is not dense enough to create foot traffic, does not have a cohesive urban fabric, and is not strongly connected to the Malden River.

Malden Master Plan (2010) - Transportation recommendations included facilitation of more bicycling and walking city-wide. The Natural and Cultural Resources section included a recommendation to protect open space through existing infrastructure in redevelopment projects. Examples of recently expanded open space in partnership with developers included Plaza 88, located at 184-188 Commercial Street, where "[a]s part of the Planning Board approval, the owner agreed to construct a landscaped walkway along the rear property line, providing public access to the Malden River." Other recommendations included increasing public awareness of conservation and preservation, making open space accessible, and increasing connectivity to the River's Edge development in Medford.

Malden Vision (2008) - The Malden River was specifically noted among the natural resources valued by the community.

Proposed Zoning Amendments

#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 (define?) of any watercourse (correct term?), 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.)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 Group².

¹ https://buzzardsbay.org/delineation/bbnep_1988_plant_list.pdf

² <https://www.mass.gov/doc/invasive-plant-list/download>

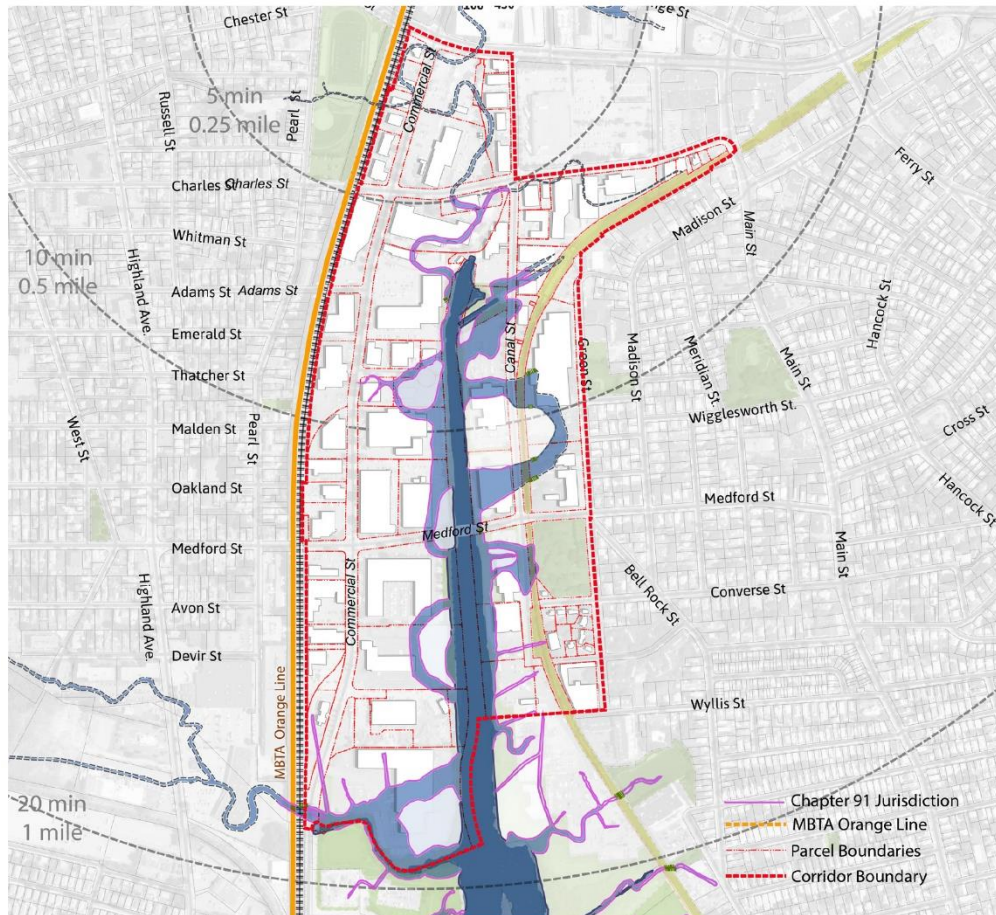
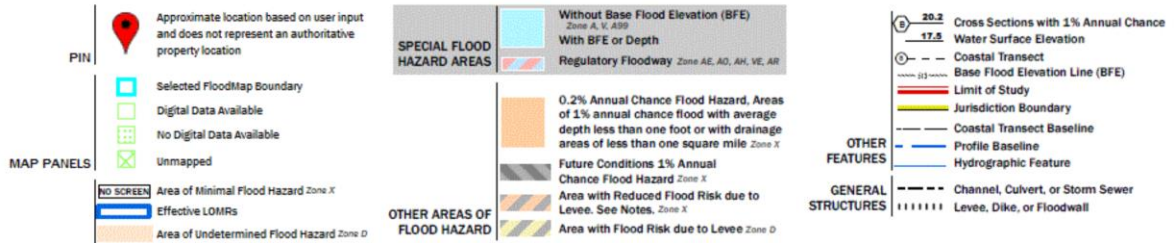
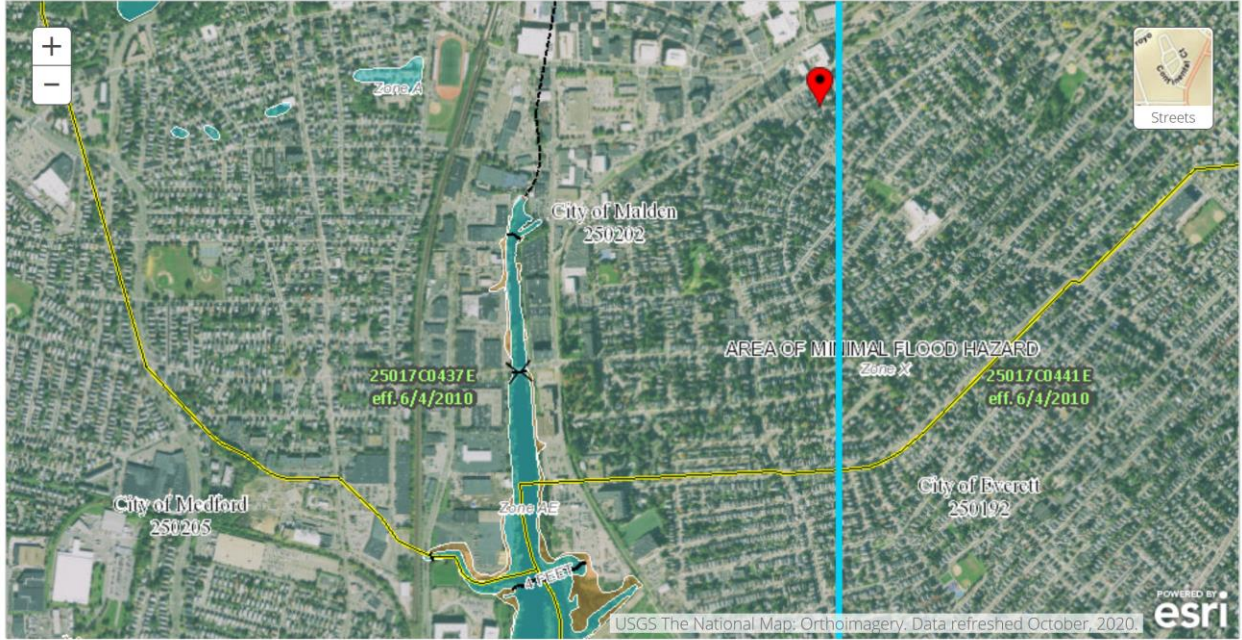
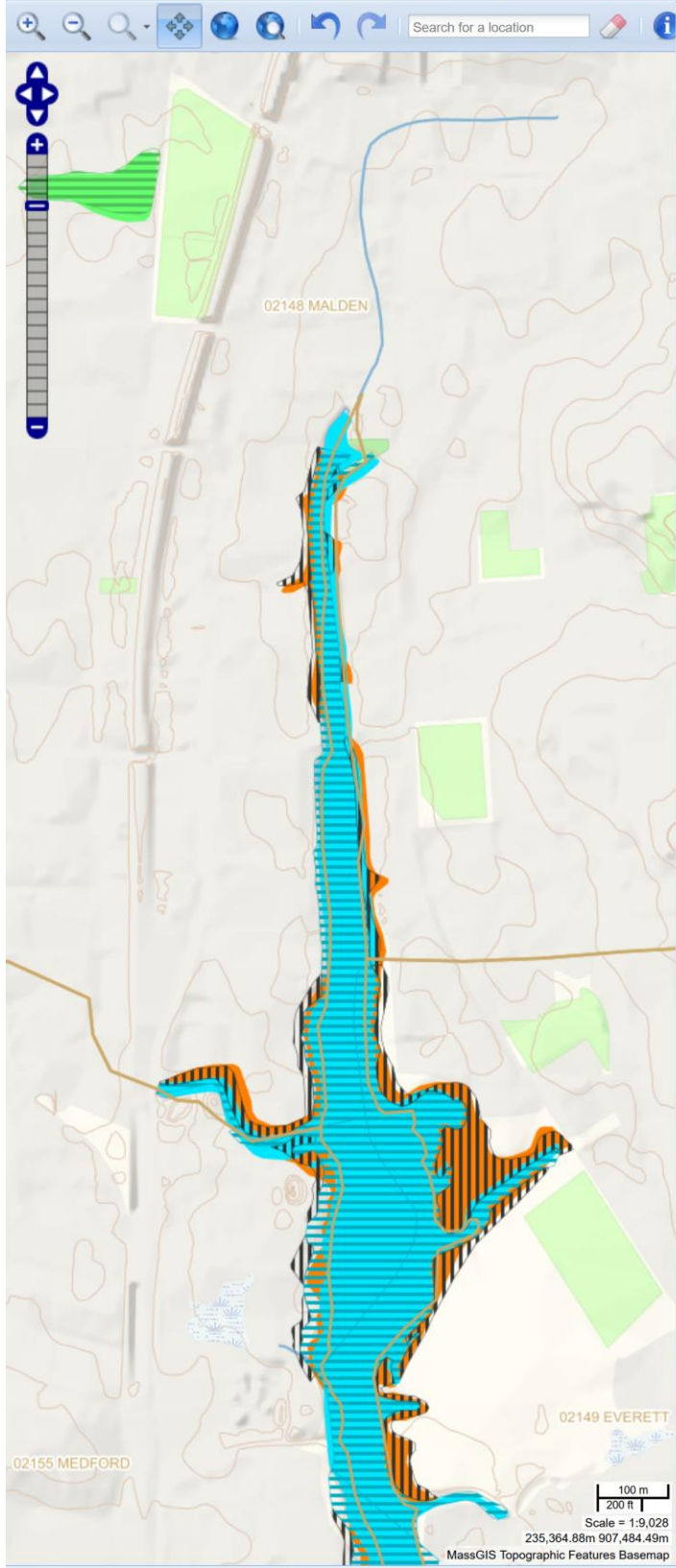


Figure 13: Historic Location of the Malden River



- ### Available Data Layers
- FEMA National Flood Hazard Layer
 - MSAG Communities
 - New England States
 - Public School Districts
 - Regional Planning Agencies
 - Regional Transit Authorities
 - Registries of Deeds Districts
 - Wards and Precincts
 - ZIP Codes
 - ZIP Codes (5-Digit) from HERE (Navteq)
 - Regulated Areas
 - AUL Sites

- ### Active Data Layers
- Check all Uncheck all Remove all
- ZIP Codes (5-Digit) from HERE (Navteq)
 - Q3 Flood Zones (from Paper FIRMs, All Available)
 - FEMA National Flood Hazard Layer Polygons

- ### Legend
- Q3 Flood Zones (from Paper FIRMs, All Available Areas)
- A
 - AE
 - AE Floodway
 - AH
 - AO
 - D
 - V



Figure 28: Proposed Head of the Malden River
Source: Malden River Greenway, Utile

#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

- A. 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 (define?) of any watercourse(correct term?), 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.)³ 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 Group⁴."

#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".

³ https://buzzardsbay.org/delineation/bbnep_1988_plant_list.pdf

⁴ <https://www.mass.gov/doc/invasive-plant-list/download>