



Malden, MA

Date: June 30, 2021

His Honor the Mayor has approved Paper # 41 of 2021

Below is a true attest copy of same:

Malden River Site Plan Review

Section 12.12.200

Ordinance:

To further amend Chapter 12, Revised Ordinances of 2020, as Amended, as follows:
Add New Section 12.12.200: Malden River Site Plan Review

A. Purpose and Intent: To ensure that the design and layout of new development and redevelopment will protect and conserve the Malden River and expand public access and use. The intent of the Site Plan Review process is to regulate rather than prohibit use of properties that abut the Malden River through reasonable conditions which may be recommended by the Site Plan Review Committee (SPRC). Site Plan Review is an administrative review and shall not be construed as a special permit for review or appeal purposes.

As used herein this Ordinance, the Malden River is defined to be the Malden River and Little Creek, as referenced by the USGS Topographic map, where day lighted.

B. Applicability: A Site Plan Review is required for any work requiring a permit of a value that amounts to 5% or more of the City assessed value of the building, excluding upgrades that comply with the Massachusetts Energy Code, or any reuse of an existing building on property that abuts the Malden River wherever day lighted at the time application is made under this Ordinance, in accordance with the provisions below.

Any permit for any work issued prior to the date of first publication of the notice of public hearing on this Ordinance shall be exempt from the provisions of this Ordinance.

Prior to applying for Site Plan Review, applicant shall obtain any necessary zoning relief and approvals of the Historical Commission and Conservation Commission.

C. Relationship to the Building Permit and Occupancy Permit: The Building Inspector shall not issue a building permit unless and until a Site Plan Review has been completed, and a letter with site plan conditions, if any, has been forwarded to the Building Inspector by the SPRC within the time frame noted in Paragraph F. If the site plan review letter contains specific conditions, said conditions shall become conditions for the issuance of the building permit, among others, that the Building Inspector may require. Further, the Building Inspector shall not issue a final

occupancy permit unless and until all site plan conditions as required by the SPRC have been implemented by the developer.

D. Site Plan Submission Criteria: The applicant shall submit 10 copies of a site plan proposal drawn at a scale not to exceed one-inch equals 20 feet (1"=20'). The Site Plan Review materials shall be submitted to the City Planner; said office shall forward all materials to the Site Plan Review Committee. A registered Professional Surveyor or registered Professional Engineer must stamp the submitted site plan. At a minimum, the submittal materials shall include the following items as applicable:

1. a cover letter generally describing the nature and location of the project;
2. parcel lot lines for the proposed project and abutting parcels; and all easements boundaries, if any;
3. proposed parking plan including location of access and egress; location of snow storage areas;
4. location of existing and proposed buildings and public/private ways on the project site;
5. location of solid waste containers, if any;
6. location of Malden River and existing and proposed topography, including locations of culverts, and water bodies, if any;
7. proposed landscaping;
8. location of open space;
9. fencing, walls, and existing and proposed lighting;
10. location, material, and size of all signs.
11. All required improvements specified in Section J herein below.

E. Site Plan Review Committee:

1. Composition. The Site Plan Review Committee (SPRC) shall be comprised of 7 members:

- the Mayor or Mayor's designee;
- the President of the City Council or designee;
- the Ward Councillor representing the property or designee;
- the Executive Director or designee of the Office of Strategic Planning & Economic Development;
- the Chair of the City Council Waterfront Access Committee or designee;
- Two residents appointed by the Mayor and confirmed by the City Council.

The City Council President or his designee shall serve as the Chairman of the SPRC.

2. Operation. The department head or designee from the following city departments or agencies may provide written recommendations to the SPRC a minimum of seven (7) days prior to a public

project review meeting: Inspectional Services, Public Works, Fire Department, Police, Board of Health, Conservation Commission, City Engineer and City Planner.

The SPRC may request assistance of architects and engineers and other professionals during its deliberations and require that the applicant assist in paying for review costs consistent with Mass. Gen. Laws, Chapter §53G.

Only SPRC members may be party to any vote or agreement.

A majority of those present shall be required to approve any and all site plan review conditions applied to a development under review.

A quorum for conducting business shall be 100% of the members.

F. Review Schedule: The SPRC shall hold a public project review meeting with the applicant no later than 45 days after submitting the proposed site plan to the City Planner. The SPRC shall hold as many meetings as necessary within a 65-day review period to review the proposal. However, within 65 days of the submission of the plan to the City Planner the SPRC shall provide recommendations in writing to the Building Inspector. If no action is taken within 65 days, the application shall be deemed approved as submitted and the applicant may apply for a building permit without a Site Plan Review letter.

G. Notice: Notice of the public project review meeting shall be given in accordance with the provisions of this Ordinance. The public shall be given the opportunity to be heard at the public project review meeting.

H. Appeals: Applicants for a Site Plan Review may appeal any and all conditions approved by the SPRC to the Malden Board of Appeal. However, in no instance shall this administrative site plan approval process be construed as a special permit for the purpose of any appeal.

I. Expiration: A Site Plan Review approval will expire on the date that is one year from date of notice of Site Plan Approval to the Building Inspector unless a building permit has been issued or unless otherwise specified by the Site Plan Review Committee.

J. Site Plan Review Criteria: The SPRC shall review all site plans, at a minimum, for conformance with the following required improvements:

.1 Public Pedestrian Access. Install and maintain public pedestrian access to the Malden River that complies with the following:

- a) Continuous pedestrian connections must be provided between all major points of pedestrian activity on the property, including, but not limited to, connections to the Malden River waterfront pathway, connections to all public and private ways abutting the property.
- b) Must have two points of access – no dead ends

- c) Waterfront public access areas shall be accessible to persons with physical disabilities in accordance with the Architectural Access Board
- d) Signage:
 - i. All waterfront public access areas shall contain an entry sign mounted on a permanent structure. Such sign shall be located within five feet of the boundary of the entrance from a street, public park or other public way.
 - ii. Must include "Hours of operation: Dawn to dusk," and "Open to Public."

.2 Riverfront Walkway. Install and maintain pedestrian walkway adjacent to the Malden River that has a minimum width of ten (10) feet, and complies with the following:

- a) Surfacing: All surfacing material for a required circulation path shall be permanent, durable, and accessible to persons with physical disabilities.
- b) Maintenance: The property owner shall be responsible for the completion and maintenance of all required waterfront public access areas on the property.

.3 Buffer Area. Install and maintain landscaped buffer area adjacent to river that complies with the following:

- a) Planted with native, non- invasive species, and rehabilitated to remove invasive species, with the exception of any invasive trees greater than a 4" caliper, measured by diameter breast height; and any invasive removal strategy shall include a sapling replanting strategy.
- b) Public access areas abutting the Malden River must be designed to reduce the level of storm water runoff into the river and with special attention to the provision of wildlife habitat.
- c) Trees: A minimum of one canopy tree shall be provided for every 30 feet of riverfront public pathway and supplemental public access area.
- d) The most current versions of the following shall be used as guidelines to determine invasiveness of species to be planted and removed: U.S. Fish and Wildlife Service' National List of Plant Species that Occur in Wetlands: Massachusetts (Reed, 1988); and The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (April 2005) by Massachusetts Invasive Plant Advisory Group.
- e) Maintenance: The property owner shall be responsible for the completion and maintenance of the landscaping of the required buffer area.

.4 Set Backs. Any new construction not required by the Malden River Site Plan Review Ordinance shall be set back a minimum of 100 feet from the Malden River; provided, however, that the Site Plan Review Committee may allow Water Dependent uses, as defined by M.G.L. Chapter 91, within the set back.

.5 Parking. No surface parking is permitted within 75 feet of the Malden River.

Any required parking that is removed pursuant to this provision does not need to be replaced on-site and a Traffic Demand Management Plan is required.

The greater of two parking spaces or 5% of existing parking on-site shall be designated for Malden River Users, unless this puts property in violation of the zoning ordinance.

Paper # 41 of 2021, of which the above is a true copy

Ordained June 29, 2021 by the City Council, by yea (10) and nay (0) and (1) recused vote, the City Council consisting of eleven members at their June 29, 2021 meeting.

Approved, June 30, 2021, by His Honor, Mayor Gary J. Christenson

Attest:

A handwritten signature in black ink, appearing to read "Gregory", written in a cursive style.

City Clerk