



# 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*

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Tuesday, November 16, 2021

6:00 PM

215 Pleasant Street - Room 105  
Malden, MA 02148

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### Roll Call

*Councillor Camell came into the meeting at 6:20  
Councillor O'Malley came into the meeting at 6:20*

*Also present: City Solicitor Kate Fallon, Assistant City Solicitor Zaheer Samee, City Planner Michelle Romero, Special Assistant to the Mayor Maria Luise, Councillor Codon.*

*The meeting started at 6:14 P.M.*

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

### Minutes to be Approved

[515-21](#)

Minutes of the Meeting of September 28, 2021.

**A motion was made by Winslow, seconded by Vice Chair Crowe, that the Committee Minutes be approved. The motion carried by a unanimous vote 3-0.**

### Business

[454-21](#)

Communication: Planning Board Paper # 405-21 - Order: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by adding Section 12.12.300 Site Plan Review , (See Attached).

**Sponsors:** Craig Spadafora

**Attachments:** [CCP 405 2021 PSR w Att](#)  
[CCP 405 2021 PBR](#)

Order: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by adding Section 12.12.300 Site Plan Review:

**Sponsors:** Stephen Winslow

**Attachments:** [12.12.300 SITE PLAN REVIEW OTHER v2](#)  
[12.12.300 SITE PLAN Paper 405.21 Revised](#)  
[CCP 405 2021 PBR](#)  
[CCP 405 2021 PSR w Att](#)

*Chair Spadafora gave the floor to City Solicitor Fallon who the Council had requested her legal opinion on the amended paper 405-21 that was sent to joint hearing on 9/21/21. Atty. Fallon has been in discussions with City Planner Michelle Romero, Councillor Winslow, the sponsor of the paper, review of 8/23/16 Attorney General Letter to Town Clerk of the Town of Canton which she was informed Paper 405-21 was formulated, Massachusetts zoning law and decisional law interpreting Massachusetts zoning law.*

*It was of Attorney Fallon's opinion, the proposed zoning as written conflicts with several provisions in our current zoning ordinance, and is inconsistent with Massachusetts zoning law and decisional law interpreting zoning law, including MGL c. 40A 3, the "Dover Amendment".*

*Attorney Fallon continued the draft proposed ordinance is an overreach of the jurisdiction of the Building Inspector and Board of Appeal. Attorney Fallon and City Planner Romero each made recommendations to revise with qualifying language in multiple aspects of the proposed zoning.*

*Councillor Winslow stated that after meeting with Attorney Fallon and City Planner Romero he had a better understanding where they were coming from and the need to figure out site plan review with the Planning Board and Board of Appeal. Councillor Winslow said it is not clear what we can put for requirements regarding open space. Councillor Winslow stated we need public input and don't want to be passing ordinances that do not conform to law. Councillor Winslow made a motion to table and come back in a couple of weeks after looking at Attorney Fallon and City Planner Romero's recommendations. Councillor Winslow thanked Attorney Fallon and City Planner Romero for their input.*

*City Planner Romero told the committee they had until January 11th to take action on this paper. Ms. Romero also told the committee any "substantial" changes would require another public hearing.*

*Councillor Camell said that any other use if different or the Maplewood parcel was down the street it may not even be an issue. The problem it is taking up a large piece of space in the heart of Maplewood Square that is zoned for business use. Councillor Camell spoke to the presentation given by Ron Hogan regarding the shrinking of the city tax base.*

*Councillor Winslow's motion to table and come back to address was seconded by Councillor Crowe.*

**A motion was made by Councillor Winslow, seconded by Vice Chair Crowe, that the Order be tabled. The motion carried by the following vote:**

**Yea:** 4 - Chairperson Spadafora, Vice Chair Crowe, O'Malley and Winslow

**Nay:** 1 - Camell

#### 455-21

Communication: Planning Board Paper # 383-21 - Order: Alternative #1:

ORDER: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by amending Section 12.030 Use Regulations to indicate that Warehouse and Wholesale and Distribution Uses are not allowable uses in BH (Highway Business Zones).

Order: Alternative #2:

ORDER: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by striking the first three lines of Section 12.12.010 Paragraph B and replacing that with the following, (See attached).

**Sponsors:** Craig Spadafora

**Attachments:** [CCP 383 2021 PBR](#)  
[CCP 383 2021 PBR w Att](#)

### 383-21

Order: Alternative #1: ORDER: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by amending Section 12.030 Use Regulations to indicate that Warehouse and Wholesale and Distribution Uses are not allowable uses in BH (Highway Business Zones).

Order: Alternative #2: ORDER: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by striking the first three lines of Section 12.12.010 Paragraph B and replacing that with the following, (See attached final amendment).

**Sponsors:** Stephen Winslow, Deborah DeMaria and Amanda Linehan

**Attachments:** [CCP 383 2021 PBR](#)  
[CCP 383 2021 PBR w Att](#)

*Councillor Winslow the sponsor of the paper was fine with the Paper incorporating the Planning Board's recommendations. The recommendations were:*

- 1) the Approval of the amendment to prohibit Wholesale & Distribution , as proposed.*
- 2) Disapproval of all other amendments.*
- 3) Inclusion of the following language with any amendments ordained: "this ordinance/amendment shall not apply to any application for a special permit or building permit filed before the date of first publication of the notice of public hearing re: this ordinance /amendment (September 10, 2021).*

*The Council has until January 11, 2022 to act on this paper.*

## Other Business

### Tabled Papers

### 464-19

Order: That the City Council review and evaluate Section 2.30 of its ordinances known as "Community Preservation Committee, Composition: Duties, etc."

**Sponsors:** Deborah DeMaria, Craig Spadafora, Stephen Winslow, Peg Crowe and Ryan O'Malley

**Attachments:** [CPC Ord Winslow Proposed Amendments 10-13-2021](#)

## Adjournment

A motion was made by Councillor Winslow, seconded by Vice Chair Crowe, that the meeting be adjourned. The motion carried by a unanimous vote.

The meeting adjourned at 6:58 P.M.