



Legislation Details (With Text)

File #:	42-21	Version:	1	Name:	
Type:	Order	Status:		In Committee	
File created:	1/28/2021	In control:		Rules & Ordinance Committee	
On agenda:	2/2/2021	Final action:			
Title:	<p>Order: Be it hereby ordained that Chapter 12 of the Revised Ordinances of 2020 be amended (see attachment):</p> <p>#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 of any watercourse, 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.) 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 Group.</p> <p>#2. Amend FLOODPLAIN DISTRICTS 12.12.110 A, by inserting "4. 12.08.040 C and 12.16.140 A."</p> <p>#3. Amend IN INDUSTRIAL DISTRICTS 12.16.050 A, by striking "rivers or water courses, and associated properties or easements in public ownership".</p> <p>#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."</p> <p>#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."</p> <p>#6. Amend 12.16 by inserting a new section "12.16.140 SETBACK FROM RIVERS, CHANNELS, AND WATERCOURSES FOR ALL DISTRICTS 1. 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 of any watercourse, 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.)[1][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 Group[2][2]."</p> <p>#7. Amend TABLE OF INTENSITY REGULATIONS 12.16.010 by inserting a new column between "Rear"</p>				

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”.

Sponsors: Ryan O'Malley

Indexes:

Code sections:

Attachments: 1. Malden River Zoning Amendment, 2. CCP 40, 41, 42 2021 Malden River & Floodplain District w
atts, 3. CCP 42 2021 PBR 4.21, 4. Mayors Ltr..Council.1.28.21, 5. Section 12.16.050 In Industrial
Districts, 6. CCP 42 2021 PBR 4.21 w CORRECTION, 7. Malden River Zoning
Amendment.pdf.Final.Draft

Date	Ver.	Action By	Action	Result
6/16/2021	1	Rules & Ordinance Committee		
5/18/2021	1	Rules & Ordinance Committee	tabled	Pass
2/2/2021	1	City Council	referred	
2/2/2021	1	City Council	referred	Pass

Order: Be it hereby ordained that Chapter 12 of the Revised Ordinances of 2020 be amended (see attachment):

#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 of any watercourse, 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.) 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 Group.

#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

1. 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 of any watercourse, 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.)^{[1][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 Group^{[2][2]}.

#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".