



## Legislation Details (With Text)

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|-----------------------|---|----------------------|--------------|--------------|--|
| <b>File #:</b>        | 405-21  | <b>Version:</b>      | 1            | <b>Name:</b> |  |
| <b>Type:</b>          | Ordinance   | <b>Status:</b>       | Passed       |              |  |
| <b>File created:</b>  | 9/15/2021   | <b>In control:</b>   | City Council |              |  |
| <b>On agenda:</b>     | 9/21/2021   | <b>Final action:</b> | 4/26/2022    |              |  |
| <b>Title:</b>         | Order: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by adding Title 12, Chapter 12, Section 300 Site Plan Review to the Code of the City of Malden:  |                      |              |              |  |
| <b>Sponsors:</b>      | Stephen Winslow   |                      |              |              |  |
| <b>Indexes:</b>       |   |                      |              |              |  |
| <b>Code sections:</b> |   |                      |              |              |  |
| <b>Attachments:</b>   | 1. 12.12.300 SITE PLAN REVIEW OTHER v2, 2. 12.12.300 SITE PLAN Paper 405-21 Revised, 3. CCP 405 2021 PBR, 4. CCP 405 2021 PSR w Att Oct 13, 2021, 5. Legal Opinion 405-21, 6. 12.12.300 SITE PLAN REVIEW Red-lined Version Sept 21 2021, 7. Councillor Winslow's Recom 4.05.2022, 8. Planning Board Recommendation w Att Feb 15 2022 405-21 |                      |              |              |  |

| Date       | Ver. | Action By                   | Action                           | Result |
|------------|------|-----------------------------|----------------------------------|--------|
| 4/26/2022  | 1    | City Council                | ordained                         | Pass   |
| 4/12/2022  | 1    | City Council                | enrolled                         | Pass   |
| 4/5/2022   | 1    | Rules & Ordinance Committee | recommended favorably as amended | Pass   |
| 3/8/2022   | 1    | Rules & Ordinance Committee | tabled                           | Pass   |
| 12/7/2021  | 1    | City Council                | referred                         | Pass   |
| 12/7/2021  | 1    | Rules & Ordinance Committee | recommended favorably            | Pass   |
| 11/16/2021 | 1    | Rules & Ordinance Committee | tabled                           | Pass   |
| 9/21/2021  | 1    | City Council                | amended                          | Pass   |
| 9/21/2021  | 1    | City Council                | referred                         | Pass   |

Order: Be it hereby ordained that Section 12 of the Revised Ordinances of 2020 effective 1/1/2020 be amended by adding Title 12, Chapter 12, Section 300 Site Plan Review to the Code of the City of Malden:

### 12.12.300 SITE PLAN REVIEW - OTHER

A. Purpose and Intent: To set forth the process to establish reasonable regulations consistent with MGL Chapter 40A Section 3 of the design and layout of new non-residential buildings allowed by right in any district, including religious and educational institutions.

#### B. Applicability.

No building, structure or additional impervious surface exceeding 10,000 square feet, for a non-residential use, including any charitable or philanthropic, religious or educational use or purpose, shall be expanded in ground area, or established in an existing building not previously used for non-residential purposes, except in conformity with a site plan bearing an endorsement of approval by the Board of Appeals.

This section shall not apply to properties subject to Special Permit or Site Plan Review otherwise under Section 12,

including but not limited to Section 12.12. 140 (Site Plan Review RIO), Section 12.12.200 (Malden River Site Plan Review) and Section 12.28.140 (Rowe's Quarry Reclamation and Redevelopment District).

**C. Relationship to the Building Permit and Occupancy Permit:**

This section shall apply as a pre-condition of the issuance of any building permit, without regard to the date of the filing of an application for a building or demolition 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 Site Plan Review Committee 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. locations of existing and proposed buildings and public/private ways on the project site;
4. an architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.
5. a parking plan including the number of spaces to serve employees, the location of access and egress for employees and deliveries, loading bays, proposed pick-up and drop-off areas for building users (whether on or off-site), pedestrian walkways, bicycle parking and the location of snow storage areas.
6. If the parking plan proposes to use off-site areas for any purpose, the materials shall include a traffic study, walking routes from off-site areas to the site and proposed transportation measures designed to ensure that off-site impacts will be consistent with any proposed in the plans;
7. location of solid waste containers, if any;
8. location, material, and size of all signs.
9. Topography and drainage plan, which shall contain the existing and proposed final topography at two (2) foot intervals and plans for handling storm water drainage, and all wetlands including floodplain areas.
10. Utility plan, which shall include the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site.
11. Landscaping plan, prepared by a Massachusetts Registered Landscape Architect showing, but not limited to, the following information:
  - a. location of proposed open space, including playgrounds and recreational facilities, if any;
  - b. Location and type of proposed site and landscape lighting;
  - c. Provision for the site surface and sub-surface drainage;
  - d. Location, general type and quality of existing vegetation, including specimen trees;
  - e. Existing vegetation to be preserved;
  - f. Mitigation measures employed for protecting existing vegetation during construction and a sediment control plan;

- g. Locations and labels for all proposed plants;
- h. Plants lists or schedule with the botanical and common name, quantity and spacing and size of all proposed landscape material at the time of plantings; and
- i. Location and description of other landscape improvements, such as landscaped earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas.
- k. Other Required Information. The application shall also include the following reports and documents.
  - 1. A written statement indicating the estimated time required to complete the proposed project and any and all phases thereof.
  - 2. Drainage calculations by a registered professional engineer. Stormwater management design must conform to DEP's Storm water Management Policy or regulations.
  - 3. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.
  - 4. Information specified in Section H, Performance Standards.

#### E. Site Plan Review Committee:

##### 1. Composition.

The Site Plan Review Committee (SPRC) shall be comprised of 5 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;
- One resident 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. Site Plan Review Criteria: The SPRC shall review all site plans and set reasonable conditions for the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage so as to:

1. Protect adjoining premises against detrimental or offensive uses on the site and impacts that would that could substantially undermine existing, allowed uses of such premises and pedestrian-orientated establishments
2. Ensure convenient and safe vehicular, pedestrian and bicycle movement within and around the site, including travel by public safety and transit vehicles
3. Require adequate methods for disposal for sewage, refuse and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water.
4. Provide adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment, and require any regular off-site loading and unloading of vehicles be in legally-established zones for such purpose and that the traffic and working route plans show that those zones will limit adverse off-site traffic and parking impacts,
5. Lateral connections of utilities including, but not limited to electric, telephone, and fire alarm to buildings and other structures shall be underground in all cases where the property to be served abuts any street where these utilities are installed underground.
6. Provision of on-site open space and recreational facilities to serve the needs of the establishment so as to avoid the over use of nearby public open space.
7. In pedestrian-orientated areas, safety improvements, building setbacks and curb cuts reasonably necessary for the continued walkability of people of all ages and abilities passing the site.
8. Near bus and transit stops and no parking areas established for public safety purpose, sufficient separation and counter measures to ensure access and efficient passage of transit and public safety vehicles.

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: