

PLANNING REPORT & RECOMMENDATION

To: Malden Planning Board
From: Malden City Planner
Date: June 10, 2026
Subject: Zoning Amendments – CCP 276/2026 - Data Centers
§§12.12.030, 12.32, Title 12, Code of the City of Malden (*MCC- all § references herein*)

PETITION. The petition is made under §12.32.050; the City Council is petitioner; and Ward 5 Councilor Ari Taylor is the sponsor. For full text of proposed amendments, see attached petition (CCP 276/2026).

SUMMARY of PROPOSED AMENDMENTS.

1. **Use Category and Use Regulations (§12.12.030).** The proposed amendments establish a new business use category, Data Centers, and prohibit this use in all zoning districts. Currently, this use would be classified under the business use category, retail services. By establishing a category for this use, the amendment will preclude classification of this use as retail services or another type/kind of use.

Note 1: If use regulations are not ordained as proposed and less restrictive regulations are proposed to allow this new use by right, by special permit, by site plan review, those may be considered covered by the current notice; however, another petition and noticed public hearing will be necessary to amend the ordinance to establish dimensional controls and parking and loading requirements for this new use..

2. **Definitions (§12.32.060).** The proposed amendments establish a definition for Data Center:
Data Center: A building, or part thereof, which has a principal use to house computers and/or servers, data storage systems, networking systems, and/or computing resources, that are used to process, store, manage and/or disseminate data.
3. **Certificates & Permits (§12.32.030).** The amendments establish a moratorium on permitting Data Centers.
 - a) Duration of moratorium: May 22, 2026 – September 8, 2027 (estimate - depends on enactment date) (*“commencing first date of publication of the public hearing [notice] for this ordinance amendment and ending one year from the date of final enactment of this amendment”*)
 - b) Purpose: *“The foregoing moratorium is imposed to allow the City time to undertake studies and obtain resident input on the impacts that Data Centers may have on the infrastructure, environment, health, and economy of the City and community, and to consider amendments to the ordinance.”*

APPLICATION and EXEMPTIONS: The amendments will apply to new construction and new use/occupancy of existing buildings, unless exempt by City ordinance (§12.28.010); the express language of the amendment; state law (M.G.L. c. 40A, §6), which exempts the subject of a building permit or special permit issued before the first publication of notice of the public hearing (May 22, 2026); or the state Permit Extension Act (Section 280 of Chapter 238 of the Acts of 2024).

Note 2: The City is unaware of any existing data centers and there are no approved or proposed projects.

EFFECTIVE DATE: The effective date is the date of the City Council’s vote to ordain the amendments (§12.32.050.F) unless otherwise specified.

- a) The effective date for the use regulations and definition is the date of the Council’s vote.
- b) The effective date of the moratorium is the first date of publication of public hearing notice, May 22, 2026.

DATE for ACTION: The Council must act on the amendments within ninety (90) days after the public hearing closes, otherwise, a new duly advertised public hearing must be held (§12.32.050.D); accordingly, if the public hearing closes on June 10, 2026, **the final date for action is September 8, 2026.**

STANDARD of REVIEW: The Planning Board’s review and recommendation of the proposed zoning changes should be directed by *substantive planning objectives, community need and general welfare.*

PLANNING RECOMMENDATION: (*Prepared prior to the public hearing*) That the Planning Board recommends to the City Council: Approval of the proposed amendments, as submitted.