



CITY of MALDEN PLANNING BOARD

Minutes of Regular Meeting

Meeting Date: January 9, 2019

Meeting Location: Malden Senior Community Center, Auditorium, First Floor, 7 Washington Street, Malden, MA

I. Call to Order. Planning Board Chairman Charles Ioven called the meeting to order at 7:00 pm.

II. Roll Call.

Planning Board Members in attendance:

- Antonucci, Ken
- Chiavelli, Jim
- Chuha, Diane
- Ferguson, Charles
- Fitzgerald, Patrick
- Gebreselassie, Tewedaj
- Hayes, Patrick
- Henry, Eric
- MacCuish, Eric
- Ioven, Charles, Chair

Planning Board members absent: Soucy, Henri

Planning Staff in attendance: Romero, Michelle, City Planner

City Council Ordinance Committee Members in attendance:

- Spadafora, Craig, Councilor at Large, Chair
- Camell, David, Ward 6 Councilor
- Condon, Paul, Ward 2 Councilor

Ordinance Committee Members absent: Crowe, Peg, Ward 1 Councilor; Winslow, Stephen, Councilor at Large.

III. PUBLIC HEARINGS:

A. JOINT PUBLIC HEARING with CITY COUNCIL ORDINANCE COMMITTEE

Section 800.5, Chapter 12, Revised Ordinances of 1991, as Amended, of City of Malden/Zoning Amendment Petitions - to further amend Chapter 12.

The notice of public hearing for all four petitions (CCP ##470/2018, 509/2018, 521/2018 and 525/2018) was read into the record by Planning Board clerk Antonucci.

1) Section 700.15 (new): To establish regulations and requirements for Development Impact Mitigation [CCP # 470/2018].

Presentation by co-sponsors of the proposal:

1. Craig Spadafora, City Councilor at Large, 75 Elm Street, Malden.
2. Ryan O'Malley, Ward 4 City Councilor, 706 Main Street.

The Board opened the public hearing and received the following testimony during the public hearing:

In favor:

1. Prisco Tamaro, 56 Pine Street, Malden.
2. Neil Kinnon, 11 Spruce Street, Malden.

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In opposition:
None.

The Board closed the public hearing.

The Board received and reviewed the following documentation at the meeting:

1. City Council Paper #470/2018 (proposed amendment).
2. City Council Paper #562/2018 (Ordinance Committee Report with further amendments to CCP 470/2018).
3. Planning Staff Report & Recommendation dated January 9, 2019.

Decision: The Planning Board tabled the public hearing to allow the opportunity for the sponsors of the amendments and Ordinance Committee to provide clarification, further details and possible revisions of the proposed amendments. Specifically, the Board requested more information regarding when the proposed regulations would apply, including whether triggered by remodeling of a certain amount/percentage of a dwelling unit and whether applicable to mixed use projects based on building footprint or gross floor area; and information regarding the fees and formulas used by other communities.

The Board also requests a legal opinion from the City Solicitor as to whether the proposed regulations may establish different fees for dwelling units used as rental apartments and units used as owner-occupied condominiums.

The decision is described in correspondence to City Council dated January 14, 2019 (attached).

Record of Votes: The vote on the motion to table the public hearing was eight in favor, one opposed, and the motion passed (8-1).

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>	<u>Not Voting</u>
ANTONUCCI	X				
CHIAVELLI Associate					X
CHUHA	X				
FERGUSON Associate	X				
FITZGERALD		X			
GEBRESELASSIE	X				
HAYES	X				
HENRY	X				
MacCUIISH	X				
SOUCY			X		
IOVEN Chair	X				

Motion by Hayes, seconded by Chuha.

2) Sections 300.1.1, 300.3.2.7, 300.3.2.8 and 400.1.2.7 (existing): To amend use category and use regulations for Dwelling, Multifamily, more than six stories but not more than twelve stories, and use regulations for Dwelling, Multifamily, more than twelve stories [CCP# 509/2018].

Presentation by co-sponsors of the proposal:

1. Barbara Murphy, Ward 5 City Councilor, 28 Forest Street, Malden.
2. Ryan O'Malley, Ward 4 City Councilor, 706 Main Street, Malden.

The Board opened the public hearing and received the following testimony during the public hearing:

In favor:

1. Neil Kinnon, 11 Spruce Street, Malden; also submitted hand-out.
2. Prisco Tamarro, 56 Pine Street, Malden.

In opposition:

1. John Maiara, 66 Olive Avenue, Malden.

The Board closed the public hearing.

The Board received and reviewed the following documentation at the meeting:

1. City Council Paper #509/2018 (proposed amendment).
2. Planning Staff Report & Recommendation dated January 9, 2019.
3. Memorandum from City Solicitor Kate Fallon dated January 7, 2019.

Decision: The Planning Board recommends to the City Council adoption of all amendments as proposed and with the following additional language (to clarify):

§400.1.2.7 (Maximum Height): Delete “120 feet” and insert “75 feet.”

The decision is described in correspondence to City Council dated January 10, 2019 (attached).

Record of Votes: The vote on the motion to recommend approval with revision re: maximum height of 75 feet was nine in favor, none opposed, and the motion passed (9-0).

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>	<u>Not Voting</u>
ANTONUCCI	X				
CHIAVELLI Associate	X				
CHUHA	X				
FERGUSON Associate					X
FITZGERALD	X				
GEBRESELESSIE	X				
HAYES	X				
HENRY	X				
MacCUISH	X				
SOUCY			X		
IOVEN Chair	X				

Motion by Antonucci, seconded by Henry.

3) Section 700.1.3.1 (existing): To amend regulations for residential conversion of preexisting nonconforming property in residential zoning districts [CCP# 521/2018].

Presentation by sponsor of the proposal:

1. Barbara Murphy, Ward 5 City Councilor, 28 Forest Street, Malden.

The Board opened the public hearing and received the following testimony during the public hearing:

In favor:

1. Craig Spadafora, City Councilor at Large.
2. Neil Kinnon, 11 Spruce Street, Malden.
3. Ryan O'Malley, Ward 4, City Councilor.

4. Correspondence from Cynthia Lyerly and Michael Pollens, 47 High Rock Road, Malden (sent by email on January 8, 2019).

In opposition:

None.

The Board closed the public hearing.

The Board received and reviewed the following documentation at the meeting:

1. City Council Paper #521/2018 (proposed amendment).
2. Planning Staff Report & Recommendation dated January 9, 2019.
3. Memorandum from City Solicitor Kate Fallon dated January 7, 2019.

Decision: The Planning Board recommends to the City Council approval of the amendment in concept and adoption of the following revised language, to clarify and instead of the proposed language:

1. residential use; provided that, in the case of an existing building or structure containing more than three stories and/or having a height of 35 feet or more, where the change of use is to multifamily dwelling use, no increase in height shall be allowed; and in the case of reconstruction or new construction, the only multifamily dwelling use of the property that shall be allowed is "Dwelling, Multifamily, up to 3 stories inclusive;" these provisions are use regulations and there shall be no variance of these provisions;

The decision is described in correspondence to City Council dated January 10, 2019 (attached).

Record of Votes: The vote on the motion to recommend approval with revised language was nine in favor, none opposed, and the motion passed (9-0).

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>	<u>Not Voting</u>
ANTONUCCI	X				
CHIAVELLI Associate					X
CHUHA	X				
FERGUSON Associate	X				
FITZGERALD	X				
GEBRESELASSIE	X				
HAYES	X				
HENRY	X				
MacCUIISH	X				
SOUCY			X		
IOVEN Chair	X				

Motion by Fitzgerald, seconded by Antonucci.

 4) Section 400.1.4.6 (existing): To amend dimensional controls for Motel-Hotel (CCP# 525/2018).

Presentation by sponsors of the proposal:

1. Ryan O'Malley, Ward 4 City Councilor, 706 Main Street, Malden.
2. Craig Spadafora, City Councilor at Large, 75 Elm Street, Malden.

The Board opened the public hearing and received the following testimony during the public hearing:

In favor:

1. Barbara Murphy, Ward 5 City Councilor, 28 Forest Street, Malden.
2. Neil Kinnon, 11 Spruce Street, Malden.
3. John Maiara, 66 Olive Avenue, Malden.

In opposition:

None.

The Board closed the public hearing.

The Board received and reviewed the following documentation and information at the meeting:

1. City Council Paper #525/2018 (proposed amendment).
2. Planning Staff Report & Recommendation dated January 9, 2019.

Decision: The Planning Board tabled the public hearing to allow the opportunity for the sponsors of the amendment and Ordinance Committee to prepare revisions to the proposed amendment.

The decision is described in correspondence to City Council dated January 14, 2019 (attached).

Record of Votes: The vote on the motion to table the public hearing was six in favor, three opposed, and the motion passed (6-3).

	Yes	No	Absent	Abstained	Not Voting
ANTONUCCI	X				
CHIAVELLI Associate	X				
CHUHA	X				
FERGUSON Associate					X
FITZGERALD		X			
GEBRESELASSIE	X				
HAYES	X				
HENRY		X			
MacCUISH		X			
SOUCY			X		
IOVEN Chair	X				

Motion by Antonucci, seconded by Chiavelli.

5) Sections 300, 400, 500 and 800 (new subsections): To establish use regulations, dimensional controls, parking requirements and definition for new residential use category to be known as Dwelling, Cohousing [CCP# 554/2018].

The Board received and reviewed the following documentation and information at the meeting from the sponsors of the paper:

1. Correspondence undated from Stephen P. Winslow, Councilor-at-Large to Planning Board and Ordinance Committee (sent by email to City Planner on December 28, 2018).
2. Correspondence dated January 9, 2019 from Debbie DeMaria, Councilor-at-Large to Planning Board (sent by email to City Planner on January 8, 2019).
3. Verbal testimony from Ward 2 City Councilor Paul Condon.

The Board did not open the public hearing and no testimony was taken.

Decision: The Planning Board tabled the public hearing at the request of one of the sponsors and supported by the other two sponsors of the amendments.

The decision is described in correspondence to City Council dated January 14, 2019 (attached).

Record of Votes: The vote on the motion to table the public hearing was nine in favor, none opposed, and the motion passed (9-0).

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>	<u>Not Voting</u>
ANTONUCCI	X				
CHIAVELLI Associate	X				
CHUHA	X				
FERGUSON Associate					X
FITZGERALD	X				
GEBRESELASSIE	X				
HAYES	X				
HENRY	X				
MacCUISH	X				
SOUCY			X		
IOVEN Chair	X				

Motion by Antonucci, seconded by MacCuish.

The City Council Ordinance Committee adjourned its meeting.

B. Special Permits/Zoning/Chapter 12, Revised Ordinances of 1991, As Amended.

1) 200 Exchange Street (PID #051 278 801)/§300.3.4.8/To allow medical center use of property in Central Business zoning district/medical offices healthcare practice (8,000 SF on 1st Floor).

The notice of public hearing was read into the record by Planning Board clerk Antonucci.

The Board received and reviewed the following at the meeting:

1. Correspondence dated January 8, 2019 from Attorney Thomas P. Callaghan, Jr., Kelliher & Callaghan, One Centre Street, Malden to Planning Board (sent by email to City Planner on January 8, 2019).
2. Correspondence dated January 9, 2019 to Planning Board from Gary Christenson, Mayor, City of Malden and Deborah A. Burke Executive Director, Malden Redevelopment Authority (sent by email to City Planner on January 9, 2019).

The Board did not open the public hearing and no testimony was taken.

Decision: The Planning Board waived its *Rules and Procedures* (Section C.1.g) to consider the request for tabling of the public hearing made by petitioner less than seven business days prior to the public hearing in the absence of exigent circumstances.

Record of Votes: The vote on the motion to waive the *Rules and Procedures* was nine in favor, none opposed, and the motion passed (9-0).

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>	<u>Not Voting</u>
ANTONUCCI	X				
CHIAVELLI Associate					X
CHUHA	X				
FERGUSON Associate	X				
FITZGERALD	X				

GEBRESELASSIE	X	
HAYES	X	
HENRY	X	
MacCUISH	X	
SOUCY		X
IOVEN Chair	X	

Motion by Hayes, seconded by Fitzgerald.

Decision: The Planning Board tabled the public hearing at the request of the petitioner.

Record of Votes: The vote on the motion to table the public hearing was nine in favor, none opposed, and the motion passed (9-0).

	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstained</u>	<u>Not Voting</u>
ANTONUCCI	X				
CHIAVELLI Associate					X
CHUHA	X				
FERGUSON Associate	X				
FITZGERALD	X				
GEBRESELASSIE	X				
HAYES	X				
HENRY	X				
MacCUISH	X				
SOUCY			X		
IOVEN Chair	X				

Motion by Fitzgerald, seconded by Ferguson.

IV. PUBLIC MEETINGS:

A. Status update items.

- 1) Master Plan Steering Committee. Ioven provided an update; next meeting is January 28, 2019.
- 2) Community Preservation Committee. Antonucci provided an update.
- 3) Housing Production Plan Advisory Committee. Romero provided an update.

V. Old and New Business. None.

VI. Next Meeting. Ioven announced the next regular meeting date is February 13, 2019.

VII. Adjournment. The meeting adjourned at 10:55 pm.

Approved by: *Charles W. Ioven*
 Charles Ioven
 Chairman, Malden Planning Board



City of Malden
Massachusetts

PERMITS, INSPECTIONS & PLANNING SERVICES
110 Pleasant Street, 2nd Floor
Malden, Massachusetts 02148
(781) 397-7000 ext. 2044

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2019 JAN 14

CITY OF MALDEN

January 14, 2019

The Honorable City Council
110 Pleasant Street
Malden, MA 02148

Re: Amendments of §700 (new §700.15), Ch.12, R.O. of 1991,
Use Categories, Use Regulations, Dimensional Controls for Development Impact MI
CCP #470/2018

Dear Councilors:

On January 9, 2019, the Planning Board and City Council Ordinance Committee opened a public hearing regarding the above-referenced proposed amendments, received public testimony and tabled the public hearing.

The public hearing was tabled to allow the opportunity for the sponsors of the amendment Ordinance Committee to provide clarification, further details and possible revisions of the proposed amendments. Specifically, the Board requested more information regarding when the proposed regulations would apply, including whether triggered by remodeling of a certain amount/percentage dwelling unit and whether applicable to mixed use projects based on building footprint or gross floor area and information regarding the fees and formulas used by other communities.

Also, the Board is seeking a legal opinion from the City Solicitor as to whether the proposed regulations may establish different fees for dwelling units used as rental apartments and units used in owner-occupied condominiums.

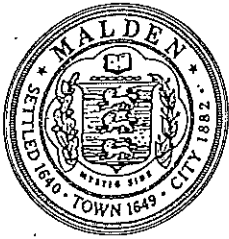
The public hearing is tentatively scheduled to reopen on February 13, 2019, pending receipt of the requested additional information. The Planning Board will make its recommendation at the final meeting of the public hearing.

Please do not hesitate to contact me with any questions. Thank you.

Sincerely,

Michelle A. Romero
City Planner

CC: Thomas Brennan, City Clerk
Kathryn Fallon, City Solicitor
Mayor Gary Christenson



City of Malden
Massachusetts

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CITY OF MALDEN
MALDEN, MASS.

January 10, 2019

The Honorable City Council
110 Pleasant Street
Malden, MA 02148

Re: Amendments of §§300.1.1, 300.3.2.7, 300.3.2.8 and 400.1.2.7, Ch.12, R.O. of 1991
Use Categories, Use Regulations, Dimensional Controls for
Dwelling, Multifamily, 6 to 12 Stories; Dwelling, Multifamily, more than 12 Stories
CCP #509/2018

Dear Councilors:

On January 9, 2019, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

As a result of the public hearing, all nine members of the Planning Board voted to recommend to the City Council adoption of all amendments as proposed and with the following additional language (to clarify):

§400.1.2.7 (Maximum Height): *Delete "120 feet" and insert "75 feet."*

The minutes of the joint public hearing will be made available at your request. For your reference, attached please find the Planning Report & Recommendation dated January 9, 2019 and memorandum from City Solicitor Kate Fallon dated January 7, 2019, which were presented at the hearing.

Finally, please be advised, that, if the City Council fails to act on the amendments within ninety (90) days of the date the public hearing closed, a new duly advertised public hearing must be held. Accordingly, the final date for action is April 9, 2019.

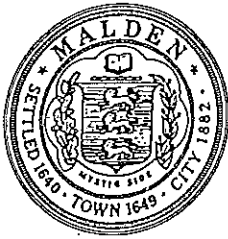
I am available to discuss and answer any questions regarding the amendments and the Planning Board's recommendation. Please do not hesitate to contact me. Thank you.

Sincerely,

Michelle A. Romero
City Planner

Enclosures

CC: Thomas Brennan, City Clerk
Kathryn Fallon, City Solicitor
Mayor Gary Christenson



City of Malden
Massachusetts

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January 10, 2019

The Honorable City Council
110 Pleasant Street
Malden, MA 02148

Re: Amendment of §700.1.3.1, Ch.12, R.O. of 1991
Use Regulations for Residential Conversion of Preexisting Nonconforming Property
in Residence A, Residence B and Residence C zoning districts
CCP #521/2018

Dear Councilors:

On January 9, 2019, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendment.

As a result of the public hearing, all nine members of the Planning Board voted to recommend to the City Council approval of the amendment in concept and adoption of the following revised language (in emphasis), to clarify and instead of the proposed language:

1. residential use; *provided that, in the case of an existing building or structure containing more than three stories and/or having a height of 35 feet or more, where the change of use is to multifamily dwelling use, no increase in height shall be allowed; and in the case of reconstruction or new construction, the only multifamily dwelling use of the property that shall be allowed is "Dwelling, Multifamily, up to 3 stories inclusive;" these provisions are use regulations and there shall be no variance of these provisions;*

The minutes of the joint public hearing will be made available at your request. For your reference, attached please find the Planning Report & Recommendation dated January 9, 2019 and memorandum from City Solicitor Kate Fallon dated January 7, 2019, which were presented at the hearing.

Finally, please be advised, that, if the City Council fails to act on the amendments within ninety (90) days of the date the public hearing closed, a new duly advertised public hearing must be held. Accordingly, the final date for action is April 9, 2019.

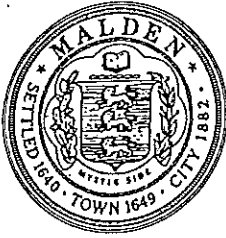
I am available to discuss and answer any questions regarding the amendments and the Planning Board's recommendation. Please do not hesitate to contact me. Thank you.

Sincerely,

Michelle A. Romero
City Planner

Enclosures

CC: Thomas Brennan, City Clerk
Kathryn Fallon, City Solicitor
Mayor Gary Christenson



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Massachusetts

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2019 JAN 14 P 2:50

CITY OF MALDEN
MALDEN, MASS.

January 14, 2019

The Honorable City Council
110 Pleasant Street
Malden, MA 02148

Re: Amendment of §400.1.4.6, Ch.12, Revised Ordinances of 1991, as Amended
Dimensional Controls for Hotel-Motel
CCP #525/2018

Dear Councilors:

On January 9, 2019, the Planning Board and City Council Ordinance Committee opened a joint public hearing regarding the above-referenced proposed amendment, received public testimony and tabled the public hearing.

The public hearing was tabled to allow the opportunity for the sponsors of the amendment and Ordinance Committee to prepare revisions to the proposed amendment.

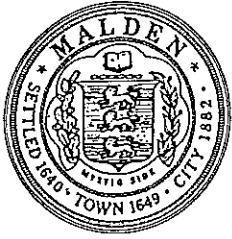
The public hearing is tentatively scheduled to reopen on February 13, 2019, pending receipt of any proposed revisions for consideration. The Planning Board will make its recommendation at the final close of the public hearing.

Please do not hesitate to contact me with any questions. Thank you.

Sincerely,

Michelle A. Romero
City Planner

CC: Thomas Brennan, City Clerk
Kathryn Fallon, City Solicitor
Mayor Gary Christenson.



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2019 JAN 14 P 2:50

CITY CLERK
MALDEN, MASS.

January 14, 2019

The Honorable City Council
110 Pleasant Street
Malden, MA 02148

Re: Amendments of §§300, 400, 500 and 800.6, Ch.12, Revised Ordinances of 1991, as Amended Use Regulations, Dimensional Controls, Parking & Loading Regulations, Definitions for Dwelling, Cohousing/City Council Paper #554/2018

Dear Councilors:

On January 9, 2019, the Planning Board and City Council Ordinance Committee opened a joint public hearing regarding the above-referenced proposed amendment, received no public testimony and immediately tabled the public hearing

The public hearing was tabled at the request of one of the sponsors, given he would not be present at the hearing, and the request was supported by the other two sponsors of the amendments.

The public hearing is tentatively scheduled to reopen on February 13, 2019. The Planning Board will make its recommendation at the final close of the public hearing.

Please do not hesitate to contact me with any questions. Thank you.

Sincerely,

Michelle A. Romero
City Planner

CC: Thomas Brennan, City Clerk
Kathryn Fallon, City Solicitor
Mayor Gary Christenson