



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

Councillor Crowe, Chair
Councillor Linehan, Vice-Chair
Councillor Sica
Councillor Spadafora
Councillor Winslow

Tuesday, February 14, 2023

5:30 PM

215 Pleasant Street
Room 105
Malden, MA 02148

Roll Call

Chair Crowe called the meeting to order at 5:35 PM.

Also in attendance were Councillors Murphy, McDonald, Condon, Colon-Hayes, and O'Malley, Senior Planner Evan Spetrini, City Planner Michelle Romero, Director Debbie Burke, Housing Program Coordinator Christina Tsang, Solicitor John McNaught, Jr., Maria Luise, and Nelson Miller.

Present: 5 - Councillor Peg Crowe, Councillor Amanda Linehan, Jadeane Sica, Craig Spadafora and Stephen Winslow

Business

[34-23](#)

Resolve: That it is the sense of the City Council that they wish to invite Malden City Planner, Michelle Romero, and OSPCD's Senior Planner and Policy Manager, Evan Spetrini, to appear to provide an update on the City's analysis of the new MBTA Communities Multi-Family Zoning requirements codified in Section 3A of M.G.L. c. 40A.

Sponsors: Barbara Murphy

Attachments: [MBTA Zoning Update FINAL Feb 14 2023](#)

Chair Crowe opened the meeting with a brief introduction of Evan Spetrini and Michelle Romero to give a study update on the compliance guidelines for MBTA Communities Multi-Family Zoning project, which has a deadline for submission to the state on December 31, 2023. She then turned the meeting over to Evan to present this project, the Power Point is attached to Paper 34-23.

Within the 2021 Economic Development Bill there was created a new section 3A to M.G.L. c 40A that details new zoning requirements for MBTA communities. Compliance with this new law is technically not mandatory but if the city fails to comply with this section we will not be eligible for certain future funding opportunities. Malden Housing Authority Director Steve Finn has expressed losing this funding would have a significant impact on housing in Malden.

Councillor Spadfora asked if the Department of Housing and Community Development (DHCD) compliance guidelines excluded any type of housing. Evan confirmed this is for all types of housing and the unit numbers in his presentation are based on 2020 census

numbers. Our station area is being measured by our two train stations. The 50% of district to be located within 1/2 mile radius of either Malden Center or Oak Grove. 15.5 acres must be contiguous and within the half mile and the other 15.5 acres can be outside the radius. The other 50% does not have to be contiguous but can't be less than five acres.

Councillor Condon asked how many parcels between Malden Center train station and Oak Grove actually meet the criteria for these requirements. Michelle Romero stated finding this out is what they are now looking at and that they are hiring a consultant to look at existing conditions to identify if there are parcels that are contiguous and in compliance as well as how to move forward with the formal process. The City has hired Stantec Urban Places to assist with impact analysis and scenario development and are evaluating different zoning scenarios. This analysis must be completed by March 2023.

Councillor Murphy pointed out the Council would be tasked with changing the zoning to allow for multi-family by right for the purpose of this project. Zoning change at some level would be required to be eligible for compliance. We are currently in temporary compliance until the December 31 deadline. If we don't get into full compliance by then, we will not be eligible for future grants/funding until we are in full compliance. Councillor Winslow asked for confirmation that we aren't necessarily looking to build 6,930 more housing units in the half mile radius because this area is already quite dense, and the city will get credit for the units we do have that are in compliance. RIO and RIOB within the Central Business District and Rowe Quarry Reclamation District are zoned for 'by right' and are the only parts that are currently compliant with these guidelines.

Councillor Spadafora questioned if and why there is no affordability attached to these requirements. This could be a backdoor way to get more high-income housing built. This new state law only provides for 10% affordability. Will Stantec do a cost benefit for us based on housing vs. green space, vs. real estate tax to homeowners, vs. home ownership? The city has asked them to do an impact analysis of each scenario on growth, finance, infrastructure, and public schools.

Winslow asked about trail-oriented developments. This project is going to be controversial one way or the other so a point that should be part of the discussion when changing zoning to join continuous land would be to consider use along the bike trail, which is now half zoned for industrial and you can't put up a lot of houses. It may be an idea that has the potential to get more buy-in for people.

Councillor O'Malley pointed out that Wards 1, 2, 3, 4, 5 are going to be most affected with this project and those ward councillors should be involved in this project sooner than later, is there any way they can be involved? Debbie Burke offered that those councillors can be added to the steering committee OSPCD plans on pulling together. Evan pointed out that more of these conversations will be had in front of future Ordinance Committee meetings as the zoning changes will have to be part of R&O and also Planning Board. Councillor Murphy noted Chair Crowe could work on this with Ms. Romero to put together a proper representation of councillors on committee.

Proposed milestones with expected timeline is on page 8 of attached presentation. Phase one, most of what this evening's conversation centered around, is due in March 2023.

Other Business

[18-23](#)

Be it hereby ordained by the Malden City Council that the Code of the City of

Malden (MCC) be amended by adding Title 6, Chapter .20, Section .040 PERMIT FOR EXTERIOR VENDING MACHINES

Sponsors: Craig Spadafora and Paul Condon

Councillor Spadafora explained this paper was brought forward because there are two water dispensing machines in Ward 2 & 8 that have had issues with hours of use. Specifically in Ward 2 neighbors are complaining of people using these machines late at night and it's causing disruption. The ward councillor has been working with the owner of this machine for some time to no avail.

Malden has no permitting regulations for these machines and therefore no leverage if the owners are not complying with neighborhood requests. These water dispensing machines fall under the category of vending machines by definition with the spending of money to bring about the dispensing of a product, not to be confused with non-monetary vending machines like the Amazon pick up box in front of 7-11. The purpose of this ordinance is not to serve as a revenue stream but rather to regulate usage hours such as every other retail business in the city must abide by, with annual renewal required. Councillor Condon does not consider licensing for hours of operation going far enough; he would like to see fences put up to be locked at the end of the business day. Councillor Spadfora explained there must be some starting point granting authority before the city can have any standing to hold these water vending companies accountable. He then requested to have the paper sent to Legal for review to confirm the ordinance is in proper order.

A motion was made by Councillor at Large Spadafora, seconded by Councillor Winslow, that the Ordinance be sent to Legal Department for review. The motion carried by a unanimous vote.

[32-23](#)

Be it hereby ordained by the City Council of the City of Malden as follows that MCC 11.12.010 REGULATION OF BICYCLE TRAILS is hereby amended by striking such section in its entirety and replacing it with the following language:

Sponsors: Stephen Winslow and Ryan O'Malley

Tabled Papers

[254-20](#)

Order: That the City Council adopt the Rules of the Council Rule Book 2021.

Sponsors: Jadeane Sica

Attachments: [First DRAFT Rule Book Changes](#)
[Second DRAFT Rule Book Changes](#)

[283-21](#)

Order: That the City of Malden submit to the Massachusetts Legislature for passage in substantially the following form: (See Attached).

Sponsors: Stephen Winslow

Attachments: [Traffic Comm. - Charter Update 2021.Paper.283.21 Attachment](#)

[313-21](#)

Order: Be it hereby ordained that the City of Malden Ordinances section 2.16 "Board, Commissions, and Committees" be amended to require remote participation by members of the public for all public meetings by inserting a new section 2.16.001 "Remote participation required."

Sponsors: Ryan O'Malley, Deborah DeMaria and Amanda Linehan

[118-22](#) The Committee on Technology Policy will meet to discuss adopting policies for public access and remote participation for Councillors and any other business moving forward with the committee.

Attachments: [Recommendations from Technology on Paper 118-22](#)

[238-22](#) Order: That the Malden City Council establish a Food Policy Council

Sponsors: Peg Crowe

Attachments: [FPC draft ordinance](#)

[382-22](#) Be it ordained that Section 11.24.010 PLACEMENT OF POLES, WIRES AND TELE-COMMUNICATIONS EQUIPMENT IN, ALONG OR ON PUBLIC WAYS be amended in the following manner (See attachment)

Sponsors: Craig Spadafora

Attachments: [Double Pole Ordinance](#)

[429-22](#) Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 2.12.170 Recreation Programs/Recreation Coordinator be amended.

Sponsors: Stephen Winslow

Attachments: [MCC 2.12.170 Amendment](#)

Adjournment

A motion was made by Councillor Sica, seconded by Councillor Linehan, that the meeting be adjourned. The motion carried by a unanimous vote. Meeting was adjourned at 6:51 PM.