



CITY of MALDEN PLANNING BOARD

Minutes of Regular Meeting

Meeting Date: May 11, 2022

Meeting Location: Malden City Hall, Herbert L. Jackson Council Chamber, 215 Pleasant Street, Malden, MA

I. Call to Order. Chairman Charles Ioven called the meeting to order at 7:00 p.m. Ioven announced that under the provisions of the Open Meeting Law, attendees are informed that this meeting is being recorded by Urban Media Arts, formerly known as Malden Access Television, and that he has not been notified that any other video or audio recording of this meeting will occur.

II. Roll Call. Ioven chaired the meeting and took a roll call.

Planning Board Members in attendance:

Chuha, Diane

Ferguson, Charles

Gebreselassie, Tewedaj

Gray, Resa

Hayes, Patrick

Henry, Eric

Soucy, Henri

Ioven, Charles, Chair

Planning Board members absent: Antonucci, Kenneth; MacCuish, Eric.

Planning Staff in attendance: Michelle Romero, City Planner.

III. PUBLIC HEARINGS

A. Zoning: Special Permits, Title 12, Code of City of Malden

1) **204-210 Highland Avenue** (Parcel ID# 038 188 803)/Permit #CMID 032409-2020/MCC Title 12.28.010(D)(1)/To alter, structurally change, extend and change use of preexisting nonconforming property in Residence A zoning district/To construct additions, reconfigure interior and convert to four-family dwelling.

Tabled on December 8, 2021 and November 10, 2021.

The notice of public hearing was read into the record by Romero. The Board took the matter off the table.

The Board received email correspondence dated May 11, 2022 from Thomas P. Callaghan, Jr., One Centre Street, Malden, attorney for property owner and petitioner, requesting the petition be allowed to be withdrawn without prejudice, given that only six Board members were present to vote on the petition, and to allow petitioner the opportunity to refile the petition for a public hearing and decision by a full Board of nine members.

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

Decision: The Planning Board allowed the petition to be withdrawn without prejudice.

The decision is described in Case #22-06 (attached).

Record of Votes: On the motion by Ferguson, seconded by Henry, to allow the petition to be withdrawn without prejudice, the vote was seven in favor, none opposed, and the motion passed (7-0).

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

Note: Soucy voted on the motion to allow the withdrawal of the petition, given that the basis for the withdrawal was procedural in nature, namely, due to the lack of a full Board, and not based on any public testimony received by the Board at the public hearing on December 8, 2021, at which Soucy was not present.

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- 2) **90-92 Salem Street** (Parcel ID 074 262 221) Permit Application #CMID 040388-2021)/MCC Titles 12.12.010.A, 12.12.300, 12.28.010.E/To allow multifamily dwelling use, up to three stories in Neighborhood Business zoning district, alternative methods of compliance for Inclusionary Development, and structural changes and extension of preexisting nonconforming property/To convert property to multifamily dwelling with ten (10) units, to make in-lieu payment for Affordable Housing Units and to construct additions to existing building.

The notice of public hearing was read into the record by Romero.

Petitioner submitted the following documentation and information:

1. Set of plans, “90-92 Salem St,” dated February 7, 2022, prepared by Khalsa Design, Inc., Architects, that include Site Plan (A-020) dated May 5, 2022, Area Plans (A-021) dated May 5, 2022, Proposed Basement & 1st Floor Plan (A-100) dated February 7, 2022, Proposed 2nd & 3rd Floor Plan (A-101) dated February 7, 2022, Front & Left Side Elevations (A-300) dated February 7, 2022, Rear & Right Side Elevations (A-301), dated February 7, 2022, 3-D Views (AV-1), dated February 7, 2022, and Existing Conditions (EX-100), dated February 7, 2022.
2. Two sheets, “Landscape Plan 90 Salem Street Residences Malden, MA,” (L1 and L2), dated May 5, 2022, prepared by Verdant Landscape Architecture, Brookline, MA.
3. Existing conditions site plan, “Plan of Land in Malden,” dated April 5, 2021, prepared by Robert E. Grover, P.L.S., Melrose, MA.
4. Narrative statement, “90-92 Salem St, Malden, MA 12.12.300 Inclusionary Zoning Submission Requirement,” dated March 30, 2022, prepared and signed by Tamara Mossey and Martin Murphy.
5. “Memorandum RE: 90-92 Salem Street-Malden, Massachusetts, Request for Waiver from Rules and Procedures – Section E.9,” dated March 30, 2022, prepared by Samuel W. Gregorio, P.E., P.T.O.E., The Engineering Corp., Andover, MA.

The proposal is to convert the property to a multifamily dwelling with ten rental apartment units, namely, nine units with one bedroom, 662 to 1,028 square feet in size, and one unit with two bedrooms and 1,237 square feet; and to extend the existing building by constructing a three-story addition at the rear, northern

side. Under the proposal, developer elects to make a total In-Lieu Payment of \$405,000.00 as an Alternative Method of Compliance for the 1.35 required Affordable Housing Units.

Presentation made by petitioner:

1. Martin Murphy, 68 Sheridan Lane, Tewksbury, MA.
2. Tamara Mossey, 68 Sheridan Lane, Tewksbury, MA.

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

In favor:

1. Philip Bronder-Giroux, 40 Sprague Street, Malden, via verbal testimony.
2. Ryan O'Malley, Ward 4 City Councilor, 706 Main Street, Malden, via verbal testimony.
3. Pamela Bronder-Giroux, 40 Sprague Street, Malden, via verbal testimony.
4. Barbara Murphy, Ward 5 City Councilor, via email dated May 11, 2022.
5. Lisa Porro for Sheila Assetta, 27 Sprague Street, Malden, via correspondence dated

In opposition: None.

The Board closed the public hearing.

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

1. Planning Report & Recommendation dated May 11, 2022 w/attachments.
2. Information re: driveway and curb-cut shared with Malden Central Fire Station at 80 Salem Street, William Sullivan, Chief, Malden Fire Department, via verbal testimony.

Decision: The Planning Board granted a special permit subject to the following eleven conditions:

1. All development shall be as per plans, except as modified by these conditions.
2. Maximum number of bedrooms is eleven.
3. Basement may be used only for storage and utilities; no residential living space is allowed.
4. No balcony, deck or porch may be enclosed.
5. No permanent dumpster is allowed. Trash and recycling shall be stored in lidded containers/totes, in an enclosed area in location on site plan.
6. Install and maintain all open space and landscaped areas as depicted on Landscape Plans.
7. Prior to issuance of any occupancy permit, developer/owner shall make a one-time cash payment to the Affordable Housing Trust Fund as an Alternative Method of Compliance, In-Lieu Payment, in the amount required by Ordinance for the required Affordable Housing Units.
8. No curbing, fencing, wall, landscaping or other impediment to vehicular passage may be installed along the western side of the southern portion of the driveway (approximately 75 feet in from back of sidewalk on Salem Street). Record access easement for shared use of this portion of the driveway by 90-92 Salem Street and 80 Salem Street.
9. Install, repair or replace sidewalks and driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.
10. Parking for fourteen shall be installed and maintained as per site plan; parking layout may be modified to accommodate snow storage on-site. Snow plowed may be removed from site and may not be stored in parking spaces on-site.
11. The accessory shed shall be used only for bicycle storage.

The decision is described in Case #22-07 (attached).

Record of Votes: On the motion by Soucy, seconded by Chuha, to grant a special permit subject to eleven conditions, the vote was eight in favor, none opposed, and the motion passed (8-0).

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

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- 3) **888 Eastern Avenue** (Parcel ID 127 433 302) Permit Application #COO 043500-2022/MCC Title 12.12.030/ To allow medical center use of property in Industrial 1 zoning district/Medical aesthetics and wellness business.

The notice of public hearing was read into the record by Romero.

Petitioner submitted the following documentation and information:

1. Site plan, "Site Layout Plan, Proposed Retail Building, 100 Maplewood Street, (Tax Map 127, Block 433, Lot 302), Malden, Massachusetts," dated May 2, 2019 revised May 6, 2022, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA.
2. Building floor plans, "1st Floor Plan, Basement Plan, Retail Building, 100 Maplewood Street, Malden, MA," dated August 7, 2021, prepared by Daniel F. DiLullo, Reg. Architect, Melrose, MA.
3. "Roof Plan, Elevations, Retail Building, 100 Maplewood Street, Malden, MA," dated August 7, 2021, prepared by Daniel F. DiLullo, Reg. Architect, Melrose, MA.
4. Unit floor plan, "888 Eastern Ave Suite #6 Malden, MA 02148 Floor Plan," dated March 3, 2022, prepared by Maiysha Jacob.
5. Correspondence dated March 9, 2022 from Thomas P. Callaghan, Jr., Malden, MA that describes the proposal.

The proposal is to use the subject premises, one of ten storefronts at 888 Eastern Avenue, containing 943 square feet on the first floor, for a medical aesthetics and wellness business.

Presentation made by petitioner:

1. Thomas P. Callaghan, Jr., attorney, One Centre Street, Malden, MA.
2. Margarete Pierre, Nurse Practitioner, 52 Pearl Street, Woburn, MA, proposed tenant and business owner and operator.

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

In favor:

1. Steve Winslow, Ward 6 City Councilor, 83 Jacob Street, Malden, via email dated May 11, 2022.

In opposition: None.

The Board closed the public hearing.

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

1. Planning Report & Recommendation dated May 11, 2022 w/attachments.

Decision: The Planning Board granted a special permit subject to the following four conditions:

1. This special permit only allows occupancy of 943 SF on the first floor for an aesthetics/cosmetic services/wellness business; any other type of medical center use will require an amendment of this special permit; the basement (932 SF) may be used only for storage and utilities. Any practice or procedure classified as Body Art Establishment as defined by this Ordinance is expressly prohibited.
2. All development shall be as per plans, except as modified by these conditions; minor modifications of floor plan for medical center use are allowed; modifications of site plan and parking layout are allowed to provide required loading spaces.
3. Six on-site parking spaces shall be designated for the medical center use of 943 SF.
4. Install, repair or replace sidewalks and driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.

The decision is described in Case #22-08 (attached).

Record of Votes: On the motion by Chuha, seconded by Gebreselassie, to grant a special permit subject to four conditions, the vote was eight in favor, none opposed, and the motion passed (8-0).

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

IV. PUBLIC MEETING

- A. Community Preservation Committee. Henry provided an update.
- B. New and Old Business.
 1. Ioven requested Romero to compile all information re: affordable housing into one volume.
 2. Ioven announced Ferguson's resignation from the Board because he is leaving Malden.
 3. Ioven announced that Gray is being appointed as a regular member; and the Mayor will appoint two new associate members.
 4. Romero distributed information re: the new M.G.L. c. 40A re: MBTA Communities zoning.

V. Next Meeting: Regular meeting June 8, 2022.

VI. Adjournment: 10:45 p.m. (On the motion by Chuha, seconded by Gebreselassie, all voted in favor and the motion passed).

Approved: Charles Ioven, Chair



**CITY of MALDEN PLANNING BOARD
NOTICE of DECISION**

CASE NUMBER 22-06

LOCATION of SUBJECT PROPERTY 204-210 Highland Avenue, Malden, MA

NAME of PETITIONER and PROPERTY OWNER 204-210 Highland Avenue Realty Trust

DATES of PUBLIC HEARING November 10, 2021, December 8, 2021 and May 11, 2022

DATE of DECISION May 11, 2022

DATE of FILING DECISION with CITY CLERK May 18, 2022

DATE of NOTIFICATION to BUILDING INSPECTOR May 18, 2022

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 7, 2022

[Any appeal must be made pursuant to M.G.L. c. 40A, §17 and filed within 20 days after date this Notice is filed with City Clerk.]

PROCEDURAL HISTORY (Case #22-06):

1. The subject property is known as and numbered 204-210 Highland Avenue and by City Assessor's parcel identification number 038 188 803.
2. Petitioner is the property owner, 204-210 Highland Avenue Realty Trust, c/o Bernard H. McGovern, Jr., Trustee, 204-210 Highland Avenue, Malden, MA.
3. Petitioner was represented by Attorney Christopher G. Fallon, 99 Highland Avenue, Malden, MA, at the public hearing on November 10, 2021; by Attorney Christopher G. Fallon and Bernard McGovern, 25 Franklin Avenue, Medford, MA, at the public hearing on December 8, 2021; and by Attorney Thomas P. Callaghan, Jr., One Centre Street, Malden, MA, at the public hearing on May 11, 2022.
4. The petition filed in permit application # CMID 032409-2020 seeks a special permit under Title 12, Chapter 28, Section 010(D), Code of the City of Malden, to alter, structurally change, extend and change use of a preexisting nonconforming property in the Residence A zoning district, namely, to convert the property to a four-family residential dwelling.
5. The following revised plans were submitted in support of the petition: A) set of plans, "Proposal for 204, 206, 208 & 2010 (typo) Highland Avenue Malden, MA," dated April 11, 2022, prepared by William C. Winder, Reg. Architect, Winder & Kironde, Cambridge, MA, that includes Renderings, "Street View" (from Highland Avenue), "View from Richards St," and "Originally Proposed" (view from Highland Avenue); Building Cross Section (from south); "Existing Plans:" floor plan of basement, first, second and third floor (misabeled second floor); "Existing Views of Property:" "Massing Study Existing Structure" (rendering); "Existing Street View," and "Existing View from Richards St." (photos); Proposed Basement Plan; Proposed First Floor Plan; Proposed Second Floor Plan; Proposed Third Floor Plan; Proposed Elevation (north, south, east, west); and B) site plan, "Proposed Plan 204-210 Highland Ave 100 Emerald Street Malde (typo), MA. (Middlesex County)," dated/ signed April 8, 2022, prepared by Richard J. Mede, P.L.S., Medford Engineering & Survey, Medford, MA.
6. On November 10, 2021, the Planning Board opened the public hearing and immediately considered petitioner's request to table the public hearing, made in person by its attorney, Christopher G. Fallon, to allow the petitioner the opportunity to modify the proposal to reduce the number of dwelling units; the Board took no public comment and tabled the public hearing to December 8, 2021.
7. On December 8, 2021, the Planning Board held a public hearing on the petition, and tabled the public hearing and its decision, to allow the petitioner the opportunity to submit revised plans and additional information requested by the Board, namely, revised, detailed plans that address and include the following: accurate dimensions; elevations and floor plans that match/correspond; changes in property lines and easements; all open space, on ground, decks, patios; reevaluate size of basement rooms; reduce size of offices; location of all stairs on the ground; building section/cross-section; and 3-D model/plan of building.
8. On May 11, 2022, the Planning Board reopened the public hearing, took no public comment and immediately considered and granted petitioner's request to withdraw the petition without prejudice, made by email dated May 11, 2022 from its attorney, Thomas P. Callaghan, Jr., given that only six Board members were present to vote on the petition, and to allow petitioner the opportunity to refile the petition for a public hearing and decision by a full Board of nine members.
9. The public hearings complied with the notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11, and in addition, the notice of the public hearing held on December 8, 2021 and the notice of the public hearing held on May 11, 2022 were mailed to abutters.

DECISION (Case #22-06):

On November 10, 2021, the Planning Board tabled the public hearing, at petitioner's request, to allow petitioner the opportunity to reduce the number of units; the Board directed that notice of the tabled public hearing be mailed to abutters.

On December 8, 2021, the Planning Board tabled the public hearing and its decision, to allow petitioner the opportunity to submit revised plans and provide additional information requested by the Board; the Board directed that notice of the tabled public hearing be mailed to abutters.

On May 11, 2022, the Planning Board granted petitioner's request to allow the petition to be withdrawn without prejudice.

RECORD of VOTES (Case #22-06):

On November 10, 2021, the vote on the motion by Soucy, seconded by Henry, to table the public hearing to December 8, 2021, was six in favor, one opposed, and the motion passed (6-1):

Fitzgerald, no; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; Soucy, yes; Ioven, yes.
[Antonucci, Chuha, Ferguson, MacCuish, absent].

On December 8, 2021, the vote on the motion by MacCuish, seconded by Ferguson, to table the public hearing and decision, was seven in favor, none opposed, and the motion passed (7-0):

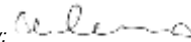
Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; MacCuish, yes; Ioven, yes.
[Antonucci, Chuha, Fitzgerald, Soucy, absent].

On May 11, 2022, the vote on the motion by Ferguson, seconded by Henry, to allow the withdrawal of the petition without prejudice, was seven in favor, none opposed, and the motion passed (7-0):

Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; Soucy, yes; Ioven, yes.
[Antonucci, MacCuish, absent. Chuha, recused].

Note: On May 11, 2022, Soucy voted on the motion to allow the withdrawal of the petition, given that the basis for the withdrawal was procedural in nature, namely, due to the lack of a full Board, and not based on any public testimony received by the Board at the public hearing on December 8, 2021, at which Soucy was not present.

I, hereby certify that the above is a true copy of the decision of the Malden Planning Board. By:



Michelle A. Romero, City Planner



**CITY of MALDEN PLANNING BOARD
NOTICE of DECISION**

CASE NUMBER 22-07

LOCATION of SUBJECT PROPERTY 90-92 Salem Street, Malden, MA

NAME of PETITIONER and OWNER Voultig Realty, LLC

DATE of PUBLIC HEARING May 11, 2022

DATE of DECISION May 11, 2022

DATE of FILING DECISION with CITY CLERK May 25, 2022

DATE of NOTIFICATION to BUILDING INSPECTOR May 25, 2022

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 14, 2022

[Any appeal must be made pursuant to M.G.L. c. 40A, §17 and filed within 20 days after date this Notice is filed with City Clerk.]

PROCEDURAL HISTORY (Case #22-07):

1. The subject property is known as and numbered, 90-92 Salem Street and by Assessor's parcel identification number 074 262 221.
2. Petitioner is the property owner, Voultig Realty, LLC, c/o Davmar Development, 159 Salem Street, Malden, MA.
3. Petitioner was represented at the public hearing by Martin Murphy and Tamara Mossey, 68 Sheridan Lane, Tewksbury, MA, who are the principals of the property owner.
4. The petition filed in permit application # CMID 040388-2021 seeks a special permit under Titles 12.12.010.A, 12.12.300, 12.28.010.E, Code of the City of Malden (the "Ordinance"), to allow multifamily dwelling use up to three stories in the Neighborhood Business zoning district, Alternative Methods of Compliance for Inclusionary Development, and structural changes and extension of a preexisting nonconforming property, namely, to convert the property to multifamily dwelling use, to make an in-lieu payment for the required Affordable Housing Units and to construct additions to the existing building.
5. The following plans and information were submitted in support of the petition: set of plans, "90-92 Salem St.," dated February 7, 2022, prepared by Khalsa Design, Inc., Architects, that include Site Plan (A-020) dated May 5, 2022, Area Plans (A-021) dated May 5, 2022, Proposed Basement & 1st Floor Plan (A-100) dated February 7, 2022, Proposed 2nd & 3rd Floor Plan (A-101) dated February 7, 2022, Front & Left Side Elevations (A-300) dated February 7, 2022, Rear & Right Side Elevations (A-301), dated February 7, 2022, 3-D Views (AV-1), dated February 7, 2022, and Existing Conditions (EX-100), dated February 7, 2022; two sheets, "Landscape Plan 90 Salem Street Residences Malden, MA," (L1 and L2), dated May 5, 2022, prepared by Verdant Landscape Architecture, Brookline, MA; existing conditions site plan, "Plan of Land in Malden," dated April 5, 2021, prepared by Robert E. Grover, P.L.S., Melrose, MA; narrative statement, "90-92 Salem St, Malden, MA 12.12.300 Inclusionary Zoning Submission Requirement," dated March 30, 2022, prepared and signed by Tamara Mossey and Martin Murphy; and "Memorandum RE: 90-92 Salem Street-Malden, Massachusetts, Request for Waiver from Rules and Procedures – Section E.9," dated March 30, 2022, prepared by Samuel W. Gregorio, P.E., P.T.O.E., The Engineering Corp., Andover, MA.
6. On April 13, 2022, the Planning Board considered and granted petitioner's request for a waiver of Section E.9 of the *Rules and Procedures of the Planning Board*, the filing requirements regarding a traffic impact study.
7. The public hearing complied with the notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #22-07):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a 2 ½ story building, currently vacant, and most recently occupied for general offices on the first floor, with 1,689 square feet, and second floor, with 1,490 square feet; for a single-family dwelling with two bedrooms and 697 square feet on the third floor; and storage in the basement, with 1,665 square feet.
2. The proposal is to convert the property to a multifamily dwelling with ten rental apartment units, namely, nine units with one bedroom, 662 to 1,028 square feet in size, and one unit with two bedrooms and 1,237 square feet.
3. The proposal is to extend the existing building by constructing a three-story addition at the rear, northern side.
4. The expanded building will contain a total of 13,485 square feet, consisting of the ten dwelling units, with a total 9,501 square feet; common areas for vestibule, halls and stairs, totaling 774 square feet; and a basement for storage and utilities, with 3,210 square feet.
5. Under the proposal, each unit has a private balcony or porch, labeled, "deck" on the plans; 36 to 80 square feet in size and not included in the size of each unit; all are covered, except Unit 4; and none are enclosed.
6. Under the proposal, six of the units have a "study" or office, ranging in size from 64 to 108 square feet.

7. All units have laundry facilities within the unit.
8. The proposal includes an accessory shed, 14 by 10 feet in size, sited in the eastern side yard for bicycle storage.
9. The property is located in the Neighborhood Business zoning district.
10. The proposed multifamily dwelling use, up to three stories, is allowed by special permit in this district, per §12.20.030 of the Ordinance.
11. Under the proposal, the existing/most recent business use, general offices, will be eliminated.
12. Direct abutters to the west are the Malden Central Fire Station and a two-family dwelling; to the north, a single-family dwelling; to the east, a single-family dwelling and four-family dwelling; and to the south, on the other side of Salem Street, Malden High School and general offices.
13. Surrounding land uses are mostly residential, some business and institutional.
14. The existing building predates and violates the front and one side yard setback requirements and is considered preexisting nonconforming, per §§12.16.010 and 12.28.010 of the Ordinance.
15. The proposal complies with the density requirements for nine units, per §12.16.010 of the Ordinance, and the proposed tenth unit is an additional dwelling unit allowed as the Density Bonus Incentive for Inclusionary Developments, per §12.12.300.E.1 of the Ordinance.
16. The proposal creates a lot area deficiency of 20% and increases the existing front yard setback violation and one yard setback violation, per §12.16 of the Ordinance.
17. The new and increased violations of dimensional controls are not due to the proposed physical extension of the building but because requirements are greater for multifamily use than the existing business and residential uses.
18. The proposed accessory building, the shed for bicycle storage, does not comply with yard setback requirements, which are the same as those for the principal use, namely, 20 feet, per §12.16.070.G of the Ordinance.
19. The new and increased violations of dimensional controls are not more detrimental to the neighborhood.
20. The extensions and structural changes to the preexisting nonconforming building are not more detrimental to the neighborhood.
21. The site plan depicts and designates two areas of usable open space, containing 1,592 square feet and 935 square feet, and several other areas of landscaped open space areas in the front yard and both side yards; and all areas appear to comply with the Usable Open Space Requirements for All Districts, except for the minimum dimension of 1,000 square feet, per §12.16.080 of the Ordinance.
22. A total of fifteen parking spaces are required for the most recent use of the existing building, namely, two spaces for the single-family dwelling and thirteen spaces for the general office use of 3,179 square feet, per §§12.20.010 and 12.20.020.I.10 of the Ordinance.
23. Currently, the required parking is provided onsite in a paved area that comprises the entire rear yard.
24. The proposed multifamily dwelling with ten units and eleven bedrooms requires eleven parking spaces, or one space per bedroom, per §12.20.010 of the Ordinance.
25. Under the proposal, fourteen parking spaces will be provided in a paved area in the rear yard; the nonconforming width of the driveway will be maintained; the parking spaces will be configured as head-on, with 10 located along the northern property line and four on the northern side of the building; and the proposed parking layout is nonconforming as to aisle width, per §12.20.020.B of the Ordinance.
26. Access to the existing parking area is via a paved driveway that runs along the western side of the building; the driveway is twelve feet in width, does not comply with width requirements for one or two-way traffic, and is considered preexisting nonconforming, per §§12.20.020.C. and 12.28.010 of the Ordinance.
27. Access to the driveway is via an existing curb-cut on Salem Street, located in part on and shared with the abutting property, 80 Salem Street, the site of the Malden Central Fire Station.
28. Historically and currently, the southern portion of the driveway is shared with the abutting property, the Malden Central Fire Station at 80 Salem Street, for vehicular access and passage of passenger vehicles, not Fire Engines, to Salem Street and for access by parking spaces on the eastern side of 80 Salem Street.
29. Under the proposal, access to the parking area in the rear yard will continue via the existing driveway.
30. A stone wall, 30 inches in height, with fence on top, 48 inches in height, is proposed on the northern portion of the western property line, approximately 60 feet in length, along the western edge of the driveway.
31. Petitioner intends to address grading differences along the property lines between the subject property and abutting property at 80 Salem Street; petitioner agrees to maintain the southern portion of the driveway as an open area, for continued shared access and use by the subject property and abutting property at 80 Salem Street; and the proposed plan for the driveway appears acceptable to the Malden Fire Chief.
32. No loading is required for the current or proposed use of the property, per §12.20.010 of the Ordinance.
33. Various landscaping is proposed, including six trees, numerous shrubs, vines and perennials, and decorative patio pavers, as shown on the Landscape Plans, and yard areas not paved for parking or access will be landscaped, as required by §12.20.020.10 of the Ordinance.

34. Required onsite snow storage for the proposed fourteen parking spaces is 560 square feet, per §12.20.020.11 of the Ordinance, and is not depicted on the site plan; there is limited space available onsite for snow storage; and petitioner intends to remove plowed snow from the site, if necessary.
35. Bicycle parking is not required, per §12.20.020.I.14 of the Ordinance; however, there will be parking for ten bicycles in the proposed accessory shed.
36. Petitioner intends to install an onsite stormwater management system in the parking area in the rear yard.
37. A fenced and gated area for a proposed dumpster and recycling is proposed in the southeastern corner of the parking area, which does not comply with §12.20.030.H of the Ordinance, the prohibition of dumpsters within twenty feet of property lines.
38. Petitioner agrees to use a trash storage system of totes or covered containers in the enclosed area, and trash removal will be done by petitioner using a private service.
39. The proposal provides the required screening of the off-street parking area from abutting residential uses, specifically, installation of white vinyl fence, six feet in height, along the northern property lines and portion of the eastern property line and maintaining existing white vinyl fence along the western and eastern property lines; however, the screening area is less than the required width, per §12.20.040 of the Ordinance.
40. The violations of parking requirements will not be more detrimental to the neighborhood.
41. The proposal is an Inclusionary Development and requires the Mandatory Provision of Affordable Housing Units, specifically, a minimum of fifteen percent of the total dwelling units must be Affordable Housing Units, excluding any units allowed as a Density Bonus Incentive, per §§12.12.300.B and 12.12.300.D of the Ordinance.
42. Under the proposal, the total number of units used to determine the Mandatory Provision of Affordable Housing Units is nine; the tenth unit is allowed as a Density Bonus Incentive and excluded from the total number of units; and based on the required calculation for this proposal, namely, nine units multiplied by fifteen percent, 1.35 Affordable Housing Units are required, per §§12.12.300.D and 12.12.300.E.1 of the Ordinance.
43. Petitioner elects the option of making an In-Lieu Payment as an Alternative Method of Compliance, namely, a one-time cash payment to the Affordable Housing Trust Fund of three hundred thousand dollars per required Affordable Housing Unit, and this option does not require approval, per §12.12.300.G.2 of the Ordinance.
44. A fractional unit of required Affordable Housing Units requires a cash payment to the Affordable Housing Trust Fund equal to the fraction multiplied by three hundred thousand dollars, per §12.12.300.G.3 of the Ordinance.
45. For the proposal, the total In-Lieu Payment for the 1.35 required Affordable Housing Units is \$405,000.00.
46. The proposal complies with the requirements of the Inclusionary Zoning provisions of the Ordinance.
47. Petitioner is the developer and will maintain ownership of the property and be the lessor and property manager.
48. Petitioner has a history of successfully completing similar residential redevelopment projects in the City.
49. The Ward City Councilor for Ward 4, where the property is located; the Ward 5 City Councilor; and three residential abutters are in support of the project.
50. There is no public opposition to the proposal.
51. As modified by the conditions of the special permit, the proposed residential use is in the interest of the common good.

DECISION (Case #22-07):

On May 11, 2022, the Planning Board granted a special permit subject to the following eleven conditions:

1. All development shall be as per plans, except as modified by these conditions.
2. Maximum number of bedrooms is eleven.
3. Basement may be used only for storage and utilities; no residential living space is allowed.
4. No balcony, deck or porch may be enclosed.
5. No permanent dumpster is allowed. Trash and recycling shall be stored in lidded containers/totes, in an enclosed area in location on site plan.
6. Install and maintain all open space and landscaped areas as depicted on Landscape Plans.
7. Prior to issuance of any occupancy permit, developer/owner shall make a one-time cash payment to the Affordable Housing Trust Fund as an Alternative Method of Compliance, In-Lieu Payment, in the amount required by Ordinance for the required Affordable Housing Units.
8. No curbing, fencing, wall, landscaping or other impediment to vehicular passage may be installed along the western side of the southern portion of the driveway (approximately 75 feet in from back of sidewalk on Salem Street). Record access easement for shared use of this portion of the driveway by 90-92 Salem Street and 80 Salem Street.
9. Install, repair or replace sidewalks and driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.

10. Parking for fourteen shall be installed and maintained as per site plan; parking layout may be modified to accommodate snow storage on-site. Snow plowed may be removed from site and may not be stored in parking spaces on-site.
11. The accessory shed shall be used only for bicycle storage.

RECORD of VOTES (Case #22-07):

On April 13, 2022, the vote on the motion by Henry, seconded by Ferguson, to grant a waiver of the filing requirements regarding a traffic impact study, was seven in favor, none opposed, and the motion passed (7-0):

Chuha, yes; Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; Ioven, yes.

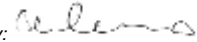
[Absent: Antonucci, Soucy. Recused: MacCuish].

On May 11, 2022, the vote on the motion by Soucy, seconded by Chuha, to grant a special permit with eleven conditions, was eight in favor, none opposed, and the motion passed (8-0):

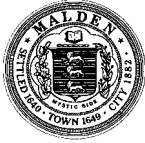
Chuha, yes; Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; Soucy, yes; Ioven, yes.

[Absent: Antonucci, MacCuish].

I, hereby certify that the above is a true copy of the decision of the Malden Planning Board. By:



Michelle A. Romero, City Planner



**CITY of MALDEN PLANNING BOARD
NOTICE of DECISION**

CASE NUMBER 22-08

LOCATION of SUBJECT PROPERTY 888 Eastern Avenue, Malden, MA

NAMES of PETITIONERS Maiysha Jacob and Margarettte Pierre

NAME of PROPERTY OWNER 100 Maplewood Street LLC

DATE of PUBLIC HEARING May 11, 2022

DATE of DECISION May 11, 2022

DATE of FILING DECISION with CITY CLERK May 17, 2022

DATE of NOTIFICATION to BUILDING INSPECTOR May 17, 2022

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 6, 2022

[Any appeal must be made pursuant to M.G.L. c. 40A, §17 and filed within 20 days after date this Notice is filed with City Clerk.]

PROCEDURAL HISTORY (Case #22-08):

1. The subject property is known as and numbered 888 Eastern Avenue and by City Assessor's parcel identification number 127 433 302, and the subject of the petition is the portion of the building and premises known as, unit or suite 6.
2. The property owner is 100 Maplewood Street LLC, 148 Main Street, Malden, MA, c/o Andreas Tsitos, United Properties Inc. and authorized the filing of this petition.
3. The petitioners are Maiysha Jacob and Margarettte Pierre, Nurse Practitioner, 52 Pearl Street, Woburn, MA, who are the proposed lessees/tenants and owners and operators of the proposed business, Revive Medical Aesthetics & Wellness.
4. At the public hearing, the petitioners were represented by Attorney Thomas P. Callaghan, Jr., One Centre Street, Malden, MA, and Margarettte Pierre, Nurse Practitioner.
5. The petition in permit application #COO 043500-2022 seeks a special permit under Title 12.12.030 of the Code of the City of Malden (the "Ordinance") to allow medical center use of property in the Industrial 1 zoning district.
6. The following plans and information were submitted in support of the petition: site plan, "Site Layout Plan, Proposed Retail Building, 100 Maplewood Street, (Tax Map 127, Block 433, Lot 302), Malden, Massachusetts," dated May 2, 2019 revised May 6, 2022, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA; building floor plans, "1st Floor Plan, Basement Plan, Retail Building, 100 Maplewood Street, Malden, MA," dated August 7, 2021, prepared by Daniel F. DiLullo, Reg. Architect, Melrose, MA; "Roof Plan, Elevations, Retail Building, 100 Maplewood Street, Malden, MA," dated August 7, 2021, prepared by Daniel F. DiLullo, Reg. Architect, Melrose, MA; unit floor plan, "888 Eastern Ave Suite #6 Malden, MA 02148 Floor Plan," dated March 3, 2022, prepared by Maiysha Jacob; and correspondence dated March 9, 2022 from Thomas P. Callaghan, Jr., Malden, MA that describes the proposal.
7. The public hearing complied with the notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #22-08):

The City of Malden Planning Board finds the following facts:

1. The subject property, formerly known as and numbered 100 Maplewood Street, is the site of a recently constructed, single-story building with full basement, configured as ten storefront units, each containing 943 square feet on the first floor and each with a separate basement containing 932 square feet.
2. The building is currently occupied and/or proposed for use as follows: proposed retail sales by a wine shop and market, to occupy two units; existing retail services by a hair salon; proposed retail services by a salon; proposed retail sales by a clothing store; existing retail sales by a mattress/furniture business; existing recreation for gainful business by a fitness pole/dance studio; proposed medical center use by petitioner's aesthetics and wellness business; and two units are vacant, with no known or proposed tenant.
3. The proposed medical aesthetics and wellness business intends to offer cosmetic services, such as facials, dermal fillers, Botox injections, laser hair and tattoo removal, skin rejuvenation treatment, intravenous therapy hydration, microblading, eyelash extensions and eyebrow waxing; and some procedures may be considered "minimally invasive medical procedures," that require supervision by a licensed medical professional, such as a Nurse Practitioner.
4. Under the proposal, as shown on the floor plan, there will be a waiting area and two individual treatment rooms.
5. According to petitioner, the lease restricts use of the basement space to storage only; and according to the Building Commissioner, use and occupancy of the basement is restricted to only storage of non-hazardous materials.
6. The property is located in the Industrial 1 zoning district.
7. The proposed aesthetics and wellness business is classified as a medical center use, which is allowed by special permit in this zoning district, per §12.12.030 of the Ordinance.
8. The existing and proposed uses of the property for retail services, retail sales and recreation for gainful business, are allowed by right, per §12.12.030 of the Ordinance.
9. Direct abutters to the north are the Boston & Maine Saugus Branch abandoned railroad right-of-way, used in part for the public multimodal trail, the Northern Strand Community Trail/Bike to the Sea, on the other side of which are two single-family dwellings on Waite Street and a four-family dwelling on Maplewood Street; to the east, a two-family dwelling and recreation for gainful business (gym); and to the west, on the other side of Maplewood Street, are a gasoline filling &

services and motor vehicle (truck) repair business; to the south, on the other side of Eastern Avenue, a warehouse; and to the southwest, on the opposite corner of the intersection, a convenience store, manufacturing and warehouse.

10. Surrounding land uses are residential, business and industrial.
11. The proposal is not in conflict with surrounding land uses.
12. The building violates both side yard setbacks, as allowed by variance granted on March 20, 2019, and is exempt from rear yard setback requirement because the property abuts a railroad right-of-way; and the property complies all other dimensional controls, per §§12.16.030 and 12.16.050 of the Ordinance.
13. The proposal does not increase the existing violations or create any new violations of dimensional controls, per §12.16.010 of the Ordinance.
14. For only those current and known proposed uses of the building, the total number of parking spaces required is 34, per §§12.20.010 and 12.20.020.I.10 of the Ordinance, and the total number of loading areas/bays required is six, per §12.20.030.E of the Ordinance.
15. The proposed medical center use requires six parking spaces and no loading, per §12.20.010 of the Ordinance.
16. Petitioner will lease six parking spaces.
17. Per the revised site plan, there are 40 parking spaces and two proposed loading areas.
18. Property owner intends to seek a variance of the loading requirements.
19. The proposal does not create violations of parking requirements or increase existing violations of loading requirements.
20. Use of the basement for storage only does not require parking, per the Building Commissioner.
21. The property is the subject of a special permit granted in Case #20-04 to allow ledge removal necessary to construct the building with a basement.
22. The proposal does not require a traffic impact study by the Planning Board's *Rules and Procedures* or by the Ordinance.
23. Petitioner's business is typically by appointment and procedures are scheduled.
24. Petitioner's business will employ two employees, a licensed aesthetician and a Nurse Practitioner.
25. The traffic and traffic patterns generated by the proposed use will not adversely impact any of the surrounding streets or create a traffic or safety hazard.
26. Petitioner will store medical waste inside containers at the premises and will use a contracted service to remove it.
27. Petitioner's business includes tattoo removal but not tattooing, and does not include practices classified as Body Art Establishment, which requires a special permit and is defined by Ordinance as: A facility that engages in the practice of physical body adornment, alteration or modification by means including, but not limited to, body piercing, tattooing, cosmetic tattooing, branding and scarification, but not including practices that are considered medical procedures by the Board of Registration in Medicine, per §12.32.060 of the Ordinance.
28. Property owner has a landscaping contract and intends to install landscaping on-site next week.
29. Property owner intends to clean the property of all litter and trash.
30. As modified by the proposed conditions of the special permit, the proposal will not be more detrimental to the neighborhood.
31. The Ward City Councilor who represents the ward where the property is located, Ward 6, supports the proposal.
32. There is no public opposition to the proposal.
33. As modified by the proposed conditions of the special permit, the proposal is in the interest of the common good.

DECISION (Case #22-08):

On May 11, 2022, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following four (4) conditions:

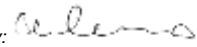
1. This special permit only allows occupancy of 943 SF on the first floor for an aesthetics/cosmetic services/wellness business; any other type of medical center use will require an amendment of this special permit; the basement (932 SF) may be used only for storage and utilities. Any practice or procedure classified as Body Art Establishment as defined by this Ordinance is expressly prohibited.
2. All development shall be as per plans, except as modified by these conditions; minor modifications of floor plan for medical center use are allowed; modifications of site plan and parking layout are allowed to provide required loading spaces.
3. Six on-site parking spaces shall be designated for the medical center use of 943 SF.
4. Install, repair or replace sidewalks and driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.

RECORD OF VOTES (Case #22-08):

The vote on the motion by Chuha, seconded by Gebreselassie, to grant a special permit with four conditions was eight in favor, none opposed, and the motion passed (8-0):

Chuha, yes; Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; Soucy, yes; Ioven, yes.
[Antonucci, MacCuish, absent].

I, hereby certify that the above is a true copy of the decision of the Malden Planning Board. By:


Michelle A. Romero, City Planner