



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

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CITY CLERK'S OFFICE  
MALDEN, MASS.

CASE NUMBER 16-06

LOCATION of SUBJECT PROPERTY 940-946 Eastern Avenue, Malden, MA

NAME of PETITIONER Bootstrap Compost, Inc.

NAME of PROPERTY OWNER Joel Minnich

DATE of PUBLIC HEARING March 9, 2016

DATE of DECISION March 9, 2016

DATE of FILING DECISION with CITY CLERK March 15, 2016

DATE of NOTIFICATION to BUILDING INSPECTOR March 15, 2016

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT April 4, 2016

*[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 #16-06):

1. Petitioner is Bootstrap Compost, Inc., c/o Andrew Brooks, 17 Dalrymple Street, Jamaica Plain, MA 02130.
2. Property owner is Joel Minnich, 940 Eastern Avenue, Malden, MA 02148.
3. The petition seeks a special permit under §§300.3.5.10 and 700.1.3.2, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to allow light manufacturing in the Industrial 1 district and to change use of a portion of a preexisting nonconforming property.
4. The following plans were submitted with the petition: Site Plan of Land Commercial Property 940 Eastern Avenue Malden, Massachusetts; Floor Plan of Land Commercial Property 940 Eastern Avenue Malden, Massachusetts; and Building Elevations Plan of Land Commercial Property 940 Eastern Avenue Malden, Massachusetts; all dated December 14, 2015 and prepared by Bryan G. Parmenter, P.L.S., PFS Land Surveying, Inc., Groveland, MA.
5. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #16-06):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a single-story building with an approximate gross floor area of 9,939 square feet.
2. Property owner currently occupies approximately 6,600 square feet of the building for manufacturing and repair use, namely, radiator restoration, doing business as Radical Radiators; and petitioner occupies approximately 3,325 square feet for light manufacturing use, namely, compost packaging, doing business as Bootstrap Composting.
3. Upon notice and order of the Building Inspector in November 2015, property owner applied for permits to remove work done without permits and obtain occupancy permits for current use of the property.
4. The most recent prior use of the subject property was for retail services by a bottle/can redemption center.
5. The property is located in the Industrial 1 zoning district.
6. The manufacturing and repair use is allowed by right in this district, per §300.3.5.2 of the Ordinance.
7. The light manufacturing use is allowed by special permit in this district, per §300.3.5.10 of the Ordinance.
8. The direct abutter to the north is the public multimodal recreational trail, Bike to the Sea Path/Northern Strand Community Trail, on the abandoned railroad right-of-way; to the east, manufacturing; to the west, building, construction & contractors and general offices; and to the south, across Eastern Avenue, general offices.
9. Surrounding land uses are business, industrial and residential.
10. The light manufacturing use is not in conflict with surrounding land uses.
11. The building on the property grossly violates all dimensional controls except height and is considered preexisting nonconforming, per §§400.1.5.2 and 700.1 of the Ordinance.
12. The Board of Appeal granted a variance of the dimensional controls for the manufacturing use on January 21, 2016.
13. The proposal creates no new violations and maintains existing nonconformities, per §400.2 of the Ordinance.
14. The existing, proposed continued uses of the property require a total of twelve parking spaces and two loading spaces, namely, eight parking spaces and one loading space for the manufacturing and repair, and four parking spaces and one loading space for the light manufacturing, per §§500.1.5, 500.2.18 and 500.3.5.1 of the Ordinance.
15. The site plan does not depict a parking layout and any layout will likely be nonconforming; the property is considered preexisting nonconforming as to parking requirements, per §§500 and 700.1 of the Ordinance.
16. Property owner identifies twelve parking spaces on-site: four head-on spaces on the eastern side of the lot; four tandem in the driveway on the western side of the lot; and four head-on spaces on the western side of the building.
17. The proposal creates no new violations and reduces existing nonconformities as to number of parking spaces, per §§500 and 700.1 of the Ordinance.
18. Property owner's business is by appointment only and uses limited on-site parking and adjacent on-street parking.
19. Petitioner business uses a minivan, two "Econoline" vans and a pick-up truck, which park on the property.
20. Petitioner's business involves the collection of organic waste or plant-based matter, namely, food waste and paper, from its subscribing member households and businesses; transportation of the waste to local farms for composting; packaging of the finished compost product; and distribution of the finished compost product to members.

21. Petitioner collects the waste from members who fill buckets, five gallons in size and lined with compostable bags.
22. Petitioner delivers the buckets filled with waste to the farms, where they are emptied.
23. To the subject property, petitioner brings the empty buckets from the farms.
24. At the subject property, petitioner cleans the empty buckets, which includes rinsing, soaking, sanitizing and drying.
25. From the subject property, petitioner picks up clean, empty buckets and delivers them to members.
26. To the subject property, petitioner transports the "soil amendment," or finished compost product, in 32-gallon totes, from the farms, making approximately ten trips every three months.
27. At the subject property, petitioner sifts the product to remove sticks and stones; sift waste is returned to the farms.
28. At the subject property, petitioner packages and stores the finished compost product until distribution.
29. From the subject property, petitioner picks up the packaged, finished compost product and distributes it to members, typically, in five pound quantities every four months.
30. Petitioner drives daily routes among members, the farms and the subject property.
31. Petitioner's business has three to seven people, or an average of four, working at the property at a time.
32. Petitioner's business does not engage in the retail sale of compost to the public.
33. Petitioner's hours of operation are 9 am to 9 pm.
34. The proposal will not generate traffic or traffic patterns that adversely impact surrounding streets or create a traffic or safety hazard.
35. Petitioner's business currently has 1,500 members in the greater Boston area, including households and commercial institutions; all members must donate waste to participate, however, only about 800 members elect to receive compost returned, and other members donate the compost, including to schools and community gardening projects.
36. Petitioner's business generates more compost than it distributes to members, and more than 50% is left at the farms.
37. The composting process at the farms takes three to five months.
38. One pound of organic waste yields one half-pound of finished compost product.
39. The finished compost product does not attract rodents or pests, and as stored, does not require aeration.
40. The Board of Health recommends conditions regarding on-site activities, storage, pest control, and waste water.
41. As modified by the conditions of the special permit, the proposal is in the interest of the common good.
42. The Ward 6 City Councilor is in favor of the petition.
43. There is no public opposition to the petition.
44. As modified by the conditions of the special permit, the proposal will not be more detrimental to the neighborhood.
45. Petitioner and owner consent to the proposed conditions of this special permit.

DECISION (Case #16-06):

On March 9, 2016, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following eight conditions: 1) All development shall be as per plans, except as modified by these conditions; 2) Submit a parking plan; install and maintain striping of all parking and loading spaces, as per plan; 3) Repair and/or replace sidewalks and driveways, including related incidental work, around perimeter of property, to the reasonable satisfaction of DPW Director ; 4) No outside storage allowed; 5) Install cameras and lighting in locations along Bike to the Sea Path/Northern Strand Community Trail abutting the property to be determined by Ward City Councilor and Malden Police; and maintain cleanliness of that portion of Trail/Path abutting the property, including but not limited to, litter control and removal of overgrown vegetation; 6) No "organic waste" (pre-composted material) may be brought to, stored on, or prepared on the premises and only "soil amendment" (finished compost product) prepared off site may be packaged on site; 7) Store all compost materials in rodent resistant containers on premises; comply with Board of Health pest control practices for warehoused material; and 8) All waste water must be directed to an appropriate drain connected to the sanitary sewer in accordance with the Mass. Plumbing Code. No waste water may be discharged to the surface of the property or to the municipal storm drain.

RECORD of VOTES (Case #16-06):

The vote on March 9, 2016 to grant a special permit with eight conditions was eight in favor, none opposed:

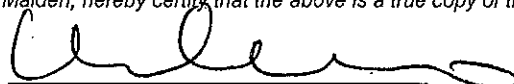
Antonucci, yes; Chuha, yes; Fitzgerald, yes; Hayes, yes; Lawhorne, yes; MacCuish, yes; Wolff, yes; Ioven, yes.

*Motion by MacCuish, seconded by Lawhorne.*

*[Absent: Chiu, Henry, Mzaouakk]*

*I, Michelle A. Romero, City Planner for the City of Malden, hereby certify that the above is a true copy of the decision of the Malden Planning Board.*

By:

  
Michelle A. Romero, City Planner