



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

RECEIVED

CASE NUMBER 17-03

2017 APR 20 P 3:47

LOCATION of SUBJECT PROPERTY 277 Commercial Street, Malden, MA

NAME of PETITIONER South Cove Community Health Center

NAME of OWNER Tribune Commercial Realty Trust

DATES of PUBLIC HEARING March 8, 2017 and April 12, 2017

DATE of DECISION April 12, 2017

DATE of FILING DECISION with CITY CLERK April 20, 2017

DATE of NOTIFICATION to BUILDING INSPECTOR April 20, 2017

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT May 10, 2017

[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.]

CITY CLERK'S OFFICE
MALDEN, MASS.

PROCEDURAL HISTORY (Case #17-03):

1. Petitioner is the new owner, developer, and occupant, South Cove Community Health Center, 145 South Street, Boston, MA 02111.
2. At the time the petition was filed, the owner of record was Tribune Commercial Realty Trust, 277 Commercial Street, Malden, MA 02148.
3. The petition seeks a special permit under §§300.3.4.8 and 700.1.3.2, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to allow the alteration, structural change and change of use of a preexisting nonconforming property in the Industrial 2 zoning district for use as a medical center.
4. The following plans and information were submitted in support of the petition:
 - a) "South Cove Community Health Center Alterations to 277 Commercial St. Malden, MA 02148 FLOOR PLAN," (Drawing No. A-101), dated January 12, 2017 with revisions dated February 8, 2017, prepared by Michael D. Coleman, Reg. Architect, Beacon Architectural Associates, Boston, MA.
 - b) "South Cove Community Health Center Alterations to 277 Commercial St. Malden, MA 02148 SITE LAYOUT PLAN," (Drawing No. C-1) and "SITE GRADING PLAN," (Drawing No. C-2), dated January 12, 2017 with revisions dated February 7, 2017, prepared by Stephen B. Sawyer, P.E., Design Consultants, Somerville, MA.
 - c) Spiral-bound set of plans, "South Cove Community Health Center 277 COMMERCIAL STREET MALDEN, MA SPECIAL PERMIT APPLICATION REVISED FEBRUARY 8, 2017," prepared by Beacon Architectural Associates, that includes photos of the existing site, existing site plan, existing floor plan; proposed site plan, proposed grading plan, proposed elevations, proposed "perspective views," proposed aerial view, colored site plan, and proposed landscaping plan (planting and materials legend, notes and schedule).
 - d) "Traffic Impact Study," dated January 12, 2017, and revised, "Traffic Impact Study," dated March 3, 2017, prepared Nitsch Engineering, Boston, MA.
5. On March 8, 2017, the Planning Board opened the public hearing and prior to taking any public testimony tabled the public hearing to allow time to complete the City's peer review of the revised Traffic Impact Study; and directed that abutters be notified of the next hearing date.
6. On April 12, 2017, petitioner consented to proceed with the public hearing when the full Board was not present, namely, when only eight of the nine members of the Board were present and voting.
7. On April 12, 2017, the Planning Board reopened, conducted and closed the public hearing.
8. The public hearings complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #17-03):

The City of Malden Planning Board finds the following facts:

1. The property is located at the corner of Commercial and Medford Streets and the site of one building, containing approximately 16,499 square feet, that is currently vacant.
2. The proposal is to renovate and occupy the property for medical center use as a community health center.
3. Under the proposal, a portion of the existing building, located at the northwestern corner, containing 2,756 square feet, will be demolished, and the remainder of the existing building will be renovated.
4. Under the proposal, the renovated building will contain 13,782 square feet of gross floor area, which includes approximately 7,700 square feet of programmed space and designated rooms; the remainder of the floor area is comprised of waiting areas, corridors and walls.

5. The proposed interior renovations include constructing twelve examination rooms; four waiting areas; intake rooms; nurses stations; support spaces required by the Department of Public Health for clean and soiled linens and environmental services; a blood draw room; offices; a staff lounge; a staff meeting room; and a trash room.
6. The proposed structural changes and exterior and façade renovations include the following: establish a new main entrance and install a “double-height” “aluminum storefront system” with precast concrete parapets, canopy over the doorway and large windows at the northeastern corner of the building; remove the existing main entrance from the southeastern corner of the building; establish a new, separate entrance for the staff meeting room and install a “double-height” “aluminum storefront system” at the southwestern corner of the building; install a “corrugated metal panel system” over the western side and southwestern concrete block section of building; enlarge and/or replace all windows; and install steel headers, concrete sills and several new window openings.
7. The proposal includes site improvements to reconfigure and renovate the parking lot; to install a new landscaped area in the northwestern corner of the lot; to rehabilitate landscaped areas at the southeastern corner of the lot; to install concrete walkways and handicapped accessible ramp on the southern side of the building; and also includes offsite clean-up and landscaping of the abutting vacant parcel to the west, owned by the MBTA.
8. The subject property is located in the Industrial 2 zoning district.
9. The property is currently vacant and was most recently occupied for manufacturing use by the *Malden Evening News*, and for an offsite parking facility for food trucks.
10. The proposed medical center use is allowed by special permit in this district, per §300.3.4.8 of the Ordinance.
11. The direct abutter to the west is the active MBTA right-of-way for the rapid transit and commuter rail lines, and a vacant lot with wooded/overgrown vegetation, owned by the MBTA; to the north, an adult day health center; to the east, on the other side of Commercial Street, a manufacturing company; to the southeast, on the opposite corner of the intersection, an office building; and to the south, on the other side of Medford Street, a restaurant and vacant storefront.
12. Surrounding land uses are residential to the west, on the other side of the MBTA; and business and industrial to the north, south and east; and nearby to the east are the Malden River and the abandoned railroad right-of-way, a portion of which is used as the public multimodal recreational trail, the Bike to the Sea Path/Northern Strand Community Trail.
13. The proposed medical center use is not in conflict with surrounding land uses.
14. As most recently occupied for manufacturing, the building on the property violates one side yard setback and is considered preexisting nonconforming, per §§400.1.5.2 and 700.1 of the Ordinance.
15. The proposal reduces the existing dimensional control violation, given that the yard setbacks are less for the proposed medical center use than for the prior manufacturing use, per §§400.1.4.8 and 400.1.5.2 of the Ordinance.
16. The proposal creates no new violations of dimensional controls.
17. The proposed medical center use requires 76 parking spaces, namely, 5.5 spaces per 1,000 square feet of gross floor area, and no loading spaces/bays, per §500.1.4.13 of the Ordinance.
18. The proposal provides a total of 76 spaces on-site in surface parking areas located around the building; and reconfigures the existing parking layout to provide: 27 head-on spaces on the eastern side of the building; 20 head-on spaces along the northern property line; five parallel spaces along northern side of building; and 24 head-on spaces at the northwestern corner of building, where a portion of the building is to be demolished.
19. Under the proposal, the primary site access/entrance and egress/exit is on Commercial Street, via the existing curb-cut, to be modified by reducing the width, and two-way driveway at the northeastern corner of the site.
20. At the public hearing, petitioner requested to modify its proposal to allow use of the existing curb-cut on Medford Street to provide egress from the one-way driveway at the southwestern corner of the site.
21. The parking layout is conforming as to dimensions of spaces, driveways, aisle widths and snow storage, per §500 of the Ordinance.
22. The existing loading bay/dock will be eliminated with the proposed demolition of a section of the building.
23. The proposal requires bicycle parking for a total of four, per §500.2.22 of the Ordinance.
24. The location of the bicycle parking on-site has not yet been determined.
25. The proposal does not create any new violations of parking requirements.
26. The City’s peer review of petitioner’s original Traffic Impact Study, dated January 12, 2017, is described in correspondence dated February 15, 2017 from Kenneth Petraglia, BETA Group, Inc.; and the City’s peer review of petitioner’s revised Traffic Impact Study, revised March 3, 2017, is described in correspondence dated March 23, 2017 from Kenneth Petraglia, BETA Group, Inc., which includes recommendations to ensure pedestrian and vehicular safety and mitigate project impacts at the Medford Street site drive, the adjacent intersection of Commercial and Medford Streets, and other area intersections.

27. Petitioner expects its patrons to use all modes of transportation, including vehicles, walking, bicycling and public transportation.
28. The property is located approximately one half-mile from the Malden Center Station of the Orange Line MBTA Rapid Transit line, bus hub and commuter rail.
29. Petitioner is not currently proposing a shuttle service between the site and public transit station.
30. The traffic and traffic patterns generated by the proposal will not adversely impact the surrounding streets or create a traffic or safety hazard.
31. Petitioner is a federally-funded community health center that has been in existence for 45 years and which currently has clinics in Chinatown, Boston and Quincy; petitioner provides healthcare services to the "medically underserved" in Massachusetts and specializes in serving the Asian community; and petitioner currently has 32,000 patients, 3,600 of whom reside in Malden.
32. The City of Malden's existing Asian population is growing.
33. The proposed community health center will offer primary care healthcare services in the following five areas: pediatrics; adult health; social services including translation services; women's health with obstetrics/gynecology; and vision/eye care.
34. The proposed community health center will not perform medical procedures.
35. The proposed community health center will provide phlebotomy services and use an offsite company for testing.
36. The proposed community health center will not have a pharmacy nor dispense controlled substances, however, will have a medication room and offer aspirin, antibiotics, vaccines and sample drugs, such as asthma inhalers.
37. Petitioner estimates the community health center will serve a maximum of 120 patients daily.
38. Petitioner estimates that it will employ a maximum of twenty-four employees; the initial staff will be eighteen full-time staff that includes three physicians, two registered nurses, four medical assistants, one optometrist, two insurance enrollment specialists, five unit secretaries, and one administrative staff person.
39. Regular office trash will be stored in a three-yard dumpster to be located in the trash room, to be removed every day or two; and biohazard and medical waste will be stored in a designated area and picked up every other week.
40. The proposed hours of operation are Monday through Friday, 8:30 am to 6:30 pm; Saturday, 8:30 am to 3:00 pm; and Sunday, 8:30 am to 2:00 pm.
41. The proposed staff meeting room is approximately 767 square feet in size and will be furnished with chairs and tables; petitioner will use the room for monthly staff meetings and other internal meetings; petitioner will manage use of the room, make it available to the public and community groups, strictly for use for organizational meetings only, not functions, including during "after hours" times when the community health center is closed, and will have an administrator present during its use.
42. The proposal will not be more detrimental to the neighborhood.
43. The proposal is in the interest of the common good.
44. The Ward 1 City Councilor, Ward 2 City Councilor, two of the three City Councilors-at-Large, and the Mayor are in favor of the proposal.
45. A business abutter, several residents and the Executive Director of the Chinese Cultural Connection, a community organization headquartered in Malden, are in favor of the proposal.
46. There is no public opposition to the proposal.

DECISION (Case #17-03):

On March 8, 2017, the Planning Board tabled the public hearing.

On April 12, 2017, the Planning Board granted a special permit subject to the following sixteen (16) conditions:

1. The entire development shall be as per plans, except where modified by these conditions.
2. Minor modifications of the floor plan, façade and parking layout are allowed.
3. The medical center use may be only by a community health center for humans; and the following are expressly prohibited as accessory or any other use of the property: Hospital, Medical Marijuana Treatment Center, Substance Abuse Treatment Center; Research & Development Facilities; any services for animals; and/or pharmacy.
4. Use of the staff meeting room shall be managed by the community health center; and this room may be used by community groups for meetings only and a community health center administrator must be present during use.
5. No permanent dumpster is allowed on site outside after construction and no outside trash storage is allowed; any dumpsters during construction must comply with conditions of Malden Public Health Department; all storage and disposal of medical waste must comply with state and local regulations.
6. Repair or replace sidewalks, driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.
7. Obtain DPW approval for all new and modified curb-cuts.

8. All landscaping of the site shall be as per plan.
9. Install decorative fencing along eastern property line between parking lot and sidewalk, and install curb/wheel stops on parking spaces along eastern property line.
10. Provide parking on-site for a minimum of four bicycles.
11. No outside storage is allowed.
12. No accessory structures are permitted.
13. Developer shall purchase and install external surveillance security cameras in locations on and around the site, to be determined by Police Chief and Ward City Councilor, to be accessible by the City.
14. Prior to issuance of a certificate of occupancy, developer shall implement all recommended traffic improvements and safety mitigation recommended by the City's peer reviewer in correspondence dated March 23, 2017, including but not limited to, installation of pedestrian signal heads with countdown timers and repainting crosswalks at the intersection of Medford Street and Commercial Street; compliance with this condition must be verified by the City's peer reviewer, at the expense of the developer.
15. The site drive on Medford Street may be used for exit only, right turn only, with proper signage installed.
16. This special permit shall expire on October 31, 2018, unless substantial construction or use has begun.

RECORD of VOTES (Case #17-03):

On March 8, 2017, the vote on the motion to table the public hearing was eight in favor, none opposed, and the motion passed:

Antonucci, yes; Chiu, yes; Chuha, yes; Henry, yes; Lawhorne, yes; MacCuish, yes; Wolff, yes; Ioven, yes.

Motion by Lawhorne, seconded by Antonucci. [Absent: Fitzgerald. Present but not participating/voting: Hayes]

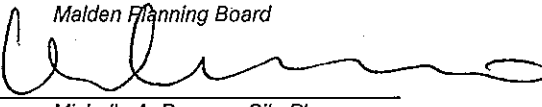
On April 12, 2017, the vote on the motion to grant a special permit with sixteen conditions was eight in favor, none opposed, and the motion passed:

Antonucci, yes; Chiu, yes; Chuha, yes; Fitzgerald, yes; Henry, yes; MacCuish, yes; Wolff, yes; Ioven, yes.

Motion by Antonucci, seconded by MacCuish. [Present but not participating/voting: Hayes]

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.

Malden Planning Board

By: 

 Michelle A. Romero, City Planner