



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

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CASE NUMBER 18-09

LOCATION of SUBJECT PROPERTY 398-398A Pleasant Street, Malden, MA

NAME of PETITIONER Hui Huang

NAME of OWNER Horizon Consulting & Management, LLC

DATE of PUBLIC HEARING August 8, 2018

DATE of DECISION August 8, 2018

DATE of FILING DECISION with CITY CLERK August 22, 2018

DATE of NOTIFICATION to BUILDING INSPECTOR August 22, 2018

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT September 11, 2018

*[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 #18-09):

1. Petitioner is Dr. Hui Huang, 18 Ledgewood Road, Winchester, MA, and is the manager for the property owner, Horizon Consulting & Management LLC, 18 Ledgewood Road, Winchester, MA 01890.
2. At the public hearing, petitioner was represented by Peter Itkes, 48 Kendall Court, Bedford, MA, who is the office manager for petitioner's dental practice.
3. The petition seeks a special permit under §300.3.4.8, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to allow a medical center use, namely, dental offices, in the Residential Office zoning district.
4. The following plans were submitted in support of the petition: "Site Plan in Malden, MA (Middlesex County), dated July 31, 2007, prepared by Clifford Rober, P.L.S., Rober Survey, Arlington, MA; and first floor plan, "Layout, Project Hui Huang, D.M.D. 398 Pleasant St. Malden, MA 02148," dated June 7, 2018, prepared by The Han Group, Natick, MA.
5. The public hearing complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #18-09):

The City of Malden Planning Board finds the following facts:

1. The property is located on the southern side of Pleasant Street, and the site of a 2 ½ story building that is currently vacant and was most recently used for general offices by the previous owner.
2. The first and second floors each have approximately 1,756 square feet of gross floor area per the City Assessor's records.
3. The proposal is to convert the first floor from general offices to dental offices to be occupied by petitioner's dental practice.
4. The proposed dental offices will provide three rooms/areas for treatment, areas for hygiene, sterilization, lab, image, tanks; reception area, and waiting area.
5. Under the proposal, general office use of the second floor will continue, and petitioner intends to rent out in the future.
6. The subject property is located in the Residential Office zoning district.
7. The property was originally classified as the Residence A zoning district, and this area of Pleasant Street was rezoned in 2013.
8. The most recent general offices use was allowed by special permit in Case #86-5 under the prior zoning district, per §700.1.3 of the Ordinance, and this use is allowed by right under the current zoning, per §300.3.4.9 of the Ordinance.
9. The proposed dental offices are considered medical center use, which is allowed by special permit in the Residential Office zoning district, per §300.3.4.8 of the Ordinance.
10. The direct abutter to the west is a single-family dwelling; all direct abutters to the east, south and west are two-family residential dwellings; and to the north, on the opposite side of Pleasant Street, is an institutional use, the Beebe School, a public K-8 school.
11. Surrounding land uses are residential, namely, single and two-family residential dwellings; business, namely, medical and dental offices and general offices; and institutional, namely, a church.
12. The proposed dental offices are not in conflict with surrounding land uses.
13. The property, used for general offices, conforms to all dimensional controls, per §400.1.4.9 of the Ordinance.
14. The dimensional controls for medical center are the same as those for general offices, and the proposal creates no violations or nonconformities, per §§400.1.4.8, 400.1.4.9 and 400.2 of the Ordinance.
15. The general office use of the entire building requires fourteen parking spaces, per §500.1.4.12 of the Ordinance.
16. The proposed medical center use of the first floor requires ten parking spaces; the general office use of the second floor, seven; and the proposal requires a total of seventeen parking spaces, per §§500.1.4.12, 500.1.4.13 and 500.2.18 of the Ordinance.
17. Currently eleven parking spaces are provided on-site; the existing deficiency was allowed by the special permit granted in Case #07-24; and the proposal increases the parking deficiency from three spaces or 21%, to six spaces or 35%.
18. The actual parking layout currently on-site is different from the layout on the site plan approved with the special permit granted in Case#07-24; the parking layout on the approved site plan is nonconforming as to the dimensions of some spaces, width of parking aisles and tandem configuration, per §500.2 of the Ordinance.
19. The existing layout on-site provides eleven parking spaces in a nonconforming layout, namely, four spaces, parallel, located along the eastern driveway, abutting the fence and property line; one space, head-on, located at the southeastern corner of the lot, at the end of eastern driveway; four spaces, head-on, angled, located in the rear yard, along the southeastern property line; two spaces, head-on, located in the rear yard, along the southern property line; nonconforming parking aisles for all spaces; the eastern driveway, 18.7 feet per the site plan and 10 feet with the existing parallel parking, does not comply with the minimum width required for one or two-way traffic, namely, 15 feet and 18 feet, and the western driveway, 15.9 feet per the site plan, complies with the width for one-way traffic, per §500.2.3 of the Ordinance.

20. The parking lot appears to have been recently lined; petitioner states that he has not changed the parking layout since purchasing the property in April 2018; and petitioner intends to maintain the existing layout and one-way "counter-clockwise" circulation pattern currently in use, namely, with vehicles entering via the western driveway and exiting via the eastern driveway.
21. On-site snow storage is required, per §500.2.14 of the Ordinance; possible locations are limited and may interfere with parking.
22. Petitioner intends to contract for snow removal services for the parking lot.
23. The property currently only partially complies with the requirement to screen off-street parking areas from abutting residential properties, per §500.4.1 of the Ordinance; there is no screening along the entire western property line, and a portion of the fencing near the southeastern (inside) corner is missing and/or broken.
24. Screening was required by the prior special permit granted in Case #07-24, and residential abutters on the western boundary consented/requested in writing that no screening be installed, subject to future installation.
25. At the public hearing, the residential abutter who directly abuts the subject property to the west at 400 Pleasant Street states that they do not want a fence installed along their property line.
26. Fencing installed along the western boundary line may interfere with access and maneuverability in the parking lot.
27. As modified by the proposed conditions of the special permit, the traffic and traffic patterns generated by the proposal will not adversely impact the surrounding streets or create a traffic or safety hazard.
28. Petitioner has been in practice for fifteen years; has a general practice; also specializes in orthodontics; and also performs root canals and implants.
29. Currently, petitioner has dental offices in Everett and Winchester.
30. Petitioner states that many of his existing patients are Malden residents.
31. Petitioner expects the proposed Malden office to be open one or two days every week in the beginning and estimates that it may take several years to build the practice before it will be open five days every week.
32. The expected number of employees at any one time at the proposed Malden office will be four or five, namely, one dentist; one dental hygienist; one or two dental assistants; and a front desk secretary.
33. The proposed dental offices will have state-of-the-art technology and equipment, including a panoramic and three-dimensional X-ray screening machine; a photography area to use for cosmetic dentistry; a lab used for adjusting, grinding, polishing and cleaning dentures; and a sterilization center for equipment and instruments.
34. There will be no manufacturing on-site.
35. The medical waste generated will be held in sealed containers in each room and collected by a special service.
36. There will be no dumpster on site.
37. The basement will be used only for utilities and storage.
38. The Ward City Councilor is in favor of the proposal.
39. There is no public opposition to the proposal.
40. As modified by the proposed conditions of the special permit, the proposal is in the interest of the common good and will not be more detrimental to the neighborhood.
41. Petitioner consents to the proposed conditions of the special permit.

DECISION (Case #18-09):

On August 8, 2018, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit, subject to the following seven (7) conditions:

1. The first floor may be used for dental offices only; any other medical center use of the first floor or of any other portion of the building shall require a special permit/amendment of this special permit.
2. The basement and attic may be used for storage and utilities only.
3. Submit site plan that depicts existing parking layout for eleven parking spaces, with one-way circulation pattern ("enter only" western drive/"exit only" eastern drive) designated with pavement markings and signage.
4. Remove plowed snow from site, per contract submitted to City.
5. Replace/repair fencing on site; no fencing is required along western property line, unless requested by abutters.
6. No dumpster is allowed on-site.
7. Repair/replace sidewalks, driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.

RECORD of VOTES (Case #18-09):

On August 8, 2018, the vote on the motion to grant the special permit with conditions was nine in favor, none opposed, and the motion passed:

Antonucci, yes; Chiavelli, yes; Chuha, yes; Fitzgerald, yes; Gebreselassie, yes; Hayes, yes; Henry, yes; Soucy, yes; Ioven, yes.

*Motion by Antonucci, seconded by Henry.*

*[Absent: MacCuish. Present but not voting: Ferguson.]*

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

By:   
Michelle A. Romero, City Planner