



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

CASE NUMBER 20-01

LOCATION of SUBJECT PROPERTY 368 Pleasant Street, Malden, MA

NAME of PETITIONER and OWNER Bay State Commons LLC

DATE of PUBLIC HEARING January 8, 2020

DATE of DECISION January 8, 2020

DATE of FILING DECISION with CITY CLERK January 15, 2020

DATE of NOTIFICATION to BUILDING INSPECTOR January 15, 2020

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT February 4, 2020

[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 #20-01):

1. The subject property is known by City of Malden Assessor's parcel identification number 030134416.
2. Petitioner is the property owner, Bay State Commons LLC, 55 Park Street, Charlestown, MA 02129.
3. Petitioner was represented at the public hearing by its attorney, Roberto DiMarco, 350 Main Street, Malden, MA 02148, and its architect, Jennifer French, Neshamkin French Architects, Inc./French 2D, 5 Monument Square, Charlestown, MA 02129.
4. The petition seeks to amend the special permit granted on August 14, 2019 in Case #19-04 under §300.3.2.13, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") that allows cohousing dwelling use of the subject property, subject to those seven conditions specified therein.
5. The following plans were submitted in support of the current petition: "Site Plan, 368 Pleasant St Malden, MA," (A-100), dated October 18, 2019 with revisions dated January 7, 2020, "Exterior Elevations, 368 Pleasant St Malden, MA," (A-401), dated October 18, 2019, and "Historical Commission Amendment Illustrations of Front Yard, 368 Pleasant St Malden, MA," (A-107), dated October 18, 2019, all prepared by Neshamkin French Architects, Inc., Charlestown, MA; "Site Layout & Materials Plan, 368 Pleasant St Malden, MA," (C-100), "Site Utility Plan, 368 Pleasant St Malden, MA," (C-101), and "Site Grading, Drainage & Erosion Control Plan, 368 Pleasant St Malden, MA," (C-102), all dated June 20, 2019 with revisions through October 23, 2019 and prepared by Anthony Donato, P.E., H.W. Moore Associates, Boston, MA; and "Pavement Marking and Signage Plan," "Intersection Sight Distance – Available Sight Distance (Parking Space Removed)," and "Intersection Sight Distance – Available Sight Distance (Parking Space Retained)," all labeled, "Bay State Commons 368 Pleasant Street in Malden Massachusetts Middlesex County November 2019," dated November 20, 2019 and prepared by Samuel Offei-Addo, P.E., BSC Group, Boston, MA.
6. Petitioner submitted only those plans involving amendments, and as such, no changes are proposed to the following plans approved with the special permit granted in Case #19-04: "Site Details Plans, 368 Pleasant Street Malden, MA," (C-103 & C-104), dated June 20, 2019, prepared by Anthony Donato, P.E., H.W. Moore Associates, Boston, MA; and Garage Plan (A-101), First Floor Plan (A-102), Second Floor Plan (A-103), Third Floor Plan (A-104), Renderings (A-106), Exterior Elevations (A-402), all labeled, "368 Pleasant Street Malden, MA," dated June 21, 2019 and prepared by Neshamkin French Architects, Inc., Charlestown, MA.
7. As required by Condition 1 of the special permit granted in Case #19-04, petitioner obtained the following determinations of the Malden Historical Commission, made in accordance with the City Demolition and Alteration Delay Ordinance: a determination dated August 27, 2019, that the existing building is a Preferably Preserved Building and its demolition is delayed for 12 months, with the recommendation that applicant redesign the project and revise the plans to preserve as much as possible of the exterior structure and design of the existing building; and a subsequent determination dated October 7, 2019, that there is no reasonable likelihood that either owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the building; the intent and purpose of the Demolition Delay Ordinance is served even with the issuance of the demolition permit; and the demolition may proceed prior to the expiration of the 12-month delay period, subject to applicant's compliance with the following requirements: Historical elements of oculus window, side portico, granite steps, and estate setting/grounds shall be incorporated into the new project, as per attached plans, "Sketches for Historic Commission," dated October 2, 2019, prepared by Neshamkin French Architects, Inc./French 2D; Historical Commission shall review and approve the historic plaque to be placed on the property; and Historical Commission's consultant shall be allowed to take additional photographs of the interior prior to demolition.
8. The public hearing complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #20-01):

The City of Malden Planning Board finds the following facts:

1. All facts found in the special permit granted in Case #19-04, except as modified herein.
2. Condition 7 of the special permit granted in Case #19-04 requires that all development shall be as per plans.
3. The proposal is to revise the plans approved with the special permit granted in Case #19-04 to incorporate the requirements of the Malden Historical Commission regarding historical elements of the property that must be preserved and to address certain conditions of the special permit granted in Case #19-04.
4. No changes are proposed to the project approved by the special permit granted in Case #19-04 regarding the cohousing use, size of the new building, number and configuration of dwelling units, common areas or parking.
5. Direct abutters and surrounding land uses are the same as when the special permit was granted in Case #19-04.
6. The revised proposal does not change the project's compliance with dimensional controls and parking requirements, as approved by the special permit granted in Case #19-04.
7. The revised plans depict the heights of all proposed retaining walls conform with §400.7.8 of the Ordinance, as required by Condition 6 of the special permit granted in Case #19-04.
8. The revised plans depict required bicycle parking, per §500.2.22 of the Ordinance, as required by Condition 5 of the special permit granted in Case #19-04; and petitioner intends to provide more bike parking in the garage.
9. The revised proposal addresses safety concerns with sight distances at both site drives, in accordance with the City peer reviewer's recommendations and comments provided in correspondence dated October 21, 2019 from Kenneth Petraglia, P.E., P.T.O.E., as required by Condition 2 of the special permit granted in Case #19-04.
10. The proposed landscape area at the front of the building incorporates the original granite steps and granite slabs, is visible from Pleasant Street and part of the public entrance, however, will not be open for public access/use.
11. The original side portico, to be relocated and reused, may serve as a window or provide a door for only the one dwelling unit where it is located, however, will not be used to provide general access/egress for the building.
12. The revised proposal does not affect the project development schedule.
13. The Ward 2 City Councilor, Ward 6 City Councilor, Ward 7 City Councilor and one of the three City Councilors-at-Large, are in favor of the revised proposal.
14. Several Malden residents, who are also members of the project group and potential residents of the proposed development, are in favor of the revised proposal.
15. There is no public opposition to the revised proposal.
16. As modified by proposed conditions of the special permit, the revised proposal is in the interest of the common good.
17. The plans submitted with the petition are incorporated herein by reference and approved by the special permit, except as modified by conditions of the special permit.

DECISION (Case #20-01):

On January 8, 2020, pursuant to the foregoing Findings of Fact, the Planning Board modified the special permit granted in Case #19-04 and granted a new special permit subject to the following eight (8) conditions: 1) All development shall be as per plans, except as modified by these conditions; 2) Install pavement markings and crosswalks on Pleasant Street adjacent to the property and at the intersection of Pearl Street; install signage on Pleasant Street as per Pavement Marking and Signage Plan; 3) Install and maintain signage at site drives as per Pavement Marking and Signage Plan; 4) Obtain City approval to remove parking space on Pleasant Street, adjacent to western site drive and install "no parking" signage; 5) Within six months of occupancy, re: allowing Left Turn at Pearl Street and Route 60/Centre Street, conduct study, for which scope, results and recommended improvements are to be reviewed by City peer reviewer; 6) Compliance with memorandum from City Engineer dated August 14, 2019; 7) Compliance with requirements of Malden Historical Commission as stated in its determination dated October 7, 2019; and 8) The portico may be used as access only for the one adjacent dwelling unit.

RECORD of VOTES (Case #20-01):

The vote on the motion to modify the special permit granted in Case #19-04 and grant a new special permit subject to eight (8) conditions was nine in favor, none opposed, and the motion passed (9-0):

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

Motion by Antonucci, seconded by MacCuish.

Present but not voting: Ferguson.

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