



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

CASE NUMBER 20-16

LOCATION of SUBJECT PROPERTY 54 Eastern Avenue, Malden, MA

NAME of PETITIONER and OWNER 54 Eastern Avenue, Malden LLC

DATE of PUBLIC HEARING December 9, 2020

DATE of DECISION December 9, 2020

DATE of FILING DECISION with CITY CLERK December 22, 2020

DATE of NOTIFICATION to BUILDING INSPECTOR December 22, 2020

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT January 11, 2021

[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 #20-16):**

1. The subject property is known as and numbered 54 Eastern Avenue and by City Assessor's Parcel Identification #076 270 007.
2. Petitioner is the owner, 54 Eastern Avenue, Malden LLC, 54 Eastern Avenue, Malden, MA.
3. At the public hearing, petitioner was represented by Gabriella Snyder Stelmack, Executive Director of Bread of Life, Inc., owner's managing member; Laura Spark, President of Metro North Housing Corp.; and Randy Johnson, Architect, Resolution Architects, Natick, MA.
4. The petition in Permit # CMID-032618-2020 seeks a special permit under §§12.12.010(A) and 12.28.010(E) of Chapter 12, Revised Ordinances of 2020 as Amended, formerly known as §§300.3.2.5 and 700.1.3.2, Chapter 12, Revised Ordinances of 1991, as Amended, and to renew, amend and extend the special permit previously granted in Case #18-11.
5. The following plans were submitted in support of the petition: Set of plans, "PROJECT: 54 Eastern Ave Malden, MA 02148 OWNER: Bread of Life, Metro North Housing," prepared by Resolution Architects, Natick, MA, that includes: Proposed Site Plan, dated July 30, 2020; Site Plan, Design Proposal Volpe Memorial, dated September 14, 2020; floor plans for First Floor, Second Floor and Third Floor, dated August 10, 2020; Roof Plan, dated August 10, 2020; Elevations, dated October 7, 2020; and a memorandum dated August 7, 2020 from Alice Krapf, Krapf Associates and Randy Johnson, Resolution Architects, that describes the revised proposal .
6. At a public meeting on July 25, 2012 and prior to first granting a special permit for the project in Case #13-09, the Planning Board conditionally granted petitioner's request for a waiver of traffic impact study filing requirements of Section E.9, *Rules and Procedures of Malden Planning Board*, subject to resolution of issues regarding truck access/egress and site distance for exiting vehicles.
7. The most recent special permit for the project, granted in Case #18-11, expired on June 30, 2020.
8. Pursuant to the City's Demolition & Alteration Delay Ordinance, Section 4.24, Chapter 4, City Ordinances of 2020, petitioner obtained a determination from the Historical Commission, dated October 8, 2020, that the existing building may be demolished, subject to owner/applicant's compliance with the following requirements: The following historical elements of the existing building will be incorporated and/or reused on the exterior of the new building and project: salvaged masonry, salvaged entryway (excluding pediment), and salvaged granite foundation, as per plans, "Design Proposal," dated September 14, 2020 and "Elevations Schematics," dated October 7, 2020, prepared by Resolution Architects, Natick, MA (attached); establish "Volpe Way," with public access, as per plans, "Design Proposal," dated September 14, 2020, prepared by Resolution Architects, Natick, MA (attached); an agreement to allow the Commission to review the text/information for the proposed monument, stations and plaque to commemorate the life of Governor John Volpe; and allow the Commission's consultant to photograph the interior prior to demolition.
9. In accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, Massachusetts General Laws, Chapter 30A, §18, and Governor Baker's March 23, 2020 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, and due to the COVID-19 pandemic, the public hearing was held virtually and members of the public attended and participated remotely via technological means.
10. 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 #20-16):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a two-story building currently occupied for general offices by the Bread of Life, with an accessory food pantry program, pursuant to a Certificate of Occupancy issued in 2013.
2. Bread of Life, a non-profit organization, is the current and proposed continued occupant of the offices and owner and operator of the food pantry and meals programs; and Metro North Housing Corp., a non-profit organization, is the proposed owner and operator of the proposed housing units.
3. The revised proposal includes the same program elements as the previous proposal that was approved by the most recent special permit in Case #18-11, namely, general offices with accessory food pantry and meals programs; and the same amount and kind of housing, namely, fourteen studio apartments that will be affordable and permanent housing for individual adults, with an on-site support program staff person.
4. The revised proposal is the same as the previously approved proposal regarding construction, namely, to demolish the existing building and construct a new three-story building.
5. The revised proposal is the same as the previously approved proposal regarding access, namely, the proposed building is designed with one entrance facing Eastern Avenue, which is intended to provide exclusive access for deliveries and loading for the food programs; and one entrance facing the Northern Strand Community Trail, which will be the main public entrance and provide access for patrons of the food pantry and meals programs and tenants of the residential dwelling units.
6. Under the revised proposal, the first and second floors will be used exclusively for the Bread of Life programming, namely, the first floor will be for receiving food deliveries, staging and distribution, using a food pantry model that will be setup like a “superette”-style market, dining area with seating for 108, food service area, commercial kitchen and related storage; the second floor will contain warehouse-style food storage, general offices and a conference room; there are expanded food storage areas for the food pantry; and a freight lift/elevator will be used to move food between the first and second floors.
7. Under the revised proposal, the third floor will be used for the fourteen residential dwelling units, which are all studios, ranging in size from 338 to 422 square feet, with three different floor plans.
8. The proposal also seeks approval of revised plans, which include a proposed common balcony/roof deck and outside trash storage area with dumpsters; and these changes require amendments of conditions of the previous special permit that prohibit balconies, outside storage and dumpsters.
9. The proposal also seeks to extend the expiration date for the special permit beyond the one year provided by Ordinance.
10. The property is located in the Highway Business zoning district.
11. The multifamily residential dwelling up to three stories is allowed by special permit and the general offices use is allowed by right in this district, per §12.12.030 of the Ordinance.
12. Direct abutters to the east are a motor vehicle repair shop and a building, construction and contractor’s yard; to the west, a religious facility; to the north, the abandoned railroad right-of-way, a portion of which is the public multimodal recreational trail, Bike to the Sea Path/Northern Strand Community Trail, and the other portion, a public parking lot managed by the Malden Redevelopment Authority; and to the south, on the other side of Eastern Avenue, a coffee shop restaurant with drive-thru.
13. Surrounding land uses are institutional, business, industrial and residential.
14. The proposed residential use is in the interest of the common good.
15. The existing building does not conform to current dimensional controls and is considered preexisting nonconforming, and extension and reconstruction of preexisting nonconforming property may be allowed by special permit, in accordance with §§12.16.010 and 12.28.010.E of the Ordinance.
16. The revised proposal eliminates the existing front yard setback violation; reduces one side yard setback violation; increases the rear yard setback and one side yard setback violations; and creates new violations of building coverage, density and open space, all as similarly approved by the previous special permit, with nominal differences in the nonconformities.
17. Under the revised proposal, open space will be provided in an outdoor seating area and patio, approximately 200 square feet in size, covered by the building roof overhang, located at the northern side of the building, facing the Community Trail; a common balcony for the residential units on the third floor, approximately 187 square feet in size, covered but not enclosed, located over/on the roof of the second floor, on the southern side of the building, facing Eastern Avenue; and a proposed public pathway, approximately 1,500 square feet in size, that will run along the western side of the property, connecting Eastern Avenue to the Northern Strand Community Trail/Bike to the Sea Path, to be known as Volpe Way and containing a memorial and historical monument to Governor John Volpe.

18. Under the revised proposal, any creation or increase in violations of dimensional controls will not be more detrimental to the neighborhood.
19. The revised proposal requires a total of 63 offstreet parking spaces, namely, 49 spaces for the business use, and 14 spaces for the residential use, in accordance with §12.20.010 of the Ordinance.
20. The revised proposal provides six parking spaces and one loading space on-site, located at the front of the building and site, near Eastern Avenue.
21. The revised proposal provides a similar parking layout as the previously approved proposal, with parking spaces on-site, configured as head-on; however, under the revised proposal, the parking spaces are located along the southeastern property line and the number of parking spaces is increased from five to six.
22. Under the revised proposal, like the previously approved proposal, no parking will be used by the tenants of the residential dwelling units or by patrons of the food pantry and meals programs.
23. The on-site parking will be used by Bread of Life's vehicles and staff and visitors dropping off donations.
24. Under the revised proposal, any creation or increase in violations of parking requirements will not be more detrimental to the neighborhood.
25. The revised proposal, like the previously approved proposal, addresses existing site access/egress safety issues by eliminating unsafe conditions of the existing driveway.
26. Under the revised proposal, like the previously approved proposal, all vehicular access/egress and truck deliveries will be via Eastern Avenue and a two-way curb-cut.
27. For the original proposal approved, the Board granted a waiver of the traffic impact study filing requirements, conditionally subject to resolution of issues regarding truck access/egress and site distance for exiting vehicles, as recommended by the City peer reviewer, specifically: a) to address safety issues of vehicles and pedestrians entering/exiting the site, the site distance must be maximized by using low landscaping abutting sidewalks; and safety signage and pavement markings for vehicles and pedestrian crossings at site drive be installed, including stop sign, "pedestrian crossing" sign, and "caution vehicles exiting" sign; and b) to address access/egress issues for all vehicles, pedestrians and truck deliveries, the loading space must be designated with pavement markings, and a site plan be provided that includes an "auto-turn" template to show that all vehicles, including delivery trucks, can turn around to exit the site head-on.
28. Petitioner will provide a site plan showing turning movements and access/egress for the revised parking layout.
29. Under the revised proposal, there will be an outside trash storage area located on the southern side of the building, near the proposed parking and loading, and the area will be screened from Eastern Avenue.
30. The proposed outside trash storage area will contain four two-cubic yard dumpsters, which are compact and mobile and will be shared by Bread of Life and the housing units; and one dumpster will be used for recycling.
31. The proposed dumpsters are located approximately six feet from the eastern property line, which does not conform to the requirements of §12.12.030 of the Ordinance.
32. Under the revised proposal, a cardboard compactor/bailer will be installed on-site for Bread of Life.
33. Under the revised proposal, Bread of Life will have adequate storage space inside; there will be no outside storage of pallets and boxes; and the carts used to move food will be stored inside overnight.
34. The proposal must comply with City and state public health ordinances and Board of Health regulations regarding site grading to not allow pooling of stagnant water; debris, waste storage and collection; and extermination during site development; and obtain a food service permit, in accordance with state Food and Sanitary Codes, as stated in correspondence dated December 8, 2020 from the City Health Department.
35. All rights authorized by this special permit will lapse December 9, 2021, if substantial construction or use has not commenced, per §12.32.030.B.7 of the Ordinance; however, the expiration date may be extended by a condition of the special permit.
36. The final fundraising for the project is on-going and financing is still being secured; the housing portion of the project is completely funded and the Bread of Life portion of the project is 90% funded; however, it is possible due to funding and financing that an extension of the expiration date may be necessary.
37. Petitioner expects to begin demolition next year and that construction will take a year.
38. Bread of Life will continue to offer the meals/dining program at a local church and will relocate the food pantry to an alternate site during construction.
39. The revised plans are schematic or conceptual designs and nearly final, however, there may be minor changes to the interior space planning and configurations of the individual floor plans.
40. The Mayor, Ward 1 City Councilor, all three City Councilors-at-Large, the Ward 5 City Councilor and one resident support the revised proposal.
41. There is no public opposition to the revised proposal.
42. As modified by the proposed conditions, the revised proposal will not be more detrimental to the neighborhood.

DECISION (Case #20-16):

On December 9, 2020, the Planning Board granted a special permit granted subject to the following nineteen conditions:

1. The development shall be as per plans re: footprint, setbacks, location of uses in building, site plan and façade, which are incorporated herein by reference, and except as modified by these conditions; layout of individual floor plans may change.
2. The residential dwelling units shall be used exclusively as studio apartments, each occupied by only one adult tenant, managed by and with on-site supported living program services to be provided by Metro North Housing Corp. or a similar service-provider.
3. The food pantry and meals programs must be accessory to the general office use of the property; the general offices shall be used exclusively by Bread of Life or a single similar entity.
4. Antennas on the rooftop or any part of the building exterior are prohibited, except for emergency City antennas.
5. All utilities, HVAC and associated equipment on the rooftop shall be screened visually, except solar panels.
6. Any and all balconies and roof decks are prohibited, except for one common balcony on the 3<sup>rd</sup> floor/roof deck over 2<sup>nd</sup> floor, approximately 187 SF in size, facing Eastern Avenue, which may be covered but not enclosed.
7. Any permanent dumpsters on-site must be located on the southern side of the property, near the building, and must be screened. Maintain property clean and clear of all debris.
8. Comply with City Code and Board of Health Regulations re: site grading and extermination during site development; and obtain Food Service Permit(s), per State Food and Sanitary Codes.
9. Maximize site distance by using low landscaping abutting sidewalks; install safety signage and pavement markings for vehicles and pedestrian crossings at site drive, including stop sign, “pedestrian crossing” sign, and “caution vehicles exiting” sign.
10. Provide a site plan that includes an “auto-turn” template to show that all vehicles, including delivery trucks, can turn around to exit the site head-on.
11. Designate loading space with pavement markings.
12. Repair or replace sidewalks, driveways and perform necessary incidental work adjacent to the property to the satisfaction of the DPW Director.
13. Obtain DPW approval for proposed new and/or modified curb-cut.
14. Install and maintain fencing, gate, landscaping, bicycle rack and bench adjacent to Northern Strand Community Trail/ Bike to the Sea Path, subject to review and approval by Ward City Councilor; install cameras and lighting in locations abutting property, to be determined by Ward City Councilor and Malden Police; and maintain cleanliness of that portion of the Northern Strand Community Trail/Bike to the Sea Path abutting the property, including, but not limited to, litter control and removal of overgrown vegetation.
15. No overnight outside storage allowed.
16. Install onsite underground stormwater management system, final design subject to review and approval of City Engineer.
17. Compliance with all requirements of Determination of Malden Historical Commission dated October 8, 2020 under the Demolition Delay Ordinance, which include the incorporation/reuse of historical elements of existing building and establishment of Volpe Way with monument, and which Determination is incorporated herein by reference.
18. This special permit shall expire on December 31, 2022, unless construction has commenced pursuant to a building permit.
19. Install cardboard compactor/bailer on-site.

RECORD of VOTES (Case #20-16):

On December 9, 2020, the vote on the motion to grant a special permit with 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 Chuha, seconded by Antonucci.*

*Absent: Gray, 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