



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

CASE NUMBER 21-02

LOCATION of SUBJECT PROPERTY 209 Centre Street at 321-331 Main Street, Malden, MA

NAME of PETITIONER and OWNER Main Street/60 Associates Limited Partnership

DATE of PUBLIC HEARING March 10, 2021

DATE of DECISION March 10, 2021

DATE of FILING DECISION with CITY CLERK March 17, 2021

DATE of NOTIFICATION to BUILDING INSPECTOR March 17, 2021

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT April 6, 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 #21-02):

- 1) The subject property is known as and numbered 321-331 Main Street and by City Assessor's Parcel Identification #075 271 105.
- 2) The portion of the property that is the subject of the petition is known as and numbered 209 Centre Street.
- 3) The petitioner is the property owner, Main Street/60 Associates Limited Partnership, c/o Combined Properties, Inc., 295 Canal Street, Suite 500, Malden, Massachusetts 02148.
- 4) At the public hearing, petitioner was represented by Attorney Brian G. Cafferty, Combined Properties, Inc., 295 Canal Street, Suite 500, Malden, Massachusetts, and the proposed tenant, Smile Land Dental, was represented by Dmitry Burshteyn, 220 Reservoir Street, Suite 9, Needham, MA.
- 5) The petition in Permit # CMID-035864-2020 seeks a special permit under Section 12.12.030 of Chapter 12, Revised Ordinances of 2020 as Amended of the City of Malden (the "Ordinance"), to allow medical center use of property in the Central Business zoning district, namely, a pediatric and family dental practice.
- 6) The following plans and information were submitted with the petition: a) set of plans, "Special Permit Set 209 Centre Street, MALDEN, MASSACHUSETTS January 19, 2021," that include a site plan, "ALTA/ACSM Land Title Survey," dated April 1, 2013, prepared by DGT Survey Group-North Shore, Newburyport, MA; and Architectural Site Plan, Existing Architectural Floor Plan, Building Floor Plan New Entry Ramp Plan, and Pictorial Elevations, all dated December 21, 2020, revised January 19, 2021, prepared by Shawn M. Burns, Reg., Architect, Combined Properties, Malden, MA; b) set of plans for "Smile Land Dental, Malden," dated December 6, 2020, prepared by Richard A. Volkin, P.E., RAV & Assoc. Inc., Needham, MA, that include a Floor Plan, Backing Plan, Dental Elevations, Dental Utilities Under Floor, Power and Low Voltage Plan, Plumbing Plan and Medgas Plan; c) "Building Floor Plan New Entry Ramp Plan," dated December 21, 2020, revised through March 2, 2021, prepared by Shawn M. Burns, Reg., Architect, Combined Properties, Malden, MA; and d) Correspondence dated January 18, 2021 from Shaun P. Kelly, Vanasse & Associates, Inc., Andover, MA to Brian G. Cafferty, Combined Properties, Inc., re: Trip Generation Assessment, Proposed Pediatric Dental Office, 209 Centre Street, Malden, MA.
- 7) In accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. c. 30A, §18, Governor' Baker's March 23, 2020 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, and Governor's COVID19 Order No. 63, the public hearing was held virtually and public attendance and participation were remotely via technological means.
- 8) 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 #21-02): The City of Malden Planning Board finds the following facts:

1. The subject property is the site of one single-story building with an approximate gross floor area of 13,970 square feet and interior floor area of 13,358 square feet, configured and used and occupied as follows: 2,110 square feet at 323-325 Main Street for general offices by a military recruiting center; 3,285 square feet at 329 Main Street for retail services by a cellphone carrier; 1,317 square feet at 203 Centre Street for retail services by a dry cleaner; 1,460 square feet at 205 Centre Street for a restaurant by a roast beef shop; 1,317 square feet at 207 Centre Street for a restaurant by a sub/sandwich shop; and 3,869 square feet at 209 Centre Street, currently vacant, most recently used for retail services/sales by a furniture rental business and proposed for medical center by the dental practice.
2. The proposed tenant is a family dental practice that specializes in pediatrics and provides pediatric oral surgery and orthodontic dental services, doing business as "Smile Land Dental."
3. The proposal is to alter and renovate the subject storefront, approximately 3,869 square feet in size, to create a reception area, consultation room, five treatment rooms, recovery room, dental hygiene bay, lab, business office, private office, records room, staff lounge, laundry room, mechanical room, restrooms and storage rooms.

4. No other changes to the building are proposed.
5. The property is located in the Central Business zoning district.
6. The proposed dental practice is classified as medical center use and allowed by special permit, per §12.12.030 of the Ordinance.
7. The other existing business uses of the property, general offices, restaurants and retail services, are allowed by right, per §12.12.030 of the Ordinance.
8. Direct abutters to the south are a religious facility and the Boston & Maine Saugus Branch abandoned railroad right-of-way, used in part for public parking and in part for the public multimodal trail, the Northern Strand Community Trail/Bike to the Sea; to the east, urgent care/medical center, retail services, dental office/medical center and restaurant; to the north, on the other side of Centre Street, general offices, retail services, residential and an offsite parking facility; and to the west, on the other side of Main Street, retail sales.
9. Surrounding land uses are business and institutional.
10. The proposed medical center use is not in conflict with surrounding land uses.
11. The property complies with applicable dimensional controls for the Central Business zoning district, and the proposed medical center use does not create any violations, per §12.16.030 of the Ordinance.
12. The proposed medical center use and the existing business uses require no parking and do not have to conform to offstreet parking requirements, per Central Business district regulations of §12.20.020.H of the Ordinance.
13. The site plan depicts approximately 70 parking spaces located entirely on the subject property and another three spaces located partially on the subject property and partially on abutting property.
14. The proposal does not require a traffic impact study, per the Planning Board's *Rules and Procedures*.
15. The traffic and traffic patterns generated by the proposed use will not adversely impact the surrounding streets or create a traffic or safety hazard.
16. The proposed tenant will use a special disposal company for medical waste, which will be stored separately in specific containers inside the building, until collected by this company, which is expected to be on a monthly basis.
17. There is a dumpster onsite, screened with an enclosure, located at the southern end of the parking lot, near the railroad right-of-way, that is for use of the tenants of the subject property and the abutting property.
18. The proposed tenant will use the existing dumpster for daily, regular trash.
19. One of the current tenants of the building is storing large barrels and other items outside at the rear of the building.
20. The Ward 1 City Councilor is in favor of the proposal.
21. There is no public opposition to the proposal.
22. As modified by the proposed conditions, the proposed use will not be more detrimental to the neighborhood.
23. As modified by the proposed conditions, the proposed use is in the interest of the common good.

DECISION (Case #21-02):

On March 10, 2021, the Planning Board granted a special permit subject to these five conditions:

- 1) This special permit only allows occupancy of approximately 3900 SF, at the space known and numbered 209 Centre Street, for dental offices/practice; any other type of medical center use will require an amendment of this special permit.
- 2) All development shall be as per plans, except as modified by these conditions, with only minor modifications of floor plan allowed.
- 3) Perform daily trash and litter management of entire property.
- 4) Install, repair or replace sidewalks and driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.
- 5) No outside storage of any kind by any business at the property is allowed.

RECORD of VOTES (Case #21-02): On March 10, 2021, the vote on the motion to grant a special permit with five conditions was nine in favor, none opposed, and the motion passed (9-0):

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

Motion by Chuha, seconded by Henry. Absent: Antonucci, 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