



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

CASE NUMBER 21-07

LOCATION of SUBJECT PROPERTY 200 Exchange Street, Malden, MA

NAME of PETITIONER and OWNER 200 Exchange LLC

DATE of PUBLIC HEARING May 12, 2021

DATE of DECISION May 12, 2021

DATE of FILING DECISION with CITY CLERK May 26, 2021

DATE of NOTIFICATION to BUILDING INSPECTOR May 26, 2021

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 15, 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 #21-07):

1. The subject property is known as and numbered 200 Exchange Street and by City Assessor's Parcel Identification #051 278 801.
2. Petitioner is the property owner, 200 Exchange LLC, c/o Berkeley Investments, Inc., 125 High Street, Boston, MA.
3. At the public hearing, petitioner was represented by its attorney, Thomas P. Callaghan, Jr. of Reading, MA with a business address of One Centre Street, Malden, MA; Young Park of Cambridge, MA, President and founder, Berkeley Investments; Daniel McGrath of South Boston, Vice President and Director of Asset Management, Berkeley Investments; Caroline Slater of Framingham, Director of Quality, Research and Training, Safety Partners, 19A Crosby Drive, Bedford, MA; Lauren Laidlaw, Safety Partners; traffic engineer, Kenneth P. Cram, Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA; and attorney, Bill Squires, Mintz Levin, Boston.
4. The petition in Permit #COO-036825-2021 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 research and development facilities and/or light manufacturing use of property in the Central Business zoning district.
5. The following plans and information were submitted with the petition: a) Set of plans, "Client/Project: Berkley Investments, Inc. Exchange Two Hundred Renovation 200 Exchange Street Malden, MA 02148," prepared by Stantec, Boston, MA, that include "Site Plan – First Floor Plan," (Drawing No. A-100), dated March 19, 2018 with revisions through January 10, 2020 and a note dated March 15, 2021 re: gross floor area (77,979 SF); "Second Floor Plan," (Drawing No. A-102), dated March 19, 2018 with revisions through April 27, 2020 and a note dated March 15, 2021 re: gross floor area (77,251 SF); "Third Floor Plan," (Drawing No. A-103), dated March 19, 2018 with revisions through April 27, 2020 and a note dated March 15, 2021 re: gross floor area (77,903 SF); "Fourth Floor Plan," (Drawing No. A-104), dated March 19, 2018 with revisions through April 27, 2020 and a note dated March 15, 2021 re: gross floor area (77,693 SF); b) "Site Plan," (Drawing No. A-100), also labeled, "Client/Project: Berkley Investments, Inc. Exchange Two Hundred Renovation 200 Exchange Street Malden, MA 02148," prepared by Stantec, Boston, MA, dated March 19, 2018 with revisions through January 10, 2020; c) Correspondence dated March 15, 2021 from Thomas P. Callaghan, Jr., Attorney for petitioner to Nelson Miller, Building Commissioner, which describes the proposal; d) "Traffic Impact Study and Access Study, 200 Exchange Street Malden, Massachusetts Prepared for: Berkeley Investment, Inc." dated March 15, 2021, prepared by Bayside Engineering, Woburn, MA; e) Report, "Environmental, Health and Safety (EHS) Description for the Malden Planning Board," Prepared for Berkeley Investments, Inc., 125 High Street, Suite 531 Boston, MA 02110, Prepared by: Caroline Slater, MA, Director, Quality, Research and Training, Safety Partners, Inc., dated April 29, 2021; and f) Correspondence dated May 10, 2021 from Kenneth P. Cram, P.E., Bayside Engineering, re: response to City peer review report and recommendations dated April 27, 2021.
6. 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 petitioner and members of the public attended and participated remotely via technological means.
7. 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 #21-07): The City of Malden Planning Board finds the following facts:

1. The property contains 2.39 acres or 104,170 square feet and is located at the northeastern corner of the intersection of Route 60/Centre Street and Commercial Street, comprising the majority of the block bound by Route 60/Centre Street, Commercial, Exchange and Jackson Streets.
2. The property is the site of a vacant four-story building with an approximate total gross floor area of 324,000 square feet.
3. Under the proposal, the majority of the first floor and all of floors two through four, containing a total of 283,853 square feet, may be used for research & development and/or light manufacturing, with tenants to be determined.
4. Also proposed on the first floor are three restaurants, with an approximate total 14,858 square feet, currently under construction or in permitting stages, namely, a coffee shop of 2,558 square feet, restaurant of 5,820 square feet and restaurant of 6,470 square feet; and other retail services of 8,700 to 12,075 square feet, tenants to be determined.
5. The proposed floor plans depict only restrooms, stairwells, elevators and utility rooms on all floors; and also on the first floor, additional utility rooms, such as switchgear room, maintenance shop, building office; loading docks; the three restaurant spaces and one unlabeled space on the Exchange Street side.
6. The property is located in the Central Business zoning district.
7. The original and most recent use of the property as a banking operations center is classified as general offices use, which is allowed by right in this district, per §12.12.030 of the Ordinance.
8. The proposed research & development use and light manufacturing use may be allowed by special permit in this district, per §12.12.030 of the Ordinance.
9. The proposed restaurant and retail services uses are allowed by right in this district, per §12.12.030 of the Ordinance.
10. The direct abutters to the east are an offsite parking facility, the public/municipal Jackson Street Garage; a daycare center; and general offices of the City Parking Department; to the south, on the other side of Route 60/Centre Street, a public utility corporation, the offices and contractor's yard of National Grid; a motor vehicle repair shop and a supermarket; to the west, on the other side of Commercial Street, the Malden Center MBTA & Commuter Rail station with regional bus hub; to the southwest, across the intersection, a bank with drive-thru; and to the north, on the other side of Exchange Street, a multifamily residential development with business uses on the first floor, including restaurants, retail services and other retail to be determined.
11. Surrounding land uses are multifamily residential dwellings; institutional and municipal uses, namely, MacDonald Stadium and City Hall; and various businesses, such as, dental offices, coffee/tea shops, bank offices and restaurants.
12. The Industrial 2 zoning district begins to the south of the property, on the other side of Route 60/Centre Street.
13. As modified by the conditions of the special permit, the proposed research and development use and the proposed light manufacturing use are not in conflict with surrounding land uses.
14. The proposed research and development use and light manufacturing use may not be compatible with, and may be in conflict with, various other uses which may occupy the building in the future and which are allowed by right in the Central Business zoning district, per §12.12.030 of the Ordinance, such as, daycare center, non-profit school, religious facilities, and artist live/work space.
15. As defined by §12.32.060 of the Ordinance, Light Manufacturing is "fabrication, assembly, processing or packaging operations employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, specifically excluding any Marijuana Establishment and Marijuana Product Manufacturer, but subject, however to the following conditions: any light manufacturing business, the conduct of which may be detrimental to the health, safety or welfare of persons working in or living near the proposed location of such manufacturing, including, without limiting the generality of the foregoing, special danger of fire or explosion, pollution of waterway, corrosive or toxic fumes, gas, smoke, soot, dust or foul odors and offensive noise and vibrations is EXPRESSLY PROHIBITED."
16. As defined by §12.32.060 of the Ordinance, Research and Development Facilities are "facilities including but not limited to laboratories which engage in research, experimental and testing activities, and product development, including but not limited to the fields of biology, biotechnology, chemistry, electronics, engineering, geology, medicine and physics, specifically excluding any Marijuana Establishment, Independent Marijuana Testing Laboratory and Marijuana Research Facility. Some test production may be included, but the primary function is research."
17. As previously occupied for general offices, the property complies with applicable dimensional controls for the Central Business zoning district, and the proposed research and development use and light manufacturing use do not create any violations, per §12.16.030 of the Ordinance.

18. The proposed research and development use and light manufacturing use require no parking and do not have to conform to offstreet parking requirements, which include landscaping requirements, in accordance with regulations applicable to the Central Business district, per §12.20.020.H of the Ordinance.
19. There is a paved driveway area on the property, located along the eastern (rear) side of the building, that runs between Exchange Street and Route 60/Centre Street, with curb-cuts at each end, and faded pavement markings for a Fire Lane; at the northern end of the driveway is a curbed area surrounded by bollards that contains transformers; and this driveway provides access to five garage doors near the southeastern corner of the building, labeled on the site plan, "Loading Docks;" with posted signage, "Back In Only" and "No Parking-Tow Away Zone," and marked, "13'9;" two garage doors near the northeastern corner of the building, with posted signage, "Back In Only" and marked, "12" and nearby signage posted on the building, "Deliveries and Service Entrance;" two pedestrian doors, one underneath and one nearby signage posted on the building, "Deliveries and Service Entrance;" and a pedestrian door marked, "Fire Exit Do Not Block."
20. Trash removal and deliveries for tenants will be through the loading docks at the rear of the building.
21. Petitioner expects a one-way traffic circulation pattern for the driveway, with vehicles entering from Exchange Street and exiting onto Centre Street/Route 60.
22. Petitioner is willing to work with the City to resolve any traffic issues with use of the driveway.
23. The site plan depicts no parking on-site; signage posted on the building facing the driveway indicates, "20 Minute Parking Only;" and during renovations, construction vehicles have been parking in the driveway.
24. Pursuant to a lease agreement with the Malden Redevelopment Authority, up to 300 parking spaces in the Jackson Street Garage will be allocated for use by 200 Exchange Street.
25. The City's peer review of petitioner's traffic study is described in correspondence dated April 27, 2021 from Kenneth Petraglia, P.E., P.T.O.E. and recommends the following traffic and safety mitigation: traffic signs - update traffic control and parking signs that are missing or damaged within the study area; pavement markings – restripe lane delineations, painted arrows, shoulders and markings within the study area; pedestrian activity – since it is likely that this project will result in significant pedestrian activity during peak periods, install a bold crosswalk to shelter pedestrians walking between the proposed site and other generators, including the following corridors: Centre Street – including Commercial Street, Jackson Street, and Main Street, Exchange Street – including Commercial Street, Jackson Street, and Main Street, Pleasant Street - Commercial Street; and coordinate project staging with City roadway construction currently underway throughout the downtown.
26. To date, petitioner has replaced all sidewalks around the property and contributed \$250,000.00 to the Malden Redevelopment Authority to be used for improvements to the Jackson Street Garage; and petitioner commits to contribute funds toward traffic and safety improvements identified by the City.
27. Petitioner intends to implement a Traffic Demand Management program and its property management staff will include a transportation coordinator for programs to incentivize transportation alternatives to driving.
28. As modified by the conditions of the special permit, the traffic and traffic patterns generated by the proposed uses will not adversely impact any of the surrounding streets or create a traffic or safety hazard.
29. According to petitioner, the research and development facilities tenants will likely be from the "life sciences" sectors and biotechnology industries, however, will only have laboratories categorized by the Centers for Disease Control as Biosafety Levels 1 and 2, which have lower levels of safety concerns, and will exclude those categorized as Biosafety Levels 3 and 4, which require higher safety precautions.
30. According to petitioner, there will be no on-site human trials or live animal testing, except for rodents.
31. Petitioner's consultant, Safety Partners, will be available to work with tenants of the building, and each individual tenant will implement its own customized environmental health and safety program.
32. According to petitioner, potential light manufacturing tenants will focus on testing, fabrication and assembly of products, such as robotics, battery technology, aerospace and medical devices.
33. The property and building meet space demands in the market and area for research and development facilities and light manufacturing businesses, given the property's location in the region and proximity to public transit, and the particular features of the building, such as ceiling heights, large floors, floor load capacity and ample loading area.
34. Since acquiring the property in 2016, petitioner has renovated the interior of the building, replaced all mechanical systems and added amenities, including common areas, a bicycle storage room, fitness facilities and a "transit screen" in the lobby; and upgraded the exterior with the installation of glass façades, windows and landscaping.
35. Tenants may require specialized space designs and other improvements, such as enhanced mechanical systems.
36. As modified by the conditions of the special permit, modifications of the proposed floor plans will be allowed; modifications of the floor plans must comply with the Building Code.
37. According to petitioner, the building will have a pH neutralization system for materials discharged into the public wastewater system, and the property must comply with regulations of the Massachusetts Water Resource Authority.

38. Hours of operation must comply with City ordinance and extended hours require a license from the City Council.
39. The Mayor, Malden Redevelopment Authority, Ward 4 City Councilor, two of three City Councilors at Large, Ward 6 Councilor, and City Strategy and Business Development Officer, are in favor of the proposal.
40. Two abutting property owners and one Malden resident are in favor of the proposal.
41. There is no public opposition to the proposal.
42. As modified by the conditions of the special permit, the proposed research and development use and light manufacturing use will not be more detrimental to the neighborhood.
43. As modified by the conditions of the special permit, the proposed research and development use and light manufacturing use are in the interest of the common good.

DECISION (Case #21-07):

On May 12, 2021, the Planning Board granted a special permit subject to the following fifteen (15) conditions:

1. All development shall be as per plans unless modified by these conditions.
2. Modifications of the floor plans are allowed.
3. This special permit authorizes use of the property for research & development facilities and/or light manufacturing, as defined by this Ordinance; may include businesses operating only at Biosafety Levels 1 and 2 and excludes any business operating at Biosafety Levels 3 and 4, as defined by the Centers for Disease Control, and excludes any business that involves on-site live human or animal (excluding rodents) testing or trials, which shall require an amendment of this special permit.
4. Restaurants and retail services are only allowed on the first floor; general offices may be allowed on all floors; any other use and occupancy shall require an amendment of this special permit, a traffic impact study, and compliance with the City zoning ordinance.
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.
6. All storage and disposal of bio-hazardous and/or medical waste must comply with federal, state and local regulations.
7. No outside storage of any kind is allowed.
8. Repair/replace sidewalks, driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.
9. Implement all traffic and safety mitigation re: traffic signs, pavement markings, crosswalks and coordination with City, as recommended by City peer review report dated April 27, 2021.
10. All research & development and light manufacturing businesses/tenants of the building shall implement an Environmental Health and Safety Program that includes, but is not limited to, chemical safety, hazardous materials and waste, and biosafety; owner shall compile and submit to the City a summary of all Programs and an annual status report, with copies of the programs and any amendments.
11. This special permit shall expire May 31, 2023, unless substantial use or construction has commenced.
12. Repair any damage to adjacent roadways caused by the development of 200 Exchange Street, to the satisfaction of the Director of Public Works.
13. Submit a landscaping plan for approval by the Ward City Councilor covering both landscaping on-site and the surrounding sidewalks.
14. Plant and maintain public shade trees within the public right of way surrounding the site according to the approved landscaping plan and replace any dead or dangerous public shade trees to the satisfaction of the Tree Warden.
15. Owner shall work with the City to resolve any traffic issues regarding use of the driveway.

RECORD of VOTES (Case #21-07):

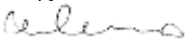
On May 12, 2021, the vote on the motion to grant the petition for a special permit with fifteen (15) conditions was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Chuha, yes; Ferguson, yes; Fitzgerald, yes; Gray, yes; Hayes, yes; Henry, yes; Soucy, yes; Ioven, yes.

Motion by Antonucci, seconded by Ferguson.

Absent: Gebreselassie, MacCuish.

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

By: 
Michelle A. Romero, City Planner