



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

CASE NUMBER 21-10

LOCATION of SUBJECT PROPERTY 215 Beach Street, Malden, MA

NAME of PETITIONER Permit Advisors

NAME of PROPERTY OWNER Georgetown Capital Malden, LLC

DATE of PUBLIC HEARING September 8, 2021

DATE of DECISION September 8, 2021

DATE of FILING DECISION with CITY CLERK September 15, 2021

DATE of NOTIFICATION to BUILDING INSPECTOR September 15, 2021

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT October 5, 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 #21-10):

1. The subject property is known as and numbered 215 Beach Street and by City Parcel Identification #169 535 513.
2. The property owner is Georgetown Capital Malden, LLC, 78 Blanchard Street, Suite 100, Burlington, MA 01801, and owner consents to the filing of this petition and authorizes petitioner to act as its agent regarding this petition.
3. The petitioner is Permit Advisors, 8370 Wilshire Boulevard, Suite 330, Beverly Hills, CA 90212 and was represented at the public hearing by Nicole Nebelung, RSP Architects, 1220 Marshall Street NE, Minneapolis, MN 55413; Kevin VanHise, PLA, Kimley-Horn Engineering and Landscape Architecture of New York, P.C., 1 North Lexington Avenue, Suite 505, White Plains, NY 10601; and a representative of the proposed tenant, Glen Liasson, Director, Physician Network Development, Village MD, 47 Magnolia Drive, Hopkinton, MA 01748.
4. The petition in Permit #CMID-037607-2021, filed under §12.12.030, Chapter 12, Revised Ordinances of 2020, as Amended, of the City of Malden ("Ordinance"), seeks to allow medical center use of the property.
5. The following information was submitted in support of the petition: site plan, "Construction Layout Plan," Project Name, Walgreens, Sherman, Washington, Beach & Hancock, Malden & Revere, MA, Drawing No. C1.1, dated April 1998 revised through September 14, 1998, prepared by Asfour Associates, Milford, MA; floor plans, "Proposed Fixture Floor Plan," (D-111), dated April 16, 2021 with revisions through May 24, 2021, and "VMD Fixtures, Furniture + Equipment," (D-112), dated April 16, 2021 with revisions through June 3, 2021, both labeled, "Store #04966, Walgreens 215 Beach Street, Malden, Massachusetts," prepared by S. Kaumeyer, RSP Architects, PLLC, Minneapolis, MN; floor plan, "VMD Floor Plan," (A-112) and "Exterior Elevations + Sign Data," (A-210), both labeled, "Store #04966, Walgreens 215 Beach Street, Malden, Massachusetts," (A-210), dated April 16, 2021, stamped by Wayne S. Fay/W. Scott Fay, Reg. Architect, RSP Architects, PLLC, Minneapolis, MN; "Existing Landscape Plan," (L-1.0) and "Proposed Landscape Plan," (L-2.0), dated September 2, 2021, prepared by Melibe Thomas, P.E., Kimley-Horn Engineering and Landscape Architecture of New York, PC, White Plains, NY; and memorandum dated June 1, 2021 from Keri Pyke, P.E., PTOE, Howard Stein Hudson, Boston, MA, re: "Traffic Impact Study- Request for Waiver."
6. At a public meeting on August 25, 2021, the Planning Board considered petitioner's request for a waiver of the filing requirements for a traffic impact study, Section E.9, *Rules and Procedures of Malden Planning Board*.
7. The proposal does not require further review under §12.12.110 of the Ordinance for development in the Flood Plain district.
8. The public hearing complied with notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #21-10):

The City of Malden Planning Board finds the following facts:

1. The property is located on the eastern city-line of Malden, and the site is located partially in Malden and partially in Revere, at the intersection of Beach Street, Wesley Street and Hancock Road, Malden, and Sherman Street, Washington Avenue and Squire Road, Revere.
2. The property contains 71,179 square feet and is the site of one single-story building with a gross floor area of 13,881 square feet and drive-thru, and an accessory freestanding ground sign; the majority of the parcel, 45,436 square feet or 64%, and building, approximately 8,500 square feet or 61%, and the sign, are located in Malden.
3. The property is located in the AE Zone of the Flood Plain district; the special permit granted in Case 98-14 allowed the existing development.
4. Since constructed in 1999, the property and building have been occupied by Walgreen's for a retail store with pharmacy and drive-thru.
5. Under the proposal, Village Medical will occupy approximately 3,223 square feet of the existing building for a medical clinic, and Walgreen's will continue to occupy 10,750 square feet of the building for retail sales with drive-thru.
6. The subject premises for the proposed medical clinic are located entirely in the portion of the building located in Malden.
7. The proposal is to alter and renovate the subject premises of the proposed medical clinic to create a patient waiting area, reception area, eight exam rooms, lab, three offices, a nurses station, employee lounge, IT/electrical room, restrooms, janitor closet and storage room.
8. Under the proposal, the retail store and medical clinic will be separate premises with doors, however, will share the building's front vestibule.
9. The property is located in the Neighborhood Business zoning district.
10. The proposed primary care physician medical clinic is classified as a medical center use.
11. The medical center, retail sales and accessory drive-thru uses are allowed by special permit in this district, per §12.12.030 of the Ordinance.
12. The existing retail sales use with drive-thru was allowed by the special permit granted in Case 98-13.
13. The existing freestanding sign structure on the property was allowed by a variance granted on August 13, 1998.
14. Direct abutters to the west are single-family dwellings; to the south, single-family dwellings and a two-family dwelling; to the west, on the other side of Hancock Road, a single-family dwelling and two-family dwelling; to the north, on the other side of Beach Street, a motor vehicle repair shop and gasoline filling station, self-storage facility and retail sales; to the east, on the other side of Sherman Street, hair salons, nail salon and bakery, and a two-family dwelling; and to the northeast, on the other side of Washington Avenue, a gasoline filling station.
15. Surrounding land uses are residential, business, and public multimodal recreational trail, Bike to Sea Path/Northern Strand Community Trail.
16. The proposal is not in conflict with surrounding land uses.
17. The property and building comply with dimensional controls for retail sales and medical center uses, per §§12.16.010 and 12.16.020 of the Ordinance, and the proposal creates no violations of dimensional controls or nonconformities.
18. The proposal requires a total of 61 offstreet, on-site parking spaces, namely, 43 for the retail sales use of 10,750 square feet and 18 for the medical center use of 3,223 square feet, per §12.20.020.15 of the Ordinance.
19. The site plan depicts 70 parking spaces provided on the entire site, 53 located entirely in Malden.
20. The parking layout is conforming as to aisles for two-way traffic circulation and head-on parking spaces, per §12.20.020 B of the Ordinance.
21. No changes are proposed to the three existing driveways, which all comply with width requirements of §12.20.020.C of the Ordinance: two-way driveway on Hancock Road, Malden, 30 feet in width, provides access and egress; one-way driveway on Beach Street, Malden, 29 feet in width, provides access only; and two-way driveway, on Sherman Street, Revere, 40 feet in width, provides access and egress.

22. No changes are proposed to the existing drive-thru, which, when constructed was determined to comply with §12.20.020.D of the Ordinance.
23. Most of the existing landscaping on-site needs replacement, and the proposed Landscape Plan depicts required the landscaping and eight trees, five of which are in Malden, in compliance with the requirements of §12.20.020.10 of the Ordinance.
24. The proposed Landscape Plan depicts snow storage areas that total 2,800 square feet, in compliance with §12.20.020.11 of the Ordinance.
25. The proposed medical center use requires no loading space, and the existing retail sales use requires one loading space, per §12.20.030 of the Ordinance; a loading area is provided on the eastern side of the building, on the Revere portion of the site.
26. The proposed medical clinic will store medical waste inside its premises, and medical waste will be removed by a medical waste company.
27. Currently, the retail store uses a dumpster and compactor located in an enclosed, gated area on the eastern side of the building, on the Revere portion of the site; there are trash and debris located in the enclosure area; and the dumpster is subject to regulations of the City of Revere.
28. There is an outside storage area, partially fenced, on the eastern side of the building, being used by the store for various large items and debris.
29. The property complies with the screening requirements of §12.20.040 of the Ordinance, to screen abutting residential uses with fencing or foliage, however, currently, various sections of the existing wooden stockade fencing on-site are dilapidated, broken and need to be replaced.
30. The proposal does not increase or create new violations of parking requirements.
31. The City's peer review of petitioner's request for waiver of traffic impact study is described in correspondence dated August 19, 2021 from Kenneth Petraglia, P.E., P.T.O.E. and recommends the waiver be granted.
32. The proposed medical center use will not adversely impact any of the surrounding streets or create a traffic or safety hazard.
33. The existing freestanding sign structure on the property will be used; new facing and other signs must comply with the City's Sign Ordinance.
34. The proposed medical clinic will employ six to eight employees and four to eight per diem, namely, two full-time medical doctors of internal medicine and family medicine; one to two advanced practitioners, such as a nurse practitioner or physician's assistant; and support staff.
35. The proposed medical clinic will provide outpatient services by appointment only.
36. The proposed medical clinic is not an urgent care center.
37. The proposed medical clinic will not perform surgical procedures.
38. As modified by the conditions of the special permit, the proposed medical center use will not be more detrimental to the neighborhood.
39. There is no public support of the proposal.
40. There is no public opposition to the proposal.
41. As modified by the conditions of the special permit, the proposed medical center use is in the interest of the common good.

DECISION (Case #21-10):

On August 25, 2021, the Planning Board waived Section E.9 of its *Rules and Procedures*, the filing requirements for a traffic impact study.

On September 8, 2021, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following fifteen (15) conditions:

1. All development shall be as per plans, except as modified by these conditions.
2. This special permit only allows occupancy of approximately 3,200 SF for a primary care physician medical clinic; any other type of medical center use will require an amendment of this special permit; no medical marijuana or narcotic drugs may be administered or stored on-site by the medical clinic.
3. The medical center use may be only by a primary care physician medical clinic for humans; and the following are expressly prohibited as accessory or any other use of the property: Hospital, Medical Marijuana Treatment Center, Substance Abuse Treatment Center; Research & Development Facilities; any services for animals; any surgical procedures.
4. Only minor modifications to the floor plan layout of the medical clinic are allowed, excluding changes to size of premises and number and kind of rooms.
5. Perform daily trash and litter management of entire site.
6. Install and maintain landscaping of the site as per Landscape Plan, no later than June 30, 2022.
7. Install and maintain vinyl privacy fencing along rear (southern) and side (western) property lines between property and abutting residential properties.
8. Provide parking on-site for a minimum of four bicycles.
9. No outside storage is allowed, except for trash/recycling stored in the existing dumpster/compactor location, which shall be screened in a gated enclosure that complies with City of Revere regulations.
10. Medical waste must be stored on the premises of the medical clinic until removed by a medical waste company.
11. Install, repair or replace sidewalks and driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.
12. All lighting and sound/speakers for the drive-thru shall be directed away from and screened from surrounding residential properties.
13. The curb-cuts/driveways on Hancock Road and Sherman Street shall be two-way for entrance and exit/access and egress.
14. The curb-cut/driveway on Beach Street shall be one-way, for access/entrance only.
15. The existing freestanding ground sign is allowed as to height and location; sign faces and all other signs on the building are subject to the Sign Design Review Ordinance.

RECORD of VOTES (Case #21-10):

On August 25, 2021, the vote on the motion by MacCuish, seconded by Antonucci, to waive Section E.9 of the *Rules and Procedures*, to grant a waiver of filing requirements for a traffic impact study, was eight in favor, none opposed, and the motion passed (8-0):

Antonucci, yes; Ferguson, yes; Gebreselassie, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes.
[Absent: Chuha, Fitzgerald, Gray.]

The vote on the motion by Antonucci, seconded by Soucy, to grant a special permit subject to fifteen (15) 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.
[Present but not voting: Ferguson, Gray.]

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

By 
 Michelle A. Romero, City Planner