



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

RECEIVED

2015 FEB 23 P 3:07

CITY CLERK'S OFFICE
MALDEN, MASS.

CASE NUMBER 15-02

LOCATION of SUBJECT PROPERTY 1236 Eastern Avenue, Malden, MA

NAME of PETITIONER and OWNER Addonizio Realty Trust

DATE of PUBLIC HEARING February 11, 2015

DATE of DECISION February 11, 2015

DATE of FILING DECISION with CITY CLERK February 23, 2015

DATE of NOTIFICATION to BUILDING INSPECTOR February 23, 2015

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT March 16, 2015

[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 #15-02).

1. Petitioner is owner Addonizio Realty Trust, 1236 Eastern Avenue, Malden, MA 02148, represented by Salvatore Addonizio, 319 Edgemere Road, Lynnfield, MA.
2. The petition seeks to amend the special permit granted in Case #13-04 under §700.1.3, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden ("Ordinance").
3. The following plans were submitted in support of the petition: "Certified Plot Plan of Land 1236 Eastern Avenue, Malden, Mass.," dated December 14, 2012, revised March 1, 2013 and November 24, 2014, prepared by Richard J. Mede, Jr., P.L.S., Medford Engineering & Survey, Medford, MA; and "Floor Plans 1236 Eastern Avenue Malden, Mass. (Middlesex County)," dated November 25, 2014, prepared by Richard J. Mede, Jr., P.L.S., Medford Engineering & Survey, Medford, MA.
4. Petitioner requested a waiver of filing requirements for building elevations since no changes are proposed.
5. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #15-02). The City of Malden Planning Board finds the following facts:

1. The property is the site of a two-story building containing 6,295 square feet on the first floor and 4,980 square feet on the second floor, currently occupied as follows: a total 7,195 square feet by owner's building, construction and contracting business, Strada Construction, namely, 1,915 square feet of the first floor and the entire second floor; and a total 3,910 square feet by two motor vehicle repair shop businesses, Autotech II and Autotech Plus, namely, 2,680 square feet and 1,230 square feet of the first floor.
2. The proposal is to change use of 2,950 square feet of the building, namely, 1,915 square feet of the first floor and 1,035 square feet of the second floor, from building, construction & contracting use to wholesale & distribution use.
3. The proposal requires an amendment of the current special permit granted in Case #13-04, to modify Condition 2, which provides, "The second floor shall only be used for the building, construction and contracting business offices."
4. Under the proposal, the remainder of the second floor, 3,945 square feet, will continue to be used for building, construction and contracting offices by owner's business, and the remainder of the first floor, 3,910 square feet, will continue to be used for motor vehicle repair shops by existing tenants.
5. The property is located in an Industrial I zoning district.
6. In this district, the building, construction & contracting use is allowed by right; the motor vehicle repair shop use is allowed by special permit; and the proposed wholesale & distribution use is allowed by special permit, per §§300.3.5.1, 300.3.5.4 and 300.3.5.6 of the Ordinance.
7. Current use and occupancy of the property was allowed by special permit granted in Case #13-04, which also corrected and/or legalized use of the property that violated conditions of the prior special permit (Case #91-17).
8. The public multimodal recreational trail, Bike to the Sea Path/Northern Strand Community Trail, located on the abandoned railroad right-of-way, abuts to the north, on the other side of which is a Residence B zoning district with multifamily dwellings; the direct abutter to the east is retail sales in conjunction with on-site manufacturing by a bridal shop; to the west, manufacturing and warehouse by welder; and to the south, on the other side of Eastern Avenue, the Holy Cross cemetery.
9. Surrounding land uses are industrial, business and residential.
10. The building on the subject property is preexisting nonconforming and violates dimensional controls for lot area and both side yard setbacks, per §§400.1.5.1, 400.1.5.4, 400.2 and 700.1 of the Ordinance.
11. The proposal maintains existing nonconformities, per §§400.1.5.1, 400.1.5.4, 400.1.5.6 and 400.2 of the Ordinance.
12. The proposal maintains the same parking requirements for all principal uses of the property, namely, a total of twenty-nine offstreet parking spaces: twenty spaces for the motor vehicle repair shop use; five spaces for the building, construction & contracting use; and four spaces for the wholesale & distribution use, per §§500.1.5.1, 500.1.5.4, 500.1.5.6 and 500.2.18 of the Ordinance.

13. As required by the special permit granted in Case #13-04, the site plan depicts a parking layout containing twenty-nine onsite parking spaces, namely, twenty exterior spaces, including five designated for vehicles on display for sale; and nine interior spaces, on the first floor, none of which are work spaces or block access/egress via garage doors.
14. There is no loading dock, bay or space at the building or property.
15. Use of the garage doors at the front of the building may block the sidewalk and front yard areas.
16. The proposed occupant is a wholesaler and distributor of spare parts for aircraft and automotive vehicles, doing business as WAGA International, a Delaware company, in business since 2009, represented by Ali Kanzi, 22 Rockingham Street, Cambridge, MA, who is the sole employee.
17. The proposed occupant works with foreign military defense and "Maintenance, Repair, and Overhaul" entities.
18. The proposed occupant currently operates in a smaller premise in Everett, MA, and under the proposal, can expand operations to include more storage, possibly of larger items, i.e., engines, and may hire one or two more employees.
19. The proposed occupant engages in distribution but no on-site wholesale.
20. The proposed occupant does no manufacturing and no retail sales to public.
21. The proposed occupant generates minimal debris and typically reuses the same packaging for products.
22. The proposed occupant arranges for some products to be transferred directly from the manufacturer to the end user.
23. The proposed occupant receives daily deliveries by FedEx or UPS and once or twice monthly deliveries by trucks.
24. The subject first floor area has vehicular access only via the existing garage door at the front of the building.
25. If the proposed occupant receives deliveries of larger items by small truck, i.e., pick-up, via the garage door, the truck will be required to enter the building completely to unload so as to not block the sidewalk or occupy the front yard.
26. The proposed occupant's hours of operation are Monday through Friday, 9 am to 5 pm.
27. The Board of Health/Department of Public Health recommends requirements regarding dumpster, signage re: idling cars, spray booth, snow storage and oil/gas separator, as described in its correspondence dated February 12, 2013.
28. The proposal will not be more detrimental to the neighborhood.
29. The property owner and proposed occupant agree to all conditions.

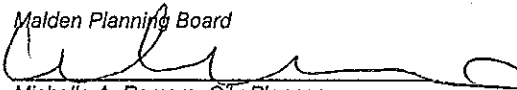
DECISION (Case #15-02). Pursuant to the foregoing Findings of Fact, the Planning Board moved to amend the special permit (Case #13-04) and grant a new special permit subject to the following twelve conditions, and the motion passed:

1. Vehicle sales accessory to the motor vehicle repair shop shall be allowed.
2. The second floor shall only be used for the building, construction and contracting business offices and wholesale & distribution business offices.
3. No overnight outside parking of unregistered vehicles awaiting repair; outside display and storage of unregistered vehicles for sale is limited to a maximum of five (5) cars and must be in compliance with the City license; any vehicle sales must be accessory to the motor vehicle repair shop; no vehicle rentals are allowed.
4. No outside storage of any materials or unregistered equipment on site; registered equipment may be stored in the parking lot.
5. Maintain property clean and clear of trash and debris.
6. Except for driveways and walkways, all areas between the building and sidewalk shall be landscaped.
7. Parking layout shall be as per site plan dated November 25, 2014; this plan shall be submitted to City Council for vehicle sales license.
8. Loading via garage doors facing Eastern Avenue shall not block sidewalk or occur in the front yard areas.
9. Exit only/no entrance via easternmost garage door on Eastern Avenue; post signage "exit only-entrance at rear of building through parking lot."
10. Repair or replace sidewalks, driveways and perform necessary incidental work adjacent to the property to the satisfaction of the DPW Director.
11. Compliance with requirements stated in correspondence dated February 12, 2013 from Malden BOH /DPH.
12. Hours of operation shall be restricted to 7 am to 7 pm, Monday through Saturday only.

RECORD of VOTES (Case #15-02). The vote on the motion to grant a special permit with conditions was 8 in favor, none opposed:

Antonucci, yes; Billings, yes; Chiu, yes; Chuha, yes; Danca, yes; Hayes, yes; Mzaouakk, yes; Ioven, yes.

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