



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

CASE NUMBER 22-05

LOCATION of SUBJECT PROPERTY 150 Commercial Street at 184 Commercial Street, Malden, MA

NAME of PETITIONER Bay State Physical Therapy

NAME of PROPERTY OWNER Plaza 188 Associates LLC

DATE of PUBLIC HEARING April 13, 2022

DATE of DECISION April 13, 2022

DATE of FILING DECISION with CITY CLERK April 25, 2022

DATE of NOTIFICATION to BUILDING INSPECTOR April 25, 2022

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT May 16, 2022

*[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 #22-05):

1. The subject property is known as and numbered 184 Commercial Street and by City Assessor's Parcel ID #055 232 211, and the subject of the petition is the portion of the building and premises known as 150 Commercial Street.
2. The property owner is Plaza 188 Associates LLC, 39 Brighton Avenue, Boston, MA, c/o property manager, The Hamilton Company, 39 Brighton Avenue, Boston, MA.
3. The petitioner is the proposed lessee/tenant and owner and operator of the proposed business, Bay State Physical Therapy, 703 Granite Street, Suite 300, Braintree, MA.
4. At the public hearing, petitioner was represented by Andrew Jamanow of Bay State Physical Therapy, and the property owner was represented by Bryce Irving and Carol Rash of The Hamilton Company.
5. The petition in Permit Application #COO 039779-2021 seeks a special permit under Title 12.12.030 of the Code of the City of Malden (the "Ordinance") to allow medical center use of property in the Industrial 2 zoning district.
6. The following plans were submitted in support of the petition: Site plan, "Plan of Land for a Proposed Redevelopment Plaza 188, 188 Commercial Street in the City of Malden, Massachusetts, As-Built Parking Plan," dated and revised February 18, 2022 (stamped/ signed March 2, 2022), prepared by Todd P. Morey, P.E., Beals Associates Inc., Boston, MA; and set of plans, "Bay State Physical Therapy 150 Commercial Street Malden, MA 02148," dated June 21, 2021, prepared by James R. Kimball, Jr., Reg. Architect, Phase Zero Design, Hingham, MA, that include: Architectural Site Plan, Building Plan (revised July 15, 2021), Exterior Elevations, Code Compliance & Life Safety Plans, Demolition Plan, Construction Plan, Reflected Ceiling Plan, Finish Plan, Interior Elevations (revised September 29, 2021).
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 #22-05):

The City of Malden Planning Board finds the following facts:

1. The subject property is the site of the Plaza 188 commercial plaza, which has two single-story buildings, known as and numbered 140-144 Commercial Street and 184 Commercial Street, with an approximate combined total gross floor area of 70,416 square feet, and currently occupied by a supermarket (30,000 square feet); vacant space, most recently used for retail sales (11,070 square feet); laundromat (5,000 square feet); Social Security Administration offices (11,272 square feet); bank branch (2,394 square feet); Dunkin Donuts coffee shop (1,680 square feet); vacant space, most recently used for general offices (4,000 square feet); insurance company offices (1,600 square feet); educational tutoring service (1,400 square feet); and vacant space, most recently used for wholesale & distribution and the subject of this petition (2,000 square feet).
2. The proposal is to use the subject premises, 150 Commercial Street, with 2,000 square feet, for a physical therapy business.
3. As depicted on the proposed floor plan, the subject premises will be built-out to provide one large open treatment area, a reception area, "back of house" area for staff, restroom and utility room; and there will not be separate treatment rooms.
4. No other changes to the property or buildings are proposed.
5. The property is located in the Industrial 2 zoning district.
6. The proposed physical therapy business is classified as a medical center use, which is allowed by special permit in this zoning district, per §12.12.030 of the Ordinance.
7. The existing supermarket and restaurant/coffee shop are allowed by special permit, and the bank, general offices and retail services are allowed by right, per §12.12.030 of the Ordinance.
8. Future supermarket use of 190 Commercial Street, labeled, "Super 88 Expansion," on the site plan, requires a special permit.
9. The property is the subject of numerous special permits to redevelop and allow occupancy for various commercial uses and structural changes in Cases ##11-13, 10-13, 08-13, 08-12, 07-22, 06-19 and 04-26.
10. The Malden River abuts the property to the east, and the abutting and surrounding land uses are industrial and business.
11. The proposal is not in conflict with surrounding land uses.
12. The property is preexisting nonconforming regarding noncompliance with dimensional controls and having two principal buildings on one lot, per §§12.16 and 12.28.010 of the Ordinance; front and side yard setback violations of the 140-144 Commercial Street building were legalized by variance in 1974; and the 184 Commercial Street building was allowed by special permit granted in Case #04-26 in 2004, with an addition allowed by special permit granted in Case #06-19 in 2006.

13. The proposal creates no new violations of dimensional controls, per §12.16.010 of the Ordinance.
14. For all existing uses, most recent uses of vacant space and the proposed medical center use, the total number of parking spaces required is 298, per §§12.20.010 and 12.20.020.I.10 of the Ordinance; and the total number of loading area/bays required is four, per §12.20.030.E of the Ordinance.
15. Per the site plan submitted with the petition, there are 294 parking spaces and four loading areas.
16. The proposed medical center use requires eleven parking spaces, per §12.20.010 of the Ordinance.
17. The proposed medical center use requires more parking than the most recent wholesale & distribution use of the subject premises, and the proposal creates a deficiency of four spaces or 1%.
18. The increase in violations of parking requirements will not be more detrimental to the neighborhood.
19. The parking layout predates the current Ordinance and is considered preexisting nonconforming as to dimensions of parking spaces; and driveways and aisles comply with minimum width requirements. per §§12.20 and 12.28.010.A of the Ordinance.
20. The site plan submitted updates the 2010 site plan approved with the most recent special permit granted in Case #11-10.
21. The property is the subject of Massachusetts Department of Environmental Protection Waterways Jurisdictional Determination #JD05-1262, M.G.L. c. 91, §18 and Waterways Regulations 310 CMR 9.00, which require installation and maintenance of public access areas for the Malden River and passive recreation amenities (riverfront landscaped walkway, benches, signage, parking relocation), as shown on the site plan approved by the Planning Board with the special permit granted in Case #04-26 and the Malden Conservation Commission's Negative Determination of Applicability dated 12/7/04.
22. The property has an on-going history of non-compliance with maintenance of public access and the riverfront walkway and is currently not in compliance with disturbed grading at both ends of the walkway, bent signage and accumulated trash.
23. Property owner intends to resolve outstanding issues next week and will regrade and repair the riverfront walkway area and install a new public access sign, made of more durable material.
24. According to property owner, sweeping of the parking lot is done daily, per contract; thorough cleaning of the entire site is done twice per year, per contract; and cleaning of litter and trash from the site is done daily, mornings, by workers onsite.
25. Petitioner has operated its business at its current location at the YMCA in Malden for ten years and must relocate.
26. Petitioner's business generates no medical waste.
27. Under the proposal, petitioner's staff will consist of three treating physical therapists and a front desk receptionist.
28. Petitioner expects to treat a total of six patients per hour.
29. Petitioner's proposed hours of operation are Monday through Saturday.
30. Petitioner's business is only physical therapy and does not include other business, like acupuncture or occupational therapy.
31. As modified by the conditions of the special permit, the proposal will not be more detrimental to the neighborhood.
32. The Ward 1 City Councilor supports the proposal.
33. There is no public opposition to the proposal.
34. Most conditions of this special permit are the same as those still in effect per prior special permits granted for the property.
35. As modified by the conditions of the special permit, the proposal is in the interest of the common good.

**DECISION (Case #22-05):**

On April 13, 2022, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following eleven (11) conditions:


1. All development shall be as per plans, which are incorporated herein by reference, and except as modified by these conditions.
2. This special permit authorizes use of 2,000 SF at 150 Commercial Street for medical center use by a physical therapy business; any other medical center use shall require an amendment of this special permit.
3. A minimum of 294 parking spaces shall be provided onsite.
4. 30,000 SF at 188 Commercial Street shall be for supermarket use only.
5. No restaurant use is allowed at the site, except for one 1,680 SF coffee shop at 200 Commercial Street.
6. No sale of alcoholic beverages is allowed on site, except for general retail sales of beer & wine by Super88 Market in @800 SF at 188 Commercial Street, as per approved floor plan, and subject to approval by the Malden License Board.
7. No outside display or sales of any kind by any business.
8. Employ a shopping cart retrieval service.
9. Comply with Mass. Department of Environmental Protection Waterways Jurisdictional Determination #JD05-1262, M.G.L. c. 91, §18 and Waterways Regulations 310 CMR 9.00 to maintain public riverfront access and walkway. Property owner shall submit to City a copy of maintenance contract re: riverfront area.
10. Parking of storage trailers/containers is prohibited except for unloading.
11. Perform trash and litter control throughout entire site twice daily.

**RECORD of VOTES (Case #22-05):**

The vote on the motion by Antonucci, seconded by MacCuish, to grant a special permit with eleven conditions was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Chuha, yes; Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; MacCuish, yes; Ioven, yes. [*Soucy, absent*].

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

  
Michelle A. Romero, City Planner