

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

CASE NUMBER 22-08

LOCATION of SUBJECT PROPERTY 888 Eastern Avenue, Malden, MA

NAMES of PETITIONERS Maiysha Jacob and Margarettte Pierre

NAME of PROPERTY OWNER 100 Maplewood Street LLC

DATE of PUBLIC HEARING May 11, 2022

DATE of DECISION May 11, 2022

DATE of FILING DECISION with CITY CLERK May 17, 2022

DATE of NOTIFICATION to BUILDING INSPECTOR May 17, 2022

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 6, 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 #22-08):**

1. The subject property is known as and numbered 888 Eastern Avenue and by City Assessor's parcel identification number 127 433 302, and the subject of the petition is the portion of the building and premises known as, unit or suite 6.
2. The property owner is 100 Maplewood Street LLC, 148 Main Street, Malden, MA, c/o Andreas Tsitos, United Properties Inc. and authorized the filing of this petition.
3. The petitioners are Maiysha Jacob and Margarettte Pierre, Nurse Practitioner, 52 Pearl Street, Woburn, MA, who are the proposed lessees/tenants and owners and operators of the proposed business, Revive Medical Aesthetics & Wellness.
4. At the public hearing, the petitioners were represented by Attorney Thomas P. Callaghan, Jr., One Centre Street, Malden, MA, and Margarettte Pierre, Nurse Practitioner.
5. The petition in permit application #COO 043500-2022 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 1 zoning district.
6. The following plans and information were submitted in support of the petition: site plan, "Site Layout Plan, Proposed Retail Building, 100 Maplewood Street, (Tax Map 127, Block 433, Lot 302), Malden, Massachusetts," dated May 2, 2019 revised May 6, 2022, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA; building floor plans, "1st Floor Plan, Basement Plan, Retail Building, 100 Maplewood Street, Malden, MA," dated August 7, 2021, prepared by Daniel F. DiLullo, Reg. Architect, Melrose, MA; "Roof Plan, Elevations, Retail Building, 100 Maplewood Street, Malden, MA," dated August 7, 2021, prepared by Daniel F. DiLullo, Reg. Architect, Melrose, MA; unit floor plan, "888 Eastern Ave Suite #6 Malden, MA 02148 Floor Plan," dated March 3, 2022, prepared by Maiysha Jacob; and correspondence dated March 9, 2022 from Thomas P. Callaghan, Jr., Malden, MA that describes the proposal.
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 #22-08):**

The City of Malden Planning Board finds the following facts:

1. The subject property, formerly known as and numbered 100 Maplewood Street, is the site of a recently constructed, single-story building with full basement, configured as ten storefront units, each containing 943 square feet on the first floor and each with a separate basement containing 932 square feet.
2. The building is currently occupied and/or proposed for use as follows: proposed retail sales by a wine shop and market, to occupy two units; existing retail services by a hair salon; proposed retail services by a salon; proposed retail sales by a clothing store; existing retail sales by a mattress/furniture business; existing recreation for gainful business by a fitness pole/dance studio; proposed medical center use by petitioner's aesthetics and wellness business; and two units are vacant, with no known or proposed tenant.
3. The proposed medical aesthetics and wellness business intends to offer cosmetic services, such as facials, dermal fillers, Botox injections, laser hair and tattoo removal, skin rejuvenation treatment, intravenous therapy hydration, microblading, eyelash extensions and eyebrow waxing; and some procedures may be considered "minimally invasive medical procedures," that require supervision by a licensed medical professional, such as a Nurse Practitioner.
4. Under the proposal, as shown on the floor plan, there will be a waiting area and two individual treatment rooms.
5. According to petitioner, the lease restricts use of the basement space to storage only; and according to the Building Commissioner, use and occupancy of the basement is restricted to only storage of non-hazardous materials.
6. The property is located in the Industrial 1 zoning district.
7. The proposed aesthetics and wellness 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.
8. The existing and proposed uses of the property for retail services, retail sales and recreation for gainful business, are allowed by right, per §12.12.030 of the Ordinance.
9. Direct abutters to the north are the Boston & Maine Saugus Branch abandoned railroad right-of-way, used in part for the public multimodal trail, the Northern Strand Community Trail/Bike to the Sea, on the other side of which are two single-family dwellings on Waite Street and a four-family dwelling on Maplewood Street; to the east, a two-family dwelling and recreation for gainful business (gym); and to the west, on the other side of Maplewood Street, are a gasoline filling &

services and motor vehicle (truck) repair business; to the south, on the other side of Eastern Avenue, a warehouse; and to the southwest, on the opposite corner of the intersection, a convenience store, manufacturing and warehouse.

10. Surrounding land uses are residential, business and industrial.
11. The proposal is not in conflict with surrounding land uses.
12. The building violates both side yard setbacks, as allowed by variance granted on March 20, 2019, and is exempt from rear yard setback requirement because the property abuts a railroad right-of-way; and the property complies all other dimensional controls, per §§12.16.030 and 12.16.050 of the Ordinance.
13. The proposal does not increase the existing violations or create any new violations of dimensional controls, per §12.16.010 of the Ordinance.
14. For only those current and known proposed uses of the building, the total number of parking spaces required is 34, per §§12.20.010 and 12.20.020.I.10 of the Ordinance, and the total number of loading areas/bays required is six, per §12.20.030.E of the Ordinance.
15. The proposed medical center use requires six parking spaces and no loading, per §12.20.010 of the Ordinance.
16. Petitioner will lease six parking spaces.
17. Per the revised site plan, there are 40 parking spaces and two proposed loading areas.
18. Property owner intends to seek a variance of the loading requirements.
19. The proposal does not create violations of parking requirements or increase existing violations of loading requirements.
20. Use of the basement for storage only does not require parking, per the Building Commissioner.
21. The property is the subject of a special permit granted in Case #20-04 to allow ledge removal necessary to construct the building with a basement.
22. The proposal does not require a traffic impact study by the Planning Board's *Rules and Procedures* or by the Ordinance.
23. Petitioner's business is typically by appointment and procedures are scheduled.
24. Petitioner's business will employ two employees, a licensed aesthetician and a Nurse Practitioner.
25. The traffic and traffic patterns generated by the proposed use will not adversely impact any of the surrounding streets or create a traffic or safety hazard.
26. Petitioner will store medical waste inside containers at the premises and will use a contracted service to remove it.
27. Petitioner's business includes tattoo removal but not tattooing, and does not include practices classified as Body Art Establishment, which requires a special permit and is defined by Ordinance as: A facility that engages in the practice of physical body adornment, alteration or modification by means including, but not limited to, body piercing, tattooing, cosmetic tattooing, branding and scarification, but not including practices that are considered medical procedures by the Board of Registration in Medicine, per §12.32.060 of the Ordinance.
28. Property owner has a landscaping contract and intends to install landscaping on-site next week.
29. Property owner intends to clean the property of all litter and trash.
30. As modified by the proposed conditions of the special permit, the proposal will not be more detrimental to the neighborhood.
31. The Ward City Councilor who represents the ward where the property is located, Ward 6, supports the proposal.
32. There is no public opposition to the proposal.
33. As modified by the proposed conditions of the special permit, the proposal is in the interest of the common good.

DECISION (Case #22-08):

On May 11, 2022, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following four (4) conditions:

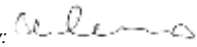
1. This special permit only allows occupancy of 943 SF on the first floor for an aesthetics/cosmetic services/wellness business; any other type of medical center use will require an amendment of this special permit; the basement (932 SF) may be used only for storage and utilities. Any practice or procedure classified as Body Art Establishment as defined by this Ordinance is expressly prohibited.
2. All development shall be as per plans, except as modified by these conditions; minor modifications of floor plan for medical center use are allowed; modifications of site plan and parking layout are allowed to provide required loading spaces.
3. Six on-site parking spaces shall be designated for the medical center use of 943 SF.
4. Install, repair or replace sidewalks and driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.

RECORD OF VOTES (Case #22-08):

The vote on the motion by Chuha, seconded by Gebreselassie, to grant a special permit with four conditions was eight in favor, none opposed, and the motion passed (8-0):

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