



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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CASE NUMBER 15-08

LOCATION of SUBJECT PROPERTY 140-252 Kennedy Drive, Malden, MA

NAME of PETITIONER and OWNER MPA Granada Highlands, LLC

DATES of PUBLIC HEARING August 12, 2015 and September 9, 2015

DATE of DECISION September 9, 2015

DATE of FILING DECISION with CITY CLERK September 23, 2015

DATE of NOTIFICATION to BUILDING INSPECTOR September 23, 2015

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT October 13, 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.]

CITY CLERK'S OFFICE
MALDEN, MASS.

PROCEDURAL HISTORY (Case #15-08):

1. Petitioner is the owner, operator and developer, MPA Granada Highlands, LLC c/o Metropolitan Properties of America, Inc., 101 Federal Street, 22nd floor, Boston, MA.
2. The petition seeks a special permit under §700.1.3.2, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to structurally change and extend a preexisting nonconforming property and use in the Residence C zoning district.
3. The following plans and information were submitted in support of the petition:
 - a) Set of plans, "Malden Planning Board Plans to Accompany Petition for Special Permit Granada Highlands 211 Kennedy Drive, Malden, Massachusetts (Middlesex County)," dated March 11, 2015, which includes existing site conditions plan, "ALTA/ACSM Land Title Survey Granada Highlands, Malden, Mass.," dated June 15, 2007, revised July 20, 2007, updated August 27, 2014 (signed September 19 & 23, 2014), prepared by Karl A. McCarthy, P.L.S., Feldman Land Surveyors, Boston, MA; "Site Plan," (Campus Plan, Sites 1, 2, 3, 4 and 5, dated March 11, 2015, prepared by Paul J. Finger, Reg. Landscape Architect, PFA Paul Finger Associates, Waltham, MA; "Grading, Drainage and Utility Plan," (Sites 1, 2 and 3), dated March 11, 2015, prepared by Matthew T. Brassard, P.E., Brassard Design Engineering, Worcester, MA; "Architectural Floor Plans," "Typical" for first and ground floors of each new building; "Architectural Elevations: Sites, 1, 2 & 3."
 - b) Set of color drawings, "Proposed Residential Expansions of Granada Highlands Granada Highlands Special Permit Malden, Massachusetts July 15, 2015," that includes site plan renderings prepared by Paul Finger Associates, dated July 7, July 9 and June 19, 2015; elevations and floor plans, dated July 9, 2015 prepared by The Architectural Team; and site location map, trip generation summary and project mitigation, from Traffic Impact and Access Study prepared by Vanasse & Associates, Inc.
 - c) Traffic information: "Traffic Impact and Access Study Granada Highlands Malden, MA," March 2015, prepared by Vanasse & Associates, Inc., Andover, MA; and correspondence dated May 13, 2015 from F. Giles Ham, P.E., Vanasse & Associates, Inc., Andover, MA.
 - d) Memorandum re: Granada Highlands Open Space, dated April 13, 2015, prepared by Paul Finger, RLA, Paul Finger Associates, Waltham, MA.
 - e) Spreadsheet, "Granada Highlands Proposed New Buildings Unit Mix and Average Size," dated May 5, 2015, unsigned.
4. The Planning Board opened and immediately tabled the public hearing on August 12, 2015, after considering petitioner's request dated August 7, 2015 to table the hearing so that a neighborhood meeting conducted by the Ward City Councilor could be held.
5. The public hearing was reopened and concluded on September 9, 2015.
6. The City mailed a notice of the tabled public hearing to abutters.
7. The public hearings complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

8. The public hearings on the petition for a special permit under the Ordinance were held simultaneously with the public hearings on the petition seeking approval under the subdivision control law required for the proposal, namely, consent to erect three buildings designed for dwelling purposes on one lot, per §V.C.2 of the Rules and Regulations of Malden Planning Board Governing the Subdivision of Land and Massachusetts General Laws, Chapter 41, §81Q.
9. At the start of the public hearing on September 9, 2015, Planning Board member Kenneth Antonucci identified himself as an abutter and stated that he completed and filed a Disclosure by Non-Elected Municipal Employee of Financial Interest and Determination by Appointing Authority as Required by Massachusetts General Laws Chapter 268A, Section 19, with the Malden City Clerk on September 9, 2015, and submitted a copy of said Disclosure as part of the public record of the hearing.

FINDINGS of FACT (Case #15-08):

The City of Malden Planning Board finds the following facts:

1. The subject property is comprised of three contiguous parcels known by City Assessor's Parcel identification numbers 162-571-189X, 162-571-189Y and 162-571-189Z (hereinafter, collectively referred to as the "subject property" or "property"); the property is currently the site of thirteen principal buildings, namely, eight 8-story and five 3-story buildings, containing a total of 919 apartment units, comprised of 89 studios, 408 one-bedroom units, 364 two-bedroom units and 58 three-bedroom units; the property is also the site of four single-story accessory buildings, namely, a parking garage, guard/gatehouse, pump house and pool house, a two-story amenities building and various outdoor amenities; and the buildings are known as and numbered 140-142, 153-155, 167, 181 and 211-231 Kennedy Drive; 180, 184, 188, 192, 224 and 240 Kennedy Drive; and 244, 250 and 252 Kennedy Drive.
2. The proposal is to construct three new buildings on the subject property for multifamily residential use, containing a total of 235 dwelling units, comprised of 15 studios, 85 one-bedroom units and 135 two-bedroom units; each proposed building has five stories; dwelling units will be located on the first through fifth floors; one building has 60 units and one level of parking underground; one building has 95 units and two parking levels, partially at and below grade; and one building has 80 units and two parking levels, partially at and below grade.
3. Also proposed is an outdoor amenities area with pool and "cabana" building.
4. The subject property is located in a Residence C zoning district.
5. The existing residential uses of the property, namely, multifamily dwelling, up to 3 stories, and multifamily dwelling, 6 to 12 stories, predate the Ordinance; require a special permit or are prohibited, respectively; and are preexisting nonconforming, per §§300.3.2.5, 300.3.2.7 and 700.1 of the Ordinance.
6. The proposed residential use, multifamily dwelling, 3 to 6 stories, is prohibited, per §300.3.2.6 of the Ordinance.
7. The subject property has multiple principal buildings on it, which is prohibited, and is preexisting nonconforming, per §700.1.7 of the Ordinance.
8. The proposal extends the preexisting nonconforming use of the property, per §700.1.3.3 of the Ordinance.
9. Direct abutters to the north are single, two, three and multifamily residential dwellings, retail business and motor vehicle repair and manufacturing uses; to the south, single and two-family dwellings; to the west, single and two-family dwellings; and to the east, single-family dwellings; the Residence A zoning district directly abuts the property on all sides, except where a Highway Business district abuts approximately 400 feet along the western property line.
10. Surrounding land uses are residential.
11. The property has no frontage, several buildings violate current dimensional controls for front, side yard and/or rear yard setbacks, and is preexisting nonconforming, per §§400.1.2.5, 400.1.2.7, 400.2 and 700.1 of the Ordinance.

12. The proposal maintains the existing violations of dimensional controls and creates a new nonconformity regarding the height of proposed retaining walls, per §§400.1.2.5 and 400.7.8 of the Ordinance.
13. The existing multifamily residential use of the property predates the Ordinance, is considered preexisting nonconforming and exempt from current parking requirements, however, the existing use conforms to applicable parking requirements, per §§500.1.2.5 and 700.1.1 of the Ordinance.
14. The proposal requires a total of 1,849 parking spaces, namely, 1,379 spaces for the existing 919 units and 470 spaces for the proposed 235 units, per §§500.1.2.5 and 700.1.1 of the Ordinance.
15. Under the proposal, there will be a total of 1,731 parking spaces provided, namely, 1,481 spaces in surface lots and 250 spaces in garages.
16. The proposal creates a deficiency of 118 parking spaces or 6%, per §§500.1 and 700.1 of the Ordinance.
17. The City's peer review of petitioner's Traffic Impact and Access Study and correspondence is described in correspondence dated May 12, 2015 and email correspondence dated June 24, 2015 from Kenneth Petraglia, BETA Group, Inc. and recommends mitigation to adjacent and nearby intersections and roadways.
18. Petitioner proposes additional traffic calming and mitigation, namely, construction of a "raised" intersection at the intersection of the property's site drive, Central Avenue and Kennedy Drive; this proposal has not been peer reviewed by the City and will require approval of the City Traffic Commission.
19. Access to the subject property is via Kennedy Drive, a private roadway; Kennedy Drive is accessed from Central Avenue, a public way; Central Avenue is accessed from the south by Salem Street and from the north from Broadway, Trueman Drive and Glenmere Avenue.
20. Construction vehicles are proposed to access the property through the main gate at Kennedy Drive; a traffic management plan with construction traffic routes has not been determined; and construction staging areas are proposed onsite.
21. The construction process is expected to take eighteen months to two years.
22. Construction traffic and the length of the construction process will impact the quality of life of neighbors.
23. The abutting and surrounding residential neighborhoods already have traffic congestion.
24. Traffic volumes and patterns generated by the proposal will adversely impact surrounding streets.
25. The proposal exacerbates existing traffic congestion and safety hazards in the area.
26. Petitioner is uncertain of the actual number of children and school children who currently reside at the property.
27. ~~The proposal increases the number of apartment units at the property by more than 25%.~~
28. Petitioner reports having held a neighborhood meeting with the abutters and Ward City Councilor on August 27, 2015, during which on-going operational issues with the property were discussed.
29. The Ward City Councilor, two of the three City Councilors-at-Large, the Ward City Councilors from five of the seven other wards in the City, and the Mayor oppose the proposal due to its substantially detrimental impacts on the quality of life in the immediate and surrounding neighborhoods and its fiscal impacts on the entire City, given the following: existing and increased volume of vehicles, traffic and safety hazards at the adjacent and nearby intersections and roadways; existing and proposed high density, number of units and number of bedrooms; existing and potential number of school-aged children residing at the property and existing overcrowded status of schools; proposed amount of parking onsite; distance to rapid transit public transportation; existing limitations of fire safety resources; existing and increased demand on infrastructure; and on-going and outstanding operational issues at the property.
30. Numerous residential abutters oppose the proposal because of its adverse impacts on the neighborhood and City infrastructure, including roadways, schools, sewer system and drainage, and expressed a variety of concerns, including high traffic volumes, pedestrian and vehicular safety, overcrowded schools, water runoff, noise, excavation and construction traffic.

31. There is no public support of the proposal and no one in favor of the proposal.
32. The proposal is not in the interest of the common good.
33. The proposal will be more detrimental to the neighborhood.

DECISION (Case #15-08):

On August 12, 2015, the Planning Board moved to table the public hearing, with notice of the tabled hearing to be sent to abutters, and the motion passed.

On September 9, 2015, pursuant to the foregoing Findings of Fact, the Planning Board moved to deny the petition for a special permit, and the motion passed.

RECORD of VOTES (Case #15-08):

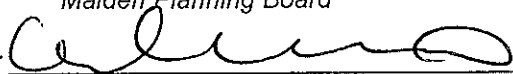
On August 12, 2015, the vote on the motion to table the public hearing was eight in favor, none opposed:

Billings, yes; Chiu, yes; Chuha, yes; Hayes, yes; Henry, yes; Lawhorne, yes; MacCuish, yes; Ioven, yes.

On September 9, 2015, the vote on the motion to deny the petition for a special permit was nine in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Hayes, yes; Lawhorne, yes; MacCuish, yes; Mzaouaak, yes; Wolff, 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.

Malden Planning Board
By: 
Michelle A. Romero, City Planner