



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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CITY CLERK'S OFFICE
MALDEN, MASS.

CASE NUMBER 16-11

LOCATION of SUBJECT PROPERTY 10 Overlook Ridge Drive, Malden, MA

NAME of PETITIONER Winn Residential

NAME of OWNER Fern Development, Ltd.

DATE of PUBLIC HEARING May 11, 2016

DATE of DECISION May 11, 2016

DATE of FILING DECISION with CITY CLERK May 24, 2016

DATE of NOTIFICATION to BUILDING INSPECTOR May 24, 2016

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 13, 2016

[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 #16-11)

1. The petitioner is Winn Residential, 10 Overlook Ridge Drive, Malden, MA, the property manager and authorized representative for the owner, Fern Development, Ltd., 7900 Glades Road, Suite 320, Boca Raton, FL 33434.
2. The petition seeks a special permit under §700.1.3.1, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to extend a preexisting nonconforming multifamily residential dwelling in the Residence C zoning district by constructing accessory amenities structures in the existing pool area.
3. The following plans were submitted: "Quarrystone Pool, Malden, MA," dated August 21, 2015, prepared by John Henry Copley, Jr., Registered Landscape Architect, The Architectural Team, Inc., Chelsea, MA, and include an Existing Conditions/Demolition Plan, Layout and Materials Plan, Furniture Plan, Planting Plan, Landscape Details and Outdoor Kitchen Details.
4. The public hearing complied with statutory notice requirements of Massachusetts General Laws, c. 40A, §11.

FINDINGS of FACT (Case #16-11)

The City of Malden Planning Board finds the following facts:

1. The subject property contains approximately 9.47 acres, namely, 9.05 acres in Malden and 0.42 acres in Revere, and is part of a larger 99-acre development site, containing approximately 52.7 acres in Malden and 41.9 acres in Revere, formerly known and used as Rowe's Quarry.
2. The property, known as "Quarrystone at Overlook Ridge," is the site of a six-story multifamily residential dwelling, containing 254 dwelling units, and with a convenience store, 2,000 square feet in size, and leasing office, 1,150 square feet in size, on the first floor; and an accessory garage with two levels/decks and 508 parking spaces.
3. The proposal is to enhance and upgrade the amenities of the existing pool area, located in the landscaped area at the northwestern side of the property, by constructing various accessory structures, namely, a poolside pergola, cabana deck, screen wall, outdoor kitchen and related improvements.
4. Under the proposal, the fencing around the existing pool area will be expanded; the existing pool, pool house and concrete patio will remain; the proposed decking will be installed over the existing concrete patio; and the proposed wall will screen the existing bathrooms from the pool area.
5. Under the proposal, the existing grill in the pool area will be relocated to the proposed outdoor kitchen; the proposed outdoor kitchen consists of a "grilling zone" with grill, seating area, small refrigerator and lighting; no overnight food storage will be allowed; no service of alcohol beverages will be allowed; and no sink facilities are proposed, however, the grill will be plumbed for gas; and grilling is not allowed elsewhere on the property.
6. The subject property is located in the Residence C zoning district.
7. The existing multifamily dwelling use, three to six stories, predates the current Ordinance, which requires a special permit for this use, and is considered preexisting nonconforming, per §§300.3 and 700.1 of the Ordinance.
8. The proposed structures are accessory to the principal multifamily dwelling use and considered to extend the use.
9. The direct abutters to the north and west are multifamily dwellings; to the south and west, single and two-family dwellings; to the east, a joint Malden/Revere Fire Station; and to the south, Salem Street and state highway Route 1.
10. The Rowe's Quarry Reclamation & Redevelopment District abuts to the north and east, and the Residence A zoning district abuts to the south and west.
11. The property complies with all dimensional controls except height and is the subject of a variance granted on September 21, 2006, per §400.1.2.6 of the Ordinance.
12. The proposal creates no new violations or nonconformities.
13. The property is exempt from current parking requirements, namely, one space per bedroom; complies with applicable requirements, in effect when permitted and constructed, namely, two spaces per unit; and is considered preexisting nonconforming, per §§500.1.2.5 and 700.1 of the Ordinance.

14. An approximate total 577 parking spaces are provided onsite, configured as follows: 254 spaces in the open deck/ground level of the garage; 254 spaces in the covered deck/lower level of the garage; and 69 spaces in various open air parking lots located around the building and property.
15. The proposal does not change the parking requirements or create any violations or nonconformities.
16. The proposal does not change the garage, the existing number of parking spaces or the parking layouts.
17. The entire development site, including the subject property, contains 1,471 apartment dwelling units, namely, 749 units in five buildings in Malden and 722 units in four buildings in Revere; two additional buildings, containing 173 units and 119 units, are under construction in Malden.
18. The residential units at the dwelling building on the subject property are configured as follows: 35 one-bedroom units, 770 to 890 square feet in size; 24 one bedroom with den units, 960 to 1,090 square feet in size; 137 two-bedroom units, 1,020 to 1,285 square feet in size; 57 two bedroom with den units, 1,295 to 1,345 square feet in size; and one three bedroom unit, 1,375 square feet in size.
19. The proposal does not change the dwelling building or the existing number or configuration of dwelling units.
20. The subject property was developed in 2007, and current owner purchased the property in May 2015.
21. The property is subject to a Land Reclamation Agreement of 2007, as amended in 2012, by and among the City of Malden, City of Revere and property owners, which regulates the site development and its environmental impacts, and includes: a fill management plan; blasting procedures; hours of construction activity; and construction impact mitigation regarding stormwater management, traffic control, noise management, and air quality and dust control.
22. The on-site amenities are for use of residents only and not open to the public; access to the pool area is restricted and requires a pass; hours of use are 10 am to 8 pm; and there are a lifeguard and maintenance worker on-duty.
23. The proposal includes new and additional landscaping around the pool area, and the proposed plans depict thirty-one trees; however, according to petitioner, owner has not approved the large trees at this time.
24. According to petitioner, the large gray storage container currently located in the parking area on the southern side of the building contains equipment and supplies for an energy efficiency program to replace lighting in the common areas, which is expected to take a few weeks; the container is temporary and will be moved into the garage.
25. There is no public opposition to the proposal.
26. As modified by the proposed conditions, the proposal is not more detrimental to the neighborhood.
27. Petitioner consents to the proposed conditions of the special permit.

DECISION (Case #16-11)

Based on the foregoing Findings of Fact, the Planning Board granted a special permit subject to these seven conditions:

1. All development shall be as per plans, except as modified by these conditions.
2. Excluding the existing convenience store and accessory leasing offices, any extension of the convenience store or any retail, restaurant, office or other business use of the property shall require an amendment of this special permit.
3. Compliance with the Land Reclamation Agreement dated January 30, 2007, as extended and amended on March 7, 2012, and subject to future extension and amendment.
4. Maintain in perpetuity a "no-disturb" buffer zone, a minimum of 50 feet in width, between the property and residential properties on Vining Street; no ledge, soil or vegetation may be removed from, and no development may occur in, this zone and this zone shall be landscaped, as per Layout and Materials Plan, Quarrystone at Overlook Ridge Phase 11B, prepared by Scott W. Landgren, Registered Landscape Architect, CDM, Cambridge, MA.
5. No outside storage is allowed, including storage containers and trailers.
6. No overnight outside storage of trash is allowed; all trash must be stored in compliance with requirements of the Malden Board of Health.
7. All landscaping of the pool area shall be as per plans, excluding 31 trees.

RECORD of VOTES (Case #16-11)

The vote on the motion to grant the special permit with conditions was nine in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Hayes, yes; Lawhorne, yes; MacCuish, yes; Mzaouakk, yes; Wolff, yes; Ioven, yes.

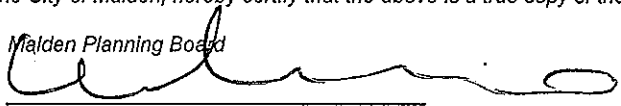
Motion by Antonucci, seconded by Mzaouakk.

[Present but not voting: Fitzgerald. Absent: Henry.]

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:

Malden Planning Board


Michelle A. Romero, City Planner