



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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2016 JUL 14 P 3:56

CASE NUMBER 16-14

LOCATION of SUBJECT PROPERTIES 490 Eastern Avenue & 99 Bryant Street, Malden, MA

NAME of PETITIONER BRT Management, LLC NAME of OWNER Malden Storage LLC

DATE of PUBLIC HEARING July 13, 2016 DATE of DECISION July 13, 2016

DATE of FILING DECISION with CITY CLERK July 14, 2016

DATE of NOTIFICATION to BUILDING INSPECTOR July 14, 2016

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT August 3, 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.]

CITY CLERK'S OFFICE
MALDEN, MASS.

PROCEDURAL HISTORY (Case #16-14)

1. Petitioner is BRT Management LLC, c/o Brian Wallace, 22 Cottage Lane, North Pembroke, MA 02358.
2. Owner is Malden Storage, LLC, 500 Skokie Boulevard, Suite 600, Northbrook, IL 60062.
3. The petition seeks a special permit under §300.3.5.11 of Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to allow Asphalt, Brick, Concrete & Soil Recycling use of property in the Industrial 1 zoning district.
4. The following plans and information were submitted with the petition: "ALTA/ACSM LAND TITLE SURVEY BRT MANAGEMENT, LLC 490 EASTERN AVENUE LOT 801, BLOCK 428, MAP 95 & LOT 809, BLOCK 418, MAP 95 CITY OF MALDEN, MIDDLESEX COUNTY COMMONWEALTH OF MASSACHUSETTS," dated June 5, 2015 (stamped/signed July 21, 2015) prepared by Gerry L. Holdright, P.L.S, that contains handwritten notes describing the proposed activities and depicts the designated areas of the activities (dated June 20, 2016 and signed as prepared by Rich Gordon, Baystate Engineering); and correspondence dated July 12, 2016 from Richard Gordon, Baystate Engineering, Holliston, MA, that describes the activities.
5. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #16-14):

The City of Malden Planning Board finds the following facts:

1. The subjects of the petition are two properties: 490 Eastern Avenue and 99 Bryant Street.
2. The property, 490 Eastern Avenue, is the subject of the special permit granted in Case #15-19 that allows self-storage facility use of a building to be constructed, containing three stories, 125,577 square feet of gross floor area and 884 storage units; and the property, 99 Bryant Street, is the subject of a special permit granted in Case #16-01 that allows self-storage use of two buildings to be constructed, each containing a single-story; one building containing 4,500 square feet and the other containing 10,111 square feet; containing a total 54 storage units; and the subject of variance decision dated December 17, 2015 regarding dimensional and parking violations.
3. The proposed activities meet the existing definition of Asphalt, Brick, Concrete & Soil Recycling, per §800.6.2.7 of the Ordinance; however, there is a pending proposal to amend the Ordinance to exempt the types of temporary activity and use that are the subject of this petition.
4. The properties are located in the Industrial 1 zoning district.
5. The proposed asphalt, brick, concrete and soil recycling use is allowed by special permit in this district, per §300.3.5.11 of the Ordinance.
6. The properties abut to the east and west, across Bryant Street; the direct abutter to the north of each property is the abandoned railroad right-of-way, a portion of which is used as the public multimodal recreational trail, Bike to the Sea Path/Northern Strand Community Trail, and to the north of which are single, two and multifamily residential dwellings.
7. The direct abutter to the south of 99 Bryant and to the west of 490 Eastern Avenue, across Bryant Street, is a motor vehicle repair shop; the direct abutter to the west of 99 Bryant Street is a self-storage facility with retail sales and service; the abutter to the east of 490 Eastern Avenue, across Faulkner Street, is a public charter school athletic field, and to the south, across Eastern Avenue, is a recreation for gainful business for radio-control cars.
8. Surrounding land uses are residential, institutional, business and industrial.
9. The proposed temporary use is not in conflict with surrounding land uses.
10. Both properties comply with the required minimum lot area and frontage, and the proposal does not create violations of dimensional controls, per §400.1.5.11 of the Ordinance.
11. The proposal does not create violations of parking requirements, per §500.1.5.12 of the Ordinance.
12. To date, the following activities have occurred at the properties: demolition of the building at the property, 490 Eastern Avenue, and the piling of the demolished asphalt, brick, masonry block and concrete at the property; and removal of asphalt from the parking lot at 99 Bryant Street and its transfer to and piling at 490 Eastern Avenue.
13. The proposal is to allow the temporary on-site processing and storage of asphalt, brick and concrete recycled from the properties, to be reused to grade the properties to prepare for the construction of the new buildings.

14. The approximate amount of brick, masonry block and concrete slabs to be recycled is 1,050 square yards; and the approximate amount of asphalt to be recycled is 200 square yards.
15. The proposed processing activities consist of crushing, grinding and mixing existing materials on-site.
16. The following sequence of processing activities is proposed: brick, masonry block and concrete will be crushed into pieces that are two inches in size and stored or "stockpiled" in the designated area; all asphalt will be removed or "stripped" and stockpiled in the designated area; the crushing equipment, "Pegson 26 x 44 Jaw and Pegson 1000 Automax cone" will be mobilized and set up on 490 Eastern Avenue as shown on the plan; brick, concrete and masonry block will be combined or mixed and crushed into pieces that are one inch in size; the asphalt will be crushed into pieces that are one inch in size; the finished product for brick, concrete and masonry block will be stored or "stockpiled" at 99 Bryant Street and used for interior bulk backfill, known as "structural fill," at the new building on 490 Eastern Avenue within thirty (30) days; and finished crushed asphalt will be stockpiled at 490 Eastern Avenue until and for future use under new paved areas only.
17. Petitioner expects the duration of all processing work, including crushing, grinding and mixing, to be three to four continuous days, working seven daily hours of operation.
18. Gravel and soil will be brought onto the site and mixed with the processed recycled materials.
19. The recycling processing activities are regulated by the state Department of Environmental Protection; recycled materials may only be used in certain areas for grade.
20. Regarding the proposed processing activities, the Director of the Board of Health and Building Inspector recommend that dust control be required so that no dust leave the site and enter other properties, deposit on the roadways, impact the bike path amenities, affect the maintenance of nearby athletic fields or be inhaled by the general public; and that a fire detail be required to ensure public safety and adherence to continued dust control.
21. Regarding the proposed processing activities, the Fire Department will provide a detail to oversee the site and recommends that petitioner's water usage for dust control be subject to the approval of the water department.
22. As modified by conditions of this special permit, the proposed use is in the interest of the common good.
23. The property, 490 Eastern Avenue, is located in Ward 7 and abuts Ward 5, and the property, 99 Bryant Street, is located in Ward 5 and abuts Ward 7; Ward 7 City Councilor and Ward 5 City Councilor are in favor of the petition.
24. There is no public opposition to the petition.
25. Petitioner agrees to address current issues with dust control at the properties due to on-going activities at the site.
26. As modified by conditions of this special permit, the proposal will not be more detrimental to the neighborhood.
27. Petitioner consents to the proposed conditions of this special permit.

DECISION (Case #16-14):

Pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following six conditions:

1. The rights authorized by this special permit re: processing (crushing, grinding, mixing) shall expire 10 days after the date the appeal period expires; the rights authorized by this special permit re: storage of finished concrete products (structural fill) shall expire 30 days after the date the appeal period expires; and the rights authorized by this special permit re: storage of finished asphalt products (pavement base) shall expire 90 days after the date the appeal period expires.
2. Only materials recycled from the properties may be processed or stored on the sites.
3. All activities may occur only in the designated locations as shown on the plan.
4. Hours of operation for any processing (crushing, grinding, mixing) and/or any equipment operated for processing are 8 am to 5 pm Monday through Friday.
5. For activities authorized by this special permit, perform dust control as frequently as necessary as determined by the Malden Fire Department or Malden Building Inspector; hire fire detail to monitor petitioner's dust control; and water usage for dust control is subject to approval of City Water Department.
6. All conditions of the special permits granted in Cases #16-01 and #15-19 shall remain in full force and effect.

RECORD of VOTES (Case #16-14):

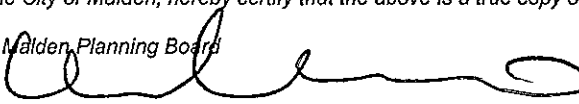
The vote on the motion to grant a special permit with six conditions was eight in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Fitzgerald, yes; Hayes, yes; Lawhorne, yes; MacCuish, yes; Ioven, yes.

Motion by Antonucci, seconded by Lawhorne.

[Absent: Henry, Mzaouakk, Wolff.]

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