



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

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MALDEN, MASS.

CASE NUMBER 14-10

LOCATION of SUBJECT PROPERTY 39 Florence Street, Malden, MA

NAME of PETITIONER and OWNER The Residences at Malden Station LLC

DATES of PUBLIC HEARING July 9, 2014 and August 13, 2014 DATE of DECISION August 13, 2014

DATE of FILING DECISION with CITY CLERK August 19, 2014

DATE of NOTIFICATION to BUILDING INSPECTOR August 19, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT September 8, 2014

PROCEDURAL HISTORY (Case #14-10)

1. The petitioner is the owner and developer, The Residences at Malden Station, LLC, c/o Corcoran Jennison Company, 150 Mount Vernon Street, Suite 500, Boston, MA 02125.
2. The petition seeks to amend the special permit granted in Case #12-20 under §§300.1.2 and 300.3.2.6, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance").
3. The following plans were submitted in support of the petition: "Special Permit Submission Update, The Residences @Malden Station, Florence Street, Malden, Massachusetts," dated September 6, 2012, revised October 24, 2012, June 6, 2014 and July 14, 2014 prepared by Marquis G. Major, Reg. Architect, VMY Architects LLC, Newton, MA, that include site plan, floor plans and elevations.
4. The public hearing scheduled for July 9, 2014 was tabled at petitioner's request to allow petitioner to revise plans.
5. The public hearings complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #14-10):

The City of Malden Planning Board finds the following facts:

1. All facts found in the special permit granted in Case #12-20, except as modified herein.
2. Two parcels, known by City Assessor's parcel identification numbers 051-252-211 and 051-252-212, were merged via the Approval Not Required subdivision control process in March 2013 to create the subject property, in compliance with Condition 14 of the special permit granted in Case #12-20.
3. The subject property is the site of a five-story building containing 80 dwelling units, currently under construction per building permit issued on February 11, 2014 (permit # CMID-010186-2014), in accordance with the special permit granted in Case #12-20, to allow a multifamily residential dwelling.
4. The proposal is to amend the special permit granted in Case #12-20 to modify conditions regarding the number of dwelling units, bedroom configuration, number and layout of parking spaces for residential tenants and for public use, namely, Conditions 1,2,3 and 13.
5. The proposal increases the total number of dwelling units from 80 to 84.
6. The proposal changes the configuration of the units by decreasing the number of units with two bedrooms from 31 to 27; increasing the number of units with one bedroom from 35 to 39; and increasing the number of studio units from 14 to 18.
7. The building is modular construction and the proposal requires interior renovation to reconfigure the units.
8. In the future, petitioner may want to reconfigure and convert studio or one-bedroom units to two bedroom units.
9. The revised proposal maintains the average size of the dwelling units.
10. The revised proposal complies with applicable dimensional controls, including the required minimum open space, which increased with the additional four dwelling units, per §§400.1.2.6 and 400.3 of the Ordinance.
11. The revised proposal provides a total of 9,077 square feet of open space, consisting of a fitness center on the 1<sup>st</sup> floor, 1,631 square feet in size; four private terraces on the 2<sup>nd</sup> floor, with a total of 803 square feet and individually, 105 to 310 square feet in size; one roof deck on the 4<sup>th</sup> floor, 644 square feet in size, and two roof decks on the 5<sup>th</sup> floor, with a total of 5,999 square feet, 1400 and 4,599 square feet in size.
12. The revised proposal does not change the total square footage, footprint or height of the building.
13. The original proposal for 80 dwelling units, approved by the special permit (Case #12-20), requires 60 parking spaces, per variance of §500.2.8.2 of the Ordinance granted by the Malden Board of Appeal on November 29, 2012.
14. After the variance was granted, the applicable parking requirements of the Ordinance were amended by City Council Paper #447/2012 to reduce parking requirements based on proximity to an MBTA rapid transit station; and to require the development to make all reasonable efforts to participate in a car sharing program and provide bicycle parking in a rack or designated secured area.
15. The subject property is located within 1,000 feet of the MBTA rapid transit station, the Malden Center Orange line, and the revised proposal of 84 units requires a total of 63 parking spaces, per §500.2.8.2 of the Ordinance.
16. The revised proposal provides a total of 125 parking spaces on the property, all configured as head-on, in the following locations: 32 to the south of the building, 20 of which are covered/partially covered by the building; eight along the southern property line, to be fenced off for use by the abutting property at 195 Pleasant Street known as Heritage Housing; and 85 in the open air parking lot to the east of the building.
17. The required 63 offstreet parking spaces will be provided on-site for use of the tenants/occupants of the property, per §500.1 of the Ordinance; however, the additional 62 parking spaces on-site may be used by the public and non-tenants.

18. The Malden Redevelopment Authority will retain an easement to operate and maintain the open air parking lot on-site and use of 62 parking spaces for abutters and public parking.
19. The revised proposal includes a revised parking plan necessary to address a revised layout of the open air parking lot to include an entrance gate and kiosk; and a revised layout of the parking spaces along the southern side property line to allow the relocation of the electrical transformer on site, as required by the utility company.
20. The petitioner stated its intent to make all reasonable efforts to participate in a car sharing program, as required by §500.2.8.4 of the Ordinance.
21. The revised proposal includes previously approved interior parking for ten (10) bikes on the ground floor of the building, which exceeds the parking for eight (8) bicycles required by §500.2.8.5 of the Ordinance.
22. The revised proposal includes minor modifications to the finishes and treatments of the proposed façade of the building.
23. The Ward City Councilor, Mayor and Malden Redevelopment Authority are in favor of the revised proposal.
24. There is no public opposition to the revised proposal.
25. The revised proposal is in the interest of the common good.
26. The revised proposal will not be more detrimental to the neighborhood.
27. Petitioner consents to all proposed conditions of this special permit.

DECISION (Case #14-10):

Pursuant to the foregoing Findings of Fact, the Planning Board moved to amend the special permit granted in Case #12-20 and to grant a new special permit subject to the following fifteen (15) conditions, and the motion passed:

1. The entire development shall be as per plans, "Special Permit Submission, The Residences @Malden Station, Florence Street, Malden, Massachusetts," dated September 6, 2012, revised October 24, 2012, June 6, 2014 and July 14, 2014, prepared by VMY Architects LLC, Newton, MA; provided that modification of configuration of parking spaces shall be allowed.
2. The approved project contains a maximum of 84 residential dwelling units and a minimum of 63 parking spaces on-site for use of the residential tenants.
3. The bedroom configuration consists of no three bedroom units and a maximum of 31 two-bedroom units.
4. No retail, restaurant, office or other business use is proposed or approved hereunder; any retail, restaurant, office or business use of any portion of the building shall be require an amendment of this special permit granted herein.
5. Fitness center and roof decks may be used by tenants only and not open to the public.
6. All antennas on the rooftop or any part of the building's exterior are prohibited except for emergency City antennas.
7. All utilities, HVAC and associated equipment on the rooftop shall be screened visually.
8. Except for those four private terraces on the 2nd floor and roof decks, as depicted on the plans, all balconies are prohibited, except "false" or "French" balconies, which do not provide a platform projecting from the building and which are not large enough to stand, walk or sit on, nor to provide any storage, display or patio space.
9. Compliance with §300.1.2.7 of zoning ordinance re: sidewalks around perimeter of property.
10. No permanent dumpster will be permitted on site after completion of construction. Any dumpsters during construction or temporary dumpsters must comply with conditions of Malden Public Health Department. The permanent building will have a trash compactor; storage totes for use with trash compactor are permitted.
11. The developer/owner shall implement the following pedestrian safety and traffic mitigation measures: a) All short-term improvements identified in the *Traffic Operations Assessment, Malden Central Business District* (July 11, 2011) prepared by BETA Group, Inc. and installation of pedestrian count-down signal heads and restriping of crosswalks with continental or other enhanced style, for the intersections of Pleasant, Florence and Commercial Streets; and Florence and Washington Streets; and b) Optimize traffic signal timing and traffic signal coordination at the intersections of Florence and Washington Streets; Florence, Pleasant and Commercial Streets; Commercial and Exchange Streets; and Commercial Street and Route 60/Centre Street.
12. Install safety signage and pavement markings for vehicles and pedestrian crossings at both site drives, and Florence and Clement Streets intersection.
13. The open air parking lot and public use of 62 spaces on- site shall be operated by the Malden Redevelopment Authority and subject to easement by the owner.
14. Submit as-built plans (electronic copy) to City of Malden within 30 days of certificate of occupancy.
15. Developer/owner shall perform and submit to the City a traffic impact and access study for any parking structure, if and when it is constructed on the property, to be peer reviewed by the City and shall contribute to the City the cost of implementing any recommended traffic and pedestrian safety mitigation.

RECORD of VOTES (Case #14-10):

On July 9, 2014, the vote on the motion to table the public hearing was 8 in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Cipriano, yes; Ferratusco, yes; Hayes, yes; Lawhorne, yes; Ioven, yes.

On August 13, 2014, the vote on the motion to grant a special permit with 15 conditions was 8 in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Danca, yes; Ferratusco, yes; Hayes, yes; Lawhorne, yes; Ioven, yes.