



City of Malden
Massachusetts
Board of Appeal
215 Pleasant Street, 3rd floor
Malden, Massachusetts 02148

Telephone 781-397-7100 x 2151

Board of Appeal - Public Hearing - Virtual
January 19, 2022
MINUTES

In accordance with the City of Malden Local Executive Order issued on January 4, 2022 regarding COVID-19, this meeting was held remotely via technological means, in the manner specified below (Zoom webinar), and no in-person attendance by members of the public was allowed.

<https://cityofmalden.zoom.us/j/97194987065?pwd=Q3d6cDFsMIJk3V3a2lyQkxpZWNXQT09>

Webinar ID: 971 9498 7065

Passcode: 283260

Role Call: Present: Cramer, Sullivan, Sherwin, King, Bilgen, Senatillaka, Chu

The Malden Board of Appeal held a public hearing Wednesday, January 19, 2022 at 6:30 pm Eastern Time (US and Canada) via remote hearing on the following named petition:

PETITION OF:

Petition 22-001 by Christopher G Fallon on behalf of Benevolent Botanicals LLC dba Continuum for a variance of **MCC 12.12.190 (F) (1) (c)** - Location of a Marijuana establishment within 75 feet of a residential use - Title 12 of the revised Ordinances of 2020 as amended of the City of Malden –as per Plans CMID-040216-2021 at the property known as and numbered **926 Eastern Ave, Malden, MA** and also known by City Assessor's **Parcel ID #127-433-306**

All requirements have been met and this petition is properly before the Board being represented by Atty Patrick MacDonald.

Building Commissioner Miller addressed the Board regarding the 75 ft residential use Buffer Zone requirement of a Marijuana Establishment - Measurement taken are property line to property line.

Atty. Macdonald - The petitioners are before the board asking for a variance of the 75 ft Buffer Zone. The property at 926 Eastern Avenue is located in the Industrial 1 Zoning District.

Petitioners Warren Lynch and Stephanie McMorris are Social Equity Status, seeking variance due to unique property and financial hardship.

Unique property – grade changes, property dips in the back 2-3 feet,

Hardship – local people looking to open business – If this variance is not granted the property cannot be used by the petitioners. There is no cost of building construction making this site feasible for their “Mom and Pop” operation.

Members of the board questioned if the building was occupied. Currently there are 2 businesses located in the building. The board also asked if the petitioners presently owned or rented space in the building. The petitioners do not own or rent space in the building. They are awaiting approval of the variance before they commit to this property.

The bike path is not considered a recreational field or facility.

Open to Public in Support:

The Board read 34 Letters of support and 14 viewers voiced their support.

Open to Public in Opposition

Received letters from:

T Tamagna, who resides within the 75 ft buffer zone

Craig Spadafora – Councillor At Large

Neil Kinnon

Jadeane Sica - voiced in opposition stating there are currently 2 locations that have temp granting with the state, another approved by the CLEC and 2 other locations pending. These locations do not require a variance. Granting a variance would set a bad precedence if approved and the 4 criteria have not been met.

Closed to Public

The board agrees that the 75 ft buffer zone approved by the City Council must be adhered to. This petition does not meet the criteria for a variance.

Motion by Sherwin to DENY Petition 22-001 was second by King.

Vote: Sullivan- yes, Sherwin- Yes, King – Yes, Bilgen – Yes, Cramer – Yes

The Board voting unanimous: Petition 22-001 is DENIED

Motion to adjourn by Sherwin second by King

All members voting in favor

Meeting Adjourn 10:04 pm

https://cityofmalden.zoom.us/rec/share/nGln8qtqc3nS0iPb9KW-UNnsLYWA57yqKGK7ymd9bkdKuKbCNuI_Xx6YDmZ0nw.9Aigjgl65ARKHkNt