



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final License Committee

*Councillor Jadeane Sica, Chair*  
*Councillor Chris Simonelli, Vice Chair*  
*Councillor Paul Condon*  
*Councillor at Large Karen Colon Hayes*  
*Councillor Ryan O'Malley*

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Tuesday, June 20, 2023

6:00 PM

215 Pleasant Street  
Room 113  
Malden, MA 02148

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### Roll Call

*Chair Sica called the meeting to order at 6:01 PM.*

*Also in attendance were Councillors Crowe and Spadafora, Compliance Officers Dave Morse and Jim Tuxbury, Building Commissioner Nelson Miller, and representatives from AGM Auto Sales, Inc.*

**Present:** 5 - Councillor Jadeane Sica, Councillor Chris Simonelli, Paul Condon, Karen Colon Hayes and Ryan O'Malley

### Minutes to be Approved

[247-23](#)

Minutes for the meeting of June 13, 2023

**A motion was made by Councillor Condon, seconded by Councillor O'Malley, that the Committee Minutes be approved. The motion carried by a unanimous vote.**

### Business

Committee will meet to discuss AGM Auto Sales, Inc. and the Class II License held at 160 Eastern Avenue in relation to the Special Permit issued for that location. Additionally, the discussion will explore the Open Air Parking Lot License held by AGM Auto Sales, Inc. for 135 Eastern Avenue.

*Prior to this meeting, the Clerk distributed to the members of the License Committee PDF copies of Outdoor Parking and Class II Licenses for the properties located at 135 and 160 Eastern Avenue from the past 4-5 years, as available; the plot plan for 160 Eastern Avenue; a copy of the conditional license issued to 160 Eastern Avenue in 2010, numbered 9C; and a link to the special permit decision outlining allowable use for the building located at 160 Eastern Avenue.*

*AGM is at 160 Eastern Avenue with a Class II Dealer's License and also does business at 135 Eastern Avenue with an Outdoor Parking Permit. A few months back, AGM installed unpermitted signs which warranted a visit from Compliance Officers. The issue went to the Sign Design Review Committee so AGM might get approved for the signs. This process brought to the attention of the Building Commissioner that there is a special permit on 160 Eastern, that does not allow for a Class II License. The Class II is allowed at 135 Eastern and Outdoor Parking is allowed at 160 Eastern. The suggested solution to this situation is for AGM to switch their businesses back to the original*

addresses, as intended and stay within the conditions of the special permit.

*According to Nelson Miller, there was a license issued to 160 that shouldn't have been. His idea for resolution is that auto sales at 160 should cease and use that space for parking of offsite vehicles, as is allowable per the special permit. Remove the Class II License from 160, relocate auto sales back to 135. The alternative is for building owner to file a new petition with the Planning Board to request a revision of the terms of the special permit, seeking the ability to sell autos at 160. This would be done using an appeal form to change use of the building, filed through the Inspections and Permitting Department, which would then be processed over to Planning Board to get on their next available docket. The soonest possible date to get on the Planning Board docket would be August.*

*Councillor Simonelli expressed concern that it is not so easy for a business to just move, even if it is just across the street. The time alone to get addresses switched at the RMV would mean without an extension the business would have to close their doors until this processed worked itself out. Councillor Colon-Hayes pointed out that this mistake is on the part of the City so the business should be given the benefit of the doubt. Councillor O'Malley advised AGM to make plans to accommodate this move in the event the Planning Board does not approve the appeal and the auto sales must be moved over to 135.*

*Councillor Colon-Hayes made a motion to grant a three-month grace period for the business to petition a change in the special permit, seconded by Councillor Simonelli. Motion passed by unanimous vote.*

## **Other Business**

## **Adjournment**

**A motion was made by Councillor Condon, seconded by Councillor at Large Colon Hayes, that the meeting be adjourned. The motion carried by a unanimous vote. Meeting was adjourned at 6:29 PM.**