



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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2018 JUL 20 A 10:03

CASE NUMBER 18-08

LOCATION of SUBJECT PROPERTY 46-52 Pleasant Street, Malden, MA

NAME of PETITIONER Daniel A. Martignetti, Jr.

NAME of OWNER DAM Cambridge Ventures II, LLC

DATE of PUBLIC HEARING July 11, 2018

DATE of DECISION July 11, 2018

DATE of FILING DECISION with CITY CLERK July 20, 2018

DATE of NOTIFICATION to BUILDING INSPECTOR July 20, 2018

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT August 9, 2018

[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 #18-08):

1. Petitioner is Daniel A. Martignetti, Jr., 127 Main Street, Winchester, MA 01890, on behalf of owner, DAM Cambridge Ventures II, LLC, Daniel A. Martignetti, Sr., Manager, 47 Swan Road, Winchester, MA 01890.
2. Petitioner and owner were represented at the public hearing by Daniel A. Martignetti, Jr.; David Kinsella, Architect, D.A. Kinsella & Company, 7 Bridge Street, Billerica, MA 01821; Edward Ducharme, proposed brewmaster, 18 Karen Road, Woburn, MA 01801; and Kenneth Cram, Traffic Engineer, Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA 01801.
3. The petition seeks a special permit under §300.3.5.10, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to allow light manufacturing in the Central Business zoning district.
4. The following plans and information were submitted in support of the petition: Site plan, "Site Development Permit Plan located in Malden, Mass. 50 Pleasant St., Prepared for Faces Brewing Co. LLC," dated May 4, 2018, prepared by Christopher R. Mello, P.L.S., Eastern Land Survey Associates, Inc., Peabody, MA; proposed floor plans and elevation plans, "Dan Martignetti 46-50 Pleasant St Malden, MA 02148," dated May 30, 2018, prepared by David A. Kinsella, Reg. Architect, D.A. Kinsella Company, Billerica, MA, that include Basement Floor Plan, First Floor Plan, Mezzanine Floor Plan, Second & Third Floor Plans, North Elevation, East Elevation, South Elevation, West Elevation; email memorandum dated July 9, 2018 from David Kinsella that describes square footage of rooms/areas depicted on floor plans; "Traffic Impact and Access Study, Proposed Restaurant and Brewery 46 Pleasant Street, Malden, MA Prepared for Faces Brewing Co.," dated May 31, 2018, prepared Kenneth P. Cram, Traffic P.E., Bayside Engineering, Woburn, MA; letter with Response Comments dated July 5, 2018 from Kenneth P. Cram, Bayside Engineering; and auto-turn template turning movement diagrams of site access/egress for WB-50 trucks (tractor-trailers) prepared by Kenneth P. Cram.
5. At the public hearing on July 11, 2018, petitioner presented a new set of drawings, "Faces Brewing Co. LLC. 46-52 Pleasant St., Malden, MA 02148, Client: Dan Martignetti 46-50 Pleasant St. Malden, MA 02148," dated July 11, 2018, prepared by David A. Kinsella, Reg. Architect, that includes a revised site plan and revised floor plans.
6. The public hearing complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #18-08):

The City of Malden Planning Board finds the following facts:

1. The property is located at the corner of Pleasant, Middlesex and Exchange Streets, in downtown Malden Square.
2. The property is the site of a three-story building with a partially below-grade, walk-out basement, and a total gross floor area of 26,494 square feet.
3. The building is currently vacant and most recently occupied by Bank of America; renovation begun in 2013 by a previous owner was never completed; and the property is currently under renovation by the current owner and the subject of a building permit issued in April 2018.
4. The proposal is to redevelop and occupy the property for a brewery and restaurant.
5. The brewery and restaurant will be family-owned and operated by petitioner, doing business as Faces Brewing Company, Inc. and to be known as, "Faces on Pleasant."
6. Under the proposal, the brewery will occupy space on the basement and first floor, configured as follows: approximately 1,600 square feet of the basement, comprised of the "brewhouse," a room containing the mash and fermentation machinery, equipment and tanks; dry/grain storage room and refrigerated storage/walk-in cooler; and approximately 370 square feet of the first floor for a "finishing room," located adjacent to the tasting room areas of the restaurant, displaying decorative brewery equipment, namely, fermentation "bright tanks."

7. As depicted on the revised floor plan of the basement, the rooms labeled, "Brewhouse" and "Dry Storage," are in the same location and same size as the rooms depicted on the original floor plan, labeled, "Mash and Fermentation" and "Grain Room," respectively.
8. As depicted on the original floor plan of the basement, the brewery area labeled, "Canning," has been eliminated and is depicted on the revised floor plan to be a "Walk-in Cooler," for storage of brewery beer in kegs and cans.
9. Under the proposal, the restaurant will occupy the first floor and basement, configured as follows: approximately 3,800 square feet of the first floor for dining areas and seating for 171, comprised of tables with 106 seats, a bar with 39 seats, private rooms with 16 and 10 seats; approximately 1,138 square feet of the first floor for brewery tasting areas and seating for 73, comprised of tables with 48 seats and bars with 16 and 9 seats; and approximately 6,000 square feet of the basement for kitchen facilities and storage areas.
10. According to petitioner, there will be a maximum total of 287 seats in the restaurant, including the brewery tasting room areas, based on the occupancy allowed by the building code; and the original and revised floor plans depict 244 seats, including 73 seats in the tasting areas.
11. The main entrance/exit for the restaurant will be on Pleasant Street; the brewery tasting room areas are contiguous with the restaurant dining areas and access to these areas will be through the restaurant; there will be an emergency exit on Middlesex Street, which may be used by employees but will provide no public access.
12. Under the proposal, the offices and storage for the brewery and restaurant management will be located on the mezzanine floor, which contains approximately 2,200 square feet.
13. Under the proposal, the second and third floors are unoccupied and their future use or tenant is to be determined; each of these floors contains 4,490 square feet.
14. The property is located in the Central Business zoning district.
15. The property has always been occupied by a bank, which is considered general offices, and this use is allowed by right in the Central Business zoning district, per §300.3.4.9 of the Ordinance.
16. The proposed light manufacturing is allowed by special permit and the proposed restaurant is allowed by right in the Central Business zoning district, per §§300.3.5.10 and 300.3.4.12 of the Ordinance.
17. Regarding the unoccupied second and third floors of the building, various business uses are allowed by right and/or may be allowed by special permit, per §300.3 of the Ordinance.
18. Use of property in the Central Business zoning district for Retail Sales in Conjunction with On-site Manufacturing or Wholesale and Distribution is prohibited as a principal use, per §§300.3.4.14 and 300.3.5.6 of the Ordinance; however, may be allowed an accessory use, which is defined to be "a purpose supportive to or dependent upon the principal use if a building, structure or lot," per §800.6.76 of the Ordinance.
19. Under the proposal, the retail sales of brewery products will be accessory to the restaurant and brewery uses.
20. Under the proposal, there will be no on-site wholesale and distribution of brewery products.
21. The direct abutters to the west are a restaurant and artist/live work space units; to the south, on the other side of Exchange Street, a municipal parking facility, the CBD Garage; to the north, on the other side of Pleasant Street, a restaurant and various retail sales and services; and to the east, on the other side of Middlesex Street, a building occupied for general offices, retail sales, retail services, restaurants and a daycare.
22. Surrounding land uses are businesses, such as restaurants, retail sales, retail services, offices, recreation for gainful business; and residential, namely, multifamily dwellings.
23. The proposal is not in conflict with surrounding land uses.
24. For allowed uses, property in the Central Business zoning district is exempt from most dimensional controls, except minimum lot area, frontage and maximum height; and as most recently used for general offices and as proposed for use as light manufacturing and restaurant, the property complies with §400.3 of the Ordinance.
25. The proposal does not create any violations of dimensional controls.
26. Allowed non-residential uses in the Central Business zoning district do not have to conform with offstreet parking requirements; and as most recently used for general offices and as proposed for use as light manufacturing and restaurant, no parking or loading is required, per §500.2.8.1 of the Ordinance.
27. The revised site plan indicates seven (7) parking spaces will be provided in a surface parking area located at the southern side (rear) of the building, with access via Exchange Street and Middlesex Street.
28. Under the proposal, on-site parking will be used only by employees.
29. Under the proposal, there is a loading area at ground-level, located in the parking lot, and deliveries will be received through the rear doors of the building.
30. Petitioner intends to receive deliveries of brewery grains and hops in bulk and not daily.
31. Petitioner expects to receive restaurant deliveries daily, after 9 am and before 4 pm.
32. Deliveries by large trucks, such as tractor trailers, will impede use of one or more of the parking spaces; and larger trucks will need to back out of the parking lot to exit the site onto Exchange Street.

33. Under the proposal, the curb-cut on Middlesex Street will be reduced in size and used for exit only.
34. Landscaping of the site is not proposed and not required, per §500.2.13 of the Ordinance.
35. The proposal does not create any violations of parking requirements.
36. The City's peer review of petitioner's Traffic Impact & Access Study and follow-up response letter is described in correspondence dated July 9, 2018 from Kenneth Petraglia, Vanasse & Associates, Andover, MA, and recommends traffic and safety improvements at the intersection of Main Street/Irving Street/Exchange Street, namely, to modify signal timing, and the intersection of Pleasant Street/Middlesex Street/Dartmouth Street, namely, to restripe crosswalks; and recommends further review for retail sales and wholesales of brewery products, given they were not included in the traffic study and may generate additional traffic and/or impact.
37. As recommended in the Road Safety Audit for the Exchange Street Corridor, dated March 2018, prepared by Stantec Consulting Services, Inc., Burlington, MA for the Massachusetts Department of Transportation-Highway Division on behalf of the Malden Redevelopment Authority, the MassDOT Exchange Street Improvements Project (MassDOT Project Number 608275) will consider and/or incorporate additional safety enhancements for pedestrians and improvements at the intersection of Exchange Street and Main Street.
38. The property is located within walking distance and approximately one quarter of a mile from the Malden Center Station of the Orange Line MBTA Rapid Transit line, bus hub and commuter rail.
39. The traffic and traffic patterns generated by the proposed use will not adversely impact any of the surrounding streets or create a traffic or safety hazard.
40. The City Engineer reviewed the proposal and via emails dated July 11, 2018 provides recommendations regarding granite curbing and grade of sidewalks; widening and designating the driveway on Middlesex Street as one-way; and addressing deficiencies regarding roof drains tied into sewer piping, upgrading water service and fire service, and rebuilding the drainage catch basin in the parking lot.
41. The brewery will control any potential odors, such as those caused by "spent grain," by storing used grains inside sealed bins/plastic containers and removing immediately or as soon as possible from the site; they may be sent to a local farm; if not removed, these materials will contaminate the brewing, canning and kitchen.
42. Petitioner intends to use a weekly extermination service.
43. Petitioner intends to use a new type of portable canning system in the brewery and do labeling on-site.
44. The revised site plan depicts separate locations for a dumpster and a storage area for food waste oil barrels, adjacent to the rear of the building in the parking lot, enclosed and screened with fencing and gated access.
45. A drainage system will be installed for the brewery and a grease trap system will be installed for the restaurant.
46. Food waste oil from the restaurant's grease traps, floors and fryolators will be stored in two or three 50-gallon barrels, located in a separate screened area adjacent to the dumpster; the barrels will be emptied as required by the Board of Health; and no waste oil from the brewery process will be stored in these barrels.
47. The brewing schedule will include brewing operations several days a week, excluding Sundays, and cleaning and sanitation of the equipment on many days.
48. The brewery will have three employees and the restaurant will have 34 employees.
49. The restaurant will have a "brew-pub" atmosphere and serve high-end American food, in-house brewed beer, local craft beers, other beers, wines and liquors.
50. Under the proposal, beer products brewed at the brewery will be sold to diners and patrons for consumption on the premises in the restaurant, which includes the tasting areas and bars.
51. Under the proposal, beer products brewed at the brewery may be sold to customers in packaged/closed containers, to carry out and be taken off the premises, and, per state law, in limited quantities, namely, two gallons per customer; and will be stored in a glass-front walk-in cooler, located behind the bar in the tasting room area of the restaurant and accessible only by staff/employees.
52. According to petitioner, the proposal requires a "Brewers Permit" from the federal government, which was applied for on April 5, 2018, and a "Pub Brewery" license from the state, which application is to be filed.
53. On June 19, 2018, the Malden License Board granted petitioner an "All Alcoholic Beverages" license, subject to final approval by the Planning Board, Building Commissioner and Board of Health.
54. The building on the property dates to 1902; was originally occupied by the Malden First National Bank; has been inventoried by the Malden Historical Commission for its architectural and historic significance, as on file with the Massachusetts Historic Commission under MAL. 241; is considered eligible for the National Register of Historic Places; and alterations may be subject to the City's Demolition and Alteration Delay Ordinance.
55. Petitioner intends to restore the exterior architecture of the building, including installation of new windows and doors, and the proposal includes repurposing the original bank vault as a private dining room in the restaurant.
56. The proposal is in the interest of the common good.
57. The Mayor, Ward 4 City Councilor and Malden Redevelopment Authority are strongly in favor of the proposal.

58. There is no public opposition to the proposal.
59. As modified by conditions of the special permit, the proposal will not be more detrimental to the neighborhood.
60. Petitioner consents to the proposed conditions of the special permit.

DECISION (Case #18-08):

On July 11, 2018, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following sixteen (16) conditions:

1. This special permit authorizes use of the property for a brewery operated in conjunction with a restaurant, known as a pub brewery.
2. All development shall be as per plans, except as modified by these conditions.
3. Any expansion of the brewery operations shall require an amendment to this special permit.
4. The brewery tasting rooms shall be used only in conjunction with and part of the restaurant operation.
5. Retail sales of brewery products on-site are allowed only as an accessory use to the restaurant and brewery.
6. Any wholesale and distribution of brewery products on-site is prohibited.
7. Any outside storage is prohibited, except for food waste oil barrels in location shown on plan, which shall be visually screened.
8. Any outside display of products is prohibited.
9. Designate loading area with pavement markings.
10. Visually screen any permanent dumpster onsite as shown on plan.
11. Repair, replace and modify sidewalks and curbing, including driveways, adjacent to property, to satisfaction of DPW Director and City Engineer, including any damage during construction.
12. Implement traffic and safety mitigation recommendations at intersections of Main Street/Irving Street/Exchange Street (retiming signal) and Pleasant Street/Middlesex Street/Dartmouth Street (restriping crosswalks), as described in peer review letter dated July 9, 2018 from Vanasse & Associates, Inc.
- ~~13. Comply with requirements and conditions of a Plan Review by Board of Health.~~
14. Obtain all necessary City, State and Federal liquor licenses.
15. Middlesex Street driveway shall be used as one-way, "exit only," with appropriate signage installed.
16. Address site deficiencies re: roof drains tied into sewer piping; upgrading water service and fire service; and rebuilding drainage catch basin in parking lot, to satisfaction of City Engineer.

RECORD of VOTES (Case #18-08):

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

Antonucci, yes; Chiavelli, yes; Chuha, yes; Fitzgerald, yes; Gebreselassie, yes; Hayes, yes; Henry, yes; Soucy, yes; Ioven, yes.

Motion by Antonucci, seconded by Fitzgerald. Absent: MacCuish. Present but not voting: Ferguson.

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.

Malden Planning Board
By: 
Michelle A. Romero, City Planner