



CITY OF MALDEN PLANNING BOARD  
NOTICE OF DECISION

RECEIVED

CASE NUMBER 18-11

LOCATION of SUBJECT PROPERTY 54 Eastern Avenue, Malden, MA

2018 NOV 20 P 5:26

NAME of PETITIONER and OWNER 54 Eastern Ave Malden LLC

DATE of PUBLIC HEARING November 14, 2018

DATE of DECISION November 14, 2018

DATE of FILING DECISION with CITY CLERK November 20, 2018

MALDEN, MASS.

DATE of NOTIFICATION to BUILDING INSPECTOR November 20, 2018

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT December 10, 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.]*

PROCEDURAL HISTORY (Case #18-11):

1. Petitioner is the owner, 54 Eastern Ave Malden LLC, 54 Eastern Avenue, Malden, MA 02148, for which Bread of Life, Inc. is the sole and managing member.
2. At the public hearing, petitioner was represented by Gabriella Snyder Stelmack, Executive Director, Bread of Life, 54 Eastern Avenue, Malden, MA, and Alice Krapf, Development Consultant for Bread of Life and Metro North Housing Corporation, Krapf Associates, 5 Monument Square, Charlestown, MA.
3. The petition seeks to amend the special permit granted in Case #17-02 under §§300.3.2.5 and 700.1.3.2, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden ("Ordinance"), specifically, to amend the condition of the special permit regarding expiration and to extend the expiration date.
4. The special permit granted in Case #17-02 allows reconstruction and use of a preexisting nonconforming property in the Highway Business zoning district for a multifamily dwelling with fourteen studio units and general offices with accessory food pantry and meals program; approves all new construction as per the plans, "54 Eastern Ave Malden, MA Planning Board Review January 30, 2017 Bread of Life, Inc. Metro North Housing Corp New England Communities Inc 54 Eastern Ave Malden, MA," dated January 30, 2017 with revisions dated February 15, 2017, prepared by Resolution Architects, Natick, MA; and provides an expiration date of December 31, 2018, unless construction has commenced pursuant to a building permit.
5. A special permit for the project was first granted in Case #13-09 on March 13, 2013; the special permit was extended in Case #14-05 on April 9, 2014 and in Case #15-17 on November 18, 2015; and the special permit was amended and extended in Case #17-02 on March 8, 2017.
6. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #18-11):

The City of Malden Planning Board finds the following facts:

1. All facts found in the special permit granted in Case #17-02, except as modified herein.
2. The proposal is to extend the expiration date of the special permit granted in Case #17-02.
3. The rights authorized under a special permit will lapse one year from the date of granting, if substantial construction or substantial use has not commenced, per §800.3.2.7 of the Ordinance; however, a special permit may specify an expiration date.
4. Condition 16 of the special permit granted in Case #17-02 provides that the special permit shall expire on December 31, 2018, unless construction has commenced pursuant to a building permit.
5. To date, no application for a building permit, including a demolition permit, has been filed.
6. Fundraising for the housing portion of the project is on-going; to date, some Federal funding has been secured; an upcoming funding application is due in December, with awards in April and closings in October 2019.
7. Fundraising for The Bread of Life portion of the project is on-going, and this part of the project must be completely funded before the funding for the housing portion of the project may be finalized.
8. The extension will allow the on-going fundraising and the lengthy public funding processes to continue.
9. There are no changes proposed to the project or plans approved with the special permit granted in Case #17-02.
10. The proposal does not affect the proposed zoning, dimensional controls, parking requirements or traffic impact of the project, as approved by the special permit granted in Case #17-02.
11. The Ward One City Councilor, one of the three City Councilors-at-Large and the Mayor support the extension of the special permit.
12. There is no public opposition to the extension of the special permit.

13. The extension of the special permit is not more detrimental to the neighborhood and is in the interest of the common good.

DECISION (Case #18-11):

Pursuant to the foregoing Findings of Fact, the Board granted a special permit subject to the following sixteen (16) conditions:

1. The residential dwelling units shall be used exclusively as studio apartments, each occupied by only one adult tenant, managed by and with on-site supported living program services to be provided by Metro North Housing Corp or a similar service-provider.
2. The food pantry and meals programs must be accessory to the general office use of the property; the general offices shall be used exclusively by Bread of Life or a single similar entity.
3. The entire development shall be as per plans, including the "Previous Plan," dated January 30, 2017 (Sheet #C0.b) (except for building footprint), and except as modified by these conditions.
4. Antennas on the rooftop or any part of the building's exterior are prohibited, except for emergency City antennas.
5. All utilities, HVAC and associated equipment on the rooftop shall be screened visually.
6. Any and all balconies are prohibited.
7. No permanent dumpster will be permitted on site after completion of construction; the permanent building must have a trash compactor; storage totes for use with trash compactor are permitted.
8. Compliance with all requirements described in Board of Health/DPH letter dated March 6, 2017.
9. Maximize site distance by using low landscaping abutting sidewalks; install safety signage and pavement markings for vehicles and pedestrian crossings at site drive, including stop sign, "pedestrian crossing" sign, and "caution vehicles exiting" sign.
10. Repair or replace sidewalks, driveways and perform necessary incidental work adjacent to the property to the satisfaction of the DPW Director.
11. Obtain DPW approval for proposed new and/or modified curb-cut.
12. Designate loading space with pavement markings.
13. Install and maintain fencing, gate, landscaping, bicycle rack and bench adjacent to Northern Strand Community Trail/ Bike to the Sea Path, subject to review and approval by Ward City Councilor; install cameras and lighting in locations abutting property, to be determined by Ward City Councilor and Malden Police; and maintain cleanliness of that portion of the Northern Strand Community Trail/Bike to the Sea Path abutting the property, including, but not limited to, litter control and removal of overgrown vegetation.
14. Maintain property clean and clear of all debris; no outside storage allowed.
15. Install onsite underground stormwater management system, final design subject to review and approval of City Engineer.
16. This special permit shall expire on June 30, 2020, unless construction has commenced pursuant to a building permit.

RECORD of VOTES (Case #18-11):

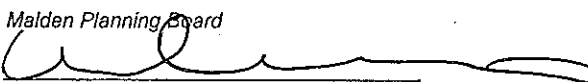
The vote on the amended motion\* to extend the special permit to June 30, 2020 and grant a special permit with sixteen conditions was nine in favor, none opposed, and the motion passed:

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

*Motion by Antonucci, seconded by MacCuish. [Absent: Hayes. Present but not voting: Ferguson.]*

*\*Note: The Board took no vote on the original motion (to extend the expiration date of the special permit to December 31, 2019) and the motion was amended to extend the expiration date of the special permit to June 30, 2020. Both the original motion and amended motion were made by Antonucci and seconded by MacCuish.*

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:   
Michelle A. Romero, City Planner