

City of Malden

Massachusetts
Board of Appeal
110 Pleasant St.
Malden, Massachusetts 02148

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MALDEN, MA 02148
Telephone 781-397-7100
Fax 781-397-7099

BOARD OF APPEAL DECISION

DECISION OF
April 18, 2018
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PETITION OF:

McDonald's USA LLC (Archland Property I LLC) for a variance of Section 3.35.5.7, Section 3.35.6.2 and 3.35.9.3.4.1, Chapter 3 of the Revised Ordinances of 1991 as amended, of the City of Malden, Sign Design Control ordinance regulating the appearance, size, placement and/or location of signs located on residential and commercial properties, at the location known as 114 Broadway, Malden, MA and also and also known by City Assessor's Parcel ID #125-481-118.

FINDINGS OF FACT AND DECISION:

The petitioners appeared represented by Attorney William Squires seeking relief from the Sign Control Ordinance at the property known as and numbered 114 Broadway. All statutory notices have been met and this petition is properly before the Board.

The property consists of a McDonald's restaurant and is situated on approximately 44,065 sq. ft. of land. The location is undergoing major renovations and new and additional signage is proposed. The petitioner is adding a drive-thru that has been approved by the Planning Board and the plan also includes two (2) menu boards that require a variance from the Sign Control section of the ordinance.

The proposed signage helps identify the offerings of the establishment, is in keeping with the appearance of the property and is compatible with adjacent land uses. Additionally, the proposal is not a nuisance or distracting to pedestrians, vehicle drivers, or to the adjacent properties. The Sign Design Review Committee recommended that the petition be granted with a condition and no one spoke in opposition.

After due hearing, the Board found and adopted the facts as alleged by the petitioner and further found that a literal enforcement of the ordinance would involve a substantial hardship, financial and otherwise, to the petitioner.

In addition, the requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the purpose or intent of the applicable zoning ordinance.

Upon motion of Deano Summers, which was seconded by Michael Steene, the Board voted unanimously to grant this petition subject to the following condition:

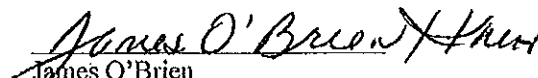
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1. Illumination of the menu boards must conform to Section 3.35.7.2.3.3.2 which states that no more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.

MEMBERS OF THE BOARD VOTING TO GRANT WERE:

James O'Brien
Michael Steene
Deputy Chief William Sullivan
Deano Summers

Board of Appeal


James O'Brien
Chair