



CITY of MALDEN PLANNING BOARD
NOTICE of Corrected DECISION

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CITY CLERK'S OFFICE
MALDEN, MASS.

CASE NUMBER 14-06

LOCATION of SUBJECT PROPERTY 900 Eastern Avenue, Malden, MA

NAME of PETITIONER Overlander LLC

NAME of OWNER J & J Realty LLC

DATE of PUBLIC HEARING May 14, 2014

DATE of DECISION May 14, 2014

DATE of FILING DECISION with CITY CLERK May 27, 2014

DATE of NOTIFICATION to BUILDING INSPECTOR May 27, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 16, 2014

[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 #14-06):

1. Petitioner is Overlander LLC c/o Tim Jodice, 52 Baboosic Lake Road, Amherst, NH 03031.
2. Owner is J & J Realty LLC, c/o Joseph Salines, Jr., 81 Maplewood Street, Malden, MA 02148.
3. The petition seeks to amend the special permit granted under §§300.3.5.4 and 700.1.3.2, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") in Case #13-28 for motor vehicle repair shop use.
4. Petitioner requests a waiver of filing requirements for an updated site plan, floor plans and elevations, as no changes are proposed to these areas.
5. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #14-06):

The City of Malden Planning Board finds the following facts:

1. All facts found in the special permit granted in Case #13-28, except as modified herein.
2. The proposal is to amend the special permit granted in Case #13-28, specifically to modify Condition 2, which states, "Motor vehicle repair shop use shall be restricted to custom detailing, which includes custom detail painting, tinting, decals, installation of 'after-market' parts/accessories, electronics, upholstery, convertible tops, sun roofs, body kits; and interior and exterior and minor body work, excluding engine work, collision work, use of heavy or welding machinery, automotive maintenance and full body painting; Condition 13, which states, "Spray booth and its current operation must comply with current state and local Fire, Health and Building regulations;" and Condition 14, "Hours of operation shall be restricted to Monday thru Saturday, 7 am to 5 pm."
3. Petitioner is the proposed new tenant, who intends to relocate its business from South Boston.
4. Owner recently purchased the subject property and is in the process of cleaning and rehabilitating the building and property.
5. Petitioner's business is "full service" general automotive repair for only a certain brand of vehicle, namely, Land/Range Rovers.
6. Petitioner's business involves engine work, automotive maintenance, minor body work, minor welding and minor painting.
7. Petitioner's business does not include full body work or full body painting and does not require a spray booth.
8. Petitioner's proposed hours of operation are Monday through Friday, 7 a.m. to 7 p.m., with repair work ending at 5 p.m. and only the office remaining open from 5 p.m. to 7 p.m. for customers to pick up vehicles.
9. Petitioner proposes to configure and line the parking lot to accommodate parking for 28 vehicles.
10. Petitioner does not intend to park vehicles off the property in surrounding streets.

11. Petitioner may store unregistered vehicles inside the building.
12. Petitioner intends to keep the front fence gate locked when the business is closed.
13. Petitioner affirms its understanding that access to the rear yard is via the building and access to the property and rear yard via the rear fence gate is for emergency vehicles only, given the abutting public multimodal recreational trail, Bike to the Sea/Northern Strand Community Trail.
14. Petitioner proposes to locate a dumpster at the front of the building near an existing loading dock and away from residential abutters and the public multimodal recreational trail.
15. The proposal is not in conflict with surrounding land uses.
16. The proposal will not generate traffic and traffic patterns that adversely impact surrounding streets and create a traffic or safety hazard.
17. Petitioner's business employs five, including petitioner, and services four to seven vehicles daily.
18. Construction equipment and vehicles currently on site belong to property owner and will be removed.
19. The Ward City Councilor, a City Councilor at Large and Mayor's Office support the proposal.
20. The proposal is in the interest of the common good.
21. The proposal would not be more detrimental to the neighborhood.
22. Petitioner consents to all proposed conditions of this special permit.

DECISION (Case #14-06):

On May 14, 2014, pursuant to the foregoing Findings of Fact, the Planning Board moved to grant a special permit, subject to the following fourteen (14) conditions, and the motion passed:

1. Occupancy by one motor vehicle repair shop business only.
2. Motor vehicle repair shop use may include automotive maintenance and shall exclude full body painting and full body work.
3. No materials or equipment shall be stored outside the building.
4. Repave and maintain pavement in parking lot; line all parking spaces on site; submit parking plan.
5. Access/egress from the abutting right-of-way (former railroad/current multimodal recreational path) to the property is prohibited.
6. Install or repair and maintain fencing along western property line to visually screen abutting residential yard.
7. Install or repair and maintain fencing along eastern and northern property lines.
8. Compliance with requirements described in correspondence dated September 12, 2006 from the Board of Health.
9. Compliance with requirements described in memo. dated September 1, 2006 from the Fire Dept.
10. Install on-site of "Right Turn Only" sign at driveway exit.
11. No unregistered vehicles may be stored outside the building overnight.
12. Install and maintain fencing and landscaping along Northern Strand Community Trail/ Bike to the Sea path, and install cameras and lighting in locations adjacent to site, to be determined by Ward City Councilor and Malden Police; and maintain cleanliness of that portion of the Trail/Path adjacent to the site, including, but not limited to, litter control and removal of overgrown vegetation.
13. No spray booth is allowed.
14. Hours of operation shall be restricted to Monday thru Friday, 7 am to 7 pm, with all repair work limited to 7 am to 5 pm.

RECORD of VOTES (Case #14-06):

The vote on the motion to grant a special permit subject to conditions was 8 in favor, none opposed:

Antonucci, yes; Chiu, yes; Cipriano, yes; Ferratusco, yes; Hayes, yes; Lawhorne, yes; Mzaouaak, yes; Ioven, yes.