



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

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CITY CLERK'S OFFICE  
MALDEN, MASS.

CASE NUMBER 14-15

LOCATION of SUBJECT PROPERTY 32-54 Ferry Street, Malden, MA

NAME of PETITIONER TMC New England 2, LLC

DATE of PUBLIC HEARINGS October 8, 2014 and November 12, 2014

DATE of FILING DECISION with CITY CLERK November 19, 2014

DATE of NOTIFICATION to BUILDING INSPECTOR November 19, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT December 9, 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.]*

NAME of OWNER 32-54 Ferry Street Associates Limited Partnership

DATE of DECISION November 12, 2014

PROCEDURAL HISTORY (Case #14-15)

1. Petitioner is TMC New England 2, LLC, c/o TM Crowley & Associates, 14 Breakneck Hill Road, Suite 101, Lincoln, RI 02865, who is the developer and representative of CVS Pharmacy/Caremark, the proposed tenant.
2. Owner is 32-54 Ferry Street Associates Limited Partnership, c/o Combined Properties, Inc., 300 Commercial Street, #25, Malden, MA 02148.
3. The petition seeks a special permit under §§300.3.4.13.2 and 300.3.4.21, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden, to allow retail sales with a gross floor area more than 5,000 square feet and accessory drive-thru in the Central Business zoning district.
4. The following plans and information were submitted in support of the petition: Set of plans, "Site Plan for CVS/pharmacy, Store #672, 32-54 Ferry Street Malden, MA 02148," dated August 18, 2014, August 12, 2014 and January 20, 2014, prepared by R.J. O'Connell & Associates, Inc., Stoneham, MA; "Site, Parking & Traffic Control Plan," and "Utility Plan," (Sheets C-2 and C-4 of above set), dated August 18, 2014, revised October 23, 2014; "Traffic Impact and Access Study, Proposed CVS Pharmacy, Malden, MA," dated August 2014, prepared by Vanasse & Associates, Inc., Andover, MA; correspondence and additional traffic data, dated October 21, 2014 from F. Giles Ham, P.E., Vanasse & Associates, Inc., Andover, MA; "Stormwater Management Study, CVS/pharmacy 32-54 Ferry Street, Malden, Massachusetts," dated August 18, 2014, prepared by Brian P. Dundon, P.E., R.J. O'Connell & Associates, Stoneham, MA; and correspondence dated October 23, 2014 from Brian P. Dundon, P.E., R.J. O'Connell & Associates, Inc., Stoneham, MA, re: traffic and utilities.
5. The public hearing scheduled for October 8, 2014 was tabled at petitioner's request due to the absence of three Planning Board members and resulting lack of a full voting Board at this meeting.
6. The public hearings complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #14-15):

The City of Malden Planning Board finds the following facts:

1. The subject property, 1.2 acres in size, is located at the intersection of Centre Street/Route 60 and Ferry Street and comprises the entire block between Centre Street/Route 60 and Prescott Street.
2. The property is the current site of a vacant two-story building, which will be demolished under the proposal.
3. The proposal is to construct a new, single-story building with a total gross floor area of 13,361 square feet, consisting of a first floor with 11,800 square feet, that includes a retail area, service area, pharmacy area and receiving area, and mezzanine, 1,561 square feet for storage; and a single-lane drive-thru for pharmacy pick-up/drop-off.
4. The property is located in the Central Business zoning district.
5. The proposed business uses, retail sales with a gross floor area greater than 5,000 square feet, and accessory drive-thru, are allowed by special permit in this district, per §§300.3.4.13.2 and 300.3.4.21 of the Ordinance.
6. The Residence A zoning district abuts to the north and east; the direct abutter to the north and east is the Malden High School; the Central Business zoning district continues to the west and south; to the west, on the other side of Ferry Street, is the Cheverus School (K-8); and to the south, on the other side of Route 60/Centre Street, is the public multimodal recreational trail, Bike to the Sea/Northern Strand Community Trail, and a restaurant and four-family residential dwelling, and across the intersection, a restaurant, general offices and medical center/clinic.
7. Surrounding land uses are residential, business, industrial and institutional.
8. The proposed building complies with applicable dimensional controls per §400.3 of the Ordinance.
9. The proposal is not required to conform to offstreet parking requirements per §500.2.8.1 of the Ordinance; however, the proposal does meet accepted City standards regarding dimensions for the exclusive line-up area for the drive-thru; dimensions of parking spaces; width of parking aisles; width of driveways; bicycle parking; snow storage; and landscaping, as described by §500.2 of the Ordinance.
10. The proposed parking layout provides fifty-six parking spaces, configured as head-on and including designated spaces for employees, and one-way and two-way traffic circulation patterns.
11. Three site driveways are proposed, namely, a one-way, egress drive on Ferry Street; a two-way driveway on Ferry Street; and a two-way driveway on Route 60/Eastern Avenue; the former two proposed driveways are new and the latter is a modification of the existing curb cut.
12. The proposal includes closing the existing site driveway on Prescott Street; closing the existing site driveway on Ferry Street; and modification of the existing curb cut on the abutting property to the east, Malden High School.
13. The proposed drive-thru is located at the northeastern corner of the building.
14. The proposed dumpster and compactor facilities are located in the northeastern corner of the lot.
15. The proposed loading space is located near the southeastern corner of the building.
16. Use of the loading area will impede access to the drive-thru and dumpster/compactor facilities.
17. Deliveries will be managed to minimize traffic conflict on-site and to occur during off peak hours, and all deliveries will occur on-site.
18. The Landscape Plan proposes twenty-one trees, including nineteen deciduous and ornamental trees and two evergreen trees, and various and numerous shrubs, groundcover and perennial plantings; and maintains existing street trees, adjacent to the site on Centre Street/Route 60.
19. The Malden Board of Health recommends requirements regarding certification per the Massachusetts Contingency Plan; extermination and pest control; grading; dumpster and compactor collection and screening; trash barrels and ash/cigarette containers; shopping carriages; and retail food service and dumpster permit and plan review, as described in correspondence dated October 2, 2014.
20. The City's peer review of petitioner's traffic impact and access study is described in correspondence dated October 7, 2014 and email dated October 20, 2014 from Kenneth Petraglia, BETA Group, Inc., and recommends mitigation for vehicular and pedestrian safety and access at and around the site, specifically, for crosswalks at the site driveways; use of loading space coordinated with dumpster/compacting activity; and for various improvements at the adjacent signalized intersection of Route 60/Centre Street and Ferry Street, including the upgrade of traffic signals and traffic controller, modification of traffic signal timing, upgrade of sidewalks for handicapped accessibility, and installation of pedestrian signals, pushbuttons, signage and tactile warning panels.

21. Traffic and traffic patterns generated by the proposal will not adversely impact any of the surrounding streets or create a traffic or safety hazard.
22. The City Engineer recommends the proposed water service extend to the water main pipe on Ferry Street, per email dated October 8, 2014.
23. An in-store walk-in "minute" clinic may be installed adjacent to and part of the pharmacy operation, comprised of two rooms, each ten by ten feet in size, and a waiting area, which will be staffed by licensed medical staff to offer flu shots and answer questions regarding medication.
24. The proposed tenant is CVS Pharmacy.
25. The existing CVS pharmacy operation on Pleasant Street in downtown Malden will be relocated to the subject property.
26. The proposed business will employ five or six employees per shift, including the pharmacy.
27. The proposed business intends to pursue 24-hour/extended hours of operation, which requires a license from the City Council.
28. The proposal, including demolition and construction, is expected to take approximately six months and occur within the next year.
29. The Ward City Councilor is in favor of the proposal.
30. There is no public opposition to the proposal.
31. The proposal is in the interest of the common good.
32. The proposal will not be more detrimental to the neighborhood.
33. Petitioner consents to all proposed conditions of this special permit.

DECISION (Case #14-15):

On October 8, 2014, the Planning Board moved to table the public hearing to the next meeting, and the motion passed.

On November 12, 2014, pursuant to the foregoing Findings of Fact, the Planning Board moved to grant the special permit subject to the following 21 conditions, and the motion passed:

1. Use and occupancy shall be for a CVS Pharmacy or similar kind of business only.
2. The drive-thru shall be for pharmacy use (drop off/pick up prescriptions) only and no other sales of any kind.
3. Any sale of alcoholic beverages or lottery is prohibited.
4. No display or sale of any merchandise outside the building.
5. Entire development, including parking layout, landscaping and building façades, shall be as per plans; provided that the floor plan may be modified to include an accessory in-store clinic not to exceed 300 SF.
6. Designate loading area with signage and pavement markings; use loading area only during off-peak business hours and coordinate with dumpster/ compacting activity.
7. Install minimum of two trash/litter and one cigarette/ash receptacles on site at either side of main entrance and one trash/litter receptacle after drive-thru window; empty all receptacles and perform litter control throughout entire site a minimum of three (3) times daily.
8. Install and maintain locking/electronic security system for shopping carts to remain inside the building.
9. Direct all lighting on-site away from abutting properties.
10. Prior to issuance of a certificate of occupancy, owner/developer shall implement the following pedestrian and traffic safety mitigation and improvements at the intersection of Centre Street/Route 60 and Ferry Street: a) upgrade traffic signals to provide five-section "doghouse" signal display for northbound traffic to Ferry Street to accommodate advance green phase; b) provide new push-buttons and countdown pedestrian heads; c) modify traffic signal timing; d) perform maintenance and upgrades to traffic controller as required to support above-referenced improvements; e) replace traffic signal cabinet air filters; f) relocate existing pedestrian pole, located at northeast quadrant of intersection, closer to crosswalk; g) upgrade existing wheelchair ramps and upgrade sidewalks at all four corners to comply with ADA requirements/handicap accessibility laws; and h) install tactile warning panels.
11. Install safety signage and pavement markings for on-site circulation patterns and for vehicles and pedestrian crossings at all site drives, including crosswalks across at all site drives; all signs and pavement markings shall be installed in accordance with Manual of Uniform Traffic Controls Devices standards.
12. Repair or replace sidewalks, driveways and perform necessary incidental work, around the perimeter of the property and adjacent area near abutting property to the east, to the satisfaction of the DPW Director.
13. Design and maintain signs and landscaping adjacent to project driveways to avoid sight line restrictions.
14. Comply with State sanitary codes and Malden Board of Health Rules and Regulations; approval of Plan Review by Board of Health is required; compliance with all requirements described in correspondence dated October 2, 2014 from BOH/DPH.
15. The location of the accessory ground sign is as per plans; all signs, including height and dimensions, are subject to Sign Design Review.
16. Install and maintain decorative fencing between sidewalks and parking lot, around southern, southwestern and southeastern sides of site, along Route 60/Centre Street and Ferry Street.
17. Install decorative fencing and chain-link fencing as per plans around northern, northwestern and eastern sides of site.
18. Obtain DPW Commission approval of all proposed new and modified curb cuts for the property/site.
19. Obtain DPW Commission approval and modify curb cut, driveway and sidewalk on abutting City property to the east (Malden High School).
20. Antennas on the rooftop or any part of the building's exterior are prohibited.
21. Provide bicycle parking for a minimum of six (6) bicycles.

RECORD of VOTES (Case #14-15):

On October 8, 2014, the vote on the motion to table the public hearing to the next meeting was 6 in favor, none opposed:  
Antonucci, yes; Billings, yes; Chuha, yes; Danca, yes; Lawhorne, yes; Ioven, yes.

On November 12, 2014, the vote on the motion to grant a special permit with 21 conditions was 8 in favor, none opposed:  
Billings, yes; Chiu, yes; Chuha, yes; Danca, yes; Hayes, yes; Lawhorne, yes; Mzaouakk, yes; Ioven, yes.

*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