



**CITY of MALDEN PLANNING BOARD
NOTICE of DECISION**

CASE NUMBER 19-06

LOCATION of SUBJECT PROPERTY 102 Main Street at 98-102 Main Street, Malden, MA

NAME of PETITIONER Chunsheng Li

NAME of OWNER 98-102 Main Street LLC

DATE of PUBLIC HEARING October 9, 2019

DATE of DECISION October 9, 2019

DATE of FILING DECISION with CITY CLERK October 22, 2019

DATE of NOTIFICATION to BUILDING INSPECTOR October 22, 2019

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT November 12, 2019

[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 #19-06):

1. Petitioner is Chunsheng Li, 80 Main Street, Floor 2, #8, Malden, MA 02148.
2. Property owner is 98-102 Main Street LLC, 148 Main Street, Malden, MA, c/o Andreas Tsitos, 12 McCall Road, Winchester, MA.
3. At the public hearing, petitioner was represented by his interpreter, Tong Liu, 36 Ripley Street, Malden, MA.
4. The petition seeks a special permit under §300.3.4.25, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to allow licensed massage therapy salon use in the Neighborhood Business zoning district, namely, 1,000 square feet of the first floor of the existing building.
5. The following plans were submitted in support of the petition: existing floor plan, "102 Main Street, Malden, MA 02148," prepared by United Properties, Inc., undated; floor plans, "102 Main St Interior Renovation," dated September 2, 2019, prepared by Xiaoying Chen, Architect, Lexington, MA, that includes, Existing Plan, Proposed Plan with Furniture Layout and Reflected Ceiling Plan; and "Mortgage Survey Plan in Malden, MA," dated March 2, 1987, prepared by Michael C. Flynn, P.E., Flynn Engineering, Malden, MA.
6. The public hearing complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #19-06):

The City of Malden Planning Board finds the following facts:

1. As described by petitioner at the public hearing, petitioner's business is acupressure.
2. According to the regulations of the state Department of Public Health, namely, 269 Code of Massachusetts Regulations 2.00, "Massage" is defined to explicitly exclude various specific practices, such as acupressure, and acupressure is not licensed by the state Department of Public Health.
3. The definition of licensed massage therapy salon contained in the Ordinance is identical to the definition in the state regulations, except however, does not include the exclusions identified in the latter.
4. According to the Ordinance, a licensed massage therapy salon is licensed by the state Department of Public Health to offer massage services.
5. According to Nelson Miller, Building Commissioner, petitioner's business is not considered a licensed massage therapy salon, per the Ordinance.
6. According to Nelson Miller, Building Commissioner, petitioner's business is considered retail services.
7. The property is located in the Neighborhood Business zoning district.
8. Retail services are allowed by right in this zoning district, per §300.3.4.15 of the Ordinance.
9. Petitioner's business does not require a special permit, per the Ordinance.

DECISION (Case #19-06): On October 9, 2019, pursuant to the foregoing Findings of Fact, the Planning Board allowed the petition to be withdrawn without prejudice.

RECORD of VOTES (Case #19-06): On October 9, 2019, the vote on the motion to allow the petition to be withdrawn without prejudice was nine in favor, none opposed, and the motion passed (9-0):

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

Motion by Antonucci, seconded by Henry.

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.

By: _____
Michelle A. Romero, City Planner