



CITY OF MALDEN PLANNING BOARD  
NOTICE OF DECISION

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CITY CLERK'S OFFICE  
MALDEN, MASS.

CASE NUMBER 14-03

LOCATION of SUBJECT PROPERTY 7 Linehurst Road, Malden, MA

NAME of PETITIONER Clear Channel Outdoor

NAME of OWNER Clark's Liquors, Inc.

DATE of PUBLIC HEARING April 9, 2014

DATE of DECISION April 9, 2014

DATE of FILING DECISION with CITY CLERK April 11, 2014

DATE of NOTIFICATION to BUILDING INSPECTOR April 11, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT May 2, 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 #14-03):

1. The petitioner is Clear Channel Outdoor, 89 Maple Street, Stoneham, MA 02180.
2. The owner is Clark's Liquors, Inc., 325 Bennett Highway, Malden, MA 02148.
3. The petition seeks a special permit under §700.1.3.2, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to reconstruct a preexisting nonconforming structure in a Highway Business zoning district.
4. The following plans were filed in support of the petition: Site plan, "Proposed Digital Display Location 325 Bennett Highway Malden, Massachusetts," dated February 3, 2014, prepared by Gregory R. Corcoran, P.L.S., Dana F. Perkins, Inc., Tewksbury, MA; and elevation plan, "14'-0" x 48'-0" Monopole Sign Structure Full Flag V Stacked Faces 77'-0" Overall Height Route 1, Malden, MA," undated, prepared by GRC Engineering, Inc., Oak Forest, IL.
5. The public hearing complied with statutory notice requirements of Massachusetts General Laws, c. 40A, §11.

FINDINGS of FACT (Case #14-03):

The City of Malden Planning Board finds the following facts:

1. The subject property is the site of two (2) freestanding non-accessory ground signs, known as billboards, and the location of a paved lined parking lot with 46 spaces that is used by abutting businesses.
2. The property is immediately adjacent to state highway Route 1 and accessed via Linehurst Road.
3. Petitioner is a tenant and the company that will install and maintain the proposed new structure.
4. The proposal is to remove the existing two (2), two-sided billboard signs and to reconstruct one (1) structure, consisting of a single base column/monopole, on which will be mounted two (2), one-sided billboard signs.
5. The subject property is located in a Highway Business zoning district.
6. The existing billboard signs are preexisting nonconforming structures, per §§600.4 and 700.1 of the Ordinance.
7. The proposed structure, a freestanding non-accessory ground sign, is prohibited, per §600.3 of the Ordinance.
8. The direct abutters are general retail sales by a liquor store and a self-storage facility.
9. Surrounding land uses are residential, institutional, business and industrial.
10. No dimensional controls are provided for these structures, per §400 of the Ordinance.
11. No parking requirements are provided for these structures, per §500 of the Ordinance.
12. Billboard signs are not subject to the City's Sign Design Review ordinances and regulations.
13. The proposed sign structure is subject to the regulations of the state Outdoor Advertising Board.
14. State regulations establish controls regarding the size of the sign face but no maximum height.
15. The proposed structure will be 77 feet in height, with one sign mounted to be 35 feet in height and the other sign mounted to be 77 feet in height.
16. The proposed new signs will be mounted at different heights and angles on the structure for visibility.
17. The existing billboard signs to be removed are approximately 55 feet in height.

18. Each proposed new sign face is 14 feet by 48 feet or 672 square feet, the same size as the faces of the existing billboard signs to be removed.
19. The proposed structure will be located at the northern corner of the site, near the entrance off the highway, and was chosen to comply with state regulations regarding distance to any other sign, namely, 500 feet.
20. Future relocation of the structure may be necessary, depending on state plans to widen and realign Route 1.
21. Parking lally columns will be installed around the base of the new structure for safety and protection.
22. Petitioner stated its intention to landscape around the base of the structure.
23. After local and state permits and approvals are issued for the new signs, the state permits for the existing billboard signs to be removed will be turned into the state.
24. Whereas each sign on the proposed new structure will have only one face/side, and the existing two sign structures to be removed each have two faces/sides, the proposal will eliminate one billboard structure and two billboard sign faces in the City of Malden.
25. The proposed new signs will be digital and use LED technology but will not include flashing, scrolling, animation or movement, per state regulations.
26. Petitioner stated its intention to allow the City of Malden free dedicated time and use of the new signs for community news and public service announcements, a minimum total of ten hours per month, namely, five hours per sign face.
27. The Massachusetts Department of Transportation will be allowed to use the signs for emergency and public service announcements.
28. Petitioner stated its intention to make an annual voluntary contribution to the City of Malden, in the amount of \$25,000 (twenty-five thousand dollars), for the next twenty-five (25) years.
29. The proposal will not be more detrimental to the neighborhood.
30. The Ward 8 City Councilor, Mayor and Malden Redevelopment Authority support the proposal.
31. Petitioner consents to all conditions of this special permit.

DECISION (Case #14-03):

Pursuant to the foregoing Findings of Fact, the Planning Board moved to grant a special permit subject to the following three (3) conditions, and the motion passed: 1) The maximum dimensions, including height, are as per plan approved hereunder; 2) Petitioner shall provide to the City of Malden a minimum of five (5) hours per sign face per month of dedicated use; and 3) Petitioner shall make an annual voluntary contribution of \$25,000 to the City of Malden for 25 years.

RECORD of VOTES (Case #14-03):

The vote on the motion to grant a special permit with conditions was 9 in favor, none opposed:

Antonucci, yes; Billings, yes; Chiu, yes; Chuha, yes; Cipriano, yes; Danca, yes; Ferratusco, yes; Mzaouakk, yes; Ioven, yes.