



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

CASE NUMBER 20-11

LOCATION of SUBJECT PROPERTY 326 Commercial Street, Malden, MA

NAME of PETITIONER and OWNER 326 Commercial Street Associates Limited Partnership

DATE of PUBLIC HEARING September 23, 2020

DATE of DECISION September 30, 2020

DATE of FILING DECISION with CITY CLERK September 30, 2020

DATE of NOTIFICATION to BUILDING INSPECTOR September 30, 2020

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT October 20, 2020

*[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 #20-11):**

1. The subject property is known as and numbered 326 Commercial Street and by City Assessor's Parcel #059-230-011.
2. Petitioner is the owner, 326 Commercial Street Associates Limited Partnership, c/o Combined Properties, Inc. 295 Canal Street, Suite 500, Malden, Massachusetts 02148.
3. At the public hearing, petitioner was represented by its attorney, Brian G. Cafferty, Combined Properties, Inc., 295 Canal Street, Suite 500, Malden, Massachusetts 02148; and the proposed tenant and occupant was represented by Jon Marron, SRS Distribution/Heritage Wholesalers, 7440 S. Highway 121, McKinney, TX 75070 .
4. This petition filed in Permit Application # CMID-032456-2020 seeks a special permit under Section 12.12.030 of Chapter 12, Revised Ordinances of 2020 as Amended, of the City of Malden (the "Ordinance") to allow wholesale and distribution use of property in the Industrial 1 zoning district.
5. The following plans and information were submitted in support of the petition: a) Set of plans, "SRS Distribution, Inc. 326 Commercial Street, Malden, MA 02148 Issued for Special Permit Review June 24, 2020, REVISED SET," dated January 24, 2020 that contain a site survey plan, "Plan of Land in Malden, Massachusetts," dated October 27, 2000, revised July 26, 2006, prepared by William J. Ferro, R.P. L.S., Framingham, MA; "Architectural Site Plan," (AS-100) dated January 28, 2020 with revisions through June 24, 2020, "Existing/Proposed First Floor Plan" and "Existing Exterior Elevations," dated January 24, 2020, with revisions through June 24, 2020, all prepared by Shawn M. Burns, Architect, Stoneham, MA; b) four other versions of the "Architectural Site Plan," (AS-100), all prepared by Shawn M. Burns, Architect, Stoneham, MA, all dated January 28, 2020: a version revised August 5, 2020, depicting an alternate location for generators; a version revised September 21, 2020, depicting an alternate location for generators and elimination/removal of parking spaces; a version revised September 22, 2020, depicting an alternate location for generators, elimination/removal of parking spaces and the Chapter 91 jurisdiction line; and a version revised September 23, 2020, depicting an alternate location for generators, elimination/removal of parking spaces, the Chapter 91 jurisdiction line, and one additional parking space near the ramp at the southwestern corner of the building; and c) "Transportation Impact Assessment," dated February 2019, prepared by Vanasse & Associates, Inc., Andover, MA.
6. In accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, Massachusetts General Laws, Chapter 30A, §18, and Governor Baker's March 23, 2020 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, and due to the COVID-19 pandemic, the public hearing was held virtually and members of the public attended and participated remotely via technological means.
7. The Board held the public hearing on this petition concurrently with the public hearing on another petition by the same petitioner regarding another portion of the same property, namely, the petition filed in Permit Application # CMID 033732-2020 seeking a special permit to use the property for an offsite parking facility, as decided in Case #20-12.
8. The public hearing complied with the notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11.

**FINDINGS of FACT (Case #20-11):**

The City of Malden Planning Board finds the following facts:

1. The property contains 5.1 acres and is the site of a single-story building with a total gross floor area of 27,192 square feet, comprised of 26,476 square on the first floor and 716 square feet on the mezzanine level.
2. The proposal is to occupy the entire existing building for wholesale and distribution use by a roofing supply company, SRS Distribution Company, doing business as Heritage Wholesalers, which will relocate from its current location at 185 Commercial Street, Malden.
3. Under the proposal, the existing building will be configured to include various storage areas and accessory offices that contain a total 3,600 square feet, comprised of offices, break rooms, conference room, meeting room, training room, restrooms and a customer counter.
4. The property is located in the Industrial 1 zoning district.
5. The proposed wholesale & distribution use is allowed by special permit in this district, per §12.12.030 of the Ordinance.
6. The property is also proposed to be used as an offsite parking facility, which will use parking areas on the northern, western and eastern sides of the property, separated with chain-link fencing from the proposed wholesale & distribution use.

7. The direct abutter to the north is general offices; to the south, the City Department of Public Works; to the east, the Malden River, on the other side of which is National Grid; and to the west, on the other side of Commercial Street, are a daycare, retail sales business and building, construction & contracting company, that is the site of a proposed marijuana establishment.
8. Surrounding land uses are the active MBTA right-of-way (rapid transit and commuter rail) and business, industrial and multifamily residential uses.
9. The proposed use is not in conflict with surrounding land uses.
10. The proposal creates no violations of dimensional controls or nonconformities, per §12.16.010 of the Ordinance.
11. The proposal provides the required 33 parking spaces and two loading bays/spaces, per §§12.20.010 and 12.20.030 of the Ordinance; as depicted on the most recently revised version of the site plan, within the dotted line, "LIMIT of WHOLESALE AND DISTRIBUTION USE," the parking is located at the western (front) side and southwestern corner of the building and loading is located along the southern side of the building; and access/egress is via the southernmost existing curb-cut on Commercial Street and via the City DPW driveway off Commercial Street.
12. The proposal does not provide the required bicycle parking for six, per §12.20.020 of the Ordinance; no bicycle parking is depicted, and the site plan indicates it is offsite, "provided at 300 Commercial."
13. The proposal does not require a traffic impact study, per the *Rules and Procedures of the Planning Board*.
14. Under the proposal, all deliveries, loading and unloading of tractor trailer trucks will be done on-site; and there will be a one-way traffic circulation pattern around the building, with entry via the southern driveway and exit via the northern driveway.
15. The traffic and traffic patterns generated by the proposed use will not adversely impact the surrounding streets or create a traffic or safety hazard.
16. Adjacent to the property, the bicycle lane striping is faded and signage is blocked by on-site vegetation.
17. The proposal includes the installation of a "river walk path" along the Malden River, located along the eastern property line; as proposed, the path is ten feet in width, with a walking surface eight feet in width, pervious surface, landscaping, and access and connection to the existing path at the abutting property to the north, 300 Commercial Street/230 Medford Street.
18. The proposed river walk path on the subject property may need to be widened for accessibility and readjusted to connect with the planned recreational path along the Malden River on the abutting property, 356 Commercial Street, at the City Department of Public Works, which is a community project in the design phase and led by Malden River Works.
19. The Mayor, Ward 1 City Councilor, one of three City Councilors-at-Large, Ward 4 City Councilor, Malden River Works, Friends of the Malden River, and one resident, support the proposal.
20. There is no public opposition to the proposal.
21. The proposal will not be more detrimental to the neighborhood, as modified by the proposed conditions.
22. As modified by the proposed conditions, the proposed use is in the interest of the common good.

DECISION (Case #20-11):

On September 23, 2020, the Planning Board granted a special permit to allow wholesale & distribution use of the property, subject to the following seven conditions:

- 1) All development shall be as per plans, which are incorporated herein by reference and except where modified by these conditions.
- 2) Provide 33 parking spaces on-site for this use.
- 3) Provide bicycle parking for six on-site.
- 4) Any permanent dumpster shall be enclosed and screened.
- 5) Install, repair or replace sidewalks, driveways and bike lanes, and perform necessary incidental work, including signage, adjacent to the property, to the reasonable satisfaction of the DPW Director.
- 6) Install and maintain "river front path" along Malden River, as depicted on plans, except: a) align to connect to path at DPW site; b) expand width of walking surface to ten feet; c) surface shall be pervious; and d) rehabilitate with native plantings and remove invasive species.
- 7) Relocate snow storage on-site if necessary.

RECORD of VOTES (Case #20-11):

On September 23, 2020, the vote on the motion to grant a special permit subject to seven conditions, was nine in favor, none opposed, and the motion passed (9-0):

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

*Motion by Antonucci, seconded by Hayes. Present but not voting: Ferguson. Absent: Henry.*

*I hereby certify that the above is a true copy of the decision of the Malden Planning Board.*

By: \_\_\_\_\_  
Michelle A. Romero, City Planner