



CITY OF MALDEN PLANNING BOARD
NOTICE OF DECISION

RECEIVED

2014 APR 14 P 1:30

CITY CLERK'S OFFICE
MALDEN, MASS.

CASE NUMBER 14-04
LOCATION of SUBJECT PROPERTY 655-705 Eastern Avenue, Malden, MA
NAME of PETITIONER East Boston Saving Bank
NAME of OWNER DH Development LLC
DATE of PUBLIC HEARING April 9, 2014
DATE of DECISION April 9, 2014
DATE of FILING DECISION with CITY CLERK April 14, 2014
DATE of NOTIFICATION to BUILDING INSPECTOR April 14, 2014
FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT May 5, 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 #14-04):

1. The petitioner is the proposed tenant, East Boston Savings Bank, 67 Prospect Street, Peabody, MA 01960.
2. The owner is DH Development LLC, One Thompson Square, Charlestown, MA 02129.
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: "Existing Conditions Plan, Site Plan of Land 'Route 60 Plaza,' 655-709 Eastern Avenue Malden, Massachusetts (Assessor's Map 117, Block 431, Lot 101) Prepared for: East Boston Savings Bank," dated February 14, 2014, prepared by Peter J. McGoldrick, P.L.S., The Morin-Cameron Group, Inc., Topsfield, MA; and floor plan and elevations, "Proposed ATM Plans, East Boston Savings Bank MALDEN ATM," dated July 2013, unsigned.
5. Petitioner requested a waiver of filing requirements for floor plans and elevations of the other buildings because no changes to these areas are proposed.
6. The public hearing complied with statutory notice requirements of Massachusetts General Laws, c. 40A, §11.

FINDINGS of FACT (Case #14-04):

The City of Malden Planning Board finds the following facts:

1. The subject property, known as and numbered 655-705 Eastern Avenue, and also known as the Route 60 Plaza, is the site of two single-story buildings with a combined total of thirteen storefronts, and a concrete pad, located in the southwestern corner of the lot, that is the former site of a kiosk structure that housed a bank automated teller machine (ATM).
2. The former kiosk structure, known by 719 Eastern Avenue, was constructed pursuant to a building permit issued on June 12, 2003, however, was removed without a permit in 2013.
3. The proposal is to construct a new kiosk structure on the existing concrete pad.
4. The petitioner is the proposed tenant and operator of the proposed bank ATM.
5. The subject property is located in a Highway Business zoning district.
6. The proposed general offices use for a bank is allowed by right, per §300.3.4.9 of the Ordinance.
7. The existing buildings at the property are currently occupied for various business uses, namely, restaurants, retail sales and services, which uses are allowed by right or by special permit or are preexisting nonconforming, per §300.3 and 700.1, including beauty/hair salons; beauty supply store; convenience store; liquor store; coffee/donut shop with drive-thru; nail salon and spa; laundromat; and battery store.
8. The Industrial 1 zoning district directly abuts the property to the north and east; the Residence A zoning district abuts to the west; and the Residence B zoning district abuts to the south.
9. On the other side of Lisbon Street, the abutters to the south are multifamily residential dwellings, and to the east, wholesale & distribution and warehouse; to the north, on the other side of Eastern Avenue, a self-storage facility and wholesale & distribution and warehouse; and to the west, on the other side of Willow Street, a public park.

10. Surrounding land uses are institutional, business and industrial.
11. The property violates current dimensional controls for rear yard setback and is preexisting nonconforming, per §§400.2 and 700.1 of the Ordinance.
12. The property is preexisting nonconforming because there are two principal buildings on one lot, per §700.1.7 of the Ordinance.
13. The proposal maintains all existing violations and creates no new nonconformities of dimensional controls.
14. All existing and proposed principal uses of the property require a total 159 offstreet parking spaces, per §§500.1 and 500.2.18 of the Ordinance.
15. The proposal requires one parking space, per §500.1.4.11 of the Ordinance.
16. The site plan depicts 148 parking spaces on-site, configured as angled, head-on and parallel, and accessed via multiple two-way and one-way driveways with curb-cuts; and the parking layout appears conforming.
17. The proposed kiosk is 112 square feet in size, namely, eight by fourteen feet, and ten feet in height, and will be constructed on the existing concrete pad, 352 square feet in size, namely, sixteen by twenty-two feet.
18. The proposed kiosk structure will have a wood frame, glass storefront and brick veneer.
19. The proposed ATM will offer banking services 24 hours per day, namely, withdrawals and account balances, but will not accept deposits.
20. The proposed kiosk will have security measures, namely, access to the vestibule requiring an ATM card; surveillance cameras installed to monitor the vestibule and ATM; and interior and exterior lighting.
21. The Mayor's Office supports the proposal.
22. There is no public opposition to the proposal.
23. The proposal will not be more detrimental to the neighborhood.
24. The subject property may not be in compliance with City Ordinances regarding dumpsters, trash/litter and a storage container/trailer located on site at the rear of one of the buildings; the property owner is responsible; and the Planning Board will request inspection and enforcement by the City.

DECISION (Case #14-04):

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 kiosk structure may be used for a bank ATM only; 2) All conditions of prior and/or other special permits for any portion of the property shall remain in full force and effect; and 3) All signs subject to Sign Design Review.

RECORD of VOTES (Case #14-04):

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

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