

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

CASE NUMBER 22-03

LOCATION of SUBJECT PROPERTY 11 Dartmouth Street and 17 Dartmouth Street, Malden, MA

NAME of PETITIONER and OWNER 11 Dartmouth Property LLC

DATE of PUBLIC HEARING March 9, 2022

DATE of DECISION March 9, 2022

DATE of FILING DECISION with CITY CLERK March 23, 2022

DATE of NOTIFICATION to BUILDING INSPECTOR March 23, 2022

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT April 12, 2022

[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 #22-03):

1. The subject property is comprised of two abutting parcels held in common ownership, 11 Dartmouth Street and 17 Dartmouth Street, Malden, MA, also known by City Assessor's Parcel ID ## 050259918 and 050259902, and collectively referred to hereinafter as the "subject property," or the "property."
2. Petitioner is the property owner, 11 Dartmouth Property LLC, c/o Carlos Febres-Mazzei, Managing Principal, Quaker Lane Capital, 75 State Street, Suite 100, Boston, MA 02109.
3. At the public hearing, petitioner was represented by Carlos Febres-Mazzei, Quaker Lane Capital; Patrick Duffy, engineer, BR +A Consulting Engineers, 10 Guest Street, Boston, MA; Robert Koup, project manager, Gensler Architects, Boston, MA; Keri Pyke, traffic engineer, Howard Stein Hudson, 11 Beacon Street, Boston, MA; and Thomas P. Callaghan, Jr., attorney, One Centre Street, Malden, MA.
4. The petition in Permit # COO 041693-2022 seeks a special permit under Title 12, Chapter 12, Section 030 of the Code of the City of Malden (the "Ordinance") to allow research and development facilities use of property in the Central Business zoning district.
5. The following plans and information were submitted with the petition: set of plans, "SPECIAL PERMIT PLAN SET FOR 11 DARTMOUTH STREET MALDEN, MA," dated "Oct-20," with revisions dated April 1, 2020 and May 27, 2020, prepared by Howard Stein Hudson, Boston, MA and Gensler Architect (8 pages), that includes Site Preparation Plan, Site Layout and Materials Plan, Drainage and Utility Plan; proposed concept-style plans/renderings, labeled in footer/margin, "Quaker Lane Capital/Mixed Use Proposal," undated, prepared by Gensler (9 pages), that include: Context Plan, Ground Floor Plan (basement/below grade level), Ground Floor Plan (first floor), Typical Floor Plan Level 2-9, Elevations for North, South, East and West, Perspective Views from Pleasant Street at Middlesex Street and at Main Street, Façade Design; correspondence dated March 7, 2022 from Thomas P. Callaghan, Jr., Attorney to Nelson Miller, Building Commissioner, which describes the proposal; and a traffic study, "MALDEN, MASSACHUSETTS 11 Dartmouth Street TRANSPORTATION STUDY Prepared for Quaker Lane Capital," dated January 2022, prepared by Howard Stein Hudson, Boston, MA.
6. The property is the subject of a special permit granted by the Malden City Council on April 6, 2021 in Case #151-21 to allow a Structure More than Six Stories, namely, a 9-Story office building (Permit # CMID 035044-2020).
7. Pursuant to Title 4, Chapter 24, Code of the City of Malden, the Demolition & Alteration Delay Ordinance, the Malden Historical Commission made a determination on January 16, 2020 that the existing building at 11 Dartmouth Street is not significant and its demolition will not be delayed.
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 #22-03):

The City of Malden Planning Board finds the following facts:

1. The subject property, located near Pleasant Street, is comprised of 11 Dartmouth Street, containing 5,443 square feet and a three-story building with gross floor area of 11,624 square feet, used for general offices; and 17 Dartmouth Street, containing 19,923 square feet, used for an offsite parking facility as an open air parking lot.
2. The proposal seeks a special permit to allow research and development use of the majority of the new building to be constructed on the property, containing a total gross floor area of 188,076 square feet, and specifically, to occupy all of floors two through nine, totaling 149,632 square feet, for research and development use.
3. Regarding the proposed research and development use, the tenants are to be determined, and proposed floor plans for two through nine, depict only one large open area, restrooms, stairwells, elevators with lobby and utility rooms.

4. According to petitioner, the proposed new building may accommodate different size businesses and is designed so floors may be divided for use by two tenants or a single tenant, or a single tenant may use the entire building.
5. As modified by the proposed conditions of the special permit, the proposed floor plans are allowed to be revised; modifications of the floor plans must comply with the Building Code.
6. Other floors of the new building will be used as follows: a) the basement or underground level (“Lower Level 1”) containing 18,035 square feet, for 120 parking spaces; b) the first floor (“Ground Floor”) containing 18,035 square feet, for the building lobby; loading area; bike parking room; 41 parking spaces; access ramps to ground level and lower level of parking; “retail” and retail/coffee” tenants to be determined, with a total 3,000 square feet and maximum 2,000 square feet for one business; and Building office, Life Safety room and Fire Command Center; and c) a mezzanine level containing 2,616 square feet, for the “electric/transformer.”
7. Approximately 40 to 50%, or 9,000 square feet, of the roof will be finished as a deck or terrace for use by tenants as amenities space with an elevator vestibule; the remainder will be membrane; the Perspective View rendering of the roof that was submitted is not accurate; and petitioner intends to submit a floor plan of the roof.
8. The subject property is located in the Central Business zoning district.
9. Research and development use may be allowed by special permit in this district, per §12.12.030 of the Ordinance.
10. General offices, restaurant and retail uses are allowed by right in this district, per §12.12.030 of the Ordinance.
11. The direct abutter to the north is a private way/court, on the other side of which is a multifamily dwelling with 195 units, which also abuts to the east; also to the east are general offices, retail sales and services; to the south, retail services, convenience store, offices; and to the west, on the other side of Dartmouth Street, a restaurant, general offices and multifamily dwelling with 125 units.
12. As defined by the Ordinance, Research and Development Facilities are “facilities including but not limited to laboratories which engage in research, experimental and testing activities, and product development, including but not limited to the fields of biology, biotechnology, chemistry, electronics, engineering, geology, medicine and physics, specifically excluding any Marijuana Establishment, Independent Marijuana Testing Laboratory and Marijuana Research Facility. Some test production may be included, but the primary function is research.”
13. According to petitioner, research and development tenants will likely be from “life sciences” sectors and biotechnology industries, and include basic research, applied research or experimental development; however, will only have laboratories categorized by the Centers for Disease Control as Biosafety Levels 1 and 2, which have lower levels of safety concerns, and will exclude those categorized as Biosafety Levels 3 and 4, which require higher safety precautions; and shall implement an Environmental Health and Safety Program with annual reports.
14. According to petitioner, research and development tenants also may include product development in areas like medical devices, robotics, semiconductor/computer design and nanotechnology.
15. According to petitioner, there will be no on-site human trials or live animal testing, except rodents and zebrafish.
16. The special permit granted in Case #151-21 restricts use of the new building to be constructed, per Condition 3, which provides: “Floors 2-9 may only be occupied for general office use; a maximum of 3,000 SF of the first floor may only be occupied for retail sales, retail services and/or restaurant use, with any one business occupying no more than 2,000 SF; and any other use and occupancy, excluding research and development, shall require an amendment of this special permit and a traffic impact study; and all use requires compliance with the City zoning ordinance. Any residential use, including artist live/workspace, is prohibited.”
17. As modified by the proposed conditions of the special permit, the proposed research and development use is not in conflict with surrounding land uses.
18. The proposed building, occupied for general offices, per the special permit granted in Case #151-21, or occupied for the proposed research and development use, complies with applicable dimensional controls for property in the Central business zoning district, per §12.16.030 of the Ordinance.
19. On-site parking, loading and landscaping are not required for research and development use, per Central Business zoning district regulations, per §12.20.020.H.1 of the Ordinance.
20. The special permit granted in Case 151-21 requires the following parking on-site, per Condition 4, which provides: “A minimum of 145 vehicle parking spaces and bicycle parking for 80 shall be provided on-site.”
21. Under the proposal, parking and loading will be provided on-site as follows: 161 parking spaces, 120 spaces in the basement or underground level (“Lower Level 1”), configured in sets of 4 stacked spaces, via an automated “lift” system; 41 spaces on the first floor (“Ground Floor”), with 36 configured in sets of 4 stacked spaces, via an automated “lift” system; access to parking and loading areas via the private way/court off Dartmouth Street; loading area on the first floor (“Ground Floor”); and bike parking for 80 on the first floor (“Ground Floor”).
22. According to petitioner, the amount of parking that may be provided on-site, ranging from the minimum 145 parking spaces required by the special permit granted in Case #151-21 to the proposed 161 spaces depicted on the plans, allows flexibility to offer more van spaces and handicapped spaces, depending on the tenants’ needs.

23. The special permit granted in Case #151-21 requires the following traffic and safety mitigation onsite and in the project area, per Condition 11: A) Intersections: modify signal timings at intersection of Main Street/Ferry Street/Salem Street; at the intersection of Main Street/Centre Street: a) replace the existing doghouse signal head with a four-section signal head that would include a flashing yellow arrow; b) installation of backplates on overhead signals; and c) modify signal timings for AM; with all modifications to include updated analysis, design and installation; install pedestrian tactile warning panels at each crosswalk at the intersection of Main Street/Florence Street; B) Sidewalks: install new sidewalks abutting the Project site on both sides of Dartmouth Street from Pleasant Street to Garnet Road; C) crosswalks: restripe existing crosswalks with thermoplastic (ladder pattern) at the intersections of Pleasant Street/Dartmouth Street/Middlesex Street and Garnet Road; D) Transportation Demand Management (TDM): Implement all proposed TDM measures: Transportation Coordinator; Tenant Orientation Packets; Bicycle Storage; Unbundled Parking; Rideshare Information; Internal ride-matching; Guaranteed Ride Home; and Transit Screen; E) Restripe Dartmouth Street from Garnet Road to Pleasant Street; and F) Make an annual voluntary contribution of \$11,000 to the City of Malden for use in a bike sharing program.
24. Traffic trip generation rates for research and development are significantly lower, 57-64%, than those for general offices; with adjustments, occupancy of the new building for research and development is expected to generate more traffic overall than for general offices, namely, 160 or 16% more total daily trips; however, research and development generates less traffic during peak hours, due to more sporadic and less traditional hours of operation.
25. As modified by the conditions of the special permit, the traffic and traffic patterns generated by the proposed research and development use will not adversely impact the surrounding streets or create a traffic or safety hazard.
26. A Stormwater Management Report and Drainage and Utility Plan submitted with the petition for the special permit granted in Case #151-21 will be reviewed by the City Engineer; and the water, sewer and drainage systems must be adequate following project development and are subject to review, approval and reasonable modification by the City Engineer, per Condition 14 of the special permit granted in Case #151-21.
27. According to petitioner, the proposed new building at the subject property will meet space demands in the market and region for research and development facilities, given its location in the greater Boston area, access to public transit, and the physical characteristics of the building, such as, ceiling heights, large open floors, structural/floor load capacity, loading area, freight elevator, power capacity, HVAC infrastructure, water purification system, chemical storage, and plumbing and sewer infrastructure with PH neutralization system for wastewater.
28. The special permit granted in Case #151-21 will expire two years from the date of granting, on April 6, 2023, if substantial construction or substantial use has not sooner commenced, per Condition 15 of that special permit.
29. Petitioner expects construction of the new building to begin in late 2022 and construction of the building “core” and “shell” to take two years; however, the interior “build-out” of the floors may take an additional two years.
30. According to petitioner, the project involves investment of more than \$100,000,000 (one hundred million).
31. Petitioner reaffirms its commitment to make a voluntary contribution of \$250,000.00 to the City’s Affordable Housing Trust Fund, which is included as Condition 12 of the special permit granted in Case #151-21.
32. The Mayor, Ward 4 City Councilor, and one of three City Councilors-at-Large are in favor of the proposal.
33. There is no public opposition to the proposal.
34. Most of the proposed conditions are identical to conditions of the special permit granted in Case #151-21.
35. Petitioner consents to all proposed conditions of the special permit.
36. As modified by the proposed conditions of the special permit, the proposed research and development use will not be more detrimental to the neighborhood.
37. As modified by the proposed conditions of the special permit, the proposed research and development use is in the interest of the common good.

DECISION (Case #22-03):

On March 9, 2022, the Planning Board granted a special permit to allow research and development use of the property, subject to the following twenty-one (21) conditions:


1. Merge lots (11 Dartmouth Street/Parcel ID 050 259 918 and 17 Dartmouth Street/Parcel ID 050 259 902) via Approval Not Required subdivision control process.
2. The entire development, including façades, shall be as per plans, which are incorporated herein by reference and except where modified by these conditions.
3. Floors 2-9 may be occupied only for general office use or research & development use; a maximum of 3,000 SF of the first floor may be occupied only for retail sales, retail services and/or restaurant use, with any one business occupying no more than 2,000 SF; and any other use and occupancy shall require an amendment of the special permit granted in Case #151-21 and a traffic impact study; and all use requires compliance with the City zoning ordinance. Any residential use, including artist live/workspace, is prohibited.

4. A minimum of 145 vehicle parking spaces and bicycle parking for 80 shall be provided on-site.
5. Antennas on the rooftop or any part of the building's exterior are prohibited, except for emergency antennas.
6. Screen rooftop equipment visually and audibly.
7. No permanent dumpster will be permitted on site after completion of construction; the permanent building must have a trash compactor; storage totes for use with compactor are permitted, subject to Board of Health approval.
8. Install pedestrian alert sensors at garage entrance/exit.
9. Any outside storage of any kind is prohibited.
10. Any outside display of any kind is prohibited.
11. Implement the following traffic and safety mitigation on-site and in the project area:
 - A) Intersections: i) Modify signal timings at intersection of Main Street/Ferry Street/Salem Street; ii) At the intersection of Main Street/Centre Street: a) replace the existing doghouse signal head with a four-section signal head that would include a flashing yellow arrow; b) installation of backplates on overhead signals; and c) modify signal timings for AM; with all modifications to include updated analysis, design and installation; iii) Install pedestrian tactile warning panels at each crosswalk at the intersection of Main Street/Florence Street.
 - B) Sidewalks: Install new sidewalks abutting the Project site on both sides of Dartmouth Street from Pleasant Street to Garnet Road.
 - C) Crosswalks: Restripe existing crosswalks with thermoplastic (ladder pattern) at the intersections of Pleasant Street/Dartmouth Street/Middlesex Street and Garnet Road.
 - D) Transportation Demand Management (TDM): Implement all proposed TDM measures: Transportation Coordinator; Tenant Orientation Packets; Bicycle Storage; Unbundled Parking; Rideshare Information; Internal ride-matching; Guaranteed Ride Home; and Transit Screen.
 - E) Restripe Dartmouth Street from Garnet Road to Pleasant Street.
 - F) Make an annual voluntary contribution of \$11,000 to the City of Malden for use in a bike sharing program.
12. Water, sewer and drainage systems must be adequate following project development and are subject to review, approval and reasonable modification by the City Engineer. Developer shall implement a stormwater management plan, that is subject to the approval and reasonable modification of the City Engineer.
13. Solid waste removal and recycling must be adequate and are subject to review and approval of Board of Health.
14. Developer agrees to make a voluntary contribution of \$250,000.00 to the City of Malden Affordable Housing Trust Fund.
15. Developer shall employ union labor with preference given to Malden union employees.
16. This special permit shall expire on March 8, 2026, if substantial use or substantial "build-out" construction has not sooner commenced.
17. Modifications of the floor plans are allowed.
18. This special permit authorizes use of the property for research & development facilities, as defined by this Ordinance; may include businesses operating only at Biosafety Levels 1 and 2 and excludes any business operating at Biosafety Levels 3 and 4, as defined by the Centers for Disease Control at the time of this decision, and excludes any business that involves on-site live human or animal (excluding rodents or zebrafish) testing or trials, which shall require an amendment of this special permit.
19. All research & development businesses/tenants of the building shall implement an Environmental Health and Safety Program that includes, but is not limited to, chemical safety, hazardous materials and waste, and biosafety; property owner shall compile and submit to the City a summary of all Programs and an annual status report, with copies of the programs and any amendments.
20. For the roof, submit a floor plan and landscaping plan that includes plantings, deck materials and maintenance.
21. This special permit is contingent on the special permit granted in Case #151-21 being in full force and effect.

RECORD of VOTES (Case #22-03):

On March 9, 2022, the vote on the motion by Antonucci, seconded by Soucy, to grant a special permit subject to twenty-one (21) conditions, was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Chuha, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes. [*Ferguson, absent*]

I, hereby certify that the above is a true copy of the decision of the Malden Planning Board. By: 
Michelle A. Romero, City Planner