



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

RECEIVED

CASE NUMBER 15-09

LOCATION of SUBJECT PROPERTY 341 Forest Street, Malden, MA

NAME of PETITIONER Volunteers of America of Massachusetts, Inc.

DATE of PUBLIC HEARING September 9, 2015

DATE of FILING DECISION with CITY CLERK September 16, 2015

DATE of NOTIFICATION to BUILDING INSPECTOR September 16, 2015

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT October 6, 2015

*[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.]*

NAME of OWNER City of Malden

DATE of DECISION September 9, 2015

2015 SEP 16 A 9:23

CITY CLERK'S OFFICE  
MALDEN, MASS.

PROCEDURAL HISTORY (Case #15-09):

1. Petitioner is Volunteers of America of Massachusetts, Inc., 441 Centre Street, Jamaica Plain, MA 02130.
2. Owner is the City of Malden, Malden Government Center, 200 Pleasant Street, Malden, MA 02148.
3. The petition seeks to amend the special permit and conditions thereof granted in Case #15-01 under §§700.1.3.1 and 700.13, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden, to alter, structurally change and extend preexisting nonconforming property in the Residence B zoning district for continued nursing /convalescent home use and to remove ledge and alter the grade.
4. The special permit granted in Case #15-01 authorizes the complete renovation of the existing building and the site; construction of a 4 ½-story "wing" addition to the rear (eastern) side of the existing building; removal of ledge by blasting and alteration of grade to prepare the site for the addition; and use of the renovated, expanded property for an assisted living facility for the elderly, with 80 units containing 86 beds.
5. The following plans and information were submitted in support of the petition:
  - a) Set of plans (9 pages), "SITE DEVELOPMENT PLAN VOA Malden Assisted Living Facility 341 Forest Street, Malden, Massachusetts Special Permit Submittal-December 4, 2014, Revised and Resubmitted-January 14, 2015, Revised and Resubmitted-February 6, 2015, Variance Submission-April 7, 2015, Resubmitted for Special Permit-August 4, 2015," dated December 4, 2014 with revisions dated January 12, 2015, February 6, 2015, April 7, 2015 and August 4, 2015, prepared by Meridian Associates, Westborough, MA.
  - b) Set of plans (11 pages), "VOA Malden Assisted Living Facility 341 Forest Street Malden, MA 02148," dated October 31, 2014, revisions dated August 4, 2014 (and May 26, 2015, June 12, 2015 and/or July 24, 2015-certain sheets).
  - c) Narrative, "Special Permit Application Package Amendment to Permit Granted in Case #15-01 VOA Malden Assisted Living Facility 341 Forest Street Malden, Massachusetts," dated August 6, 2015, prepared by Thomas Bierbaum, President & CEO, Volunteers of America, Jamaica Plain, MA.
6. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #15-09):

The City of Malden Planning Board finds the following facts:

1. All facts found in the special permit granted in Case #15-01, except as modified herein.
2. The subject property is approximately 2.275 acres, and the boundaries were recently reconfigured pursuant to an Approval Not Required subdivision plan endorsed by the Planning Board on May 13, 2015 and recorded at the Middlesex South Registry of Deeds on May 28, 2015.
3. No application for a demolition permit or building permit has been filed for work authorized by the special permit granted in Case #15-01.
4. The revised plans depict the following changes to the original proposal approved by the special permit granted in Case #15-01:
  - a) Construction of a single-story vestibule and lobby, approximately 350 square feet in size, located in the southeastern portion of the existing building, adjacent to the area known as the "Director's House," to be used as the main entrance and provide grade level access to the building.
  - b) Relocation of the proposed new curb cut on Forest Street, which is designated as egress for the proposed one-way circular driveway.
  - c) Moving the retaining wall along Forest Street (at northwestern corner with site driveway) to improve site distance.
  - d) Modified grading and walkways at the rear entry to improve emergency access.
5. The revised proposal is not in conflict with abutting or surrounding land uses.
6. The Board of Appeal granted a variance on April 30, 2015 to legalize the existing and/or new nonconformities of side yard setbacks, heights of retaining walls, yard areas and grades of parking areas, contained the original proposal approved by the special permit in Case #15-01.
7. The revised proposal creates no new nonconformities or violations of dimensional controls or parking requirements.
8. The developer and its blasting manager held an informational meeting with the Fire Chief, Ward City Councilor and parents/guardians of students of Forestdale School and residential abutters on June 11, 2015, as required by Condition 15 of the special permit in Case #15-01.
9. The City Council held a public hearing on June 16, 2015 regarding the blasting permit, as per Condition 14 of the special permit in Case #15-01.
10. The Fire Chief issued a permit for drilling and blasting for ledge removal on June 17, 2015, however, to date, no work has started.
11. The proposed amendment of Condition 1 of the special permit granted in Case #15-01 concerns the financing of the project; and the Land Disposition Agreement between the City and the petitioner will govern transfer of the project and property.
12. The proposed amendment of Condition 5 of the special permit granted in Case #15-01 concerns access to the building and property.
13. The proposed amendment of Condition 24 of the special permit granted in Case #15-01 concerns safety mitigation.
14. The City peer reviewer, BETA Group Inc., conducted a preliminary review of the revised proposal, however, site distance diagrams are necessary to determine whether the revised proposal improves site distance at the subject location.
15. The Ward City Councilor, a Councilor-a-Large and the Malden Redevelopment Authority are in favor of the revised proposal.
16. There is no public opposition to the revised proposal.
17. As modified by conditions of the special permit, the revised proposal is not more detrimental to the neighborhood.
18. As modified by conditions of the special permit, the revised proposal will not be detrimental to the neighborhood.
19. As modified by conditions of the special permit, the revised proposal will not adversely affect the general welfare or public safety.
20. Petitioner consents to all proposed conditions of this special permit.

DECISION (Case #15-09):

On September 9, 2015, pursuant to the foregoing Findings of Fact, the Planning Board moved to amend the special permit granted in Case #15-01 and to grant a new special permit subject to the following 28 conditions, and the motion passed:

1. The development rights authorized by this special permit may be exercised only by Volunteers of America of Massachusetts, Inc. ("VOA") or such other parties as permitted under the Land Disposition Agreement dated June 30, 2014 between VOA and the City, as the same may be amended.

2. The property shall be used exclusively for an assisted living facility and/or nursing or convalescent home containing a maximum of 80 units with 86 beds used as follows: 59 beds for residents who require daily assisted living services; 23 beds for residents who require "memory care services;" and four beds for residents who require assisted living services on an as-needed basis; number of beds in each care category may be adjusted  $\pm 10\%$ .
3. Occupancy of all units shall be restricted to elderly persons of a minimum age of 55.
4. All amenity services, i.e., fitness center, beauty/barber, shall be for use of residents only and shall be accessory to the principal assisted living facility/nursing/convalescent home use.
5. All development shall be as per revised plans, except as modified by these conditions, including ledge removal, landscaping and exterior building facades; minor modification of floor plans and site grading may be allowed, subject to reasonable approval of the Building Inspector.
6. Excluding routine utility work, all ledge/rock removal may be by blasting only, with only accessory use of hydraulic drill, hoe-ram & excavator.
7. Ledge may be reused onsite but may not be stockpiled onsite in an amount exceeding 20 cubic yards and may not be processed, crushed or reconfigured onsite.
8. Conduct pre-ledge removal video survey of all buildings within 300-feet of the property lines of the subject property and all buildings on Forest Court and provide video survey to property owner.
9. During any ledge removal activity, place seismograph on site and at the following properties: Forestdale School (74 Sylvan Street); Malden Housing Authority housing (2-32 Sylvan Street and 377-427A Forest Street); nearest residential dwelling on Forest Street and/or Forest Court; and a fourth location to be determined by Malden Fire Chief; submit seismograph tapes to Fire Chief for review daily.
10. Maintain liability insurance of a minimum of \$1,000,000.00/\$3,000,000.00, with the City of Malden named as a loss-payee.
11. During site development, hire fire details as the Fire Chief deems appropriate in his reasonable discretion.
12. During site development, hire police details as the Police Chief deems appropriate in his reasonable discretion.
13. Deliver written notice to all premises within 300 feet of the property lines of the subject property and all premises on Forest Court, indicating the date (s) ledge removal activity will be conducted and daily hours.
14. Prior to issuance of a blasting permit, the developer and its blasting manager will attend a public hearing by the City Council, in accordance with Section 3.5C of the City Ordinances.
15. Prior to issuance of a blasting permit, the developer and its blasting manager shall hold an informational meeting with the Fire Chief, Ward City Councilor and parents/guardians of students of Forestdale School and residential abutters.
16. Hours for blasting operations shall be determined by Malden Fire Chief; hours for commercial construction, including mechanical means of ledge removal, are restricted to Monday through Saturday, 7:00 a.m. to 5:00 p.m.
17. All retaining walls must comply with Section 700.10 of this Ordinance.
18. During site development, implement erosion controls as per plan.
19. Install and maintain stormwater management system as per plans, minor modification allowed subject to reasonable approval of City Engineer; implement "Stormwater Management Operation and Maintenance Plan," described in Report dated December 4, 2014 by Meridian Associates.
20. Cut and cap existing water service line at main pipe in Forest Street.
21. Perform camera inspection of two existing sewer service lines, and if determined to be necessary by City Engineer, replace with new pvc pipe.
22. Comply with all requirements regarding grading, extermination and dumpsters described in correspondence dated January 12, 2015 from Malden BOH.
23. While this special permit approves the yard setback nonconformities on the subject property between the proposed new lot lines and the existing building, the proposed addition, the retaining wall between the existing building and the garage and grade of more than 25% in yard setback areas (all as shown on the site plans), the City shall obtain any required variances also for those nonconformities, as well as a variance for setback nonconformities between the accessory garage building and the proposed new lot lines; and the City shall subdivide the subject property and adjacent City property via Approval Not Required subdivision control process to reconfigure lot lines to exclude from the subject property land upon which the shared driveway north of the site and the accessory garage building are sited and to establish the lot lines of the subject property, all as per the Site Plan; no further subdivision shall be allowed.
24. Prior to issuance of an occupancy permit, implement the following mitigation and safety measures: a) install STOP signs and lines at all site driveways; b) to increase site distance, the existing stone wall at northwestern corner of site (at Forest Street and shared driveway north of site) will be reduced in height a minimum of 18 inches, and any alternate modification, including relocation, shall require submission of site distance diagrams and shall be subject to reasonable approval of City's peer reviewer; c) install sight distance warning signage on Forest Street with size, message/image, and advance distance from the shared drive north of site, in accordance with Manual on Uniform Traffic Control Devices and approved by Malden Traffic Commission; d) install mirror(s) on Forest Street, opposite shared driveway north of site, size and location approved by Malden Traffic Commission; e) design and maintain signs and landscaping adjacent to site driveways to avoid sight line restrictions; f) restripe crosswalks on Forest Street and Sylvan Street near site; install and maintain pedestrian crossing walkway markings across parking areas, site driveways, school driveway (east of site) and shared driveway north of site.
25. During all phases of ledge removal and commercial construction, the developer and its construction manager shall meet weekly with the Forestdale School Principal, Malden Housing Authority Director and Ward 5 City Councilor to discuss and resolve any issues regarding construction and/or ledge removal.
26. The Traffic Access Management Plan for Construction dated February 11, 2015 is incorporated herein by reference and shall remain in effect during all ledge removal and commercial construction.
27. Repair, grind and repave roadway from Malden-Melrose cityline to southerly side of Sylvan Street; and repair and/or replace sidewalks on Forest Street abutting the site to the reasonable satisfaction of the DPW Director.
28. Install a minimum of seven parking spaces adjacent to school driveway off Sylvan Street, on land owned by Malden Housing Authority and/or City of Malden, as shown on "Layout & Materials Plan," dated February 6, 2015.

**RECORD of VOTES (Case #15-09):**

On September 9, 2015, the vote on the motion to grant a special permit with 28 conditions was nine in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Hayes, yes; Lawhorne, yes; MacCuish, yes; Mzaouaak, yes; Wolff, yes; Ioven, yes.

*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