



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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CASE NUMBER 15-14

LOCATION of SUBJECT PROPERTY 150-160 Charles Street, Malden, MA

NAME of PETITIONER C.J. Murphy, III of Total Performance Sports

NAME of OWNER Strafeo Corp.

DATE of PUBLIC HEARING October 14, 2015

DATE of DECISION October 14, 2015

DATE of FILING DECISION with CITY CLERK October 19, 2015

DATE of NOTIFICATION to BUILDING INSPECTOR October 19, 2015

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT November 9, 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.]

CITY CLERK'S OFFICE
MALDEN, MASS.

PROCEDURAL HISTORY (Case #15-14)

1. Petitioner is C.J. Murphy, III of Total Performance Sports, 68 Vine Street, Everett, MA 02149.
2. Owner is Strafeo Corp., c/o Diane Muccioli, 150 Charles Street, Malden, MA 02148.
3. The petition seeks a special permit under §§300.1.2 and 300.3.4.10 of Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to allow recreation for gainful business use in the Industrial 2 zoning district.
4. The following plans were submitted with the petition: "Building Floor Plans 150 Charles Street Plan of Land in Malden, Massachusetts Prepared for Total Performance Sports, LLC," dated September 17, 2015, prepared by Matthew Lowry, P.L.S, Design Consultants, Inc., Somerville, MA; site plan, "Plot Plan 150 Charles Street, Malden, MA prepared for Total Performance Sports, LLC," dated September 9, 2015, prepared by Matthew Lowry, P.L.S, Design Consultants, Inc., Somerville, MA; "Pavement Marking Site Plan 150 Charles Street, Malden, MA prepared for Total Performance Sports, LLC," dated September 11, 2015, prepared by David Giangrande, P.E., Design Consultants, Inc., Somerville, MA; "Pictorial Rendering for Total Performance Sports, 150 Charles St, Malden, Ma. 02148 with proposed signage. Front View-photos taken 9/12/12015," unsigned; and "Pictorial Rendering for Total Performance Sports, 150 Charles St, Malden, Ma. 02148-taken 9/12/12015," depicting north side, south side and rear view of building.
5. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #15-14):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a single-story building with a gross floor area of 9,687 square feet, which is currently vacant and most recently used for manufacturing.
2. The proposal is to use the property for recreation for gainful business use, namely, a strength and training fitness center, owned and operated by the petitioner.
3. The proposal largely maintains the existing floor plan using existing areas for workout space and existing offices, and making minor interior renovations to create a yoga room and changing rooms.
4. The proposal includes upgrading the bathrooms, electrical, HVAC, sprinkler system and landscaping.
5. The property is located in the Industrial 2 zoning district.
6. Recreation for gainful business use is allowed by special permit, per §300.3.4.10 of the Ordinance.
7. Direct abutters are manufacturing to the west, south and east; and a public service corporation and motor vehicle repair shop with salvage yard to the north, on the other side of Charles Street.
8. Surrounding land uses are business, namely, a restaurant and function hall, supermarket and retail sales; and industrial, namely, manufacturing, warehouse, and wholesale & distribution.
9. The proposed recreation for gainful business use is not in conflict with surrounding land uses.
10. The building violates the rear yard setback and the property is preexisting nonconforming, per §700.1.1 of the Ordinance.

11. The proposal increases the existing rear yard setback violation and creates no new nonconformities, per §§400.1.4.10 and 700.1.3.2 of the Ordinance.
12. The increase in violation of this dimensional control will not be more detrimental to the neighborhood.
13. The proposal requires thirty-eight parking spaces, per §500.1.4.14 of the Ordinance.
14. The site plan depicts forty parking spaces on-site, located in existing paved lots at the western and eastern sides of the building, accessed by existing curb-cuts, configured as head-on spaces, in a conforming layout for two-way traffic circulation, with snow storage, per §500.2 of the Ordinance.
15. The proposal requires bicycle parking for two, per §500.2.22 of the Ordinance.
16. The proposed location of the dumpster does not comply with §500.3.5.8 of the Ordinance, and specifically, does not provide adequate access for servicing, is within 20 feet of the property line and lacks visual screening.
17. Petitioner's business generates a minimal amount of trash and may not need a dumpster.
18. Petitioner intends to relocate its business from its current location on Vine Street, Everett, which is 30,000 square feet in size.
19. Petitioner submitted information, "Total Performance Sports Weekly Usage Times Report," dated October 14, 2015, containing daily data for the past week at petitioner's current location in Everett, and indicating that during the peak hour, 5 to 6 pm, attendance was 28 members.
20. Petitioner's business has a staff of four to five employees.
21. According to petitioner, existing patrons of its current location use public transportation, and petitioner expects patrons of its new location to use public transportation, given the proximity of the subject property to the Malden Center MBTA station.
22. The front yard of the subject property is paved and accessible via existing curb cuts, however, petitioner does not intend to use this area for parking.
23. The traffic and traffic patterns generated by the proposed use will not adversely impact any of the surrounding streets or create a traffic or safety hazard.
24. Petitioner's proposed hours of operation are 6 am to 10 pm.
25. The Ward 1 City Councilor, Mayor of Malden and Mayor of Everett are in favor of the petition.
26. There is no public opposition to the petition.
27. The proposal will not be more detrimental to the neighborhood.
28. The proposed use is in the interest of the common good.
29. Petitioner consents to the proposed conditions of this special permit.

DECISION (Case #15-14):

Pursuant to the foregoing Findings of Fact, the Planning Board moved to grant the special permit subject to the following five conditions, and the motion passed: 1) Install and maintain pavement markings as per plans; 2) Site, screen and maintain dumpster in location that complies with requirements of zoning ordinance and requirements of Board of Health; 3) Repair or replace sidewalks, driveways and perform necessary incidental work adjacent to the property to the satisfaction of the DPW Director; 4) Landscape unpaved front yard areas; and 5) Provide bicycle parking for a minimum of two.

RECORD of VOTES (Case #15-14):

The vote on the motion to grant a special permit with five conditions was eight in favor, none opposed: Antonucci, yes; Chiu, yes; Chuha, yes; Henry, yes; Lawhorne, yes; MacCuish, 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