



CITY OF MALDEN PLANNING BOARD
NOTICE OF DECISION

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MALDEN, MASS.

CASE NUMBER 15-17
LOCATION of SUBJECT PROPERTY 54 Eastern Avenue, Malden, MA
NAME of PETITIONER New England Communities, Inc.
NAME of OWNER 54 Eastern Ave Malden LLC
DATE of PUBLIC HEARING November 18, 2015
DATE of DECISION November 18, 2015
DATE of FILING DECISION with CITY CLERK November 24, 2015
DATE of NOTIFICATION to BUILDING INSPECTOR November 24, 2015
FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT December 14, 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.]

PROCEDURAL HISTORY (Case #15-17)

1. Petitioner is New England Communities, Inc., 97 Parker Street, Newton Centre, MA 02459.
2. Owner is 54 Eastern Ave Malden LLC, 54 Eastern Avenue, Malden, MA 02148.
3. The petition seeks to amend the special permit granted in Case #14-05 under §§300.3.2.5 and 700.1.3.2, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden ("Ordinance") to amend the condition regarding expiration.
4. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #15-17):

The City of Malden Planning Board finds the following facts:

1. All facts found in the special permit granted in Case #14-05, except as modified herein.
2. The special permit granted in Case #14-05 allows the extension, structural change and alteration of the property for multifamily residential use as fourteen dwelling units and general offices with accessory food pantry and meals program.
3. Petitioner is the owner's new business partner, New England Communities, Inc., which will develop and manage the proposed residential dwelling units.
4. Owner, 54 Eastern Avenue, Malden LLC, has a corporate manager, Bread of Life, Inc., which is now the sole owner, and which currently occupies the existing building for general offices and operates the accessory food pantry and meals program at the property and will continue to do so under the proposal.
5. Condition 16 of the special permit granted in Case #14-05 provides: This special permit shall expire on December 1, 2015 unless construction has commenced pursuant to a building permit.
6. The proposal is to amend Condition 16 of the special permit granted in Case #14-05 so as to specify a later expiration date.
7. The extension is necessary due to delays in the project's financing, including issues resulting from the bankruptcy of owner's prior business partner, and the lengthy nature of federal and state public funding processes.
8. To date, no application for a building permit, including demolition permit, has been filed.
9. The rights authorized under this special permit will lapse one year from the date of granting, if substantial construction or substantial use has not commenced; however, an expiration date may be specified by the special permit.
10. The proposal includes no changes to the project or plans approved with the special permit granted in Case #14-05.
11. The proposal does not affect the proposed zoning, dimensional controls, parking requirements or traffic impact of the project, as approved by the special permit granted in Case #14-05.
12. The Ward City Councilor supports the proposal.
13. There is no public opposition to the proposal.

14. The proposal will not be more detrimental to the neighborhood.

DECISION (Case #15-17):

Pursuant to the foregoing Findings of Fact, the Board motioned to modify the special permit granted in Case #14-05 and to grant a special permit subject to the following sixteen (16) conditions, and the motion passed:

1. The residential dwelling units shall be used exclusively as studio apartments, each occupied by only one tenant, managed by and with on-site supported living program services to be provided by New England Communities, Inc. or a similar service-provider.
2. The food pantry and meals program must be accessory to the general office use of the property; the general offices shall be used exclusively by Bread of Life or a similar entity.
3. The entire development shall be as per plans.
4. Antennas on the rooftop or any part of the building's exterior are prohibited, except for emergency City antennas.
5. All utilities, HVAC and associated equipment on the rooftop shall be screened visually.
6. Any and all balconies are prohibited.
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 trash compactor are permitted.
8. Compliance with all requirements described in Board of Health/DPH letter dated March 7, 2013.
9. Maximize site distance by using low landscaping abutting sidewalks; install safety signage and pavement markings for vehicles and pedestrian crossings at site drive, including stop sign, "pedestrian crossing" sign, and "caution vehicles exiting" sign.
10. Repair or replace sidewalks, driveways and perform necessary incidental work adjacent to the property to the satisfaction of the DPW Director.
11. Obtain DPW approval for proposed new and/or modified curb-cut.
12. Designate loading space with pavement markings.
13. Petitioner must provide a site plan that includes an "auto-turn" template to show that all vehicles, including delivery trucks, can turn around to exit the site head-on.
14. Install and maintain fencing, gate, landscaping, bicycle rack and bench along or adjacent to Northern Strand Community Trail/ Bike to the Sea path, and install cameras and lighting in locations abutting property, to be determined by Ward City Councilor and Malden Police; and maintain cleanliness of that portion of the Northern Strand Community Trail/Bike to the Sea path abutting the property, including, but not limited to, litter control and removal of overgrown vegetation.
15. Maintain property clean and clear of all debris; no outside storage allowed.
16. This special permit shall expire on June 30, 2017 unless construction has commenced pursuant to a building permit.

RECORD of VOTES (Case #15-17):

Antonucci, yes; Chiu, yes; Chuha, yes; Fitzgerald, yes; Hayes, 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:

Malden Planning Board



Michelle A. Romero, City Planner