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CITY of MALDEN PLANNING BOARD 2016 OCT - 5 P 3: 51  
NOTICE of DECISION

CITY CLERK'S OFFICE  
MALDEN, MASS.

CASE NUMBER 16-21

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

NAME of PETITIONER EA Fish Development LLC

NAMES of OWNERS RFA Malden Trust and Anthony M. Celani, Jr. and Frank Celani

DATE of PUBLIC HEARING September 21, 2016

DATE of DECISION September 21, 2016

DATE of FILING DECISION with CITY CLERK October 5, 2016

DATE of NOTIFICATION to BUILDING INSPECTOR October 5, 2016

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT October 25, 2016

*[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 #16-21):

1. Petitioner is the pending new owner and developer, EA Fish Development LLC, 60 William Street, Suite 220, Wellesley, MA 02481.
2. The owner of 11 Charles Street is RFA Malden Trust, c/o James A. Ryan, Trustee, 11 Charles Street, Malden, MA 02148; and the owners of 17 Charles Street are Anthony M. Celani, Jr. and Frank Celani, 17 Charles Street, Malden, MA 02148
3. The petition seeks a special permit under §§300.3.2.6 and 300.3.4.8, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to allow multifamily residential dwelling use and medical center use of property in the Central Business zoning district.
4. The following plans and information were submitted in support of the petition:
  - a) Set of plans (19 sheets), "11 CHARLES STREET 11 Charles Street Malden, MA," dated May 5, 2016 with revisions dated August 8, 2016, prepared by Michael D. Binette, Re. Architect, The Architectural Team, Inc., Chelsea, MA, that includes: an Existing Conditions Plan and a Lot Consolidation Plan, prepared by Gregory R. Corcoran, P.L.S., Dana F. Perkins, Inc., Tewksbury, MA; Site Preparation Plan, Site Layout Plans (ground floor and upper level) and Site Grading, Drainage and Utility Plan, prepared by Richard E. Latini, P.E., Howard Stein Hudson, Boston, MA; Landscape Plan, prepared by Lorayne Black ASLA, Groton, MA; Parking Layout Plans (lower and upper levels); Typical Floor Plan (floors 3-6); and Exterior Elevations.
  - b) "11 Charles Street Residences, Malden, MA Stormwater Report," dated May 5, 2016, prepared by Richard E. Latini, P.E., Howard Stein Hudson, Boston, MA.
  - c) Traffic Impact information prepared by Howard Stein Hudson, Boston, MA: "11 Charles Street Residences, Malden, MA, Transportation Study," dated April 29, 2016; and Memorandum re: 11 Charles Street Response to Traffic Peer Review, dated July 26, 2016.
5. The petition is exempt from the current moratorium on permits for multifamily dwelling units in the City, which excludes property located in the Central Business zoning district and expires on December 28, 2016, per §800.3.3.1 of the Ordinance; and pursuant to this moratorium, the City is currently undertaking studies of the impact of increased population and density and adequacy of the City's infrastructure and financial ability to accommodate increased population and density.
6. The petition is not subject to pending amendments to the Ordinance regarding use regulations, open space, parking requirements, mitigation fees and inclusionary housing, given that the petition was filed on June 20, 2016, prior to the date of first publication of the notice of public hearing on the amendments on August 26, 2016.
7. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #16-21):

The City of Malden Planning Board finds the following facts:

1. The development site is located at the corner of Charles Street and Middlesex Street and currently consists of two parcels, 11 Charles Street, containing 48,939 square feet, known by Assessor's Parcel ID # 054 237 707, and 17 Charles Street, containing 3,760 square feet, known by Assessor's Parcel ID# 054 237 709, hereinafter, collectively referred to as the "subject property;" the subject property contains approximately 52,709 square feet, or 1.21 acres.
2. The proposal is to demolish the existing building on each parcel, combine the two parcels to form the subject property, and construct a six-story building for use as 99 residential apartment units containing a total of 142 bedrooms, and a community health center, containing 11,110 square feet.
3. Under the proposal, the dwelling units will be located on the second through sixth floors, and configured as 18 studios, 457 to 530 square feet in size; 30 one-bedroom units, 688 to 764 square feet in size; 8 units with one bedroom and den, 901 to 925 square feet in size; and 43 two-bedroom units, 990 to 1199 square feet in size.
4. The proposal includes a "community room" on the first floor, containing 2,018 square feet, which will be primarily for use of the residents and may be available to community groups.
5. The subject property is located in the Central Business zoning district.
6. Currently, 11 Charles Street is occupied for recreational for gainful use as a bowling alley and 17 Charles Street is occupied for a motor vehicle repair shop, general offices by an insurance agency and retail sales of vehicles, which are allowed by right and/or, allowed by special permit, per §§300.3 and 700.1 of the Ordinance.
7. The proposed multifamily residential use, three to six stories, is allowed by special permit in the Central Business zoning district, per §300.3.2.6 of the Ordinance.
8. The proposed medical center use is allowed by special permit in the Central Business zoning district, per §300.3.4.8 of the Ordinance.
9. The direct abutter to the east is a building containing various businesses, including restaurants, hair salon and meat market; to the north, retail sales with drive-thru occupied by Walgreens Pharmacy; to the west, on the other side of Middlesex Street, a restaurant and supermarket; and to the south, on the other side of Charles Street, a motor vehicle repair shop, group dwelling, a municipal parking lot and a parking lot used for vehicle sales.
10. Surrounding land uses are industrial, business, institutional and residential, and the abandoned railroad right-of-way, a portion of which is used as the public multimodal recreational trail, Bike to the Sea/Northern Strand Community Trail.
11. The proposal complies with all dimensional controls, per §§400.1.2.6 and 400.3 of the Ordinance.
12. Under the proposal, open space for the residential use is proposed in the lobby on the first floor; outside the building in plazas along Charles Street; in a fitness/amenity space on the second floor; on roof decks on the second floor and over the sixth floor; and in balconies of four dwelling units on the third floor; no plans for the open space in the lobby or roof decks were submitted.
13. The proposed multifamily dwelling requires 124 parking spaces, namely, 1.25 spaces per dwelling unit, per §500.2.8.2 of the Ordinance; the proposed medical center requires no parking, per §500.2.8.1 of the Ordinance, and one loading bay/space, per §500.3.5.1 of the Ordinance.
14. The proposal provides a total of 142 parking spaces on-site in a conforming layout: 77 spaces in a surface lot and 65 spaces on a parking deck located partially above the surface lot accessible via a ramp; and also includes three additional spaces on the parking deck, available on a "seasonal" basis, in an area designated for snow storage.
15. The proposal requires bicycle parking for a total of fourteen: ten for the residential use and four for the medical center use, per §§500.2.8.5 and 500.2.22 of the Ordinance.

16. The proposal provides one loading bay/space, in the surface (lower) parking lot, along on the northern property line; and covered bicycle parking, on the surface (lower) parking lot, located at the back of/under the ramp leading to the upper parking deck.
17. Under the proposal, petitioner will provide 14 parking spaces offsite, and one additional space, for "seasonal" use when snow storage is not required, at a nearby property that petitioner intends to purchase, develop and use as an offsite parking lot for the medical center; the property is located to the south of the subject property, on the other side of Charles Street, known as 0 Charles Street (City Assessor's Parcel ID #062 239 913); contains 4,200 square feet; and this property is the subject of a variance of dimensional controls for lot area and parking requirements for aisle width, granted by the Board of Appeals on May 19, 2016; the property is currently used and licensed as a parking lot for 21 cars for used car sales business by the current owner of 17 Charles Street.
18. The City's peer review of traffic information submitted by the petitioner is described in correspondence dated June 29, 2016, correspondence dated August 29, 2016 and email dated September 7, 2016 from Kenneth Petraglia, BETA Group, Inc., and includes recommendations for traffic improvements and safety mitigation.
19. There are existing traffic congestion on the surrounding roadways and failing levels of service at intersections adjacent to or nearby the subject property, and the proposal will exacerbate these existing conditions.
20. Petitioner's traffic consultant reviewed the feasibility of allowing a left-hand turn from Route 60 westbound onto Middlesex Street and found Route 60 is not wide enough to maintain two travel lanes and add a dedicated turning lane, without eliminating a travel lane or widening the road.
21. The traffic and traffic patterns generated by the proposal will adversely impact the surrounding streets and exacerbate existing traffic and safety hazards.
22. Currently, there are 691 multifamily apartment units in the Central Business zoning district with building permits and/or zoning approvals that are exempt from the moratorium, per §800.3.3.1 of the Ordinance; and 325 multifamily apartment units or town/row units in other districts with building permits and/or special permits, exempt per Massachusetts General Laws, Chapter 40A, §6; and the impacts of these units on the City's infrastructure and school system are unknown at this time.
23. According to the public school department, last year there were 754 enrolled school-aged children living in apartment buildings citywide, including existing buildings in the Central Business district.
24. The Ward 1 City Councilor, all three City Councilors-at-Large, the Ward 6 City Councilor and the Ward 1 School Committee member oppose the residential proposal due to its density and scale, its substantially detrimental impacts on the neighborhood and its fiscal impacts and increased demands on City infrastructure and services, given major concerns with existing traffic on Charles Street and Main Street and at nearby intersections and roadways, which will be exacerbated by the proposal; on-going concerns about the City's population, density and the effects of more apartments on public services, infrastructure and the school system; the proposed number of dwelling units and bedrooms; the potential number of school-aged children who will reside in the proposed building and existing overcrowded status of schools; and existing limitations of fire and police resources.
25. Many residents oppose the residential proposal because of its adverse impacts on the neighborhood and City infrastructure, including roadways and schools, and expressed a variety of concerns, including traffic congestion, existing number of large-scale and high-rise apartment buildings, density and currently overcrowded schools.
26. The developer intends to donate \$250,000.00 to the City, which may be used for affordable housing, traffic mitigation or infrastructure improvements.
27. The proposed medical center will be occupied for use as a community health center by South Cove Community Health Center, a federally funded entity, which specializes in providing healthcare services to Asian Americans; currently has locations in Chinatown, Boston and Quincy; and

- currently serves 32,000 patients, 3,600 of whom reside in Malden, 600 of whom are children and 1,200 of whom are over the age of 55.
28. The proposed community health center will provide healthcare services to the Asian community of Malden, which is currently 24% of the City's total population, according to the 2010 U.S. Census.
  29. The proposed community health center will provide primary care healthcare services, including, adult medicine, women's health clinic with obstetrics/gynecology, pediatrics, phlebotomy (blood) drawing, and eye/vision screening; and offer flu clinics, social services and interpretation services.
  30. The proposed community health center will not offer psychiatric, dental or pharmacy services onsite.
  31. The proposed community health center estimates that it will serve 120 patients daily.
  32. The proposed community health center expects many patients will walk or use public transportation.
  33. The proposed community health center estimates that it will employ twenty employees.
  34. From the proposed community health center, blood samples will be picked up multiple times daily and brought to Beth Israel Hospital, and biohazardous waste will be picked up every two weeks.
  35. The proposed hours of operation of the community health center are Monday through Friday, 8:30 am to 6:30 pm; Saturdays, 8:30 am to 3:00 pm; and Sunday, 8:30 am to 2:00 pm; and there will be a 24-hour emergency referral call-in center.
  36. Numerous residents, community leaders and business owners are in favor of the proposed community health center.
  37. According to representatives of the community health center, it is not viable or financially feasible for the proposed community health center to be located at the subject property without its partnership with the proposed residential development.
  38. The proposal is being presented as a mixed-use project that must include both the residential apartments and the community health center, and the proposal is being considered in its totality.
  39. The proposal will be more detrimental to the neighborhood.
  40. The proposal is not in the interest of the common good.

DECISION (Case #16-21):

On September 21, 2016, pursuant to the foregoing Findings of Fact, the Planning Board denied the petition for a special permit for the multifamily dwelling use and the medical center use.

RECORD of VOTES (Case #16-21):

On September 21, 2016, the vote on the motion to deny the petition for a special permit was six in favor, three opposed:


Antonucci, yes; Chiu, no; Chuha, yes; Fitzgerald, yes; Henry, yes; Lawhorne, yes;  
Mzaouakk, no; Wolff, no; Ioven, yes.

*Motion by Lawhorne, seconded by Antonucci.*

*[Absent: Hayes, MacCuish]*

*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.*

Malden Planning Board

By:   
Michelle A. Romero, City Planner