



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

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CITY CLERK'S OFFICE  
MALDEN, MASS.

CASE NUMBER 16-03

LOCATION of SUBJECT PROPERTY 263 Commercial Street, Malden, MA

NAME of PETITIONER Adult Day Health Inc.

NAME of OWNER Accurate Realty Management LLC

DATE of PUBLIC HEARING February 10, 2016

DATE of DECISION February 10, 2016

DATE of FILING DECISION with CITY CLERK February 17, 2016

DATE of NOTIFICATION to BUILDING INSPECTOR February 17, 2016

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT March 8, 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 #16-03):

1. Petitioner is Adult Day Health Inc., 30 Eastbrook Street, Dedham, MA 02026.
2. Owner is Accurate Realty Management LLC, c/o 263 Commercial St, LLC, P.O. Box 983, Winchester, MA 01890.
3. The petition seeks a special permit under §300.3.4.27, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to allow adult day health center use of property in the Industrial 2 zoning district.
4. The following plans and information were submitted with the petition: "Existing Condition Plan, 263 Commercial St Malden, Mass.," dated September 22, 2015, prepared by Carlos Ferreira, P.E., Westborough, MA; "Proposed Site Plan, 263 Commercial St Malden, Mass.," dated September 22, 2015; prepared by Carlos Ferreira, P.E., Westborough, MA; Floor plans, "Existing & Proposed Plans, 263 Commercial St., Malden, MA," (A1), dated September 9, 2015, prepared by Edward F. Nunes, Reg. Architect, Nunes Trabucco Architects, Needham, MA; "Existing & Proposed Elevations, 263 Commercial St., Malden, MA," (A2) dated September 9, 2015, prepared by Edward F. Nunes, Reg. Architect, Nunes Trabucco Architects, Needham, MA; Memorandum, "Proposed Adult Day Care Area Gross Square Footages 263 Commercial Street Malden, MA," dated September 28, 2015, prepared by Lucio Trabucco, Nunes Trabucco Architects, Needham, MA; and set of plans, "Alterations to 263 Commercial Street Malden, MA," dated October 29, 2015, that includes, "Proposed Site Plan," dated September 16, 2015.
5. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #16-03):

The City of Malden Planning Board finds the following facts:

1. The property contains 28,810 square feet and is the site of a single-story building with a gross floor area of approximately 9,744 square feet; the property is currently vacant and most recently occupied for building, construction & contracting and retail sales by a commercial painting company.
2. Petitioner is the proposed tenant and occupant, doing business as Mass Adult Day Health Alliance.
3. The proposal is to renovate the interior of the existing building for use as an adult day health center comprised of a seating area containing 2,808 square feet and 40 seats; a recreation area containing 1,809 SF and 40 seats; kitchen, recreation room, therapy room, nurses' offices, treatment room, quiet rooms, social services and staff offices.
4. The proposal includes construction of an addition to the rear, southwestern, corner of the building, approximately 255 square feet in size, with dimensions 20 feet by 12.75 feet, for use as storage.
5. The property is located in the Industrial 2 zoning district.
6. The proposed adult day health center use is allowed by special permit in this district, per §300.3.4.27 of the Ordinance.
7. The direct abutter to the west is the active MBTA right-of-way for the rapid transit and commuter rail lines, to the west of which are a single-family dwelling and two-family dwelling on Oakland Street; to the north, general offices occupied by a state agency, and to the south, manufacturing occupied by a local newspaper; and to the east, on the other side of Commercial Street, manufacturing.
8. Surrounding land uses are residential, business and industrial.
9. The proposed adult day health center use is not in conflict with surrounding land uses.
10. The proposal does not create any violations of dimensional controls, per §400.1.4.22 of the Ordinance.
11. Thirty-eight parking spaces are proposed, as depicted on the site plan: thirty-one, configured as head-on, at the rear (southern side) of the building; five configured as parallel along the northern side of the property; and two, configured as head-on, at the front (northeastern) corner of the building; and no loading bay/space is proposed.
12. The proposal requires one-hundred seventeen (117) parking spaces and one loading space, per §§500.1.4.27 and 500.3.5.1 of the Ordinance; and the proposal creates a new violation as to number of parking and loading spaces, namely, a deficiency of 79 spaces or 68%; and one loading space or 100%.
13. The Board of Appeal granted a variance of parking regulations on December 17, 2015.

14. The violations of parking regulations created by the proposal will not be more detrimental to the neighborhood.
15. A one-way traffic circulation pattern is proposed, running counterclockwise around the building, with access via the existing curb-cut on Commercial Street at the northeastern corner of the lot, and proposed egress via a proposed new curb-cut on Commercial Street at the southeastern corner of the lot.
16. Petitioner will install signage and pavement markings to designate the one-way traffic circulation pattern on-site.
17. The existing fencing and guard rails that currently separate the property from abutting properties will be maintained; there will be no access between the properties; and no access or egress to Commercial Street will be shared.
18. As modified by the proposed conditions of this special permit, the traffic and traffic patterns generated by the proposal will not adversely impact any of the surrounding streets or create a traffic or safety hazard.
19. Adult day health centers are licensed and regulated by the state Department of Public Health.
20. According to petitioner, based on state regulations, the proposed facility at the property has a maximum occupancy of 125 participants, and at full capacity, a "mandated staffing ratio" of a total of 21 employees, including registered nurses, dietician, case manager, social worker and a program director.
21. Eligibility to participate in petitioner's adult day health program is based on financial means and need for services, namely, assistance with "activities of daily living," such as dressing, washing and medication reconciliation.
22. The proposed adult day health center program provides social, nutritional and nursing oversight to its participants.
23. Participation in petitioner's program is not restricted by age, however, the majority of participants are older than 60.
24. Petitioner's program conducts assessments of participants upon admission and on a monthly basis.
25. According to petitioner, state regulations require that an adult day health center must provide: services a minimum of six hours each day; nutritious meals and snacks; four hours of "meaningful activities" per day, such as arts and crafts, entertainment and recreation; and "quiet rooms."
26. Substance abuse treatment services are not part of the proposal, and the Ordinance prohibits substance abuse treatment center use as accessory to an adult day health center use.
27. The proposed adult day health center use is in the interest of the common good.
28. Petitioner currently operates eleven adult day health centers in Massachusetts that serve approximately 2,000 participants; and one center currently serves fifteen Malden residents and employs three nurses from Malden.
29. Petitioner's proposed hours of operation are 8 am to 4 pm, weekdays; according to petitioner, weekend hours must be approved by the state Department of Public Health.
30. Access and egress to the proposed facility at the property will be secured and monitored.
31. Petitioner will transport participants to the program using vans, which the program will purchase and park on-site.
32. Petitioner's weekly deliveries of bulk food supplies will be scheduled to avoid high traffic times.
33. The proposal requires Plan Review by the Board of Health and must comply with all Board of Health Regulations.
34. The Ward 1 City Councilor is in favor of the petition.
35. There is no public opposition to the petition.
36. The proposal will not be more detrimental to the neighborhood.
37. Petitioner consents to the proposed conditions of this special permit.

DECISION (Case #16-03):

On February 10, 2016, pursuant to the foregoing Findings of Fact, the Planning Board granted the special permit subject to the following seven conditions: 1) All development shall be as per plans, except as modified by these conditions; 2) The proposed addition is allowed, as per plans; 3) Install and maintain striping of all parking spaces, as per plan; 4) Install and maintain pavement markings and signage on-site for one-way traffic circulation pattern, and for access and egress at site drives; 5) Repair and/or replace sidewalks and driveways, including related incidental work, around perimeter of property, to the reasonable satisfaction of DPW Director; 6) No outside storage allowed; and 7) Maintain existing guard rail and fencing around the property.

RECORD of VOTES (Case #16-03):

The vote to grant a special permit with seven conditions was nine in favor, none opposed:

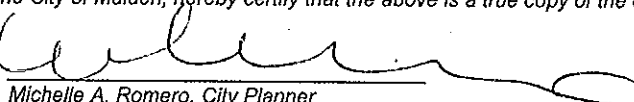
Antonucci, yes; Chiu, yes; Chuha, yes; Fitzgerald, yes; Hayes, yes; MacCuish, yes; Mzaouakk, yes; Wolff, yes; Ioven, yes.

*Motion by Antonucci, seconded by Mzaouakk.*

*[Absent: Henry, Lawhorne]*

*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