



# City of Malden

Malden City Hall  
200 Pleasant Street  
Malden, MA 02148

## Meeting Minutes - Final City Council

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Tuesday, October 27, 2015

7:00 PM

City Council Chambers

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### **1. CALL TO ORDER**

### **2. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE IN HONOR OF SERVICEMEN & WOMEN**

### **3. ROLL CALL**

**Present - Councillors:** 11 - Neal Anderson, Peg Crowe, David D'Arcangelo, Deborah DeMaria, Neil C. Kinnon, Barbara Murphy, James M. Nestor, Jadeane Sica, Craig Spadafora, Steven Ultrino and John P. Matheson

### **7. HEARINGS, PETITIONS, MEMORIALS AND REMONSTRANCES**

#### **549-15**

Petition of Jefferson Apartment Group for a Special Permit under Section 300.10, Chapter 12, Revised Ordinances of 1991, as amended, for a structure more than six (6) stories but not more than twelve (12) stories. (Hearing required)

The Malden City Council will hold a Public Hearing in the Herbert L. Jackson Council Chamber, Malden Government Center, 200 Pleasant Street Malden, at 7:00 P.M. on Tuesday, October 27, 2015, on the petition of Jefferson Apartment Group, on behalf of the City of Malden and The First Church in Malden, for a Special Permit under Section 300.10, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden, for a structure more than six (6) stories but not more than twelve (12) stories, to construct a building containing six to seven stories for residential use, namely, 310 to 320 dwelling units, and also to be occupied for business uses, namely, approximately 20,000 to 21,733 square feet for retail and/or other business use and approximately 44,000 to 46,500 square feet for general office use, and for garage space containing 310 to 340 parking spaces, as per plans, on a new lot to be created by merger of the parcels currently known as 200 Pleasant Street (also known by City Assessor's Parcel ID #051-275-505), No # Florence Street (also known by City Assessor's Parcel ID #051-252-201), land known as Pleasant Street, land known as Congregational Way, and 184 Pleasant Street (also known by City Assessor's Parcel ID #051 275 501), Malden, MA. Petition and plans are available for public review in the office of the City Clerk, Room 323,

and the office of the City Planner, Permits, Inspections and Planning Services, Room 223, Malden Government Center, 200 Pleasant Street, Malden, MA.

*The Council President noted that statutory notice requirements had been met by advertisement in the Malden News on October 13 and 20, and mailing to abutters on October 13.*

*The Council President stated that all members of the Council had been provided with a copy of the application and accompanying documents as follows:*

*-Authorization from the City of Malden and The First Church for the petitioner to act on their behalf in connection with permits;*

*-"Jefferson at Malden Center Shadow Analysis", dated August 28, 2015, prepared by Richard Kosian, PE, Beals and Thomas Inc., Southborough, MA; -"Jefferson at Malden Center Transportation Study", dated September 9, 2015, prepared by Keri Pyke, PE, PTOE, Howard Stein Hudson;*

*-"Stormwater Management Report: Jefferson at Malden Center", dated September 8, 2015, prepared by Jeffrey R. Murphy, PE, Beals and Thomas Inc., Southborough, MA;*

*-Permit Plan Set, Jefferson at Malden Center in Malden Massachusetts (Middlesex County), dated September 8, 2015, prepared by Beals and Thomas Inc. in 43 Sheets.*

*Additionally, he said, all members had received copies of the Planning Board's Report & Recommendations, dated October 14, 2015; a peer review of the petitioner's traffic impact study by K. Patraglia, BETA Engineering, Norwood, MA; recommendations from Jefferson Apartment Group for clarification of condition proposed by the Planning Board.*

*He invited the petitioner to make a presentation relative to the proposal.*

*At the conclusion of the petitioner's presentation, the public hearing was open.*

*Deborah Burke, Executive Director of the Malden Redevelopment, and Attorney Jack Macilone, representing abutting property owners (the Gattineri Family), spoke in favor of the proposal.*

*Steven Frazier, Director of First Church Homes Inc. spoke in opposition to the petition. The Clerk read a letter from John F. Morello, Morello & Associates, PC, representing First Homes Inc., in opposition to the petition.*

*The public hearing was closed.*

*Councillor Nestor said that he believed that city officials were in the process of resolving the concerns raised by First Church Homes Inc.*

*After discussion of the proposal and recommended conditions, the Council voted to grant the petition with conditions.*

**A motion was made by Councillor Nestor, seconded by Councillor Murphy, that the following conditions be imposed on the petition:**

- 1. File petition and record plan for Approval Not Required subdivision to merge five parcels that comprise the development site: 200 Pleasant Street, 184 Pleasant Street, an unnumbered lot on Florence Street (City PID 051 252 201), land known as Congregational Way and land known as Pleasant Street; no further subdivision is allowed.**
- 2. All residential development shall be as per plans, with minor modifications of floor plans allowed, only as to configuration of dwelling units, back of house**

(trash and mechanical areas) and core and hallway locations, not number of units or number of bedrooms; the maximum number of dwelling units is 320; the maximum number of bedrooms is 445; no three bedroom units allowed. Uses will not be moved from the floor on which they are proposed.

3. All non-residential development shall be as per plans, with minor modification of floor plans allowed but not as to location within the building; any business use may be located on a street-level floor only, and office use may be located on all floors of the building; any business use must comply with use regulations and other requirements of the zoning ordinance; no institutional use of the property, except daycare, is allowed; no industrial use of the property is allowed.

4. Building exteriors shall be as per plans, except minor modifications of façade as to materials, windows and colors allowed, subject to reasonable approval of Malden Redevelopment Authority, Mayor and Ward City Councilor.

5. Exterior open space on the ground level of the site shall be privately maintained with public use and public access rights to be established and maintained in perpetuity per a recorded easement.

6. Pleasant Street adjacent to the property shall be privately owned, subject to public use and access rights to be maintained in perpetuity per a recorded easement; the City shall maintain Pleasant Street and regulate all on-street parking.

7. A minimum of 310 parking spaces shall be provided on-site in the proposed garages; a minimum of 0.75 spaces per dwelling unit shall be for use of the residents of the building.

8. Install pedestrian alert sensors at garage entrance/exit on Exchange Street and Abbott Street.

9. Reconstruct all sidewalks, driveways and perform necessary incidental work, including but not limited to: realignment or resetting of curbing; adjustments of sidewalks and raising or relocating gateboxes, due to grade or elevation changes; installation of handicapped accessibility ramps on corresponding opposite sides of the street; repairs to sidewalks, curbing, roadways, catch basins, and any City property, damaged by and during construction; unforeseen work and details not shown on the plan that arise during the course of excavation and construction; around the perimeter of the site and on ways open to the public within the site, subject to reasonable approval of DPW Director. All new and reconstructed sidewalks on Pleasant Street shall be consistent with existing sidewalks on Pleasant Street.

10. All new and/or modified curb-cuts shall require approval of DPW.

11. Install within the building a fire control room with appropriated radios for internal communications and appropriate antenna integral to the building structure, location and equipment, subject to reasonable approval of Malden Fire Department.

12. No permanent exterior dumpster is permitted on site after completion of construction; any dumpsters during construction or temporary dumpsters must comply with requirements of Malden Public Health Department; the permanent building must have trash room(s) with compactor(s), and is subject to requirements of the Board of Health and City Ordinances.

13. Provide funds to the City to purchase and install external surveillance security cameras in locations on and around the site, to be determined by Chief of Police and Ward City Councilor, and the proponent to be monitored by the City.

14. All antennas on the rooftop and any part of the exterior of the building are prohibited except for emergency City antennas.

15. Purchase and install period lighting and associated equipment and perform

incidental work, per city specifications, on all sidewalks around the perimeter of the site and on ways open to the public within the site, including the proposed new portion of Pleasant Street. Publicly accessible open spaces, both programmed and passive, will use lighting and sidewalk treatments as shown on the plans.

16. Landscape the site per plans, install trees along all sidewalks around the perimeter of the site and on ways open to the public within the site and along proposed new portion of Pleasant Street; any revisions subject to reasonable approval of Malden Redevelopment Authority, Mayor and Ward City Councilor.

17. Install and maintain an interim beautification plan during construction along the Commercial Street, Florence Street and Exchange Street sides of property to promote and /showcase Malden, subject to the reasonable approval of the Mayor, Malden Redevelopment Authority and Ward City Councilor.

18. Participate with the Malden Redevelopment Authority and Mayor's Office in a joint marketing effort to attract appropriate tenants for the non-residential space.

19. As voluntarily proposed by the developer, contribute a one-time payment of \$2,000.00 per dwelling unit to the City of Malden Expendable Trust Fund, to be used at the City's discretion to mitigate the future impacts of the development and/or infrastructure improvements.

20. Implement and/or install all traffic and safety mitigation and improvements on site and at adjacent and impacted intersections and roadways, as proposed by the proponent and with the additional mitigation recommended by the City peer reviewer, as described in the correspondence dated October 14, 2015 from BETA Group Inc., as follows:

1) Restrict on street parking along the north curb of Exchange Street for 125 feet to the west of the driveway, increasing the sight distance to 190 feet.

2) Modify the pedestrian crossing times at the following intersections:

a. Pleasant Street/Commercial Street/Florence Street

b. Commercial Street, Exchange Street/MBTA driveway

21. This special permit shall expire on December 31, 2017.

**Yea:** 10 - Anderson, Crowe, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

**Nay:** 1 - D'Arcangelo

**A motion was made by Councillor Nestor, seconded by Councillor Kinnon, that the Petition be further amended by adding the words "or building height" after the words "number of bedrooms" as appearing in condition #2 . The motion carried by the following vote:**

**Yea:** 11 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

**A motion was made by Councillor Nestor, seconded by Councillor Murphy, that the Petition be amended by adding at the end of condition #9 the following new sentences: The developer shall research products that maintain the look and feel of brick but provide a stable walking environment for pedestrians and shall implement a maintenance plan for the selected surface. Final determination of surface material will be made by city officials. . The motion carried by the following vote:**

**Yea:** 11 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

**A motion was made by Council President Matheson, seconded by Councillor Murphy, that conditions be further amended by adding a new condition as follows: Install electric car charging station or stations in a location accessible to**

the public. The motion carried by the following vote:

**Yea:** 11 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

**A motion was made by Councillor Nestor, seconded by Councillor Anderson, that the Petition be granted with conditions. The motion carried by the following vote:**

**Yea:** 10 - Anderson, Crowe, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

**Nay:** 1 - D'Arcangelo

550-15

Order: That the Treasurer be authorized to borrow \$600,000 to pay the costs of constructing municipal outdoor recreational and athletic facilities.

**Sponsors:** Barbara Murphy

**A motion was made by Councillor Murphy that the rules be suspended. The motion carried by a unanimous vote.**

**A motion was made by Councillor Murphy that the Order be referred to the Finance Committee. The motion carried by a unanimous vote.**

551-15

Order: That \$8,257.00 be transferred from Salary Reserve for Reclassification to various salary accounts.

**Sponsors:** David D'Arcangelo

**A motion was made by Councillor D'Arcangelo that the rules be suspended. The motion carried by a unanimous vote.**

**A motion was made by Councillor D'Arcangelo that the Order be referred to the Personnel Committee. The motion carried by a unanimous vote.**

### **13. PERSONAL PRIVILEGE**

552-15

Order: That the Council meet in Executive Session with the Police Chief relative to personnel issues as the relate to ongoing investigations.

*The Council President declared that open discussion would be detrimental to the city's investigative position.*

*The open meeting was recessed and Executive Session convened at 8:27 p.m.*

*The Executive Session was adjourned and open session reconvened at 9:12 p.m.*

**A motion was made by Councillor Anderson that the Order be adopted. The motion carried by the following vote:**

**Yea:** 11 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica, Spadafora, Ultrino and Matheson

553-15

Order: That the Council meet in Executive Session for the purpose of preliminary screening of applicants for the position of Clerk of Committees.

*The open meeting was recessed and the Executive Session convened at 9:15 p.m.*

*The Executive Session was adjourned and the open meeting reconvened at 9:27 p.m.*

**A motion was made by Councillor Anderson that the Order be adopted. The**

**motion carried by the following vote:**

**Yea:** 11 - Anderson, Crowe, D'Arcangelo, DeMaria, Kinnon, Murphy, Nestor, Sica,  
Spadafora, Ultrino and Matheson

#### **14. ADJOURNMENT**

At 9:27 p.m., a motion was made by Councillor Ultrino that the be adjourned. The motion carried by a unanimous vote.

**KAREN ANDERSON, CITY CLERK**