



**CITY of MALDEN CITY COUNCIL
NOTICE of DECISION**

CASE NUMBER 331-20

LOCATION of SUBJECT PROPERTY 7 Linehurst Road, Malden, MA

NAME of PETITIONER Standard Naturals, Inc.

NAME of OWNER Clark Liquors Inc.

DATE of PUBLIC HEARING October 27, 2020

DATE of DECISION November 10, 2020

DATE of FILING DECISION with CITY CLERK November 10, 2020

DATE of NOTIFICATION to BUILDING INSPECTOR November 10, 2020

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT November 30, 2020

[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.]

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CITY CLERK'S OFFICE
MALDEN, MASS.

PROCEDURAL (Case #331-20):

1. The subject property is known as and numbered 7 Linehurst Road, Malden, MA and also by the City Assessors parcel ID #185 575 563L.
2. The property owner is Clarks Liquors, Inc. 325 Bennett Highway, Malden, MA 02148.
3. Petitioner is the proposed tenant, Standard Naturals, Inc., doing business as East Coast Cannabis, 7 Linehurst Road, Malden MA 02148
4. At the public hearing, petitioner was represented by Scott Moore, 3 Valley Road, Marblehead, MA
5. The petition filed in Permit Application # CMID-032442-2020 seeks a special permit under §12.12.190, Ch. 12, Revised Ordinances of 2020 (the Ordinance) (formerly §300.20, Chapter 12, Revised Ordinances of 1991), to allow a Marijuana Establishment in the Highway Business zoning district, specifically, a Marijuana Retailer.
6. The following plans and information were submitted in support of the petition:
 - A) Site plan, "CONCEPT SITE PLAN OF LAND IN MALDEN, MA 7 LINEHURST ROAD Malden, Massachusetts, "(C1), dated January 8, 2020 (stamped/signed January 15, 2020), prepared by Katherine A. Cruz, Reg. P.E., Hancock Associates, Danvers, MA.
 - B) Site plan, "LAYOUT AND MATERIALS PLAN OF LAND IN MALDEN, MA 7 LINEHURST ROAD, Malden, Massachusetts, "(C1) dated February 28, 2020 (stamped/signed April 21, 2020), prepared by Katherine Cruz, Reg. P.E., Hancock Associates, Danvers, MA
 - C) Set of plans. "East Coast Cannabis, 7 Linehurst Road, Malden, MA Special Permit Drawings, "dated January 8, 2020 prepared by Dale A. Gienapp, Reg. Architects, Danvers, MA, that contain: first floor plan, "Proposed First Floor Plan;" "Rendering 1," "Rendering 2," "Rendering 3," and Rendering 4," showing perspective views of the proposed building from different sides; "Exterior Elevations 1," showing proposed northwest and southwest facades of the proposed building; and "Exterior Elevations 2," showing proposed northeast and southeast facades of the proposed building.
 - D) Traffic impact report, "Memorandum," dated June 4, 2020, and follow-up response correspondence dated August 28, 2020, prepared by Kenneth P. Cram, P.E., Bayside Engineering, Woburn, MA.
7. The petitioner has been approved by the City of Malden Cannabis Licensing and Enforcement Commission to move forward with this special permit process.
8. The Malden Planning Board provided the City Council with an advisory report and recommendations, dated October 14, 2020, pursuant to §12.32.030.B.2 of the Ordinance.
9. The City's peer review of petitioner's traffic impact information is contained in correspondence dated June 26, 2020 and September 22, 2020 from Kenneth Petraglia, P.T.O.E., Malden, MA.
10. In accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, Massachusetts General Laws, Chapter 30A, §18, and Governor Baker's March 23, 2020 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten

People, and due to the COVID-19 pandemic, the public hearing was held virtually and members of the public attended and participated remotely via technological means.

11. The public hearing complied with the notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #331-20):

The Malden City Council finds the following facts:

1. The subject property consists of a parcel that contains 21,653 square feet and is currently the site of a paved parking lot used by the abutting businesses and a freestanding sign (billboard) structure; and the property also includes a portion of Linehurst Road.
2. The proposal is to construct a new single-story building with a gross floor area of approximately 3,000 square feet, that includes the following: a Retail Area, approximately 1,551 square feet in size that includes 25 "Point of sales" stations, entrance vestibule, security checkpoint and exit vestibule; office (110 square feet); product storage (269 square feet); intake space (200 square feet); breakroom (172 square feet); and areas for mechanicals, utilities, security, janitor and restrooms (700 square feet).
3. Petitioner's use and occupancy of the building areas will be as depicted on the floor plans.
4. The proposal is to occupy the property for marijuana establishment use as a marijuana retailer.
5. Under the proposal, the existing freestanding sign (billboard) structure will remain and the existing parking lot will be eliminated.
6. The property is located in the Highway business zoning district.
7. The proposed marijuana establishment is allowed by special permit in this district, per the Ordinance.
8. The existing freestanding sign (billboard) structure is the subject of a special permit granted by the Planning Board in Case #14-03.
9. The proposed marijuana establishment will be the principal use of the property.
10. The proposed marijuana establishment is not located inside a building containing residential units.
11. The direct abutter to the south, is a self-storage business; to the west, a vacant parcel of land designated as a "paper" (unconstructed) street, Robbins Street, owned by the City of Malden; to the east, on the other side of Linehurst Road, a retail sales business, Kappy's Liquor Store, owned by the owner of the subject property; and to the north, on the other side of Route 1, a motel and mobile home trailer park.
12. Surrounding land uses are residential uses to the south and west, on Linehurst Road, Agatha Street and Morris Street in Revere, and to the south and west on Overlook Ridge Drive.
13. The proposal complies with all required buffer zones, as determined by Nelson Miller, Building Commissioner.
14. The proposed use is not in conflict with surrounding land uses.
15. The proposed new building complies with all dimensional controls of the Ordinance.
16. The proposed marijuana establishment will be located in a permanent building.
17. The proposal requires 12 parking spaces and one loading bay/space, per the Ordinance.
18. As depicted on the site plan, there will be a total of 19 parking spaces on-site and one loading space/bay, namely, 14 spaces in a parking lot in the northern side of the building/lot and 5 spaces in a parking lot area south of the building; and the parking layout is conforming, per the Ordinance.
19. Petitioner may enter into an agreement for the use in perpetuity of thirty (30) parking spaces on the abutting property, 325 State Highway (Parcel ID 185 574 401), currently occupied as Kappy's Liquor Store, and also owned by the owner of the subject property.
20. Vehicular access to the site is from two private ways, Linehurst Road and Leonardo Avenue, which are accessible from state highway, Frank B. Bennet Highway (Route 1) North; and

Linehurst Road continues southeast into Revere and is accessible via Agatha and Morris Streets in Revere.

21. The City's peer review recommends the following traffic and safety mitigation: A) Install traffic signs (or similar devices) at three locations: and advance sign to alert northbound motorists of the approaching southerly access ; a YIELD sign at each of the two egresses; and a STOP sign for the motorists exiting at the northern most exit; B) Restripe lane delineations; painted arrows; shoulders; markings; and painted arrows within the study area; C) Install a bold crosswalk to shelter pedestrians walking between the proposed site and the proposed additional parking at the adjacent site (Kappy's) and other generators; D) Set back a minimum of three feet, or more if required, to provide adequate sight distance; cut back and maintain existing vegetation and design new plantings to provide proper sight distance; and E) Coordinate with MassDOT to modify the existing shoulder on the approach to the southerly access to a Deceleration Lane.
22. As modified by the conditions of the 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.
23. The City will require police details if necessary.
24. The location on Route 1 maximizes business potential and in the outskirts of the city away from schools.
25. Petitioner's business will provide a minimum twenty-five jobs locally with a minimum of 50% set aside for Malden residents with an emphasis on minority applicants.
26. The proposed business will generate revenues for the city with 3% of the sales going to the city as tax revenue and 3% of sales going for a community impact fee.
27. The proposal will not generate any noise, odor, fumes, vibration, heat or other conditions that may be noxious or cause a nuisance to the community, a danger to public health, or impair public comfort and convenience.
28. Petitioner agrees to comply with all conditions recommended by the Planning Board.
29. The petitioner will negotiate to enter into a host community agreement with the City of Malden.
30. The City Councilor who represents the ward where the business will operate, supports the proposal.
31. Three members of the public are in support of the proposal.
32. There is no public opposition to the proposal.
33. As modified by the conditions of the special permit, the proposal is in the interest of the common good.
34. As modified by the proposed conditions of the special permit, the proposal is not detrimental to the public good.
35. As modified by the proposed conditions of the special permit, the proposal is not detrimental to the health, safety or welfare of the neighborhood or the city.

DECISION (Case#331-20)

On October 27, 2020, the City Council granted a special permit subject to the following 15 conditions:

1. The special permit granted in Case #14-03 shall remain in full force and effect.
2. All development shall be as per plans, which are incorporated herein by reference and except where modified by these conditions.
3. The retail sales area open to the public shall be limited to the location, area and size shown on the plans; any change shall require an amendment of this special permit.
4. Install, repair or replace sidewalks, driveways and perform necessary incidental work adjacent to the property to the reasonable satisfaction of the DPW Director.
5. Implement traffic and safety mitigation recommended by City Peer Reviewer in reports dated June 26, 2020 and September 22, 2020 regarding traffic signs, pavement markings, crosswalk to abutting property, landscaping and deceleration lane, subject to review and approval of MassDOT, where required.


6. The special permit is non-transferable and non-assignable.
7. Design and implement a Security Plan approved by the Malden Police Chief, which shall include, without limitation: all security measures for the site and the transportation of Marijuana and Marijuana Products to and from off-site premises to ensure the safety of employees and the public and to protect the premises property from theft or other criminal activity; a detailed explanation of payment method, if applicable, acceptable at such establishment and the protection and security of such payments and, if applicable, cash on site; and the presence of a security guard on site at all hours of operation.
8. Consumption of Marijuana and/or Marijuana Products is prohibited at or within 500 feet.
9. Smoking or burning of Marijuana and/or Marijuana Products is prohibited on the premises.
10. Marijuana in any form, including plants, and Marijuana Products shall not be visible from outside of the building.
11. Any outside storage of any kind is prohibited.
12. Any outside display of any kind is prohibited.
13. Incorporate odor control technology and provisions, and ensure that emissions do not violate M.G.L. c.111 § 31C, including but not limited to those specified for odors.
14. Prior to issuance of any building permit or occupancy permit, submit copies of the following licenses and approvals: a) A valid license issued by the Massachusetts Cannabis Control Commission, as defined herein this Ordinance; b) A fully executed Community Host Agreement with the City of Malden, as defined herein this Ordinance; c). Any required license and/or approvals issued by the Malden License Board; and d) Any required license and/or approvals issued by the Malden Board of Health.
15. Provide copy of written agreement for use in perpetuity of thirty (30) parking spaces offsite at abutting property, 325 State Highway, Malden (Parcel ID185 574 401).

RECORD of VOTES:

Councillor Anderson moved to grant the Special Permit with 15 conditions recommended by the Planning Board, seconded by Councillor Winslow. The following roll call vote was taken:

Anderson (y), Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Spadafora (y), Winslow (y), Sica (y). The motion passed (11-0).

I, Gregory Lucey, City Clerk of the City of Malden, hereby certify that the above is a true copy of the decision of the Malden City Council.

By: 
Gregory Lucey, City Clerk