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MALDEN, MASS.**Malden City Council  
Notice of Decision**

CASE #549-15

Location of Subject Property: 200 Pleasant St., 184 Pleasant St., no # Florence St (Assessor's Parcel ID#051 252 201), Pleasant St. and Congregation Way, Malden, MAName of Petitioner: JAG Development GroupName of Owner: City of MaldenName of Owner: First Church in MaldenDate of Public Hearing: October 27, 2015Date of Decision: October 27, 2015Date of Filing Decision with City Clerk: October 29, 2015Date of Notification to Building Inspector: October 29, 2015Final Date for Filing Appeal of Decision with Superior Court: November 18, 2015*(Any appeal must be made pursuant to MGL. c. 40A, sec. 17 and filed within 20 days after this Notice is filed with City Clerk.)***PROCEDURAL HISTORY (Case #549-15)**

1. Petitioner is JAG Development Group LLC, also known as Jefferson Apartment Group, 233 Needham St., Suite 404, Newton, MA 02464.
2. Owners are City of Malden, 200 Pleasant St., Malden, MA 02148 and The First Church in Malden, 184 Pleasant St., Malden, MA 02148.
3. The petition seeks a special permit under Section 300.10, Chapter 12, Revised Ordinances of 1991, as amended, of the City of Malden to allow structures more than six stories in the Central Business zoning district.
4. The following plans and information were submitted with the petition: 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.
5. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A s. 11.

**FINDINGS OF FACT (Case #549-15)**

The Malden City Council finds the following facts:

1. The proposed development site is approximately 3.43 acres in size, and is comprised of the following five parcels (hereinafter, collectively referred to as the "subject property" or the "site"):
  - a) 184 Pleasant Street (Assessor's PID#051-275-501): current site of First Church in Malden.
  - b) 200 Pleasant Street (Assessor's PID#051-275-505): current site of City Hall and Police Station.
  - c) No # Florence Street (Assessor's PID #051-252- 201): current site of public park.
  - d) Portion of Pleasant Street: current emergency access driveway and public pedestrian walkway.
  - e) Congregational Way: current public pedestrian walkway between Pleasant and Exchange Streets.
2. The subject property is located within the Housing Development Incentive Program zone and redevelopment under the proposal is subject to a proposed Tax Increment Exemption Agreement pending execution (authorized by C.C.P. #354/2015).
3. The subject property is located in the Central Business zoning district. The proposed general office use is allowed by right in this district; the proposed business use may be allowed by right or by special permit, depending on the particular business use; and the proposed multifamily residential dwelling use, 6 to 12 stories, is allowed by special permit.
4. The applicant is the pending new owner of the subject property, per a Land Disposition Agreement with the City of Malden, dated February 20, 2015, and a Purchase and Sale Agreement with the First Church in Malden, dated May 15, 2015.
5. The development proposal includes: merger of the above-referenced five parcels to create the subject property; demolition of all buildings/structures and discontinuance of public ways on the subject property;

- construction of a new building with a height of six to seven (6-7) stories, for use as a multifamily dwelling use containing 310-320 units and for business use, including 20,000-22,000 SF of "ground-floor retail space" and approximately 44,000- 46,500 SF of "office space."; the building contains a "North Block and South Block", connected via a sky-bridge spanning Pleasant Street and accessed on the third floor or a tunnel constructed under the proposed private driveway (Pleasant Street Extension); parking is provided on two garage levels, one accessed via Exchange Street, and one via Abbott Street, containing a total of 310 to 340 parking spaces; provision of open space on the ground/street level with public access; extension of Pleasant Street (between existing western end of Pleasant Street at Abbott Street and intersection of Commercial and Florence Streets) by construction of a two-way roadway with infrastructure improvements.
- 6. The proposed development furthers the city's goal of creating market rate transit-oriented housing in the area adjacent to the rapid transit station, as set forth in the Malden Center Housing Development Incentive Plan, adopted by the City Council on December 9, 2014.
- 7. The proposal complies with all dimensional controls except the density requirements for the multifamily residential dwelling use. The Board of Appeal granted a variance of density requirements at a public hearing on October 15, 2015.
- 8. The proposal complies with or exceeds parking requirements, providing a total of 310 to 340 parking spaces comprised of: 233 to 240 spaces for the dwelling units; 80 spaces for non-residential use; 7 spaces for car-sharing program; bicycle parking for 40 bikes in an interior room.
- 9. Additional on-street parking will be created on the new section of Pleasant St. (between the existing western end of Pleasant Street and Abbott Street and the intersection of Commercial and Florence Streets.)
- 10. The proposal includes traffic mitigation plans as described in "Jefferson at Malden Center Transportation Study", dated September 9, 2015, by Keri Pyke, PE, PTOE, Howard Stein Hudson
- 11. The City's peer review of petitioner's traffic impact study includes recommendations, as described in correspondence dated October 14, 2015 from K. Petraglia, BETA Group Inc., Norwood, MA.
- 12. The proposed extension of Pleasant St. is expected to improve traffic circulation in the surrounding area.
- 13. The proposed structure will cast a shadow on a portion of the front yards two properties within the adjacent Residence B zone only during the month of December.
- 14. The proposed structure will not be detrimental to the health, welfare, safety, peace and enjoyment of the nearby residents, and will not cause increases in loitering, disturbances, disorderly conduct, or excessive noise, or a decrease in air quality.
- 15. Water, sewer and drainage systems will be adequate following project development.
- 16. Adequate provisions have been made for solid waste removal and recycling. Trash storage, including dumpsters and recycling, will be located within the interior of structures and must comply with Board of Health regulations.
- 17. The Malden Planning Board recommends that the Special Permit be granted, subject to conditions as described in Planning Board Report & Recommendation, dated October 15, 2015.
- 18. A residential abutter and the Malden Redevelopment Authority are in support of the proposal.
- 19. Concerns expressed by another residential abutter regarding "air rights" are in the process of being resolved by city officials.
- 20. As modified by the proposed conditions, the special permit is in the interest of the public good.
- 21. The petitioner consents to all proposed conditions in the Special Permit.

#### DECISION (Case #549-15)

Based on the foregoing Findings of Fact, the City Council voted to grant the Special Permit subject to the following conditions:

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, number of bedrooms or building height; 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. 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.
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. Install electric car charging station or stations in a location accessible to the public.
22. This special permit shall expire on December 31, 2017.

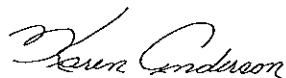
RECORD OF VOTES (Case 549-15)

The vote to grant the Special Permit subject to the foregoing conditions was 10 in favor, 1 opposed:

Anderson, yes; Crowe, yes; D'Arcangelo, no; DeMaria, yes; Kinnon, yes; Murphy, yes; Nestor, yes; Sica, yes; Spadafora, yes; Ultrino, yes; Matheson, yes.

I, Karen Anderson, 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:

A handwritten signature in cursive script, appearing to read "Karen Anderson".

Karen Anderson, City Clerk