



**CITY of MALDEN PLANNING BOARD
NOTICE of DECISION**

CASE NUMBER 26-01

LOCATION of SUBJECT PROPERTY 160 Eastern Avenue, Malden, MA

NAME of PETITIONER and PROPERTY OWNER 616 Broadway Nominee Trust

DATE of PUBLIC HEARING January 14, 2026

DATE of DECISION January 14, 2026

DATE of FILING DECISION with CITY CLERK January 28, 2026

DATE of NOTIFICATION to BUILDING INSPECTOR January 28, 2026

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT February 17, 2026

[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 #26-01):

1. The subject property is known as and numbered 160 Eastern Avenue and by City Assessor's parcel identification number 086 268 801.
2. Petitioner is the property owner, 616 Broadway Nominee Trust, 110 Eames Street, Wilmington, MA.
3. At the public hearing, petitioner was represented by Patrick P. MacDonald, attorney, 479 Eastern Avenue, Malden, MA, and by trustee, Anita Gottschalk, 7 Nelson Way, Wilmington, MA; and the tenant, the used car dealership was represented by Fernando Limas, General Manager, AGM Auto Sales, 160 Eastern Avenue, Malden, residential address, 26 Park Street, Haverhill, MA.
4. The petition filed in permit application # CMID 073306-2025 seeks a special permit under Title 12.28.010.E of the Code of the City of Malden (Ordinance) to amend the special permit granted in Case #23-17 to expand the vehicle retail sales use of the property by the existing used car dealership.
5. The following plans were submitted in support of the petition: proposed site plan, "PLOT PLAN SHOWING PARKING SPACES FOR GOTTSCHALK RICHARD JR. 160 EASTERN AVENUE MALDEN, MA," dated December 10, 2025 (signed/stamped December 1, 2025), prepared by Bryan G. Parmenter, PLS, HRH Consulting Group LLC, Lynn, MA; existing site plan, "LEASE PLAN- EXISTING Located at 160 EASTERN AVENUE MALDEN, MASSACHUSETTS," dated November 6, 2023, prepared by Timothy P. Revellese, P.E., Cyprus Design Inc., Tewksbury, MA, which is the site plan approved with special permit granted in Case #23-17 and Used Car Dealer Class II License #370-25; existing and proposed first floor plan, "As Built Floor Plan 160 EASTERN AVE. MALDEN, MA.," dated April 21, 2025, prepared by Charles Cochran, Reg. Architect, Cornerstone Architects Inc., N. Chelmsford, MA; proposed second floor plan, "Proposed Second Modification Plan," dated June 17, 2025 (stamped/signed July 8, 2025), prepared by Nazeih R. Hammouri, PE, HRH Consulting Design Group LLC, Lynn, MA; "Exterior Elevations," for front (Phillips Court), right side (Eastern Ave), and rear, dated April 16, 2025, prepared by Cornerstone Architects Inc., N. Chelmsford, MA.
6. 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 #26-01): The City of Malden Planning Board finds the following facts:

1. The property is located on the northern side of Eastern Avenue, opposite Phillips Street, and is the site of a single-story building with footprint and first floor of 6,000 square feet and mezzanine level of 1,200 square feet, and several material storage bins; and located in part on the subject property and partially on the abutting MBTA Right-of-Way are a salt/sand Quonset/arch storage dome and four storage containers.
2. The property is currently used by property owner's landscaping business, namely, 16,195 square feet of the exterior lot, located in northern and eastern yard areas, including storage dome, bins and containers, and 4,800 square feet on the first floor of the building for equipment storage and offices; and by a used car dealer, namely, 9,010 square feet of the exterior lot, located in the front and eastern side yard, for parking and display of vehicles, and 1,200 square feet on the first floor of the building for offices.
3. The proposal is to expand the vehicle retail sales use to increase exterior space used on the lot to 13,809 square feet for display of vehicles for sale, and increase space used inside the building to a total 4,800

square feet, comprised of 3,600 square feet on the first floor and 1,200 square feet on the mezzanine level, for car showroom, sales offices and general offices.

4. The used car dealer is currently licensed for vehicle sales of twenty-one (21) cars per its current Used Car Dealer's License- Class II License issued by the City Council in License Number 370-25, and under the proposal, the used car dealer will seek to amend its license to increase to fifty-two (52) vehicles.
5. Under the proposal, the landscape contractor business would remain and use 4,449 square feet of the exterior lot, in the area north of the building, and 2,400 square feet on the first floor of the building.
6. The proposal requires an amendment of the special permit granted in 2023 in Case #23-17, which amended the special permit granted in 2016 in Case #16-17, which allowed the extension of the preexisting nonconforming building, construction & contracting use and construction of a new nonconforming building and accessory structures.
7. When the special permit was granted in 2016 in Case #16-17, the property owner was leasing 5,261 square feet of the southern portion of the lot for use as an offsite parking facility, namely, an open-air parking lot for 18 vehicles by a nearby used-car dealer with an outdoor parking license, per City Council Paper #204/2016; and the license restricted use of this area to storage of vehicles and as overflow parking for the business operated at 225 Eastern Avenue and prohibited advertising, showing or sales of vehicles at the subject property.
8. The vehicle retail sales use of the property began and operated from 2020 to 2023, in violation of the special permit granted in Case #16-17, and the use was legalized by the special permit in Case #23-17.
9. The proposed site plan depicts fifty (50) parking spaces outside, located in the southern and eastern sides of the lot, with access aisles of nonconforming width; and including one employee space, located partially in Phillips Court, and two spaces for customers.
10. Per Title 6.08.100 of the Code of the City of Malden, the City ordinances that regulate used car dealers, additional parking is required for employees and customers, based on the number of vehicles for sale.
11. Under the proposal, six (6) spaces are proposed inside the building for a proposed car showroom, however, two of the spaces are proposed in the location of existing bathrooms.
12. According to petitioner, the used car dealership has outgrown its current space and needs more space to operate.
13. Abutting and surrounding land uses are residential and business and also the Malden High School and the multimodal recreational trail, Bike to the Sea Path/Northern Strand Community Trail.
14. The used car dealership has an ongoing, recent history of license violations for having too many vehicles on site, in excess of the amount allowed by its license, as described in reports of the City Compliance Officers provided in the email dated January 14, 2026 from Building Commissioner Nelson Miller.
15. Property owner was not aware of the violations or other issues with its tenant, the used car dealership.
16. The Ward One City Councilor is in opposition to the proposal, given the impacts of this business on the abutting residential neighborhood, specifically, employees parking in the neighborhood, and the proposed overuse of the property.
17. No public comment in support of the proposal was submitted.

FINDING of LAW (Case #26-01): The City of Malden Planning Board finds that the proposal will be more detrimental to the neighborhood.

DECISION (Case #26-01): On January 14, 2026, pursuant to the foregoing Findings of Fact and Finding of Law, the Planning Board denied the petition to amend the special permit in Case #23-17.

RECORD of VOTES (Case #26-01): On January 14, 2026, on the motion of Henry, seconded by Ferguson, the vote to deny the petition was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Chuha, yes; Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; Stone, yes; Ioven, yes. [Absent: Schroeder, Verma]

I hereby certify that the above is a true copy of the decision of the Malden Planning Board. By: 
Michelle A. Romero, City Planner