

MINUTES OF THE MYSTIC VALLEY DEVELOPMENT COMMISSION

A meeting of the Mystic Valley Development Commission (MVDC) was held in the first floor conference room at 200 River's Edge Drive (office building), Medford, MA on TUESDAY, OCTOBER 3, 2017, at 10:00 A.M.

1. Roll Call

The Secretary called the rolls:

Present: Stephanie Burke, Medford Mayor; Tony Sousa, Everett representative; Gary Christenson, Malden Mayor; Mark Rumley; Medford representative; John Savino, Malden representative.

Absent: Carlo DeMaria, Everett Mayor

The meeting was convened at 10:07 A.M.

2. Public Hearing the Special Permit/Site Plan Review of 333-339 Commercial Street

On August 9, 2017, New Wei Feng, LLC submitted an application for a grocery store at 333-339 Commercial Street, Malden. On July 11, 2017, 333 Commercial Malden, LLC ("Owner") became the legal owner of the property. New Wei Feng, LLC ("Applicant") entered into a lease with the owner on August 1, 2017. The application called for the renovation of the interior, new signage, and associated site improvements to the property. The proposed use falls under Section 5.2.3 of the MVDC Land Use Regulations as a free-standing retail sales and services use. This use requires the approval of a special permit under Section 5.2 of the MVDC's Land Use Regulations. The MVDC held an informational presentation on September 5, 2017 and scheduled the required a public hearing for October 3, 2017. The MVDC held this public hearing to review the project.

Mayor Christenson asked if any were present to speak in favor of the proposal.

Mr. Ka-Yung Wong, the attorney representing the Applicant, spoke in favor of the project. He stated since informational presentation of the proposal, the applicants had made repairs and cleaned up the existing building, repainted parking lines, and added plantings to existing landscaped areas. Mr. Wong provided pictures of the existing conditions on the site to the Commission members.

The applicants, Ms. Yan Xian Chen, Ms. Cindy Ching, Ms. Elaine Hu, and Mr. Quin Guo Wu were recorded as in favor of the project.

No one from the public spoke in opposition to the project.

Mr. Christenson then closed this portion of the meeting and asked Project Co-Director Mr. Kevin Hunter to present his recommendation on the proposal.

Mr. Hunter noted that the Commission received an updated landscape plan from the applicant that showed minimal landscaping along the front of the building, in front of the parking, and in parking islands. He stated that while the proposed landscaping would create a minor improvement from the existing conditions, he believed the quality was not adequate to meet the standards of the MVDC. He noted that the environmental issues with the site would likely preclude in-ground landscaping, but that options were available for above ground planters. Mr. Hunter stated the MVDC was not given additional information on how or if the dumpster would be adequately screened. He also noted the proposed hours of delivery would result in deliveries occurring during high-traffic periods. Mr. Hunter noted the applicant provided additional information on the sign dimensions. He stated the sign meets the requirements of the MVDC's Land Use Regulations.

Mr. Hunter recommended waiting until the next MVDC meeting to make a motion of approval or denial on the proposal to address outstanding questions concerning the application. He noted MVDC staff drafted recommended conditions for approval should the Commission choose to move forward with approval.

Mr. Rumley asked what dates the public hearing was advertised and what method was used.

Mr. Hunter stated a public hearing notice was posted in Everett, Malden, and Medford City Halls on September 14, 2017, and was advertised in the Malden Advocate newspaper for two successive weeks. He also noted that the certified property abutters were notified by certified mail.

Mr. Rumley asked if the MVDC staff received any type of comment on the proposal.

Mr. Hunter stated that Combined Properties Inc. emailed the MVDC for a copy of the application.

Mayor Burke asked Mr. Hunter to read through the staff recommended conditions on approval.

The recommended conditions were as follows:

1. The Applicant shall meet with the MVDC staff for final design review and approval of the signage plan, landscaping plan, and parking and site circulation plan for the project.
2. The Applicant shall not change or modify the plans approved by the Commission at the public hearing without first making a written request of the Commission's opinion as to whether such change or modification requires an amendment to the Final Site Plan Review Approval, and therefore a public hearing in accordance with the requirements of M.G.L. Chapter 40A, Section 11 or such change or modification is of such a nature that it may be addressed administratively by the Commission or its delegate. If the Commission determines that the change or modification is insubstantial in its sole discretion, then no amendment shall be required. If the Commission so requires, Applicant shall obtain an amendment from the Commission approving the change or modification.

3. The dumpster shall be on the owner's property and be in compliance with City's dumpster regulations

4. The parking lot shall be restriped and provide painted arrows to facilitate traffic flow at the entrance and exit. The parking lot shall also provide accessible parking space stenciling for all accessible parking spaces. Stencils and signage for accessible parking spaces shall conform to the graphic standards of the Accessible Icon Project.

5. Exit only and entrance signage shall be installed at the corresponding entrance and exit locations.

6. Retail hours of operation will be from 9 a.m. until 9 p.m.

7. No more than three trucks shall arrive for delivery of goods each day, provided such delivery trucks shall be no longer than 26 feet long. Further provided such delivery trucks shall arrive no earlier than 9 a.m. and leave no later than 10 a.m. daily or arrive no earlier than 1 p.m. and leave no later than 4 p.m. daily.

8. All traffic exiting the site must head in a southerly direction.

9. The current owner is the party responsible to ensure that potential regulatory obligations, pursuant to the provisions of the Massachusetts Contingency Plan (MCP), are complied with during any alterations or use of the property and should provide all required regulatory documentation to demonstrate such compliance directly to the MVDC upon request.

10. Any disturbance of subsurface soils for alterations to the building must be performed by suitably qualified individuals, such as a Licensed Site Professional (LSP) and be performed with an appropriate Soil Management Plan (SMP) and Health and Safety Plan (HASp).

11. In the event that any activities are performed, which will disturb subgrade soils or modifications to existing asphalt parking/access surface cover, the MVDC should be provided with appropriate documentation concerning the proposed scope of work no less than thirty (30) days in advance of the date said work is to commence.

12. Upon completion of interior improvements and during the period of equipment startup (i.e. ovens operating), and with interior temperatures raised to above normal working conditions, it is recommended that indoor air testing for potential vapor intrusion of contaminants associated with the Solvent Chemical condition be performed using summa canisters for an eight (8) hour sampling period. Following this, it is recommended that the property owner or tenant conduct indoor air monitoring at a minimum annually during the winter months of operation.

13. Bollards are required by the permit granting agency to minimize potential vehicular concerns in the area of the onsite building. It is recommended that the foundation supports for these traffic control measures employ the use of direct push methods to avoid the generation of excess excavated material. If this is not feasible, then the compliance as any disturbance of subsurface soils for alterations is required.

Mayor Burke asked if Malden's city dumpster policy required screening.

Mayor Christenson confirmed the policy required screening.

Mr. Sousa noted that the handicap accessible spaces and vehicular exit and entry points should have signage.

Mr. Rumley asked if there was a substantive reason to defer the decision to the next MVDC meeting. Mr. Rumley stated if there is not a fact or circumstance to delay approval with conditions, that approval should not be delayed.

Mr. Hunter noted that the Commission has 65 days from the hearing to make the approval, and that the Commission use the time to conduct its due diligence. He noted that in particular the landscaping plan was insufficient and could do more to address the Commercial Street frontage.

Mayor Christenson noted that the decision should make the approval contingent on staff approval of a landscaping plan.

Mr. Hunter agreed that such a condition would be appropriate and sufficient.

After due discussion and upon motion by Mayor Burke and seconded by Mr. Savino it was and the Board voted 5-0-0 to approve the special permit application subject to the conditions presented and incorporate the conditions recommended by the MVDC staff.

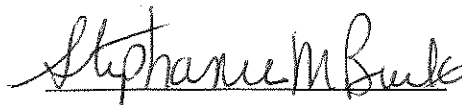
VOTED: THAT the Mystic Valley Development Commission hereby be resolved that the Commission approved the special permit application subject to the conditions presented and recommended by the MVDC staff.

Adjournment

Major Christenson asked for a motion to adjourn the meeting.

After due discussion and upon a motion made by Mr. Sousa and seconded Mayor Burke the meeting was adjourned.

VOTED: To adjourn the meeting at 10:24 A.M.



Secretary