

## **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, SEPTEMBER 5, 2017, at 9 A.M,

### **1. Roll Call**

The Secretary called the rolls:

Present: Stephanie Burke, Medford Mayor; Catherine Rollins, proxy for Mayor Carlo DeMaria (authorization letter provided); Tony Sousa, Everett representative; Gary Christenson, Malden Mayor; Mark Rumley; Medford representative; John Savino, Malden representative.

The meeting was convened at 9:00 A.M.

### **2. Approval of Minutes**

Mayor Christenson asked for a motion to accept the minutes of the November 28, 2016, December 21, 2016, and January 10, 2017 meeting minutes.

Mr. Sousa asked the meeting minutes for November 28, 2018 be amended to correct his name.

After due discussion and upon motion by Mr. Sousa and seconded by Mayor Burke it was

**VOTED:** By unanimous vote, to accept the minutes of November 28, 2018, December 21, 2016, and January 10, 2017, as amended.

### **3. New Business**

MVDC Project Co-Manager, Nick Pernice, read the public meeting notice into the record.

#### **a. Informational Presentation for 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. After this informational presentation, the MVDC must schedule a public hearing within 35 days to hear the request (by October 10, 2017).

Mr. Ka-Yung Wong, the attorney representing the Applicant, gave an informational presentation of the proposal. Mr. Wong noted, the retail hours of operation would be 9AM to 9PM, 2 to 3 small truck deliveries and 150 customer vehicles would visit the site daily, there would be approximately 10 employees, a dumpster would be placed on site, and no alcohol or tobacco would be sold. He anticipated 3 to 4 months from approval to opening of grocery.

Mr. Rumley noted with the applicant's previous application, they were not the owners of the property, but it was under contract for purchase. Mr. Rumley asked if the applicant had acquired title. Mr. Rumley also noted that the previous application was for wholesale and retail, and asked why this application was only for retail.

Mr. Wong responded that a separate party had purchased the property and had a lease agreement with the applicant. Mr. Wong stated that the applicant did not know that wholesale was not allowed until the hearing under the previous application, otherwise they would not have applied for a wholesale use. The applicant will now separate the wholesale and retail components of the company.

Mayor Burke asked Mr. Pernice if the municipal assessors had been informed of the sales price of the property.

Mr. Pernice responded that he had not informed the Assessors, but he would let them know, and that the property would be reassessed every three years under the MVDC regulations.

Mayor Burke asked Mr. John Preotle, of Preotle Lane and Associates, developer of 200 Rivers Edge Drive, if he thought a grocery store would be an amenity to his development.

Mr. Preotle responded he thought conceptually it would be an amenity.

Mr. Rumley asked if the applicant operated any other business in Greater Boston.

Mr. Wong noted they have years of experience in the restaurant service industry.

Mayor Christenson expressed concern about the delivery times being from 9 A.M to 10 A.M. He expressed concern that there was not more being done to improve the front of the property and that he would like to see a better landscaping plan. He also recommended that the dumpster be enclosed.

Mayor Christenson also asked Mr. Pernice if the MVDC has received a certificate of good standing.

Mr. Pernice noted that the MVDC had received a certificate of good standing from the applicant.

MVDC Project Co-Manager Kevin Hunter then summarized staff report on the application.

M. Hunter noted the previous application proposed to use the site for the purpose of selling food and restaurant supplies both retail and wholesale with primary customers intended to be

restaurant businesses that would purchase the items for resale. The site plan documents included with this new application are substantially similar to those provided under the applicant's withdrawn September 2016 application. The applicant is now only proposing to use the site for a retail grocery use, without wholesale distribution.

Mr. Hunter noted the applicant still anticipates the same traffic volumes as under the previous application, even with the change in proposed use. There is no traffic analysis provided with either application. Under this application, the applicant intends to conduct delivery during the day, including during peak travel times (9-10AM and 1-4PM). The previous application proposed to start deliveries at 4AM. Mr. Hunter noted that the MVDC could request a traffic study from the applicant.

Mr. Hunter stated the applicant did not propose any new landscaping and has not provided a landscape plan. He also expressed concern about the lack of dumpster screening

Mr. Hunter also noted there was not enough detail in the applicants sign package to ensure that it complies with MVDC requirements.

Mr. Hunter also noted there are known hazardous materials upon the subject project from releases by the former Solvent Chemical, and that MVDC staff understands the current owner is the party responsible to ensure that potential regulatory obligations are complied with during any alterations or use of the property and would like additional information.

Mr. Rumley asked if any environmental reports on the property had been provided by the applicant.

Mr. Pernice said they had not received any reports from the applicant.

Mr. Rumley asked if there were any regulations that require an enclosure around the dumpster.

Mr. Hunter noted there was not a specific regulation, but screening could be a competent of a special permit

Mr. Hunter spoke about the regulatory process for the MVDC to consider the application. He noted that after the informational hearing the MVDC must schedule a public hearing within 35 days to hear the request (by October 10, 2017), and must make a final determination on the special permit within 65 days of the public hearing. A 2/3s vote of the MVDC is required to approve a special permit. Failure to act within this time period will be considered a denial of the special permit.

Mr. Rumley asked if a traffic study would be required under the MVDC's regulations.

Mr. Hunter responded it would not be required.

Mayor Burke stated that she believed the use would be low impact.

Mr. Wong responded that the site plan was not changed due to capital investment needed to renovate the structure, so the internal structure would be substantially similar. He expressed concern about a need to conduct a traffic study, but understood the MVDC's desire to see a landscaping plan and dumpster screening.

**b. Approval of Additional Environmental Costs**

Mr. Pernice explained that as part of the Development Agreement between the MVDC and Preotle Lane and Associates, up to \$800,000 of Remediation Costs were to be paid by the Developer, and any remediation costs in excess of \$800,000 were to be paid by the MVDC without contribution from the Developer; provided, however, that the payments under the applicable PILOT Schedule shall be adjusted to reflect any payments by the Developer in excess of \$480,000 towards Remediation Costs in accordance with the schedule outlined in the Development Agreement.

Mr. Pernice noted that the MVDC has acted on previous requests related to the reimbursement for environmental costs over the \$800,000 cap. Previously through the reduction in payment in lieu of taxes required per square foot and more recently through upfront lump sum payments. He noted the current outstanding cost owed to Preotle Lane and Associates was \$124,526.

Mr. Pernice noted since the MVDC has the available funds, the staffs recommended that the MVDC authorize a lump sum payment to Mr. Preotle for this additional environmental work.

Mayor Burke requested an updated budget sheet from the MVDC staff.

A motion was made by Mayor Burke and seconded by Mr. Sousa, and the Board voted 6-0-0 to approve the payment of the additional environmental costs.

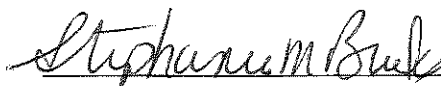
**VOTED:** THAT the Mystic Valley Development Commission hereby resolved that the Commission determined to reimburse PL 200 River's Edge Drive, LTD for the additional environmental remediation costs, \$124,526.

**Adjournment**

Major Christenson asked for a motion to adjourn the meeting.

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

**VOTED:** To adjourn the meeting at 9:38 A.M.



Secretary