



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

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MALDEN, MASS.

CASE NUMBER 14-13

LOCATION of SUBJECT PROPERTY 1081 Fellsway, Malden, MA

NAME of PETITIONER and OWNER Basil J. Rigano, Jr.

DATE of PUBLIC HEARING September 10, 2014 DATE of DECISION September 10, 2014

DATE of FILING DECISION with CITY CLERK September 15, 2014

DATE of NOTIFICATION to BUILDING INSPECTOR September 15, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT October 6, 2014

*[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 #14-13):

1. The petitioner is the owner, Basil J. Rigano, Jr., 36-38 John Street, Malden, MA 02148.
2. The petitioner was represented by its attorney, Patrick MacDonald, 15 Ferry Street, Malden, MA 02148.
3. The petition seeks a special permit under §700.1.3.1, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to structurally change a preexisting nonconforming building and to extend a preexisting nonconforming use in the Residence A zoning district.
4. The following plans were submitted in support of the petition: site plan, "Plan of Land in Malden, MA," dated February 6, 2014 with parking layout dated August 20, 2014, prepared by Robert E. Grover, P.L.S., J & B Survey, Melrose, MA; and floor plans and elevations, "Proposed Addition, Rigano's Towing, 1081 Fellsway, Malden, MA," dated April 21, 2014, prepared by Edward S. Porzio, Reg. Architect, Vision Deign & Construction, Inc., Wakefield, MA.
5. The public hearing complied with statutory notice requirements of M. G. L., Chapter 40A, §11.

FINDINGS of FACT (Case #14-13):

The City of Malden Planning Board finds the following facts:

1. Petitioner is the long-time property owner and owner and operator of the business that occupies the property for towing, used car sales and motor vehicle repair shop.
2. The proposal is to demolish a portion of the existing building and to construct a single-story addition, approximately 1032 square feet in size, "L-shaped," along the front and southern side of the building.
3. Petitioner's plans contain discrepancies regarding the size of the proposed addition and existing building.
4. Petitioner's site plan depicts a nonconforming parking layout regarding size of aisles and parking spaces.
5. Petitioner did not meet with abutters in advance of the public hearing and so was unaware of concerns.
6. Petitioner intends to correct discrepancies and deficiencies in the plans; to meet with and address concerns of the abutters; and to redesign and reduce the size of the proposed addition.
7. Petitioner only recently retained legal representation regarding this petition.
8. Petitioner requests that the petition be withdrawn without prejudice and that the filing fee for a future petition be waived.
9. Exigent circumstances exist as to why petitioner did not request to withdraw the petition in advance of the public hearing, as required by the *Rules and Procedures of the Malden Planning Board*.

DECISION (Case #14-13):

On September 10, 2014, pursuant to the foregoing Findings of Fact, the Planning Board motioned to allow the petition to be withdrawn without prejudice and to waive the filing fee for a future petition; the motion passed.

RECORD of VOTES (Case #14-13):

The vote on the motion to allow the petition to be withdrawn without prejudice and to waive the filing fee for a future petition was 9 in favor, none opposed:

Antonucci, yes; Billings, yes; Chuha, yes; Cipriano, yes; Danca, yes; Hayes, yes; Lawhorne, yes; Mzaouakk, yes; Ioven, yes.