



CITY OF MALDEN PLANNING BOARD
NOTICE OF DECISION

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CITY CLERK'S OFFICE
MALDEN, MASS

CASE NUMBER 15-16

LOCATION of SUBJECT PROPERTY 440 Pleasant Street, Malden, MA

NAME of PETITIONER and OWNER Bancroft Realty Trust

DATE of PUBLIC HEARING November 18, 2015

DATE of DECISION November 18, 2015

DATE of FILING DECISION with CITY CLERK November 25, 2015

DATE of NOTIFICATION to BUILDING INSPECTOR November 25, 2015

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT December 15, 2015

[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 #15-16):

1. Petitioner is the owner, Bancroft Realty Trust, 33 Bancroft Road, Melrose, MA 02176.
2. The petition seeks a special permit under §700.1.3.2, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden ("Ordinance") to alter, structurally change and change use of a preexisting nonconforming property in the Residential Office zoning district, to convert offices to two residential dwelling units.
3. The following plans were submitted with the petition: site plan, "Existing Condition Plan of Land 440 Pleasant Street Malden, Mass.," dated September 21, 2015, prepared by Edward J. Farrell, P.L.S., Woburn, MA; and set of drawings, "440 Pleasant Street Malden, Massachusetts," dated September 17, 2015, prepared by Curl Simitis A & D, Melrose, MA, that includes an Existing Conditions Plan/Site Plan/Demolition Plan and Proposed Plan of Alterations.
4. Petitioner requests a waiver of filing requirements regarding existing floor plans for basement and second floor and building elevations because no changes are proposed.
5. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #15-16):

The City of Malden Planning Board finds the following facts:

1. The property is located on the corner of Pleasant Street and Highland Avenue and the site of a 2 ½-story building; the first floor is currently vacant and was most recently used for medical and/or general offices; the second floor is currently used as a two-family dwelling and occupied for two dwelling units; the basement is currently used for offices by a business that provides transportation for elderly and handicapped persons to medical and other appointments; and the attic is unoccupied.
2. Under the proposal, the property will be used for a four-family dwelling and general offices.
3. The proposal is to convert the first floor, which has a total gross floor area of 1,775 square feet, from offices to two, one-bedroom dwelling units, containing 637 square feet and 617 square feet.
4. The proposal includes removal of an exterior staircase on the western side of the building.
5. The proposal maintains access and egress for all dwelling units via the front and rear of the building, and two separate means of access/egress for the offices in the basement.
6. The proposal maintains the existing use of the second floor as for two, one-bedroom dwelling units, having a total gross floor area of 1,506 square feet and each unit containing 753 square feet; and the existing use of the basement for general offices, having a total gross floor area of 1,506 square feet, which includes a mechanical room, containing 223 square feet.
7. The property is located in the Residential Office zoning district.
8. The proposed four-family dwelling use is allowed by special permit in this district, and the existing and proposed continued general office use is allowed by right in this district, per §§300.3.2.3 and 300.3.4.9 of the Ordinance.

9. The direct abutter to the east is a three-family dwelling; to the south, a multifamily dwelling with 12 units; to the north, on the other side of Pleasant Street, a public park, and to the west, on the other side of Highland Avenue, mixed-use buildings containing offices and retail services, and a three-family dwelling and offices.
10. Surrounding land uses are single, two and multifamily residential dwellings and a public school (K-8).
11. The property violates the dimensional controls for lot area and one side yard setback and is considered preexisting nonconforming, per §§400.1.4.8, 400.1.4.9, 400.2 and 700.1.1 of the Ordinance.
12. The proposal increases the lot area violation and creates a new violation of density, per §§400.1.2.3, 400.1.4.9 and 400.2 of the Ordinance.
13. The existing use of the property requires a total of twenty-one offstreet, onsite parking spaces, namely, five for the two-family dwelling use, six for the general office use of 1,506 square feet and ten for the medical center use of 1,775 square feet (formerly known as medical offices), per §§500.1.2.3, 500.1.4.12, 500.1.4.13, 500.2.18 and 700.1 of the Ordinance
14. The proposal, to add two dwelling units each containing one bedroom, requires two additional parking spaces, namely, one space per bedroom, per §500.1.2.3 of the Ordinance.
15. Under the proposal and applicable zoning, use of the property requires a total of thirteen spaces, namely, seven for the residential use, comprised of five for the two existing dwelling units in the four-family dwelling and two for the two new units, and six for the office use, per §§500.1.2.3, 500.1.4.12, 500.2.18 and 700.1 of the Ordinance
16. There is a paved parking lot on site located in the southern portion of the lot, which contains fourteen head-on spaces, accessed via an existing curb-cut on Highland Avenue, with a nonconforming layout as to parking aisle width for two-way traffic circulation, per §500.2.2 of the Ordinance.
17. There is one additional nonconforming parking space onsite, located in the side yard at the southwestern corner of the building, near the exterior staircase to be removed.
18. The proposal reduces the parking requirements and eliminates the existing violation as to number of spaces.
19. Petitioner also owns abutting properties, 397-401 Highland Avenue and 452 Pleasant Street; the former has on-site parking and the latter does not have on-site parking.
20. Petitioner intends to install new fencing between the subject property and the abutter to the east.
21. The Ward City Councilor supports the proposal.
22. There is no public opposition to the proposal.
23. The proposal will not be more detrimental to the neighborhood.

DECISION (Case #15-16):

Pursuant to the foregoing Findings of Fact, the Board motioned to grant a special permit subject to the following four conditions, and the motion passed:

1. A minimum of one parking space onsite per bedroom shall be reserved for the tenants of the building.
2. Use of the basement is restricted to one single tenant for general office use only.
3. All residential dwelling units shall have only one bedroom.
4. Use of the parking lot may be only by tenants of 440 Pleasant Street.

RECORD of VOTES (Case #15-16):

Antonucci, yes; Chiu, yes; Chuha, yes; Hayes, yes; Henry, yes; Lawhorne, yes; MacCuish, yes; Wolff, yes; Ioven, yes.

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

By: 
 Michelle A. Romero, City Planner