I. Call to Order. Chairman Charles Ioven called the meeting to order at 7:00 p.m.

II. Roll Call.
Planning Board Members in attendance:
Antonucci, Ken
Chuha, Diane
Ferguson, Charlie
Fitzgerald, Patrick
Gebreselassie, Tewedaj
Hayes, Patrick
Henry, Eric
MacCuish, Eric
Soucy, Henri
Ioven, Charles, Chair

Planning Board members absent: None
Planning Staff in attendance: Michelle Romero, City Planner; Linda Yarasitis, Clerk.

III. PUBLIC HEARINGS:
A. Zoning: Special Permits, Ch. 12, Rev. Ord. of 1991, as Amended, City of Malden.
   1) 368 Pleasant Street (Parcel ID #030 134 416)/§300.3.2.13/To amend Special Permit (Case #19-04) that allows Dwelling, Co-Housing use in Residential Office zoning district/To construct dwelling with three stories/30 dwelling units (Permit Application # CMID-030122-2019).

The notice of public hearing was read into the record by Planning Board clerk Antonucci.

Petitioner submitted the following documentation and information:

The proposal is to revise the plans approved with the special permit granted in Case #19-04 to incorporate the requirements of the Malden Historical Commission regarding historical elements of the property that must be preserved and to address certain conditions of the special permit granted in Case #19-04.
Presentation made by petitioner:
1. Roberto DeMarco, Attorney, office address 350 Main Street, Malden; home address, 17 Division Street, Malden, MA.
2. Jennifer French, Architect, French 2D. Neshamkin French Architects, Inc./French 2D, 5 Monument Square, Charlestown, MA 02129 and home address, 60 Cook Street, Charlestown, MA.

The Board opened the public hearing and received the following testimony during the public hearing:

**In favor:**
1. Paul Condon, 52 Gale Street, Malden, MA. 02148 Ward 2 City Councillor.
2. Paul Sherman, 284 Ferry Street, Malden, MA. 02148
3. David Camell, 35 Williams Street, Malden, MA. 02148 Ward 6 City Councillor.
4. Susan Gill, 284 Ferry Street, Malden, MA. 02148
5. Kathleen S., 66 Olive Ave, Malden, MA. 02148

In opposition: None.

The Board closed the public hearing.

The Board received and reviewed the following documentation at the meeting:
1. Correspondence from City peer reviewer, Ken Petraglia to Nelson Miller, Building Commissioner and M. Romero, City Planner, dated October 21, 2019.

**Decision:** The Planning Board modified the special permit granted in Case #19-04 and granted a new special permit subject to the following eight (8) conditions: 1) All development shall be as per plans, except as modified by these conditions; 2) Install pavement markings and crosswalks on Pleasant Street adjacent to the property and at the intersection of Pearl Street; install signage on Pleasant Street as per Pavement Marking and Signage Plan; 3) Install and maintain signage at site drives as per Pavement Marking and Signage Plan; 4) Obtain City approval to remove parking space on Pleasant Street, adjacent to western site drive and install “no parking” signage; 5) Within six months of occupancy, re: allowing Left Turn at Pearl Street and Route 60/Centre Street, conduct study, for which scope, results and recommended improvements are to be reviewed by City peer reviewer; 6) Compliance with memorandum from City Engineer dated August 14, 2019; 7) Compliance with requirements of Malden Historical Commission as stated in its determination dated October 7, 2019; and 8) The portico may be used as access only for the one adjacent dwelling unit. The decision is described in Case #20-01 (attached).

**Record of Votes:** The vote on the motion to modify the special permit and grant a new special permit with conditions was nine in favor, none opposed and the motion passed (9-0).
2) **100 Maplewood Street** (Parcel ID# 127 433 302)/§700.13/ To remove ledge & alter the grade to prepare property to construct new single-story commercial building with basement (Permit Application # CMID-031818-2019).

The notice of public hearing was read into the record by Planning Board clerk Antonucci.

Petitioner submitted the following documentation and information:

4. Correspondence Re: EAI Project #19-41109 100 Maplewood Street Ledge Removal Special Permit, dated November 14, 2019, from Richard A. Salvo, P.E., Engineering Alliance, Inc.
5. Correspondence Re: 100 Maplewood Street, Malden, Massachusetts Rock Excavation, dated November 14, 2019, from Richard J. Groll, Industrial Seismologist, Hollis, NH.
6. Two email correspondence dated January 2, 2020 from Richard A. Salvo, P.E., re: quantity of ledge to be removed.

The proposal is to remove ledge from the property to prepare the site for construction of a new single-story building with a basement, with an approximate footprint of 10,000 square feet; the proposed methods/means to remove the ledge by mechanical processes, namely, using a hydraulic breaker attached to an excavator, with possible hydraulic drilling to perforate the rock.

Presentation made by petitioner:

1. Richard A. Salvo, Engineer, Engineering Alliance, Inc., 194 Central Avenue, Saugus, MA.
2. Richard J. Groll, Industrial Seismologist, Hollis, NH

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Motion by Antonucci, seconded by MacCuish. Present but not voting: Ferguson.
3. Scott M. Fitzpatrick, Contractor, Scott M. Fitzpatrick & Son, LLC, 67 Maplewood Street, Malden, MA.

The Board opened the public hearing and received the following testimony during the public hearing:

**In favor:**
1. Dave Camell, 35 Williams Street, Malden, MA, Ward 6 City Councilor.
2. Jerold Zelinsky, 64 Webster Street, Malden, MA.
3. Cindy Robillard, 9 Waite Street, Malden, MA.

**In opposition:**

The Board closed the public hearing.

The Board received and reviewed the following documentation at the meeting:
1. Memorandum dated December 10, 2019 from Yem Lip, City Engineer.
2. Email Correspondence dated January 8, 2020 from Leonard Halloran, Deputy Chief, Malden Fire Department.
3. Email correspondence dated January 8, 2020, from Kevin Halpin, Lieutenant, Malden Fire Department.
4. Determination of the Malden Historical Commission per City Demolition and Alteration Delay Ordinance, in correspondence dated July 2, 2019 from M. Romero, City Planner to Nelson Miller, Building Commissioner.

**Decision:** The Planning Board granted a special permit subject to the following fifteen (15) conditions:
1) All development shall be as per plans, except as modified by these conditions; 2) All ledge/rock removal may be done only by hydraulic breaker attached to an excavator or an equivalent vehicle/equipment, and hydraulic drilling; and any ledge/rock removal by blasting or any other mechanical or other means is prohibited; 3) During site development, implement erosion controls as per plan; 4) Offer and conduct pre-ledge removal video and photographic survey of all buildings within 300 feet of the property lines of the subject property, who consent, and provide survey to property owner; before ledge removal begins, provide City with list of all properties surveyed and contacted; 5) During any ledge removal activity, place seismograph on site and at the following properties or property line with: 890 Eastern Avenue, 900 Eastern Avenue, 9 Waite Street and adjacent to gas pipeline/regulator station; submit seismograph tapes to Fire Chief for review daily; 6) Maintain liability insurance of a minimum of $100,000.00/$300,000.00 with City of Malden named as a loss-payee; 7) During site development, hire fire details and provide a fire watch at any time as the Fire Chief deems appropriate and necessary in his reasonable discretion; 8) During site development, hire local police details as the Police Chief deems appropriate in his reasonable discretion; 9) A minimum of seven days prior to activity, deliver written notice to all premises within 300 feet of the property lines of subject property, indicating the date(s) of ledge removal activity will be conducted and the hours of beginning and ending daily for the same; submit copy of notice(s) to City; 10) The hours of operation for any ledge removal and/or any construction equipment operated for ledge removal or site grading/preparation, are 8 am to 5 pm Monday-Friday; 11) Install stormwater management system, as per plan; 12) Provide construction schedule and owner, site engineer, geotechnical engineer, contractor and gas pipeline representative shall attend a site meeting with City Engineering Department, Fire Department and City Planner prior to the start of work; 13) Comply with recommendations of City Engineer described in memorandum dated December 10, 2019; except re: item 1, existing southern curb-cut shall be eliminated, only provided that DPW approves proposed new northern curb-cut on Maplewood Street; 14) Landscape site in compliance with §500.2.13; provide required bicycle parking; and screen parking from residential property with
privacy fencing; and 15) Maintain protective screening along Bike to Sea/Trail during ledge removal activity. The decision is described in Case #20-04 (attached).

**Record of Votes:** The vote on the motion to grant a special permit with conditions was nine in favor, none opposed and the motion passed (9-0).

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**Motion by Antonucci, seconded by MacCuish.**

3) **45 Holyoke Street** (Parcel ID# 085 408 828)/§800.4.9 & M.G.L. c. 40A,§16/Petition for consent to consider repetitive petition/To refile petition for special permit(§700.1.3.1) To convert preexisting nonconforming property in Residence A zoning district from religious facility to 3-unit town/row dwelling. (Permit Application # RES-023309-2017).

The notice of public hearing was read into the record by Planning Board clerk Antonucci, and the Planning Board took the matter off the table (tabled on August 8, 2018). Chairman Ioven announced that Chuha would not be participating in this matter.

No public testimony was taken.

The Board received and reviewed the following documentation at the meeting:
1. Correspondence dated January 3, 2020 from Thomas P. Callaghan, Jr., Attorney for owner, One Centre Street, Malden, MA.

**Decision:** The Planning Board allowed the withdrawal of the petition for consent to file a repetitive petition. The decision is described in Case #20-02 (attached).

**Record of Votes:** The vote on the motion to withdraw the petitioner was nine in favor, none opposed and the motion passed (9-0).

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Motion by Antonucci, seconded by Henry. Present but not voting: Chuha.

4) 45 Holyoke Street (Parcel ID# 085 408 828)/§700.1.3.1/Petition to convert preexisting nonconforming property in Residence A zoning district from religious facility to two-family residential use/To construct two-family dwelling (Permit Application # RES-031951-2019).

The notice of public hearing was read into the record by Planning Board clerk Antonucci. Chairman Ioven announced that Chuha would not be participating in this matter.

Petitioner submitted the following documentation and information:

The proposal is to demolish the existing building and construct a new building to be used as a two-family dwelling, semi-detached, or duplex/side-by-side style, with an approximate footprint of 1,584 square feet (22 x 72 feet) and height of 2 ½ stories.

Presentation made by petitioner:
1. Thomas P. Callaghan, Jr., One Centre Street, Malden, MA, attorney for owner.
2. Steve Skiffington, 11 Spruce Road, North Reading, MA, representative of the proposed new owner and developer, Wellington Baker Associates.
3. Rabbi Yitzchak Rabinowitz, Synagogue Director, Congregation Beth Israel, 10 Dexter Street, with residential address 265 Fellsway East, Malden.

The Board opened the public hearing and received the following testimony during the public hearing:
In favor:
1. Lynn Leonard, 35 Laurel Street, Malden, representing her husband, owner of 41 Holyoke Street, Malden.
2. Neil Andersen, 56 Mills Street, Malden, Ward 7 City Councillor.

In opposition:
1. George Nazarro, 74 Holyoke Street, Malden, MA.

The Board closed the public hearing.

The Board received and reviewed the following documentation at the meeting:
1. Determination of the Malden Historical Commission per City Demolition and Alteration Delay Ordinance, in correspondence dated October 18, 2019 from M. Romero, City Planner to Nelson Miller, Building Commissioner.
Decision: The Planning Board granted a special permit subject to the following eight (8) conditions:
1) All development shall be as per plans, except as modified by these conditions; 2) The maximum number of bedrooms in the front unit is two and in the rear unit is three, as per plan; 3) Paved areas are limited to the driveway and parking area depicted on the plan; all paved areas must be permeable; 4) The front yard and eastern side yard shall be landscaped and may not be paved; 5) Install drainage system on-site, subject to review and approval of City Engineer; 6) Obtain DPW approval of proposed curb-cut; 7) Repair or replace sidewalks, driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director; and 8) A basement may be allowed and shall be for utilities and storage only.

The decision is described in Case #20-03 (attached).

Record of Votes: The vote on the motion to grant special permit with conditions was nine in favor, none opposed, and the motion passed (9-0).

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Motion by Fitzgerald, seconded by Antonucci. Present but not voting: Chuha.

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IV. PUBLIC MEETINGS: (Order of items to be determined by Chairman)
A. Subdivision Control Law, M.G.L. c.41 & MPB Rules & Regs. Gov. Subdivision
Approval Not Required Subdivision Plan/M.G.L. c.41, §81P.
   1) 65 Central Avenue (Parcel ID # 156 571 102) and paper portion of Winchester Street (Parcel ID# 156 571 107)/To reconfigure lot lines to create 12,500 SF parcel at 65 Central Avenue.

The Board reviewed the following documentation:
2. Application for Determination of Planning Board Jurisdiction (Form A).

Decision: The Board decided to endorse the plan.
The decision is described in the attached correspondence dated January 14, 2020 to Greg Lucey, City Clerk from M. Romero, City Planner.

Record of Votes: The vote on the motion was all in favor, none opposed and the motion passed (9-0).

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Page 7 of 9
B. Zoning: Ch. 12, Rev. Ord. of 1991, as Amended, City of Malden.

1) **10 Florence Street** (Parcel ID# 051 253 327)/To review compliance with conditions of special permit (Case #17-01)/Addition (22 Units) to Existing Multifamily Residential Dwelling (Permit Application #CMID-022664-2017).

The Planning Board reviewed the following documentation:

1. Special permit decision (Case# 17-01).
2. Correspondence dated December 23, 2019 from Jack McElhinney, attorney for owner, Central Place Apartments LLC/Dosi Dough Realty Trust with attachments: spreadsheet checklist of conditions, status of compliance, supporting documentation.
3. Correspondence dated January 7, 2020 from Marc A. Gattineri, Managing Director, Accurate Realty Management, LLC c/o Central Place Apartments, LLC, re: commitment to outstanding repairs required by DPW.
4. Email dated January 7, 2020 from Marc A. Gattineri, Executive Director, Management & Operations, Accurate Realty Management, LLC c/o Central Place Apartments, LLC w/ photos of location of dumpsters and cooking grease container.
5. Verbal recommendation from M. Romero

**Decision:** The Board determined that Condition 8 is satisfied and there is compliance with all conditions of the special permit granted in Case #17-01, with the exception of future performance of Condition 3 (contribution to Ward 4 improvement fund, due upon issuance of occupancy permit) and Condition 8 (DPW repairs).

**Record of Votes:** The vote on the motion was nine in favor, none opposed and the motion passed (9-0).

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**Motion by Antonucci, seconded by Henry.** Present but not voting: Ferguson.
IV. PUBLIC MEETINGS:
A. Status update items.
   A. Status Updates.
   1) Master Plan Steering Committee. No update at this time.
   2) Community Preservation Committee. Antonucci provided an update.
   3) Housing Production Plan Advisory Committee. Romero provided an update.
   4) Broadway Corridor Plan/Study. Romero provided an update.

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VI. Next Meeting. Ioven announced the date of the next regular meeting is February 12, 2020.

VII. Adjournment. The meeting adjourned at 10:36 pm.

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Approved by: Charles Ioven
Chairman, Malden Planning Board
CASE NUMBER 20-01
LOCATION of SUBJECT PROPERTY 368 Pleasant Street, Malden, MA
NAME of PETITIONER and OWNER Bay State Commons LLC
DATE of PUBLIC HEARING January 8, 2020
DATE of DECISION January 8, 2020
DATE of FILING DECISION with CITY CLERK January 15, 2020
DATE of NOTIFICATION to BUILDING INSPECTOR January 15, 2020
FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT February 4, 2020

[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 #20-01):
1. The subject property is known by City of Malden Assessor’s parcel identification number 030134416.
2. Petitioner is the property owner, Bay State Commons LLC, 55 Park Street, Charlestown, MA 02129.
3. Petitioner was represented at the public hearing by its attorney, Roberto DiMarco, 350 Main Street, Malden, MA 02148, and its architect, Jennifer French, Neshamkin French Architects, Inc./French 2D, 5 Monument Square, Charlestown, MA 02129.
4. The petition seeks to amend the special permit granted on August 14, 2019 in Case #19-04 under §300.3.2.13, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the “Ordinance”) that allows cohousing dwelling use of the subject property, subject to those seven conditions specified therein.
6. Petitioner submitted only those plans involving amendments, and as such, no changes are proposed to the following plans approved with the special permit granted in Case #19-04: “Site Details Plans, 368 Pleasant Street Malden, MA,” (C-103 & C-104), dated June 20, 2019, prepared by Anthony Donato, P.E., H.W. Moore Associates, Boston, MA; and Garage Plan (A-101), First Floor Plan (A-102), Second Floor Plan (A-103), Third Floor Plan (A-104), Renderings (A-106), Exterior Elevations (A-402), all labeled, “368 Pleasant Street Malden, MA,” dated June 21, 2019 and prepared by Neshamkin French Architects, Inc., Charlestown, MA.
7. As required by Condition 1 of the special permit granted in Case #19-04, petitioner obtained the following determinations of the Malden Historical Commission, made in accordance with the City Demolition and Alteration Delay Ordinance: a determination dated August 27, 2019, that the existing building is a Preferably Preserved Building and its demolition is delayed for 12 months, with the recommendation that applicant redesign the project and revise the plans to preserve as much as possible of the exterior structure and design of the existing building; and a subsequent determination dated October 7, 2019, that there is no reasonable likelihood that either owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the building; the intent and purpose of the Demolition Delay Ordinance is served even with the issuance of the demolition permit; and the demolition may proceed prior to the expiration of the 12-month delay period, subject to applicant’s compliance with the following requirements: Historical elements of oculus window, side portico, granite steps, and estate setting/grounds shall be incorporated into the new project, as per attached plans, “Sketches for Historic Commission,” dated October 2, 2019, prepared by Neshamkin French Architects, Inc./French 2D; Historical Commission shall review and approve the historic plaque to be placed on the property; and Historical Commission’s consultant shall be allowed to take additional photographs of the interior prior to demolition.
8. The public hearing complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.
FINDINGS of FACT (Case #20-01):
The City of Malden Planning Board finds the following facts:
1. All facts found in the special permit granted in Case #19-04, except as modified herein.
2. Condition 7 of the special permit granted in Case #19-04 requires that all development shall be as per plans.
3. The proposal is to revise the plans approved with the special permit granted in Case #19-04 to incorporate the requirements of the Malden Historical Commission regarding historical elements of the property that must be preserved and to address certain conditions of the special permit granted in Case #19-04.
4. No changes are proposed to the project approved by the special permit granted in Case #19-04 regarding the cohousing use, size of the new building, number and configuration of dwelling units, common areas or parking.
5. Direct abutters and surrounding land uses are the same as when the special permit was granted in Case #19-04.
6. The revised proposal does not change the project’s compliance with dimensional controls and parking requirements, as approved by the special permit granted in Case #19-04.
7. The revised plans depict the heights of all proposed retaining walls conform with §400.7.8 of the Ordinance, as required by Condition 6 of the special permit granted in Case #19-04.
8. The revised plans depict required bicycle parking, per §500.2.22 of the Ordinance, as required by Condition 5 of the special permit granted in Case #19-04; and petitioner intends to provide more bike parking in the garage.
9. The revised proposal addresses safety concerns with sight distances at both site drives, in accordance with the City peer reviewer’s recommendations and comments provided in correspondence dated October 21, 2019 from Kenneth Petraglia, P.E., P.T.O.E., as required by Condition 2 of the special permit granted in Case #19-04.
10. The proposed landscape area at the front of the building incorporates the original granite steps and granite slabs, is visible from Pleasant Street and part of the public entrance, however, will not be open for public access/use.
11. The original side portico, to be relocated and reused, may serve as a window or provide a door for only the one dwelling unit where it is located, however, will not be used to provide general access/egress for the building.
12. The revised proposal does not affect the project development schedule.
13. The Ward 2 City Councilor, Ward 6 City Councilor, Ward 7 City Councilor and one of the three City Councilors-at-Large, are in favor of the revised proposal.
14. Several Malden residents, who are also members of the project group and potential residents of the proposed development, are in favor of the revised proposal.
15. There is no public opposition to the revised proposal.
16. As modified by proposed conditions of the special permit, the revised proposal is in the interest of the common good.
17. The plans submitted with the petition are incorporated herein by reference and approved by the special permit, except as modified by conditions of the special permit.

DECISION (Case #20-01):
On January 8, 2020, pursuant to the foregoing Findings of Fact, the Planning Board modified the special permit granted in Case #19-04 and granted a new special permit subject to the following eight (8) conditions: 1) All development shall be as per plans, except as modified by these conditions; 2) Install pavement markings and crosswalks on Pleasant Street adjacent to the property and at the intersection of Pearl Street; install signage on Pleasant Street as per Pavement Marking and Signage Plan; 3) Install and maintain signage at site drives as per Pavement Marking and Signage Plan; 4) Obtain City approval to remove parking space on Pleasant Street, adjacent to western site drive and install “no parking” signage; 5) Within six months of occupancy, re: allowing Left Turn at Pearl Street and Route 60/Centre Street, conduct study, for which scope, results and recommended improvements are to be reviewed by City peer reviewer; 6) Compliance with memorandum from City Engineer dated August 14, 2019; 7) Compliance with requirements of Malden Historical Commission as stated in its determination dated October 7, 2019; and 8) The portico may be used as access only for the one adjacent dwelling unit.

RECORD of VOTES (Case #20-01):
The vote on the motion to modify the special permit granted in Case #19-04 and grant a new special permit subject to eight (8) conditions was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Chuha, yes; Fitzgerald, yes; Gebreselassie, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes.

Motion by Antonucci, seconded by MacCuish. Present but not voting: Ferguson.

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
CASE NUMBER 20-02
LOCATION of SUBJECT PROPERTY 45 Holyoke Street, Malden, MA
NAME of PETITIONER David M. Chuha
NAME of PROPERTY OWNER Congregation Beth Israel Ansei Litte of Malden
DATES of PUBLIC HEARING May 9, 2018, August 8, 2018 and January 8, 2020
DATE of DECISION January 8, 2020
DATE of FILING DECISION with CITY CLERK January 16, 2020
DATE of NOTIFICATION to BUILDING INSPECTOR January 16, 2020
FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT February 5, 2020

[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 #20-02):
1. The subject property is known by City of Malden Assessor’s parcel identification number 085408828.
2. Property owner is Congregation Beth Israel Ansei Litte of Malden, 10 Dexter Street, Malden, MA.
3. Petitioner is proposed new owner and developer, David M. Chuha, Chuha Construction Company, Inc., 38 Hopkins Street, Reading, MA 01867
4. On May 9, 2018, owner was represented by its attorney, Jordan Shapiro, 105 Salem Street, Malden, MA; and on
   August 8, 2018 and January 8, 2020, owner was represented by its attorney Thomas P. Callaghan, Jr., One Centre
   Street, Malden, MA 02148.
5. The petition seeks consent to file a repetitive petition under §800.4.10, Chapter 12, Revised Ordinances of 1991, as
   Amended, City of Malden (the “Ordinance”) and Massachusetts General Laws, Chapter 40A,§16 (the “state law”),
   namely, to file a petition for a special permit under §700.1.3.1 of the Ordinance, to allow conversion of a preexisting
   nonconforming property in the Residence A zoning district from religious facility to a two-family dwelling with three
   units, within two years of the Board’s final unfavorable action, namely, the denial of a petition for a special permit in
   Case #17-10 on October 11, 2017.
6. The following information was submitted with the petition: correspondence dated April 16, 2018 from Thomas P.
   Callaghan, Jr. Esq., site plan, “Plot of Land in Malden, MA,” dated February 3, 2018, prepared by Paul J. Finocchio,
   P.L.S.; floor plans and elevations, “45 Holyoke St. Townhouses, Malden, Massachusetts,” dated February 12, 2018,
   unsigned; correspondence dated July 26, 2018 from Thomas P. Callaghan, Jr. Esq.; and floor plans and elevations,
   “45 Holyoke St. Townhouses, Malden, Massachusetts,” dated July 24, 2018, unsigned.
7. On May 9, 2018, immediately upon opening the public hearing and prior to any public testimony, owner requested to
   table the public hearing because its other attorney was not available.
8. On August 8, 2018, immediately upon opening the public hearing and prior to any public testimony, owner requested to
   table the public hearing because only seven Planning Board members present were able to vote, and, per the
   Ordinance and state law, to grant the petition, eight of the nine members of the Board must vote affirmatively.
9. On July 2, 2019, owner submitted a revised proposal for consideration with its pending request for consent to file a
   repetitive petition; whereas the revised proposal is for a two-family dwelling, the petition is different on its face and
   for a different use under the Ordinance, the City notified owner that the petition for consent to file a repetitive
   petition is not required and the new petition for a special permit may be filed within two years of Case #17-10.
10. On December 4, 2019, owner filed the new petition for a special permit under §700.1.3.1 of the Ordinance to allow
    conversion of the property from religious facility to a two-family dwelling; and the public hearing by the Planning
    Board is scheduled for January 8, 2020.
11. On January 8, 2020, before the Board held the public hearing on the new petition for a special permit and rendered a
    decision in Case #20-03, and immediately upon opening the public hearing on the consent petition and prior to any
    public testimony, owner requested to withdraw the consent petition via correspondence dated January 3, 2020 from
    Thomas P. Callaghan, Jr.
12. The public hearings complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

DECISION (Case #20-02)
On May 9, 2018, the Planning Board granted owner’s request to table the public hearing.

On August 8, 2018, the Planning Board granted owner’s request to table the public hearing.

On January 8, 2020, the Planning Board allowed the withdrawal of the petition for consent to file a repetitive petition.
RECORD of VOTES (Case #20-02):
On May 9, 2018, the vote on the motion to table the public hearing was eight in favor, none opposed, and the motion passed (8-0):
  Antonucci, yes; Fitzgerald, yes; Gebreselassie, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes.

  Motion by Antonucci, seconded by MacCuish.  Absent: Chuha, Wolff.

On August 8, 2018, the vote on the motion to table the public hearing was seven in favor, none opposed, and the motion passed (7-0):
  Antonucci, yes; Ferguson, yes; Fitzgerald, yes; Gebreselassie, yes; Hayes, yes; Soucy, yes; Ioven, yes.


The vote on the motion to allow the withdrawal of the petition seeking consent to file a repetitive petition was nine in favor, none opposed, and the motion passed (9-0):
  Antonucci, yes; Ferguson, yes; Fitzgerald, yes; Gebreselassie, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes.

  Motion by Antonucci, seconded by Henry.  Present but not voting: Chuha.

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
FINDINGS of FACT (Case #20-03):
The City of Malden Planning Board finds the following facts:
1. The existing building on the subject property is a 2 ½ -story building, currently vacant and most recently occupied for religious facility use by petitioner.
2. The building appears to be in a state of disrepair and owner recently cleaned various trash, debris and litter, and overgrown vegetation from the site.
3. The proposal is to demolish the existing building and construct a new building to be used as a two-family dwelling, semi-detached, or duplex/side-by-side style, with an approximate footprint of 1,584 square feet (22 x 72 feet) and height of 2 ½ stories.
4. Under the proposal, the front dwelling unit has two bedrooms and the rear dwelling unit has three bedrooms; and both dwelling units have unfinished attic spaces, which are proposed for storage.
5. According to petitioner, each unit is proposed to have a full basement, to be used for utilities and storage, however, no plan for the basement was submitted.
6. The property is located in the Residence A zoning district.
7. The current religious facility use is allowed in this district.
8. The proposed two-family dwelling use is prohibited in this district, however, may be allowed by special permit as a conversion of a preexisting nonconforming property, per §§300.3.2.2 and 700.1.3.1 of the Ordinance.
9. The direct abutters to the west are three-family dwellings; to the south, a three-family dwelling and a single-family dwelling; to the east, a two-family dwelling and a three-family dwelling; and to the north, on the other side of Holyoke Street, a six-unit multifamily dwelling and a four-family dwelling.
10. Surrounding land uses are residential and mostly two and three-family dwellings.
11. Used for a religious facility, the existing building on the property violates current dimensional controls for lot area, with a 33% deficiency, and front yard setback; predates the current Ordinance and is considered preexisting nonconforming, per §400.1.3.5 and 700.1 of the Ordinance.
12. The proposal increases the lot area nonconformity to 46%, maintains a front yard setback violation and creates new violations of frontage, 33%; side yard setbacks; and density, 16%, per §400.1.2.2.2 of the Ordinance.
13. The religious facility use of the property requires 95 offstreet parking spaces, per §500.1.3.5 of the Ordinance; there is currently no parking onsite, and whereas the religious facility use predates the current requirements, the existing 100% parking violation is considered preexisting nonconforming, per §700.1 of the Ordinance.
14. The proposed two-family dwelling requires five parking spaces, namely, one space per bedroom, per §500.1.2.2 of the Ordinance.
15. Under the proposal, five parking spaces are provided onsite: the spaces exceed the required dimensions; are configured as head-on along the southern property line; and have access and egress via a proposed driveway of varying width, 10 to 14 feet, along the western side of the proposed dwelling.
16. The proposal eliminates the parking deficiency, regarding number of spaces, in its entirety.
17. Under the proposal, the western side yard and rear yard do not comply with requirements to devote a minimum of 50% of yards to lawn/landscaping and not paving, per §500.2.20 of the Ordinance.
18. The proposal requires installation of a curb-cut on Holyoke Street, which will require DPW approval.
19. The proposal includes a drainage system in the proposed parking area, as indicated on the site plan.
20. The Ward 7 City Councilor, the Mayor and one residential abutter are in favor of the proposal.
21. One residential abutter is in opposition to the proposal.
22. The creation of additional bedrooms or expansion of proposed bedrooms will require a building permit and an amendment of this special permit and the plans approved with this special permit.
23. As modified by proposed conditions of the special permit, the proposal will not be more detrimental to the neighborhood.
24. The plans submitted with the petition are incorporated herein by reference and approved by the special permit, except as modified by conditions of the special permit.

DECISION (Case #20-03):
On January 8, 2020, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following eight (8) conditions: 1) All development shall be as per plans, except as modified by these conditions; 2) The maximum number of bedrooms in the front unit is two and in the rear unit is three, as per plan; 3) Paved areas are limited to the driveway and parking area depicted on the plan; all paved areas must be permeable; 4) The front yard and eastern side yard shall be landscaped and may not be paved; 5) Install drainage system on-site, subject to review and approval of City Engineer; 6) Obtain DPW approval of proposed curb-cut; 7) Repair or replace sidewalks, driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director; and 8) A basement may be allowed and shall be for utilities and storage only.

RECORD of VOTES (Case #20-03):
The vote on the motion to grant the special permit with eight (8) conditions was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Ferguson, yes; Fitzgerald, yes; Gebreselassie, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes.

Motion by Fitzgerald, seconded by Antonucci. Present but not voting: Chuha.

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
CASE NUMBER 20-04
LOCATION of SUBJECT PROPERTY 100 Maplewood Street, Malden, MA
NAME of PETITIONER and OWNER 100 Maplewood Street LLC
DATE of PUBLIC HEARING January 8, 2020
DATE of DECISION January 8, 2020
DATE of FILING DECISION with CITY CLERK January 22, 2020
DATE of NOTIFICATION to BUILDING INSPECTOR January 22, 2020
FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT February 11, 2020
[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 #20-04):
1. The subject property is known by City of Malden Assessor’s parcel identification number 127433302.
2. Petitioner is the owner, 100 Maplewood Street LLC, 148 Main Street, Malden, MA, c/o Andreas Tsitos, 12 McCall Road, Winchester, MA.
3. At the public hearing, petitioner was represented by its contractor, Scott M. Fitzpatrick, Scott M. Fitzpatrick & Son, LLC, 67 Maplewood Street, Malden, MA 02148 and its engineers, Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA, and Richard J. Groll, Industrial Seismologist, Hollis, NH.
4. The petition seeks a special permit under §700.13, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the “Ordinance”) to allow removal of ledge and alteration of grade to prepare the property to construct a new single-story commercial building with basement.
6. In accordance with the City Demolition and Alteration Delay Ordinance, the Malden Historical Commission made the determination dated July 2, 2019 that the then-existing building is not Significant and the demolition permit would not be delayed.
7. The public hearing complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #20-04):
The City of Malden Planning Board finds the following facts:
1. The property is at located at the corner of Maplewood Street and Eastern Avenue.
2. The property is vacant and the former site of a recently demolished single-story restaurant building; the freestanding ground sign remains at the southwestern corner; the property is currently enclosed.
with safety/construction fencing; on-site are construction machinery, equipment, materials and a trailer; and site work has begun, including excavation for the basement of the proposed new building.

3. Ledge was found on the northeastern side of the lot, in the area of the former paved parking lot and where a portion of the basement of the proposed new building will be constructed.

4. The proposal is to remove ledge from the property to prepare the site for construction of a new single-story building with a basement, approximate footprint of 10,000 square feet and ten storefront units, each 900 to 956 square feet in size.

5. The proposed methods/means to remove the ledge by mechanical processes, namely, using a hydraulic breaker attached to an excavator, with possible hydraulic drilling to perforate the rock.

6. Under the proposal, the total excavation is approximately 500 cubic yards, which is the volume of solid or “in-place” ledge, and which is a total quantity of volume of 690 cubic yards of chipped ledge, to be removed from the site.

7. The ledge removal operation is expected to take approximately two weeks to 45 days and depends on the resistance of the rock or how easily it breaks, and may be affected by the weather.

8. Materials will be removed from the site by 30-yard trailers and involve approximately 23 truck trips.

9. Hours for ledge removal activities are regulated by Section 7.9.4.3, Chapter 7 of the City ordinances regarding Noise Abatement, Noise Emanating from Business Activities.

10. The public multimodal path, Northern Strand Community Trail/Bike to the Sea, located in the abandoned railroad right-of-way, directly abuts the property to the north.

11. An active, high-pressure, natural gas pipeline and gas valve/regulator station are located in the abutting railroad right-of-way, approximately ten feet from the property line of the subject property.

12. The Fire Department has concerns regarding the distance between the ledge removal work area and the gas pipeline and recommends that a fire watch may be required at any time during the ledge removal process at the discretion of the Fire Chief or his designee, as described in two email correspondences dated January 8, 2020 from Leonard Halloran, Deputy Chief and Kevin Halpin, Lieutenant.

13. The proposal will not affect the quarantined hazardous waste area located nearby in the abutting railroad right-of-way.

14. To the east, direct abutters are a motor vehicle repair shop and a two-family dwelling; to the south, on the other side of Eastern Avenue, wholesale and warehouse; diagonally across the intersection, a convenience store and manufacturing; and to the west, on other side of Maplewood Street, a gasoline filling & service station and motor vehicle repair shop.

15. Surrounding land uses are residential to the north and industrial and business to the east, south and west.

16. The proposal includes installation of a stormwater management system with an operations and maintenance plan.

17. The City Engineer’s recommendations regarding the proposal, including water, sewer and drain connections, erosion control, drainage and stormwater facilities, are described in a memorandum dated December 10, 2019 from Yem Lip, City Engineer.

18. The property is located in the Industrial 1 zoning district, and proposed business uses of the new building, namely, general offices, retail sales and retail services, are allowed by right, per §300.3 of the Ordinance.

19. The new building complies with dimensional controls for the proposed business uses, except for one side yard setback, per §400.1 of the Ordinance, and is the subject of a variance granted by the Board of Appeal on March 20, 2019.

20. The proposal provides a total of 44 parking spaces onsite, which complies with requirements for the proposed use business use of the new building; however, the proposed site plan does not depict the required landscaping, screening and bicycle parking, per §500.1 of the Ordinance.

21. The proposal includes closing the northernmost curb-cut on Maplewood Street; installing a new curb cut further south on Maplewood Street; and maintaining the existing curb-cut on Maplewood Street, closest to Eastern Avenue, and the existing curb-cut on Eastern Avenue.
22. In his memorandum dated December 10, 2019, the City Engineer recommends closing the existing curb-cut on Maplewood Street that is closest to the intersection with Eastern Avenue.

23. The traffic impacts of the proposal, including site access and egress via existing and proposed curb-cuts and driveways, were not required to be reviewed by the City peer reviewer, per the Planning Board’s Rules and Procedures.

24. All curb-cuts, whether new, modified or closed, require approval of the DPW Commission.

25. The Ward City Councilor is in favor of the proposal, subject to compliance with proposed conditions.

26. One residential abutter is in support of the proposal.

27. There is no public opposition to the proposal.

28. One of the three City Councilors-at-Large has concerns about the proposal due to the location of the gas pipeline in the abutting railroad right-of-way; one direct residential abutter has concerns regarding noise, property damage and the location of the gas pipeline; and one residential abutter has concerns with traffic and site access and egress.

29. Noise from the proposed work and activity is regulated by Section 7.9 of the City ordinances regarding Noise Abatement.

30. As modified by the proposed conditions of the special permit, the proposal will not adversely affect the general welfare and public safety.

31. The plans submitted with the petition are incorporated herein by reference and approved by the special permit, except as modified by conditions of the special permit.

DECISION (Case #20-04):

On January 8, 2020, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following fifteen (15) conditions: 1) All development shall be as per plans, except as modified by these conditions; 2) All ledge/rock removal may be done only by hydraulic breaker attached to an excavator or an equivalent vehicle/equipment, and hydraulic drilling; and any ledge/rock removal by blasting or any other mechanical or other means is prohibited; 3) During site development, implement erosion controls as per plan; 4) Offer and conduct pre-ledge removal video and photographic survey of all buildings within 300 feet of the property lines of the subject property, who consent, and provide survey to property owner; before ledge removal begins, provide City with list of all properties surveyed and contacted; 5) During any ledge removal activity, place seismograph on site and at the following properties or property line with: 890 Eastern Avenue, 900 Eastern Avenue, 9 Waite Street and adjacent to gas pipeline/regulator station; submit seismograph tapes to Fire Chief for review daily; 6) Maintain liability insurance of a minimum of $100,000.00/$300,000.00 with City of Malden named as a loss-payee; 7) During site development, hire fire details and provide a fire watch at any time as the Fire Chief deems appropriate and necessary in his reasonable discretion; 8) During site development, hire local police details as the Police Chief deems appropriate in his reasonable discretion; 9) A minimum of seven days prior to activity, deliver written notice to all premises within 300 feet of the property lines of subject property, indicating the date(s) of ledge removal activity will be conducted and the hours of beginning and ending daily for the same; submit copy of notice(s) to City; 10) The hours of operation for any ledge removal and/or any construction equipment operated for ledge removal or site grading/preparation, are 8 am to 5 pm Monday-Friday; 11) Install stormwater management system, as per plan; 12) Provide construction schedule and owner, site engineer, geotechnical engineer, contractor and gas pipeline representative shall attend a site meeting with City Engineering Department, Fire Department and City Planner prior to the start of work; 13) Comply with recommendations of City Engineer described in memorandum dated December 10, 2019; except re: item 1, existing southern curb-cut shall be eliminated, only provided that DPW approves proposed new northern curb-cut on Maplewood Street; 14) Landscape site in compliance with §500.2.13; provide required bicycle parking; and screen parking from residential property with privacy fencing; and 15) Maintain protective screening along Bike to Sea/Trail during ledge removal activity.
RECORD of VOTES (Case #20-04):
The vote on the motion to grant the special permit with fifteen conditions was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Chuha yes; Fitzgerald, yes; Gebreselassie, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes.

Motion by Antonucci, seconded by MacCuish. Present but not voting: Ferguson.

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
January 14, 2020

Gregory Lucey, City Clerk
110 Pleasant Street
Malden, MA 02148

Re: “Plan of Land in MALDEN, MASS.”
Prepared by Peter J. Ogren, P.L.S. Hayes Engineering, Inc., Wakefield, MA
Dated December 13, 2019 (Signed/stamped December 23, 2019)
65 Central Avenue (Parcel ID 156 571 102) (Existing Area: 10,000 SF)
Portion of Paper Street, Winchester Street (Parcel ID 156 571 107) (2,500 SF)
Application for Determination of Planning Board Jurisdiction (Form A)
Approval Not Required Subdivision Plan
To Reconfigure Lots Lines - 65 Central Avenue (New Area: 12,500 SF)

Dear Mr. Lucey:

At a public meeting on January 8, 2020, the Malden Planning Board determined that the above-referenced plan does not require approval under the provisions of the Subdivision Control Law, M.G.L. Chapter 41, Section 81P, and endorsed the plan.

Please do not hesitate to contact me with any questions. Thank you.

Sincerely,

Michelle A. Romero
City Planner

Cc: Building Inspector
Assessor