



CITY of MALDEN PLANNING BOARD

Minutes of Regular Meeting

Meeting Date: February 8, 2023

Meeting Location: Malden City Hall, Herbert L. Jackson City Council Chamber, 215 Pleasant Street, Malden, MA

I. Call to Order. Chairman Charles Ioven called the meeting to order at 7:04 p.m. Ioven announced that under the provisions of the Open Meeting Law, attendees are informed that this meeting is being recorded by Urban Media Arts, formerly known as Malden Access Television, and that he has not been notified that any other video or audio recording of this meeting will occur.

II. Roll Call. Ioven chaired the meeting and took a roll call.

Planning Board Members in attendance:

Antonucci, Kenneth

Chuha, Diane (*joined the meeting at 7:39 p.m.*)

Gebreselassie, Tewedaj

Gray, Resa

Hayes, Patrick

Henry, Eric

MacCuish, Eric

Soucy, Henri

Verma, Vikas, Ronnie Raj

Ioven, Charles, Chair

Planning Staff in attendance: Linda Yarasitis, Administrative Clerk.

Planning Staff absent: Michelle Romero, City Planner.

III. PUBLIC HEARINGS

A. Zoning: Special Permits. Title 12, Chapter 12, Code of City of Malden (MCC).

1. 410 Ferry Street (Parcel ID #084 403 301) Permit Application #CMID 050516-2022)/§12.28.010(D)(1)/To alter, structurally change, extend & change use of preexisting nonconforming property in Residence A zoning district/To construct dormer & addition to 3rd floor, construct three-story porch/deck, renovate & convert existing building from medical laboratory use to three-family dwelling.

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

Petitioner submitted the following documentation and information:

- 1) Site plan, "Certified Plot Plan Showing Proposed Parking Located at 410 Ferry Street Malden, MA," dated October 20, 2022, prepared by George C. Collins, P.L.S., Charlestown, MA.
- 2) Set of plans, "Interior & Deck Renovation-Dormer Roof Addition 410 Ferry St, Malden, MA 02148," dated November 8, 2022, prepared by Nazieh R. Hammouri, P.E., RISE Architecture, 71B Clinton Street, Malden, MA, that contains: Cover page (C-100) with photos, "Aerial View," and "Existing Dwelling;" Gross Area Plan (A-100) with Existing Area and Proposed Area; Existing Floor Plans of Basement Floor and 1st Floor (A-101), 2nd Floor and Attic Floor (A-102); Existing Elevations, Front and Right (A-103) and Rear and Left (A-104); Demolition Floor Plans, Basement and 1st Floor (A-105), 2nd Floor and Attic Floor (A-106); Proposed Floor plans, Basement Floor and 1st Floor (A-107), 2nd floor and Attic Floor (A-108); and Proposed Elevations, Front and Right (A-109), Rear and Left (A-110).

The proposal is to extend, renovate and convert the building from medical laboratory to a three-family dwelling, with each unit containing two-bedrooms.

Presentation by petitioner:

1. Ronie Teixeira, 72 McKinley Street, Revere, MA, contractor.

Petitioner stated that he submitted via email on Monday (February 6, 2022) an updated site plan showing the proposed open space, however, as of the start of the public hearing, the Board had not received the plan. Yarasitis suggested that petitioner send the plan again by email during the meeting.

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

In favor: None.

In opposition: None.

The Board closed the public hearing.

The Board received and reviewed the following documentation and information at the meeting:

1. Planning Report & Recommendation dated February 8, 2023 w/attachments.
2. Siting and screening requirements for dumpsters (Ioven received a note hand-written by Yarasitis containing this information received from Romero via email).
3. Confirmation of receipt of open space plan/updated site plan from petitioner via email received at 7:21 p.m. on February 8, 2022 (Yarasitis verbally informed Board of message received from Romero with this confirmation).

The Board deliberated and prior to rendering a decision regarding the petition, the Board explained the process and asked petitioner whether he preferred that the Board allow the petition to be withdrawn without prejudice or that the Board take action and vote on the petition. Petitioner requested the Board take action and vote on the petition.

Decision: The Planning Board denied the petition for a special permit.

The decision is described in Case #23-02 (attached).

Record of Votes: On the motion by MacCuish, seconded by Antonucci, to deny the petition for a special permit, the vote was eight in favor, one opposed, and the motion passed (8-1).

	Yes	No	Absent	Abstained	Not Voting
ANTONUCCI	X				
CHUHA			X		
GEBRESELISSIE	X				
GRAY	X				
HAYES	X				
HENRY		X			
MacCUISH	X				
SOUCY	X				
VERMA	X				
IOVEN Chair	X				

At 7:39 p.m. Chuha joined the meeting.
Ioven announced that Chuha would vote on the next case and Verma would not.

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2. **76 Granville Avenue** (Parcel ID# 104 712 208) and **Granville Place** (no #) (Parcel ID #104 712 206) (Proposed combined development site) Permit Application # CMID 051372-2022/§12.28.010(D)(1)/To reconstruct, extend & structurally change preexisting nonconforming property and use in Residence A zoning district/To demolish existing dwelling & construct new four-family dwelling.

The notice of public hearing was read into the record by Chuha.

Petitioner submitted the following documentation and information:

- 1) Set of plans, "MALDEN, MASS. #76 Granville Avenue & Granville Place," dated December 5, 2022 (stamped/signed December 8, 2022), prepared by Peter J. Ogren, P.L.S., Hayes Engineering, Inc., Wakefield, MA, that include:
 - a. Topographic/Demolition Plan (Sheet 1 of 6)
 - b. Layout Plan (Sheet 2 of 6)
 - c. Grading & Drainage Plan (Sheet 3 of 6)
 - d. Utilities Plan (Sheet 4 of 6)
 - e. Detail Sheets (Sheets 5 and 6 of 6)
- 2) Set of plans, "76 Granville Ave Malden, MA Motzkin- The Saratoga Trust," dated December 5, 2022, prepared by David N. O'Sullivan, Registered Architect, O'Sullivan Architects, Inc., Reading, MA, that include the following for the proposed new dwelling:
 - a. Site plan with landscaping, parking layout, First Floor and Lower Level.
 - b. Building cross sections.
 - c. Floor plans: First Floor-Unit Layout; Second Floor-Unit Layout; Top Floor-Unit Layout.
 - d. Elevations: Corner of Granville Ave & Granville Place, 3 Bedroom Unit Entry, Back Corner from Granville Place, Driveway Elevation, Front Elevation, Granville Place Elevation.

The proposal is to demolish the existing dwelling and construct a new dwelling for continued use as a four-family dwelling, at the proposed combined development site comprised of 76 Granville Avenue and no #Granville Place. The proposed dwelling will be significantly larger than the existing dwelling (footprint 76% increase and gross floor area 221% increase); contain total of nine bedrooms; 8,369 square feet, including 1,081 square foot garages under with four parking spaces; and five surface parking spaces.

Presentation by petitioner:

1. Thomas P. Callaghan, Jr., attorney, One Centre Street, Malden.
2. Jonathan Stone, architect, O'Sullivan Architects, 606 Main Street, Reading, MA.
3. Tony Capachietti, engineer, Hayes Engineering, 603 Salem Street, Wakefield, MA.

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

In favor:

1. Frank Bonanno, 82 Granville Avenue, Malden.

In opposition:

1. Marjorie Pearlstein, 1 Fairview Avenue, Malden.
2. Arthur Bergh, 71 Granville Avenue, Malden.
3. Paula Ortet, 9 Granville Place, Malden.
4. Barbara Murphy, Ward 5 City Councilor, 28 Forest Street, Malden.

The Board closed the public hearing.

The Board received and reviewed the following documentation at the meeting:

1. Planning Report & Recommendation dated February 8, 2023.

Prior to rendering a decision, the Board asked petitioner if he was amenable to allowing the petition to be withdrawn without prejudice to reduce the size of the proposal and petitioner stated yes.

Decision: The Planning Board allowed the petition for a special permit to be withdrawn without prejudice.

The decision is described in Case #23-03 (attached).

Record of Votes: On the motion by Hayes, seconded by Antonucci, to allow the petition to be withdrawn without prejudice, the vote was nine in favor, none opposed, and the motion passed (9-0).

	Yes	No	Absent	Abstained	Not Voting
ANTONUCCI	X				
CHUHA	X				
GEBRESELISSIE	X				
GRAY	X				
HAYES	X				
HENRY	X				
MacCUISSH	X				
SOUCY	X				
VERMA					X
IOVEN Chair	X				

IV. PUBLIC MEETING.

A. Status Updates.

- 1) Community Preservation Committee. Henry provided an update.

B. Tree Planting Plan/Request for Planning Board Review and Approval

Department of Conservation and Recreation Greening the Gateway Cities Implementation Grant Application by City of Malden.

Emily Granoff, Grant Writer, Office of Strategic Planning & Community Development and Chris Rosa, Tree Warden and Cemetery Director, presented the proposal and answered the Board's questions.

The Planning Board received and reviewed the following documentation:

1. Memorandum dated February 6, 2023 from Emily Granoff, Grant Writer, Office of Strategic Planning and Community Development, and Chris Rosa, Tree Warden and Cemetery Director.
2. Tree planting plan (narrative)
3. Planting Plan-highlighted streets are being prioritized for tree planting (map).
4. MA EJ Viewer, showing Environmental Justice communities in Malden (map).
5. Heat map, showing heat islands in Malden (map).

- 6. DCR planting zone map, showing the areas being targeted by the Greening the Gateway Cities program (map).

The Board approved the proposed Planting Plan.

Record of Votes: On the motion by Antonucci, seconded by MacCuish, to approve the Planting Plan, the vote was nine in favor, none opposed, and the motion passed (9-0).

	Yes	No	Absent	Abstained	Not Voting
ANTONUCCI	X				
CHUHA	X				
GEBRESELASSIE	X				
GRAY	X				
HAYES	X				
HENRY	X				
MacCUISH	X				
SOUCY	X				
VERMA					X
IOVEN Chair	X				

- V. Next meeting: Regular meeting – March 8, 2023

- VI. **Adjournment:** 9:46 p.m. (On the motion by Chuha, seconded by Antonucci, all voted in favor and the motion passed).

Approved: Charles Ioven, Chair



**CITY of MALDEN PLANNING BOARD
NOTICE of DECISION**

CASE NUMBER 23-02

LOCATION of SUBJECT PROPERTY 410 Ferry Street, Malden, MA

NAME of PETITIONER and PROPERTY OWNER Ronie Construction Inc.

DATE of PUBLIC HEARING February 8, 2023

DATE of DECISION February 8, 2023

DATE of FILING DECISION with CITY CLERK February 15, 2023

DATE of NOTIFICATION to BUILDING INSPECTOR February 15, 2023

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT March 7, 2023

[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 #23-02):

1. The subject property is known as and numbered 410 Ferry Street and by City Assessor's parcel identification number 084 403 301.
2. Petitioner is the property owner, Ronie Construction Inc., c/o Ronie Teixeira, 72 McKinley Street, Revere, MA, who is the contractor.
3. At the public hearing on February 8, 2023, petitioner was represented by Ronie Teixeira.
4. The petition filed in permit application #CMID 050516-2022 seeks a special permit under Title 12, Chapter 28, Section 010(D)(1), Code of the City of Malden, to alter, structurally change, extend and change use of a preexisting nonconforming property in the Residence A zoning district, namely, to convert the property to a three-family residential dwelling.
5. The following plans were submitted in support of the petition: site plan, "Certified Plot Plan Showing Proposed Parking Located at 410 Ferry Street Malden, MA," dated October 20, 2022, prepared by George C. Collins, P.L.S., Charlestown, MA; set of plans, "Interior & Deck Renovation-Dormer Roof Addition 410 Ferry St, Malden, MA 02148," dated November 8, 2022, prepared by Nazieh R. Hammouri, P.E., RISE Architecture, 71B Clinton Street, Malden, MA, that contains: Cover page (C-100) with photos, "Aerial View," and "Existing Dwelling;" Gross Area Plan (A-100) with Existing Area and Proposed Area; Existing Floor Plans of Basement Floor and 1st Floor (A-101), 2nd Floor and Attic Floor (A-102); Existing Elevations, Front and Right (A-103) and Rear and Left (A-104); Demolition Floor Plans, Basement and 1st Floor (A-105), 2nd Floor and Attic Floor (A-106); Proposed Floor plans, Basement Floor and 1st Floor (A-107), 2nd floor and Attic Floor (A-108); and Proposed Elevations, Front and Right (A-109), Rear and Left (A-110).
6. According to petitioner, he recently submitted by email an updated site plan showing the proposed open space, however, as of the start of the public hearing, the Board had not received the plan.
7. The Malden Historical Commission reviewed the proposal, pursuant to the City's Demolition & Alteration Delay Ordinance, Title 4.24, Code of the City of Malden MCC) and approved the proposal, provided that the building's existing front façade and columns shall be maintained, per decision dated January 19, 2023.
8. On February 8, 2023, the Planning Board held the public hearing and deliberated; prior to rendering a decision regarding the petition, the Board asked petitioner whether he preferred that the Board allow the petition to be withdrawn without prejudice or that the Board take action and vote on the petition; and at petitioner's request, the Board took action and voted on the petition.
9. The public hearing complied with the notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #23-02):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a 2 ½ story building that is currently vacant and under renovation per an issued building permit.

2. The proposal is to construct a dormer and addition to the third floor, construct a three-story porch/deck, renovate and convert the building from medical laboratory to a three-family dwelling.
3. Under the proposal, there will be one dwelling unit on each floor; each unit will have two bedrooms, one full and one half bathroom, kitchen, living room and an unenclosed deck, 10 by 16 feet in size; the unit on the third floor will also have a storage room, 224 square feet in size with ceiling height 5'10"; and the basement will be accessed from a common/shared staircase, with a proposed laundry room; playroom, 836 square feet in size; and utilities.
4. The property is located in the Residence A zoning district.
5. The most recent use of the property, medical laboratory, was formerly classified as medical & dental offices under the then-existing Ordinance and is now classified as medical center under the current Ordinance; is prohibited in this district; was allowed by special permit granted in Case #88-32; and is considered nonconforming, per §§12.12.030 and 12.28.010 of the Ordinance.
6. The proposed three-family residential use is prohibited in this district and may be allowed by special permit as a conversion of a nonconforming use, per §§12.12.030 and 12.28.010.D of the Ordinance.
7. The direct abutters to the north and west are single-family dwellings; to the east, on the other side of Harvard Street, a two-family dwelling; and to the south, on the other side of Ferry Street, a single-family and four-family dwelling.
8. Surrounding land uses are residential.
9. The existing building, for medical center use, grossly violates dimensional controls for lot area, front, one side and rear yard setbacks, and is considered preexisting nonconforming, per §§12.16.010 and 12.28.010.A of the Ordinance.
10. The proposal for three-family residential use exacerbates existing violations of lot area to 74%, front yard setback to 75% and one side yard setback; creates new nonconformities of frontage, open space and density (47%); and maintains the rear yard setback violation, per §12.16.010 of the Ordinance.
11. Proposed open space is not shown on the site plan, and according to petitioner, will be grass and trees.
12. Given the size of the lot, building and parking area, it is highly unlikely the proposal provides the required amount of open space, 1,500 square feet, and that open space that may be provided would comply with Usable Open Space Requirements for All Districts, per §12.16.080 of the Ordinance.
13. The proposal complies with requirements to provide six parking spaces, one space per bedroom, per §12.20.010 of the Ordinance; and the proposed site plan depicts eight spaces in a nonconforming layout in the existing parking lot at the eastern side of the lot, with access via Ferry Street.
14. Petitioner proposes a dumpster for residential trash in the location of one proposed parking space, which would not comply with the siting requirements of §12.20.030.H of the Ordinance.
15. The required snow storage is not depicted on the site plan.
16. There is no public support of the proposal.
17. There is no public opposition to the proposal.
18. The proposal is an overuse of the property, as indicated by the increased and new gross deficiencies of lot area, open space and density.
19. The proposal will be more detrimental to the neighborhood.


DECISION (Case #23-02):

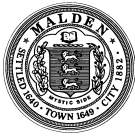
On February 8, 2023, pursuant to the foregoing Findings of Fact, the Planning Board denied the petition for a special permit.

RECORD of VOTES (Case #23-02):

On February 8, 2023, on the motion by MacCuish, seconded by Antonucci, to deny the petition for a special permit, the vote was eight in favor, one opposed, and the motion passed (8-1):

Antonucci, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, no; MacCuish, yes; Soucy, yes; Verma, yes; Ioven, yes. [*Chuha, absent*].

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



**CITY of MALDEN PLANNING BOARD
NOTICE of DECISION**

CASE NUMBER 23-03

LOCATION of SUBJECT PROPERTIES 76 Granville Avenue, Malden, MA and Granville Place (no number), Malden, MA (City Assessor's Parcel ID #104 712 206)

NAME of PETITIONER Saratoga Trust

NAMES of PROPERTY OWNERS Saratoga Trust and Malden Realty Trust

DATE of PUBLIC HEARING February 8, 2023

DATE of DECISION February 8, 2023

DATE of FILING DECISION with CITY CLERK February 22, 2023

DATE of NOTIFICATION to BUILDING INSPECTOR February 22, 2023

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT March 14, 2023

[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 #23-03):

1. The subject properties are 76 Granville Avenue, Malden, also known by Assessor's Parcel ID #104 712208, and Granville Place (no number), Malden, also known by Assessor's Parcel ID #104712206.
2. Petitioner is the property owner of 76 Granville Avenue, Saratoga Trust, c/o James Motzkin, Trustee, 99 Granville Avenue, Malden, MA, and also the representative of the property owner of Granville Place, Malden Realty Trust, c/o James R. and Susan M. Motzkin, 99 Granville Avenue, Malden, MA.
3. At the public hearing on February 8, 2023, petitioner was represented by Thomas P. Callaghan, Jr., attorney, One Centre Street, Malden; Jonathan Stone, architect, O'Sullivan Architects, 606 Main Street, Reading, MA; and Tony Capachietti, engineer, Hayes Engineering, 603 Salem Street, Wakefield, MA.
4. The petition filed in permit application #CMID 051372-2022 seeks a special permit under Title 12, Chapter 28, Section 010(D)(1), Code of the City of Malden, to reconstruct, extend and structurally change a preexisting nonconforming property and use in the Residence A zoning district for continued four-family residential dwelling use.
5. The following plans and information were submitted in support of the petition: a) set of plans, "MALDEN, MASS. #76 Granville Avenue & Granville Place," dated December 5, 2022 (stamped/signed December 8, 2022), prepared by Peter J. Ogren, P.L.S., Hayes Engineering, Inc., Wakefield, MA, that include Topographic/Demolition Plan, Layout Plan, Grading & Drainage Plan, Utilities Plan, Detail Sheets; b) set of plans, "76 Granville Ave Malden, MA Motzkin - The Saratoga Trust," dated December 5, 2022, prepared by David N. O'Sullivan, Registered Architect, O'Sullivan Architects, Inc., Reading, MA, for the new dwelling that include a Site plan with landscaping, parking layout, First Floor and Lower Level; Building cross sections; Floor plans: First Floor-Unit Layout; Second Floor-Unit Layout; Top Floor-Unit Layout; Elevations: Corner of Granville Ave & Granville Place, 3 Bedroom Unit Entry, Back Corner from Granville Place, Driveway Elevation, Front Elevation, Granville Place Elevation; c) correspondence dated December 7, 2022 from Thomas P. Callaghan, Jr.; and d) floor plans for the existing dwelling, "76 Granville Ave-Existing Plans, Malden, MA," dated February 7, 2023, prepared by O'Sullivan Architects.
6. The Malden Historical Commission approved the proposed demolition, pursuant to the Demolition & Alteration Delay Ordinance, Title 4.24, Code of the City of Malden, and per decision dated March 15, 2022.
7. On February 8, 2023, the Planning Board held the public hearing and deliberated, and prior to the Board rendering a decision, petitioner consented to the withdrawal of the petition without prejudice.
8. The public hearing complied with the notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #23-03):

The City of Malden Planning Board finds the following facts:

1. The parcel, 76 Granville Avenue, is the site of a vacant, 2 ½ story, four-family dwelling; the parcel, Granville Place has no street number, is vacant land with trees, vegetation, ledge and a dirt area used for parking; and herein, “property” refers to a proposed development site, comprised of both parcels.
2. The proposal is to demolish the existing dwelling and construct a new four-family dwelling at the proposed combined development site.
3. The property is located in the Residence A zoning district.
4. The existing four-family dwelling is prohibited in this district, predates the current Ordinance and is considered preexisting nonconforming, per §§12.20.030 and 12.28.010 of the Ordinance.
5. The proposed new dwelling extends the four-family dwelling use, and an extension of this preexisting nonconforming use may be allowed by special permit, per §12.28.010.D of the Ordinance.
6. The direct abutters to the north and west are single-family dwellings; to the east, on the other side of Granville Place, a single-family dwelling and two-family dwellings; and to the south, on the other side of Granville Avenue, a single-family dwelling and a two-family dwelling.
7. Surrounding land uses are single and two-family residential dwellings and one multifamily dwelling.
8. The existing dwelling grossly violates all dimensional controls, except height, and is considered preexisting nonconforming, per §§12.16.010 and 12.28.010.A of the Ordinance.
9. The proposal creates a new side yard setback violation, maintains the existing front yard setback violation, eliminates the existing rear yard setback violation and reduces the existing lot area and density violations, per §12.16.010 of the Ordinance.
10. The proposed open space is 838 square feet or 42% deficient of the requirement, and only some appears to comply in part with Usable Open Space Requirements, per §12.16.080 of the Ordinance.
11. The proposal provides nine parking spaces, or one space per bedroom, as required per §12.20.010 of the Ordinance, in the following layout: four interior parking spaces in two garages underneath the dwelling; and five surface parking spaces, two in the southern front yard and three in the rear yard.
12. Access for seven parking spaces will be via Granville Place, a private way, twelve feet in width.
13. The existing dwelling has a footprint of 1,483 square feet and four units with a total of six to eight bedrooms and gross floor area of 3,005 square feet: a studio, 280 square feet in size; a one-bedroom, 550 square feet in size; and two units, with two to three bedrooms, 1,050 to 1,125 square feet in size.
14. The proposed new dwelling has a footprint of 2,604 square feet and four units, with a total of nine bedrooms and gross floor area of 8,369 square feet: three, two-bedroom units, 1,063 to 1,198 square feet in size, and one, three bedroom-unit, 1,864 square feet in size.
15. The proposal increases the dwelling footprint by 1,121 square feet or 76% and the total residential living area by 5,364 square feet or 179%.
16. The Ward 5 City Councilor and several residential abutters are in opposition to the proposal.
17. The proposal may be more detrimental to the neighborhood because an overuse of the property.


DECISION (Case #23-03):

On February 8, 2023, pursuant to the foregoing Findings of Fact, the Planning Board allowed the petition to be withdrawn without prejudice.

RECORD of VOTES (Case #23-03):

On February 8, 2023, on the motion by Hayes, seconded by Antonucci, to allow the petition to be withdrawn without prejudice, the vote was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Chuha, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes. [*Verma, present, not voting*].

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