



# City of Malden

Massachusetts

Board of Appeal

215 Pleasant Street

Malden, Massachusetts 02148

Telephone 781-397-7100 x 2151

## Board of Appeal Minutes February 17, 2021

In accordance with Governor Baker's 3/12/20 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A,ss18, and the Governor's 3/23/20 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, this meeting was conducted via remote participation. In person attendance by members of the public was prohibited, and all effort was made to permit public attendance of this meeting, in the manner specified below, via remote access by internet, telephone, and if available via public broadcast of the meeting by Malden Access Cable Television on public access television channels. Public access will also be provided by posting draft minutes, and/or a transcript, recording, or record of the meeting on the City of Malden website at [cityofmalden.org](http://cityofmalden.org) as soon as practicable after the meeting.

Board of Appeal Public Hearing was held Wednesday, February 17, 2021 at 6:30 pm Via remote hearing

<https://cityofmalden.zoom.us/j/92033451433?pwd=TG1EN2NMb2lXRm9GWTZXUW0rTktFdz09>

Webinar ID: 920 3345 1433

Passcode: 544379

Call to order 6:30pm

Members Present: Nathaniel Cramer, William Sullivan, Adam Sherwin, John King, Kathryn Bilgen, Emily Kibbler, David Senatillaka

Old and New Business: Approval of Minutes from January 20, 2021

Approval of minutes December 16 2020: Motion by Sullivan to approve 2<sup>nd</sup> by King  
Cramer – Yes, Sullivan – Yes, Sherwin – Yes, King – Yes, Bilgen – Yes  
5 Yea – 0 Nea Minutes of January 20, 2021 are approved

### **PETITION OF:**

Petition 21-001 was tabled from January 20, 2021

**Petition 21-001** by **Christopher De Resende on behalf of Brian Duong Le** for a variance of **MCC 12.16.010** Chapter 12 of the revised Ordinances of 2020 as amended of the City of Malden – Namely – Dwelling – Single Family Dimensional Controls (rear set back for deck) as per Plans RES-033612-2020 at the property known as and numbered **34 Pamela Circle**, Malden, MA and also known by City Assessor's Parcel ID #016-013-368

All statutory requirements have been met and this petition is properly before the board.  
This petition is being represented by Christopher DeResende

The petitioner would like to build a deck in the back entrance of the home. This deck would violate the 20 ft setback. This is the 2<sup>nd</sup> egress for the home. Petitioner claims there was previously a deck but the work was started without a permit and a deck no longer exists to prove this fact. A stop work order was issued for this property after receiving a complaint from a neighbor that there was work being done without a permit.

This Petition was tabled from January 20, 2021 to allow the petitioner a chance to show that a deck previously existed. Pictures from the MLS listing in 2018 were provided to the board as well as a drawing from the Assessor's Record Card showing a deck 8 x17 ft previously existed.

Motion by King to grant this petition to build a deck to the dimensions on the Assessor's Record Card of 8 x 17 ft. was 2<sup>nd</sup> by Bilgen.

Vote: Cramer – Yes, Sullivan – No, Sherwin – no, King – Yes, Bilgen – Yes

3 Yes – 2 No

Petition 21-001 is DENIED

The petitioner was advised they have a right to appeal this decision.

Motion to adjourn by King was 2<sup>nd</sup> by Sullivan

Adjourn 6:57 pm

Next meeting: March 17, 2021

Zoom Video Link:

<https://cityofmaiden.zoom.us/rec/share/u981wOa4GBjYkmvoBSXIlhH6Q7W2JKNGMakbyVcYxzIzID6tzOd9iUqHpm0uPpUn.5lwQLbUfDxc4N5Oe>