Minutes of BOA  September 18, 2019

Board of Appeal meeting duly called in accordance with the City of Malden Ordinances and its by-laws was held Wednesday, September 18, 2019 at 6:30 pm in the John and Christina Markey Senior Community Center, 7 Washington Street, Malden, MA

Members present: Chair James O’Brien, Assistant Fire Chief William Sullivan, Adam Sherwin, John King, Kathryn Pakenham Bilgen, Emily Kibbler

Meeting called to order 6:30

Chair O’Brien made the announcement regarding MATV is recording this meeting and if anyone will be recording to advise the Board and provide their name and address.

Motion to accept the minutes from August 21, 2019 Hearing made by William Sullivan second by John King
Vote: O’Brien – yes, Sullivan – yes, Sherwin – yes, King – yes, Bilgen - yes
All in favor  5-0

Chair O’Brien read the following petition into the meeting record

PETITION OF:

Petition 19-012 by Brian Johnston, for a variance of Section 400.1.2.1 Chapter 12, of the Revised Ordinances of 1991 as Amended of the City of Malden, Namely Dimensional Controls – Side Setback, Requirements –As per plans #RES-029231-2019 at the property known as and numbered 114 Kimball Street, Malden, MA and also known by City Assessor’s Parcel ID #113-806-602

All statutory requirements have been met and this Petition is properly before the board

This petition is being represented by the homeowner Brian Johnston.

The homeowner would like to add a bathroom to this existing 3 bedroom 1 bath home. Due to the present construction of this home, the bathroom would need to on the left rear side of the structure. This requires a variance for the side setback which would be 5 ft instead of the required 10 ft. There will be a crawl space under this proposed addition.

Open to Public:

Stephanie Newnan of 112 Kimball Street, a direct abutter, appeared in support of this petition.
No one appeared in opposition

Motion by John King to grant this petition: a hardship exists due to the current layout construction of the property, as per plan dated 7/27/2019 – left side of structure.

Second by William Sullivan


Motion carried – 5 in favor 0 opposed

All in favor, this petition is GRANTED

Petition 19-010 by George D. Warren, Esq. on behalf Richard E. Gottschalk Jr. on behalf of K & R Realty Trust for a variance of Section 500.2.11 Chapter 12, of the Revised Ordinances of 1991 as Amended of the City of Malden, Namely Off Street Parking Requirements (no parking space shall be so located where a vehicle parked in the space must back out into a street or way), As per plans CMID-019357-2016, at the property known as and numbered 140 Eastern, Malden, MA and also known by City Assessor’s Parcel ID #086-269-904

All statutory requirements have been met and this Petition is properly before the board

This petition is being represented by Attorney George Warren

Variance for 10 additional parking spaces

This property currently contains 2 commercial units on the 1st floor and 6 residential units on the 2nd floor. Each residential unit contains 2 bedrooms.

There are presently 12 residential, 8 commercial parking spaces and dedicated snow storage that exceeds the present ordinance.

There is the ability to add 10 additional parking spaces on the Phillips Ct side of the property along the fence – 3 compact and 7 standard size cars with additional snow storage. The rear abutter is U-Haul. Mr. Gottschalk and U-Haul paved Phillips Ct. Approximately 12-15 vehicles pass from U-Haul on Phillips Ct. daily.

Petitioner is asking for the additional parking to be located on the right side of the building which is felt to help alleviate parking in front of the building as there is little traffic on Phillips Ct.

Member King: snow storage on the left side of building?
The petitioner is willing to remove the snow from storage area if necessary

Member Sherwin: This property has been previously brought before the board a variance was granted for parking due to the following: 24 ft of turnaround space was needed – this property has 23.1 ft – variance granted 18 ft driveway the property has 17 ft. – variance granted

Member Sullivan: spaces S2-S7 (per submitted plan) in use only during Store Hours – no overnight parking

Would like a gate at the center part of the fence around S4 or S5 to allow emergency vehicles access at night
Member Sherwin: what was the need for the previous variance

Petitioner: to put parking in the back of the building a 24 foot turnaround was required. If there were to be angle parking there would have been the appropriate 24 feet, but by eliminating the angle parking, more spaces were available. The traffic flow was filtered to allow access thru the left side of the parking lot onto Eastern Ave.

Open to Public:

Ward 7 Councilor Neal Anderson of 56 Mills Street appeared in Strong Support of this petition. The petitioner has improved the area and keeps the property neat and orderly. The extra parking spots are not required but would relieve parking for customers and would contribute to less parking on Eastern Ave.

No one appeared in opposition
Francisco Silva – Market business owner of 138 Eastern Ave appeared before the board to clarify and answer an earlier board member question ie: hours of operation. The business hours will be 7 am to 10pm Monday – Saturday with hours on Sunday 7am to 5pm.

Motion made by Adam Sherwin to Grant this petition with conditions.
The previous variance expanded the property. The current petition is a reasonable approach to help with parking, the additional approved parking is to be used only during the business hours of the market.

Conditions:
An 18 ft gate is to be installed between spaces S3-S6 (See submitted plan) to allow access for emergency vehicles

A sign is to be placed on the above mentioned gate stating - No Parking between the hours of 10pm to 7am

Motion second by John King
Vote: O’Brien – yes, Sullivan – Yes, Sherwin – Yes, King – Yes, Bilgen - Yes
Motion carried – 5 in favor  0 opposed
All in favor – This petition is GRANTED

Adjourned  7:12pm

Next Meeting: October 16, 2019