



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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CASE NUMBER 16-08

LOCATION of SUBJECT PROPERTY 304 Lynn Street, Malden, MA

NAME of PETITIONER and OWNER Premium Properties, Inc.

DATE of PUBLIC HEARING April 13, 2016

DATE of DECISION April 13, 2016

DATE of FILING DECISION with CITY CLERK April 21, 2016

DATE of NOTIFICATION to BUILDING INSPECTOR April 21, 2016

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT May 11, 2016

[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.]

CITY CLERK'S OFFICE
MALDEN, MASS.

PROCEDURAL HISTORY (Case #16-08):

1. Petitioner is the owner, Premium Properties, Inc., c/o Robert Baker, 158 Cranbrook Drive, Holden, MA 01520.
2. The petition seeks a special permit under §700.1.3.1 of Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to alter, structurally change and change use of a preexisting nonconforming property in the Residence A zoning district.
3. The following plans were submitted with the petition: proposed site plan, "PLAN OF LAND located at 304 Lynn Street Malden, MA PREPARED FOR: PREMIUM PROPERTIES, INC.," dated March 10, 2016, prepared by Thomas P. Bernardi, P.L.S., Massachusetts Survey Consultants, Gloucester, MA; Existing site plan, "PLAN OF LAND located at 304 Lynn Street Malden, MA PREPARED FOR: PREMIUM PROPERTIES, INC.," dated January 25, 2016, prepared by Thomas P. Bernardi, P.L.S., Massachusetts Survey Consultants, Gloucester, MA; Floor plans, "EXIST. & PROP. FIRST FLOOR PLAN," and basement, second and attic floor plans, "EXISTING FLOOR PLANS," dated January 28, 2016, prepared by Thomas Bakalars, Reg. Architect, Thomas Bakalars Architects PC, Boston, MA; and "PROPOSED ELEVATIONS," dated January 28, 2016, prepared by Thomas Bakalars, Reg. Architect, Thomas Bakalars Architects PC, Boston, MA.
4. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #16-08):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a 2 ½-story single-family dwelling with attached storefront and greenhouse.
2. The proposal is to convert the existing storefront, approximately 787 square feet in size, formerly used for retail sales by a florist, to general offices, namely, four offices, each approximately 150 square feet in size, and a corridor; to demolish the existing greenhouse, approximately 696 square feet in size; and to maintain the existing three-bedroom, single-family residential dwelling at the property.
3. The proposal includes rehabilitation of the exterior of the building, namely, new siding, roof and windows.
4. The property is located in the Residence A zoning district.
5. The single-family dwelling use is allowed by right in this district; and the most recent greenhouse and retail sales are preexisting nonconforming uses that are prohibited in this district and predate the Ordinance, per §§300.3.2.1, 300.3.4.5, 300.3.4.13 and 700.1.1 of the Ordinance.
6. The proposed general office use is prohibited in this district, however, may be allowed by special permit as a conversion of a preexisting nonconforming property, per §§300.3.4.9 and 700.1.3.1 of the Ordinance.
7. The direct abutters to the north, east and west are single-family dwellings; and to the south, on the other side of Lynn Street, are single-family dwellings and the Holy Cross cemetery.

8. Surrounding land uses are residential, nearly all of which are single-family dwellings.
9. The proposal is not in conflict with surrounding land uses.
10. The building predates the Ordinance, grossly violates most dimensional controls, except rear yard setback, lot coverage and height, and the property is considered preexisting nonconforming, per §§400.1.2.1, 400.1.4.5, 400.1.4.13, 400.2 and 700.1.1 of the Ordinance.
11. The proposal eliminates the violation of the western side yard setback, maintains all other existing nonconformities and creates no new violations, per §§400.1.2.1, 400.1.4.9 and 400.2 of the Ordinance.
12. The most recent use of the property required a total of eight parking spaces, and the property is considered preexisting nonconforming, per §§500.1, 500.2.18 and 700.1 of the Ordinance.
13. The property is exempt from the current Ordinance, which would require three parking spaces for the single-family dwelling, namely, one space per bedroom, per §500.1.2.3 of the Ordinance.
14. The proposal requires a total of five spaces, namely, two spaces for the single-family dwelling and three for the proposed general office use, per §§500.1 and 500.2.18 of the Ordinance.
15. The proposal provides five parking spaces on site in the following nonconforming configurations: three tandem spaces in the proposed new driveway on the western side of the building, located in the area of the greenhouse to be demolished; and two tandem spaces in the existing driveway located on the eastern side of the building.
16. The proposal reduces the existing nonconformities and creates no new violations of parking requirements.
17. Petitioner intends to occupy the general offices for its real estate investment company.
18. Petitioner has owned the property since January 2016, and according to petitioner, the trash currently onsite outside was cleaned out from the building.
19. The Ward 8 City Councilor is in favor of the petition.
20. There is no public opposition to the petition.
21. The proposal will not be more detrimental to the neighborhood.
22. Petitioner consents to the proposed conditions of this special permit.

DECISION (Case #16-08):

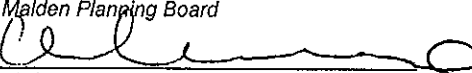
On April 13, 2016, pursuant to the foregoing Findings of Fact, the Planning Board granted the special permit subject to the following five conditions: 1) All development shall be as per plans, except as modified by these conditions; 2) Basement may be used for storage, laundry and utilities only, and may not be used for any bedroom or other residential living space; 3) Maximum number of bedrooms is three; the attic may not be used as finished living space, including bedrooms; 4) Remove all debris and trash from yard immediately upon issuance of this special permit and maintain clean and clear during all construction activities; and 5) Repair and/or replace sidewalks adjacent to the property, subject to satisfaction of DPW Director.

RECORD of VOTES (Case #16-08):

The vote on the motion to grant a special permit with five conditions was nine in favor, none opposed: Antonucci, yes; Chiu, yes; Chuha, yes; Hayes, yes; Lawhorne, yes; MacCuish, yes; Mzaouakk, yes; Wolff, yes; Ioven, yes.

Motion by Lawhorne, seconded by Antonucci. [Present but not voting: Fitzgerald. Absent: Henry.]

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: 
 Malden Planning Board
 Michelle A. Romero, City Planner