



CITY OF MALDEN PLANNING BOARD  
NOTICE OF DECISION

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CASE NUMBER 17-09

LOCATION of SUBJECT PROPERTY 974 Main Street, Malden, MA

NAME of PETITIONER and OWNER Malden Redevelopment Authority

DATE of PUBLIC HEARING October 11, 2017

DATE of DECISION October 11, 2017

DATE of FILING DECISION with CITY CLERK October 17, 2017

DATE of NOTIFICATION to BUILDING INSPECTOR October 17, 2017

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT November 6, 2017

*[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 #17-09):

1. Petitioner is the owner, Malden Redevelopment Authority, 17 Pleasant Street, Malden, MA 02148.
2. The petition seeks to amend the special permit granted in Case #15-18 under §700.1.3.1, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden ("Ordinance") regarding modification and refinement of plans and extension of the expiration date.
3. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #17-09):

The City of Malden Planning Board finds the following facts:

1. All facts found in the special permit granted in Case #15-18, except as modified herein.
2. The special permit granted in Case #15-18, which modified the special permit granted in Case #13-03, authorizes the use of the property for a town/row dwelling and construction of one 2 ½ story building containing six, two-bedroom units with two-car garages underneath, per approved plans.
3. Currently, the property is a vacant lot, and petitioner maintains the site clean, removes graffiti and performs snow removal on adjacent sidewalks.
4. The rights authorized under the special permit granted in Case #15-18 will lapse on December 31, 2017, per a condition of the special permit, unless substantial construction or use has commenced.
5. To date, no application for a building permit for the approved project has been filed.
6. Since acquiring the property in 2013, petitioner has engaged in numerous public solicitation efforts and marketing of the property for sale to a private developer.
7. Petitioner is fully committed to continuing its efforts to market and sell the property.
8. According to petitioner, potential buyers have been deterred by issues with the configuration and layout of the site and installing utilities at the site to service the proposed development.
9. Under the current special permit, the approved plans are conceptual in nature and any modifications of the plans will require a public hearing and review and approval by the Planning Board.
10. If the special permit were to allow minor modifications and refinement of some aspects of the plans, such as floor plans/interior layout, façade, house style, landscaping, parking layout and yard setbacks, and to allow a fewer number of units, the marketability of the development would be enhanced.
11. The proposal does not change the zoning, compliance with dimensional controls or parking requirements, or create new nonconformities, as approved by the special permit in Case #15-18.
12. The Ward City Councilor is in favor of the proposal, however, would like the opportunity to review any modifications to the plans prior to construction.
13. Petitioner agrees to allow the Ward City Councilor to review any modifications to the plans.
14. The Mayor is in favor of the proposal.
15. One residential abutter is in favor of the proposal.
16. There is no public opposition to the proposal.
17. As modified by the proposed conditions of the special permit, the proposal will not be more detrimental to the neighborhood.

DECISION (Case #17-09):

Pursuant to the foregoing Findings of Fact, the Board amended the special permit granted in Case #15-18 and granted a new special permit, subject to the following fourteen (14) conditions:

1. All development shall be as per plans, except as modified by these conditions.
2. Minor modifications of plans are allowed in the following areas, subject to reasonable review by the Ward City Councilor: floor plans/interior layout, windows, façade, house style/design, landscaping, parking layout and yard setbacks, provided that yard setbacks are a minimum of fifteen feet abutting 4 Fairlawn Street, 12 Fairlawn Street, 968 Main Street and the roadway (Main Street); there shall be no modification of total SF of living area, SF of open space, number of kitchens and number of parking spaces.
3. Only one dwelling building is allowed on site; the building may contain three to six town/row units; and the maximum total number of bedrooms is twelve (12).
4. Garages may be used for parking, utilities and storage only, not residential living space.
5. Attics shall be "crawl space" and used for HVAC and/or storage only.
6. Excluding routine utility work, which may be done only by chipping, any ledge removal shall require a special permit in accordance with §700.13 of the zoning ordinance.
7. No commercial construction work allowed on weekends.
8. No accessory buildings or structures allowed.
9. Install privacy fencing along northern and northwestern property lines abutting 4 Fairlawn Street and 12 Fairlawn Street.
10. Obtain DPW approval to modify curb-cuts.
11. Install, repair and/or replace sidewalks, including all incidental work, abutting property to satisfaction of DPW Director.
12. Comply with requirements stated in correspondence dated February 7, 2013 from Malden BOH/DPH.
13. All new pavement shall be permeable.
14. This special permit will expire on December 31, 2019, unless a building permit has been issued or construction has begun.

RECORD of VOTES (Case #17-09):

The vote on the motion to amend the special permit granted in Case #15-18 and to grant a new special permit, subject to fourteen conditions, was nine in favor, none opposed, and the motion passed:

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

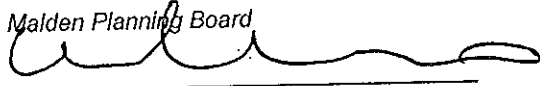
*Motion by Antonucci, seconded by Wolff.*

*[Absent: Chuha. Present but not voting: Soucy]*

*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