



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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CITY CLERK'S OFFICE
MALDEN, MASS.

CASE NUMBER 17-04

LOCATION of SUBJECT PROPERTY 315 Clifton Street, Malden, MA

NAMES of PETITIONERS and OWNERS Xiang Qing Li and Jing Chen

DATES of PUBLIC HEARINGS August 17, 2016, October 12, 2016 and May 10, 2017

DATE of DECISION May 10, 2017

DATE of FILING DECISION with CITY CLERK May 16, 2017

DATE of NOTIFICATION to BUILDING INSPECTOR May 16, 2017

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 5, 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.]

PROCEDURAL HISTORY (Case #17-04):

1. Petitioners are the owners, Xiang Qing Li and Jing Chen, 315 Clifton Street, Malden, MA.
2. The petition seeks a special permit under §700.1.3.1, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to amend the site plan approved with the special permit granted in Case #14-16, specifically, to enlarge the existing driveway in the rear yard of the property.
3. The following plans were submitted in support of the petition: two versions of a site plan, "Certified Plot Plan located at 315 Clifton Street Malden, MA," one dated September 21, 2016 and one dated April 27, 2016, prepared by George C. Collins, P.L.S., Boston Survey, Inc., Charlestown, MA; and a "Proposed Parking & Landscape Plan," prepared by Michael Santangelo, Landscape Designer, Mike's Landscaping & General Contracting Co., Inc., Malden, MA (undated, received May 1, 2017), superimposed/drawn over the site plan approved with the special permit granted in Case #14-16.
4. Petitioner requested a waiver of filing requirements for floor plans and exterior elevations of the building because no changes to these areas are proposed.
5. On August 17, 2016, the Planning Board opened the public hearing and prior to receiving any public testimony, tabled the public hearing, to allow petitioner the opportunity to meet with the Ward City Councilor and to provide additional information to the Councilor, as requested by the City Councilor in his email dated August 17, 2016.
6. On October 12, 2016, the Planning Board reopened the public hearing and following public testimony, tabled the hearing to allow petitioner the opportunity to revise the proposed site plan to address issues raised by the Board at the hearing, and specifically, to reduce the amount/extent of pavement in the rear yard and near the sidewalk; to install landscaping for screening near the sidewalk; to show the actual limits of the proposed pavement, landscaping and parking layout; and to use pervious pavement.
7. On May 10, 2017, the Planning Board reopened the public hearing and following public testimony, deliberated and made a decision on the petition.
8. The City posted notice of each tabled public hearing with the City Clerk and mailed notice to abutters.
9. The public hearings complied with notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #17-04):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a 2 ½ story, two-family residential dwelling and accessory two-car garage.
2. The proposal is to enlarge the existing driveway at the rear of the dwelling.
3. As depicted on the site plans, the petition originally proposed to enlarge the driveway to provide two to four additional parking spaces and extend pavement from the sidewalk to the eastern property line, with no landscaping.
4. As depicted on the "Proposed Parking & Landscape Plan," the revised proposal enlarges the driveway to provide two additional parking spaces, each 10 by 15 feet in size, and extends the driveway, 13 by 46 feet, using permeable pavers, which allow drainage and may be used for parking and patio.
5. As revised, the proposal includes a new landscaping bed at the sidewalk; improved landscaping of the front and side yards with lawn and mulch; and replacing the existing asphalt walkway at the side of the house with pavers.
6. The property is located in the Residence A zoning district.
7. The two-family dwelling use is prohibited in this district but was allowed by special permit granted in Case #14-16, which allowed conversion of the first floor from dental offices to a second dwelling unit, per §§300.3.2.2 and 700.1.3.1 of the Ordinance.
8. The property is nonconforming and violates dimensional controls for lot area, one side yard and rear yard setbacks, per §§400.1.2.2 and 700.1 of the Ordinance.
9. The proposal does not change the existing nonconformities of dimensional controls.
10. The two-family dwelling use of the property requires seven parking spaces, per §300.19.2 of the Ordinance.

11. The current parking layout is nonconforming and provides six parking spaces on-site: four, configured as two sets of tandem spaces, in the existing driveway off Highland Avenue, and two in the garage, located at the end of this driveway; it may not be feasible to park four vehicles in the driveway without encroaching onto the sidewalk.
12. The current parking layout is depicted on the site plan approved with the special permit granted in Case #14-16.
13. The proposal increases the total parking provided on-site to eight spaces, and eliminates the parking nonconformity.
14. On-street parking is allowed on Clifton Street and Highland Avenue adjacent to the property, subject to restrictions posted by signage; and there is an MBTA bus stop on Clifton Street adjacent to the property.
15. The proposal does not require enlargement or modification of the existing driveway curb-cut on Highland Avenue, and will not affect the existing on-street public parking.
16. Petitioner and his immediate and extended family reside at the property.
17. Petitioner regularly parks two commercial vehicles overnight at the property; these vehicles are used for its restaurant business and include a large passenger van to transport employees.
18. Petitioner routinely parks vehicles in the unpaved yard area that is the subject of the petition.
19. Petitioner recently removed the large enclosed canopy tent structure that was located in the rear yard, on the southern side of the garage, where he used to park a vehicle.
20. The proposal is also for petitioner's convenience regarding maneuvering vehicles on and off the property.
21. The Ward 3 City Councilor and one of the three City Councilors-at-Large are in favor of the proposal.
22. There is no public opposition to the proposal.
23. As modified by conditions of the special permit, the proposal will not be more detrimental to the neighborhood.

DECISION (Case #17-04):

On August 17, 2016, the Planning Board tabled the public hearing to the next available meeting, with notice of the tabled hearing to be sent to abutters.

On October 12, 2016, the Planning Board tabled the public hearing to the next available meeting following receipt of a revised site plan.

On May 10, 2017, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following four (4) conditions: 1) basement may be used only for storage, laundry and/or utilities; 2) all landscaping of the property and expansion of the driveway shall be installed and maintained as per the "Proposed Parking & Landscape Plan," prepared by Michael Santangelo, Landscape Designer, Mike's Landscaping (received May 1, 2017), and to extend new landscaping bed on Highland Avenue to paved pathway and to include screening vegetation that does not impede sight lines; 3) no modification of the existing driveway curb-cut is allowed; and 4) no accessory structures (temporary or permanent) are allowed, except the existing garage.

RECORD of VOTES (Case #17-04):

On August 17, 2016, the vote on the motion to table the public hearing was seven in favor, none opposed:
Antonucci, yes; Chuha, yes; Fitzgerald, yes; Hayes, yes; Lawhorne, yes; Wolff, yes; Ioven, yes.

Motion by Antonucci, seconded by Lawhorne. [Absent: Chiu, Henry, MacCuish, Mzaouakk.]

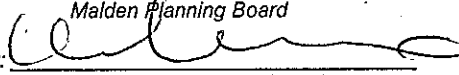
On October 12, 2016, the vote on the motion to table the public hearing was nine in favor, none opposed:
Antonucci, yes; Chiu, yes; Chuha, yes; Fitzgerald, yes; Lawhorne, yes; MacCuish, yes; Mzaouakk, yes;
Wolff, yes; Ioven, yes.

Motion by Antonucci, seconded by Chiu. [Absent: Hayes; Present but not voting: Henry.]

On May 10, 2017, the vote on the motion to grant the special permit with conditions was seven in favor, one opposed:
Antonucci, yes; Chiu, yes; Chuha, yes; Fitzgerald, yes; Henry, yes; MacCuish, yes; Wolff, yes; Ioven, no.

Motion by Antonucci, seconded by Henry. [Present but not voting: Gebreselassie, Hayes.]

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: 
Michelle A. Romero, City Planner