



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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2018 JUN 26 P 2: 26

CASE NUMBER 18-06

LOCATION of SUBJECT PROPERTY 25-27 Albion Street, Malden, MA

NAME of PETITIONER and OWNER 25-27 Albion Street, LLC

DATE of PUBLIC HEARING June 13, 2018

CITY CLERK'S OFFICE
DATE of DECISION June 13, 2018

DATE of FILING DECISION with CITY CLERK June 26, 2018

DATE of NOTIFICATION to BUILDING INSPECTOR June 26, 2018

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT July 16, 2018

[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 #18-06):

1. Petitioner is owner, 25-27 Albion Street, LLC, c/o Jumanthro Sianturi, 105 Salem Street, Suite B, Malden, MA.
2. Petitioner is represented by Attorney Patrick P. MacDonald of the Law Office of Christopher G. Fallon, 15 Ferry Street, Malden, MA.
3. 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 allow the change of use of a preexisting nonconforming property in the Residence A zoning district from a three-family dwelling to a four-family dwelling.
4. The following plans and information were submitted in support of the petition: set of plans, "Proposed Renovations to 25-27 Albion Street Malden, MA," dated February 19, 2018, prepared by Phung/Porzio Studio of Architecture, Dorchester, MA, that includes, "Site Plan at 25-27 Albion Street Malden, MA," dated October 21, 2017, prepared by Robert A. Junior, P.L.S., Westgate Associates, Kingston, MA, Proposed Plans that depict first, second and third floor plans and roof plan, and Proposed Elevations that depict front, right side, left side and rear; and a memorandum dated May 25, 2018 prepared by Phung/Porzio Studio of Architecture, that describes size and number of bedrooms of existing dwelling units; size of existing and proposed open space and pavement; coverage of building, decks and stairs; proposed new yard setbacks; and dormers.
5. The public hearing complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #18-06):

The City of Malden Planning Board finds the following facts:

1. The subject property is the site of a 2 ½- story, three-family dwelling, currently used as three apartments with a total 3,719 square feet and seven bedrooms and configured as follows: one unit on the first, second and third floors with 1,835 square feet and four bedrooms; a second unit on the first, second and third floors with 1,271 square feet and two bedrooms; and a third unit on the first floor with 613 square feet and one bedroom.
2. Under the proposal, the property will be used as a four-family dwelling with a total 5,990 square feet and eight bedrooms and configured as follows: each of the four individual units will have a total of 1,491 to 1504 square feet of living space, located on the first, second and third floors, and contain two bedrooms, a kitchen, a living room, a family room, an office/study, two full bathrooms and one half bathrooms.
3. The proposal is to completely rehabilitate the interior and exterior of the property; includes construction of four, full dormers to expand the existing half-story (top floor) to a full third story, and construction of two new decks on the first floor; and removal of the existing accessory two-car garage on-site and creation of a parking lot at the rear of the dwelling.
4. The property is located in the Residence A zoning district.
5. The three-family dwelling use is a preexisting nonconforming use that predates the current Ordinance and is prohibited in this district, per §§300.3.2.3 and 700.1.1 of the Ordinance.
6. The proposed four-family dwelling use is prohibited in this district but may be allowed by special permit as a residential conversion of a preexisting nonconforming property, per §§300.3.2.3 and 700.1.3.1 of the Ordinance.
7. The direct abutter to the north is a two-family dwelling; to the south, a single-family dwelling and a four-family dwelling; to the west, single-family dwellings; and to the east, on the other side of Albion Street, single-family dwellings.
8. Surrounding land uses are residential dwellings; Malden High School; the Malden Valley Forum Ice Rink/Arena; the Bike to the Sea Trail/Northern Strand Community Trail located on the abandoned railroad right-of-way; the Salem Street Cemetery; and offices in a Residential Office zoning district on Salem Street.
9. The dwelling on the property predates the Ordinance; grossly violates the lot area requirement by 9,950 square feet or 53%; violates the front yard setback requirement by 40% and density requirement by 2%; and the property is considered preexisting nonconforming, per §§400.1.2.3 and 700.1.1 of the Ordinance.

10. The proposal exacerbates the existing violation of density from 2% to 27%; creates a new and gross 48% violation of open space; creates a new, nominal 1% violation of building coverage; and maintains all other nonconformities, per §400.1.2.3 of the Ordinance.
11. The existing three-family use requires a total of six parking spaces, or two per dwelling unit, under applicable zoning, and is exempt from current requirements of one space per bedroom, per §500.1.2.3 of the Ordinance.
12. The existing garage and driveway may provide parking for six vehicles in a nonconforming layout.
13. The proposal requires a total of eight parking spaces, or one space per bedroom, per §500.1.2.3 of the Ordinance.
14. The site plan depicts eight head-on parking spaces, located along the eastern property line; the proposed parking layout is nonconforming, maintaining the nonconforming width of the driveway, 40% deficient for a one-way and 50% deficient for a two-way driveway, and creating a new nonconformity with a parking aisle of a width that is 17% deficient for one-way and two-way circulation, per §§500.2.2 and 500.2.3 of the Ordinance.
15. Currently, there are 1,612 square feet of pavement on site, consisting of the driveway.
16. Under the proposal, there will be 4,013 square feet of pavement, consisting of the driveway and parking lot, comprising the entire rear yard; and the proposal creates a new and gross 100% violation of the requirement that 50% of the yard areas must be devoted to lawn or landscaping, not paving, per §500.2.20 of the Ordinance.
17. The proposal does not include a stormwater management plan to address potential drainage issues.
18. At the public hearing, petitioner stated its intention to use permeable pavers in a portion of the proposed parking lot and snow storage area, located in the southeastern corner of the lot and dwelling, for use as a patio.
19. At the hearing, petitioner stated its intention to plant "arbor vitae" along the rear property line, which grow 6 to 8 feet in height, and may buffer abutting residences from sound, sight and exhaust of vehicles in the parking lot.
20. At the public hearing, petitioner stated its intention to develop, market and sell the proposed four dwelling units as condominiums, however, petitioner did not fully agree to a deed restriction that the units must be owner-occupied and may not be used as rental apartments.
21. The Ward 4 City Councilor is in support of the proposal, provided that: a buffer of fencing and planting is installed along the parking area that abuts residences; landscaping is installed per a plan to be submitted and approved; the units are owner-occupied condominiums; and every unit will be deeded two parking spaces.
22. According to the Ward 4 City Councilor, at the neighborhood meeting held on June 11, 2018, petitioner indicated that there are currently twelve bedrooms in the existing three-family dwelling and suggested that the proposal will reduce the number of bedrooms from twelve to eight.
23. Two residential abutters are in support of the proposal.
24. Two residential abutters are in opposition to the proposal due to concerns with overcrowding, congestion and neighborhood parking issues.
25. Petitioner has owned the property since July 2017; purchased the property as vacant; to date, has already installed four electric meters, begun interior demolition and renovation, but has not cleaned the yard of debris, collapsed wooden fencing and overgrown vegetation; and the property is in a significant state of disrepair.
26. The proposal is an overuse of the property because the proposal increases the total residential living area onsite by 61%; maintains the existing gross violation of lot area; creates a new and gross violation of open space; grossly exacerbates the existing density violation; proposes a more nonconforming parking layout; and creates a new and gross violation of landscaping requirements.
27. The proposal will be more detrimental to the neighborhood.

DECISION (Case #18-06):

On June 13, 2018, pursuant to the foregoing Findings of Fact, the Planning Board denied the special permit petition.

RECORD of VOTES (Case #18-06):

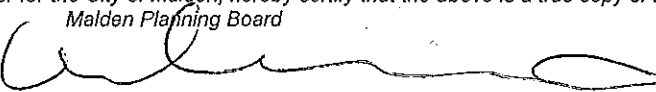
The vote on the motion to deny the special permit was five in favor, four opposed, and the motion passed:

Antonucci, yes; Chuha, no; Fitzgerald, no; Gebreselassie, no; Hayes, yes; Henry, no; MacCuish, yes; Soucy, yes; Ioven, yes.

Motion by MacCuish, seconded by Antonucci.

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.

Malden Planning Board

By: 
 Michelle A. Romero, City Planner