



**CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION**

CASE NUMBER 19-08

LOCATION of SUBJECT PROPERTY 98 Laurel Street, Malden, MA

NAME of PETITIONER and OWNER Lawrence French, Trustee of L. French Realty Trust

DATE of PUBLIC HEARING December 11, 2019

DATE of DECISION December 11, 2019

DATE of FILING DECISION with CITY CLERK December 23, 2019

DATE of NOTIFICATION to BUILDING INSPECTOR December 23, 2019

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT January 13, 2020

*[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 #19-08):**

1. Petitioner is owner, Lawrence French, Trustee of L. French Realty Trust, 21 Crescent Street, Wakefield, MA.
2. At the public hearing, petitioner was represented by Chris Larsen, 86 Derby Road, Melrose, MA, and its contractor, Phil Brienze, 45 Pine Grove, Lynn, 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 single-family dwelling and rooming house to a three-family dwelling.
4. The following plans were submitted in support of the petition: set of plans, "Proposed 3 Unit Residences Chris Larsen 98 Laurel Street Malden, MA," dated May 20, 2019, prepared by Douglas C. Haring, Reg. Architect, HH Design Group Architects, Marblehead, MA, that include proposed and existing floors plans for first, second and third floors and proposed elevations; and site plan, "Malden, Massachusetts Plan of Land Prepared for: Lawrence French 98 Laurel Street Parcel ID: 133-684-406," dated June 5, 2019 and revised November 6, 2019, prepared by Ralph William Reid, P.L.S., Reid Land Surveyors, Lynn, MA.
5. The public hearing originally scheduled for November 13, 2019 could not be held because statutory notice requirements were not met.
6. The public hearing on December 11, 2019 complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.

**FINDINGS of FACT (Case #19-08):**

The City of Malden Planning Board finds the following facts:

1. The property is the site of a 2 ½- story dwelling with a footprint of 1,716 square feet, and a two-bay two-story garage with a footprint of 407 square feet.
2. The property is currently used as a single-family dwelling on the first floor, containing 1,368 square feet and two bedrooms; and a rooming house on the second and third floors, containing a total of 2,100 square feet and six bedrooms.
3. The proposal is to extend and structurally change the dwelling by adding two dormers at the rear, which will expand the existing half-story (top floor) but not increase the total square footage; and to make interior renovations and alterations to the second and third floors, including adding a kitchen and bathroom, to create two additional dwelling units.
4. The proposal will change the overall use of the property to a three-family dwelling with a total of six bedrooms, with each dwelling unit having two bedrooms.
5. The property is located in the Residence A zoning district.
6. The rooming house use is a preexisting nonconforming use that predates the Ordinance and is prohibited in this district, per §§300.3.2.10 and 700.1.1 of the Ordinance.
7. The proposed three-family residential use is prohibited in this district, however, may be allowed by special permit as a conversion of a preexisting nonconforming use, §§300.3.2.3 and 700.1.3.1 of the Ordinance.
8. The direct abutter to the north is a single-family dwelling; to the south, a two-family dwelling; and to the east, a single-family dwelling and a two-family dwelling; to the west, on the other side of Laurel Street, are a two-family dwelling and a three-family dwelling and the Residence B zoning district.
9. Surrounding land uses are residential dwellings; business and institutional uses on Salem Street; and a Neighborhood Business zoning district in Maplewood Square.

10. The proposal exacerbates the existing deficiency of lot area, from 54% to 63%; increases one side yard setback violation, from 50% to 67%; creates a new violation of density, 24%; and maintains the existing frontage nonconformity.
11. The current use of the property requires a total of eight parking spaces, namely, two spaces for the single-family dwelling, under the applicable Ordinance, and six spaces for the rooming house, or one parking space per rentable room, per §§500.1.2.1, 500.1.2.7 and 500.2.18 of the Ordinance.
12. The proposed three family dwelling requires six spaces, or one per bedroom, per §500.1.2.3 of the Ordinance.
13. The proposal eliminates the existing parking violation as to number of spaces.
14. As depicted on the site plan, there appears to be parking on-site for five to six vehicles, in a preexisting nonconforming layout that will require maneuvering to use, namely, two spaces in the garage and three to four spaces, single file, in the existing driveway that runs along the northern side of the house.
15. Tenants of the current rooming house typically do not have vehicles and require no parking.
16. The rooming house predates petitioner's purchasing the property in the 1950s; the property is one of four licensed "lodging houses" or rooming houses in the City and is subject to annual review by the City Council.
17. There is no public support of the proposal.
18. The Ward 6 City Councilor; one of three City Councilors- at-Large; two direct residential abutters; an institutional abutter, which owns several abutting and surrounding properties, namely, the Mystic Valley Regional Charter School; and several residents of Ward 6, are in opposition to the proposal due to concerns with its detrimental impacts on the neighborhood, regarding the lot size deficiency, increased density, additional dwelling units, parking issues and traffic congestion.
19. The proposal will be more detrimental to the neighborhood.

DECISION (Case #19-08):

On December 11, 2019, pursuant to the foregoing Findings of Fact, the Planning Board denied the petition for a special permit because the motion failed to grant a special permit subject to the following conditions: 1) All development shall be as per plans except as modified by these conditions; 2) The maximum number of bedrooms in each unit is two; 3) The garage may be used for parking and storage only, not for residential living space; 4) No more than 50% of front yard may be paved and used for parking; maintain lawn and/or landscaping of open space in rear yard, northern side yard and front yard; and 5) Widen driveway to fit two cars "side-by-side" for the length of the driveway.

RECORD of VOTES (Case #19-08):

The vote on the motion to grant the special permit with conditions was five in favor, three opposed, and the motion failed (5-3):

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

*Motion by MacCuish, seconded by Chuha.*

*Present and not voting: Antonucci, Henry.*

*[Note: Antonucci recused prior to the public hearing; Henry recused following the public hearing.]*

*I, Michelle A. Romero, City Planner, hereby certify that the above is a true copy of the decision of the Malden Planning Board.*

By: \_\_\_\_\_  
Michelle A. Romero, City Planner