



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

RECEIVED

2014 DEC 23 P 3:49

CITY CLERK'S OFFICE
MALDEN, MASS.

CASE NUMBER 14-21

LOCATION of SUBJECT PROPERTY 120 Clifton Street, Malden, MA

NAME of PETITIONER and OWNER Clifton Street II Realty Trust

DATES of PUBLIC HEARINGS August 13, 2014 and December 10, 2014 DATE of DECISION December 10, 2014

DATE of FILING DECISION with CITY CLERK December 23, 2014

DATE of NOTIFICATION to BUILDING INSPECTOR December 23, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT January 12, 2015

[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 #14-21):

1. Petitioner is the owner, Clifton Street II Realty Trust, c/o Jen Lin, Trustee, 24 Alpine Street, Malden, MA 02148.
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 structurally change and convert to residential use a preexisting nonconforming property in the Residence A zoning district.
3. The following plans and information were submitted in support of the petition: "Site Plans, Malden Residential, 120 Clifton Street, Malden, MA," dated May 23, 2014, including "Layout and Materials Plan," (Drawing Number C-3) and "Details," (Drawing Number C-7), dated May 23, 2014 and revised November 17, 2014, prepared by Chi Y. Man, Reg. P.E., Vanasse Hangen Brustlin, Inc., Boston, MA; "Open Space Calculation Exhibit," dated May 23, 2014, revised November 17, 2014 and December 3, 2014, prepared by VHB, Inc., Boston, MA; "Clifton Project, 120 Clifton Street, Malden, MA," dated October 29, 2014, prepared by The Architects Forum, Inc., Newton, MA, that includes Site Plan and Site Sections, Floor plans and Elevations; "Photo Simulation" and "Site Sections," dated November 18, 2014, prepared by Vanasse Hangen Brustlin, Inc.; "Stormwater Management Report, Residential Townhouses, 120-124 Clifton Street, Malden, MA," dated March 28, 2014, prepared by VHB, Inc., Boston, MA; memoranda, "120 Clifton Street Malden Residential Transportation Impact Assessment," dated April 1, 2014, and "120 Clifton Street Malden Residential Development Peer Review Response to Comments," dated August 6, 2014, prepared by Vanasse Hangen Brustlin, Inc., Boston, MA; and memorandum, "Re: 120 Clifton Street Malden Residential Multi-way Stop Evaluation," dated November 4, 2014, prepared by Sean Manning, PE, PTOE and Angela Dempsey, PE, VHB, Inc., Watertown, MA.
4. The Planning Board opened and immediately tabled the public hearing on August 13, 2014, to allow time for the City peer review of petitioner's response dated August 6, 2014 regarding traffic impact and until receipt of recommendations from the City's peer reviewer regarding safety mitigation for the intersection of the site driveway and Washington and Clifton Streets; and to allow petitioner the opportunity to meet with the Ward City Councilor and neighborhood.
5. The public hearing was reopened and concluded on December 10, 2014.
6. The City mailed a notice of the tabled public hearing to abutters.
7. The public hearings complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.
8. The public hearings on this petition were held simultaneously with the public hearings held for the petition seeking approval under the subdivision control law required for the proposal, namely, consent to erect two buildings designed for dwelling purposes on one lot, per §V.C.2 of the Rules and Regulations of the Malden Planning Board Governing the Subdivision of Land and Massachusetts General Laws, Chapter 41, §81Q.

FINDINGS of FACT (Case #14-21):

The City of Malden Planning Board finds the following facts:

1. The property contains 21,112 square feet and is located at the intersection of Clifton and Washington Streets.
2. The property is currently the site of a vacant single-story building with two storefronts, to be demolished under the proposal.
3. The proposal is to construct two residential buildings containing a total of eight (8) dwelling units, thirty-one (31) bedrooms and twenty-eight (28) parking spaces: one building containing six town/row dwelling units, each unit with four bedrooms, five units containing 3,510 square feet and one unit containing 3,249 square feet; and one two-family dwelling, one unit with two bedrooms containing 1,697 square feet and one unit with five bedrooms containing 2,807 square feet.
4. Under the proposal, both buildings have four stories, however, due to the grade change in the lot, the town/row dwelling is 38 feet in height and the two-family dwelling is 35 ½ feet in height.
5. Under the proposal, there is no living space on the lower levels of the dwelling units, and each dwelling unit has a garage on the ground level: each town/row unit has a four-car garage and each unit in the two-family dwelling has a two-car garage.
6. The proposal requires the installation of a retaining wall along the eastern side of the lot, ranging in height from zero at street level to 17 feet at the rear of the lot, with 6 to 8-foot high stockade fencing on top of the wall and a guard rail behind the wall; and requires the addition of fill to level the site and/or grade the lot to "step down" from the street to the rear yard.
7. The proposal provides open space as private patios on-grade; roof decks; walkways; yard areas; a landscaped common plaza/courtyard; and an inaccessible area with trees and foliage between the development and abutting MBTA right-of-way.
8. The property is located in the Residence A zoning district.
9. The most recent use of the property is a preexisting nonconforming business use, per §§300.3 and 700.1 of the Ordinance.

10. The proposed residential dwelling uses, town/row and two-family, are prohibited in this district, however, may be allowed by special permit as a conversion of a preexisting nonconforming use, per §§300.3.2.2, 300.3.2.4 and 700.1.3.1 of the Ordinance.
11. The MBTA right-of-way, containing the rapid transit and commuter rail lines, directly abuts the subject property to the east; all direct abutters to the west and south are single, two, three, four and multifamily dwellings; and to the north, on the other side of Clifton Street, are single and two-family residential dwellings.
12. Surrounding land uses are residential.
13. The property is located within 2,000 feet of both MBTA rapid transit stations in Malden: Oak Grove and Malden Center; the latter is also a commuter rail station and regional bus hub.
14. The proposal violates all dimensional controls except for one side yard setback and grossly violates the requirements for lot area (36% violation), frontage (57% violation), front yard setback (99% violation), one side yard setback (83% violation), rear yard setback (75% violation) and height (60% violation), per §§300.19, 400.1.2.2.2, 400.1.2.4, 400.2 and 400.12 of the Ordinance.
15. All proposed open space does not comply with the usable open space requirements, per §400.8.2 of the Ordinance.
16. The proposed retaining wall grossly exceeds the height requirement, per §400.7.8 of the Ordinance.
17. Under the proposal, the front door of each dwelling does not face the front yard, in violation of §400.7.10 of the Ordinance.
18. The siting of two principal buildings on one lot is not allowed and is a new nonconformity, per §700.1.7 of the Ordinance.
19. The proposal requires a total of nineteen (19) offstreet parking spaces, namely, seven for the two-family dwelling and twelve for the six unit town/row dwelling, per §§300.19, 500.1.2.4 and 500.2.18 of the Ordinance.
20. The proposal provides a total of twenty-eight (28) parking spaces located in garages on the ground floor of each unit, namely, four spaces in each town/row unit and two spaces in each unit of the two-family dwelling.
21. Vehicular access to the site is via a proposed driveway, eighteen feet in width, which complies with the requirements of §500.2.3 of the Ordinance, and which would be accessed via a proposed curb-cut on Clifton Street.
22. The City's peer review of petitioner's traffic impact and access study and supplemental memoranda are described in correspondence dated July 31, 2014 and September 30, 2014 and email dated December 4, 2014 from Kenneth Petraglia, P.E., PTOE, BETA Group, Inc., which contain recommendations to address safety at the site drive and adjacent intersection, including installation of a STOP sign at the site drive; offsite pedestrian crossing signage; and redesign of the crosswalks.
23. The sight distance throughout the existing adjacent intersection at Washington and Clifton Streets is substandard and inadequate, and this intersection does not meet the federal warrant standards for signalization or installation of additional STOP signs.
24. Traffic patterns generated by the proposal may adversely impact the surrounding streets and exacerbate existing traffic and safety hazards.
25. Petitioner reports having held a neighborhood meeting with the abutters on September 26, 2014 and October 29, 2014.
26. Several "form" letters of support were submitted from individuals who are not abutters and do not reside in the neighborhood or immediate area; and one "form" letter of support was submitted from an abutter.
27. Numerous residential abutters oppose the proposal due to the magnitude of the project, including the size and height of the buildings, number of units and bedrooms, and density; and due to the impact of the proposal on already existing issues regarding neighborhood parking, pedestrian safety and traffic in the adjacent intersection.
28. The Ward City Councilor and a City Councilor-at-Large oppose the proposal due to its impact on the neighborhood, given the project's high density, parking overflow, volume of vehicles that will use the site, and resulting increased traffic and safety hazards at the adjacent intersection.
29. Petitioner intends to sell the dwelling units as condominiums and expects the development to provide housing for families.
30. The proposal is not in the interest of the common good.
31. The proposal will be more detrimental to the neighborhood.

DECISION (Case #14-21):

On August 13, 2014, the Planning Board moved to table the public hearing, with notice of the tabled hearing to be sent to abutters, and the motion passed.

On December 10, 2014, pursuant to the foregoing Findings of Fact, the Planning Board moved to deny the petition for a special permit, and the motion passed.

RECORD of VOTES (Case #14-21):

On August 13, 2014, the vote on the motion to table the public hearing was 8 in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Danca, yes; Ferratusco, yes; Hayes, yes; Lawhorne, yes; Ioven, yes.

On December 10, 2014, the vote on the motion to deny the special permit was 9 in favor, none opposed:

Antonucci, yes; Billings, yes; Chiu, yes; Chuha, yes; Cipriano, yes; Danca, yes; Hayes, yes; Lawhorne, yes; Ioven, yes.

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