



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

CASE NUMBER 20-06

LOCATION of SUBJECT PROPERTY 43-45 Seaview Avenue, Malden, MA

NAME of PETITIONER Voultig Realty II, LLC

NAME of OWNER Tamara Mossey

DATE of PUBLIC HEARING February 12, 2020

DATE of DECISION February 12, 2020

DATE of FILING DECISION with CITY CLERK February 24, 2020

DATE of NOTIFICATION to BUILDING INSPECTOR February 24, 2020

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT March 16, 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 #20-06):**

1. The subject property is known as and numbered 43-45 Seaview Avenue and by City Assessor's Parcel Identification #116715514.
2. Petitioner is Voultig Realty II, LLC, c/o Martin Murphy and Tamara Mossey, 159 Salem Street, Unit Office, Malden, MA 02148, and owner is Tamara Mossey, 68 Sheridan Lane, Tewksbury, MA 01876.
3. At the public hearing, petitioner was represented by Martin Murphy and Tamara Mossey, 68 Sheridan Lane, Tewksbury, MA.
4. The petition seeks to amend the special permit granted on June 13, 2018 in Case #18-07 under §700.1.3.1, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") that allows renovation and conversion of the property from a four-family dwelling to multifamily dwelling with six dwelling units, subject to those twelve conditions specified therein; and, specifically, seeks to amend the plans approved per Condition 1 of that special permit, which provides that all development shall be as per plans, except as modified by the conditions.
5. The following plans and information were submitted in support of the current petition: narrative, "45 Seaview Ave, Malden Proposal to Amend Special Permit," undated and unsigned; sketches, "43-45 Seaview Ave, Malden. Architect's sketch of proposed vestibule," front view and side view; set of plans, "43-45 Seaview Ave., Malden, MA 02148," dated October 14, 2019, prepared by Caveney Architectural Collaborative, Inc., Lowell, MA, that contain: "Basement & First Floor Proposed Plan A1.01)," and "Second & Third Floor Proposed Plans (A1.02);" and set of plans, "Site Plan 43-45 Seaview Avenue (Tax Map 116 Block 715 Lot 514), Malden, Massachusetts," dated May 8, 2108 and revised December 23, 2019, prepared/stamped by Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA, that contain: Site Layout Plan, Grading, Drainage & Utility Plan, and Erosion Control Plan.
6. The public hearing complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.

**FINDINGS of FACT (Case #20-06):**

The City of Malden Planning Board finds the following facts:

1. All facts found in the special permit granted in Case #18-07, except as modified herein.
2. The proposal is to amend the plans approved with the special permit granted in Case#18-07 to allow the following changes: reconstruct the interior main staircase to comply with the Building Code, which takes up additional space; enclose part of the existing front porch to create a vestibule with an interior insulated door and the original Victorian double doors on the exterior, which is within the existing footprint; extend the new front vestibule to the third floor for aesthetic/decorative purpose only and creating no additional usable living space; change the roof on the third floor Mansard windows from flat to gable; add ¾ bath to two units, units 5 and 6 on the third floor, through renovation of existing space in the rear hallway; reconstruct the existing first floor deck on the southwestern side and expand to wrap around to connect to the new rear deck, which will have access only via the rear of one dwelling unit and no access via the ground; reconstruct the existing front exterior staircase to comply with the Building Code; eliminate the common staircase from the three-story addition at the rear of the building containing decks/balconies, which eliminates access to the ground; and make minor modifications to the floor plans, including enlarging bedrooms and altering kitchen and bathroom layouts.
3. The property is currently under renovation, and the proposed changes arose during the renovation process.
4. As approved by the special permit granted in Case #18-07, there are six dwelling units, each with one bedroom, and the revised proposal does not change the number of dwelling units or number of bedrooms.

5. As approved by special permit granted in Case #18-07, there are two dwelling units on each floor, and the revised proposal does not change the number or location of the dwelling units on each floor.
6. Regarding the project approved by special permit granted in Case #18-07, the revised proposal reduces the total square footage of all six dwelling units by 286 square feet, from 5,266 to 4,978 square feet, and reduces the size and size range of the units from 842 to 927 square feet to 800 to 849 square feet.
7. Direct abutters and surrounding land uses are residential dwellings and the same as when the special permit was granted in Case #18-07.
8. The revised proposal does not change compliance with dimensional controls, affect nonconformities allowed by the special permit granted in Case #18-07, or create new nonconformities, per §§400.1 and 700.1.1 of the Ordinance.
9. The revised proposal does not change compliance with parking requirements, affect nonconformities allowed by the special permit granted in Case #18-07, or create new nonconformities.
10. Under the revised proposal, the washer and dryer and mechanicals for each unit are located in the closet in the room known as the study.
11. The Ward 5 City Councilor and several residential abutters are in favor of the revised proposal.
12. There is no public opposition to the revised proposal.
13. As modified by proposed conditions of the special permit, the revised proposal is in the interest of the common good.

DECISION (Case #20-06):

On February 12, 2020, pursuant to the foregoing Findings of Fact, the Planning Board modified the special permit granted in Case #18-07 and granted a new special permit subject to the following fifteen (15) conditions: 1) All development shall be as per plans, which are incorporated herein by reference, except as modified by these conditions; 2) Excluding routine utility work, all ledge removal by any means shall require a special permit in accordance with Section 700.13 of the Ordinance; 3) Each unit shall have a maximum of one bedroom; 4) The porches/decks/balconies at the rear of each dwelling may not be enclosed; 5) Install and maintain stormwater management system onsite, as per plans, and subject to requirement that subsurface infiltration systems drain within 72 hour period; 6) Parking lot grade along retaining wall, running east-west orientation, shall be level; final grades of parking lot and retaining wall shall not result in single point of discharge of drainage runoff; 7) The maximum height of the retaining wall shall be 8 ½ feet (exposed/above-grade); retaining wall base blocks shall be minimum of 2 feet below grade along retaining wall toe; the wall construction shall include a detail for geo-fabric soil reinforcement, for any gravity wall sections over 5 feet in height; provide City Engineer with geotechnical data, soil friction angle, retaining wall overturning and sliding failure analysis; 8) Obtain construction/Temporary Easement in order to construct retaining wall (north-south orientation) abutting #484 Salem Street property; if no easement is provided, then the proposed wall shall be constructed 2 feet within property line; 9) Obtain approval from DPW Commission for proposed curb-cut; 10) Repair/replace sidewalks and curbing adjacent to property, to satisfaction of DPW Director, including any damage during construction; 11) Prior to issuance of a building permit, contractor shall provide City Engineer with construction schedule and set up site meeting with Engineering Department; 12) A temporary construction dumpster may be allowed; no permanent dumpster is allowed at the property; 13) The western side porch/deck may not be enclosed; its dimensions may be less than proposed; 14) Landscaping plan may be modified around side deck; and 15) Mechanicals shall be located in each unit.

RECORD of VOTES (Case #20-06):

The vote on the motion to modify the special permit granted in Case #18-07 and grant a new special permit subject to fifteen (15) conditions was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Chuha, yes; Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; Soucy, yes; Ioven, yes.

*Motion by Antonucci, seconded by Chuha.*

*Absent: Fitzgerald, MacCuish.*

*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