



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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CASE NUMBER 14-09

LOCATION of SUBJECT PROPERTY 291-293 Pearl Street, Malden, MA

NAMES of PETITIONERS and OWNERS Maria E. DiGregorio and Vincent Palermo

DATE of PUBLIC HEARING July 9, 2013 DATE of DECISION July 9, 2014

DATE of FILING DECISION with CITY CLERK July 14, 2014

DATE of NOTIFICATION to BUILDING INSPECTOR July 14, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT August 4, 2014

[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 #14-09):

1. Petitioners are owners, Maria E. DiGregorio and Vincent Palermo, 291 and 293 Pearl 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 ("Ordinance") to structurally change and further extend a preexisting nonconforming three-family residential dwelling in the Residence A zoning district.
3. The following plans were submitted with the petition: site plan, "Plan of Land in Malden," dated May 8, 2014, prepared by Robert E. Grover, P.L.S., J & B Survey, Mass.; plans, "Plans, DiGregorio Residence, 291-293 Pearl Street, Malden, MA," dated May 2014, prepared by Richard J. Testa, Structural Reg. P.E., Testa Engineering Associates, LLC, Wayland, MA, including floor, framing and roof framing plans, left side and rear elevations; and plan details, "291-293 Pearl Street, Malden, MA," undated, prepared by Richard J. Testa, Structural Reg. P.E.
4. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #14-09):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a three-family residential dwelling, recently extended per the special permit granted in Case #12-19 and building permit issued on January 31, 2013 (Permit # C-1-13-8817) and currently occupied per an occupancy permit issued on August 9, 2013 (Permit# COO-008624-2013).
2. The special permit granted in Case #12-19 allowed substantial expansion of the second floor dwelling unit by an addition, 945 square feet in size (27 by 35 feet), that doubled the unit's size from 1067 to 2003 square feet; increased the number of bedrooms from one to three; and installed a second kitchen, living room and full bath.
3. The addition constructed is of the same approximate size and dimensions as per the plans approved in Case #12-19.
4. The site plan approved with the special permit granted in Case #12-19 includes a parking layout with eight parking spaces onsite, however, this parking layout is not currently in use.
5. To date, petitioner has not complied with two conditions of the special permit granted in Case #12-19: recording of a deed restriction that the second floor may be used for only one single dwelling unit; and installation and maintenance of screening (with fencing or landscaping) of parking from abutting residential yards.
6. All dwelling units are currently occupied by the petitioners and their family members.
7. The proposal is to construct another addition, 486 square feet in size (27 by 18 feet) to the second floor dwelling unit, increasing the size of the unit by 25%, from 2003 square feet to 2489 square feet; for use as a living room.
8. The petitioner states that the original contractor for the original addition made errors in measurements and/or according to the petitioner, the addition constructed was not as large as the petitioner agreed to.
9. The Ward City Councilor, on behalf of the petitioner, requested that the petition be allowed to be withdrawn without prejudice to allow the petitioner to seek legal counsel.

DECISION (Case #14-09):

Pursuant to the foregoing Findings of Fact, the Board moved to allow the petition to be withdrawn without prejudice, and the motion passed. The Board moved to waive the filing fee for a future petition, and the motion passed.

RECORD of VOTES (Case #14-09):

The vote on the motion to allow the petition to be withdrawn without prejudice was 8 in favor, none opposed:

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

The vote on the motion to waive the filing fee for a future petition was 8 in favor, none opposed:

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