

# City of Malden

Massachusetts

Board of Appeal  
215 Pleasant St.  
Malden, Massachusetts 02148

Telephone 781-397-7100x2151

## **BOARD OF APPEAL DECISION**

August 18, 2021 Hearing

### **Petition of:**

Petition 21-008 by Patrick P. MacDonald, Esq. on behalf of PSI Atlantic Malden MA, LLC for a variance of MCC 12.16.010 Table of Intensity Regulations - Chapter 12 of the revised Ordinances of 2020 as amended of the City of Malden - Namely -Dimensional Controls : Side Yard Setback, Both Side Yard Setbacks, Rear Yard Setback, Coverage, Principal Building and MCC 12.20.010 Table of Off Street Parking and Loading Regulation as per Plans CMID-037601-2021 at the property known as and numbered 950-970 Eastern Ave, Malden, MA and also known by City Assessor's Parcel ID #126-485-501.

### **Findings of Fact**

Petitioner seeks leave to construct a self-storage unit building. During the prior hearing on this matter, the Board expressed concern about granting four variances and encouraged Petitioner to consider variations to its project to avoid these requests, and tabled this matter to the next month's meeting.

Petitioner now seeks two variances for the minimum lot size coverage and parking requirement. The zoning ordinance allows only 50% coverage for this lot; both the existing building and proposed self-storage unit building would have 53.8%. The zoning ordinance would require the applicant to have eighty-two parking spaces; Petitioner seeks leave to only have fifteen for its building.

Petitioner represents that a variance for the lot coverage is necessary because of the property's unusual side lot lines, which are skewed. Petitioner notes that its proposal will maintain the existing lot coverage, and not increase it. Petitioner represents that a variance is necessary for the parking requirement, because its proposal will not require the many parking spaces that the zoning ordinance requires for a building of this type. Petitioner's traffic expert presented a study showing that similar buildings of this type did not require more than the fifteen spots that Petitioner is requesting for this variance.

No one spoke in opposition to this request. The Board read into the record several letters of support for this project.

### **Findings of Law**

To grant a variance, the Board must find that (1) owing to circumstances relating to the soil

conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, (2) a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that (3) desirable relief may be granted without substantial detriment to the public good and (4) without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. G.L. c. 40A, § 10. “[A] decision of the board of appeals granting a variance cannot stand unless the board specifically finds that each statutory requirement has been met.” *Planning Bd. of Springfield v. Bd. of Appeals of Springfield*, 355 Mass. 460, 462 (1969).

The Board finds that a variance is justified given the existing lot coverage of this property, and that Petitioner’s request will not further violate this zoning regulation. The Board similarly finds that Petitioner has shown that the parking requirements for this property are not needed for Petitioner, based upon Petitioner’s expert study.

The Board voted 4-1 to grant each of these variances separately, with Sherwin voting in opposition of each.

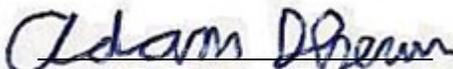
Petitioner’s variances, as shown on the enclosed plans, are GRANTED.

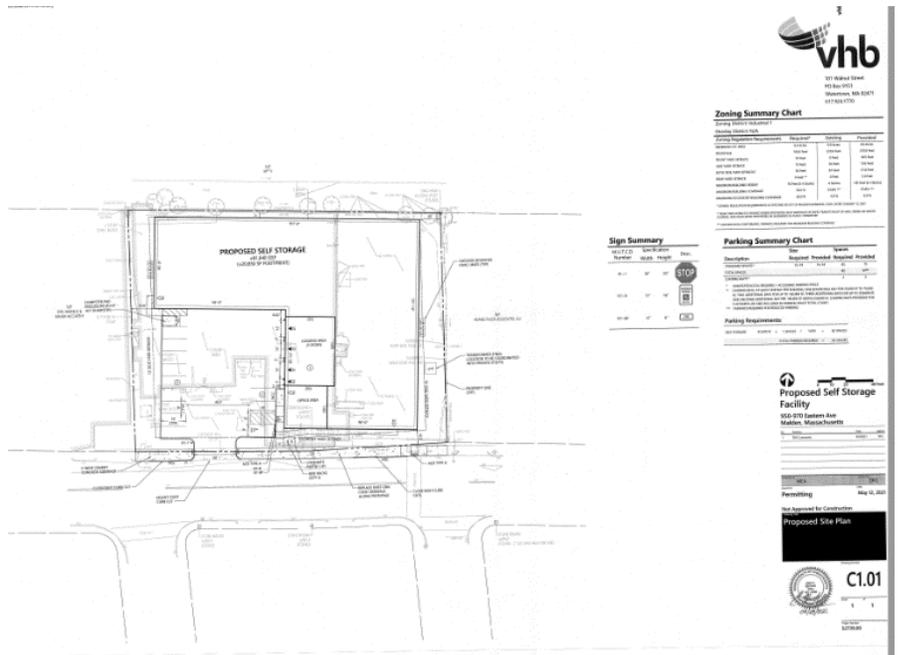
FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT September 21, 2021  
*[Any appeal must be made pursuant to M.G.L. c. 40A, §17 and filed within 20 days after date this Notice is filed with City Clerk.]*

PURSUANT TO G.L. C. 40A, § 11, A COPY OF THIS DECISION SHALL BE RECORDED IN THE MIDDLESEX SOUTH REGISTRY OF DEEDS

Members of the Board Voting:

William Sullivan  
John King  
Kathryn Bilgen  
David Senatillaka  
Adam Sherwin

  
Adam T. Sherwin, Esq.



The image contains a detailed site plan for a 'PROPOSED SELF STORAGE FACILITY' and several summary charts. The site plan shows a rectangular lot with a building footprint, parking spaces, and various setbacks. To the right of the site plan are three summary charts: a 'Zoning Summary Chart' with columns for 'Existing Zoning District', 'Proposed Zoning District', 'Permitted Uses', and 'Prohibited Uses'; a 'Sign Summary' table with columns for 'Sign Type', 'Sign Size', and 'Sign Location'; and a 'Parking Summary Chart' with columns for 'Description', 'Required', 'Proposed', and 'Approved'. Below these charts is a 'Proposed Self Storage Facility' information block, including the address '900-910 Eastern Ave. Malden, Massachusetts' and a permit number 'Permitting: May 10, 2021'. At the bottom right is a circular seal with the text 'C1.01' and '2019'.