



CITY OF MALDEN PLANNING BOARD
NOTICE OF DECISION

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CITY CLERK'S OFFICE
MALDEN, MASS.

CASE NUMBER 15-18
 LOCATION of SUBJECT PROPERTY 974 Main Street, Malden, MA
 NAME of PETITIONER and OWNER Malden Redevelopment Authority
 DATE of PUBLIC HEARING November 18, 2015
 DATE of DECISION November 18, 2015
 DATE of FILING DECISION with CITY CLERK November 24, 2015
 DATE of NOTIFICATION to BUILDING INSPECTOR November 24, 2015
 FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT December 14, 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 #15-18)

1. Petitioner is the owner, Malden Redevelopment Authority, 200 Pleasant Street, Malden, MA 02148.
2. The petition seeks to amend the special permit granted in Case #13-03 under §700.1.3.1, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden ("Ordinance") to amend the condition regarding ledge removal for routine utility work.
3. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #15-18):

The City of Malden Planning Board finds the following facts:

1. All facts found in the special permit granted in Case #13-03, except as modified herein.
2. The special permit granted in Case #13-03 authorizes construction of a town/row dwelling containing six, two-bedroom units in one 2 ½ story building with two-car garages underneath, per approved plans.
3. Condition 3 of the special permit granted in Case #13-03 provides: "Including routine utility work, any ledge removal shall require a special permit in accordance with §700.13 of the zoning ordinance."
4. Petitioner has been marketing the property for sale to a developer.
5. According to petitioner, potential buyers have been deterred by the restriction regarding utility work contained in Condition 3 of the special permit granted in Case #13-03.
6. The proposal is to amend Condition 3 of the special permit granted in Case #13-03 so as allow ledge removal by chipping for routine utility work.
7. Routine utility work does not require a special permit, per §700.13 of the Ordinance.
8. The ledge proposed to be removed for utilities is located at the front of property.
9. The amount of ledge to be removed for utilities and duration of removal have not been determined yet.
10. Utilities for the development have not been designed yet and will be done by the developer's engineer.
11. According to petitioner's engineer, there may be individual service connections to each townhouse unit for public sewer and water, and private telephone, electric and natural gas.
12. The Malden Fire Department regulates ledge removal, and Malden Fire Chief Jack Colangeli provided his opinion that chipping is the safest method to remove ledge at this property for utilities and will have minimal impact to the neighborhood.
13. The proposal includes no changes to other conditions, or to the project or plans approved with the special permit granted in Case #13-03.
14. The proposal does not affect the zoning, dimensional controls or parking requirements of the project, as approved by the special permit granted in Case #13-03.
15. The former building on the property was demolished in 2014, however, to date, no application for a building permit has been filed.
16. The rights authorized under this special permit will lapse one year from the date of granting, if substantial construction or substantial use has not commenced; however, an expiration date may be specified by the special permit.

17. Petitioner hosted a neighborhood meeting on November 4, 2015 to review the proposal.
18. There is no public opposition to the proposal.
19. The proposal will not be more detrimental to the neighborhood.

DECISION (Case #15-18):

Pursuant to the foregoing Findings of Fact, the Board motioned to modify the special permit granted in Case #13-03 and to grant a special permit subject to the following twelve conditions, and the motion passed:

1. Garages may be used for parking, utilities and storage only, not residential living space.
2. Attics shall be "crawl space" and used for HVAC and/or storage only.
3. Excluding routine utility work, which may be done only by chipping, any ledge removal shall require a special permit in accordance with §700.13 of the zoning ordinance.
4. No commercial construction work allowed on weekends.
5. No accessory buildings or structures allowed.
6. The height shall not exceed 2 ½ stories.
7. Project shall be as per plans approved by the Planning Board with this special permit which are incorporated herein by reference and may not be modified without Planning Board approval.
8. Landscaping and open space shall be as per plans; install privacy fencing along northern and northwestern property lines abutting 4 Fairlawn Street and 12 Fairlawn Street.
9. Obtain DPW approval to modify curb-cuts.
10. Install, repair and/or replace sidewalks, including all incidental work, abutting property to satisfaction of DPW Director.
11. Comply with requirements stated in correspondence dated February 7, 2013 from Malden BOH/DPH.
12. This special permit shall expire on December 31, 2017.

RECORD of VOTES (Case #15-18):

The vote on the motion to grant a special permit with conditions was 9 in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Hayes, yes; Henry, yes; Lawhorne, yes; MacCuish, yes; Wolff, 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