



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

CASE NUMBER 23-02

LOCATION of SUBJECT PROPERTY 410 Ferry Street, Malden, MA

NAME of PETITIONER and PROPERTY OWNER Ronie Construction Inc.

DATE of PUBLIC HEARING February 8, 2023

DATE of DECISION February 8, 2023

DATE of FILING DECISION with CITY CLERK February 15, 2023

DATE of NOTIFICATION to BUILDING INSPECTOR February 15, 2023

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT March 7, 2023

[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 #23-02):**

1. The subject property is known as and numbered 410 Ferry Street and by City Assessor's parcel identification number 084 403 301.
2. Petitioner is the property owner, Ronie Construction Inc., c/o Ronie Teixeira, 72 McKinley Street, Revere, MA, who is the contractor.
3. At the public hearing on February 8, 2023, petitioner was represented by Ronie Teixeira.
4. The petition filed in permit application #CMID 050516-2022 seeks a special permit under Title 12, Chapter 28, Section 010(D)(1), Code of the City of Malden, to alter, structurally change, extend and change use of a preexisting nonconforming property in the Residence A zoning district, namely, to convert the property to a three-family residential dwelling.
5. The following plans were submitted in support of the petition: site plan, "Certified Plot Plan Showing Proposed Parking Located at 410 Ferry Street Malden, MA," dated October 20, 2022, prepared by George C. Collins, P.L.S., Charlestown, MA; set of plans, "Interior & Deck Renovation-Dormer Roof Addition 410 Ferry St, Malden, MA 02148," dated November 8, 2022, prepared by Nazieh R. Hammouri, P.E., RISE Architecture, 71B Clinton Street, Malden, MA, that contains: Cover page (C-100) with photos, "Aerial View," and "Existing Dwelling;" Gross Area Plan (A-100) with Existing Area and Proposed Area; Existing Floor Plans of Basement Floor and 1st Floor (A-101), 2nd Floor and Attic Floor (A-102); Existing Elevations, Front and Right (A-103) and Rear and Left (A-104); Demolition Floor Plans, Basement and 1st Floor (A-105), 2nd Floor and Attic Floor (A-106); Proposed Floor plans, Basement Floor and 1st Floor (A-107), 2nd floor and Attic Floor (A-108); and Proposed Elevations, Front and Right (A-109), Rear and Left (A-110).
6. According to petitioner, he recently submitted by email an updated site plan showing the proposed open space, however, as of the start of the public hearing, the Board had not received the plan.
7. The Malden Historical Commission reviewed the proposal, pursuant to the City's Demolition & Alteration Delay Ordinance, Title 4.24, Code of the City of Malden MCC) and approved the proposal, provided that the building's existing front façade and columns shall be maintained, per decision dated January 19, 2023.
8. On February 8, 2023, the Planning Board held the public hearing and deliberated; prior to rendering a decision regarding the petition, the Board asked petitioner whether he preferred that the Board allow the petition to be withdrawn without prejudice or that the Board take action and vote on the petition; and at petitioner's request, the Board took action and voted on the petition.
9. The public hearing complied with the notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11.

**FINDINGS of FACT (Case #23-02):**

The City of Malden Planning Board finds the following facts:

1. The property is the site of a 2 ½ story building that is currently vacant and under renovation per an issued building permit.

2. The proposal is to construct a dormer and addition to the third floor, construct a three-story porch/deck, renovate and convert the building from medical laboratory to a three-family dwelling.
3. Under the proposal, there will be one dwelling unit on each floor; each unit will have two bedrooms, one full and one half bathroom, kitchen, living room and an unenclosed deck, 10 by 16 feet in size; the unit on the third floor will also have a storage room, 224 square feet in size with ceiling height 5'10"; and the basement will be accessed from a common/shared staircase, with a proposed laundry room; playroom, 836 square feet in size; and utilities.
4. The property is located in the Residence A zoning district.
5. The most recent use of the property, medical laboratory, was formerly classified as medical & dental offices under the then-existing Ordinance and is now classified as medical center under the current Ordinance; is prohibited in this district; was allowed by special permit granted in Case #88-32; and is considered nonconforming, per §§12.12.030 and 12.28.010 of the Ordinance.
6. The proposed three-family residential use is prohibited in this district and may be allowed by special permit as a conversion of a nonconforming use, per §§12.12.030 and 12.28.010.D of the Ordinance.
7. The direct abutters to the north and west are single-family dwellings; to the east, on the other side of Harvard Street, a two-family dwelling; and to the south, on the other side of Ferry Street, a single-family and four-family dwelling.
8. Surrounding land uses are residential.
9. The existing building, for medical center use, grossly violates dimensional controls for lot area, front, one side and rear yard setbacks, and is considered preexisting nonconforming, per §§12.16.010 and 12.28.010.A of the Ordinance.
10. The proposal for three-family residential use exacerbates existing violations of lot area to 74%, front yard setback to 75% and one side yard setback; creates new nonconformities of frontage, open space and density (47%); and maintains the rear yard setback violation, per §12.16.010 of the Ordinance.
11. Proposed open space is not shown on the site plan, and according to petitioner, will be grass and trees.
12. Given the size of the lot, building and parking area, it is highly unlikely the proposal provides the required amount of open space, 1,500 square feet, and that open space that may be provided would comply with Usable Open Space Requirements for All Districts, per §12.16.080 of the Ordinance.
13. The proposal complies with requirements to provide six parking spaces, one space per bedroom, per §12.20.010 of the Ordinance; and the proposed site plan depicts eight spaces in a nonconforming layout in the existing parking lot at the eastern side of the lot, with access via Ferry Street.
14. Petitioner proposes a dumpster for residential trash in the location of one proposed parking space, which would not comply with the siting requirements of §12.20.030.H of the Ordinance.
15. The required snow storage is not depicted on the site plan.
16. There is no public support of the proposal.
17. There is no public opposition to the proposal.
18. The proposal is an overuse of the property, as indicated by the increased and new gross deficiencies of lot area, open space and density.
19. The proposal will be more detrimental to the neighborhood.


DECISION (Case #23-02):

On February 8, 2023, pursuant to the foregoing Findings of Fact, the Planning Board denied the petition for a special permit.

RECORD of VOTES (Case #23-02):

On February 8, 2023, on the motion by MacCuish, seconded by Antonucci, to deny the petition for a special permit, the vote was eight in favor, one opposed, and the motion passed (8-1):

Antonucci, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, no; MacCuish, yes; Soucy, yes; Verma, yes; Ioven, yes. [*Chuha, absent*].

I, hereby certify that the above is a true copy of the decision of the Malden Planning Board. By:   
Michelle A. Romero, City Planner