



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

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2016 JUN 14 A 10: 58

CASE NUMBER 16-12

LOCATION of SUBJECT PROPERTY 468 Salem Street, Malden, MA

NAME of PETITIONER and OWNER Paradise Realty Group LLC

DATE of PUBLIC HEARING June 8, 2016

DATE of DECISION June 8, 2016

DATE of FILING DECISION with CITY CLERK June 14, 2016

DATE of NOTIFICATION to BUILDING INSPECTOR June 14, 2016

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT July 5, 2016

*[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.]*

CITY CLERK'S OFFICE  
MALDEN, MASS.

PROCEDURAL HISTORY (Case #16-12):

1. Petitioner is the owner, Paradise Realty Group LLC, 228 Western Avenue, Cambridge, MA 02139, c/o Janice Vazquez, principal, 34 Mayflower Road, Winchester, MA, and authorized representative, Ray Acevedo, project and property manager.
2. The petition seeks a special permit under §700.1.3.1 of Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to alter and reconstruct a preexisting nonconforming four-family residential dwelling in the Residence A zoning district.
3. The following plans were submitted with the petition: Set of plans, "468 Salem Street Malden Residences 468 Salem Street Malden, MA Paradise Realty Group, LLC," dated March 7, 2016, prepared by Jai Singh Khalsa, Reg. Architect, TKG Khalsa Design, Inc., Somerville, MA, that includes Site plan/Zoning Analysis/Code Review, Existing Floor Plans, Existing Exterior Elevations, Proposed Ground & 2<sup>nd</sup> Floor Plans, Proposed 3<sup>rd</sup> Floor & Roof Plans/Section/Partition Types and Proposed Exterior Elevations; and a site plan, "PLAN OF LAND LOCATED AT 468 SALEM STREET MALDEN, MA PREPARED FOR: PARADISE REALTY GROUP, LLC," dated February 23, 2016, prepared by Thomas P. Bernardi, P.L.S., Massachusetts Survey Consultants, West Gloucester, MA.
4. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #16-12):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a 2 ½-story, four-family dwelling, vacant and damaged by fire in 2015.
2. The proposal is to renovate and repair the interior and reconstruct the roof.
3. The proposal includes installation of a fire sprinkler system.
4. The proposal includes installation of new windows, new electrical and new plumbing systems.
5. Under the proposal, the size and layout of the building and floor plans of the dwelling units will remain unchanged; and the proposal does not enlarge the footprint or height of the building, does not increase the living space and does not change the number of bedrooms and bathrooms.
6. Under the proposal, the four-family dwelling will remain configured as one two-bedroom unit on the first floor, 696 square feet in size; two, one-bedroom units on the second floor, 480 and 459 square feet in size; and one two-bedroom unit on the third floor, 708 square feet in size,
7. The building is constructed on ledge and has no basement, only a crawl space.
8. The property is located in the Residence A zoning district.
9. The four-family residential dwelling use was allowed by variance granted in 1971; is prohibited in this district; and is a preexisting nonconforming use, per §§300.3.2.3 and 700.1.1 of the Ordinance.

10. The direct abutter to the north is a four-family dwelling; to the east, a two-family dwelling; to the west, a single-family dwelling; and to the south, on the other side of Salem Street, a two-family dwelling and a single-family dwelling.
11. Surrounding land uses are residential dwellings, a public park, and a public elementary school.
12. The proposal is not in conflict with surrounding land uses.
13. The building predates the Ordinance, grossly violates most dimensional controls and the property is considered preexisting nonconforming, per §§400.1.2.3 and 700.1.1 of the Ordinance.
14. The proposal maintains all existing violations and creates no new nonconformities.
15. The four-family dwelling use requires eight parking spaces, namely, two per dwelling unit, under the applicable Ordinance; the property is exempt from the current Ordinance, which would require six parking spaces, namely, one space per bedroom, per §§500.1.2.3 and 700.1 of the Ordinance.
16. There is no on-site parking and the property is considered preexisting nonconforming, per §700.1 of the Ordinance.
17. The proposal maintains the existing 100% violation of parking requirements.
18. On-street parking is restricted; there is an MBTA bus stop adjacent to the property.
19. There are a series of retaining walls, concrete stairs and concrete and wooden walkways, leading to the various doors to the building; many are in need of repair and/or reconstruction.
20. Petitioner intends to repair and/or reconstruct the retaining walls, stairs and walkways.
21. Onsite is a large amount of debris, including broken fixtures, appliances and construction/building materials and numerous black trash bags from interior demolition and "gutting" the property.
22. Petitioner intends to clean the property and remove all debris immediately.
23. The landscaping of the front yard is in need of maintenance; the side and rear yard areas are comprised of ledge, woods and overgrown vegetation and steep slopes.
24. There is currently very limited useable open space onsite
25. Trees and vegetation will be cleared from the western side yard and construction materials will be stored there during the project.
26. There is potential area in the western side yard to create useable open space.
27. There is no public opposition to the petition.
28. The proposal will not be more detrimental to the neighborhood.
29. Petitioner consents to the proposed conditions of this special permit.

DECISION (Case #16-12):

Pursuant to the foregoing Findings of Fact, the Planning Board granted the special permit subject to the following six conditions: 1) Remove all debris and trash from property immediately upon issuance of this special permit and maintain clean and clear during all construction activities; 2) All development shall be as per plans; 3) Maximum number of bedrooms is six (6); 4) Rehabilitate and maintain landscaping of front yard; and install and maintain landscaping of western side yard (minimum 500 SF); 5) Repair and/or replace all retaining walls, exterior stairs and walkways; and 6) Repair and/or replace adjacent sidewalks, subject to satisfaction of DPW Director.

RECORD of VOTES (Case #16-12):

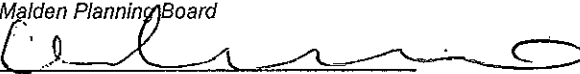
The vote on the motion to grant a special permit with six conditions was eight in favor, none opposed:  
 Antonucci, yes; Chiu, yes; Fitzgerald, yes; Hayes, yes; Lawhorne, yes; MacCuish, yes;  
 Wolff, yes; Ioven, yes.

*Motion by Lawhorne, seconded by Antonucci.*

*[Absent: Chuha, Henry, Mzaouakk.]*

*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