



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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2016 JUN 20 P 3: 33

CASE NUMBER 16-13

LOCATION of SUBJECT PROPERTY 10 Florence Street, Malden, MA

NAME of PETITIONER Daniel Gattineri, Trustee

NAME of OWNER Dosi Dough Realty Trust

DATE of PUBLIC HEARING June 8, 2016

DATE of DECISION June 8, 2016

DATE of FILING DECISION with CITY CLERK June 20, 2016

DATE of NOTIFICATION to BUILDING INSPECTOR June 20, 2016

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT July 11, 2016

CITY CLERK'S OFFICE
MALDEN, MASS.

[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 #16-13)

1. Petitioner, Daniel Gattineri is Trustee for owner, Dosi Dough Realty Trust, 30 Mystic Avenue, Winchester, MA.
2. The petition seeks consent to file a repetitive petition under §800.4.10, Chapter 12, Revised Ordinances of 1991, as Amended, City of Malden (the "Ordinance") and Massachusetts General Laws, Chapter 40A, §16 (the "state law"), namely, to file a petition for a special permit under §§300.3.2.6 and 700.1.3.2 of the Ordinance, to allow multifamily residential dwelling use and to extend a preexisting nonconforming use in the Central Business zoning district, within two years of the Board's final unfavorable action, namely, the denial of a petition for a special permit in Case #14-17.
3. The following information was submitted with the petition for consent: correspondence dated May 11, 2016 from Jack McElhinney, Esq., describing revised proposal; plans, "10 Florence Phase 2 10 Florence Street Malden Massachusetts," dated October 10, 2015 revised through November 29, 2015, prepared by Daniel F. DiLullo, Reg. Architect, Melrose, MA, with parking garage plans for Lower Level and Upper Level and floor plans for First Floor Community Space, Apartment Floors 2 thru 5, Roof Deck (revised through June 6, 2016); and "Site Plan 10 Florence Street (Tax Map 51 Lot 327) Malden, Massachusetts," dated October 9, 2015 revised through February 16, 2016, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA.
4. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.
5. The Ordinance and state law provide that, to grant the petition for consent, eight of the nine members of the Planning Board must find specific and material changes in the conditions upon which the previous unfavorable action was based.
6. At the start of the public hearing, petitioner, represented by its attorney, consented to proceed with only eight of the nine members of the Planning Board present.

FINDINGS of FACT (Case #16-13)

The City of Malden Planning Board finds the following facts:

1. Petitioner seeks to file a petition for a special permit before November 12, 2016, the date which is two years following the date of the Board's denial of the petition for a special permit in Case #14-17.
2. On November 12, 2014, the Board denied a petition for a special permit in Case #14-17, seeking to extend the existing six-story, 60-unit multifamily dwelling by constructing an addition containing six stories and 30 dwelling units, on the grounds that the proposal will be more detrimental to the neighborhood, is not in the interest of the common good, and may exacerbate existing traffic patterns that have adverse impacts to the surrounding streets and create a traffic or safety hazard, based on the Findings of Facts described in the decision.
3. The petition denied in Case #14-17 was for a proposal that was 46% deficient of density requirements and provided no open space, no loading space and inadequate trash storage.
4. The petition seeking to be filed is for a proposed addition containing six stories and 22 dwelling units.
5. The petition seeking to be filed is for a proposal that is 41% deficient of density requirements; provides open space required for the existing units and proposed units, namely, 8,200 square feet; a designated loading space; and an additional trash room.
6. On March 17, 2016, the Board of Appeal amended its decision dated October 17, 2002 [whereby it had granted a variance of density requirements for the sixty (60) dwelling units in the existing building] and granted a variance of the density requirements for the proposed additional twenty-two (22) units.
7. The Ward City Councilor, State Representative, Malden Redevelopment Authority and several local ironworkers are in favor of the petition for consent.
8. One resident is in opposition to the petition for consent.

DECISION (Case #16-13)

Pursuant to the foregoing Findings of Fact, the Planning Board denied the petition for consent.

RECORD of VOTES (Case #16-13)

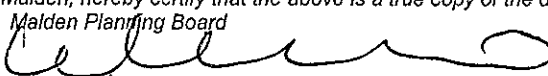
The vote on the motion to grant the petition for consent was seven in favor, one opposed, and the motion failed:

Antonucci, yes; Chiu, yes; Fitzgerald, yes; Hayes, yes; Lawhorne, yes; MacCuish, no; Wolff, yes; Ioven, yes.

Motion by Antonucci, seconded by Lawhorne.

[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