



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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CITY CLERK'S OFFICE
MALDEN, MASS.

CASE NUMBER 16-23

LOCATION of SUBJECT PROPERTY 185 Main Street, Malden, MA

NAME of PETITIONER and OWNER 185 Main Street Realty LLC

DATE of PUBLIC HEARING October 12, 2016

DATE of DECISION October 12, 2016

DATE of FILING DECISION with CITY CLERK October 18, 2016

DATE of NOTIFICATION to BUILDING INSPECTOR October 18, 2016

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT November 7, 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.]

PROCEDURAL HISTORY (Case #16-23):

1. Petitioner is the owner, 185 Main Street Realty LLC, c/o Privitera Realty, 59 Union Square, Somerville, MA; at the public hearing, petitioner was represented by its general contractor, Robert Pecci, 16 Skywood Drive, Stoneham, MA.
2. The petition seeks a special permit under §700.1.3.1, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to structurally change and extend a preexisting nonconforming property in the Residence A zoning district.
3. The following plans were submitted in support of the petition, "ENTRANCE RENOVATIONS Sir Geoffrey Apartments 185 Main Street Malden, MA," dated March 31, 2016, prepared by Daniel DiLullo, Reg. Architect, Melrose, MA, which includes: Existing Site Layout and Proposed Site Layout (A.1); and Existing Plans and Proposed Plans (A.2).
4. Petitioner requested a waiver of filing requirements for an updated site plan, floor plans and building exterior elevations because no changes to these areas are proposed.
5. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #16-23):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a five-story apartment building.
2. The proposal is to extend the existing covered entry-way at the front entrance of the building, which currently extends nineteen (19) feet from the building, with a pitched, asphalt roof, supported by columns, that extends from the existing canopy approximately twelve (12) additional feet toward Main Street.
3. The proposal includes widening the existing walkway, installing decorative pavers, adding lighting and removing hedges.
4. The property is located in the Residence A zoning district.
5. The multifamily residential dwelling use, three to six stories, is prohibited in this district under the current Ordinance; was allowed by variance in 1968, as amended in 1969; and is considered legally nonconforming, per §§300.3.2.6 and 700.1.1 of the Ordinance.
6. The proposal extends the nonconforming use, per §700.1.3.1 of the Ordinance.
7. The variance granted in 1968 and amended in 1969, allowed 55 dwelling units; the special permit granted in 1988 in Case #88-33 legalized a studio apartment and expanded the total number of dwelling units from 55 to 56; however, according to current City Assessor's records, there are 53 dwelling units, comprised of 26 one-bedroom units and 27 two-bedroom units.
8. The direct abutter to the north is a mixed-use building with one dwelling unit and offices; to the northeast, two-family dwellings; to the east, a single-family dwelling; to the south, on the other side

of Barrett Street, two-family dwellings and a single-family dwelling; and to the west, on the other side of Main Street, a Neighborhood Business zoning district, funeral home, two-family dwellings, a mixed-use building with four dwelling units and business use, and a three-family dwelling; and to the southwest, the City's Bell Rock Park.

9. Surrounding land uses are residential.
10. The building was constructed in 1971; the property grossly violates current dimensional controls for front yard setback, density and open space; and the property is considered legally nonconforming, as allowed by variance granted in 1968, per §§400.1.2.6 and 700.1.1 of the Ordinance.
11. The proposal maintains the existing nonconformities and creates no new nonconformities.
12. The variance granted in 1968 approved a minimum number of parking spaces, namely, fifty-three; the property is exempt from current parking requirements that require one space per bedroom; and the property is considered legally nonconforming as to parking, per §§500 and 700.1 of the Ordinance.
13. On-site parking for at least fifty-three spaces, and possibly as many as sixty spaces, is provided in a parking lot at the rear and side of the building, with access via Main Street and Barrett Street.
14. The existing parking layout is similar, however, does not reflect the exact parking layout approved with the special permit granted in 1988 in Case #88-33, as depicted on the site plan dated May 22, 1972, and there is no longer access via Newhall Street.
15. The approved layout and existing layout are nonconforming, per §500.2.2 of the Ordinance.
16. The proposal maintains the existing nonconformities and creates no new violations.
17. The dumpster is located within 20 feet of the property lines and is not screened, in violation of §500.3.5.8 of the Ordinance.
18. The proposal does not change the interior of the building, the number of units or parking layout.
19. The proposal will improve the safety of the tenants.
20. There is no public opposition to the proposal.
21. The proposal will not be more detrimental to the neighborhood.
22. Petitioner consents to the proposed conditions of this special permit.

DECISION (Case #16-23):

On October 12, 2016, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following five (5) conditions: 1) The entryway shall be as per plans; 2) Repair and/or replace sidewalks and driveways, including related incidental work, around perimeter of property, to the reasonable satisfaction of DPW Director; 3) Clean yard areas of all litter and maintain landscaping, including trimming shrubs, removing dead vegetation; 4) Screen dumpster in accordance with Board of Health regulations; and 5) Submit site plan with existing parking layout.

RECORD of VOTES (Case #16-23):

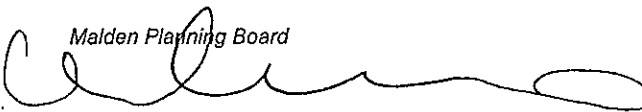
On October 12, 2016, the vote on the motion to grant the special permit with conditions was nine in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Henry, yes; Lawhorne, yes; MacCuish, yes;
Mzaouakk, yes; Wolff, yes; Ioven, yes.

Motion by MacCuish, yes; seconded by Antonucci. [Present but not voting: Fitzgerald. Absent: Hayes.]

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.

Malden Planning Board

By: 
Michelle A. Romero, City Planner