



City of Malden

Massachusetts

Board of Appeal

215 Pleasant Street

Malden, Massachusetts 02148

Telephone 781-397-7100 x 2151

Board of Appeal Minutes January 20, 2021

In accordance with Governor Baker's 3/12/20 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A,ss18, and the Governor's 3/23/20 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, this meeting was conducted via remote participation. In person attendance by members of the public was prohibited, and all effort was made to permit public attendance of this meeting, in the manner specified below, via remote access by internet, telephone, and if available via public broadcast of the meeting by Malden Access Cable Television on public access television channels. Public access will also be provided by posting draft minutes, and/or a transcript, recording, or record of the meeting on the City of Malden website at cityofmalden.org as soon as practicable after the meeting.

Board of Appeal Public Hearing was held Wednesday, January 20, 2021 at 6:30 pm Via remote hearing

<https://cityofmalden.zoom.us/j/93948326129?pwd=Nk9nck1wR2s4K0RMMmxocTBla3JDZz09>

Webinar ID: 939 4832 6129

Passcode: 448080

Call to order 6:30pm

Members Present: Nathaniel Cramer, William Sullivan, Adam Sherwin, John King, Kathryn Bilgen, Emily Kibbler, David Senatillaka

Old and New Business: Approval of Minutes from December 16, 2020

Approval of minutes December 16 2020: Motion by Sherwin to approve 2nd by Sullivan

Cramer – Yes, Sullivan – Yes, Sherwin – Yes, King – Yes, Bilgen – Yes

5 Yea – 0 Nea minutes of 12-16-20 are approved

PETITION OF:

51 Princeton Rd – tabled from November 4, 2020

Petition 20-014 by **Keith Smith on behalf of Joseph LeBlanc** for a variance of **MCC 12.16.010** Chapter 12 of the revised Ordinances of 2020 as amended of the City of Malden - Namely, Dwelling – Single Family Dimensional Controls of setbacks as per Plans RES-034561-2020 at the property known as and numbered

51 Princeton Rd, Malden, MA and also known by City Assessor's Parcel ID # 113-806-627

This petition is being represented by the Homeowner Joseph LeBlanc and is properly before the Board.

The porch was redesigned; the stairs are no longer part of the porch. This change determines the setback to be 9.9 ft. the ordinance is 10 ft. An updated plot plan was not provided although this was a requirement from Inspectional Services. A slight adjustment in the plans would prevent the need for a variance.

Upon further discussion with the homeowner, a new site plan will be submitted to Inspectional Services that allows the design of the porch to be in compliance with the setback ordinance.

This Petitioner would like to withdraw this petition without prejudice.

Motion by Sherwin to Withdraw without prejudice was 2nd by King.

Cramer – Yes, Sullivan – Yes, Sherwin – Yes, King – Yes, Bilgen – Yes

5 Yes – 0 No The request to withdraw petition 20-014 without prejudice is granted.

Petition 21-001 by Christopher De Resende on behalf of Brian Duong Le for a variance of **MCC 12.16.010** Chapter 12 of the revised Ordinances of 2020 as amended of the City of Malden – Namely – Dwelling – Single Family Dimensional Controls (rear set back for deck) as per Plans RES-033612-2020 at the property known as and numbered **34 Pamela Circle**, Malden, MA and also known by City Assessor's Parcel ID #016-013-368

All statutory requirements have been met and this petition is properly before the board.

This petition is being represented by Christopher DeResende

The petitioner would like to build a deck in the back entrance of the home. This deck would violate the 20 ft setback. This is the 2nd egress for the home. Petitioner claims there was previously a deck but the work was started without a permit and a deck no longer exists to prove this fact. A stop work order was issued for this property after receiving a complaint from a neighbor that there was work being done without a permit.

Since this is a 2nd egress, the petitioner would be allowed a minimum landing.

Motion by Sullivan to Deny this petition was initially 2nd by King but King immediately withdrew the 2nd motion to allow the petitioner a chance to prove a deck previously existed.

Motion by Sullivan to Deny was 2nd by Sherwin

Cramer – No, Sullivan – Yes, Sherwin – Yes, King – No, Bilgen – No

Vote: 2 Yes 3 No - motion is not passed

Petitioner does not wish to withdraw

Motion by King to Table petition 20-001 until February 17, 2021 Public Hearing was 2nd by Bilgen to give the petitioner time to prove a deck previously existed

Vote to Table: Cramer – Yes, Sullivan – No, Sherwin – No, King – Yes, Bilgen - Yes

3 Yes 2 No – Petition 20-001 is tabled until February 17, 2021 Public Hearing

Petition 21-002 by Barlo Signs on behalf of 200 Exchange LLC for a variance of **MCC 4.16.100** Chapter 4 of the revised Ordinances of 2020 as amended of the City of Malden – Specifically regulation of signs; specific provisions for major developments as per Plans SGER-035284-2020 at the property known as and numbered **200 Exchange St**, Malden, MA and also known by City Assessor's Parcel ID #51-278-801

All statutory requirements have been met and this petition is properly before the board.

Petition is being represented by Brian Currier of Barlo Signs

This property is located in the Central Business Zone which allows for Free Standing (Ground) Signs. Each tenant is allowed one sign per street frontage. The petitioner 200 Exchange LLC owns 2 restaurants that will occupy this property. Each restaurant free standing sign has been approved by the Sign Design Review Committee for 1 ground

sign each. The petitioner would like to have an additional Sign with the combined restaurant names due to the high traffic and unique street pattern surrounding the building for better visibility.

Motion by Bilgen to approve this petition due to its unique site and heavy traffic was 2nd by King.

Vote: Cramer – Yes, Sullivan – Yes, Sherwin – No, King – Yes, Bilgen – Yes

4 Yes 1 No the petition is Granted

Petition 21-003 by Patrick MacDonald, Esq on behalf of Maplewood Place Associates, LP o/b/o Wyner Company, LLC for a variance of **MCC 12.20.010** Chapter 12 of the revised Ordinances of 2020 as amended of the City of Malden – Specifically off street parking requirements for convalescent rest and nursing homes as per Plans RES-035687-2020 at the property known as and numbered **295 Broadway**, Malden, MA and also known by City Assessor's Parcel ID #153-503-301

All statutory requirements have been met and this petition is properly before the board.

This petition is being represented by Atty. Patrick MacDonald of 479 Eastern Ave., Malden, MA along with Laura Miller and P. Finger

Petitioner is an assisted living facility with memory care units. Due to the high demand for these services, the petitioner would like to add 10 apartments consisting of 9 memory units and 1 assisted living. They are before the Board due to the increase in units which require additional parking spaces. The addition of units will not alter the footprint of the building and since most of the residents do not drive, the petitioner would like to preserve the green space surrounding the building. If necessary, additional parking could be added in the future.

Motion by King to Grant this petition based on the unique shape of the lot and need for this service was 2nd by Bilgen.

Vote: Cramer – Yes, Sullivan – Yes, Sherwin – Yes, King – Yes, Bilgen – Yes

5 Yes – 0 No Petition 21-003 is Granted

Motion to adjourn by King was 2nd by Bilgen

Cramer – Yes, Sullivan – Yes, Sherwin – Yes, King – Yes, Bilgen – Yes

Meeting adjourn 8:26 pm

Next Public Hearing: February 17, 2021