



City of Malden
Massachusetts
Board of Appeal
215 Pleasant Street
Malden, Massachusetts 02148

Telephone 781-397-7100 x 2151

Board of Appeal Minutes
April 21, 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 Urban Media Arts 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, April 21, 2021 at 6:30 pm Via remote hearing

<https://cityofmalden.zoom.us/j/94150589134?pwd=cXF1a3NhUmFFEdGJCY1U3RDhqO2x4dz09>

Passcode: 695464

Call to order 6:30pm

Members Present: Nathaniel Cramer, William Sullivan, Adam Sherwin, John King, Kathryn Bilgen, Emily Kibbler, David Senatillaka(late- missed roll call)

Old and New Business: Approval of Minutes from February 17, 2021

Approval of minutes February 17, 2021: Motion by King to approve 2nd by Sullivan

Cramer – Yes, Sullivan – Yes, Sherwin – Yes, King – Yes, Bilgen – Yes
5 Yea – 0 Nea Minutes of February 17, 2021 are approved

PETITION OF:

Petition 21-004 by Joao Pereira and Sheena Bonaventura 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 (side setback for deck) as per Plans RES-033500-2020 at the property known as and numbered **7-9 Loomis St, Malden, MA and also known by City Assessor's Parcel ID #160-623-323**

All Statutory requirements have been met and this petition is properly before the board and being represented by Homeowners Joao Pereira and Sheena Bonventura.

Previous landing was in bad condition and the homeowners needed to replace it. It was unsafe. Inspectional Services received a call from a neighbor regarding work being done without a permit.

While in the process of repairing this landing, which is also the 2nd egress from the home, the petitioners decided to erect a deck in its place.

The original landing was 6' x 6'. The deck measures 8' x 32'. The plot plan shows 8 ½' x 32'. This size deck is a few inches to the abutter's property. The board could have considered a width of 6", but the extra 2' in width cannot be justified.

The petitioner has already invested money into this project and will endure a financial hardship. The board may have considered the length of this deck if the petitioner came before the board prior to starting work without a permit. When asked why they did not apply for a permit, the petitioners said they thought the city was closed due to the pandemic. However, this was not the case, Inspectional Services never shut down.

Open to Public

No one appeared in favor of petition 21-004, however the petitioner submitted a note with 14 signatures of abutters that did not oppose the deck.

IN Opposition:

The direct abutter Caitriona Jaynes of 102 Bayrd St appeared in opposition. She asked the petitioner to stop building the deck because it was too close to her property. "There is more than enough room in the backyard!"

Close to public:

Motion by King to table this petition to allow the petitioner to come back with new plans was second by Bilgen. New plans must be submitted at least 1 week - No later than May 12, 2021 before the next meeting scheduled for May 19, 2021

Voter to table petition 21-004

Cramer – Yes, Sullivan – Yes, Sherwin – Yes, King – Yea, Bilgen - Yes
5 Yes 0 No Petition 21-004 is tabled until May 19,

Petition 21-005 by Domenic Della Pace for a variance of MCC 4.16.090.B.2.a Chapter 4 of the revised Ordinances of 2020 as amended of the City of Malden – Namely –Dimensional Controls for a sign as per Plans SGER-036160-2021 at the property known as and numbered **42 Lebanon St, Malden, MA and also known by City Assessor's Parcel ID #134-655-501**

All statutory requirements have been met and this petition is properly before the board. This petition is being represented by the business owner Domenic Della Pace.

This is a large building and the petitioner would like a sign which would measure 80 sq ft. The Sign ordinance will only allow a 32 sq ft sign.

The Sign Design Review Committee approved the visual properties of the sign but was unable to approve this sign due to the current ordinance.

The gooseneck fixtures are already there from the previous tenant and will not have to be replaced with this new sign which is approximately the same size.

Open to public

No one in favor or opposition

Closed to public

Motion by King to GRANT this petition, it is in the business section with similar signage 2nd by Sherwin

Vote: Cramer – Yes, Sullivan – Yes, Sherwin – Yes, King – Yes, Bilgen - Yes 5 to 0

Petition 20-005 is GRANTED

Petition 21-006 by Julio DaSilva Neto 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 (side and rear setback for addition) as per Plans RES-033701-2020 at the property known as and numbered **26 Wesmur Rd, Malden, MA and also known by City Assessor's Parcel ID #173-519-924**

All Statutory requirements have been met and this petition is properly before the board. This petition is being represented by Pedro Rolim , Contractor and the Home Owner Angelica Silva.

The petitioner had applied for a permit for a Kitchen Remodel, which was issued. The contractor called for a footing inspection. When the Building Inspector went to the property for this inspection, he found substantial work being performed that was not stated in the permit. A Stop Work Order was placed on the property and the Home Owner and Contractor complied.

This property had a porch attached to the home. The contractor torn down the porch and added a foundation for a kitchen addition. The Kitchen was gutted, had new framing with wiring and plumbing. It is possible for the kitchen to revert to its original size and the deck rebuilt with the new foundation beneath.

Open/Close to Public – no one spoke in favor or opposition of this petition.

Motion by Bilgen to allow to build an unconditioned 3 season porch onto the existing foundation with original dimensions was 2nd by King

Vote: Cramer – Yes, Sullivan – No, Sherwin- Yes, King – Yes, Bilgen – Yes
4 Yes 1 No - Motion approved

Adjourn 8:23 pm

Next Meeting May 19, 2021

Zoom Video Link:

https://cityofmaiden.zoom.us/rec/share/YsYQEMhO0oTlLe7BBRnMWIc5FdR8AIWqbR1esf_rpWqC_t9c5FIMubtrqoCeguk.2j5CDIJVeRMFvVGX