



City of Malden Massachusetts

Board of Appeal
215 Pleasant Street
Malden, MA

781-397-7000 x2151

Board of Appeal – Minutes
May 19, 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.

Additional information/guidelines for the public can be found here:

<https://www.cityofmalden.org/DocumentCenter/View/2487/Public-information-on-Public-Meetings-and-Hearings-during-the-Declared-State-of-Emergency-related-to-COVID19PDF>

Webinar ID: 945 5078 7409

Passcode: 750599

The Board of Appeal held a public hearing Wednesday, May 19, 2021 at 6:30 pm Eastern Time (US and Canada) via remote hearing.

Role Call:

N Cramer, W Sullivan, A Sherwin, J King, K Bilgen, D Senatillaka

Emily Kibbler resigned as she no longer resides in Malden

Minutes from April 21, 2021 Motion by Sullivan 2nd by King approved

Cramer-Yes, Sullivan-Yes, Sherwin-Yes, King-Yes, Bilgen-Yes

5 yes 0 nea minutes from April 21, 2021 are approved

PETITION 21-004

Tabled from: April 21, 2021

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.

Petition 21-0004 is being represented by the Homeowners Sheena Bonaventure and Joao Pereira

Petition 21-004 was tabled from April 21, 2021 to allow the petitioners a chance to redesign their deck plans.

The original design for the deck was 8' by 32'. The revised plan shows a redesign of deck to 6' by 32'.

The board cannot consider this revision.

The petitioners claim it is a safety issue for this length of deck due to rocky ledge on this side of the house that is also used as a 2nd means of egress.

When asked why a permit was not pulled before commencing work of the deck the petitioners claim they thought the city was shut down due to Covid. They were having other work performed in the yard (fence and asphalt) and felt they should address their safety concern regarding the rocky ledge of the side yard. However, Inspectional Services never shut down during this period and building inspectors were available during the Covid Pandemic.

Member King visited the site, took pictures and observed rubble and broken concrete around the footings of the deck. He believes the yard can be kept safe by maintaining and clearing the rocks and debris.

Member Bilgen offer a suggestion that a second of stairs could be added to the back of the landing, which will still require a variance but offer easier access to the side and back yard. The stairs could lead to a patio or walkway.

Building Commissioner, Nelson Miller, will be meeting with the petitioners at their property to discuss options with them. New plans must be submitted to the Board no later than June 9, 2021.

Motion to table petition 21-004 until June 16, 2021 was second by Bilgen. New plans must be filed by June 9, 2021.

Cramer-Yes, Sullivan-Yes, Sherwin-NO, King-Yes, Bilgen-Yes
4 to 1 petition 21-004 is tabled until June 16, 2021

Motion to adjourn by king was 2nd by Sullivan
Cramer-Yes, Sullivan-Yes, Sherwin-Yes, King-Yes, Bilgen –Yes

Zoom

<https://cityofmaiden.zoom.us/rec/share/vlx4safIA8AawBGEsLRgCsdFdYh0jF10a6JmjumLYLJ5OD6cxkYIXrzoBo9a0y54.Zo-nimNvwI0BXa3c>

