



# City of Malden Massachusetts

Board of Appeal  
215 Pleasant Street  
Malden, MA

781-397-7000 x2151

Board of Appeal – Minutes  
June 16, 2021

The Board of Appeal held a public hearing Wednesday, June 16, 2021 at 6:30 pm Eastern Time (US and Canada) at Malden City Hall, 215 Pleasant St, Malden, MA

This meeting was recorded by Urban Media Arts of Malden, MA

## Role Call:

N Cramer, W Sullivan, A Sherwin, J King, K Bilgen, D Senatillaka – late missed role call  
Minutes from May 19, 2021 - Motion by Sullivan 2<sup>nd</sup> by King approved  
Cramer-Yes, Sullivan-Yes, Sherwin-Yes, King-Yes, Bilgen-Yes  
5 yes 0 nea minutes from May 19, 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 Atty Roberto DeMarco

Petition 21-004 was tabled from May 19, 2021 as well 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 of June 9, 2021 shows a redesign of deck to 7' by 32'.

The petitioners admit they made a mistake erecting their deck without a permit. They are asking the board to allow the deck to remain as it will be a financial hardship to tear down the deck.

The Building Commissioner visited the property and noted that the deck could not be lowered due to the topography of the land. If the deck is decreased, it will have to be reconstructed.

Open to Public – In Support

No one appeared in support of this petition.

Open to Public in Opposition

The direct abutter Ms. Jaynes appeared in opposition. She noted that the petitioners mistake was by their own doing and that there is plenty of room in the back of the property for a deck.

Close to Public

Motion by King to deny this petition was 2<sup>nd</sup> by Sherwin – Sherwin immediately withdrew his second on this motion. Motion 2<sup>nd</sup> by Bilgen but offered that the petitioners could rebuild the deck to its original dimensions and could choose which direction the stairs may go either to the front or to the back of the house.

Bilgen – Yes, King-Yes, Sherwin – Yes, Sullivan – Yes, Cramer – Yes  
5 to 0 Petition 21-004 is DENIED

**Petition 21-007** by Wenling Huang 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 setback for deck) as per Plans RES-037365-2021 at the property known as and numbered 34 Tremont St, Malden, MA and also known by City Assessor's Parcel ID #074-242-214

All statutory requirements have been met and this petition is properly before the Board.  
This petition is being represented by Wenling Huang, Homeowner

Mr. Huang would like to add a deck to his home. The deck would violate the rear setback of 20'. However, the rear of this home is located within the rear setback and the deck would not increase the nonconformity.

The deck design cannot be lowered as it is also a 2<sup>nd</sup> means of egress.

Open to Public

The Board received a letter of support from Councilor Ryan O'Malley.  
No one appeared in opposition.

Motion to Approve Petition 21-007 by Sherwin was 2<sup>nd</sup> by Bilgen.  
Bilgen – yes, King – Yes, Sherwin – Yes, Sullivan – Yes, Cramer – Yes  
5 to 0 Petition 21-007 is GRANTED

Motion to adjourn at 7:09 pm by Sullivan was 2<sup>nd</sup> by King – all in favor

Next Meeting July 21, 2021

