



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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CASE NUMBER 17-10

LOCATION of SUBJECT PROPERTY 45 Holyoke Street, Malden, MA

NAME of PETITIONER David Chuha

NAME of OWNER Congregation Beth Israel

DATE of PUBLIC HEARING October 11, 2017

DATE of DECISION October 11, 2017

DATE of FILING DECISION with CITY CLERK October 25, 2017

DATE of NOTIFICATION to BUILDING INSPECTOR October 25, 2017

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT November 14, 2017

[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 #17-10):

1. Petitioner is the pending new owner and developer, David Chuha, 38 Hopkins Street, Reading, MA 01867.
2. Current owner is Congregation Beth Israel Ansei Litte of Malden, 10 Dexter Street, Malden, MA 02148.
3. 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 allow the change of use of a preexisting nonconforming property in the Residence A zoning district from religious facility to town/row dwelling.
4. The following plans were submitted with the petition: Site Plan, "Plot Plan of Land in Malden, MA," dated August 3, 2017, prepared by Paul J. Finocchio, P.L.S., PJF & Associates, Wakefield, MA, that depicts building footprint and parking layout; and set of plans, "45 Holyoke St. Townhouses, Malden, Massachusetts," dated August 31, 2017, unsigned, that includes a Proposed First Floor Plan, Proposed Second Floor Plan, Proposed Third Plan, Proposed Elevations, prepared by John Vining, Woburn, MA.
5. The public hearing complied with the notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #17-10):

The City of Malden Planning Board finds the following facts:

1. The subject property contains 6,750 square feet of lot area and is the site of a 2 ½ story building.
2. The property is not well-maintained and the building appears dilapidated, however, current owner still uses the property as a religious facility on an occasional basis.
3. The proposal is to demolish the existing building and construct a new building to be used as a residential dwelling, namely, a town/row dwelling containing three units.
4. Under the proposal, each unit will have two bedrooms; a combination kitchen, dining and living room; and a family room that comprises most of the ground level/first floor and includes a full bathroom.
5. The proposed new building will be three stories with a height of 30 feet at the roof midpoint and 35 to 37 feet at the roof ridge; and have a footprint of 1,452 square feet with dimensions of 22 feet in width by 66 feet in length.
6. The property is located in the Residence A zoning district.
7. The existing religious facility use is allowed in this district, per §300.3.3.5 of the Ordinance.
8. The proposed town/row dwelling use is prohibited in this district, however, may be allowed by special permit as a conversion of a preexisting nonconforming property, per §§300.3.2.4 and 700.1.3.1 of the Ordinance.
9. The direct abutters to the west are three-family dwellings; to the south, a three-family dwelling and a single-family dwelling; to the east, a two-family dwelling and a three-family dwelling; and to the north, on the other side of Holyoke Street, a six-unit multifamily dwelling and a four-family dwelling.

10. Surrounding land uses are residential, and mostly two and three-family dwellings.
11. The current religious facility use of the property has a lot area deficiency of 3,250 square feet or 33%; the existing building violates the front yard setback; and the property is preexisting nonconforming, per §§400.1.3.5 and 700.1 of the Ordinance.
12. The proposal increases the lot area deficiency to 12,000 square feet or 64%; maintains a front yard setback violation of 12 feet or 60%; and creates new violations of: frontage, namely, 26 feet or 33%; one side yard setback, namely, 9 feet or 60%; open space, namely, 200 square feet or 13%; density, namely, 1,250 square feet or 16%; and height, namely, 1/2 story or 20%; per §400.1.2.4 of the Ordinance.
13. The proposed open space is located in the front yard, side yards and rear yard, and the proposed areas do not comply with the minimum dimensions for usable open space, per §400.8.2 of the Ordinance.
14. The proposal sites the new building on the lot "sideways," with the front of the building facing the side and does not comply with the requirement that any residential dwelling must be situated on a lot so that the front door faces the front yard, per §400.7.10 of the Ordinance.
15. No parking is currently provided on-site; and the deficiency is preexisting nonconforming, per §§500.1.3.5 and 700.1 of the Ordinance.
16. The proposal requires six parking spaces, namely, one space per bedroom, per §500.1.2.4 of the Ordinance.
17. The proposal is to provide six parking spaces onsite in the rear yard, with access and egress via a proposed driveway, which will be located along the western side of the proposed building and require installation of a curb-cut on Holyoke Street, which will require DPW approval.
18. The proposed parking layout is nonconforming as to the width of the parking aisle, width of the driveway and landscaping of yard areas, per §§500.2.2, 500.2.3 and 500.2.20 of the Ordinance.
19. Under the proposal, the majority of the lot will be paved for the parking area and driveway.
20. The proposal represents an overuse of the property.
21. The Ward 7 City Councilor is in favor of the proposal.
22. Two residential abutters are in opposition to the proposal due to concerns with neighborhood congestion and parking issues.
23. The proposal will be more detrimental to the neighborhood.

DECISION (Case #17-10):

On October 11, 2017, pursuant to the foregoing Findings of Fact, the Planning Board denied the petition.

RECORD of VOTES (Case #17-10):

On October 11, 2017, the vote on the motion to deny the petition was eight in favor, one opposed, and the motion passed:

Antonucci, yes; Fitzgerald, yes; Gebreselassie, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Wolff, yes; Ioven, no.

Motion by Hayes, seconded by Fitzgerald.

[Absent: Chiu. Recused: Chuha.]

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.

By:

Malden Planning Board



Michelle A. Romero, City Planner