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CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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CITY CLERK'S OFFICE
MALDEN, MASS.

CASE NUMBER 14-14

LOCATION of SUBJECT PROPERTY 67-73 Summer Street, Malden, MA

NAME of PETITIONER Landmark Structures Corporation

NAME of OWNER The 69 Summer Street Realty Trust

DATE of PUBLIC HEARING October 8, 2014

DATE of DECISION October 8, 2014

DATE of FILING DECISION with CITY CLERK October 15, 2014

DATE of NOTIFICATION to BUILDING INSPECTOR October 15, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT November 4, 2014

[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 #14-14):

1. Petitioner, Landmark Structures Corporation, c/o Daniel Golden, 282 Montvale Avenue, Woburn, MA, is the authorized representative of the owner, The 69 Summer Street Realty Trust, c/o Leslie Fishman, 77 Redwood Road, Newton, MA.
2. The petition seeks to amend the special permit granted in Case #12-03 under §700.1.3.2, Chapter 12, Revised Ordinances of 1991, as Amended of the City of Malden ("Ordinance") to modify Condition 2 regarding parking for the preexisting nonconforming property.
3. The following plans were submitted in support of the petition: "Proposed Parking Plan & Grading and Drainage Plan," and "Details Sheet," for Project: "Plan of Land 67-73 Summer Street (Tax Map 21 Block 131 Lot 102) Malden, Massachusetts," dated September 8, 2014, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA.
4. Petitioner requests a waiver of filing requirements for floor plans and elevations because no changes to these areas are proposed.
5. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

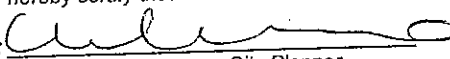
FINDINGS of FACT (Case #14-14): The City of Malden Planning Board finds the following facts:

1. All facts found in the special permit granted in Case #12-03, except as modified herein.
2. The building contains three storefront spaces on the first floor and six residential dwelling units on the second floor.
3. The building is currently vacant and has undergone substantial renovation, including work allowed by the special permit granted in Case #12-03, which is complete.
4. The proposal is to amend the current special permit granted in Case #12-03 to modify Condition 2, which provides, "Repair/repave parking lot and line for a minimum of 40 parking spaces, dimensions and layout in accordance with Section 500; submit to City a site plan that includes the parking layout."
5. Owner agreed to the subject Condition 2 during the course of the public hearing regarding Case #12-03, however, before the parking layout was actually designed, and later realized that a parking layout with forty (40) spaces was not feasible.
6. The proposed site plan depicts twenty-two (22) parking spaces, of conforming dimensions; configured as head-on and with access by conforming aisles; and more than the required amount of snow storage.
7. The proposal creates a parking nonconformity regarding number of spaces, given that twelve spaces are required for the residential dwelling units, per §500.1.2.5 of the Ordinance; and for the first floor, fifteen spaces will be required for most business uses, such as retail sales/services or general offices, and forty-six spaces will be required for restaurant use, per §500.1.4 of the Ordinance.
8. The property is located in close proximity to the Malden Center MBTA rapid transit station and directly abuts a public parking garage.
9. Owner is working with the City and Malden Redevelopment Authority to identify commercial tenants for the first floor.
10. The proposal includes installation of a drainage system in the parking lot, which the City Engineer has reviewed and found to be adequate to meet the needs of the stormwater collection for the property.
11. The proposal also includes grading and landscaping the parking lot, including pruning and maintenance of existing trees.
12. There is no public opposition to the proposal.
13. The proposal will not be more detrimental to the neighborhood.

DECISION (Case #14-14): Pursuant to the foregoing Findings of Fact, the Planning Board moved to amend the special permit granted in Case #12-03 and to grant a new special permit subject to the following seven (7) conditions, and the motion passed: 1) Install complete sprinkler system and Type 1 fire alarm system with notification to Fire Dept. on activation, as per memorandum dated February 28, 2012 from the Malden Fire Dept.; 2) Repair/repave parking lot and line for a minimum of 22 parking spaces with parking layout as per parking plan/site plan dated September 8, 2014; 3) Install cautionary signage on the property/building, at site driveway entrance for vehicles exiting, i.e., "slow: pedestrians crossing," and at sidewalk for pedestrians crossing, i.e., "vehicles exiting;" 4) Comply with requirements described in correspondence dated March 13, 2012 from Board of Health/Department of Public Health which are incorporated herein by reference; 5) Clear yard and parking lot of all debris and overgrown vegetation and maintain clean; 6) Grade, install and maintain drainage system in parking lot, as per plan dated September 8, 2014; minor modifications of proposed system are allowed, subject to approval of City Engineer; and 7) All parking onsite shall be for exclusive use of the residential and commercial tenants of the building.

RECORD of VOTES (Case #14-14): The vote on the motion to grant a special permit with conditions was 7 in favor, none opposed: Antonucci, yes; Billings, yes; Chuha, yes; Cipriano, yes; Danca, yes; Lawhome, yes; Ioven, yes.

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.

Malden Planning Board By: 
Michelle A. Romero, City Planner