



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

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CASE NUMBER 14-16

LOCATION of SUBJECT PROPERTY 315 Clifton Street, Malden, MA

NAME of PETITIONERS and OWNERS Xiang Qing Li and Jing Chen

DATE of PUBLIC HEARING November 12, 2014 DATE of DECISION November 12, 2014

DATE of FILING DECISION with CITY CLERK November 17, 2014

DATE of NOTIFICATION to BUILDING INSPECTOR November 17, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT December 8, 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.]

CITY CLERK'S OFFICE
MALDEN, MASS.

PROCEDURAL HISTORY (Case #14-16)

1. Petitioners are the owners, Xiang Qing Li and Jing Chen, 17 Russell Court, Malden, MA 02148.
2. The petition seeks a special permit under §700.1.3.1, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden, to change the preexisting nonconforming use of property in the Residence A zoning district to residential use, namely, to convert a dental office to a residential dwelling unit, and establish two-family residential use of the property.
3. The following plans were submitted with the petition: "Two-Family Residential Renovation, Change of Use 315 Clifton Street, Malden, MA," dated September 19, 2014, prepared by Chalermopol Intha, Reg. Architect, The Architects Forum Inc., Newton, MA, including demolition, existing and proposed floor plans; and a site plan, "Certified Plot Plan located at 315 Clifton Street Malden, MA," dated October 16, 2014, prepared by George C. Collins, P.L.S., Boston Survey, Inc., Charlestown, MA.
4. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #14-16):

The City of Malden Planning Board finds the following facts:

1. The property is located on the corner of Clifton Street and Highland Avenue and is the site of a 2 ½ story principal building and a single-story accessory garage.
2. The proposal is to alter and convert the first floor from a dental office to a second residential dwelling unit, approximately 1456 square feet in size, with three (3) bedrooms; and to renovate the existing dwelling unit, approximately 2395 square feet total in size, comprised of 1325 square feet on the second floor and 1070 square feet on the third floor, and expand this unit from three to five bedrooms, by constructing two bedrooms on the second floor.
3. Under the proposal, the property would be used as a two-family residential dwelling.
4. No changes are proposed to the building's footprint or height.
5. The property is located in the Residence A zoning district.
6. The existing single-family residential use is allowed in this district, per §300.3.2.1 of the Ordinance.
7. The most recent dental office use, to be eliminated under the proposal, is now classified as medical center use, prohibited in this district and considered preexisting nonconforming, per §§300.3.4.8 and 700.1 of the Ordinance.
8. The proposed two-family residential use is prohibited in this district, per §300.3.2.2 of the Ordinance.
9. The direct abutter to the north is a two-family dwelling; to the east, a three-family dwelling; to the south, on the other side of Clifton Street, a two-family dwelling; and to the west, a public park, Amerige Park.
10. Surrounding land uses are single, two and three-family residential dwellings.
11. The property violates current dimensional controls for lot area, one side yard and rear yard setback and is preexisting nonconforming, per §§400.1.2.1, 400.1.4.8, 400.2 and 700.1 of the Ordinance.
12. The proposal maintains the existing side and rear yard setback violations and increases the lot area nonconformity, per §§400.1.2.2.1 and 300.19.1 of the Ordinance.

13. The existing use of the property requires a total of twelve offstreet parking spaces, namely, two for the single-family dwelling use and ten for the dental office use, per §§500.1 and 500.2.18 of the Ordinance.
14. The proposed two-family dwelling use requires seven parking spaces, per §300.19.2 of the Ordinance.
15. The site plan depicts six parking spaces on-site: four, configured as two sets of tandem spaces in the driveway, and two in the garage located at the end of the driveway, accessed via Highland Avenue.
16. The existing parking violation is preexisting nonconforming, per §700.1 of the Ordinance.
17. The proposal reduces the existing parking nonconformity.
18. On-street parking is allowed on Clifton Street and Highland Avenue adjacent to and/or near the property, subject to restrictions posted by signage, and there is an MBTA bus stop on Clifton Street adjacent to the property.
19. Residential abutters expressed concerns about existing parking and traffic congestion in the area; future conversion or expansion of the residential use of the property; and overcrowding of dwelling units and illegal use of other property in the neighborhood as rooming houses.
20. The Ordinance and state sanitary, building and fire codes regulate the number of persons that may occupy a dwelling unit.
21. Petitioner was informed that the Ordinance restricts each dwelling unit to occupancy by only one family, as defined by the Ordinance, or by no more than two unrelated persons.
22. Petitioner was informed of the City's laws that require, if the owner does not occupy the property, the dwelling units will be subject to the City's Rental Unit Inspection Ordinance, per Section 9.40, Chapter 9, Public Health, Revised Ordinances of 1991 as Amended, of City of Malden.
23. Petitioner and his immediate and extended family intend to reside in both units.
24. Whereas each unit will contain a washer and dryer, no laundry is planned in the basement.
25. The proposal will not be more detrimental to the neighborhood.
26. Petitioner consents to the proposed condition of this special permit.

DECISION (Case #14-16):

Pursuant to the foregoing Findings of Fact, the Planning Board moved to grant the special permit subject to the following condition, and the motion passed: 1) Basement may be used only for storage, laundry and/or utilities.

RECORD of VOTES (Case #14-16):

On November 12, 2014, the vote on the motion to grant a special permit with one condition was 9 in favor, none opposed:

Billings, yes; Chiu, yes; Chuha, yes; Cipriano, yes; Danca, yes; Hayes, yes; Lawhorne, yes;
Mzaouakk, 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.

By: 
Michelle A. Romero, City Planner