



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

RECEIVED

CASE NUMBER 14-20

LOCATION of SUBJECT PROPERTY Fellsway East, Malden, MA (City Assessor's Parcel ID #003 024 401)

NAME of PETITIONER Deanna Centrella

NAMES of OWNERS Andrea C. Willey Trust and Pamela A. Manahan Trust

DATE of PUBLIC HEARING December 10, 2014

DATE of DECISION December 10, 2014

DATE of FILING DECISION with CITY CLERK December 19, 2014

DATE of NOTIFICATION to BUILDING INSPECTOR December 19, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT January 8, 2015

[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.]

2014 DEC 19 A 9:53

CITY CLERK'S OFFICE
MALDEN, MASS.

PROCEDURAL HISTORY (Case #14-20):

1. The petitioner, Deanna Centrella, is the authorized representative of property owners, Andrea C. Willey Trust and Pamela A. Manahan Trust, 28B Richardson Avenue, Wakefield, MA 01880; and petitioner is represented by her husband, Anthony Centrella, 28 Birch Street, Everett, MA 02149.
2. The petition seeks a special permit under §700.13, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to remove ledge and alter the grades of the lot by more than 25%.
3. The following plans and information were filed in support of the petition:
 - a) Set of plans, "Site Plan 0 East Fellsway (Tax Map 3, Block 24 Lot 401) Malden, Massachusetts," dated February 3, 2014, revised April 11, 2014, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA, including site plan, cross sections, erosion control plan.
 - b) Correspondence dated October 28, 2014 from Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA, describing the project.
 - c) "Rational Method Drainage Calculations," dated February 13, 2014, and "Roof Infiltration System Calculations," dated February 3, 2014, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA.
 - d) Correspondence dated August 7, 2014 and September 16, 2014 from Richard J. Groll, Industrial Seismologist, Hollis, NH, re: proposed ledge removal and excavation.
 - e) Correspondence dated February 3, 2014 from Glen V. Zoladz, P.E., Geotechnical Services, Inc., Weare, NH, re: pre-ledge removal survey.
 - f) Set of elevation drawings (4 pages), "0 East Fellsway Tax Map 3 Block 24 Lot 401 Malden, MA," undated and unsigned.
 - g) "Floor Plans 0 Fellsway East (Tax Map 3 Block 24 Lot 401) Malden, Massachusetts," dated February 19, 2014, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA.
4. The public hearing complied with the statutory notice requirements of Massachusetts General Laws, c. 40A, §11.

FINDINGS of FACT (Case #14-20):

The City of Malden Planning Board finds the following facts:

1. The property is a vacant parcel of land approximately 1.16 acres in size and containing approximately 50,402 square feet.
2. The proposal is to remove ledge from the property and to alter the grades of the lot to prepare for the siting of two, single-family dwellings, one on each of two new lots to be created via the subdivision control process.
3. Each proposed dwelling has four bedrooms; approximately 2,600 square feet of gross floor area; a paved driveway and two-car garage below grade; 2 ½ stories above the garage and on "slab on grade" foundations; and terraced yards.
4. The siting of the proposed dwellings and terracing of the yards are designed to minimize the amount of ledge to be removed, and the existing rock and topography of the lot is proposed to be integrated into the foundations, retaining walls and stairs of the dwellings.
5. Under the proposal, no ledge or land will be disturbed beyond the point beginning approximately 25 feet from the rear of each proposed dwelling, which ranges from approximately 55 to 70 feet from the front property lines.
6. The total excavation for both dwellings is approximately 1,375 cubic yards, consisting of approximately 10 to 15% soil and 85 to 90% ledge.
7. The proposal is to remove the ledge by mechanical processes, namely, hydraulic drilling and splitting, by a method known as "feather and wedge."
8. The proposal does not include blasting, chipping, hammering, or ledge removal by combustible products or any other mechanical means.
9. The proposed "feather and wedge" method uses a hydraulic drill on a track rig, with attached vacuum system to collect dust, to drill holes into the ledge, 2-inches in diameter, in incremental layers/levels of 4 to 8 feet; and an excavation machine to hydraulically insert a tapered rod/pin into tubes inserted into the holes, which creates pressure that fractures or splits the ledge.
10. According to petitioner's seismologist, the level of vibration produced by the proposed ledge removal method, "feather and wedge," is less than that produced by the hydraulic drill; and the level of vibration produced by the drill is projected to be at the lowest threshold of human perception at the property lines and below the level of human perception at the nearest residences.
11. According to petitioner's seismologist, there is no property damage potential from vibrations generated by the proposed ledge removal method.
12. According to the Malden Fire Chief, the proposed ledge removal method, "feather and wedge," is safe, however, a drilling plan will be required and a seismograph must be placed on the closest property during the drilling process.
13. The Malden Board of Appeal granted a variance of yard requirements on September 18, 2014 subject to the conditions: 1) The Petitioner shall have a licensed hydraulic operator in-site at all times during ledge removal; and 2) The list of conditions submitted to the Board and agreed upon between the petitioner and abutters shall be submitted to the Planning Board and incorporated in the Planning Board's decision as agreed upon.
14. The Planning Board received from the Board of Appeal the list referenced by Condition 2 of the variance, which describes the eight points agreed to by the developer and neighbors concerning work hours; traffic; method of ledge removal; survey of properties; ledge to be reused; water infiltration and dislodgement of ledge; and development of rear yards.
15. Petitioner's husband is the developer and he himself will perform the ledge removal.
16. Petitioner estimates approximately 1,000 cubic yards will be removed from the site and the remainder will be reused on the site.
17. Petitioner will not process or reconfigure on the site the ledge that will be reused.
18. Petitioner will perform all ledge removal work, including trucking, only during the hours of 8 am to 3 pm, and only Monday through Friday.
19. Petitioner estimates that it will take a total of 6 to 8 weeks to remove the ledge from the rock formation at both sites, including drilling but excluding trucking.
20. Petitioner intends to stockpile ledge on site before removing it and estimates that it will require forty (40) trucks to remove the ledge from the site.
21. Petitioner's proposed construction truck traffic route involves a difficult U-turn and requires traveling through a busy and dangerous nearby rotary.
22. Petitioner's use of adjacent neighborhood roadways for truck traffic is not safe or appropriate.
23. The roadway which provides frontage for the property, Fellsway East, is under the jurisdiction of the state Department of Conservation and Recreation ("DCR"), and any curb-cuts and any excavations will require DCR permits and State Police details.

24. The Ward City Councilor will work with the Malden Police Chief, Director of Department of Public Works and the developer to establish the construction truck traffic route, in conjunction with the DCR and any other appropriate state agencies.
25. The proposal includes terracing the yards with soil and installing a roof infiltration subsurface system to mitigate drainage impacts of the proposal.
26. According to petitioner's engineer, under existing conditions there is currently a high level of run-off due to the existing ledge, and the proposal will reduce rates of run-off, improve stormwater management and cause no adverse impact to abutting properties.
27. The drainage calculations, plans and proposal were reviewed by the City Engineer.
28. The Erosion Control Plan proposes use of siltation fence and hay bales along the northern and southern (side) and western (front) yards to ensure no sediment is released off the site and to mitigate water runoff during construction.
29. Any special permit granted to remove ledge shall subject to those conditions described in §700.13.4 of the Ordinance, which require a pre-ledge removal survey of all buildings within 300-feet of the property lines of the subject property; locating a seismograph on the site at all times, and placed at such distances as determined by the geotechnical professional engineer, with a copy of all tapes to be submitted on a daily basis to the Fire Marshall; maintaining liability insurance of a minimum of \$1,000,000.00/\$3,000,000.00, with the City of Malden named as a loss-payee; hiring of such fire details as the Fire Chief deems appropriate in his reasonable discretion; hiring of such police details as the Police Chief deems appropriate in his reasonable discretion; and delivering of written notice to all premises within 300 feet of the property lines of the subject property, indicating the date(s) of activity and the hours of beginning and ending daily.
30. The property is located in the Residence A zoning district.
31. The proposed single-family dwelling use is allowed in this district, per §300.3.2.1 of the Ordinance.
32. All direct abutters to the north and east are single-family dwellings; to the south, two-family dwellings; and to the west, single-family dwellings.
33. Surrounding land uses are single and two-family residential dwellings.
34. The property complies with all dimensional controls for the proposed two lots for single-family dwellings, except the front yard setback, and the requirement to pave no more than 50% of the front yard/landscape no less than of 50% of the front yard, per §§400.1.2.1 and 400.7.9 of the Ordinance; and the Board of Appeal granted a variance of these requirements on September 18, 2014.
35. Petitioner asserts that the proposal complies with the height requirements for retaining walls and ledge cuts, per §400.7.8 of the Ordinance.
36. The proposal provides more than the required two offstreet onsite parking spaces for each dwelling, per §500.1.2 of the Ordinance.
37. Before construction begins, petitioner will create an onsite staging area for its trucks, equipment and parking.
38. Petitioner will begin this winter; develop one site at a time; and expects the foundation and framing of the dwellings to take 12 to 16 weeks.
39. Petitioner and its seismologist met several times with the Ward City Councilor and residents of the surrounding neighborhood.
40. Some residential abutters support the proposal, subject to petitioner's addressing and adhering to the points presented and agreed to by petitioner and neighbors at the public hearing of the Board of Appeal regarding the variance.
41. Some residential abutters oppose the proposal, due to concerns with the size of the proposed dwellings, potential impacts of removal of the proposed ledge, and safety concerns regarding construction truck traffic.
42. The Ward City Councilor does not oppose the proposal, provided that the proposed conditions of the special permit are met.
43. As modified by the conditions of this special permit, the proposal is not detrimental to the neighborhood.
44. As mitigated by the conditions of this special permit, the proposal will not adversely affect the general welfare or public safety.
45. Petitioner consents to all proposed conditions of the special permit.

DECISION (Case #14-20):

Pursuant to the foregoing Findings of Fact, the Planning Board moved to grant a special permit subject to the following seventeen (17) conditions, and the motion passed:

1. All development shall be as per plans.
2. All ledge/rock removal may only by hydraulic drilling and splitting, namely, "feather and wedge," and no ledge removal by blasting or any other mechanical means is allowed.
3. During site development, implement erosion controls as per plan.
4. Conduct pre-ledge removal video survey of all buildings within 300-feet of property lines of subject property and provide video to property owner.
5. During any ledge removal activity, place seismograph on site and at the property nearest the activity; submit seismograph tapes to Fire Chief for review daily.
6. Maintain liability insurance of a minimum of \$1,000,000.00/\$3,000,000.00, with the City of Malden named as a loss-payee.
7. During site development, hire fire details as the Fire Chief deems appropriate in his reasonable discretion.
8. During site development, hire State Police detail; and hire local police details as the Police Chief deems appropriate in his reasonable discretion.
9. Provide written notice to be delivered to all premises within 300 feet of the property lines of the subject property, indicating the date or dates of ledge removal activity will be conducted and the hours of beginning and ending daily for the same.
10. All retaining walls must comply with Sections 400.7.8 and 700.10 of this Ordinance.
11. Work hours for all ledge removal are restricted to 8 am to 3 pm, Monday through Friday; no ledge removal or exterior commercial construction work allowed on weekends.
12. Maintain in perpetuity a "no-disturb" buffer zone that begins no less than seventy (70) feet from the western (front) property line and extends to the rear (eastern) and side (northern and southern) property lines; no ledge, soil or vegetation may be removed from, and no development may occur in, this zone.
13. Subdivide property via Approval Not Required subdivision control process to create two new lots, with boundaries as per Site Plan; no further subdivision shall be allowed.
14. Install siding to cover exposed foundations on northern and southern sides of each dwelling.
15. Obtain state DCR approvals for any excavations and curb-cuts of the Fellsway East.
16. Ledge removed may be reused onsite but may not be processed or reconfigured onsite.
17. A construction truck traffic route shall be agreed to by the Ward City Councilor and the developer.

RECORD of VOTES (Case #14-20):

The vote on the motion to grant a special permit with conditions was 9 in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Cipriano, yes; Danca, yes; Hayes, yes; Henry, yes; Lawhorne, 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