



**CITY of MALDEN PLANNING BOARD
NOTICE of DECISION**

CASE NUMBER 20-09

LOCATION of SUBJECT PROPERTY 37-43 Madison Street, Malden, MA

NAME of PETITIONER and OWNER Steven Catino

DATE of PUBLIC HEARING August 26, 2020

DATE of DECISION August 26, 2020

DATE of FILING DECISION with CITY CLERK September 2, 2020

DATE of NOTIFICATION to BUILDING INSPECTOR September 22, 2020

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT September 22, 2020

[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 #20-09):

1. The subject property is known as and numbered 37-43 Madison Street and by City Assessor's Parcel Identification #062 308 805.
2. Petitioner is the owner, Steven Catino, 17 Eastern Avenue, Stoneham, MA.
3. At the public hearing, petitioner represented himself, with his brother, Patrick Catino.
4. The petition (Permit # CMID-030911-2019) seeks a special permit under Section 12.28.010(D) of Chapter 12, Revised Ordinances of 2020 as Amended for a special permit and to amend the special permit granted in Case #04-03, to allow conversion of the former commercial storefront to an additional residential dwelling unit.
5. The following plans were submitted in support of the petition: Site plan, "Plot Plan of Land 37-43 Madison Street Malden, MA Prepared for Steven G. Catino," dated August 7, 2019, prepared by Michael A. Coleman, P.L.S., A-Plus Construction Services Corp., Norwell, MA; floor plans, "Floor plans, 37-43 Madison Street Malden, MA," dated August 20, 2019, prepared by Vision Design & Construction, Inc., Wakefield, MA; and building elevations, "Elev. Dwsgs. 37-43 Madison Street Malden, MA," dated August 20, 2019, prepared by Vision Design & Construction, Inc., Wakefield, MA.
6. In accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, Massachusetts General Laws, Chapter 30A, §18, and Governor Baker's March 23, 2020 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, and due to the COVID-19 pandemic, the public hearing was held virtually and members of the public attended and participated remotely via technological means.
7. The public hearing complied with the notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #20-09):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a multifamily dwelling with six units: two, one-bedroom units on the basement level, 504 and 544 square feet in size; two, one-bedroom units on the first floor, 692 and 700 square feet in size; two, three-bedroom units with space on the second and third floors, each with a den and 896 square feet in size; and a former commercial storefront on the first floor, 329 square feet in size.
2. Under the proposal, the commercial storefront portion of the building will be converted from residential storage use to a seventh dwelling unit, and the property will have seven dwelling units with a total of eleven bedrooms.
3. There are no changes are proposed to the existing six dwelling units.
4. The proposal requires an amendment of the prior special permit granted in 2004 in Case #04-03, which modified conditions of a previous special permit granted in 1996 in Case #96-23, which allowed conversion of the commercial storefront to residential storage.
5. The property is located in the Residence B zoning district.
6. The existing and proposed continued multifamily dwelling use, up to three stories, is allowed by special permit in this district, per §12.20.030 of the Ordinance.
7. Direct abutters to the west are a two-family dwelling and motor vehicle repair shop; to the north, the Northeastern Strand Community Trail/Bike to the Sea, a public multimodal path on the abandoned Boston & Maine Saugus Branch railroad right-of-way; to the east, a single-family dwelling, and to the south, on the other side of Madison Street, a single-family dwelling used as a church rectory, and a 16-unit multifamily dwelling.
8. The Industrial 1 zoning district abuts the property to the north and surrounding land uses are industrial and business to the north of the Trail; and the Residence A zoning districts begins on the southern side of Madison Street and surrounding land uses are residential, except for a church parking lot.

9. The property does not comply with current requirements for lot area, front yard and side yard setbacks, and the property is considered preexisting nonconforming, per §12.28.010(A) of the Ordinance.
10. The proposal creates no new violations and maintains the existing nonconformities.
11. The current use of the property is exempt from current requirements and complies with applicable requirements to provide nine parking spaces on-site, per §12.28.010(A) of the Ordinance.
12. The proposed studio dwelling unit requires one parking space, and the proposed multifamily dwelling with seven units and eleven bedrooms will require a total of eleven parking spaces, namely, one space per bedroom or studio, in accordance with §12.20.010 of the Ordinance.
13. Offstreet, on-site parking is currently provided in a paved lot, located in the rear yard, with access/egress via a driveway of nonconforming width that runs along the eastern side of the dwelling, with an existing curb-cut on Madison Street.
14. Under the proposal, the existing parking lot will be expanded to provide eleven parking spaces, and the parking area and driveway will be repaved.
15. Petitioner intends to install vinyl privacy fencing along the side property lines that abut residences, and along the rear property line, with a gate, to allow cleaning of litter and vegetation along the Trail and access to the Trail.
16. Petitioner intends to install new windows and paint the exterior of the proposed new dwelling unit and to install a patio in the front yard, adjacent to the new unit.
17. According to petitioner, the existing dwelling units have storage and the subject space is not needed for storage.
18. According to petitioner, the dens in the two, three-bedroom units are not used as bedrooms.
19. Petitioner intends to upgrade the fire suppression system and install a sprinkler system for the entire building.
20. The Ward 1 City Councilor and one of three City Councilors at Large support the proposal.
21. There is no public opposition to the proposal.
22. The proposal will not be more detrimental to the neighborhood, as modified by the proposed conditions.
23. Petitioner consents to all conditions of the special permit.

DECISION (Case #20-09):

On August 26, 2020, the Planning Board modified the special permit granted in Case #04-03 and granted a new special permit, subject to the following ten conditions:

1. All development shall be as per plans, which are incorporated herein by reference, and except as modified by these conditions.
2. The maximum total number of bedrooms at the property is eleven; the dens in the two second floor units may not be used as bedrooms.
3. The porches/decks may not be enclosed.
4. Install eleven parking spaces on-site, as per plan; pave parking area and driveway.
5. Repair/replace sidewalks and curbing adjacent to property, to satisfaction of DPW Director, including any damage during construction.
6. A temporary construction dumpster may be allowed; no permanent dumpster is allowed at the property.
7. Maintain landscaped yard areas and open space as grass, as depicted on the plan, except where new pavement is proposed, as per plan; except where trees and shrubs were removed from rear yard; and except for proposed pervious patio in front yard.
8. Install sprinkler system.
9. Install vinyl fence along northern property line with gate and western and eastern property lines abutting residential properties.
10. Maintain clean the portion of Northern Strand Community Trail/Bike to Sea Path that abuts property.

RECORD of VOTES (Case #20-09):

On August 26, 2020, the vote on the motion to grant a special permit with conditions was nine in favor, none opposed, and the motion passed (9-0):

Chuha, yes; Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes.

Motion by Chuha, seconded by MacCuish.

Absent: Antonucci, Fitzgerald.

I, hereby certify that the above is a true copy of the decision of the Malden Planning Board.

By: _____
Michelle A. Romero, City Planner