



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

CASE NUMBER 21-05

LOCATION of SUBJECT PROPERTY 11 Cross Street, Malden, MA

NAME of PETITIONER and OWNER 10-16 Greenwood Court LLC

DATE of PUBLIC HEARING April 28, 2021

DATE of DECISION April 28, 2021

DATE of FILING DECISION with CITY CLERK May 4, 2021

DATE of NOTIFICATION to BUILDING INSPECTOR May 4, 2021

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT May 24, 2021

[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 #21-05):

1. The subject property is known as and numbered 11 Cross Street and by City Assessor's Parcel Identification #078 354 410.
2. Petitioner is the property owner, 10-16 Greenwood Court LLC, 148 Main Street, Malden, MA, c/o Andreas Tsitos, 12 McCall Road, Winchester, MA.
3. At the public hearing, petitioner was represented by its contractor, Scott M. Fitzpatrick, Scott M. Fitzpatrick & Son, LLC, 67 Maplewood Street, Malden, MA.
4. The petition filed in permit application Permit Application #CMID-032572-2020 seeks a special permit under Section 12.12.030 of Chapter 12, Revised Ordinances of 2020 (the "Ordinance") to allow offsite parking facility use of property in the Neighborhood Business zoning district.
5. The following plans and information were submitted with the petition: set of plans, "Proposed Parking Lot 11 Cross Street (Tax Map 78 Block 354 Lot 410) Malden Massachusetts," dated July 14, 2020, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc., Saugus, MA, that includes Existing Conditions Plan, Site Layout Plan, and Grading and Drainage Plan; and a report, "Drainage Calculations and Stormwater Management Plan for the Proposed Parking Lot Located at 11 Cross Street(Tax Map 78 Block 354 Lot 410) Malden Massachusetts," dated July 14, 2020, prepared by Richard A. Salvo, P.E., Engineering Alliance, Inc.
6. In accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. c. 30A, §18, Governor's March 23, 2020 Revised Guidance on Order by the Governor Prohibiting Assemblage of More than Ten People, and Governor's COVID19 Order No. 63, the public hearing were held virtually and petitioner and the public attended and participated remotely via technological means.
7. The public hearing on the petition was held concurrently with the public hearing on a related petition seeking a special permit to allow multifamily dwelling use of two nearby properties, namely, the petition filed in permit application #CMID-034537-2020 for 91-95 Main Street per Section 12.28.010.D.1 of the Ordinance, to allow the alteration, structural change and change of use of preexisting nonconforming property in the Residence A zoning district, and in permit application #CMID 036483-2020 for 97-101 Main Street per Sections 12.12.030 and 12.28.010.E of the Ordinance, to allow the alteration, structural change, extension and change of use of preexisting nonconforming property in the Neighborhood Business zoning district, for which the Planning Board rendered a decision in Case #21-04.
8. 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 #21-05):

The City of Malden Planning Board finds the following facts:

1. The subject property is the former site of a two-family dwelling destroyed by fire in 2010 and is now vacant land, with dirt and grass, and currently used for parking.
2. The proposal is to construct an open air, offstreet parking lot containing nine spaces and includes installation of a subsurface drainage system, retaining walls, and landscaping.
3. Under the proposal, the parking spaces would be used by residents of the proposed multifamily dwelling with nine units at the nearby properties, 91-95 Main Street and 97-101 Main Street.
4. The property is located in the Neighborhood Business zoning district.
5. Offsite parking facility use is allowed by special permit in this district, per §12.12.030 of the Ordinance.

6. The direct abutter to the south is a four-family dwelling; to the east, a four-family dwelling; to the west, on the other side of Greenwood Court, a furniture manufacturing business; and to the north, on the other side Cross Street, a two-family dwelling.
7. Surrounding land uses are residential and business.
8. The property does not conform to dimensional controls for lot area and frontage for the proposed offsite parking facility use, per §12.16.010 of the Ordinance, and the Board of Appeal granted a variance of dimensional controls on July 8, 2020.
9. The proposed parking facility does not provide the required screening area of three feet in width, per §12.12.040.E of the Ordinance, and the Board of Appeal granted a variance of parking requirements regarding screening on July 8, 2020.
10. The proposal provides the required snow storage area, per §12.20.020 of the Ordinance.
11. The proposal must comply with requirements for offsite parking facilities regarding paving of surfaces, lighting, landscaping and bicycle parking, per §12.12.090.B of the Ordinance.
12. At the public hearing, petitioner stated it will make improvements to roadway paving, sidewalks and trees.
13. There is no on-site parking at nearby properties, 91-95 Main Street and 97-101 Main Street; on-street parking in the area is limited; and the proposed parking facility may be used by area businesses or residents.
14. The City Engineer reviewed the proposal and provides recommendations for requirements in a memorandum dated April 27, 2021.
15. The Ward 1 City Councilor, one of the three City Councilors-at- Large, the owner of an abutting property and one Malden resident are in favor of the proposal.
16. There is no public opposition to the proposal.
17. One residential abutter expressed concerns regarding pedestrians in that area.
18. As modified by the conditions of the special permit, the offsite parking facility is not detrimental to the public good.

DECISION (Case #21-05):

On April 28, 2021, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit, subject to the following eight conditions:

- 1) The offsite parking facility may contain a maximum of nine parking spaces.
- 2) Parking layout shall be as per site plan.
- 3) Install and maintain on-site drainage system, as per plan, subject to City Engineer's review, approval and reasonable modifications requested.
- 4) Obtain open air parking license from City Council.
- 5) All surfaces used or intended for the use of wheeled vehicles shall be paved with an all-weather dust free pavement.
- 6) Provide lights and locate to be shielded from streets and adjoining properties.
- 7) Install, repair or replace sidewalks, driveways and perform necessary incidental work adjacent to the property to the reasonable satisfaction of the DPW Director.
- 8) Compliance with recommendations and requirements stated in the memorandum from the City Engineer dated April 27, 2021.

RECORD of VOTES (Case #21-05):

On April 28, 2021, the vote on the motion to grant the special permit with eight conditions was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Chuha, yes; Fitzgerald, yes; Gebreselassie, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes.

Motion by Antonucci, seconded by Henry. [Absent: Ferguson, Gray.]

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

By: 
Michelle A. Romero, City Planner