



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

RECEIVED

2015 MAY 27 P 1:55

CITY CLERK'S OFFICE  
MALDEN, MASS.

CASE NUMBER 15-04

LOCATION of SUBJECT PROPERTY 155 Main Street, Malden, MA

NAME of PETITIONER and OWNER Huang Hai Feng

DATE of PUBLIC HEARING May 13, 2015

DATE of DECISION May 13, 2015

DATE of FILING DECISION with CITY CLERK May 27, 2015

DATE of NOTIFICATION to BUILDING INSPECTOR May 27, 2015

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 16, 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.]*

PROCEDURAL HISTORY (Case #15-04):

1. Petitioner is the owner, Huang Hai Feng, 172 Willis Avenue, Medford, MA 02155.
2. Petitioner's authorized representative is Edmund Yu, of EY Construction, 20 Holm Court, Malden, MA 02148.
3. The petition seeks a special permit under §700.1.3.1, Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance"), to alter, structurally change and extend a preexisting nonconforming property in the Residence A zoning district and to change use of the property from preexisting nonconforming business use to nonconforming residential use.
4. The following plans were submitted with the petition: "Site plan, "Proposed Addition Location Plan 155 Main Street Malden, Mass." dated November 3, 2014, prepared by Antoni Szerszunowicz, P.L.S., Paul Lindholm, P.E., Civil/Environmental Consulting, Dedham, MA; "Proposed Change of Use & Addition 155 Main Street Malden, MA," "Proposed Floor Plans" and "Existing Floor Plans," dated October 30, 2014, prepared by Arthur K.F. Choo, Choo & Company, Inc., Quincy, MA; and "Proposed Elevations, Proposed Change of Use & Addition 155 Main Street Malden, MA," dated October 30, 2014, prepared by Arthur K.F. Choo, Choo & Company, Inc., Quincy, MA.
5. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #15-04):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a two-story principal building and an accessory shed.
2. The first floor is vacant and was most recently used for a medical/dental office; the second floor is occupied as a single-family dwelling unit on the second floor; there is no basement; and the building shares the northern side wall with the abutting property, 159 Main Street, which was originally part of the same property.
3. The proposal is to eliminate the medical/dental office use and convert the first floor to a residential dwelling unit with three bedrooms and 945 square feet in size; to renovate the existing second floor and construct an addition, 17.1 feet by 11.5 feet and 196 square feet in size, and thereby expand the existing dwelling unit from two to three bedrooms and a total new size of 867 square feet.
4. Under the proposal, the property would be used as a two-family residential dwelling.
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 medical/dental office use, now classified as medical center use, is 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. In the Residence A zoning district, a preexisting nonconforming business use may be converted to nonconforming residential use by special permit, per §700.1.3.1 of the Ordinance.

10. Direct abutters to the north, south and east are two-family dwellings; and to the west, on the other side of Main Street, is a public park, Bell Rock Park.
11. Surrounding land uses are residential and mostly two and three-family dwellings.
12. The property contains 2,575 square feet, which violates the current dimensional controls for lot area, front yard, one side yard, rear yard setback, lot coverage and density, per §§400.1.2.1, 400.1.4.8 and 400.2 of the Ordinance.
13. The property is preexisting nonconforming, per §700.1 of the Ordinance.
14. The proposal increases the lot area violation to a deficiency of 10,425 square feet or 80%, and the density nonconformity to 5,425 square feet or 68%, per §§400.1.2.2.1 and 300.19.1 of the Ordinance.
15. The proposal is to construct the second floor addition over an existing deck at the rear of the building.
16. No changes are proposed to the building's footprint or height.
17. The most recent use of the property requires a total of seven offstreet parking spaces: two for the single-family dwelling and five for the medical center, per §§500.1.2.1, 500.1.4.13 and 500.2.18 of the Ordinance.
18. The proposed two-family dwelling use requires seven parking spaces, per §300.19.2 of the Ordinance.
19. No parking is currently provided on-site and the existing parking violation, a 100% deficiency, is preexisting nonconforming per §700.1 of the Ordinance.
20. Under the proposal, no parking on-site will be provided.
21. The proposal maintains the same parking nonconformity.
22. There appears to be space for at least two parking spaces in the southern side yard area; creation of on-site parking in this area may require removal of the accessory shed; cutting into a low retaining wall that runs between the property and sidewalk; grading; installing a curb-cut on Main Street; and addressing drainage issues.
23. On-street parking is allowed on Main Street adjacent to and/or near the property, subject to restrictions posted by signage, and there is an MBTA bus stop adjacent to the property.
24. According to petitioner's representative, owner has not been able to rent the first floor to a business; owner does not occupy the property; and owner intends to rent the property to families.
25. The Ward City Councilor is in favor of the proposed conversion of the property from office use to residential use, however, is in opposition to the proposal to expand the residential use of the property due to concerns with overuse of the property, number of bedrooms, violations of density and lot size, and lack of any on-site parking.
26. The proposal will be more detrimental to the neighborhood.
27. Petitioner's representative requested to withdraw the petition without prejudice.

DECISION (Case #15-04):

Pursuant to the foregoing Findings of Fact, the Planning Board moved to allow the petition to be withdrawn without prejudice, and the motion passed.

RECORD of VOTES (Case #15-04):

The vote on the motion to allow the petition to be withdrawn without prejudice was 7 in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, 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.*

By:   
Michelle A. Romero, City Planner