



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

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CASE NUMBER 15-05

LOCATION of SUBJECT PROPERTY 70 Kimball Street, Malden, MA

NAME of PETITIONERS and OWNERS William M. Kotowski, Jr. & Joanna Kotowski

CITY CLERK'S OFFICE  
MALDEN, MASS.

DATE of PUBLIC HEARING July 15, 2015 DATE of DECISION July 15, 2015

DATE of FILING DECISION with CITY CLERK July 21, 2015

DATE of NOTIFICATION to BUILDING INSPECTOR July 21, 2015

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT August 10, 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 #15-05)

1. Petitioners are the owners, William M. Kotowski, Jr. and Joanna Kotowski, 70 Kimball Street, 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 ("MZO"), to alter, structurally change and extend a preexisting nonconforming building, property and use in the Residence A zoning district.
3. The following plans were submitted with the petition: site plan, "Plan of Land in Malden," dated May 8, 2015, revised July 15, 2015, prepared by Robert E. Grover, P.L.S., J & B Survey, Melrose, MA; and set of plans, "Kotowski Residence, 77 Kimball Street, Malden, MA 02148," dated May 18, 2015, prepared by Saltsman Brenzel, Boston, MA, that includes existing and proposed floor plans, and existing and proposed elevations.
4. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.

FINDINGS of FACT (Case #15-05):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a three-story principal building, a three-family dwelling with a one-bedroom unit on the first floor and a two-bedroom unit on each of the second and third floors; and an accessory garage building.
2. The proposal is to construct a single-story addition to the southern side of the property, consisting of a covered porch/deck, approximately twelve (12) by fourteen (14) feet in size.
3. The proposed addition will be covered but not enclosed; have a hip roof and siding to match the existing dwelling; be constructed on posts, with no foundation; and have electrical outlets and lighting but no heat.
4. The proposal will provide outdoor open space and access to the yard for the first floor unit.
5. The property is located in the Residence A zoning district.
6. The three-family residential dwelling use is prohibited in this district, however, was legalized by variance granted in 1959 and is a preexisting nonconforming use, per §§300.3.2.3 and 700.1.1 of the Ordinance.
7. The proposal extends the use and requires a special permit, per §700.1.3.1 of the Ordinance.
8. Direct abutters to the north, east and south are single-family dwellings, and to the west, on the other side of Kimball Street, single-family dwellings.
9. Surrounding land uses are residential and mostly single-family dwellings, with a few two-family dwellings.
10. The principal building violates the current dimensional control for lot area and density, and is considered preexisting nonconforming, per §§300.3.2 and 700.1.1 of the Ordinance.
11. The proposal alters, structurally changes and extends the building and requires a special permit, per §700.1.3.1 of the Ordinance.
12. The proposal maintains the existing nonconformities and creates no new dimensional violations.

13. The current use of the property requires a total of six parking spaces, namely, two per dwelling unit, under applicable zoning, per §500.1.2.3 of the Ordinance.
14. The site plan depicts six parking spaces, including two spaces in the garage, and the parking layout appears nonconforming regarding access aisle, per §500.2.2 of the Ordinance.
15. The proposal maintains the existing parking nonconformities and creates no new violations.
16. Petitioners and their family reside at the property: petitioners occupy the first and second floor dwelling units as one unit, and petitioners' son occupies the third floor dwelling unit.
17. Petitioners have recently renovated the entire property.
18. The Ward City Councilor and a neighboring family/residential abutter are in favor of the proposal.
19. There is no public opposition to the proposal.
20. The proposal will not be more detrimental to the neighborhood.
21. Petitioners consent to the proposed conditions of this special permit.

DECISION (Case #15-05):

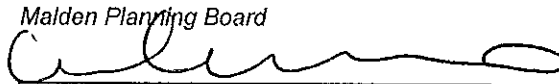
Pursuant to the foregoing Findings of Fact, the Planning Board moved to grant the special permit subject to the following two conditions, and the motion passed: 1) Basement of dwelling may be used for storage, laundry and utilities only, and may not be used for any bedroom or other residential living space; and 2) the open porch/deck may be covered as per plans but may not be enclosed.

RECORD of VOTES (Case #15-05):

On July 15, 2015, the vote on the motion to grant a special permit with two conditions was 9 in favor, none opposed:

Antonucci, yes; Billings, yes; Chiu, yes; Chuha, yes; Hayes, yes; Henry, yes; Lawhorne, yes; MacCuish, 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