



CITY of MALDEN PLANNING BOARD
NOTICE of DECISION

CASE NUMBER 22-04

LOCATION of SUBJECT PROPERTY 98 Laurel Street, Malden, MA

NAME of PETITIONER and OWNER L. French Realty Trust

DATE of PUBLIC HEARING April 13, 2022

DATE of DECISION April 13, 2022

DATE of FILING DECISION with CITY CLERK April 20, 2022

DATE of NOTIFICATION to BUILDING INSPECTOR April 20, 2022

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT May 10, 2022

[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 #22-04):

1. The subject property is known as and numbered 98 Laurel Street, Malden, MA and also known by City Assessor's Parcel ID #133 684 406.
2. Petitioner is the owner, L. French Realty Trust, 52 Westview Avenue, Chelmsford, MA, c/o Lawrence French, Trustee.
3. At the public hearing, petitioner was represented by Attorney Lisa McGloin, 101 North Common Street, Lynn, MA; Chris Larsen, 98 Laurel Street, Malden, MA; and contractor, Philip Brienze, 45 Pine Grove Avenue, Lynn, MA.
4. The petition in Permit Application # RES 041885-2022 seeks a special permit under Title 12, Chapter 28, Section 010.D of the Code of the City of Malden (the "Ordinance") to allow the change of use of a preexisting nonconforming property in the Residence A zoning district from a single-family dwelling and rooming house to a two-family dwelling.
5. The following plans were submitted in support of the petition: set of plans, "Proposed 2 Unit Residences Chris Larsen 98 Laurel Street Malden, MA," dated November 20, 2021, prepared by John Karavolas, P.E., HH Design Group Architects, Marblehead, MA, that include proposed and existing floors plans for first, second and third floors, and existing front elevation and proposed rear elevation; and a site plan, "Malden, Massachusetts Plan of Land Prepared for: Lawrence French 98 Laurel Street Parcel ID: 133-684-406," with revised date November 6, 2019, "redrawn" November 2, 2021 (signed/stamped November 1, 2021), prepared by John Karavolas, P.E., Peabody, MA.
6. 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 #22-04):

The City of Malden Planning Board finds the following facts:

1. The subject property is the site of a 2 ½- story dwelling with a footprint of 1,716 square feet, and a two-bay, two-story garage with a footprint of 407 square feet.
2. The property is currently used as a single-family dwelling on the first floor, containing 1,368 square feet and two bedrooms; and was recently used as a licensed rooming house on the second and third floors, containing a total of 2,100 square feet and six bedrooms.
3. The proposal is to convert the property to a two-family dwelling with a total of six bedrooms and with the same total amount of residential living space as currently exists, 3,468 square feet.
4. Under the proposal, the existing dwelling unit on the first floor will remain unchanged; and interior renovations to the second and third floors will eliminate the rooming house and create a single dwelling unit with four bedrooms; specifically, on the second floor, a bedroom will be converted to the living room and the size of two existing bedrooms will change; and on the third floor, an existing bedroom will be converted to a bathroom and closet, and an existing bathroom to a storage area.
5. The property is located in the Residence A zoning district.

6. The single-family dwelling is allowed by right, and the rooming house is a preexisting nonconforming use that predates the Ordinance and is prohibited in this district, per §§12.12.030 and 12.28.010 of the Ordinance.
7. The proposed two-family is prohibited in this district, however, may be allowed by special permit as a conversion of a preexisting nonconforming use, per §§12.12.030 and 12.28.010.D of the Ordinance.
8. The direct abutter to the north is a single-family dwelling; to the south, a two-family dwelling; and to the east, a single-family dwelling and a two-family dwelling; to the west, on the other side of Laurel Street, are a two-family dwelling and a three-family dwelling and the Residence B zoning district.
9. Surrounding land uses are residential dwellings; business and institutional uses on Salem Street; and a Neighborhood Business zoning district in Maplewood Square.
10. The property predates the current Ordinance, grossly violates most dimensional controls and is considered preexisting nonconforming, per §§12.16 and 12.28.010.A of the Ordinance.
11. The proposal reduces the existing lot area violation from 54% to 45%, eliminates the frontage violation, maintains the one side yard setback violation, and creates a new, 14% violation of density.
12. As depicted on the site plan, the open space was calculated to be 3,342 square feet as follows: lot area of 6,844 square feet, less the dwelling footprint of 1,716 square feet, less the garage footprint of 407 square feet and less the driveway and parking area of 1,379 square feet.
13. Current use of the property requires eight parking spaces, namely, two spaces for the single-family, and six spaces for the rooming house, or one per rentable room, per §§12.20.010 of the Ordinance.
14. The proposed two-family requires six spaces, or one per bedroom, per §12.20.010 of the Ordinance.
15. As depicted on the site plan, there is parking on-site for six vehicles, namely, two spaces in the garage and four in two sets of tandem in the existing driveway that runs along the northern side of the house.
16. The proposal eliminates the existing parking violation as to number of spaces.
17. The property appears to have a minimum of 50% of the front yard, one side yard and the rear yard devoted to landscaping (not paving), in partial compliance with §12.020.I.12 of the Ordinance.
18. As depicted on the Proposed Third Floor plan, the room labeled, “ storage for owner,” approximately 270 square feet in size, will be for use only by the property owner and not accessible to tenants.
19. There will be storage for the tenants in the basement and garage.
20. The basement will also be used for utilities and laundry.
21. The Ward 6 City Councilor and six residential abutters support the proposal.
22. There is no public opposition to the proposal.
23. As modified by the conditions of the special permit, the proposal will not be more detrimental to the neighborhood.

DECISION (Case #22-04):

On April 13, 2022, pursuant to the foregoing Findings of Fact, the Planning Board granted a special permit subject to the following five conditions:

1. All development shall be as per plans except as modified by these conditions.
2. The maximum number of bedrooms is six.
3. The garage may be used for parking and storage only, not for residential living space.
4. No more than 50% of front yard may be paved and used for parking; maintain lawn and/or landscaping of open space in rear yard, northern side yard and front yard.
5. Basement may be used only for storage, utilities and laundry, not residential living space.

RECORD of VOTES (Case #22-04):

The vote on the motion by Chuha, seconded by MacCuish, to grant a special permit with five conditions was eight favor, none opposed, and the motion passed (8-0):

Chuha, yes; Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; MacCuish, yes; Ioven, yes. [Antonucci, absent; Soucy, absent].

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


Michelle A. Romero, City Planner