



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

CASE NUMBER 22-06

LOCATION of SUBJECT PROPERTY 204-210 Highland Avenue, Malden, MA

NAME of PETITIONER and PROPERTY OWNER 204-210 Highland Avenue Realty Trust

DATES of PUBLIC HEARING November 10, 2021, December 8, 2021 and May 11, 2022

DATE of DECISION May 11, 2022

DATE of FILING DECISION with CITY CLERK May 18, 2022

DATE of NOTIFICATION to BUILDING INSPECTOR May 18, 2022

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 7, 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 #22-06):

1. The subject property is known as and numbered 204-210 Highland Avenue and by City Assessor's parcel identification number 038 188 803.
2. Petitioner is the property owner, 204-210 Highland Avenue Realty Trust, c/o Bernard H. McGovern, Jr., Trustee, 204-210 Highland Avenue, Malden, MA.
3. Petitioner was represented by Attorney Christopher G. Fallon, 99 Highland Avenue, Malden, MA, at the public hearing on November 10, 2021; by Attorney Christopher G. Fallon and Bernard McGovern, 25 Franklin Avenue, Medford, MA, at the public hearing on December 8, 2021; and by Attorney Thomas P. Callaghan, Jr., One Centre Street, Malden, MA, at the public hearing on May 11, 2022.
4. The petition filed in permit application # CMID 032409-2020 seeks a special permit under Title 12, Chapter 28, Section 010(D), Code of the City of Malden, to alter, structurally change, extend and change use of a preexisting nonconforming property in the Residence A zoning district, namely, to convert the property to a four-family residential dwelling.
5. The following revised plans were submitted in support of the petition: A) set of plans, "Proposal for 204, 206, 208 & 2010 (typo) Highland Avenue Malden, MA," dated April 11, 2022, prepared by William C. Winder, Reg. Architect, Winder & Kironde, Cambridge, MA, that includes Renderings, "Street View" (from Highland Avenue), "View from Richards St," and "Originally Proposed" (view from Highland Avenue); Building Cross Section (from south); "Existing Plans:" floor plan of basement, first, second and third floor (misabeled second floor); "Existing Views of Property:" "Massing Study Existing Structure" (rendering); "Existing Street View," and "Existing View from Richards St." (photos); Proposed Basement Plan; Proposed First Floor Plan; Proposed Second Floor Plan; Proposed Third Floor Plan; Proposed Elevation (north, south, east, west); and B) site plan, "Proposed Plan 204-210 Highland Ave 100 Emerald Street Malde (typo), MA. (Middlesex County)," dated/ signed April 8, 2022, prepared by Richard J. Mede, P.L.S., Medford Engineering & Survey, Medford, MA.
6. On November 10, 2021, the Planning Board opened the public hearing and immediately considered petitioner's request to table the public hearing, made in person by its attorney, Christopher G. Fallon, to allow the petitioner the opportunity to modify the proposal to reduce the number of dwelling units; the Board took no public comment and tabled the public hearing to December 8, 2021.
7. On December 8, 2021, the Planning Board held a public hearing on the petition, and tabled the public hearing and its decision, to allow the petitioner the opportunity to submit revised plans and additional information requested by the Board, namely, revised, detailed plans that address and include the following: accurate dimensions; elevations and floor plans that match/correspond; changes in property lines and easements; all open space, on ground, decks, patios; reevaluate size of basement rooms; reduce size of offices; location of all stairs on the ground; building section/cross-section; and 3-D model/plan of building.
8. On May 11, 2022, the Planning Board reopened the public hearing, took no public comment and immediately considered and granted petitioner's request to withdraw the petition without prejudice, made by email dated May 11, 2022 from its attorney, Thomas P. Callaghan, Jr., given that only six Board members were present to vote on the petition, and to allow petitioner the opportunity to refile the petition for a public hearing and decision by a full Board of nine members.
9. The public hearings complied with the notice requirements of §12.32.020(K) of the Ordinance and Massachusetts General Laws, Chapter 40A, §11, and in addition, the notice of the public hearing held on December 8, 2021 and the notice of the public hearing held on May 11, 2022 were mailed to abutters.

DECISION (Case #22-06):

On November 10, 2021, the Planning Board tabled the public hearing, at petitioner's request, to allow petitioner the opportunity to reduce the number of units; the Board directed that notice of the tabled public hearing be mailed to abutters.

On December 8, 2021, the Planning Board tabled the public hearing and its decision, to allow petitioner the opportunity to submit revised plans and provide additional information requested by the Board; the Board directed that notice of the tabled public hearing be mailed to abutters.

On May 11, 2022, the Planning Board granted petitioner's request to allow the petition to be withdrawn without prejudice.

RECORD of VOTES (Case #22-06):

On November 10, 2021, the vote on the motion by Soucy, seconded by Henry, to table the public hearing to December 8, 2021, was six in favor, one opposed, and the motion passed (6-1):

Fitzgerald, no; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; Soucy, yes; Ioven, yes.  
*[Antonucci, Chuha, Ferguson, MacCuish, absent].*

On December 8, 2021, the vote on the motion by MacCuish, seconded by Ferguson, to table the public hearing and decision, was seven in favor, none opposed, and the motion passed (7-0):

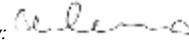
Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; MacCuish, yes; Ioven, yes.  
*[Antonucci, Chuha, Fitzgerald, Soucy, absent].*

On May 11, 2022, the vote on the motion by Ferguson, seconded by Henry, to allow the withdrawal of the petition without prejudice, was seven in favor, none opposed, and the motion passed (7-0):

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

*Note: On May 11, 2022, Soucy voted on the motion to allow the withdrawal of the petition, given that the basis for the withdrawal was procedural in nature, namely, due to the lack of a full Board, and not based on any public testimony received by the Board at the public hearing on December 8, 2021, at which Soucy was not present.*

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



Michelle A. Romero, City Planner