



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

CASE NUMBER 22-07

LOCATION of SUBJECT PROPERTY 90-92 Salem Street, Malden, MA

NAME of PETITIONER and OWNER Voultig Realty, LLC

DATE of PUBLIC HEARING May 11, 2022

DATE of DECISION May 11, 2022

DATE of FILING DECISION with CITY CLERK May 25, 2022

DATE of NOTIFICATION to BUILDING INSPECTOR May 25, 2022

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 14, 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 #22-07):**

1. The subject property is known as and numbered, 90-92 Salem Street and by Assessor's parcel identification number 074 262 221.
2. Petitioner is the property owner, Voultig Realty, LLC, c/o Davmar Development, 159 Salem Street, Malden, MA.
3. Petitioner was represented at the public hearing by Martin Murphy and Tamara Mossey, 68 Sheridan Lane, Tewksbury, MA, who are the principals of the property owner.
4. The petition filed in permit application # CMID 040388-2021 seeks a special permit under Titles 12.12.010.A, 12.12.300, 12.28.010.E, Code of the City of Malden (the "Ordinance"), to allow multifamily dwelling use up to three stories in the Neighborhood Business zoning district, Alternative Methods of Compliance for Inclusionary Development, and structural changes and extension of a preexisting nonconforming property, namely, to convert the property to multifamily dwelling use, to make an in-lieu payment for the required Affordable Housing Units and to construct additions to the existing building.
5. The following plans and information were submitted in support of the petition: set of plans, "90-92 Salem St.," dated February 7, 2022, prepared by Khalsa Design, Inc., Architects, that include Site Plan (A-020) dated May 5, 2022, Area Plans (A-021) dated May 5, 2022, Proposed Basement & 1st Floor Plan (A-100) dated February 7, 2022, Proposed 2nd & 3rd Floor Plan (A-101) dated February 7, 2022, Front & Left Side Elevations (A-300) dated February 7, 2022, Rear & Right Side Elevations (A-301), dated February 7, 2022, 3-D Views (AV-1), dated February 7, 2022, and Existing Conditions (EX-100), dated February 7, 2022; two sheets, "Landscape Plan 90 Salem Street Residences Malden, MA," (L1 and L2), dated May 5, 2022, prepared by Verdant Landscape Architecture, Brookline, MA; existing conditions site plan, "Plan of Land in Malden," dated April 5, 2021, prepared by Robert E. Grover, P.L.S., Melrose, MA; narrative statement, "90-92 Salem St, Malden, MA 12.12.300 Inclusionary Zoning Submission Requirement," dated March 30, 2022, prepared and signed by Tamara Mossey and Martin Murphy; and "Memorandum RE: 90-92 Salem Street-Malden, Massachusetts, Request for Waiver from Rules and Procedures – Section E.9," dated March 30, 2022, prepared by Samuel W. Gregorio, P.E., P.T.O.E., The Engineering Corp., Andover, MA.
6. On April 13, 2022, the Planning Board considered and granted petitioner's request for a waiver of Section E.9 of the *Rules and Procedures of the Planning Board*, the filing requirements regarding a traffic impact study.
7. 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 #22-07):**

The City of Malden Planning Board finds the following facts:

1. The property is the site of a 2 ½ story building, currently vacant, and most recently occupied for general offices on the first floor, with 1,689 square feet, and second floor, with 1,490 square feet; for a single-family dwelling with two bedrooms and 697 square feet on the third floor; and storage in the basement, with 1,665 square feet.
2. The proposal is to convert the property to a multifamily dwelling with ten rental apartment units, namely, nine units with one bedroom, 662 to 1,028 square feet in size, and one unit with two bedrooms and 1,237 square feet.
3. The proposal is to extend the existing building by constructing a three-story addition at the rear, northern side.
4. The expanded building will contain a total of 13,485 square feet, consisting of the ten dwelling units, with a total 9,501 square feet; common areas for vestibule, halls and stairs, totaling 774 square feet; and a basement for storage and utilities, with 3,210 square feet.
5. Under the proposal, each unit has a private balcony or porch, labeled, "deck" on the plans; 36 to 80 square feet in size and not included in the size of each unit; all are covered, except Unit 4; and none are enclosed.
6. Under the proposal, six of the units have a "study" or office, ranging in size from 64 to 108 square feet.

7. All units have laundry facilities within the unit.
8. The proposal includes an accessory shed, 14 by 10 feet in size, sited in the eastern side yard for bicycle storage.
9. The property is located in the Neighborhood Business zoning district.
10. The proposed multifamily dwelling use, up to three stories, is allowed by special permit in this district, per §12.20.030 of the Ordinance.
11. Under the proposal, the existing/most recent business use, general offices, will be eliminated.
12. Direct abutters to the west are the Malden Central Fire Station and a two-family dwelling; to the north, a single-family dwelling; to the east, a single-family dwelling and four-family dwelling; and to the south, on the other side of Salem Street, Malden High School and general offices.
13. Surrounding land uses are mostly residential, some business and institutional.
14. The existing building predates and violates the front and one side yard setback requirements and is considered preexisting nonconforming, per §§12.16.010 and 12.28.010 of the Ordinance.
15. The proposal complies with the density requirements for nine units, per §12.16.010 of the Ordinance, and the proposed tenth unit is an additional dwelling unit allowed as the Density Bonus Incentive for Inclusionary Developments, per §12.12.300.E.1 of the Ordinance.
16. The proposal creates a lot area deficiency of 20% and increases the existing front yard setback violation and one yard setback violation, per §12.16 of the Ordinance.
17. The new and increased violations of dimensional controls are not due to the proposed physical extension of the building but because requirements are greater for multifamily use than the existing business and residential uses.
18. The proposed accessory building, the shed for bicycle storage, does not comply with yard setback requirements, which are the same as those for the principal use, namely, 20 feet, per §12.16.070.G of the Ordinance.
19. The new and increased violations of dimensional controls are not more detrimental to the neighborhood.
20. The extensions and structural changes to the preexisting nonconforming building are not more detrimental to the neighborhood.
21. The site plan depicts and designates two areas of usable open space, containing 1,592 square feet and 935 square feet, and several other areas of landscaped open space areas in the front yard and both side yards; and all areas appear to comply with the Usable Open Space Requirements for All Districts, except for the minimum dimension of 1,000 square feet, per §12.16.080 of the Ordinance.
22. A total of fifteen parking spaces are required for the most recent use of the existing building, namely, two spaces for the single-family dwelling and thirteen spaces for the general office use of 3,179 square feet, per §§12.20.010 and 12.20.020.I.10 of the Ordinance.
23. Currently, the required parking is provided onsite in a paved area that comprises the entire rear yard.
24. The proposed multifamily dwelling with ten units and eleven bedrooms requires eleven parking spaces, or one space per bedroom, per §12.20.010 of the Ordinance.
25. Under the proposal, fourteen parking spaces will be provided in a paved area in the rear yard; the nonconforming width of the driveway will be maintained; the parking spaces will be configured as head-on, with 10 located along the northern property line and four on the northern side of the building; and the proposed parking layout is nonconforming as to aisle width, per §12.20.020.B of the Ordinance.
26. Access to the existing parking area is via a paved driveway that runs along the western side of the building; the driveway is twelve feet in width, does not comply with width requirements for one or two-way traffic, and is considered preexisting nonconforming, per §§12.20.020.C. and 12.28.010 of the Ordinance.
27. Access to the driveway is via an existing curb-cut on Salem Street, located in part on and shared with the abutting property, 80 Salem Street, the site of the Malden Central Fire Station.
28. Historically and currently, the southern portion of the driveway is shared with the abutting property, the Malden Central Fire Station at 80 Salem Street, for vehicular access and passage of passenger vehicles, not Fire Engines, to Salem Street and for access by parking spaces on the eastern side of 80 Salem Street.
29. Under the proposal, access to the parking area in the rear yard will continue via the existing driveway.
30. A stone wall, 30 inches in height, with fence on top, 48 inches in height, is proposed on the northern portion of the western property line, approximately 60 feet in length, along the western edge of the driveway.
31. Petitioner intends to address grading differences along the property lines between the subject property and abutting property at 80 Salem Street; petitioner agrees to maintain the southern portion of the driveway as an open area, for continued shared access and use by the subject property and abutting property at 80 Salem Street; and the proposed plan for the driveway appears acceptable to the Malden Fire Chief.
32. No loading is required for the current or proposed use of the property, per §12.20.010 of the Ordinance.
33. Various landscaping is proposed, including six trees, numerous shrubs, vines and perennials, and decorative patio pavers, as shown on the Landscape Plans, and yard areas not paved for parking or access will be landscaped, as required by §12.20.020.10 of the Ordinance.

34. Required onsite snow storage for the proposed fourteen parking spaces is 560 square feet, per §12.20.020.11 of the Ordinance, and is not depicted on the site plan; there is limited space available onsite for snow storage; and petitioner intends to remove plowed snow from the site, if necessary.
35. Bicycle parking is not required, per §12.20.020.I.14 of the Ordinance; however, there will be parking for ten bicycles in the proposed accessory shed.
36. Petitioner intends to install an onsite stormwater management system in the parking area in the rear yard.
37. A fenced and gated area for a proposed dumpster and recycling is proposed in the southeastern corner of the parking area, which does not comply with §12.20.030.H of the Ordinance, the prohibition of dumpsters within twenty feet of property lines.
38. Petitioner agrees to use a trash storage system of totes or covered containers in the enclosed area, and trash removal will be done by petitioner using a private service.
39. The proposal provides the required screening of the off-street parking area from abutting residential uses, specifically, installation of white vinyl fence, six feet in height, along the northern property lines and portion of the eastern property line and maintaining existing white vinyl fence along the western and eastern property lines; however, the screening area is less than the required width, per §12.20.040 of the Ordinance.
40. The violations of parking requirements will not be more detrimental to the neighborhood.
41. The proposal is an Inclusionary Development and requires the Mandatory Provision of Affordable Housing Units, specifically, a minimum of fifteen percent of the total dwelling units must be Affordable Housing Units, excluding any units allowed as a Density Bonus Incentive, per §§12.12.300.B and 12.12.300.D of the Ordinance.
42. Under the proposal, the total number of units used to determine the Mandatory Provision of Affordable Housing Units is nine; the tenth unit is allowed as a Density Bonus Incentive and excluded from the total number of units; and based on the required calculation for this proposal, namely, nine units multiplied by fifteen percent, 1.35 Affordable Housing Units are required, per §§12.12.300.D and 12.12.300.E.1 of the Ordinance.
43. Petitioner elects the option of making an In-Lieu Payment as an Alternative Method of Compliance, namely, a one-time cash payment to the Affordable Housing Trust Fund of three hundred thousand dollars per required Affordable Housing Unit, and this option does not require approval, per §12.12.300.G.2 of the Ordinance.
44. A fractional unit of required Affordable Housing Units requires a cash payment to the Affordable Housing Trust Fund equal to the fraction multiplied by three hundred thousand dollars, per §12.12.300.G.3 of the Ordinance.
45. For the proposal, the total In-Lieu Payment for the 1.35 required Affordable Housing Units is \$405,000.00.
46. The proposal complies with the requirements of the Inclusionary Zoning provisions of the Ordinance.
47. Petitioner is the developer and will maintain ownership of the property and be the lessor and property manager.
48. Petitioner has a history of successfully completing similar residential redevelopment projects in the City.
49. The Ward City Councilor for Ward 4, where the property is located; the Ward 5 City Councilor; and three residential abutters are in support of the project.
50. There is no public opposition to the proposal.
51. As modified by the conditions of the special permit, the proposed residential use is in the interest of the common good.

DECISION (Case #22-07):

On May 11, 2022, the Planning Board granted a special permit subject to the following eleven conditions:

1. All development shall be as per plans, except as modified by these conditions.
2. Maximum number of bedrooms is eleven.
3. Basement may be used only for storage and utilities; no residential living space is allowed.
4. No balcony, deck or porch may be enclosed.
5. No permanent dumpster is allowed. Trash and recycling shall be stored in lidded containers/totes, in an enclosed area in location on site plan.
6. Install and maintain all open space and landscaped areas as depicted on Landscape Plans.
7. Prior to issuance of any occupancy permit, developer/owner shall make a one-time cash payment to the Affordable Housing Trust Fund as an Alternative Method of Compliance, In-Lieu Payment, in the amount required by Ordinance for the required Affordable Housing Units.
8. No curbing, fencing, wall, landscaping or other impediment to vehicular passage may be installed along the western side of the southern portion of the driveway (approximately 75 feet in from back of sidewalk on Salem Street). Record access easement for shared use of this portion of the driveway by 90-92 Salem Street and 80 Salem Street.
9. Install, repair or replace sidewalks and driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of the DPW Director.

10. Parking for fourteen shall be installed and maintained as per site plan; parking layout may be modified to accommodate snow storage on-site. Snow plowed may be removed from site and may not be stored in parking spaces on-site.
11. The accessory shed shall be used only for bicycle storage.

RECORD of VOTES (Case #22-07):

On April 13, 2022, the vote on the motion by Henry, seconded by Ferguson, to grant a waiver of the filing requirements regarding a traffic impact study, was seven in favor, none opposed, and the motion passed (7-0):

Chuha, yes; Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; Ioven, yes.

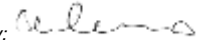
*[Absent: Antonucci, Soucy. Recused: MacCuish].*

On May 11, 2022, the vote on the motion by Soucy, seconded by Chuha, to grant a special permit with eleven conditions, was eight in favor, none opposed, and the motion passed (8-0):

Chuha, yes; Ferguson, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; Soucy, yes; Ioven, yes.

*[Absent: Antonucci, MacCuish].*

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



*Michelle A. Romero, City Planner*