



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

CASE NUMBER 23-03

LOCATION of SUBJECT PROPERTIES 76 Granville Avenue, Malden, MA and Granville Place (no number), Malden, MA (City Assessor's Parcel ID #104 712 206)

NAME of PETITIONER Saratoga Trust

NAMES of PROPERTY OWNERS Saratoga Trust and Malden Realty Trust

DATE of PUBLIC HEARING February 8, 2023

DATE of DECISION February 8, 2023

DATE of FILING DECISION with CITY CLERK February 22, 2023

DATE of NOTIFICATION to BUILDING INSPECTOR February 22, 2023

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT March 14, 2023

*[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 #23-03):**

1. The subject properties are 76 Granville Avenue, Malden, also known by Assessor's Parcel ID #104 712208, and Granville Place (no number), Malden, also known by Assessor's Parcel ID #104712206.
2. Petitioner is the property owner of 76 Granville Avenue, Saratoga Trust, c/o James Motzkin, Trustee, 99 Granville Avenue, Malden, MA, and also the representative of the property owner of Granville Place, Malden Realty Trust, c/o James R. and Susan M. Motzkin, 99 Granville Avenue, Malden, MA.
3. At the public hearing on February 8, 2023, petitioner was represented by Thomas P. Callaghan, Jr., attorney, One Centre Street, Malden; Jonathan Stone, architect, O'Sullivan Architects, 606 Main Street, Reading, MA; and Tony Capachietti, engineer, Hayes Engineering, 603 Salem Street, Wakefield, MA.
4. The petition filed in permit application #CMID 051372-2022 seeks a special permit under Title 12, Chapter 28, Section 010(D)(1), Code of the City of Malden, to reconstruct, extend and structurally change a preexisting nonconforming property and use in the Residence A zoning district for continued four-family residential dwelling use.
5. The following plans and information were submitted in support of the petition: a) set of plans, "MALDEN, MASS. #76 Granville Avenue & Granville Place," dated December 5, 2022 (stamped/signed December 8, 2022), prepared by Peter J. Ogren, P.L.S., Hayes Engineering, Inc., Wakefield, MA, that include Topographic/Demolition Plan, Layout Plan, Grading & Drainage Plan, Utilities Plan, Detail Sheets; b) set of plans, "76 Granville Ave Malden, MA Motzkin - The Saratoga Trust," dated December 5, 2022, prepared by David N. O'Sullivan, Registered Architect, O'Sullivan Architects, Inc., Reading, MA, for the new dwelling that include a Site plan with landscaping, parking layout, First Floor and Lower Level; Building cross sections; Floor plans: First Floor-Unit Layout; Second Floor-Unit Layout; Top Floor-Unit Layout; Elevations: Corner of Granville Ave & Granville Place, 3 Bedroom Unit Entry, Back Corner from Granville Place, Driveway Elevation, Front Elevation, Granville Place Elevation; c) correspondence dated December 7, 2022 from Thomas P. Callaghan, Jr.; and d) floor plans for the existing dwelling, "76 Granville Ave-Existing Plans, Malden, MA," dated February 7, 2023, prepared by O'Sullivan Architects.
6. The Malden Historical Commission approved the proposed demolition, pursuant to the Demolition & Alteration Delay Ordinance, Title 4.24, Code of the City of Malden, and per decision dated March 15, 2022.
7. On February 8, 2023, the Planning Board held the public hearing and deliberated, and prior to the Board rendering a decision, petitioner consented to the withdrawal of the petition without prejudice.
8. 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 #23-03):

The City of Malden Planning Board finds the following facts:

1. The parcel, 76 Granville Avenue, is the site of a vacant, 2 ½ story, four-family dwelling; the parcel, Granville Place has no street number, is vacant land with trees, vegetation, ledge and a dirt area used for parking; and herein, “property” refers to a proposed development site, comprised of both parcels.
2. The proposal is to demolish the existing dwelling and construct a new four-family dwelling at the proposed combined development site.
3. The property is located in the Residence A zoning district.
4. The existing four-family dwelling is prohibited in this district, predates the current Ordinance and is considered preexisting nonconforming, per §§12.20.030 and 12.28.010 of the Ordinance.
5. The proposed new dwelling extends the four-family dwelling use, and an extension of this preexisting nonconforming use may be allowed by special permit, per §12.28.010.D of the Ordinance.
6. The direct abutters to the north and west are single-family dwellings; to the east, on the other side of Granville Place, a single-family dwelling and two-family dwellings; and to the south, on the other side of Granville Avenue, a single-family dwelling and a two-family dwelling.
7. Surrounding land uses are single and two-family residential dwellings and one multifamily dwelling.
8. The existing dwelling grossly violates all dimensional controls, except height, and is considered preexisting nonconforming, per §§12.16.010 and 12.28.010.A of the Ordinance.
9. The proposal creates a new side yard setback violation, maintains the existing front yard setback violation, eliminates the existing rear yard setback violation and reduces the existing lot area and density violations, per §12.16.010 of the Ordinance.
10. The proposed open space is 838 square feet or 42% deficient of the requirement, and only some appears to comply in part with Usable Open Space Requirements, per §12.16.080 of the Ordinance.
11. The proposal provides nine parking spaces, or one space per bedroom, as required per §12.20.010 of the Ordinance, in the following layout: four interior parking spaces in two garages underneath the dwelling; and five surface parking spaces, two in the southern front yard and three in the rear yard.
12. Access for seven parking spaces will be via Granville Place, a private way, twelve feet in width.
13. The existing dwelling has a footprint of 1,483 square feet and four units with a total of six to eight bedrooms and gross floor area of 3,005 square feet: a studio, 280 square feet in size; a one-bedroom, 550 square feet in size; and two units, with two to three bedrooms, 1,050 to 1,125 square feet in size.
14. The proposed new dwelling has a footprint of 2,604 square feet and four units, with a total of nine bedrooms and gross floor area of 8,369 square feet: three, two-bedroom units, 1,063 to 1,198 square feet in size, and one, three bedroom-unit, 1,864 square feet in size.
15. The proposal increases the dwelling footprint by 1,121 square feet or 76% and the total residential living area by 5,364 square feet or 179%.
16. The Ward 5 City Councilor and several residential abutters are in opposition to the proposal.
17. The proposal may be more detrimental to the neighborhood because an overuse of the property.


DECISION (Case #23-03):

On February 8, 2023, pursuant to the foregoing Findings of Fact, the Planning Board allowed the petition to be withdrawn without prejudice.

RECORD of VOTES (Case #23-03):

On February 8, 2023, on the motion by Hayes, seconded by Antonucci, to allow the petition to be withdrawn without prejudice, the vote was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Chuha, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; MacCuish, yes; Soucy, yes; Ioven, yes. [*Verma, present, not voting*].

I hereby certify that the above is a true copy of the decision of the Malden Planning Board. By:   
Michelle A. Romero, City Planner