



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

CASE NUMBER 23-04

LOCATION of SUBJECT PROPERTY 410 Ferry Street, Malden, MA

NAME of PETITIONER and PROPERTY OWNER Ronie Construction Inc.

DATE of PUBLIC HEARING April 12, 2023

DATE of DECISION April 12, 2023

DATE of FILING DECISION with CITY CLERK April 19, 2023

DATE of NOTIFICATION to BUILDING INSPECTOR April 19, 2023

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT May 9, 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 #23-04):

1. The subject property is known as and numbered 410 Ferry Street and by City Assessor's parcel identification number 084 403 301.
2. Petitioner is the property owner, Ronie Construction Inc., c/o Ronie Teixeira, 72 McKinley Street, Revere, MA, who is the contractor.
3. At the public hearing on April 12, 2023, petitioner was represented by Ronie Teixeira.
4. The petition filed in permit application #RES 054907-2023 seeks a special permit under Title 12, Chapter 28, Section 010(D)(1), 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 two-family residential dwelling.
5. The following plans were submitted in support of the petition: Site plan, "Certified Plot Plan Showing Proposed Parking Located at 410 Ferry Street Malden, MA," dated March 17, 2023, prepared by George C. Collins, P.L.S., Charlestown, MA; and set of plans, "Interior & Deck Renovation-Dormer Roof Addition 410 Ferry St, Malden, MA 02148," dated November 16, 2022 with revisions through April 12, 2023, prepared by Nazieh R. Hammouri, P.E., RISE Architecture, 71B Clinton Street, Malden, MA, that contains a Cover page (C-100) with photos, "Aerial View," and "Existing House;" Gross Area Plan (A-100) with Existing Area and Proposed Area; Existing Floor Plans for Basement Floor and 1st Floor (A-101), 2nd Floor and Attic Floor (A-102); Existing Elevations of Front and Right (A-103), Rear and Left (A-104); Demolition Floor Plans for Basement and 1st Floor (A-105), 2nd Floor and Attic Floor (A-106); Proposed Floor Plans for Basement Floor and 1st Floor (A-107), 2nd floor and 3rd Floor (A-108); Proposed Elevations of Front and Right (A-109), Rear and Left (A-110).
6. Pursuant to the City's Demolition & Alteration Delay Ordinance, Title 4.24, Code of the City of Malden, the Malden Historical Commission approved the proposal, subject to the requirements of its decision dated April 3, 2023, namely, that the building's existing front façade and columns shall be maintained.
7. The current petition is not precluded by law as a repetitive petition, per Massachusetts General Laws, Chapter 40A, §16, because this petition is substantively different from the prior petition to convert the property to a three-family dwelling, which was denied by the Planning Board on February 8, 2023 in Case #23-02.
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 #23-04):

The City of Malden Planning Board finds the following facts:

1. The property is the site of a 2 ½-story building that is vacant and interior renovation has begun under a building permit (Permit # CMID-047603-2022).
2. There is a construction dumpster on-site, and the site was recently cleaned of all other trash, debris and litter.
3. The proposal is to construct a dormer addition to the third floor, to reconstruct and extend the two-story porch/deck at the rear/side at the northeastern corner of the building, and to renovate and convert the existing building from medical laboratory use to a two-family dwelling with a total of six bedrooms.
4. Under the proposal, one unit has two bedrooms and a total of 2,210 square feet, located on the first floor and basement, and includes two playrooms and a laundry room in the basement, for use and access only by this unit; and the second unit has four bedrooms and a total of 1,731 square feet, located on the second and third floors, and includes a storage room on the third floor, 224 square feet in size with a ceiling height of 5'10"; and each dwelling unit will have two full bathrooms and one half-bathroom.

5. The proposed dormer addition increases the gross floor area of the third floor from 484 to 626 square feet.
6. Under the proposal, the rear decks will remain unenclosed and increased in size from 112 to 160 square feet.
7. The property is located in the Residence A zoning district.
8. The most recent use of the property, medical laboratory, formerly classified as medical & dental offices and now classified as medical center under the Ordinance, was allowed by a special permit granted in Case #88-32; is prohibited in this district and considered nonconforming, per §§12.12.030 and 12.28.010 of the Ordinance.
9. The proposed two-family residential use is prohibited in this district and may be allowed by special permit as a conversion of a nonconforming use, per §§12.12.030 and 12.28.010.D of the Ordinance.
10. The proposal returns the property to its original use as a two-family residential dwelling and eliminates a nonconforming business use of property in the Residence A zoning district.
11. The direct abutters to the north and west are single-family dwellings; to the east, on the other side of Harvard Street, a two-family dwelling; and to the south, on the other side of Ferry Street, a single-family and four-family dwelling.
12. Surrounding land uses are residential.
13. The existing building, occupied for medical center use, violates dimensional controls for lot area, and front, one side and rear yard setbacks, and is considered preexisting nonconforming, per §§12.16.010 and 12.28.010.A of the Ordinance.
14. The proposed two-family residential use of the modified building exacerbates existing violations of lot area from 52% to 63%; maintains existing violations of front yard, one side yard and rear yard setbacks; and creates new nonconformities of density (40%) and height (1/2 story), per §12.16.010 of the Ordinance.
15. The proposed open space complies with all Usable Open Space Requirements, except dimensions, per §12.16.080 of the Ordinance.
16. The proposal complies with parking requirements to provide six spaces onsite, namely, one space per bedroom, per §12.20.010 of the Ordinance; and the proposed site plan depicts six spaces in a nonconforming layout in the existing parking lot at the eastern side of the lot, with access via an existing curb-cut on Ferry Street.
17. There is no public support of the proposal.
18. There is no public opposition to the proposal.
19. As modified by the conditions of the special permit, the proposal will not be more detrimental to the neighborhood.

DECISION (Case #23-04):


On April 12, 2023, pursuant to the foregoing Findings of Fact, the Planning Board granted the petition for a special permit, subject to the following six 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 front porch and balcony and rear porches/decks may not be enclosed.
- 4) Basement may be used for storage, utilities, laundry and living or playroom; no bedroom or kitchen are allowed.
- 5) Compliance with the recommendations and requirements of the determination of the Malden Historical Commission in its decision dated April 3, 2023, per Title 4.24, MCC, to maintain the front façade and columns of the existing building; the decision is incorporated herein by reference.
- 6) Install and maintain all open space as lawn/grass and landscaped in yard areas, as per plan. Paving shall be limited to parking area shown on the plan.

RECORD of VOTES (Case #23-04):

On April 12, 2023, on the motion by Antonucci, seconded by MacCuish, to grant the petition for a special permit, subject to six conditions, the vote was nine in favor, none opposed, and the motion passed (9-0):

Antonucci, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, yes; MacCuish, yes; Stone, yes; Verma, yes; Ioven, yes. [*Chuha, 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