

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

CASE NUMBER 23-05

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 April 12, 2023

DATE of DECISION April 12, 2023

DATE of FILING DECISION with CITY CLERK April 25, 2023

DATE of NOTIFICATION to BUILDING INSPECTOR April 25, 2023

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT May 15, 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 #23-05):

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 April 12, 2023, petitioner was represented by Jonathan Stone, architect, O'Sullivan Architects, 606 Main Street, Reading, 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 (Ordinance), to reconstruct, extend and structurally change a preexisting nonconforming property and use in the Residence A zoning district, namely, to demolish the existing four-family dwelling and construct a new four-family dwelling.
5. The Planning Board allowed the withdrawal without prejudice of a similar petition on February 8, 2023 in Case #23-03, and the current petition is not precluded by law as a repetitive petition, per Massachusetts General Laws, Chapter 40A, §16.
6. 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, revised March 9, 2023, 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, revised April 6, 2023, prepared by David N. O'Sullivan, Registered Architect, O'Sullivan Architects, Inc., Reading, MA, for the new dwelling that include a conceptual site plan with landscaping, parking layout, First Floor and Lower Level; Building cross sections; Floor plans of First Floor-Unit Layout, Second Floor-Unit Layout, Top Floor-Unit Layout; Elevations (revised and for prior proposal) of Corner of Granville Ave & Granville Place, Rear Unit Entry, Granville Place Elevation, Front Elevation, Back Corner from Granville Place; c) floor plans of the existing dwelling, "76 Granville Ave-Existing Plans, Malden, MA Motzkin-The Saratoga Trust," dated February 7, 2023, revised April 6, 2023, prepared by O'Sullivan Architects; and d) "Open Space Exhibit Plan in Malden, Mass., #76 Granville Avenue & Granville Place," dated April 10, 2023, prepared by Peter J. Ogren, P.E., Hayes Engineering, Inc., Wakefield, MA.
7. The Malden Historical Commission approved the proposed demolition, per the Demolition & Alteration Delay Ordinance, Title 4.24, Code of City of Malden, in a decision dated March 15, 2022.
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 #23-05):

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 proposal 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 extends the four-family dwelling, and an extension of this preexisting nonconforming building may be allowed by special permit, per §12.28.010.D of the Ordinance.
10. The proposed new dwelling on the proposed combined development site creates a new side yard setback violation, eliminates the rear yard setback violation and reduces the existing violations of lot area, front yard setback and density, per §12.16.010 of the Ordinance.
11. The proposal provides eight parking spaces, or one space per bedroom, as required per §12.20.010 of the Ordinance, in the following layout: two interior parking spaces in one garage underneath the dwelling; and six surface parking spaces, two in the southern front yard and four in the rear yard.
12. Six proposed parking spaces require access via Granville Place, a private way, twelve feet in width.
13. The existing dwelling has a footprint of 1,367 square feet; total gross floor area of 4,372 square feet; and four units with a total of six to eight bedrooms: a studio, 280 square feet in size; a unit with one bedroom, 550 square feet in size; and two units, with two or three bedrooms, 1,050 and 1,125 square feet in size.
14. Under the proposal, the new dwelling will have a footprint of 2,290 square feet; total gross floor area of 7,523 square feet; and four units, with a total of eight bedrooms: all units with two bedrooms, ranging from 1,063 to 2,013 square feet in size.
15. The proposal significantly increases the overall size of the dwelling: the footprint increases by 923 square feet or 68%, and the total gross floor area increases by 3,151 square feet or 72%.
16. The Ward 5 City Councilor and several residential abutters are in opposition to the proposal.
17. The proposal will be more detrimental to the neighborhood because an overuse of the property.


DECISION (Case #23-05):

On April 12, 2023, pursuant to the foregoing Findings of Fact, the Planning Board denied the petition for a special permit.

RECORD of VOTES (Case #23-05):

On April 12, 2023, on the motion by MacCuish, seconded by Antonucci, to deny the petition for a special permit, the vote was eight in favor, one opposed, and the motion passed (8-1):

Antonucci, yes; Gebreselassie, yes; Gray, yes; Hayes, yes; Henry, no; MacCuish, yes; Stone, yes; Verma, yes; Ioven, yes. [*Chuha, present, not voting; 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