



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

CASE NUMBER 23-06

LOCATION of SUBJECT PROPERTY 57-59 Lincoln Street, Malden, MA

NAME of PETITIONER and PROPERTY OWNER Daniel Halloran

DATE of PUBLIC HEARING May 10, 2023

DATE of DECISION May 10, 2023

DATE of FILING DECISION with CITY CLERK May 17, 2023

DATE of NOTIFICATION to BUILDING INSPECTOR May 17, 2023

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT June 6, 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 #23-06):**

1. The subject property is known as and numbered 57-59 Lincoln Street and by City Assessor's parcel identification number 021 118 825.
2. Petitioner is the property owner, Daniel Halloran, 4 Hill Street, Stoneham, MA, and he is the licensed contractor who will do the proposed work.
3. At the public hearing on May 10, 2023, petitioner represented himself.
4. The petition filed in permit application #CMID 054077-2023 seeks a special permit under Title 12, Chapter 28, Section 010(D)(1), Code of the City of Malden, to extend, structurally change, and alter a preexisting nonconforming use and property in the Residence A zoning district, namely, to construct a dormer addition and finish the basement of the existing four-family residential dwelling.
5. The following plans were submitted in support of the petition: Site plan, "Plot Plan 57-59 Lincoln Street, Malden, Mass.," dated May 9, 2023, prepared by Edward J. Farrell, Professional Land Surveyor, Woburn, MA; and a set of plans, "57-59 Lincoln Street, Malden, MA 02148, Permit Set- 02 February 2023," dated February 2, 2023, prepared by Talia Cannistra, Registered Architect, Port One Design, LLC, Boston, MA, that contains a Cover page (A-000) with locus map, site aerial photos and front elevation rendering; existing floor plans, "Existing Basement & First Flr Plan" (EX-101), "Existing Second & Third Flr Plans" (EX-102); "Existing Exterior Elevations" of north, west (EX-201), south, east (EX-202); proposed floor plans, "Proposed Basement & First Flr Plan" (A-101), "Proposed Second & Third Flr Plans" (A-102), "Proposed Roof Plan" (A-104); "Proposed Exterior Elevations," north, west (A-201), south, east (A-202); and "Building Sections," (A-300).
6. 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 #23-06):**

The City of Malden Planning Board finds the following facts:

1. The property is the site of a vacant 2 ½-story building, with an occupancy permit for four-family dwelling use.
2. All access to the property is via an existing right-of-way over the abutting property at 61 Lincoln Street.
3. Interior demolition was done by prior owners, and petitioner purchased the property already "gutted" in 2023; and petitioner is doing a complete renovation, including installation of a fire suppression sprinkler system.
4. The proposal is to replace the existing dormer with a new, larger dormer on the third floor at the front of the dwelling to increase headroom for two units, and to finish the basement for use as part of the other two units.
5. Under the proposal, one unit will have two bedrooms and 1,305 square feet, located on the first floor and basement, including a "bonus room" of 538 square feet, laundry room and mechanical utilities in the basement, for use and access only by this unit; the second unit will have two bedrooms and 1,260 square feet, located on the first floor and basement, including a "bonus room" of 539 square feet, laundry room and mechanical utilities in the basement, for use and access only by this unit; and the third and fourth units, each will have three bedrooms and 1,322 square feet, located on the second and third floors.
6. The proposal increases the overall total living space in the dwelling from 4,062 square feet to 5,209 square feet, which is an increase of 1,147 square feet or 28%.
7. The existing units on the second and third floor are 1,281 square feet, and the proposed dormer addition to the third floor increases the size of each of these two units by approximately 41 square feet.
8. The existing first floor units are approximately 750 square feet in size, and the proposed expansion into the finished basement increases the size of each of these two units by approximately 505 to 550 square feet.

9. The proposal maintains the same total number of bedrooms as currently exist in the dwelling, namely, ten.
10. The property is located in the Residence A zoning district.
11. The existing four-family residential dwelling use 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.
12. The proposed extension of this preexisting nonconforming use may be allowed by special permit, per §12.28.010.D of the Ordinance.
13. The direct abutters to the north are single-family dwellings and a two-family dwelling; to the west are a two-family dwelling; to the south, a multifamily dwelling with 22 units; and to east, the rear yard of a vacant commercial storefront at 120-124 Clifton Street, on the other side/to the east of which is the MBTA right-of-way with active rapid transit and commuter rail lines.
14. Surrounding land uses are residential, and mostly single and two-family dwellings, with several three and four-family dwellings and multi-family dwellings.
15. The existing building on the property grossly violates dimensional controls for lot area, frontage and density; violates front yard, both side and rear yard setbacks, and open space; predates the current requirements of the Ordinance; and is considered preexisting nonconforming, per §§12.16.010 and 12.28.010.A of the Ordinance.
16. The proposal extends the preexisting nonconforming building, which may be allowed by special permit, per §12.28.010.D of the Ordinance.
17. The proposal maintains all existing violations of dimensional controls and creates no new violations.
18. The existing four-family dwelling requires six spaces, or 1.5 parking space per unit, under applicable requirements; the property is considered preexisting nonconforming and exempt from current requirements to provide ten parking spaces, or one space per bedroom, per §§12.20.010 and 12.28.010.A of the Ordinance.
19. Under the proposal, four parking spaces will be provided on-site in the front yard; the parking layout is nonconforming regarding direct access and parking aisles, per §12.20.020.B of the Ordinance; and access is via an existing right-of-way over the abutting property at 61 Lincoln Street and will likely typically require maneuvering over other paved areas of this abutting property.
20. Petitioner intends to replace and reduce the existing fencing at the front to improve access to the parking.
21. The approximate required snow storage, 160 square feet, is proposed in the rear yard, not adjacent to the spaces, as required by §12.20.020.I.6 of the Ordinance, and petitioner intends to move the plowed snow to that location.
22. Under the proposal, the front yard will be maintained as paved, which does not comply with requirements for Landscaping of Yard Areas, per §12.20.020.I.12 of the Ordinance; this condition appears to predate the current Ordinance and may be considered preexisting nonconforming condition, per §12.28.010 of the Ordinance.
23. There is a temporary construction dumpster onsite, and petitioner recently cleaned the property of all other trash, debris and litter; and under the proposal, residential trash storage will be in barrels in the side yard.
24. The Ward 3 City Councilor is in support of the proposal.
25. There is no public opposition to the proposal.
26. As modified by the conditions of the special permit, the proposal will not be more detrimental to the neighborhood.

DECISION (Case #23-06):

On May 10, 2023, pursuant to the foregoing Findings of Fact, the Planning Board granted the petition for a special permit, subject to the following five conditions:

- 1) All development shall be as per plans, except as modified by these conditions.
- 2) The maximum number of bedrooms is ten.
- 3) The front porches and balcony and rear porch/deck may not be enclosed.
- 4) Basement may be used for storage, utilities, laundry and living or playroom; no bedroom or kitchen are allowed.
- 5) 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 #23-06):

On May 10, 2023, on the motion by Antonucci, seconded by Soucy, to grant the petition for a special permit, subject to five 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; Soucy, yes; Verma, yes; Ioven, yes. *[Chuha, absent; Stone, 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