



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

RECEIVED

CASE NUMBER 15-13

LOCATION of SUBJECT PROPERTY 10 Florence Street, Malden, MA

NAME of PETITIONER Daniel Gattineri

NAME of OWNER Dosi Dough Realty Trust

2015 OCT 19 P 3:42

DATE of PUBLIC HEARING October 14, 2015

DATE of DECISION October 14, 2015

DATE of FILING DECISION with CITY CLERK October 19, 2015

CITY CLERK'S OFFICE  
MALDEN, MASS.

DATE of NOTIFICATION to BUILDING INSPECTOR October 19, 2014

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT November 9, 2015

*[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 #15-13)

1. Petitioner, Daniel Gattineri is Trustee of owner, Dosi Dough Realty Trust, 30 Mystic Avenue, Winchester, MA.
2. The petition seeks consent to file a repetitive petition under §800.4.10, Chapter 12, Revised Ordinances of 1991, as Amended, City of Malden (the "Ordinance") and Massachusetts General Laws, Chapter 40A, §16 (the "state law"), namely, to file a petition for a special permit under §§300.3.2.6 and 700.1.3.2 of the Ordinance, to allow multifamily residential dwelling use and to extend a preexisting nonconforming use in the Central Business zoning district, within two years of the Board's final unfavorable action, namely, the denial of a petition for a special permit in Case #14-17.
3. The following information was submitted with the petition: correspondence dated September 24, 2015 from Jack McElhinney, Esq., describing the revised proposal; and a plan, "10 Florence Phase 2 10 Florence Street Malden Massachusetts," dated August 10, 2015 with revisions September 24, 2015, prepared by Daniel F. DiLullo, Reg. Architect, Melrose, MA, that includes Parking Garage Plans, Typical Floor Plans, Roof Plan and Building Section.
4. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.
5. The Ordinance and state law provide that, to grant the petition, eight of the nine members of the Planning Board must find specific and material changes in the conditions upon which the previous unfavorable action was based.
6. At the start of the public hearing, petitioner, represented by its attorney, consented to proceed with only eight of the nine members of the Planning Board present.

FINDINGS of FACT (Case #15-13):

The City of Malden Planning Board finds the following facts:

1. On November 12, 2014, the Board denied a petition for a special permit in Case #14-17, seeking to extend the existing six-story, 60-unit multifamily dwelling by constructing an addition containing six stories and 30 dwelling units, on the grounds that the proposal will be more detrimental to the neighborhood, is not in the interest of the common good, and may exacerbate existing traffic patterns that have adverse impacts to the surrounding streets and create a traffic or safety hazard, based on the Findings of Facts described in the decision.
2. Petitioner seeks to file a petition for a special permit before November 12, 2016, the date which is two years following the date of the Board's denial of the petition for a special permit in Case #14-17.
3. The petition seeking to be filed is for a proposed addition containing six stories and 24 dwelling units.
4. The petition seeking to be filed is for a proposal that is 42% deficient of density requirements and that provides 8,400 square feet of open space, a designated loading space, and a trash room.
5. The petition in Case #14-17 was for a proposal that was 46% deficient of density requirements and provided no open space, no loading space and inadequate trash storage.
6. The Ward City Councilor and State Representative are in favor of the request for consent.
7. There is no public opposition to the request for consent.

DECISION (Case #15-13):

Pursuant to the foregoing Findings of Fact, the Planning Board moved to grant the petition, and the motion failed.

RECORD of VOTES (Case #15-13):

The vote on the motion to grant the petition was five in favor, three opposed:

Antonucci, yes; Chiu, no; Chuha, yes; Henry, yes; Lawhorne, no; MacCuish, yes; Wolff, yes; Ioven, no.

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

By:   
Michelle A. Romero, City Planner