



CITY of MALDEN PLANNING BOARD  
NOTICE of DECISION

RECEIVED

CASE NUMBER 16-15

LOCATION of SUBJECT PROPERTIES 488-490 Ferry Street, Malden, MA

NAME of PETITIONER and OWNER Huang Yong Lai

DATE of PUBLIC HEARING July 13, 2016

DATE of DECISION July 13, 2016

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DATE of FILING DECISION with CITY CLERK July 18, 2016

DATE of NOTIFICATION to BUILDING INSPECTOR July 18, 2016

FINAL DATE for FILING APPEAL of DECISION with SUPERIOR COURT August 8, 2016

CITY CLERK'S OFFICE  
MALDEN, MASS.

[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 #16-15):

1. Petitioner is owner, Huang Yon Lai, 488 Ferry Street, Malden, MA 02148.
2. Petitioner was represented by Grant Leung, Spire Design Build, LLC, 5 Trinity Road, Winchester, MA 01890.
3. The petition seeks a special permit under §700.1.3.2 of Chapter 12, Revised Ordinances of 1991, as Amended, of the City of Malden (the "Ordinance") to structurally change and extend a preexisting nonconforming property and use in the Neighborhood Business zoning district.
4. The following plans were submitted in support of the petition: Site plan, "MALDEN, MASSACHUSETTS PLAN OF LAND PREPARED FOR: YONG LAI HUANG 488-490 FERRY STREET PARCEL ID 083-400-002," dated May 4, 2016, prepared by Ralph William Reid, P.L.S.; Building Elevations and Floor Plan, "New Apartment Second Floor Addition Second Floor Addition 488 Ferry Street Malden, MA," dated April 6, 2016, prepared by Douglas C. Haring, Reg. Architect, HH Design Group Architects, Marblehead, MA.
5. The public hearing complied with statutory notice requirements of Massachusetts General Laws, Chapter 40A, §11.
6. After petitioner's presentation but before any public testimony, petitioner requested to withdraw the petition without prejudice.

FINDINGS of FACT (Case #16-15):

The City of Malden Planning Board finds the following facts:

1. The property contains 3,287 square feet of lot area and is the site of a 2 ½ story building, currently occupied for a convenience store on the first floor containing 1,572 square feet and a four-bedroom single-family dwelling on the second and third floors containing 1,246 square feet.
2. The proposal is to construct a two-story addition at the rear of the building for use as a second dwelling unit, containing two bedrooms and a total of 1,518 square feet, to be located on the proposed second and third floors.
3. The property grossly violates all current dimensional controls, except building coverage and height, and is considered preexisting nonconforming, per §§400.1, 400.2 and 700.1 of the Ordinance.
4. The proposal exacerbates most existing nonconformities and creates new violations of density and height.
5. The driveway may provide three tandem parking spaces and the paved rear yard may provide two head-on spaces, and the property is grossly deficient of the required on-site parking, namely, eight spaces: six for the convenience store and two for the existing single-family dwelling unit, per §§500.1 and 500.2.18 of the Ordinance.
6. The proposal requires two additional parking spaces, increases the required parking to ten spaces, and exacerbates the existing gross violations of parking requirements, per §§500.1 and 500.2.18 of the Ordinance.
7. The driveway, parking layout and access are nonconforming as to width and require unreasonable maneuvering and backing out onto Ferry Street, in violation of §§500.2.2, 500.2.3 and 500.2.11 of the Ordinance.
8. The proposal represents an overuse of the property, given it exacerbates existing gross violations of dimensional controls and parking requirements.

DECISION (Case #16-15):

Pursuant to the foregoing Findings of Fact, the Planning Board allowed the petition to be withdrawn without prejudice.

RECORD of VOTES (Case #16-15):

The vote on the motion to allow the petition to be withdrawn without prejudice was eight in favor, none opposed:

Antonucci, yes; Chiu, yes; Chuha, yes; Fitzgerald, yes; Hayes, yes; Lawhorne, yes; MacCuish, yes; Ioven, yes.

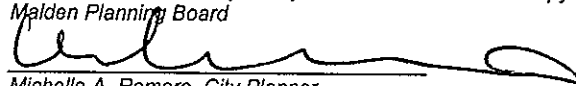
*Motion by Antonucci, seconded by Lawhorne.*

*[Absent: Henry, Mzaouakk, Wolff.]*

*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.*

Malden Planning Board

By:

  
Michelle A. Romero, City Planner