



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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ALEX MELLO, *PLANNER*

**Case #:** ZBA 2019-63  
**Date:** August 7, 2019  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site:** 17 Dartmouth Street

**Applicant / Owner Name:** Alvaro and Eduarda Carvalho  
**Applicant / Owner Address:** 15 Dartmouth St, Somerville, MA 02145  
**City Councilor:** Jesse Clingan

Legal Notice: Applicants and Owners, Alvaro and Eduarda Carvalho, seek a special permit under SZO §4.4.1 to alter a nonconforming three-family dwelling by constructing an exterior stair in the rear. RA Zone. Ward 4.

Dates of Public Hearing: Zoning Board of Appeals - August 7, 2019

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property consists of one parcel of 5,000 square feet that contains a three-family dwelling in a 2.5 story gable end structure. The structure had a fire occur and the owner has been making some as-of-right renovations to the affected areas. There was a metal fire escape on the rear of the building that was determined by a City of Somerville local building inspector to be noncompliant.
2. Proposal: The proposal is to construct a new three-story egress stair in the rear of the structure.
3. Green Building Practices: None listed on the application.
4. Comments:

*City Councilor:* Councilor Clingan has been informed of this proposal and has yet to comment as of the publication of this report.



## II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

### 1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

### 2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, lot area per dwelling unit, front yard setback, and left side yard setback. However, none of the nonconforming dimensions will be altered by the proposal. The proposed egress stairs will be setback 9.9 feet from the right side property line where 8 feet is required and 28.3 feet from the rear property line where 20 feet is required. Since the structure is a three-family and is nonconforming, this alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will allow for a code compliant egress stair to be constructed. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for ground coverage, landscaped area, pervious area, floor area ratio (FAR), building height, rear yard setback, and right side yard setback will continue to be conforming to the requirements of the SZO.

### 3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to protect health; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RA district, which is, “to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.” The three-family dwelling has existed on this site and has been a part of the neighborhood for quite some time.

4. **Site and Area Compatibility:** *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

*Surrounding Neighborhood:* The subject property is located on the east side of Dartmouth Street on the block between Evergreen Avenue and Medford Street. The neighborhood is primarily residential with single, two-, and three-family structures.

*Impacts of Proposal (Design and Compatibility):* The proposed three-story egress stair will not have a detrimental impact on the structures design and compatibility to the neighborhood.

5. **Housing Impact:** Will not create adverse impacts on the stock of existing affordable housing.

6. **SomerVision Plan:** Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods.

**III. RECOMMENDATION**

**Special Permit under §4.4.1**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to construct a three-story rear egress stair. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>June 3, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>March 31, 2019</td> <td>Plans submitted to OSPCD (A1, A2, and A3)</td> </tr> <tr> <td>May 24, 2019</td> <td>Certified Plot Plan</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	June 3, 2019	Initial application submitted to the City Clerk’s Office	March 31, 2019	Plans submitted to OSPCD (A1, A2, and A3)	May 24, 2019	Certified Plot Plan
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May 24, 2019	Certified Plot Plan											
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
<b>Construction Impacts</b>												

2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
3	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
4	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays.	During Construction	ISD	
<b>Design</b>				
5	Applicant shall provide final decking material samples to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
<b>Site</b>				
6	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
<b>Miscellaneous</b>				
7	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
<b>Public Safety</b>				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	
<b>Final Sign-Off</b>				
11	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

