



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

**Case #:** ZBA 2017-31-R1-7/19  
**Date:** August 21, 2019  
**Recommendation:** Conditional approval

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**PLANNING STAFF REPORT**

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**Site: 34-38 Dane Street**

**Applicant / Owner Name:** Paulo DaSilva and Cassia Silva  
**Applicant / Owner Address:** 34-38 Dane Street, Somerville, MA 02143  
**City Councilor:** J.T Scott

Legal Notice: Applicants and Owner, Paulo DaSilva and Cassia Silva, seeks a special permit under SZO §5.3.8 to revise a previously approved special permit (ZBA 2017-31) to construct a roof deck on the rear of the proposed three family dwelling. RC Zone. Ward 3.

Dates of Public Hearing: Zoning Board of Appeals – August 21, 2019

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**I. PROJECT DESCRIPTION**

1. Subject Property: The locus consists of two parcels, 34 Dane Street and 38 Dane Street, that are considered merged as one parcel for zoning purposes and contains 7,440 square feet of land area. The 34 Dane Street portion of the locus is currently a 4,175 square foot vacant lot that has formerly been used by the Boston and Main Railroad Corporation for occasional railroad maintenance purposes. It currently consists of unmaintained overgrowth. The 38 Dane Street portion of the lot is currently a 3,525 square foot lot that contains a 2.5 story five-bedroom single family dwelling.

In June of 2017, the ZBA approved the construction of a three-unit dwelling on the 34 Dane Street portion of the lot and convert the existing single family dwelling at 38 Dane Street into a two-family dwelling for a total of five units on the locus. The trigger for the Special Permit was to establish five dwelling units on the lot. Two two-bedroom units and one three-bedroom unit are proposed at 34 Dane Street and two three-bedroom units are proposed at 38 Dane Street. There will be two parking spaces at 34 Dane Street (one surface and one in a garage), two surface parking spaces at 38 Dane Street, and six bicycle parking spaces.



2. Proposal: The proposal is to revise the previously approved plans for the triple decker at 34 Dane Street. The approved plans included a three-story rear porch and the proposal is to continue those stairs to the roof and create a roof deck.
3. Green Building Practices: None listed on the application form.
4. Comments:

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

**II. FINDINGS FOR REVISIONS TO SPECIAL PERMIT (SZO §5.3.8):**

Revisions that are not *de Minimis* shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.

The findings made under the previous Special Permit approved by the ZBA in June of 2017 (ZBA 2017-31) are not applicable to this proposal. The proposed structure conforms to all dimensional requirements as does the proposed roof deck. The proposal does not alter or increase any preexisting nonconformities.

**III. RECOMMENDATION**

**Special Permit Revision under §5.3.8**

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 for the construction of a roof deck. 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>July 18, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 18, 2019</td> <td>Modified plans submitted to OSPCD (title page, A1.0, X2.0, and A2.0)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	July 18, 2019	Initial application submitted to the City Clerk’s Office	July 18, 2019	Modified plans submitted to OSPCD (title page, A1.0, X2.0, and A2.0)
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Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										

2	All conditions of approval from ZBA 2017-31 remain in effect.	BP	Housing	
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