



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

2025 JUN 20 A 9:42

DECISION

PROPERTY ADDRESS: 230 Elm Street
CASE NUMBER: ZP25-000027
OWNER: Hancock Somerville LLC
OWNER ADDRESS: 1200 Salem Street #119, Lynnfield, MA 01940
APPLICANT: Justin Parker - Classic Sign Inc.
APPLICANT ADDRESS: 13 Columbia Drive, Unit 16, Amherst, NH 03031
DECISION: Denied
DATE OF VOTE: June 4, 2025
DECISION ISSUED: June 20, 2025

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Hardship Variance application submitted for 230 Elm Street.

LEGAL NOTICE

Classic Signs Inc. seeks to have an illuminated sign more than 10 feet from the principal entrance of a new commercial business in the Mid Rise 4 (MR4) district, which will require a Hardship Variance.

RECORD OF PROCEEDINGS

On June 4, 2025, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board members Chair Orsola Susan Fontano, Ann Fullerton, Zachary Zaremba, Brian Cook, and Sisia Daglian.

The applicant, Justin Parker from Classic Signs Inc., shared a presentation with renderings of the proposed blade sign. Parker indicated the sign would not be able to be installed at the required distance from the principle entrance because there are windows across the façade beside the proposed location at the corner of the building. Parker noted this Goodwill location had been there for approximately 30 years, and the sign would help provide increased visibility to pedestrians. Parker showed photos of other blade signs along Elm Street and stated they do not believe the sign would be detrimental to the streetscape.

Chair Fontano asked the applicant whether the existing wall sign was going to remain on the façade of the building and the applicant indicated the sign was newly installed and would remain on the front of the building. Chair Fontano asked what the dimensions of the existing wall signage and when the sign was installed. The applicant said the sign was installed February of this year and was 2' 3" in height at its tallest point.

Public comment was opened. A neighbor had concern about the brightness of the proposed and sign like it on Elm Street. The resident wanted to know how light pollution was addressed for these signs.

Board member Zach Zaremba asked about the inconsistency between similar projecting signs along Elm Street. The Case Planner, Lexie Payne, gave an overview of the review process following approval of a Hardship Variance and stated that ISD is responsible for enforcing the City's light pollution standards.

Board Member Zach Zaremba continued by stating that he did not believe this sign would be a detriment in the proposed location, but approving the requested relief would set a precedent for hardship variances. Brian Cook said he agreed with Zaremba's comments and that the location could be raised above the windows to make the sign location zoning compliant. Cook continued by stating that if the Board continues granting these hardship variances it negates the purpose of the sign ordinance and prevents consistency.

Board Member Ann Fullerton agreed with previous comments and noted that the business does have a double wide frontage which affects the distance of a sign from the principle entrance, but the location could be moved to the signage band to be compliant. Sisia Daglian agreed with previous comments from fellow Board Members.

Chair Fontano commented that she is not in favor of the approval of the requested relief and expressed concern about impacts to the streetscape. Fontano reiterated that the business has existing adequate signage and requested a vote. Clerk Brian Cook stated that the Boards discussion concluded that the requested proposal does not meet the criteria for a hardship variance, then moved on the application.

PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

Document	Pages	Prepared By	Date	Revision Date
230 Elm Street- Narrative	1	Justin Parker- Classic Sign Inc. 13 Columbia Drive, Unit 16 Amherst, NH 03031	May 8, 2025	n/a
230 Elm Street- Proposed Sign & Revision	2	Justin Parker- Classic Sign Inc. 13 Columbia Drive, Unit 16 Amherst, NH 03031	May 8, 2025	n/a
230 Elm Street- Plot Plan with Sign	1	Justin Parker- Classic Sign Inc. 13 Columbia Drive, Unit 16 Amherst, NH 03031	May 8, 2025	n/a

HARDSHIP VARIANCE FINDINGS

In accordance with M.G.L. 40A and the Somerville Zoning Ordinance, the Board may grant a hardship variance only upon finding all of the following for each hardship variance:

1. Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the zoning district in which the land or structure is located

The Board finds that this project does not meet the criteria relating to special circumstances relating to the parcel of land or character of the existing structure. The Board found that no special circumstances could prevent a sign to be located in a zoning compliant location.

2. Literal enforcement of the provision of this Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances.

The Board finds that the enforcement of the provision of the ordinance did not result in substantial hardship. The Board noted that the business has adequate existing signage on the façade of the building that has recently been installed.

3. Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in this Ordinance or the Ordinance in general.

The Board found that while the desired relief would not cause substantial detriment to the public good, it would derogate from the intent of the ordinance by providing a precedent of non-compliant signs that do not meet all criteria for the granting of a Hardship Variance.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Brian Cook made a motion to approve the Hardship Variance to have an illuminated sign more than 10 feet from the principal entrance of a new commercial business in the Mid Rise 4 (MR4) district. Ann Fullerton seconded. The Board voted **0-5** on the motion. The motion failed and the Hardship Variance was subsequently **denied**.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Ann Fullerton
Zachary Zaremba
Brian Cook, *Alternate*
Sisia Daglian, *Alternate*

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
 _____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
 _____ there has been an appeal filed.

FOR SITE PLAN APPROVAL(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
 _____ there has been an appeal filed.

Signed _____ City Clerk Date _____