



City of Somerville

ZONING BOARD OF APPEALS

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

TO: Zoning Board of Appeals
FROM: Planning, Preservation, & Zoning (PPZ) Staff
SUBJECT: 181 Pearl Street, ZP25-000057
POSTED: July 10, 2025

RECOMMENDATION: None

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from PPZ staff to the Review Board members.

This memo summarizes the Hardship Variance request(s) submitted for 181 Pearl Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on June 10, 2025, and is scheduled for a public hearing on July 16, 2025. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

181 Pearl St. LLC seeks relief from SZO Section 10.3.6.a.i., regarding landscape buffer requirements, which requires a Hardship Variance.

SUMMARY OF PROPOSAL

181 Pearl Street LLC is proposing to construct a 3-story apartment building, which requires a Hardship Variance for the location of the principal entrance under SZO § 10.3.6.a.i. Under the requirements of the SZO, any lot in the MR, HR, FAB, CC, CI, or CB district abutting the side or rear lot line of a lot in the NR district must be screened by a landscape buffer. Here, the applicant is proposing to construct a building on the subject MR3 lot that abuts two NR lots (185 Pearl Street to the left and 4 Dana Street to the rear), without the required landscape buffer screening.

BACKGROUND

181 Pearl St is located in the 0.5 mi Transit Area in the MR3 zoning district in the Winter Hill neighborhood represented by Ward 1 Councilor Matthew McLaughlin. Following the Board's decision regarding the Hardship Variance, the proposal will require Site Plan Approval, a Special Permit for residential use, and a Building Permit. The Zoning Board of Appeals is the decision-making authority for all Hardship Variances. The Planning Board is the decision-making authority for all discretionary or administrative (non-Hardship Variance) permits required in the MR3 district.

Three (3) hardship variances for this project were previously approved. The first was approved at the August 9, 2024 Zoning Board of Appeals Hearing. This Hardship Variance was for relief from the façade buildout requirements under SZO § 4.1.7.c. The minimum primary front façade buildout in the MR3 zoning district is 80%, whereas the applicant proposed a primary front façade buildout of 67.3%.

The second and third Hardship Variances were both approved at the March 19, 2025 Zoning Board of Appeals Hearing. The second was for relief from SZO § 2.4.5.b.i.a, regarding principal entrance requirements on façades. The placement of the principal entrance is through the courtyard on the left (side) elevation, rather than on the front façade. The third Hardship Variance was for relief from SZO § 4.1.16.a.i., regarding sidewalk width requirements. Under the requirements of the SZO, any lot abutting a sidewalk less than twelve (12) feet in width, must pave the frontage area to provide a sidewalk that is at least twelve (12) feet in total width. Here, proposal is for a sidewalk that is 7' 3¾" on the Pearl Street facing side of the building and a 6' 11½" sidewalk on the Dana Street facing side of the building.

ANALYSIS

The applicant is proposing to construct a three-story apartment building without the required landscape buffer. The proposal requires one (1) Hardship Variance for the relief from SZO § 10.3.6.a.i., which states, "Any lot in the MR, HR, FAB, CC, CI, or CB district abutting the side or rear lot line of a lot in the NR district must be screened by a landscape buffer." The applicant is to construct the proposed principle building on the subject lot without the required landscape buffer screening.

PPZ Staff believes that special circumstances exist regarding the first Hardship Variance criterion. Here, the difficulty is specifically the shape of the lot. At 2,024 SF, the 181 Pearl St lot it is less than 1/3 the size of an average MR3 parcel.

Generally, PPZ Staff does not provide analysis or recommendations concerning the existence of actual hardship, financial or otherwise, regarding the second Hardship Variance criterion. The Applicant provides an argument for the second criterion in their Narrative.

Upon analysis of the material submitted by the Applicant, PPZ Staff does not believe that the granting of the requested Hardship Variances would cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the MR3, copied here:

Upon analysis of the material submitted by the Applicant, PPZ Staff do not believe that the granting of the requested hardship variances would not cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the MR3 zoning district, copied here:

Intent

- To implement the objectives of the Comprehensive Plan of the City of Somerville.
- To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving commercial uses.

Purpose

- To permit the development of multi-unit and mixed-use buildings that do not exceed three (3) stories in height.
- To provide quality commercial spaces and permit small- scale, neighborhood serving commercial uses.
- To create dwelling unit types, sizes, and bedroom counts ideal for larger households in apartment buildings.
- To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in general buildings.
- To permit increased residential density for buildings that meet the definition of a net zero ready building.

Additionally, PPZ Staff believes that granting the requested hardship variances would support the broader intent of the Somerville Zoning Ordinance, including, but not limited to, the following:

- To provide distinct physical habitats at different scales, including the lot, block, and neighborhood, so that meaningful choices in living arrangement can be provided residents with differing physical, social, and emotional needs.
- To preserve and enhance the existing character of Somerville's traditional housing and respect existing built form and development patterns.

Massachusetts courts have stated that variances will naturally deviate from the intent and purpose of a zoning ordinance to some degree and that the discretionary approval of a variance is defensible if the deviation is not substantial or significant in comparison to the intent and purpose for the district in appraising the effect of the proposal on the entire neighborhood, including future impacts and other development approved or denied in the general vicinity of the development site.

CONSIDERATIONS & FINDINGS

In accordance with the Somerville Zoning Ordinance, the Zoning Board of Appeals may grant a Hardship Variance only upon deliberating and finding all of the following at the public hearing for each requested variance:

Hardship Variance Considerations

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 MR3 zoning district in which the land or structure is located;

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, 181 Pearl St LLC, due to said special circumstances; and
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 the MR3 district in this Ordinance or the Ordinance in general.

PERMIT CONDITIONS

Should the Board approve the required Hardship Variance for relief from Section 10.3.6.a.i., regarding landscape buffer requirements, PPZ Staff recommends the following conditions:

Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.

Public Record

3. A digital copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation, & Zoning Division for the public record.