



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: 36 Beacon St, ZP25-000075 & ZP25-000084
POSTED: October 10, 2025

RECOMMENDATION: None (ZP25-000075 & ZP25-000084)

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 36 Beacon 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 applications were deemed complete on September 17, 2025, and are scheduled for a public hearing on October 15, 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

ZP25-000075

36 Beacon LLC seeks relief from SZO 3.2.11.b to construct rear egress stairs within the rear setback in the Urban Residence (UR) district, which requires a hardship variance.

ZP25-000084

36 Beacon LLC seeks relief from SZO 14.1.7.b.ii to further reduce nonconforming landscape and permeable area in the Urban Residence (UR) district, which requires a hardship variance.

SUMMARY OF PROPOSAL

36 Beacon LLC ("the Applicant") proposes a rear-egress staircase which requires a Hardship Variance for extending into the rear setback and relief from further reducing the nonconforming landscape and permeable area.

BACKGROUND

36 Beacon Street is located in the 0.5mi Transit Area in the Urban Residence (UR) zoning district in the Union Square neighborhood represented by Ward 2 Councilor J.T. Scott. The Zoning Board of Appeals is the decision-making authority for all discretionary and administrative permits required for the UR zoning district.

The property is also part of a Local Historic District. Any modification to the exterior of the property that is visible from a public way requires a Certificate of Appropriateness from the Historic Preservation Commission (HPC). The HPC has not yet issued a Certificate of Appropriateness for the proposed work in its current form. A Certificate of Appropriateness for rear egress stairs was approved in September of 2020 but has since expired. This proposal must go back to the HPC due to a proposed change in scope from the original approval.

This application is scheduled to be heard at the October 21, 2025 meeting of the HPC.

ANALYSIS

The locus is the right-most unit in a line of rows houses fronting Beacon Street. It is located in the UR zoning district.

The immediate neighborhood is composed of a mix of Urban Residential, Commercial Business, and Neighborhood Residential Districts.

In the UR zoning district, a minimum rear yard setback of twenty (20) feet is required. The current setback is 28 feet and 11 inches. The proposed design would decrease the setback to 12 feet 7 inches. The Building Official determined that the proposed egress stairs are the minimum that the applicant could construct in order to meet building/safety code requirements.

The lot coverage of the existing condition of the property is 70.4%. The lot coverage is currently nonconforming, and the proposed stairs would increase the nonconforming lot coverage to 76.8%.

Pursuant to MGL Chapter 40A, Section 10, the Applicant must meet the following criteria to qualify for a Hardship Variance:

- a. 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;
- b. 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; and
- c. 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.

Regarding criterion “a”, the Applicant states that this is a narrow, historic lot that is smaller than the majority of residential lots in Somerville. Staff believe that the narrowness of the lot and the existing nonconforming landscape and permeable area create a special circumstance relating to lot coverage standards and the ability to build

a compliant rear egress stair without extending into the 20-foot required setback or increasing the lot coverage.

Regarding criterion “b”, the Applicant states that the Inspectional Services Department (ISD) required the prior owners of the property to correct the rear egress safety issue in a 2017 report, but that correction was never made. PPZ Staff does not typically comment on the 2nd hardship variance criterion.

Regarding criterion “c”, the Applicant states that because the lot backs up to a parking lot for the Cambridge Health Alliance (CHA) hospital and has ample tree coverage, the construction of the stairs is minimally visible from the public way. The Applicant also states that they do not believe that the proposed stairs would impact abutters or their usage of their lots (photograph below). Staff does not believe that this proposal will cause a substantial detriment to the public good nor derogate from the intent of the UR zoning district.



View of 36 Beacon from Line Street

Upon analysis of the material submitted by the Applicant, PPZ Staff do 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 UR 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 multi-unit residential buildings.

Purpose

- To permit the development of multi-unit detached and semi-detached residential buildings on individual lots.
- To permit contextual modifications to existing detached and semi-detached residential buildings.

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

- To permit development and redevelopment according to plans that are collaboratively developed with the Somerville community.
- To protect the health, safety, and general welfare.

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.

Public Space and Urban Forestry (PSUF):

PSUF Staff has reviewed the proposal to reduce the landscape and has noted that the applicant or any contractor should take necessary precautions to avoid damaging any tree or tree part with equipment, including trees on abutting properties, when constructing the rear stair addition. The applicant must protect these trees above and below ground during construction. Tree roots extend to at least the dripline of the tree, and damage to the root system may result in tree instability and/or death. To preserve the structural integrity and health of this tree, the applicant shall establish a Tree Protection Zone at the dripline of this tree (the dripline is the outside edge of the tree branch tips). The Tree Protection Zone will be established using a chain-link, wire-mesh, or wooden fence, which must be installed prior to any work and must be maintained throughout construction. The fencing will be 4-6 feet high and solidly anchored to the ground. This fencing shall be clearly marked with signs stating that this area is a Tree Protection Zone and that no one is allowed to enter or disturb this area without authorization from a specified certified arborist. Signs must be posted in native language(s) of the workers on site.

If possible, no work should occur within the Tree Protection Zone. If any work must occur within the Tree Protection Zone, it must be done carefully and by hand and shall be overseen by a Massachusetts Certified Arborist (MCA) or International Society of Arboriculture (ISA) Certified Arborist or equivalent.

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 Urban Residence 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, 36 Beacon 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 Urban Residence district in this Ordinance or the Ordinance in general.

PERMIT CONDITIONS

Should the Board approve the required Hardship Variance for relief from rear setback standards PPZ Staff recommend the following conditions:

ZP25-000075

Permit Validity

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

Public Record

2. 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.

ZP25-000084

Should the Board approve the required Hardship Variance for relief to further reduce nonconforming landscape and permeable area, PPZ Staff recommend the following conditions:

Permit Validity

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

Public Record

2. 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.