



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

PROPERTY ADDRESS: 872 Broadway
CASE NUMBER: ZP25-000065
OWNER/APPLICANT: 872 Broadway LLC
ADDRESS: P.O. Box 610312, Newton, MA 02461
DECISION: Approved with Conditions (Hardship Variance)
DATE OF VOTE: October 1, 2025
DECISION ISSUED: October 3, 2025

2025 OCT -3 A 10:22

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 872 Broadway.

LEGAL NOTICE

872 Broadway LLC seeks relief from SZO § 4.1.8.d. ground story primary facade fenestration requirement for a General Building in the Mid-Rise 3 (MR-3) zoning district, which requires a Hardship Variance.

RECORD OF PROCEEDINGS

On October 1st, 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 Susan Fontano, Vice-Chair Anne Brockelman, Ann Fullerton, Zachary Zaremba, Alternate Brian Cook, and Alternate Sisia Daglian.

The Applicant team presented the applications, explaining how the transformer came to be installed in its zoning-noncompliant location. The team included the attorney for the Applicant, the Applicant (the property owner), the architect, and a consultant for electrical utility installation. The team described the specifics of the transformer installation process. The Board asked the Applicant team questions regarding the decision making process and why relief was not sought prior to the installation of the transformer. The Chair opened the hearing to public testimony; an abutter spoke regarding a property line disagreement during the construction of the building. Acting Clerk Brian Cook moved to approve the Hardship Variance.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
Hardship Variance Narrative	2	Philip Sima Balance Architects, Inc.	July 28, 2025	n/a

		1 Thompson Square #207, Boston, MA 02129		
Land Title Survey	1	Peter Nolan & Associates LLC 80 Jewett Street Suite 2 Newton, MA 02458	October 12, 2020	n/a
Hardship Variance Plan	8	Balance Architects, Inc. 1 Thompson Square #207, Boston, MA 02129	June 13 th , 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 Mid-Rise 3 zoning district in which the land or structure is located;*

The Board finds that special circumstances exist relating to the unusual shape of the lot that required negotiations with abutters that were unsuccessful and requests for flexibility from the utility provider that were not granted with regard to the transformer 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.*

The Board finds that literal enforcement of the ordinance would create a substantial hardship to the petitioners.

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 Mid-Rise 3 district in this Ordinance or the Ordinance in general.*

The Board finds that desirable relief can be granted without substantial detriment to the public good and without nulling or substantially derogating from the intent and purpose of the Mid-Rise 3 zoning district and the Ordinance in general.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Brian Cook moved to approve the Hardship Variance for relief from SZO § 4.1.8.d. ground story primary facade fenestration requirement for a General Building in the Mid-Rise 3 (MR-3) zoning district,

which requires a Hardship Variance with the conditions included in the staff memo dated August 15th, 2025. Alternate Sisia Daglian seconded. The Board voted **5-0** (Alternate Sisia Daglian voting) to approve the permit, subject to 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.

Design Impacts

3. Prior to the issuance of a Certificate of Occupancy, the Applicant must return to the Planning Board to review changes and evaluate design options to mitigate impacts on the public realm.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Anne Brockelman, *Vice-Chair*
Ann Fullerton
Zachary Zaremba
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 _____