



City of Somerville

# **ZONING BOARD OF APPEALS**

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**TO:** Zoning Board of Appeals  
**FROM:** Planning, Preservation, & Zoning (PPZ) Staff  
**SUBJECT:** 156-158 Summer Street, ZP25-000098  
**POSTED:** October 29, 2025

**RECOMMENDATION:** Approve with conditions

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 156-158 Summer 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 October 15, 2025, and is scheduled for a public hearing on November 5, 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**

### **ZP25-000098 – 156-158 Summer St**

Somerset LLC - Kevin Foley (Manager), seeks a Hardship Variance for a transformer in the frontage area per Section 2.4.3.d.v of the SZO.

## **SUMMARY OF PROPOSAL**

Somerset LLC - Kevin Foley (Manager), is proposing to construct a transformer which requires a Hardship Variance for it to be installed in the front side of the building. 156-158 Summer Street is a multi-family apartment building between Central and Harvard Street, with its front façade and entrance facing Summer Street.

## **BACKGROUND**

156-158 Summer St is located in the Urban Residential (UR) zoning district in the Spring Hill neighborhood represented by Ward 3 Councilor Ben Ewen-Campen. The Zoning Board of Appeals is the decision-making authority for all discretionary and administrative permits required for the UR zoning district.

## ANALYSIS

Pursuant to SZO §2.4.3.d.v., mechanical equipment associated with residential uses is not permitted within the frontage area of a lot.

The Applicant has provided a narrative, as part of this application, addressing the review criteria for the requested Hardship Variance. Pursuant to M.G.L. c. 40A, §10, the Applicant must address the following criteria:

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 UR (Urban Residential) district in which the land or structure is located.
2. Literal enforcement of the provision of [the Somerville Zoning] 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.
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 UR (Urban Residential) in this Ordinance or the Ordinance in general.

The following is PPZ staff's analysis related to the review criteria for the requested Hardship Variance:

In the narrative, the Applicant addresses criterion 1 of M.G.L. c. 40A, §10, noting that the existing irregular "H" shape of the building limits the potential locations for installing the transformer while meeting dimensional requirements.

Figure 1 provides an aerial perspective of the property and illustrates the limited availability of other suitable locations for the transformer installation. The limiting options to install a transformer due to the existing shape of the building meets the first criterion, as there are special circumstances due to the unusual character of the existing structure.

In the narrative, the Applicant addresses criterion 2, explaining that the request for transformer installation was made by the Applicant's insurance company, which emphasized the need for the work to be

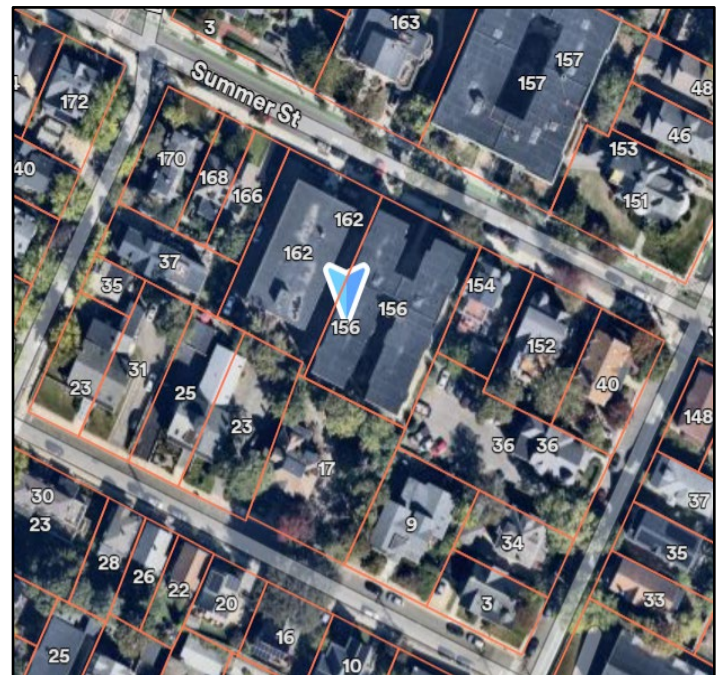


Figure 1 -Aerial image of locus overlaid with assessor lot lines

completed promptly. To meet the insurer's requirements, the Applicant explored alternative locations; however, doing so would require extensive excavation and disruption of underground utilities, resulting in significant delays in satisfying the insurer's mandate, and financial hardship. Additionally, this proposal aligns with existing interior electrical services in the building. Generally, PPZ staff do not provide analyses or recommendations concerning the existence of actual hardship, financial or otherwise, regarding the second Hardship Variance criterion.

The Applicant addresses criterion 3 by explaining that the proposed location for the transformer is on the right side of the building's entrance. The entrance walkway will be slightly relocated to provide adequate space for the transformer installation, which will be screened with shrubs without interfering with the existing streetscape of Summer Street. If possible, the Applicant will reuse existing landscaping to screen the transformer and will add complementary shrubs such as inkberry (*Ilex glabra*), arborvitae (*Thuja*), and evergreen (*Sempervirens*). This plan would meet the screening development standards of SZO §10.7.4.b, which states the following:

- i. Mechanical equipment visible from a public thoroughfare (excluding an alley) or civic space must be screened by landscaping, a fence, or a wall constructed of materials that are compatible with the principal building in terms of texture, quality, and color.
- ii. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.



Figure 2 - Streetview of 156-158 Summer St. marking the transformer proposed location.

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 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 support 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.

### **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 Residential 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;

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 Residential district in this Ordinance or the Ordinance in general.

## **PERMIT CONDITIONS**

Should the Board approve the required Hardship Variance for the installation of a transformer in the frontage area per Section 2.4.3.d.v of the SZO, 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.