



City of Somerville

# ZONING BOARD OF APPEALS

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

## DECISION

**PROPERTY ADDRESS:** 156-158 Summer Street  
**CASE NUMBER:** ZP25-000098  
**OWNER/APPLICANT:** Somerset LLC/Kevin C. Foley  
**ADDRESS:** 67 Leonard Street Belmont, MA 02478  
**DECISION:** Approved with Conditions (Hardship Variance)  
**DATE OF VOTE:** November 5, 2025  
**DECISION ISSUED:** November 14, 2025

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CITY OF SOMERVILLE, MASS.  
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Hardship Variance application submitted for 156-158 Summer Street.

## LEGAL NOTICE

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.

## RECORD OF PROCEEDINGS

On November 5<sup>th</sup>, 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, Zachary Zaremba, Olivia Mobayed, Alternate Brian Cook, and Alternate Sisia Daglian.

The Applicant presented the application, and explained that due to the building's unique shape, it creates limited space at the rear and side of the subject property to install the transformer. The applicant also explained that grade issues and the location of existing underground utilities created a hardship for a compliant location of the transformer. The Board asked the Applicant questions about transformer dimensions and clearance requirements in relation to the landscaping. The Applicant shared that the transformer will be covered with existing and additional landscaping if needed, to be as undistruptive as possible, while meeting both City and Eversource requirements. The Chair opened the hearing to public testimony; there were no comments. The Chair then closed the public hearing portion of the hearing. Acting Clerk Sisia Daglian 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
Hardship Variance Narrative	1	Kevin Foley (Applicant)	October 16, 2025	N/A
Site Electrical Plan with Underground Utilities	1	Scott Griffin Architects	August 2, 2022	N/A
Transformer Location Schematic	1	Kevin Foley (Applicant)	October 4, 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 Urban Residential zoning district in which the land or structure is located;*

The Board finds that special circumstances exist relating to the unusual character of the existing structure, as it occupies most of the lot and does not leave room on sides and rear setbacks for transformer installation.

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 not being able to install the transformer in the front yard would create considerable financial hardship for the owner.

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.*

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 Urban Residential zoning district and the Ordinance in general, as the transformer will be shielded with landscaping from the public way.

## DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Sisia Daglian moved to approve the

Hardship Variance for relief from SZO § 2.4.3.d.v Setback Encroachments requirement in the Urban Residential (UR) zoning district, which requires a Hardship Variance with the conditions included in the staff memo dated October 29<sup>th</sup>, 2025. Member Zac Zaremba seconded. The Board voted **5-0** (Alternate Brian Cook 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.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*  
Anne Brockelman, *Vice-Chair*  
Zachary Zaremba  
Olivia Mobayed  
Brian Cook, *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 \_\_\_\_\_