



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:** 66 Union Square Plaza, ZP25-000100  
**POSTED:** December 10, 2025

**RECOMMENDATION:** Deny

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 66 Union Square Plaza, 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 November 25, 2025, and is scheduled for a public hearing on December 3, 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**

Sign Design Inc. seeks to install a noncompliant sign in the Commercial Core (CC) district which requires a Hardship Variance.

## **SUMMARY OF PROPOSAL**

Sign Design Inc. proposes to install a second non-illuminated wall sign in the Commercial Core (CC) district which requires a Hardship Variance. Currently, there is an existing, non-illuminated wall sign above the door of the glass entry foyer. This sign will remain. The proposed second sign would be installed on the upper right side of the glass entry foyer. The design of the second sign would contain the logo for the business.

## **BACKGROUND**

66 Union Square Plaza, located in the Union Square neighborhood, is sited on a Pedestrian Street within the 0.25mi Transit Area. This Commercial Core (CC)-zoned property is represented by Ward 3 Councilor Ben Ewen-Campen.

The total square footage of the proposed sign will be 16.92 square feet. The Somerville Zoning Ordinance (SZO) 10.8.11. allows one wall sign per tenant. The applicant already

has the allowed one sign on this site. The existing allowed single wall sign faces Union Square.

## ANALYSIS

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

- 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;
- 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
- 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 special district in this Ordinance or the Ordinance in general.

*Note: All three criteria must be met to approve any Hardship Variances.*

Criterion “a”: The applicant contends that a special circumstance exists because the building’s façade has two blank panels flanking the entrance. The applicant contends that this is unique to the property and not common in the surrounding district.

Staff do not believe that the existing façade creates a special circumstance for sign relief. There is an existing sign on the front façade, and a blank wall is not grounds for a hardship variance.



*Existing Condition*



*Proposed Sign*



*Context Photo*

Criterion “b”: The applicant contends that literal enforcement of the ordinance requiring these panels to remain blank imposes a significant hardship by limiting visibility and identification for the business.

PPZ Staff generally do not comment on the second hardship variance criterion.

Criterion “c”: The applicant contends that the proposed logo will be modest in size, proportionate to the panel, and consistent with the building’s design. The applicant contends that it will not increase visual clutter or obstruct public ways.

Staff emphasize that the Somerville Sign requirements should apply to all businesses uniformly. Complying with the sign requirements does not constitute a hardship; the zoning ordinance itself is not considered a hardship. By upholding the sign requirements in the SZO, each business is being held to the same standards.

Upon analysis of the material submitted by the Applicant, PPZ Staff **do** believe that granting the requested hardship variance would undermine the broader intent of the Somerville Zoning Ordinance (SZO) including, but not limited to, the following:

- To implement the Comprehensive Plan of the City of Somerville and enforce officially adopted plans and policies.
- To permit development and redevelopment according to plans that are collaboratively developed with the Somerville community.
- To preserve and enhance the design of Somerville’s public realm.

Regarding the Commercial Core (CC) District, PPZ Staff do not believe that the granting of the requested hardship variance would cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the Commercial Core district (copied below).

#### Intent

- To implement the objectives of the Comprehensive Plan of the City of Somerville for commercial development.
- To create, maintain, and enhance areas appropriate for moderately-scaled single- and multi-use commercial buildings; neighborhood-, community-, and region-serving uses; and a wide variety of employment opportunities.

### Purpose

- To permit the development of mid- and high-rise single and multi-use commercial buildings.
- To provide quality ground story commercial spaces and permit small and medium-scale, neighborhood-, community-, and region-serving commercial uses.

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 Commercial Core 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, Sign Design Inc. and Don Warner 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 Commercial Core district in this Ordinance or the Ordinance in general.

### PERMIT CONDITIONS

Should the Board approve the required Hardship Variance for installing a second sign 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.