



UNIVERSITY RELATIONS

Mary R. Jeka, *Senior Vice President and General Counsel*

September 9, 2015

Mr. William White
President, Board of Aldermen
City of Somerville
125 Ten Hills Road
Somerville, MA 02145

Dear President White:

We are writing in regard to the consideration by the Board of Aldermen of "An Act Granting the City of Somerville the Authority to Require the Adoption of Institutional Master Plans Subject to the Review and Approval by the Municipality". This bill would exempt Somerville from G.L.C.40A, Section 3, known as the Dover Amendment.

Tufts University strongly values its relationship and is committed to planning collaboratively with the City of Somerville. For many years, we have successfully worked together under the current system as evidenced by many projects that are mutually beneficial to the interests of both Somerville and Tufts. We strongly believe that this bill, by eliminating the essential protections granted by the Dover Amendment, would significantly and detrimentally alter the collaborative relationship between Somerville and Tufts as well as the City's non-profit community. For that reason, we urge the Board of Aldermen to reject this bill.

The Dover Amendment allows universities, hospitals and religious institutions to carry out their mission in a way that supports thoughtful, long-range planning. This bill would introduce the unpredictability of a special permitting process that would seriously undermine the ability of non-profits for sound planning.

The fundamental protections afforded to non-profits under the Dover Amendment principally relate to use. It does not provide a blanket waiver to all local zoning but explicitly allows municipalities to impose reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. These eight areas of permissible zoning restrictions allows for a great deal of local control and input over projects.

Over twenty years ago, Somerville and Tufts University agreed on a university overlay district that prevents Tufts from building any structure directly across from the residential neighbors except if the structure is of the same scale and dimensions. The overlay district is an accepted part of the city's zoning code and has worked well for two decades. In accordance with the overlay district, Tufts has built several structures—South Hall dormitory, the Granoff Music Building and Sophia Gordon Hall. All of these projects were undertaken after extensive consultation with the Mayor, local officials and local abutters.

The process for creating the successful overlay district was collaborative and considered a model by other communities. Tufts also cooperated with the Board's Legislative Matters Committee on the creation of the University Accountability ordinance.

We are deeply concerned that there has been no opportunity for the Board to hear our concerns during the development of this bill. Therefore, we respectfully request that the Board of Aldermen reject this bill as it does not further the shared goal of continuing a strong, collaborative relationship between the City of Somerville and Tufts University.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Mary R. Jeka".

Mary R. Jeka
Senior Vice President & General Counsel

A handwritten signature in black ink that reads "Barbara Rubel".

Barbara Rubel
Director, Office of Community Relations