



CITY OF SOMERVILLE, MASSACHUSETTS
ELECTION DEPARTMENT
JAKE WILSON
MAYOR

March 5, 2026

Kimberley Wells
City Clerk
Somerville City Hall
93 Highland Avenue
Somerville, Ma 02143

CITY CLERK'S OFFICE
SOMERVILLE, MA

2026 MAR - 5 P 5: 16

Dear Ms. Wells:

We hereby certify that the four (4) pages of the petition ("Proposed Zoning Text Amendment, Somerville Zoning Code 3.1.12") given to us by your office contains the names of fourteen (14) registered Somerville voters designated as such by a red check mark to the left of the name.

- ✓ against the name of each qualified voter certified.
- N - no such registered voter at that address, or address is illegible.
- S - unable to identify signature as that of voter because of form of signature, or signature is illegible.
- T - already signed

BOARD OF ELECTION COMMISSIONERS



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 4200 • FAX: (617) 625-5643
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March 4, 2026

2026 MAR -5 A 9:20

CITY CLERK'S OFFICE
SOMERVILLE, MA

Honorable Members of the Somerville City Council:

I send this letter in compliance with your requirements relating to the submission of zoning amendments by registered voters. There are multiple signatories to the Amendments, but in sending this required letter to explain the rationale of the amendments, I will set forth the reasons that prompted me to draft them. This day, I have filed four proposed zoning amendments each of which is joined by at least 10 more registered voters. I want to make it clear that I did not file these zoning amendments in my capacity as counsel to Denise and I am not charging her for any work on this. To put it simply, I filed the proposed zoning amendments as a registered voter of the City who served on the City Council for 24 years. Because many registered voters have expressed policy concerns that are similar to mine, I thought it best to present these concerns as zoning amendments. This will bring these concerns directly to the City Council and allow the public to express their opinions, whether they agree or not. I will first describe the concerns and the manner in which the proposed amendments address those concerns.

As an attorney, I have represented a number of sellers of single and two family homes in the City. In this capacity, I have spoken with a number of brokers and attorneys. Currently, many of our existing single and two family homes are being sold to developers. If their lots have sufficient size to construct a backyard cottage, developers will purchase these properties, make sure that any rental units are vacant, demolish the existing building and then construct 4 luxury condominium units, **without any requirement to provide affordable housing**. Similarly, for three deckers, the developers convert them into luxury condominiums and build a luxury backyard cottage as a fourth condominium unit. This trend has directly resulted from the decisions of the Planning Staff and Building Department that backyard cottages do not have to be ancillary to the principal structure on the lot. Instead, they can be luxury condominiums approaching 1500 square feet. Many Somerville residents have raised concerns that buildings of that size are not Backyard Cottages and they certainly have an impact on existing buildings that may be 6 or 7 feet away. Very few Backyard Cottages as rental units will ever be constructed. Instead, because of the profit potential for their construction and sale as a free standing luxury condominium that has as much square footage as many of our small single family homes, the trend will continue.

The continuation of this trend will result in two distinct impacts on our housing market. First, it reduces the supply of rental housing to the extent that existing structures are demolished or converted to condominiums. Second, this trend removes potential houses from the market for purchase by those who cannot afford a condominium or house at current prices. Ordinarily,

many of these houses are old and would require renovation. These are the types of houses that many families would purchase because their market price would be reduced due to the need for improvements. These buyers would also be able to rent the second unit and third unit, if present, to generate income to offset their mortgage. This is how many immigrants and working families purchased homes in the past in Somerville. Because of the amount that developers are paying to purchase them, they are priced out of the range of these buyers. The resulting consequences are that apartment units are being replaced by luxury condominiums. The supply of apartments are thereby being reduced. Likewise, the availability of starter type homes for immigrants and the non-rich to buy is reduced. Too many rental units are all being replaced by luxury condominiums to provide housing for upper income home buyers.. This is an ongoing process that will have drastic impacts on the demographics of our community.

Given the size of our City and its diversity, there are many other areas of the City to accommodate upper income buyers with the opportunity to purchase luxury condominiums. Preserving the NR district as an area where the less affluent might be able to rent or own a home and raise a family is a policy goal that I and others support. If, however, this policy goal is rejected, then the trend will continue year after year and the diversity of the City will be on a downward slide. Given the fact that there is an incentive for developers to demolish existing housing without the protections of the condominium control ordinance, your honorable council also might want to consider whether the Condominium Control Ordinance should be amended to provide protection to tenants who are displaced because their former units were demolished and converted to condominiums. Otherwise, you leave a hole in the ordinance large enough for an oil tanker to sail through. This, of amendment, of course, would be beyond the scope of any zoning amendment. This amendment, of course, would be beyond the scope of any zoning amendment.

To address these policy concerns, I submitted four zoning amendments:

1. Requirement that Backyard Cottages be ancillary to the principal structure. One Amendment changes the definition of a Backyard Cottage as follows. It defines it as an accessory building ~~type structure as defined in Section 10.2.1. b-f.~~ Currently, the SZO defines both “accessory building types” and “accessory building structures.” One definition allows Backyard Cottages to be condominiums, the other would not. This amendment clearly establishes that a backyard cottage is an accessory building structure” which must be ancillary to the main structure and therefore may not be a condominium unit. This type of requirement is being implemented in a number of communities that wish to create additional rental units such as Worcester, as one example. The attorney general's office also has opined that this type of restriction does not violate the MBTA Communities Act.

2. Square footage limitation on Backyard Cottages

The second change is to limit the total square footage of a backyard cottage to 900 square feet. The following language is added to SZO Sec. 3.12. It shall be no larger in Gross Floor Area¹ than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller. There currently is no square foot limitation to a Backyard Cottage. The Planning Staff currently permits finished basements with bedrooms to allow up to 1,500 sq. feet. These large free standing buildings can be located 3 feet from adjoining lots. They bear no similarity to existing garages and carriage houses which were envisioned as being potential existing structures that could be converted to rental housing. There is quite a meaningful difference between a 900 square foot structure and a 1,500 sq. ft. structure. The proposed 900 sq. ft. follows the limitation that is used in the Attorney General's Regulations which limits an ADU to being not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller. 760 CMR 71.02(b). Of course, when there is no principal structure and, instead, is a three unit condominium structure, there is no gross floor area to use.

There is an additional issue with regard to the building department's approval of these condominium buildings. It seems the building department has approved developments that do not comply with the disability requirements of the State. As a result, the developers have sought variances before the Architectural Access Board of the Commonwealth ("AAB"). I have attached a copy of the agenda of an AAB meeting showing the Somerville properties that recently filed for variances. Perhaps this might be an area of fruitful inquiry by the Council with regard to the definition of Backyard Cottages to also make sure that there is equitable treatment of disabled folks under our current development scheme.

3. Creating transparency and opportunity for public comment on lot splits.

The ZBA no longer decides lot split. Lot split requests do not appear on a ZBA Agenda, no notice is provided to abutters and the decision is made in private by Planning Staff. Staff essentially approves all lot split requests without any consideration of the development that will be constructed on the split lot. The public does not even know when a lot split application is filed and what the application entails. I will not repeat my legal arguments against this procedure. I also have a pending complaint for the violation of the open meeting law at the Attorney General's Office because of this secret procedure. The third zoning amendment simply deletes the language that the ZBA, under the guidance of the Planning Staff, enacted in order to provide the Planning Staff with the blanket authorization to convert the process to one with no public knowledge or input and done in private. Although one might argue that this "reduces red tape" by eliminating public involvement, it really doesn't. As soon as the lot split is approved, the developer then submits their building permit applications to Inspectional Services, including the proposed development, faster than the speed of light. It doesn't reduce red tape except for totally removing public input and knowledge from the procedure.

¹ See 2.1.1 of the Somerville Zoning Ordinance for definition of Gross Floor Area

This is especially worrisome to many in the public, because it permits at least double the amount of development that would be permitted without the lot split in an NR district. As a practical matter, most of the lots in our NR District has been developed. New lots are created by destroying existing housing. Because the NR districts have been developed along a certain pattern, creating two lots out of one creates denser development than adjoining lots. This is the reason why the SZO requires a Special Permit. And, if luxury 1,500 square foot luxury backyard cottages are added to the mix, one can have 8 units on 6,200 sq. ft. lots. I have attached a virtual photo based on actual construction that shows this dense development. Based on the rationale discussed earlier, the lot split allows a developer an even greater profit opportunity, so they can outbid any potential buyer for the existing structure and lot as described in part 1 above. The proposed zoning amendment amends 15.7.2 Zoning Board of Appeals as follows:

d. Board Rules

- i. The Zoning Board of Appeals shall elect, at least, a chair and a vice chair on an annual basis from among its own number.
- ii. The chair of the Zoning Board of Appeals shall designate an alternate member to sit in the place of any member incapacitated by personal interest, inability to act, or absence when necessary.
- iii. The Zoning Board of Appeals, or its designee, shall keep minutes of its proceedings.
- iv. The Zoning Board of Appeals may adopt rules of procedure and policy as it deems necessary to conduct its affairs, including but not limited to the following subjects:
 - a).rules and procedures governing applications and fees, including required written and graphical information;
 - b).rules and procedures pertaining to the development review process;
 - ~~e).rules and procedures of a minor Site Plan Approval process for development activities that do not require the procedural steps for Site Plan Approval, but that are still deserving of plan review.~~

The Council, of course, could replace the deleted language with the specific language as far as the activities that it believes do not require the procedural steps for Site Plan Approval and the specific requirements for the ZBA to follow for such activities.

4. Affordable Housing Requirement for Lot Splits in NR District

Under current zoning, no affordable housing requirement exists for a developer who by right can develop 8 condominium units in lots as small as 6500 sq. ft. due to a lot split. It appears to be one more bonanza that is given to luxury condominium developers at the cost of renters and potential non-rich home buyers. These folks are priced out of any ability to bid for the existing house and lot because the developer will outbid them. This is not a quarrel with the decision to eliminate the affordability requirement for a three unit building with a backyard cottage in the NR District. The amendment is designed to require an affordable unit when that amount of development is exceeded as a result of a lot split. The proposal utilizes the same affordability requirement as the UR District.

12.1.2 Applicability

a. This Section is applicable to all development required to provide one (1) or more affordable dwelling units (ADUs) and to any subdivision or lot split that results in two or more lots intended for residential use, sale, legacy, or development at any time. The number of units of housing for residential units that will be constructed on each of the lots that result from the lot split shall be combined. ("Combined Number"). For the NR District, the Combined Number shall constitute the number of Total Dwelling Units to calculate the required affordable dwelling units as specified in table 12.1.2.d. For all other Districts, the Combined Number shall constitute the Total Dwelling Units for use in the Table of Required ADUs applicable to such District.

Add Table 12.1.2.d as set forth below:

<u>Table 12.1.2.d Required ADUs</u>	
<u>Total Dwelling Units Required ADUs</u>	<u>Required ADUs</u>
<u>5 or more units</u>	<u>20% of units</u>

This affordability requirement is the same as the UR District requirement.

Thank you for your attention to these amendments and their rationale.

Very truly yours,

William A. White, Jr.

William A. White, Jr.



MAURA HEALEY
GOVERNOR



LAYLA R. D'EMILIA
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

KIM DRISCOLL
LIEUTENANT GOVERNOR

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board**

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ERIC PALEY
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

NOTICE OF MEETING

In accordance with the provisions of M.G.L. c. 30A, § 20, notice is hereby given that a meeting of the Architectural Access Board will be held on February 23, 2026, at 9:00 a.m. via Microsoft Teams.

ARCHITECTURAL ACCESS BOARD

Join on your computer, mobile app or room device

Join the meeting now

Meeting ID: 214 317 195 872 54

Passcode: 7v5wR3bT

Dial in by phone

+1 857-327-9245,,793758251#

United States, Boston

Find a local number

Phone conference ID: 793 758 251#

Location: Remote Meeting

February 23, 2026, 9:00 a.m. to 5:00 p.m.

1. Dawn Guarriello, Chairperson	<input type="checkbox"/> present	<input type="checkbox"/> absent
2. Patricia Mendez, Vice-Chairperson	<input type="checkbox"/> present	<input type="checkbox"/> absent
3. Katie Denis	<input type="checkbox"/> present	<input type="checkbox"/> absent
4. Pamela Daly	<input type="checkbox"/> present	<input type="checkbox"/> absent
5. David Johnson	<input type="checkbox"/> present	<input type="checkbox"/> absent
6. Jeffrey Dougan	<input type="checkbox"/> present	<input type="checkbox"/> absent
7. Elizabeth Myska	<input type="checkbox"/> present	<input type="checkbox"/> absent
8. Kay Bell	<input type="checkbox"/> present	<input type="checkbox"/> absent

Incoming Case Review:

- Residential Buildings, 17 Hudson Street, Somerville (V26-010)
- Residential Building, 18 Thingvalla Avenue, Cambridge (V26-011)
- Residential Building, 70 Vernon Street, Somerville (V26-012)
- Residential Building, 44 White Street, Somerville (V26-013)
- Residential Building, 22-24 Spring Hill Terrace, Somerville (V26-014)
- Veterans Inc., 69 Grove Street, Worcester (V26-015)
- Lt. Clayre Sullivan Middle School, 400 Jarvis Avenue, Holyoke (V26-016)
- Maurice A. Donahue Elementary School, 210 Whiting Farms Road, Holyoke (V26-017)
- Residential Building, 322 Prospect Street, Cambridge (V26-018)
- Residential Building, 10 Sargent Street, Somerville (V26-019)
- Residential Building, 10 Corinthian Road, Somerville (V26-020)
- Residential Building, 12 Corinthian Road, Somerville (V26-021)
- Residential Building, 1004 Broadway, Somerville (V26-022)
- Residential Building, 1006 Broadway, Somerville (V26-023)
- Residential Building, 259 Lenox Street, Norwood (V26-024)

Quasi-Judicial Session - CLOSED pursuant to General Laws, Chapter 30A, § 18

Administrative Discussion

- Curb Cuts, Ring Road, Boston (C24-062)
- Ashby American Legion Post, 35 New Ipswich Road, Ashby (V24-106 & C23-174)
- Whaling City Sober House, 52 Ash Street, New Bedford (V24-164)
- Sheraton Commander Hotel, 16 Garden Street, Cambridge (V25-016)
- Salem YMCA, 1 Sewall Drive, Salem (V25-089)
- Cabot Street YMCA, 245 Cabot Street, Beverly (V25-108)
- Residential Building, 54-56 Hayes Street, Cambridge (V25-178)
- McKinney Park, 74 Faneuil Street, Boston (V25-191)
- Residential Building, 192 Washington Street, Somerville (V25-216)
- Residential Building, 37 Plymouth Street, Cambridge (V25-235)
- Residential Building, 16 Moreland Street, Somerville (V25-237)
- Residential Building, 95 Berkeley Street, Boston (V26-009)
- BHA Cases Overview
- Advisory Opinion- Reading Nooks
- Advisory Opinion- Warren Gardens
- Minutes and Decisions from the February 9, 2026, meeting

11:00 AM –New England Sports Center, 121 Donald Lynch Boulevard, Marlborough (C24-002 & V24-192)

1:00 PM- Residential Buildings, Various Addresses, Dorchester (V25-176)

If you need reasonable accommodations to participate in the meeting, please reach out to Cheryl Yebba at 617-701-8711. While the Board will do its best to accommodate you, certain accommodations may not be available if requested immediately before the meeting.



CITY OF SOMERVILLE

Office of Strategic Planning & Community Development

ZONING TEXT AMENDMENT • APPLICATION FORM

Per Article 15.6.2 of the Somerville Zoning Ordinance (SZO), an individual property owner or ten (10) registered voters of the City of Somerville may petition the Somerville City Council to amend the provisions of the SZO in response to changes in City policy or real-world conditions. To submit a text amendment petition to the City Council, the following must be provided:

1. A completed Zoning Text Amendment Application Form.
2. The proposed change(s) to the ordinance language. Identify the proper Article and Section number(s) of the ordinance. Text to be removed must be ~~crossed-out-in-red~~ and new text must be underlined in red.
3. A letter addressed to the City Council including a description of the proposed changes and the purpose for the petition.

Submit all required documents to:

City Clerk's Office
 1st Floor, City Hall
 93 Highland Avenue
 Somerville, MA 02143

2026 MAR -4 P 3:27
 CITY CLERK'S OFFICE
 SOMERVILLE, MA

For an individual property owner:

Name:	
Address:	
Signature: _____	

See next page for ten (10) registered voters.
 For ten (10) registered voters:

PROPOSED ZONING TEXT AMENDMENT

We, the undersigned, are all registered voters of the City of Somerville. Pursuant to the provisions of Somerville Zoning Ordinance Section 15.6.2.d.i.f) hereby submit the following textual amendment to the current Somerville Zoning Ordinance.

Amend the provisions of Somerville Zoning Code 3.1.12 as follows:

3.1.12 Backyard Cottage

| A small floor plate, detached, accessory building ~~type-structure~~ as defined in Section 10.2.1. b-f., typically providing space for one (1) small dwelling unit, a home occupation, a playhouse for children, or vehicular parking on the same lot as a principal building type.

| The following images are examples of the Backyard Cottage accessory building ~~type-structure~~ intended only for illustrative purposes.

2026 MAR -4 P 3:27

6. ✓ Kevin M Intosh 60 Ossipee Rd. #2 CITY CLERK'S OFFICE
Somerville, MA 7-4
Sign Name Address
7. ✓ Meredith J. A. Porter 104 Josephine Ave 6-2
~~Meredith J. A. Porter~~
Sign Name Address
8. ✓ Karen Mollay 197 Highland Ave #Unit 2 5-2
Sign Name Address
9. ✓ Elissa C. Mung 167 Hudson St. 5-2
Sign Name Address
10. ✓ Giles Kotchen 19 Cedar Avenue 5-4
Sign Name Address

✓ Donna Daly 25 Elm Place #2 3-3

✓ Jane Fair Baxter 45 Ishetson St., #3 3-4
Somerville 02143

✓ Aberdeens Bier 20 Albion Street 5-2

✓ William A. Whorf 290 Revolution Dr. #627 1-3