

**MEMORANDUM IN OPPOSITION TO
ADMINISTRATIVE APPEAL**

Property: 24 Berkeley Street
Appellant: Thomas Higdon
Case Number: ZP26-000037
Date: June 3, 2026

Background.

This Memorandum is submitted by 24 Berkeley Somerville LLC (the “LLC”), which is the owner of the property at 24 Berkeley Street, Somerville, Massachusetts (the “Premises”). The Premises is the subject of an Administrative Appeal filed by Thomas Higdon (the “Appellant”), owner of 23 Avon Street, Somerville, Massachusetts (“23 Avon”), which is Case number ZP26-000037.

The LLC opposes said Administrative Appeal and requests that it be denied for the reasons stated herein, and for any other reason the Somerville Zoning Board of Appeals (“ZBA”) may deem appropriate.

Specifically, Appellant is appealing the issuance of two building permits to the LLC regarding the Premises, being permits numbered (i) B25-001643 which was issued on December 15, 2025 for “[c]onstruction of a backyard cottage and sitework to accomodate [sic]”; and (ii) B25-001644 which was issued on December 17, 2025 for “[f]oundation only building permit for backyard cottage in Permit #: B25-001643” (collectively the “Permits”). See copies of the Permits attached hereto as Exhibit A.

Appellant is appealing only the Permits, and not any other permits or approvals regarding the Premises or any other property.

Appellant is appealing only under Massachusetts General Laws Chapter 40A, Sections 8 and 15, and Somerville Zoning Ordinance (“SZO”) Section 15.5.2, and under not any other legal authority.

Appellant asserts that the new Backyard Cottage being constructed by the LLC under the Permits does not meet the requirements for building separation in the Neighborhood Residence zoning district (“NR”) regarding Appellant’s accessory garage structure at 23 Avon. Appellant asserts that said garage is a Backyard Cottage accessory building entitled to said separation and is not an Outbuilding accessory structure which is not entitled to said separation.

Summary of Argument.

The LLC requests the ZBA to deny Appellant's Administrative Appeal on the following grounds, and on any other grounds the ZBA finds may be appropriate:

- A. Appellant did not file the Administrative Appeal in time as required by Massachusetts General Laws Chapter 40A and Somerville Zoning Ordinance ("SZO") Section 15.5.2.
- B. Appellant's garage at 23 Avon is an Outbuilding accessory structure under SZO Section 10.2.2.p and, as such, the building separation requirements in SZO Section 3.1.12.b do not apply.
- C. Appellant did not seek to classify the garage at 23 Avon, such that the current classification of it as an Outbuilding stands.
- D. Appellant did not obtain permits to alter the garage at 23 Avon, such that the current condition of the garage should not be the basis for its classification.
- E. The owner of 24 Berkeley relied on ISD's determination and estoppel should apply to allow the Permits to stand.
- F. Appellant is not aggrieved by the issuance of the Permits.

The LLC's position is that Appellant's administrative appeal should be denied based on it being untimely filed, however, should the ZBA determine that said appeal was not filed too late, then said appeal should be denied under any one, or all, of the other grounds stated above, or on any other grounds the ZBA finds may be appropriate.

Argument.

A. The Appellant Did Not File the Administrative Appeal in Time.

In Connors v. Annino, 460 Mass. 790 (2011), and its progeny, the Supreme Judicial Court interpreted Massachusetts General Laws Chapter 40A, Sections 7, 8 and 15 as follows:

"We interpret §§ 7, 8, and 15 to mean that when a party with adequate notice of the issuance of a building permit claims to be aggrieved by the permit on the ground that it violates the zoning code, the party must file an administrative appeal within thirty days of the permit's issuance; a failure to do so deprives the board or other permit granting authority, and later the courts, of jurisdiction to consider the appeal."

and

“§ 15 provides that “[a]ny appeal under [§ 8] to a permit granting authority shall be taken within thirty days from the date of the order or decision which is being appealed.” With respect to an appeal from an “inability to obtain [a § 7] enforcement action” the date from which the thirty-day period for appeal is measured is the date of the written response of the municipal building official to the aggrieved person's request for enforcement. With respect to a building permit, the date of its issuance is considered “the date of the order or decision.” *Id.* at § 15. For purposes of § 8, the issuance of a building permit qualifies as an “order or decision of the inspector of buildings, or other administrative official,” ... and therefore any appeal to the permit granting authority under § 8 must be brought within thirty days after the permit has issued.”

Therefore, since the Permits being appealed are building permits, the issuance of the Permits on December 15, 2025 and December 17, 2025 were the Building Official’s decisions and they had to be appealed within thirty (30) days of those dates, which ran on January 14, 2026 and January 16, 2026, respectively, and certainly well before Appellant contacted ISD on March 10, 2026. See Exhibit A.

Appellant had adequate notice that the Permits had been issued.

The LLC posted the Permits at the Premises, raised a company banner on the front of the existing structure, and broke ground on the Backyard Cottage on January 7, 2026. See Affidavit of Paul W. Fombelle, a Manager of the LLC, attached hereto as Exhibit B. On or about January 17 or 18, 2026, Appellant told Mr. Fombelle that he had done his checking on the project and had pulled the drawings filed by the LLC. As such, Appellant was aware of the LLC’s project at the Premises, and could have appealed the Permits at that time.

The LLC continued construction on the Backyard Cottage at the Premises in January and February 2026, and into March 2026. See Exhibit B. Photographs taken by Mr. Fombelle on February 2, 2026 of the Backyard Cottage work show the progress made as of that date. See Exhibit B; see also three (3) photographs of the Premises from February 2, 2026 attached hereto as Exhibit C.

Despite Appellant admitting to having looked at the LLC’s plans when talking with Mr. Fombelle in January 2026, and seeing the Backyard Cottage work going on starting on January 7, 2026, as well as seeing the building permits and the LLC’s company banner posted at the Premises, Appellant waited until March 10, 2026 to contact Inspectional Services and complain about the building separation regarding the Backyard Cottage being constructed at the Premises. See Exhibits B and C.

Appellant cannot create a new thirty (30) day appeal period by seeking a request for determination from Inspectional Services after the original appeal period from the date of the issuance of the Permits has run.

Per Connors:

“If...the aggrieved party does have adequate notice, the party may not lawfully bypass that remedy and subsequently litigate the question by means of a request for enforcement.”

“The plain language of § 15 requires that an appeal by an aggrieved party to a permit granting authority under § 8 “*shall* be taken within thirty days from the date of the order or decision which is being appealed” (emphasis added). G.L. c. 40A, § 15. Where the “decision” of the building commissioner is the issuance of a building permit, it is reasonable and consistent with the statutory scheme to require the aggrieved party to comply with the route prescribed in §§ 8 and 15 if the party has adequate notice of the permit's issuance and therefore an ability to meet the thirty-day limitation period imposed by these two sections. In such circumstances—that is, where adequate notice exists—we reject the plaintiffs' position that § 7 affords them the opportunity to bypass the procedure laid out in §§ 8 and 15; allowing an appeal under § 7, after the time for an appeal from the issuance of the building permit under §§ 8 and 15 has run, would essentially render § 8's thirty-day limitation period superfluous.”

This is not a situation in which a developer obtained a building permit and then did nothing for thirty (30) days, such that an abutter had no knowledge of the building permit's existence. Appellant had notice of the Permits, and saw the work being done, before the appeal period expired regarding same.

As such, the ZBA has no jurisdiction to entertain Appellant's Administrative Appeal because it was filed after the deadline for doing so had expired.

B. The Building Separation Requirements Do Not Apply.

Applicant asserts that the existing garage at 23 Avon is an accessory building, and not an accessory structure.

This is an important distinction because the building separation requirements of SZO 3.1.12.b apply to accessory buildings, but not to accessory structures. Per SZO 2.4.3.b.i:

“Any principal or accessory building must be separated from any other principal or accessory building on the same lot or on an abutting lot by the building separation distance specified for each building type.”

A garage is an Outbuilding, which is an accessory structure not subject to the building separation requirements. Per SZO Section 10.2.2.p an “Outbuilding” is:

“[a] free-standing, fully-enclosed structure used for accessory vehicle parking, a home occupation, or as ancillary space for residential principal use including, but not limited to, a playroom for children.”

Per Appellant’s Administrative Appeal narrative dated March 16, 2026, Appellant uses the garage at 23 Avon for parking, workshop, garage, storage and home gym purposes. These are exactly the accessory vehicle parking, home occupation and ancillary space uses for residential purposes which make up an Outbuilding.

In fact, Appellant called said accessory structure a “garage” twice in the texts Appellant sent to Mr. Fombelle on March 13, 2026, copies of which Appellant attached to Administrative Appeal narrative dated March 16, 2026, and are attached hereto as Exhibit D. See Exhibit B. Only when presenting at the ZBA on May 20, 2026 did Appellant begin calling said accessory structure at 23 Avon a “barn”, which appears to be an attempt to rebut the May 18, 2026 Staff Memorandum’s recommendation of denial of the Administrative Appeal partly based on the accessory structure being a garage.

Appellant is being taxed by the City for a garage and not for a barn or accessory building. See Somerville Assessor’s Database regarding 23 Avon, a copy of which is attached hereto as Exhibit E. Upon information and belief, Appellant has not made any attempt to have that assessment changed.

A “barn” is not a building type in the SZO; however, other farm structures such as an Apiary, Chicken Coop, Cold Frame, Farm Stand, Greenhouse, Hoop House and Market Stand are accessory structures in SZO Section 10.2.2. Therefore, a barn would be closest to an accessory structure, as well.

Barns are not listed in the SZO as an accessory building. As stated in the Staff Memorandum, the only accessory building so identified in the SZO is a Backyard Cottage. Per SZO 3.1.12, a Backyard Cottage is:

“A small floor plate, detached, accessory building type 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.”

While Appellant stated at the ZBA meeting on May 20, 2026, and in the slides shown at said meeting, that a pre-existing building that is not explicitly identified in the accessory structure list of SZO Section 10.2.2 is not an accessory structure, that is not true. It is up to ISD to determine whether something is an accessory structure or not. Per SZO Section 10.2.1.c and d, regarding accessory structures:

- c. “The Building Official shall determine when a structure is accessory to the principal building of a lot.

- d. To determine that a structure is accessory, the Building Official must find that the structure:
 - i. is customarily found in association with a permitted principal or accessory use;
 - ii. is clearly incidental and subordinate to the principal building in terms of area, size, function, and location; and
 - iii. is operated and maintained under the same ownership as the principal building.”

Garages are customarily found in association with Detached Houses. Like at 23 Avon, the garage is clearly incidental and subordinate to the principal structure at 23 Avon due its small size and Appellant’s description of its use, and the garage and the principal structure at 23 Avon are both operated and maintained under Appellant’s ownership.

Per Appellant’s admission during the Mary 20, 2026 ZBA meeting, the garage at 23 Avon is a pre-existing, nonconforming structure, whether as a Backyard Cottage or as an Outbuilding. As such, the dimensions of that garage are not the determining factor.

Therefore, ISD’s determination that the garage at 23 Avon is an Outbuilding is based on the facts and the criteria listed in SZO Section 10.2 and is, therefore, correct.

C. Appellant Did Not Seek to Classify the Garage at 23 Avon.

Upon information and belief, no application to re-classify the garage at 23 Avon, or to contest its classification as a garage, has been filed by Appellant. As such, it is not ripe for review by the ZBA.

Appellant uses the Administrative Appeal regarding 21-23 Francesca Avenue as precedent, however, in that case, the property owner filed for a building permit to convert their very large carriage house into living space, which was given the number B 22-001679, which building permit application was denied by ISD.

In the present appeal, Appellant has not filed to either classify the garage at 23 Avon as a Backyard Cottage to sought a determination as to the classification of said garage. All Appellant has done is file an Administrative Appeal of the Permits regarding the Premises, and that is all the ZBA can now review.

Such review and decision of the ZBA will be given deference. As stated in McMahon v. Cassavant, Land Court (2024 WL 790439), quoting Duteau v. Zoning Bd. of Appeals of Webster, 47 Mass. App. Ct. 664, 669 (1999): “[A]lthough interpretation of the by-law is in the last analysis a judicial function, deference is owed to a local zoning board's home grown knowledge about the history and purpose of its town's zoning by-law.”

In said Francesca Administrative Appeal, the carriage house in question was huge, being 1.5 stories and having a 975 sf floorplate. See Plan Sheet A-300, a copy of which is attached hereto as Exhibit F. Per McMahon, “[s]ize does matter when evaluating the accessory nature of improvements to a conventionally-scaled house lot” and “[j]ust as Judge Piper concluded in Gabriel [v. Rajeshjumar], Land Court (2022 WL 2238816)] that an oversized garage was not an accessory structure”.

The garage at 23 Avon has only a 300 sf footprint, per Appellant’s testimony and slides at the May 20, 2026 ZBA meeting. This is more in keeping with the parameters of an Outbuilding garage, than in the case of the Francesca property or the buildings at issue in both McMahon and Gabriel, all of which were so large as to not reasonably be garages. In the Francesca property matter, the ZBA based its decision, in part, on the dimensions of the building at issue.

Therefore, if Appellant had applied to classify or re-classify the garage at 23 Avon as a Backyard Cottage, such application should be denied. That said, Appellant has not applied to classify or re-classify the garage at 23 Avon, such that its classification is not before the ZBA now, and its current classification as a garage Outbuilding is how it should be considered by the ZBA in the current Administrative Appeal of the Permits. Being an Outbuilding, it is an accessory structure such that the building separation requirements do not apply.

All that is before the ZBA now is Appellant’s Administrative Appeal of the Permits, which were properly issued and are correct. While much is being discussed about 23 Avon, the ZBA’s focus should be on the Backyard Cottage at the Premises. This is not an appeal of the classification of the garage at 23 Avon.

D. Appellant Did Not Obtain Permits to Alter the Garage at 23 Avon.

Appellant argues that the garage at 23 Avon has been altered to create finished space for a home gym, workshop and other uses, and that its classification by the City should be as a Backyard Cottage and not as a garage. At the May 20, 2026 ZBA meeting, and in the slides presented at said meeting, Appellant admitted that the garage at 23 Avon had drywall, residential vinyl windows, and molded baseboards. Upon information and belief, no permits exist for the installation of such features.

Per SZO Section 15.4.1.b.i:

“No real property may be occupied or used and no existing use of real property may be changed until a certificate of occupancy has been issued by the Building Official.”

There is no certificate of occupancy for the garage at 23 Avon being classified as a Backyard Cottage. In fact, the Staff Memorandum states that the garage was identified as a “garage” in the 2017 building permit application B17-001896, and the Somerville Assessors classify said garage as a “garage”. See Exhibit E. Appellant also called the building a “garage” in his texts with Mr. Fombelle and has paid taxes on it as a garage. See Exhibits B and D.

Under SZO Section 2.1, a “Development” includes “the establishment, change, or expansion of any use of any structure or land.” This means that the SZO covers Appellant’s creation of space for new uses in the garage at 23 Avon, and alleged change in the use, however, there are no building permits or zoning approvals regarding such changes, upon information and belief. As such, any alterations in the structure or use of said garage should not be used as the basis for classifying said garage as a Backyard Cottage or anything else. Appellant is seeking to use unpermitted work in the garage to bootstrap an argument that said garage is now a Backyard Cottage because the use of it, and its features, have changed.

E. The Owner of 24 Berkeley Relied on ISD’s Determination.

The LLC relied on ISD’s determination that the Backyard Cottage could be built by right at the Premises, and the Permits that were issued to allow for that work. The LLC has spent the past five (5) months or so working on the Backyard Cottage construction in reliance on ISD properly issuing the Permits.

It is not the LLC’s job to determine whether the Permits were properly issued, or whether ISD’s classification of a structure on an abutting property is correct. The LLC should not be penalized for this.

Per Niall v. Guaranteed Builders and Developers, Inc., Land Court (2015 WL 5257127): [e]ven where detrimental reliance occurs, however, the courts are “reluctant to apply principles of estoppel to public entities where to do so would negate requirements of law intended to protect the public interest.”. O’Blenes v. Zoning Bd. of Appeals of Lynn, 397 Mass. 555, 558 (1986); see also Racette v. Zoning Bd. of Appeals of Gardner, 27 Mass.App.Ct. 617, 620 (1989).”

In this case, Appellant has made no showing that allowing the Permits to stand, regardless of the classification of the garage at 23 Avon, negates the requirements of law intended to protect the public interest.

In fact, the creation of additional housing, as the Backyard Cottage at the Premises would provide, is a goal of the City as stated in the SomerVision 2040 strategic plan: “housing costs are rising, resulting in the displacement of many residents and a shortage of available housing stock”, and “even more housing will be needed to potentially slow the increase in housing prices”. The Permits actually help the City achieve its goals and do not negate them.

The Backyard Cottage at the Premises also meets the purpose of the NR zoning district in which it sits. Per SZO Section 3.1.3.e, one of the purposes of the NR zoning district is:

To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in Cottages and Backyard Cottages.

That is precisely what the LLC is seeking to do.

As ISD has stated in its emails to Appellant, which were attached to Appellant's Administrative Appeal, the Building and Fire Code are met regarding the Backyard Cottage at the Premises. Such codes are intended to protect the public safety. As such, the principle of estoppel can be applied to the issuance of the Permits in light of the LLC's detrimental reliance on same, which caused the LLC to spend a large amount of time and money on constructing the Backyard Cottage at the Premises.

Going back to the first argument above, this injury to the LLC was exacerbated by Appellant's late filing of this Administrative Appeal.

F. Appellant is Not Aggrieved.

As stated in Connors and its progeny, a property owner must be aggrieved by the issuance of a building permit to seek an Administrative Appeal of same. The whole basis of Connors is "[t]he issue raised by this appeal concerns the threshold administrative remedy or remedies available under the Zoning Act, G.L. c. 40A, to one who is aggrieved by the issuance of a building permit to another person."

In Spooner Road, LLC v. Zoning Board of Appeals of Brookline, 461 Mass. 692 (2012), the Supreme Judicial Court said as follows regarding a property owner's appeal of the issuance of a building permit to an abutting property owner: "[o]f particular importance, the right or interest asserted by a plaintiff claiming aggrievement must be one that the Zoning Act is intended to protect, either explicitly or implicitly... We do not define aggrievement narrowly... but we have stated that "[a]ggrievement requires a showing of more than minimal or slightly appreciable harm."

Here, Appellant makes no argument that, even if the proposed Backyard Cottage is not at least ten (10) feet from the garage at 23 Avon, however that garage may be classified, the presence of the Backyard Cottage at the Premises would somehow cause harm or otherwise aggrieve Appellant.

This is especially true in that, according to Appellant, the Backyard Cottage at the Premises and the garage at 23 Avon overlap by only 1.72 feet, which is de minimis.

On the other hand, allowing the appeal would greatly harm the LLC by requiring it to remove the Backyard Cottage which has been mostly constructed under valid building permits and after a number of City inspections.

Therefore, this Administrative Appeal should be denied.

Conclusion.

Appellant's Administrative Appeal was not timely filed, such that the ZBA does not have jurisdiction to allow it. Even if the ZBA finds that said Appeal was timely filed, Appellant's arguments do not support the granting of said Appeal for the reasons stated herein, and for any other reason the ZBA may deem appropriate.

Therefore, the LLC respectfully requests that this Administrative Appeal be denied and that the LLC be allowed to continue constructing the Backyard Cottage at the Premises.

24 Berkeley Somerville LLC
By its attorney



Adam Dash, Esq. BBO#557239
Adam Dash & Associates
48 Grove Street, Suite 304
Somerville, MA 02144
617-625-7373
dash@adamdashlaw.com



CITY OF SOMERVILLE
ISD/BUILDING DIVISION
Building Permit

Permit #: B25-001643
Issue Date: 12/15/2025
CSL License Number:

Property: 24 BERKELEY ST
Description of Work: Construction of a backyard cottage and sitework to accomodate

Map: 51
 Block: Lot: E 20

Owner
 ANDRADE JOSE A & ESTRELA
 24 BERKELEY ST
 SOMERVILLE, MA 02143

Architect/Engineer
 LR Designs INC
 Registration #:

Contractor
 Gina Fombelle
 () -
 HIC #:

Pursuant to 780 CMR 105.7, this permit is required to be kept on the construction site at all times until completion of the project. Failure to have this permit on the site may lead to a violation notice being issued or automatic failure of a scheduled inspection.

Noted below are the required minimum building inspections. It is the responsibility of the Permit Holder to notify the Building Division for the required minimum inspections. The Permit Holder shall notify the Building Official twenty-four (24) hours in advance of the required minimum inspection. The Building Official has forty-eight (48) hours to respond. Any work performed, completed and covered without the required minimum inspection is in violation of 780 CMR: The Mass. State Building Code.

An Owner who obtains a building permit to his/her own work, or an owner who hires an unregistered contractor (not registered in the Home Improvement Contractor (HIC) Program), will NOT have access to the arbitration program or guaranty fund under M.G.L. c. 142A. (The fund only applies to 1-4 unit buildings.)

APPROVED
FOR CONSTRUCTION

Pet D'Agostino

By: Peter D'Agostino
 Title: Local Building Inspector
 Date: December 15, 2025

Inspection Type	Date	Inspector	Comments
1. Footings			
2. Rough Frame/Fire Blocking			
3. Insulation			
4. Screw			
5. Final			
6. Electrical Rough			
7. Plumbing Rough			
8. Electrical Final			
9. Plumbing Final			
10. Alarm System			
11. Sprinkler			
12. Smoke Detector			
13. Fire Dept Inspection			
14. Sheet Metal Rough			
15. Sheet Metal Final			

PLEASE CONTACT

ISD-Building Administrative Staff

FOR INSPECTIONS AT
 Tel: 617-625-6600 Ext. 5600



CITY OF SOMERVILLE
ISD/BUILDING DIVISION
Building Permit

Permit #: B25-001644
Issue Date: 12/17/2025
CSL License Number:

Property: 24 BERKELEY ST
Description of Work: Foundation only building permit for backyard cottage in Permit #: B25-001643

Map: 51
Block: Lot: E 20

Owner
 ANDRADE JOSE A & ESTRELA
 24 BERKELEY ST
 SOMERVILLE, MA 02143

Architect/Engineer
 LR Designs INC
 Registration #:

Contractor
 Gina Fombelle
 () -
 HIC #:

Pursuant to 780 CMR 105.7, this permit is required to be kept on the construction site at all times until completion of the project. Failure to have this permit on the site may lead to a violation notice being issued or automatic failure of a scheduled inspection.

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Inspection Type	Date	Inspector	Comments
1. Excavation			
2. Footings			
3. Electrical Foundation			
4. Foundation			
5. Final			

APPROVED
FOR CONSTRUCTION



By: John Driscoll
 Title: Local Building Inspector
 Date: December 17, 2025

PLEASE CONTACT

ISD-Building Administrative Staff

FOR INSPECTIONS AT
 Tel: 617-625-6600 Ext. 5600

EXHIBIT B

AFFIDAVIT OF PAUL W. FOMBELLE

I, Paul W. Fombelle, hereby depose and state as follows:

1. I am a Manager of 24 Berkeley Somerville LLC (the “LLC”).
2. The LLC owns the property located at 24 Berkeley Street, Somerville, Massachusetts (the “Premises”).
3. On January 7, 2026, the LLC posted two building permits at the Premises, being permits numbered (i) B25-001643 which was issued on December 15, 2025 for “[c]onstruction of a backyard cottage and sitework to accomodate [sic]”; and (ii) B25-001644 which was issued on December 17, 2025 for “[f]oundation only building permit for backyard cottage in Permit #: B25-001643” (collectively the “Permits”).
4. Also on January 7, 2026, the LLC raised a company banner on the front of the existing structure, and broke ground on the Backyard Cottage, at the Premises.
5. In January 2026, Thomas Higdon told me in person that he had done his checking on the LLC’s project at the Premises and said that he had pulled the drawings filed by the LLC regarding same.
6. The LLC continued construction on the Backyard Cottage at the Premises in January and February 2026, and into March 2026.
7. Photographs taken by me on February 2, 2026 of the Backyard Cottage work show the progress made as of that date and are a fair and accurate depiction of the Premises when they were taken. Three (3) photographs of the Premises from February 2, 2026 which I took are attached to the LLC’s Memorandum in Opposition to Administrative Appeal as Exhibit C.
8. Thomas Higdon sent texts to me on March 13, 2026, true and accurate copies of which were attached to Thomas Higdon’s Administrative Appeal narrative dated March 16, 2026, and were also attached to the LLC’s Memorandum in Opposition to Administrative Appeal as Exhibit D.

SIGNED and sworn under the pains and penalties of perjury this 3rd day of June 2026.


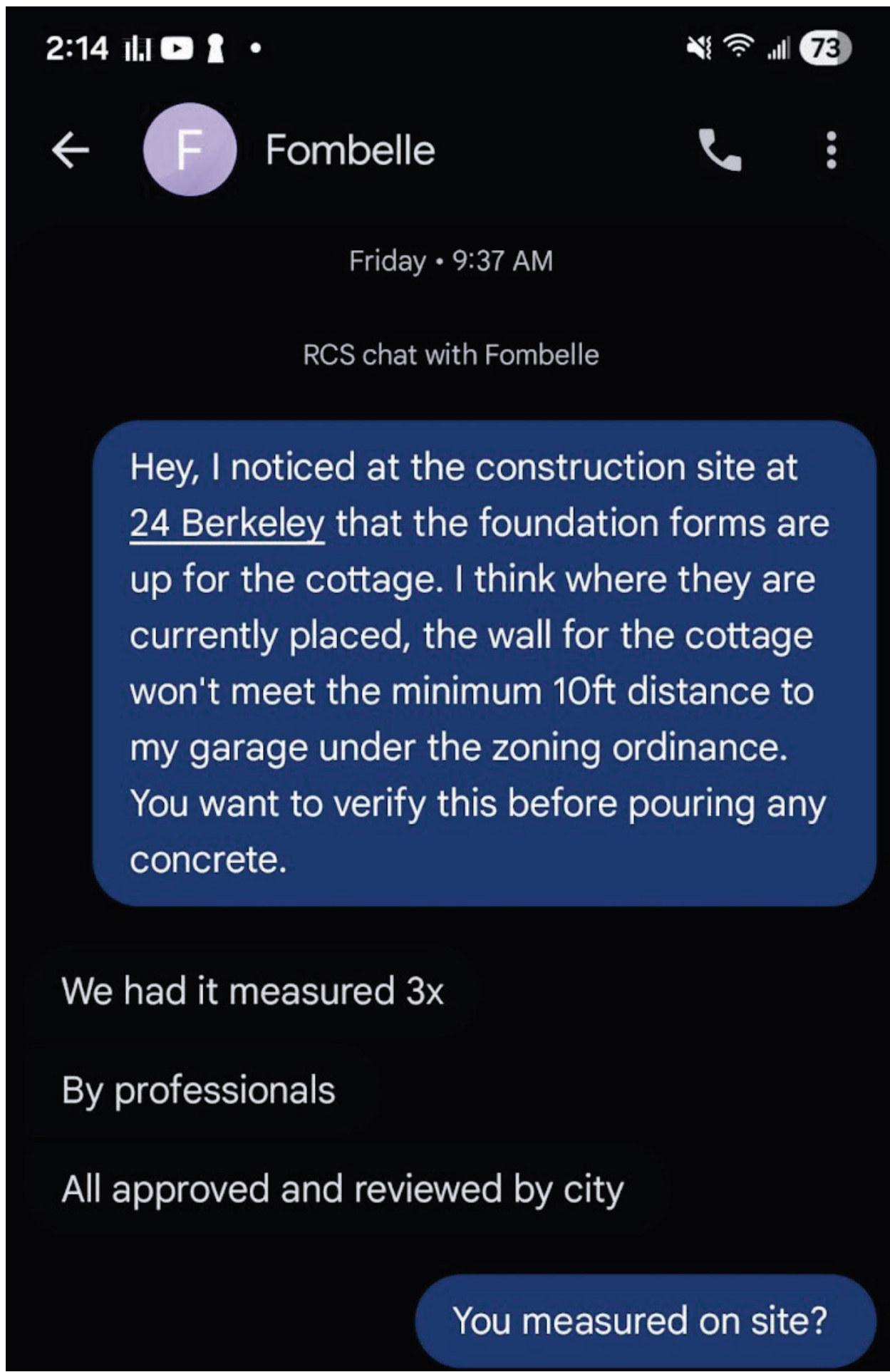

Paul W. Fombelle

EXHIBIT C









2:14 [📷] [📶] [🔋] [🔊] [🔌]

[🔇] [📶] [🔋] [73]



Fombelle



By professionals

All approved and reviewed by city

You measured on site?

Yes - by a surveyor

Which has crazy strict over site

City has inspected and approved multiple times already

I measured with my tape measure, and the distance from my garage to the edge of the form is 84 inches.

Please stay off the construction site.

You can't go over there

I was able to measure it without entering the site.



9:48 AM [🔒]

EXHIBIT E

23 AVON ST

Location 23 AVON ST

Mblu 51/ E/ 37/ /

Acct# 19612072

Owner HIGDON THOMAS

Assessment \$1,469,300

PID 9364

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2026	\$1,000,000	\$469,300	\$1,469,300

Owner of Record

Owner HIGDON THOMAS

Sale Price \$1,760,000

Co-Owner

Certificate

Address 23 AVON ST

Book & Page 82739/236

SOMERVILLE, MA 02143

Sale Date 05/06/2024

Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HIGDON THOMAS	\$1,760,000		82739/236	00	05/06/2024
BARLOW BENJAMIN &	\$608,000		56603/0321	00	03/15/2011
HALDORSEN JAKOB B U	\$510,000		48607/0303	00	12/04/2006
FLINT CHARLOTTE E	\$1		44848/0046	1J	03/22/2005
FLINT CHARLOTTE E	\$121,500		25316/0189	00	05/01/1995

Building Information

Building 1 : Section 1

Year Built:	1900
Living Area:	1,604
Replacement Cost:	\$1,122,357
Building Percent Good:	89
Replacement Cost Less Depreciation:	\$998,900

Building Attributes	
Field	Description
STYLE:	Conventional
Model	Residential
Grade:	Excellent +20
Stories:	2.3 Stories
Occupancy	1

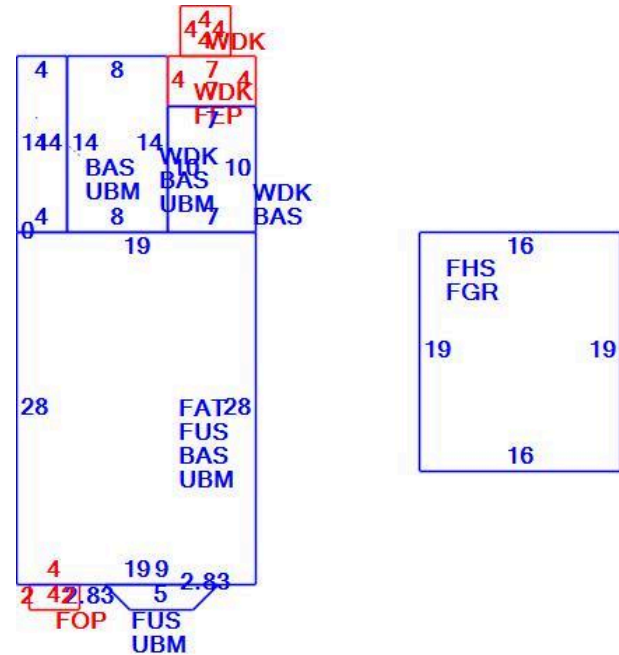
Building Photo



(<https://images.vgsi.com/photos/SomervilleMAPhotos/\01\03\44\01.jpg>)

Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	8 Rooms
Bath Style:	Modern
Kitchen Style:	Modern
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
Extra Kitch'	
Fndtn Cndtn	
Basement	

Building Layout



([ParcelSketch.ashx?pid=9364&bid=9641](#))

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	770	770	
FUS	Upper Story, Finished	546	546	
FHS	Half Story, Finished	304	182	
FAT	Attic, Finished	532	106	
FEP	Porch, Enclosed, Finished	28	0	
FGR	Garage, Finished	304	0	
FOP	Porch, Open, Finished	8	0	

UBM	Basement, Unfinished	714	0
WDK	Deck, Wood	226	0
		3,432	1,604

Extra Features

Extra Features				<u>Legend</u>
Code	Description	Size	Value	Bldg #
WDS1	Wood Stove Avg	1.00 UNITS	\$1,100	1

Land

Land Use

Use Code 1010
Description SING FAMLY
Zone NR
Neighborhood 8001
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.07
Frontage 0
Depth 0
Assessed Value \$469,300

Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

Valuation History

Assessment

Valuation Year	Improvements	Land	Total
2026	\$1,000,000	\$469,300	\$1,469,300
2025	\$641,900	\$447,000	\$1,088,900
2024	\$605,900	\$447,000	\$1,052,900

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