



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals (ZBA)
FROM: Planning, Preservation, and Zoning (PPZ) Staff
SUBJECT: 24 Berkeley Street, ZP26-000037
POSTED: June 10, 2026

This is a Supplemental Memo in response to questions raised by the Zoning Board of Appeals at their May 20, 2026, meeting regarding the Administrative Appeal submitted for 24 Berkeley Street (ZP26-000037).

The application was deemed complete on May 4, 2026, and was scheduled for a public hearing on May 20, 2026. The hearing has been continued to June 17, 2026.

RESPONSE TO QUESTIONS FROM ZBA

1. *How and when the property owners at 24 Berkley were notified of this hearing, and what the standard process for notification is in an appeals case?*

The ZBA's staff followed the required notification procedures outlined in Massachusetts General Law [MGL c. 40A, § 11](#) and [§15](#).

1. *New written information must be provided in advance per the policies and procedures, and accounting for additional new information at the hearing or after that timeframe may require a continuance signed by both parties that officially extends the 100-day deadline so staff have time to review.*

ZBA Rules of Policy and Procedure:

Following Advertisement a). The Applicant shall submit all information at least seven (7) calendar days prior to the hearing at which it will be discussed. (i). Information submitted within seven (7) calendar days of a hearing may only be discussed at the hearing at the discretion of the Chair. b). The Applicant shall submit any information that **requires review by Staff** at least fourteen (14) calendar days prior to the hearing at which it will be discussed. (i). Staff shall provide an updated memo to the Board no later than the Friday prior to the hearing. (ii). Information submitted within fourteen (14) calendar days of a hearing may be reviewed at Staff's discretion.

2. *How ISD determined the structure type for 23 Avon and if it could be considered a backyard cottage in the future with or without the new structure being built in the adjacent property.*

ISD Response:

“In general, when reviewing a permit application, ISD staff look at all publicly available information about a property and the buildings on it in conjunction with submitted plans and other materials to determine whether a given application is zoning compliant.

In instances where a particular application's compliance is reliant on facts and conditions existing outside the subject property, staff must typically rely on publicly available information found in the City's GIS system, Assessor's database, zoning atlas, and any relevant documentation that may be found in permitting records for the relevant property. In this instance, the City Assessor's [record for 23 Avon St.](#) indicates the property has a 'garage' located on site; plans found in permit record **B17-001896** identify the accessory structure on site as a 'garage'; and there are otherwise no permits on record for the conversion of the accessory structure at 23 Avon St. into a Backyard Cottage.

During the zoning overhaul project, City staff conducted extensive field survey operations to identify the existing building stock's general dimensional profile, and during that time the entire City's stock of principal buildings were 'classified' into one of the categories established by the new zoning code. However, this process did not extend to the accessory buildings/structures, as at the time the survey was conducted, Backyard Cottages/Accessory Buildings had not yet been considered for inclusion in the new zoning. As such, most outbuildings in the City were classified as accessory structures by default, and until a property owner requests that ISD review the structure for re-classification or otherwise submits a permit application to convert the structure, we review projects with the default classification.

ISD staff do regularly field requests for interpretation of an existing building's classification, which involves the property owner/proponent submitting dimensioned plans for review and consistency with the relevant building type standards, but the property owner at 23 Avon St. has never requested such a review or submitted a building permit to that effect; therefore, the garage was still considered an 'accessory structure' at the time the building permit application was reviewed.”