

JESSE D. SCHOMER

DIRECTOR AND SHAREHOLDER



My legal practice focuses on Massachusetts real estate development, land use, and zoning/permitting. I primarily represent developers, entrepreneurs, and landowners in the context of residential and commercial land use permitting, development, and construction.

My primary specialization is the permitting and development of affordable housing under Chapter 40B, Mass. General Laws. In this field, I am one of a handful of go-to attorneys with the specialized knowledge, experience, and knowhow to guide a Chapter 40B development from concept to shovels in the ground, with a recent development portfolio of approved projects throughout Eastern Massachusetts and Greater Boston. I previously worked under my mentor, Theodore C. Regnante, Esq. – the unofficial Dean of Chapter 40B.

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In addition, I also work in the following areas:

- Zoning/permitting under MGL Ch. 40A and the Boston Zoning Code
- Subdivision Control Law and Approval-Not-Required (ANR) permitting
- Site Plan Review/MBTA Communities permitting
- Environmental permitting (wetlands protection, public waterways, septic/sewer, etc.)
- Real estate/land use rights (title, easements, adverse possession, etc.)
- Registered Land matters, S-Cases, & land de-registration
- Municipal licensing
- Private client services: conveyancing, land use agreements, corporate structuring, condominium matters, development team formation, etc.

In addition to my permitting practice, I am an experienced real estate litigator specializing in zoning/permitting appeals, land use and title disputes, adverse possession, historical rights of way, and registered land matters.

I am a commentator for Landlaw's Massachusetts Housing Appeals Committee Reporter (MHACR), Co-Chair of the Affordable Housing Section of the Real Estate Bar Association for Massachusetts (REBA), and Special Town Counsel to the Town of Saugus, MA.

Education

JD: University of Notre Dame

MPhil: The Graduate Center, City University of New York

BA: Hendrix College

State Bar Admissions

- Maine
- Massachusetts
- New Jersey
- New York

Federal Court Admissions

- District of Massachusetts
- District of New Jersey
- Eastern District of New York
- Southern District of New York

Other Licenses

- Massachusetts Notary Public
- Massachusetts Real Estate Attorney-Broker



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Professional Activities and Honors

- Super Lawyers: Massachusetts Land Use & Zoning (2025-Present)
- Massachusetts Bar Association (MBA)
- Real Estate Bar Association for Massachusetts (REBA): Director-at-Large, Board of Directors (2026-Present); Co-Chair of the Affordable Housing Section (2023-Present)
- Boston Bar Association (BBA)
- Massachusetts Municipal Lawyers Association (MMLA): Member of the MMLA Amicus Curiae Committee
- A Better City—Board of Directors
- NAIOP (The Commercial Real Estate Development Association) Boston
- Citizens' Housing and Planning Association (CHAPA)
- Commentator for Landlaw's Massachusetts Housing Appeals Committee Reporter (MHACR)

Publications and Presentations

- Real Estate Bar Association for Massachusetts: "Affordable Housing Finance Refresher: Low Income Housing Tax Credit and More" (April 3, 2026)
- Real Estate Bar Association for Massachusetts: "Recent Developments in Chapter 40B: Housing Appeals Committee & Case Law Update and Summary of Regulatory and Policy Initiatives" (June 26, 2025)
- Real Estate Bar Association for Massachusetts: Spring Conference 2025 Breakout Session: "Legislative Developments in Massachusetts Real Estate Law: A Panoply of Changes" (May 12, 2025)
- Massachusetts Lawyers Weekly "Judge 'annuls' ZBA's bid to block housing development" (quoted in) (February 6, 2025)
- Real Estate Bar Association for Massachusetts: "MBTA Communities Act is Preemptive: The SJC's Recent Decision in Attorney General v. Town of Milton" (February 5, 2025)
- Real Estate Bar Association for Massachusetts: "A Conveyancer's Guide to Affordable Housing Units" (January 23, 2025)
- Massachusetts Municipal Lawyers Association: "Recent Developments in State Housing Legislation—Practice Tips for Municipal Counsel" (January 8, 2025)
- Kathleen M. Heyer, Jesse D. Schomer, and Robert K. Hopkins, Brief of Amicus Curiae The Real Estate Bar Association for Massachusetts, Inc., *Attorney General v. Town of Milton* (Mass. Supreme Judicial Court Case No. SJC-13580) (Sept. 18, 2024)
- Daniel P. Dain & Jesse D. Schomer, "Affordable Homes Act Brings Big Changes to 40A," REBA News (August 13, 2024)



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Publications and Presentations, cont.

- Real Estate Bar Association: “The Affordable Homes Act: A Housing Emporium” (May 13, 2024)
- Landlaw’s Massachusetts Housing Appeals Committee Reporter (MHACR): Developer-Side Commentary (May 2024)
- Real Estate Bar Association: “Abutter Appeals & New Housing Production: Time for a New Approach?” (February 16, 2024)
- Real Estate Bar Association: “Housing Policy at a Crossroads: A Discussion with EOHLC Secretary Edward Augustus” (January 10, 2024)
- Landlaw’s Massachusetts Housing Appeals Committee Reporter (MHACR): Developer-Side Commentary (May 2023)
- Real Estate Bar Association: “The Massachusetts Comprehensive Permit Law: Hot Topics, Recent Developments, Where We Are, and Where We May Be Heading” (June 15, 2022)
- Landlaw’s Massachusetts Housing Appeals Committee Reporter (MHACR): Developer-Side Commentary (May 2022)

Representative Experience or Recent Representative Matters

- Obtained approval for a 60-unit Ch. 40B rental development in Melrose
- Obtained a site eligibility determination for two Ch. 40B developments in Brookline comprising 784 total units
- Obtained zoning and environmental approvals for a mixed-use office & residential project in Post Office Square, Lynnfield
- Obtained zoning variances for a national automobile dealership in Lynnfield
- Obtained a site eligibility determination for and negotiated a local agreement to develop a 156-unit condominium development under the Local Initiative Program (LIP) Friendly 40B program
- Advised the Town of Saugus in its enactment of an MBTA Communities zoning overlay district, including drafting zoning and representing the Town in seeking state compliance
- Obtained judgment confirming the abandonment of an unbuilt paper street on a Registered Land plan, clearing the way for land to be developed
- Obtained project final approval for a 230-unit Ch. 40B LIP development (“Friendly 40B”) in Acton, including approval of project changes and negotiation of an amended municipal memorandum of agreement (MOA)
- Obtained approval for a 76-unit Ch. 40B transit-oriented development in Melrose



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Representative Experience or Recent Representative Matters, cont.

- Obtained approval for an 86-unit Ch. 40B adaptive reuse rental development in Milton and negotiated the settlement and dismissal of an abutter appeal and related environmental lawsuit
- Obtained approval for a 116-unit Ch. 40B rental development in Milton and secured the dismissal of an abutter appeal of same
- Obtained approval for a 40-unit Ch. 40B rental development in Melrose
- Obtained approval for a 12-unit Ch. 40B rental development in Belmont
- Obtained approval for a 10-unit Ch. 40R condominium development in Reading after successfully negotiating an agreed-upon permit after a prior project denial
- Obtained approval for a 30-unit mixed-use development in Reading
- Obtained ZBA and Conservation Commission approval for a 44-unit Ch. 40B Low Income Tax Credit (LIHTC) rental development in Topsfield
- Obtained ZBA and Conservation Commission approval for a 36-unit Ch. 40B rental development in Wakefield
- Obtained approval for a 20-unit Ch. 40B rental development in Milton
- Obtained ZBA and Conservation Commission approval for a 16-unit Ch. 40B rental development in Milton
- Obtained approval for a 173-unit Ch. 40B rental development in Wakefield
- Obtained approval for an 86-unit mixed rental/ownership Ch. 40B development in Reading
- Obtained approval for building, site, and signage upgrades for a Danvers automotive dealership
- Successfully mediated the denial of a 54-unit Chapter 40B development in Peabody
- Obtained residential subdivision approvals in Lynnfield, Melrose, Gloucester and Wakefield
- Obtained approval of variances and site plan approval to develop various site amenities/upgrades for a biomedical campus in Danvers
- Obtained approval of variances authorizing site upgrades to a nonconforming gas station and repair shop in a residential district in Cambridge
- Obtained judgment overturning the denial by the local ZBA of a special permit to develop a 23-unit apartment development in Lynnfield
- Obtained judgment dismissing an abutter's appeal of Chapter 40B development in Reading



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Representative Experience or Recent Representative Matters, cont.

- Obtained judgment awarding title by adverse possession to a derelict fee in South Boston and adjudging a Colonial-era road to be abandoned/defunct
- Obtained judgment that the constructive endorsement of an ANR plan required adding the applicable access way to the Town of Georgetown's Official Town Map
- Successfully defended at MassDEP's Office of Appeals and Dispute Resolution (OADR) the issuance of an Order of Conditions for a pier in Nahant

