

## Madalyn Letellier

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**From:** LaCourt Realty - Main [REDACTED]  
**Sent:** Thursday, July 11, 2024 6:37 PM  
**To:** Madalyn Letellier; Matthew McLaughlin; Public Comments; All City Council; Nicholas Asermelly  
**Subject:** 5 Homer Sq. - Follow-up and Response to 7-9-2023 Public Meeting.  
**Attachments:** 5 Homer Sq -Buildign Type email April 3rd, 2024.pdf; 5 Homer Sq - Tree Removal Permit.pdf; 5 Homer Sq - Tree Warden approved plan permit # TR23-000041.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Good afternoon all (especially Mr. Mclaughlin & Ms. Letellier)

First, thank you for hosting the meeting and getting to me on such a long night at Tuesday's land use meeting; Especially your patience with my tech.

There were 2 things that I wanted to clarify so that I am not coming across as wasting your time with this matter.

1. The unit is a "multiplex" and not a "semi-detached triple decker" as described by commenters from the public. Please see the attached email from Matthew Sarcione and Joshua Manion, from the city zoning and planning department, about what the building type is and why.
2. The tree was removed because the guide wire that held the half that was over our neighbors' house had snapped and was also destroying our neighbors' property/driveway. Please see the attached permit and landscape plan that was approved to replace the caliper of the tree pending the completion of construction on the building.

Thank you for your time on this issue, again, my point to this email is to follow up on the proposal to show that I have done the legwork up to this point with the city before requesting your valuable time. I hope this clears up any questions that may have come from the public comment portion of the meeting.

I do hope for the spot zoning change to UR. This will allow us to add a third floor to this multiplex making better living for future tenants.

Best Regards

Nick Asermelly  
[REDACTED]

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**CITY OF SOMERVILLE  
OSPCD-Urban Forestry/DPW  
Tree Removal Permit**

**Permit #: TR23-000041**  
Issue Date:

**Property:** 5 HOMER SQ  
**Description of Work:** remove tree that is a danger to life, property, and damaging neighbors property and structure/

Map: 73  
Block: Lot: E 15

**Owner**  
LACOURT BENEVOLENCE TRUST LLC  
SOMERVILLE, MA 02144

**Contractor**

Noted below are the required minimum tree inspections. It is the responsibility of the Permit Holder to notify the Tree Division for the required minimum inspections. The Permit Holder shall notify the Tree Official twenty-four (24) hours in advance of the required minimum inspection. The Tree Official has forty-eight (48) hours to respond. Removal of any Significant Trees without a permit or, in the case of emergencies, without explicit approval from the Tree Warden, constitutes a violation of the City of Somerville Code of Ordinances, Article VI - Tree Preservation Ordinance, Section 12-112. In addition to verification that only the trees that were permitted for removal were in fact removed, additional permits or inspections will be required in certain circumstances:

- For Permit Holders that received an Owner-Occupied waiver and sell the property within 18 months of receiving the waiver, the new Owner will be responsible for obtaining a permit for replanting or payment within 30 days or they will be fined.
- For Permit Holders that received an Owner-Occupied waiver and move from the property within 18 months of receiving the waiver but still own the property, the waiver will be revoked. These Permit Holders will be required to replace the tree(s) or pay into the city's Tree Fund within 30 days.
- For Permit Holders who plant replacement trees, you must contact the Tree Division once the replacement trees have been planted. Replacement trees are required to survive for at least 18 months after planting. Any trees that do not survive must be replaced, and the date of replacement must be provided to the Tree Warden

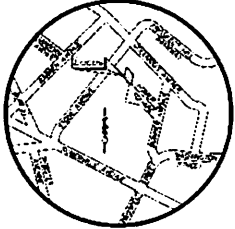
Inspection Type	Date	Inspector	Comments
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**APPROVED  
FOR REMOVAL**

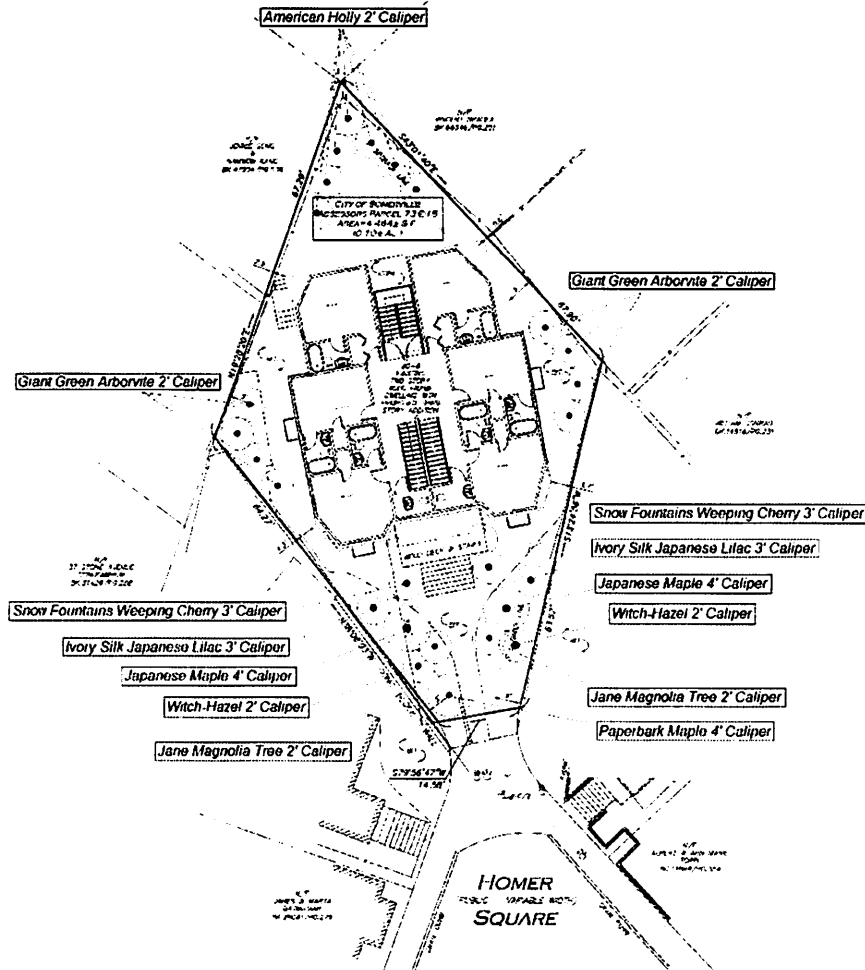
By: Malik Drayton  
Title: Deputy Tree Warden  
Date: January 08, 2024

**PLEASE CONTACT**

Malik Drayton



LOCUS MAP  
(NOT TO SCALE)

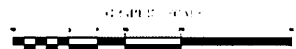


LEGEND	
WATER FEATURES (TYPICAL)	---
UTILITY TIE IN (TYPICAL)	---
WATER GATE	---
DRY GATE	---
CONCRETE	---
BUILDING	---
BUILDING OVERHANG	---
PROPERTY LINE	---
ADJACENT LOT	---
STONE retaining WALL	---
LEVEL TO ADJACENT CENTER	---
CHAIN LINK FENCE	---
STEEL PIPE EDGE	---
WOOD FENCE	---
CONCRETE WALK	---
CONCRETE LAWS	---
ASPHALT DRIVE	---
CONCRETE	---
GRANITE	---
WOOD ON FORMERLY	---
BRICK	---
PAVE	---

**LOCUS REFERENCE**  
CITY OF SOMERVILLE ASSESSORS PARCEL 73 E 15  
FILED BOOK 19730 VOL 283  
LOT 8 FROM PLAN BOOK 221 PLAN 42  
\*MAY BE SUBJECT TO OTHER ENCUMBRANCES THEREON

**PLAN REFERENCE**  
HOMER SQUARE 22, PLAN 42

- NOTES**
1. NORTH ARROW IS BASED ON MAGNETIC DECLINATION AND IS NOT NEARLY ACCURATE. PROPERTY LINE IS BASED ON SURVEY DATA.
  2. BOOK REFERENCE AND PLAN REFERENCE ARE TAKEN FROM MASSACHUSETTS REGISTERED DEEDS IN SOMERVILLE, MA.
  3. THIS DRAWING AND PLAN REFERENCE ARE BASED ON SURVEY DATA CONTAINING NO ERRORS. ALL DIMENSIONS AND ANGLES ARE SHOWN AS SHOWN. ALL DIMENSIONS AND ANGLES SHOWN HEREIN HAVE BEEN SCALED FROM THE PLAN.



PROJECT TITLE: 121A PHEASANTWOODS ELEMENTAL SCHOOL SITE PLAN PROPOSALS

WE HEREBY CERTIFY THAT THE MAPS AND THE RECORDS ARE ACCURATE AND CORRECTLY REPRESENT THE DATA BETWEEN JANUARY 20, 2021 AND JANUARY 20, 2021. I, THE ENGINEER, HAVE PERSONALLY AND INDEPENDENTLY EXAMINED THE RECORDS AND THE DATA AND I AM AWARE OF THE CONTENTS OF THE RECORDS AND THE DATA AND I AM AWARE OF THE CONTENTS OF THE RECORDS AND THE DATA AND I AM AWARE OF THE CONTENTS OF THE RECORDS AND THE DATA.

ALLEN & MAJOR ASSOCIATES, INC.

CLIENT/OWNER  
**MOUHAB RIZKALLAH**  
30 COLLEGE AVENUE  
SOMERVILLE, MA 02144

PROJECT  
**S-8 HOMER SQUARE**  
SOMERVILLE, MA

PROJECT NO. 2548-12 DATE 08/23/2021  
SCALE 1" = 10' DWG. NAME SEE BELOW  
DRAFTED BY: COM/CMC CHECKED BY: ME



100 CONVENT ROAD  
SOMERVILLE, MA 02144  
TEL: 781-251-1111  
FAX: 781-251-1111

THIS DRAWING HAS BEEN PREPARED IN DIGITAL FORMAT. ANY CHANGES TO THIS DRAWING MUST BE MADE IN THE ORIGINAL. ANY CHANGES TO THIS DRAWING MUST BE MADE IN THE ORIGINAL. ANY CHANGES TO THIS DRAWING MUST BE MADE IN THE ORIGINAL.

DRAWING TITLE: **PROPOSED PLOT PLAN** SHEET NO. **1**



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## 5 homer sq. - B24-000349 - Differences between building type question

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Matthew Sarcione [REDACTED] Wed, Apr 3, 2024 at 12:00 PM  
To: LaCourt Realty - Main [REDACTED]; Joshua Manion [REDACTED]

Nick,

In general, we have interpreted that a Semi-detached triple decker has a party wall separating the two "halves" of the structure, with each half of the structure also being on it's own lot. The dimensional requirements speak to this as well, where there is a 0 ft side setback requirement from the "party lot line" per SZO 3.2.7. This structure is all on one lot so has not been classified as semi-detached triple decker.

I also want to point out that if it were a semi-detached triple decker, it would also not really alleviate many issues. It would still be a nonconforming building type for the NR zoning district, which cannot be modified except as outlined in SZO 14.1.5.c.

I am happy to set up a virtual call if you would like. If so, please let me know some times you are available next week.

Matt

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**From:** LaCourt Realty - Main [REDACTED]  
**Sent:** Tuesday, April 2, 2024 5:12 PM  
**To:** Matthew Sarcione [REDACTED]; Joshua Manion [REDACTED]  
**Subject:** 5 homer sq. - B24-000349 - Differences between building type question

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### City of Somerville Public Records Notice

*Please be advised that the Massachusetts Attorney General has determined that email is a public record unless the content of the email falls within one of the stated exemptions under the Massachusetts Public Records Laws.*

**Madalyn Letellier**

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**From:** Stuart Dash [REDACTED]  
**Sent:** Monday, July 22, 2024 1:10 PM  
**To:** Public Comments; Planning1  
**Subject:** 240607 Version: 1 5 Homer Square  
**Attachments:** 5 Homer Letter to PB and LUC.docx

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Please see attached letter to the Planning Board and City Council Land Use Committee opposing the zoning map amendment request for 5 Homer Square - Thank You - Stuart Dash

July 22, 2024

Dear Members of the Planning Board and City Council Land Use Committee,

We have lived on Stone Avenue for almost twenty years, and are direct abutters to the property at 5 Homer Square currently seeking approval to be rezoned from Neighborhood Residential (NR) to Urban Residential (UR).

We strongly oppose this rezoning and request that you deny the application.

Allowing this property to be rezoned from Neighborhood Residential to Urban Residential will allow a 50 foot tall building to be tightly packed into a small site, a short distance away from our houses as well as a number of abutting 2 1/2 story buildings. This will significantly reduce the light, sky and air available to half the rooms in our two-family buildings at 37 and 39-41 Stone Avenue, as well as for a number of the neighboring houses.

Somerville is composed of tightly packed 1, 2 and 3 family buildings almost all of which are thirty-five feet tall. These buildings have a unique balance of space and light that gives the unusually dense characteristics of our city its very livable quality. Inserting a 4 story building into the middle of this pattern may seem minor - but in reality reduces the quality of the daily experience in nearby homes - whether it's being able to have daylight and see a piece of the sky in the morning, see a piece of a sunset against a neighboring tree - or allowing an evening breeze to cool the house.

The current Neighborhood Residential (NR) Zoning was passed a few years ago to allow a wider variety of 2 and 3-story residential developments in our area. This rezoning was completed after looking across all of the Union Square neighborhood and the larger city, with a fair amount of planning, public process, debate and discussion. Rezoning an individual parcel for one landowner's benefit should be avoided.

We have lived in our two-family homes for almost 20 years at these addresses, and value the quality of the neighborhood enormously. We strongly encourage you to deny this rezoning.

Sincerely,  
Stuart and Robin Dash

[REDACTED]

Somerville

Tina Moulton

[REDACTED]

Somerville

## Madalyn Letellier

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**From:** Jon link [REDACTED]  
**Sent:** Wednesday, July 24, 2024 7:12 PM  
**To:** Public Comments  
**Subject:** Opposed to 5 Homer Zoning Change

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Mo Rizkallah requesting a Zoning Map Amendment to change the zoning district of 5 Homer Square from Neighborhood Residence (NR) to Urban Residence (UR).

I am opposed to this change. The lot is too small, the developer too disreputable. Any corresponding work will create chaos and not improve life in Somerville for new or future residents.

-----  
Jon Link  
[REDACTED]

## Madalyn Letellier

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**From:** Philip Parsons [REDACTED]  
**Sent:** Thursday, July 25, 2024 1:55 PM  
**To:** [REDACTED] Public Comments  
**Subject:** Request for rezoning of 5 Homer Square  
**Attachments:** 5 Homer Square.pdf

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Please find attached a letter in opposition to the request to rezone 5 Homer Square, following a public hearing at the joint meeting of the Land Use Committee and the Planning Board on July 9.

Thank you.

Philip Parsons  
[REDACTED]  
Somerville, MA 02143

cell 617-852-3381



Virus-free [REDACTED]



To: Somerville City Council Land Use Committee and Planning Board

Subject: Public Comment: Mo Rizkallah requesting a Zoning Map Amendment to change the zoning district of 5 Homer Square from Neighborhood Residence (NR) to Urban Residence (UR)

Date: July 24, 2024

From: Philip Parsons, 20 Bonner Avenue

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5 Homer Square is a two-story 4-unit multi-family building embedded in a Neighborhood Residential zone, with small 1.5 story mansard-roof single family houses on either side. All neighboring houses are two story dwellings, or 2.5 stories with shed dormers. Lots are generally small. The purpose of the Neighborhood Residential zoning is to preserve the character of existing residential neighborhoods. This request violates that purpose.

The owner, Mo Rizkallah, proposes that the City rezone his single parcel, surrounded by Neighborhood Residential, to Urban Residential, and intends replacing the existing 2 story building with a 3 story building, while maintaining the same number of units. It is unclear why he needs a zoning change to go to three stories. Three stories are allowed by the existing zoning. Urban Residential zoning, by contrast, can allow four story buildings, but a four-story building on this site would be impossible as it abuts NR parcels on three sides, which require an impossible 20 foot setback.

The existing building at 5 Homer Square already has non-conforming setbacks on four sides, with its corners touching lot lines, so it is unclear how the owner would get a variance to build an additional story, as he would be aggravating an existing non-conformity. Rezoning to Urban Residential might alleviate this difficulty, as it would allow the owner to plead hardship, on the grounds that he is unable to take advantage of his new zoning. This is clearly a specious and manipulative argument that in no way supports rezoning.

I strongly oppose this request for rezoning. It is a request for spot zoning. It provides no relief to the lack of affordable housing in our city. It does not bring 5 Homer Square into compliance, as the owner suggests, and it serves no immediate purpose in the context of what he says he proposes to build, beyond possibly strengthening his claim to hardship when he seeks a variance, as he seeks to build too close to his abutters, taking away their sunlight and usable outdoor space. Setbacks exist for a reason. Our new zoning exists for a reason. There is no justification for potentially compromising the rights of abutters to enjoy their property, and for eroding the character and quality of a neighborhood, on the off-chance that an investor may be able to improve his chances of completing a development not allowed by current zoning.

## Madalyn Letellier

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**From:** Sam Engelstad [REDACTED]  
**Sent:** Friday, July 26, 2024 11:05 AM  
**To:** Public Comments; Planning1  
**Cc:** Patricia Berman; All City Council; Ben Ewen-Campen  
**Subject:** Zoning change - 5 Homer Square

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The proposed zoning change should be denied on its merits, since this change from NR to UR is not in the "public interest", a requirement under the most recent zoning laws. (Unlike, for example, the application for re-zoning of the proposed YMCA on Highland Ave, which is very much in the public interest.) In fact, the developer of 5 Homer Square is an opportunist who could not care much about the public interest. This spring, after his application to cut down a large tree in front of 5 Homer Square was denied by the City, he cut it down anyway. When asked "why" by neighbors, he stated that it would be less expensive for him to "pay the City fine" than to pay a possible increase in his insurance rate (the assumption being that a branch could fall on his house).

Homer Square, like much of Somerville, is composed of tightly packed two and three family buildings no higher than 35 feet. A 50+ foot building amongst them would reduce light and space, both for buildings on Homer Square, and on Stone Avenue. Also, it is our understanding that granting the changes would not add to the City's housing stock as the developer does not intend to use the extra space to build additional units - only to make the existing units larger.

Finally, granting this zoning change would set a very bad precedent. If granted, it might well lead to other developers lining up to get their changes approved.

Let Somerville set a high bar for granting changes that are clearly not in the public interest by denying this application.

Respectfully,  
Sam Engelstad  
[REDACTED]

Sent from my iPhone

**Madalyn Letellier**

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**From:** Matthias Rudolf <[REDACTED]>  
**Sent:** Friday, July 26, 2024 11:49 AM  
**To:** Planning1; All City Council; Public Comments  
**Cc:** USNC Board  
**Subject:** Public Comment on 5 Homer Square Zoning Petition  
**Attachments:** USNC Letter about 5 Homer Square - 2024-07-26.pdf

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Dear Somerville City Council & Planning Board,

Please find attached the letter of the USNC regarding the zoning proposal for 5 Homer Square in Somerville.

Best,  
Matthias Rudolf



Somerville, July 24, 2024

Dear Planning Board and Land Use Committee,

The Union Square Neighborhood Council (USNC) is writing to express our disapproval of the proposed zoning change of 5 Homer Square from Neighborhood Residential (NR) to Urban Residential (UR).

In the immediate vicinity of this modest-sized 4452 sq. ft. property sit other NR lots. The closest UR-zoned structure is the much larger 10-unit building at 25-27 Stone Ave. The USNC cannot find compelling reasons as to why this lot should be singled out to be rezoned to UR. Considering the position of 5 Homer Square in a predominantly NR area, we do not believe it is appropriate to approve the applicant's zoning petition since it would facilitate development "by right" under the more permissive UR zoning. Approving the application would, we believe, result in "spot zoning," giving rise to the kind of piecemeal development that threatens NR areas and precious greenspace in Somerville.

The application shows the owner to be Mo Rizkallah with the letter signed by the COO of LaCourt Realty LLC. LaCourt Benevolence Trust, LLC owns 5 Homer Square. We are concerned by reports that the LaCourt LLCs, who possess many Somerville properties, have a long record of building projects that differ significantly from the approved design. Already, this developer has cut down a fully grown 50+ inch caliper silver maple tree in Homer Square without a tree removal permit. If the developer cannot even follow the Somerville Tree Preservation Ordinance, how can the Homer Square neighborhood trust them with the limited amount of oversight that would happen if you pass this change, allowing them to build by right?

The USNC asks the Planning Board and Land Use Committees to reject the requested zoning change that would limit input from the unique neighborhood of Homer Square.

Sincerely,

The Union Square Neighborhood Council

## Madalyn Letellier

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**From:** David Shaw [REDACTED]  
**Sent:** Friday, July 26, 2024 11:55 AM  
**To:** Public Comments; Planning1  
**Cc:** [REDACTED]; Miller Tina  
**Subject:** 5 Homer Square rezoning application

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Dear Members of the Planning Board and City Council Land Use Committee,

We have lived on the corner of Stone and Columbus Avenues for 25 years. We are in line of sight from the southeast side of our home to the property at 5 Homer Square currently seeking approval to be rezoned from Neighborhood Residential (NR) to Urban Residential (UR).

We strongly oppose this rezoning and request that you deny the application.

Allowing a 50 foot building to be constructed in the middle of a highly packed block of one- and two-family houses will significantly reduce the light, sky, and air available to us. When we moved here we could see Boston from our southeast windows. That view is now blocked by the office construction at the corner of Somerville Avenue and Prospect Street. Allowing a 50 foot tall building to be built would add insult to injury, effectively walling off one side of our home from sunlight.

Parking in Homer Square has always been an issue. How would this increased residential capacity exacerbate the problem?

The NR zoning for this neighborhood was created to create a balance of space and light in a densely packed area. Allowing this new construction would dramatically reduce the livability of the neighborhood, and also introduce the unintended consequence of opening the door for similar rezoning. We strongly encourage you to prevent that from happening and deny the application.

Sincerely,

David G. Shaw  
B. Diane Martin, Esq.  
[REDACTED]  
Somerville, MA 02143

## Madalyn Letellier

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**From:** Philip Ballentine <[REDACTED]>  
**Sent:** Thursday, August 1, 2024 11:30 AM  
**To:** Public Comments; Planning1  
**Subject:** Comment on proposed rezoning of 5 Homer Square - ID 24-0607

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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I live on Boston St proximate to 5 Homer Square, having purchased my home in Somerville in 2022.

I am strongly in favor of more affordable housing, and housing construction. However, I am opposed to this "spot zoning" for several reasons:

- 1. To my understanding, it will not increase the number of units in the proposed project**
2. I think it violates the spirit of zoning reform to grant spot zoning variances to individual projects and will reduce the community's trust in upzoning as a whole and numerous neighbors and abutters have voiced their strong opposition to this variance.
3. To my understanding, developer / owner has shown egregious disregard for the laws and ordinances of Somerville both in general and in respect to this property, where to my understanding they cut down a huge mature tree without a permit, preferring to pay a fine instead of going through the process.

This owner/developer should not be granted any further favors by the city until they remediate the damage done to the community.

Sincerely,

Philip Ballentine  
[REDACTED]