

Minutes of the Half Crown-Marsh Neighborhood Conservation District Commission

February 10, 2014 - 6:00 PM at Friends Meeting House, 5 Longfellow Park, Cambridge

Members present: William King, Deborah Masterson, Judith Dortz, *members*; Peter Schur, *alternate*

Members absent: James Van Sickle *Chair*; Marie-Pierre Dillenseger, Michael Robertson (resigning), *members*; Charles Smith, *alternate*

Staff present: Susan Maycock, Samantha Paull

Members of the Public: see attached list

As Chair James Van Sickle was unable to attend this meeting, William King assumed the chair. Acting Chair King called the meeting to order at 6:03pm, introduced the members, and explained the procedure the hearing would follow.

HCM-227: 147 Mount Auburn St., by D. Timothy & Martha A. Shaw. Erect wood fence along 147 and 151 Mt Auburn Street property line and gate at 147 Mt Auburn Street.

Ms. Maycock introduced the case, in which the owners of 147 Mt Auburn St. proposed to extend an existing fence to the rear property line and to install a three (3) feet wide gate between the front end of the existing fence and the front corner of the house.

Asked to whom the existing fence belongs, Mr. Shaw said that the fence is technically his neighbor, Tom Jevon's, and that it runs alongside the property line, but slightly on Mr. Jevon's lot. Mr. Shaw further clarified that the existing fence runs parallel to the west side of his house, but three (3) feet away. He said that the existing fence is approximately five (5) feet high, and the gate is proposed to be the same height. He thought that the gate would not obstruct the view, but would hide the electric meter.

Mr. Shaw showed photographs and described the proposal to extend the existing fence with a diagonal lattice fence that would start at approximately five (5) feet in height, increase up to six (6) feet in height in the center, and then go back to five (5) feet.

Ms. Maycock asked why they are proposing the different design for the new section of fence, and Dr. Schur asked if it was red cedar to match the existing. Mr. Shaw confirmed the use of red cedar and had no objection to matching the design of the existing. They were proposing lattice because they wanted to replicate the openness of the much taller chain link fence that Tom Jevon had removed. They thought the lattice would be more open and would give a sense of privacy without creating the visual block of a solid fence. Mr. Shaw didn't think that anyone would see the two together, and mentioned that they are trying to achieve two different purposes with openness in the back and privacy for the windows on the solid portion.

Mr. King asked if the new fence would be visible from a public way. Mr. Shaw stated no. Ms. Masterson responded that it actually is visible from Ash Street, as she walked down Ash Street to look at this site prior to the meeting. Mr. King asked if it was completely visible from Ash Street. Ms. Masterson clarified that you can see where the current one ends and the opening is now. Mr. King commented that it seems

as it relates to visibility, the lesser obstructed view of a lattice fence would be better. Ms. Masterson disagreed with Mr. King.

Ms. Dortz noted that you will see the gate from Mt. Auburn Street and asked if the fence in the photo is the existing fence. Mr. Shaw said yes. The question was raised about when that fence was erected, and the staff said they would look into it. Ms. Dortz said that she did not remember the existing fence being reviewed.

Dr. Schur asked if bushes will be removed and Mr. Shaw replied no. Mr. Jevon said that the intent is to have plantings on both sides of the fence. Mr. Shaw said that planting evergreens would create a visual block, and Ms. Dortz said she preferred that.

Mr. Jevon said that there had been a chain link fence that had ivy growing over it, making it a green wall. Ms. Dortz asked how tall it was. Mr. Shaw said that actually there were several chain link fences that were removed: an eight (8) to ten (10) foot fence between the two properties and another six (6) foot fence in the yard. Mrs. Shaw stated that the fence was overgrown and falling apart and that there was overgrown bamboo as well. Ms. Masterson asked why the fence was not replaced at the time the other work on the house was done. Mr. Jevon explained that they had worked on the driveway first.

Dr. Schur asked Mr. Jevon if it was a three-family house. Mr. Jevon said it is a single family house with a house on the back.

Dr. Schur asked how the proposed fence would tie into the existing fence at 18 Ash Street. Mrs. Shaw stated that the proposed fence will go directly up to the eight (8) foot fence that stands on the neighbor's property.

Mr. King asked if the proposed gate would be consistent with the existing fence. Dr. Schur asked if he meant consistent as viewed from Mt. Auburn Street. Mr. Shaw confirmed both. Responding to a question from Dr. Schur, Mr. Shaw said that the purpose of the gate is to limit access to this portion of the property as they have had trespassing problems in the past. He noted that the driveway side of their property remains open. Mr. Jevon added that the gate will make that side more private, but that there is no attempt to make more open space there.

Ms. Dortz asked how high the gate would be. Mr. Shaw stated five (5) feet, four (4) feet solid and one (1) foot of the open slats like existing fence. Ms. Dortz noted that living down the street, she feels gates create a blockade, a separate feel to properties. Ms. Masterson stated that she was ok with the gate but questioned extending the fence beyond the back of the house. Mr. Shaw stated they wanted privacy back to the trees on Mr. Jevon's side, to be able to use the entire back yard. Mr. King suggested they consider a new chain link fence to maintain visibility. Mr. Shaw asked if Mr. King meant a new six (6) foot chain link fence. Ms. Masterson said yes since they are transparent and are not as jarring as the older chain link fences. Mr. King noted that with plantings there will not be transparency during spring and summer. Mr. King went on to state that while he doesn't walk this way every day, there wasn't visibility there previously and the proposed fence is not right on the street line so it is not creating a wall.

Ms Maycock asked if Mr. Shaw was open to reducing the height to five (5) feet all the way across for a continued visual line. Mr. Shaw responded yes, either to match existing or open lattice.

Mr. King mentioned he takes slight issue with what Ms. Dortz said about the Commission's charge being to keep the vistas and views open. He said that the issue is not to stop the fence but to consider whether it interferes with openness for the public. Ms. Dortz felt strongly that the gate does interfere with the openness for the public. Ms. Dortz added that she understands that people want fences and gates but that the Commission is trying to prevent things like a barricade appearance around a house. Mr. King disagreed that the gate would cause the illusion of a loss of openness as the fence and gate are setback significantly from the sidewalk. But he added that Ms. Masterson had found a view that most of us don't normally see and for that reason he would rather see the chain link be replaced in-kind or with something with a reduced opacity like the lattice fence.

Ms. Masterson asked if the fence extension and the gate could be voted on separately, and Mr. King agreed. Ms. Masterson proposed a motion to approve the five (5) foot gate. Dr. Schur seconded the motion. The motion was approved, 3-1 with Ms. Dortz opposed.

Ms. Masterson then made a motion to deny the fence, as proposed, stating that it was incongruous with the District in that it did not preserve views through the yard and would not maintain the pattern of visual layering. Ms. Dortz seconded the motion. The motion failed with a 2-1 vote, with Mr. King opposed and Dr. Schur abstaining.

Mr. King noted that when a motion fails without a quorum vote, the applicant receives a certificate of hardship and can proceed with the project. Ms. Masterson asked for clarification and why Dr. Schur abstained. Mr. King said that he does not need to explain, but that the commission could have a motion to reconsider the motion. Dr. Schur made a motion to reconsider the motion, and Ms. Masterson seconded. Mr. King stated he was willing to call for a vote on the fence again. The motion to deny the fence passed 3-1, with Mr. King opposed.

Mr. King told the applicants they have the right to appeal this decision to the Historical Commission but that the CHC reviews only the procedures, not the substance of NCD decisions.

Minutes

The Commission reviewed the December 9th minutes. With Ms. Masterson, Dr. Schur, and Mr. King voting, Ms. Masterson made a motion to approve the December 9th minutes. Dr. Schur seconded. The motion carried 3-0.

The Commission was unable to vote on the September 16th or August 12th minutes as there was not a quorum of members in attendance at those meetings.

Dr. Schur made a motion to adjourn the meeting, and Ms. Masterson seconded. The motion passed unanimously and the meeting was adjourned at 7:07pm.

Respectfully submitted,

Susan Maycock and Samantha Paull

Members of the public in attendance, Feb. 10, 2014

Tim and Martha Shaw

147 Mt Auburn St., Cambridge 02138

Tom Jevon

151 Mt. Auburn St., Cambridge 02138