

Minutes of the Half Crown-Marsh Neighborhood Conservation District Commission

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

Members present: James Van Sickle, *Chair*; Judith Dortz, *Vice Chair*; Deborah Masterson, William King, *members*; Marie-Pierre Dillenseger, Charles Smith, Peter Schur, *alternates*

Members absent: *none*

Staff present: Susan Maycock, Samantha Paull

Members of the Public: see attached list

Mr. James Van Sickle, Chair, called the meeting to order at 6:02pm and gave an overview of the agenda. Mr. Van Sickle discussed procedures and the agenda for the meeting. He designated Mr. Charles Smith and Marie-Pierre Dillenseger as voting alternates. Mr. Bill King, Commissioner, recused himself from the first item on the agenda as he felt that Commissioners who lived in the District and were more familiar with the application should vote.

HCM-249: 15 Willard Street, by Percy & Mori Tzelnic. Construct a new fence and expand paving of drive way.

Ms. Samantha Paull, staff member, gave an overview of the application's request and history of the application.

Ms. Susan Maycock, staff member, asked if the front six (6) foot section of fence was existing. Mr. Van Sickle said some areas were preexisting, as noted on the site plan. He recalled that at the September meeting, the Commission had requested the owners of 15 Willard Street to meet with the neighbors at 17 Willard Street to discuss a solution that would work without obstructing access for maintenance at 17 Willard Street.

Mr. Fred Meyer, agent for the owners of 15 Willard Street, was present representing the owners of 15 Willard Street.

Mr. Eric Harrington, partner of Katherine MacPherson who resides at 17 Willard Street, was also present. Mr. Harrington stated that he was working to get a proposal together to bring to the Commission. Mr. Harrington stated that Ms. MacPherson wanted to meet with the owners of 15 Willard Street but has been dealing with an injury from an accident and was in the hospital. Mr. Harrington handed Mr. Van Sickle a letter signed by Ms. MacPherson which stated such. A copy was provided to staff for inclusion in the file.

Mr. Meyer stated that the owners of 15 Willard Street were aware that the Commission had the power to remove the fence. He continued that he believed that a six (6) foot fence was more appropriate than a four (4) foot fence to fill the gap as the space has a six (6) foot fence on one side and an eight (8) foot fence on the other. He further stated that the owners were concerned with the visibility of their vehicles from Willard Street and were hoping to hide them from view when walking toward Brattle Street from the river with the taller fence.

Ms. Dillenseger asked if the neighbors had an opportunity to talk in the two months since the previous meeting. Mr. Meyer responded that no the parties have not gotten together to discuss the fence.

Ms. Masterson asked if the six (6) foot fence was denied at the last meeting. Ms. Paull clarified that no, the Commission did not vote to approve or deny the fence at the last hearing but rather directed the neighbors to discuss a fence that would allow for maintenance access to both properties.

Mr. Smith asked if the proposal for a removable section had been discussed. Mr. Harrington replied that he was working on a sample section to bring and discuss at the hearing, however he was unable to finish in time. He noted that he was also concerned with the location of the fence and where the property line was.

Ms. Judith Dortz, Vice Chair, asked what Mr. Harrington's goal was for tonight and if Ms. MacPherson wanted to postpone the hearing because she was sick. Mr. Harrington responded that they were working to get their ducks in a row and were hoping that the Commission would allow the existing violation fence to stay in place and the application could be continued until spring.

Mr. Van Sickle stated that the Commission's purpose was not to facilitate conflict resolution. He added that the Commission does not get involved with the installation of a fence that measures four (4) feet or less. Mr. Van Sickle continued that the Commission does not survey properties and that it is the Owner's responsibility to obtain a survey before the fence is constructed. He stated that they can discuss the appropriateness of a six (6) foot fence and its proposed location. He noted that in the past they have recommended that one side should face a certain way, but there are no explicit requirements.

Ms. Dortz noted that on the violation section, the caps did not match the caps of the existing fencing to either side. She suggested the existing fence be removed and one of lattice, which has visual openness be constructed as the existing violation fence added to the hodge podge of fencing designs.

Mr. Meyer pointed out that he believed it was the same cap style as a fence farther back on the property. Ms. Dillenseger indicated that the section should match the fence style of the fence closer to the public way.

Mr. Harrington added that both parties were in favor of a six (6) foot fence, but there was still discussion on the design of the proposed fence.

Mr. Van Sickle raised the concern about what would happen in the future when the other fences along Willard Street on either 15 or 17 Willard Street need to be replaced, would they seek to maintain the existing five (5) foot height or would they proposed to increase to six (6) feet to match this section of fence, should it be approved. He also noted that the owners should obtain a survey to be certain where the fence should be located.

Ms. Paull stated that certificates require that work commence within six months of the date of the certificate.

Ms. Masterson made a motion to deny the application as proposed, on the basis that the solid design, excessive height and prominent visibility from Willard Street were felt to be incongruous with the district and not in keeping with the goals outlined in the neighborhood conservation district order. She stated that the fence could be removed or reduced in height to four (4) feet and gave the applicant 30 days from

the date of the decision to remedy the violation. Ms. Dillenseger seconded the motion. The motion was approved 5-0.

Mr. King suggested staff reach out to the fence company who constructed this fence without approval to inform them of the process within the Half Crown-Marsh Neighborhood Conservation District. Mr. Van Sickle concurred.

Ms. Dortz directed the owners that they could construct a four (4) foot fence in place of the existing and could look at doing lattice to match the existing fence. Mr. Van Sickle added that, pending confirmation from the survey, the new fence should align with the existing fence section.

Ms. Paull informed the agents that they could follow up with her on the timeline once the decision is issued and if they wanted to bring a new application forward to the Commission in the future.

Ms. Masterson excused herself at 6:43pm.

Minutes

Mr. Van Sickle, Ms. Dortz and Ms. Dillenseger provided edits. Dr. Schur made a motion to approve the minutes as corrected. The motion was seconded by Ms. Dortz. The motion was approved 5-0.

Mr. Smith made a motion to adjourn the meeting. Ms. Dortz seconded the motion. The motion was approved 5-0 at 6:46 pm.

**Members of the Public
(who signed the Attendance list)**

Fred Meyer
Eric B. Harrington

83 Hammond St
17 Willard Street