

## Minutes of the Half Crown-Marsh Neighborhood Conservation District Commission

September 15, 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, *alternate*

Members absent: *none*

Staff present: Susan Maycock, Samantha Paull

Members of the Public: see attached list

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Mr. James Van Sickle, Chair, called the meeting to order at 6:01pm and gave an overview of the agenda. Mr. Van Sickle designated the alternates for voting. Dr. Peter Schur, alternate, was to vote on items 1 and 4, Ms. Marie-Pierre Dillenseger, alternate, was to vote on item 2, and Mr. Charles Smith, alternate, was to vote on item 3.

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

Ms. Samantha Paull, staff, gave a brief overview of the subject property and the application. The application included two items, a six (6) foot fence and expansion of driveway paving materials. Ms. Paull noted that the fence section was already constructed and the applicant was asking for an after the fact approval.

Mr. Van Sickle noted that there is also a new six (6) foot wood fence between 15 and 11 Willard Street. Ms. Mori Tzelnic, an owner, responded that the neighbors constructed that fence. Mr. Percy Tzelnic, an owner, discussed the current conditions, which included a mixture of six (6) foot and eight (8) foot sections. He thought that due to the location and visibility approval was not needed by the Commission. Mr. Tzelnic continued that he wanted to fill in the gap between the two previously existing fence sections, also shield the cars from neighbor and street.

Mr. Van Sickle explained that fences are an issue for this Commission, in helping maintain the character of neighborhood. Ms. Dillenseger asked if there was an existing lower fence on the property that was four (4) feet tall by the driveway that was not reflected on the submitted site plan. Mr. Tzelnic responded that from the house, parallel to the street, yes there was an existing four (4) foot fence. He continued that he wanted to screen the vehicles from the street, so he felt the six (6) foot fence would achieve that.

Mr. Van Sickle separated the application into two requests, the fence and the driveway. He noted that driveways, as long as they were not for parking in the front yard, between the street and the front elevation, were not within the purview of the Commission if there was an existing curb cut. As the request was to extend an existing driveway deeper into the owners' property versus widen the drive, the owners can do this by right without required approval by the Commission.

Mr. Van Sickle asked for public comment. Mr. Eric Harrington, the partner of Ms. Katherine MacPhearson of 17 Willard Street, was present. He showed photos and display boards to discuss the

problem with the placement of the fence and reduced access to 17 Willard Street for maintenance. He noted that due to the height and permanent installation of the fence in question, it was impossible to access the right elevation of 17 Willard Street for maintenance, such as gutter cleaning, painting, or window repair. He had a contractor over after the fence was installed to work on the house, however the contractor was unable to access the house. Mr. Harrington noted that between the fence and 17 Willard Street there is barely enough space to walk by, ranging from 16 inches to 33 inches.

Ms. Dortz asked where the previous fence stopped as the applicant's submitted site plan reflects the fence being located midway down the house at 17 Willard Street. Mr. Harrington responded the site plan was inaccurate, referring to his provided photographs, and the previous fence stopped at the rear corner of the house at 17 Willard Street to allow for access to maintain the structure. Mr. Van Sickle noted that was a common problem in the neighborhood and that many neighbors have to share their property lines due to the small setbacks between structures. Mr. Harrington requested that the fence be approved at a six (6) foot height but with removable panels so that they could access the house for repairs. Mr. Tzelnic noted that he was open to this option.

Mr. Fred Meyer, a realtor who sold 15 Willard Street to the Tzelnic, was present and showed photos of the home prior to the Tzelnic purchase. He noted that he accesses his property over his neighbors six (6) foot fence.

Ms. Deborah Masterson, a Commissioner, asked if the removable panel option could be discussed between the neighbors and then the Commission vote on that proposal. Mr. Van Sickle wanted to foster a discussion on the appropriateness of a six (6) foot fence in this location first. Dr. Schur agreed with Ms. Masterson. Ms. Dillenseger stated she was concerned with the precedent of approving a six (6) foot fence. Mr. William King, Commissioner, noted that this fence does not obscure views into the back yard. He continued that the Commission's Order required them to only assess the appropriateness of the proposed fence and was concerned with setting a precedent. Mr. Smith was also concerned with setting a precedent.

Mr. Van Sickle recalled the previous approval at 17 Willard Street for the front yard fence, which measures five (5) feet tall with openings as Willard Street and Sparks Street are busy roads in the neighborhood. He continued that while rear fences are valued for privacy, they sometimes block views into the yards. As there were higher fences existing on the property already, he said he did not object to the height to match the existing fencing. Ms. Masterson agreed.

The Commission decided not to make a ruling and asked the neighbors to discuss the design of the fence that would achieve both of their needs and return to the Commission with a different design. Mr. Van Sickle directed them to follow up with staff on the progress of a new proposal. He continued that the Commission did not have jurisdiction over the driveway and struck it from the application.

**HCM-250: 1 Fuller Place, by David & Anri Brenninkmeyer.** Construct a new fence.

Ms. Paull gave an overview of the subject property's history and the application. She noted that the property was granted a Certificate of Hardship, HC-218, in November 2004, for the existing six (6) foot fence that required the owner to come back to staff for any changes to the fence.

Mr. King noted that the property was part of the previous Half Crown District, which did not have binding review on all cases, some were only advisory. The fence had a retroactive hearing, as it went up prior to obtaining an approved Certificate. The neighbors weren't in support. The Half Crown Commission decided it was inappropriate but the owner obtained a Certificate of Hardship. Ms. Dortz added that the location of the ART across Fuller Street from the subject property can be noisy when they are setting up sets.

Ms. Anri Brenninkmeyer, an owner, stated that when they moved into the home in March, the fence was there. However, after a big storm, the wind started to blow over portions of the fence. She noted that she and her husband were aware that the fence was approved under a Certificate of Hardship and they would have to get approval to do anything else to it. She continued that they worked with their surrounding neighbors to discuss the proposal, which originally included an alteration to the front entry. After speaking with the neighbors, she amended the application and was hoping to obtain some privacy with a portion of the fence being installed as a six (6) foot. Ms. Brenninkmeyer noted that there is heavy foot traffic through here during the school year as Fuller Place is used as a cut through to Radcliffe. She continued to explain that the fence was needed as they have small children who want to play in the yard. She also noted that the neighbor at 9 Hilliard Street wanted to maintain the six (6) foot height so they could access their property as the fence is next to their stairs and leaves no room for the installation of a railing.

Mr. Tim Burke, the architect, presented the plans submitted with the application and noted that the design is an open picket for the fence. He stated that the fence would be a five (5) foot solid fence with a one (1) foot picket top to match the existing fence and to match a neighboring fence. He also pointed out that the application included a slight modification to the entry stairs and kitchen stairs which were currently large decks. He proposed use of bluestone for a patio space at grade and a smaller entry stair and landing at each entry point to the home.

Ms. Suzanne Blier, an owner at 5 Fuller Place, thanked the owners for working with her and amending the application from the original proposal. Ms. Blier said she hoped for a four (4) foot fence along Fuller Place as that was more in keeping with the neighborhood instead of a six (6) foot fence. The solid fence, she noted, made it hard to see around the corner as a pedestrian. Ms. Blier, as a fellow resident of Fuller Place, noted that she did not have a problem with the noise from the ART. Ms. Blier suggested that the Brenninkmeyers discuss their problems with the ART, as the ART might put up a fence on their property line that fronts Fuller Place.

Mr. Van Sickle read a letter of a resident who lived at 9 Hilliard Street whom supported the proposed fence. Mr. Van Sickle closed the public hearing.

The Commission discussed the aspects of a Hardship application versus a conditioned Certificate of Appropriateness. Mr. Smith mentioned his support of the application as submitted, as did Ms. Dillenseger, Dr. Schur and Ms. Masterson. Mr. Van Sickle noted the lack of six (6) foot fences in the area and pointed out the aspect of fences included in the Commission's Order. He commended 106 Foster Street for removing their old six (6) foot stockade fence and installing a more appropriate fence, in keeping with the District's Order under four (4) feet. Mr. Van Sickle continued that the use of four (4) foot fences is more consistent with the Order, the character and pedestrian nature of the area.

Ms. Dortz referred to the 1952 photograph that showed the lower picket fence, stating that the lower fence was more in keeping with the area, agreeing with Mr. Van Sickle. Ms. Dortz made a motion to approve a four (4) foot fence extending along Hilliard Street, a four (4) foot fence along Fuller Place with an increase to six (6) feet in height when it passed the front door, and a six (6) foot fence along the side and rear property lines with final details to be reviewed by staff. Ms. Dillenseger seconded the motion. The motion was approved 5-0 with Ms. Dillenseger designated voting.

**HCM-253: 144 Mt. Auburn Street, by 144 Mt Auburn St Realty Trust.** Install fire escape and balcony railing.

Ms. Paull gave a brief background of the structure, noting the significant addition of the storefront to the historic double house, and outlined the application. She noted that the applicant proposed to install a new fire escape, new second floor balcony railing and extend the fire escape to another unit on the second floor. The application was only for alterations to 144 Mt. Auburn Street, and would not impact 146 Mt. Auburn Street.

Mr. Keith Beardsley, an owner, was present. He noted that the existing fire escape was a metal ladder screwed to the building. He hoped to increase the safety of the structure by installing a new fire escape system. The architect for the project, Mr. Patrick Sharkey, added that there are medical offices on the second floor and retail on the first with a studio apartment in the back. The plans proposed to remove the ladder, add a platform and wrought iron stairs with open pickets for safety purposes.

Mr. Van Sickle asked if the rail would meet legal height requirements and be black in color. Mr. Sharkey responded yes to both.

Ms. Dillenseger asked if the plan could be looked at again as the plans submitted showed the fire escape stair blocking one window and a support pillar blocking a different window. Mr. Sharkey responded yes, they could look at the plan again to have minimal impact on the windows.

Dr. Schur made a motion to approve the application with the condition that the pillar be moved to not obstruct the window and that the plan be looked at to not block the other window. Mr. Smith seconded the motion. The motion carried 5-0, with Mr. Smith designated voting.

**HCM-258: 52-54 Foster Street, by Ann Bonney.** Alter one window.

Ms. Paull gave an overview of the property and the application's request to alter the size of one window on each side elevation.

Ms. Ann Bonney, an owner, was present. She stated that she was renovating the interior of the structure and as the large, full size windows were located where the bathtub was. The existing windows had been damaged from the exposure to water and humidity and were rotting. She proposed to raise the sill height to allow for a new wood window to be installed. Ms. Dortz suggested that the applicant look into using a vinyl window to preserve the original opening size.

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Approved at the October 6, 2014 Meeting

It was noted that other exterior changes on the applicant's drawings would require approval by the Commission in a future application.

Ms. Masterson made a motion to approve the application as submitted. Dr. Schur seconded the motion. The motion was approved 5-0 with Dr. Schur voting as alternate.

### **Minutes**

The Commission reviewed the minutes and had no comments. Dr. Schur made a motion to approve the minutes as submitted. Ms. Masterson seconded the minutes. The motion was approved 7-0 with all Commissioners voting.

Ms. Masterson made a motion to adjourn the meeting. Ms. Dortz seconded the motion. The motion was approved 7-0 and the meeting was adjourned at 8:26pm.

Respectfully submitted,  
Samantha Paull  
Preservation Administrator

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

Keither Beardsley	74 Clarendon St, Ste A, Boston, MA 02116
Patrick Sharkey	74 Clarendon St, Ste A, Boston, MA 02116
Eric B. Harrington	17 Willard Street
Suzanne Blier	5 Fuller Place
Rudy Blier	5 Fuller Place
Fred Meyer	-none listed-
Mori Tzelnic	15 Willard Street
Percy Tzelnic	15 Willard Street
Anri Brenninkmeyer	1 Fuller Place
David Brenninkmeyer	1 Fuller Place
Tim Burke	142 Berkley Street, Boston, MA 02166
Annie Bonney	52 Foster Street