

Minutes of the Half Crown-Marsh Neighborhood Conservation District Commission ***Approved at the September 19, 2016 Meeting***

August 15, 2016 - 6:00 PM at Friends Meeting House, 5 Longfellow Park, Cambridge

Members present: James Van Sickle, *Chair*; Judith Dortz, *Vice Chair*; William King, Marie-Pierre Dillenseger, Peter Schur, and Charles Smith, *members*; Adrian Catalano, *Alternate*

Members absent: Deborah Masterson, *member*

Staff present: Samantha Paull

Members of the Public: see attached list

Mr. James Van Sickle, Chair, called the meeting to order at 6:06pm and gave an overview of the agenda. Mr. Van Sickle discussed meeting procedures. He noted that as four members were present, the alternates would alternate voting. He designated Ms. Judith Dortz, Vice Chair, to vote for HCM-343.

HCM-343: 1 Fuller Place, by Anri Brenninkmeyer. Alter front entrance and construct fence.

Ms. Samantha Paull, staff, gave an introduction to the application and showed slides. She noted the two previous applications and one was granted a certificate of hardship, the other was approved with conditions. Ms. Paull read both into the record.

Mr. David Brenninkmeyer, an owner, introduced himself and his wife Anri. He outlined their proposal to alter the front entrance and replace the fence.

Mr. Van Sickle asked how far the new roof would project out. Mrs. Anri Brenninkmeyer replied it would cover the stairs. Mr. Brenninkmeyer clarified three to four feet.

Mr. Brenninkmeyer continued with the presentation, outlining the proposed fence. He noted that his wife and he felt that their conditions, the corner location close to Harvard Square and that the useable outdoor space was limited to the front yard, make it a unique situation that warranted the construction of a solid six (6) foot fence. Ms. Brenninkmeyer said she was hoping to find space for her children for the next eight (8) or so years. She continued that they were not proposing to tear down the house, just keep her kids safe and healthy. She added that she has enjoyed living in Cambridge since moving here from New York but felt that her interactions with the Commission and staff regarding the fence has been the most stressful part about living here.

Mr. Van Sickle asked staff to re-read the previous approval and clarify where the solid portion was permitted to extend to. Ms. Paull clarified it was permitted to extend to the kitchen addition, to the west of the front door.

Mr. Brenninkmeyer said that they did agree to the condition but ultimately it was not what they wanted; so they returned to the Commission with a new proposal of a solid, six (6) foot fence. He clarified that it was a five (5) foot solid fence with a one (1) foot lattice topper, the same as it was now but with square

lattice. Ms. Brenninkmeyer added that they were hoping to have a five (5) foot gate that swung in versus out, as it did currently.

Ms. Dortz asked the applicant to explain the photo of the tall picket fence. Mr. Brenninkmeyer replied that they were open to considering an open slat fence.

Mr. Van Sickle and Dr. Peter Schur, Commissioners, commented that the architect's plans seemed to be lacking details.

Mr. Adrian Catalano, Commissioner, asked why the owner was seeking a permanent change to the façade to protect someone from the elements as someone would be subject to the elements walking up to the covered area. Ms. Brenninkmeyer said that it was hard with kids to fumble with keys and a carseat while trying to unlock the door.

Ms. Marie Pierre Dillenseger, Commissioner, asked if the current proposal had any four (4) foot sections or if the entire thing was at the six (6) foot height. Mr. Brenninkmeyer replied that it was all proposed at six (6) foot.

Dr. Schur asked what the door to the right was for. Mr. Brenninkmeyer pointed to staff's photo and noted that one door was the main entrance and the door to the right was for the kitchen.

Ms. Linda Stanley, neighbor at 10 Hilliard Street #2, asked what overall height was proposed. Ms. Dortz replied six (6) feet, the same as it was currently. Ms. Stanley asked what the Ordinance allowed. Ms. Dortz responded four (4) feet or less in Half Crown-Marsh Neighborhood Conservation District.

Ms. Caroline James, resident at 114R Beacon Street, asked what the difference was between a non-opaque and an opaque fence. Mr. Van Sickle said that the Ordinance was not explicit on opacity but rather focused on the height. He continued, the Commission was open to allowing a five (5) foot fence in a high traffic area but with spacing, or opacity, in keeping with the district's objective to maintain thru-views.

Ms. Carol Perrault, resident at 9 Dana Street, asked which door they were proposing to alter. Ms. Paull showed her photos and plans. Ms. Perrault asked if they had drawings. Mr. Van Sickle replied that the application was what was submitted.

Mr. Van Sickle asked if there were additional questions from the public. There were none. He asked if there were any comments.

Ms. Rain Figeroua, abutter at 9 Hilliard Street, said she lived in the attached double house and moved into the house in 1984. She added she knew that the fence had existed for 32 years and didn't object to a solid six (6) foot fence. She noted that with the mixture of characters and traffic on Hilliard Street, as well as on Fuller Place she felt the addition of the fence was warranted. She closed stating that her house used the fence as a rail to get up and down the front stairs. Mr. Van Sickle noted that the walkway on Fuller Place was a public way. Mr. Sandy Starr, abutter at 9 Hilliard Street, expressed concern over removal of the fence by his front steps. Mr. Van Sickle suggested he look into adding a railing.

Ms. Suzanne Blier, abutter at 5 Fuller Place, said she had lived at the house for over 20 years and had moved there from New York City. She shared a story about a homeless person on their front porch when they first moved in and noted that they chose to add landscaping to their property. She expressed concern

for the preservation of the historic character of the structure with any alterations of the front entrance. She also expressed concern over a tall fence that created an alley or industrial feel, and noted that it creates a safety issue for driving with pedestrians, cars, and bicyclists on Hilliard Street. She said she did not feel that the fence would add to the pedestrian character of the city.

Ms. Figeroua noted that the ART has a very tall fence. Ms. Blier noted that those are commercial uses not the residential area. Mr. Brenninkmeyer said that there was at least one six (6) foot brick fence on Ash Street.

Mr. Gill Deford, abutter at 3 Fuller Place, said he supported the six (6) foot fence and disagreed with his neighbors at 5 Fuller Place. He said the fence had existed for at least 33 years and felt that Fuller Place was busy with a different kind of traffic from other residential streets. He added that other properties had the benefit of a backyard, but the Brenninkmeyers did not. Mr. Deford said that safety trumped aesthetics and allowing for space for kids to play outside is important.

Mr. Rudy Blier, abutter at 5 Fuller Place, said he raised his daughter at 5 Fuller Place and she felt comfortable walking all over the city except down the end of the street because of the fence. He said he was a sociologist and it was a well-known fact that high fences breed crime. He was concerned about the safety issues that a solid six (6) foot fence would bring versus the aesthetic components of a tall fence.

Ms. Perrault said that she discovered the house when Charlie Sullivan, the Historical Commission's executive director did a Jane Jacob's tour through the neighborhood. She said she lives in Mid Cambridge, where there are smaller lots, and most kids don't even have the space that 1 Fuller Place has. She stated that an open fence is safer and protects the heritage, in addition to being more aesthetically pleasing. She said she felt that 1 Fuller Place was a beautiful house and an open fence would provide a safe space for kids to play and even allow them to interact with people walking along the street.

Ms. Laura Deford, resident at 3 Fuller Place, said that the proposed changes were not permanent and did not remove beautiful architectural elements but proposed to add something that could be reversed in the future. She said that the Commission was not respecting the human element and reminded them that the house belonged to the Brenninkmeyers and they should be able to feel safe and comfortable in their house.

Ms. Pebble Gifford, resident at 15 Hilliard Street, said she went through the same process when she constructed her fence at the other end of Hilliard Street. She said keeping the historic integrity and openness was important to her, while she still wanted to provide differentiation for her yard. She showed a photo of the fence she constructed that was approved, which was a five (5) foot fence on top of her masonry retaining wall. She said she was advocating for a compromise. Mr. Van Sickle asked if her fence was five (5) feet on top of the stone wall. Ms. Figueroa replied yes on top of a two (2) to three (3) foot wall.

Mr. Van Sickle asked if there were any more comments from the public. There were none. He closed the public hearing.

Mr. Van Sickle asked if the applicant was open to a more visually open fence like Pebble's. Mr. Brenninkmeyer said yes. Mr. Van Sickle asked if they were open to a five (5) foot fence. Mr. Brenninkmeyer said no, they wanted a six (6) foot fence.

Dr. Schur asked if the applicant would consider altering the kitchen door entry versus the main entrance. Ms. Brenninkmeyer said that with strollers they needed to use the front door. She asked how tall his solid fence was. Dr. Schur replied four (4) feet. Ms. Blier added that Dr. Schur's fence was set back from the street.

Ms. Blier asked for clarification of the open slat fence design. Mr. King said that the Commission was proposing a compromise of an open fence. He asked the owner if they would need a retaining wall for their yard. Mr. Brenninkmeyer said they'd agree to a one (1) foot retaining wall and a five (5) foot fence on top of that.

Ms. Dortz noted that the proposed fence was not in keeping with the neighborhood or city itself. She understood that they had children and were concerned about safety but felt that the fence as proposed was about keeping people out and did not encourage thru-views as discussed in the district objectives. Dr. Schur added that food fences make good neighbors and he was disappointed that there was an issue between the neighbors coming to a consensus on the proposed fence.

Ms. Dillenseger apologized for the stress caused, noting that it was not their intention but that the Commission had to be conscious of the decisions they made and how they impacted the district by setting precedents for the area. She continued, stating that the Commission's charge was to preserve the visual layering of the street and part of the character of the neighborhood. She said the Commission understood the hardship at the previous meeting, but was concerned that the owner was not trying to find a compromise with the Commission.

Mr. King said that he did not believe that the proposed fence was appropriate for the district or in keeping with the order. He felt the applicant should have brought this forward under an application for a certificate of hardship but still had to be in the spirit of the district. He continued that the proposal was inconsistent with the district as a whole.

Mr. King made a motion to deny a certificate of appropriateness for the proposed fence as it was incongruous and inappropriate to the district as it was too high, too solid and not consistent with the visual layering and thru-view goals as laid out in the District Order. Mr. Charles Smith, Commissioner, seconded the motion. Mr. Van Sickle asked for comments, there were none. The motion was approved 4-0 with Dr. Schur abstaining.

Ms. Dortz asked if the hardship would come back as a separate application. Mr. King said it should as the fence proposed was not consistent with the district. Mr. Van Sickle noted that the five (5) foot fence along the lines of Ms. Gifford's was something the Commission felt comfortable granting a certificate of hardship to but was not open to a solid fence. Mr. Brenninkmeyer said he was open to a five and a half (5 ½) foot fence. Mr. Van Sickle asked them to come back with a very specific design.

Mr. Van Sickle said the porch still needed to be discussed. Ms. Dortz asked how far the proposed hood projected. Mr. Van Sickle pointed to the plans which said three (3) to four (4) feet.

Mr. Smith said he did not have an issue with the overhang as proposed.

Mr. Catalano asked if they were using wood. Mr. Brenninkmeyer replied yes.

Mr. Van Sickle noted that even though he wasn't voting he felt the proposal was sympathetic and understood the need for a covering.

Dr. Schur made a motion to approve a certificate of appropriateness for the new overhang over the front entry. Mr. Smith seconded the motion. The motion was approved 5-0.

Minutes

Mr. King made a motion to approve the May 9, 2016 and June 13, 2016 meeting minutes as edited. Ms. Dillenseger seconded the motion. The motion was approved 5-0.

New Business

Mr. Van Sickle gave the Commission an overview of what happened at the appeal of HCM-323 where the decision of the Half Crown-Marsh Neighborhood Conservation District Commission was upheld and the decision was not found arbitrary and capricious. He said it would have been valuable to have all of the Half Crown-Marsh Neighborhood Conservation District Commission members present and that it was valuable to hear the Cambridge Historical Commission debate. He said he learned that in the future Commission members should clearly state why the application was being denied in relation to the district order as part of the motion.

Ms. Dillenseger added she learned it was important to make the findings complete as part of the motion.

Ms. Dortz made a motion to adjourn the meeting. Ms. Dillenseger seconded the motion. The motion was approved 5-0 at 8:01 pm.

Respectfully submitted,

Samantha Paull
Preservation Administrator

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

Suzanne Blier	Neighbor	5 Fuller Place
Rudy Blier	Neighbor	5 Fuller Place
Gill Deford	Neighbor	3 Fuller Place
Laura Deford	Neighbor	3 Fuller Place
Anri Brenninkmeyer	Owner	1 Fuller Place
David Brenninkmeyer	Owner	1 Fuller Place
Raine Figueroa	Abutter	9 Hilliard Street
Sandy Starr	Abutter	9 Hilliard Street
Carol Perrault	Resident	9 Dana Street
Linda Stanley	Resident	10 Hilliard Street, #2
Keith Brion	Resident	10 Hilliard Street, #2
Caroline James	Concerned citizen	114R Beacon Street, #2, Somerville
Pebble Gifford	Neighbor	15 Hilliard Street

Note: All addresses are located in Cambridge unless otherwise noted.