

MINUTES OF THE HALF CROWN-MARSH NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION
Approved at the 09-09-2024 Meeting

August 19, 2024. Meeting conducted online via Zoom Webinar- 6:00 P.M.

Commissioners present: Marie-Pierre Dillenseger, Chair; Aaron Kemp, Vice-Chair; Ruby Booz, Jim Van Sickle.

Commissioners Absent: Donna Marcantonio, Peter Schur, Jo Solet

Staff present: Eric Hill, Survey Director

Due to statewide emergency actions limiting the size of public gatherings in response to COVID-19, this meeting was held online with remote participation and was closed to in-person attendance. The public was able to participate online via the Zoom webinar platform.

With a quorum of commissioners and the applicant present, Marie-Pierre Dillenseger, Chair, called the meeting to order at 6:05 P.M. She explained the online meeting instructions and public hearing procedures then introduced the commissioners and staff.

1) Public Hearing: Alterations to Designated Properties

HCM-660: 1001 Memorial Drive, by Herbert Rothfarb: Erect 6'-0" wooden fence and add new retaining wall base at sidewalk.

Eric Hill introduced the case, sharing his screen and discussed existing conditions and the commission's jurisdiction. He noted that when driving through the neighborhood, he noticed that work was being done that was not reviewed or approved by staff or the HCM NCD. He approached the contractors on site and informed them that the work was not reviewed, and an application was needed to be included on a public hearing agenda. Work was halted where the concrete block retaining wall was finished, and one fence panel was installed.

Samar Abi Hassan, the contractor and representative for Mr. Rothfarb, the owner, spoke stating that she did not know that the property was located within a local NCD and did not know that they needed approval for the new fence. She added that fences under 8'-0" tall do not need permits through the City of Cambridge. She explained that the fence is a replacement of what was there, but atop a new 16" retaining wall as the previous fence was directly at-grade and rotted at the base and began to lean into the sidewalk due to site conditions. The new fence and wall would provide more stability.

Marie-Pierre Dillenseger, Chair, opened the meeting to questions of fact by commissioners.

Aaron Kemp asked Samar Abi Hassan what was the driving factor to make the new fence taller than existing. He understood that there was a need for a retaining wall and fence, but asked why it was not the same height as before. He also verified with the applicant if the fence is taller than what was there before.

Samar Abi Hassan stated that it was not much taller, as it was a slightly different grade, but it is about 5" taller. They dug down slightly to install the new concrete wall footings.

Jim Van Sickle asked Eric Hill how the City of Cambridge measures a fence or wall.

Eric Hill responded that the city measures fences and walls from the grade where the fence meets the ground.

Jim Van Sickle then asked Eric Hill if the new fence would be considered a replacement or new fence.

Eric Hill explained that it was up to the Commission's determination. The previous fence was existing, and a taller fence was there, but it was entirely removed and replaced with a new base in a slightly different location closer to the sidewalk.

Samar added that the grade was slightly lowered at the wall when the new fence/wall were installed, somewhat reducing the overall height of the fence, but it would still be slightly taller than what was there before, due to the concrete block wall.

Marie-Pierre Dillenseger asked Samar if they considered granite or a different material, like the historic granite garden wall towards the front of the house at 156-158 Mt. Auburn Street.

Samar explained that the budget was decided by Mr. Rothfarb, and cost played a factor on the construction and materiality of the new fence and wall. Masonry block is less expensive than granite or a veneer, but they are open to changes to the material.

Marie-Pierre Dillenseger opened the meeting up to questions of fact or comments by members of the public.

Doug Okun, 334 Walden Street, (also a unit owner in 156-158 Mt. Auburn Street) spoke stated that the concrete block retaining wall is not in character with the property or the district. The fence could go into a concrete footing. There used to be a shallow planting bed at the sidewalk in front of the previous fence. He added that Mr. Rothfarb does not own the property and installed the new fence without asking other unit owners. The block wall should come down, with the fence at grade. If a retaining wall is needed, it could go behind the fence.

Steve Gortmaker, 44 Payson Terrace (also a unit owner in 156-158 Mt. Auburn Street), agreed with Doug Okun, and added that the concrete block wall is not appropriate.

Jim Van Sickle asked if the concrete block face is directly on the property line.

Samar stated that the wall's face was directly on the property line.

Aaron Kemp followed up asking if there was a survey done to show the property line.

Samar said that she did not have one and no new survey was conducted.

Aaron Kemp then asked his fellow commissioners where they landed on this being a new fence or replacement, "grandfathered" fence.

Marie-Pierre Dillenseger explained that in the past, the Commission has reviewed similar cases. She considered this a new fence. She asked if there were any specifications or regulations on fences in the condo documents for the building.

Doug Okun explained that he has a survey from Wendell Mason dated from 1978 of the entire property. There are no requirements or guidelines on fences in the condo documents for the building.

Marie-Pierre Dillenseger noted that there were two letters submitted by members of the public on the case. She read the letter by Doug Okun, Elizabeth Pugh, and Aparna Agrawal dated August 5, 2024. Eric Hill read the second letter by Catherine Hayden, 29 Ash Street which was undated.

Marie-Pierre Dillenseger then opened the meeting up to discussion by the Commission, closing the period of public comment.

Aaron Kemp explained that his first thought is that the applicant did not have approval by the condo board and this fact makes the application trickier to review. He thinks the applicant should work with the rest of the condo owners, decide on a plan that is agreeable to most or all owners, and come back to the commission for final review and approval.

Ruby Booz said that she felt this case was close to a replacement, but she would consider it a new fence given that the feature is closer to the street than the original and of a different design and height. She felt that the height of the fence was a little tall and could be brought down to re-establish views beyond, while still providing privacy for the owner. She understood the need for a retaining wall, though was not certain the current design is the most appropriate way to do it.

Jim Van Sickle added that given the location and understanding that there is no true privacy in the yard for the owner, a 6'-0" fence is reasonable. He liked Doug Okun's idea of building the retaining wall behind the fence to provide stability, remove its visibility, and reduce the height. For most alternatives, the property line is an issue, so the existing wall may have to be removed and re-established set back. He does think that the owner has a right to build out to the property line/sidewalk once they confirm the property line.

Marie-Pierre Dillenseger concluded that the previous fence appeared to be 6'-0" and she was comfortable with a fence of the same material and height.

Jim Van Sickle read the following objectives of the Commission in the District Order:

"The Commission shall endeavor to...

1. Conserve the historic architectural character of the Neighborhood, including the modest character that typifies the mid to late 19th-century workers' and suburban housing of the Neighborhood, and the overall simplicity of its traditional wood-frame vernacular architecture, as well as the early 20th-century apartment houses where they exist...

and

6. Encourage low fences to define the street edge while protecting views of houses and through yards, and also while permitting flexibility to minimize the adverse visual effect of trash containers, air compressors, transformers and other fixtures whose location may not otherwise be practically screened from public view."

Marie-Pierre Dillenseger asked the applicant if they would agree to a continuance to allow the owners to work together on a plan for the fence and wall.

Samar agreed to a continuance, and added that they could look at a 5'-4" picket fence atop a retaining wall base. Alternatively, they could also finish the masonry in granite or with a veneer, but she would need to discuss further with her client.

Jim Van Sickle added that everyone seemed to agree that the current concrete block wall was not appropriate and should either be moved back, replaced, or clad with the addition of a granite cap. The fence should be mounted in front of or just behind the retaining wall.

Marie-Pierre Dillenseger made a motion to continue the project to a future hearing when the applicant can resubmit.

Jim Van Sickle seconded the motion.

The commission was 4-0 in favor of the motion. Continued.

Minutes for the March 11, 2024 and April 8, 2024 meetings were reviewed.

Jim Van Sickle was made to approve the meeting minutes for the March 11, 2024 and April 8, 2024 meetings pending minor edits. Marie-Pierre Dillenseger seconded the motion. The vote was unanimously approved, 4-0.

The meeting adjourned at 7:30 PM.

Respectfully submitted, Eric Hill, Survey Director, Cambridge Historical Commission