

Minutes of the Mid Cambridge Neighborhood Conservation District Commission

Monday, November 4, 2013, 6:00 PM, McCusker Center, 2nd Fl., 344 Broadway, Cambridge

Commission Members present: Nancy Goodwin, *Chair*; Tony Hsiao, *Vice Chair*; Lestra Litchfield, Carole Perrault, Charles Redmon, *Members*; Sue-Ellen Myers; Monica Pauli, *Alternates*

Commission Members absent: Margaret McMahon, *Alternate*

Staff present: Sarah Burks, Kathleen Rawlins

Members of the Public: See attached list.

Chair Nancy Goodwin called the meeting to order at 6:02 P.M. and explained procedures.

[Messrs. Hsiao and Redmon arrived.]

Public Hearing: Alterations to Designated Properties

MC-4367: 18 Ellsworth Park, by Timothy Barry Casey. Partially remove slates and install copper roofing; install solar PV panels.

Sarah Burks showed slides and presented the case. The owner proposed to remove a portion of the original slate roof and replace with standing seam copper to which solar PV panels would be attached. The affected roof planes were not visible from Ellsworth Park, nor from the approach to the house; small portions could be seen from Highland Avenue. Ms. Burks had reviewed other solar applications, many of which had been approved: in general, the installations were reversible when improvements were made in solar technology. She explained that the Commission's review of the application was non-binding.

Timothy Barry Casey, the property owner, explained that solar panels could not be effectively installed on the house's 83-year-old slate roof. The proposed new copper would be largely covered by the solar panels and would oxidize to a dark brown. He told Ms. Perrault the solar panels were black.

[Ms. Myers arrived.]

Ms. Perrault asked if an analysis of the roof structure had been conducted and questioned how long the copper would stay brown before turning green. Mr. Casey said it could be brown for a long time.

John Briggs, of RevoluSun, said electrical and building permits had been required. The copper panels would be attached to the roof structure and the solar racks attached to the standing seams with mechanical clamps. Mr. Casey added that the house's construction was solid: the slate was heavier than the copper and solar panels combined. The contractor would "triage" the removed slate and save the best for future repairs.

Mr. Briggs explained to Ms. Perrault that different grades of copper weathered to different shades at different rates. A high quality copper would stay dark brown longer than lesser quality.

Mr. Briggs told Mr. Hsiao that the roof was not symmetrical, which allowed room for one extra panel. Mr. Hsiao asked how the roof line junction of copper and slate would be resolved and if the owner had considered redoing the entire roof in copper. Mr. Casey said that new not visible ridge caps would be made. Putting copper over the entire roof would be twice as expensive as the current proposal, which was an effective solution and will last the life of the house.

Ms. Goodwin noted that seven letters had been received from neighbors in support of the project.

Ms. Perrault appreciated that the slate was being retained on the most visible part of the roof.

Mr. Redmon suggested that the extra solar panel be moved to the opposite side of the roof. Mr. Briggs explained that that would require redesigning the entire system. Mr. Hsiao noted that the panels will have a strong presence and suggested that the array should be made symmetrical; the proposed asymmetrical design will attract a lot of attention. Ms. Burks pointed out that the entire array is not visible from any single vantage point. Mr. Redmon suggested removing the single panel from the dormer; Mr. Hsiao suggested sliding the whole group toward the rear. Mr. Briggs said that had been explored but was not feasible.

Ms. Perrault moved that the application be approved as submitted. Mr. Redmon seconded, and the motion passed 5-0. (All five full members voting)

MC-4368: 10 Ellery Street, by Richard Freeman, owner, o/b/o Adam Siegel. Demolish existing rear additions, reconstruct foundation of and renovate front building; construct new dwelling behind the front building.

Ms. Perrault stated that she was the tenant member of the Commission and lived at 79 Dana Street within 300' of 10 Ellery. Although she does not have a financial interest in the project, she would not vote on the matter, noting that she had also not voted on the case at the past two meetings. Ms. Goodwin designated Ms. Pauli to vote as alternate.

Ms. Burks presented the background of the project and the history of the lot. The Greek Revival house was built in 1840 on a raised basement. Several other houses near #10 had been demolished in the 1970s, leaving just #8 and #10 as the oldest on the street. Mr. Siegel had submitted two earlier proposals, both of which required binding review: in August 2013, he proposed four units and 4,936 square feet of gross floor area; in October, he presented a proposal for a total of two detached units. The new proposal was also for two units, but added 749 square feet of gross floor area, and would not cover more than 33 percent of the lot, thereby not triggering a binding review of the Commission. Also, the ell to be demolished was less than 33 percent of the existing structure. A new dormer was proposed for the front house. The house was not listed on the National Register of Historic Places though it could likely be found eligible. The applicant was aware that review of cumulative changes could result in a binding review if they occur within three years of each other.

Ms. Burks explained that neither the owner, Adam Siegel (who was on his honeymoon), nor the architect, Campbell Ellsworth (who was travelling out of the country) were present. She introduced Sean Hope, attorney representing Mr. Siegel. Mr. Hope presented the new proposal. The proponent would demolish the rear ell and construct a detached single-family house with a mansard roof at the rear of the lot. The interior of the new building would not have a second floor, and would conform to zoning requirements. He noted that the requirements for non-binding review were less stringent—for example, no shadow studies were needed—and the square footage of the new proposal had been calculated to preclude binding review. The total added gross floor area was 747 square feet (704 square feet in the new building and 43 square feet in the new dormer of the existing house).

Mr. Hope explained that the existing ell (760 sq. ft.) was being demolished. The front house was a Greek Revival; the architect thought the mansard design would be appropriate and compatible. The new proposal avoided excessive infill. The property was in a Residential C-1 district: six dwellings could be built on the site but the plan was for only two, both single family. The first floor of the new structure

would have a cathedral ceiling; the basement would be 6'11' high, which was habitable per the building code but not considered gross floor area per Cambridge zoning.

Mr. Hope explained to Ms. Perrault that a new brick faced foundation would be built for the existing house.

Ms. Burks noted that after three years a second floor could be built inside the new house, without review.

Both Ms. Litchfield and Mr. Redmon declared the proposal was a folly; the revisions only served as a way to find a loophole and avoid a binding review.

Marilee Meyer, 10 Dana Street, asked why the developer had not concentrated on making the existing ell into housing, which would obviate the need to build in the rear.

Joyce Bowden, 112 Trowbridge Street, said that the application had twice been denied. If the applicant was aggrieved, the next step should be to appeal to the Cambridge Historical Commission or to Superior Court, not to submit a third application. This was unacceptable to her and to a waste of time for the Commission.

Ms. Burks explained that an appeal of a denial was not a required step for the proponent to take. She explained that when the district was established two kinds of reviews had been created, binding and non-binding. The current application fell into the non-binding category, based on order establishing the District. Ms. Bowden asked how many times non-binding denials had been sent to the zoning board. Ms. Burks said it was not uncommon for the Mid Cambridge commission to disapprove a non-binding application for a Certificate of Appropriateness.

Mr. Hope reiterated that the dimensions of the new proposal were below the commission's qualifications for binding review.

Mr. Hope told John Cassell, 8 Ellery Street, that the new house would be 13½' from Mr. Cassell's property line, with parking space between. Three garden level windows were to be located in the basement. Mr. Cassell asked if there was any rule preventing excavation in front of the garden level windows; Mr. Hope said that the basement entrance would be on the opposite side; the lower level windows were considered a second means of egress.

Ms. Meyer said she found the presentation confusing. The project was inappropriate for the neighborhood. The numbers were guidelines only; designing to the numbers was not appropriate for every site and, in this case, not moral. She pointed out that the rear building was wider than the front. She wondered why the proponent wanted a badly designed mansard rather than make over the existing ell. Mr. Hope said there was nothing immoral about building a second unit on the lot. He said that, although wider, the new structure would have less visible impact because of the adjacent buildings. Ms. Meyer stated that larger houses had distorted the area; smaller, older houses were precious, a remembrance of earlier times.

Mr. Cassell said the proposed new structure was incongruous with the neighborhood, and he would have preferred to have the ell developed. He strongly objected to the proposal.

Ms. Goodwin closed the public comment period. She said that the new proposal was insulting in the way it discounted the recommendations of the Commission and the opinions of the neighbors. Ms. Perrault objected to the fact that the architect was not present to to respond to the Commissioners' questions and to hear their testimony and recommendations. ~~hear the testimony and recommendations.~~

Mr. Redmon moved to disapprove the application for a Certificate of Appropriateness. Ms. Litchfield seconded, and the motion passed 5-0, with Ms. Pauli voting as alternate.

MC-4369: 6-8 Emmons Place, by Lou Ferraro, 21 Troy Road, L.P. Reconstruct foundation of and renovate front building; construct new dwelling behind front building.

Ms. Burks showed slides and reviewed the project history to date. Last month the applicant had submitted a proposal to demolish the front house, reconstruct it and add a rear addition, and to construct a three-story free-standing house to the rear. That application was subject to a binding review because of the demolition and proposed new gross floor area. It had been disapproved by the Commission. The new application proposed to retain the front house, construct a new foundation for it, and construct a new free-standing two-story house to the rear. The total added gross floor area was 745 square feet. The new application was subject to non-binding review.

Lou Ferraro, the owner-applicant, described his proposal in more detail. He would replace the foundation, renovate the existing house, and build a single family, free-standing house at the rear. The addition to the front house had been eliminated from the project; the existing house would become two side-by-side units of two to three bedrooms each. Most of the house's original detail had already been removed, and it was now covered with aluminum siding, which he would remove. The windows on the north and south elevations of the existing house would stay the same, while they would be modified on the east and west elevations. The new building would conform to zoning and would consist of 745 square feet of gross floor area, not including the basement, which would be below 7' high.

Ms. Perrault asked, with regard to this case and MC-4368 (previously heard), ~~both cases~~, who monitored the buildings to make sure they were in conformance. Ms. Burks said that permit plans were checked by Commission staff for conformance prior to signing off on a building permit and the Inspectional Services staff reviews for zoning and building code compliance as well as conformance to the permit plans. The structure must adhere precisely to the permit plans; Inspectional Services staff would take measurements. She reiterated that a 6'11" basement was considered habitable per the building code, but was not included as gross floor area per the Cambridge zoning code. Ms. Perrault asked how the existing house could be renovated when the architect said previously that it should be rebuilt.

Mr. Ferraro said that the architect had indicated last month that the existing house's framing did not meet code and that it would be easier and more cost effective to demolish it and rebuild than to reinforce it and renovate it to current codes.

Ms. Perrault asked if emergency vehicles could access the backyard. Mr. Ferraro said they could not. Ms. Burks said that what she had understood Mr. Campbell to say at the last meeting was that the Fire Department had indicated that their ladder trucks could provide access to the rear building from surrounding streets. She said she did not know if that was accurate, however.

Ms. Meyer wondered how Mr. Ferraro proposed to accommodate the root system of the large oak tree; he said they would try to protect and maintain the tree. Joyce Bowden, of 112 Trowbridge Street, countered that the roots should be saved out to the canopy's drip line and believed that could not be done with the proposed construction.

Ms. Bowden said that at the October meeting Mr. Ellsworth claimed the fire department had assured him they could access the rear of the property. She asked who at the Fire Department he had contacted. She was a career fire department lieutenant and had driven ladder trucks. She said it was impossible to fit between the buildings.

Mr. Ferraro indicated to Bill Zamparelli, of 7 Emmons Place, that the number of bedrooms had been reduced from nine to eight and that four parking spaces were included in the proposal. He informed Ken McLaughlin, of 23 Roberts Road, that the new house would have one bedroom in the basement and another on the second floor and would be sided with Hardie cementitious clapboards and panels. The front house would be resided with Hardie clapboards.

Ms. Bowden said that his earlier proposal had been denied in a binding review, due to excessive infill. The new construction would be incongruous, in the middle of the yard, and obstruct the surrounding views. Mr. Ferraro said that the proposed building was smaller and that with the tree canopy, it would not be very visible.

Richard Black, who represented a neighbor on the top floor of no. 112 Trowbridge Street, objected strongly to any new construction at the rear of the property.

Kiera Bromberg asked why the new unit had to be in a detached building and not in an addition to the existing building. Mr. Ferraro replied that a large addition would require a variance and that was too risky. The current proposal would not require a variance.

Ms. Bowden asked the staff for clarification on the Cambridge Municipal Code 2.78.190, which she thought indicated the application was subject to binding review. Ms. Burks looked at the code, and explained that it provided the option to have an NCD with binding review over several categories of changes, but the Mid Cambridge NCD Order was organized differently. That aspect of the code did not make it mandatory for all NCDs to be set up in that way.

Ms. Goodwin said that, while the proposal was disconcerting, the commission had no authority over the case.

Keith Durrington, of Dunstable, asked why Mr. Ferraro had not responded to feedback.

Ms. Litchfield noted that the commission had recommended expanding the front building and leaving the back open. Mr. Ferraro said that approach would have required variances.

Several members of the public expressed their confusion over the roles of the Zoning Board and the Mid Cambridge commission. Mr. Redmon pointed out that, in this instance, neither board had any power of review. Mr. Ferraro said the changes were respectful to the neighborhood.

Ken McLaughlin, of 23 Roberts Road, pointed out that, regardless of any comments or concerns, the owner could do what he wanted. This was Long's Funeral Home all over again.

Myron Feld, 110 Trowbridge Street, said he'd be able to see the building from his back porch and asked if the fire department reviewed for accessibility. Ms. Bowden told him that the department only review internal systems, not access; however, the inaccessibility increased fire danger to neighboring houses.

Mr. Ferraro assured Mr. Zamparelli that he would work cooperatively with the neighbors regarding access of construction vehicles and the neighbors' cars getting in and out.

Leslie Brunetta, of 29 Roberts Road, said she was not opposed to the proposed density but asked for clarification on the site plan in where the new building would be in relation to surrounding buildings.

Mr. Hsiao said he appreciated the passion involved and how the project would impact the neighbors. While the Commission was unable to change the rules, it could make suggestions on how to improve the project. The aesthetics and massing of the new building could be improved by simplifying the design; it should speak to twenty-first century needs, but not be too complex. The variety of window types and exterior materials was too busy. He suggested relocating the new house closer to the main house, thus achieving the owner's goals—including avoiding zoning review—but would lessen the impact on abutters. Where the structure was located might have a bigger impact than the design. He urged the owner to mitigate the impact as much as possible.

Mr. Redmon pointed out that moving the new house 15' closer to the main would obviate the need for the L-shaped kink and offer wider green space. Ms. Perrault suggested redesigning the rear deck. She also said that the design of the staircase was not compatible with the simplicity of the house.

Mr. Redmon moved that the proposal be rejected but that commissioners were available to comment on a modified site plan with a change in the siting of the new building. Mr. Hsiao seconded, and the motion passed 5-0, with all full members voting.

Determination of Procedure: Alterations to Designated Properties

MC-4376: 98 Amory Street, by Brian Larivee. Remove shingle siding and window trim and replace with Hardie cementitious clapboards, corner boards, and window trim. Alter kitchen windows on first floor.

Ms. Burks showed slides and explained that the condo association had proposed to repair the wood shingles on the front wall and to retain the horizontal trim between the second and third floors and at the cornice of the three-decker. The owner of the first floor unit had raised the sill height of one window on each side wall at the far rear and proposed to replace the wood shingles on the side and rear walls with Hardie cementitious clapboards. The porch and entrance would not be changed.

Brian Larivee, the owner of the first floor unit, introduced Ben Walker, of the third floor unit, and their contractor Matt Pickett. Mr. Larivee said he intended to preserve and paint the front shingles and molding and add corner boards that would provide a transition between the clapboards and Hardie plank. The shingles were worn and rotting and would not take paint; the rotting window trim leaked. He had compared the costs of new cedar shingles with Hardie plank: cedar shingles would cost at least \$40,000 more than Hardie. He had followed Ms. Burks' suggestion for a more traditional profile on the window sills. The frieze moldings between the second and third floor would be maintained, but the window trim would be replaced with Azek (a PVC blend material that could be milled and painted). He noted that the neighboring house at 94 Amory Street was very close—a fence was less than 3' from the side of the # 98; less than 8' separated the buildings. In addition to its lower cost, Hardie plank required less maintenance, improved energy efficiency, and was more fire retardant than cedar.

Ms. Burks said she had suggested transitioning materials at the same place where the roof line and cornice trim transitioned, just beyond the front corners of the building. Mr. Hsiao agreed, saying it would be good to keep the tapered shingles at the corners of the front and side walls.

Mr. Larivee told Ms. Goodwin that the corner board would be 6" wide; Ms. Litchfield asked if it could be made heavier. Messrs. Larivee and Pickett agreed that might be possible within the budget. Mr. Hsiao recommended 8" corner boards and painting the corner boards the body color of the house, to lessen the impact of the transition of materials.

Ms. Burks said that many houses in the vicinity were being treated in this way (restoring the front and putting a secondary material on the sides and rear). While it wasn't ideal, it would not have a negative impact on the street, as it exists today.

Mr. Hsiao said he approved the upgrades of the window system. Ms. Litchfield said she was not a fan of Hardie plank but complimented Mr. Larivee on his commitment to keeping a portion of the cedar façade.

Mr. Hsiao moved to approve the application as submitted, subject to the ten-day notice procedure, and incorporating the suggestions in regard to the corner boards. Ms. Litchfield seconded, and the motion passed 5-0. All full members voted.

Ms. Burks explained that 98 Amory Street was a ten day notice case; she would sign off on the Certificate of Applicability and notify the neighbors.

Minutes

Mr. Redmon moved to approve the minutes of August 5 and August 19 and October 7, with corrections suggested by Ms. Perrault. Mr. Hsiao seconded the motion, which passed 5-0.

The meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Kathleen L. Rawlins
Assistant Director

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

Timothy Barry Casey	18 Ellsworth Park	
Sasaki Setbubo	18 Ellsworth Park	
Ben Walker	98 Amory Street, no. 3	
David Paul	91 Elincrest Roads, North Andover	
John Briggs	25 B Street, Burlington	
Ellen & Ken McLaughlin	23 Roberts Road	
Brian Larivee	98 Amory Street, no. 1	
Matt Pickett	119 Pleasant Street	
Keith Durrington	Dunstable	
Louis Ferraro	6-8 Emmons Place	
Joyce Bowden	112 Trowbridge Street	
Richard Black	250 Spring Street, West Roxbury	Representing William Johnson, 112 Trowbridge Street
Marilee Meyer	10 Dana Street	
Myron Feld	110 Trowbridge Street	
Chad Stern	4 Highland Avenue, Andover	
Keira Bromberg	108 Trowbridge Street, no. 2	
Leslie Brunetta	29 Roberts Road	
Ellen Magee	27 Roberts Road	
Bill Zamparelli	7 Emmons Place	
Daphne Holt	4 Emmons Place	
John Cassell	8 Ellery Street	
Scott Walker	2A Emmons Place	

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