

MINUTES OF THE HALF CROWN-MARSH NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION
Approved at the 02-12-2024 Meeting

January 8, 2024. Meeting conducted online via Zoom Webinar- 6:00 P.M.

Commissioners present: Marie-Pierre Dillenseger, Chair; Aaron Kemp, Vice-Chair; Ruby Booz, Peter Schur, Jo Solet, Members; Jim Van Sickle alternate.

Commissioners Absent: Donna Marcantonio

Staff present: Eric Hill

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-623: 5 Foster Place; Replace wood guard railing at second-story rear deck.

Before asking Eric Hill to give his presentation on the property, Marie-Pierre Dillenseger noted that as more than five commissioners were in attendance, the alternate who joined the meeting last would be a non-voting member. Jim Van Sickle would be a non-voting member for the first case but could still contribute questions of fact and deliberate the proposal.

Eric Hill, staff, shared slides and explained the history of the property at 5 Foster Place. He shared that the house at 5 Foster Place was constructed in 1855 as a single-family dwelling. The two-story structure and the others on the dead-end street, were all built within a two-year period by Emery Willard, a coal dealer and developer. Foster Place was laid out in 1853 and in 1858, it was officially named Willard Place after Emery Willard. By 1876, the street was renamed Foster Place. 5 Foster Place is a vernacular, Greek Revival style workers cottage with a bracketed door hood over the entrance.

The house at 5 Foster Place was enlarged in 1915 by then-owner Basilio and Francesca Guarino, who together had thirteen children. At least eight of the children lived to adulthood. Historically, no railing was located there until the building code required such protections. A railing was first installed sometime after the 1967 survey photograph of the residence, and it was replaced in a 1988 renovation by the firm of David Handlin & Associates. A letter submitted in the permit application called for new

walls and railings for the deck enclosure to “be the same location and of the same height as existing but will be board and lattice panels which vary in detail”.

The long-time owner of the house is proposing to install a new deck enclosure in a shadow-box design ranging from 4’-0” to 6’-0” in height. The deck was removed sometime in 2020. Removal of a deck railing does not require HCM approval, but any new railings taking its place needs approval by CHC staff and/or the HCM Commission.

Neil Levine, the owner of 5 Foster Place, spoke and explained more of the history behind the rear deck and railing. He purchased the property in 1979, and the railing was added sometime after. There are 6’-0” posts which hold up the existing awning when engaged. He added that if required by the commission, he would be willing to remove one side of the shadow box design for increased visibility through, reduce the width of the vertical pieces, or install a decorative chain-link cap to the sections proposed that would be above 4’-0”. The chain link design would be like his rear neighbor’s yard fence which would be more see-through.

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

Jo Solet asked if a railing in this location would be required.

Eric Hill stated that due to building code, it is required, but was unsure on the specific requirements.

Jim Van Sickle mentioned that he believed guard rails were required for landings at least 3’-0” off the ground that are at least 42” high. There are also restrictions on horizontal slats which could be climbed upon.

Ruby Booz thought that it was 36” for residential.

Jo Solet then asked staff if there are any examples of metal fences as railings in the neighborhood to his knowledge.

Eric Hill explained that there were no examples to his knowledge, but most deck railings were traditional, wooden railings with vertical balusters.

Marie-Pierre Dillenseger asked Neil Levine where the metal “chain link” sections of fence would be located on the roof plan.

Neil Levine explained that they would solely be installed in 2’-0’ sections above the 4’-0” shadowbox railings in the 6’-0” sections in the submitted roof plan.

Aaron Kemp noted that in the submitted photographs of the 1980s railing, the bottom sections looked shorter than 3’-0”. He asked if the owner could provide more insight into this possible discrepancy as the proposal would be to match the previously existing railing in height.

Neil Levine explained that they were replaced at least twice, and the architect may have raised or lowered the lower railing height to make them equal.

Aaron Kemp then asked if the intent would be to keep the existing high posts and railing at the rearmost section to support the awning.

Neil Levine explained that they would be replaced in the same height and design, as simple square posts.

Jim Van Sickle noted that higher railings on upper stories are stricter than at the ground level as they need to withstand horizontal force to prevent falls. He asked what the intent of the upper 2'-0" sections of chain link fence would accomplish atop the shadowbox. The chain link would not provide any additional privacy.

Neil Levine said it would be to replicate what is there in a more pleasing design.

Marie-Pierre Dillenseger opened the meeting up to questions and comments from the public.

John Greenup, 45 Foster Street, stated that he lives directly across Foster Place from Mr. Levine's house. He would like to see the minimum allowable railing required by the building code to replace what was once there as the commission's goal is to promote layered views between houses and increase visibility from the street. He would be okay with a railing that meets the safety perspective, but privacy can be achieved by potted plants, etc.

Michael Bradley, 7 Foster Place, supports the 4'-0" railings on the side as he wants sunlight into his rear yard. Chain link would be new to them. They prefer 4'-0" all over the roof.

Marie-Pierre Dillenseger read letters by Deborah Masterson and Carol Fishman that were submitted prior to the hearing and are included in the case file. Eric Hill also read John Greenup's letter, which largely was explained in his testimony.

Marie-Pierre Dillenseger, Chair, opened the meeting up to deliberation by the commission as there were no other questions or comments by members of the public.

Aaron Kemp stated that there were a lot of opinions and many possibilities for the railing height and design. Due to the height of the deck on the second floor and the height and scale of the railing, a shorter height than 6'-0" would be appropriate and meet code requirements. If privacy is a concern, there are other ways to achieve that. Outside of the purview of the commission, he explained that it may be beneficial to lift the bottom off the ground to push snow off the deck if needed.

Ruby Booz agreed with Aaron Kemp explaining that views from Foster Street and Foster Place would be a concern with a high railing. Chain-link would be less appropriate.

Peter Schur expanded on this stating that the guidelines call for views between houses and through yards. A tall, solid fence would not accomplish this.

Jo Solet stated that she agreed but wanted to clarify on the minimum height allowed by building code, 36" vs 42". She could live with the shadow box look, lighter in color would be the preference, possibly with more airflow and light through without additional slats.

Jim Van Sickle mentioned that there is a separate code for residential vs commercial buildings. He is used to using commercial code, and Ruby Booz was correct in noting that the height required is 36". He reiterated that he would be a non-voting member of the commission but heard all the comments and concerns and urged that a compromise could be met.

Marie-Pierre Dillenseger concluded that as the railing had been removed and has been gone for nearly three years, she understands that people got used to not seeing one there. She does not want the applicant to be penalized for this delay in the new railing. She stated that the applicant was willing to compromise on the design and dimensions of the railing, which is important to get an appropriate solution. She then asked how the commissioners would like to proceed.

Jo Solet stated that there could be a continuance to allow the applicant to come back before the commission with an updated design or proposal on the heights based on concerns expressed by the commission and abutters.

Marie-Pierre Dillenseger asked Neil Levine if he was willing to accept a continuance and come back at a future time and present a new proposal.

Neil Levine stated that he was willing to accept a continuance.

Aaron Kemp made a motion to Continue the case to a future hearing to allow the applicant to come back with a modified proposal. Jo Solet seconded the motion.

Marie-Pierre Dillenseger began a voice vote with a vote of 5-0 in favor of the motion to continue the application. Approved.

Approval of minutes for 11/13/23 public meeting.

Jo Solet made a motion to approve the minutes from the November 13, 2023, meeting pending minor edits. Ruby Booz seconded the motion. The vote was unanimous to approve the minutes, 5-0.

The meeting adjourned at 7:45 PM.

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