

## Minutes of the Avon Hill Neighborhood Conservation District

Monday, December 19, 2011 - 5:30 P.M. - 831 Massachusetts Ave., Basement Conference Rm

Commissioners Present: Art Bardige, *Vice Chair*; Catherine Henn and Maryann Thompson, *Members*; Mark Golberg, Heli Meltsner, *Alternates*

Commissioners Absent: Theresa Hamacher, *Chair*; Robert Crocker, Maryann Thompson, *Members*; Constantin von Wentzel, *Alternates*

Staff Present: Sarah Burks

Members of the Public: see attached sign-in sheet

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With a quorum present, Vice Chair Art Bardige called the meeting to order at 5:35 P.M. He made introductions and reviewed the hearing procedures. He designated alternates Mark Golberg and Heli Meltsner to vote on all matters.

### Public Hearing: Alterations to Designated Properties

**AH-406: 14 Arlington St., by Lindsay Frazier and Owen Dempsey.** Construct new chimney, add new window, add skylight, move skylight, replace non-original windows throughout.

Sarah Burks, Preservation Planner, showed slides of the existing conditions and explained that the case was subject to binding review of the Commission because the property is located within the Avon Hill National Register District. She reviewed the district goals and guidelines that were relevant to the proposal including guidelines about materials and alterations to existing buildings. She provided extra copies of the application materials to members of the public.

Maggie Booz, of Smart Architecture, reviewed the proposed changes included in the application and the architectural drawings on record. She described the proposed new chimney on the end wall of the house. It would be constructed of water struck brick laid up in the traditional way. It would have a rolled shoulder. She indicated the location of a new window on the north side of the chimney. She said one existing skylight would be moved down and another added.

She explained that the existing windows in the house were not original but were replacement sash of wood with double-glazing. She said the sash fit poorly in the frames. She proposed new insert replacement windows with metal cladding by Marvin. She explained that the metal clad replacement windows were thinner than an all wood replacement window, so the resulting appearance would be closer to the original look and size of glazing. She said the trim on the window would hide the insert unit.

Maryann Thompson asked if there were any changes proposed at the front gable. Ms. Booz replied there were none. Ms. Thompson asked if the clad exterior would be white. Ms. Booz replied in the affirmative; the windows on the other half of the house (#12) were white also.

Catherine Henn asked what kind of windows were on #12. Owen Dempsey, an owner, replied that the windows at #12 had been replaced before the district was designated. Some were casements and there were picture windows at the back.

Ms. Meltsner suggested that review and approval of the construction details of the windows be delegated to the staff. She noted that there were no brackets under the windows on the west

side but there are on the east and front. Mr. Dempsey noted that he would one day restore the dentils also.

Ms. Booz said the brackets along the cornice would be adjusted when the chimney is added. Beaded clapboards would be used to match the existing, where replacement clapboards were needed.

Mr. Bardige asked for public questions of fact and then comments.

Howard Medwed, of 58 Washington Avenue, commented that the proposed changes were consistent with the guidelines and encouraged the commission to grant a certificate of appropriateness.

Ms. Burks noted a letter of support that had been received and entered into the record from the abutter, Andrea Wilder of 12 Arlington Street.

There being no additional public questions or comments, Mr. Bardige closed the public comment period.

Ms. Meltsner said she was satisfied with the proposal and the appropriateness of the work.

Ms. Henn agreed. She moved to approve the application, subject to the review and approval of construction details by the staff. She also made the suggestion that the owners restore the brackets below the window sills on the west side of the building. Ms. Meltsner suggested adding to the motion that the proposed changes are consistent with the guidelines for the district. Ms. Henn agreed to the added language of the motion. Ms. Thompson seconded the motion. The motion passed 5-0.

**AH-407: 37 Lancaster St., by John McQuillan.** Construct handicap ramp at rear entry and driveway on the north side of property.

Ms. Thompson recused herself from the case because she owned property across the street. She left the meeting.

Ms. Burks showed slides of the existing conditions and described the Shingle style architecture of the house. She reported that the staff had approved of the submittal of an application for a new driveway and a handicap ramp. She explained that the case was subject to binding review of the Commission because the property is located within the Avon Hill National Register District. She reviewed the district goals and guidelines, including guidelines about paving in permeable materials, materials generally, and alterations to existing buildings. She provided the Commission with copies of the correspondence received since their meeting packets were mailed and provided extra copies of the application materials to members of the public.

Sean Hope, attorney for the McQuillans, explained that the driveway and ramp were very important to the applicants because their parents need to use a ramp to access the house.

Bhupesh Patel, architect, described the existing landscape and circular driveway. He said it was a goal to preserve the beech trees by using the circular drive in a limited fashion and as a one way loop. He said Mrs. McQuillan's car would likely park near the kitchen door. He described the existing grade, which slopes down from back to front, causing water to dam on the north side of the buildings. He proposed using a dry river bed technique to control the water drainage. He said the view of the north side of the house from Washington Avenue was very acute.

Arianne Root, landscape architect, said the existing driveway was scored concrete. She proposed a ribbon driveway on the north side of the house made of granite cobbles. She said the granite cobble was chosen for its appropriateness to the house and application elsewhere in the neighborhood. She displayed the renderings that were on file in the record of the existing and proposed views of the northwest corner of the property. She said the cobbles would resemble a path.

Mr. Patel described the proposed handicap ramp, which the staff had suggested be positioned in the least visible location. The walls of the ramp would be clad in puddingstone to match the building's foundation. The walking surface would be bluestone. The slope of 1 in 12, would not require a handrail. The landing would be about 2'-3" above grade, so it would not need guardrails. The proposed location at the rear door had the fewest number of steps, so was the best location for the ramp.

Seth Friedman asked to see the drawings. Mr. Patel complied and repeated his description of the ramp. Mr. Patel noted that with the previous application (later withdrawn), the proponents had hosted an open house and held a community meeting for the neighbors to answer questions about the application.

Ms. Henn asked if the current application included changing the material of the existing driveway. Mr. Patel answered that it did not. The existing drive would remain concrete.

Elizabeth Gourley, landscape architect, described the clay soil and poor drainage of the existing area on the north side of the property. She proposed amending the soils when the new driveway was constructed. She described the proposed planting of shade tolerant plants in the improved soil. The result would be an improvement for the north side of the property.

Mr. Hope reiterated that the purpose of the driveway was to allow the aging parents of the owner to live in the house. He said the proposed materials of the driveway and ramp were consistent with materials on the house and in the district. The application did not proposed anything incongruous to the property or the district.

Ms. Henn asked if the proposal included any reconfiguration of the existing driveway. Mr. Hope replied that there were no changes proposed at this time to the existing driveway.

Ms. Meltsner asked if there were plans to install an elevator in the house. Mr. Hope replied that the current application would require a bedroom on the first floor. An elevator was part of the previous application, but not part of the current application.

Mr. Bardige summarized that the current proposal involved French drains, replanting, a ribbon drive of cobbles, and a ramp. He asked for questions of fact from the public.

Brenda Steinberg, of 63 Washington Avenue, asked what was the distance between the two houses (37 Lancaster St. and 58 Washington Ave.)? How wide would the driveway be? How far would it be from 58 Washington Avenue? Mr. Patel answered that the north wall of 37 Lancaster Street was 18'-8" from the property line. The wheelbase of the driveway (cobble strips) would be 8' wide. There would be 5'-7" between the edge of the driveway and the house at 58 Washington Avenue. The width at the entrance to the driveway would be 10' wide. Ms. Steinberg asked if there were regulations about the distance between driveways and abutting houses? Ms. Burks answered that the neighborhood conservation district contained no such regulations, but that it would be governed by the zoning code. Mr. Hope answered that the zoning code allowed driveways to be 5' or closer for 1, 2, and 3-family houses.

Ms. Henn asked if there was enough room to plant shrubbery on the north side of the driveway. Ms. Gourley answered in the affirmative and said it was a good topic to discuss with the neighbors. Mr. Patel noted that when he had met with the Moynihans early on in the previous case's preparations, they had expressed that they did not want shrubbery planted near their windows.

Brian Levey, attorney for Seth Friedman of 36 Arlington Street, noted that the circular driveway had been programmed for one parking space. How many parking spaces would be located in the carriage house? Mr. Patel said he had not measured it out. Mr. Levey asked if there was intention to park in the new driveway overnight. Mr. Patel said the intention was to use the new driveway for drop off at the accessible entry and then to park in the carriage house.

Marjory Wunsch, of 78 Washington Avenue, asked if a porte cochere was proposed as part of this application. Mr. Bardige noted that it was not included in the application. Ms. Wunsch asked what would happen to the tree at the northwest corner of the property. Ms. Gourley answered that the Japanese maple would remain and would be less impacted by a ribbon driveway than a solid pavement driveway. The soil would be aerated and nutrients added, which would benefit the tree.

Ms. Steinberg asked if the new driveway would connect to the circular driveway. Ms. Root replied that it would connect so a car could continue through and park in the carriage house.

Mr. Bardige asked for comments from the public.

Howard Medwed, of 58 Washington Avenue, said the driveway and ramp were only part of a larger project. In order to determine the appropriateness of the driveway, the Commission needed to see it in the context of the larger project. He expressed support for handicap access and soil remediation but said the driveway was not essential to either of those goals. He suggested that the ramp be accessed from the existing driveway or from a stump driveway off the existing. The goals and guidelines indicated that the needs of homeowners be balanced to the potential harm to the surrounding properties and streetscape. He said the new driveway would be very near the intersection of Hillside Avenue, which he believed was dangerous and prohibited by zoning code. The driveway would take three parking spaces on Washington Avenue. The existing fire hydrant was not shown in the renderings.

Mr. Bardige noted that traffic and parking issues were not the purview of the commission.

Mr. Medwed said his peace and quiet should be considered.

Mr. Levey noted that among the goals in the district order were to seek to achieve consensus determinations; balance homeowners interests with the District's interest in conserving the historic development patterns of the District, including its Green Space, open vistas and generous setbacks. He said the guidelines required that paving be minimized on the lot. He said Mr. Friedman opposes the application in its current form. Having a setback from the driveway of only 4' was not generous. There were numerous reasons under the guidelines why the proposal did not make sense. He said they were troubled by the segmentation of the application, as allowed by the staff. It was not fair to the neighbors.

Mr. Bardige noted that the staff had required that the driveway come before the Commission before it would process the curb cut application and allow it to go before the City Council.

Jay Moynihan, of 58 Washington Avenue, said he and his wife live in the lower part of the house. They did not want to look out at a driveway. The soil could be remediated without a driveway. The driveway would be very close to his house. He said he was completely opposed to the driveway but had no problem with the ramp. The ramp could be accessed from the existing driveway.

Ms. Steinberg said the driveway would have a negative impact on her neighbors' quality of life. There would be no way to prevent someone from parking in the new driveway.

Mameve Medwed, of 58 Washington Avenue, said she had no driveway and parked on the street. She said she did not want to look down from her house on a driveway. The existing driveway was enormous.

Elizabeth Moynihan, of 58 Washington Avenue, said the illustration was distorted because her bay window could not be seen. It sticks out and would be closer to the property line and proposed driveway than the rest of the side wall of the house.

Vincent Panico, attorney for Seth Friedman, said that when the driveway was first presented to Inspectional Services, the department had said the driveway was too close to the intersection. Then they got an opinion from the Law Department to the contrary. He said he believed it would be a safety problem.

Mr. Bardige reiterated that traffic and parking issues were not the purview of the NCD Commission.

Mr. Medwed noted that there had been accidents at that intersection.

Mr. Bardige closed public comment. He asked the owner, Mr. McQuillan, to make a statement, rather than hearing only from his architect and lawyer. Mr. Bardige encouraged the neighbors to work together.

Mr. McQuillan thanked Mr. Bardige. He explained that he and his family had looked for a house outside of Boston, where they had been living, and closer to his office in Somerville. He said they had two small children and two parents who would live with them in the house. He

said the house was a stunning work of art and they love it. It was special construction, but no upgrades had been made to the structure in decades. He said that within weeks of buying the house they received an anonymous and menacing letter at home and the workplace advising them not to make any changes. He said he had been asked by Mr. Friedman to put deed restrictions on the property to prevent subdivision into multiple units. He said they were working with the owners of 58 Washington Avenue to work out a solution about their air conditioner unit that sits over the property line. He said they were considering not putting a fence near the bay window of 58 Washington Avenue. He said he had brought in a landscape architect and arborist to help ensure protection of the landscape. He said they had done car counts on Washington Avenue and were proposing the smallest width driveway allowed by zoning.

Mr. Bardige asked if the McQuillans had planned on selling the house. Mr. McQuillan replied that he was willing to see how things go and persevere through the process.

Ms. Henn asked why a spur driveway would not work from the owner's perspective. Mr. McQuillan answered that they had considered that solution but they wanted to have the passenger side of the car near the ramp and did not prefer to back into the spot from the existing driveway.

~~Mr. Levey~~ Members of the public asked to make additional comment since the owner was allowed to speak but Mr. Bardige reminded him that public comment had been closed.

Mr. Rafferty, attorney for the applicant, noted that his client had responded to a request and questions by the commission.

Ms. Burks clarified that the guidelines regarding parking recommended minimized paving when parking was proposed between the front wall plane of the building and the street, which was not proposed in this case. The guideline regarding the use of permeable materials did apply in this case. The Commission could only consider the views from the public way in deciding appropriateness of a design, not the view from private property or from within a neighboring house. She reported on the correspondence received into the record that had been distributed to the members of the Commission.

Mr. Golberg said the house was very important to the neighborhood and he was glad the owners were persevering with the review process. He noted that it would be possible to get to the ramp from the passenger side of a car in the existing driveway if the ramp were extended out further in a straight line.

Mr. Bardige said the Commission's responsibility was to approve or disapprove what was brought before it in the application. not to redesign the proposal.

Mr. Hope replied that they had studied other options and agreed the proposed design was not the only way to do it, but it was the one that was best for the applicants. He said that the Traffic & Parking department had said there was no safety issue regarding the proposed location of the driveway. Curb cuts had been approved near other T intersections in the city. He said the interests of the homeowner should be balanced against the potential effects to the district overall,

but not directly against the interests of specific neighbors. The green space and open vistas of the district were preserved with the proposed design.

Ms. Meltsner agreed it was not a one-to-one relationship in the balancing of interests. She said that before she was on the Commission there had been a case in which the Commission made a site visit and came up with a good solution to a design situation. She said she would like to try to find a solution that would work for both sides.

Mr. Hope said there was an application before the Commission that was a zoning compliant driveway proposal. The materials and placement were appropriate to the site and the district and fit within the guidelines.

Mr. Bardige said he was concerned about the safety of the house if it continued to sit unoccupied. It was a very important building in the neighborhood and it was in everyone's best interest for it to be occupied. The proposal was minimally invasive and he did not see a conflict with the district's regulations. The driveway would not destroy the look and feel of the neighborhood. It was appropriate in his estimation. Any other exterior alterations that might be proposed in the future would have to come back to the Commission for approval. He said he saw no reason to delay the application. He encouraged the applicants and neighbors to work with a spirit of compromise on further work that might be proposed in the future. He urged the owners to take good care of the house. He made a motion to approve the application for the driveway, ramp and related grading and soil improvements.

Mr. Golberg seconded the motion, because the proposal was within the limits of the Commission's jurisdiction and there was no reason to find the design incongruous to the property or the district under the district guidelines. The motion passed 3-1, with Ms. Meltsner voting in opposition. Ms. Henn inquired of Ms. Meltsner how she intended to vote. Ms. Henn remarked that she had considered voting against the motion, but did not in the end decide to do so. Ms. Meltsner said she wanted to see the project move forward in the permitting process, but would prefer to see a solution that would mean less friction between the owners and the neighbors.

#### Staff Report

Ms. Burks reported on other cases that had been reviewed by staff including the reconstruction of a fence at the corner of Washington Avenue and Hillside Avenue.

#### Minutes

The Commission reviewed the October minutes prepared by Mr. Sullivan in Ms. Burks absence at that meeting. Ms. Henn asked if the staff had investigated the projects at 30 and 33 Agassiz Street. Ms. Burks replied that both properties were having repairs in kind made, but nothing that would change the design or require a hearing. Ms. Henn moved to approve the October minutes as presented. Ms. Meltsner seconded the motion, which passed 4-0.

Mr. Golberg moved to adjourn the meeting. Ms. Henn seconded, and the motion passed 4-0. The meeting adjourned at 7:35 P.M.

Respectfully submitted,

Sarah L. Burks  
Preservation Planner



**Members of the Public  
that Signed Attendance Sheet  
December 19, 2011**

Brenda Steinberg	63 Washington Ave
Marjory Wunsch	78 Washington Ave
Mameve Medwed	58 Washington Ave
Howard Medwed	58 Washington Ave
Brian Levey	15 Walnut St, Wellesley
Seth Friedman	36 Arlington St
Elizabeth Moynihan	58 Washington Ave
Cornelius Moynihan	58 Washington Ave
Vincent Panico	2343 Massachusetts Ave
Owen Dempsey	14 Arlington St
Lindsay Melzier	14 Arlington St

Addresses are in Cambridge, unless otherwise specified.