

MINUTES OF THE HALF CROWN-MARSH NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION
Approved at the December 10, 2018 Meeting

November 19, 2018 - 6:00 PM at Lombardi Building, Basement Conference Room, 831 Massachusetts Avenue, Cambridge

Members present: James Van Sickle, *Chair*; Marie-Pierre Dillenseger, Peter Schur, Jo Solet *Members*; Adrian Catalano, Rory O'Connor, *Alternates*

Commissioners absent: Maximillian Frank

Staff present: Eric Hill

Members of the Public: see attached list

James Van Sickle, Chair, called the hearing to order at 6:02pm. He reviewed the meeting procedures and agenda. He introduced the Commissioners and staff present. Mr. Van Sickle also noted that as there were 6 members present, the last alternate to arrive, Mr. O'Connor, would not be voting, but is still welcome to ask questions and participate.

HCM-432: 11 Dinsmore Court, by Dena and Ryan Enos. Enclose side yard with 6'-0" tall cedar fence and two gates.

Staff showed slides and gave an overview of the property and its setting. He showed aerials and noted that there are currently two sections of solid cedar fencing at the front-side yard which were installed between 2016 and present. Staff also noted that the fencing that was installed, while not required to receive a permit as it is less than 7'-0", it still would have required approval by the HCM (Half Crown-Marsh) Commission and past records show it never received such approval.

The owner and applicant, Ryan Enos thanked the Commission for the opportunity to answer any questions and gave a synopsis as to why they were proposing such a fence around the side yard. Mr. Enos also noted that the fence was erected by them shortly after the home was purchased as the large vegetation died and they wanted some privacy for their side yard. Mr. Enos also noted that he asked his contractor if a permit was required and was told that no permit or approval would be required. Mr. Enos apologized for erecting the fence without proper approval. Mr. Enos then mentioned that the proposal would serve two main purposes: to add security to the property as there were two recent thefts at the home, and to allow for privacy as the home does not have a rear yard, and only a side yard fronting the street.

Commissioner Solet asked the applicant if the driveway gate proposed was electrically operated or manually operated as well as aired concerns about plowing and shoveling since the gate would open to the street.

Mr. Enos mentioned that the gate would be manually operated and for shoveling, he would park at the end of the street and be able to shovel the driveway before pulling in as he currently does.

Ms. Dillenseger asked the applicant why such a tall fence was proposed and would he be willing to go with a shorter option.

Mr. Enos replied that as they are the only house without a true back yard, they wanted to have a private outdoor space for his family. The applicant also noted that his intent was to have an elegant fence which is continuous with the proposed fencing at 12 Dinsmore as well as the end of the dead-end street.

Ms. Dillenseger noted that the fence proposed is in her opinion, less elegant than the existing fence with the lattice at the top, but understands the intent of the continuity with the property across the street.

Mr. Van Sickle then asked staff to present the remaining two cases which were somewhat related to 11 Dinsmore Court and all applications would be discussed and voted on separately.

HCM-433: 12 Dinsmore Court, by Gus Souki. Replace rear portion of cedar fence from 6'-0" to 7'-0" in height.

Staff presented the photos, proposal and aerials of the property as well as gave a synopsis of the project's approvals in the past for the renovation. Staff noted that there was an existing perimeter fence around the rear yard and it was minimally visible from Dinsmore Court and not visible from Mt. Auburn Street.

Commissioner Van Sickle asked the applicant if the existing fences would be removed and a new fence constructed in their place or if an additional fence would be erected adjacent to the existing.

Mr. Souki, the applicant stated that the adjacent owners are agreeable to removing their fences and Mr. Souki constructing the picture-frame fence which is a finished appearance.

Mr. Catalano asked for clarification on the existing height of the fencing on all sides and Mr. Souki explained that the fence is mostly 6'-0" tall; however, due to the properties behind and adjacent having 7'-0" fences, he wanted a taller option to obscure those.

Commissioner Van Sickle then asked staff to give a presentation on the final application.

HCM-434: 11 & 12 Dinsmore Court, by Gus Souki. Erect cedar fence at end of street.

Staff presented the photos, proposal and aerials of the dead-end street showing the existing fencing. Staff also noted that the fence is owned and located on the property of the multi-family condo building (The Riverview) and since they are located outside of the district, are not required to comply with the district design criteria.

Mr. Souki noted that he asked the Condo board at the Riverview Condo building if they would be willing to remove their fence and he would pay for a new fence to be installed and was denied. Since the existing fence at the end of Dinsmore Court is owned by the condo building fronting another street and is in disrepair, the owners at Dinsmore Court would like an appealing fence to frame the dead end of their street.

Ms. Solet asked what the distance between the two fences would be and aired concerns over the probability of snow, leaves and animals getting between the small gap between fences and causing structural and noise problems in the future. Ms. Solet also suggested for a shallow lean-to structure at the end of the street which would serve as storage for the street's garbage and recycling.

Staff noted that the lean-to structure would likely be considered a permit-required structure and since it would be in city-owned land, it would not be recommended to pursue that further.

Mr. Souki noted that the street is an unaccepted public way meaning the city paves and picks up garbage.

Staff suggested that the applicant reach out to the abutting condo building to see if they could have the proposed fence have a cap which would effectively seal over the space between the proposed and existing fence.

Mr. Souki said that he would check with the owners of the Condo and see if they would be agreeable.

Mr. Van Sickle then asked if any Commissioners had questions or comments on any of the cases presented. He also asked the owner at 11 Dinsmore if he would be willing to go with shrubbery instead of a solid fence.

Mr. Enos stated that the landscaping at the location before (in the photos shown by staff) died shortly after they moved in due to a lack of sunlight and likely aided by salt from the city plows.

Ms. Dillenseger asked staff if any other houses on Dinsmore Court had front yard fences that were over 4'-0" tall. Staff mentioned that there were examples of fences up to 6'-0" tall in the side yards ending at the front plane of the homes but nothing in the front yards.

Mr. Van Sickle mentioned that part of the reason for the Conservation District forming was the fact that new owners and developers would come in and wall off their lots with tall cedar fences which gave the neighborhood a segmented and walled in feeling. The neighborhood banded together and wanted to protect the openness and community feeling that was there previously with short fences and sightlines through yards.

Mr. Van Sickle closed the fact-finding session and asked for public comments. There was one member of the public present and he stated he was just interested in observing the hearing.

In relation to 11 Dinsmore Court, Mr. O'Connor stated that he has a similar situation at his home and appreciates the request for privacy and security but felt there are other ways to go about this than walling off the yard.

Staff and Mr. Van Sickle noted that typically, potential thieves are more comfortable knowing they have a place to hide behind and not be seen by neighbors so a tall, solid fence could further entice robberies in the future. Mr. Schur seconded this and stated that a study was done in East St. Louis to confirm the concept.

Ms. Dillenseger stated that she could not support a tall fence at the front yard and noted that she had concerns on setting a precedence for such fences elsewhere in the neighborhood.

HCM-432: 11 Dinsmore Court

A motion to vote was called for and Ms. Dillenseger made the **motion to deny the proposal without prejudice and suggested the applicant looked at alternate options which would not require a tall**

fence. Mr. Schur seconded the motion. The vote was 5-0 to deny the application as presented. O'Connor did not vote.

HCM-433: 12 Dinsmore Court

A motion to vote was called for and Mr. Schur made the **motion to approve the proposal as requested, noting that the fence would be minimally visible and would only obscure other fences of the same height. Ms. Solet seconded the motion. The vote was 5-0 to approve the application as presented. O'Connor did not vote.**

HCM-434: 11 & 12 Dinsmore Court

A motion to vote was called for and Mr. Catalano made the **motion to approve the proposal as requested, noting that the fence would obscure the existing fence owned by the condo building and be of a better quality. Mr. Schur seconded the motion. The vote was 5-0 to approve the application as presented. O'Connor did not vote.**

After the votes, Mr. Enos asked if the Commission would be agreeable to a lattice fence that is 4'-0" tall as a solid fence and 1'6" of lattice framing above. Mr. Van Sickle mentioned that the Commission did not think that was an appropriate design and a shorter fence should be installed.

Minutes of October 15, 2018 hearing:

Mr. Schur noted that "as of right" should be hyphenated. Staff noted he would update.

Mr. Schur made a motion to approve the minutes pending the mentioned edits. Ms. Dillenseger seconded the motion. The vote was unanimous, 5-0.

The meeting adjourned at 7:15 PM.

Respectfully submitted,

Eric Hill, Survey Director

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

Name

Address

Ryan Enos

11 Dinsmore Ct

Gus Souki

19 Rockingham Street

Reed Shea

17 Meacham Road