

MINUTES OF THE HALF CROWN-MARSH NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION
Approved at the August 14, 2023 Meeting

June 12, 2023. Meeting conducted online via Zoom Webinar- 6:00 P.M.

Commissioners present: James Van Sickle, Chair; Marie-Pierre Dillenseger, Vice-Chair; Jo Solet, Peter Schur, members

Commissioners Absent: Adrian Catalano, Rory O'Connor

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, James Van Sickle, Chair, called the meeting to order at 6:08 P.M. He explained the online meeting instructions and public hearing procedures then introduced the commissioners and staff.

Case HCM-589: 96 Foster Street, by Philip H. Graeter. To approve previously installed HVAC equipment in front yard; install moveable trash enclosure in front yard. *Continued from 05-2023 public meeting.*

Eric Hill, staff, shared slides and explained the detailed history of the property at 96 Foster Street. He noted that the previous owners were approved in 2017 to raise the building 18 inches, restore a chimney that came down, alter window and door openings, and other exterior repairs as part of a larger restoration. As part of this past approval, the applicant proposed to restore ten windows; however, the previous owner came back to the Commission in March 2019 to replace the ten windows, a Certificate of Appropriateness was granted. By 2020, the property changed hands and the current owner, Susanna Jacobus applied to replace the crumbled foundation. CHC staff (Eric Hill and Charles Sullivan) met on site with the contractor and a Certificate of Non-Applicability was granted to stabilize and replace the foundation. In 2021, a Certificate of Non-Applicability was granted to add two skylights to the roof. Since then, as part of a larger site-improvement project by the new owners, an HVAC condenser was installed at the front-side yard of the property. Staff notified the owner that approval for HVAC condensers visible from a public way requires approval by the Half Crown-Marsh NCD Commission. The owner subsequently applied for a Certificate of Appropriateness and is also requesting to install a trash enclosure on slab in the front yard as part of a larger landscaping project.

Phil Graeter, the attorney for the owner, spoke and explained the differences in the landscape design from the previous hearing to the current proposal. He noted that the only change from the May hearing was that additional evergreen plantings were proposed in a slightly larger planting bed to further screen

and obscure the existing condenser and the proposed trash enclosure. He explained that the packets had a revised photograph of the proposed two-door trash enclosure when the previous hearing had a three-door example shown. The enclosure would be 55" tall.

Phil Graeter expanded, stating that the gravel was added to the front yard by the owner to match the gravel at the adjacent lot, which is the paving/driveway for the detached brick garage. The garage is shared between multiple owners and has an accessibility/use easement which permits cars to traverse the front yard of 96 Foster Street. He explained that the subject property sits 10' from the site house at 98 Foster Street and 21' from 94 Foster.

Phil Graeter concluded by stating that many houses in the neighborhood have trash bins stored in the front or side yard. The owner hopes to store the trash bins in an enclosure to both mitigate the visual impact of the large trash bins, and to prevent rats from getting into them as they have been an issue in the neighborhood.

Jim Van Sickle, Chair, opened the meeting up to questions by the commission.

Jo Solet, Commissioner, asked what the height of the A/C condenser was and if all the taller plantings were evergreen with the shorter plantings as seasonal flowers.

Phil stated that the condenser was 30" on a landing. He added that the trees/shrubs proposed were evergreen with perennial flowers in the beds.

Jo Solet then asked if the condenser was Air-Conditioning or if it was for an all-season air handling system.

Phil stated that it was Air-Conditioning, so it would only be operating some of the year.

Marie-Pierre Dillenseger, Vice Chair, asked about the timeline for the proposed plantings.

Susannah Jacobus, the owner, explained that she had been in discussions with Zen Associates, the landscapers. They informed her that they could install the landscaping before the 4th of July.

Peter Schur, Commissioner, asked if there would be any irrigation as part of the landscaping, and if there would be any exposed hoses or similar features.

Susannah mentioned that Zen Associates has a plan for the irrigation, but none would be visible.

Jim Van Sickle noted that there was still space at the side or rear yards to locate the trash enclosure. He asked if they considered locating the enclosure to another spot, not so visible in the front yard.

Phil explained that they did look at many locations, but the rear yard would diminish all private space for the owner, and if located at the rear yard, it would be very tight since the neighboring homes are so close.

Jim Van Sickle followed up stating that there are no known trash receptacles approved by the commission that are in the front yard. The only known examples to him were those that pre-date the

HCM district. He concluded by expressing appreciation for the updated landscape plan for the front yard which increased the plantings.

Jim Van Sickle opened the meeting to questions of fact and comments by the public.

Frank Neczypor, 114 Foster Street, asked if the A/C condenser aspect of the application was not proposed or was rescinded, was the entire meeting moot.

Jim Van Sickle explained that both the condenser and the trash enclosure are subject to review by the commission. The condenser was installed without approval, and the enclosure was a proposal by the applicant. He added that it is unique that an applicant is proposing to block one objectionable item with another objectionable item.

Jay Connor, 98 Foster Street, agreed that the side and rear yards are tight, but expressed displeasure noting that the original BZA plans showed the condenser to be located on the east side yard of 96 Foster Street. He added that there have never been enclosures in front yards before.

There were no other speakers. Jim Van Sickle then read the additional letters submitted by members of the public. He then closed public comment and opened the meeting up to comments and discussion by the commission.

Marie-Pierre Dillenseger asked the applicants if it was possible to locate the trash enclosure at the side yard near the basement stairs and if the enclosure could be painted to match the siding on the house.

Phil said that it may be possible, but there was less than 3' of space from the side of the house to the brick walkway.

Jo Solet stated that she did not feel that the location on the side near the front door was appropriate. She added that even if painted, having a 5' enclosure near the front door would be incongruous. She did state that she would support painting of the structure to match the house in the proposed location at the front yard.

Marie-Pierre Dillenseger understood the dimensional constraints of the side yard where the door is located and stated that due to the encroachment on the walkway and updated landscape improvements, she could support the proposal.

Peter Schur stated that he was in support of the proposal as submitted with the updated landscape plan.

Jim Van Sickle expressed his struggle to review this proposal. He could see how this case may unintentionally set precedence. While the house is very non-conforming, it would still be shown by future applicants as what could be done at the front yard. He stated that if the enclosure would be relocated to the side or rear yards, he would support the proposal, but could not in the current iteration. He felt that the rear yard/patio is still a viable option for the trash enclosure.

Marie-Pierre Dillenseger concurred with Jim expressing that it is a constant struggle to respect the guidelines of the commission while handling violations as they come before them. She asked if they could do a lower profile enclosure without doors.

Phil stated that it would still make the trash cans visible and not help the rat problems but would slightly reduce the width of the enclosure. They were not supportive of this change.

Jo Solet said that if it was a precedence issue, there would be grounds to issue a Certificate of Hardship, as the site conditions and ordinances limit most other options.

Jim Van Sickle disagreed with the idea of granting a Certificate of Hardship as he believed the enclosure could still be located at the rear.

Jo Solet made a motion to grant a Certificate of Hardship for the proposal as submitted due to the configuration of the house with entrance side-facing, the setbacks, and the easement. Peter Schur seconded the motion.

Mr. Van Sickle began a voice vote with a vote of 3-1 in favor of the motion to approve the application. Jim Van Sickle voted in opposition. Motion carried.

Case HCM-593: 29 Ash Street, by Catherine Hayden. Add dormer on slope of main roof; raise rear ell walls 18" with same roof height; remove two chimneys at roof.

Eric Hill, staff, shared slides and explained the history of the house at 29 Ash Street. He explained that the house was a late example of a detached Greek Revival style house, built in 1856. The house has a two-story ell at the rear, which is diminutive of the main block of the house. The rear and side facades were visible from Ash Street and from the sidewalk/park at Hawthorn and Mt. Auburn streets.

Eric added that after submitting for raising the entire ell, the owner submitted an "Option B" which is less intrusive, which would result in a raised shed dormer puncturing the eave line to grant additional height just on a section of the ell, rather than raising the entire eaves of the ell.

Catherine Hayden, owner, explained that she needs space at the third floor where the stairs extend upwards. She added that other neighbors have similar features on their home, whether it is a dormer or raised ell. She added that she still prefers "Option A" but would ask for "Option B" if allowed as the first option may be cost prohibitive.

Jim Van Sickle, Chair, opened the meeting up to questions by the commission.

Marie-Pierre Dillenseger asked if the commission could in fact, approve both options.

Eric Hill explained that they could if it is expressed in the motion. This would be permissible given the fact that the proposal remains the same or is diminished in scope by the second option which was not advertised.

Jim Van Sickle, Chair, opened the meeting up to questions or comments by the public. There were none, so he read all letters of support which were submitted by Catherine Hayden.

Jo Solet expressed support for the proposal as the chimneys were in rough condition and not character-defining, and the rear ell is secondary in design and not visible.

Marie-Pierre agreed and added that the proposal was well thought out in this case. She noted that there was no need to preserve the chimneys.

Peter Schur expressed support for the proposal.

Jim Van Sickle concurred and agreed that the proposal was appropriate.

Marie-Pierre Dillenseger made a motion to approve for the proposal as submitted. Jo Solet seconded the motion.

Mr. Van Sickle began a voice vote with a vote of 4-0 in favor of the motion. Approved.

Approval of minutes for 05/08/23 public meetings.

Marie-Pierre Dillenseger made a motion to approve the minutes from the May 8, 2023 meeting pending minor edits. Peter Schur seconded the motion. The vote was unanimous to approve the minutes, 4-0.

The meeting adjourned at 7:45 PM.

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