

Minutes of the Half Crown-Marsh Neighborhood Conservation District Commission

Mon., Oct. 17, 2011 at 6:00 PM, Friends Meeting House, 5 Longfellow Pk., Cambridge

Commission Members present: James Van Sickle, *Chair*; Robert Banker, William King, Grenelle Scott, *members*; Michael Robertson, Charles Smith, *alternates*

Commission Members absent: Judith Dortz, *member*; Deborah Masterson, *alternate*

Staff present: Eiliesh Tuffy

Members of the Public: See attached list

Chair Van Sickle called the meeting to order at 6:00 PM. Mr. Van Sickle introduced the Commissioners and staff present.

Public Hearing: Alterations to Designated Properties **HCM-130: 17 Sparks St., by William Howard.**

The application under review is for approval of a fence over 4' in height that was installed at the rear of the property. The house is located on a corner lot facing Sparks Street. The side yard is bounded by Sibley Court, which is an unaccepted street according to City of Cambridge guidelines. For the purposes of the Commission's review, any changes that are publicly visible from Sparks Street only are subject to review.

Staff was alerted to the installation of the fence in April. At that time, the owner was notified of the height violation and given the opportunity to either lower the height of the fence to a complying height of four feet or apply to the Commission to seek approval of the taller fence through the public hearing process. It was expressed to the owner that, given the busy construction season, he would be allowed time to schedule a contractor to alter the fence should that be the chosen solution. In September, seeing no change to the fence, staff provided the owner with an application to appear before the Commission at the October meeting.

Mr. King asked for clarification of the site plan, which did not appear to indicate one section of fencing along the west edge of the driveway. The fence, as installed, essentially walls off a portion of the rear yard between the owner's and the neighbor's driveways. The owner's intent was to create a more private area on his corner lot and create a buffer from street noise. He said he was unaware of the district's fence height limitations.

When questioned about the height of the fence, the Premier Fence Co. contractor said he did not realize the lot was not perfectly flat and that perhaps some spots exceeded 6' in height due to site irregularities. He added that they had inquired with the Inspectional Services Department more than once about permit requirements and were told that only fences over 6' required a building permit. They were not alerted that the fence might require sign-off from the Half Crown-Marsh Commission.

Mr. King noted that it appeared that the structural side of the fence faced out towards the public and neighbors, which is not the common practice. The contractor said the posts are

mortised and that the backing rails face the owner's side, leaving the "kind side" on the exterior.

Mr. Van Sickle asked about the intended finish of the fence, which is intended to be left unstained to weather naturally. The cedar panels will turn grey. The posts are made of pressure-treated wood which will also weather in time.

The configuration of the fence, which cuts across the interior of the lot along one edge of the driveway was thought to be a departure from traditional fence enclosures which typically just border the outer edge of the property.

Questions and comments were accepted from the public.

Laurie Dietz of 3 Sparks Place, who owns several abutting properties, said she had discussed the fence project with the owner prior to its installation and could understand his desire for additional privacy. She also mentioned that a recently remodeled property at 5 Sparks Street had a tall fence on that site. Given the fact that their inquiry about fence requirements did not suggest any further requirements for review, Ms. Dietz said she could sympathize with the owner's decision to proceed with the project.

Michael Rosen of 19 Sibley Court spoke in opposition to the current fence design. The overall height and necessity for a building permit were also questioned, as it appears the fence exceeds 6' by as much as 12" according to his estimate. He felt the fence violated the goal of the district to preserve the through-lot views and that many of the other high fences in the area pre-dated the ordinance.

Magda McCormick of 10 Sibley Court spoke in opposition of the project. She stated safety concerns posed by the high fence, as it creates a blind corner for both pedestrians and vehicles, which could be a danger due to limited visibility.

Marcia Scott of 19 Sibley Court spoke in opposition to the project. As a direct abutter, the fence is about 3' from her front door which she feels is too close. She noted that the current height of the fence is not far off from how tall a garage would stand, and that sort of structure requires a setback to alleviate its impact.

Ms. Dietz countered that she had walked along Sibley Court to view what impact the fence might have on the neighbor's property, particularly if it cast shadows or restricted light from that property. She felt there was still an ample amount of natural light allowed into the neighboring house.

The contractor asked about the process of notification regarding Historical Commission review. Mr. Van Sickle noted that when an owner or contractor provides the Inspectional Services Department (ISD) with the building address where work is to occur, ISD staff are able to check the address against the list of protected properties. If a building is on the list, the applicant should be informed that sign-off for the work is required by the Commission. Assuming whoever made the inquiry provided the building address to ISD, that is what should have happened.

When asked how long the owner had lived at the property, he said he had lived in the house since 1991 but that his family had owned the property since 1900. Mr. King mentioned that

the property title should mention the neighborhood conservation district status. The designation of the Marsh District in 2000 was preceded by numerous letters of notification to the property owners throughout the study period and again after its enactment.

The residents of the Marsh District, by Mr. King's recollection, had the greatest consensus of all the districts with regard to the neighbors' concerns and protecting character-defining elements of the district. Mr. Van Sickle added that some of the guidelines in the ordinance were established specifically to address preserving the openness of the lots and discouraging high fences.

The Commission suggested that the argument for greater privacy is a common one, but the nature of close urban neighborhoods somewhat limits that expectation.

Adam Seitchik of 9 Sibley Court said that it was unfortunate the property owner wasn't aware of the ordinance restrictions beforehand and that he viewed it as a lost opportunity to offer some positive input in the design process prior to the installation of the fence.

During their deliberation, the Commission outlined several points including:

- Fences over 4' installed within the district are not exempt from review
- Higher fences have been approved on a case-by-case basis in the past, but typically only in rear yards where they are not publically visible
- Given the siting of the property on a corner lot, this rear fence is highly visibly
- The fence, because of its solid design and overall height, is incongruous with the district and interrupts the layered views which the ordinance seeks to preserve
- Tall fences on this short side street could lead to the "canyonization" of Sibley Court
- The safety concerns raised by the abutters are valid ones

Mr. King made a motion to deny the application for the current fence on the grounds that its height and location are not in conformity with the guidelines and incongruous to the district for restricting through-lot views from Sparks Street. Mr. Banker seconded the motion, which passed 6-0.

Minutes

Corrections to the September 2011 minutes:

Pg. 3; top of page; change "encouraging" to "suggesting"

Pg. 4; bottom line; "district ordinance states... [add: unreviewed] fence"

Mr. King moved to accept the September meeting minutes as corrected. Mr. Banker seconded the motion, which passed 6-0.

Mr. Banker moved to adjourn. Mr. Smith seconded the motion which passed unanimously.

Respectfully submitted,

Eiliesh Tuffy
Preservation Administrator

Members of the Public who signed the attendance sheet, October 17, 2011

Bill Howard	17 Sparks St, Cambridge, MA 02138
Bill Taylor	Premier Fence, 41 Ledin Dr., Avon, MA 02322
Marcia Scott	19 Sibley Court, Cambridge, MA 02138
Michael Rosen	19 Sibley Court, Cambridge, MA 02138
Magda McCormick	10 Sibley Court, Cambridge, MA 02138
Pam Wickham	9 Sibley Court, Cambridge, MA 02138
Adam Seitchik	9 Sibley Court, Cambridge, MA 02138
Laurie Dietz	3 Sparks Place, Cambridge, MA 02138
Michael McCormick	10 Sibley Court, Cambridge, MA 02138