

## **Minutes of the Half Crown-Marsh Neighborhood Conservation District Commission** ***Approved at the May 15, 2017 Meeting***

September 19, 2016 - 6:00 PM at Lombardi Building, Basement Conference Room, 831 Massachusetts Avenue, Cambridge

Members present: James Van Sickle, *Chair*; Judith Dortz, *Vice Chair*; William King, Marie-Pierre Dillenseger, Deborah Masterson, Peter Schur, and Charles Smith, *members*;

Members absent: Adrian Catalano, *Alternate*

Staff present: Samantha Paull Elliott

Members of the Public: see attached list

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Mr. James Van Sickle, Chair, called the meeting to order at 6:04pm. He gave an overview of the agenda and discussed meeting procedures. He noted that as five members were present, the alternates would not be voting unless someone recused themselves.

### **HCM-348: 1 Fuller Place, by Anri Brenninkmeyer. Certificate of Hardship - Construct fence.**

Ms. Samantha Elliott, staff, gave an overview of the property, previous proposals, and showed slides.

Mr. Timothy Burke, architect, gave an overview of the proposal. He noted that due to the shape of the house and the way the house was sited on the lot, yard space and privacy were limited. He said they hoped to find a way to provide space for his client's three (3) small kids and dog. He felt that the property had a hardship compared to other properties in the area. He added that the proposed fence would provide more visibility than what existed.

Ms. Anri Brenninkmeyer, an owner, introduced herself. She showed photos of her property and of existing tall fences in the neighborhood at 90 Brattle St, 9 Ash St, 18 Ash St, 74 Hilliard St, and 8 Hilliard St. She said they were proposing something similar to a fence that was previously approved at 15 Hilliard St, with a masonry wall at the bottom and an open picket fence on top.

Mr. Burke showed plans, noting it was proposed with an 18" high stone retaining wall with a 4' wood picket fence on top. Ms. Judith Dortz, Commissioner, asked for the thickness of the picket. Mr. Burke said it was not decided as it was customizable. He noted that in the sample photo provided, it was a 1 ½ inch picket with a 3 ½ inch space between pickets. Mr. Van Sickle asked what was being proposed in plan. Mr. Burke said they were hoping for a 1 ½ inch picket with a ¾ inch space between pickets.

Ms. Elliott asked for the dimension between the bottom of the wood fence and the top of the retaining wall. Mr. Burke replied a minimum of one (1) inch.

Mr. Van Sickle asked for the total height of the fence and wall. Mr. Burke replied five and a half (5 ½) feet. Ms. Brenninkmeyer replied that the fence came in a standard four (4) foot height, so that was where they started from.

Mr. William King, Commissioner, asked if the fence at 15 Hilliard Street was on top of the retaining wall or if it was set back from the retaining wall. Mr. Burke replied that it was set back from the wall.

Ms. Deborah Masterson, Commissioner, asked if the fence could be repaired. Ms. Elliott explained that the fence, per the previous certificate of hardship, could not be repaired without Commission approval.

Ms. Marie-Pierre Dillenseger, Commissioner, asked what was located in the side yard that limited its use. Ms. Brenninkmeyer said there was a bulkhead, air conditioning condenser, and trees that limited use of the other outdoor space. She also noted the preference for the front space because of the larger size and sun.

Mr. Van Sickle opened public comment.

Mr. Gil DeFord, a resident at 3 Fuller Place, offered his support of the hardship application. Mr. Van Sickle asked why he felt this warranted a hardship. Mr. DeFord replied that due to the house's proximity to the street and a busy pedestrian walkway, the house faced a unique circumstance and hardship for having outdoor space.

Ms. Suzanne Blier, a resident at 5 Fuller Place, said she was pleased with the new fence proposal. She said it was a great improvement from the previous proposal. She expressed concern about supporting the application as a hardship because it would set a precedent for traffic concerns on Hilliard Street and Fuller Place. She asked that they review it as a Certificate of Appropriateness.

Mr. Craig Appel, a resident at 11 Gerry St, asked the owner if the preference was to just replicate the fence as it existed. Ms. Brenninkmeyer replied that her original proposal was to replace as was, but it was denied. Mr. Appel asked if there were administrative obstacles to constructing the fence. Ms. Elliott noted that the application was a binding review.

Mr. Tim Shaw, a resident at 147 Mt Auburn Street, said he was before the Commission a few years back for his fence, which was subsequently denied. He continued that while he was quite crabby when it happened, it worked out much better than he thought it would. He expressed concern for the precedent this approval could set for the area, especially as a hardship.

Ms. Raine Figueroa, a resident at 9 Hilliard Street, expressed her support of the proposal.

Dr. Peter Schur, Commissioner, asked if the hardship could be limited to a time period or owner. Mr. Van Sickle replied that it was a difficult question for a non-lawyer and the proposal needed to be thoughtfully discussed as it may be extant for a number of years. Mr. King noted that he was one of two lawyers on the Commission; he said he felt the larger question was the existing conditions at the point in time when a proposal considered for a hardship was being applied for. Ms. Masterson, the other attorney member of the Commission, added that she was not a zoning expert and noted that the proposal was different from what was denied last time and could be reviewed under a certificate of appropriateness. Mr. King concurred. Ms. Brenninkmeyer said that she was confused as she was directed to file for a certificate of hardship.

Mr. Van Sickle stated some of the concerns of the original districts, Half Crown and Marsh, and noted the alarm of residents of the Marsh district when a number of large, six (6) foot fences were erected along

Foster Street. He continued that the Commission put the height limitation in place to prevent the walled off effect. He noted that it has taken more than 20 years for some of those fences to start coming down to be replaced with shorter fences.

Ms. Laura DeFord, a resident at 3 Fuller Place, asked, to Ms. Blier's point, if it was possible to grant the hardship on the grounds of privacy without stressing the traffic issue to prevent it from setting a precedent. Ms. Dortz expressed concern that it would set a precedent regardless of the reasoning behind a certificate of hardship as Cambridge was such a pedestrian oriented city.

Ms. Figueroa said that it seemed like there wouldn't be a problem as a certificate of hardship was previously granted and it was not used as support for others. Ms. Elliott said that the previous hardship was granted based upon the proximity to the ART. Ms. Blier replied that there were other houses close to the ART that did not have high fences.

Mr. King said that it appeared that the previous application was found incongruous because it was too high, too solid, and blocked thru-views. He continued that the proposal was a lower and more open fence. He said he preferred to discuss the current proposal as a certificate of appropriateness due to those facts. He suggested that, if the applicant was open to a certificate of appropriateness, the application could be evaluated as such, as the proposed fence furthered the goals and objectives of the district with the reduction in height and increased openness, thus improving existing views.

Ms. Dortz expressed concern about Mr. King's suggestion and approving the application as proposed. She requested that the fence have larger space between pickets to increase thru-views. Mr. Van Sickle agreed, stating that there has been research done to support a smaller fence being safer than a taller fence.

Ms. Masterson concurred with Mr. King and saw the proposal as a compromise. She said she saw that the fence was proposed to be more open, and understanding the traffic in the area, felt it was an improvement from existing conditions.

Mr. Charles Smith, Commissioner, felt that it was a compromise, consistent with other fences that had been approved in the area, like that at 15 Hilliard Street. Ms. Dillenseger agreed with the other Commissioners that it was a vast improvement. She asked for clarification on what kind of application the Commission was voting on.

Mr. Burke and Ms. Brenninkmeyer said that they were ok with amending the application to be reviewed as a certificate of appropriateness.

Ms. Dortz expressed concern with the precedent of approving a higher fence. Mr. Van Sickle said that the motion would need to be specific.

Mr. King made a motion to approve a certificate of appropriateness for the application to construct a four (4) foot tall wood picket fence on top of a 18" stone wall, for a total of 5 ½ (five and a half) feet in height. Mr. Smith seconded the motion. Ms. Dortz asked about the spacing. Mr. Van Sickle offered the amendment of a condition that the pickets were no larger than 1 ½ (one and a half) inches wide and there was a minimum of 1 ¾ (one and three quarter) inches space between each picket. Mr. King accepted the amendment. Mr. Smith seconded the modification. The motion was approved 5-0.

**HCM-349: 137 Mount Auburn Street, by Baile Beag 11, LLC. Demolish structure and construct a new two family dwelling.**

Ms. Masterson disclosed her affiliation with the applicant, Mr. James Rafferty. She said she rented space from Mr. Rafferty but did not work directly with or for him. She added that after being reviewed by the City and Ethics Office, it was found that she filed the appropriate form and made the appropriate disclosure. Dr. Schur recused himself as he was an abutter. Mr. Van Sickle designated Ms. Dortz to vote.

Ms. Elliott showed slides, gave an overview, and history of Mr. Richard Balmer, the original owner. Ms. Masterson asked about the email submitted with the photos. Mr. Rafferty clarified that the photos submitted were not that of the existing structure, as it did not have a bay window.

Mr. Ted Galante, architect for the applicant, introduced himself and the owners. He gave an overview of the proposal to demolish the existing structure and construct a new two family dwelling while making the house's setbacks more compliant with zoning. He showed elevations, renderings, and noted that the foundation was failing. Mr. Galante said that the proposal was trying to pay homage to the original structure and others in the neighborhood.

Ms. Dortz asked if there were other zoning issues. Mr. Rafferty said they were investigating the multifamily component, but believed that it was permitted under section 6. He noted that if it was not approved under such, it would require a variance.

Mr. King asked what material the chimney was covered in. Mr. Galante said that it was vertical wood siding. Ms. Dortz asked how far it projected from the house. Mr. Galante responded two (2) feet above a point on the roof within 10 feet.

Mr. Van Sickle asked to see the shadow studies. Mr. Galante showed the shadow studies and said it was not significantly different. Ms. Dillenseger asked why the chimney wasn't visible in the shadow studies. Mr. Galante confirmed that it was included in the model and said that due to the location it didn't appear to affect the shadows.

Dr. Peter Schur, resident at 17 Hilliard Street, noted that the Dutch elm in the backyard was missing. He asked if construction would affect those trees. Mr. Galante said it was proposed to remain. Ms. Dortz asked if other trees were coming down. Mr. Galante was noncommittal, but noted that there would be pruning.

Ms. Masterson asked if the front porch roof was sloped. Mr. Galante said yes, a low slope. Ms. Masterson asked if the porch roof extended beyond the cornerboard. Mr. Galante clarified that the goal was to create a modern feel and horizontal edge.

Mr. King asked if there was a flooding issue in the area. Mr. Galante said that the basement got wet currently but they would properly waterproof the new structure. Ms. Elliott asked if the basement would be dug deeper than it was currently. Mr. Galante said no. Mr. King said that a soil report would be required if it was in order to understand the effect on the water table and neighbors.

Mr. Van Sickle asked for public questions.

Ms. Suzanne Blier, a resident at 5 Fuller Place, expressed concern over the larger scale and why the structure was not kept at a similar height to the existing structure. She added that the windows did not relate to one another, specifically with the larger window in the gable end that gave it a ski chalet look. She asked why the bump out didn't better relate to those existing in the area. She also asked what the change in total square feet was. Mr. Galante replied that they studied different levels but felt that the scale was appropriate. He said he added larger windows to minimize the size of the gable end. He proposed the bays to replicate a lower tower element similar to the house on the right. He noted that the change in square footage was 330 square feet.

Mr. Tim Shaw, a resident at 147 Mt. Auburn Street, said he was an advocate of renovation and an opponent of demolition. He noted that the Commission's guidelines emphasized "preservation of the modest character of the workers housing and overall simplicity of the district" and advocated for preservation of vernacular buildings. He said that he would hope structures were preserved where possible. He felt like the proposal was a bit tall for the area. He expressed concern over the trees in the area. He was appalled at the condition of the basement and felt that others in the area jack up buildings to replace the foundation, noting that it was not uncommon. He said he had a lot of reservations about the project.

Oscar Anderson, the tenant who resided on the first floor of 137 Mt. Auburn Street, said he had lived there for two and a half (2 ½) years. He noted that it was a great location and the interior was nice as well. He pointed out that he was aware of structural issues in his time living there, from large cracks in the walls, shifting headers, and the visually crumbling foundation. He said he felt that increasing the setback was important as it felt like he was very close to pedestrians.

Glen Dansker, the tenant who resided on the second floor of 137 Mt. Auburn Street, expressed concern for the existing structure. He noted that a previous owner looked into jacking up the structure and replacing the foundation, but decided against it. He said he loved living there but still supported the project.

Mr. Galante added that putting a structure on cribbing and replacing the foundation made sense for houses on Brattle Street, but he felt this structure had more issues than just the foundation. Mr. Van Sickle asked if the floors were sloping. Mr. Galante replied yes. Mr. Van Sickle asked if the house was tilting. Mr. Galante replied yes.

Mr. Van Sickle asked if there were additional public comments; seeing none, he closed the public hearing.

Mr. Smith expressed concern as he liked the original structure better than the proposed replacement product.

Mr. King said the guidelines were slightly conflicting as they steer us to conserve historic architectural character but also allow for architectural diversity and allow for individualized alterations. He expressed sympathy for the foundation issue, especially as it was pushing against the gas line. He felt that the bump outs of the proposed replacement building were interesting, but that the vertical wood chimney and the standing seam roof were potentially bad precedents and did not reflect the character of the district. He hoped the applicant would consider amending the plans to include more traditional roofing and chimney materials. He stated that he was concerned about adding contemporary features and materials such as the vertical siding treatment.

Ms. Masterson said she felt it was a two-step process and that the Commission needed to make a decision before the proposed construction project was discussed. She said that the guidelines directed the Commission to consider 1. architectural and historical and 2. the physical condition of the structure. With respect to the first, in her opinion, she said neither the original owner nor the history of the original structure were significant. She continued, stating that the condition of the existing structure seemed to have been compromised as well as significantly altered from its original state.

Mr. Van Sickle disagreed with Ms. Masterson and said that the proposed design needs to be taken into consideration when reviewing whether demolition is appropriate. He continued, noting that many times the area was mistaken for a historic district when in fact it was a neighborhood conservation district. He said that generally the Commission was against tear downs and did not want it to happen consistently within the district. Mr. Van Sickle said that the Commission should determine if the proposed structure was an improvement and consistent with the character. He added that he was open to seeing a modern building that was respectful of the characteristics of the neighborhood.

Ms. Dortz expressed concern over the potential adverse impacts to the surrounding properties. She noted that she felt the structure was tall, and the existing dormers he used as inspiration were too massive for the area and might not be approved if they were before the Commission today. Mr. Galante agreed with Ms. Dortz saying that dormers do have the possibility of adding too much bulk.

Ms. Dortz said she did not support the modern architecture, noting she preferred a structure that better related to the surrounding 19<sup>th</sup> century architecture than what was proposed. She supported the increased setback and agreed with Mr. King about the roofing material. She concluded that the neighborhood had a smaller scale than what was proposed.

Ms. Dillenseger was glad that this building didn't build out to all edges of the property and gave back some space, specifically on the front setback. She asked if the owner had reached out to abutters. Mr. John DiGiovanni, an owner and abutter, said that the neighbors on either side were in support. Ms. Dillenseger continued that she was concerned with the low slope, almost flat roof over the entry. Mr. Galante said that he looked to the low slope of 19 Hilliard Street for that element.

Ms. Masterson asked if parking was proposed. Mr. Galante said yes.

Ms. Masterson asked if there was central air existing and where the new condensers were proposed. Mr. Galante replied they had not located them yet.

Ms. Dillenseger asked about a fence. Mr. Galante said they had no plans for a fence.

Ms. Dortz asked if they would consider a brick chimney. Mr. Galante said that they were open to considering alternative materials. Ms. Dortz added that slate was also a more historic roofing material that they could look at.

Ms. Masterson made a motion to approve the application as proposed. Ms. Dillenseger seconded the motion. Ms. Dortz felt the motion needed to be modified for alternative materials for the chimney and roof; she still was concerned about the bump out. Ms. Anne DiGiovanni, an owner, said that the bump out provided needed space. Mr. King offered an amendment to the original motion with the application to approve as submitted or with changes to the roof and chimney materials consistent with the discussion by the Commission, with final plans to be reviewed and approved by staff and the architect member of

the Commission. Ms. Masterson accepted the amendment. The motion was approved as amended 3-1 with Ms. Dortz against, and Mr. Smith abstaining.

**Minutes**

Dr. Schur made a motion to approve the August 15, 2016 meeting minutes as edited. Mr. King seconded the motion. The motion was approved 5-0.

Dr. Smith made a motion to adjourn the meeting. Mr. King seconded the motion. The motion was approved 5-0 at 8:50 pm.

Respectfully submitted,

Samantha Elliott  
Preservation Administrator

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

Anri Brenninkmeyer	Owner	1 Fuller Place
Craig Appel	Neighbor	11 Gerry Street
Suzanne Blier	Neighbor	5 Fuller Place
Rudy Blier	Neighbor	5 Fuller Place
Glenn Dansker	Tenant	137 Mt. Auburn Street
Tim Shaw	Neighbor	147 Mt. Auburn Street
Anne DiGiovanni	Owner	<i>137 Mt. Auburn Street [sic]</i>
Tim Burke	Architect	142 Berkeley Street, Boston
Gill Deford	Neighbor	3 Fuller Place
Laura Deford	Neighbor	3 Fuller Place
Raine Figueroa	Abutter	9 Hilliard Street
Oscar Anderson	Neighbor	137 Mt. Auburn Street
Ted Galante	Architect	<i>137 Mt. Auburn Street [sic]</i>

Note: All addresses are located in Cambridge unless otherwise noted.