

Approved 3/9/09

Minutes of the Half Crown-Marsh Neighborhood Conservation District Commission

Monday, January 12, 2009 at 6:00PM, Friends Meeting House, 5 Longfellow Park, Cambridge.

Members present: Jim Van Sickle, Chair; Dennis Wolkoff, Vice-Chair; Charles Mann, Deborah Masterson, Judith Dortz, Bill King

Staff present: Paul Trudeau

Members of the Public: See attached list

With a quorum present, Mr. Van Sickle called the meeting to order at 6:07PM. He introduced the Commission, reviewed the meeting procedures, and outlined the agenda for the meeting.

Public Hearing: Alterations to Designated Properties

HCM-40: 45 Foster St., by John E. Greenup Revocable Trust 2003. To construct a two-story, single-family house.

Ms. Masterson, being an abutter to the subject property, recused herself.

Mr. Trudeau gave a summary of the case history for the site, including the first approved proposal in December 2006 by Matthew Curtis to restore the original 1853 workers cottage and construct a two-story addition, the subsequent unauthorized demolition of the workers cottage and new construction, and Mr. Greenup's application of January 23, 2008 for a Certificate of Appropriateness (COA) to reconstruct the house with an addition, which the Half Crown-Marsh NCD Commission found to be incomplete. Mr. Trudeau noted that the Historical Commission staff determined that Mr. Greenup's current application had sufficient information to advertise for a public hearing.

Mr. Greenup said there was ongoing litigation stemming from his appeal of the Half Crown-Marsh NCD Commission's finding the original house at 45 Foster St. was voluntarily demolished and that his application of January 23, 2008 was incomplete. He said he had submitted an application for a COA to help speed up the process, because the existing site was an eyesore. He said the current design was reasonable and was scaled back in response to conversations with the neighbors. He emphasized that his application for a COA did not waive his rights to proceed with the litigation, and still considered his

application of January 23, 2008 to be a complete application. He explained that the presentation for the proposal would summarize the existing conditions and two sets of plan and elevation drawings; one submitted on November 25, 2008, and another submitted on December 23, 2008 that responded to further conversations with the neighbors. He said either design was acceptable to him.

Campbell Ellsworth, the architect, outlined the proposal with a PowerPoint presentation. He said he and his client would discuss three designs: the addition to the original house as proposed by Matthew Curtis in December 2006 (design "A"), and the two proposed designs submitted with the application materials for case HCM-40 (designs "B" and "C"), with plan and elevation drawings dated 11/25/08 and 12/23/08, respectively. He said surveys of the site showed the same footprint for the main house in each design with varying dimensions for the rear additions. Design B pulled back the rear addition from the lot lines, while design C was reduced in massing. The increases in living area in square footage for designs A, B, and C was 926, 728, and 692, respectively.

Mr. Greenup said he had researched the square footage of additions in abutting properties, and found that they were similar to designs B and C.

Ms. Dortz asked for clarification of what was defined as "living area." Mr. Greenup said it was the livable area in a house as defined in the Cambridge zoning code.

Mr. Ellsworth described the site plans for each design. He noted how the addition in design A was very close to the lot lines. Design B would have the rear ell set back 5' from the north and east lot lines, while design C would have the ell set back 5' from the north lot line and 4'-6' from the east lot line due to the revisions in massing. He compared the floor plans for designs A, B, and C, noting the recessed second floor bathroom wall in design C. He showed the difference in roof plans and elevations for the three designs. Mr. Greenup said the revisions in design C were in response to neighborhood comment.

Mr. Ellsworth reviewed the elevation drawings for the three designs. He indicated the originally-approved covered porch in design A and the reduced dimensions of the trellis and porch on designs B and C. He described the reduction and breaking up of the massing in the north and east elevations for designs B and C, and noted the railing for the walkout basement. Mr. Greenup said the second floor addition in the C design would not be visible from Foster Street.

Mr. Ellsworth described the streetscape drawings and shadow studies for designs A and B, noting that this information was not provided for design C. He said the B and C designs would cast significantly less shadows on neighboring properties compared to the previously-approved design A.

Mr. Van Sickle asked if there were questions of fact from the Commission members.

Mr. King noted that the drawings dated November 25, 2008 had much more detailed specifications than the December 23, 2008 drawings, and asked if these specifications would apply to the December 23 drawings. Mr. Greenup said the specifications would remain the same.

Mr. Van Sickle asked Mr. Greenup which design the Commission was being asked to review. Mr. Greenup said there might be a consensus based on the Commission's comments on the two designs. Mr. Van Sickle said the Commission needed to be told which design was being submitted for review. Mr. Greenup requested that the Commission review design C, dated December 23, 2008.

Mr. King asked if the design of the door facing Foster Place was consistent with the door on the original house. Mr. Greenup said it was, and that he had documented evidence of the original door. He said this would be the primary entrance for the house.

Mr. Wolkoff asked if the height dimension from the ground to the base of the door on the west elevation would match the original house. Mr. Ellsworth said he was not sure of the original dimension, but there were houses in the neighborhood with similar configurations that could be followed.

Mr. Wolkoff noted that the existing construction on the site appeared to have the window and door heights higher than the original house. He asked if the proposed house would match the original window and door heights. Mr. Greenup explained that Matthew Curtis changed the framing from balloon to platform framing and raised the foundation by 1". He said the overall height of the house was raised by 2". The current doorway on the west elevation was not substantially higher than the original. There were a variety of foundation heights in the neighborhood, and the house as proposed in design C would not have the highest foundation on Foster Place.

Ms. Dortz asked for clarification of the living area/footprint numbers discussed in the presentation. Mr. Greenup said the numbers in the presentation were for the

combined living areas in the first and second floors of the rear additions for designs B and C.

Mr. Van Sickle said the footprint of the original house was 635 square feet, which was similar to the footprint of the main house as proposed in design C. He said the rear addition in design C would add 364 square feet to the footprint for a total of 999 square feet. The footprint of the original house plus the garage (180 square feet) was 815 square feet.

Mr. Wolkoff asked for the distance from Foster Street to the south wall of the rear addition. Mr. Greenup said the distance would be the same for both designs B and C, but the south wall of the addition was about 1'-2' closer to Foster Street than originally proposed by Matthew Curtis.

Mr. Wolkoff asked for the dimensions of the trellis. Mr. Greenup said the porch roof as proposed by Matthew Curtis extended 4' from the south wall of the addition, and the proposed trellis would extend 6'.

Ms. Dortz asked if there would be a parking area. Mr. Greenup said the parking area would remain in the existing location on the north side of the building, within the 11' between the house and the north lot line.

Mr. Mann noted that the plans showed 8' ceilings in the basement and asked why this area was not included in the living space calculations. Mr. Greenup said the December 23, 2008 drawings for design C did not show rooms in the basement, and he was not certain that he would have 8' high ceilings.

Mr. Van Sickle asked for clarification if there were to be finished rooms in the basement. Mr. Greenup said he might have one finished room as a playroom for his daughter. Mr. Van Sickle said that there were different interpretations of living space, but the bottom line was that the Board of Zoning Appeal (BZA) would have to approve living space in the basement. Mr. Greenup agreed, and said it was likely he would ask for some living space in the basement but not more than the 299 square feet that was originally allowed by the BZA. Mr. Wolkoff said the focus of the discussion should be on the exterior views of the building.

Mr. Van Sickle said he had a few questions in response to a letter sent to the Commission from George Kent, 2 Foster Place. Mr. Van Sickle asked if the foundation would extend 1" from the exterior walls as indicated in the drawings. Mr. Greenup

explained that the original foundation was clad in concrete by Mr. Curtis' contractor. He said that he would use the existing foundation, and the water table "rim would extend out 1" without increasing the clapboard-to-clapboard dimensions.

Mr. Van Sickle asked if the doors on the east elevation were French doors, and if there would be steps leading to ground. Mr. Greenup said they would be French doors, and that there would be one step.

Mr. Van Sickle asked if there would be exterior air conditioner compressor units. Mr. Greenup said his intent was to construct a LEED-certified "green" building and install an interior geothermal heating and cooling system. He said he would submit a revised site plan if condenser units were used instead. Mr. Van Sickle advised that any exterior condenser units would also need to comply with the noise ordinance, which was administered by the License Commission.

Mr. Van Sickle asked if any dimensional errors in the existing structure would be corrected in regards to the proposed construction. Mr. Greenup said that was his intent.

Mr. Van Sickle asked if there were questions of fact from members of the public.

Deborah Masterson, 53 Foster St., asked if Mr. Greenup was not waiving his rights to the lawsuit against the city, how would the ongoing litigation impact the current proposal? Mr. Greenup said his goal was to expedite the process; if the Commission approved the proposed design, that's what he would build. Ms. Masterson asked if the lawsuit would be dismissed if the current design was approved. Mr. Greenup said it was not appropriate for him to respond to this question. Ms. Masterson requested to submit the question through the Commission. Mr. Van Sickle asked Mr. Greenup if he would drop the lawsuit if the current design were to be approved. Mr. Greenup said he would need to discuss a settlement with the city and have public hearings before he could accurately respond to the question. Mr. Van Sickle noted that the Law Department had advised that it was appropriate to hear Mr. Greenup's current application for a COA. Mr. King added that if the current design were to be approved, the Commission could include a condition that the COA would substitute for any previous certificates related to the property.

Neil Levine, 5 Foster Place, asked why there was an additional small window above the door on the west façade and why the porch trellis needed to be at an angle. He added that the basement ceilings could not be built to a usable height unless the ground

level of the first floor was raised up. Mr. Ellsworth said the window above the front door seemed like a reasonable modification to Mr. Curtis' plan. Mr. Levine said there was not a precedent for this type of window. Mr. Ellsworth said the trellis could be redesigned as a horizontal element, and the basement height could be reached by digging deeper into the ground and not raising the first floor.

George Kent, 2 Foster Place, said the approved plot plan for the site was submitted after there were delays with the BZA review.

Mary Elizabeth Field, 39 Foster St., said that Mr. Curtis had presented a model of his proposal and the neighbors were in favor at the time. She said that when the house was demolished, there was no record of original dimensions. She said she still had not heard the total square footage of the current proposal. The existing structure cast shadows on her living room. She said she had a respect for the scale of houses in the neighborhood and wanted to hear more about massing on the lot and actual square footage numbers. Mr. Greenup said he did not know the floor area ratio of the original house, but it had 1270 square feet and the proposal in design C had 1952 square feet. Mr. Van Sickle asked about shadow impacts on 39 Foster Street. Mr. Greenup said the shadows would be reduced by over 1' under design C. Mr. Wolkoff asked if the architect could support this claim, and Mr. Ellsworth said he could.

Phillip Miller, 10 Foster Place, said the neighbors had been cooperative with Mr. Greenup, but were concerned that he was discussing this proposal as a "renovation" and comparing square footage numbers to a house that was demolished. Mr. Miller said the proposed house would be built from scratch and go right out to the sidewalk. He said the meetings with neighbors emphasized a design for the house that was more appropriate and would meet Mr. Greenup's needs. Pulling the house back from the north lot line seemed insignificant if there was an exterior concrete stairway. Mr. Miller said he would like clarification of whether the proposal was being treated as new construction or a reconstruction of a historic house. Mr. Van Sickle said the Commission could address this question in the comment period.

Laurie Dietz, 3 Sparks Place, said the details of the proposed design were suburban and did not preserve the vernacular feel of the neighborhood. She said the design review discussion should focus on the historic aspects of the neighborhood, and

that a one-story addition would be more appropriate. She asked if the original house had been taken down to the ground. Mr. Van Sickle said it had.

Mr. Van Sickle asked for public comment.

William Hsiao, 36 Foster Street, said as a resident of the neighborhood for 38 years, he loved its charm and character. He said the proposal was a massive structure on a small lot. The Commission should preserve the historic nature of the neighborhood. He stressed that the neighbors had worked diligently with Mr. Greenup but did not feel he responded with a good faith effort in the design.

Mary Louise Kent, 2 Foster Place, read a letter in opposition to the proposal. She said she bore some responsibility for the demolition of the original house by trusting Mr. Curtis, but Mr. Greenup's proposal was a variation of a previous failed project. The two-story addition would not improve the shadow impacts. She asked the Commission to disapprove the application for a COA.

Roy Finney, 63 Sparks Street, said in his experience an objective of the district was to not block site lines, which should be applied to the discussion on the current proposal.

Elise Tucker, 46 Foster Street, noted that her house was included as part of the living area calculations for neighboring properties in Mr. Greenup's presentation. She said her house was a two-family and was not a good comparison for the single-family workers cottages on Foster Place. She said her view of Foster Place was already mostly blocked by the half-built house currently on the site. The 4' fence on the south and west lot lines would not look right. A 1 ½ story addition would be more appropriate, and the neighbors were unanimous in their opinion that the proposed addition was still too big.

Marie Schram, 7 Foster Place, said two other houses on Foster Place had been restored to their original scale. She said the original house at 45 Foster Street already had an addition that extended to the sidewalk; having another addition at the rear would harm the historic appearance of Foster Street and Foster Place.

Neil Levine, 5 Foster Place, read a letter that outlined his opposition to the proposal. He said that residents of Foster Place had found unique ways of renovating and restoring the houses on the street, but the current proposal would damage the streetscape. He urged the Commission to disapprove the application, citing the lack of important details in the drawings. He said the sill heights of the windows and doors should closely

match the original house. The proposed building had objectionable bulk and massing and would not align with other houses on Foster Place, all of which were less than 1500 square feet. The design did not conform to the district's guidelines for infill construction. The new set of elevation drawings were not signed by the architect. The height of the new building could not match the height of the original building because the foundation was higher. There was no information on exterior trim details. The neighborhood had worked hard to preserve the small-scale charm on the street and Mr. Greenup's proposal would damage the overall environment.

George Kent, 2 Foster Place, read a letter that outlined his opposition to the proposal. He gave a background of his initial meetings with Mr. Greenup in November, 2007. He said that Mr. Greenup indicated that he would work with the neighbors on a mutually-agreeable design but then appealed the decisions of the former Marsh NCD in an attempt to finish constructing Mr. Curtis' house. Mr. Kent said that the current proposal had too large a footprint and would block views and create shadows. He said the BZA dimensional form submitted with the application was not accurate. The current application should be treated as construction on an empty lot, not as a modification of previous proposals. He urged the Commission to disapprove the application on the grounds that the proposed building was out of scale and inappropriate to the neighborhood.

Mr. Van Sickle read a letter of James and Patricia Biggar, 24 Foster Street, which voiced their support for the proposal as submitted.

Craig Huff, 8 Foster Place, said he endorsed the comments of Mr. Levine and Mr. Kent.

Deborah Masterson, 53 Foster St., urged the Commission to deny Mr. Greenup's application for a COA. She said the modest character of the workers cottages needed to be preserved. She asked the Commission to consider the lack of open space and the parking arrangements in the proposal.

Susan Lockhart, 5 Foster Place, read a letter outlining her opposition to the project. She said Mr. Greenup had not responded to the neighbors concerns. She noted that one inappropriate structure can ruin the historic architectural character of the streetscape.

Mr. Van Sickle read a letter of Barbara Ackermann, 41 Gibson Street, in opposition to the proposal.

Mr. Van Sickle closed the public comment period, and asked for comments from the Commission.

Ms. Dortz said she was confused by many components of the application. She said the proposal did not respond well to the review criteria and objectives of the district, and did not seem to respond to the concerns of the neighbors.

Mr. King agreed that designs B and C did not conform to the district's review criteria. He said it was regrettable that past hearings for Mr. Curtis' proposal did not focus on the issues being discussed tonight. He said that Mr. Levine, at the time a member of the former Marsh NCD Commission but recused as an abutter, made some important points regarding Mr. Curtis' proposal regarding massing and out-of-scale additions. Mr. King said that the current application should be considered under the Half Crown-Marsh NCD criteria. He noted that the ongoing litigation could also impact Mr. Greenup's plans.

Mr. Mann said the original house did not have a large masonry chimney at its gable end facing Foster Street, a detail that created additional mass. He said the new construction would read much differently than the original house, and the proposal was out of context with the neighboring buildings. He said that as a new construction project, it would be more appropriate to have the house set back from the sidewalk on Foster Street, and additional living space could be supplied in the basement to compensate for a loss of square footage.

Mr. Wolkoff said he was hoping for a scaled-back proposal based on discussions at previous hearings for the property. He said the Commission's job was to preserve neighborhood character, and the proposal seemed to only focus on the immediate abutters houses. He said the former Marsh NCD Commission was reluctant to approve Mr. Curtis' original proposal, but there seemed to be neighborhood support at the time. He said it would be beneficial for a new construction project to have neighborhood support as well. The site should be treated as an empty lot development and not as a continuation of previous proposals. He said he was not in favor of approving the application.

Mr. Dortz said she had seen similar corner lot developments that dominated the lot and were out of scale. She said a revised design could better respond to the concerns of the Commission and the neighbors.

Mr. Wolkoff said that the litigation could still result in the construction of a larger house, and encouraged the neighbors and Mr. Greenup to work together towards a consensus on a revised design that could come back before the Commission.

Mr. King said he was encouraged by the letter of support from the Biggars, and commended the effort of the architect. He agreed that a consensus should be reached.

Mr. Van Sickle reminded that the district was not a historic district, and the Commission's job was to preserve neighborhood character. He said that historic reproductions often miss their mark, and the current proposal seemed like a historic reproduction of the original house with an addition. He said the addition was subservient to the main house and had similar treatments, as recommended in the infill guidelines, but would block views and cast shadows. The water table and subsoil conditions should be addressed, especially if there was settlement from the earlier construction on the site. He said as a new construction project, the opportunity had been missed to construct a smaller house with modern details that fit the district's criteria and objectives.

Mr. Van Sickle asked the Commission members if there were any thoughts on possible conditions of a COA for the current proposal. Ms. Dortz said the addition could be scaled back. Mr. King said the water table issue was important, especially with an 8' deep basement, but felt that the current proposal did not allow for a conditional COA. Mr. Van Sickle agreed, noting that revised drawings would be required. Mr. Wolkoff agreed, and said the current design would need revisions before the Commission could consider an approval with conditions. He said a one-story addition was discussed at the original hearings for the property. He said the burden was on the applicant to come up with a design that responded to the Commission's concerns.

Mr. King MOVED to disapprove the application for a Certificate of Appropriateness, on the grounds that the proposal failed to meet the guidelines, criteria and objectives in the district order and was incongruous to the district and the immediate houses on the street.

Mr. Wolkoff suggested that the motion specify that the proposal did not meet the district's infill guidelines. Mr. King said this point could be added to the record, but would not be included as a reason for disapproval in his motion.

Ms. Dortz SECONDED the motion, which PASSED 5-0.

Minutes: 12/8/08

Mr. Van Sickle indicated a typo on page 3. Mr. Wolkoff MOVED to approve the minutes with Mr. Van Sickle's correction. Ms. Masterson SECONDED the motion, which PASSED 5-0.

There being no further business, Mr. King MOVED to adjourn the meeting. The motion PASSED 5-0. The meeting adjourned at 9:00PM.

Respectfully submitted,

Paul Trudeau
Preservation Administrator

Members of the Public who signed in for the 1/12/09 Half Crown-Marsh NCD Meeting

Mary Elizabeth & Melvin Field	39 Foster St.
Mary Louise Kent	2 Foster Pl.
George Kent	2 Foster Pl.
Neil Levine	5 Foster Pl.
Campbell Ellsworth	334 Harvard St.
J. Craig & Ann Huff	8 Foster Pl.
Stuart Schram	7 Foster Pl.
William Hsiao	36 Foster St.
Marie A. Schram	7 Foster Pl.
Phillip Miller	10 Foster Pl.
Melinda Lee	30 Foster St.
Ruth Hsiao	36 Foster St.
Dorothy Altman	43 Gibson St.
John Greenup	65 Sparks St.
Bruce Jenkins	10 Foster Pl.
Lily Delaney	508 Summer St., Arlington
Karl Klausen	20 Brown St.
Deb Masterson	53 Foster St.
Ides Miller	336 Concord Ave.
Jon Rosenfield	54 Foster St.
Tish Biggar	24 Foster St.
Joanne Weed	14 Foster St.
Susan Lockhart	5 Foster Pl.
Dorothy Altman	43 Gibson St.
Susan Finney	63 Foster St.
Roy Finney	63 Foster St.
Olive Malcolm	1 Sparks St.
Carey Bloomfield	59 Foster St.
Pat Pratt	11 Brown St.
Leonard Singer	18 Sparks St.
Meade Fasciano	86 Foster St.
Gil Curtis	148 Foster St.
Bob Hurlbut	5 Sparks St.
Nancy Hurlbut	5 Sparks St.
Laurie Dietz	3 Sparks Pl.
Jerry Zuriff	120 Foster St.