

50 SPRING STREET VARIANCE APPLICATION

7. Existing Conditions Description

This variance application concerns the wooden fence on the northeast boundary of 50 Spring Street that abuts 54 Spring Street. Currently, there is a 6-foot wooden fence along the entire 50 Spring Street side of the boundary. The site plan is attached as Plan 1.

The existing conditions are a nuisance to 50 Spring because of landscaping done by 54 Spring in 2012. Prior to 2012, the land on the 54 Spring side of the boundary was wooded. The wooded area was about 23 feet wide and extended from the boundary to the driveway of 54 Spring. Attached are Photo 1 and Photo 3 that show the boundary prior to the landscaping. The locations of the photos are also shown in the attached Plan 2 (a zoomed and rotated version of Plan 1).

In the summer of 2012, 54 Spring removed all vegetation down to bare soil except for one tree. In its place, they added retaining walls, regraded the land to make it more level, added 5 parking spaces, and added a grassy area with a trellis fence. Attached are Photo 2 and Photo 4 that show the boundary after the landscaping.

As can be seen in the before and after pictures, the landscaping dramatically changed the relationship between the two properties. Before, one could not see the house on the other side of the boundary, and now the house, cars, and other structures are clearly visible.

In particular, 54 Spring added a retaining wall with height of approximately 2 feet along nearly the entire length of the boundary. Attached Photo 5 and Photo 6 show two retaining walls. Because the land is 2 feet higher on the 54 Spring side of the fence, the 6-foot fence is effectively a 4-foot fence. As can be seen from attached Photo 7, Photo 8, and Photo 9, the fence, shed, and even the parked cars of 54 Spring are easily visible above the fence.

8A. Proposal Description

50 Spring would like to replace the existing 6-foot fence with a new fence as follows:

- 4 feet high for section closest to the street,
- 4-6 foot taper for the next section,
- 6 foot high for next section,
- 6-8 foot taper for the next section, and
- 8 feet high for remaining sections.

The fence heights are shown in the attached Plan 3.

Under this proposal, the fact that the fence is 8 feet high would be apparent **only to the residents of 50 Spring**. To the residents of 54 Spring, the fence would appear as a 6-foot fence because of the existing 2-foot retaining wall. The owner of 54 Spring, Richard Reavis, does not object to a higher fence as shown in the attached email from him. From the street, the 8-foot

high portions of the fence would not be visible because the four sections closest to the street would be shorter.

Allowing an 8-foot fence is the only feasible way to help restore the boundary between 50 Spring and 54 Spring as it existed prior to the 2012 landscaping by 54 Spring. Other alternatives are not feasible:

- Vegetative fence -- This is not feasible because there is not sufficient space between the house at 50 Spring and the boundary.
- 6-foot fence on top of existing retaining wall of 54 Spring -- The existing retaining walls are not strong enough to support a fence.

The proposed new fence is a style called "Charles" and a picture is shown in attached Photo 10.

Neighborhood Fences that are Effectively over 6 Feet

At least five fences in the immediate vicinity are either over 6 feet high or effectively over 6 feet high in combination with a retaining wall. The locations of these five fences are shown in Plan 4 below and pictures of the fences are also attached below.

- Fence 1 -- 8 feet high (4' fence on 4' retaining wall) along the border of 54 Spring and 184 Summer.
- Fence 2 -- 8 feet high (6' fence on 2' retaining wall) along the border of 49 Belmont and 192 Summer.
- Fence 3 -- 10 feet high (5' fence on 5' retaining wall) along the border of 192 Summer and 194 Summer.
- Fence 4 -- 11 feet high (6' fence on 5' retaining wall) along the border 65 Belmont and an adjacent parking lot.
- Fence 5 -- 8 feet high along the border 189 Summer and an adjacent parking lot. From the direction of the church, the fence is on a 2' retaining wall and thus effectively 10 feet high.

These five fences are all clearly visible from public sidewalks and are effectively at least 8 feet in height.

By contrast, as noted above, the portion of the proposed fence that is 8 feet is not visible from public sidewalks.



Photo 1: 50 Spring view of boundary prior to 2012



Photo 2: 50 Spring view of boundary after 2012



Photo 3: 54 Spring view of boundary prior to 2012



Photo 4: 54 Spring view of boundary after 2012



Photo 5: Two-foot wood retaining wall

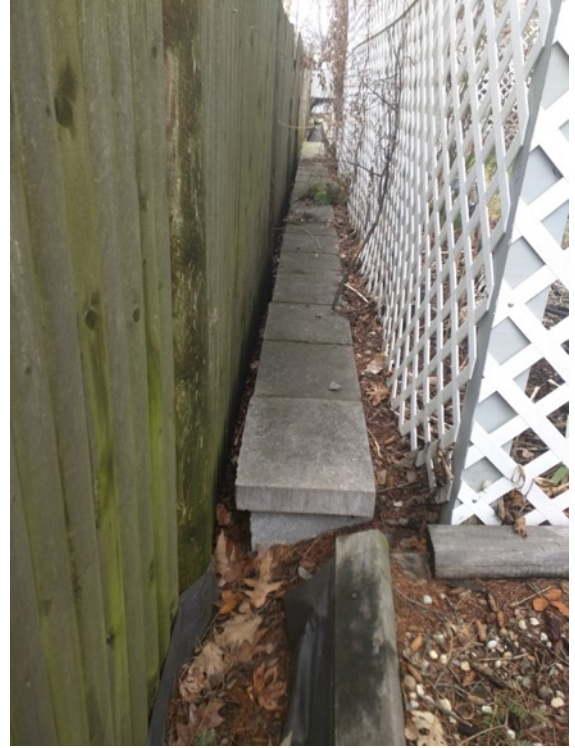


Photo 6: Two-foot stone retaining wall



Photo 7: Fence of 54 Spring Street Visible Above Fence of 50 Spring Street



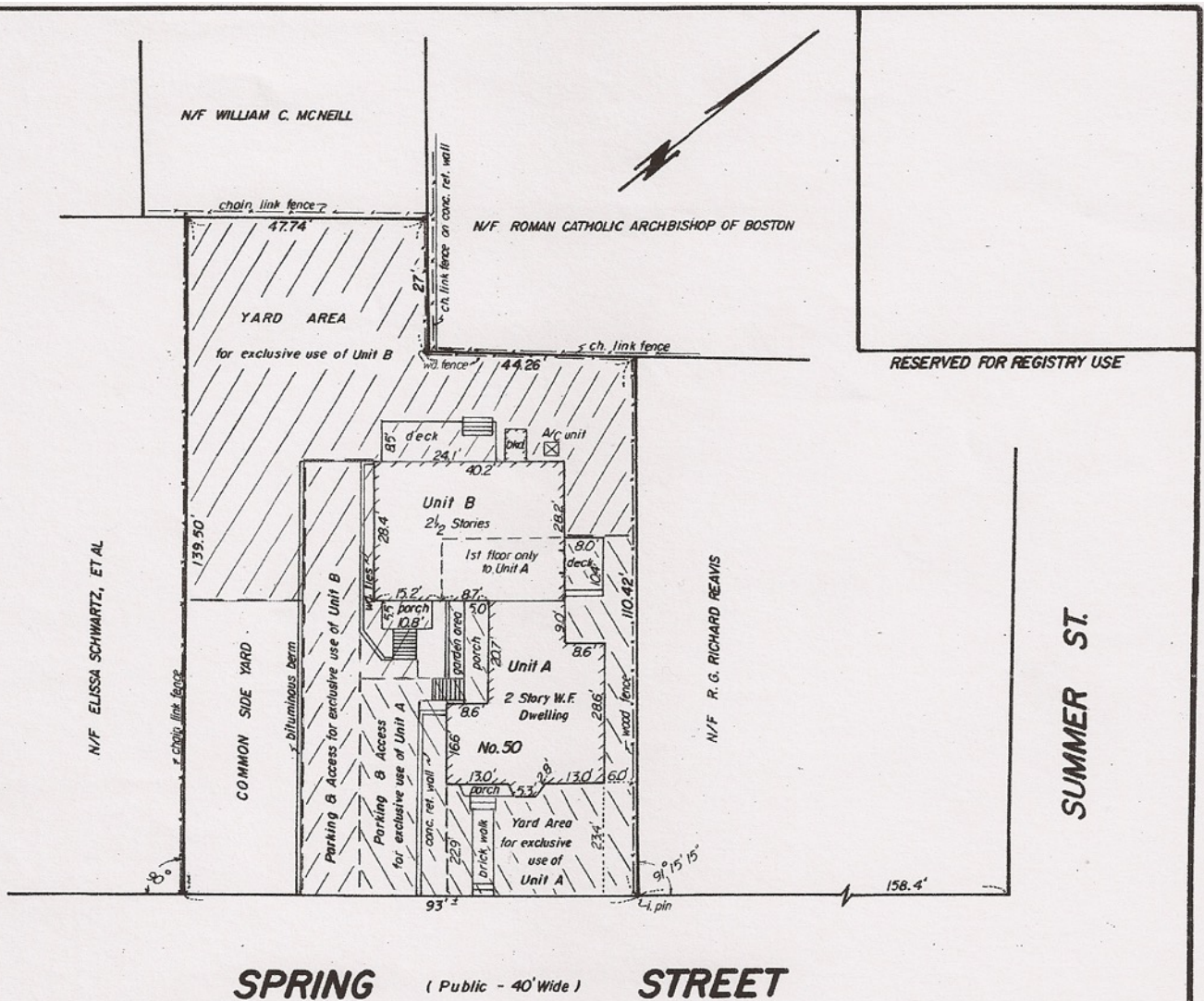
Photo 8: Cars of 54 Spring Street Visible Above Fence of 50 Spring Street



Photo 9: Shed of 54 Spring Street Visible Above Fence of 50 Spring Street



Photo 10: Proposed new fence



PROPERTY REFERENCES:

Middlesex South Registry of Deeds

Plan 58 of 2008
Blk. 458, End.

City of Somerville Engineering Dept.

Fd. Blk. - Survey and line for
Spring St. Blk. 56A, Pg. 48-58

Area of Site = 11,660[±]s.f.

NOTE:

This plan is a revision of the Site Plan, dated Nov. 13, 2007, filed at the Middlesex South Registry of Deeds as Plan 58 of 2008, and indicates the changes in the exclusive areas of "50 Spring Street Condominium" in Somerville, MA.

I certify that the parcel shown hereon does not lie within a special flood hazard area as indicated on the Flood Insurance Rate Maps for the City of Somerville, MA, dated July 17, 1986.

I certify that the property lines shown are the lines dividing existing ownerships, and the lines of streets and ways shown are those of public or private streets or ways already established and that no new lines for the division of existing ownership or for new ways are shown.

I certify that this plan of "50 SPRING STREET CONDOMINIUM" fully and accurately depicts the layout of the building, dimensions, property lines and common areas to which it has access as built.

I further certify that this plan has been prepared in accordance with the rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts.

Wendell H. Mason



SITE PLAN

50 SPRING STREET CONDOMINIUM

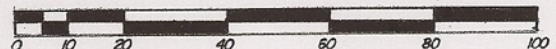
SOMERVILLE, MASS.

SCALE: 1" = 20'

JULY 22, 2009

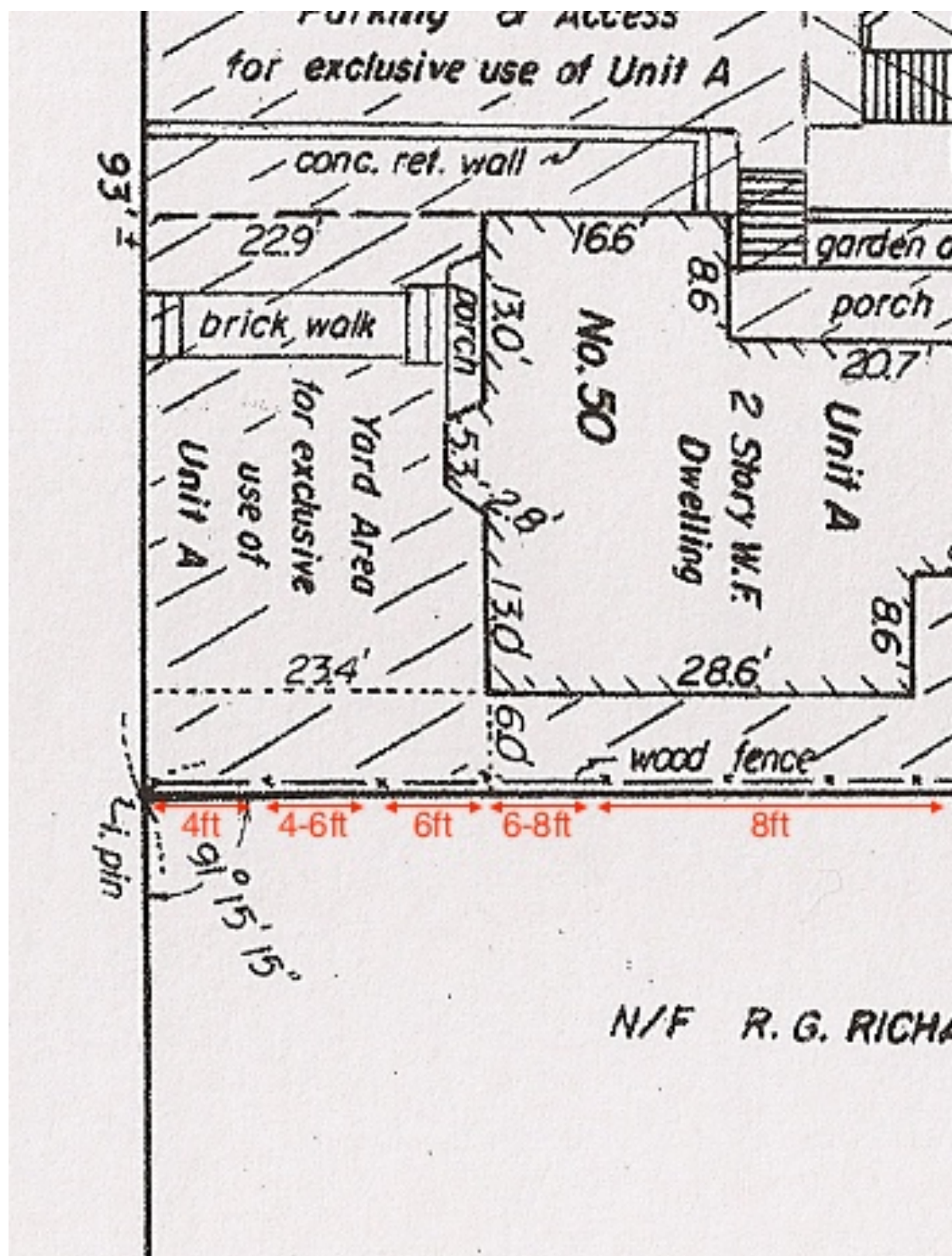
WENDELL H. MASON
122 ESSEX ST.

PROF. LAND SURVEYOR
BEVERLY, MA 01915

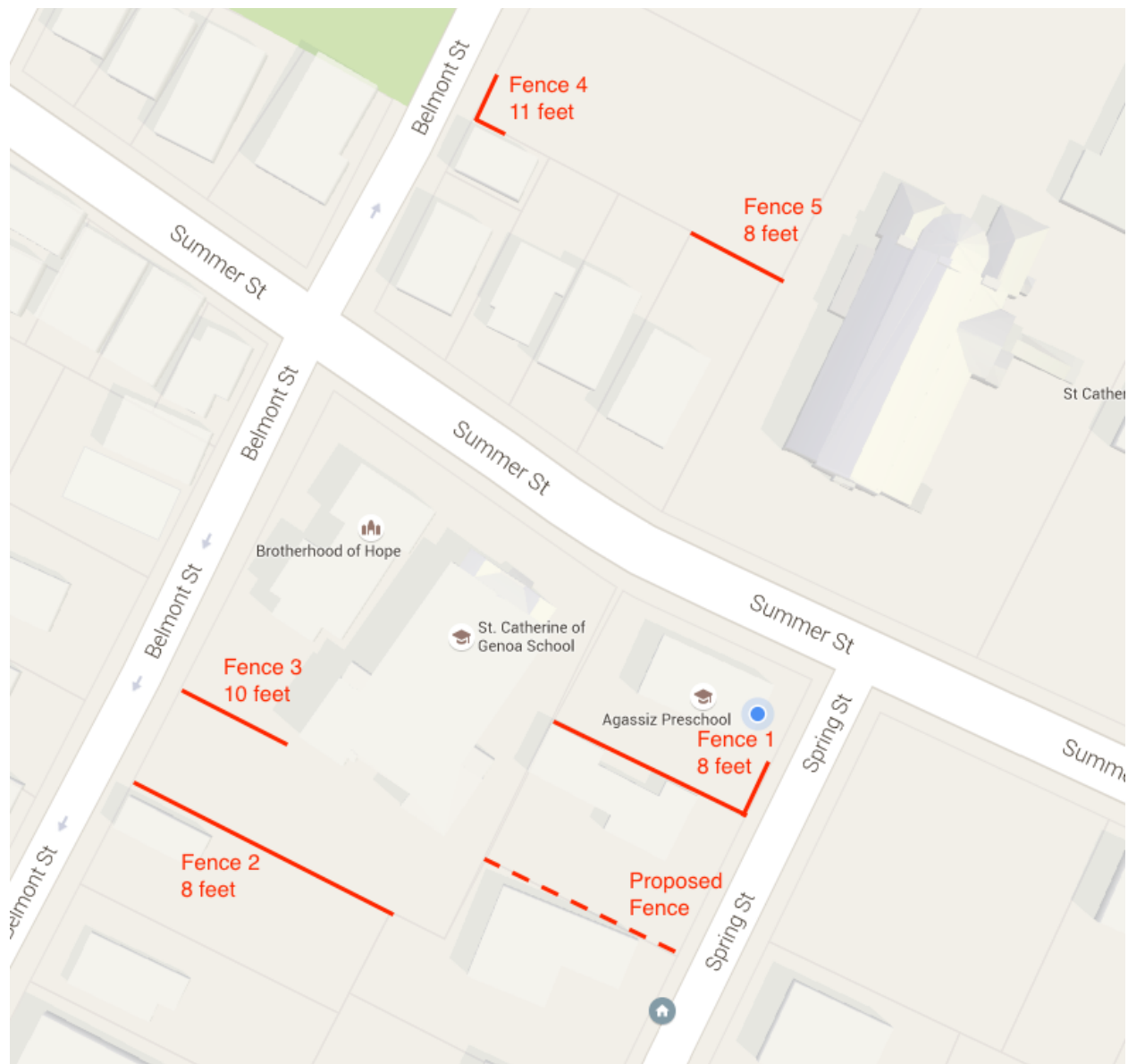


Plan 1: Overall Site Plan





Plan 3: Proposed Fence Heights



Plan 4: Neighborhood fences effectively over 6 feet



Fence 1: 8 feet high, between 54 Spring and 184 Summer



Fence 2: 8 feet high, between 49 Belmont and 192 Summer



Fence 3: 10 feet high, between 194 Summer and 192 Summer (from Belmont)



Fence 4: 11 feet high, between 65 Belmont and parking lot



Fence 5: 8 feet high, between 189 Summer and parking lot (from Church)



Jeffrey O'Neill <[REDACTED]>

Replacing fence

Richard Reavis <[REDACTED]>
To: Jeffrey O'Neill <[REDACTED]>

Sat, Mar 12, 2016 at 2:21 PM

Hi Jeffrey
Not a problem. Good luck

Richard

> On Mar 11, 2016, at 8:25 AM, Jeffrey O'Neill <[REDACTED]> wrote:

>

> Hi Rich,

>

> Hope you are having a nice time in Florida. It has been an incredibly mild winter here but not as nice as Florida I'm sure.

>

> We will be replacing the fence between our houses this spring. We were thinking of replacing it with a taller fence because the ground on your side is higher than it is on our side.

>

> Would you mind if we used a taller fence?

>

> Please let us know.

>

> Jeff and Claire

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