

Date: July 19th 2016

Nili Ohayon and Assaf Biderman
88 Winslow avenue
Somerville 02144

Contact:
617-780-5042
onilionilo@gmail.com

File# 16-008705
Subject : Height of Fence at the Corner of 88 Winslow Ave, Somerville MA 02144

Dear Zoning Board of Appeals,

My name is Nili Ohayon. My husband mr. Assaf Biderman and I are the owners of 88 Winslow avenue. We rent the top unit of the 2-family building and live in the lower part.

On May 31st 2016, we contracted a company to build a 6' tall fence around the property. The new fence replaced a 4' tall fence that was in place when we bought the house in January 2015.

Prior to building the fence, on May 16th 2016, I called the City Hall to inquire whether we need a permit and whether there are any other requirements we should follow as we seek to build a 6' tall fences on a corner lot. The clerk mentioned that he will transfer me to the right department, and the person whom I spoke with there told me that the only thing required is to contact dig safe. As requested, I engaged dig safe to inspect and mark our property prior to the construction of the fence.

The construction of the fence was complete on June 8, 2016. On June 16, 2016, I received a letter from the City's inspectional services which claimed that we are in violation of a Zoning code and need to lower the fence at the corner of the house (please see letter attached).

I am deeply concerned by the requirement to lower the fence and would like to appeal this request.

Let me start by explaining why we need a 6' tall fence at the corner of our property. I am a mother to a 19 months old toddler who could easily climb a lower fence. If we are outside, in a matter of seconds, she will attempt to run to the street and risk getting hit by a car. I am a stay home mother and my husband works very long hours, so I am the one who takes care of our child daily.

I am also concerned with my safety and my daughter's due to visibility into the house when a lower fence is in place. I am alone with my daughter most of the time. I am without my husband every day from 9:00AM till about 11:00PM and often during nights as well because my husband has to travel for work frequently. The lower floor of our home, where our living room is located, is 5' below grade. With the 4' tall fence, people who walk in the street next to the corner of our home can easily see inwards. I do not feel safe to have people looking at me and my daughter freely. Also, the low fence makes it easy for an outsider to climb into our property and cause potential harm. Our property reaches only 10' farther than the wall of our home so with any fence that is lower than 6', it is easy to see inwards, and we become very exposed to the street

during both day and night.

Putting shades on the windows to block the view will also create a significant problem. If we lower the fence, our child will be limited in terms of being outside due to the risk of running to the street, and in addition, if we put shade over the windows, our child will grow without daylight, which is severely unhealthy.

As I understand, the code is in place in order to improve visibility across the intersection of two streets (Clifton St. and Winslow Ave). I would not like to put drivers at risk. The fence is not the main limitation for traffic visibility across this corner. Cars and often trucks park on both sides of the intersection and block the view. There is also a 50 degrees slanted electricity pole that impairs view across the corner. If a mirror was in place at this intersection, incoming traffic will have had far better view of cars that may approach across the intersection.

For the reasons above, I would like to request a variance which will make a safer solution for all parties involved.

Existing Condition description (corner fence blocking traffic visibility)

A 6' tall fence is in place within 20 feet of a corner at the intersection of Winslow avenue and the private way of Clifton Street.

Proposal description.

We propose to place a mirror at the intersection to allow cars on both sides to see other cars that may be coming from around the corner.

This solution will provide much better visibility for traffic coming into the corner than lowering the fence given that cars and often trucks park at the corner of both streets and block the view.

We will contract an appropriate traffic engineer to place the appropriate mirror at the appropriate place at the intersection as well as add a sign to acknowledge the mirror's location.

Please acknowledge

Due to a family situation we will be traveling to Israel for the month of August. We are traveling to assist my mother who will be undergoing radiation therapy.

Unfortunately, we don't have family or relatives in the Somerville area who could help us attend to the matter of the fence. Hence, we request to delay any procedure that may be necessary related to this matter to September 2016.

Thank you very much in advance for your consideration.

Sincerely,
Nili Ohayon, Assaf Biderman