

About the proposal

How does Article 54 promote safety?

Article 54 promotes safety by allowing fences that are tall enough to help [contain children](#) and dogs without deleteriously affecting driver vision.

What impact would Article 54 have?

The physical impact on the built environment will likely be modest, as the current rule is enforced only on a complaint basis and violations are common.

However, the proposal could:

- Reduce risk of children and dogs entering the street
- Legalize existing safe fences
- Encourage safer, more transparent fence designs
- Eliminate the need to choose between noncompliance, variances, or reduced yard usability
- Increase bylaw's perceived legitimacy by aligning it with its stated purpose

Why not build a fence outside the sight triangle?

While the sight triangle is relatively small, the available compliant design options have significant drawbacks. A diagonal "hypotenuse" fence preserves yard area but results in an awkward and atypical layout. A setback fence allows a more conventional layout but can significantly reduce the usable yard area, particularly on smaller lots. In historic districts, where fences must follow property lines, [neither of these options is permissible](#).

How does the 2026 proposal differ from earlier versions?

My original 2024 proposal was to adapt language from Section 5.3.12(B) so that a height exception for transparent structures would apply to corners as it does to driveways. However, feedback from the ARB led me to incorporate three key changes into the 2026 proposal:

- Clarify how the sight triangle is measured
- Limit the height exception strictly to fences
- Introduce an objective opacity standard

The substitute motion is identical to the initial 2026 proposal except that it lacks redundant language regarding vegetation (which continues to be prohibited above three feet).

Questions addressing the ARB's vote of no action

Why should Town Meeting consider an article not supported by the ARB?

The ARB was not unanimous on this question: of the six past and present members of the ARB who have heard versions of this proposal across two Town Meeting cycles (2024 and 2026), three voted in support and three voted no action.

Why did three members of the ARB vote no action?

The concerns cited included:

- Satisfaction with complaint-based enforcement
- Discomfort supporting a motion not endorsed by the director of Inspectional Services
- Concern about increasing bylaw complexity

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- Concern about proliferation of six-foot chain-link fences
- Concern that the 35% opacity cutoff is arbitrary and cumbersome
- Belief that variances are an appropriate solution

Below, I address each of these concerns.

Complaint-based enforcement

Some ARB members expressed the view that because the current bylaw is only enforced in response to complaints, it cannot be causing harm since innocuous infractions are not penalized. I fundamentally disagree with this framing. Town meeting has a responsibility to ensure our bylaws codify the type of enforcement we'd like to see. In the case of Section 5.3.12(A), this requires alignment of our requirements with the conditions that genuinely affect visibility and safety.

Complaint-based enforcement is the inevitable result of treating corner fences over three feet as illegal by default. This stance creates such a glut of noncompliance that Inspectional Services cannot realistically identify and enforce all violations. In effect, an opaque eight-foot wall and a 42-inch cable rail fence are treated as equally illegal, even though their impacts on visibility are very different. This makes proactive enforcement difficult: Inspectional Services would either need to enforce the bylaw uniformly—needlessly antagonizing hundreds of homeowners whose fences are not creating safety issues—or develop their own subjective criteria for deciding which violations to pursue. In this context, a complaint-based approach is the most fair and humane option available to Inspectional Services.

We are very lucky to have Mr. Ciampa as director of ISD—he has a lot of power, but he doesn't derive pleasure from catching people in bylaw violations. But as the last fifteen months have taught us, it is unwise to rely on officials to uphold norms of their own volition when they have the authority to do otherwise. We trust Mr. Ciampa; do we have the same faith in everyone who will ever succeed him as director of ISD?

It's also worth noting that while complaint-based enforcement is our best option given the current bylaw text, it has major drawbacks. It undermines the ability of the bylaw to serve its purpose, by failing to address hazards that go unreported. It's also intrinsically unfair; complaints depend as much on the quality of relationships between neighbors as on traffic visibility.

Perspective of the director of Inspectional Services

Some ARB members were uncomfortable supporting a motion that does not have the support of the director of Inspectional Services. Mr. Ciampa raised two concerns about the 2024 version of this proposal.

The first was that vegetation could obscure visibility through an otherwise transparent fence. This has been addressed in the 2026 version by restricting the height exception to fences only; vegetation (or anything else) is not permitted above three feet within the sight triangle.

The second concern was that violations of the bylaw are already widespread, and that easing the restriction could encourage further noncompliance. My view is that the opposite is more likely: bringing attention to the issue and making the bylaw more reasonable would encourage compliance.

Impact on bylaw complexity

Superficially, this amendment increases bylaw complexity: the text is longer and introduces a new exception. However, I believe it reduces the practical complexity of both interpreting and interacting with the bylaw. While the description of the sight triangle becomes more detailed, it

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also becomes interpretable. Furthermore, allowing compliant fences as-of-right simplifies the process of legally erecting such fences.

Rationale for 35% opacity threshold

Choosing the right opacity threshold is critical. Too high a cutoff allows fences that obstruct visibility; too low a cutoff limits practical options, encourages awkward design choices (e.g., increasing the height to dilute the numerical impact of ornamentation near the top), and reduces the acceptable margin of error for opacity calculations.

I arrived at 35% by measuring real fences. Styles that preserve visibility *usually* fall below this threshold, while those that obstruct visibility *consistently* exceed it, making this a somewhat conservative threshold. While any numeric standard can be gamed, the amendment includes a backstop (compliant fences must not materially impede drivers' vision) to facilitate enforcement if this happens.

Opacity is defined as the proportion of solid material when viewed perpendicular to the fence line. While this does not perfectly match a driver's perspective, it is simple, intuitive, and correlates well with real-world visibility. Calculations are mildly annoying but not particularly difficult. Simple fences can be measured directly, and more complex ones can be analyzed from photographs. If someone prefers not to calculate opacity, they can continue to comply with the existing three-foot rule.

For enforcement, the "material impediment" clause means that neither a complainant nor Inspectional Services needs to calculate opacity in order to act. Opacity primarily serves as an additional tool: a clear, objective guideline that makes it easy for both homeowners and ISD to assess compliance in a majority of circumstances.

Impact on the number of six-foot chain-link fences

I do not believe this proposal would result in a substantial increase in tall chain-link fences.

First, the current level of compliance with Section 5.3.12(A) suggests that this provision does not strongly influence how most people build fences. Second, chain-link fences are already permitted on interior lots, where they are neither excessively common nor particularly tall; there is no reason to expect corner lots to be any different. Third, many aesthetically preferable options—such as ornamental aluminum, wrought iron, and cable rail—meet the opacity standard.

I considered explicitly prohibiting chain-link fences to address this concern, but I do not think that that would be appropriate. First, I believe the imposition of limitations on something as functional and commonplace as a chain-link fence on purely aesthetic grounds is outside of the proper purview of Town Meeting. Second, restricting the most economical type of fencing would selectively disadvantage less wealthy households. Third, if town did wish to prohibit a subset of chain-link fences on aesthetic grounds, the appropriate place to do so would not be a section entitled "Traffic Visibility." And finally, were there to be such a prohibition, the appropriate scope for such would surely not be precisely corner lots in residential districts outside of the MBMF overlay, which is the scope of Section 5.3.12(A).

Variances vs. bylaw update

Variances are not the right tool for a recurring, low-risk situation.

First, variances are intended to address unusual hardship or edge cases. The widespread presence of fences taller than three feet on corners suggests that these are not an edge cases. Second, variances are not a feasible way to normalize existing safe but technically noncompliant fences *en masse*. Third, the variance process is expensive, time-consuming, and

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uncertain. It requires a \$400 application, attendance at a hearing, and a waiting period, with no guarantee of approval. And finally, treating corner fences as illegal by default promotes complaint-based enforcement, with its attendant drawbacks.

Scope of Article 54

Which properties are affected by Article 54?

Section 5.3.12(A) applies only to corners in R districts, except those in the Massachusetts Avenue/Broadway Multi-Family Overlay.

Couldn't vegetation or a sign obstruct visibility on an otherwise low-opacity fence?

The exception in Article 54 applies exclusively to fences—all other structures remain illegal in the sight triangle above a height of three feet.

Does this affect buildings with small setbacks?

No; the amendment clarifies the sight triangle and allows a fence exception within it, but it does not change setback requirements or how they are applied.

Examples of compliant fences

Below I have attached images of fences that would comply with the text of Section 5.3.12(A) as amended by Article 54, with the three-foot cutoff indicated.

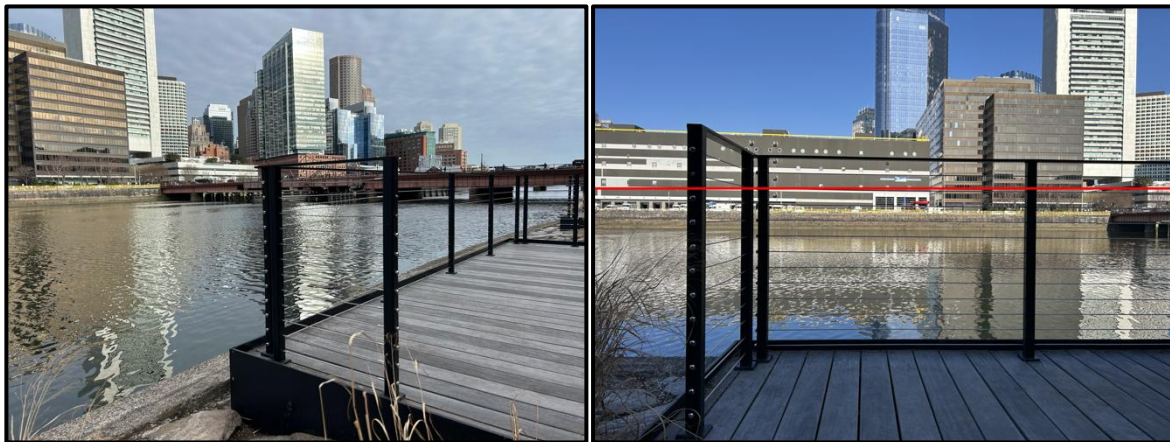
These examples are not intended to be a thorough review of all possible fence types. I have omitted depictions of fences with wood components, including open picket fences, hogwire fences, and split-rail fences, because the dimensions of the wood pieces typically used make it uncommon for such fences to come below the 35% opacity threshold. Vinyl pickets fences are omitted for the same reason. Conversely, chain-link fences are omitted for the opposite reason—chain-link fences are consistently compliant based on their approximately 25% opacity.

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Fences demonstrating < 35% opacity



Wrought iron fence on cement landscape curb. (Left) View through corner. (Right) Frontal view. The fence is approximately 62" above the sidewalk at the top of the post and approximately 57" above the sidewalk at the top of the pickets. The opacity above 36" is approximately 24%. The red line indicates 36" above the sidewalk.



Cable railing fence. (Left) View through corner. (Right) Frontal view. The top of the fence is approximately 42" above the deck. The opacity above 36" is approximately 15%. The red line indicates 36" above the deck.

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Ornamental aluminum fence. (Left) View through corner. (Right) Frontal view. The tops of the fence posts are approximately 53" above the ground, while the top rail is approximately 50" above the ground. The opacity above 36" is approximately 32%. The red line indicates 36" above the ground.



Wrought iron fence on pavers. (Left) View through corner. (Right) Frontal view. The top of the fence is approximately 48" above the sidewalk. The opacity above 36" is approximately 30%. The red line indicates 36" above the sidewalk. Note that while the wrought iron fence is only 36", its placement on pavers would put it out of compliance were this corner in a non-MBMF R district in Arlington.

Bylaw text and proposed amendments

Section 5.3.12

- (A) Across Street Corners. Between the property lines of intersecting streets and a line joining points on the property lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.
- (B) Visibility for Driveways. A fence, hedge, wall, sign, or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half feet in height above the adjacent ground within

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five feet of the front lot line unless it can be shown that the vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

Section 5.3.12(A) with substitute motion language

Across Street Corners. For the purposes of this section, the sight triangle shall mean the triangular area on a corner lot enclosed by the portions of the property lines abutting intersecting streets and a straight line joining points on those property lines 20 feet distant from their point of intersection, or, in the case of a rounded corner, from the point of intersection of their tangents at the street intersection. Within the sight triangle, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through the curb grades of the intersecting streets. Notwithstanding the foregoing, a fence exceeding three feet in height, as measured from the plane through the curb grades of the intersecting streets, may be erected within the sight triangle provided that the portion of such fence exceeding three feet in height, as so measured, does not materially impede the vision of operators of motor vehicles and has an opacity of less than 35%. Opacity shall be measured as the proportion of solid material to total area when viewed perpendicular to the fence line.

Section 5.3.12(A) with language from the initial 2026 proposal

Across Street Corners. For the purposes of this section, the sight triangle shall mean the triangular area on a corner lot enclosed by the portions of the property lines abutting intersecting streets and a straight line joining points on those property lines 20 feet distant from their point of intersection, or, in the case of a rounded corner, from the point of intersection of their tangents at the street intersection. Within the sight triangle, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through the curb grades of the intersecting streets. Notwithstanding the foregoing, a fence exceeding three feet in height, as measured from the plane through the curb grades of the intersecting streets, may be erected within the sight triangle provided that the portion of such fence exceeding three feet in height, as so measured, does not materially impede the vision of operators of motor vehicles, **is maintained free of vegetation**, and has an opacity of less than 35%. Opacity shall be measured as the proportion of solid material to total area when viewed perpendicular to the fence line.

Section 5.3.12(A) with 2024 proposed language

Across Street Corners. Between the property lines of intersecting streets and a line joining points on the property lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades **unless it can be shown that the building, structure, or vegetation will not restrict visibility in such a way as to hinder the safe transit of a vehicle through the intersection.**

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Examples of regulations from Massachusetts communities that specify that vision must be protected, rather than enumerating specific banned structures

Milton

On lots in Residence AA, A, B, C, D, D1, and D2 districts no building, fence, or other structure shall be erected and no tree, shrub, or other planting shall be planted, or allowed to exist, which **prevents an unobstructed view** through the space between 3 1/2 feet and 8 feet above the ground within the area formed by the intersecting side lines forming the corner of the intersecting streets and a line joining points on such lines 25 feet distant from the point of intersection in an AA, A, D, D-1 or D-2 district or 20 feet distant from the point of intersection in a B or C district.

Winchester

No person owning, possessing or having under said person's control any real estate abutting any intersection of streets in any section of the Town zoned for residential uses, shall erect, place, plant or permit or suffer the erection, placing or planting or maintenance of anything in such a manner that it **shall materially impede the vision of operators of motor vehicles** between a height of 2 1/2 and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of said real estate and a line joining points 30 feet along said street lines from the point of intersection of said street lines.

Stoneham

On a corner lot in Residence A and Residence B Districts, no fences, wall or structure, planting or foliage more than three and one-half (3 1/2) feet in height above the plane of the established grades of the streets shall be erected in any part of a front yard herein established, that is included within the street lines at points which are twenty (20) feet from their point of intersection measured along such street lines **which will obstruct the view of a driver of a vehicle approaching a street intersection.**

Ashland

CORNER CLEARANCE. Landscaping, buffers, fencing, and screening shall be designed so as not to restrict sight distances at intersections or driveway entrances. No structure, sign, fence, wall, hedge or other obstruction **shall be allowed to block vision** between two and one-half (2 1/2) and eight (8) feet above the street grade within an area bounded by the sidelines of intersecting street and/or driveways and a straight line joining points on such sidelines twenty (20) feet back from their point of intersection except in the Neighborhood Commerce District where the distance shall be no closer than ten (10) feet from the edge of existing pavement of the driveway and twenty (20) feet along the street line.

Conclusion

Section 5.3.12(A) should protect traffic visibility. There may be reasons to regulate fence types in other contexts, but there is no reason to restrict transparent fences in the name of visibility.

Article 54 would make it easier to build functional fences that protect families while reducing the inconsistency and unfairness associated with the status quo.