

Members Present: Henry Stone (HS), Kathryn Scadden (KS), John Thompson (JT), Alan Fobes (AF), Steve Wagner (SW), Phyllis Halpern (PH)

Members of ZBA Present: Stephen Larocque (SL), Natalie Sawyer (NS), Sujit Sitole (SS)

Staff Present: Valerie Geary (VG), John Field (JF)

Applicants Present: Patrick and Cristina Murphy (owners), Beth Nolan (attorney), Daniel Quaile (Lincoln Architects)

Others Present: Jonathan Witten (town counsel), Lee Overall, Bill Bogle, Deena Powell, Scott Rodman

Location: online

Link to Recording: <https://weston.vod.castus.tv/vod/?video=2ff7ab85-b0bd-4016-9f01-fc1e6c951a2f&nav=programs%2FZBA%20Meetings%20-%20Weston%20MA>

### **300 Meadowbrook Rd – 1922 – Changes to a previously approved partial demolition and addition with ZBA Special Permit**

**The Historical Commission attended the April 26<sup>th</sup> Weston Zoning Board of Appeals continued hearing on a request by Patrick Murphy regarding 300 Meadowbrook Road (Map 28, Parcel 83) to amend a special permit and to appeal the Building Inspector's decision to impose a Stop Work Order relating to deviations in the plans approved by the ZBA.**

Prior to this meeting, the HC submitted this memo to the ZBA, shown here without attachments:

*23 April 2021*

*The Historical Commission has held five meetings aimed at mitigating the deleterious effect that as-built deviations from the originally approved addition design have had on the house and the Case's Corner Historic District. These meetings are in addition to those that ZBA has held regarding the same issue. The Commission also procured the services of a surveyor to find the true heights of the as-built ridge on the gambrel addition compared to the original house's ridge, as these two heights were far closer than the owner had reported. After the 26 April scheduled meeting with the ZBA, the Commission cannot and should not spend any more time or energy on this matter.*

*The Commission previously voted by majority (not a unanimous vote) that it is willing to accept SKA1 by Lincoln Architects, dated 4/7/2021 – Proposed West Elevation (Front). This drawing is attached.*

*The Commission previously voted by a majority (not a unanimous vote) that it is willing to accept SKA 2 by Lincoln Architects, dated 4/7/2021 – Proposed North Elevation (Meadowbrook Rd Side). This drawing is attached.*

*While the Commission had previously voted by majority to accept SKA6 by Lincoln Architects, dated 4/7/2021, this recommendation was objected to by the owner on 12 April at your meeting. At the behest of the Board of Appeals, the Commission met on 21 April 2021 with Architect Daniel Quaile and hashed out an alternative for the East Elevation. A majority (not unanimous) voted that it would accept a new design for the back façade (East elevation) where:*

- a. There is no Palladian window in the as-built gambrel addition*
- b. The roof over the family room addition is a hip-shape with a 4/12 slope*
- c. The as-built double top plate and window headers will stay in place in the family room addition*
- d. The first floor windows heads will align along the entire back façade*
- e. As-built window locations in the family room addition will stay in place*
- f. The ridge of the new hip will be below the as-built location*
- g. The two existing bedroom window openings on the second floor will not be altered (and will provide adequate egress)*

*As of this writing, the Commission has not yet been provided with a drawing that works out these agreements.*

*Additionally, the Commission amended its previous stipulations to say that:*

- a. All shutters on all facades should be wood and hung with keepers*
- b. Porch decking material should be wood*

*Other decisions regarding materials, details, and fenestration as described in the Commission's previous memo have not changed. Once an amended East Elevation is provided, no changes should be allowed without Commission review and approval.*

*The Commission has worked hard to find a solution that will maintain as much of the historic character, materials, details and scale as possible for this important house in a prominent location of Case's Corner Historic District. We have recommended changes to the as-built construction that will keep new elements subordinate to the original building design and that will reflect its proportions, scale and detailing (despite the as-built oversized gambrel addition). With changes on the East (back) we have attempted to allow visibility of the original building features to remain unimpeded as much as possible. By requesting a return to the original architectural language, such as flared wall bases and gambrel eave returns that match the original house, we hope that the addition will blend better. By requesting materials such as cedar shingles and wood shutters hung on keepers, we hope that the integrity of this cultural resource will be less compromised. The style and proportions of the original house are classic Colonial Revival, characterized by appropriate, unpretentious detailing. Our goal has been to keep it that way, as much as possible.*

SL, acting chair for the ZBA, opened the meeting at 7:02 and read an open meeting law disclaimer from the Governor regarding remote meetings. He noted that the hearing was continued from April 12 to give the applicant and the HC the opportunity to come to an agreement on modifying the design to conform with an H C approval.

Beth Nolan stated that the Murphys have agreed to make more than 20 changes that the H C has requested to the as-built construction. She added that although the ZBA has been advised that cost should not be the sole factor in their decision, the extra cost to remove the as-built gable roof at the family room in the back of the house (and to rebuild it as a hip roof), as the H C has advised, is \$60,000 – 70,000. She said that changes to the back elevation were made because the contractor felt that the originally designed and approved roof in the back would be a construction “nightmare.” Architect Quaile then showed his 3-D illustration of the original proposed and approved design drawings. He described issues with the exit from the original French door and also problems with the balustrade posts.

SW thanked everyone for continuing to work toward making this important house more appropriate for the neighborhood. He noted that the H C met on 4/27 and worked with Architect Quaile. The owners were not present for the meeting. After much discussion the H C, along with Quaile, came up with a compromise appropriate to the period, scale and character of the house and neighborhood on the back side that would fit better than the as-built gable roof. This solution was for a low pitch hip roof (with a 4:12 slope) over the family room that would allow the as-built top plate and window openings in the family to remain where they are. It would also allow the existing 2<sup>nd</sup> floor egress window openings to remain where they are. The roof would be reframed, but a lot of existing material could be reused. The purpose of the meeting had been to find a compromise that could work, and that is what the H C did. The H C anticipated receiving a revised drawing from the applicant to illustrate this solution, but instead, all that was received is a drawing with the same gable roof, which the H C has said is unacceptable from the beginning. This is frustrating, but the H C has done its work.

JT noted surprise at the sudden objection to the originally designed and approved roof. The original approval was based on schematic drawings, not construction drawings. He said the H C has made huge concessions (with the oversized gambrel addition). Any reputable builder should know that when there is a major change to an approval, he needs to resubmit drawings to the building department. The H C has done its best to try to help preserve the historical character of the town with the work on this application to date.

PH reiterated that the H C had expected to receive a drawing showing what the H C had worked out with Quaile, as noted in the H C's memo. The H C had authorized the co-chairs to review such a drawing for approval prior to today's meeting, had it been provided.

HS said that the arguments made about the originally approved family room roof configuration are irrelevant, as the H C was ready to see alterations to the back long ago. KS agreed that the 2<sup>nd</sup> floor door has been removed in what the H C would approve, so that is no longer an issue.

Attorney Nolan said that the reason why the owner could not accept the H C's recommended change to the back of the house was the substantial cost. She said this is not meant to be adversarial with the H C. SW reiterated that the H C was trying to be sensitive to the costs involved, and the solution found last week would have allowed the owner to reuse a lot of the existing construction material. The H C is trying to do its job protecting the Case's Corner Historic District.

SL asked the owners whether they would reconsider adjusting the back family room roof as requested by the H C. Patrick Murphy said that they are okay to make all other changes that the H C requested except for changing the roof configuration. He said that the reason they didn't join the last H C working meeting was because Quaille could make more progress alone.

P. Murphy said he was told the majority of the materials would need to be new if a new roof were required. Quaille then spoke about which materials could be cut and reused and what would need to be new including two steel columns in the corners with a bent plate. The Murphys would like to keep the gable roof.

P. Murphy sent a package today of photos of neighborhood houses for context, none of which have hip roofs, but instead have gable roofs. He thinks that the gable roof is de minimus and that it fits within the nature of the surrounding homes. PH noted that 300 Meadowbrook (formerly 56 Wellesley St) and a small group of adjacent houses that back onto the golf course have a different provenance from many of the other houses in Case's Corner so should not be lumped in with them. Other houses use gables in different ways. JT noted that every house needs to be evaluated on its own. SW clarified that the H C is not opposed to gable roofs; rather the reason why the H C advised removing the high gable roof in the back was because a hip roof brought the massing and scale down in the back, consistent with the originally approved scheme. PH noted the hip roof also allowed the 2<sup>nd</sup> floor fabric in the back of the house to remain.

ZBA members SS and NS expressed speechlessness. They are disappointed that an agreement between the applicant and H C has not yet been reached. SS noted that the ZBA relies on the H C members' expertise regarding historic houses and neighborhoods. NS acknowledged all the work that the H C has put into this matter. She noted that P. Murphy said that they are willing to make all the changes requested by the H C except for changing the gable roof. She asked for a recitation of all these agreed-upon changes.

After clarification the following is agreed upon by all:

- a. *There is no Palladian window in the as-built gambrel addition.*
- b. *The as-built double top plate and window headers will stay in place in the family room addition.*
- c. *The first floor windows heads will align along the entire back façade.*
- d. *As-built window locations in the family room addition will stay in place.*
- e. *All shutters on all facades should be wood and hung with keepers.*
- f. *Porch decking material should be wood.*
- g. *Natural wall siding (wood shingles) to match the existing will be used throughout.*
- h. *Flares on the bases of all the walls will match the existing throughout.*

After clarification, the following is not agreed to as of the present:

- a. *The roof shape over the family room addition: gable or hip.*
- b. *The height of the family room ridge.*
- c. *Alterations to the configuration and location of the two existing 2<sup>nd</sup> floor egress bedroom windows.*

SS asked what the H C would prefer regarding the 2<sup>nd</sup> floor bedroom windows in a scenario where the gable roof stays. Is the best option to keep the same style and configuration of the existing windows? In order to get to a final resolution, the ZBA will need a set of drawings for reference. The decision must be extremely specific, detailed and clear.

SL said he is concerned with basing an amendment to a special permit on something that lacks the H C's endorsement. NS agreed and stated that it would be rare to go against the H C's opinion. SS is resigned to discomfort. SL recapitulated that the ZBA will need to have a record of what will be amended.

KS asked what happens if the ZBA is not comfortable with the revised drawings that are provided. SL said that in that case, the ZBA would not approve the amendment and the owner would be required to build the originally approved drawings. Attorney Nolan clarified that if there is a denial, the reasons must be stated in writing. The Murphys could then appeal to Land Court. JT noted that if the amendment is denied, the owners would also be required to remove the too-high gambrel addition.

PH reminded the ZBA that several meetings ago, there had been a request to see a landscaping plan, given the situation with the trees on the site. P. Murphy responded that they have a landscaping plan but have not yet shared it. SL said that the ZBA should clarify modifications to the site plan in its amended decision. The ZBA also needs a landscaping plan because the original decision included shrubbery in place in 2019 that would have buffered the new construction. All that shrubbery and trees have since been removed.

Counsel Witten reiterated that the burden is on the applicant to demonstrate to the ZBA why the original special permit should be modified. Separate votes will be required for an appeal of the building inspector's decision, as well a modification of the special permit.

SL asked for a revised drawing summarizing all the concessions that the owners will make. He hopes that the owners will also agree to remove the gable roof and instead build the hipped roof requested by the H C. He also asked for the Murphy's site plan.

NS asked whether the H C could meet again after the drawing is revised to review it. SW stated that if the revision miraculously includes a hip roof in the back, instead of a gable, that would fine. However, the H C has otherwise already provided its information. NS said that the H C has spent much time coming up with mitigations to the as-built construction and that the disagreement now is whether the back roof should remain a gable or become a hip. It was agreed that the H C can review the revised drawing, assuming it has quorum, at the time of the next continued ZBA meeting.

Motion to extend the ZBA hearing until Monday, 5/3 at 7:00 pm.

Meeting suspended at 8:41 pm

Respectfully submitted: Phyllis Halpern