



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2009-88  
 Petition of Frank Prall  
 41 Howe Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 10, 2009, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of FRANK PRALL requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 5.5 foot by 7.6 foot one-story addition with a new foundation, and construction of a 22 foot by 22.5 foot second story addition, with less than required front yard setbacks, on a 9,431 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 41 HOWE STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 23, 2009 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Frank Prall (the "Petitioner") and Christine DeBello.

Ms. DeBello said that they would like to construct a 7.5 foot by 5.5 foot addition at the left side to square off the house and to be able to build a 22 foot by 22 foot second story addition.

The Board said that they will be rebuilding the foundation. Ms. DeBello said that there is no existing foundation. She said that it is currently stone and cement.

Ms. DeBello said that Mr. Prall's family has owned the house for approximately 60 years. She said that she and Mr. Prall recently took over the property.

The Board asked about the house at the back of the property. Ms. DeBello said that they currently live there. She said that it is a one-bedroom loft-style house with a small kitchen and living room. Mr. Prall said that it was a barn in 1925. The Board asked what the intentions are for that structure. Ms. DeBello said that the plan is to leave it "as is." She said that it was completely remodeled last year. The Board said that under the bylaw, the house at back could not be rented out because the property is located in a single residence district.

The Board asked about calculations for lot coverage. Ms. DeBello said that the calculations include both houses, the front deck and stairs, the rear deck, stairs and bulkhead.

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The Board said that the addition will be the same height as the existing house. The Board said that the houses on either side are taller.

The Board said that the Existing First Floor Plans show a chimney. Ms. DeBello said that the chimney will be removed. She said that the home is currently completely gutted. She said that they have not decided on heating yet.

The Board asked if the Petitioner met with the neighbors to discuss the plans. Ms. DeBello said that they spoke with the Elans across the street. She said that there is a line of tall evergreens between them and the abutting neighbors, the Yocums.

Ted Kelley, 23 Howe Street, said that he approves of the proposed addition. He said that he thought it would improve the property. He said that he spoke with the neighbors and they are supportive.

The Board said that it received a call about construction equipment on the property. Ms. DeBello said that there is only a dumpster there. She said that they did not anticipate having it there for so long. She said that there was a lot of stuff left in the house and they have gone through four or five dumpsters. She said that there is no construction equipment at the house. She said that the new dumpster was put in the driveway to allow for easy access to remove the roof. She said that, other than that, the dumpster has been at the back of the property.

The Board suggested adding a bay window at the front to add texture to the house. Ms. DeBello said that she had been looking at having separate longer windows. The Board said that a window should be added to the left side elevation. Ms. DeBello said that it will be a bathroom but they are planning to add a window there.

The Board said that the plan is to stay within the setbacks. The Board said that the proposed construction will provide a visual benefit.

Statement of Facts

The subject property is located at 41 Howe Street, on a 9,431 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 24.5 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 5.5 foot by 7.6 foot one-story addition with a new foundation, and construction of a 22 foot by 22.5 foot second story addition, with less than required front yard setbacks, on a 9,431 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/15/09, stamped by Antonio D. Cavaco, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 9/16/09, drawn by Builder's Plan Service, and photographs were submitted.

On December 8, 2009, the Planning Board reviewed the petition and recommended that the petition be denied.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although construction of a 5.5 foot by 7.6 foot one-story addition with a new foundation, and construction of a 22 foot by 22.5 foot second story addition, with less than required front yard setbacks, on a 9,431 square foot lot in a district in which the minimum lot size is 10,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for construction of a 5.5 foot by 7.6 foot one-story addition with a new foundation, and construction of a 22 foot by 22.5 foot second story addition, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

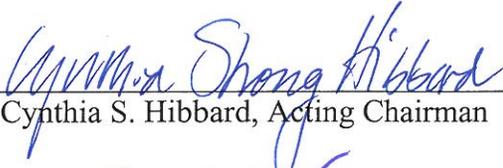
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ZBA 2009-88  
Petition of Frank Prall  
41 Howe Street

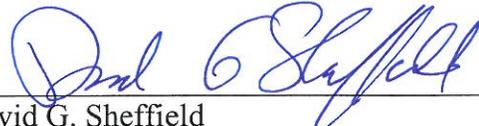
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
\_\_\_\_\_  
Cynthia S. Hibbard, Acting Chairman

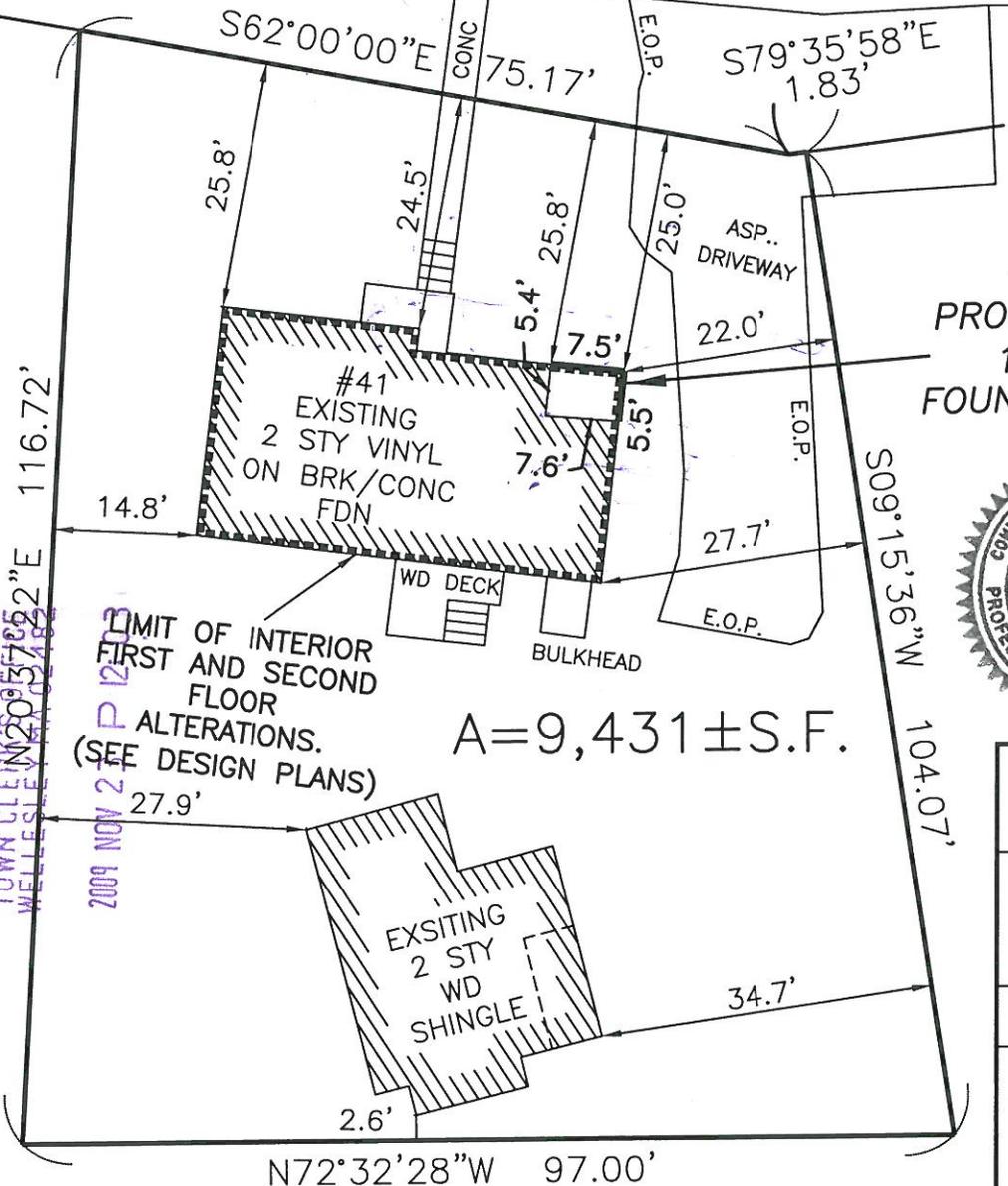
  
\_\_\_\_\_  
Robert W. Levy

  
\_\_\_\_\_  
David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm



E.O.P. HOWE (PUBLIC 40FT. WIDE) STREET



**BUILDING COVERAGE:**

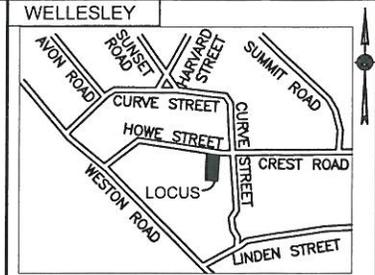
EXISTING = 1,968± S.F.  
PROPOSED = 2,009± S.F.

**LOT COVERAGE %:**

EXISTING = 21%  
PROPOSED = 21%

**LEGEND:**

E.O.P. EDGE OF PAVEMENT  
CONC. CONCRETE  
BRK BRICK  
WD WOOD



LOCUS MAP N.T.S.

**ZONING DISTRICT:** SINGLE RESIDENCE 10

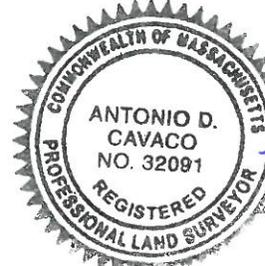
**SETBACK REQUIREMENTS:**

FRONT YARD: 30 FT.  
SIDE YARD: 20 FT.  
REAR YARD: 10 FT.

**PROPOSED  
10"  
FOUNDATION**

I HEREBY CERTIFY THAT:

THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY AND PRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.



*Antonio D. Cavaco* 11/15/09  
 PROFESSIONAL LAND SURVEYOR DATE

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 LIMIT OF INTERIOR FIRST AND SECOND FLOOR ALTERATIONS. (SEE DESIGN PLANS)

A=9,431 ± S.F.

**41 HOWE STREET**

**PLOT PLAN**  
IN  
WELLESLEY, MASSACHUSETTS  
MIDDLESEX COUNTY

PREPARED FOR:  
**FRANK M. PRALL**

PREPARED BY:  
**J.F. HENNESSY INC.**  
A DIVISION OF DIGITAL GEOGRAPHIC TECHNOLOGIES, INC.

803 SUMMER STREET  
1ST FLOOR  
BOSTON, MA 02127



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RESEARCH: ADC
FIELD: PD/AR
CALCULATION: ADC
DRAFTING: ADC
CHECK: ADC
PROJ. MANAGER: ADC
DATE: NOV. 4, 2009
JFH JOB NO. H-839.01
CRD FILE H-839ALL.CRD
SHEET NO. 1 OF 1

ADC	TITLE/LIMITS	11-13-09	REV: 1
BY:	DESCRIPTION:	DATE:	REV: 0
DRAWING NO.:		H-839.01PP.DWG	

