



ZONING BOARD OF APPEALS

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

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ZBA 2015-41
 Petition of Kristen DiBella & Frank Prall
 41 Howe Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 7, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of KRISTEN DIBELLA & FRANK PRALL requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for construction of a deck with less than required front and left side yard setbacks, and construction of a one-story structure with less than required left side yard setbacks, and a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming deck and construction of a new deck with less than required front yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 9,431 square foot lot, in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 41 HOWE STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 21, 2015, 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 Kristen DiBella and Frank Prall, (the Petitioner).

Ms. DiBella said that the request is for a variance and a special permit to build a farmers porch and mudroom off of the front and side of the house. She said that they went over the plans with the Architect several times to come up with a plan that would allow them to gain access to the house without reconfiguring the floor plan and to make sure that whatever they came up with will not be affected by water issues.

Ms. DiBella said that there is a retaining wall on the side of the house where they are proposing to build the mudroom. She said that the existing basement is dirt and rocks. She said that they had some of it filled in with crushed stone because they frequently get water in there. She said that the house is located on a bit of a hill, so everything goes to one side.

Ms. DeBella said that they want to construct the side entry for a few reasons. She said that her husband has a medical condition, so going out onto the street is hard for them and the children for safety reasons. She said that Howe Street comes off of Weston Road and there is a lot of commuter traffic. She said that this past winter was particularly tough with snow piled up at the end. She said that they had to walk to the end of the road and around the snow banks. She said that she would like to be able to access the house

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from the driveway. She said that there is currently a window where they will locate the mudroom entry. She said that they will give up the pantry space to create a walkway into the house. She said that she would have to take her kitchen apart at any other location on the house.

Ms. DiBella said that they are proposing a farmers porch at the front to meet up with the mudroom on the side and provide a weather shield, as well as for aesthetics. She said that they are requesting relief for the corner of the farmers porch. She said that both property lines turn inwards at the front and left side of the lot. She said that creates a hard corner for them. She said that the Historical Commission submitted a letter to the Board explaining the uniqueness of the situation with the Town taking the first ten feet of the lot. She said that the Town never used that portion to widen the road. She said that 41 Howe Street is still setback the furthest from the street. She said that they worked hard to minimize the encroachment and still attain weather protection at the front. She said that she is redoing hardwood floors that are five years old because of all of the salt that comes in. She said that she had to cut the railing off of the front stoop because she could not get up the stairs with her children and in the front door. She said that the house was built in 1877. She said that you walk in the front door and the staircase is there. She said that she is considering brownstone doors to remedy that and allow them to get into the house reasonably.

The Board said that the lot qualifies for a variance because of the topography.

A Board member said that he saw the list of neighbors who support the project but did not see the neighbor at 45 Howe Street's signature. Ms. DiBella said that the neighbors at 45 Howe Street recently sold their house. She said that she did try to contact the new neighbor by email. She read the email response from the new neighbor.

Ms. DiBella said that the house is historical and is very important to her. She said that the house has been in the family for 100 years. She said that it is important to them to maintain its character and that the people in the neighborhood like it.

The Board said that it is a small lot. The Board said that there is more space between 45 and 41 Howe Street than there is on the other side. Ms. DiBella said that they do not plan to go outside of the retaining wall.

The Board asked about the use of the structure at the back. Ms. DiBella said that it is a carriage house that they rent out.

Suzan Kelly, 23 Howe Street, said that she lives very close to the house at 41 Howe Street. She said that the front porch is a great idea. She said that on many of the surrounding streets, people are knocking down houses and putting up ones that are not in keeping with the neighborhood or New England. She said that Mr. Prall's grandmother told her that this house used to have a porch at the front. She said that this will help to keep the historical beauty that sometimes gets lost. She said that this will be a huge asset to the neighborhood.

The Board said that the Historical Commission found on the 1935 Atlas that a porch was shown on the house.

Statement of Facts

The subject property is located at 41 Howe Street, on a 9,431 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 20.3 feet, and a minimum right side yard setback of 14.8 feet.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for construction of a deck with less than required front and left side yard setbacks, and construction of a one-story structure with less than required left side yard setbacks, and a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming deck and construction of a new deck with less than required front yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 9,431 square foot lot, in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 4/3/15, stamped by Robert S. Staples, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 4/9/15, prepared by Slocum Hall Design, and photographs were submitted.

On May 4, 2015, the Planning Board reviewed the petition and recommended that the variance and the special permit be granted.

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 opinion of this Authority that a variance may be granted from the terms of the Zoning Bylaw with respect to front and side yard setbacks, as the Board found that a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to the topography, especially affecting this land but not generally affecting the zoning district in which it is located; and that the hardship has not been self-created. The Board found that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted to allow for construction of a deck with less than required front and left side yard setbacks, and construction of a one-story structure with less than required left side yard setbacks, in accordance with the submitted plot plan and construction drawings.

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It is the opinion of this Authority that although demolition of an existing nonconforming deck and construction of a new deck with less than required front yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 9,431 square foot lot, in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District 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 demolition of an existing nonconforming deck and construction of a new deck with less than required front yard and right side yard setbacks, 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 constructions plans.

If construction has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

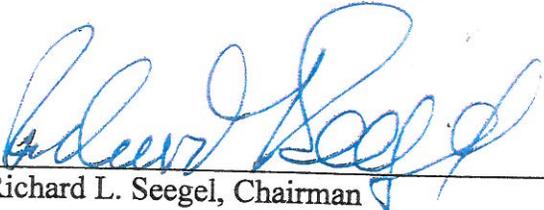
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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.

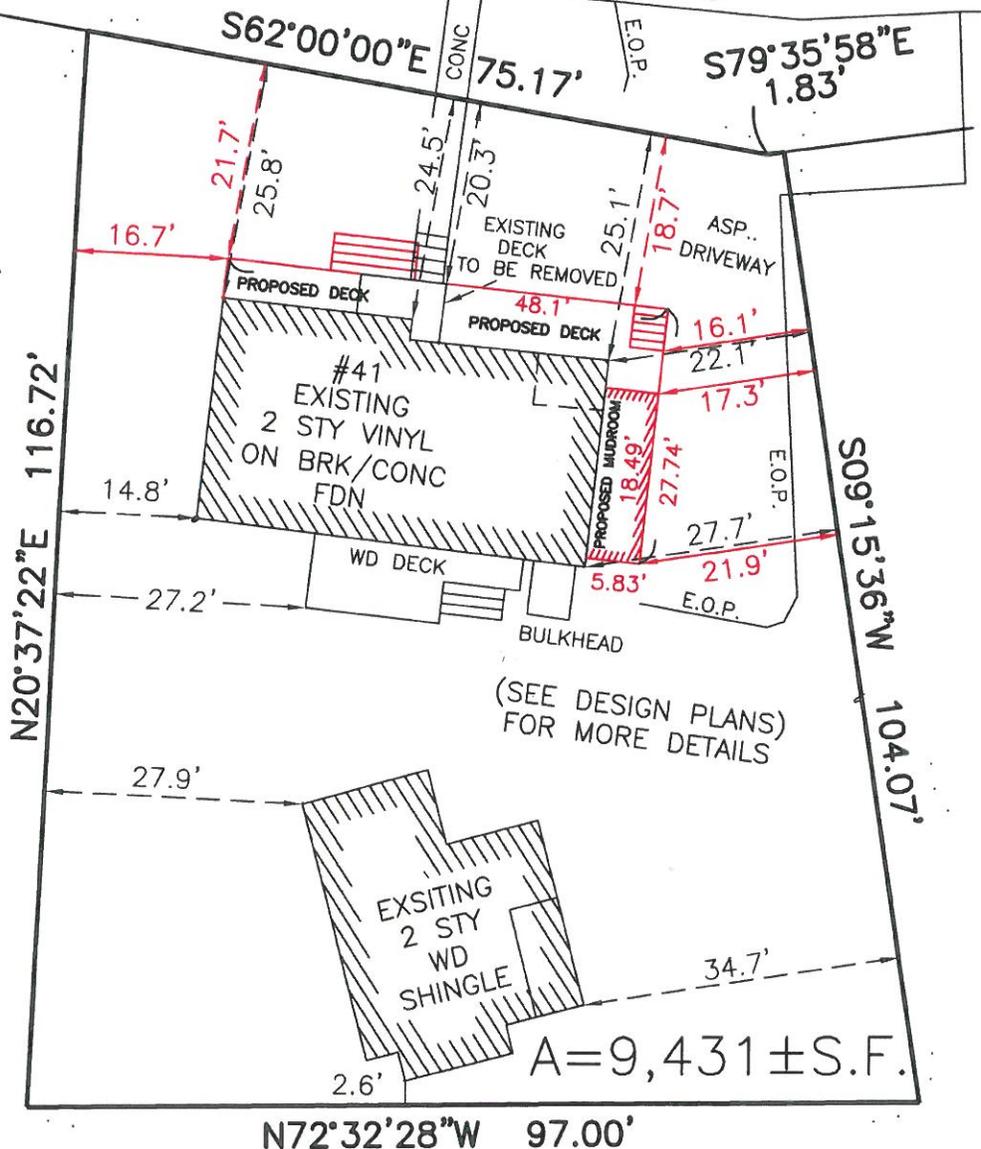

Richard L. Seegel, Chairman


Robert W. Levy


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

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



BUILDING COVERAGE:
 EXISTING = 1856± S.F.
 PROPOSED = 371± S.F.
LOT COVERAGE %:
 EXISTING = 19.6%
 EXISTING/PROPOSED = 23%

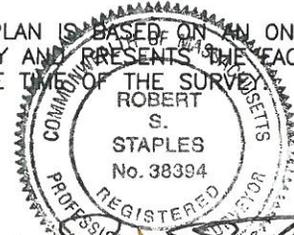
LEGEND:
 E.O.P. EDGE OF PAVEMENT
 CONC. CONCRETE
 BRK BRICK
 WD WOOD

ZONING DISTRICT: SINGLE RESIDENCE 10
SETBACK REQUIREMENTS:
 FRONT YARD: 30 FT.
 SIDE YARD: 20 FT.
 REAR YARD: 10 FT.

REFERENCE
 JFH DRAWING NO. H-839.01PP.DWG DATED NOV. 4, 2009

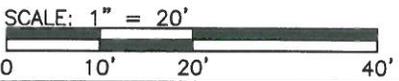
I HEREBY CERTIFY THAT:

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



Robert S. Staples
 PROFESSIONAL LAND SURVEYOR DATE 14 APR 2015

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BY:	DESCRIPTION:	DATE:	REV: 0
DRAWING NO.:		H-839.03PP.DWG	

41 HOWE STREET PERMIT PLAN OF LAND SHOWING PROPOSED ADDITION IN WELLESLEY, MASSACHUSETTS MIDDLESEX COUNTY		RESEARCH: JFH FIELD: N/A CALCULATION: N/A DRAFTING: /BT CHECK: B. STAPLE PLS
PREPARED FOR: BLUE DOOR DESIGNS		PROJ. MANAGER: B. TALEB
PREPARED BY: J.F. HENNESSY INC. A DIVISION OF DIGITAL GEOGRAPHIC TECHNOLOGIES, INC.		DATE: APR. 3, 2015
803 SUMMER STREET 1ST FLOOR BOSTON, MA 02127		JFH JOB NO. H-839.03
		CRD FILE H-839ALL.CRD
		SHEET NO. 1 OF 1