



Wellesley Historical Commission

Town Hall • 525 Washington Street • Wellesley, MA 02482-5992

WWW.WELLESLEYMA.GOV

April 30, 2015

VIA EMAIL

Sara Preston, Esq., Chair
Wellesley Planning Board

Richard Seegel, Esq., Chair
Wellesley Zoning Board of Appeals

Re: Matter of 41 Howe Street / ZBA Petition 2015-41

Dear Ms. Preston and Mr. Seegel:

I write to communicate the unanimous vote of the Wellesley Historical Commission (WHC) in strong support of the petition of Kristen DiBella and Frank Prall (41 Howe Street) to construct a front porch at the single family residence on said locus.

As you are aware, the WHC was established by Town Meeting pursuant to G.L. c. 40, § 8D, and is tasked with the statutory obligation to ensure “the preservation, protection and development of the historical or archeological assets” of the Town of Wellesley. By law, the WHC thus has a distinct – and significantly broader – remit with regard to historical assets than does the Local Historic District Commission, whose obligations pertain only to structures located within a town-designated Local Historic District.

Ms. DiBella attended the WHC meeting held on April 15, 2015, and presented the plans for the proposed front porch to the full WHC. The WHC voted unanimously (7-0) to support the petition as constituting a historically-appropriate addition to the main structure (which dates from the late 1870s).

In support of its vote, the WHC determined that the addition of the porch as proposed to 41 Howe Street would constitute an appropriate “development of [a] historical . . . asset” of the Town within the meaning of G.L. c. 40, § 8D. Far from being merely not “substantially more detrimental than the existing nonconforming use,” the WHC believes that the proposed porch constitutes a modest addition that would be of positive practical and aesthetic benefit to the owners, the structure, and the neighborhood. Indeed, the WHC observes that numerous residences on Howe Street have front porches, most if not all of which invade their respective front yard setbacks to a greater degree than that proposed by 41 Howe.

As the WHC is cognizant of the legal standards of G.L. c. 40A, §§ 6, 9, and 10 that govern the instant petition, the WHC wishes to bring to the attention of your boards two key facts that were central to the WHC's determination.

First, research conducted by the WHC has revealed that 41 Howe Street previously had a porch that extended approximately the same distance from the main structure as does the proposed porch. This porch is clearly and unambiguously indicated on the 1935 *Atlas of the Town of Wellesley*, a copy of which is on file with the Wellesley Town Library (see Exhibit A). Where the 41 Howe historically had a front porch of a similar size and location to that proposed, the WHC believes that reinstating a porch on the structure is historically appropriate, in keeping with the neighbourhood, and consistent with the intent and purpose of the Town's bylaws. Moreover, the WHC is also of the opinion that the absence of a front porch on this structure constitutes a historical flaw that is affirmatively detrimental to the historical integrity of the neighborhood, and which merits remediation in the manner proposed by the petitioners.

Second, research conducted by the WHC suggests that while the location proposed for the porch may currently be within the front yard setback of a nonconforming 41 Howe Street, this was not always the case. A comparison between recorded survey plans and the *Atlas* indicates a municipal taking of land from properties abutting the south side of Howe Street in the late nineteenth or early twentieth century. The effect of this taking was to widen the public right-of-way at the expense of private parcels on the south side of Howe Street. The import of this apparent taking to the instant petition is evident from a review of the 1873 Plan of Land (Exhibit B, Norfolk Registry of Deeds Plan Book 9, Page 370) showing 41 Howe Street (Lot No. 36 on what was then "Walnut Street") to be a conforming lot of 10,177 square feet. By 1935, the same lot was only 9,417 square feet (Exhibit A). With 75 feet of frontage, this decrease indicates the taking of a ten-foot wide parcel.

As a result, 41 Howe not only became involuntarily nonconforming as to lot size, but saw an involuntary decrease of ten linear feet in its available room to expand toward its front yard setback. The WHC believes it would be fundamentally inequitable for the owners of 41 Howe Street to be precluded by the Town's bylaws from reconstructing a pre-existing porch (compatible with the porch historically attached to the structure) when it is the actions of the Town itself -- through the exercise of its eminent domain authority -- that are responsible for creating of the very nonconforming conditions from which petitioners now require relief.

For the above reasons, the WHC strongly urges that your respective boards grant this petition. Please let me know, via tad@wellesleyhistoricalcommission.org, if the WHC can provide further information or documentation that would assist your boards in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tad Heuer', with a long horizontal flourish extending to the right.

Tad Heuer, Chairman
Wellesley Historical Commission

Exhibit A
Excerpt – 1935 Atlas of the Town of Wellesley



Exhibit B
1873 Plan of Land – NCRD Plan Book 9, Page 370

