

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2025-10
Appeal of Edward Naim
31 Cranmore Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, February 6, 2025, on the appeal of Edward Naim of the Inspector of Buildings' Enforcement Order, dated November 26, 2024, regarding Violation of Tree Protection & the Preservation Bylaw, pursuant to Section 5.10 (4).(a.) of the Zoning Bylaw, for tree removal at 31 Cranmore Road.

NOTICE OF APPEAL

Notice of Appeal to Town Clerk Pursuant to Section 6.2 of the Zoning Bylaws, time-stamped in the Town Clerk's Office on December 23, 2024, by David J. Himmelberger, counsel to Appellant, providing notice of appeal of the Inspector of Buildings's Enforcement Order, dated November 26, 2024, stating that said Enforcement Order aggrieves Edward Naim in that, based upon the Inspector of Buildings's Enforcement Order, Edward Naim has been ordered to either pay \$149,150 to the Tree Bank Fund, or replant 407 dbh inches of trees. As grounds for the appeal, Edward Naim asserts that the language of the Zoning Bylaw, Section 5.10 (4).(a) and the Rules and Regulations promulgated thereunder, is unconstitutionally vague as to be void, and the underlying facts surrounding the removal of the subject trees warrants the application of the principal of equitable estoppel by the Zoning Board of Appeals, precluding the Enforcement Order.

On January 6, 2025, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

THE PROPERTY

Description

The property is located at 31 Cranmore Road, on a 20,600 square foot lot, in a 20,000 square foot Single Residence District and a Water Supply Protection District.

Edward Naim purchased the property on August 21, 2023.

RECORD OF DISCUSSIONS

February 6, 2025

Mr. Himmelberger said that the basis for the appeal is that, as applied to the facts of this case, the Tree Bylaw is sufficiently vague or unclear for due process and the Town should thereby be equitably estopped from upholding the enforcement order. He said that issue is less whether there is any basis to construe the Tree Bylaw as the Inspector of Buildings has done but rather how it is viewed from his client's perspective or that of any other similarly situated resident who is trying to understand if a tree bylaw exists in Wellesley and how it's applicable to the prospective removal of trees 13 months after having bought and moved into a new home.

Mr. Himmelberger said that when Mr. Naim purchased the home from the builder who built the home, it had been on the market for over 10 months. He said that the primary outdoor space is a bluestone patio at the rear. He said that the back and side yards are steeply sloped to retaining walls where the drop off is approximately four feet. He said that due to the extensive tree canopy cover, the patio and stairs leading to it were constantly slippery due to mildew forming on them. He said that despite repeated attempts to clean the patio and stairs, the mildew kept coming back. He said that landscapers advised Mr. Naim that the only way to beat the mildew would be to remove the tree canopy that was blocking sunlight to the patio.

Mr. Himmelberger said that Mr. Naim's mother took a fall on the patio in December of 2023 that resulted in an emergency room visit for bruised ribs. He said that in August of 2024, Mr. Naim interviewed and received proposals from landscape architects and construction firms to remediate the patio and yard conditions to address safety concerns. He said that because the companies were booking about 6 months out, the target date for the landscape project was Spring of 2025. He said that Mr. Naim thought that he would address the mildew issues, sooner rather than later, by addressing the dense tree canopy.

Mr. Himmelberger said that Mr. Naim researched the Town bylaws online and was directed to an outdated bylaw page. He said that there is no significant difference between what Mr. Naim saw on that page and the current Tree Bylaw. He said that Mr. Naim read the Zoning Bylaw, Section 5.10.D.1.Applicability, and concluded that he was not engaging in any of the activities listed in the bylaw. He said that Mr. Naim read the Rules and Regulations, Section 2. When Does the Tree Bylaw Apply, and concluded that the Tree Bylaw did not apply to his removal of the trees and that the only retroactivity referenced in the Rules was a reminder about the applicability of the Tree Bylaw for taking down trees within 12 months. He said that Mr. Naim had lived at 31 Cranmore Road for 13 months at that point and had not taken any trees down.

Mr. Himmelberger said that the trees were taken down on September 13, 2024. He said that Mr. Naim received an enforcement letter from the Inspector of Buildings in November of 2024 advising that because he caused the removal of protected trees with a dbh of 407 inches, he would either have to pay \$149,150 to the Tree Bank Fund or plant a total of 407 inches of dbh trees, each of which is at least 3 inches in diameter, which would equate to 138 trees. Mr. Himmelberger said that the letter further advised that the removed trees were required to have been maintained for 24 months following the issuance of a Certificate of Occupancy to the builder on February 15, 2023.

Mr. Himmelberger said that taking the trees down was not blind or willful ignorance. He said that if the bylaws had been clear that they applied to him, Mr. Naim would have waited out the 24-month period to take the trees down. He said that there is no reference in the Tree Bylaw to past activities completed less than 24 months before. He said that the only backward looking reference in the Rules and Regulations is if trees come down 12 months before beginning the project, which was not the case here.

Mr. Himmelberger said that in response to an initial email inquiry to the Planning Department from the abutter at 35 Cranmore Road, the Planning Director concluded in an email to the Inspector of Buildings that no recent or pending permits for the property would trigger the Tree Bylaw. He said that the attorney who assisted Mr. Naim with the purchase of the house came to the same conclusion that the bylaw did not apply. Mr. Himmelberger said that supports the contention that the bylaw is vague and unclear as to the limited situation in which someone purchased property from someone else who did the work that triggered the bylaw. He said that the one section in the bylaw that does refer to the need to maintain protected trees for 24 months is Section 5.10.f, Protected Trees, Scope. He said that it ties back and would not seem to apply unless one of the four activities was currently being undertaken by a new owner.

Mr. Himmelberger said that there is a body of case law that holds that fundamental due process has to allow ordinary citizens the opportunity to understand what is or is not permissible in our laws, in accordance with the 14th Amendment of US Constitution and Article 10 of the Massachusetts Declaration of Rights. He said that courts are guided by the principle that an act violates due process where it is so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application. He said that vague laws are violative of due process because they fail to provide fair notice as to what is proscribed by the statute. He said that vague laws offend due process because the courts insist that individuals have reasonable opportunity to know what is prohibited so that they can act accordingly. He said that vague laws entrap the innocent by not providing fair warning.

Mr. Himmelberger said there was no mention in the bylaw for potential application due to a prior owner having engaged in any of the four activities set forth in the Rules and Regulations of the Tree Bylaw. He said that if the Rules and Regulations advised that prior construction could trigger the bylaw, the trees would still be standing. He said that everything in the Rules and Regulations is framed by prospective conduct and activity.

Mr. Himmelberger said that the facts of this matter warrant the conclusion that the Tree Bylaw and the Rules and Regulation were unconstitutionally vague and therefore void, as applied to the instant case, in that they failed to place a reasonable person on notice that the 24 month liability requirement for trees applies to the actions of a prior owner and the current owner.

Mr. Grant said that the Tree Bylaw was developed and presented by the Planning Board, and was reviewed and approved by Town Meeting, Town Counsel and the Attorney General. He said that he executed his duties in accordance with the bylaw. He said that there was a clear violation of the Tree Bylaw and the resident was advised how to remediate the situation to bring his property into compliance with the Zoning Bylaw. He said that the Board's determination is whether he interpreted and applied the bylaw correctly.

Mr. Grant said that after receiving a complaint from an abutter, he went out to the property and determined that every protected tree on the lot was removed prior to the 24 month waiting period. He said

that if a tree is removed, the three options to comply with the bylaw are to pay into the Tree Bank Fund, replant one to one, or do a combination of both.

Mr. Grant said that the Tree Bylaw was triggered by construction of the house. He said that the sale of the property is irrelevant.

Mr. Grant said that the bylaw requires that any protected overstory tree be replaced with an overstory tree. Mr. Naim said that the trees were causing significant safety issues and he can't replant without having the same issues. He said that he has retained Sudbury Design Group to do a survey of the land in the Spring and to come up with a landscaping plan.

A Board member said that Mr. Naim would not have cut the trees down if he knew that he would be facing a \$150,000 fine and all that he had to do was to wait 14 weeks.

The Chairman said that the arguments about estoppel and voiding portions of the Zoning Bylaw are not within the power of the Board.

The Board discussed elimination or reduction of the fine. The Board said that it would continue the matter and seek the opinion of Town Counsel.

February 12, 2025

Mr. Heep, Town Counsel, said that one of the principal arguments advanced by the Appellant is that the Tree Protection Bylaw itself is improperly vague and, therefore, should be voided by the Board. He said that his reaction to that is that the bylaw itself is not improperly vague. He said that the bylaw is sufficiently clear to be enforceable. He said that as applied, in this particular case, it resulted in a larger fine than what would normally be expected.

Mr. Heep said that the second principal argument advanced by the Appellant is that before cutting down trees on his property, the property owner engaged in an effort to understand what was required of him under the local bylaws. He said that effort resulted in an understanding that was not consistent with the one that the Town is taking. He said that the fact that the property owner was left with a different understanding from the Inspector of Buildings and Town Counsel is not sufficient to require a ruling that the bylaw is somehow unenforceable in this context. He said that the bylaw, as adopted by Town Meeting, is sufficiently clear. He said that based on his review of the arguments outlined in the appeal documents and the supporting materials, he did not see a basis on which the Board would necessarily need to overrule the enforcement order from the Inspector of Buildings.

Mr. Heep said that under Chapter 40A, the Inspector of Buildings is required by statute to conduct an investigation and provide a response if requested to enforce the Zoning Bylaw or to investigate an alleged zoning violation. He said that under the Zoning Bylaw, the only entity that the Inspector of Buildings can conduct enforcement against is the current property owner.

Mr. Heep said that application of the bylaw in this context is perhaps a little unusual in the sense that the Appellant and current property owner didn't do the action that triggered the application of the Tree Bylaw. He said that the bylaw was triggered by the action of the owner's predecessor in title, who built the house,

cleared allowed trees and triggered the bylaw's requirement that the protected trees remain in place for two years. He said that it did not strike him as legally unenforceable or legally unapplicable to the current property owner. He said that it is a little unusual to be enforcing against a successor in title, who didn't actually build the house, but it is consistent with the way that the bylaw is supposed to function.

Mr. Heep said that the Inspector of Buildings applied the bylaw and the regulations underneath it correctly in terms of how the calculation of the fine was done. He said that although this case is resulting in a larger than typical fine, it does seem to be an enforcement system that the bylaw was intended to allow for.

The Chairman said that Section 5.10.F.2.c.ii of the Zoning Bylaw talks about Contribution to the Tree Bank Fund. He said that in the Rules and Regulations' Contribution Rate Schedule, the examples of contributions to the Tree Fund are shown up to \$26,000. He said that when the bylaw was enacted, it doesn't seem like this potential outcome was envisioned. Mr. Grant, Inspector of Buildings, confirmed that this is the largest fine that he has imposed for the Tree Bylaw.

Mr. Heep said that unless someone disputes the manner in which Mr. Grant calculated the math, he did not see a reasonable basis for a reduction in the fine other than empathy and sympathy, which are not sufficient for enforcing the Zoning Bylaw. He said that he would do more research about the Board's authority to reduce a fine to change the result for non-technical reasons.

The Chairman said that the Rules and Regulations for the Tree Bylaw state the rules for the things that you have to do and the things that happen if you don't do them. He said that it does not explicitly talk about a different landscaping scheme to replace what was taken down.

The Chairman said that since the 24 month waiting period expires on February 15, 2025, the Board is trying to assess a penalty beyond the point where the bylaw contemplates it.

Mr. Heep said that under Section 6.2.E.4 of the Zoning Bylaw, the Board has to vote a decision within 100 days and file a written decision with the Town Clerk in 114 days from the filing of the application. He said that if the Board does not hit either of those marks, the appeal is regarded as constructively approved, which would have the practical effect of undoing the enforcement order. He said that constructive approval results in no decision being filed with the Town Clerk but is still appealable in court.

The Board said that it would continue the matter. The Board asked that the Appellant submit a landscaping plan.

February 26, 2025

Mr. Heep said that he was unable to come up with any new solutions for the Board to do something other than strictly uphold or overturn the decision of the Inspector of Buildings and the fine imposed on the Appellant.

Mr. Himmelberger said that he consulted with his client, who agreed to extend the time for the Board's decision to allow Mr. Naim time to finalize his plans with Sudbury Design Group. The Chairman said

that said that the Board would like to see something that is reflective of what Mr. Naim means to install and what information is available at that stage of the design. He said that the plan does not have to be final. He discussed possible replacement of dbh taken out of the fine if it balances the cost. A Board member said that a chart or narrative on the landscape design should indicate whether the proposed trees or other plant materials ameliorate the dimensions of the trees that were taken down.

The Board said that it would continue the matter. The Chairman asked that the landscape plan be submitted by Friday, April 11th.

April 15, 2025

The Chairman said that the landscape plan that was submitted is of interest to the Board but is not central to this case. He said that the focus of this case is an appeal of the decision of the Inspector of Buildings.

Mr. Himmelberger said that the landscape plan is designed to screen abutters from the Naim property and vice versa. He said that the plan shows a significant evergreen screening row along the left side of the property, approximately 35 feet in length. He said that the height of the arbor vitae will be 8 feet at the time of planting and they will grow to 30 feet at maturity. He said that at the rear of the property, a 40 foot long natural mix of bushes will be planted for screening. He said that bushes will be planted along the neighbor's 6 foot wooden fence at the back. He said that some of the bushes will grow to at least 20 feet. He said that along the right side of the driveway, there will be 35 feet of 6 foot arbor vitae that will grow to 30 feet. Mr. Naim said that the estimated cost of implementation of the landscape plan exceeds the amount of the fine.

SUBMITTALS FROM THE APPLICANT

- Letter to Zoning Board of Appeals, dated 12/23/24, from David J. Himmelberger, Esq., re: Appeal of Enforcement Order, 31 Cranmore Road, with attachments:
 - Notice of Appeal to Town Clerk Pursuant to Section 6.2 of the Zoning Bylaws
 - Affidavit In Support of Appeal of Enforcement Order
 - Memorandum in Support of Appeal of Building Inspector's Enforcement Order for 31 Cranmore Road, Wellesley, MA
 - Exhibit A – Photographs
 - Exhibit 1 – Town of Wellesley Website Tree Bylaw Information
 - Exhibit 2 – Tree Bylaw Information
 - Exhibit 3 – Rules and Regulations Relative to the Administration of Section XVIIE and Tree Preservation and Protection
 - Exhibit 4 – Revision: February 2021, Section 16E: Tree Protection & Preservation
 - Exhibit 5 – Rules and Regulations Relative to the Administration of Section 5.10 Tree Protection & Preservation, Adopted by Wellesley Planning Board, June 26, 2011, rev. May 15, 2023
 - Exhibit 6 - Section 5.10. Tree Protection & Preservation
 - Exhibit 7 – Letter to Edward Naim, dated November 26, 2024, from Michael Grant, Inspector of Buildings/Zoning Enforcement Officer, regarding Violation of Tree Protection & Preservation Bylaw

- Exhibit 8 – Email from Edward Naim to David Himmelberger, dated December 20, 2024, regarding 31 Cranmore Road – Edward Naim
- Exhibit 9 – Letter to Kertzman & Weil LLP, Attn: Ms. Amy Weil, Esq., dated December 11, 2024, from Michael Grant, Inspector of Buildings/Zoning Enforcement Officer, regarding Response to December 5th Email – Tree Bylaw Violation, with Tree Protection Plan, dated 8/25/20, stamped by Anthony Delerico, Professional Land Surveyor, Tree Identification, dated 8/9/20, prepared by Kray A. Small, Certified Arborist, and photographs attached
- Letter to Zoning Board of Appeals, dated 1/15/24, with attachments:
 - Memorandum in Support of Appeal of Building Inspector's Enforcement Order for 31 Cranmore Road, Wellesley, MA, submitted by Edward Naim, by his attorney, David J. Himmelberger
 - Supplemental Revised Affidavit in Support of Appeal of Enforcement Order, dated 1/12/25, signed by David J. Himmelberger, Notary Public
- Letter to Zoning Board of Appeals, dated 2/7/25, from David J. Himmelberger, re: Appeal of Enforcement Order, 31 Cranmore Road
- Letter to Zoning Board of Appeals, dated 2/26/25, from David J. Himmelberger, re: Appeal of Enforcement Order, 31 Cranmore Road
- Letter to Zoning Board of Appeals, dated 3/5/25, from David J. Himmelberger, re: Appeal of Enforcement Order, 31 Cranmore Road
- Email to Zoning Board of Appeals, dated 4/11/25, from David J. Himmelberger, re: Landscaping Draft Blueprint for 31 Cranmore Road
- Schematic Design, Naim Residence, prepared by Sudbury Design Group
- Letter to Zoning Board of Appeals, dated March 5, 2025, from David J. Himmelberger, re: Appeal of Enforcement Order, 31 Cranmore Road, Confirmation of the fact that the Appellant has agreed to extend the deadline for the time for the ZBA to render a decision through May 1, 2025.

SUBMITTALS FROM INSPECTOR OF BUILDINGS/ZONING ENFORCEMENT OFFICER

- Email from Eric Arbeene to Michael Grant, cc: Brad Downey, dated November 11, 2024, regarding 31 Cranmore Road
- Email from Eric Arbeene to Rebecca Solomon and Planning Department, cc: Michael Grant, dated November 12, 2024, regarding 31 Cranmore Road
- Email from Rebecca Solomon to Eric Arbeene and Planning Department, cc: Michael Grant, dated November 12, 2024
- Email from Eric Arbeene to Rebecca Solomon and Planning Department, cc: Michael Grant, dated November 12, 2024, regarding 31 Cranmore Road
- Email from Rebecca Solomon to Eric Arbeene, cc: Planning Department and Michael Grant, dated November 13, 2024, regarding 31 Cranmore Road
- Email from Eric Arbeene to Rebecca Solomon, cc: Planning Department and Michael Grant, dated November 13, 2024, regarding 31 Cranmore Road
- Email from Becky Solomon to Eric Arbeene, cc: Planning Department and Michael Grant, dated November 13, 2024, regarding 31 Cranmore Road
- Email sent from iPhone from Eric Arbeene to Becky, dated November 12, 2024

- Email from Becky Solomon to Planning Department, dated November 9, 2024, regarding 31 Cranmore Road
- Email from noreply@civicplus.com to Michael Grant, dated November 13, 2024, regarding Online Form Submittal: Request for Enforcement
- Email from Michael Grant to becky.m.solomon, dated November 26, 2024, regarding Online Form Submittal: Request for Enforcement
- Letter to Edward Naim, dated November 26, 2024, from Michael Grant, Inspector of Buildings/Zoning Enforcement Officer, regarding Violation of Tree Protection & Preservation Bylaw
- Email from Michael Grant to Edward Naim, dated December 3, 2024, regarding 31 Cranmore Road
- Email from Edward Naim to Michael Grant, dated December 3, 2024, regarding 31 Cranmore Road
- Emails from Edward Naim to Michael Grant, dated December 2, 2024, regarding 31 Cranmore Road
- Emails from Michael Grant to Edward Naim, dated December 2, 2024
- Email from Edward Naim to Michael Grant, dated November 30, 2024, regarding 31 Cranmore Road
- Email from Michael Grant to Amy Weil, dated December 11, 2024, regarding 31 Cranmore – 12-5-2024 Email Response Letter
- Email from Amy Weil to Michael Grant, dated December 5, 2024, regarding 31 Cranmore Road – Edward Naim
- Letter to Kertzman & Weil LLP from Michael Grant, Inspector of Buildings/Zoning Enforcement Officer, dated December 11, 2024, regarding Response to December 5th Email – Tree Bylaw Violation
- Letter to Ms. K.C. Kato, Town Clerk from David J. Himmelberger, dated December 23, 2024, regarding Notice of Appeal for Enforcement Order for 31 Cranmore Road
- Notice of Appeal to Town Clerk Pursuant to Section 6.2 of the Zoning Bylaws
- Affidavit In Support of Appeal of Enforcement Order
- Memorandum in Support of Appeal of Building Inspector's Enforcement Order for 31 Cranmore Road, Wellesley, MA
- Photographs
- Town of Wellesley Website Tree Bylaw Information
- Tree Bylaw Information
- Rules and Regulations Relative to the Administration of Section XVIIE and Tree Preservation and Protection
- Revision: February 2021, Section 16E: Tree Protection & Preservation
- Rules and Regulations Relative to the Administration of Section 5.10 Tree Protection & Preservation, Adopted by Wellesley Planning Board, June 26, 2011, rev. May 15, 2023
- Section 5.10. Tree Protection & Preservation
- Letter to Edward Naim, dated November 26, 2024, from Michael Grant, Inspector of Buildings/Zoning Enforcement Officer, regarding Violation of Tree Protection & Preservation Bylaw

- Email from Edward Naim to David Himmelberger, dated December 20, 2024, regarding 31 Cranmore Road – Edward Naim
- Letter to Kertzman & Weil LLP, Attn: Ms. Amy Weil, Esq., dated December 11, 2024, from Michael Grant, Inspector of Buildings/Zoning Enforcement Officer, regarding Response to December 5th Email – Tree Bylaw Violation
- Tree Protection Plan in Wellesley, MA, dated August 25, 2020
- Memorandum from Kray A. Small, Massachusetts Certified Arborist, License #1797, dated August 9, 2020, regarding 31 Cranmore Road
- Google Earth Photographs – 31 Cranmore, Trees that were on site at completion
- Photographs

FINDINGS

The Board finds that the project is materially different from projects upon which the Tree Bylaw and the Rules and Regulation are based, with no ordinary construction contemplated. The Board finds that all of the items in the table of four points do not apply to this project. The Board finds that the Rules and Regulations lead to the conclusion that there are no protected trees at 31 Cranmore Road and that the Tree Bylaw does not apply. The Board finds that while the Appellant successfully performed website searches for Rules and Regulations, there is no evidence that the Appellant sought and found the Permit Guide that contains a warning that the guide is not exhaustive and a recommendation that the homeowner have a conversation with the Town's Inspector of Buildings before submitting any applications to ensure that the project follows applicable Rules and Regulations.

The Board finds that the Inspector of Buildings applied the provisions of the Tree Bylaw, consistent with the assumptions in the Rules and Regulations, that is, that the legacy requirements remain from construction two years earlier, irrespective of any change in ownership. The Board finds that the Inspector of Buildings applied the provisions for calculation of the penalties, consistent with assumptions inherent in the Rules and Regulations.

The Board finds that because 31 Cranmore Road differs from the assumptions of the Tree Bylaw and the Rules and Regulations, it is reasonable to conclude that they do not apply to 31 Cranmore Road in the customary way. The Board finds that, in light of the circumstances and the timing of the events, the financial penalties are neither fair nor reasonable in this particular case.

2025 APR 30 AM 11:09

DECISION

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

The Board upholds the Enforcement Order, issued by the Inspector of Buildings on November 26, 2024 and reduces the fine/contribution to the Tree Bank Fund imposed by the Inspector of Buildings from \$149,150 to 0 dollars, contingent upon the landscaping and the landscaping related improvements, substantially as shown on the landscaping plan submitted by the Appellant, as presented to the Board on April 15, 2025, prepared by Sudbury Design Group, titled Schematic Design, Naim Residence, no later than October 15, 2025, or such extended date as may be voted by the Board for good cause shown, and that the Appeal of Edward Naim of the Inspector of Buildings' Enforcement Order, dated November 26, 2024, regarding Violation of Tree Protection & the Preservation Bylaw, pursuant to Section 5.10 (4).(a.) of the Zoning Bylaw, for tree removal at 31 Cranmore Road is denied.

EXHIBIT 1

TOWN OF WELLESLEY ZONING BYLAW

SECTION 5.10, TREE PROTECTION & PRESERVATION (FORMERLY SECTION 16E)

SECTION 5.10 (4).(a.) MAINTENANCE OF PROTECTED AND REPLANTED TREES

Protected Trees: Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of Final Inspection or issuance of a Certificate of Occupancy, if applicable. Should such a tree die within this period, the property owner is required to mitigate consistent with the requirements for the removal of a Protected Tree as detailed herein within nine (9) months of the tree's death.

RULES AND REGULATIONS RELATIVE TO THE ADMINISTRATION OF SECTION 5.10, TREE PRESERVATION AND PROTECTION

SECTION 5.10 (2.) WHEN DOES THE TREE BYLAW APPLY

	YES	NO
Are you demolishing a structure with a footprint of 250 sq. ft. or greater?		
Are you constructing a structure on a vacant lot?		
Are you constructing a retaining wall with a height of 4 feet or greater?		
Are you constructing a structure or an addition that increases the total existing footprint (lot coverage by 50% or more)?		

If you answered **YES** to any of these questions, and there is a Protected Tree located on your property (3. **HOW DO I LOCATE PROTECTED TREES ON MY PROPERTY?**), the Tree Bylaw applies to your project. Remember that Protected Trees removed within the past 12 months prior to an application for any of the projects above are also subject to the requirements of the Tree Bylaw.

ZBA 2025-10
Appeal of Edward Naim
31 Cranmore Road

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.

J. Randolph Becker (cm)
J. Randolph Becker, Chairman

David G. Sheffield (cm)
David G. Sheffield

Peter Covo (cm)
Peter Covo

ZBA 2025-10
Applicant Edward Naim
Address 31 Cranmore Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrn

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SCHEMATIC DESIGN
NAIM RESIDENCE
 31 CRANMORE ROAD
 WILLESLEY, MA
 SCALE 1/8" = 1'-0"

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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WALTER B. ADAMS
DEREK B. REDGATE
PETER COVO

October 9, 2025

7:30 pm

Remote Public Hearing

Zoning Board of Appeals Members Present: J. Randolph Becker
David G. Sheffield
Peter Covo

BUSINESS MEETING

ZBA 2025-10, EDWARD NAIM, 31 CRANMORE ROAD

The Chairman said that the request is for a determination of a minor modification at 31 Cranmore Road. He said that the Board anticipated that the schedule for the project might change. He said that the decision was contingent on work being done, prior to October 15, 2025, or the applicant would have to come back and talk to the Board about the schedule. He said that the Board received a letter from the landscape architect that the work will be done by the end of fall.

David Himmelberger, Esq. said that when it appeared that the work might not be done by October, a timeline was prepared by the landscape architect at Sudbury Design. He said that when the Board's decision was rendered, the project was put out to bid, a process that took some time. He said that Leone Landscape Contractors of West Newton is currently doing the work, and Mr. Wallace of Sudbury Design is managing it.

Mr. Himmelberger said that he visited the property recently and saw around eight workers, multiple pieces of small and heavy equipment, and Mr. Wallace, who was directing some measurements on elevations for a lower patio. Mr. Himmelberger said that he saw that what looked like a small nursery had been dropped off and was being readied to be planted. He said that Mr. Wallace expected the project to be completed by the end of autumn. Mr. Himmelberger said that he suggested December 21, 2025 as a project completion date. He said that the hardscape and land alteration has been done.

The Board voted unanimously to grant a minor modification to extend the completion date of the landscape work to December 21, 2025.