

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2025-30

Petition of Alan & Caitlin Hoblitzell
30 Sunset Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on ~~Thursday, June 5, 2025~~, on the petition of Alan & Caitlin Hoblitzell requesting a Variance and a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1, Section 5.3, Section 6.2 and Section 6.3 of the Zoning Bylaw that construction of a two-story addition with a side-facing, two-car garage underneath with less than required left side yard setbacks and less than required right side yard setbacks to the garage doors, on an existing nonconforming structure with less than required left and right side yard setbacks, at 30 Sunset Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 30, 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.

Present at the public hearing were David Himmelberger, Esq., Caitlin and Alan Hoblitzell, the Petitioner, Charles Kraus, Architect, and Mike Kosmo, Everett Brooks Civil Engineers.

Mr. Himmelberger said that the request is for a variance for a side facing garage with less than a 30 foot side yard setback, due to the narrow shape of the lot and the ledge condition at the rear of the lot, and for a special permit for the left side yard setbacks on the rear addition.

Mr. Himmelberger said that a different panel of the Board first heard the matter last August for a special permit/finding to add to a pre-existing nonconforming home with less than required left and right side yard setbacks, on an otherwise conforming lot of 14,250 square feet, in a 10,000 square foot Single Residence District. He said that the existing right side yard setback is 11.7 feet, and the existing left side yard setback is 10.6 feet. He said that the August 2024 application sought permission to construct a rear addition that included a two car garage that was side facing to the right and maintained a 30 foot right side yard setback to the abutter at 32 Sunset Road. He said that the abutter on the left side at 28 Sunset Road opposed the design, as the proposed left side yard setback would be 13.2 feet, better than the existing left side yard setback of 10.6 feet but still nonconforming. Mr. Himmelberger said that during the course of

the hearing, the Board suggested that, given the shape of the lot, in that it is only 65 feet wide, and the soil conditions with ledge at the rear, the Board might look favorably upon a variance for a side facing garage if it was only a couple of feet less than the required 30 feet that was sought.

Mr. Himmelberger said that the Petitioners shifted the garage over slightly, thereby improving the left side yard setback to 15.8 feet and reducing the right side yard setback for the garage to 28.2 feet. He said that due to the imminent birth of their first child in December, the Petitioners were granted approval to withdraw the petition without prejudice in November.

Mr. Himmelberger said that design efforts were subsequently resumed with additional steps to address abutter concerns about screening and stormwater. He said that the Petitioners filed an application to be heard at the June 5, 2025 hearing. He said that the application included a full tree report, a landscape plan and a stormwater report. On June 4, 2025, the Petitioners requested that the matter be continued to the July 10, 2025 public hearing to make further enhancements to the drainage system to address continued concerns of the abutter on the right side and comments from the Department of Public Works (DPW) Engineering Division.

Mr. Himmelberger said that the Site Plan, dated March 27, 2025, included grading changes to the driveway, a swale and a new leaching area. He said that the stormwater infiltration mitigation system was designed to reduce stormwater runoff to the rear of the property for all storm levels. He said that following additional neighbor feedback, a revised Site Plan, dated July 10, 2025, included a berm that runs along the driveway, an additional swale at the end of the driveway to further direct runoff into the Petitioners' backyard, and addition of a new gutter to tie into an underground leaching system that was expanded in size. He said that the driveway was pinched in, reducing the change in grading near an existing tree along the shared property line with 32 Sunset Road.

Mr. Himmelberger said that the Tree Protection & Mitigation Plan, conducted by an arborist, indicated that none of the 27 trees within the scope of the Tree Protection Plan need to be removed. He said that the plan addressed concerns expressed at the August 2024 Public Hearing about 7 Cedar trees on the left side of the property. He said that the revised Site Plan specifies the height and location of additional arbor vitae on the left side and in the back right section along the driveway, so there is no ability for headlight trespass over the property line.

Mr. Himmelberger said that additional concerns were raised at the August 2024 Public Hearing about Sunset Road being a private way. He said that the Petitioners filed for an Adequacy of the Way hearing and the Planning Department confirmed that the way was adequate and no work is needed in the street.

Mr. Himmelberger said that the Petitioners have continued to engage with their neighbors and abutters with several in-person discussions and written exchanges. He said that they received 6 letters of support from neighbors. He said that the Petitioners request that, with the additional screening, enhanced stormwater management system that reduces water flowing off the property in all storm conditions, and the de minimis nature of the variance that is sought, namely 1.8 feet on the garage, as suggested by the previous Board, that this Board find that a variance is appropriate in this instance, due to soil condition and shape of lot, and that granting a special permit for relief for the left side yard setback shall not be substantially more detrimental to the neighborhood than the existing nonconformity.

A Board member said that the Board received a letter from the Assistant Town Engineer, dated July 9, 2025, who suggested that the Board include a condition that the Department of Public Works (DPW) field staff inspect, along with the Applicant's designer, that the separation from groundwater ledge has been achieved in the field. He said that there will be new significant stormwater features that could deter stormwater runoff from adversely affecting the neighboring property but if the features don't function properly and there are adverse effects to the neighboring property, it is ultimately a civil matter between two neighbors.

Erin Rebholz, 32 Sunset Road, said that she attended the August 2024 meeting and thought that the Board heard her concerns regarding drainage. She said that the August 2024 submission was silent on screening and grading changes. She discussed the 2002 Zoning Bylaw change that established the 30 foot side yard setback for side facing garages and cited examples where the Zoning Board granted relief for side facing garages. She discussed properties and garages in the College Heights neighborhood. She discussed concerns about the proposed side facing garage, screening, tree protection, the proposed drainage plan, ledge removal, dark sky lighting, and decrease in value and enjoyment of her property.

A Board member said that Ms. Rebholz's presentation relied heavily on what she believes is a standard that is established by neighborhood experiences with actions of the Board over many years. He said that the Board tries its best to keep decision making to the specifics of the specific site.

Matthew Aprea, 28 Sunset Road, said that he and his wife are direct abutters to 30 Sunset Road. He discussed concerns about the proposed addition and how it will directly impact the present level of privacy and setting precedent for similarly close additions on nonconforming properties, particularly ones that abut his property.

The Chairman said that the application before this Board responded to comments from the Board at the August 2024 public hearing regarding the left-right location of the garage and flexibility for a variance if things were balanced out between the adjacent neighbors. He said that the level of things that were submitted for stormwater runoff and tree plans is unusual for a project at this stage of permitting in that the application contains a greater level of detail than is usually required. He said that the Board looks at the Zoning Bylaw and tries to balance what it thinks that the bylaw says with what the Applicant is trying to do, and the neighbors. He said that in this instance, the Board has to take two actions, one for a left side yard nonconformance and one for a right side yard variance that is caused by movement of the garage in a way that was described at a previous hearing.

A Board member said that the property meets the variance standards for shape of the lot, soil conditions and topography.

Statement of Facts

The subject property is located at 30 Sunset Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 10.6 feet and a minimum right side yard setback of 11.7 feet where 20 feet is required.

The Petitioner is requesting a Variance and a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1, Section 5.3, Section 6.2 and Section 6.3 of the Zoning Bylaw that construction of a two-

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story addition with a side-facing, two-car garage underneath with less than required left side yard setbacks and less than required right side yard setbacks to the garage doors, on an existing nonconforming structure with less than required left and right side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Plan of Land Existing Conditions, dated 6/26/24, Site Plan of Land, dated 3/27/25, a Site Plan of Land, dated 3/14/25, revised 6/26/25, 7/2/25 and 7/10/25, stamped by Bruce Bradford, Professional Land Surveyor, #38376, Floor Plans and Elevation Drawings, dated 8/22/24, and TLAG Affidavit, dated 4/14/25, prepared by Kraus Associates, Drainage Summary, dated 1/15/25, stamped by Michael S. Kosma, Professional Engineer, Letter to Town of Wellesley, dated 4/1/25, from Kray A. Small, Massachusetts Certified Arborist #1797, Plan of Land with Tree Inventory, dated 4/3/25 & Site Plan of Land, dated 3/14/25, revised 6/26/25 & 7/2/25, stamped by Michael S. Kosmo, P.E., #31480, and Bruce Bradford, Professional Land Surveyor, #38376, and photographs were submitted.

On June 3, 2025, the Planning Board reviewed the petition and recommended that a variance and a special permit be approved.

On May 30, 2025, Rafi Razzaque, Civil Engineer, Town of Wellesley Department of Public Works Engineering Division, submitted comments.

On July 9, 2025, George Saraceno, Assistant Town Engineer, Town of Wellesley Department of Public Works Engineering Division, submitted comments.

Decision

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

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The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section 3.8 of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that construction of a two-story addition with a side-facing, two-car garage underneath with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks will result in the intensification of existing nonconformities, will not result in additional nonconformities, and will 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 two-story addition with a side-facing, two-car garage underneath with less than required left side yard setbacks,

and

It is the opinion of this Authority that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to

the shape of the lot, soil condition and topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and 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 5.3 and pursuant to the provisions of Section 6.2 of the Zoning Bylaw is granted to allow for construction of a two-story addition with a side-facing, two-car garage underneath with less than required right side yard setbacks to the garage doors, subject to the following conditions:

1. The DPW Engineering staff, along with the Applicant's designer, shall field inspect that separation from groundwater/ledge has been achieved in the field.
2. The Site Plan of Land, dated 7/10/25, shall be submitted.

The Building Inspector 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.

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

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ZBA 2025-30
Petition of Alan & Caitlin Hoblitzell
30 Sunset 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 (rm)
J. Randolph Becker, Chairman

Walter B. Adams (rm)
Walter B. Adams

Derek B. Redgate (rm)
Derek B. Redgate

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ZBA 2025-30
Applicant Alan & Caitlin Hoblitzell
Address 30 Sunset Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

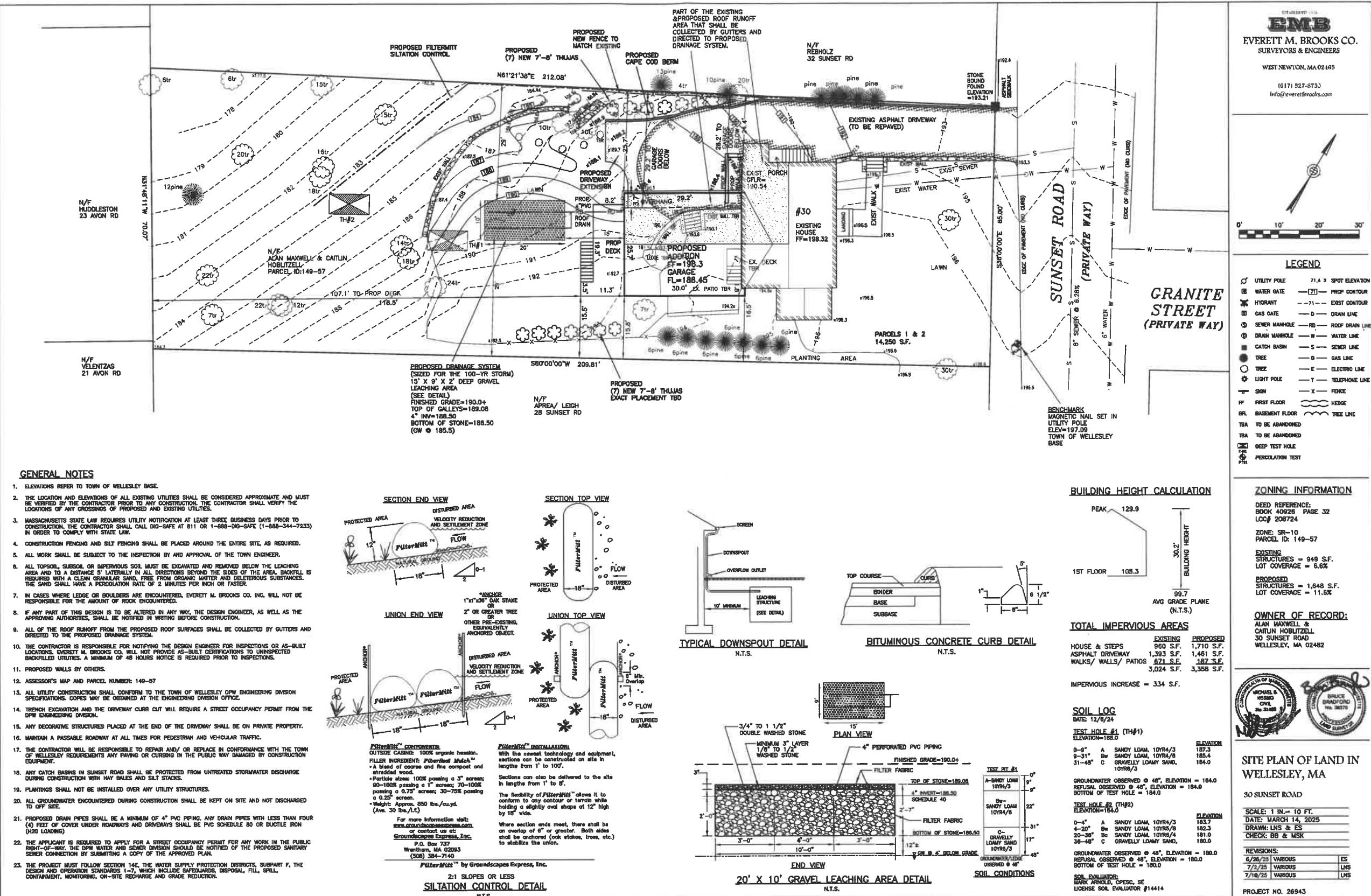
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
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REGISTRATION

ZBA 2025-30
Petition of Alan & Caitlin Hoblitzell
30 Sunset Road

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Property Address: 30 Sunset Road, Wellesley