



## ZONING BOARD OF APPEALS

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ZBA 2003-41  
 Petition of Geraldine Jarvis  
 26 Harris Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 19, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of GERALDINE JARVIS requesting a Special Permit pursuant to the provisions of Section 8 (h) and Section XXV of the Zoning Bylaw to use a portion of the premises owned by LUCILLE T. JARVIS at 26 HARRIS AVENUE, in a Single Residence District, for the purpose of a home occupation; namely "Doggy Day Care" for 1 to 8 dogs from 8 a.m. to 5 p.m. on Mondays through Fridays; Saturdays from 10 a.m. to 5 p.m. and Sundays from 1 p.m. to 5 p.m. throughout the year. Dogs are on the premises generally only at lunchtime. There are no employees.

On June 2, 2003, 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 was Geraldine Jarvis, who requested a Special Permit for her home occupation of "Doggy Day Care". She would like to be able to take the dogs home at lunchtime, as her parents are in need of care.

The Board stated that a petition in support of the request had been submitted by the neighbors, and a letter from Sue Webb, Animal Control Office, stating that there had been no complaints regarding the dogs under Ms. Jarvis's care, had also been submitted. The rear yard is completely fenced, and the house backs onto a meadow.

Ms. Jarvis said that generally, she picks up each dog and takes the group to the park, after which she returns those dogs that live close to the park. The remaining dogs return to her home. After lunch, she returns the remaining group to their houses and picks up the afternoon group. Occasionally, a client will drop off a dog at 8 a.m. for the day.

The Board asked how long she had been running her business. Ms. Jarvis said it had been about a year. There have been no complaints from the neighbors during that time.

The Board asked how much business Ms. Jarvis had on weekends. She said that her business is primarily on Monday through Friday. Occasionally, some will request day care on a Saturday or a Sunday.

The Board asked how long the dogs were actually on her premises. Ms. Jarvis said that generally the dogs are at the house for two to three hours.

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The Board asked whether the dogs would be at the house all day if the weather was inclement. Ms. Jarvis said she exercises all the dogs regardless of weather conditions.

The Board noted that the Planning Board opposed the request due to the potential noise factor.

YuYu Ong, 20 Harris Avenue, expressed concern about car safety when owners delivered their dogs.

The Board discussed the conditions under which the Special Permit could be granted, and decided that because the home occupation was unique, the Special Permit should be granted for six months rather than a year, which is the usual time granted for a new home occupation.

#### Statement of Facts

The subject property, which is owned by the petitioner's mother, is located at 26 Harris Avenue in a Single Residence District. The petitioner, who lives on the premises, is requesting a Special Permit to use a portion of the dwelling for the purpose of a home occupation; namely "Doggy Day Care" for 1 to 8 dogs from 8 a.m. to 5 p.m. on Mondays through Fridays; 10 a.m. to 5 p.m. on Saturdays and 1 p.m. to 5 p.m. on Sundays throughout the year. There are no employees.

A petition in support of the request was signed by Ellen and Joseph Biotti, 15 Minuteman Lane; Mary Kean, 19 Harris Avenue; Timothy Dunn, 29 Minuteman Lane; Antonio Jarvis, 22 Harris Avenue; Steve Tosti, 41 Harris Avenue; and Hyui Bae, 29 Harris Avenue.

A letter dated June 17, 2003, was received from Sue Webb, Animal Control Officer, stating that having checked her records, she found no complaints regarding dogs at 26 Harris Avenue.

On June 10, 2003, the Planning Board reviewed the petition and was opposed to granting the request. The Board believed the use would "disturb or disrupt the customary character of a residential neighborhood". The dogs confined in a small area within a residential setting will cause noise disturbance for the neighborhood seven days a week.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. This Authority is of the opinion that the requested home occupation is in compliance with Section II A 8 (h) of the Zoning Bylaw, and will neither disturb nor disrupt the customary character of the residential neighborhood.

Therefore, a Special Permit for the home occupation is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. There shall be no more than 8 dogs on the premises at any one time.
2. The hours of the home occupation shall be limited to 8 a.m. to 5 p.m. on Mondays through Fridays; 10 a.m. to 5 p.m. on Saturdays; and 1 p.m. to 5 p.m. on Sundays throughout the year.

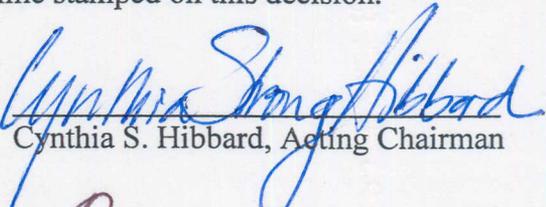
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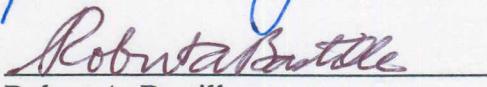
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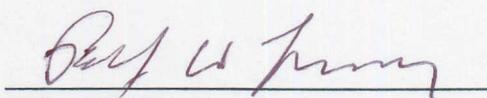
3. All vehicles related to the home occupation shall be parked in the driveway of the premises, and no vehicle related to the home occupation shall be parked on Harris Avenue or on any adjacent street.
4. All dogs shall be leashed in transit to and from vehicles of clients and the petitioner and the premises.
5. There shall be no overnight boarding of any dog.
6. This Special Permit shall expire six months from the date time stamped on this decision.

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.

Cc: Planning Board  
Inspector of Buildings  
edg

  
Cynthia S. Hibbard, Acting Chairman

  
Robert A. Bastille

  
Robert W. Levy

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