

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2003-97
Petition of Geraldine Jarvis
26 Harris Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 11, 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 renewal of a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to continue to use a portion of the premises owned by her mother, 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 10 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. There are no nonresident employees.

On November 17, 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 said she would like to renew her Special Permit to be able to continue her "Doggy Day Care". She explained that she picks the first group of dogs up in the morning for their play group; brings them back to her home at lunchtime; returns them to their owners and picks up the afternoon group.

The Board noted that her existing Special Permit allows for 8 dogs, but her new application requests 10 dogs. Ms. Jarvis said she is requesting the increase because last year, when she had submitted her first request, she had not accounted for the possibility of customers switching days, or requesting full day care rather than only the morning play group.

The Board asked if there had been any complaints from her neighbors. Ms. Jarvis said she has spoken to her neighbors and asked if they have any problems with her home occupation, they call her to resolve the problem.

The Board stated that the original permit had been granted for 6 months. Due to the unusual nature of the home occupation, the Board would not want to extend it for more than 1 year at a time. The Board had no problem with the increase in the number of dogs from 8 to 10.

No other person present had any comment on the petition.

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Statement of Facts

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The subject property, 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 renewal of her Special Permit to continue to use a portion of the dwelling for the purpose of a home occupation; namely "Doggy Day Care" for 1 to 10 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. There are no nonresident employees.

A letter from Animal Control Officer Sue Webb, dated December 10, 2003, stated that she had checked her records and found no complaints regarding dogs living or visiting at 26 Harris Avenue.

The Planning Board reviewed the petition and recommended that the petition could be granted, but subject to review and renewal on an annual basis.

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 shall neither disturb nor disrupt the customary character of the residential neighborhood.

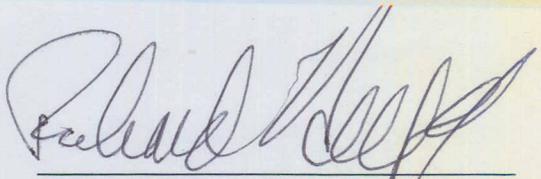
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

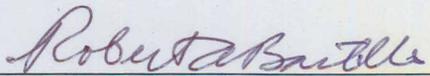
1. There shall be no more than 10 dogs on the premises at any one time.
2. The hours of the home occupation shall be limited to 8 a.m. to 5 p.m. on Mondays through Fridays; Saturdays from 10 a.m. to 5 p.m. and Sundays from 1 p.m. to 5 p.m. throughout the year.
3. All vehicles related to the home occupation 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/or the petitioner, to the premises.
5. There shall be no overnight boarding of any nonresident dog.
6. This Special Permit shall expire one year from the date time stamped on this decision.

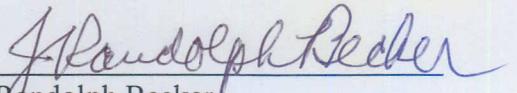
26 Harris Avenue

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


Richard L. Seegel, Chairman


Robert A. Bastille


J. Randolph Becker

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