



## ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN  
 CYNTHIA S. HIBBARD, VICE CHAIRMAN  
 DAVID G. SHEFFIELD

ELLEN D. GORDON  
 EXECUTIVE SECRETARY  
 TELEPHONE  
 (781) 431-1019 EXT. 208

ROBERT A. BASTILLE  
 J. RANDOLPH BECKER  
 ROBERT W. LEVY

ZBA 2004-36  
 Petition of Julie Freeman  
250 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 27, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley on the petition of JULIE FREEMAN requesting a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of her premises at 250 LINDEN STREET, in a General Residence District, for the purpose of a home occupation; namely, Nutrition Counseling for individuals, couples and families totaling 33 to 41 clients per week, with hours from 8:30 a.m. to noon and 2 to 8 p.m. on Mondays and Tuesdays; Wednesdays from 8:30 to 1 p.m.; Thursdays from 8:30 a.m. to 1:30 p.m. and every other Saturday from 8:30 a.m. to 1:30 p.m., totaling 28.5 hours per week or 33.5 hours per week on alternate weeks. There are no non-resident employees. All parking shall be on the premises.

On June 10, 2004, the petitioner filed a request for a hearing before this Authority, and thereafter, notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Julie Freeman, who said she currently has an office on Linden Street, but the building is to be sold, so she would like to transfer her office to her home.

The Board stated that in her application, Ms. Freeman had mentioned additional paving, and cautioned that there is a specific prohibition in Section II A 8 (h) of the Zoning Bylaw against paving more of the property in order to accommodate parking for a home occupation.

Ms. Freeman responded that there is a grass section in front of her back door that she plans to pave. The paving is for her convenience, and not for her home occupation. The grassed area, which she must cross to reach her back door, gets muddy in rainy weather.

The Board commented that she has been operating her business from an office outside of her home. The Board is concerned with the number of clients per week, as 41 clients is a very intensive use, and is not the type of home occupation typically approved. The number of clients would create a great deal of traffic entering and exiting the premises all day and into the evening on the corner of a very busy intersection. A business with this much volume would be better conducted from an off site office.

The Board noted that the submission did not contain a plot plan showing the location or dimensions of either the existing or proposed paving. The Board asked where clients would enter the house in order to reach the basement office. Ms. Freeman said they would enter from the front door on Linden Street. The

RECEIVED  
 TOWN CLERK'S OFFICE  
 WELLESLEY, MA 02482  
 2004 JUN 23 A 8:16

ZBA 2004-36  
Petition of Julie Freeman  
250 Linden Street

Board said that clients would have to walk around from the parking area, which is on the far side fronting Donizetti Street. Ms. Freeman said she planned to add a small walkway.

The Board asked how many cars are currently parked on the premises. Ms. Freeman said the owners of the other duplex unit have two and she has one. She can accommodate an additional two cars on the far side, which is already paved. She is currently parking on the grass, which would be paved.

The Board asked if she had discussed her request with her neighbors. Ms. Freeman said she had, and there was no opposition.

The Board asked if her condominium documents contained any restrictions regarding home occupations or nonresidential uses. Ms. Freeman said she didn't know.

The Board asked if Ms. Freeman planned to hire employees in the future, as her application stated that she had no nonresident employees, and no intention of hiring anyone "at this time". Ms. Freeman said she did not.

The Board was also concerned with Saturday hours beginning at 8:30 a.m. in a residential district.

Statement of Facts

The subject premises constitute one half of a duplex condominium building at 250 Linden Street on the corner of Donizetti Street, in a General Residence District.

The petitioner is requesting a Special Permit to use a portion of her premises for the purpose of a home occupation; namely, Nutrition Counseling for individuals, couples and families with the aforesaid hours and between 28 and 33.5 clients per week on alternate weeks. There would be no employees, and all parking would be on the premises.

The petitioner submitted an application with an attached letter of information; a proposed floor plan of the basement office area and photographs.

On May 25, 2004, the Planning Board reviewed the petition and felt this home occupation would be too intrusive and potentially will disrupt and disturb the residential character of the neighborhood. The client load is heavy. Also it is a corner lot whereby the increased parking will be more visible.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing and finds that the requested use of the premises by the petitioner is not in compliance with the requirements and intent of Section II A 8 (h) of the Zoning Bylaw for the following reasons:

1. Section II A (h) (1) of the Zoning Bylaw states:

"There shall be no activity...in the conduct or as the result of the conduct of the home occupation, which disrupts or disturbs the customary character of a residential neighborhood."

RECEIVED  
TOWN CLERK'S OFFICE  
LESLIE MA 02468  
JUN 23 A 8:30

ZBA 2004-36  
Petition of Julie Freeman  
250 Linden Street

This Authority finds that the hours and number of clients requested represent an intrusive use, which would disrupt and disturb the customary character of the neighborhood. The premises are located at the intersection of two busy streets. The number of vehicles entering and exiting the premises would create traffic problems, which would be disruptive, particularly when appointments are scheduled every half hour.

2. Section II A 8 (h) (6) of the Zoning Bylaw states:

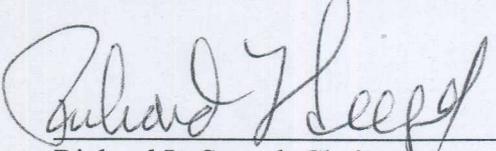
“...No substantial enlargement of the width of the residential driveway or other alteration of the driveway within the front yard setback shall be allowed in order to meet this requirement.”

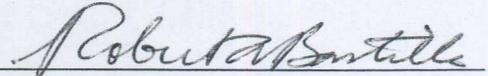
This Authority finds that, although the petitioner has stated the proposed paving of the grassed area adjacent to the back entrance fronting Donizetti Street would be for her personal use, in fact, the additional space created for the petitioner’s vehicle would result in the addition of a parking space in her driveway for potential client use, which violates the intent and purpose of the above stated section of the Zoning Bylaw.

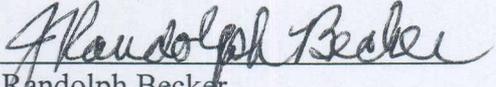
Therefore, it is the unanimous decision of this Authority to deny Ms. Freeman’s request for a home occupation. This petition is hereby dismissed.

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

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2004 JUN 23 A 8:36