

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-40
The Home for Little Wanderers
45 Ravine Road

Petition of THE HOME FOR LITTLE WANDERERS requesting a Special Permit pursuant to the provisions of Section II A 8 (b) and Section XXV of the Zoning Bylaw to allow the premises at 45 RAVINE ROAD, in a Single Residence District, to be used as a Design Home from September 6 to October 5, 2006, which is a use not allowed by right in a Single Residence District. The hours of operation will be from 10 am to 4 pm on Mondays through Fridays, from 10 am to 5 pm on two (2) Saturdays and two (2) Sundays. All parking will be off-site.

On May 1, 2006, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Public Hearing May 11, 2006

Presenting the case at the hearing was Joan Wallace Benjamin, who said that she is the President and CEO of the Home for Little Wanderers, the Applicant for the Special Permit. She introduced Paul Reulbach, Publisher of Boston Magazine, Peter Fallon, Builder, and Barbara Edelin, Project Manager.

Ms. Benjamin said that the Home for Little Wanderers has the oldest child welfare program in the country, and the largest in New England. She said that their mission is to enhance the healthy, emotional, and social development of children at risk and their families. Ms. Benjamin listed some of the programs that they offer.

Ms. Benjamin said that they felt that they had addressed the concerns that the Board put before them related to parking, signs, and disturbance or disruption at the location. She said that the project is for 26 days overlapping the months of September and October of 2006.

Paul Reulbach gave an historical perspective on the Design Home. He said that the magazine partners with local builders and non-profit organizations to develop spectacular design home showcases open to the public with all ticket proceeds to benefit a non-profit. He said that it is similar to what the Junior League has been doing for 34 years as an annual program.

Mr. Reulbach said that he started his program with a home in Weston, Massachusetts in 2000. He said that in 2002 the Design Home was in Medfield and in 2004 it was in Hopkinton. They held a city program in 2005 in South Boston.

Mr. Reulbach said that he had letters from the Chief of Police in Medfield and from the Chairman of the Board from Hopkinton endorsing the projects and giving feedback as to how it interacted with their communities. He said that Police Chief Cunningham spoke with the Chief of Police in Hopkinton and received positive feedback regarding the program.

Mr. Reulbach said that they choose a different non-profit each year as beneficiary. They chose the Home for Little Wanderers two years ago in Hopkinton. They asked the Home for Little Wanderers to come back again because of their professionalism and their management team.

Barbara Edelin said that she is President of Edelin Events, which is an event management company in Brookline. She said she has been hired by the Home for Little Wanderers to manage the logistics of the project. She said that she managed the 2004 project as well.

Ms. Edelin said that they consider this to be a major fundraiser for the Home for Little Wanderers. They are willing to make adjustments so that the event will have as little impact on the Town as possible.

Ms. Edelin said that they went before the Board of Selectmen (BOS) on April 24th. She said that the BOS sent a memo of support that addresses eight issues that were raised at the meeting. Ms. Edelin said that the Home for Little Wanderers is happy to work under the conditions outlined in the memo.

Ms. Edelin said that they had submitted a parking plan to the Board. She reviewed the schedule of the event. She said that all parking will be at the Trim Lot at Babson College. She said that the Director of Public Safety for Babson was present at the Public Hearing to lend his support.

Ms. Edelin said that everyone who makes a donation to the Home for Little Wanderers by purchasing a ticket will be given information about where to park. She said that they do not publish the address of the home in any of their marketing materials.

Ms. Edelin said that anyone who goes to the website for the Design Home will be directed to purchase their tickets from Ace Tickets, who are donating all of their services. She said that a flyer will be distributed with the tickets directing people to Babson.

Ms. Edelin said that they will be transporting people to the home on 14 passenger shuttle vans provided by Boston Coach. She said that they worked with Boston Coach two years ago in Hopkinton and they delivered exceptionally professional service.

Ms. Edelin said that she spoke with Chief Cunningham about the suggested van route and he has approved it. She said that they will work with Mr. Jackson of Boston Coach, Chief Cunningham, and the neighbors to change the route, if necessary.

Ms. Edelin said that they anticipate having two round trip shuttles per hour, or 12 trips per day. There will be two vans initially and an additional two will be available if there is a need for them.

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Ms. Edelin said that the vans will wait at Babson. Communication will be by walkie talkie system.

Ms. Edelin said that the tour of the Design Home should take about an hour.

Ms. Edelin said that the Design Home will be open on Thursday night until 9:00 p.m. The house should be closed down and alarmed by 10:15 p.m. The staff will be bused to and from the house.

Ms. Edelin said that the cost per ticket will be \$23 in advance and \$25 at the tour. She said that there will be a registration table at the house. She said that if someone were to get on the van, they could buy a ticket at the house.

Ms. Edelin said that they expect to have between 20 and 24 volunteers in the house. She estimated that perhaps 50 to 75 people, including the staff, could be in the house at one time.

Ms. Edelin said that this Design Home tour will take place in September and October. The 2004 Hopkinton tour was in May and the first two weeks were very slow. They had approximately 4,000 visitors over 26 days and the peak number of people in the home usually occurred during the weekends.

Ms. Edelin said that, in Hopkinton, they sold most of the tickets in advance. Walk-up visitors were turned away by volunteers at the house. They were given printed directions to the parking lot.

The Board asked that the Applicant consider having all tickets collected at Babson College so that people could only get into the house if they came through Babson. Ms. Edelin said that they would consider that.

Ms. Edelin said that she has been discussing parking issues with Chief Cunningham, who indicated that he is willing to work with the Applicant to address the concerns of the neighbors.

Mr. Fallon said that he would not be receiving any monetary compensation. He said that he is donating the use of the home for the tours.

The Board asked if there are any vendors who are paying to participate. Mr. Reulbach said that vendors have to make an advertising commitment to Boston Magazine in order to participate.

The Board said that the permit the Applicant is seeking comes under Zoning Bylaw Section II A 8 (b), which allows for a non-profit purpose in a Single Residence District. The Board said that the Applicant is a non-profit entity but questioned whether the purpose of the venture is non-profit. Mr. Reulbach said that 100 percent of the tour proceeds goes to the Home for Little Wanderers.

Ms. Benjamin said that they use the ticket sales for unrestricted revenue to support the programs of the Home for Little Wanderers. She said that the Home could never put together the resources for the fundraiser without the builder and Boston Magazine.

The Board said that many homes in Wellesley are built and then shown to prospective clients, which involves some commercial aspects.

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The Board asked if there had been any meetings with the neighbors. Ms. Edelin said that they reached out to the neighbors after the Selectmen's meeting. She contacted the Zoning office for the list of the abutters and they sent out a letter to meet with the neighbors on May 3, 2006.

Ms. Edelin said that they delayed meeting with the neighbors until parking issues were resolved. They started looking for parking in September of 2005. They worked with many organizations who were interested in providing parking but could not make a commitment that far out. Babson gave their sanction and donation during the first week of April. The Home for Little Wanderers went before the Board of Selectmen as soon as they had a parking plan in place.

Ms. Edelin said that there was a very poor showing at the neighbors' meeting. Following the meeting, they prepared a "Frequently Asked Questions" letter that was hand-delivered to everyone on the abutters list by a Wellesley resident who had volunteered in Hopkinton as well.

Ms. Edelin said that she received one phone call regarding the type of barrier that would be put up at the end of Ravine Road.

The Board asked about construction in the neighborhood in September. The neighborhood is currently filled with construction trucks. Mr. Fallon said that it is a very popular neighborhood for construction right now. The work should be done on the Design Home in July.

The Board said that the van routes may not be passable with all of the construction going on the neighborhood.

Don Annino, 47 Valley Road, said that construction at his home is anticipated to go to November or December of 2006. He said that the vans could not get onto Ravine Road without passing his house. He asked if a weekend day could be chosen for cleanup closing instead of Mondays. He said that most of the neighbors are home on the weekends.

Jerome Mitchell, 24 Ravine Road, said that he lives diagonally across from 45 Ravine Road. He said that he has been living in Wellesley for 26 years. He said that this now quiet neighborhood will become a well-known neighborhood if this project goes through. He said that he is concerned that the location of the Design Home will get out by word of mouth to potentially undesirable people. He said that the neighborhood will be impacted with activities before, during and after the Design Home tours. He said that this is a transparent business effort.

Eugene O'Malley, 16 Ravine Road, said that he is concerned about safety and security issues for the neighborhood. He said that Ravine Road is not wide and has no sidewalks. Most of the roads in the area do not have sidewalks and children play in the streets. He said that he is also concerned about the evening hours of the tour.

Cimarron Buser, 10 Ravine Road, said that direct contributions could be made to the charity without causing detriment to the neighborhood.

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Peter Marx, 60 Valley Road, said that they live closer to the Design Home than most of the neighbors on Ravine Road. He said that selling tickets in advance and at Babson is a good idea and that should be reflected in any advertising as being mandatory. He said that he saw no reason that people had to be there on Thursday night. He said that working people could visit the Design Home on the weekend.

Tom Clemow, 8 Old Farm Road, said that he owns the lot at 38 Ravine Road. He said that he is concerned about quiet enjoyment of the neighborhood. He said that the peak hours of the tours are during the weekend, when he enjoys being out in the neighborhood. He was concerned about having a commercial use in the neighborhood.

Marcia Abbott, 8 Old Farm Road, asked if the Design Home could be run for two weeks as opposed to five weeks.

Garth Greimann, 17 Ravine Road, said that the neighborhood is assaulted by construction. He said that having 4000 people, at a minimum, trooping through the neighborhood furthers the assault.

David Walsh, 9 Ordway Road, said that he lives near Babson. He said that Ordway Road feeds onto Wellesley Avenue near Babson's west gate. He asked how traffic will be routed to Babson and how it will be clear to people that they are to use Babson's main gate.

Ms. Edelin said that all instructions that are published will indicate that people can only use the main entrance to Babson from Forest Street. The directions will be available from the Babson website only.

Dick Rosenberg, 52 Valley Road, said that he lives three doors down from the Design Home. He said that he would be offended by 4000 people coming to his neighborhood. He said that for it to appear in Boston Magazine without any other warning is offensive and heinous.

Katherine Robinson, 44 Valley Road, said that having people buy tickets at the Babson lot is a good idea but does not affect the people who buy tickets in advance. The Board said that nobody will be allowed to drive out to the house.

Margaret Mitchell, 24 Ravine Road, said that she is concerned that vendors will suggest that their customers drive by the Design Home.

Barbara Marx, 60 Valley Road, submitted advertising pages from Boston Magazine for the Design Home, published in March of 2006. She said that she felt offended that without the benefit of the Public Hearing, the Design Home has already been advertised. She said that it puts the neighbors and the Board in an awkward position to turn something around where an expectation has been built.

Mr. Reulbach said that it was their intention to have a parking solution in place before coming before the Town to discuss the project. They had been working on a parking solution since last September. Advertising time is about 60 days out. The March issue was being put to bed when they were talking with Newton-Wellesley Hospital and Babson regarding parking. They felt confident that they had a solution on the horizon. He said that he regretted that the advertising came through before approval.

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Leslie Caffyn, 10 Livermore Road, said that she worked with them and Boston Magazine at their last event and it was a great success because it got the community involved. On-site parking was not an issue. She said that, based on her experience, these people are very professional and pay attention to the details. She said that in the few instances that people came up to the house, they were asked to leave and to go to the designated parking lot.

The Board asked about expected gross income for the project. Ms. Benjamin said that the Home for Little Wanderers netted about \$150,000 in Hopkinton and they hope to net between \$150,000 and \$200,000 for this project. She said that the Design Homes tend to attract an affluent clientele.

Ms. Benjamin said that the tours give the Home for Little Wanderers an opportunity to feature what their organization is all about. Brochures are available at the Design Home. They also have an opportunity to speak with prospective donors and current supporters to enhance their understanding of the organization's mission.

Ms. Benjamin said that they have to pay Boston Coach and Ms. Edelin. Approximately 70 percent of the income funnels down to the Home for Little Wanderers.

The Board asked if there had been any reports of criminal activity for the Design Home projects in the past. Ms. Edelin said that she did not believe so. She said that the Chief of Police in Medfield said that he had no problems of any kind. The Police conducted drive-bys on a regular basis at the neighbors' request

The Board said that the other host communities were more rural than Wellesley. This is a dense neighborhood.

The Board said that it would solicit feedback from Town Counsel, the Building Inspector and the Fire Department regarding non-profit status and occupancy.

The Public Hearing was continued to May 18, 2006.

May 18, 2006

The Board addressed an issue that was raised by a neighbor to Town Counsel concerning a possible conflict of interest for one of the Board members.

The Board member read a statement concerning his connection to the Home for Little Wanderers and said that he felt that he could rule on this special permit in a fair and impartial manner. No one present had any objection to the Board member continuing on the panel.

Presenting the case at the hearing were Barbara Edelin, Project Manager, Joan Wallace Benjamin, President and CEO of the Home for Little Wanderers, Paul Reulbach, Publisher of Boston Magazine, Peter Fallon, Builder, and J. Walter Freiberg, III, Counsel to the Home for Little Wanderers.

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Also present at the hearing were Terrence Cunningham, Chief of Police, and Katherine Babson, Vice-Chairman of the Board of Selectmen.

Ms. Edelin said that they submitted to the Board a revised parking and ticketing plan. She said that they had reviewed the main concerns of the neighbors after the last hearing.

Ms. Edelin said that Design Home would be open for tours from September 6 to October 6, 2006. Tours will run on Monday through Friday from 10 a.m. to 4 p.m. The Thursday night tour has been eliminated. They will be closed for tours on two Saturdays and two Sundays. They have tentatively earmarked Saturday, September 23rd and September 30th, and Sunday, September 17th and October 1st for closing.

Ms. Edelin said that under the revised schedule, the Design Home would be open for 22 days. She said that historically attendance is slow during the first week. Activity usually picks up in the middle of the schedule and then tapers off at the end. This is the first time that they have scheduled the tours in September. Previous Design Home tours were conducted in May. They are unsure if the time of year will affect attendance.

Ms. Edelin said that all parking will be managed off-site at the Trim Lot at Babson College. All literature will direct traffic to the Trim Lot. The applicant will not publish the address of the Design Home.

Ms. Edelin said that directions to Babson will come directly from the Babson website. All of their volunteers will park at Babson and will arrive at the Design Home via shuttle bus. The shuttles will be 14-passenger vans.

Ms. Edelin said that they have met with Chief Cunningham and he has agreed to work with them closely to fine tune the shuttle bus travel routes to and from the Design Home.

Ms. Edelin said that all tickets will be purchased in advance. There will be no on-site ticket sales at the Design Home. Anyone who arrives at Babson without a ticket may purchase one on the Design Home shuttle van. Every ticket will be punched by a volunteer. No one will be allowed into the Design Home without a punched ticket.

Ms. Edelin said that there will be an Access Coordinator who will be on-site everyday to supervise and manage all issues of access to the house.

Ms. Edelin said that access to Ravine Road will not be barricaded. Anyone parking on Ravine Road or on neighboring streets and walking back to the Design Home will be asked by the Access Coordinator to go back to their car and to park at Babson. Exceptions will be made only if the person indicates that they live on a neighboring street and are within walking distance of the Design Home.

Ms. Edelin said that Chief Cunningham will make a decision, based on his assessment of the traffic situation in the area, whether to post "no parking/tow zone" signs in the area during the tour schedule. Chief Cunningham and Ms. Edelin will be in constant contact throughout the process and will make adjustments as needed.

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Ms. Edelin said that they estimate that a person can complete the tour of the house in approximately one hour. Guests exiting the Design Home will wait in the garage for the van to take them back to Babson. People will not be allowed to loiter on the street or around the house.

Ms. Edelin said that they will work with the van drivers through a walkie talkie system to have the van always within five minutes of the house to minimize the wait time. At the end of the tour day, the last shuttle will take all guests back to Babson approximately one hour after the close of the house tours.

Ms. Edelin said that the shutdown process, involving checking the house thoroughly and preparing for the next day, will take another hour. A volunteer will alarm the house and will be out of the house approximately two hours after closing. The house will be closed and alarmed by 6:00 p.m. on Mondays through Fridays and by 7:00 p.m. on Saturdays and Sundays.

Ms. Edelin said that they spoke with Boston Coach and were told that all of their drivers undergo background checks for motor vehicle records, previous employment, CORI check and criminal offender information. All drivers have to submit to a drug test.

The Board asked about signs on the property. Ms. Edelin said that there will be no signs.

The Board said that it had received comments from Counsel to the Home for Little Wanderers responding to the Board of Selectmen's memo of May 10, 2006.

Mr. Freiberg said that the agreement to not publish the address of the Design Home applies to all participants.

Chief Cunningham said that he had several conversations with the applicant and that he met with the Town's Executive Director, Hans Larsen, as well. He said that he had received a number of telephone calls from the residents following the May 11th Public Hearing. He said that he raised the concerns with the applicant and they have been working through the issues together.

Chief Cunningham said that he had spoken with the Police Chief in Hopkinton regarding his experience with the Design Home. He was told that there were no issues at all. He said that there was a different street configuration. They did allow some on-street parking. He estimated that there were between five and ten vehicle drive-ups on a daily basis but there were no traffic issues.

Chief Cunningham said that he had discussed travel routes with the Board of Selectmen. He said that if one neighborhood was overly impacted, the routes could be varied. He can assign a lieutenant to monitor the situation on a daily basis.

Chief Cunningham said that he does have the authority to post "No Parking" signs anywhere on a temporary basis without having a full hearing. He said that would be something he would be willing to discuss with the neighbors.

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Chief Cunningham said that it was important that tickets are punched to show that people are actually getting off of the bus. He said that if people do drive up to the house, they should be sent on their way immediately to Babson. Directions should be pre-printed for handout. He said that the applicant has agreed to do this.

Chief Cunningham said that he had heard from the residents that they do not want any type of blockade, barriers or cones.

The Board said that any substantial oversight by the Police Department should be done on a detail basis. Chief Cunningham said that the applicant has agreed to pay for any details.

The Board asked said that there should be direct communication with the neighbors. Ms. Edelin said that they are willing to work with a neighborhood representative.

Chief Cunningham said that the neighbors feel that the Town should be involved throughout the event. Chief Cunningham agreed to be the contact person responsible for relaying any of the neighbors' concerns to the applicant. He said that he will need to have direct access to the person in charge in case there are any issues that develop.

Ms. Edelin said that there will be a manager at the house every day. They will give Chief Cunningham a list of contacts, their cell phone numbers, and the schedule.

Ms. Edelin said that there will be an alarm system at the house. She will be an after-hours contact person in addition to two volunteers in the neighborhood whose numbers will be listed.

Chief Cunningham said that the Board of Selectmen's condition for alternative parking locations in their May 10, 2006 memo could lead to confusion.

Chief Cunningham said that the tickets will be sold in blocks of time and van trips will be limited to those blocks of time. He did not believe that this will cause disruption or disturbance to the neighborhood. He said that if it did become a disturbance to the neighborhood, they could take steps to mitigate any problems.

The Board said that Chief Cunningham should report any violations to the Zoning Enforcement Officer.

The Board said that it had received responses to their questions regarding occupancy of the house from the Building Inspector and the Fire Chief. The Fire Department deferred to the Building Inspector. The Building Inspector reviewed the plans for the house and said that an occupant load of 94 is a reasonable number given the floor area and the number of people. That number would include all volunteers and visitors in the home at any one time.

The Board said that it had received advice from Town Counsel, who said that the project did qualify as a non-profit in his opinion but the Board could make its own determination.

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Mr. Freiberg said that he had spoken with Town Counsel whose opinion was that the ancillary involvement of some for-profit partners that make these types of events possible does not dispel the fact that the petitioner is a valid not for profit agency.

The Board said that other Design Home host communities had been contacted. Hopkinton and Medfield town representatives said that the process was handled well and they would be willing to host a Design Home again.

The Board asked about interior advertising signs. Ms. Edelin said that there will be information in every room about the products on display. Additional information will be available in the annex.

The Board discussed information that was posted on the Design Home website. A ribbon cutting ceremony was listed. Mr. Reulbach said that the ribbon cutting ceremony has been done in the past but they are willing to forego that.

The Board said that a "cleanout the house" event was listed on the website. Ms. Edelin said that it is a silent auction. She said that they have tried to come up with ways to increase revenue for the Home for Little Wanderers and the auction is one way of doing that. Some of the people who decorate the house donate items. If someone going through the house sees a particular item that they like that is marked for the auction, they can bid on it. There will be no money exchanged on the site. People who bid on items at the auction pick the item up at the vendor's store.

The Board said that the website refers to the Design Home at a Wellesley Farms address and, "come knock on our door". The Board asked that those two items be removed from the website. The Board asked that the "no walk-ins" policy be stated on the website.

The Board said that reference was made to a speaker series. Ms. Edelin said that during the regular tour times, there may be some added informational sessions regarding window treatments, for example.

The Board said that it should be clear to the advertisers that they may not disclose the address of the Design Home in any of their promotional materials.

Public Comment

Ned Joachimi, 39 High Gate Road, said that he has lived there for 22 years. He asked what the Town stood to gain from this project. The Board said that it is not the Zoning Board's role to make that determination but rather to determine whether, under its authority, it can grant the special permit.

The Acting Chairman read from the Zoning Bylaw, Section II A 8 (b).

Tom Clemow, 8 Old Farm Road and 38 Ravine Road, expressed concern about the number of bus trips. He said that it is a quiet residential street.

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Mr. Clemow said that under Section XXV-D of the Zoning Bylaw, there is a list of seven conditions that have to be met for the Board to grant a special permit. One of the conditions is vehicular circulation. The project should not add to traffic congestion or accident potential. The Bylaw states that the intensity of use should not adversely affect the character of the site and its surrounding properties. He said that the Board should have sought input from neighbors of the previous Design Homes.

Ms. Edelin said that they have planned for two vans trips per hour. If they find that they have a lot of people waiting at Babson, they may add another van. People usually come in groups, four and five at a time. It is a ten minute bus trip to the house. Typically they do not have the maximum number of people coming every day.

The Board said that an increase to four vans per hour could not be construed as a significant traffic or safety hazard. The situation will be monitored by the Police Chief and if the perception is otherwise, it will be remedied.

Don Annino, 47 Valley Road, asked if Chief Cunningham had gone out to the neighborhood. Chief Cunningham said that he did drive around the neighborhood and noticed that there were construction vehicles parking along the side of the street.

Barbara Marx, 60 Valley Road, said that she took a picture of the street. She distributed a map with a two-block area that shows where construction is going on in the neighborhood. She said that adding the bus trips could create a dangerous situation.

Katherine Babson, Clovelly Road, said that she is Vice-Chairman of the Board of Selectmen. She said that she was speaking on behalf of the Board. She said that the Board of Selectmen spent a fair amount of time on this subject. They asked the Executive Director, and the Fire and Police Chiefs to review the situation and to spend time with the neighbors to come up with suggestions that they think would help to accommodate the situation. She said that a letter had been submitted by Owen Dugan, on behalf of the Board of Selectmen, with a number of suggestions.

Ms. Babson said that Chief Cunningham spoke with the neighbors. The neighbors' concerns with respect to Design Home hours and other issues that appear to be of importance to the neighborhood have been addressed. She said that she hopes that if this Special Permit is granted, one of the conditions be that the website be changed immediately. She said that the Board of Selectmen is supportive of the application.

Katherine Robinson, 44 Valley Road, said that at the May 11, 2006 hearing the applicants said that the Home for Little Wanderers hoped to raise \$200,000 and net \$150,000. Given those numbers, there would have to be 8700 visitors at \$23 a ticket to get to that figure.

Ms. Benjamin said that \$150,000 is their target. They embellish the ticket sales with other fundraising efforts such as the "cleanout the house" auction and through corporate sponsorship. Ms. Benjamin said that these sponsors are solicited specifically by the Home for Little Wanderers.

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Peter Marx, 60 Valley Road, said that thousands of people going through a \$5.5 million house to look at vendors' products and services is not a non-profit use.

The Board said that the bylaw refers to a non-profit purpose, not a non-profit use. Most fundraisers necessarily entail some commercial aspects.

Garth Greimann, 17 Ravine Road, asked that Chief Cunningham ask the Boston Coach bus drivers to go respectfully slow on Ravine Road.

Chief Cunningham said that it is a residential street and by statute there is a 30 mile per hour speed limit. He said that it would be reasonable to have a 20 mile per hour limit in the area. He said that he would contact Boston Coach.

Ms. Edelin said that when guests get on the van, they listen to an introduction to the Design Home. They encourage the driver to go slow as they reach the Design Home street because they want the guests to appreciate the neighborhood and see the house as they approach. She said that they probably drive slower than 20 miles per hour.

Chief Cunningham said that he has asked Boston Coach for a contact person. He has requested that the drivers be professional and that they have their records checked. He would like to have those records open for his review.

Ms. Edelin said that she had an email from Peter Cassidy of Boston Coach regarding the background checks that they do on their drivers. He indicated to her in a phone conversation that their drivers work with the Secret Service and the FBI. She said that Boston Coach is a Fidelity Company and that all of the drivers are professional. The Board asked Ms. Edelin to request that Boston Coach share those records with Chief Cunningham.

The Board asked about an anti-idling law. Chief Cunningham said that it is State law that limits idling of a bus to 5 minutes. He said that he had discussed that with the applicant.

Marcia Abbott, 8 Old Farm Road, said that she is concerned that Boston Magazine will be the true beneficiary of the event. She said that their advertising revenues for the March issue are ten times what the Home for Little Wanderers will get.

Mr. Reulbach said that the revenue numbers have been exaggerated. He said that the purpose of this project is to be able to give back to the Home for Little Wanderers. He said that the advertisers look at Boston Magazine as a marketing partner and not just a printed page.

Tony Dinovi, 3 Ravine Road, said that he lives on the corner and has two small children. He said that the buses will not drive as safely as the neighbors. He said that the Boston Coach drivers are not professional but people who are looking to make some extra money or are between jobs.

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Barbara Marx, said that there were approximately 80 pages of advertising for the last Design Home in Boston Magazine. She said that there was one page dedicated to the sponsorship.

Margaret Mitchell said that she is concerned that the vendors will let the address of the Design Home be known.

The Board said that it would request that the Townsman not publish the street address of the Design Home.

The Board said that although that there will not be a significant amount of additional traffic, the current condition there is fairly severe. The area should be monitored for safety.

The Board made the following findings that:

- the proposed use is for a non-profit purpose;
- sufficient off-street parking will be provided;
- no sign identifying the premises shall be displayed on the property;
- subject to the conditions to be imposed, there shall not be a disturbance or disruption to the neighborhood caused as a result of the activity.

The Board said that the Board of Selectmen's conditions, with the exception of Condition #5, should be incorporated in the decision. The applicant's conditions should be incorporated as well.

The Board discussed maximum occupancy of the Design Home. The Board said that the limit shall be a maximum of 80 people in the home, including volunteers, at any one time.

Chief Cunningham asked that the whole area be designated as "no smoking."

Chief Cunningham asked about use of the restroom facilities. Ms. Edelin said that porta-potties will be brought onto the site. They will be located at the back of the property, out of sight for the neighbors. She said that it would be up to Mr. Fallon if they could use an indoor facility.

Ms. Edelin said that the porta-potties were emptied on a regular basis in Hopkinton, probably every other day. The Board said that the impact of the porta-potties should be minimized. The Board of Health should be consulted regarding an appropriate schedule of emptying the units based on the occupancy.

The Board said that the porta-potties should not be visible from the street or the neighboring properties.

Ms. Edelin said that there will be no porta-potty facilities at Babson.

The Board said that people will be allowed to take purchases that are small enough to carry from the "Cleanout the House" auction.

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Chief Cunningham asked if there could be conditions that there be no walk-ups, that he receive a schedule of all of the trucks that will be moving the materials and all deliveries, and that he receive information on the bus drivers' identities.

The Board said that the Applicant must provide the Police Chief with information regarding all responsible parties.

The Board said that upon determination by the Police Chief of any violations, he can report the violations to the Zoning Enforcement Officer who has the authority to revoke the Special Permit. Any breach of a condition should be cured within 24 hours. Violations should be communicated to the Project Manager.

Statement of Facts

The subject property is located at 45 Ravine Road, in a 20,000 square foot Single Residence District.

The petitioner is requesting a Special Permit to allow the premises to be used as a Design Home from September 6 to October 5, 2006, which is a use not allowed by right in a Single Residence District. The hours of operation will be from 10 am to 4 pm on Mondays through Fridays, and from 10 a.m. to 5 p.m. on two (2) Saturdays and on two (2) Sundays. The house will be closed for cleaning on the weekend day that it is not open. All parking will be off-site.

A letter dated 4/7/06, signed by Joan Wallace-Benjamin, PhD, President and CEO of The Home for Little Wanderers, Design Home Parking Plan 2006, Directions to the Trim Lot at Babson College for Design Home Parking, Response to May 10, 2006 Board of Selectmen's Memo from J. Walter Freiberg, III, dated May 18, 2006, and Design Home 2006 Ticketing/Parking Plan-Revised 5.18.06, were submitted by the Applicant.

Memo regarding Designer Show Home Conditions, dated May 10, 2006, from Owen Dugan, Chairman of the Board of Selectmen, was submitted.

Memo regarding Designer Show Home for Little Wanderers – Occupant Load Request, dated May 15, 2006, from Michael Grant, Inspector of Buildings, was submitted.

Letter regarding Application for Special Permit by Home for Little Wanderers; Zoning Bylaw §II.A.8.(b), dated May 17, 2006, signed by Albert S. Robinson, Town Counsel, was submitted.

On May 9, 2006 the Planning Board reviewed the petition and expressed concern regarding the extended evening hours on Thursdays and felt that it did not have enough information to make a recommendation on this petition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. It is the opinion of this Authority that the use of the property at 45 Ravine Road for a non-profit purpose is in harmony with the general intent and purpose of Section II A 8 (b) of the Zoning Bylaw.

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

- There shall be no advertising or public notification of the location of the show home. The Applicant shall include this prohibition in any contractual arrangements.
- Tours will run from September 6 to October 5, 2006 on Mondays through Fridays from 10 a.m. to 4 p.m. and on two (2) Saturdays and two (2) Sundays from 10 a.m. to 5 p.m. On any given weekend there will be one day that the Design Home will be closed for cleaning.
- On-street parking on Ravine Road or neighboring streets by visitors to the show home shall be strictly prohibited, and sponsors shall take steps satisfactory to the Police Chief to ensure that drive-up visitors to the show home are not admitted.
- There shall be no street barriers or blockades to Ravine Road.
- All parking shall be at the Trim Lot, Babson College.
- The Chief of Police shall review and approve shuttle van routes to ensure that there is no one particularly impacted route to or from Babson.
- No more than four (4) shuttle vans shall be scheduled per hour.
- All volunteers shall park at Babson and ride the shuttle van to the Design Home.
- Written directions to the Trim Parking Lot at Babson College shall be distributed with all advance ticket sales.
- Written directions to the Trim Parking Lot shall be taken from the Babson College website and shall direct all traffic to the front gate off of Forest Street. Directional Design Home signage on the Babson Campus shall point visitors to the Trim Lot.
- All tickets shall be punched at the Babson Lot, on the van. No one shall be allowed on the Design Home site unless they have come off of the van. There shall be no on-site ticket sales at the Design Home.
- There shall be an Access Coordinator at the front of the Design Home.
- The Access Coordinator shall report to an on-site supervisor who shall make decisions regarding access to the Design Home.
- Pre-printed directions to the Trim Lot at Babson College shall be distributed to walkup visitors at the Design Home.
- Walkup visitors shall be directed off of the Design Home site immediately.
- There shall be a maximum of 80 people in the home, including volunteers, at any one time.
- Interior advertising shall be limited to flyers inside the house.
- There shall be no loitering at the Design Home site.
- Guests exiting the house shall wait in the Garage Annex for the van to return them to Babson.
- There shall be radio contact from the Design Home to the vans.

- Outdoor restroom facilities shall be located so as not to be visible from the street or from the neighbors' yards.
- The Board of Health shall be consulted for an appropriate schedule of emptying the outdoor restroom facilities.
- There shall be no exterior signage during the course of the Design Home period.
- There shall be no amplification of voice commands at the site.
- The entire Design Home site shall be designated as a “no smoking” area.
- There shall be daily cleanup of the site.
- A Certificate of Occupancy shall be issued by the Inspector of Buildings prior to opening the home to tours.
- There shall be no ribbon cutting ceremony.
- Items purchased at the “Cleanout the House” auction shall be picked up at the vendor’s place of business unless the item is small enough to carry.
- The Chief of Police shall be designated as the contact person for the neighbors.
- The Applicant shall provide a list of daily supervisors and their cell phone numbers to the Police.
- The Applicant shall provide a schedule of all trucks that will be moving materials to and from the Design Home site.
- Boston Coach shall provide information on the bus drivers’ identities to the Chief of Police.
- Police details, at the discretion of the Chief of Police, shall be funded by the applicant.
- Upon determination by the Chief of Police of any violation of this Special Permit, he shall report the violation to the Zoning Enforcement Officer and the Project Manager. The Zoning Enforcement Officer shall have the authority to revoke this Special Permit. For the first breach of any condition (except for a breach which effects the life, safety or welfare of the public) the Applicant shall have 24 hours from notice of the breach to cure same and if cured to the satisfaction of the Zoning Enforcement Officer this Special Permit shall not be revoked. For any subsequent breach of the same condition, or any breach of a condition which effects the life, safety or welfare of the public, the Zoning Enforcement Officer may, if he deems appropriate, revoke this Special Permit.

ZBA 2006-40
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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.

Cynthia S. Hibbard, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm