



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 87-67

Petition of Nazila Bidabadi
70 Church Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 17, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of NAZILIA BIDABADI requesting a Special Permit under the provisions of Section II 8 (h) and Section XXV of the Zoning Bylaw which will allow the petitioner to use the premises at 70 CHURCH STREET, for the conduct of a home occupation, namely general dentistry, said location being in a General Residence District.

On August 3, 1987, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication. The petition was originally heard at the Public Hearing of August 27, 1987 at which time it was continued to the hearing of September 17, 1987. Due notice of the second hearing was also given by mailing and publication.

No one was present at the hearing to speak for the petitioner.

Statement of Facts

The property in question is located at 70 Church Street in a General Residence District. Nazilia Bidabadi plans to lease the first floor of the building owned by The Four B Trust and to use the front rooms for office space for a general dentistry practice and the rear rooms as living space. She would not have more than two full-time employees. The normal hours of operation would be 9:00 a.m. to 5:00 p.m. weekdays.

The Petitioner has two parking spaces available to her for personal use. She also has two parking spaces designated for patients. These spaces are located at the building next door. The Four B Trust owns both buildings and has given its permission to use the spaces attached to the adjacent building.

At the Public Hearing of August 27, 1987, the Board was not satisfied with the adequacy of the parking spaces and questioned if Mrs. Bidabadi had permission of the tenants to use the additional spaces. The area behind 70 Church Street is small. If the front spaces were filled, it would not be possible to reach the rear spaces. The Board suggested to Mr. Hakimi, Mrs. Bidabadi's husband who was representing her at the hearing, that the petitioner return on September 17, 1987 with more definitive arrangements for parking and that the petition would be continued until that date. No one appeared at the hearing of September 17, 1987 to speak for the petitioner.

The Planning Board, at its regular meeting on August 11, 1987, voted to oppose the granting of a Special Permit as the applicant was not a resident and the parking seemed to be inadequate for other tenants plus the proposed business.

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Decision

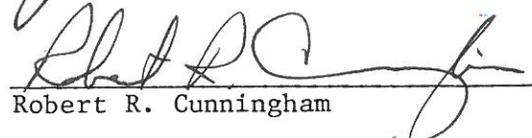
This Authority has made a careful study of the evidence presented. Section II A 8 (h)(6) states: "There shall be provision for parking on the premises so that no vehicle will be required to park on any street. The required parking area shall retain the character of the residential neighborhood..."

It is the opinion of this Board that this provision of the Zoning Bylaw has not been satisfied. Therefore, the requested Special Permit is hereby denied and the petition is 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


John A. Donovan, Jr., Chairman


Robert R. Cunningham


William E. Polletta

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