



ZONING BOARD OF APPEALS

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ZBA 99-2
Petition of Bramwell D. Young
398 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 28, 1999 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of BRAMWELL D. YOUNG requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow him to continue to use a portion of his premises at 398 LINDEN STREET, in a Single Residence District for the purpose of a home occupation; namely computer generated graphic design, with hours from 9 a.m. to 5 p.m. on Mondays through Fridays throughout the year, and no more than two clients per week. There is one non-resident employee.

On January 11, 1999, 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 Bramwell Young, who said that there is a lot less business due to the Internet. They still have about 10 customers who have been with them for years, and his brother still works at the house.

The Board stated that the Planning Board had said it had indications that some people had parked in the street. Mr. Young explained that he had two building permits during the summer for work on his property, so there was a lot of activity that had nothing to do with the graphics business.

The Board asked if Mr. Young had more than one business. Mr. Young said he also has a construction business. All the construction vehicles are parked either at Mr. Boiardi's lot on Linden Street, or in a barn on the Hunnewell estate. He drives back and forth in his own car.

The Board asked if Mr. Young was operating the construction business from his home. He said he was operating on a cell phone and on the work site. The Board asked why he wanted to continue the graphics business, if there were so few customers. Mr. Young said that it was his brother's livelihood. They have worked together in the business since 1980.

Felix Juliani, 6 Sylvester Terrace, said that there had been a misunderstanding as to whether Mr. Young was running the construction business from his home. This has been cleared up,

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and he now has a place to house the construction vehicles. Mr. Juliani said he has no objection to the granting of the Special Permit.

Jay Fishman, 383 Linden Street, said that he is concerned because a computer graphics business does not require one or two trucks parked overnight on the premises. The trucks are large, white, and have a corporate logo on the side. He has no problem with a computer graphics home occupation, but does have a problem with the trucks parked in the driveway.

Mr. Young agreed that the trucks are parked in the driveway overnight. The Board stated that this is not allowed, and would be a condition in the Special Permit. Any violation of the condition would lead to immediate revocation of the Special Permit.

The Board asked if Mr. Young was not performing duties with the graphic design business, should he have the right to have a permit for a home occupation. Mr. Young said that he is the president of the company and runs the books. His brother is an employee.

The Board stated that it would require Mr. Young to submit a letter stating that he owns and operates the business, that he has a participating role in the business, and a detailed description of his responsibilities as president.

The Board also stated that the Special Permit would be renewed for one year, with the usual conditions as well as the additional conditions regarding the ban on parking of commercial vehicles on the premises, and the submission of the letter.

Statement of Facts

The subject premises are located at 398 Linden Street, in a Single Residence District.

The petitioner is requesting renewal of a Special Permit for a home occupation; namely computer generated graphic design, with one full-time employee from 9 a.m. to 5 p.m. on Mondays through Fridays throughout the year, and no more than two clients per week. All parking related to the home occupation will be in the driveway of the premises.

Graphic design on two MacIntosh personal computers will be done in the basement office on the premises. The floppy disk containing the finished product is then delivered or mailed to the client. The photographic portion of the work is done off-site.

On January 19, 1999, the Planning Board reviewed the petition and commented that it had received testimony at the meeting from an area resident that there were occasional violations of the condition in the Special Permit requiring that all parking of employee and client vehicles shall be in the driveway of the premises.

The Planning Board further commented that the nature and extent of the business should be reviewed in detail with the applicant as to compliance with the special permit conditions, as it is possible that the business has expanded beyond that which should be allowed in a Single Residence District.

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Decision

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This Authority has made a careful study of the material submitted and the information presented at the hearing. It is the opinion of this Authority that the requested use of the premises for the home occupation of graphic design is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and will neither disturb nor disrupt the customary character of the neighborhood.

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

1. There shall be no more than one full-time employee with hours from 9 a.m. to 5 p.m. on Monday through Friday throughout the year.
2. There shall be no more than two clients per week during the aforesaid hours.
3. All parking of client and employee vehicles shall be in the driveway of the premises, and no vehicle relating to the home occupation shall ever be parked on Linden Street or any adjacent street.
4. No commercial vehicle of any type shall be parked on the premises from 7 p.m. to 7 a.m. at any time.
5. A letter shall be submitted by the petitioner within 20 days after the date of this decision, stating that he owns and operates the computer graphics business, that he has a participating role in the business, with a detailed description of his duties as president of the company.
6. No other business shall be transacted from the premises without a permit from the Building Department or a Special Permit from the Board of Appeals.
7. This Special Permit shall expire one year from the date of this decision.

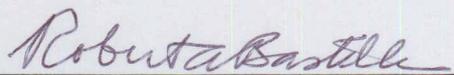
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.



Kendall P. Bates, Acting Chairman



William E. Polletta



Robert A. Bastille

cc: Planning Board
Inspector of Buildings
edg