

TOWN OF WELLESLEY



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## ZONING BOARD OF APPEALS

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ZBA 2000-75

Petition of Kathleen M. Gendron  
25 Brookdale Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 28, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of KATHLEEN M. GENDRON 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 the premises at 25 BROOKDALE AVENUE, in a Single Residence District, for the purpose of a home occupation; namely, Cranio-Sacral Therapy with hours from 8 a.m. to 6 p.m. on Mondays through Fridays and 9 a.m. to 12 noon on Saturdays throughout the year, with no more than 20 clients per week during these hours. There are no employees.

On September 6, 2000, 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 Kathleen Gendron, who said she was requesting a Special Permit for a home occupation. She explained that Cranio-Sacral Therapy is a specialized therapy which is very useful in healing after surgery, before surgery, in any traumatic events and in migraines. It is a very subtle manipulation of tissue in which the cranial bones and the spinal column are held as handles and then myofascial release is accomplished.

The Board asked if a license to practice was necessary in Massachusetts. Ms. Gendron said she has checked with the Health Department and no license is necessary. There is no oil used and no clothes are removed for the procedures.

In answer to questions from the Board, Ms. Gendron said that she has just moved from Florida last month. She would like to have the home occupation permit for one year in order to establish a clientele. She is renting her home which the owner intends to demolish within 15 months, so she will be forced to move.

The Board said it had received a letter in opposition to the petition from Janet Brown, 22 Brookdale Avenue, in which concerns regarding traffic were expressed. Ms. Gendron said she had spoken to her immediate neighbors, and none of them had a problem. She lives on a cul-de-sac.

The Board stated it would like Ms. Gendron's office hours to begin at 9 a.m. rather than 8 a.m. to avoid any conflict with children going to school.

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Sarah Shanahan, 18 Brookdale Avenue, said the neighbors are opposed to the petition for two reasons: they do not want a commercial business run on the street, with the attendant concern that strangers coming to the street would be unaware of the 9 children living in the 8 homes play on the cul-de-sac, thus posing a safety issue. They are also concerned about the strangers themselves as Ms. Gendron does not have an established clientele.

Ms. Shanahan requested that if the Board granted the Special Permit, it would eliminate the Saturday hours and restrict the weekday hours.

Mark Rowat, 14 Brookdale Avenue, opposed the petition due to the increased traffic, the presence of a commercial venture in the neighborhood and the safety of the children.

Joseph Callahan, 18 Brookdale Avenue, also opposed the petition based on the increased traffic.

The Board commented that the traffic is not 20 cars per day, but per week. Generally, home occupations do not generate the traffic anticipated by the neighborhood. In the past, Special Permits for home occupations have been initially opposed by the neighbors, but at the hearing for renewal a year later, few if any neighbors appear at the hearing.

The Board decided that the Special Permit would be granted for one year with the conditions that the hours be limited to Monday, Tuesday, Thursday and Friday between 9 a.m. and 6 p.m. and on Wednesday between 9 a.m. and 12 noon, with no more than 20 clients per week during these hours. All parking of client vehicles must be on the premises occupied by the petitioner. Any literature given to clients regarding the home occupation shall indicate that the speed limit on the road is 25 miles per hour. Furthermore, the Board will be reluctant to renew the permit if any of the aforesaid conditions change.

#### Statement of Facts

The subject premises are located at 25 Brookdale Avenue, in a Single Residence District, and leased by the petitioner as living space from the owner, C. Joseph Grignaffini, 148 Linden Street, Wellesley.

The petitioner is requesting a Special Permit to use a portion of the premises in which she resides for a home occupation; namely, Cranio-Sacral Therapy, with hours from 8 a.m. to 6 p.m. on Mondays through Fridays and from 9 a.m. to 12 noon on Saturdays throughout the year, with no more than 20 client hours per week during these hours. Parking for at least three cars is available in the driveway of the premises. There are no employees.

Submission materials included a letter dated August 28, 2000 from C. Joseph Grignaffini, property owner, granting the petitioner permission to conduct a home occupation on the premises; copies of Certificates of Attendance at The Upledger Institute for Cranio-Sacral Therapy Workshops Levels One and Two; a Certificate of Attendance at an Energy Integration I workshop from the Muscular Therapy Institute in Cambridge, MA; and photographs.

On September 26, 2000, the Planning Board reviewed the petition and had no objection to the granting of the request based on the representation by the applicant that no more than 4 clients per day will be seen.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. It is the opinion of this Authority that the petitioner's request for a Special Permit for a home occupation is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and that the requested home occupation will not disturb or disrupt the customary character of the neighborhood.

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

1. All client sessions shall be conducted between the hours of 9 a.m. and 6 p.m. on Mondays, Tuesdays, Thursdays and Fridays, and between 9 a.m. and 12 noon on Wednesdays throughout the year.
2. During the above specified hours, no more than 20 clients per week shall be seen.
3. All parking related to the home occupation shall be in the driveway of the premises, and no vehicle associated with the home occupation shall be parked on Brookdale Avenue or on any adjacent street at any time.
4. Any literature distributed to clients regarding the home occupation shall indicate that the speed limit on the road is 25 miles per hour.
5. 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.

Cc: Planning Board  
Inspector of Buildings  
edg

*Kendall P. Bates*

Kendall P. Bates, Chairman

*William E. Polletta*

William E. Polletta

*Richard L. Seegel*

Richard L. Seegel

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