



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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Telephone  
235-1664

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82-59

Petition of Robert E. Arnot, M.D.

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, December 16, 1982 on the petition of Robert E. Arnot, M.D., requesting a Special Permit under the terms of Section II A 8 (h) of the Zoning Bylaw which will allow him to use his residence located at 78 MAUGUS AVENUE for the conduct of a home occupation, namely an office for the purpose of psychiatric consultation and psychotherapy, said location being in a Single Residence District. Said request is made pursuant to Section XXV of the Zoning Bylaw.

On November 24, 1982, the petitioner filed with this Board for a public hearing, and thereafter due notice was given by mailing and publication.

Presenting the case at the hearing was Thomas Carens, 1 Post Office Square, Boston, attorney representing Dr. Arnot. He stated that Dr. Arnot is a psychiatrist, would see no more than seven patients a day, one at a time, for 35 to 50 minutes per patient. Hours of operation would be 1 p.m. to 6 p.m., five days per week. Mr. Carens read the Special Permit section of the Home Occupation Bylaw, stating that all requirements could be met. He stated that three or four cars can be parked in the driveway but seven could be accommodated if necessary. Pictures of the driveway were presented. He stated that there would be one part-time receptionist. Mr. Carens stated that if a Special Permit is not granted, it is Dr. Arnot's intention not to cease his practice in his home, because he believes that his home occupation is grandfathered. Dr. Arnot has lived in the dwelling at 78 Maugus Avenue since 1971 and claims that he has been seeing patients since 1971.

Dr. Arnot stated that he now needs a full-time receptionist at his home. His wife sees patients also, as she is a registered psychiatric social worker. Dr. Arnot stated that he is moving out of his Washington Street office.

Present at the hearing and expressing opposition to the proposed home occupation were the following: Dr. Leon Dogan, 75 Maugus Ave., Frank Lionette, 60 Maugus Ave., Robert Lepofsky, 66 Maugus Ave., James Cash, 71 Maugus Ave., James Chadwick, 84 Maugus Ave., Martha Chadwick, 84 Maugus Ave., Donald Morse, 81 Maugus Ave., Billie St. Clair, 88 Maugus Ave., Linda Zikowski, 38 Maugus Ave., John Scully, 67 Maugus Ave., Sally Dogan, 75 Maugus Ave., Carla Lionette, 60 Maugus Ave. Opposition focused on the disruption to the harmony and character of the neighborhood, traffic, threat to the safety of children on the curved, hilly, dead-end street, concern that a Special Permit would be precedent setting, objection to a business of that scale being conducted in a residential neighborhood.

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Statement of Facts

The property in question is located at 78 Maugus Avenue, in a Single Residence District, containing 36,558 square feet of land.

The petitioner is requesting a Special Permit to conduct a home occupation for psychiatric consultation and psychotherapy, seeing a maximum of seven patients per day, Monday through Friday. Appointment hours would be between 1 p.m. and 6 p.m.. Dr. Arnot stated in his application that parking in the existing driveway is adequate, that a maximum of two patient cars would be parked at any one time. A receptionist would be employed on the premises and Dr. Arnot's wife, a psychiatric social worker, sees patients also. Patients would be seen, one at a time, for 35 to 50 minutes per patient. Dr. Arnot is closing his Washington Street office to relocate at his home.

There is strong neighborhood opposition to the request, based on the potential disruption of the customary character of the residential neighborhood, which neighbors claim is a small, quiet neighborhood on a dead-end street.

Decision

This Authority has made a careful study of the evidence submitted.

Section II A 8 (h) 1 of the Zoning Bylaw states:

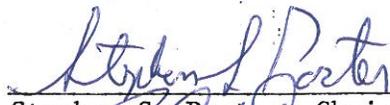
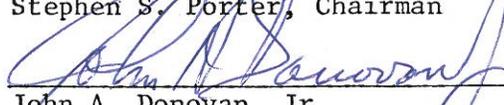
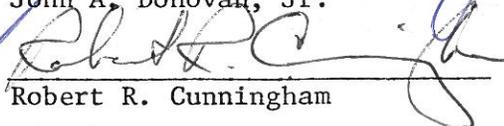
"There shall be no activity, and no equipment or process shall be used, in the conduct or as the result of the conduct of a home occupation, which disrupts or disturbs the customary character of a residential neighborhood;"

There has been tremendous neighborhood resistance to the petition. Residents are concerned about the disruption to the harmony and character of the neighborhood, which they claim is located on a quiet, dead-end street. Their concern centered around traffic, safety of children on a curved, hilly street, the fact that a business such as proposed should be conducted in a business-zoned district.

It is the opinion of this Authority that the coming and going of patients along with the comcomitant traffic and safety considerations in a residential neighborhood violates Section II A 8 (h) 1 of the Zoning Bylaw, that the conduct of the home occupation would disrupt and disturb the customary character of the residential neighborhood.

Therefore, this request for a Special Permit for a Home Occupation is denied and the petition is dismissed.

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