



ZONING BOARD OF APPEALS

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ZBA 98-93
Petition of Barbara G. Kotzen
7 Beverly Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 19, 1998 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 BARBARA G. KOTZEN 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 her to continue to use a portion of her premises at 7 BEVERLY ROAD, in a Single Residence District, for the purpose of a home occupation; namely card and stationery catalog sales, with hours from 9 a.m. to 4 p.m. on Mondays through Fridays throughout the year, but no more than 10 clients per week during these hours. There will be one employee.

On November 2, 1998, 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 Barbara Kotzen, who said that the only change has been that rather than shipping 95% of the orders directly to her customers, 100% of the orders are now shipped directly.

Mrs. Kotzen stated that she is in complete conformity with all of the conditions of her Special Permit, and has submitted a copy of her daily calendar from January to October, 1998, and a schedule of the actual clients who have come to her home during that period. Clients have averaged between two to three per week. She has also submitted letters from surrounding neighbors attesting to the fact that there is no on-street parking of clients, and no appreciable traffic due to her home occupation. One of the letters is from her next door neighbors stating that she has abided by all the conditions.

The Board commented that Mrs. Kotzen was well prepared. She responded that at the hearing last year, there was a controversy about certain facts, so she wanted to supply the Board with as much specific information as possible regarding her activities.

Ari Buchler, 429 Weston Road, stated that Mrs. Kotzen has not created an increase in traffic. There is more traffic from construction workers and lawn care people than from her customers. Mr. Buchler expressed support of the renewal of the Special Permit.

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Kenneth Talanian, 4 Beverly Road, spoke in opposition to the petition. Mr. Talanian presented over 50 pictures of cars parked in the street in front of the Kotzen home. He said that the pictures were taken in April, May and August, but no picture had a time or date. His main concern was his difficulty in backing out of his driveway in the afternoon and on the weekend due to the presence of the cars.

The Board asked how Mr. Talanian could distinguish guest cars from client cars. He said that he had no way of making that determination.

Kim Emerson, 52 Beverly Road, stated that she passes the Kotzen house every day on her way to and from work, and has never had a problem with parked cars or traffic.

Statement of Facts

The subject property is located at 7 Beverly Road, in a Single Residence District. The petitioner is requesting renewal of a Special Permit for a home occupation; namely, card and stationery catalog sales, with hours from 9 a.m. to 4 p.m. on Mondays through Fridays throughout the year, but no more than 10 clients per week only by appointment during these hours. All parking of client vehicles will be in the petitioner's driveway. The petitioner has arranged to have all product deliveries made directly to the customers. There will be one employee.

The petitioner submitted a copy of her daily calendar from January through October, 1998; a schedule of customers each week for the past year; and letters in support of the petition from Francis and Janice Delmonico, 3 Beverly Road; W. Hunter and Kim Emerson, 52 Beverly Road; Linette Van Flandern, 48 Beverly Road; Nancy Smith, 56 Beverly Road; and Helene and Ari Buchler, 429 Weston Road.

On November 10, 1998, the Planning Board reviewed the petition and had no objection to the granting of the petition.

Decision

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 home occupation 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.

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

1. The home occupation shall be conducted only between the hours of 9 a.m. to 4 p.m. on Mondays through Fridays throughout the year.

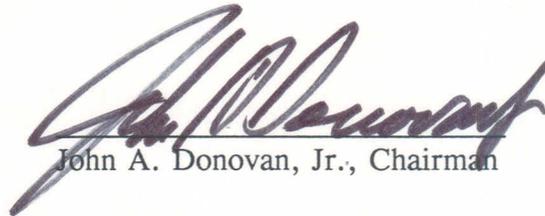
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2. There shall be no more than 10 clients per week during the aforesaid hours, and these 10 clients shall have scheduled appointments.
3. There shall be no open house held on the premises at any time during the year.
4. All parking related to the home occupation shall be in the driveway of the petitioner; and no vehicles relating to the home occupation shall be parked on Beverly Road or on any adjacent street.
5. This Special Permit shall expire two years 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


John A. Donovan, Jr., Chairman


William E. Polletta


Robert A. Bastille

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