TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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84-39
Petition of Cathleen S. Miller

Pursuant to due notice the Special Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, August 9, 1984 at 8 p.m. on the petition of CATHLEEN S. MILLER requesting a Special Permit under Section II 8 (h) of the Zoning Bylaw which will allow her to use part of her residence at 43 FISKE ROAD for the conduct of a home occupation, namely a part-time practice of law. Said request is pursuant to Section XXV of the Zoning Bylaw.

On July 18, 1984 the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Cathleen S. Miller, who stated that she presently has an office at 31 Central Street but the lease will soon be terminated. She has just recently moved into the house at 43 Fiske Road and wishes to use her home a few hours each day as an office for telephone work and to receive mail. She sees occasional clients, on the average of one client per month. Hours requested would be 9 a.m. to 5 p.m. She stated that there would be no sign and that all parking would be off the street.

Present at the hearing and opposed to the petition were Barbara Glover, 53 Damien Road, Arlene Baker Wahn, 107 Wellesley Avenue, Mrs. Robert Linnell, 44 Emerson Road.

Statement of Facts

The property in question is located at 43 Fiske Road in a Single Residence District.

The petitioner, Cathleen S. Miller, an attorney, has just recently purchased and moved into the dwelling with her family. She requests a Special Permit under Section II 8(h) to have an office in her home for a part-time practice of law. Office hours would be between 9 a.m. and 5 p.m. She would see an occasional client, but most clients would be seen at their homes or offices. The office would be used primarily for telephone work and mail. There would be no employees and all parking would be in the driveway. No sign would be displayed on the premises.

The Planning Board, at a meeting on August 7, 1984, voted to suggest that a one-year limitation be imposed if a Special Permit were granted.

Letter were received opposing the petition from David E. & Debra H. Breyan, 5 Thackeray Road, Michael A. and Gail Rubin, 33 Damien Road, Linda Perlmutter, 49 Damien Road.

Decision

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

It is the opinion of this Authority that the proposed home occupation requested by Cathleen S. Miller at 43 Fiske Road is in compliance with the requirements of Section II 8 (h) of the Zoning Bylaw and meets the intent of the bylaw with regards to home occupations in Single Residence Districts. It is the opinion of this Authority that the home occupation as proposed will not disrupt or disturb the customary character of the residential neighborhood.

Therefore, the requested Special Permit is granted to Cathleen S. Miller subject to the following conditions:

1. That office hours shall be between 9 a.m. and 5 p.m. weekdays.

2. That no more than three clients per day shall be seen at 43 Fiske Road.

3. That all parking related to said home occupation shall be in the Miller's driveway.

4. That this Special Permit shall expire one year from the date of this decision.

Stephen S. Porter, Chairman

William E. Polletta

Franklin P. Parker

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.

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