

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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84-53

Petition of Margot L. Hampe  
28 Eaton Court

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, October 4, 1984 at 8 p.m. on the petition of MARGOT L. HAMPE requesting a Special Permit under the terms of Section II 8 (h) of the Zoning Bylaw to allow the use of part of her residence located at 28 EATON COURT for the conduct of a home occupation, namely a glass installation business, said location being in a Single Residence District. Said request is pursuant to Section XXV of the Zoning Bylaw.

On August 16, 1984, the petitioner requested 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 Margot Hampe, who stated that she operates a glass installation business, that most of the business is carried on by telephone, that there are no changes in the outside appearance of the house due to the home occupation, that there would be no storage of products, that there would be one employee and no more than 10 appointments at the house per week with sales people related to setting up and maintaining her office (i.e. stationery, business cards, office equipment). She stated that no glass installation clients would come to the house. Upon further discussion, Ms. Hampe stated that she could conduct her home occupation with no people coming to the house other than the one employee. Her billing address is and would continue to be a Post Office box in Woburn.

In answer to a question concerning the number of occupants in the home, Ms. Hampe stated that presently there are two unrelated tenants living there and occasional overnight guests. Relatives of Ms. Hampe have stayed there for brief periods of time. No tenants are involved in the business. The secretary would reside elsewhere. Ms. Hampe stated that the driveway has been expanded to accommodate her two vehicles and the vehicles of her tenants, but that shoppers park in front of her house who are not involved with her business or her tenants.

Opposed to the request were: Walter Greeley, 17 Maugus Avenue, President of the Wellesley Hills Neighborhood Association, who presented a petition signed by neighbors in opposition to the request. He read a letter of August 24, 1984 from Arthur LaConte, Building Inspector, to Margot Hampe citing violations to the Zoning Bylaws. He stated that the neighborhood is fragile, only a block from the business district. The major complaint is traffic and cars parked along the street, disruption to the residential character of the neighborhood.

Also opposed to the request was Sara Johnson, 30 Eaton Court, Vice President of the Wellesley Hills Neighborhood Association, William and Joye Kierstead, 6 Payne Street, Richard Gleason, 19 Eaton Ct., Wendell Gray, 44 Maugus Ave., Don Campbell, 38 Maugus Ave.,

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Leroy Peterson, 14 Eaton Court, Joye Kierstead, 6 Payne Street, Carl Novotny, 17 Eaton Court, John Hughes, 5 Bemis Road, Richard Rubinstein, 15 Maugus Avenue, Stephen Horan, 12 Maugus Avenue. Letters of opposition were presented from Barbara Rubinstein, 15 Maugus Avenue, Doris Shemo, 6 Maugus Avenue, Anna Maria and L. Peterson, 14 Eaton Court. Opposition focused on concern about cars parked on the street connected with the home occupation and the tenants, traffic generated in the area, disruption to the residential character of the neighborhood, opposition to a business being conducted in a Single Residence District.

Present and in favor of the petition was Ted Hampe, 18 Maugus Avenue.

#### Statement of Facts

The property in question is located at 28 Eaton Court, in a Single Residence District. The property was purchased by Margot Hampe in October, 1983.

The petitioner requests a Special Permit for a home occupation, a glass installation business. She proposes to employ a secretary during the hours of 8 a.m. to 6 p.m. No products or materials would be stored on the premises, no clients would be coming to the house. Ms. Hampe originally requested 10 appointments per week with sales people related to setting up and maintaining a business office, but stated at the hearing that the home occupation could be conducted with only the secretary coming to the house. Off-street parking is available for the secretary. The office would be used primarily for telephone contact with clients.

In May, 1984, the Zoning Enforcement Officer, Arthur LaConte, received complaints about an alleged home occupation and that more than three unrelated persons were residing at 28 Eaton Court. An inspection of the dwelling on June 22, 1984 by Mr. LaConte revealed an office area with telephones, a commercial copying machine and a young lady working behind a desk. Following letters of May 22, June 12, and June 20, 1984, a cease and desist order was issued on August 24, 1984 by Mr. LaConte regarding the business use at 28 Eaton Court.

Ms. Hampe widened her driveway without permission for a curb cut from the Board of Selectmen. After complaints were received, Ms. Hampe applied for curb cut permission which was granted by the Selectmen on September 11, 1984.

The Planning Board, in a letter dated September 27, 1984, recommended that the Special Permit request be denied. The letter stated: ".....There has been considerable interest generated in the neighborhood by the activities at this address as evidenced by a recent petition. These activities appear to be more intensive than those of a customary home occupation....."

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Decision

This Authority has made a careful study of the evidence presented. The petitioner has requested a Special Permit for a home occupation at her residence at 28 Eaton Court, which she purchased in October, 1983.

Section II 6 of the Zoning Bylaw allows home occupations "by right" if all the requirements of Section II 6 have been met. It appears to this Board that Ms. Hampe is entitled "by right" to have a home occupation according to her description of the glass business at the Public Hearing on October 4, 1984 except for the fact that she proposes to have one employee, a secretary. In the past Ms. Hampe has given misinformation to the Building Inspector/Zoning Enforcement Office concerning the details of her home occupation, which precipitated the cease and desist order of August 24, 1984 regarding the home occupation. We would emphasize that a "by right" home occupation must follow each requirement of Section II 6.

The only issue before this Board concerning the request for a home occupation by Margot Hampe is the request for one employee on the premises at 28 Eaton Court. This Authority is reluctant to allow the employee proposed by Ms. Hampe. Because of the ambiguities concerning the operation of the home occupation prior to the Public Hearing on October 4, and because of the fact that Ms. Hampe also has lodgers and many vehicles at 28 Eaton Court, this Board is of the opinion that an employee on the premises would constitute an overuse of the property and create congestion which would go beyond the intent of the Zoning Bylaw in a residential neighborhood.

It appears to this Board that Ms. Hampe purchased the property a year ago with the express purpose of using it as a lodging house and for the operation of a business. This property is located in a Single Residence District and previously was used as a residence for a single family. Ms. Hampe claims financial need but it appears to this Authority that the need was self-created when she purchased the property a year ago.

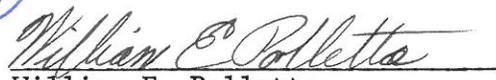
This Board is of the opinion that the requested home occupation at 28 Eaton Court with one employee would disrupt and disturb the customary character of the residential neighborhood. Therefore, the Special Permit requested under Section II 8 (h) of the Zoning Bylaw is denied and the case is hereby dismissed.

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

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

  
William E. Polletta