

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2001-8
Petition of Jolene Ross
140 Bristol Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 22, 2001 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 JOLENE ROSS requesting renewal of a Special Permit pursuant to the provision 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 140 BRISTOL ROAD, in a Single Residence District, for the purpose of a home occupation; namely the practice of psychotherapy with individuals, couples and families, with hours from 9 a.m. to 8 p.m. on Tuesdays, Wednesdays and Thursdays throughout the year, with no more than 25 client hours per week and no employees.

On February 5, 2001, 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 Jolene Ross, who requested renewal of her Special Permit.

The Board stated that it had received a letter from a neighbor complaining about cars parked in front of her home on Bristol Road. The Special Permit requires that all clients park on the premises.

Dr. Ross said she works hard to do that. She has a weekly cleaning service that parks on the street. She also parks her car on the street. The Board stated that Dr. Ross is not supposed to park her car on the street so that her patients can park in the driveway. The issue is one of safety. The property is on the corner of Bristol and Lowell Roads at a crosswalk on a major route to the Upham School.

Dr. Ross said that she had been told by the Board in the past that it was legal for her to have any car that is registered to her home parked on the street. The Board responded that, as a general rule, anybody can park his car in front of his home, but since Dr. Ross is using her home for a home occupation, one of the conditions under which the home occupation was originally granted states that all cars related to the home occupation be parked on the premises.

The Board decided that the condition relating to parking should be expanded to stated that parking related to the home occupation shall be in the driveway of the petitioner; that no client cars shall be parked on Bristol or Lowell Road; and that the petitioner's cars may not be parked on the street during the hours specified for the home occupation.

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The Board asked how many clients Dr. Ross sees. She said she sees about 20 to 25 clients per week, but families sometimes do not come in one car.

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No other person present had any comment on the petition.

Statement of Facts

The subject premises are located at 140 Bristol Road, in a Single Residence District. The petitioner is requesting renewal of a Special Permit to use a portion of her premises for a home occupation; namely the practice of psychotherapy with individuals, couples and families on Tuesdays, Wednesdays and Thursdays throughout the year from 9 a.m. to 8 p.m., but no more than 25 client hours per week, and no employees.

The Special Permit was originally granted in 1993, and has been renewed annually or biennially since that date.

On February 13, 2001, the Planning Board reviewed the petition and offered no objection to renewal on the same terms as are currently in effect provided no conditions have changed.

A letter dated February 15, 2001 was received from Eric Harthun, 128 Bristol Road, expressing concern about the street parking utilized for the psychotherapy practice at 140 Bristol Road.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. The requested use of the premises for a home occupation is not a use allowed by right in a Single Residence District.

It is the opinion of this Authority that the requested use of the premises by Dr. Jolene Ross is in compliance with the provisions 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.

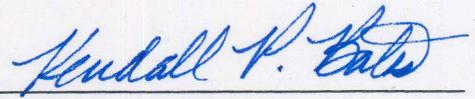
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. All parking related to the home occupation shall be in the driveway of the petitioner, and no client cars shall be parked on Bristol Road or Lowell Road at any time.
2. No cars registered to anyone in residence at 140 Bristol Road shall be parked on Bristol Road or Lowell Road between the hours of 9 a.m. to 8 p.m. on Tuesdays, Wednesdays and Thursdays throughout the year.
3. All client sessions shall be conducted between the hours of 9 a.m. to 8 p.m. on Tuesdays, Wednesdays and Thursdays throughout the year with no more than 25 client hours during this time period.
4. This Special Permit shall expire two years from the date of this decision.

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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, Chairman



William E. Polletta



Richard L. Seegel

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