

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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ZBA 2004-40
Petition of Joan and Jeffrey Talmadge
30 Mayo Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 15, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOAN AND JEFFREY TALMADGE requesting a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to use a portion of their premises at 30 MAYO ROAD, in a Single Residence District, for the purpose of a home occupation; namely an internet based vacation rental business, with no clients coming to the premises, but two nonresident employees working two days per week from 9:30 a.m. to 4 p.m. throughout the year. Parking for nonresident employees shall be on the premises.

On June 28, 2004, the petitioners 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 Jeff Talmadge, who said they have an internet business, which they started a few years ago. It has grown and is successful. They now need some part time help. He understands that the Zoning Bylaw allows up to two nonresident employees. Normally, they have one employee, but as there is seasonal fluctuation, during the busy season, they have two employees coming at 8 a.m. and staying until 6 p.m.

The Board stated it was trying to get a sense of total number of hours, as it would specify the hours during which employees would be on the premises. Generally, the Board grants a block of hours during specified days, so that their decision is based on a set of facts that is enforceable.

The Board suggested that the limits be for up to two employees from Monday through Friday during the hours from 9 a.m. to 5 p.m. Mr. Talmadge agreed with these conditions.

Mr. Talmadge said that no clients ever come to the house; there is no product delivery, and there would be no signage. The Board stated that the decision would include these conditions.

The Board asked if employees would park in front of the garage. Mr. Talmadge said there is an apron in front of the garage large enough for 4 cars. The employees would park on the apron.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 30 Mayo Road, in a Single Residence District, and is owned by Joan Talmadge.

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The petitioners are requesting a Special Permit to use a portion of their premises for the conduct of a home occupation; namely an internet vacation rental business, with no clients coming to the house, but with two nonresident employees. Parking for the employees shall be on the premises.

An application form, a floor plan of the second floor dated 5/14/04, drawn by David Sheffield, and photographs were submitted.

On July 13, 2004, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. It is the opinion of this Authority that the petitioners' requested use of a portion of their premises for the conduct of a home occupation is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and shall neither disturb nor disrupt the customary character of the neighborhood.

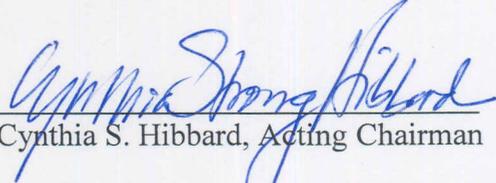
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the conduct of a home occupation, subject to the following conditions:

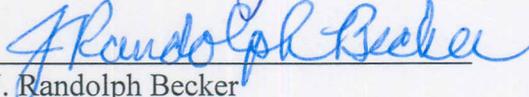
1. There shall be no clients coming to the premises at any time.
2. The number of nonresident employees shall not exceed two.
3. The hours during which nonresident employees shall be on the premises are limited to between 9 a.m. and 5 p.m. on Mondays through Fridays throughout the year.
4. There shall be no signage or product delivery relating to the home occupation.
5. The two employees shall park their vehicles on the premises. No parking related to the home occupation shall be on Mayo Road at any time.
6. This Special Permit shall expire one year from the date time-stamped on this decision.

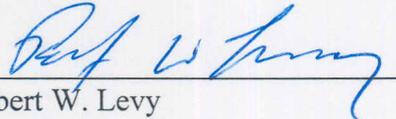
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Planning Board
Inspector of Buildings
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AUG 14 2004


Cynthia S. Hibbard, Acting Chairman


J. Randolph Becker


Robert W. Levy