

**ZONING BOARD OF APPEALS**

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

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ZBA 2007-45
Petition of Julie Freeman
250 Linden Street

Petition of JULIE FREEMAN requesting a Special Permit pursuant to the provisions of the Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of the premises at 250 LINDEN STREET for the purpose of a home occupation, namely, Nutrition Counseling, for no more than 14 clients per week during the hours from 9:00 a.m. to 5:00 p.m. on Mondays through Fridays throughout the year. There are no nonresident employees and all parking will be on the premises.

On June 25, 2007, 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 Leslie Shea, Esquire, who said that he was representing Julie Freeman (the "Petitioner"). Mr. Shea said that Ms. Freeman is a nutritionist. He said that Ms. Freeman came before the Board three years ago with a petition to operate a personal counseling service out of her home. At that time, she was asking for a Special Permit for 32 hours a week at her home.

Mr. Shea said that Ms. Freeman has professional offices at 332 Washington Street, which she will keep. He said that the current request is to use a portion of her home, which is on the corner of Linden and Donizetti Streets. Ms. Freeman intends to see no more than 14 clients per week, Monday through Friday, from 9:00 a.m. to 5:00 p.m. Ms. Freeman has an 11 year old daughter at the Middle School and she would like to coordinate her schedule so that she can be available to her clients and her daughter at home. Ms. Freeman will continue to see most of her patients at her professional office on Washington Street.

The Board said that some home occupations are allowed as a matter of right. Mr. Shea asked that the Board make a determination with respect to a Special Permit for this petition.

The Board asked about the source of the plot plan. Mr. Shea said that the plot plan does not represent the current situation. He said that the driveway has been substantially altered. He said that Ms. Freeman has parking for three spots. He said that there are five parking spaces, including one space for each owner of the two condominiums.

The Board said that three parking spaces are shown on the plan that was submitted. The Board asked where the other two parking spaces are located. Mr. Shea said that a car can be parked behind the area shown as P-3 on the plan. He said that there is an area on the left side of the property that has been paved for several years. He said that allows for additional parking.

The Board said that the other condominium owner signed a petition consenting to the proposal. Mr. Shea said that the neighbors on both sides support the petition. The Board asked if the other owner is aware of the proposed parking arrangements. Mr. Shea said that he is.

There was no member of the public present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 250 Linden Street, in a General Residence District.

The Petitioner is requesting a Special Permit to use a portion of her premises for the purpose of a home occupation: namely Nutrition Counseling, for no more than 14 clients per week during the hours from 9:00 a.m. to 5:00 p.m. on Mondays through Fridays throughout the year. There are no nonresident employees and all parking will be on the premises.

On July 12, 2007, the Planning Department Board reviewed the petition and had no objection to granting the request. The Planning Department staff felt that a maximum number of clients should be a condition of the Special Permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that the requested use of a portion of the premises at 250 Linden Street for the purpose of conducting Nutrition Counseling 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, subject to the following conditions:

1. This Special Permit shall expire one year from the date time-stamped on 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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David Grissino

cc: Planning Board
Inspector of Buildings
lrm
cc: Planning Board