

**ZONING BOARD OF APPEALS**

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

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ZBA 2008-46
Petition of Sandra Masters
889 Worcester Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, July 10, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of SANDRA MASTERS requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to continue to allow a portion of the premises at 889 WORCESTER STREET, in a Single Residence District, to be used for the conduct of a home occupation, namely chiropractic practice, with hours from 8:30 a.m. to noon and from 3 p.m. to 7 p.m. on Mondays, Wednesdays and Fridays totaling 22.5 hours per week and two nonresident employees working a total of 35.5 hours per week throughout the year. Parking for 12 vehicles is available on the site.

On June 24, 2008, 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 Sandra Masters (the "Petitioner"), who said that she owns the home at 889 Worcester Street. She said that she has been practicing there for 12 years.

The Board asked if there have been any changes since the Special Permit was last renewed. Ms. Masters said that she now has one employee instead of two. Ms. Masters said that the Receptionist now does all of the work. She said that the Receptionist usually works just over 30 hours per week, some of the work being done while the office is closed. The Receptionist does most of the Insurance billing on Tuesdays and Thursdays.

Ms. Masters said that she has adequate parking on the premises.

Ms. Masters said that there are no signs for the business on the premises.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 889 Worcester Street, in a Single Residence District, on a 12,626 square foot lot, and is owned by Sandra Masters. The property was formerly owned by Dr. Masters' parents, Charles and Sue Coe. Dr. Masters resides on the premises. The property contains a semi-circular driveway with two curb cuts onto Worcester Street.

The petitioner is requesting renewal of a Special Permit, which was first granted in 1996, to use a portion of the premises for the purpose of a home occupation, namely a chiropractic practice. The following hours of operation are requested:

Monday, Wednesday and Friday:	8:30 a.m. – noon
Total hours – 22.5	3:00 p.m. – 7:00 p.m.

The following employee hours are requested:

Receptionist: Monday, Wednesday and Friday:	8:00 a.m. – noon
	3:00 p.m. – 7:30 p.m.
Tuesday and Thursday:	8:00 a.m. – 1:00 p.m.
Total employee hours – 35.5	

Parking for 12 vehicles is available on site. The number of clients ranges from 4-6 per hour.

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 889 Worcester Street for the purpose of conducting a chiropractic practice 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. The hours of operation shall be as listed in the foregoing Statement of Facts, and shall not exceed 22.5 hours per week.
2. There shall be no more than one employee whose total hours shall not exceed 35.5 hours in any one week.
3. There shall not be more than one nonresident employee on the premises at any one time.
4. The maximum number of patients shall not exceed six per hour.
5. All parking for patients and employees shall be on the premises, and no vehicle associated with the home occupation shall be parked, or waiting for a parking space, on Worcester Street at any time.
6. The premises shall be occupied by the Petitioner for the duration of the Special Permit.
7. This Special Permit shall expire two years 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 L. Grissino

cc: Planning Board
Inspector of Buildings
lrm