



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of Richard Stanion

Pursuant to due notice the Special Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 9:15 PM on April 10, 1980, on the petition of Richard Stanion requesting permission to operate an office for a business at his home, 603 Washington Street, under the provisions of Section II, 8 (h). Said request was made pursuant to the provisions of Section XXV. On March 19, 1980, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Mr. and Mrs. Stanion were in attendance and Mr. Stanion spoke in support of his request to operate an executive recruiting business requiring a non-resident secretary who would drive to and park in his driveway. Also in favor of the petition, Owen Kite of 603 Washington Street as well as Linda R. Sanderson of 6 Wiswall Circle and Thomas Walsh of 2 Denton Road. Mr. Thomas A. Walsh of 2 Denton Road expressed concern with the creeping commercialization of Washington Street. A letter from Richard J. Gleason of 19 Eaton Court was recorded in favor of Mr. Stanion's petition. A letter from Robert H. Murphy, Chairman of the Planning Board advised that Home Occupations are not permitted in a Town House District.

A continued hearing was held on Wednesday, April 30, 1980 in the Upper Town Hall to allow the Stanion's to be represented by counsel, Atty. L. Passmore, who argued on behalf of his clients.

Statement of Facts

The Stanions single family house, which they recently purchased and have handomely redecorated, is located at 603 Washington Street in a Town House District. The house is located two doors away from a commercial district on the northeast; has parking meters in front; and has a driveway which could accomodate his secretary's car. To the southwest on the same side of Washington Street is located the Webb Townhouses, beyond which doctor's offices in an older home are presently located. Detached houses are located on either side of the Stanions.

The petitioner's business requires one full-time secretary who would drive to work and park in their driveway. No clients shall visit the premises on business. The petitioner is seeking a Special Permit to allow the petitioner to employ in his residence a full-time employee, not resident to his home, in connection with his Personnel Consulting business.



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Decision

Section II A 6, covering Single Residence Districts, allows residents to engage in a Home Occupation, as a matter of right, with certain restrictions as stated in clauses a through g including the restriction that there be no employees not resident on the premises.

Section II A 8 (h) allows, in Single Residence Districts, Home Occupations in addition to those under Section II A 6, including a provision for up to two employees not resident on the premises, with the granting of a Special Permit.

Section III A 1 covering Town House Districts allows "any of the purposes authorized without a Special Permit in a Single Residence District . . ."

A minority of the Board (Mr. Cullinane) is of the opinion that granting the requested Special Permit would not be in harmony with the general purpose and intent of the Zoning By-law.

The entire Board sees an argument why Home Occupations employing non-resident employees or employees should not be allowed in townhouses where residents are very close to each other.

However, a majority of the Board (Messers. Donovan and Porter) voted in favor of the petition with the belief that Mr. Stanion presented a case with substantial equities and that it was unlikely that Town Meeting contemplated outlawing Special Permits for Home Occupation in a single residence within a Town House District.

Because the concurring vote of all three members of the Board is required, see Section XXV C, the relief requested is denied and the petition for a Special Permit is dismissed.

William F. Cullinane
William F. Cullinane, Chairman

John A. Donovan, Jr.
John A. Donovan, Jr.

Stephen S. Porter
Stephen S. Porter

Filed with Town Clerk _____

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