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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

FEB 26 9 03 AM '88

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ZBA 88-2

Petition of Kimball Wallace
14 Springdale Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 21, 1988 at 8 p.m. in the Great Hall of the Town Hall, 525 Washington Street, Wellesley, on the petition of KIMBALL WALLACE requesting a Special Permit pursuant to Section II 8 (h) and Section XXV of the Zoning Bylaw which would permit him to use a part of his residence at 14 SPRINGDALE AVENUE in a Single Residence District, for the conduct of a home occupation, namely clerical work in relation to market research, with two full-time employees from 8:30 a.m. to 5:00 p.m., Monday through Friday throughout the year.

On January 4, 1988, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Kimball Wallace who said he was moving from an office in Boston to a small office in the Newton Wellesley Office Park where all clients would be seen and all pick-ups and deliveries would be made. At present, he wished to have one full-time employee, who does not have a car, assist him at home with the future possibility of adding a second part-time employee.

Mr. Wallace said that presently there is a cleared area in front of the property for parking and that parking would also be possible in the driveway turnaround. In the spring, he plans to build a stone wall along the front of the property to separate the parking area from the street.

Theodore C. Merlo, 36 Hillside Road, opposed the petition, stating that Springdale Avenue is a unaccepted street, and because of this, a question exists as to where the property ends. The street is narrow with little room to turn. On-street parking could create a safety problem, particularly in the winter, and a problem for the fire department. He also opposed a home occupation with non-resident employees.

Mr. Wallace reiterated tht he would build a stone wall along the front in the spring, and that his parking situation would then parallel that of Mrs. Fyler, his abutter.

Carol Fyler, 18 Springdale Avenue, stated that she had spoken to the Town Engineer as to property lines, and that the edge of the street was at her stone wall. The area which Mr. Wallace proposed to use for parking would therefore still be on the street. Mrs. Fyler was concerned that a precedent would be set that others in the neighborhood could follow if two employees were allowed by Special Permit.

Shirley Stafford, 11 Springdale Avenue, said she was opposed as the street is an extremely quiet wooded area which she did not want to change, and feared that granting a Special Permit would establish an undesirable precedent.

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Christine Shea, 1 Springdale Avenue, was also opposed, stating she wanted the Single Residence District to remain a Single Residence District. Nancy Hall, 37 Hillside Road expressed opposition, stating that the character of the neighborhood was single family with a great deal of conservation land. She also feared the setting of an undesirable precedent. Paul Kloss, 7 Springdale Avenue, was also opposed, stating that one employee might be sufficient at present, but two employees might be necessary in the future. Patricia Merlo, 36 Hillside Road, was also opposed.

Mr. Wallace responded that he really needed only one full-time employee and a maximum of one car. No clients would come to the house. He could not imagine how this would change the character of the neighborhood. He also explained that Newton Wellesley Office Park had offices that could be rented on a daily basis and would handle all pick-ups and deliveries. The office park would be his official business address with an answering service to handle all calls.

The Board stated that the Planning Board had also opposed the Special Permit and explained the grounds upon which the Planning Board had based its opposition. The Board asked how many cars could presently be parked in the turnaround. Mr. Wallace said that two cars could be parked there.

No others present had any comment on the petition.

Statement of Facts

The property in question is located at 14 Springdale Avenue, in a Single Residence District.

The petitioner, Kimball Wallace, is requesting a Special Permit for a home occupation, namely clerical work in relation to market research with two full-time employees from 8:30 a.m. to 5:00 p.m., Monday through Friday throughout the year. All cars related to the occupation would be parked in the upper driveway area or in front of Springdale Avenue in a 10 foot by 35 foot area. No signs will be displayed nor will there be any clients, pick-ups or deliveries at the home.

Letters opposing the granting of the Special Permit were received from Scott P. Mason, 46 Glen Road; Katherine N. Parker, 6 Springdale Avenue; and Paul and Delvena Kloss, 7 Springdale Avenue.

The Planning Board, at its regular meeting of January 19, 1988, voted to oppose the granting of the request on the grounds that it would represent an uncharacteristic intrusion in the residential area and that the provision in the Zoning Bylaw that "No substantial enlargement of the width of the residential driveway within the front yard setback shall be allowed..." would be violated.

Decision

This Authority has made a careful study of the evidence submitted and finds that the requested use by Kimball Wallace is in compliance with the requirements of Section II 8 (h) of the Zoning Bylaw pertaining to home occupations. It is the opinion of this Authority that the requested home occupation will not disrupt or disturb the customary character of the residential neighborhood.

ZBA 88-2
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Therefore, the requested Special Permit is granted subject to the following conditions:

1. That there shall be only one full-time employee from the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday throughout the year.
2. That all parking related to the home occupation be in Mr. Wallace's driveway, and that no cars related to the home occupation be parked on Springdale Avenue at any time.
3. That there be no substantial enlargement of the width of the residential driveway or other alteration of the driveway within the front yard setback.
4. That this Special Permit will expire one year from the date of this decision.

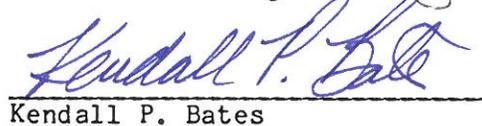
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings

edg


John A. Donovan, Jr., Chairman


Robert R. Cunningham


Kendall P. Bates