



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman  
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ZBA 89-40  
Petition of Katherine S. Kaufmann  
8 Commonwealth Park

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 27, 1989 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of KATHERINE S. KAUFMANN requesting renewal of a Special Permit pursuant to the terms of Section II 8 (h) and Section XXV of the Zoning Bylaw which will continue to allow her to use a portion of her residence at 8 COMMONWEALTH PARK, in a Single Residence District, for the conduct of a home occupation, namely the practice of individual, marital and family psychotherapy, 25 hours a week, with hours from 8:30 a.m. to 9:30 p.m., Monday through Friday throughout the year.

On July 10, 1989, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Katherine Kaufmann, who was accompanied by her husband, John. Mrs. Kaufmann requested renewal of the special permit which she has had for the past three years, with an expansion in the number of hours per week and in the hours per day as the practice has expanded to 25 hours of patient care.

The Board noted that the Planning Board had opposed the request on the grounds that the practice has grown to the point where it is no longer compatible with a residential area, and should be moved to a professional location. Mrs. Kaufmann stated that she was unaware of the opposition of the Planning Board, and that there have been no complaints from the neighborhood. She explained that the 25 clients would be distributed over the week, and that 25 would be the maximum number requested, as a greater client load would not be professionally practical.

The Board further noted that the original request had been for 10 hours, the renewal for 15 hours, and the current request is for 25 hours, which almost doubles the hours previously granted. The Board expressed concern that the next request would be for increased hours with increased office space. Mr. Kaufmann stated that they had no intention of ever adding more office space or increasing the hours beyond the maximum of 25.

Robert Carlson, 6 Elm Street, spoke in support of the request and stated that the Mrs. Kaufmann had strong neighborhood support. The Board responded that the question was not one of neighborhood support, but whether the practice had expanded to the point that it was no longer appropriate for a residential area.

No other person had any comment on the petition.

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Statement of Facts

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The property in question is located at 8 Commonwealth Park, in a Single Residence District, and is owned and occupied by John and Katherine Kaufmann.

Katherine Kaufmann is requesting renewal of a Special Permit to conduct a home occupation, namely a psychotherapy practice. The original Special Permit for 10 hours was granted in August, 1986. A renewal of the Special Permit was granted in September, 1987, with an increase in hours from 10 to 15. The petitioner is currently requesting an additional increase to 25 hours per week and an expansion of daily hours from 8:30 a.m. to 9:30 p.m. Hours of operation previously had been between 9 a.m. and 9 p.m. No sign shall be displayed on the premises, and there are no employees. There will be no more than 2 client cars at any given time which can be parked in the petitioner's driveway.

The Planning Board, on July 11, 1989, voted to oppose the granting of this request as the Board believes that the business has grown to a point where it is no longer compatible in a residential area, and should have an office in a professional location.

Decision

This Authority has made a careful study of the evidence presented and finds that the requested use by Katherine Kaufmann 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 increase in the number of hours of the home occupation will not disturb or disrupt the customary character of the residential neighborhood. Although this Authority cannot govern the decisions of future Boards, this Authority strongly recommends that the maximum number of 25 hours be adhered to in future renewals of this Special Permit.

Therefore, the requested Special Permit is granted subject to the following conditions:

1. That client hours shall not exceed 25 hours per week.
2. That the hours of operation be limited to 9 a.m. to 9 p.m., Monday through Friday throughout the year.
3. That all parking related to the home occupation be in Mrs. Kaufmann's driveway and that no cars related to the home occupation be parked on Commonwealth Park at any time.

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4. That this Special Permit will expire one year from the date of this decision

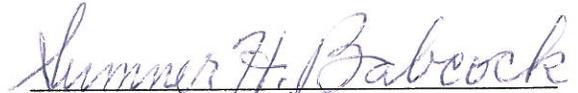
APPEALS FROM THIS DECISION, IF ANY,  
SHALL BE MADE PURSUANT TO GENERAL  
LAWS, CHAPTER 40A, SECTION 17, AND  
SHALL BE FILED WITHIN 20 DAYS AFTER  
THE DATE OF FILING OF THIS DECISION  
IN THE OFFICE OF THE TOWN CLERK.



Kendall P. Bates, Acting Chairman



William E. Polletta



Sumner H. Babcock

cc: Planning Board  
Inspector of Buildings  
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