



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JUN 7 2 14 PM '95

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WELLESLEY, MA 02181

ZBA 95-37
Petition of Phyllis S. Yawitt
65 Arnold Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 25, 1995 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of PHYLLIS S. YAWITT requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to continue to use a portion of her premises at 65 ARNOLD ROAD, in a Single Residence District, for the conduct of a home occupation; namely the practice of psychotherapy with individuals, couples and families, for no more than 15 hours per week from 9 a.m. through 8 p.m. on Monday through Thursday throughout the year. There are no employees, and all parking is provided on the premises.

On May 8, 1995, 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 Dr. Yawitt, who requested a change in the time frame of the allowed hours. The existing Special Permit allows hours on Monday, Wednesday and Friday from 3 p.m. to 8 p.m., with no more than 15 client hours per week. Dr. Yawitt said that she is requesting to expand the range of hours during which clients can be seen to allow her more flexibility in filling her schedule. She would not use more than 15 hours per week.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 65 Arnold Road, in a Single Residence District. The petitioner is requesting renewal of a Special Permit to allow her to use a portion of her premises for the conduct of a home occupation; namely the practice of psychotherapy with individuals, couples and families, a use not allowed by right in a Single Residence District.

The Special Permit, originally granted in 1992, was renewed in 1993 for a two-year period. The petitioner is now requesting renewal with a change in the hours during which clients can be seen, but not a change in the number of client hours allowed. All other conditions would remain unchanged.

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On May 16, 1995, the Planning Board reviewed the petition and voted to recommend that the hours of operation not be extended beyond 15 hours per week as at present. The Planning Board expressed concern that the petitioner's vehicles should not be parked on the street during hours of operation of the home occupation.

Decision

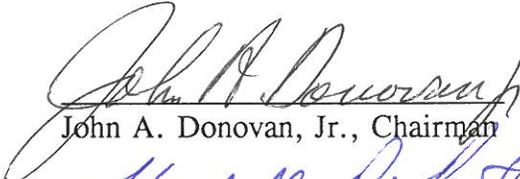
This Authority has made a careful study of the materials submitted and the information presented at the hearing. It is the opinion of this Authority that the expansion of office hours from Monday, Wednesday and Friday from 3 p.m. to 8 p.m. to Monday through Thursday from 9 a.m. through 8 p.m., with no more than 15 client hours per week, can be allowed.

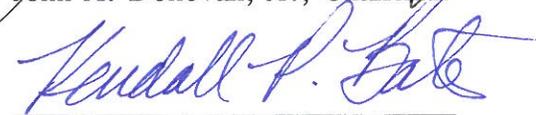
This Authority is of the opinion that the proposed use of the premises will be in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw; and will neither disturb nor disrupt the customary character of the neighborhood.

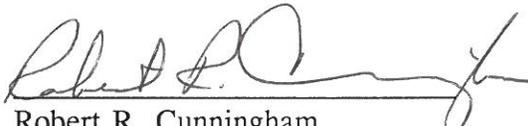
Therefore, the requested Special Permit is granted subject to the following conditions:

1. All client sessions shall be conducted between the hours of 9 a.m. through 8 p.m. on Mondays through Thursdays throughout the year.
2. The total number of client sessions shall not exceed 15 hours per week.
3. All parking related to the home occupation shall be in the driveway at 65 Arnold Road, and no client cars or cars belonging to occupants of the premises shall be parked on Arnold Road during the hours of operation of the home occupation.
4. This Special Permit shall expire two years 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.


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

cc: Planning Board
Inspector of Buildings
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