TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

JUN 7 2 16 PM '95
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

ZBA 95-42
Petition of Sharon E. Kessel
20 Avon 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 SHARON E. KESSEL 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 her to use a portion of her premises at 20 AVON Road, in a Single Residence District, for the purpose of a home occupation; namely a catering service requiring the existence of a second kitchen to comply with Board of Health regulations. There are no clients coming to the premises, no delivery trucks and no employees. Hours of operation are in response to client demand.

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 Sharon Kessel, who said there have been no changes in the conditions. Ms. Kessel said that she purchases her supplies, and often takes them to the client's home where she prepares most of the food. She stated that the Board of Health inspects her food preparation kitchen on a regular basis.

No other person present had any comment on the petition.

Statement of Facts

The subject premises are located at 20 Avon Road, in a Single Residence District.

The petitioner is requesting renewal of a Special Permit for a home occupation; namely a catering service with no clients coming to the premises as all pre-party planning is done in the home of the client. The food preparation is done either in the kitchen of the client or in the petitioner's second kitchen, and then delivered and served at the client's home using the client's serving pieces, dishes and utensils. There are no employees or deliveries. However, in order to comply with Board of Health regulations, a second kitchen must be maintained, which is ordinarily not allowed in a Single Family dwelling.

Copies of the Food Inspection Report dated 9/1/94; Permit to Operate a Food Establishment dated February 14, 1995, Expiration date-December 31, 1995; and Food Establishment Inspection Report dated March 21. 1995 were submitted.

ZBA 95-42
Petition of Sharon E. Kessel
20 Avon Road

JUN 7 2 16 PM '95

On May 16, 1995, the Planning Board reviewed the petition and voted to recommend renewal on the same terms and conditions as are currently in effect.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. If the petitioner were not required by the Board of Health to install a second kitchen, she would not require a Special Permit for a home occupation, as there are no clients coming to the premises, no employees and no deliveries.

This Authority has determined that the installation of a second kitchen is a unique situation in that this specific home occupation in this specific dwelling cannot be undertaken without compliance with Board of Health regulations which require a second kitchen. The grant of this Special Permit cannot in any way be construed as a precedent to allow second kitchens for other uses in other dwellings.

This Authority is of the opinion that the requested home occupation will not disturb or disrupt the customary character of the neighbor and is in compliance with the provisions of Section II A 8 (h) of the Zoning Bylaw.

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

1. The petitioner must renew the Permit to Operate a Food Establishment prior to December 31, 1995, and submit a copy of the renewed Permit to the office of the Board of Appeals.

2. Copies of the semi-annual Food Service Inspection Reports, or any other inspections, are to be submitted to the office of the Board of Appeals.

3. If Ms. Kessel should, at any time prior to the expiration of this Special Permit, discontinue the use of her premises for her home occupation, or sell her property at 20 Avon Road, she shall inform the Board of Appeals. All kitchen equipment installed in the second kitchen shall be removed, and all utilities connected to the second kitchen shall be removed within 30 days of the cessation of the catering business and/or prior to the sale of the property. Documentation showing compliance with this condition shall be submitted to the office of the Board of Appeals.

4. All parking related to said home occupation shall be in the driveway at 20 Avon Road.

5. Hours of the home occupation shall be in response to client demand.

ZBA 95-42
Petition of Sharon E. Kessel
20 Avon Road

JUN 7 2 16 PM '95

6. This Special Permit shall expire two years from the date of this decision.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

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
Board of Health
Inspector of Buildings
edg