



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-50  
Petition of Harriet F. Fishman  
32 Maurice Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 22, 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 HARRIET F. FISHMAN requesting a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of her rented premises at 32 MAURICE ROAD, in a Single Residence District, for the purpose of a home occupation; namely Therapeutic Massage with hours from 9 a.m. to 6 p.m. on Mondays through Fridays throughout the year, but with no more than 10 client hours per week. There are no employees and all vehicles related to the home occupation will be parked in the driveway of the premises.

On June 5, 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 Harriet Fishman, who said that 98% of her business called "on-site chair massage" is done off site. She travels with a portable chair to corporations and colleges to give these massage treatments. She also has a portable massage table that can be set up in a client's home.

Ms. Fishman said that she will have a full-time teaching job in the fall, an on-site chair massage business, and her responsibilities as a mother, and could not envision more than one or two clients per week coming to the house. At present, she has no clients coming to the premises, but would like the Special Permit in case she should have home clients in the future.

Robert Cutts, owner of the property, who lives in Needham, spoke in support of the petition.

James Hopson, 21 Maurice Road, expressed concern about the potential increase in traffic due to the home occupation.

#### Statement of Facts

The subject property is located at 32 Maurice Road, in a Single Residence District and is owned by Robert Cutts, 70 Whitman Road, Needham, MA. The property is rented as a

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single family residence by the petitioner.

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Harriet Fishman, the petitioner, is requesting a Special Permit to use a portion of the premises for a home occupation; namely Massage Therapy, with hours from 9 a.m. to 6 p.m. on Mondays through Fridays throughout the year, with no more than 10 client hours per week. There will be no employees and all parking of client vehicles shall be in the driveway of the premises.

According to Section 3.00, Chapter XV (Massage Regulations) of the Wellesley Board of Health Regulations, any establishment in which massage is given must be licensed, and anyone rendering massage services must be licensed according to all applicable regulations.

The petitioner currently has a license, which expires December 31, 1995, issued by the Wellesley Board of Health to practice individual massage therapy. At present, she does not have a Massage Establishment License.

The petitioner submitted a floor plan of the premises, her resume, brochures describing On-Site Massage and Therapeutic Massage, and copies of various degrees and licenses.

On June 20, 1995, the Planning Board reviewed the petition and voted to offer no objection to the requested special permit if granted with the conditions volunteered by the petitioner, and subject to an annual renewal.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing, and finds that the requested use of a portion of the rented premises at 32 Maurice Road for the purpose of a home occupation is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw. It is the opinion of this Authority that the requested home occupation will not disturb or disrupt the customary character of the residential neighborhood.

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

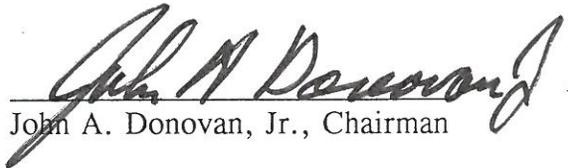
1. A license for a Massage Establishment must be obtained from the Wellesley Board of Health and a copy sent to the office of the Board of Appeals prior to the conduct of any massage therapy on the premises.
2. The hours of operation shall be limited to 9 a.m. to 6 p.m. on Mondays through Fridays throughout the year. Sessions with clients shall not exceed ten hours per week.

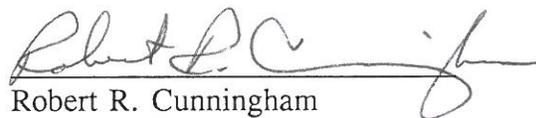
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32 Maurice Road

3. All parking of vehicles related to the home occupation shall be in the driveway of the premises, and no client vehicle shall be parked on Maurice Road or on Poplar Road.
4. The petitioner shall comply with all applicable Wellesley Board of Health Massage Regulations.
5. The petitioner shall renew her Wellesley Massage Therapy license on or before the expiration date of December 31, 1995, and a copy of the renewed license shall be sent to the office of the Board of Appeals.
6. This Special Permit shall 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  
Board of Health  
Robert Cutts  
edg

  
John A. Donovan, Jr., Chairman

  
Robert R. Cunningham

  
William E. Polletta

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