



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 96-43  
Petition of Sandra C. Masters  
889 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 27, 1996 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 SANDRA C. MASTERS requesting a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow a portion of the premises at 889 WORCESTER STREET, in a Single Residence District, to be used for the purpose of a home occupation, namely the practice of chiropractic, with hours on Monday, Wednesday and Friday from 10 a.m. to 1 p.m., and 3 p.m. to 7 p.m., on Tuesday from 3 p.m. to 7 p.m., and every other Saturday from 10 a.m. to 12 noon, with a patient load of 6 per hour. There will be three part-time employees totalling 45 working hours.

On June 10, 1996, 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 Sandra Masters, who was accompanied by her attorney, Peter Gubelli, her husband, Mathew, and a personal friend, Diana DiPietrantonio, a State Police officer. Dr. Masters gave a brief personal and professional history. She and her husband had been in practice at 42 Washington Street for ten years, until he became permanently disabled a year ago. The office space is now too large for her solo practice. The dwelling at 889 Worcester Street would meet her need to continue her practice while overseeing the care of her husband. She has a Purchase and Sale agreement contingent on the grant of the Special Permit.

Dr. Masters submitted letters from 12 current patients attesting to her character and professional expertise.

Dr. Masters then addressed each of the items listed in Section II A 8 (h) of the Zoning Bylaw. She noted that the number of hours of the three part-time employees would total 65 hours and not the 45 hours stated in the legal notice. Sixty-five hours is still less than that of two full time employees, and no employees would be added in the future.

In regard to the hours of operation, Dr. Masters said that as the Board generally allows 20 hours per week for a home occupation, she would like to reduce the evening hours on Monday, Tuesday, Wednesday and Friday from 3 p.m. to 7 p.m. to 3:30 p.m. to 6:30 p.m., thus eliminating 4 hours, so that the total number of hours would be 21 or 23 on alternate weeks.

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Although the patient load is listed as 6 per hour, that is a maximum number at peak hours, as the average patient load is 4 per hour, scheduled every 15 minutes.

Dr. Masters submitted a revised parking plan for the premises. Parking for 5 patients and 3 employees is available, with a 30 foot by 30 foot waiting area, if a vehicle should be waiting for a parking space. Typically, 1 or 2 patients, with a maximum of 3 patients would be parked at any one time. At no time would a car be standing in the Route 9 breakdown lane. The Board recommended that the visitor/patient spaces be outlined on the pavement.

Dr. Masters submitted an affidavit of Diana DiPietrantonio, State Police Officer, attesting to a personal inspection of the proposed parking area and revised parking plan, and stating that in her personal opinion, the parking and traffic flow management plan more than adequately addresses the safety of Dr. Masters' patients and the public at large.

The Board expressed concern with traffic safety of drivers attempting to access Route 9 from the westernmost Weston Road ramp. These drivers are looking to the left to enter the traffic flow, and would not be aware of vehicles attempting to access the driveway of the premises. A vehicle slowing down to enter the driveway could create a hazard for a vehicle accelerating to enter the traffic flow.

Dr. Masters stated that the breakdown lane begins just before the driveway, and cars would pull into the breakdown lane and then access the driveway. Mr. Gubellini said that most of the traffic entering Route 9 from Weston Road pulls into a traffic lane, and would not pull into the breakdown lane. Any car entering the driveway would have a blinker on and would have been slowing down in the breakdown lane. Ms. DiPietrantonio stated that the Weston Road access is .2 miles east of the driveway entrance. In her opinion, the entrance and exit to the property are safe.

The Board asked if a warning sign could be posted on Route 9 indicating that there was a driveway ahead. The property has been unoccupied for several years, so people might not be aware that traffic could be entering and exiting the site.

The Board also commented that more than half of the dwelling would be used for the home occupation. It is customary for a home occupation to involve the use of one or two rooms, but not half of the house. Dr. Masters responded that the living space was definitely adequate for her husband and herself, and that no internal remodeling would be required.

The Board asked about snow removal for the parking area. Mr. Gubellini responded that the rear of the property drops off about 30 feet, which would provide ample space for snow.

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No other person present had any comment on the petition.

#### Statement of Facts

The subject property is located at 889 Worcester Street, in a Single Residence District, on a 12,626 square foot lot. The premises contain a semi-circular driveway with a separate entrance and exit onto Worcester Street.

The petitioner is requesting a Special Permit to use a portion of the premises for a home occupation; namely the practice of chiropractic with hours on Monday, Wednesday and Friday from 10 a.m. to 1 p.m. and from 3:30 p.m. to 6:30 p.m.; on Tuesday from 3:30 p.m. to 6:30 p.m. (as revised at the Public Hearing) and on alternate Saturdays from 10 a.m. to 12 noon, with a maximum patient load of 6 per hour. There will be three part-time employees totalling 65 working hours. Parking on the premises is provided for 5 visitor/clients and three employees.

A description of the property, a floor plan, a parking plan and photographs were submitted.

On June 18, 1996, the Planning Board reviewed the petition and voted to recommend that the Special Permit be granted for a two-year period, or for as long as the premises is the applicant's primary residence, whichever is less; and provided that there be not more than two employees on the premises at any time.

#### 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 requested use of a portion of the premises for the purpose of the home occupation of a chiropractic practice is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and will neither disturb or disrupt the customary character of the neighborhood.

It is the decision of this Authority, voted unanimously at the Public Hearing referenced above, to grant the requested Special Permit, subject to the following conditions:

1. The hours of operation shall be on Monday, Wednesday and Friday from 10 a.m. to 1 p.m. and 3:30 p.m. to 6:30 p.m.; on Tuesday from 3:30 p.m. to 6:30 p.m. and on alternate Saturdays from 10 a.m. to 12 noon throughout the year. There shall be no more than a total of 21 and 23 patient hours on alternate weeks.

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2. There shall be three part-time employees whose total working hours shall not exceed 65 hours per week.
3. There shall be no more than two non-resident employees on the premises at any one time.
4. The maximum number of patients shall not exceed 6 patients per hour.
5. All parking for patients and employees shall be on the premises, and no vehicle associated with the home occupation shall be parked on Worcester Street at any time.
6. The five visitor/patient parking spaces on the premises shall be clearly delineated.
7. The premises shall be owner-occupied by the petitioner for the duration of the Special Permit.
8. 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.

William E. Polletta  
William E. Polletta, Acting Chairman

Robert A. Bastille  
Robert A. Bastille

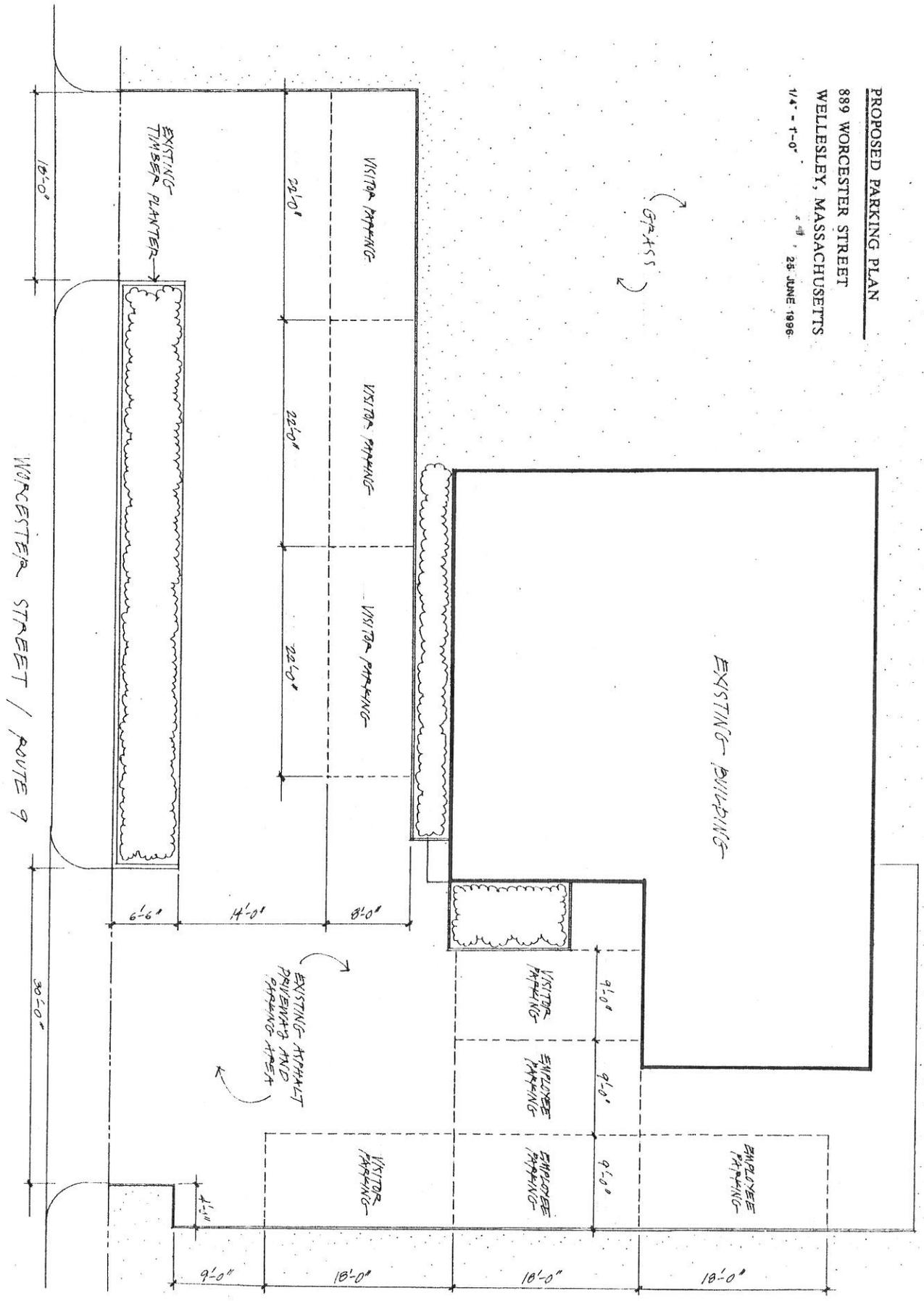
Sumner H. Babcock  
Sumner H. Babcock

cc: Planning Board  
Inspector of Buildings  
edg

PROPOSED PARKING PLAN

889 WORCESTER STREET  
WELLESLEY, MASSACHUSETTS

1/4" = 1'-0"  
25 JUNE 1996



WORCESTER STREET / ROUTE 9