



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181

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ZBA 96-63

Petition of Peter C. Gheradi, M.D.

25 Kenilworth Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 19, 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 PETER C. GHERADI, M.D. 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 him to continue to use a portion of the premises owned by his parents, GHERADO AND CELESTE GHERADI, at 25 KENILWORTH ROAD, in a Single Residence District, for the purpose of a home occupation; namely a psychotherapy practice for children and adolescents, with an expansion of client hours from 12 to 20 per week, on Mondays through Fridays from 8 a.m. to 8 p.m. throughout the year.

On September 3, 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.

Prior to the presentation of the case at the hearing, John A. Donovan, Jr., Chairman, recused himself due to a conflict of interest based on personal reasons. Mr. Donovan said that as no other Board member had been available to sit for this case, another Board member would listen to the tape, study the submitted materials and cast a vote with the Executive Secretary. The two sitting Board members would cast votes at the close of the hearing.

Dr. Gheradi said that he is requesting renewal of the Special Permit with an expansion of the client hours. When he appeared before the Board last year, he had requested 20 hours, but due to the neighborhood opposition, and in an attempt to reach a satisfactory compromise, the Board had allowed 12 client hours on a specific timetable.

Dr. Gheradi stated that he has worked within the specified hours, but has found it difficult. The hours of Tuesday, Wednesday and Thursday between 8 a.m. to 10 a.m. and 6 p.m. to 8 p.m. are not easy for young children and their families. He would like the hours expanded to provide flexibility in scheduling client sessions. He has had no objections from the neighbors.

The Board asked if Dr. Gheradi were requesting renewal for a two-year period, as he had inferred last year that he would remain at his parents' home for about two years. Dr. Gheradi replied that eventually he will move, but has no definite plans at present.

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Dr. Gheradi said that he is the chief psychiatrist at the Fessenden School and on the staff at MacLean Hospital. Two-thirds of his practice is conducted away from his home, but he would like the option of a home occupation, since some of his patients are not associated with the school, and as some of the patients from Fessenden have difficulty accepting the idea of a therapist, it is easier for them to come to a suburban home location than to Fessenden or to MacLean Hospital.

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Meg Foster, 22 Kenilworth Road, expressed concern for her children due to the additional traffic created by the home occupation, fearing that a patient or parent of a patient might hit a child playing in the street. She is further concerned with the requested expansion of hours, although there has been no problem to date. She does not feel that a commercial business should be allowed in a single residence neighborhood. The Board commented that Dr. Gheradi's request was not to operate a commercial business, but for a professional use, which is very different.

The Board asked if, rather than Monday through Friday, Dr. Gheradi would agree to the hours of 8 a.m. to 8 p.m. on Tuesday, Wednesday and Thursday. Dr. Gheradi responded that he felt he has conducted his practice in a safe manner and would prefer to have the hours as requested. If problems should arise, he would be willing to cut back.

Dr. O'Sullivan, 7 Kenilworth Circle, said that there have been no problems and no increase in the traffic during the past year. He is in full support of the petition.

Statement of Facts

The subject premises are located at 25 Kenilworth Road, in a Single Residence District, and are owned by Gherado and Celeste Gheradi, parents of the petitioner, Peter C. Gheradi, M.D. Dr. Gheradi is requesting renewal of a Special Permit to use a portion of the premises, at which he resides, for a home occupation; namely the practice of child and adolescent psychotherapy with expanded hours from 8 a.m. to 8 p.m. on Monday through Friday throughout the year, with no more than 20 client hours per week.

Dr. Gheradi's clients are children aged 6 through 16, who are students at the Fessenden School, and/or their parents, as well as some patients who are not associated with the school. No child would come unaccompanied by a parent. Parking in the driveway is available for up to three cars. There are no employees.

On September 17, 1996, the Planning Board reviewed the petition, and recommended that the Board of Appeals inquire if the petitioner is still a resident on the premises. If so, and there is no disruption or disturbance to the residential neighborhood as a result of the home occupation, the Planning Board recommends that the renewal be granted on the same terms and conditions as are currently in effect including the present restrictions on hours of operation.

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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 petitioner's request for a renewal of a Special Permit for a home occupation is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and that the requested home occupation will not disturb or disrupt the customary character of the neighborhood.

At the Public Hearing, Sumner H. Babcock and Robert A. Bastille, two of the three sitting members, voted to grant the Special Permit subject to conditions listed below. On September 24, 1996, Kendall P. Bates, a permanent member of the Board of Appeals, listened to the tape of the hearing, read the minutes of the hearing, and the submitted application. Mr. Bates then voted to grant the Special Permit under the same conditions as agreed upon by the two sitting members, and so conveyed his vote to the Executive Secretary.

Conditions:

1. All client sessions shall be conducted between the hours of 8 a.m. to 8 p.m. on Mondays through Fridays throughout the year.
2. During these specified hours, no more than 20 clients shall be seen.
3. No child, who is a client, shall come unaccompanied by a parent.
4. All parking related to the home occupation shall be in the driveway of the premises, and no vehicle related to the home occupation shall be parked on Kenilworth Road or any adjacent street at any time.
5. 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.

Kendall P. Bates  
Kendall P. Bates

Sumner H. Babcock  
Sumner H. Babcock

Robert A. Bastille  
Robert A. Bastille

cc: Planning Board  
Inspector of Buildings  
edg