



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

JOHN A. DONOVAN
KENDALL P. BATES
WILLIAM E. POLLETTA

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(617) 431-1019 EXT. 208

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ROBERT A. BASTILLE

ZBA 97-44
Petition of Sandra C. Masters
889 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 19, 1997 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 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 use a portion of her premises at 889 WORCESTER STREET, in a Single Residence District, for the conduct of a home occupation; namely, the practice of chiropractic with 23 client hours per week on Mondays, and Wednesdays through Saturdays throughout the year, averaging 4-6 client hours per hour; and 3 part time employees totalling 63 hours per week.

On June 2, 1997, 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 Marcy Wood, representing Sandra Masters, who was attending a seminar in Florida. Ms. Wood said that the petition should be amended to 21-23 hours per week, as Dr. Masters would see clients every other Saturday, and not every Saturday.

The Board questioned why employees had to work on Tuesdays, when there were no office hours scheduled for that day. Ms. Wood said that she and another employee do paper work and filing on Tuesdays. This is a temporary situation.

The Board also commented that certain building permits have not been completed. Ms. Wood stated that the plumbing and wiring permits have to be signed off. The contractor hired the plumber and electrician, and was billing for more hours than they had actually worked. A patient actually completed some of the wiring downstairs. They are awaiting the return of the Wiring and Plumbing Inspectors for final inspections.

The Board stated that approval of the Special Permit would be conditioned on the basis that all remodelling was in compliance with the building code, and that all permits be completed within 90 days of the date of the decision. Ms. Wood agreed to the condition.

No other person present had any comment on the petition.

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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 two curb cuts onto Worcester Street.

The petitioner is requesting renewal of a Special Permit to use a portion of her premises for a home occupation; namely the practice of chiropractic. The following hours of operation are requested:

Monday, Wednesday, Thursday - 10:00 a.m. to noon; 2:30 p.m. - 6:30 p.m.
Friday - 7:30 a.m. to 10:30 a.m.
Saturday - 9:00 a.m. to 11:30 a.m.

The following employee hours are also requested:

Marcy Wood Monday - Thursday 8:00 a.m. to 4:30 p.m.
Doreen Grupposo Monday & Wednesday 2:00 p.m. to 6:30 p.m.
Friday 7:00 a.m. to 11:00 a.m.
Saturday 9:00 a.m. to 11:30 a.m.
Gail Jacobs Tuesday 8:00 a.m. to 4:00 p.m.
Thursday 2:00 p.m. to 6:30 p.m.

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Parking for 5 patients and 3 employees is available on the premises, with a 30 foot by 30 foot waiting area, if a vehicle should be waiting for a parking space. The number of clients ranges between 4-6 per hour.

A Memo from Ed Phaneuf, Building Inspector, dated May 22, 1997, indicated that the Building Permit #29,404, issued August 29, 1996, still requires final plumbing, gas, electrical and building inspections. Building Permit #29,477, issued October 4, 1996, requires final wiring and building inspections.

On June 10, 1997, the Planning Board reviewed the petition and voted to recommend that the Special Permit be granted on the same terms and conditions as are currently in effect including the limitation that clients be seen starting at 10 a.m. rather than 7:30 a.m. as proposed.

Decision

This Authority has made a careful study of the material 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 nor disrupt the customary character of the neighborhood.

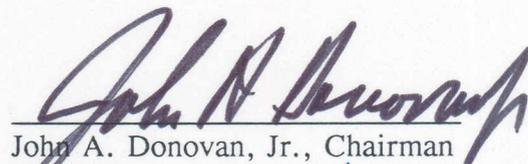
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It is the decision of this Authority, voted unanimously at the Public Hearing, to grant the requested Special Permit, subject to the following conditions:

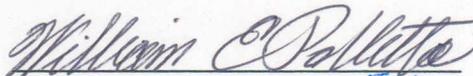
1. The hours of operation shall be as listed in the foregoing Statement of Facts, with the reduction of the Saturday hours to every other Saturday. There shall be no more than a total of 21 and 23 patient hours on alternate weeks.
2. There shall be three part-time employees whose total hours shall not exceed 63 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 or waiting for a parking space on Worcester Street at any time.
6. The premises shall be occupied by the petitioner for the duration of the Special Permit.
7. All electrical, gas, plumbing and building final inspections required under Building Permits #29,404 and #29,477 shall be completed within 90 days of the date of this decision, and copies of the dated finalized Building Cards shall be submitted to the office of the Board of Appeals. Noncompliance with this condition within the specified time will result in immediate revocation 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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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