

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

SUMNER H. BABCOCK
ROBERT A. BASTILLE

ZBA 97-96
Petition of Barbara G. Kotzen
7 Beverly Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 20, 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 BARBARA G. KOTZEN 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 her to continue to use a portion of her premises at 7 BEVERLY ROAD, in a Single Residence District, for the purpose of a home occupation; namely card and stationery catalog sales, with hours from 9 a.m. to 4 p.m. on Monday through Friday throughout the year, but no more than 10 clients per week during these hours. There will be one employee.

On November 3, 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 Barbara Kotzen, who said that there have been two changes since last year. She no longer has a partner/employee, and she is shipping 95% of the orders directly to the customers, so there will be a great reduction in the numbers of trips delivery trucks will make to her home. There was no open house this year. All clients have come by appointment.

Kenneth Talanian, 4 Beverly Road, spoke in opposition to the petition. He claimed that there are more than two clients per day; clients come seven days a week; and clients are parking in the street.

Mr. Talanian submitted a copy of the "Creative Papers" advertisement which appears in the Wellesley telephone book, and stated he did not believe this was an appropriate home occupation. He also submitted a copy of a bill for fabric shipped to Mrs. Kotzen, charged to Tappe & Kotzen, 15 Old Colony Road. He said that Mrs. Kotzen is involved in a second business of interior design.

The Board asked if Mr. Talanian had any figures regarding days, times and number of cars to substantiate his claim. He did not.

The Board asked Mrs. Kotzen if she was running a second business from her home. She said that she has an interest as a consultant in Tappe & Kotzen, an interior design service

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that is run from 15 Colony Road and has nothing to do with "Creative Papers". The fabric shipment was unusual because shipments are usually directly to clients.

The Board commented that the information from Mrs. Kotzen and Mr. Talanian is contradictory. However, Mrs. Kotzen is responsible for ensuring that all clients park in her driveway and not on the street.

The Board decided to renew the Special Permit for one year, with the proviso that if there are continued complaints next year, both parties must provide documentation as to the facts.

Statement of Facts

The subject property is located at 7 Beverly Road, in a Single Residence District. The petitioner is requesting renewal of a Special Permit for a home occupation; namely, card and stationery catalog sales, with hours from 9 a.m. to 4 p.m. on Monday through Friday throughout the year, but no more than 10 clients per week only by appointment. All parking of clients' vehicles will be in the petitioner's driveway. All product deliveries made by US Mail, Federal Express or UPS are placed inside the garage and then delivered to the customers by the petitioner. There will be no employee.

On November 18, 1997, the Planning Board reviewed the petition and offered no objection to the granting of renewal based on the same terms and conditions as are currently in effect.

Decision

This Authority has made a careful study of the application submitted and the information presented at the hearing. It is the opinion of this Authority that the requested home occupation 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.

Therefore, the Special Permit for said home occupation is granted, as voted unanimously by this Authority at the Public Hearing. However, this Authority strongly advises that, due to the allegations of Mr. Talanian, the petitioner strictly adhere to the following conditions:

1. The allowed hours shall be from 9 a.m. to 4 p.m. on Monday through Friday throughout the year.
2. There shall be no more than 10 clients per week during these hours; and these 10 clients shall have scheduled appointments.
3. There shall be no open house held on the premises at any time during the year.

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4. All parking relating to the home occupation shall be in the driveway of the petitioner; and no vehicles relating to the home occupation shall be parked on Beverly Road or on any adjacent street.
5. 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.

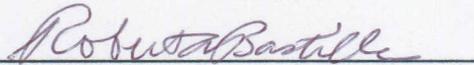
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates
Kendall P. Bates, Acting Chairman



William E. Polletta
William E. Polletta



Robert A. Bastille
Robert A. Bastille

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