

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2006-02  
Petition of Shani Kumarasena  
30 Yarmouth Road

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Petition of SHANI KUMARASENA, 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 premises in a Single Residence District for the purpose of a home occupation, namely, Pediatrician's Office, for 1 patient a day from 5:00 p.m. to 7:00 p.m., Mondays through Fridays. There are no nonresident employees and all parking is on the premises.

On December 21, 2005, 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 Shani Kumarasena, who said that her home and her office are in Wellesley. She said that she was hoping to renew her Special Permit under the same conditions but for a longer period of time.

The Board said that it appeared on the log that patient one and patient two were there for six-month checkups. Dr. Kumarasena said that was a coincidence and that was not the purpose of the appointments.

The Board asked if 6:00 p.m. was typical for seeing patients at Dr. Kumarasena's home. She said that it was.

Statement of Facts

The subject property is located at 30 Yarmouth Road, in a Single Residence District.

The petitioner is requesting a Special Permit to allow her to use a portion of her premises in a Single Residence District for the purpose of a home occupation, namely, Pediatrician's Office, for 1 patient a day from 5:00 p.m. to 7:00 p.m., Mondays through Fridays. There are no nonresident employees and all parking is on the premises.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing.

It is the opinion of this Authority that the requested use of a portion of the premises at 30 Yarmouth Road for the purpose of conducting a pediatric practice is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw and shall neither disturb nor disrupt the customary character of the neighborhood.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. There will be no signs or advertising.
2. All patient parking will be on site.
3. The number of patient visits will be limited to two per month.
4. The hours of operation will be limited to 5:00 p.m. to 7:00 p.m., Monday through Friday, with no more than one patient per day.
5. Allowed uses are examination and writing prescriptions. There are no procedures allowed.
6. Medical waste is to be removed from the premises within 24 hours.
7. The petitioner will keep a log of dates and times of actual use.
8. The Special Permit shall be effective for two years from the date time-stamped on this decision.

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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.

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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm