

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL
Executive Secretary
Telephone
235-1664
XXXXX
431-1019

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 86-48

Petition of Michael McGoldrick and James Russell
36 Old Farm Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 14, 1986 at 8 p.m. in the Great Hall of the Town Hall at 525 Washington Street on the petition of MICHAEL MCGOLDRICK and JAMES RUSSELL requesting a Special Permit pursuant to the terms of Section II 8 (h) and Section XXV of the Zoning Bylaw which will allow the applicants to use part of the residence owned by Marcia McGoldrick at 36 OLD FARM ROAD for the conduct of a home occupation, namely an airport limousine service, said property located in a Single Residence District.

On July 22, 1986 the petitioners filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Michael McGoldrick and James Russell, who stated that they plan to have an airport limousine service with two vehicles, both standard autos (Mercury Marquis). One car will be housed at 36 Old Farm Road, where Michael McGoldrick resides, and the other will be housed at James Russell's residence outside of Wellesley. The home occupation would only operate in that location for 6 months to a year while the business gets established. An answering service would be used for calls when the partners are out, although at times Michael McGoldrick's girlfriend might answer the phone, but she would not be an employee. There would be no advertising signs on the vehicles. A license would have to be obtained from the selectmen if a Special Permit were granted. The cars would be serviced and washed off the premises.

Present and opposed to the petition: Thomas Segal, 43 Highgate Road, Paul Lesser and Karen McKoy, 35 Old Farm Road, Albert Sullivan, 40 Old Farm Road, John Childs, 37 Old Farm Road. Letters were presented from N. Scott Knight, 30 Old Farm Road, Robert C. Williams, M.D., 41 Old Farm Road, Virginia Wimberly, 31 Old Farm Road. Letters previously had been received from the following in opposition to the request: Albert C. Cullivan, Thomas Segal, Karen McKoy, Loring Conant, M.D., 70 Old Farm Road. A letter in favor of the request was received from Ellen Williams, 41 Old Farm Road. Opposition centered on increased traffic and noise in the neighborhood, particularly noise in the late night and early morning hours, danger to children, disruption to the residential neighborhood.

Statement of Facts

The property in question is located at 36 Old Farm Road in a Single Residence

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District, owned by Marcia and Richard McGoldrick.

Michael McGoldrick and James Russell plan to operate a limousine service with two vehicles as explained on Page 1 of this document.

The Planning Board, in a letter of August 21, 1986, stated it had voted to offer no objection to the requested home occupation provided it is subject to annual renewal and provided that no employees arrive at the premises earlier than 6 a.m. or leave the premises later than 10 p.m.

Decision

This Authority has made a careful study of the evidence presented and finds that the requested use as described by Michael McGoldrick is in compliance with Section II 8 (h) of the Zoning Bylaw pertaining to home occupations. The petitioner would have been able to obtain a home occupation permit as a matter of right from the Building Department if he alone had been involved in the business. Because he proposes this venture with a non-resident partner who would be coming to the house, a Special Permit is needed.

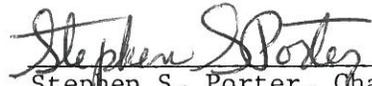
It is the opinion of this Authority that the limousine service meets the intent of the bylaw regarding home occupations and will not disrupt or disturb the customary character of the residential neighborhood.

Therefore, the requested Special Permit is granted subject to the following conditions:

1. That all parking related to said home occupation shall be in the McGoldrick's driveway and that no cars associated with the limousine service will be parked on Old Farm Road at any time.
2. That the second limousine vehicle operated by James Russell will be on the premises only between the hours of 9 a.m. and 5 p.m. each day.
3. That no sign advertising or incidental to the home occupation shall be displayed on the vehicles while in Wellesley.
4. That said Special Permit shall expire six months 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


Stephen S. Porter, Chairman


John A. Donovan, Jr.


William E. Polletta

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TOWN CLERK'S OFFICE
WELLESLEY, MASS.