



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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ZBA 91-31
Petition of Vincent DeSantis, M.D.
41 Cottage Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 20, 1991 at 8 p.m. in the Selectmen's Meeting Room, (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of VINCENT DeSANTIS, M.D. requesting a Special Permit pursuant to Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow him to use a portion of his premises at 41 COTTAGE STREET, in a Single Residence District, for the conduct of a home occupation, namely a psychiatric practice with hours from 8 a.m. to 9 a.m. and from 3 p.m. to 7 p.m., Monday through Friday throughout the year.

On June 3, 1991, the petitioner 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 was Dr. DeSantis, who said he was requesting the Special Permit as his present office space at 169 Grove Street would not be available after September. Most of his practice is by referral which has been prescreened. Patients not appropriate to be seen at home would be seen at his office at the Leonard Morse Hospital. The majority of his patients are children under age 13. Patients are seen for 45 minutes.

Dr. DeSantis stated that patient cars would be parked in his driveway in front of his three-car garage. Approximately 6 cars would come to the house each day, as a few patients walk to the office. The two family cars would be kept in one space, leaving two spaces for additional cars, which could turn around, but with difficulty.

The Board noted that the property was located in an Historic District on a congested street, and that the home occupation was not in keeping with the area. The Board expressed concern with the increased traffic and potential onstreet parking which would further constrict a street which carries heavy traffic.

Marcus Gleysteen, 40 Cottage Street, spoke in opposition to the request, citing increased traffic and the inappropriateness of the home occupation to the nature and character of the street as reasons for denial.

Alec Holser, 28 Cottage Street, also opposed the request. Mr. Holser expressed concern with the possible intrusion of commercialism in an Historic District, increased traffic congestion, and potential traffic problems resulting from inadequate off-street parking space.

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Statement of Facts

The subject property is located at 41 Cottage Street, in a Single Residence District and an Historic District.

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The petitioner is requesting a Special Permit for a home occupation, namely a psychiatric practice with hours from 8 a.m. to 9 a.m. and from 3 p.m. to 7 p.m., Monday through Friday throughout the year. There would be no employees and all patient cars would be parked in the driveway.

The Planning Board reviewed the petition on June 18, 1991, and voted to recommend that the request be denied. The Planning Board was concerned that the patients might not be appropriate to a home office setting, and that the use was not appropriate in a quiet single residence area.

Letters in opposition to the request were received from Marcus and Judith Gleysteen, 40 Cottage Street, Harriet Willcutt, 39 Cottage Street; Alec Holser and Nan Brinkley, 28 Cottage Street; and Dante and Suzanne DeGruttola, 26 Cottage Street. A letter expressing concern regarding potential onstreet parking was received from Peter McCone, 42 Cottage Street.

Decision

This Authority has made a careful study of the evidence presented. It is the opinion of this Authority that the proposed home occupation is not in keeping with the residential character of the neighborhood nor in keeping with the character of an Historic District.

It is the opinion of this Authority that the present onstreet parking and traffic on Cottage Street has resulted in congestion and over-utilization of the street; and that the proposed home occupation would result in an exacerbation of this situation, which would disturb and disrupt the customary character of the neighborhood.

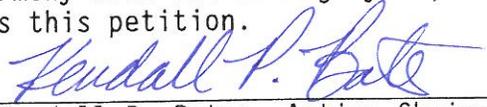
It is the further opinion of this Authority that the number of horizontal parking spaces in the driveway is not sufficient to provide turning and safe egress onto Cottage Street.

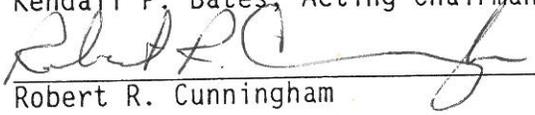
For all of the above stated reasons, this Authority decided that this request for a Special Permit for a home occupation is not in harmony with the Zoning Bylaw, and unanimously voted to deny this request and dismiss this petition.

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 PETITION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings

edg


Kendall P. Bates, Acting Chairman


Robert R. Cunningham


William E. Polletta