



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

FEB 12 8 51 AM '92

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ZBA 91-54  
Petition of Denise Bacon  
15 Denton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 23, 1992 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 DENISE BACON requesting a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to use a portion of her premises at 15 DENTON ROAD, in a Single Residence District, for the conduct of a home occupation; namely classification and cataloging of materials and service as a telephone information center for the Kodaly Center of America, Inc., with hours from 9 a.m. to 2 p.m., Monday through Friday throughout the year. There will be two part-time employees Monday through Friday from 9 a.m. to 2 p.m. and one employee on Friday from 9 a.m. to 5 p.m. throughout the year.

On November 4, 1991, the petitioner filed a request for a hearing before this Board. Due to an error in the legal advertising, the petition was continued from November 21, 1991 to the Public Hearing held on January 23, 1991 for which due notice was given by mailing and publication.

Presenting the case at the hearing was Denise Bacon, Director of the Kodaly Center of America. Ms. Bacon said that the Center, which is a teacher-training and resource institution had been located in Newton, but was forced to vacate its premises. The teacher-training unit was relocated in Ohio. Half of the files were moved to her basement, with the other half in storage in Waltham. The Center is attempting to develop national archives and a resource center, but has not yet found a permanent site. Presently, she has two part-time employees assisting in the cataloging of the material, who work from 9 a.m. to 2 p.m. on Monday through Thursday, and an accountant who works from 2 p.m. until 6 p.m. on Thursday. The part-time assistants also help in manning the telephone information service. She is requesting a special permit to continue this work at her home.

Ms. Bacon read into the record a letter of support from Mr. and Mrs. Thomas Kline, 24 Denton Road.

Ms. Bacon said that originally the plan was to move the material to Ohio by September, 1992, but at this time, she is not certain whether the Ohio facility will have sufficient storage space, and is looking for an alternate permanent repository. However, all the materials to be cataloged are now in her basement. The materials stored in Waltham will remain there until a permanent repository has been found.

She stated that 3 cars can be parked in her driveway which is sufficient to meet the off-street parking requirements of her employees.

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In response to questions from the Board, Ms. Bacon explained that an accountant was needed to handle employee payroll and taxes, donations, and financial affairs resulting from the transfer from Newton.

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John Marsh, 16 Denton Road, and Joel Slocum, 29 Denton Road, each spoke in support of the petition.

#### Statement of Facts

The subject property is located at 15 Denton Road, in a Single Residence District. The petitioner is requesting a Special Permit for a home occupation, namely classification and cataloging of materials and service as a telephone information center for the Kodaly Center of America, Inc., with office hours from 9 a.m. to 2 p.m. Monday through Friday throughout the year. There would be two part-time employees from 9 a.m. to 2 p.m., Monday through Friday and one employee from 9 a.m. to 5 p.m. on Friday throughout the year. All cars related to the home occupation are parked in the petitioner's driveway.

A letter opposing the granting of the request was received from Thomas and Marilyn Dewar, 19 Denton Road, abutters to the petitioner.

At its meeting on November 13, 1991, The Planning Board voted to offer no comment on the petition.

#### Decision

This Authority has made a careful study of the materials submitted and the information given at the hearing, and finds that the petitioner's requested use of her premises is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw pertaining to home occupations. It is the opinion of this Authority that the requested home occupation will not disturb or disrupt the customary character of the residential neighborhood.

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

1. All parking related to said home occupation will be in Ms. Bacon's driveway, and no cars related to said home occupation shall be parked on Denton Road at any time.
2. Two part-time employees are allowed with hours from 9 a.m. to 2 p.m. on Monday through Thursday throughout the year.
3. One part-time accountant/bookkeeper is allowed with hours from 2 p.m. to 6 p.m. on Thursdays throughout the year.
4. The office/information center is allowed to be open from 9 a.m. to 2 p.m. on Monday through Friday throughout the year, but there shall be no employees on the premises on any Friday during the year.

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5. This Special Permit shall expire one year from the date of this decision. If, at that time, the petitioner seeks renewal of the Special Permit, the Board would request definitive information regarding the petitioner's plans for relocation of the archival material to a permanent repository.

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

  
Robert R. Cunningham

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