TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

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

MAR 15 8 16 AM '94
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

ZBA 94-10
Dr. Jolene Ross
140 Bristol Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 24, 1994 at 8:00 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DR. JOLENE ROSS 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 140 Bristol Road, in a Single Residence District, for the conduct of a home occupation, namely the practice of psychotherapy with individuals and couples, with hours from 10 a.m. to 8 p.m. on Tuesday, Wednesday and Thursday throughout the year, with no more than 25 client hours per week.

On February 7, 1994, the petitioner requested a hearing before this Authority, and thereafter, due notice was given by mailing and publication.

Presenting the case at the hearing was Dr. Ross, who asked for renewal of the Special Permit. She said that she is a psychologist who sees patients on the days and within the hours allowed by the Special Permit, and that her patient load has not reached 25 yet.

Walter Kulik, 128 Bristol Road, voiced strong objection to the renewal of the Special Permit. Mr. Kulik listed dates and times of 5 alleged violations to the on-site parking condition, as well as descriptions of the cars and their license plate numbers. He stated that the cars so noted were generally parked for about half an hour on Bristol Road, and that the police were called in one instance to verify the violation.

Mr. Kulik said that the conditions of the Special Permit state that the last client must leave the premises by 8 p.m. Last summer he observed people leaving past 8 p.m. about 6 or 8 times. Mr. Kulik submitted a letter to the Board which duplicated the information he verbally presented to the Board.

Dr. Ross responded that she has made a determined and continuous effort to inform clients of the parking restriction, and to monitor the actual parking of client cars. She said that at 5 p.m., she has a change of child care providers, which necessitates moving several cars. This is the only time a car would be parked on the street, but it would not be a client car. She noted that as she sees clients for a minimum of one hour sessions, clients would not be parking on Bristol Road for half an hour.

ZBA 94-10
Dr. Jolene Ross
140 Bristol Road

MAR 15 8 16 AM '94
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

Maureen Monroe and Ruth Whitten, child care providers employed by Dr. Ross, both stated that they had never seen client cars parked illegally on Bristol Road.

The Board advised Dr. Ross that she must be meticulous in complying with the conditions of the Special Permit, as in a Single Residence District, a home occupation is not a by-right use, and therefore, those living in the neighborhood have a right to expect that the home occupation will not create traffic or parking problems, and that the petitioner will rigorously adhere to the hours allowed for the conduct of the home occupation.

The Board also cautioned Mr. Kulik, that in the interest of neighborhood peace, he should overlook occasional divergences, as the Board would only be concerned with deliberate, repeated violations.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 140 Bristol Road, in a Single Residence District. The petitioner is requesting renewal of a Special Permit to use a portion of her premises for the conduct of a home occupation, namely the practice of psychotherapy with individuals and couples on Tuesdays, Wednesdays and Thursdays from 10 a.m. to 8 p.m. throughout the year, with no more than 25 client hours per week.

On February 15, 1994, the Planning Board reviewed the petition and voted to recommend renewal of the special permit based on the terms and conditions currently in place.

A letter in support of the petition was received from Elizabeth O. Dean, 125 Bristol Road; and a letter in opposition to the petition was received from Miles and Jane Kurina, 16 Essex Road.

A letter was received from Royall Switzler, 10 Oakridge Road, requesting that the Board enforce compliance by the petitioner with the parking conditions, if the Special Permit is to be renewed.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. It is the opinion of this Authority that the requested use of the premises by Dr. Jolene Ross is in compliance with the restrictions of Section II A 8 (h) of the Zoning Bylaw, and that the requested home occupation will not disturb or disrupt the customary character of the neighborhood.

ZBA 94-10
Dr. Jolene Ross
140 Bristol Road

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

1. All parking related to the home occupation shall be in Dr. Ross' driveway, and **no** client cars shall be parked on Bristol Road or Lowell Road at any time.

2. Sessions with clients shall not exceed 25 hours per week.

3. All client sessions shall be conducted within the hours of 10 a.m. to 8 p.m. on Tuesdays, Wednesdays and Thursdays throughout the year.

4. 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 SHALLL BE FILED WITHIN 20 DAYS AFTER THE DATE OF OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

John A. Donovan, Jr., Chairman

Kendall P. Bates

William E. Polletta

cc: Planning Board
Inspector of Buildings
edg

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
MAR 15 8 16 AM '94