



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-65

Petition of Peter C. Gheradi, M.D.
25 Kenilworth Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 28, 1995 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of PETER C. GHERADI, M.D. requesting a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow him to use a portion of the premises owned by his parents, GHERADO AND CELESTE GHERADI, at 25 KENILWORTH ROAD, in a Single Residence District, for the purpose of a home occupation; namely, the practice of child psychotherapy with hours from 9 a.m. to 8 p.m. on Mondays through Fridays throughout the year, but no more than 20 client hours per week. There will be no employees and all parking will be on the premises.

On September 11, 1995, 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 Dr. Gheradi, who said that the property is owned by his parents with whom he is now living. Most of his practice is at McLean Hospital in Belmont. He is the staff psychiatrist at the Fessenden School, and would like the special permit to enable him to see parents and children from the school in a home setting. He does not have a suburban office, and McLean Hospital, an acute psychiatric facility, is not a suitable location for young patients and their parents. He does not have an office at Fessenden, and often, no space is available for him to see patients.

In response to questions from the Board, Dr. Gheradi explained that clients would park in the driveway, enter through the rear to a first floor waiting room, and proceed to the office on the second floor. This portion of the house is completely separate from the residential section of the home.

William McPhee, 48 Kenilworth Road, expressed opposition to the petition. He felt that the home occupation is not characteristic of a residential neighborhood in which there are 30 small children, and expressed concern about increased traffic.

Dr. Sam Moncata, 70 Prospect Street, Needham, said that he is a child psychologist who refers patients to Dr. Gheradi. Neither he nor Dr. Gheradi are employees of the Fessenden School, but take referrals from the school. Many referrals are for parental guidance.

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Lloyd Geisinger, 22 Kenilworth Road, expressed opposition to the petition. He felt that the home occupation was not appropriate to the neighborhood, and should be conducted in an office. He questioned why Fessenden pupils could not be seen at the school.

Dr. Gheradi explained that he was invited to be a psychiatrist at the school, which involves setting aside hours in his private practice to see the children and their parents. No child would be coming to the house without a parent, and none of the children would be dangerous.

Mr. Geisinger requested that parking restrictions be imposed if the special permit were granted.

Kathleen Lynch, 30 Prospect Street, Needham, submitted a letter of support from John and Ann O'Sullivan, 5 Westgate Road.

The Board asked Dr. Gheradi how long he would need the special permit. He responded that he would like to have it for about two years.

Jonathan Smith, 18 Kenilworth Road, expressed opposition to the petition on the grounds that the nature of the residential neighborhood would be changed to a commercial one, if the special permit were granted, and that this would be a bad precedent.

Robert Bastille, 116 Mayo Road, stated that Wellesley has many homes that have professional offices, which are not considered commercial enterprises.

Meg Foster, 22 Kenilworth Road, expressed opposition to the petition. She was concerned that the traffic will increase.

Helen Robertson, 26 Kenilworth Road, asked if the Special Permit would be issued to Dr. Gheradi, or if it would go with the property. The Board said the permit would be issued to Dr. Gheradi.

The Board suggested that Dr. Gheradi reduce the number of client hours, and explained that it tries to make the conditions in a special permit responsive to the needs of both the neighborhood and the petitioner. In the past, there has been very little negative feedback from neighbors after special permits for home occupations have been granted when there has been neighborhood opposition initially, as the petitioners have complied with the conditions determined by the Board.

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Statement of Facts

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The subject premises are located at 25 Kenilworth Road, in a Single Residence District, and are owned by Gherado and Celeste Gheradi, parents of the petitioner, Peter C. Gheradi, M.D. Dr. Gheradi is requesting a special permit to use a portion of the premises for a home occupation; namely the practice of child psychotherapy with hours from 9 a.m. to 8 p.m. on Mondays through Fridays throughout the year, with no more than 20 client hours per week.

Dr. Gheradi's clients would be children from ages 6 through 16 who are students at the Fessenden School and/or their parents. No child would come unaccompanied by a parent. Parking in the driveway is available for up to three cars. There will be no employees.

On September 22, 1995, the Planning Board reviewed the petition and voted to recommend that the petition be denied.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. It is the opinion of this Authority that the petitioner's request for a Special Permit for a home occupation is in compliance with the requirements 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.

It is the unanimous decision of this Authority to grant the requested Special Permit subject to the following conditions:

1. All client sessions shall be conducted **only** between the hours of 8 a.m. to 10 a.m. and 6 p.m. to 8 p.m. on Tuesdays, Wednesdays and Thursdays throughout the year.
2. No child, who is a client, shall come unaccompanied by a parent.
3. All parking related to the home occupation shall be in the driveway of the premises, and no vehicle related to the home occupation shall be parked on Kenilworth Road or any adjacent street at any time.
4. This Special Permit shall expire one year from the date of 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.

cc: Planning Board
Inspector of Buildings
edg



John A. Donovan, Jr., Chairman



Kendall P. Bates



William E. Polletta

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