



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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ZBA 96-76

Petition of Barbara G. Kotzen
7 Beverly Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 21, 1996 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 BARBARA G. KOTZEN requesting a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of her premises at 7 BEVERLY ROAD, in a Single Residence District, for the purpose of a home occupation; namely, card and stationery catalog sales, with hours from 9 am. to 4 p.m. on Monday through Friday, with no more than 10 clients per week, and one part-time employee. Annually, the last week of September would be an open house period during which up to 10 clients per day, by appointment, are requested.

On November 4, 1996, 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 Barbara Kotzen, who said that she would like a special permit to have customers come to her home by appointment from 9 a.m. to 4 p.m. on Monday through Friday, but no more than 10 per week. One week each year, she has an open house, and during that week, she would like 10 customers per day by appointment. There will be no parking on the street.

Kenneth Talanian, 4 Beverly Road, expressed opposition to the petition on the grounds of increased traffic and noise created by the home occupation. He stated that several delivery services make frequent trips, and that customers park in front of his house often blocking his driveway access. Mr. Talanian submitted pictures, taken during the open house period, of cars parked on both sides of the street.

The Board expressed its opinion that the focus of Mr. Talanian's opposition appeared to be the open house period. If that were eliminated, the ten customers per week by appointment would not create a traffic problem. Mrs. Kotzen agreed that the open house could be eliminated.

Statement of Facts

The subject property is located on 7 Beverly Road, in a Single Residence District. The petitioner is requesting a Special Permit for a home occupation; namely card and stationery catalog sales with

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hours from 9 a.m. to 4 p.m. on Monday through Friday, with no more than 10 client hours per week by appointment, and one part-time employee. All parking will be in the driveway of the petitioner. All product deliveries are made by US Mail, Federal Express or UPS and placed inside the garage. The individual orders are then delivered to the customers by the petitioner.

The part-time employee is actually a partner, who has a full time position in Boston. She occasionally visits the premises to perform advisory or administrative functions.

The petitioner has also requested that, annually, the last week in September be designated as an open house period during which up to 10 customers per day would be allowed by appointment only.

A letter in support of the petition was received from Duncan T. Andrews, 8 Pine Plain Road.

On November 12, 1996, the Planning Board reviewed the petition and voted to recommend that the home occupation be allowed, but that the September open house be held elsewhere.

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 requested home occupation is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw and will neither disturb nor disrupt the customary character of the neighborhood.

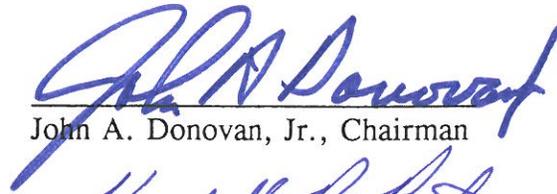
Therefore, the Special Permit for said home occupation is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. The allowed hours shall be from 9 a.m. to 4 p.m. on Monday through Friday throughout the year.
2. There shall be no more than 10 clients per week during these hours; and these 10 clients shall have scheduled appointments.
3. There shall be no open house held on the premises at any time during the year.
4. All parking relating to the home occupation shall be in the driveway of the petitioner and no vehicles relating to the home occupation shall be parked on Beverly Road or on any adjacent street.
5. There shall be one part-time non-resident employee.
6. 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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