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ZONING BOARD OF APPEALS

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1998 FEB 12 A 10: 50

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ZBA 98-3
Petition of Gail P. Kingsley
16 Abbott Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 29, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of GAIL P. KINGSLEY 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 16 ABBOTT ROAD, in a Single Residence District, for the purpose of a home occupation; namely a legal practice, with no more than 10 client hours per week, and one full time and one part-time employee three days per week. Parking is available for three client cars on the premises.

On January 12, 1998, 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 Gail Kingsley, who said that she is requesting renewal of her Special Permit at the beginning of her fifth year in her home legal practice. Mrs. Kingsley said that she is requesting a change in the conditions of the Special Permit, as, in addition to her one part-time employee, she would like to add one full time employee.

The Board noted that the Planning Board had no objection, but was concerned about the sufficiency of off-street parking. Mrs. Kingsley stated that there are always three vacant parking spaces for clients during the day. Her part-time employee, who works 6 hours a day for three days per week, does not bring an automobile to the premises.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 16 Abbott Road, in a Single Residence District.

The petitioner is requesting renewal of a Special Permit for the conduct of a home occupation; namely the practice of law with a concentration in Estate Planning, Probate, Estate and Trust Administration, Real Estate and Small Business Law. The number of clients coming to the house will not exceed ten per week, all of whom have scheduled appointments. There will be one full time employee and one part-time employee on Monday, Tuesday and Thursday from 9 a.m. to 4 p.m. throughout the year. Off-street

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parking for three vehicles is available on the premises.

On January 20, 1998, the Planning Board reviewed the petition and recommended favorably on the renewal request based on the same terms and conditions as are currently in effect, and provided that sufficient off-street parking on the premises is available to non-resident employees.

Decision

This Authority has made a careful study of the application submitted and the information presented at the hearing, and is of the opinion that the requested use of the premises at 16 Abbott Road is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and that the conduct of the requested home occupation will not disturb or disrupt the customary character of the Single Residence neighborhood.

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

1. All parking related to the home occupation shall be in the driveway at 16 Abbott Road, and no client or non-resident employee vehicle shall be parked on Abbott Road or on any adjacent street at any time.

2. Client hours shall not exceed ten per week throughout the year.

3. The shall be one full time employee and one part-time employee with hours from 9 a.m. to 4 p.m. on Mondays, Tuesdays and Thursdays throughout the year.

4. This Special Permit shall expire two years from the date of this decision.

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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

William E. Polletta

cc: Planning Board
Inspector of Buildings
edg