

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2019-19

Petition of Shani Kumarasena
30 Yarmouth Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 7, 2019, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Shani Kumarasena 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 the use of a portion of the premises at 30 Yarmouth Road, in a Single Residence District, for the purpose of a home occupation, namely Pediatrician's Office for up to two patients per week, from 7 am to 9 pm, Mondays through Sundays. There are no nonresident employees and all parking is on the premises.

On January 7, 2019, 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 Shani Kumarasena, the Petitioner.

The Chairman asked if there have been any changes since the last renewal of the special permit. Dr. Kumarasena said that there have been no changes. She said that she sees no more than two patients per week. She said that the use is just for convenience of her patients on a day that she cannot go out.

The Chairman asked how times Dr. Kumarasena saw patients on a Sunday. Dr. Kumarasena said that she could not quite remember but probably did not see any patients on Sundays. She said that during the week she is in the office. She said that it is on the weekend or holidays when she might need to use her home. She said that the practice is within her house and there is no traffic. She said that there is enough parking and there is no disruption to the neighborhood.

The Chairman said that the Board received an email from Stella Chan-Flynn, 4 Falmouth Road, in which she expressed her strong opposition to the special permit. A Board member confirmed that 4 Falmouth Road is not next door or across the street.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 30 Yarmouth Road, in a Single Residence District.

The Petitioner is 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 the use of a portion of the premises at 30 Yarmouth

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Road, in a Single Residence District, for the purpose of a home occupation, namely Pediatrician's Office for up to two patients per week, from 7 am to 9 pm, Mondays through Sundays. There are no nonresident employees and all parking is on the premises.

On February 5, 2019, the Planning Board reviewed the petition and recommended that the special permit be renewed, subject to similar conditions as previously imposed.

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 renewal of a special permit for a home occupation at the premises at 30 Yarmouth Road is in compliance with the requirements of Section II A 8 (h), will meet the Special Use Permit Standards conditions, in accordance with Section XXV D of the Zoning Bylaw, and the requested home occupation will not disturb nor disrupt the customary character of the neighborhood.

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

1. The number of patients shall not exceed two per week.
2. This Special Permit shall expire three years from the date time-stamped on 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.

J. Randolph Becker
J. Randolph Becker, Chairman

Richard L. Seegel
Richard L. Seegel

Derek B. Redgate
Derek B. Redgate

ZBA 2019-19
Applicant Shani Kumarasena
Address 30 Yarmouth Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm