



TOWN OF WATERTOWN
Zoning Board of Appeals
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

Melissa M. Santucci Rozzi, Chairperson
David Ferris, Clerk
Christopher H. Heep, Member
John G. Gannon, Member
Kelly Donato, Member
Neeraj Chander, Alternate
Jason D. Cohen, Alternate

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Louise Civetti, Clerk to the ZBA

MINUTES

On Wednesday evening, April 27, 2016 at 7:08 p.m. in the Richard E. Mastrangelo Council Chamber on the second floor of the Administration Building, the Zoning Board of Appeals held a public hearing. In attendance: David Ferris, *Acting Chair*; Christopher Heep, *Acting Clerk*; Kelly Donato, *Member*, John G. Gannon, *Member*; Jason D. Cohen, *Alternate Member voting*; Also Present: Mike Mena, *Zoning Enforcement Officer*; Gideon Schreiber, *Sr. Planner*, Louise Civetti, *Clerk to the ZBA*. Absent: Melissa Santucci Rozzi, *Chair*, Neeraj Chander *Alternate Member*.

Acting Chair Ferris opened the meeting, introduced the board and staff and swore in the audience. He reviewed the Agenda and noted that the case for 21-23 King Street has been requested to be continued and the case for 55 Bigelow Avenue has been requested to be withdrawn. In the absence of the Chair of the meeting, he will be Acting Chair; Member Heep will be Acting Clerk and Alternate Member Cohen will be voting on all petitions.

Member Heep read the legal notice for the first petition: **32 Grenville Road**

"Don Sisson & Sallie Chisholm, 32 Grenville Road, Watertown, MA 02472 herein requests the Zoning Board of Appeals to grant a Special Permit Finding in accordance with Watertown Zoning Ordinance, §4.06(a), Alterations/Additions to Non-conforming Structures, so as to raise the house by approximately 3 feet by building a new foundation and construct a rear two-story addition, increasing the non-conforming side yard setback. S-10 (Single Family) Zoning District. ZBA-2016-05"

Mr. Boyes, Boyes-Watson Architects, representing the owner, showed a map of the location of the structure as it sits on the lot in relationship to the other houses on the street and in relationship to the Oakley Country Club to the rear of the property. He stated that the house sits on a steep hill and the water flows through the basement. They plan to raise the house to rid the basement of the water issues and make an extension to the non-conforming side yard. They will reconstruct the basement and raise the house 3' maintaining the conforming height of the building and increasing the master bedroom and the first floor room. The side yard is about 7'6" to 3'2" on the side and it does not have a detrimental effect on the abutters as the house sits well behind them to the sides. He then showed the board the drawings with the extension of the first floor kitchen and access to the basement. The second floor adds room to the master bedroom. The rear yard remains conforming. He showed another drawing with the elevations existing and proposed.

No one from the public spoke on this petition.

Member Donato clarified that the clapboard will be added to the addition matching the home. The Assessor's website states that this has 3 bedrooms, although the Planning Board report states 2 bedrooms. Mr. Boyes stated there is a potential new bedroom in the basement.

Member Heep asked for clarification on the location of the addition to the southeast elevation. Mr. Boyes showed the elevation on his drawings.

Member Gannon said it is a nice presentation. He asked the height of the existing basement. Mr. Boyes explained that the rear of the basement is not excavated. It had been built out as a crawl space and that is where all of the water accumulates. The height is 2-4' now and they will make it with an 8' ceiling height. The basement will be an exercise and media room with an additional guest bedroom and mechanicals. Mr. Gannon asked about Building Code allowing a bedroom in the basement. Mr. Boyes said the slope of the property provides a walk-out from the basement.

Member Cohen asked about the existing bulkhead at the front. Mr. Boyes stated the bulkhead will be removed as there is a walk-out basement at grade to the front. They will not need the bulkhead.

Member Cohen asked about the new egress from the westerly side of the structure. Mr. Boyes explained that replaces the need for a bulkhead.

Member Ferris asked about the one parking space. Mr. Boyes said there are two parking spaces or they can fit two cars in the current driveway. He reviewed the side yard reduction, the hatchway is being reduced and the hatchway is being shown. The two depressions at the front of the building. Member Ferris requested the hatchway be removed and the two depressions (the window well and the entrance to the basement) be shown on the plan. He also reiterated that this home is currently a 3-bedroom and will become a 4-bedroom home. There will be concrete with a stucco finish under the clapboards and one window will be designated as an egress window. Mr. Boyes said the grading changes will allow as few steps to the basement as possible with the addition of a small stone wall. Member Ferris calculated the basement height existing at 6'4" thereby raising the structure only 2+', not 3'. Mr. Boyes said he had been looking at the ridge height. Member Ferris stated that the board will condition the raising of the house to no more than 3' maximum to allow the difference between 2+' to 3'.

Member Cohen clarified that the height is changing the structure from 2-stories to 2 ½ stories. He asked staff if the basement is considered the half-story. Mr. Schreiber said it is only the wording as an actual half-story definition would be the attic space and there is not an attic on this proposed home. The basement is considered either a story or not – depending on if there is more 50% of the volume of the basement is above-ground.

Member Gannon asked if the bulkhead is eliminated, are there other means of egress from the basement. Mr. Boyes said the egress is at the front of the house and proceeded to show a drawing with stairs down to the door to the basement.

Member Gannon asked the owner if there is contemplation of a separate unit in the basement. (Although the owner did not come to the microphone to answer and his answer is not recorded, he did state there would not be a separate unit in the basement).

Acting Chair Ferris closed the public hearing and declared a Business Mode.

Member Cohen appreciates a 3-D aerial view and commends the architect. Under other circumstances, this would be an issue for him but as this is set so far from the street and not impacting the neighbors, he is in favor of this project.

Member Gannon also commended the architect and is in support of this project.

Member Heep stated that at 3.7 feet from the property line, in other circumstances would be a problem but here the houses are staggered and this house is set far back, this extension would not be more detrimental and he would support.

Member Donato said that she is in favor of the project for the same reasons and it helps that the Petitioner owns the properties on both sides of this.

Member Ferris agreed that the presentation is well prepared and concise. He read from the Planning Board report, voting 3-0 with standard conditions. He will add two conditions – the site plan be updated to illustrate the front grade elements for the window well and the front access-way. The building height can be adjusted by a maximum of 3', provided that this remains as a basement within the zoning code basement classification.

Member Heep motioned to approve the request for an alternation to a non-conforming structure with the conditions in the Planning Board report and the two additional conditions stated tonight. Member Donato seconded. Voted 5-0, with Members Ferris, Heep, Donato, Gannon and Cohen voting in the affirmative. Members Santucci Rozzi and Chander, absent.



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Acting Chair Ferris announced the next case and requested Acting Chair Heep read the notice.

Member Heep read the legal notice for **72 Winsor Avenue**:

"Diana Kierein, LICSW, 72 Winsor Avenue, Watertown, MA 02472 herein requests the Zoning Board of Appeals grant a Special Permit in accordance with Watertown Zoning Ordinance, §5.02, Home Occupation, so as to allow a therapist practice in a residence. S-6 (Single Family) Zoning District. ZBA-2016-01"

Diana Kierein thanked the board and staff and everyone present. She introduced Mark Steinweiner to whom she owns her home with. She apologized for submitting a petition with inaccurate information on it.

She supports anyone that feels differently than she does. She has asked for this permit the way she is supposed to. She has received more adverse impact to the neighborhood than the practice would cause and her integrity has been questioned. The reason she is asking for this is she cannot afford the office rent in Newton. She just has to pay for the renovation in her home and be done. She depends on the income she receives. She also has a full-time job and doesn't foresee enlarging her practice, although it could happen.

She stated the special permit would allow her to meet with clients one-at-a-time for 45-50 minutes in a small office in the rear of her home. The clients would park in the driveway, walk along the southerly side of the home (blocked by 7' trees) and enter at the rear of her home. They would exit the same way. This would be secondary to the residential use. This office and bath would be less than 9% of her total home. She would not impact the neighbor at 78 Winsor as they are on the opposite side of this entry. There will be no exterior changes to the home. It is not visible to any other property; does not cause noise, smoke, odor, etc. She added that the traffic would not change as the trips out of her home to see clients would equal the number of trips the clients make to see her. She is asking for 68 hours for flexibility in scheduling clients. In the 6 years she has had her practice, she has seen 12 clients maximum in one week. Her property was inspected by the senior planners, where they suggested she restore a grassy buffer between her driveway and her property line. She showed a photo with the grassy strip she added along the left side of her driveway (at a cost of \$950). She is pleased that the planning staff and the planning board voted to approve her request. She approached opponents in the neighborhood to provide them with answers to their questions. She heard one neighbor say she would turn the neighborhood against her; that she would be treating people with serious mental illness and violent criminals; and their property values would go down due to multiple calls to the police. She introduced Patricia Baker, Keller Williams Real Estate who looked into the issue and will provide information on property values if asked. She said the neighborhood became divided and one husband and wife are on opposite sides. She doesn't want this to effect families. She wrote a letter to the neighbors explaining her practice and hand delivered it to all the neighbors except two that had requested that she not approach them. Her practice helps with families dealing with divorce. She would not see clients that could pose safety issues to her or her home or neighbors. She described how her clients are not unlike her neighbors – those seeking help during difficult times. She held a community meeting for the neighbors on Winsor, Maplewood and Langdon Avenues. She hopes to bring the neighborhood back together. She provided a copy of the sign-in sheet for her meeting and not one of the people in strong opposition attended. She then explained how the community will surround someone grieving a death but will not surround someone going through divorce or separation. She described the types of people she sees in her practice. She added that her clients are good, kind people going through a difficult time. She said these clients will come and go from her property not wishing to be noticed. This would look like a guest arriving more than it would a business. She has signatures from three neighbors that surround a similar practice at the end of the street, stating that there have been no issues with traffic, parking or clientele. She asked the board to vote in favor and then asked for a chance to rebuttal, if necessary.

Acting Chair Ferris discussed the drawings that are submitted for review – the existing and proposed interior space and the existing and proposed site plan. He asked the Zoning Enforcement Officer to explain the limitations of parking and the flexibility of hours for the benefit of all present. Mr. Mena stated that the Zoning Ordinance defines Home Occupation that limits use. It does require one additional parking space beyond what is required for the residence. This is a single family home and the applicant is proposing to extend the parking one additional space. The ordinance does not limit hours and is therefore discretionary and the staff puts their recommendation in the report. The Board will look at the hours and the staff's recommendation and come up with a reasonable condition.

Acting Chair Ferris opened the meeting to the audience. Ms. Kierein said she had not been sworn in as she left to go home for a hearing device. Mr. Mena said this is not a court of law and it is not required that people be sworn in. Chair Ferris did not require Ms. Kierein to be sworn in.

Lisa Fanjoy, 55 Winsor Avenue, stated that there are neighbors for and against and she feels there are a lot of hours being requested, although the work is admirable, there are concerns with traffic and the number of hours – she hasn't any issue with some of the work that will be done in the home. She is

optimistic that an agreement will be reached for a number of hours or clients that will be agreeable to both the neighborhood and the applicant.

Chair Ferris said that she requested 68 hours and on the application there were 29 hours requested. He then read from the application stating evening hours of 6, 7, and 8 for 3 evenings would be 12 hours and Wednesdays 7 a.m. and every hour thereafter except noon – 1, up to 8 p.m., which would equal 13 hours and then Saturday, 10, 11, 12, 1 = 4 and that would equal 29 hours. She requested 68 hours. The Planning Board approved 74 hours. M-F 7am – 9 pm and Saturday. Gideon Schreiber said staff counted up the potential hours. However, the original approval had a cap of hours although the range was limited. He suggested that the applicant know the number of hours she would work during one week. This allows for flexibility without coming back to the board. He would add another clarification of, 'not to exceed...'

Ms. Kierein said she works full time and her schedule changes. She may have one person at 7 am and then not have anyone until 6 pm. She would say from 7 a.m. until 9 p.m. for each weekday. Saturdays she avoids work but sometimes a client needs a Saturday. Four hours of flexible hours on Saturday 10, 11, 12, 1. She tries to meet the needs of their clients. Mr. Schreiber suggested they state that there are no more than 'x' clients for no more than 'x' hours. Mr. Ferris continued adding up the number of possible hours = 24 hours. Ms. Kierein said that would be a maximum.

Member Gannon asked how the town would monitor the number of hours. Mr. Mena said that a prior approval was requested where the number of clients was recorded but the client was anonymous – keeping a log on when a client was seen, hour, day. If there is a complaint, the record could be reviewed for discrepancies. Ms. Kierein clarified that she would not have to put names in the log.

Chair Ferris recapped that the Board is considering a range of hours, Monday thru Friday, starting at the earliest, 7 a.m. and ending at the latest at 9 p.m. and Saturday at starting at 10 and ending at 2. Within the calendar is a maximum of 24 hours divided up within those hours. He welcomed the audience to speak. He then stated that if there are no questions, the session will close and the board will vote.

Ms. Civetti clarified that the condition regarding hours would state that the last client would start at 8 p.m. in order to be completed by 9 p.m.

Steve Igoe, 78 Winsor Avenue stated that the hours that are being set up are for when she has a full time job. When she ceases this other job, she will have more time for more clients. This is his concern. Chair Ferris stated that whether or not she has another full time job, the condition states that she cannot have more than 24 sessions in one week. Mr. Gannon said the residential nature of the property is the primary use. The board limits the number of hours that the applicant can use during one week. Mr. Igoe stated that she could fill the open time that would now be available if she no longer worked at the other job. Member Ferris explained that the applicant would then be required to come back in front of the board to modify the hours of operation. Mr. Mena clarified that the hours could not be changed without staff reviewing to see if the hours were excessive. Mr. Igoe said that the staff would have to know that the change took place. Who would see the log? Mr. Mena, as the Zoning Enforcement Officer, would most likely receive a telephone call stating that there is suspicion that there are more than the conditioned 24 clients per week; he would be prompted to contact the applicant to review the log. He would work with the director and the town's attorney to see which way this would be investigated further, due to HIPPA laws and client privilege. Mr. Ferris added that it is not unusual for his office to receive telephone calls regarding questions on happenings in the neighborhood. Mr. Mena said his office relies on the eyes and ears of the neighborhood.

Sharis Barkhordarian, 68 Winsor Avenue, questioned the two-car driveway being extended to 3 cars – her house is directly to the right and they share the driveway with a small fence in between. How would she do that and how would this affect her property. They will be right next to the cars that are parking and coming in and out of there. Member Ferris showed a drawing of the proposed parking plan and where the raised flower bed is now. He does not know about property value but there is the requirement that a sign not be placed on the property. Mr. Schreiber said staff felt it would not be necessary to disrupt the planting bed to add the one parking space as the petitioner has only one car. However, the petitioner has

the right to pave along that side of the property anyway – even if it were not required. The driveway is allowed to be extended to the rear. It is not changing the value from a zoning perspective. He added that the two neighbors had the driveway paved together and the applicant restored some of the landscape buffer that wasn't there.

Ms. Barkhardarian asked if having a commercial property next door would affect her property taxes. Mr. Mena said this would not affect her property taxes.

Patricia Baker, the real estate agent for the petitioner, said she does not live in Watertown but half her team does, including her son. She said the petitioner asked her how a home occupation affects property values and she replied that her own home in Newton, across the street from a psychologist, has increased in value 300%, so it does not affect the values. She added that there are many psychologists living in Watertown, Newton, Brookline and we do not know it. She added that Diana came to the board legally to be a friend to the neighbors. She said Diana's clients look like her and you will think they are her friends. She added that the things that affect home values are inventory, interest, and the number of buyers. There are only 5 houses on the market in Watertown and it is a seller's market. It is supply and demand that affects real estate prices. This is not a commercial business and the board would not approve it. The second thing is a hazardous oil spill and the third is illegal apartments, which there are a lot of in Watertown. Having an illegal kitchen and renters in your single family home will devalue your house. Psychologists will not affect home prices.

Janet Jameson, a psychologist on Winsor Avenue for 30 years. She remembers coming before the board for her special permit. One of the board members said at that time that having a client come to your home is like having a guest for tea. She has never had complaints about parking; on bingo nights there isn't anywhere to park, some of her patients come by bus, bicycle, car but it doesn't affect the traffic on the street. She said this can increase property values and her property value has increased. She complimented Diana on the nice job she is doing.

Cheryl Hanley, 77 Winsor Avenue, thanked the board and everyone present. She said no one doubts the job that Diana is doing as plenty of people need therapy. She is diagonally across the street and about 10 years ago, a car hit her house. There is a lot of traffic on the street from people trying to avoid School Street. The location of Diana's driveway is at the crest of the hill and people backing out of the driveway pose a safety hazard. She opposes any of these permits being issued. She was not aware that these permits were allowed. She read a list of opponents to the 1985 approval of a home occupation on Winsor Avenue, which was initially denied. Part of the condition of approval a year later is that Supreme Civil Court action would be dropped. She wants to know what the civil action was.

Chair Ferris asked if this is relevant to this application. Mr. Mena said it is not relevant to this application and he did not see a law suit referenced in the files. He said the last approval had 10 conditions and none stated a law suit. Ms. Hanley said she has the information from 1985. She was not here to oppose this in 1985 and even if a business is not on her street, she feels that these businesses should only be in a business district. She added that businesses in a business zone support other businesses. What is the benefit of a business opening on their quiet residential street when there is this much opposition to it? She said she came up with the petitioner does not want to go and pay rent at her current office. She said the petitioner knocked on her door and said she would have an hour between clients but the planning board report shows 10 minutes between clients. (She had said 12 clients) the board is allowing 24 clients and who is going to police this; will amendments be made; will the neighborhood be 'watch dogging'? They have owned their homes for over 50 years and they want to remain a quiet neighborhood not a business. Setting a precedent now could allow doctors, dentists, lawyers, accountants. She added that this is not one client at a time as the petitioner stated – the petitioner said she treats children and couples and families. There are a lot of conflicting statements to what is being said and what is in writing.

She read a letter from one of the neighbors who could not be present tonight. She said this neighbor was made so uncomfortable from people in support of this business. She read: Laura Appleton, 73 Winsor Avenue. There has been lobbying from the petitioner and supporters; use of a private email from a book club for Diana's personal business; coffee chat by Diana to influence the outcome (Cheryl said there was

no reason to attend as there had been letters, mailings, etc.); these continuous attempts have polarized the neighborhood; she feels outcast by neighbors she had once considered friends. Cheryl added that a lot of the neighbors feel this way. She had considered a home occupation when she taught Pilates and found out what the process was and would be opposed to one more car coming up the street. She therefore, continues to rent – any entrepreneur should rent. She feels this is the sole convenience and monetary gain of the petitioner.

Chair Ferris said that he believes the last speaker is speaking on behalf of a broader group. However, if the last speaker was not representing all of the people, he encourages them to speak.

Andrew Bundy, 27 Winsor Avenue said he has lives across the street from Janet Jameson and he is in favor of this proposal as he has a family that has benefited from therapy. This is an opportunity to enrich people's lives. He barely notices people in the past 20 years going into Janet's house. People do not want to be noticed. The parking is elaborately taken care of at Diana's house. He hopes that people will experience this as a low impact. He speaks for himself and this feels right for his neighborhood.

Chair Ferris stated that the board will ask the applicant questions. Member Cohen began – someone came up to the podium to speak...

Connie Brown, 46 Winsor Avenue, said she wrote a letter and it is on the website. She is responding to what has been said tonight – she doesn't like the idea of home occupations in a residential neighborhood. She doesn't choose to live in a city. No one has complained about the existing practice. The houses at the end of the street are on larger lots than in the middle of the street. Property values have gone up and this is a seller's market but there will be a day when there will be more homes than buyers and a disadvantage is a home with a business next door. She is not in support.

Annemarie Flores, 18 Winsor Avenue, renovated a dilapidated house and her house devalued the area and she apologized if the homes went up in value after her renovation; she has never noticed a client out of Janet's house; the traffic from the church is a tremendous and their unscientific traffic count is less than 1% and less than the additional traffic from the School Street project. She has had traumas in her life and she was smart enough to see a psychologist for them. Her psychologists had practices in their homes where she did not have to worry about the perpetrator of one of her traumas. She could preserve her anonymity and her dignity. The flexibility in the hours is a concern as she is a professor and an expert in health care disparity. She elaborated on her trauma and again stated that she is grateful for being able to see her psychologist in their home.

Member Gannon asked about adding the third parking space and how the clients would come in and out. Ms. Kierein referred to a photo of her driveway with her own car in it. She said she could either leave her car there or pull it onto the street to park when a client comes. She said the client would walk to the back door but would not be seen as there are a row of trees and the neighbor wouldn't know that because she doesn't live there but she owns the house. She could move the trees out more but that may obstruct the traffic. She'll do what she has to if the neighbor needs privacy. She was pointing to a photo and stated they may open the area up or the client would walk around the back and enter there.

Member Gannon asked if she would be seeing one client at a time or if it were a disparaging couple, would she see two people. Ms. Kierein said she does not intend to be a mediator or lawyer in her home – she is not working in that area now. She is solely doing this (psychotherapy). She will not see couples that do not want to meet together. Sometimes she sees families, although rare as her office is small in Newton. She had 3 children and both adults at one time. There may be two cars and she proposes to put her car on the street in front of her house and both cars would be in her driveway. She is comfortable maintaining a log and having a maximum of 24 clients per week.

Member Heep said she stated earlier that 24 are more than she would ever see in a week and he does not want to set the number too high and give her more than she is asking for. He asked her what the maximum she would see on a given week.

Ms. Kierein said she told the board 30 or 31 but she is happy with 24. Now that she is driving back and forth it is difficult to see 24 clients – the application requested 30 and she is fine with 24. Mr. Mena clarified if this is 24 people or 24 sessions per week. Mr. Heep stated that it is sessions, not people.

Member Heep asked about when she sees a child, does the parent stay in the waiting room. Ms. Kierein said in the waiting room now, it is shared – the parent may feel comfortable leaving the child in her home and coming back for them later.

Chair Ferris said the site plans, existing and proposed, show the potential of three parking spaces. There are two spaces now and a third space may not be needed immediately. The floor plan shows the waiting area and a bath – why does the bath have a shower. Ms. Kierein said they are eliminating the bath on the first floor and there is only a bath on the second floor. When she is not working, it will be used by her and her guest bedroom. Ms. Kierein added that they may change the dining room window to a door to get to the backyard. She has not talked to her architect. Mr. Mena stated she would not have to come back to the board unless the change impacted the entrance/exit to the home occupation.

Chair Ferris added that there is not a walkway from the driveway to the back door and there is a ramp. Ms. Kierein has rethought her project and she does not want to do a ramp any longer. She would add a walkway. Mr. Mena said the code allows a ramp for accessibility.

Chair Ferris announced that the board will go into their business mode where there will not be any further comments from the audience allowed. He stated this is one last opportunity to provide comments regarding the project.

Ms. Kierein said that she trusts the matter in the board's hands and hopes they will say something healing for the sake of her neighborhood as they have been through a lot.

Cheryl Hanley, 77 Winsor Ave., said she is reiterating that the issue is not whether or therapy is needed, it is 12 homes against the one home that wants a home occupation for her sole convenience and monetary gain. She added that if Ms. Kierein doesn't want to pay full time rent, there are practices in Watertown where therapists share space. Her testimony changed again, from 12 clients to 24. She pleads with the board to honor the owners of the homes on this street. She would be in shock if their opinions are disregarded and this is approved.

Chair Ferris asked Ms. Hanley to submit the letter she had read into the record earlier.

Chair Ferris announced the closed session of the Board.

Member Donato commends the neighbors for their respectful dialog in trying to understand each other's concerns. She explained that a home occupation is permitted if it meets certain criteria. It is not based on how popular a proposal is, it is based on if the proposal meets the requirements. These are the requirements: The use as applied for is incidental; it doesn't change the residential character of the site; there is sufficient parking in the driveway (the proposal for a third space with staggered clients), the anticipated clients capped at 24, will be under the 72 trips per week that was cited in the Planning Board for a single-family home. She added a condition that a one year review of the client logs be provided as has been done on other Board approvals. She hears the safety concern of a client backing out of the driveway, therefore, she suggests the client back into the driveway so they are forward facing when they pull out which will be more safe at the top of the hill.

Member Heep agrees with Member Donato. He review the criteria of a home occupation and this meets the requirements of a home occupation and this meets the criteria for a special permit under section 9.05. The entering at the rear of the building, the limited sessions of 24 per week most of which will be one person at a time, he does not believe this use will amount to a serious nuisance or hazard to vehicles or pedestrians. He does not believe this will affect the neighborhood as a whole. Adequate and appropriate facilities have been provided. He appreciates all of the well-said comments but would be in support of this petition.

Member Gannon said the requirements for a home occupation have been met in this case. This Board has had a number of home occupations where the board voted against some. There were no approvals where the home occupation overwhelmed the residential nature of the home. There was a case where there was a music studio proposed in a basement which would have been detrimental to the neighborhood. A lot of people work out of their houses. As a lawyer, he has worked on cases at his house as they were more comfortable in a home environment. There have been home occupations that are not consistent with the neighborhood – a medical practice that was in a dangerous traffic area. This request is a modest use of the home; no real changes to the residential character to the neighborhood. He feels this project will uphold both the residential nature of the home and the neighborhood.

Member Cohen thanked all of the attendees for their comments. He has read through all of the submitted letters. He said the Petitioner has done everything she can to explain the situation to her neighbors and that shows her character and perhaps the type of practice she runs. Whatever the result is tonight, he hopes the tension in the neighborhood subsides. He explained that the Zoning Ordinance treats home occupations in a way that you may not realize they are there. That is by design. This should be as discreet as possible. Therapy clients due not want to draw attention to themselves. He senses by the organized opposition that there is a stigmatization to mental healthcare and he finds some of the comments troubling. He is unconvinced as to the traffic argument as there may be a maximum of 8 cars a day and with the cut-through traffic from School Street, this may not be impacted. He supports the application.

Chair Ferris said the approval, if granted, is only for the Petitioner. If she were to sell her home, the home occupation would not be valid any longer. As an architect, he has looked at many zoning regulations in many towns and they all allow home occupations with conditions and are to be discreet. The zoning regulations cannot be changed tonight – that is a separate process; however, he thanked the person speaking out about that. He is in favor of this petition.

Chair Ferris reviewed condition #7 from the Planning Board report where the hours of operation were confirmed for Monday through Friday from 7 a.m. – 9 p.m. and Saturday from 10 a.m. through 2 p.m. – all board members agreed.

Chair Ferris reviewed the condition of 24 sessions per week as a maximum. The board agreed.

Chair Ferris reviewed the addition of a walkway on the site plan to be worked out with Staff. The board agreed and Member Gannon asked to elaborate. Chair Ferris said a walkway from the driveway to the entrance is not on the site plan and he would like Staff to oversee the placement of it.

Chair Ferris reviewed the parking spaces, noting there are two now and the 3rd is proposed. Staff commented that it is a one-car household and the two spaces existing would suffice. Member Heep asked if the requirement is to have two spaces for the home and one for the business. Mr. Schreiber said the Staff recommended that the third space be a shadow space as the town struggles with more impervious surfaces; therefore, the board can decide that the two spaces is sufficient for now. Member Cohen said he would agree if it were conditioned to have an annual review to see if the third space is necessary – at the same time the logs are being reviewed. Member Gannon agreed that asphalt should be a last resort given the residential nature.

Chair Ferris asked if the annual review is something the Board would want for each year of operation or only for the first year. The Board decided the review would be for the first year and the staff would then make the review as needed, which is consistent with their other approvals.

Chair Ferris reviewed the request for clients to be backing into the driveway for forward driving out of the driveway. The board agreed this should be a condition.

Member Heep motioned to approve the request for Special Permit, 5.02(d) for Home Occupation with the conditions and the modified 5 conditions discussed. Member Gannon seconded. Voted 5-0. Members

Ferris, Heep, Donato, Gannon and Cohen voting in the affirmative. Members Santucci Rozzi and Chander absent.

Member Gannon asked Staff about providing an easel for the applicants. Staff replied that there was one that broke and it is in the process of being replaced.

Member Heep motioned to adjourn. Member Donato seconded. Voted 5-0. The meeting ended at 9:30 p.m.