

350 Bedford St, Concord, MA 01742

TOWN OF CONCORD

BOARD OF APPEALS

TOWN HOUSE

MR
B75780
P556

Please take notice that in the matter of the APPLICATION OF TAMAR VISHLITZKY (Owner/Applicant) for a Special Permit under Sections 5.3.6.2 and 11.6 of the Zoning Bylaw for a Special Home Occupation to operate a doctor's office at 350 Bedford Street (Parcel #0901), Concord, Massachusetts, the Board of Appeals has rendered a decision GRANTING said application, and the record therein has this day been filed with the Town Clerk, Town House, Concord, Massachusetts. Appeals, if any, shall be made pursuant to Section 17 of the Zoning Act, Chapter 40A of the Massachusetts General Laws, and shall be filed within 20 days after the date of this notice.

Heather C. Carey
Heather C. Carey, Administrative Assistant
On behalf of the Zoning Board of Appeals

12/23/21
DATE

Christine A. Burt Esq.
564 Main St
Waltham, MA
02452

TOWN OF CONCORD**BOARD OF APPEALS**

DECISION of the Zoning Board of Appeals (the Board) on the APPLICATION OF TAMAR VISHLITZKY (Owner/Applicant) for a Special Permit under Sections 5.3.6.2 and 11.6 of the Zoning Bylaw for a Special Home Occupation to operate a doctor's office at 350 Bedford Street (Parcel #0901).

This decision is in response to an application filed on October 25, 2021. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published in *The Concord Journal* on November 25, 2021 and December 2, 2021, posted and mailed to the Applicant, abutters and other parties of interest as required by law, the public hearing was held on December 9, 2021.

After due consideration of the application, the record, a presentation by the Applicant, public comment, and based upon review of the issues set forth herein, the Board voted 3 to 0 (Akehurst-Moore, Kindermans, Smith) to GRANT approval of the Special Permit based on the following findings:

The Applicant sought a Special Permit to operate a therapy office on the second floor of the detached barn structure. The practice will be in operation Monday through Friday from 8:00 am to 7:00 pm for a maximum of five people per day. No signage would be used on the site and the existing driveway has adequate parking to accommodate patient visits. The Building Commissioner confirmed that this type of home occupation is common, and this occupation requires a Special Permit because the potential vehicle trips by patients exceed what is allowed with a Customary Home Occupation.

In reaching its decision, the Board reviewed the application, plans, and supporting materials.

5.3.6.2 Special Home Occupation:

The Board determined that this Special Permit meets the requirements of the Bylaw finding that there is not more than one full-time employee on the premises, there is no exterior indication that the dwelling is used for anything other than residential purposes, adequate off-street parking is provided, the home occupation is clearly secondary and incidental to the principal use of the premises, and no additional landscaping or fencing is required for screening.

11.6 Special Permit

The Board finds that any adverse effects of the proposed Special Home Occupation will not outweigh its beneficial impacts to the public interest, the Town and the neighborhood, in view of the particular characteristics of the Site, and of the proposal in relation to that Site.

11.6.1 Impacts on economic and community needs;

The Board finds the proposed Special Home Occupation will not have a significant negative impact on economic and community needs.

11.6.2 Traffic flow and safety concerns, including parking and loading;

The Board finds that the proposed Special Home Occupation does not create any significant safety concerns and has adequate space for parking. A loading space is not required.

11.6.3 Adequacy of utilities and other public services;

The Board finds that the proposed Special Home Occupation will have minimal effect on utilities and other public services.

11.6.4 Impacts on neighborhood character;

The Board finds that the proposed Special Home Occupation does not have any impact on neighborhood character because there is no exterior indication that the dwelling is used for anything other than residential purposes.

11.6.5 Impacts on the natural environment;

The Board finds that the proposed Special Home Occupation will have no negative impact on the natural environment.

11.6.6 Fiscal impacts, including impacts on town services, the tax base and employment.

The Board finds that the proposed Special Home Occupation will not have a significant fiscal impact on Town services, the tax base and employment.

The Board grants the Special Permit subject to the following conditions:

1. There will be no employees on the premises.
2. There shall be no sign and no exterior indication, including but not limited to visual or auditory, that the dwelling is used for anything other than residential purposes.
3. Off-street parking for the dwelling and home occupation shall be provided and the number of vehicles on the premises at any one time and number of vehicle trips per day, exclusive of the resident's vehicles and trips per day, shall be consistent with the residential character of the property. No additional paving is required.
4. The home occupation, a psychotherapy practice, shall be clearly secondary and incidental to the principal use of the premises.
5. The hours of operation shall be Monday through Friday from 8:00 am to 7:00 pm.
6. **This Special Permit is granted for a period of one (1) year and expires one (1) year from the date that this Special Permit is filed with the Town Clerk, but, upon application to the Board, may be renewed or extended.**
7. **This Special Permit shall lapse within two (2) years, which shall not include such time required to pursue or await the determination of an appeal, from the date of grant thereof, if a substantial use has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.**

8. **Violation of any of the conditions of the Special Permit shall be grounds for revocation of the Decision, or any building or occupancy permit granted hereunder. If at any time the Special Home Occupation is not in compliance with the Decision and any permit issued by the Town, the Building Commissioner may order that the occupation be stopped until the non-compliance is corrected.**
9. **By acceptance of this Special Permit, the Applicant acknowledges the binding effect of the conditions of the Decision. The Applicant shall record with the Middlesex South Registry of Deeds the Special Permit and provide a copy of the recorded decision to the Building Inspections Division.**

TOWN OF CONCORD
BOARD OF APPEALS

THE BOARD OF APPEALS CERTIFIES as follows:

Name and Address of Owner:

Tamar Vishlitzky
350 Bedford Street
Concord, MA 01742

Name and Address of Applicant:

Tamar Vishlitzky
350 Bedford Street
Concord, MA 01742

Property Identification:

350 Bedford Street
Concord, MA 01742
Parcel ID: 0901
D75780/556


This application filed on October 25, 2021 and all subsequent proceedings comply with the requirements of General Laws, Chapter 40A.

An appeal from this decision shall be made pursuant to General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the date of filing such decision or notice thereof in the office of the Town Clerk.


Theo Hindermans, Clerk

On Behalf of the Zoning Board of Appeals

I, Kaari Mai Tari, Town Clerk for the Town of Concord, Massachusetts hereby certify that the attached decision has been file in my office.


Kaari Mai Tari, Town Clerk

December 23, 2021
Date

I, Kaari Mai Tari, Town Clerk for the Town of Concord, Massachusetts hereby certify that no notice of appeal was received during the twenty days next after receipt and recording of the notice from the Zoning Board of Appeals of the approval of the Special Permit, or, if an appeal was taken, that a final decree has been entered by the court sustaining the approval of the Special Permit or the appeal taken has been dismissed by the court.

Date of final decree/dismissal: _____


Kaari Mai Tari, Town Clerk

January 13, 2022
Date