



**TOWN OF WRENTHAM
ZONING BOARD OF APPEALS**

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2019 SEP 23 PM 3:46

**Decision Case #2019-11 (SP)
Date of Decision: September 11, 2019**

Registry of Deeds Book No. 991 & Page No. 321, Zoning District of Parcel R-43

Decision of the Board of Appeals on the application of Kimberly R. Cohn (owner) at 115 Foxboro Road, Wrentham, MA.

Background

By the application dated August 7, 2019 and filed in the Town Clerk's office on August 14, 2019, a Special Permit is requested for a Special Permit to conduct a Home Occupation to provide medical injectables and skincare at 115 Foxboro Road, Wrentham, MA

The hearing was advertised on August 27, 2019 and September 3, 2019 in *The Sun Chronicle*. All parties of interest on the official abutters' list obtained from the board of assessors, were mailed a notice of the public hearing on August 20, 2019. A public hearing notice was posted at Town Hall August 20, 2019.

Public Hearing – September 11, 2019

Board Members seated for this hearing were, Keith Langer (Chair), Bill Casbarra (Vice-Chair), Walter Pelrine (Clerk/Secretary), Shawn Gough (Member), and William Burns (Associate Member)

Deliberations/Findings

Kimberly Cohn (owner) is seeking Special Permit for a home business where the public would be allowed on the premises for the purpose of skin care and medical injectables.

Ms. Cohn appeared before the board and the Board Chair confirmed that there was no conflict of interest between the applicant and members of the Board. Ms. Cohn stated she is applying for Special Permit for the use of medical injectables at her home based business. She stated that she is a licensed Nurse Practitioner and her business is for injectables and skin care. Mr. Langer requested that Ms. Cohn define "injectable," which she explained as dermal fillers, Botox®, Kybella®, and vitamin injections. Ms. Cohn noted that these are prescribed and that she is the prescriber and State Board certified.

Mr. Langer inquired as to parking and access. Ms. Cohn noted that she will only schedule one client at a time with adequate driveway parking. There is a side entry for business use only. She explained that if a client is handicapped, she will schedule to meet at another spa where she also works, which has handicap accessibility. She further noted that she can schedule to meet at client's homes if transportation is an issue.

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Ct# 198321
Norfolk County Land Court

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Mr. Gough inquired as to signage and Ms. Cohn noted that there will be one non-permanent side entry sign to direct clients, which not be larger than standard election type temporary sign. Ms. Cohn stated she will not be adding a street sign. Mr. Gough noted sign restrictions. Mr. Casbarra noted that up to 500 square feet is allowed for home business signage and the plan shows approximately 339 square feet. Ms. Cohn confirmed there is walkway and entry lighting. Mr. Casbarra confirmed that there is no business on Sunday and other days are by appointment only between the hours of 9am and 8pm, closing by 9pm. Ms. Cohn confirmed that she does not have other employees.

Catherine Sullivan of 80 Foxboro Road expressed objection to a permanent street sign. Ms. Cohn confirmed that she will not have a street sign.

Mr. Burns inquired as to having controlled substances or needles and Ms. Cohn confirmed she will not have controlled substances and that a sharps container will be used for proper disposal of needles. No further questions from Board or audience.

Mr. Casbarra moved to close the public hearing. Mr. Pelrine as second. Yea-5, Nay-0, Abstentions-0 (5/0/0) Mr. Pelrine made the following motions:

Moved that the Board find the proposed use as a home occupation shall be in harmony with the intent and purpose of Articles 9.1 and 9.2 and that the Board finds the proposed use shall not be in conflict with public health, safety, convenience and welfare as set forth with the criteria of Article 9.2 and will not adversely affect the nature and character of the immediate residential neighborhood. Mr. Casbarra as second. Yea-5, Nay-0, Abstentions-0 (5/0/0)

Moved that the Board grant a Special Permit for a Home Occupation as an accessory use in accordance with Article 4.5 for Kimberly Cohn to conduct an injectable and skin care business at 115 Foxboro Road under the limitations of Article 4.5.a and with the following conditions:

- Hours of operation shall be Monday through Saturday 9am to 9pm
- Directional signage not to exceed three square feet

Mr. Casbarra as second. Yea-5, Nay-0, Abstentions-0 (5/0/0)

Decision

N O T

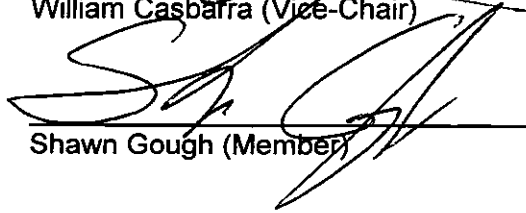
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Based upon the findings discussed and the review of the Wrentham Zoning By-Laws, the Board of Appeals voted **five (5) in favor, zero (0) opposed and zero (0) abstained** to approve this application for a Special Permit. This Special Permit is granted in accordance with Section 9 of MGL 40A.


Keith Langer (Chair)


William Casbarra (Vice-Chair)


Walter Perrine (Clerk/Secretary)


Shawn Gough (Member)

William Burns (Associate Member)

September 23, 2019
Date

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, and Section 17. Notice of such Appeal shall be filed within twenty days of this decision in the office of the Town Clerk.

A Special Permit shall not take effect until the Town Clerk has certified pursuant to Massachusetts General Laws, Chapter 40A, Section 11 that within 20 days of filing the Decision no Appeal has been filed, or if an Appeal has been filed that it has been dismissed or denied.

In accordance with Wrentham Zoning By-law Article 9, this Special Permit shall lapse within two (2) years from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for extension of said period of validity shall be considered a modification of this Special Permit, and shall be submitted in writing to the Zoning Board of Appeals.

Any modifications to the record plan submitted may only be made upon authorization from the Zoning Board of Appeals. The Board may grant the change(s) provided that the modification is not substantially different than the plan presented in the record, is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Zoning Board of Appeals and may require a public hearing if the Board finds that the proposed change(s) are significant in nature and of public concern, and substantially alter the plans and information used in making this Decision.

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Wrentham Zoning Board of Appeals
Certificate of Granting of Special Permit

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The Board of Appeals of the Town of Wrentham hereby certifies that a Special Permit has been granted


To: Kimberly R. Cohn
Address: 115 Foxboro Road
City or Town: Wrentham, MA 02093

Affecting the rights of the owner(s) with respect to land or structures at 115 Foxboro Road, per the submitted plans and conditions contained in this Decision.

And the said Board of Appeals further certifies that the Decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said Decision, and of all plans referred to in the Decision, have been filed with the Zoning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the Decision bearing the certification of the town clerk that 20 days have elapsed after the Decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the County and District in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's Certificate of Title. The fee for such recording or registering shall be paid by the owner or applicant.

NO NOTICE OF APPEAL RECEIVED 20 DAYS
FOLLOWING RECORDING OF NOTICE AND
APPROVAL OF PLANS FROM PLANNING
BOARD OR BOARD OF APPEALS.



Keith Langer, Chair



Walter Pelrine, Clerk/Secretary

A TRUE COPY, ATTEST:



TOWN CLERK

OCT 18 2019