

Frank O'Brien

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16 Nov 2009

To: Neighbors Directly Abutting 12 Stedman St, Roy Earley, and Laurie Myers  
From: Frank O'Brien  
Subject: My Application for Home Occupation

Dear Neighbors,

Since the town's 26 October enforcement letter my home occupation (a small business in a home office) is in compliance with Zoning Bylaw 195-7(A). With difficulty I'm meeting the following restrictions as required by the regulation: my 2 non-household employees work from their homes; I have no customer visitors; and I perform all safety testing. This is what the majority of my neighbors insisted on, and fair enough, I'm meeting the zoning regulations, as required. You may occasionally see my employees stop by my residence. These incidental visits may occur for up to 2 hours or so, and are necessary for face-to-face business meetings, picking up paychecks, etc. I do not consider them to exceed a threshold where they need to be considered on premise employees. I would ask for your indulgence that this interpretation would seem reasonable.

In my 21 October letter to you, I included a copy of my 20 October letter to the town inspector. In this letter I estimated that my business used 35 to 40% of my floor space. In accordance with Zoning regulations, a maximum of 25% is allowed. My estimate was based on my interpretation that incidental business use of home space would need to be considered business use as well. For example, I allow my employees to use the bathroom that's in the house, they make short-term use of my sink and coffee machine, and if I'm allowed to have visitors, I might occasionally use my dining room as a meeting room. It's been explained to me that what's meant as business use is full time business use. Therefore this is my lab area and the overhead office area in the garage. Since it's my impression that the majority of my neighbors consider the size of my business critical, I'm including a scaled floor plan showing that my business uses less than 25% of my total floor space.

On 16 November I filed applications with the Town of Chelmsford Board of Appeals for a Special Permit, and a Variance. In the next couple of days my company website, [www.obcompman.com](http://www.obcompman.com), will have a pdf copy should you wish to examine it.

The Special Permit is requested to permit a home occupation in my residence in accordance with 195-7(B). If this is granted the effect will be my business can have: 1 non-household employee, customer visitors, and a 3 square foot business sign.

I know the majority of you are very concerned about maintaining our residential neighborhood character, and not allowing any precedent that might allow an erosion of this. This is all the more important considering the close proximity of the commercial area to our south, and Lowell's commercial area to our north. I would expect the majority of you would see permission to have a 3 square foot business sign, as an unwelcome precedent. Out of respect for your concerns, I will inform the town that I wish to waive my right to this sign. I had put white lines on my driveway, which many of you found inconsistent with a residential setting. I've come to agree with this view, and have removed all but the 4 lines by my garage, which are useful prompts and less visible to neighbors and passersby.

The Variance is requested to have relief from the home occupation dimensional size limit of 1 non-household employee. I would like permission to have up to 4 employees, including myself; the present size of my small business. This would also allow my nephew who presently lives with me, to find his own place, when he's ready, and still be allowed to work on premises.

Some of you may feel that 4 employees is too large for a home occupation. I can only say, it's not. If I had to sustain my business with commercial rates, it would curtail my investment opportunities, and the solvency of my business would be at risk. Last year I made money. This year my business will probably post it's first loss, or at best will about break even, due to the bad economy. I'm able to absorb a loss because I'm using last year's surplus, and because my overhead is low.

The town granting my proposal will allow a quiet home occupation with 4 professional employees, one of which is myself, in what appears from the outside to be a quintessential New England, 4 bedroom residence, with a 2 car garage, on an almost 1/2 acre lot. From the perspective of any neighbor or passerby, the residence and its home occupation will seem consistent with a residential setting. In return for my waiving my right to a business sign, I hope you'll look favorably on my request to have 4 employees, including myself.

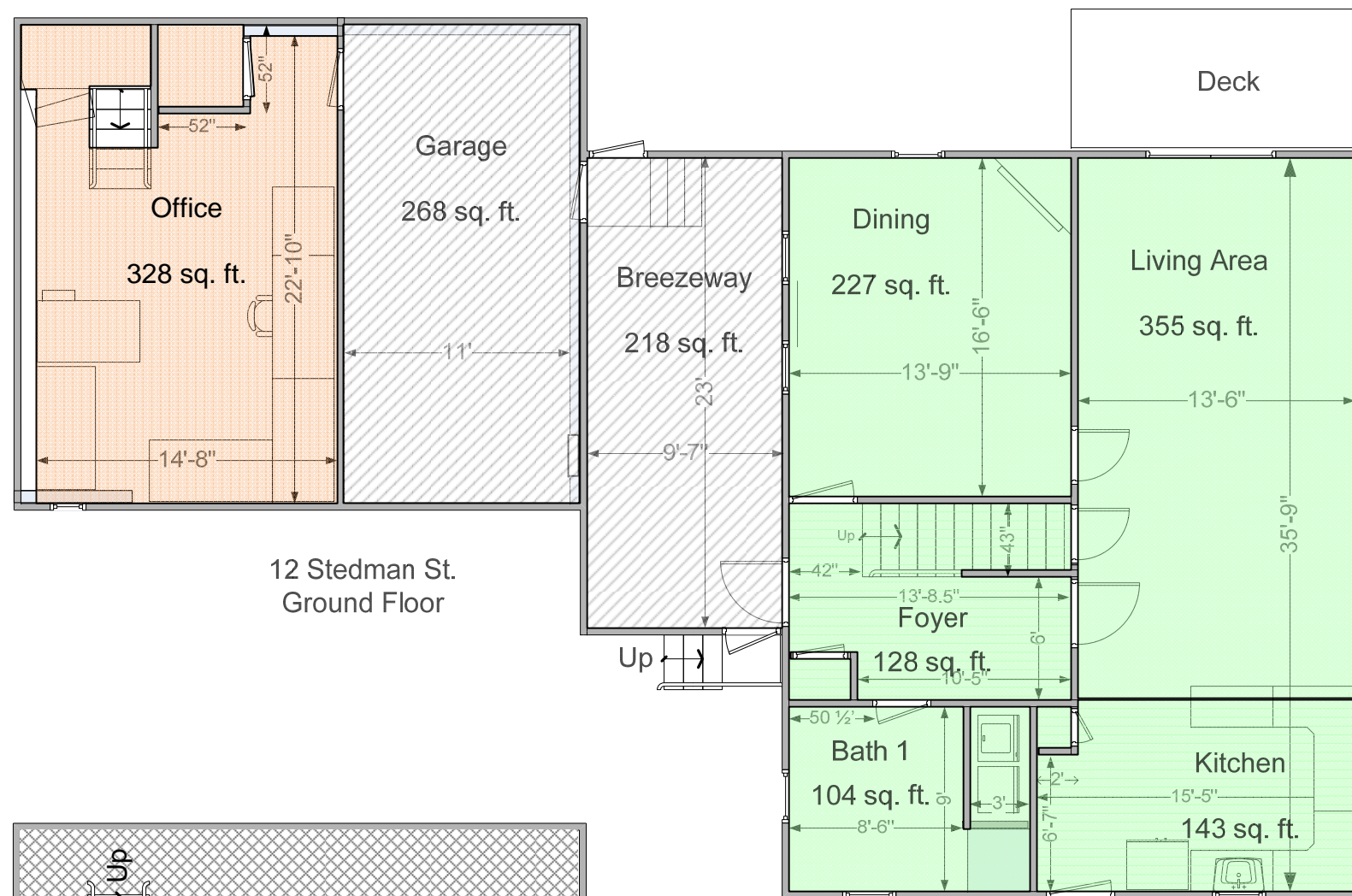
Your ideal neighbor would be a family with 3 kids to occupy the 4 bedrooms. Well, you waited 2 years for this neighbor and they never appeared. Instead you have me with 3 college educated employees. If I hadn't come along 12 Stedman's asking price would continue to fall, and your property values along with it. We have a similar situation with the beautiful 4 bedroom at 16 Stedman. It's on the market right now, and has been for 1 year. As it's asking price falls so does our property value. We can't pick our neighbors. We can hope for the best, but in the end we get what we can hopefully at least tolerate. I ask each of you to look fairly at what I'm offering you as a neighbor. It's been my intent all along to operate within zoning regulations. I'm doing my best to maintain our

neighborhood's character and property value, while trying to make a living without bothering anyone.

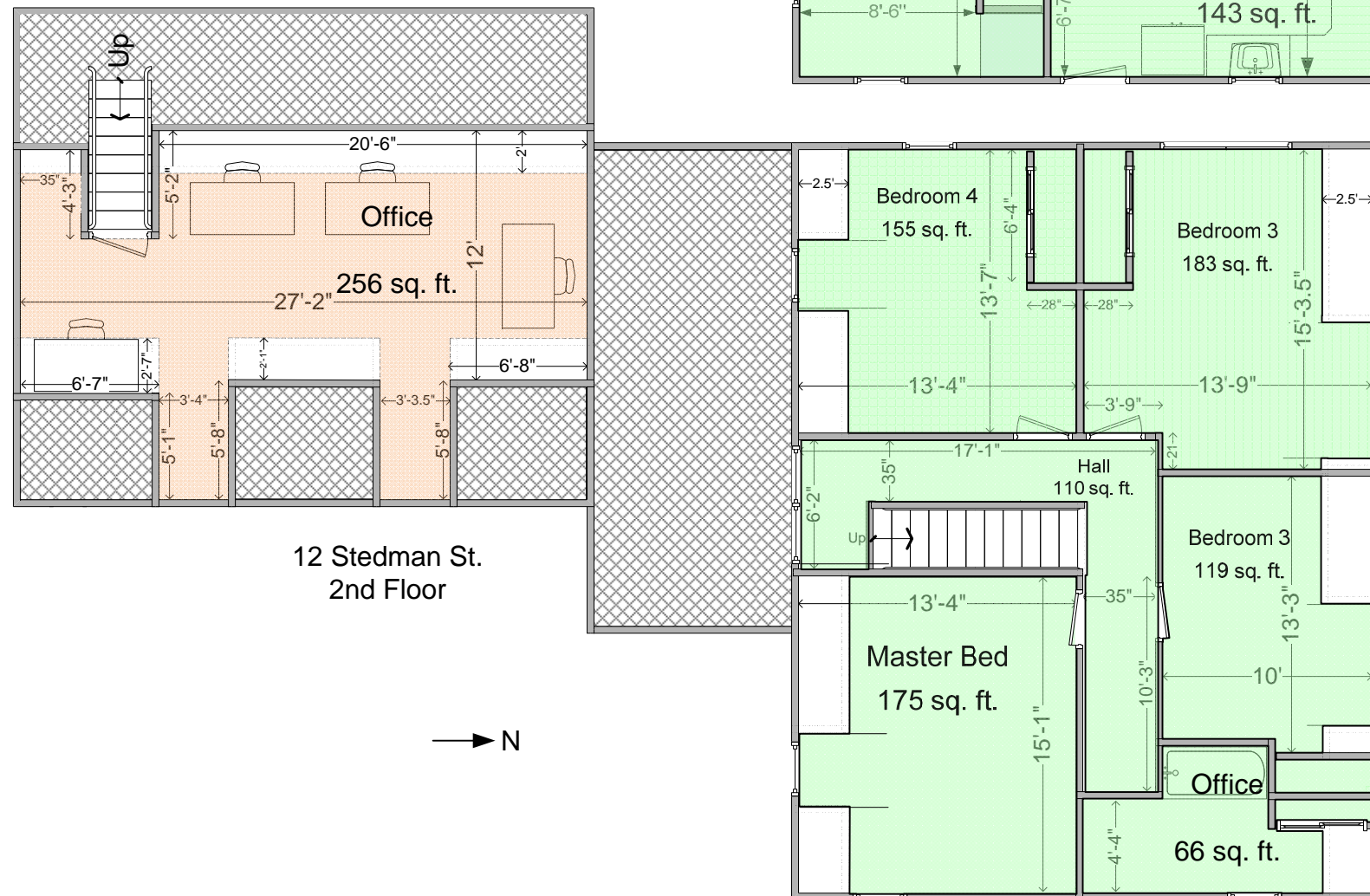
My public hearing before the Board of Appeals will be 17 December. You'll all be receiving official notifications from the town. I hope to have your support. If there's anyone that would like to write a short letter of support that I could show the Board, I would very much appreciate it. Saying a positive word before the board would be all the better. I welcome any discussions you might want to have before the board meeting.

Sincerely:

Frank O'Brien



12 Stedman St.  
Ground Floor



12 Stedman St.  
2nd Floor



12 Stedman St. Sq Ft			
Description	sq'	Buisness	Personel
Living Area	355		x
Kitchen	143		x
Dining	227		x
Foyer	128		x
Bath 1	104		x
Bedroom 4	155		x
Bedroom 3	183		x
Bedroom 2	119		x
Master Bed	175		x
Upstairs Hall	110		x
Bath 2	66		x
Garage	N/A		
Breezeway	N/A		
Lab	328	x	
Office	256	x	
<b>Total</b>	<b>2349</b>	<b>584</b>	<b>1765</b>
<b>Percentage</b>		<b>24.9%</b>	<b>75.1%</b>

Scale: 1/8" = 1' 0"

In accordance with Massachusetts Building Code for One and Two Family Dwellings, 780 CMR, 7th ed, Section 5305, floor space includes only the portion of the room where ceiling height is at least five feet. This rule was used on the 2nd floor of house and garage, as ceiling is sloped in these rooms. See Tab 9 for code excerpt.