

80-15

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of Mary E. Pandolf

Pursuant to due notice, the Special Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:30 PM on May 20, 1980, on the Petition of Mary E. Pandolf requesting a Special Permit. Said permit would allow the premises of 149 Worcester Street, the VFW building, to be used five (5) days per week, twelve (12) months per year, from 8:00 AM - 5:30 PM as a nursery school/day care center. This request is made pursuant to Section XXV of the Zoning Bylaw.

On April 18, 1980, the petitioner filed her request for a hearing and thereafter due notice of the hearing was given by mailing and publication.

Mary Pandolf spoke in support of her request. Also, Horace Bower, a member of the Board of Trustees for this branch of the VFW, Donald Parks of the American Legion, Fran Walker of Needham, Mrs. Brown of 2 Woodside Avenue and James Ouellet of the VFW, all spoke in behalf of this request.

Statement of Facts

The petitioner seeks a Special Permit to hold a nursery school/day care center at 149 Worcester Street, Wellesley Hills. Said center will be open five days a week, twelve months a year during the hours of 8:00 AM - 5:30 PM. Her request is being made due to the overload of children and parents calling from Wellesley and other parents working in the Town. This is the only space that is available at the present time that would provide the necessary amount of space and also suit the need in that area for this type of facility.

The VFW has been approached by Ms. Pandolf and has stated that they are willing to comply with any requirements and improvements that the Building Inspector requests.

Decision

It is our belief that the expressed terms of the Zoning Bylaw do not clearly give us the right to grant a Special Permit in this case. However, because of the potential hardship involved and what would be an abrupt departure from the past practices of the Zoning Board of Appeals, we will allow the requested Special Permit

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for a limited time as set forth below, but do not intend to renew this Special Permit without further clarification of the Zoning Bylaws. Therefore, the petition for a Special Permit is granted for a limited time, as set forth below, with the following conditions:

1. That all State and local laws shall be complied with.
2. That all requirements of the Inspector of Buildings set forth in his letter dated May 29, 1980, which is on file at the office of the Board of Appeals, be complied with and certified as having been complied with by the Inspector of Buildings prior to the issuance of an Occupancy Permit.
3. That copies of all inspection reports, including a report from the Board of Health stating that all necessary State and Town code requirements have been met, shall be submitted to this Authority prior to the issuance of an Occupancy Permit.
4. That not more than twenty (20) children shall be in attendance at any one time.
5. That all children shall be delivered and picked up in the parking lot adjacent to the building.
6. That the pick-up and delivery of the children shall be under the direct supervision of qualified personnel of the Petitioner.
7. That alcoholic beverages shall not be served on the premises at any time while the Nursery and Day Care Center is in session.
8. That this Special Permit shall expire one (1) year from the date of filing this decision with the Town Clerk or sooner, if any of the foregoing conditions are violated.

William F. Cullinane
William Cullinane, Chairman

Stephen S. Porter
Stephen S. Porter

John A. Donovan, Jr.
John A. Donovan, Jr.

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