



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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JOHN A. DONOVAN, JR.  
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL  
Executive Secretary  
Telephone  
235-1664

WILLIAM E. POLETTA  
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81-56

Petition of Barbara Bell (The Maugus Club)

Pursuant to due notice, the Special Permit Granting Authority held a public hearing in the second floor hearing room of the Town Hall at 8 p.m. on October 14, 1981, on the petition of Barbara Bell, requesting a Special Permit under the provisions of Section II of the Zoning Bylaw, which will allow the petitioner to open a Day Care Center on the second floor of The Maugus Club at 40 Abbott Road.

On September 28, 1981, the petitioner filed her request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Barbara Bell, the petitioner, presented her request before this Board. She stated that she wishes to operate a day care center on the second floor of the Maugus Club in the small yellow room with 700 square feet of space, for children ages 2 years 9 months to 6 years of age. Hours of operation would be 7 a.m. to 6 p.m. No more than twenty children would be cared for at any one time. Outside activities would probably include the use of a play area outside which would have to be fenced in, but most activity would be inside. A license from the Office for Children would be applied for after Zoning Board of Appeals approval, as would other public safety certificates. Mr. Porter requested more information in writing as follows: Lease with Maugus Club, letter saying Maugus Club will take full responsibility for entire operation, documentation on scheduling and overlapping of children coming at different hours.

Present in favor of the petition: John Ferguson, Vice President, Maugus Club, who stated that the Club fully supports the day care center, considers it a valuable addition and a needed revenue producing function. Several other Maugus Club members were present.

Present in opposition to the petition: Leah Carothers, 38 Seaward Road, who stated concerns about increased traffic and expansion of a commercial venture in a Single Residence District, and about outside changes created for play facilities. She asked the Board to check restrictions on Maugus Club by previous variance which she believes states the Club is only recreational. Also opposed was Betty Paltrineri, 11 Bemis Road.

A letter in support was received from Donald F. Heitzmann, President, writing on behalf of the Board of Directors of the Maugus Club.

Letters in opposition were received from John J. Cavagnaro, 43 Abbott Road, William W. Chin, M.D., 44 Abbott Road, Nancy K. Merz, 48 Abbott Road, Stephen and Miriam Peabody, 31 Abbott Road.

Statement of Facts

The property involved is located at 40 Abbott Road, containing 68,321 square feet, located in a Single Residence District in which, among other uses, a club (except a club the chief activity of which is a service customarily carried on as a business) is permitted. The Maugus Club has been in existence for over 75 years and is a duly incorporated organization, the chief activities of which are social.

The petitioner, Barbara Bell, wishes to operate a day care center at the Maugus Club, as a profit making venture. The center would be opened 7 a.m. to 6 p.m., Monday through Friday, year round, for children ages 2 years 9 months to 6 years. No more than 20 children would be present at one time. Full day students would be encouraged, but children would be arriving and departing at staggered hours. Staff would be coordinated to meet overlapping of children. Outside activities would probably include a fenced-in play area but no specific plans were presented. The petitioner submitted a brief business outline in response to Mr. Porter's request, but no lease has been received.

The Planning Board, in a letter dated October 8, 1981, stated that they had voted to offer no comment on the petition.

Decision

This Authority has made a careful study of the evidence submitted by the petitioner, and at least one member has viewed the locus.

It is the opinion of this Authority that the application of Barbara Bell did not provide sufficient information and documentation on the proposed day care operation to satisfy this Board. Before Special Permits can be granted for operations such as this, the petitioner must provide detailed information satisfactory to the Board including: documented proof of the support of the landlord of the property to the proposed use; specific details on traffic patterns, where cars will enter, exit and drop off children, number of cars anticipated; specifics as to what indoor and outdoor equipment, alterations, fences, bathroom facilities, the landlord would provide; number of children to be enrolled; details on staffing; a lease.

Requests for such information have been made by this Authority to the petitioner, but have not been adequately responded to. The Board is not satisfied with the information provided. Therefore, the requested Special Permit is denied and the petition is dismissed.

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