



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of Adelaide Putnam (Brookgarden Nursery School)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, January 7, 1982, at 8 p.m. on the Petition of Adelaide Putnam, requesting a Special Permit to continue to operate the Brookgarden Nursery School at 62 Glen Road. This request is pursuant to Section XXV and II of the Zoning Bylaw.

On December 23, 1981, the Petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and speaking of behalf of the petitioner was Mary Benz, a teacher at Brookgarden. She stated that the operation of the nursery school had not changed since last year.

Present in favor of the petition: Steven Wasser, 60 Glen Road. He has no objection to the operation of the school under Adelaide Putnam, but expressed concerns in the event of a change of owners. Mr. Porter replied that as a Special Permit, the petition would be renewed each year.

Statement of Facts

The premises, known as Brookgarden Nursery School, are located at 62 Glen Road, containing 15,300 square feet of land, in a Single Residence District.

The petitioner seeks permission to continue the operation of a nursery school, and requests renewal of the Special Permit. The school is a for profit corporation, having been in operation since 1946. It is currently operating three days per week, with four teachers and twenty-five children. A Special Permit is requested under Section IIA 8 (b) of the Zoning Bylaw.

On July 30, 1981, the Inspector of Buildings notified the Board of Appeals that Brookgarden Nursery School was in violation of Condition #2 of their Special Permit, granted on February 12, 1981, which stated:

"#2. That the recommendations and requirements of the Fire Department, Board of Health, Building Inspector and other Town and State officials shall be complied with."

Mr. LaConte, Building Inspector, had been unable to conduct a Public Safety Inspection

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because Ms. Putnam had not returned an application form and fee necessary prior to an inspection. On October 22, Mr. LaConte notified Ms. Putnam that the application form and fee had still not been received. Mr. LaConte reported at the Public Hearing, however, that the application and fee had been received and a Public Safety Certificate had been issued.

The Planning Board, in a letter dated 12/30/81, stated that at its regular meeting on December 29, 1981, they moved, seconded and voted to offer no comment on the petition.

Decision

This Authority has considered the petitioner's request to continue to operate Brookgarden Nursery School. The School has been in operation since 1946 under Adelaide Putnam, under a series of Special Permits.

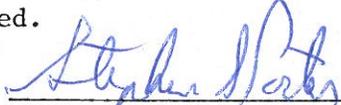
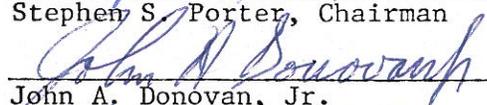
This Authority is of the opinion that because the nursery school is a for profit operation and does not meet the dimensional criteria of Section II A 3, a Special Permit can be granted under Section II 8 (b) which states: "Educational purposes in addition to those permitted under Clause 3 hereof, and/or any non-profit purpose provided that: (i) Sufficient off-street parking shall be provided so that no vehicle will be required to park on any street, the provisions of SEC XXI. Subpart 3. Development Standards shall apply to any parking lot constructed. (ii) No sign identifying the premises shall be displayed on the property except in accordance with SEC XXIIA, Part C., Sbpt 1.a.4. of this Zoning Bylaw; (iii) There shall be no disturbance or disruption of any residential neighborhood caused by or as the result of any use permitted under this subclause."

It is the belief of this Authority that the petitioner complies with the above stated (i), (ii), (iii).

Therefore, the Special Permit is granted subject to the following conditions:

1. That all State and local laws shall be complied with as well as the recommendations and requirements of the Fire Department, Board of Health, and Building Inspector.
2. That no more than 25 children shall be enrolled per session.
3. That the pick up and delivery of children shall be on the property of the Brookgarden Nursery School and under the direct supervision of qualified personnel of the petitioner.
4. That this Special Permit shall expire on September 1, 1983 or sooner if any of the conditions of the Special Permit are violated.

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