



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 second floor hearing room of the Town Hall on Wednesday, April 22, 1981 on the Petition of Mary E. Pandolf who is requesting a Special Permit which will allow her to modify her previously granted Special Permit for a Nursery School/Day Care Center at 149 Worcester Street. This modification consists of an increase in the number of students allowed to attend this facility. Said location is in a Single Residence District, said request is made pursuant to Section XXV of the Zoning Bylaw.

On February 24, 1981 the petitioner filed 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 on behalf of this request was Mary Pandolf and her partner J. Theodore DiMassi. Ms. Pandolf stated that the current request is to increase the number of children allowed to attend the school to the maximum number allowed by the State for this size facility. The school will still be run from 7:30 AM - 6:00 PM, five days a week, 12 months a year. There are 2 teachers to each 10 students. Ms. Pandolf has, at her own expense, done all the renovation work which was required in the Building Inspectors letter of May 29, 1980. Ms. Pandolf also stated that the bar at the VFW is located downstairs, through a door which is kept constantly locked. The bar is not in operation during school hours, in fact, during school hours the VFW facility is not used by anyone other than a nursery school-related person.

A letter dated February 25, 1981 was received by this Board from the Building Inspector, Arthur LaConte. This letter stated that "based on the figures supplied by Ms. Pandolf for 149 Worcester Street, I have computed the Nursery School occupancy load to be 43 children."

This Board is also in receipt of a letter dated April 28, 1981, from Larry Fogerty, Commander of the Wellesley VFW. This letter stated that a "lease to be negotiated in final form with SUNNY HOURS Day Care will include provisions for the proper maintenance as a Child Care facility and assurance that any form of liquor will not be served anywhere in the premises during the hours of Day Care operation. We will abide by whatever maximum number of children the State Office for Children will allow in our building."



A letter dated March 11, 1981 was received from the Planning Board stating that it was their recommendation that the Special Permit should require that "vehicular access to the property should be limited to the two existing driveways onto Minuteman Lane. The existing driveway from this property onto Worcester Street should be permanently closed and fenced or barricaded for safety reasons. The play yard should be property equipped and fenced prior to occupancy."

There was nobody else present at the Public Hearing speaking in favor or against this request.

Statement of Facts

The petitioners request a Special Permit to allow for an increased number of children to attend the previously permitted Day Care/Nursery School facility located at 149 Worcester Street, a Single Residence District.

A decision of this Board dated August 14, 1980 granted permission to Ms. Pandolf to run a Nursery School/Day Care facility from this VFW building, but limited the number of children to twenty. At this time, Ms. Pandolf wishes to increase this maximum number to no more than fifty students.

The facility will be open five days per week, twelve months per year from 7:30 AM to 6:00 PM, Ms. Pandolf at this time wishes to increase the number of children allowed to 40, with a flexible coverage of 50 maximum to allow for the coverage of after school children who will be coming to the Center for one to three hours in the afternoons.

Decision.

The request before this Authority is for a Special Permit which will increase the number of children allowed to attend this Nursery School/Day Care facility. The premises are located at 149 Worcester Street, the school leases space from the owner, the VFW. On August 14, 1980, this Board granted approval for this Day Care/Nursery School for a limited time, such time will expire on August 14, 1981, under this permit the school was allowed to operate with a maximum number of 20 children. It is the understanding of this Authority that this facility has not yet opened even though a permit was issued in August of 1980.

It is the belief of this Authority that to allow an increase in the number of children able to attend this facility without first having evidence that the previously allowed figure of 20 children ran smoothly, and within the terms of the

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Decision, would be a gross disservice to the neighborhoring community and to the children who attend the facility.

Further, in viewing the premises, it was revealed that the play area which is required by the State to be fenced in, was in fact in disrepair, the fence being down.

This Authority was told that a lease had been signed, to date we have no evidence of a lease between the owners; the VFW, and the petitioner. Further, this Authority needs documentation and assurance that the petitioner has a proper legal interest in the property.

It is the unanimous opinion of this Authority that due to the above circumstances the requested Special Permit to increase the number of children allowed to attend this facility be denied. The facility may continue to run under the Decision allowing 20 children to attend, dated August 14, 1980, and expiring on August 14, 1981.

Therefore, it is the unanimous opinion of this Authority that the requested Special Permit be denied and that this petition be dismissed.

*William F. Cullinane*

William F. Cullinane, Chairman

*John A. Donovan, Jr.*

John A. Donovan, Jr.

*Stephen S. Porter*

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