



ZONING BOARD OF APPEALS

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Petition of Barbara McGrath/Susan Collins

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 8:00 p.m. on July 27, 1978, on the petition of Barbara McGrath/Susan Collins, DBA Kid Stuff Nursery School, requesting a special permit, under the provisions of Section II and Section XXV of the Zoning By-law, which will allow them to continue to operate a day care/nursery school at the Wellesley Community Center, 219 Washington Street.

On July 13, 1978, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Albert A. Barbieri, Attorney, represented the petitioners at the hearing.

Statement of Facts

The property involved is located within a Single Residence District, a district in which the proposed use is not allowed unless a special permit is granted by the Special Permit Granting Authority. The Center is being operated under a special permit granted by the Zoning Board of Appeals to use it for a semi-public institution of a philanthropic character.

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The petitioners seek a renewal of a permit granted to them on January 23, 1978, to operate a day care center in one of the Community Center rooms until the close of the Wellesley Public School year in 1978. It was stated at the hearing that there continues to be a need in Wellesley for the service performed by the petitioners; to their knowledge, no complaints have been registered and they would like to continue the same program. They have twenty-four children registered, with twelve in each session.

Decision

The Authority has considered all the facts in this case and it is the view of the minority of the Board that to allow the continuation of the requested use would be contrary to the intent of the permit granted by the Board of Appeal on October 21, 1975. In that permit the Board granted permission to the Wellesley Friendly Aid Association to enlarge its building and to use the same for a semi-public institution of a philanthropic character. The decision states that the addition is to be leased to Wellesley Center, Inc., a charitable corporation, and is to be used for a meeting place for all ages, a drop-in center for Senior citizens, a comprehensive information and referral agency for all social services, and a center for hobby and recreational programs for the entire community. A list of the interested organizations who wished to use its facilities was included in the decision.

It is the further view of the minority of the Board that continued use of the premises involved as a profit making nursery school would be the introduction of a business use and one not (by the Board of Appeal's decision or one allowable under the Zoning By-law, allowed)

While the Special Permit Granting Authority granted a limited and conditional permit to the petitioners on January 23, 1978, this permit was intended to take care of an emergency and it was the understanding of the Authority that more suitable quarters would be found for the fall season.

The minority of the Authority, therefore feels that the requested permission should be denied.

The majority of the Authority, however, would grant the request.

Accordingly, the petition is dismissed.

Francis L. Swift

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William O. Hewett

William O. Hewett

William F. Cullinane

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