



FRANCIS L. SWIFT, Chairman
 WILLIAM O. HEWETT
 WILLIAM E. POLLETTA
 WILLIAM F. CULLINANE
 FRANKLIN P. PARKER
 JOHN A. DONOVAN, Jr.

ZONING BOARD OF APPEALS

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Barbara McGrath/Susan Collins
DBA Kid Stuff Nursery School

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 8:05 p.m. on October 26, 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 Oct. 11, 1978, the petitioners filed their request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

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

The following persons spoke in favor of the request at the hearing: Amy Donovan, 14 Upland Road, Wendy Jolles, 3 Webb Avenue, Gail Jong, 30 Garrison Road, Christine Keating, 155 Walnut Street and Ann Lyons, 46 Richland Road.

A letter in support of the granting of the request was submitted from the Wellesley Community Center.

An approval was received from the Planning Board, giving its consent for the petition to be reheard.

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.

On September 15, 1978, this Authority denied the petitioners a renewal of their permit, which had been granted on January 23, 1978, to operate a day care/nursery school in this same location. The minority of the Authority found in its decision that, "...continued use of the premises involved as a profit making nursery school would be the introduction of a business use and one not allowed by the Board of Appeals' decision or one allowable under the Zoning By-law."

At the hearing Attorney Barbieri stated that he was requesting reconsideration of the previous petition based upon the fact that since the last hearing, he has organized the school as a non-profit organization

under Mass. General Laws Chapter 180. As the petitioners are not making any profit now, he felt that the concern expressed in the Authority's previous decision would be eliminated.

He further stated that the Board of Health has approved the room which will be used as a nursery; that a number of parents are ready to register their children and that, if allowed, there will not be more than twelve children in attendance at any one time, a condition imposed by the Authority in its previous permit.

Decision

The Authority has considered the new facts in this case and is of the opinion that the day care/nursery school operated as a nonprofit organization would be an allowable use within the permit granted by the Zoning Board of Appeal to the Wellesley Center. It is the further opinion of this Authority that it will not alter the nature of the premises or otherwise prove detrimental to the neighborhood. Adequate and proper space will be provided within the Center for the children as well as capable teachers and supervision. The automobile traffic incidental to the proposed use, it is felt, will not be substantially greater or increase congestion in the area.

The Authority, therefore, grants the requested special permit under the provisions of Section II and Section XXV of the Zoning By-law, subject to the following conditions:

1. That all State and local laws shall be complied with as well as all recommendations of the Chief Engineer of the Fire Department.
2. That not more than twelve children shall be in attendance at any one time.
3. That said permit shall be in effect from the date of this permit until the end of the school year in June 1979.


Francis L. Swift


William O. Hewett


William F. Cullinane

Filed with Town Clerk

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