



ZONING BOARD OF APPEALS

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77-39

Petition of Ida Fridmann
 (St. Andrews Episcopal Church)

Pursuant to due notice the 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 September 8, 1977, on the petition of Ida Fridmann, requesting a variance from the terms of Section II, of the Zoning By-law, which would allow the petitioner to continue to use a portion of St. Andrews Church, 79 Denton Road, as a Montessori Nursery School as provided under Section XXIV-D of the Zoning By-law.

On July 22, 1977, the petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Albert Auburn, attorney, represented the petitioner at the hearing.

Statement of Facts

The church involved is located within a Single Residence District, a district in which the proposed use of the property is not allowed unless a variance is granted by this Board.

The petitioner seeks permission to continue to operate a Montessori Nursery School for another year, as it has for the past three years under special permits previously granted by the Board of Appeal. It was stated that there is still a great demand for this type of school in the Town of Wellesley, which is designed to develop the learning abilities and fulfill the skills and habits of this pre-school group.

During the past year, it was stated, there have been two sessions, one in the morning and one in the afternoon, the morning from 9:00 a.m. to 12:00 noon and the afternoon session from 12:00 to 3:30 p.m. It was pointed out that during the past three years, there has been no objection to any of the school's activities. Parking space is provided at the corner of Cottage Street and Washington Street, which is owned by the Church, so that the cars coming to the Church should create no problem.

It is the belief of the petitioner that the continued use of the property will not depreciate values in the area, or otherwise injure properties in the neighborhood. It will, however, continue to fulfill the need for this type of school in the Town.

Decision

It is the opinion of this Board that the continued use of the portion involved of the church property, as a Montessori Nursery School, will

not substantially reduce the value of any property within the district or otherwise injure the neighborhood. Adequate and proper space is being provided within the church for the children as well as capable teachers and supervision. It is the further opinion of this Board that traffic incidental to the nursery school will not substantially increase congestion in the area. The Board, therefore, feels that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning By-law.

The Board, therefore, grants the desired variance under the provisions of Section XXIV-D 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 two daily sessions may be conducted, one from 9:00 a.m. to 12:00 noon and one from 1:00 p.m. to 4:00 p.m.
3. That not more than twenty-five (25) children shall be in attendance either session, or at any one time.
4. That said variance shall expire one year from the effective date of this variance or upon this Board finding that this variance has been violated whichever shall first occur.

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Filed with Town Clerk _____

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