LDH 01-2

TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of 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 Tuesday, January 6, 1981 at 7:30 PM on the Petition of M. Adelaide Putnam, requesting a Special Permit to continue to operate the Brookgarden Nursery School at 62 Glen Road. This request is made pursuant to Sections XXV and Section II of the Zoning Bylaw.

On November 24, 1980, 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 on behalf of the petition was Mary Benz, a teacher for the past twenty years at Brookgarden Nursery School. There was nobody else present in favor or against this petition.

Ms. Benz presented this Authority with a petition dated December 29, 1980, and signed by twenty-five (25) of the neighbors. These neighbors represented the majority of persons notified of this petition by mail due to living within a 300 foot radius of 62 Glen Road. The petition stated "We, the neighbors of Brookgarden Nursery School enthusiastically endorse the continuation of the school under M. Adelaide Putnam."

Statement of Facts

The premises of 62 Glen Road is located within a Single Residence District, a district in which the requested use of the property is not allowed unless a Special Permit is granted by this Authority.

The petitioner seeks permission to continue the present non-conforming use of the above-mentioned property and requested that the permit be renewed for another year. The school has been operating since 1946, currently with twenty-five (25) children. Classes are held Monday, Wednesday and Thursdays during the hours of 9:00 AM - 12:00 Noon and on Monday and Thursdays a small group of not more than eight (8) children is held until 2:45 PM. The school until one year ago was operating five (5) days per week, and at this time has reduced the

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number of days to three (3). The Brookgarden Nursery School is a for profit corporation.

The permit for this non-conforming use was last renewed on August 12, 1977.

Decision

It is the opinion of this Authority that the continued use of a portion of the dwelling involved as a nursery school known as "Brookgarden" is not inappropriate for the premises or the area and will provide for a need which exists for neighborhood nursery schools. It is the further opinion of this Authority that the continuation of the school, if conducted property, will not substantially be injurious, obnoxious or offensive to the neighborhood. It should be also noted that the school has existed on this site since 1946 with no complaints from the neighbors.

Because of the potential hardship involved and what would be an abrupt departure from the past practices of the Zoning Board of Appeals, we will allow the requested Special Permit for a limited time as set forth below. Therefore, the petition for a Special Permit is granted with the following conditions:

1. That all State and local laws shall be complied with.

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.

3. That the school shall be limited to an enrollment of not more than twenty-five (25) children per session.

4. That the sessions shall be conducted Monday, Wednesday and Thursdays during the hours of 9:00 AM - 12:00 Noon and an 'extended day' on Monday and Thursdays a group of not more than eight (8) children may remain until 2:45 PM.

5. That the pick-up and delivery of the children shall be on the property of the Brookgarden Nursery School and under the direct supervision of qualified personnel of the petitioner.

6. That this Special Permit shall expire one (1) year from the date of filing this decision with the Town Clerk or sooner, if any of the foregoing conditions are violated.

William F. Cullinane
William F. Cullinane, Chairman

Stephen S. Porter
Stephen S. Porter

Sumner H. Babcock
Sumner H. Babcock

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