



ZONING BOARD OF APPEALS
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82-51

Petition of The Maugus Club (Dorothy Guiffre)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, November 18, 1982, on the petition of The Maugus Club and Dorothy Guiffre, requesting a Special Permit under the provisions of Section II of the Zoning Bylaw which will allow the petitioner to operate a child development center on the second floor of the Maugus Club at 40 Abbott Road, said premises located in a Single Residence District. Said request is pursuant to Section XXV of the Zoning Bylaw.

On October 29, 1982, the petitioner filed a request for a hearing and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was John Buckley, a Director of the Maugus Club, who stated that the Masons of Wellesley had been tenants on the second floor, but left the Maugus Club 18 months ago, creating an economic loss to the club. The club wishes to find a new tenant compatible with the club and the town, with the least amount of disruption to the neighborhood. Mr. Buckley introduced Dorothy Guiffre, who prepared the application and background information as an advisor to the club on the development of the proposed center. She stated that twenty-eight children would be in attendance, hours of operation would be from 7 a.m. to 6 p.m., that most children would be staying all day. She outlined the details of the operation including the proposed outdoor play area, which would be used approximately 1½ hours in the late morning and mid-afternoon.

Mr. Buckley stated that a non-profit corporation would be formed which would rent space from the Maugus Club (non-profit) which rents from the Maugus Corporation (for profit), which has been in existence since 1892. Club rooms are rented out for meetings, functions, and dance groups.

Opposed to the petition was Denise Jean-Claude, 44 Abbott Road, who shares a fence with the Maugus Club near the proposed play area, and who expressed concerns about noise and damage to the fence. Dr. Steven A. Berk, 41 Seaward Road, spoke in opposition and expressed concern about noise from the club. Mary Ellen Laak, 34 Seaward Road, spoke in opposition to the request, stated that there was no way to control noise and disturbances caused by activities conducted at the club. Leah Crothers, 38 Seaward Road, spoke in opposition, stating that this is the fourth time neighbors have protested proposed new uses of the club.

Statement of Facts

The property involved is located at 40 Abbott Road, containing 68,321 square feet, located in a Single Residence District in which, among other uses, a club (except a club the chief activity of which is a service customarily carried on as a business) is permitted. The Maugus Club has been in existence since 1892 and is a duly incorporated organization, the chief activities of which are social. The Maugus Club is a non-profit organization which rents from the Maugus Corporation, a profit corporation. Club rooms are rented out for meetings, functions and dance groups. The Masons of Wellesley had been tenants on the second floor, but left the Maugus Club 18 months ago. The club is attempting to find a new tenant compatible with the club and the town with the least amount of disruption to the neighborhood.

The petitioner, Dorothy Guiffre, proposes to operate a non-profit child development center which would serve twenty-eight children, ages two years nine months to seven years. Hours of operation would be 7 a.m. to 6 p.m. The center would utilize a large second floor space with natural lighting, three exits, two lavatories and a kitchen. An outdoor playspace, fenced and landscaped, as shown on a site plan submitted, would include a sand area, a wheeled toy area, climbing equipment with slides, several swings and gliders, as well as low bench type seating. The outdoor play area would be used approximately 1½ hours in the late morning and 1½ hours in mid-afternoon, under the supervision of a teacher.

Staffing would include three full time and two part-time teachers and possibly a part-time cook. Parents would transport their children into the parking lot from Abbott Road and would accompany the child to the classroom, then depart via Abbott Road. Arrivals would primarily be between 7 a.m. and 8 a.m. Departures would occur between 3 p.m. and 6 p.m.

The application material submitted included: 1) Effect on the appearance of the neighborhood. 2) Effect on traffic patterns. 3) The educational focus of the program. 4) Site plan. 5) Facts 6) Public Relations article on Dorothy Guiffre's childcare center at Fernald School. 7) Letter of support from Donald F. Heitzmann, President of the Maugus Club, dated October 27, 1982. 8) Rough draft of a lease being prepared between Maugus Corporation and the non-profit child development center.

The Planning Board, at its meeting of November 9, 1982, voted to offer no comment on the petition.

Decision

This Authority has made a careful study of the evidence submitted by the petitioner. Section II A 4 of the Zoning Bylaw allows the existence in a Single Residence District of a "Club, except a club the chief activity of which is a service customarily carried on as a business". The Maugus Club has existed in its present location since 1892. The Maugus Club now proposes to lease space for a non-profit educational use, under Section II 8 (b) of the Zoning Bylaw.

The Maugus Club and Dorothy Guiffre have presented this Authority with documentation regarding the proposed child development center, including a site plan indicating

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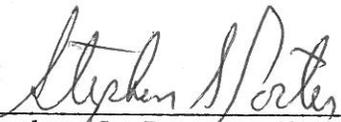
indoor space to be used, exits for safety and access to the parking lot and outdoor playspace, and fencing and professional landscaping to screen the outdoor play area. A study of traffic patterns in the area has been conducted by the petitioner.

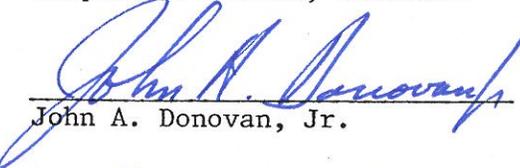
The petitioner has requested permission to enroll twenty-eight children but has stated that the operation could be viable with a minimum of twenty children. She has stated that the hours of operation would be 7 a.m. to 6 p.m., that ages to be serviced are two years nine months to seven years, that outdoor play area would be properly supervised to keep noise at a minimum and used approximately 1½ hours in the late morning and 1½ hours in mid-afternoon, that traffic impact on the neighborhood would be minimal, that all children would be delivered and picked up from the parking lot on the Maugus Club property. No cars would be parked on Abbott Road.

This Authority is making assumptions on the information provided by the petitioner that the operation of a child development center at the Maugus Club will not be disruptive or detrimental to the residential character of the neighborhood. The granting of a Special Permit for the requested use for one year would afford this Authority the opportunity to reappraise the situation based on the actual use.

Therefore a Special Permit under Section II 8 b of the Zoning Bylaw is granted for the operation of a child development center at the Maugus Club at 40 Abbott Road with the following conditions:

1. That no more than 20 children shall be in attendance at any one time.
2. That all State and local laws shall be complied with as well as the recommendations and requirements of the Fire Department, Board of Health, and Building Inspector.
3. That said Special Permit shall expire one year from the date of this decision.


 Stephen S. Porter, Chairman


 John A. Donovan, Jr.


 William E. Polletta

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