



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 90-29

Petition of The Nesting Place/Unitarian Society of Wellesley Hills
309 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 26, 1990 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of THE NESTING PLACE/UNITARIAN SOCIETY OF WELLESLEY HILLS requesting renewal of a Special Permit pursuant to the provisions of Section II 8 (b) and Section XXV of the Zoning Bylaw to allow a portion of the premises at 309 WASHINGTON STREET (THE UNITARIAN CHURCH), in a General Residence District, to be used as an infant/toddler daycare center with a staff of 8 and hours from 8 a.m. to 5:30 p.m., Monday through Friday for 50 weeks of the year. The petitioner is also requesting an increase in the number of children allowed from 20 to 32.

On April 9, 1990, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Suzanne Lutrell, owner/director of The Nesting Place. Mrs. Lutrell said that she would not only like to renew the Special Permit, but increase the number of children allowed from 20 to 32 as there is a need for infant/toddler daycare and hers is the only facility in Wellesley providing this service.

Mrs. Lutrell said that the Office for Children had originally allowed 32 children, but for the first year, she did not choose to operate at full capacity. She would like to expand to full capacity at this time. She said that there is another daycare center occupying the lower level of the building which services 32 children of a different age group.

Mrs. Lutrell said that drop-off and pick-up are done only in the church parking lot. There is a 15 minute time delay between the opening and closing hours of the two centers. The parents stagger arrival time from 8 to 9:30 a.m.

The Board questioned concern expressed by the neighborhood last year and by Mary Jane Seery of the Office for Children both last year and this year regarding provisions for parking, drop-off and pick-up. Mrs. Lutrell responded that the parking lot has space for 60 cars, and that there is no problem with cars. The children are very small, and most are carried in and out of the building by their parents.

The Board questioned if expansion beyond 32 children were contemplated for the future. Mrs. Lutrell said that at 32 children she would be at capacity as the State requires 35 square feet per child, and that the regulations, which have been unchanged since the 1970's, could become more and not less stringent.

ZBA 90-29

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No other person had any comment on the petition.

Statement of Facts

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The petitioner is requesting renewal of a Special Permit to use a portion of the premises at 309 Washington Street (The Unitarian Church) for an infant/toddler daycare center with a staff of 8 including the director. The hours of operation are from 8 a.m. to 5:30 p.m., Monday through Friday, 50 weeks of the year. All staff parking and parent drop-offs and pick-ups are done in the parking lot at the rear of the church. The petitioner is requesting an expansion in the number of children from 20 to 32 children ages 6 weeks through 2 years 9 months.

The Wellesley Hills Children's Center also uses a portion of the church premises for a daycare center for 32 children ages 2 years 9 months through 5 years, with a staff of 4, and hours of operation from Monday through Friday, 7:45 a.m. to 5:45 p.m.

A letter dated March 12, 1990 was received from Catherine DeVito, Property Chairman of the Unitarian Society, in support of the petition. A second letter dated April 18, 1990 was received from Ms. DeVito stating the 60 space parking lot was sufficient to meet the increased needs of The Nesting Place, as well as the other groups using the lot.

A letter dated April 20, 1990 was received from Chief Black of the Wellesley Fire Department stating that no additional requirements were necessary for either the renewal of the Special Permit or the expansion to 32 children.

The Informational Report of the Building Inspector, dated April 25, 1990, stating that the increase in capacity would be acceptable as the premises comply with local zoning by-laws and Mass. Department of Public Safety Regulations for Day Care Services, was signed by Arthur LaConte, Inspector of Buildings.

A letter dated April 26, 1990, received from Mary Jane Seery, Delegated Licensor by The Office for Children, expressed continued concern with the parking, drop-off and pick-up situation. Ms. Seery stated that with the floor space available, The Nesting Place will be able to have only 12 infants and 20 toddlers.

The Planning Board, on April 12, 1990, voted to offer no objection to the expansion of use or renewal of the Special Permit providing the Office for Children, the Inspector of Buildings and the Fire Chief have received and approved the proposed applicable regulations.

No other persons present had any comment on the petition.

Decision

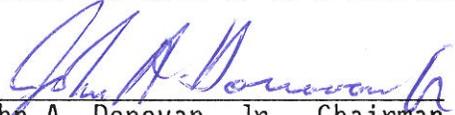
This Authority has made a careful study of the evidence presented. It is the opinion of this Authority that the renewal of the Special Permit allowing the use of a portion of the premises at the Unitarian Society of Wellesley Hills at 309 Washington Street for an infant/toddler daycare center servicing children from 6 weeks through 2 years 9 months in age, is in harmony with the intent and purpose of Section II 8 (b) of the Zoning Bylaw and will not disturb or disrupt the neighborhood, subject to the following conditions:

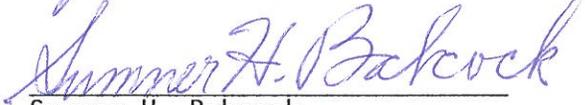
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1. That the maximum number of children at any one time be no more than 32 which will be limited to no more than 12 infants and no more than 20 toddlers.
2. That the hours of operation be from 8 a.m. to 5:30 p.m., Monday through Friday, fifty weeks of the year.
3. That a copy of the license to operate granted by the Office for Children for the expanded number of 32 children be filed with the office of the Board of Appeals.
4. That documentation from a qualified electrician or alarm company certifying that the fire alarm system has been tested and found operational by National Fire Protection Association standards be submitted to Chief Black at the Wellesley Fire Department within 30 days of the date of this decision.
5. That all pick-up and delivery of children shall take place in the parking lot at the rear of the Unitarian Church; that there shall be no pick-up or delivery of children on Washington Street; and that there shall be no congestion of traffic on Washington Street due to pick-up and/or delivery of children.
6. That all parking for staff, visitors and parents shall be in said parking lot.
7. That all State and local laws shall be complied with, as well as the recommendations of the Fire Department, the Board of Health and the Inspector of Buildings.
8. That this Special Permit shall expire one year from the date of this decision.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.


John A. Donovan, Jr., Chairman


Sumner H. Babcock

cc: Planning Board
Inspector of Buildings
Chief Black - Fire Department
Mary Jane Seery - Board of Health


William E. Polletta

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