



80-54

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHANIE J. GOSSETT INT

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WILLIAM F. CULLINANE, CHAIRMAN
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Petition of Mary E. Pandolf

The Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Tuesday, October 28, 1980 at 8:00 PM on the Petition of Mary E. Pandolf who is requesting a Special Permit under the provisions of Section IV 1. and Section XXV of the Zoning Bylaw which will allow the Peititioner to continue to operate a Day Care Facility at the American Legion Building located at 496 Washington Street.

On October 10, 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 Pandolf. Also speaking in support was Donald Park representing the American Legion.

A letter was received from the Planning Board recommending that the driveway entrance be widened to at least 18 feet to reduce the conflict between traffic entering onto the property and traffic exiting from the property. The Planning Boards letter also recommended that shrubbery be provided around the playground fence to provide screening from the street.

Statement of Facts

The premises of 496 Washington Street is located in a General Residence District. The renewal being requested for this facility is exactly the same as the Permit that was granted one year ago. The facility will operate Monday - Friday from 8:00 AM - 5:30 PM, there will be 17 children enrolled between the ages of 3 - 7 years of age, with a staff of three teachers. There is off street parking available for all teachers. Ms. Pandolf's facility d/b/a Sunny Hours Day Care is a for profit corporation.

Decision

It is our belief that the expressed terms of the Zoning Bylaw do not clearly give us the right to grant a Special Permit in this case. However, because of the potential hardship involved and what would be an abrupt departure from the

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Petition of Mary E. Pandolf, continued

past practices of the Zoning Board of Appeals, we will allow the requested Special Permit for a limited time as set forth below, but do not intend to renew this Special Permit without further clarification of the Zoning Bylaws. 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 all requirements set forth by the Town of Wellesley Building Inspector or the Board of Health are complied with.
3. That not more than seventeen (17) children shall be in attendance at any one time.
4. That the pick-up and delivery of the children shall be on the property of the American Legion and under the direct supervision of qualified personnel of the Petitioner.
5. 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

John A. Donovan, Jr.

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Stephen S. Porter

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