



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

RICHARD L. SEEDEL, CHAIRMAN  
CYNTHIA S. HIBBARD  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208  
web: [www.wellesleyma.gov](http://www.wellesleyma.gov)

J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
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ZBA 2011-34  
Petition of Whole Foods Market  
442 Washington Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 16, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of WHOLE FOODS MARKET requesting a Special Permit pursuant to the provisions of Section III A 4 (a), Section XI and Section XXV of the Zoning Bylaw for temporary or seasonal outdoor sales of farm produce or natural products, at 442 WASHINGTON STREET, which is a use not allowed by right in a Single Residence A District and a Business District.

On May 26, 2011 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Robert Donnelly, John Doherty, Ed Bolino and Dan Seamans.

Mr. Seamans said that the request is for a Special Permit to allow seasonal outdoor merchandizing near the entrance of the store. He said that not all of it will be under the canopy.

Mr. Seamans said that there are two things shown on the plan. He said that the area along the sidewalk and under the canopy will be for merchandizing for the store. He said that the area where the colored tents are shown along the side of the building is where the Town is proposing to hold a Farmers Market. He said that Whole Foods is going to allow the Town to use that space.

Mr. Seamans said that outdoor merchandizing for Whole Foods will probably occur on most days of the summer for corn and watermelon. He said that they will use the space for pumpkins and apples during the winter.

The Board confirmed that Whole Foods Market was asking for a permit for the Farmers Market as well.

Mr. Seamans displayed on the plan the location of parking for the vendors at the Farmers Market.

Mr. Seamans said that the Farmers Market will operate on one day a week. Mr. Bolino said that it will be from 1:00 to 6:00 p.m. on Thursdays.

The Board said that the Farmers Market layout inhibits some of the circulation for the adjacent parking. Mr. Seamans said that the layout is not set in stone. Mr. Bolino said that there will be a Police detail present when the Farmers Market is open.

The Board asked where the merchandise for the Farmers Market will go. Mr. Seamans said that it will go back on the trucks. Mr. Bolino said that the vendors may supply some produce to the store. He said that the main idea is to support local farmers.

The Board asked if there will a limit to the number of farmers and how much produce will be sold. Mr. Bolino said that there will be 10 farmers at a time.

The Board said that a concern is that the Farmers Market will attract more people and will take up parking spaces for those people. Mr. Seamans said that holding the Farmers Market on Thursday afternoons is one of their least busy traffic times.

The Board said that outdoor sales of flowers and produce is common at other markets in Town.

There was no one present at the Public Hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 442 Washington Street, in a Single Residence A District and a Business District, where temporary or seasonal outdoor sales of farm produce or natural products is a use not allowed by right.

The Petitioner is requesting a Special Permit for temporary or seasonal outdoor sales of farm produce or natural products, which is a use not allowed by right in a Single Residence A District and a Business District.

A Site and Floor Plan, OC-1, dated 4/19/11, prepared Jacobs Consultants, Inc. and renderings were submitted.

On June 15, 2011, the Assistant Planning Director reviewed the petition and recommended that the Special Permit be granted with conditions.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A Special Permit is required pursuant to Section III A 4 (a) of the Zoning Bylaw, as the requested use of the premises for temporary or seasonal outdoor sales of farm produce or natural products is a use not allowed by right.

It is the opinion of this Authority that the use of the premises for temporary or seasonal outdoor sales of farm produce or natural products is in harmony with the general intent and purpose of the Zoning Bylaw.

Therefore, A Special Permit is granted, as voted unanimously by this Authority at the Public Hearing to allow the use of the premises for temporary or seasonal outdoor sales of farm produce or natural products, subject to the following condition:

- The Special Permit for the Farmers Market shall expire two years from the time date stamped on 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.

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Richard L. Seegel, Chairman

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J. Randolph Becker

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm



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