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BOARD OF APPEAL

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Petition of the League of Women Voters of Wellesley

The Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:30 p.m. on October 9, 1975, on the petition of the League of Women Voters of Wellesley, requesting permission to conduct a Flea Market on the Wellesley High School Parking Lot, off Rice Street, on Saturday, October 11, 1975, (rain date - October 25, 1975), as provided under Section XXIV-E of the Zoning By-law.

On August 22, 1975, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Judith S. Weil, President of the League, spoke in support of the request at the hearing.

Statement of Facts

The property involved is located within a Single Residence District. There is a High School building on the property with a large parking lot at the rear.

The petitioner seeks permission to conduct a flea market on the designated date from 10:00 a.m. to 4:00 p.m. on the parking lot involved. It was explained that the sellers, individuals or organizations, who will be participating in this event, will pay a registration fee in exchange for an assigned parking space from which to sell their wares. In addition, an entrance fee will be paid by the buyers. In order to insure a control of traffic, parking, etc., there will be a policeman on duty, and the League will assume the responsibility of cleaning up the parking lot. Profits from this event, it was stated, would be used in the many community educational projects the League sponsors annually.

Decision

Under Section XXIV-E of the Zoning By-law, the Board of Appeal may grant temporary and conditional permits for non-conforming uses in any district in the Town for a period of not more than one year at a time when it finds that after a public hearing a real need exists, and that the proposed non-conforming use will not substantially reduce the value of any property within the district, or otherwise injure the neighborhood.

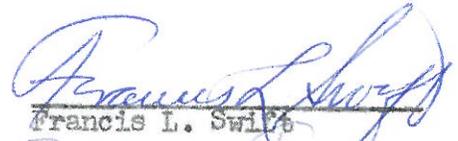
After hearing all the evidence presented, the Board cannot find that a real need exists for the proposed non-conforming use of the parking lot involved. While it may be a desirable location in meeting the needs of the petitioner, it is the opinion of this Board, that to allow a commercial

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event such as proposed, to be conducted on School Department property, would be undesirable and would establish a precedent for similar requests to be made by other civic organizations in the future. There can be no question that the proposed operation will create noise and additional traffic in the area which abuts residential neighborhoods.

While the Board is aware of the normal usage made of the parking lot by the School Department incidental to its activities, however, in its opinion, the proposed use would be injurious to the neighborhood and contrary to the intent and purpose of the Zoning By-law.

Accordingly, the permission requested is denied and the case is dismissed.



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F. Lester Fraser



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