69-70

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
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235-1664

Petition of Antonio Lambert, Jr.

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on December 4, 1969, on the petition of Antonio Lambert, Jr. to sell Christmas trees on the premises owned by him and situated at 139 Worcester Street from December 5, 1969 through December 25, 1969, as provided under Section XXIV-E of the Zoning By-law.

At the hearing the petitioner spoke in support of the petition.

On November 14, 1969, the petitioner filed his request for a hearing and thereafter due notice of the hearing was given by mailing and publication.

A letter favoring the request was received from William A. Davison, Blue Hills Development Company, owner of nearby property.

Statement of Facts

The property involved is part of a farm located on the Worcester Turnpike within a Single-residence District in which products raised on the premises may be sold at retail to the consumer.

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.

The petitioner seeks a renewal of the permit which has been issued to him annually by this Board for the past several years to sell Christmas trees. It was stated that the petitioner still has need for a supplementary income from the property which the sale of Christmas trees will provide. The petitioner has complied with the condition imposed by the Board that no cars shall be parked at any time on Worcester Street in front of the petitioner's property and to his knowledge no complaints have been received.

Decision

The Board feels that there is still a real need for the requested non-conforming use of the property and that such use will not substantially reduce the value of any property within the district or otherwise injure the neighborhood.

Accordingly, the permission is granted as requested to sell Christmas trees on the premises involved from the time specified namely, December 5, 1969 through December 25, 1969, upon the condition that no cars shall be parked at any time on the Worcester Turnpike in front of the petitioner's property.

Dana T. Lowell Richard O. Aldrich

Filed with Town Clerk _____ F. Lester Fraser