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FRANKLIN P. PARKER  
JOHN A. DONOVAN, Jr.

ZONING BOARD OF APPEALS

KATHARINE E. TOY  
Administrative Secretary  
Telephone  
235-1664

Petition of Myrtle Lambert

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:45 p.m. on September 14, 1978, on the petition of Myrtle Lambert, to sell Christmas trees on the premises at 139 Worcester Street, from December 1, 1978, through December 25, 1978, as provided under Section XXIV-D of the Zoning By-law.

On August 25, 1978, the petitioner filed her request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Richard L. Wilder, attorney, represented the petitioner at the hearing.

Statement of Facts

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

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Section XXIV-D of the Zoning By-law allows this Authority to grant a variance for an activity or use not otherwise permitted in the zoning district in which the land or structure is located, provided, however, that such variance properly granted prior to January 1, 1976, may be extended on the same terms and conditions that were in effect for such variance upon said effective date.

Richard L. Wilder, attorney for the petitioner, stated at the hearing that for the past nine years this Board has been requested to grant permission to sell Christmas trees at the location involved and the permission has been granted. The petitioner who is a widow needs the income which can be derived from selling the trees as she has two children to support. One-half of her annual income, it was stated, comes from the sale of the Christmas trees, and unless the requested permission is granted, undue hardship will result.

Decision

The Authority feels that there is still a 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, a variance is granted as requested to sell Christmas trees, on the premises involved for the specified time, namely December 1, 1978, through December 25, 1978, upon the condition that no cars shall be parked at any time on the Worcester Turnpike in front of the petitioner's property incidental to the selling of the Christmas trees.

Filed with Town Clerk

*Francis L. Swift* *William E. Polletta* *William F. Cullinane*  
Francis L. Swift William E. Polletta William F. Cullinane