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TOWN OF WELLESLEY

MASSACHUSETTS

FRANCIS L. SWIFT, Chairman
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ZONING BOARD OF APPEALS

KATHARINE E. TOY
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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 8:05 p.m. on September 27, 1979, on the petition of Myrtle Lambert, requesting a variance to sell Christmas trees on the premises at 139 Worcester Street, from December 1, 1979 through December 25, 1979, as provided under Section XXIV-D of the Zoning By-law.

On September 11, 1979, the petitioner filed her request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

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Statement of Facts

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

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.

It was stated at the hearing that the Zoning Board of Appeals, for a number of years, has granted permission to the petitioner to sell Christmas trees at the location involved for a similar period of time. The petitioner needs the income which can be derived from selling the trees to supplement her income, and unless the requested variance is granted, undue hardship will result. Off-street parking will be provided for the customers and no cars will be parked on Worcester Street.

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, through December 25, 1979, providing that no cars shall be parked at any time on Worcester Street in front of the petitioner's property incidental to selling the Christmas trees.

Francis L. Swift — William O. Hewett — William F. Cullinane

Filed with Town Clerk