



## ZONING BOARD OF APPEALS

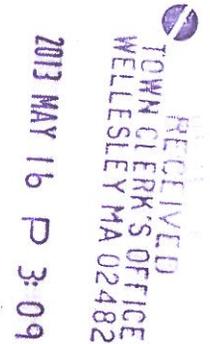
TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2013-31  
 Petition of Massachusetts Horticultural Society  
 442 Washington Street



Record Owner of Property: Wellesley Plaza LLC c/o Gravestar Inc.

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 2, 2013 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MASSACHUSETTS HORTICULTURAL SOCIETY requesting modification of a Special Permit pursuant to the provisions of Section III A 4 (a), Section XI and Section XXV of the Zoning Bylaw to relocate temporary or seasonal outdoor sales of farm produce or natural products from behind the Whole Foods building to where it will be visible to traffic on State and Washington Streets, at 442 WASHINGTON STREET, in a Single Residence A District and a Business District.

On April 16, 2013, 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 was Katherine Macdonald, President, Massachusetts Horticultural Society. Also present at the hearing was John Spencer, Farmers Market Manager.

Ms. Macdonald said that the Farmers Market is a program of the Massachusetts Horticultural Society. She said that the Farmers Market is located at 442 Washington Street at the Whole Foods parking lot. She said that the request is for modification of Special Permit, 2011-34, which references the location of the market.

Ms. Macdonald said that letters of support from Whole Foods Market and Gravestar were submitted. She submitted an email note from the Board of Selectmen, who voted on May 2, 2013 to approve moving the location of the Farmers Market.

The Board asked about Police details. The Board said that a major concern with the change of location is traffic and safety. The Board discussed granting the modification to the Special Permit for one year to see how it works from a traffic and safety standpoint.

Ms. Macdonald said that Mr. Spencer has a plan that shows that parking is within traffic barriers that are on either end. She said that they would plan to have either jersey barriers or large cones to mark the area off.

The Board said that they will still have traffic from Whole Foods Market parking lot exiting onto State Street. The Board said that moving the market over to the State Street side will create a lot of traffic on State Street, both for the Farmers Market when it is open and for vehicles coming in and out of Whole Foods Market. The Board said that it was also concerned about pedestrian safety.

The Board said that having the Farmers Market be more visible will probably attract more patrons. Ms. Macdonald said that the Farmers Market is only open on Thursdays from 2 to 6 pm. She said that the reason that they are asking to relocate the Farmers Market is to increase visibility and traffic. She said that last year people did not know that they were there because they were located so far back in the corner.

The Board confirmed that the number of parking spaces will not change.

The Board said that the Farmers Market can proceed at its own risk during appeal period.

The Board said that if the Farmers Market can provide some evidence from the Police Chief that a detail is not necessary, the Board will waive it as a condition.

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

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#### 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 modification of a Special Permit pursuant to the provisions of Section III A 4 (a), Section XI and Section XXV of the Zoning Bylaw to relocate temporary or seasonal outdoor sales of farm produce or natural products from behind the Whole Foods building to where it will be visible to traffic on State and Washington Streets.

Wellesley Farmers' Market Summary, Memorandum to the Zoning Board of Appeals, dated 4/9/13, from Lee B. Kane, EcoCzar/Regional Manager, Whole Foods Market, North Atlantic Region, Letter to Zoning Board of Appeals, dated 4/9/13, from Carole L. Montgomery, Senior Manager, Property Manager, A Site and Floor Plan, OC-1, were submitted.

On April 24, 2013, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

On May 7, 2013, Deputy Chief of Police, Jack Pilecki, reviewed the petition and stated that a police detail is not considered necessary if the proposed area is blocked off from traffic entering and exiting from both Washington Street and from State Street. He said that there is minimal risk to pedestrians in the proposed area as long as the access lane is blocked off effectively, which can be achieved by several methods, including wooden barriers or sawhorses.

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 modification of a Special Permit to relocate temporary or seasonal outdoor sales of farm produce or natural products from behind the Whole Foods building to where it will be visible to traffic on State and Washington Streets 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 for modification of a Special Permit to relocate temporary or seasonal outdoor sales of farm produce or natural products from behind the Whole Foods building to where it will be visible to traffic on State and Washington Streets, subject to the following condition:

- The Special Permit for the Farmers Market shall expire one year from the time date stamped on this decision.

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442 Washington Street

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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.



Richard L. Seegel, Chairman



Robert W. Levy



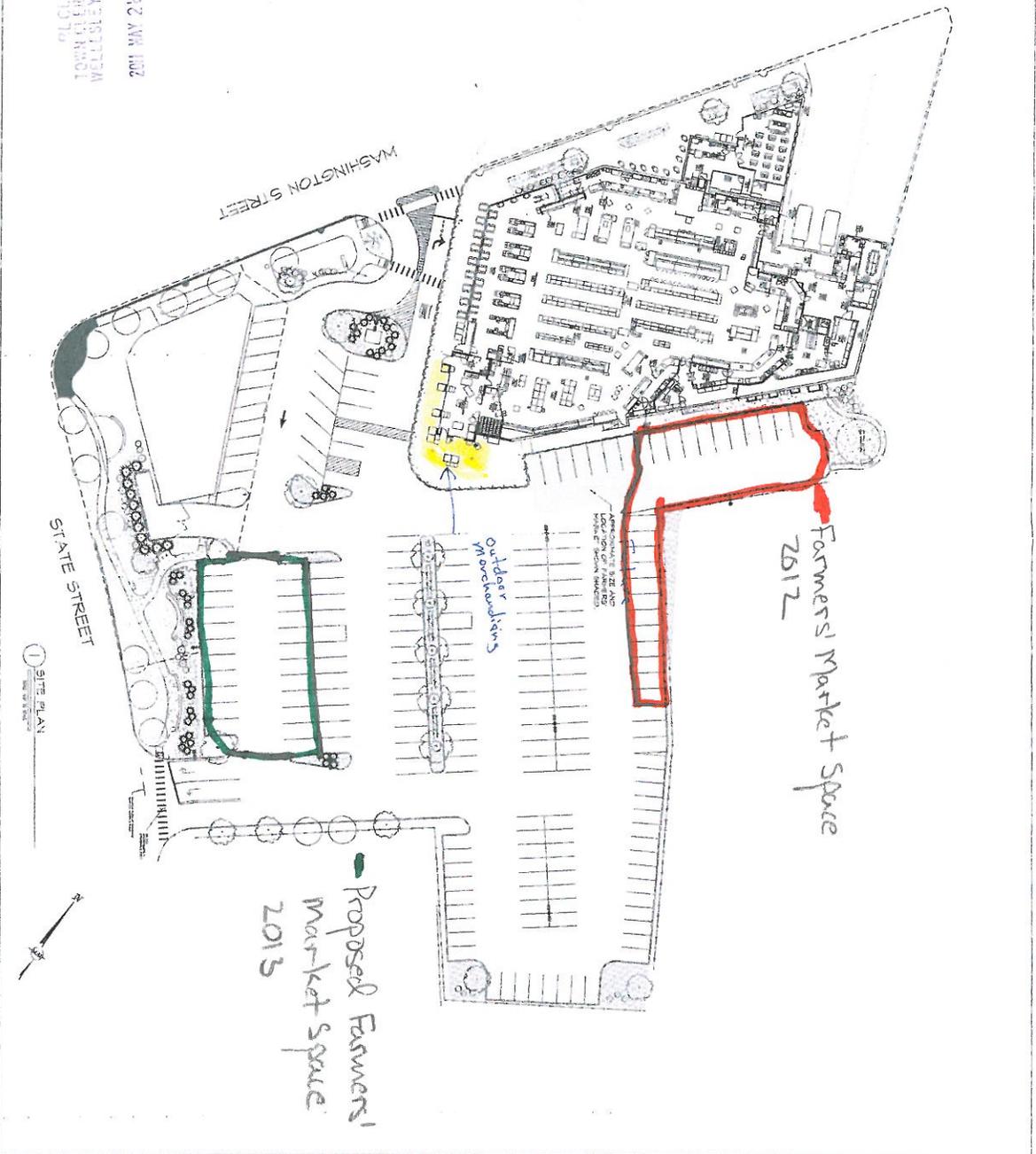
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

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① SITE PLAN

DATE: 04-15-2013 SCALE: 1/8" = 1'-0"	SITE AND PLAN PLAN		PROJECT BY: <b>JACOBS</b> JACOBS CONSULTANTS OF ARCHITECTURE AND ENGINEERING 100 STATE STREET SUITE 200 WELLESLEY, MA 02482	CLIENT BY: <b>WHOLE FOODS</b> MARKET	REVISIONS TO: WELLESLEY PLAZA 345 HIGHLAND STREET WELLESLEY, MASSACHUSETTS	NO. 1	DATE	DESCRIPTION
	DESIGNED BY: SK	CHECKED BY: SK						