



ZONING BOARD OF APPEALS

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ZBA 2015-05
 Petition of Unitarian Universalist Society of
 Wellesley Hills
 309 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 8, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of UNITARIAN UNIVERSALIST SOCIETY OF WELLESLEY HILLS requesting a Special Permit pursuant to the provisions of Section III 4 a, Section IV and Section XXV of the Zoning Bylaw for temporary or seasonal outdoor sales of farm produce or natural products on Saturdays, May to October, from 10 am to 2 pm in the parking lot located at 309 WASHINGTON STREET, in a General Residence District.

On December 22, 2014, 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 were John Patillo, Co-Chair, Governing Board of the Unitarian Universalist Society of Wellesley Hills, (the Petitioner) and John Spencer, volunteer to set up the farmers market. Mr. Patillo said that the request is for a special permit to operate a farmers market in a General Residence District. He said that this will be a continuation of a farmers market that was under slightly different sponsorship but is under the same management. He said that the previous location was not working well. He said that the proposal is to operate on church property in the parking lot. He said that it will not be a rental arrangement, although there will be an operating agreement. He said that the church will not be involved in the management of the farmers market. He said that the church is only interested in providing a useful community service without losing any money.

The Board confirmed that Whole Foods would not be submitting an application for a farmers market this year. Mr. Spencer said that Whole Foods asked them to move back to the original location of the farmers market. He said that the vendors did not want to be at the back of the building where they were not seen.

The Board asked if the farmers market operated last year. Mr. Spencer said that they had no location. Mr. Patillo said that, as a result of that, the church tried to help find a viable solution for a high visibility location with adequate off-street parking and the ability to isolate the vendors from any traffic patterns. The Board asked if it will interfere with other activities. Mr. Patillo said that the plan is to hold it on Saturdays, which is the one day when there is usually almost nothing going on, except for dinners or the occasional wedding which is typically held later in the day. He said that any other day of the week would have significant impact on church operations.

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The Board confirmed that the Police Department had reviewed the proposal.

The Board asked if there will be any change in the traffic pattern. Mr. Patillo said that the vendors will be isolated and there will be no change to the traffic pattern. He said that the area will be blocked off so that the existing traffic pattern will be maintained with a single one way entrance and a single one way exit.

The Board asked about directional signage. Mr. Patillo said that there are one way signs at the entrance and at the exit, as well as do not enter signs.

The Board said that there is a lot of traffic on Washington Street, especially at that time of year. Mr. Patillo said that there is a lot of traffic there at any time of the year. He said that the church has a lot of off street parking available. He said that retail activity in that area is across the street. He said that there is street parking that is almost never utilized. He said that the farmers market activities tend to be short term in duration. He said that the activity is spread out over a number of hours. He said that most of the other events that they have on Sundays or other days, such as the Wellesley Weston Learning Center, tend to have 150 or so people showing up and leaving at the same time. He said that the farmers market should create less congestion than the other activities.

The Board asked how many customers are typically there at one time. Mr. Spencer said that in the first year there were 50 to 100 customers. He said that when they moved in the second year it jumped up to 150 to 200 customers, spread out over four hours. He said that the goal is to get up to 300 customers to make it more viable for the vendors. A Board member said that was part of his concern about 22 parking spaces. Mr. Patillo said that there are about 44 spaces in addition to the 22 spaces blocked off for the vendors. He said that those 44 spaces are generally unused on Saturdays.

The Board asked if the house on the property is occupied as a residence. Mr. Patillo said that it is office space for the church. He said that it is not used on Saturdays.

The Board asked about signage. Mr. Spencer said that they have put out temporary lawn signs. He said they will put out a temporary sign for the day.

The Board asked about food consumed on the premises. Mr. Spencer said that the primary vendors will sell locally grown vegetables, baked goods, honey, fruits, some prepared foods, jams and jellies and things that are locally made. The Board asked if they anticipate having hot dog or sausage vendors. Mr. Spencer said that they would not mind having them.

A Board member said that a concern of his is about generation of trash. Mr. Patillo said that the Operating Agreement requires on-site management and supervision from someone working for or approved by the church to monitor maintenance and cleaning issues. He said that they will work out trash disposal with the farmers market. He said that the church is not renting the space but they do not want to lose money. He said that the farmers market is covering the costs of operating. He said that the church has a strong vested interest in making sure that the parking lot is clean for Sunday. Mr. Spencer said that for the two years that they did operate the farmers market, they had trash barrels out, collected the trash and took it away. The Board confirmed that the vendors take their boxes back with them.

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The Board asked if Whole Foods had helped out in any way. Mr. Spencer said that they were helpful in that they let the farmers market use their parking lot and take away some of their business. He said that they did allow the farmers market to store some equipment on-site in their storage area. He said that their staff was not part of running the farmers market. He said that they had a table there to give away things but they were not part of the operations of the market. Mr. Patillo said that church will have someone there who is looking out for its interests and making sure that everything is being maintained appropriately.

The Board asked about the need to store some things on the church site. Mr. Spencer said that there are some things that have not been sorted out yet. He said that one year they did and one year they did not. He said that it was storage for one canopy, two chairs and a table.

A Board member confirmed that the hope is to get 300 people over the course of four hours. He said that the maximum would be approximately 100 people at peak time. Mr. Spencer said that it will probably be less than that. The Board asked how that would compare to a typical church event. Mr. Patillo said that the church probably has 150 people on Sundays. He said that Wellesley Weston Learning has approximately 150 people for most of the day. He said that it is usually a combination of bicycles, people in the parking lot, people parking on the street, and people walking. The Board said that the farmers market will be less than peak.

The Board said that the problems on Washington Street will occur whether there is a farmers market or not. Mr. Patillo said that his experience has been that going in or out, people have been considerate in leaving gaps. The Board asked if there will be someone there to direct traffic if it does become a problem. The Board said that a concern is having traffic back up onto Washington Street. Mr. Patillo said that there will be a market manager and a church employee who could get involved. He said that he has never seen it be a problem. The Board said that there are certain criteria under the bylaw that it has to consider in granting a special permit including, vehicle circulation and driveways within 50 feet from a street intersection, vehicle queuing lanes, compatibility with surroundings, pedestrian safety, noxious uses, and intensity of use. The Board said that it has to make findings in the affirmative on each of them in order to grant a special permit.

The Board said that the Planning Board recommended that the ZBA defer its consideration of the request because enough information on the operation of the proposed market to determine whether the Special Use Permit Standards are satisfied, namely Vehicular Circulation, Pedestrian Safety, and Intensity of Use, had not been submitted. The Board said that there are a couple of years of experience at a location that is not far away from this site. The Board said that any permit would be for one year so that it would have a historical data base, if the farmers market were to come back to this location.

A Board member said that he applauded the idea of a farmers market but did not want this to become like a fair-like situation. He said that he was not concerned about a hot dog vendor. He said that he would not like to see anything other than fresh produce or local items.

Ethan Parsons, Assistant Planning Director, said that he was representing the Planning Board. He said that he was of the opinion that if the Planning Board had heard some of the information that was discussed at this hearing, it might have issued a different recommendation. He said that he thought that

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the Planning Board would support the issuance of the special permit for one year. He said that at least one member was concerned about the site's proximity to Cliff Road, which is a congested area.

The Board discussed conditions including, one year permit, two staff non vendors on site at all times that the farmers market is operating, proper removal and disposal of trash, any tables or equipment to be stored shall be stored indoors, and effective May to October, from 10 am to 2 pm. Mr. Spencer asked about adjusting the hours to later in the afternoon to 11 am to 3 pm, depending on feedback that they get from vendors. The Board discussed extending the hours to 10 am to 4 pm. The Board asked what the hours at the Whole Foods location. Mr. Spencer said that they were 2 pm to 6 pm. The Board asked about having a six hour window. Mr. Patillo said that would be fine for the church. He said that beyond 4 pm could run into evening events.

The Board said that the police already have the right to enforce if there are traffic problems. Mr. Spencer suggested that the farmers market review the situation once a month with the police. The Board said that would be acceptable.

The Board said that the vendors would be restricted to local produce and crafts, as well as a hot dog or popcorn vendor. Mr. Patillo said that food service will not be a big part of the farmers market. He said that if there were to be coffee or other food service, the church youth group would be providing that for fundraising purposes.

The Board said that the special permit will be renewable in one year. The Board said that if the farmers market morphs into something that was not anticipated, it can be reviewed at that time.

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

Statement of Facts

The subject property is located at 309 Washington Street, in a General Residence District, where temporary or seasonal outdoor sales of farm produce or natural products is a use not allowed by right.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section III 4 a, Section IV and Section XXV of the Zoning Bylaw for temporary or seasonal outdoor sales of farm produce or natural products on Saturdays, May to October, from 10 am to 4 pm in the parking lot located at 309 Washington Street, in a General Residence District.

Proposed Location of Wellesley Farmers' Market, Wellesley Farmer's Market Details on 2015 Operations, and Wellesley Farmer's Market Report on 2013 Operations were submitted.

On January 6, 2015, Jack Pilecki, Deputy Police Chief, stated in an email that the Police did not have a problem with the location or anything else.

On January 7, 2015, the Planning Board reviewed the petition and recommended that the ZBA defer its consideration of the request.

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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 temporary or seasonal outdoor sales of farm produce or natural products on Saturdays, May to October, from 10 am to 4 pm in the parking lot located at 309 Washington Street, in a General Residence District, 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 temporary or seasonal outdoor sales of farm produce or natural products on Saturdays, May to October, from 10 am to 4 pm in the parking lot located at 309 Washington Street, in a General Residence District.

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

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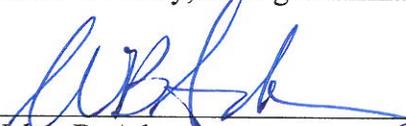
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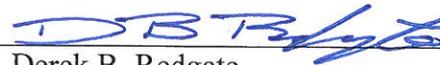
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

Proposed Location of Wellesley Farmers' Market



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