

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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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 8:15 p.m. on November 29, 1973, 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 1, 1973 through December 25, 1973, as provided under Section XXIV-E of the Zoning By-law.

On September 27, 1973, the petitioner filed his request for a hearing and thereafter due notice of the hearing was given by mailing and publication.

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

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 supplementary income from the property which the sale of Christmas trees will provide. The petitioner has complied with the condition imposed by the Board, it was alleged, that no cars shall be parked at any time on Worcester Street in front of the petitioner's property in accordance with the condition imposed by the Board of Appeal in its decision dated December 8, 1972.

Decision

The Board 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, the permission is granted as requested to Sell Christmas trees on the premises involved from the time specified namely, December 1, 1973 through December 25, 1973, upon the condition that no cars shall be parked at any time on the Worcester Turnpike in front of the petitioner's property.

*William O. Hewett*  
William O. Hewett

*Theodore C. Merlo*  
Theodore C. Merlo  
*F. Lester Fraser*  
F. Lester Fraser