

TOWN OF WELLESLEY



BOARD OF APPEAL

MASSACHUSETTS

76-65

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Petition of Myrtle Lambert

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 8:45 p.m. on September 30, 1976, on the petition of Myrtle Lambert, to sell Christmas trees on the premises at 139 Worcester Street from December 1, 1976, through December 25, 1976, as provided under Section XXIV-E of the Zoning By-law.

On September 13, 1976, the petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

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

Beverly F. Ottaway, 6 Duxbury Road, spoke in favor of the request.

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.

It was stated at the hearing that for the past six years this Board has granted permission to the petitioner's husband to sell Christmas trees. Two months ago Mr. Lambert passed away and his widow now seeks permission to sell the Christmas trees for the designated time. It was stated further that Mrs. Lambert has two children and needs the income which can be derived from selling the trees. The petitioner, it was stated, will comply with the conditions imposed by this Board as has been the practice in the past.

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, 1975 through December 25, 1976, 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.

  
Francis L. Swift

  
F. Lester Fraser

  
William O. Hewett

Filed with Town Clerk \_\_\_\_\_

MON 5 28 6M 1922  
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