



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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83-54

Petition of Myrtle Lambert

The Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, October 20, 1983 at 8 p.m. on the petition of Myrtle Lambert, requesting a variance to sell Christmas trees on the premises at 139 WORCESTER STREET from December 1, 1983 through December 25, 1983. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On September 30, 1983, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner was informed that it would not be necessary to be present at the hearing. No one was present either favoring or opposing the petition.

Statement of Facts

The property involved is part of a farm and is located at 139 Worcester Street, in a Single Residence District.

Section XXIV-D of the Zoning Bylaw 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.

The Zoning Board of Appeals has granted permission to the petitioner to sell Christmas trees at the location involved for approximately seventeen years. Off street parking will be provided for the customers and no cars will be parked on Worcester Street. The premises will be cleared of all Christmas trees by December 25, 1983.

The Planning Board, in a letter dated October 26, 1983, stated the following: "The Planning Board has no objection to the renewal of this annual request as we have stated before, however, the petitioner should be cautioned about the practice of placing advertising on the utility poles in front of the property."

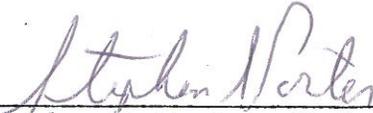
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Decision

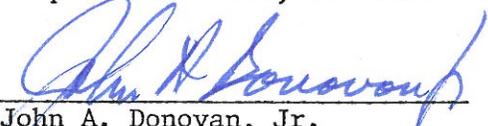
This Authority feels that there is still a need for the requested non-conforming use of the property and that such use will not substantially reduce the value of any property within the district or otherwise injure the neighborhood.

Accordingly, a variance is granted, as requested, to sell Christmas trees on the premises at 139 Worcester Street for the specified period of time, namely, December 1, 1983 through December 25, 1983, subject to the following conditions:

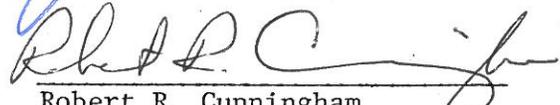
1. That no cars shall be parked at any time on Worcester Street in front of the petitioner's property incidental to the selling of Christmas trees.
2. That no advertising shall be placed on utility poles in front of the property.



 Stephen S. Porter, Chairman



 John A. Donovan, Jr.



 Robert R. Cunningham

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