

TOWN OF WELLESLEY



MASSACHUSETTS

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ZONING BOARD OF APPEALS

MAY 12 A 8:58

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

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ROBERT A. BASTILLE
CYNTHIA S. HIBBARD

ZBA 99-23

Petition of Federation of Mass. Farmers' Markets
496 Washington Street (American Legion Post #70)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 29, 1999 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of FEDERATION OF MASS. FARMERS' MARKETS requesting a Special Permit pursuant to the provisions of Section II A 8 (b) and Section XXV of the Zoning Bylaw to allow the premises at 496 WASHINGTON STREET (American Legion Post #70), in a General Residence District, to be used as a Farmers' Market for no more than 8 vendors to sell fresh farm produce and related products on Thursdays between 2 p.m. and 6 p.m. from June 17 through October 28, 1999. This is not a by-right use in a General Residence District.

On April 12, 1999, 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 Charles Touchette, Executive Director of the Federation. Mr. Touchette said the Market was operated on the same site last year. They are requesting several changes in the conditions. They would like to open on June 17th rather than August 8th and operate from 2 p.m. to 6 p.m., rather than from 3 p.m. to 7 p.m., as there were few customers during the last hour.

They would also like to reconfigure the market, bringing the farmers closer to the front of the lot. The trucks would be parked in the rear, but the tables and displays would be moved closer to the street to create more visibility for the market. The submitted "Plan A" shows the new configuration; "Plan B" shows the layout of last year. Both plans have been approved by the American Legion.

The Board asked if the earlier opening day and hours would conflict with the St. Paul school schedule. Mr. Touchette said that school ends on June 16th. If necessary, hours could be adjusted in September when school is in session. The parents of the school children had requested the 2 p.m. opening so they could buy produce.

The Board asked if the Federation had made any attempt to secure a location in Post Office Square for the Market, as recommended by the Planning Board. Mr. Touchette said they were working on the problem, as they realize that the present location is not ideal.

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The Board was concerned about the location of the tables at the front property line, shown in Plan A. After discussion, the Board decided that banners and displays could be placed in the front portion of the property, but no retail sales would be allowed within a distance of 40 feet from the front property line.

The Board asked why the Federation wanted to extend the season through October. Mr. Touchette said there is product available through Halloween.

The Board asked if the Community Acceptance Analysis, which was discussed last year, had been done. Mr. Touchette said the Market Manager's stall had been set up with comment sheets. The Manager was available every Thursday last year, and would be again this year. There were no negatives from neighbors. There were no traffic problems, which had been a real concern last year.

The Board stated that all conditions regarding the police would have to be included in the decision, a condition that St. Paul's School be contacted regarding the extension of hours to the end of October to ensure that there will be no conflicts as to traffic or vehicle movement, as well as the conditions regarding number of vendors, hours and dates.

John Locke expressed support for the petition.

Statement of Facts

The property at 496 Washington Street, in a General Residence District, is owned by American Legion Post #70. The Federation of Massachusetts Farmers' Markets has received permission from the American Legion to use the premises pending the grant of a Special Permit from the Board of Appeals.

The petitioner is requesting a Special Permit to use said premises for the conduct of a Farmers Market for 8 farmers to sell fresh farm produce and related products on Thursdays from 2 p.m. to 6 p.m. opening on June 17th and closing on October 28, 1999.

Two site plans (Plans A and B) and a letter of explanation were submitted by Chris Wychorski, Director of Market Operations. Copies of the "Agreement" and "Indenture" signed by representatives of the American Legion Post #72 and Charles Touchette, representing the Federation, were also submitted.

A letter dated April 29, 1999 was received from William and Barbara McMahon, 6 Morton Street, expressing concern with the appropriateness of the site, traffic and safety.

On April 27, 1999, the Planning Board reviewed the petition and supported the intent and purpose of the Market. The Board expressed concern that there be no conflict with the adjacent school, and recommended that the Federation pursue with the Board of Selectmen the possibility of locating the market in Post Office Square.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The requested use of the premises as a Farmers' Market is not an allowed use in a General Residence District.

It is the opinion of this Authority that the use of the premises by the Federation of Massachusetts Farmers' Markets for the sale of fresh farm produce and related products will not substantially reduce the value of any property within the district and will not be injurious or offensive to the neighborhood.

Therefore, a Special Permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, to allow said use, subject to the following conditions:

1. The hours of operation of the Farmers' Market shall be restricted to between 2 p.m. and 6 p.m. on Thursdays commencing on June 17, 1999 and concluding on October 27, 1999.
2. No more than 8 farmer's trucks shall be parked on the premises on any given Thursday, and shall be parked as designated on "Plan B" and along the entrance drive no closer than 40 feet from the front property line. No truck shall be allowed to enter premises after 1:45 p.m. on the designated Thursdays; and no truck shall exit the premises prior to 6 p.m. on said Thursdays.
3. No retail sales are allowed in any portion of the property closer than 40 feet from the front property line.
4. There shall be no additional illumination of the site at any time.
5. All temporary signage shall be removed from the premises every Thursday at the close of each Farmers' Market.
6. The Chief of Police shall monitor the traffic situation, and shall determine if a police detail is necessary to manage traffic and/or to assist pedestrians in crossing Washington Street. If the police detail is deemed to be necessary, the Federation shall assume the cost of said detail.
7. All conditions contained in the "Agreement" and "Indenture" described in the foregoing Statement of Facts are hereby incorporated into this decision.
8. The Federation shall contact the principal of the St. Paul's school to make certain that the change of hours and increased length of season shall not negatively impact any operation of the school on the Thursdays that both facilities are in operation.
9. This Special Permit shall expire at the close of operations on Thursday, October 28, 1999.

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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.

cc: Planning Board
Inspector of Buildings
Richard R. Dillon
Joseph Gagnon, Chief of Police
Rep. John Locke

Kendall P. Bates

Kendall P. Bates, Chairman

Robert A. Bastille

Robert A. Bastille

Cynthia S. Hibbard

Cynthia S. Hibbard

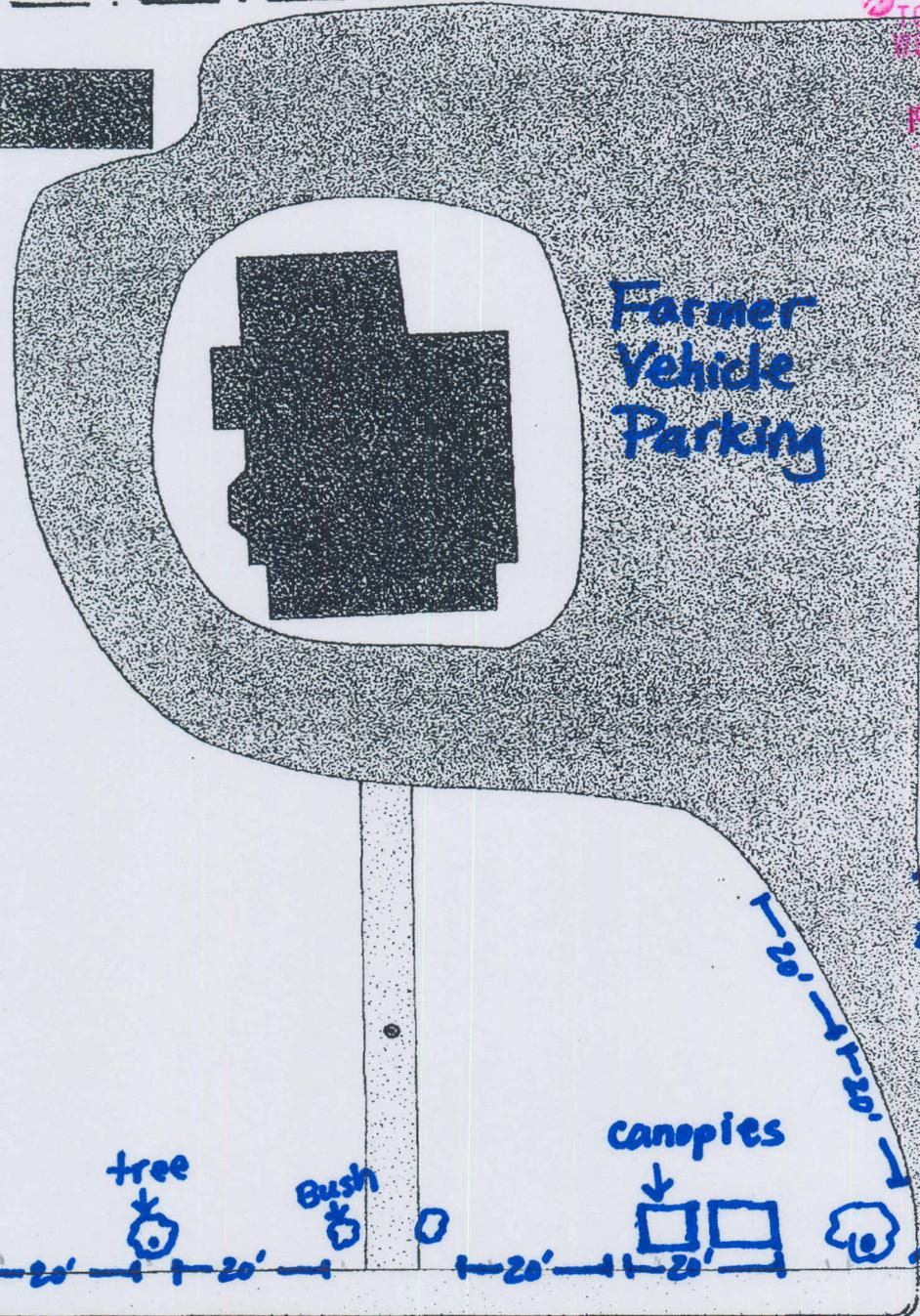
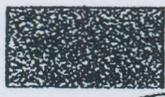
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Proposed/1999

155'

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1999 APR 12 A 9 29



190'

customer parking

WASHINGTON STREET

customer parking

American Legion Post No. 72
Wellesley, 496 Washington St.

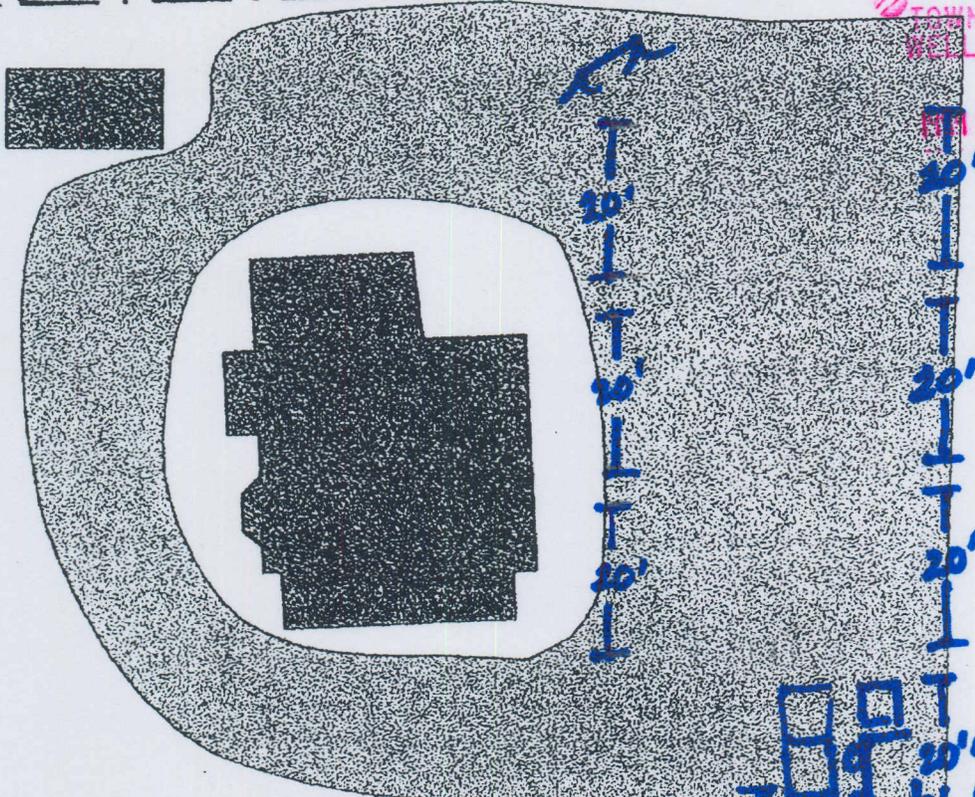
PLAN A

Allowed/1998

155'

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APR 12 A 9:29



Trucks pull in this way

canopies

Pedestrian Flow

customer parking

WASHINGTON STREET

customer parking

PLAN B

American Legion Post No. 72
496 Washington St. Wellesley

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TX RX 50 2154

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