

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2017-57

Petition of Unitarian Universalist Wellesley  
309 Washington Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 1, 2017, 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 IV and Section XXV of the Zoning Bylaw for temporary or seasonal outdoor sales of farm produce or natural products on Thursdays, from 12:30 pm to 2:30 pm, year round, from the parking lot located next to the church at 309 Washington Street, in a General Residence District.

On April 4, 2017, 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 John Spencer, who said that he is one of the organizers in town of the farmers market. He said that the request is for permission to hold a farmers market again this year. He said that it is a little bit out of the ordinary in that they would like to change the format to go year round. He said that the bylaw only requires it to be a seasonal market. He said that he discussed it with the Planning Board and they did not know what the definition of seasonal is. He said that he wanted to know what the Board considers to be a seasonal market and if it is possible for them to go year round with two markets. The Chairman said that he would think that seasonal would be anything grown in a growing season, be it spring, summer or fall. Mr. Spencer said that farmers are growing year round now. He said that they have some vendors who would be willing to come to Wellesley 50 weeks of the year.

The Chairman said that his only concern is whether there will be conflict with the Historical Society property next door. He said that they use the church parking lot as well. Mr. Spencer said that the Historical Society does not typically use the parking lot on Thursday afternoons.

A Board member suggested that the current farmers market continue for two years and the Petitioner can work with the Planning Board to see what they suggest the definition of seasonal is. He said that would give the Board the opportunity to respond to that and decide whether it thinks that is a reasonable thing to do. Mr. Spencer said that he is happy to do that.

Mr. Spencer said that they thought that they could comply with the bylaw by having two special permits, one for a winter market and one for a summer market. He said that the term, "seasonal," is undefined. The Chairman said that he is troubled to jump from what has been done to what is requested.

Catherine Johnson, Planning Board member, said that the discussion with Mr. Spencer never reached Board level. She said that Mr. Spencer spoke with a Planning Department staff member. She said that the Planning Board would like to discuss the proposed changes and make an appropriate recommendation.

The Chairman said that the Board can grant renewal of the special permit for this year. He said that the Board can extend it for a couple of months. He said that the Petitioner can meet with the Planning Board and can come back to the Board with a new application to expand this to get further into the fall. Mr. Spencer said that the plan is to start in September. He asked if the permit could be extended to the end of the year.

The Chairman discussed renewing the special permit for one year from June to December to see if it works during the winter months. He said that it will subject to the same terms and conditions other than Condition #6. He said that it will be Thursdays from 12:30 pm to 2:30 pm. Mr. Spencer said that they will not be ready to go until September. The Chairman said that the permit will be effective for the period from September 1 to December 31, 2017.

#### 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 IV and Section XXV of the Zoning Bylaw for temporary or seasonal outdoor sales of farm produce or natural products on Thursdays, from 12:30 pm to 2:30 pm, year round, from the parking lot located next to the church at 309 Washington Street, in a General Residence District.

Proposed Wellesley Farmers' Market 2017 Location and Zoning History for 309 and 311 Washington Street were submitted.

On May 16, 2017, the Planning Board reviewed the petition and recommended the Special Permit be granted.

#### 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 IV 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 Thursdays, from 12:30 pm to 2:30 pm, from September 1 to December 31, 2017, from the parking lot located next to the church 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 Thursdays, from 12:30 pm to 2:30 pm, from September 1 to December 31, 2017, from the parking lot located next to the church at 309 Washington Street, in a General Residence District, subject to the following conditions:

1. Two staff non vendors shall be on site at all times the market is operating.
2. There shall be proper removal and disposal of trash.
3. Any tables or equipment shall be stored indoors
4. Vendors shall be restricted to local produce and crafts, as well as a limited amount of food services vendors such as hotdog or popcorn vendors.
5. Coordinators of the market shall review the traffic situation once per month with the Wellesley Police Department.
6. Operation of the market shall be limited to Thursdays from 12:30 pm to 2:30 pm from September 1 to December 31, 2017.
7. The Special Permit for the Farmers Market shall expire one year from the time date stamped on this decision.

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WELLESLEY  
UNITARIAN UNIVERSALIST CHURCH

ZBA 2017-57  
Petition of Unitarian Universalist Wellesley  
309 Washington Street

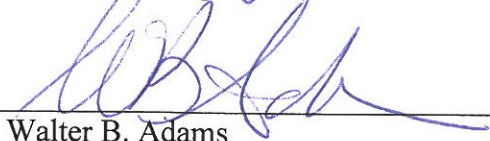
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WELLESLEY TOWN CLERK'S OFFICE

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.



Richard L. Seegel, Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

Unitarian Universalist Wellesley  
309 Washington Street

Proposed Wellesley Farmers' Market 2017 Location

