



Planning Department

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MEMORANDUM

To: Planning Board

Date: November 20, 2014

From: Kristen Guichard, Assistant Town Planner *KGB*

Subject: Request for Special Permit Modification – PCRC New View

Dan Groher, President of New View Condominium Trust Board of Trustees, submitted a request to amend the PCRC Decision for the New View Condominium Trust on behalf of the Board of Trustees to allow “agriculture” as an allowed use on Parcel 1A and for approval of an 8’x10’ chicken coop on Parcel 1A. (Please see attached request.)

Background

Under Zoning Bylaw Section 9.6.3.2, “agriculture” is listed as an allowed use in the Planned Conservation Residential Community Common Land. Although agriculture is an allowed use, the applicant did not originally propose “agriculture” for Parcel 1A in the PCRC Land Use and Parcel Description (Plan Sheet, MP 1.1) or Master Deed documents governing the use of the Common Land. Section 3.12 of the Original Decision states, “the common land shall be used as specified in the Plan approved herein. No other uses shall be permitted.” Therefore, an amendment would be required to include “agriculture” as an allowed use on Parcel 1A.

Trail Access between Central Street and the Cacciatore Conservation Land

The Original Decision required a year round trail easement to allow foot traffic access between Central Street and the Cacciatore Conservation Land. An Easement Agreement is on file at the Registry of Deeds as book 35599 page 111. The trail is shown on the attached site plan and is located on Parcel 1A.

Recommendation

The Planning Board has the authority to approve or disapprove particular uses proposed for the Common Land in accordance with the purposes of the Zoning Bylaw. If approved, we recommend that future agricultural uses on Parcel 1A not impact the trail and easement agreement noted above. As a result we have attached a draft decision for your consideration. The hearing can be closed unless issues and concerns raised by other departments or at the public hearing suggest otherwise.
