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Please respond to Quincy

August 4, 2014

Paul B. Griesmer, Chairman
Article 40 Committee
Natick Town Hall
13 East Central Street
Natick, MA 02186

Re: Hunnewell Playground, 22 Pleasant Street, Etc.

Dear Mr. Griesmer:

In my opinion the answers to some of the Committee's questions are as follows:

1. The cart road is within a fifteen (15) foot wide portion of the land shown on Town of Natick Assessors' Map 64, Lot 48. This land was conveyed to the Town of Natick by a deed from Arthur Hunnewell to the Town of Natick dated April 30, 1902 and recorded with the Norfolk County Registry of Deeds at Book 2962, Page 41. That deed provides that the land "shall be used as a playground and place of recreation for all the citizens" of the Town of Natick.

A full title examination would be required to determine whether there has been any change in the status of that land. Absent such an examination, the available information indicates that the so-called cart path is owned by the Town of Natick for recreation for all the citizens of the Town of Natick.

In my opinion the so-called cart path may be used for access to and egress from the athletic fields at the back portion of that land.

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2. The Town of Natick does not have an access easement over that land. The Town of Natick owns that land.
3. If the subject land were rezoned from IN1 to RG, the 1967 variance would not change. The landowner could use the land for any use permitted as of right in an RG district. The landowner could apply for a special permit and, if successful, could use the land for any purpose allowed by that special permit.
4. The IN1 use restrictions currently contained in the Natick Zoning By-Laws apply to that portion of the property at 22 Pleasant Street, which is located within the IN1 district, unless:
 - a. variance has been issued by the Natick Zoning Board of Appeals; or
 - b. a use of the property is a valid, preexisting nonconforming use, i.e., it was a valid use when it was commenced, and it subsequently became nonconforming due to any amendment to the Natick Zoning By-Laws.
5. The vote of the 1960 Annual Town Meeting under Article 73 struck out the entire text of the Zoning By-Laws and established a new version of the Natick Zoning By-Laws.

The Committee has submitted, through you, several requests for opinions and information. It has required and will require substantial time to review and analyze the information in order to respond to the Committee. We will continue to do so within the constraints of time, resources, and other needs of the Town of Natick.

Very truly yours,


John P. Flynn

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