

ARTICLE XXX

TH ARTICLE

To see if the Town will vote to authorize the Select Board, the Park and Recreation Commission, and the School Committee, as the respective case may be, to transfer custody and control and dispose of a portion of the subsurface area below the existing playground property, typically described as the Pierce School Playground. The subsurface area below the existing playground to be transferred and disposed of is located on School Street, is approximately 2.37 acres in size, and further described on the plan below. The transfer and disposition shall be for the purposes of constructing geothermal wells for the new Pierce School.

To further see if the Town will vote to authorize and empower the Select Board to petition the General Court for a special act, in substantially the following form, and authorize the General Court to make any revisions that are necessary or appropriate to the form of such bill:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO USE A PORTION OF THE SUBSURFACE AREA BELOW AN EXISTING PLAYGROUND FOR PURPOSES OF GEOTHERMAL WELLS RELATED TO AN ADJACENT SCHOOL BUILDING

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brookline may transfer the care, custody, management and control of a portion of the subsurface area below the existing playground property, typically described as the Pierce School Playground having an area of _____ square feet and shown as “feature of the plan” on a plan of land entitled “name of plan” from the park and recreation commission for playground purposes, temporarily to the pierce school building committee for the purposes of constructing geothermal wells for the new Pierce School, then back to the park and recreation commission for playground purposes, including the temporary construction impacts on the surface of the playground during the period of construction. The land is identified on the town’s assessor’s maps as parcel Town’s parcel id and is part of the lands acquired by the town of Brookline for playground and for other municipal purposes pursuant to deeds recorded in the Norfolk district registry of deeds in book book numbers, page page numbers.

SECTION 2. This act shall take effect upon its passage.

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

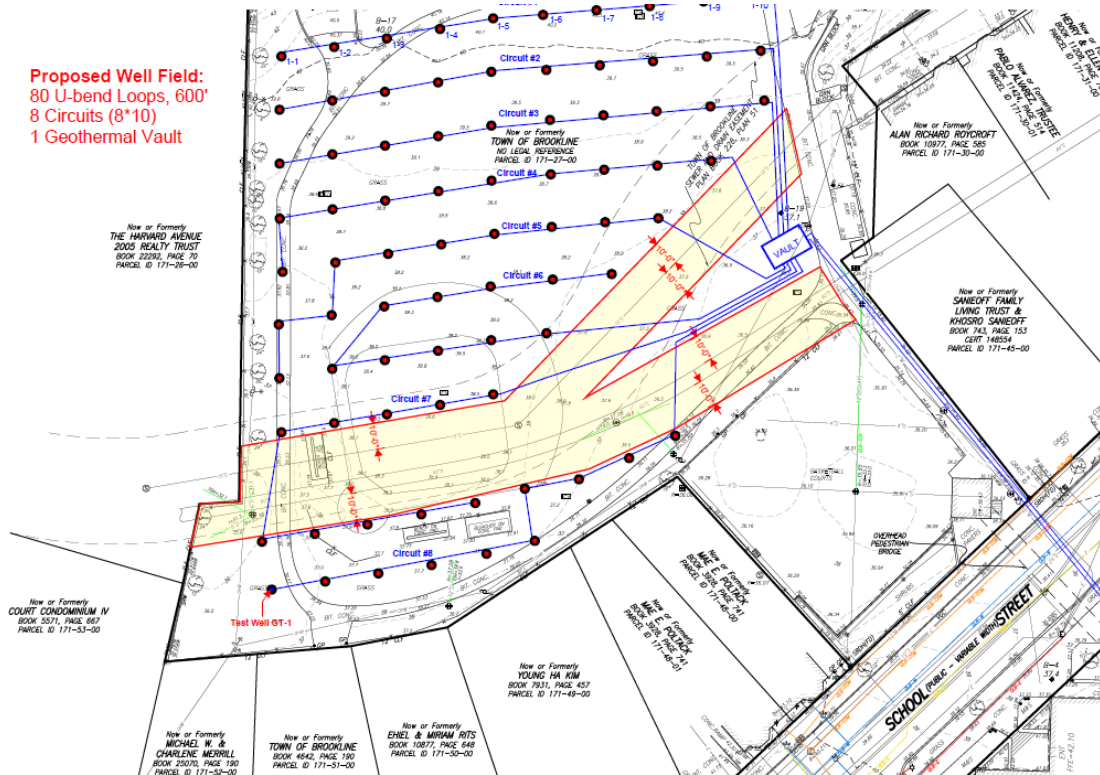
This warrant article would authorize the Town of Brookline to transfer or otherwise dispose of a portion of the subsurface area below the existing property, typically known as the Pierce School Playground. This disposition would allow for the construction of geothermal wells for the new John Pierce School that the Town previously authorized. After the temporary construction impacts of the geothermal wells' installation, the Pierce School Playground will be restored consistent with its existing conditions.

The Town acquired the Pierce School Playground for recreational purposes and Article 97 of the Constitution of the Commonwealth of Massachusetts protects the property. Because of this Article 97 protection, an act of the Legislature is necessary to change the use of the property, and in this case, even a change in only the subsurface area of the property.

The subsurface areas of the playground are already burdened by sewer and drain utility easements. This warrant article will allow the Town to seek Legislative authorization to encumber the property with an additional subsurface utility easement for the purposes of the Pierce School geothermal wells.

The warrant article, and subsequent home-rule petition, would authorize the Town to transfer and dispose of the subsurface area below the existing playground property under any terms and conditions that the Town deems appropriate.

[more t/k]



SELECTMEN'S RECOMMENDATION

ADVISORY COMMITTEE'S RECOMMENDATION

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