

## **REPORT OF THE CO-CHAIRS OF THE BALDWIN BUILDING COMMITTEE ON THE USE OF THE BALDWIN PLAYGROUND BY PUBLIC SCHOOL CHILDREN**

1. In connection with previous plans for the wider Baldwin site, the legal issues relative to the use of the Baldwin Playground raised by the 1976 federal Land and Water Conservation Fund (LWCF) grant and Article 97 were previously considered by Town Counsel, the Select Board, the School Committee, Park and Recreation Commission, and other Town agencies, with the assistance of Special Town Counsel.
2. With Counsel, the Town bodies reviewed the LWCF Project Agreement, related documents, National Park Service guidance documents, then relevant cases and, as they became available, subsequently decided cases, and the historical uses of the Baldwin Playground over time, including in 1975-1976 when the LWCF grant was applied for, accepted and used.
3. Based on the previous examination of these issues, updated analyses, and communication with the National Park Service, Town Counsel and Special Town Counsel advised the co-chairs of the Baldwin Building Committee that the National Park Service interpretation of the LWCF Project Agreement and National Park Service guidance documents prohibits anything that would be deemed a “conversion” of the Baldwin Playground from its current public outdoor recreation use to another inconsistent use.
4. Based on that advice, the co-chairs of the Baldwin Building Committee consulted with the design professionals associated with the project and are satisfied that the current plans for the Baldwin School would not result in a “conversion” of the Baldwin Playground.
5. Those plans include (a) using the Baldwin Playground, on a non-exclusive basis, for outdoor recess and physical education while school is in session, (b) maintaining the open grounds of the Baldwin Playground without any additional fencing, building structures, or other impediments to public use for outdoor recreation – similar to the Longwood Park used by the Lawrence School and other parks adjacent to Brookline public schools, (c) preserving existing mature trees on the Baldwin Playground site, (d) replacing certain existing play and other structures with modern and safe structures that are appropriate to a broader range of ages and are accessible to and inclusive for children and adults with disabilities, thereby increasing the opportunity for public outdoor recreational use of the Baldwin Playground, consistent with the LWCF Act, and (e) refurbishing the tennis court area to make it accessible and usable by a more diverse range of abilities and uses by the public, consistent with the original intention of the LWCF grant that the area be a “multiple-purpose” play area.
6. While we expect that opponents to the Baldwin School project will continue to fight us on this and other issues, the co-chairs of the Baldwin Building Committee are satisfied that the Baldwin School can be built on the designated site and the Baldwin Playground can be utilized by the Baldwin School as contemplated by the Baldwin Building Committee and the School Committee and we will so advise the full Baldwin Building Committee at its next meeting on October 11.