

SENATE No. 2249

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the temporary use of the Clapp elementary school property in the City of Woburn for civic purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>

SENATE No. 2249

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 2249) of Kenneth J. Donnelly, James J. Dwyer and Jay R. Kaufman (with approval of the mayor and city council) for legislation relative to the temporary use of the Clapp School in the City of Woburn. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act authorizing the temporary use of the Clapp elementary school property in the City of Woburn for civic purposes.

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

1 SECTION 1. Notwithstanding the provisions of Chapter 71 of the Acts of 2010 or any
2 other general or special law to the contrary, the building and adjacent lower parking area located
3 west of the building commonly known as the Clapp elementary school located at the intersection
4 of Hudson street and Arlington road in the city of Woburn, shall be made available for the use by
5 the James L. McKeown Boys and Girls Club of Woburn, Inc. on a temporary bases, and only
6 until such time as the demolition, construction, reconstruction remodeling and repair of the
7 existing James L. McKeown Boys and Girls Club of Woburn, Inc. located at Charles Gardner
8 Lane, Woburn, have been completed and the new facilities are ready for occupancy or July 15,
9 2017, whichever comes first, at which time, the Clapp elementary school shall be vacated and
10 any building or buildings thereon shall be demolished and the land restored to its natural state

11 and utilized solely for recreational and park uses by October 15, 2017. In no event shall the
12 Clapp school building be utilized for public library or any other use or purpose.

13 SECTION 2. That the temporary use of the Clapp elementary school by the James L.
14 McKeown Boys and Girls Club of Woburn, Inc. shall be exempt from and not subject to, any and
15 all applicable state and local land use regulations, statutes and ordinances including, but not
16 limited to, zoning, subdivision control and wetlands, except for all applicable building and fire
17 protection regulations; and from all state and local regulations, statutes and ordinances pertaining
18 to the disposition of real property by lease or license including, but not limited to, section 3 of
19 chapter 40 and section 16 of chapter 30B. The temporary use and occupancy described herein
20 shall be upon terms and conditions as the Mayor shall deem appropriate.

21 SECTION 3. Notwithstanding that the use of the Clapp elementary school under section
22 1 is temporary only, to ensure a no-net loss of lands for natural resource purposes for land
23 diverted from an open space, park or recreational use under Sections 1 and 2, the land located on
24 Russell Street, Woburn and owned by the city for general municipal purposes pursuant to a deed
25 dated May 30, 1979 from the commonwealth of Massachusetts department of public works and
26 recorded in the Middlesex south registry of deeds in book 13780, page 31, shall be under the
27 control of the recreation commission to be used solely for active or passive recreational uses
28 including by not limited to, community gardens, trails, noncommercial youth and adult sports
29 and park, playground or athletic field purposes; provided, however, that recreational use of such
30 land shall not include horse or dog racing or the use of the land for a stadium, gymnasium or
31 similar structure.

32 SECTION 4. It is the express intention of this act that except for the temporary use of the
33 Clapp Elementary School by the James L. McKeown Boys and Girls Club of Woburn, Inc., as
34 set forth herein, the land commonly known as the Clapp school and surrounding fields acquired
35 by the city on or about 1909 and located at the intersection of Hudson street and Arlington road
36 in the city of Woburn, shown on assessors map 59 as block 26, lot 20, containing 2.92 acres
37 more or less, and shown on a plan entitled "Use and Limitation Plan" dated September 2, 2009,
38 prepared by Leblanc Survey Associates, Inc. shall be under the care, custody and control of the
39 Woburn recreation commission to be used solely for active or passive recreational uses
40 including, but not limited to, community gardens, trails, noncommercial youth and adult sports
41 and park, playground or athletic field purposes; provided, however, that recreational use of such
42 land shall not include horse or dog racing or the use of the land for a stadium, gymnasium or
43 similar structure and that Chapter 71 of the Acts of 2010 is hereby ratified and confirmed.

44 SECTION 5. This act shall take effect upon its passage.