



City of Lowell - Law Department

375 Merrimack Street, 3rd Floor • Lowell MA 01852-5909
Tel: 978.674.4050 • Fax: 978.453.1510 • www.lowellma.gov

Christine P. O'Connor
City Solicitor

Rachel M. Brown
1st Assistant City Solicitor

C. Michael Carlson
Hannah Pappenheim
Elliott J. Veloso
James F. Wellock
Assistant City Solicitors

May 31, 2017

City Manager Kevin J. Murphy
Office of the City Manager
Lowell City Hall
375 Merrimack Street, 2nd Floor
Lowell MA 01852

Re: Lowell High School - Article 97 Update

Dear City Manager Murphy:

I write to update you regarding the current status of the divestment and replication of certain athletic fields at the Cawley Memorial Stadium Complex pursuant to Article 97 of the Massachusetts Constitution ("Article 97"). Under Option 4, the proposed new Lowell High School would be constructed on certain land adjacent to Cawley Memorial Stadium. This land includes certain athletic fields which constitute protected parkland under Article 97 due to the City receiving state funding to perform certain renovations at the fields. In order to lift these restrictions, the City requires the approval by two-thirds of both chambers of the Massachusetts Legislature, as well as approval of a replication plan by Executive Office of Energy and Environmental Affairs ("EEA"). Such a plan must replace the land lost with alternative conservation and/or recreational space.

On May 19, 2017, the City met with representatives of the EEA, the City's state legislative delegation, and the Governor's office in order to review the City's proposed replication plan. A copy of this replication plan is enclosed with this overview. Under the City's replication plan, the field hockey field that currently exists at the complex would be renovated and remain in its current location.¹ A new softball field would replace the current parking lot abutting the stadium at 438 Douglas Road. Land currently owned by the Cemetery Department at 363 Boston Road in Lowell and Chelmsford would be transferred to the parks department, upon which would be constructed a new 100-yard athletic field, as well the refurbishment of two existing baseball fields and new parking facilities. The plan also calls for the transfer of land at 197 Beacon Street from the Lowell Regional Water Utility to the Parks Department. This land would be preserved as open space and as potential future park space when resources permit.

¹ The field hockey field is located over the border in Tewksbury but owned by the City. Tewksbury maintains no standing to contest the proposed replication plan, as the City owns all the property at issue and Tewksbury never received state funding for field improvements.

City Manager Murphy

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At the meeting, the EEA reviewed and approved the City's proposed replication plan should Option 4 be chosen for the new high school. As such, it was agreed that the City and EEA would draft language articulating the proposed replication plan for insertion into the required legislation to be approved by the Massachusetts Legislature. On May 31, 2017, the City's Law Department circulated proposed draft language for the required legislation to the EEA and the City's state legislative delegation. A copy of this proposed language is also enclosed with this overview. EEA is currently in the process of reviewing the City's proposed language. It is anticipated that, once the language is approved, the legislation will be finalized and submitted for consideration and approval in the State Senate.

I hope this overview is of help and assistance to you. Please contact the Law Department should you have any additional questions regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Elliott J. Veloso". The signature is written in a cursive style with a large initial "E".

Elliott J. Veloso
Assistant City Solicitor

cc: Christine P. O'Connor, City Solicitor

Total Acreage - Cawley Site	22.35		
Replication Proposal	Acres		
Reservoir Site	14.96		
Carlisle St./ Boston Rd. Site	14.28		
Total Proposed Replication Acreage	29.24		
Field	Acres	Comment	Replication Site
Martin Softball Field	5.40	Replicate on Existing Douglas Road Parking Lot	Douglas Road/ Cawley
Field Hockey	3.60	Remain at Existing Site	Clark Road/ Cawley
Practice Softball Infield	*	Improve Existing 2 Fields	Carlisle St/ Boston Road
Freshman 50 yard Practice Football Field	5.00	Construction of Multi-Purpose Field (Fresh & JV)	Carlisle St/ Boston Road
JV 50 yard Practice Football Field	**	Construction of Multi-Purpose Field (Fresh & JV)	Carlisle St/ Boston Road
Douglas Road Parking Lot	3.30		
Other Acreage	5.05		
Total Acreage	22.35		
		<i>*Included with Martin Softball Acreage</i>	
		<i>**Included with Adjacent Practice Field</i>	

Cawley Site – 4 Story Option



LMS
of Street Cross
Section Road -
↑



50' WETLAND BUFFER
100' WETLAND BUFFER

RESTRICTED DURING
DROP OFF/PICK UP
BUS DROP OFF

WETLAND

WETLAND

VILLAGE STREET

ZONE RR

LOWELL
TEWKSBURY

ZONE SSF
25' SETBACK

PARENT DROP OFF

ZONE R40
25' FRONT
SETBACK

CAWLEY MEMORIAL
STADIUM

NEW FIELD
HOCKEY

NEW SOFTBALL FIELD

DOUGLAS ROAD

DOUGLAS ROAD

ROGERS STREET

VILLAGE STREET

CLARK ROAD

PARKING SPACES = 850+-

CAR QUE = 38+

BUS DROP OFF = 46 DOUBLE STACKED FIELDS TO BE REPLACED

- (MARTIN) SOFTBALL FIELD
- SOFTBALL PRACTICE (INFIELD)
- 1 FIELD HOCKEY & LAX PRACTICE
- (DESMOND) FR FOOTBALL PRACTICE
- (MACHADO) JV FOOTBALL PRACTICE

NOTES:

1. THERE IS A 3' SETBACK FOR ALL PARKING AND ROADWAYS IN LOWELL AND A 0' SETBACK IN TEWKSBURY.
2. TEWKSBURY HAS A 50' NO BUILD ZONE AND A 25' NO DISTURB ZONE FROM ALL WETLANDS.

**NEW SCHOOL AT
CAWLEY SITE
5 STORY OPTION**

MAY 10TH, 2017





WET
LANDS

EXPANDED
PARKING

EXISTING
BALL
FIELDS

NATURE
TRAIL

WET
LANDS

WET
LANDS

NEW
ATHLETIC
FIELD

DROP OFF,
PARKING



Martin Softball Field and Practice Softball Infield

5.4 Acres



Freshmen/JV 50-yard Practice Fields

Approximately 5 Acres



Douglas Road Parking Lot and Roads

Approximately 3.3 Acres



Field Hockey

Approximately 3.6 Acres



Boston Road – Replication Proposal

Approximately 14 Acres



Reservoir – Replication Proposal

Approximately 15 Acres

AN ACT AUTHORIZING THE CITY OF LOWELL TO
TRANSFER CERTAIN PARCELS OF PARK LAND

*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 Lowell City Council may convey from the Board of Parks the following parcels of land currently used for park, open space, or recreation purposes under Article 97 of the amendments to the Constitution of the Commonwealth, to the School Department for the construction of a new high school. The parcels of land are:

- A. A portion of a parcel at 512.1 Clark Road, located in Lowell's Assessor's Parcel Map Index at Sheet Index Numbers 267 and 268, consisting of approximately 6.3 acres, and as delineated from deeds recorded at the Middlesex North Registry of Deeds in Book 776, Page 282, dated May 10, 1929 and Book 28537, Page 243, dated September 29, 2014.
- B. A portion of a parcel west of Clark Road in Tewksbury owned by the City of Lowell, located in Tewksbury's Assessor's Parcel Map Index at Number 12-2 and Lowell's Assessor's Parcel Map Index at Sheet Index Number 268, consisting of approximately 3.8 acres, and as delineated from deeds recorded at the Middlesex North Registry of Deeds in Book 776, Page 282, dated May 10, 1929 and Book 28537, Page 243, dated September 29, 2014.
- C. The entirety of a parcel at 512 Clark Road, located in Lowell's Assessor's Parcel Map Index at Sheet Index Number 268, consisting of approximately 3.8 acres, and as delineated from deeds recorded at the Middlesex North Registry of Deeds in Book 776, Page 282, dated May 10, 1929 and Book 1661, Page 343, dated August 21, 1964.
- D. The entirety of a parcel at 438 Douglas Road, located in Lowell's Assessor's Parcel Map Index at Sheet Index Number 252, consisting of approximately 2.8 acres, and as delineated from deeds recorded at the Middlesex North Registry of Deeds in Book 943, Page 425, dated March 22, 1940, Book 7471, Page 347, dated April 5, 1995, and Plan Book 188, Page 70.
- E. A portion of 392 Douglas Road, located in Lowell's Assessor's Parcel Map Index at Sheet Index Number 252, consisting of approximately 0.5 acres immediately abutting north of the aforementioned parcel at 438 Douglas Road, and as delineated from deeds recorded at the Middlesex North Registry of Deeds in Book 955, Page 395, dated December 30, 1940 and Book 2091, Page 58, dated January 31, 1973.
- F. A portion of 424 Douglas Road, located in Lowell's Assessor's Parcel Map Index at Sheet Index Number 252, consisting of approximately 0.75 acres immediately abutting east of the aforementioned parcel at 438 Douglas Road, and as delineated from deeds recorded at the Middlesex North Registry of Deeds in Book 859, Page 20, and Book 8268, Page 9, dated October 15, 1996.

Lowell High School Cawley Site Article 97 Dispensation Legislative Draft Language

SECTION 2. As a condition of the conveyances authorized in Section 1, the City of Lowell shall complete the following parcel transfers and recreation development projects to provide land and facilities for recreational purposes under Article 97 of the amendments to the Constitution of the Commonwealth:

- A. Land now under the Lowell Cemetery Department, consisting of portions of 363 Boston Road in Lowell and land west of Carlisle Street in Chelmsford, located in Lowell's Assessor's Parcel Map Index at Sheet Index Numbers 169 and 170 and in Chelmsford's Assessor's Database as Identification No. 55-175-1, consisting of approximately 16.35 acres, and as delineated from a deed recorded at the Middlesex North Registry of Deeds in Book 681, Page 485, dated June 1, 1923. Said land will be transferred to the Board of Parks and thereon a new 100 yard athletic field will be constructed, two existing baseball fields renovated, and adequate parking for these fields provided; and
- B. Land now under the Lowell Regional Water Utility Department, located at 197 Beacon Street in Lowell, consisting of approximately 15 acres, and as delineated from deeds recorded at the Middlesex North Registry of Deeds in Book 76, Page 39, dated October 18, 1870, Book 80, Page 426, dated June 23, 1871, and Book 91, Page 10, dated October 3, 1973. Said land will be transferred to the Board of Parks; and
- C. A new softball field will be constructed upon the property at 438 Douglas Road and portions of 392 Douglas Road and 424 Douglas Road, land previously described in Section 1, Paragraphs D, E, and F; and
- D. The existing field hockey field at the Cawley Memorial Stadium Complex, located west of Clark Road in Tewksbury as part of the land previously described in Section 1, Paragraph B, shall be renovated by the City.

SECTION 3. If the land conveyed pursuant to Section 1 is not developed for school purposes, the land so referenced in Section 1 shall revert to the City of Lowell Board of Parks for recreation purposes.