

June 13, 2022

Dear NRC Commissioners:

It would be beneficial to the NRC Commissioners and the various constituencies, as well as to the process, to have some legal questions answered prior to a vote on installing lights at the stadium.

If the lights are installed at the stadium:

1. Is there a legal means by which to codify restricted use of the lights at the stadium, and if so, how?
2. What does the previous use of CPC funds for the turf at the stadium imply about the ability to place legal restrictions (in this case, school use only) on who can use the field at night?
3. Should lights be installed, and non-School night use of the stadium be requested by a group or institution other than WPS, what would be the role of the School Committee, PFTF, and Recreation Department in determining the approvals for additional night use?
 - a. What would limit any entity from requesting a permit from the NRC, and
 - b. What are the criteria for the NRC to grant or refuse permission?
4. Are the terms of use and limits under the current school proposal definite enough to be enforceable?
 - a. How do you enforce parameters like “as needed” or “rule of thumb” in the school committee’s proposal?
 - b. How will 80 maximum hours be tracked?
5. Why is changing a park that has always been open only from dawn to dusk, to night use till 9:30 PM, not considered a Change of Use?
6. Does this project trigger the need for a new traffic and parking study, given the added traffic burden during peak evening hours, especially in light of the Whole Foods parking expansion and new intersection at Atwood?
7. Could 80-foot lights be installed on any public park in Town through private funding and by decision of 3 of a 5-member elected NRC Board, or on any school land by decision of 3 of a 5-member elected School Committee?
 - a. Was the NRC’s now discretionary Change of Use Criteria the only zoning protection for abutters and neighborhoods?

8. Will the lights require a special permit from the ZBA and if so, under what section of the zoning bylaw?
9. Will there be any building code and construction oversight that will apply to the lights?
10. Can the Town be liable for a public nuisance lawsuit by allowing activities on town-owned land that unreasonably interfere with a property owner's reasonable use and enjoyment of their property?
11. Is a new Town Meeting approval required?
 - a. The 2018 permit has expired.
 - b. There will be a gift acceptance for increased private funding for real property.

Please make Town Counsel's answers available to the public, either in an open meeting or in a written form, prior to your vote. It is important that all parties gain understanding of the consequences surrounding these issues before moving forward. Thank you.

Sincerely,

Marlene Allen, Town Meeting Member, Precinct H
Judith Barr, Town Meeting Member, Precinct H
Martha Collins, Town Meeting Member, Precinct H
Erin Hester, Town Meeting Member, Precinct H
Jeanne Mayell, Town Meeting Member, Precinct H
Vahideh Nilforoshan, Town Meeting Member, Precinct H

cc: Select Board
Community Preservation Committee

