

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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November 20, 2008

OVERNIGHT VIA UPS

Laurel J. Francoeur, Esq.  
Francoeur Law Office  
13 Freedom Road  
Woburn, MA 01801

RE: Mary Cummings Park

Dear Attorney Francoeur:

This office is in receipt of your correspondence dated July 22<sup>nd</sup> and August 4<sup>th</sup>, with respect to the Mary Cummings Park (the "Property"). While we will continue to evaluate the issues you have raised, please be advised as follows.

As you and I have discussed, any proposed sale or change in the use of the Property for a purpose other than recreation would face extraordinary hurdles. **First**, a sale or change in purpose would require the City of Boston, which holds the Property in charitable trust, to obtain the approval of a Single Justice of the Supreme Judicial Court. The Attorney General is a necessary party to any such a proceeding and routinely invites public input on matters of public interest. The court, as a condition of granting any such approval, would have to find that changes in circumstances since the Property was first conveyed make it impossible or impractical for the City to continue to hold and use the Property for recreational purposes. **Second**, the City's own counsel concluded that any sale or change in use would implicate Article 97 of the constitution and would thus require the affirmative approval of 2/3 of both branches of the legislature. Moreover, while in the past it has considered the possibility of such a sale or change, the City has made it clear to us that it has no intention of selling the Property or changing its use to a purpose other than recreational.

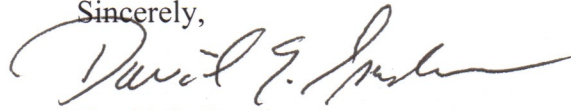
Finally we note that no proposal to sell or change the use of the Property is before us nor do we have any basis to believe that one is contemplated.

With respect to the existing structure, we have physically viewed this facility and discussed with the City its basis for seeking a demolition permit. We have identified no basis to conclude that the City's decision is unreasonable or inconsistent with its obligations as trustee.



It is quite clear that the Property's size and location present unique challenges. We look forward to working with the City and the constituents of Woburn and Burlington to address those challenges in a manner that is fiscally realistic and consistent with the wishes of Mary Cummings.

Sincerely,

A handwritten signature in black ink, appearing to read "David G. Spackman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

David G. Spackman

Chief

Non-Profit Organizations/

Public Charities Division

617-963-2110