

## **Memorial School Re-use Committee Mission Statement**

**“To determine the highest and best use on the disposition of the Memorial School property”**

### **Path Forward:**

The Memorial School is located on the property of Nathaniel Thayer Memorial Park. The park is restricted to recreational use by BOTH:

1. A codicil to the Last Will and Testament of Pauline Thayer, which deeded the land to the town. **See Attachment 1.**
2. A Lancaster Town meeting, held on May 2, 2016, where Article 18 was approved by over a 2/3 majority vote, to dedicate Nathaniel Thayer Memorial Park to public recreation and playground purposes forever. **See Attachment 2.**

The recreational use restrictions are defined Massachusetts G.L.c.45, Section 14. These restrictions are commonly referred to as Article 97 restrictions.

Based on the above restrictions, the MSRC has voted to work together to find the best use of the Memorial School property, within the Article 97 and Thayer Will guidelines. The committee will not research other options outside of recreational use.

The MSRC will also seek input from other Town Boards and Committees to achieve this goal.

## Attachment 1 – Codicil to the Last Will and Testament of Pauline Thayer

I, PAULINE R. THAYER, widow of Nathaniel Thayer of Lancaster in the County of Worcester and Commonwealth of Massachusetts, hereby make this First Codicil to my last will.

1. I give and bequeath to the Town of Lancaster all the real estate leased to the Nathaniel Thayer Playground Association by me by lease dated December 19, 1912, and recorded with Worcester Deeds, Book 2016, Page 426, together with the Gymnasium Building, the furniture, fixtures and other outfit of personal property used therewith at the time of my death (except, however, the building known as the "Old Inn" and certain land adjoining, and subject to a certain right of way appurtenant thereto, all as specifically devised hereafter by this codicil) to be used by the said town for the purposes of providing a proper and adequate recreation and playground center for the inhabitants of the Town of Lancaster or other succeeding municipality which shall contain within its boundaries the major portion of the Town of Lancaster. This property is to be always known as the Nathaniel Thayer Playground in memory of my late husband.

2. I devise to the Lancaster Social Service Association, a Massachusetts corporation, and its successors and assigns forever the following described parcel of land:

A certain parcel of land in said Lancaster with the buildings thereon containing about 16,440 square feet of land and shown on a plan entitled "Plan of Land on Harvard Street in Lancaster, Massachusetts, surveyed for Pauline R. Thayer" dated August 31, 1934, by Parker, Bateman and Chase, Civil Engineers, to be recorded with Worcester County Registry

of Deeds, bounded:

Northerly by Harvard Street one hundred sixty-two and 55/100 feet;  
Easterly by other land of the donor one hundred one and 14/100 feet;  
Southerly by other land of the donor one hundred sixty-two and 55/100 feet; and  
Westerly by other land of the donor one hundred one and 14/100 feet.

Also a right of way for all usual purposes over the following described parcel of land in said Lancaster, namely a parcel bounded:

Easterly by the premises hereinbefore described and devised to the donee one hundred one and 14/100 feet;  
Northerly by said Harvard Street forty-six and 95/100 feet  
Westerly by land now or formerly of J. E. Thayer one hundred one and 14/100 feet; and  
Southerly by other land of the donor forty-six and 95/100 feet.

Said right of way shall be appurtenant to the devised premises and shall be in common with the devisee of the land given to the Town of Lancaster by Paragraph 1 of this codicil.

3. I give, bequeath and appoint from the property over which I have power of appointment under the will of my late husband Five Thousand Dollars (\$5,000.00) to Pauline Revere Thayer, daughter of Duncan Forbes Thayer and Priscilla McH. Thayer.


4. Out of my own property I give to Mrs. Frederic Winthorpe the sum of Five Thousand Dollars (\$5,000.00) to be distributed by her in her absolute discretion to and among such employees of the Chilton Club as she may determine. I hope that she will be guided by a memorandum which I may leave as to the method of distribution.

5. Any legacy given or appointed to a minor by my will or by this codicil shall be paid over to the Old Colony Trust Company to hold the same in trust to apply all or any part of the income thereof for the maintenance, education and support of such



minor until he or she shall reach the age of twenty-one (21) years, adding any unexpended income to principal, and to pay over the principal and all accumulations to such child when he or she shall reach the age of twenty-one (21) years. In case of the death of any such child under the age of twenty-one (21) years, the trust fund shall become a part of such child's estate.

IN WITNESS WHEREOF I hereunto set my hand and seal and in the presence of three witnesses declare this to be a codicil to my last will this                      day of September in the year one thousand nine hundred and thirty-four.

Pauline R. Thayer 

Signed, sealed, published and declared by the above-named Pauline R. Thayer as and for a codicil to her last will and testament in the presence of us who in her presence, in the presence of each other and at her request hereto subscribe our names as attesting witnesses.

Susan T. Bigelow

Beverly Farms, Mass.

W. Thayer Bigelow

Beverly Farms, Mass.

Balena L. Bigelow

South Freetown, Mass.

y.B.

5. Amend the Official Zoning Overlay Map to add the Solar Overlay District (SOD) in the manner shown on the attached copy of said map. The SOD would overlay the zoning districts known as Light Industry (LI), Light Industry 2 (LI2), General Industry (GI), and Enterprise (EZ).

**ARTICLE 18**  
**Board of Selectmen**  
**Finance Committee**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) for the purpose of designing, developing, constructing, and renovating new and existing outdoor recreational facilities for public use on the Town-owned land located at 695 Main Street, shown as Assessor's Map 34, Parcel 91, consisting of seventeen acres, more or less, and shown on a plan entitled "Plan of Land in Lancaster, made by CABCO, dated 8/25/11", which recreational facilities may include, but are not limited to, park facilities, playground equipment, athletic fields, and any manner of buildings and structures to support and carry out such purpose;

and further to transfer the care, custody, management and control of the said land from the Board of Selectmen for the purpose for which it is currently held to the Recreation Committee for active and passive outdoor recreation purposes in accordance with the provisions of G.L. c. 45, Section 14, as amended, and any other enabling authority with respect to recreation property; and further to dedicate the said property to public recreation and playground purposes forever;

and further to authorize the Recreation Committee and/or its designees to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) or other sources in any way connected with the scope of this article, and to accept funds therefrom and any other gifts and/or grants therefor;

and to enter into any and all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town to undertake the purposes of the article, and that to meet this appropriation, the Treasurer-Collector with the approval of the Board of Selectmen, is hereby authorized to borrow said sum pursuant to the provisions of G.L. c. 44, Section 7, or any other enabling authority, and to issue bonds or notes of the Town therefor, said funds to be expended under the direction of the Board of Selectmen;

or act in any manner relating thereto. *The Finance Committee recommends passage of this article.*

**ARTICLE 19**  
**Board of Selectmen**

To see if the Town will vote, pursuant to the provisions of G.L. c. 41, §2 and G.L. c. 39, §14, to establish a three-year term for Moderator beginning with the 2017 Annual Town Election, or act in any manner relating thereto.