

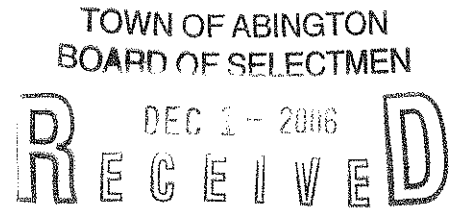
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November 28, 2006

Phillip L. Warren, Jr., Town Manager
Town of Abington
500 Gliniewicz Way
Abington, MA 02351



Re: Griffin's Dairy

Dear Sir:

I have been asked to render an opinion as to the results of the Town Meeting Vote relative to the so-called Griffin's Dairy land.

Article 30 to the Annual Town Meeting of 1998 authorized the Board of Selectmen to exercise its (the Town's) right of first refusal to purchase the land known as the Griffin's Dairy for the same price being offered by a land developer who intended to construct a condominium development on the site.

Under Article 31 the Town voted to fund such purchase by borrowing with the intention of using the large parcel of land for "public purposes including open space and recreation". The Vote itself was never limited to open space or recreation. In fact, discussion was held that some lots might be separated in order to sell them off to defray the cost.

In some instances a Town will obtain funds from a land trust agency with the understanding that the land will remain open space but the town chose not to take that route and did a straight borrowing.

The term "Public Purpose including Open Space and Recreation" certainly does not limit the use to "open space only". The Town has the ability to build any type of structure or use consisted with a "public purpose".

Currently the land is under the control of the Board of Selectmen by virtue of the Votes taken in Articles 30 and 31.

Some time in the future, when a final decision is made, various sections of the land can be turned over by a Vote of the Board and Town Meeting to the various departments that may be in charge of the parcels.

It should be noted that even if Town Meeting had Voted "Open Space Only" without an actual restriction placed on the land, future Town Meetings would have the authority to amend the Vote.

Very truly yours,



Shawn P. Cotter

SPC/fm