



Setti D. Warren  
Mayor

**Newton Parks & Recreation Commission**  
**Meeting Minutes**  
**City Hall - Room 209**  
**7:00 p.m. –Monday, January 27, 2014**



Robert J. DeRubeis  
Commissioner

**Attending:** Arthur Magni, Chairman, Richard Tucker, Vice-Chairman, Commissioner Robert DeRubeis, Peter Johnson, Bethel Bilezikian Charkoudian, Byron Dunker, Don Fishman, Andrew Stern, Michael Clarke, Jack Neville, Robin McLaughlin, Secretary

*Meeting began at 7:02 pm*

**1. Meeting Minutes**

- December 16, 2013- Approved 8-0

**2. Commissioner's Reports on Programs, Forestry and Maintenance**

- Camp Fair, January 26 at NNHS was well attended. Camp registration opens Wednesday January 29.
- Attended the CPC meeting for the Farlow Park project and the Newton Highlands Project. Kudos to Carol Schein, P & R Open Space Coordinator and Keith Jones and his group for all the work done on these projects.
- Ice Skating at the Auburndale Cove was open this weekend over 500 people skated over the weekend.
- Continue to facilitate Marathon meetings.
- February 12, 2014 the field renovation plan will be rolled out to the leagues, etc. Halloran field will be the first field taken out of play for renovation.
- Possible acquisition of 91 Court St., Verizon lot is in discussion. The site would become a pocket park.
- There is a meeting this week with interested parties to discuss the possible relocation, day and time change of the Friday, summer Farmers Market.
- EBT/SNAP is now being accepted at the Farmers Market.
- Stephanie Lapham is continuing to work on several playground builds.
- The Community Garden fee has increased from \$45.00 per season to \$50.00 per season.
- Before the February 24<sup>th</sup> meeting the Commission will be honoring Fran Rice who has retired from the Commission.

**3. Bullough's Pond Association Proposal – Public Hearing**

- At the December meeting, Laura R. Studen, Kathleen Grieser and Marilyn K. Campbell presented a proposal from the Bullough's Pond Association (BPA) to repurpose the hut on Bullough's Pond and create a pavilion like space. The proposal is low maintenance, green and environmentally friendly for both passive and active recreation. Chairman Magni asked for public comment on the proposal.
- Jonathan Adler, Berkshire Rd. commented it is ok to tear down the building. The notion of repurposing the building is a horrible idea; this will bring more people to the area along with trash and traffic. Do not install pavers on the site plant grass seed.
- Ellen Summer, Walnut St., Ms. Summer is a previous BPA member and opposes this proposal. All of Newton has access to the pond. The building has been a hangout for kids, during the winter kids are on the ice and they throw items out onto the ice. The area is a safety concern for smaller children. There is also concern for the eco system.
- Melvin Berger, 251 Mill St., supports the proposal. "Betsy's Bench" is a popular spot for people walking around the pond. It will be an improvement to remove the building and use the space. Kids will still come to the area no matter what is there. An open area invites people.

- Bill Leitch, 69 Dexter Rd., Mr. Leitch's wife Betsy started the BPA. The proposal will bring additional people to the area. Mr. Leitch is a Newton at Home member. A pavilion will be helpful and a benefit to the neighborhood.
- Duane Hillis, 499 Winchester St., structures should not be built on open space. The area should go back to nature, no pavilion should be built.
- Mrs. Huntington, 20 Berkshire Rd., a previous principal commented kids do like to hide at the building and she supports the proposal with a blend of nature.
- Dick Lockwood, Bullough's Park, Bullough's Pond is a gem; all different ages should be able to enjoy.
- Kathleen Grieser, 258 Mill St. addresses the concerns regarding traffic and vandalism. Ms. Grieser does not believe the pavilion will bring extra people. The pavilion will provide an open view with shady space and increase utility and accessibility.
- Chairman closed the public comment portion of the hearing and opened the discussion to Commission members.
- Mr. Stern asked if there are any rules & regulations for Bullough's Pond similar to the 1920 Crystal Lake rules and regulations. Commissioner DeRubeis stated there are no rules & regulations to his knowledge.
- Chairman Magni asked about ice skating on the pond. Commissioner DeRubeis stated there are state guidelines the city follows to open safe outdoor skating areas on the ponds and at the cove. A vehicle must be able to get out onto the ice to plane the ice. Bullough's pond does not meet the requirements at this time, and the pond is halfway open, skate guards would be required. Mr. Stern commented this is another reason rules and regulations are needed. Chairman Magni asked if the bathrooms are open at the cove when the ice skating is open. Commissioner DeRubeis replied yes, but people do not use the building, so taking the building down at Bullough's would not affect ice skating.
- Mr. Dunker asked if BPA is funding the proposal. Ms. Studen replied yes. Ms. Charkoudian asked if BPA would take care of maintenance and any graffiti, Ms. Studen replied yes the proposal is designed for minimal maintenance.
- Chairman Magni asked if BPA thought about letting the site go back to nature. Ms. Studen replied yes, but there is a lot of support for the repurposing proposal.
- Mr. Tucker asked how the fundraising is going. Ms. Studen replied this is the 350<sup>th</sup> year anniversary at Bullough's Pond and they plan on fundraising privately by 2015. If the building is demolished and the footprint remains who is responsible for funding. Ms. Studen replied BPA is not funding the removal of the building.
- Mr. Stern asked if a Park Ranger has been hired. Commissioner DeRubeis replied not yet but he is working on it. Mr. Stern agrees the building is an eyesore and the re-design could encourage bad behavior, which is why rules and regulations are needed along with enforcement. Mr. Stern recommended seeing the plans and specs before approving. Rules and regulations would be required also.
- Mr. Clarke stated he has submitted waterway regulations to the Law Department for approval. The waterway regulations have been approved by this Commission and the Conservation Commission.
- Mr. Stern made the motion to approve the proposal with the conditions of seeing the plans and specs and establishing rules and regulations. Chairman Magni stated rules and regulations should not be a condition of approval. The petitioners should not be punished for the Commission's lack of rules and regulations.
- Mr. Johnson commented if the building is knocked down it is less likely to attract kids. Rules and regulations should not impact this proposal.
- Mr. Tucker commented the attendees of tonight's meeting are equally divided about the proposal and may not represent all interested parties. It will take a year or more to raise the funds. Ms. Studen stated they cannot raise the funds without the Commission's approval.
- Mr. Stern amended the motion:

*Mr. Stern made the motion to approve the concept of the proposal on condition of final plans and specs, approval of adequacy of funding and use of funding for the project. Mr. Fishman seconded the motion. Motion passed 7-1.*

**4. 70 Crescent St. - Alexandra Ananth, Chief Planner**

- Ms. Ananth submitted to the P & R Commission members prior to the meeting with an update on the 70 Crescent St. re-use process in preparation for Board of Aldermen Re-use meeting tomorrow night regarding the property at 70 Crescent Street. Memo available upon request.
- Mr. Stern asked who will be advocating for the Commissions wishes of keeping the area open space. Mr. Dunker commented the area is currently not open space. Mr. Stern commented the facility portion was deeded to the Commission. Commissioner DeRubeis stated the facility was deeded to the P & R Department. Mr. Stern asked what rights the Commission has over the property.
- Commissioner DeRubeis stated Alderman Albright requested a cost estimate to turn the area into open space. Weston & Sampson Architects submitted an estimate between \$1.8 and \$2 million dollars which does not include mitigation.
- Mr. Tucker attended the community meeting at the Myrtle Street church. The people were divided into five teams. All five teams disregarded the housing option for the property and chose to keep the area open space along with improving access of the Crescent Street end of the property. Parks & Recreation should endorse open space not housing. Mr. Stern commented the CPC would take that into account looking at a proposal.
- A neighborhood representative requested to speak to the Commission. The neighborhood needs a sponsor to bring a proposal to the CPC by February 1, 2014. The neighbors are a committed group and this process has brought the neighbors together. The core concerns are a need for green space and a buffer to the Mass Pike and to meet diverse recreation needs.
- Chairman Magni asked how the process works. Commissioner DeRubeis stated the proposal is co-sponsored by a city entity and requires alternate funding. Maintenance is an issue, currently maintenance for this area is not in our budget. February 1, 2014 is aggressive to have a proposal ready for CPC.
- Mr. Tucker suggested the maintenance be covered under the adopt-a-space program by the neighborhood.
- Mr. Duane Hillis commented the Newton Community Farm went through the CPC process and is a great success. Mr. Hillis encourages the Commission to get behind this project.
- Ms. Aksan commented without the Commission's support this is a dead end.
- Alderman Jay Harney stated the Mrytle Street Church is known to be an advocate for housing and they support the neighborhood proposal for open space. The idea of having community gardens in the space is a fabulous idea. Open space never gets a fair shake.
- Mr. Tucker commented at the community meeting there were concerns about existing development projects in the neighborhood.

*Mr. Tucker made the motion authorizing the Parks & Recreation Department sponsorship with the neighbors support to move forward with the CPC proposal. Ms. Charkoudian seconded the motion. Motion passed 8-0.*

**5. Nahanton Park – Update – Ouida Young, Associate City Solicitor (attachments)**

- Bid Documents are out. Some of the area in Nahanton Park has been taped off with cones and tape. The goal is for construction to begin in April. There has been a slight revision to the site plan regarding the location of the structure that houses the firemen.
- Awaiting the language for the conservation restriction and approval from the Executive Office of Energy and Environmental Affairs (EOEEA).
- The tool house will be vacated and any hazardous material removed before the temporary fire station is open. Mr. Tucker asked if the structure will be empty. Ms. Young stated once the temporary fire station is removed the building will be emptied. Mr. Tucker asked if the fire department will have access to the building. Commissioner DeRubeis commented the fire department does not have a use for the building. A sub-committee should meet to discuss the use of the building.
- Mr. Clarke commented the drawings show the new plans extend over the Alms House site. Ms. Young stated there is no digging planned at the site, the structure will sit on an asphalt pad.

- Chairman Magni stated it sounds like the process is being driven at the state level and asked if this part of the process is mostly paperwork or will there be a hearing. Ms. Young stated there will be a hearing and it will be important to have a representative attend the meeting.

**6. Angier School - Ouida Young, Associate City Solicitor**

- The first early site package will be completed when school ends in June.
- Plans are in process for the new playground and the relocation of the existing playground to Carr School. Access to the playground from Beacon Street is required. Commissioner DeRubeis confirmed Stephanie Lapham, Recreation Manager is working on the Angier School playground projects.
- Ms. Young commented Massachusetts Historical Society requires an archeologist on site while the playground is being removed.
- Ms. Young will continue to update the Commission as the project progresses.

**7. New Business**

- Waterway Rules & Regulations
  - Mr. Stern asked Mr. Clarke if the waterway proposal deals with docks and abutters rights at Crystal Lake. Mr. Clarke responded the proposal is motivation to bring all the rules together for all bodies of water in Newton. Mr. Stern agrees the 1920's rules and regulations need to be updated, what is the action plan. Mr. Clarke replied the Law Department has to take the proposal seriously and the State will need to be involved. Mr. Stern asked Commissioner DeRubeis if the department has any suggestions to update the rules and regulations. Commissioner DeRubeis stated the proposal should be reviewed by the Law Department and a sub-committee should meet, the committee should include a staff member from the department and commission representatives. Mr. Fishman commented the Law Department comes before the commission and asks for help, the Commission should ask for their help. Commissioner DeRubeis suggested the chairman write a letter from the Commission to the Law Department requesting they review the waterway proposal. Alderman Sangiolo stated she will sponsor the proposal. All members present came to the consensus for the chairman to write the letter to the Law Department.
- Commission Elections

*Mr. Stern made the motion nominating Arthur Magni as chairman and Richard Tucker as vice-chairman.  
Mr. Fishman seconded the motion. Motion passed 6-0.*

Meeting Adjourned 9:05 pm  
Respectfully Submitted,  
Robin McLaughlin

**CITY OF NEWTON  
LAW DEPARTMENT  
INTEROFFICE MEMORANDUM**

DATE: January 24, 2014  
TO: Parks and Recreation Commission  
FROM: Ouida C.M. Young, Associate City Solicitor  
RE: Update on Art. 97 Home Rule Petition for Temporary Use of  
Entrance to Nahanton Park for Fire Station #10



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I have asked for the opportunity to update the Parks and Recreation Commission on the status of the Art. 97 Home Rule petition which seeks permission to temporarily use the Winchester Street entrance to Nahanton Park for Fire Station #10.

As you know, the Board of Aldermen authorized the Mayor to seek Art. 97 approval and to execute the MOU with the Commission. Shortly after January 1<sup>st</sup>, this office contacted Newton's legislative representatives and asked for assistance in filing an Art. 97 Home Rule petition. Senator Creem has agreed to sponsor the petition, and we have provided her office with backup material including a copy of the Parks and Recreation Commission's minutes which included the vote to allow temporary use of the Park, as well as a copy of the executed MOU required by that vote. The petition has not yet been assigned a bill number, which I expect to happen shortly.

The actual language for the Art. 97 Home Rule petition was reviewed and approved by the EOEEA in late December, 2013. I've included a copy of that draft language with this memorandum. Please note that while the draft Home Rule petition has a maximum duration for the temporary fire station use of 24 months, Public Buildings does not believe that the full 24 months will be required, but I've included a margin of safety. EOEEA will also be issuing a letter allowing the temporary use of the Park as required by the conditions of the two Urban Self-Help grants given to the City to help acquire and improve the Park.

Finally, the Project Architect for reconstruction of Fire Station #10 has developed a specification and site plan for installation of temporary modular structures housing the fire equipment and firefighters. That site plan is slightly different than the hand-drawn site plan shown to the Commission last summer. I have attached the new site plan as well as the original plan for your information.

The last step of developing the required statutory conservation restriction remains to be done, but I should start that drafting process within the next several weeks.

I will attend the Commission's January 27, 2014, meeting to answer any questions the Commission may have.

Thank you.

Cc: Robert Rooney, COO  
Josh Morse, Public Buildings Commissioner

December 17, 2013

An Act authorizing the temporary use of certain park lands in the city of Newton

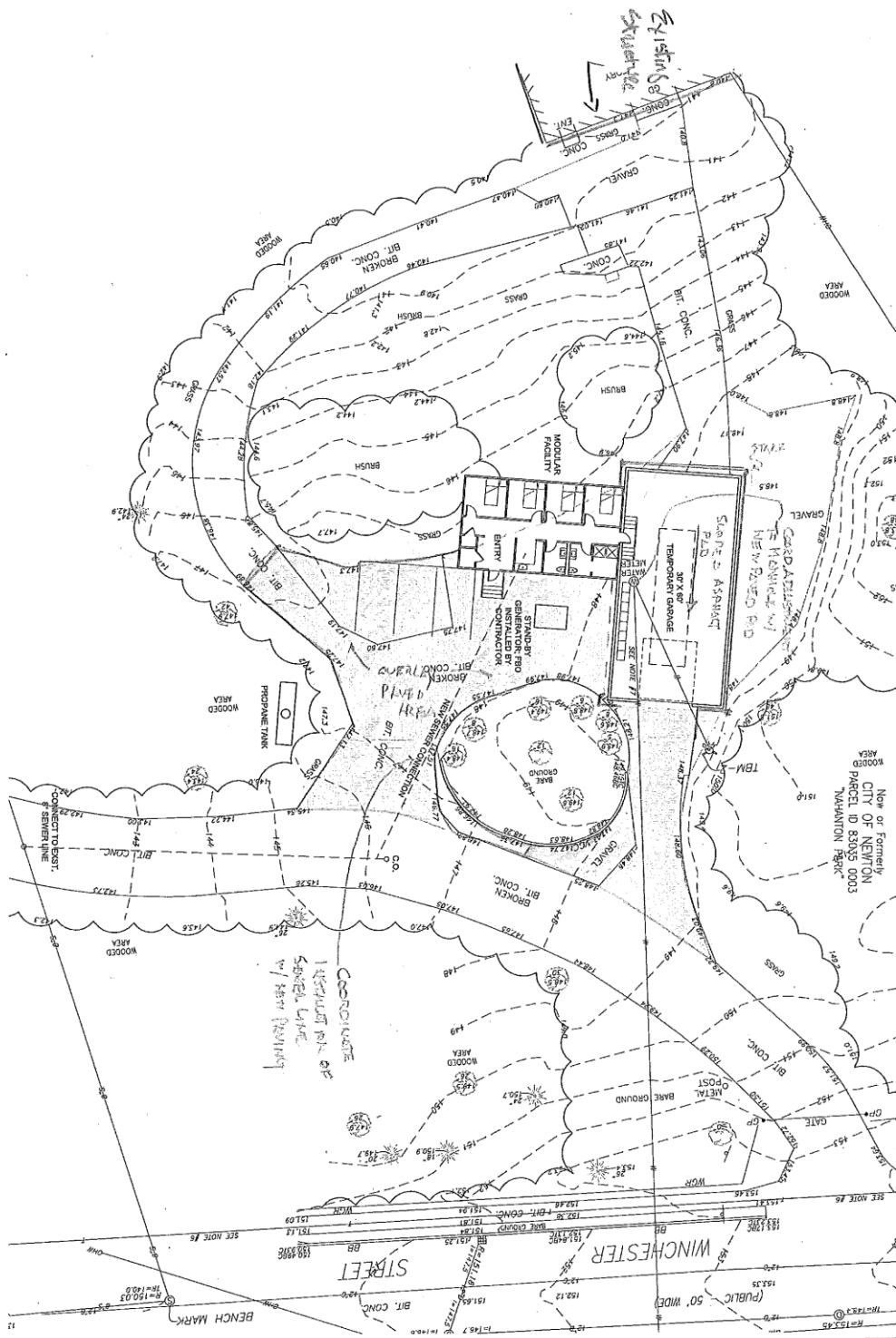
Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the temporary change of use of certain park lands in the city of Newton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. The city of Newton may use approximately 8,500 square feet of land immediately adjacent to the entrance to Nahanton Park located at 525 Winchester Street to relocate Fire Station #10 on a temporary basis during the demolition and reconstruction of Fire Station #10's building located at 755 Dedham Street, Newton. The temporary fire station shall consist of a modular structure to house firefighters and equipment; a temporary structure to house the fire truck and related equipment; as well as circulation and parking areas serving the temporary fire station. The temporary use of park land shall not exceed a period of 24 months from the date the modular structures are installed, and all fire station related structures and circulation and parking areas shall be removed and the park restored in accordance with the terms of a certain Memorandum of Agreement executed by the Newton Parks and Recreation Commission, the Newton Board of Aldermen, and the Mayor of Newton.

Section 2. In consideration for and as a condition of the temporary change of use authorized in section 1, the city of Newton, acting through its Parks and Recreation Commission, shall negotiate with the Newton Conservators the terms of a permanent conservation restriction meeting the requirements of sections 32 and 33 of chapter 184 of the General Laws, which restriction shall cover the entire Nahanton Park consisting of approximately 57 acres, and being described as assessor's Parcels 830350004A and 830350003. The city of Newton shall execute and record the permanent conservation restriction following its approval by all necessary parties.

Section 3. This act shall take effect upon its passage.



TS1.1

Donham & Sweeney  
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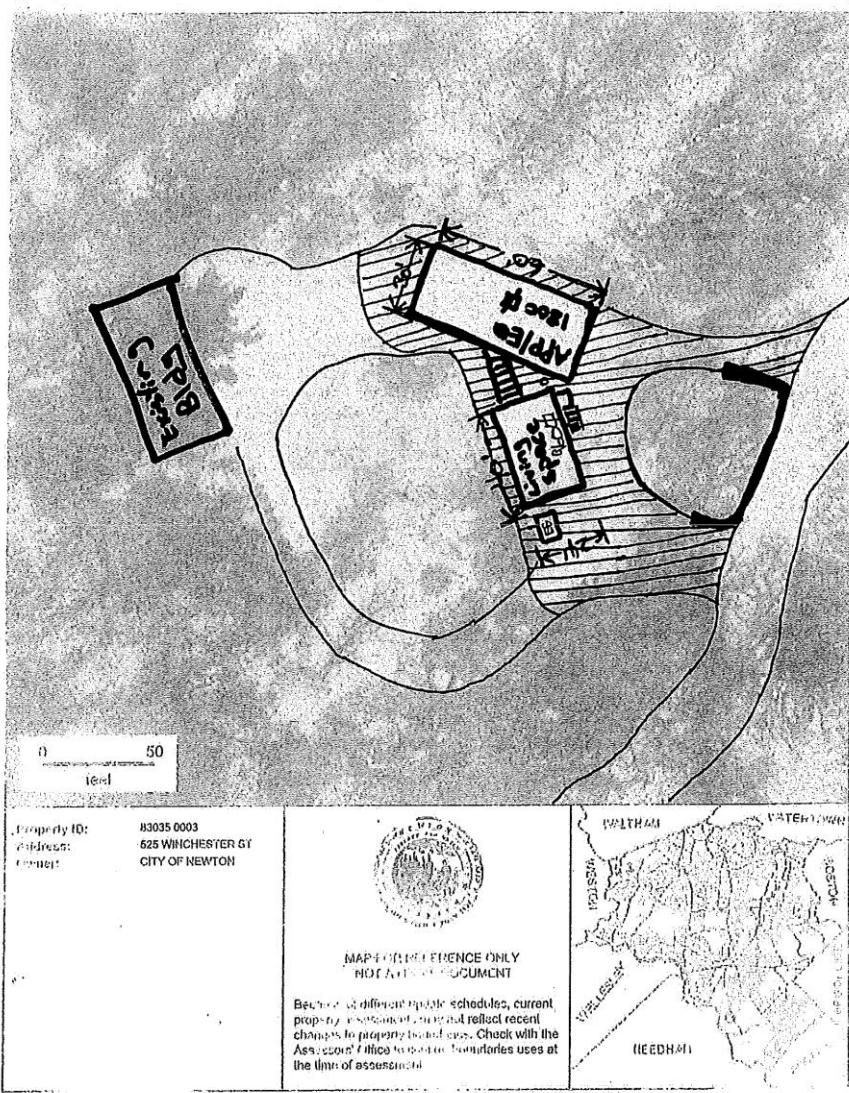
Newton Fire Station 10 & Wires Division  
Newton, MA 02459  
project number: 1109.00  
**TEMPORARY SITE LAYOUT**

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City of Newton



Property ID: 83035 0003  
 Address: 625 WINCHESTER GY  
 City: CITY OF NEWTON



MAP FOR REFERENCE ONLY  
 NOT A FINAL DOCUMENT

Because of different public schedules, current property assessment changes and real estate recent changes to property boundaries, check with the Assessor's Office to confirm boundaries uses at the time of assessment.



Asphalt Improvements as needed