



Setti D. Warren
Mayor

Newton Parks & Recreation Commission
Special Meeting
Meeting Minutes
City Hall - Room 202
7:00 p.m. –Monday, July 22, 2013



Robert J. DeRubeis
Commissioner

Attending: Arthur Magni, Chairman, Commissioner Robert DeRubeis, Walter Bernheimer, Peter Johnson, Andrew Stern, Peter Kastner, Jack Neville, Robin McLaughlin, Secretary

Also Attending: Ouida Young-Associate City Solicitor, Fire Chief Proia

Meeting began at 7:01 pm

1. Fire Station – Nahanton Park- Public Hearing
 - Chairman Magni commented Mr. Stern will be arriving a few minutes late to the meeting. Mr. Clarke sent a draft motion via e-mail to the Commission members. Chairman Magni sees two central issues:
 1. The Toolhouse- Removal of hazardous waste and repairing the roof
 2. Allocation of remediation to restore the area, and requesting a line item in the budget for restoration.
 - Chairman Magni commented it seems premature to spend money on the Toolhouse. Mr. Bernheimer commented the rest of the committee did not support Mr. Clarke on this issue.
 - Mr. Bernheimer commented the conservation restriction is not an issue.
 - Ms. Young reviewed Mr. Clarke's draft motion with Mr. Rooney. And distributed copies of the draft motion with edits. The edits mostly have to do with timing. It is premature to put money into the tool house. Mr. Rooney has agreed to :
 1. Public Buildings Department terminating its use of the Toolhouse prior to commencement of operation of the Fire Station #10 at Nahanton Park
 2. The Public Buildings Department shall promptly following completion of the new Fire Station #10:
 - i. Remove from the interior of the Infirmary Toolhouse all flammable and hazardous substances and materials, and all debris and inoperable equipment; and
 - ii. Undertake a phase I environmental review of the Toolhouse and immediately surrounding land; and
 - iii. Stabilize Toolhouse by replacing the roof, fascia and unsafe flooring
 - Money for remediation for the Toolhouse and restoration of land will be in the fire station budget whatever the cost will be.
 - Mr. Bernheimer stated we were told to be specific, but now you do not know the cost of remediation for the Toolhouse and land. Ms. Young responded Mr. Morse has an estimated cost.
 - Mr. Bernheimer commented that having been through environmental testing, this can amount to a significant amount of money if there has been damage to the ground. How can you include money in the budget for that but not include something for the park. Ms. Young responded, they would have the environmental review report and once you find issues you must do remediation. The city would have to find the money. Commissioner DeRubeis

commented he spoke with Mr. Rooney and Mr. Rooney was not opposed to doing the testing. Ms. Young commented the testing will be done after the completion of Fire Station #10. Once you do the testing and find something you must remediate right away.

- Ms. Young commented there is no money in the fire station #10 budget for whatever the user group decides to do with the building. Mr. Bernheimer stated it could be a line item in the budget. Ms. Young responded not in the fire Station #10 budget. Mr. Bernheimer asked what the timeline is for bonding approval. Ms. Young responded bonding is approved in the fall. Mr. Bernheimer commented there is no time for the user group to be specific about what should be done with the building.
- Mr. Kastner asked who assigns the user group. Commissioner DeRubeis commented he would assign the group; it would be the same groups he has worked with in the recent past, Newton Conservators, Friends of Nahanton Park, etc. Mr. Kastner stated the Friends of Nahanton Park should be the only group involved. Mr. Kastner commented in the past 25 years nobody has expressed an interest in the building. Mr. Hillis agreed nobody has expressed interest except Mr. Clarke. Mr. Kastner stated when the park was purchased the general consensus was that the building should be taken down.
- Ms. Young commented it is cheaper to clean the building out and demolish than it is to clean out and hold the building for use. Mr. Bernheimer asked the estimated cost to demolish the building. Commissioner DeRubeis stated the cost is about \$25k-\$30k.
- Mr. Kastner commented to have the user group use their energy to determine what to do with the building is a waste of energy when there are other worthy things to discuss, such as to save the Kennard Park building. The Toolhouse is a crusade of one person.
- Chairman Magni stated the Toolhouse will be taken up by the user group, for our purposes we need to look at the draft motion from the subcommittee. Mr. Kastner asked if the motion was approved by the sub-committee. Mr. Bernheimer replied no. Mr. Kastner stated then the motion has no standing except as an historic document. Chairman Magni stated it is a good basis to work from tonight.
- Ms. Young asked about the narrative A-G on page 1. Item D refers to damage done to the Toolhouse by the Fire Departments fire hose training. Chief Proia was asked if fire hose training was performed at the Toolhouse. Chief Proia responded a long time ago, but has no knowledge of fire hose training in Nahanton Park recently.
- Ms. Young commented on Item G, the inventory paperwork was filed with the Massachusetts Historical Commission (MHC); the MHC has not included the Toolhouse on the inventory of Historic Assets of the Commonwealth and according to Brian Lever, Newton's preservation Planner, is unlikely to do so. Mr. Kastner asked if any city funds have been expended to put the Toolhouse on the historic register. Ms. Young responded no, But the P & R Commission, Community Preservation Commission and Historic Commission all voted to have it registered with the MHC.
- Mr. Bernheimer asked why the removal of waste is not being done until the project is finished. It is cost effective to have the removal and demolition/remediation done at the same time and that will depend on what the user group decides to do with the building.
- Mr. Bernheimer asked why mention stabilization of the building if the building might be demolished. Mr. Bernheimer recommended changing the language for 2(iii) to "stabilize the Toolhouse or demolish and restore site". Ms. Young did not want to change too much of what Mr. Clarke submitted. Chairman Magni stated he has spoken with Mr. Clarke who understands there is middle ground. Ms. Young will make the edit as suggested.
- Mr. Bernheimer commented it should be made clear that when the Phase I environmental study is done and something is found the city will cover the cost for the clean-up.

- Ms. Young commented she was not sure what was meant by “removal of ...utility infrastructure”. The Commission members were not sure what Mr. Clarke was referring to.
- Mr. Bernheimer stated item 3 (i) should read cover the costs of restoration of the area inspected...not cover the reasonably projected costs of restoration.
- Mr. Bernheimer asked what the process is for the conservation restriction. Ms. Young stated what has been talked about so far is to allow the current uses of the park to remain as is, but not allow any expansion of use under the restriction. There would have to be flexibility, if the group decides to use the building. Mr. Bernheimer asked what the process is to make the conservation restriction a law. Ms. Young responded it would be submitted to the state Executive Office of Environment & Energy and Conservation Commission for review, if it is not accepted the fall back is to put a term of 199 years on the restriction. Mr. Bernheimer asked if that should be added to the motion, Ms. Young can add it to the motion.
- Ms. Young commented it would be helpful to begin the design and planning stage for the modular while the MOU is being developed. Ms. Young will find out if the Board of Alderman must approve the MOU. There will be two instances the Board of Alderman will have to approve the project.
- Mr. Stern apologized for missing the beginning of the discussion and suggests removing item E and Item G from the narrative on the first page of the motion it does not add to the motion and may add too much if the decision is made to demolish the building, creates a presumption of approving the project under the condition of preserving the building. Mr. Kastner commented the original vote was based on a presentation of the history of the Alms House there was no discussion on the issues involved. Ms. Young stated she also removed from the motion the request for a hedge along the building. Commissioner DeRubeis commented he spoke with Mr. Rooney who was not opposed to the hedge as long as it is not an unreasonable length. Commissioner DeRubeis asked if a letter should be requested from the MHC stating their intentions not to add the building to the historical register. Ms. Young does not believe a letter is necessary; the MHC is taking no action on the building. The group came to a consensus to remove item E & item G. Mr. Stern commented Mr. Clarke does make the point if the building is demolished the Commission should not accept the building and allow the Public Buildings Department to handle the demolition and restoration of the site to our specifications. Ms. Young will add to the motion.
- Mr. Stern asked Mr. Bernheimer if he got the money requested for remediation. Mr. Bernheimer stated no he has not gotten anywhere with the pot of gold. Chairman Magni asked if he wanted to take a separate vote. Mr. Stern commented that is part of the overall frustration. Mr. Kastner stated if we are going to lobby for money from the administration it should not be in this forum. A few people would informally meet and come to an agreement. Chairman Magni commented the risk of going down that road is we could lose the conservation restriction.
- Mr. Stern asked if there should be some statement that we have done our duty and are reluctantly agreeing to this proposal. Mr. Kastner commented we have found it in the public interest to agree to the proposal. Mr. Stern stated it is also the least invasive to the environment compared to the Charles River Country Club where many trees would have to be removed.
- Chairman Magni requested a motion be made. Mr. Bernheimer stated the motion has to be conditional so the Commission has the opportunity to review the revised motion. Ms. Young will make the revisions to the motion as discussed and circulate to the Commission for review. Ms. Young thanked the Commission for holding a special meeting.

Mr. Stern made the motion to approve the current draft motion as amended based on the discussion at the 07-22-13 Special P & R Commission meeting and subject to review by the P & R Commission. Mr. Kastner seconded the motion. Motion passed 6-0.

Motion approved via e-mail, final approval 7-29-13. Edited by Ouida Young-Associate City Solicitor, approved by P & R Commission:

July 29, 2013 with Clarke edits to July 22nd draft

PARKS AND RECREATION COMMISSION

July 22, 2013

With regard to the request of the Newton Fire Chief and the Public Buildings Commissioner to locate the Temporary Fire Station 10 (TFS10) at the Winchester St. entrance to Nahanton Park, the Parks and Recreation Commission recognizes the following:

- A. TFS10 must be located in Fire District 6 and have safe, direct access to a major thoroughfare. The most viable alternative site (the Charles River Country Club on Winchester St.) would require the destruction of trees and a curb cut in Winchester St. that would not be as safe as the existing one at Nahanton Park.
- B. The conditions of the Urban Self-Help grants that enabled the formation of Nahanton Park limit its uses for other than park and recreation purposes.
- C. The Newton Conservators and the Friends of Nahanton Park support the location of TFS10 at Nahanton Park in consideration of a conservation restriction that would prevent further non-park uses of Nahanton Park.
- D. The Newton Fire Department Station 10 has used the Winchester St. entrance to Nahanton Park for fire hose training that has caused some damage to the entrance and possibly to the existing building (the Infirmary Toolhouse).
- E. While the Infirmary Lands, including the Toolhouse, were transferred to the Recreation Commission in 1968, the Public Buildings Department has used the Toolhouse as a workshop since 1965 and bears the responsibility for maintaining this structure.

Consequently, the Parks and Recreation Commission concurs with the Newton Fire Chief and Public Buildings Commissioner that during the time a new Fire Station #10 on Dedham Street is under construction, Fire Station #10 may be temporarily relocated to the area immediately next to the Winchester Street entrance of Nahanton Park, such temporary station to consist of a modular building to house firefighters and a modular tent structure to house a fire truck and equipment, subject to the following conditions:

1. The Public Buildings Department shall terminate its use of the Infirmary Toolhouse and remove any volatiles from the building prior to commencement of operation of TFS10 at Nahanton Park;
2. The Public Buildings Department shall promptly following completion of the new Fire Station #10:
 - (i) remove from the interior of the Infirmary Toolhouse all hazardous substances and materials, and all debris and inoperable equipment;
 - (ii) undertake a Phase 1 environmental review of the Infirmary Toolhouse and immediately surrounding land including remediation of any oil, hazardous wastes, hazardous materials, or asbestos or asbestos-containing material found during such environmental review; and
 - (iii) stabilize the exterior of the Infirmary Toolhouse if the Commission decides to retain the building, or demolish the Infirmary Toolhouse and restore the site of the demolished building and immediately surrounding land if the Commission decides not to retain the building.

3. Funds will be allocated within the budget for TFS10 so that upon cessation of operational use as a fire station (est. Dec. 2015), remediation will be completed in a timely manner (within six (6) months) to include removal of asphalt, utilities infrastructure related to the modular structures, addition of plantings, improved fencing, entrance and any "reasonable" measures, to include any hazardous clean-up, as determined by the Commission relating to the area directly impacted by the temporary facility and its operations. These include, but are not limited to:

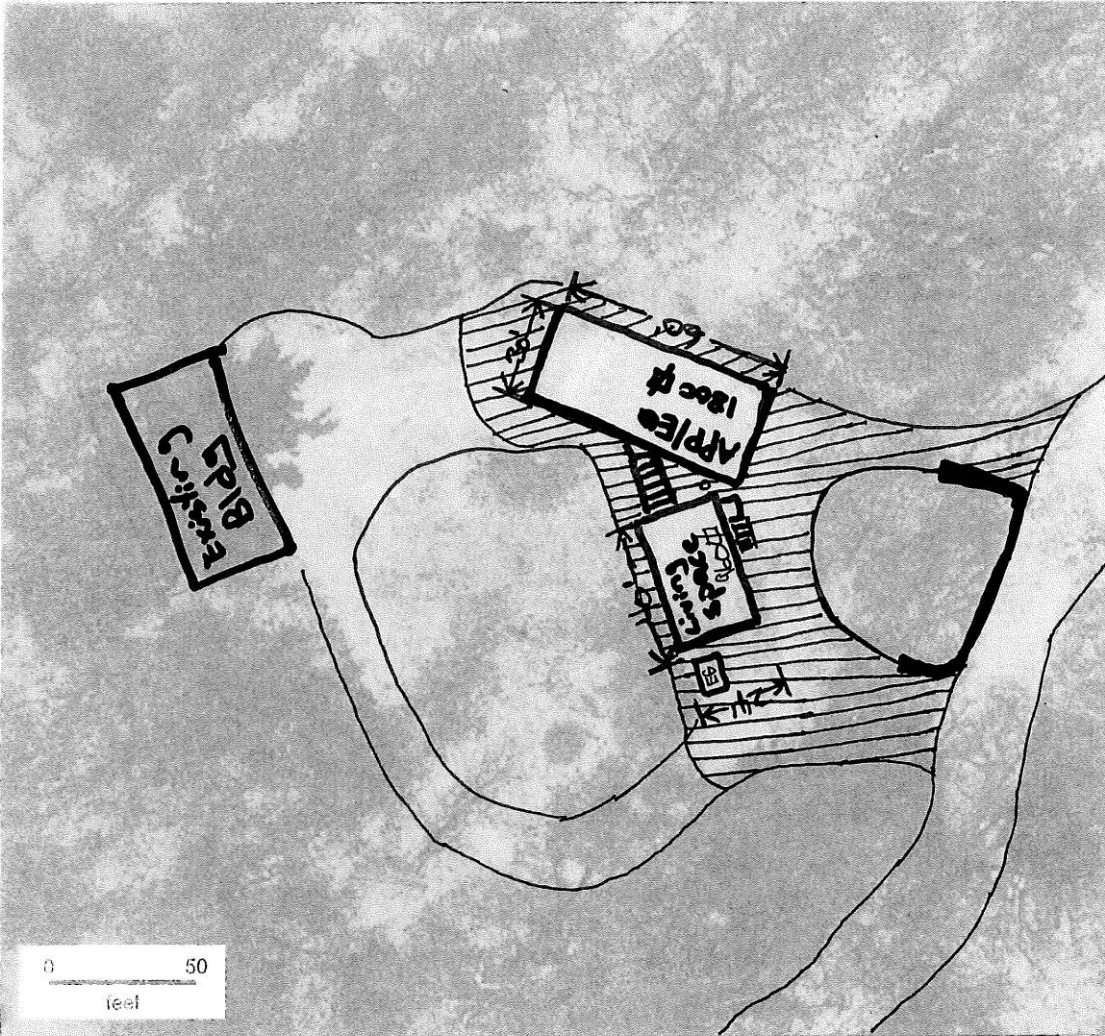
- (i) cover the costs of restoration of the area impacted by TFS10;
- (ii) remediate any release of oil, hazardous wastes or hazardous substances from TFS10; and
- (iii) restore greenspaces, plants and pavement worn or damaged by TFS10 use.

Funding to accomplish the work described in Paragraph 2 above will also be included in the budget for TFS10.

4. The Commission authorizes the Mayor and Board of Aldermen to seek Art. 97 approval as well as relief from the Urban Self-Help grants to allow the temporary use of the park for TFS10.
5. The Parks and Recreation Commissioner shall commence negotiations with the Newton Conservators to develop a statutory conservation restriction that would encompass the entire park and permit the current Parks and Recreation sponsored activities or activities similar to the current activities to continue, as well as potential appropriate Parks and Recreation use of the Toolhouse if the same is retained. If a statutory conservation restriction is not approved by EOEEA, the term of such restriction shall be 199 years. The final terms of the Conservation Restriction shall be subject to review and approval by the Commission.
6. The Commission authorizes the Parks and Recreation Commissioner to bring together a working group of the stakeholders of Nahanton Park, including the Friends and the Newton Conservators, to develop a plan regarding use and/or disposition of the Infirmary Toolhouse, as well as restoration of the site disturbed by the temporary fire station use and improvement of the Winchester Street entrance to the park, such plan to be presented to the Parks and Recreation Commission for its consideration in the spring of 2015 at the time the temporary fire station use is expected to terminate.
7. Planning and design can commence upon verbal approval by the executive office and the Commission with expectation of seeking immediate approval of a written MOU by the Board of Aldermen and Mayor.


This Motion to Approve is based on the Proposed Site Plan presented to the Parks and Recreation Commission at its May 20, 2013, meeting, a copy of which is attached to this Motion. The design team shall return to the Parks and Recreation Commission for further review and approval if there are material modifications made to the Proposed Site Plan.

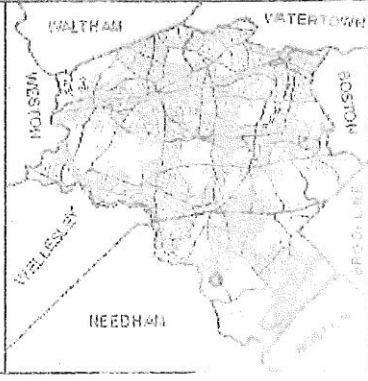
City of Newton



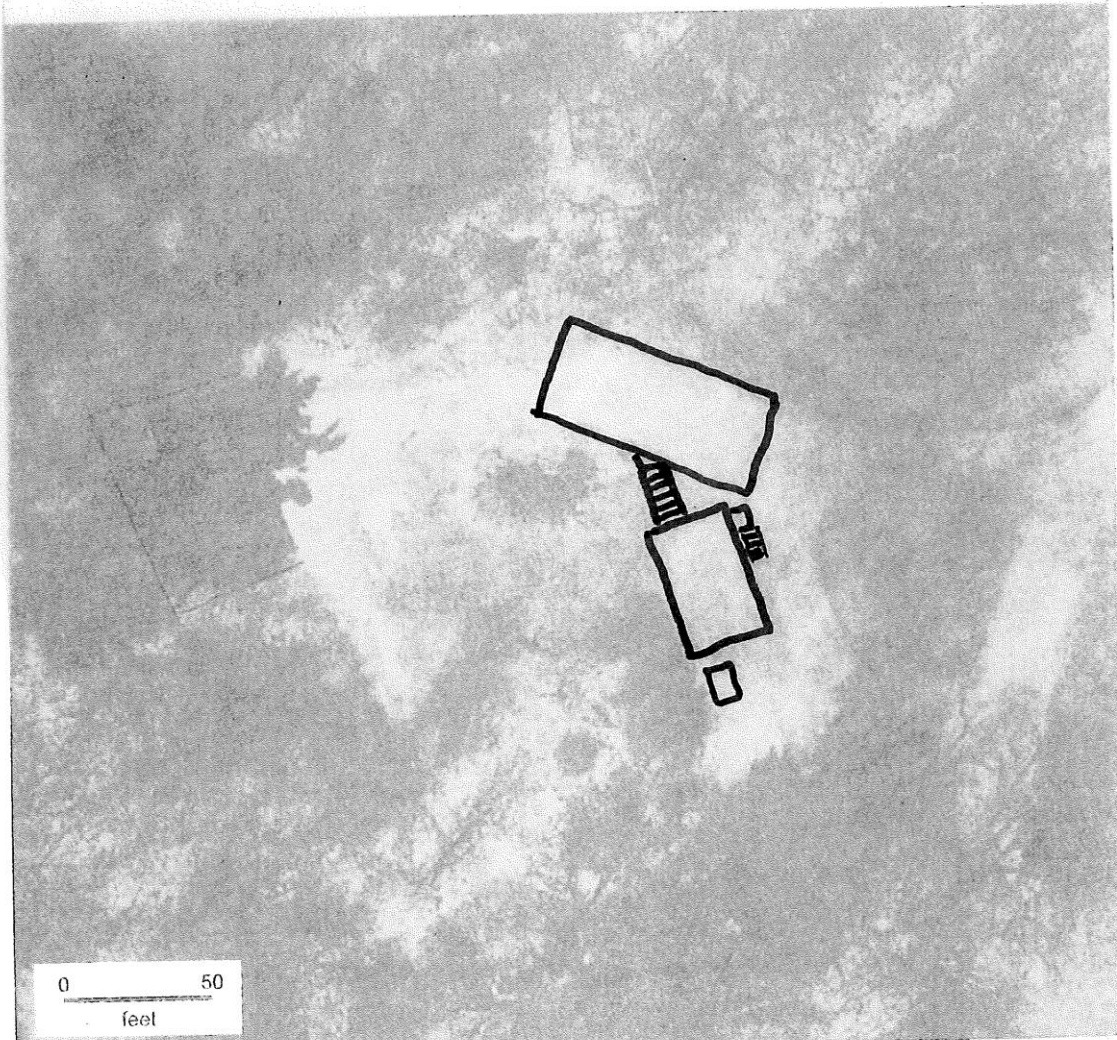
Asphalt Improvements as needed

Property ID: 83035 0003
 Address: 525 WINCHESTER ST
 Owner: CITY OF NEWTON


 MAP FOR REFERENCE ONLY
 NOT A FINAL DOCUMENT
 Because of different update schedules, current property assessments may not reflect recent changes to property boundaries. Check with the Assessors' Office to confirm boundaries uses at the time of assessment.



City of Newton

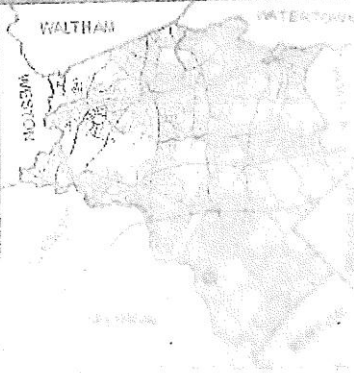


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feet

Property ID: 83035 0003
Address: 525 WINCHESTER ST
Owner: CITY OF NEWTON



EMERSON LIBRARY
200 WASHINGTON ST
NEWTON, MA 02459









City of Newton



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