

**CITY OF NEWTON
PURCHASING DEPARTMENT**

***CONTRACT FOR THE PARKS, RECREATION & CULTURE
DEPARTMENT***

REQUEST FOR QUALIFICATIONS:

**ON-CALL LANDSCAPE ARCHITECTURAL DESIGN
SERVICES FOR ATHLETIC FIELDS AND PARKS**

RFQ #22-21

Submittal Date: October 21, 2021 at 10:00 a.m.

October 2021

Ruthanne Fuller, Mayor

CITY OF NEWTON
PURCHASING DEPARTMENT
REQUEST FOR QUALIFICATIONS #22-21

This City of Newton (City) Request For Qualifications (RFQ) invites sealed statements of qualifications (SOQs) in accordance with M.G.L. c.149, §44A½ from a qualified registered architect person or firm for

**ON-CALL LANDSCAPE ARCHITECTURAL DESIGN SERVICES FOR
ATHLETIC FIELDS AND PARKS**

Landscape architectural services shall be provided as described in the scope of work outlined herein.

Statements of Qualifications (SOQs) will be received until: **10:00 a.m., Thursday, October 21, 2021** at the Purchasing Department, Room 108, Newton City Hall, 1000 Commonwealth Ave., Newton, MA 02459. Immediately following the deadline for submission, the City shall prepare and publish a list of all proposals submitted. Documents associated with this RFQ (Contract Documents) will be available online at the City's website: www.newtonma.gov/bids after: **10:00 a.m., October 7, 2021.**

Proposers are responsible for downloading the specifications from the City's web site at www.newtonma.gov/bids. Proposers must email the Purchasing Department (purchasing@newtonma.gov) their Company Name, Address, Email address, Phone & Facsimile number and what bid # (i.e. #22-21) they have downloaded.

Proposers requiring clarification or interpretation of the RFQ shall make a written request to the Purchasing Department as indicated above, by noon on Friday, October 15, 2021. Proposers contacting ANY CITY EMPLOYEE or any other person regarding this RFQ outside of the Purchasing Department, once the RFQ has been released, may be disqualified from the procurement process.

The City will make best efforts to give written Responses to the Questions no later than October 18, 2021 to all individuals or firms requesting a copy of this RFQ by an email Addendum.

SOQs should be responsive to all information requested in the RFQ. Estimated fees for project phases are set forth in the RFQ.

All SOQs shall be submitted as (1) one electronic version in PDF format on CD or thumb drive and (3) hard copies (1 original and 2 copies).

Proposers' attention is directed to the requirements of the City's Supplemental Equal Employment Opportunity, Anti-Discrimination and Affirmative Action Program and also to the Minority/Women Business Enterprise Plan, December 1999, all of which are available on the Purchasing Department's web page. In the event of conflict between any of the above listed policies, the stricter policy shall apply.

All City of Newton bids are available on the City's web site, www.newtonma.gov/bids. It is the sole responsibility of Proposers downloading these bids to ensure they have received any and all addenda prior to the bid opening. Addenda will be available online within the original bid document as well as a separate file. If you download bids from the internet site and would like to make it known that your company has done so, you must email the Purchasing Department (purchasing@newtonma.gov) the Company Name, Address, Email address, Phone & Facsimile number and what bid # (i.e. #22-21) has been downloaded.

The City will reject any and all SOQs in accordance with the above referenced General Laws. In addition, the City reserves the right to waive minor informalities in any or all proposals, or to reject any or all proposals (in whole or in part) if it be in the public interest to do so.

Timely delivery of an SOQ at the location designated shall be the full responsibility of the Bidder. In the event that Newton City Hall is closed on the date or at the time that bids are due, the date and time for receipt of SOQs shall be on the next business day following that the Newton City Hall and the Purchasing Department are open.

In the event that any person wishes to attend a bid opening or pre-bid meeting, accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. For Telecommunications Relay Service, please dial 711.

CITY OF NEWTON

A handwritten signature in black ink that reads "Nicholas Read". The signature is written in a cursive, slightly slanted style.

Nicholas Read
Chief Procurement Officer
October 7, 2021

**ON-CALL LANDSCAPE ARCHITECTURAL DESIGN SERVICES FOR
ATHLETIC FIELDS AND PARKS**

Attached please find the information package which includes the draft contract which is intended to outline the basic scope of services desired by the City of Newton Parks, Recreation & Culture Department (PRC) in conjunction with **ON-CALL LANDSCAPE ARCHITECTURAL DESIGN SERVICES FOR ATHLETIC FIELDS AND PARKS.**

You are requested to submit a response. Concise, succinct proposals would be appreciated. Please submit only information pertinent to the work for which you are applying that will assist in the designer selection.

The services sought are not subject to the Designer Selection Law, M.G.L. c. 7C, §§44-58, as they are on call, i.e., provided as needed, and do not relate to an identified public construction project. Such services are also exempt from the Massachusetts Procurement Act, M.G.L. c. 30B, §1(b)(32A). The City shall select one or more designers as provided in Newton City Ordinances §§5-35 through 5-37. (*See Attachment D below.*) It is the City's intent to award contracts to multiple firms.

Questions may be directed to City of Newton Purchasing Department at purchasing@newtonma.gov by **Friday, October 15, 2020 at 12:00 noon**

**ON-CALL LANDSCAPE ARCHITECTURAL DESIGN SERVICES FOR
ATHLETIC FIELDS AND PARKS
Information Packet**

This Request for Qualifications (RFQ) consists of the following:

- Introduction
- Background
- Park and Athletic Fields Improvement Goals
- Scope of Services; Tasks: Meetings and Deliverables
- Schedule and Fee
- Evaluation Criteria
- Attachments

INTRODUCTION:

The Newton Parks, Recreation & Culture Department (“PRC” or “Owner”) is seeking a professional on-call landscape architectural design team (“Designer”) to advance various athletic field and park improvement projects from preliminary design and analysis through construction final completion. The Department is seeking assistance in analysis, feasibility studies, master plans, design development, permitting, geotechnical work, construction documentation, bid assistance, and construction administration. The City is requesting the qualifications of a Designer to provide professional services during the first phase (Task 1 and Task 2, also referred to as basic services), and then upon approval by Owner, subsequent design phases for multiple project sites.

- In Task 1 the Designer will prepare topographic surveys, public meeting presentations, meeting notes and minutes, site analyses, feasibility studies, and master plans of the city’s prioritized sites for improvements (**Appendix A**). In order for the Owner to determine how best to address potential renovations, upgrades or new construction for each project site, the Designer will identify the existing conditions, needs, design options, and anticipated costs.
- Second, in Task 2, subject to the approval of Projects by the Owner, the Designer may continue services on the preferred plan option identified and selected by the Owner. Task 2 services shall also be referred to herein as Basic Services.
- Third, in Task 3, subject to the approval of the Project and further subject to continued funding authorized by the City, the contract between the City and the Designer may be amended to include continued Designer services through the Project’s Final Design and Construction Bid Documents. These services shall be referred to herein as Task 3 or Additional Services.
- Finally, subject to continued funding authorized by the City, the contract between the City and the Designer may be amended again to include continued Designer services through Construction Administration and Final Closeout.
- Miscellaneous services determined to be required per project scope shall be included as additional services. Such services shall be negotiated at the time these may be requested by the owner.

BACKGROUND:

City's History, Profile and Organizational Structure:

Newton was settled in 1639 and incorporated as a City in 1873. The City is located approximately seven miles from downtown Boston, has a population of approximately 88,414 and occupies a land area of 18.33 square miles. The City is principally suburban-residential in character and consists of 13 distinct villages – Auburndale, Chestnut Hill, Newton Centre, Newton Corner, Newton Highlands, Newton Lower Falls, Newton Upper Falls, Newtonville, Nonantum, Oak Hill, Thompsonville, Waban, and West Newton.

The City is governed under a home-rule charter, which vests executive authority and responsibility in an elected Mayor, who serves a four-year term. Legislative authority is vested in a 24-member City Council, of which eight members are elected from the City's eight wards and sixteen are elected at large. Members of the City Council are elected every two years.

Parks and Recreation Commission

Newton City Ordinances Chapter 21, Article III of the Newton City Ordinances (**Appendix B**) establishes the Parks and Recreation Commission (Commission). Among its duties it advises the Mayor and City Council on matters pertaining to sports, recreation, parks, open space, and preservation of scenic beauty. The Commission renders decisions concerning parks and recreation programs and the use of lands under its jurisdiction.

Parks, Recreation & Culture Department

The Department of Parks, Recreation & Culture (PRC) is established under Chapter 21, Article I of the Newton City Ordinances (**Appendix B**). The PRC Commissioner is charged with the maintenance, care and management of playgrounds and all recreational lands, except to the extent conferred upon the Commission. The PRC is responsible for planning, scheduling, organizing and supervising programs for designated city groups and citizens. Under the direction of the PRC Commissioner the department supervises and patrols activities at swimming ponds and pools, skating areas, athletic fields, playgrounds, hard courts, wooded park land areas and trails and all other recreational areas. The department also conducts all senior citizens recreation programs.

City of Newton Recreational Facilities

The PRC oversees more than 55 different programs and activities including active and passive recreation, camps, social programs, dance, organized leagues, trips, wellness programs, and cultural events. The department manages some 18 different buildings and facilities. Among these are the Lower Falls Community Center, the Upper Falls Community Center, Gath Pool and Bath House, Albemarle Field House, Crystal Lake Park and Bath House, Pellegrini Field House, and Nahanton Park Field House.

Public Parks and Open Space:

The City of Newton's Open Space and Recreation Plan, Section 5 (**Appendix C**) highlights the distribution of open space resources across the city. Publicly owned open space in the City consists of municipal land managed and/or owned by the PRC, the Conservation Commission, and School Department, state-owned land managed by the Massachusetts Department of Conservation and Recreation (DCR) and Massachusetts Water Resources Authority (MWRA).

The City owns roughly 77% of Newton's public open space, with most of that land under the jurisdiction of PRC and the Conservation Commission. Many of these publicly owned open space resources are protected under Article 97 of the Massachusetts Constitution, but it is unknown which parcels are explicitly and legally deeded as Article 97 lands.

The PRC oversees over 70 parks with nearly 600 acres of park land and miscellaneous open space resources spread across all villages and wards.

Athletic Fields:

The City has robust and growing athletics programs with thousands of athletes participating in a wide range of sports including lacrosse, baseball, soccer, football, softball, and field hockey. Over the past decades: youth athletic organizations have grown, and youth athletics have shifted to "field intensive" sports; playing seasons are both longer and "multi-season"; and adult interest in recreational sports is increasing. As a result, the City's existing playing fields are more heavily used than ever. Given the limited number of fields that the City has and the limited budget to regularly renovate fields, Newton, like many cities, has been unable to keep up with growing needs and is not currently aligned with the level of use. Thus, larger capital projects to increase field capacity, reconfiguration for efficiency in use is required.

Challenges for grass fields include lack of irrigation and lack of rest time (harder to accomplish with fields in constant use all spring and fall), which has led to bare patches, uneven surfaces, and hazardous playing conditions. In addition, many fields are sited on former wetlands and lie in or near floodplains, and so have drainage problems, especially in the spring and fall, leading to canceled games and degraded field conditions.

Residents would like to see improvements in drainage for these facilities, and improvements in field amenities such as lights to increase field utilization.

Because of the high demand and continued maintenance issues with grass fields, the "multi-purpose field" athletic community (soccer, lacrosse, football, etc.) has unanimously identified the construction of synthetic fields as its highest priority. Synthetic turf fields allow for notably higher utilization (more hours by more athletes) at a more consistent level of quality than grass fields, thus providing a critical part of a balanced portfolio of athletic facilities. The City currently has three multi-purpose synthetic fields at the two high schools. Given the number of synthetic turf field candidates already identified, a program-based approach will enable Newton to successfully manage multiple projects in a more efficient (resources, budget, public input, and effort/duration) manner.

PRC has kept up with athletic trends by establishing multiyear, multi-phased project priorities based on usage, demand by program, current inventory, budget, and stakeholder input; understanding renovation costs; assessing and developing an estimated project delivery timeline. Additionally, to better maintain fields, the City has significantly increased maintenance funding for grass fields.

As a result of the assessment by the PRC, the City has determined the need to enlist a professional landscape architectural team with appropriate qualifications to assist the City in completing one of the largest investments in athletic fields improvement programs in Newton's history. Additionally, the City has established the following project goals and criteria for prioritizing projects for the next 5 years, with the goal of continuing to develop a 10-year plan.

PARK & ATHLETIC FIELD IMPROVEMENT GOALS:

Overarching Goals:

The PRC has several goals it has identified through planning efforts over the past two years. The following goals should be understood and every attempt to achieve them in the improvement plans shall be made.

- Improve quality and quantity of multiuse/multipurpose athletic fields
- Improve accessibility in parks according to ADA and MAAB requirements
- Develop standardized park construction details to better manage operation & maintenance
- Improve drainage and incorporate stormwater management best practices, where feasible
- Invest equitably in Newton's athletic fields and parks across the city
- Increase tree canopy cover to the greatest extent feasible for shade, wildlife habitat, and carbon sequestration
- Incorporate sustainable planting design, where feasible

To accomplish these goals, the selected Designer will be working in partnership with various City departments, committees, and sub-committees including, but not limited to:

- The PRC, City Council, Parks and Recreation Commission, and the Mayor.
- City Council Committees: Programs and Services, Finance, and Public Facilities Committees – for required local reviews.
- Other committees include: School Committee, Commission on Disabilities, Conservation Commission, Fire Department, Department of Public Works, Public Buildings Department, Planning and Development Department etc. – as may be required for local reviews.

SCOPE OF SERVICES:

The Designer will work closely with the PRC and other relevant departments and working groups. The Designer will assist with all required design, exploratory and permitting work as required. The Designer will also assist the city with preparing for meetings with the public, the Commission, School Committee, Community Preservation Committee (CPC) and Conservation Commission as required for plan and project approvals. The projects are on a tight schedule for construction completion. The City is seeking a Designer that can demonstrate the ability to fast-track design and other supporting deliverables outlined herein. The City is seeking to bid projects for construction as soon as possible.

BASIC SERVICES (Tasks 1 & 2):

- Landscape Architecture
- Professional Land Surveying
- Geotechnical and Geo-Environmental Engineering
- Environmental Permitting
- Site/Civil Engineering
- Electrical Engineering
- Pilotless aircraft "Drone" Services (*See Appendix B*)
- Other professional disciplines as may be required

Task 1: Preliminary Design

Work under this task shall include but not be limited to site surveys, site and environmental analysis, public meetings, feasibility studies, preliminary design, and cost estimates.

Multi-site Topographic Surveys:

- Conduct topographic surveys at multiple sites prioritized by the Owner (refer to **Appendix A**)
 - Full topographic surveys in PDF and DWG formats will be required

Preliminary Design/ Feasibility Study:

- Conduct site analysis and drone imagery
- Consensus building (public input and hearings)
 - Up to 3 community engagement meetings per site
 - Public hearings as required include but not limited to
 - Plan approvals from the Parks & Recreation Commission required for park land projects
 - Plan approvals from School Committee required for school land projects
- Conceptual plans, feasibility studies and reports as may be required
- Preliminary designs for each priority site and associated estimated costs
- Test pits as may be required
- Stormwater management BMP feasibility
- Site visits as required
- Presentations and materials as required
- Bi-weekly meetings with working group
-

ADDITIONAL SERVICES:

The following tasks, below, are excluded from this contract. Contract amendments and scope changes are to be negotiated at the request of the City.

Task 2: Design Development

Work under this task shall include but not be limited to design development plans (30% Design) of approved plans, cost estimates, materials, and construction details development, geotechnical and geo-environmental engineering, meetings with project team, and project construction scheduling.

Design Development

- Prepare 30% design documents and cost estimates for approved projects
- Prepare and coordinate any geotechnical exploratory work that may be required
- Prepare presentations and materials as required
- Public updates and information meetings as required
- Bi-weekly project meetings

Task 3: Final Design & Construction Bid Documents

Work under this task shall include but not be limited to final design and construction bid plans (60%, 90% and 100% design) of approved plans, cost estimates, materials, and construction details development, geotechnical and geo-environmental engineering, and project construction scheduling. Final design deliverable milestones may be adjusted and amended to cater to project-specific requirements.

Final Design

- 60% Design
 - 60% plans, specifications, and cost estimate
 - Prepare and coordinate any geotechnical exploratory work that may be required
 - Submit design and contract documents, including plans, details, and cost estimates electronically to PRC and other relevant City departments for review
 - Bi-weekly project meetings
 - Public updates and information meetings as required

- 90% Design
 - 90% plans, specifications, and cost estimates
 - Submit design and contract documents, including plans, details, and cost estimates electronically to PRC and other relevant City departments for review
 - Bi-weekly project meetings
 - Public updates and information meetings as required

- 100% Design, Specifications, Cost Estimate and DWG file
 - 100% plans, specifications, and cost estimate
 - Submit design and contract documents, including plans, details, and cost estimates electronically to PRC and other relevant City departments for review
 - Submit five (5) paper copies of full-size drawing sets and bid specifications. Electronic copies of drawings and specifications also required.
 - Bi-weekly project meetings
 - Public updates and information meetings as required
 - Attend a pre-bid conference and to answer the inquiries of prospective bidders during the construction bid period
 - Furnish information needed to issue any required Addenda.

Task 4: Construction Administration

- Attend the pre-construction meeting and take meeting notes
- Contractors' pay requisition review
- Contractor shop drawing reviews/approvals
- Attend construction meetings and issue corresponding construction meeting notes
- Inspection and approval of the built work during and after construction by the design and engineering team
- Construction meetings
- Observe any specialized construction activities (geotechnical, civil etc.)
- Coordinate as-built drawing issuance with the construction contractor

Task 5: Miscellaneous Additional Services

- Miscellaneous services shall be determined and negotiated at the time they may be required
- Miscellaneous services may include non-athletic improvements at other park land sites. The scope of such services will be negotiated as needed under this contract.

SCHEDULE AND FEE:

The Designer is expected to provide services for a project immediately following Notice to Proceed therefor. The City expects to begin construction as soon as plan approval processes allow. *See Appendix A* for estimated project schedule.

The Price Proposal submitted by the Designer will represent the maximum fee to the City. Please provide a list of all staff that will be working on projects and their hourly rates, along with staff time allocation toward projects. Final design and construction administration services are not included in the Designer's scope of work at this time but will be requested when the project is ready for construction. Additional services, as required by projects, are to be negotiated at the time said services may be necessary.

Proposal Procedures:

All questions pertaining to the RFQ are to be directed to Nicholas Read, Chief Procurement Officer, Purchasing Department, 1000 Commonwealth Avenue, Newton, MA 02459; email: purchasing@newtonma.gov; phone: (617) 796-1220.

Evaluation Criteria

In evaluating proposals, the Owner will consider the members of the proposed design team. Identify those member(s) of the proposed design team who will be responsible for the following categories of work: (Firm's name, individual's name and professional registration or license number, as applicable, must be listed in the application for each category of work). Each proposal shall be rated according to the following Evaluation Criteria:

1. Evidence of substantial experience in:
 - a. Athletic field and park design (entire project lifecycle)
 - b. Accessible and inclusive design
 - c. Drainage and site engineering
 - d. Sustainable planting design
 - e. Successfully designed and managed parks, playgrounds, and fields
 - f. Minimizing unknowns, when possible
 - g. Project fast tracking
 - h. Successfully managing sub-consultants (if any)
2. Evidence of ability to provide the following basic services:
 - a. Landscape Architecture
 - b. Professional Land Surveying
 - c. Geotechnical & Geo-Environmental Engineering
 - d. Environmental Permitting
 - e. Site/Civil Engineering
 - f. Electrical Engineering
 - g. Pilotless aircraft "Drone" Services
3. Evidence of successfully preparing and presenting projects clearly and coherently to the residents and stakeholders.
4. Evidence of successfully preparing and presenting projects clearly and coherently to municipal and other regulatory agencies.
5. Evidence in meeting and managing project scope, schedules, and budgets.
6. Evidence of quality assurance or quality control (QA/QC) procedures.
7. Evidence of team bandwidth to manage multiple projects at one time.
8. Evidence of successfully meeting project deadlines.

Applicants must address each category of work listed above in their application whether it is to be performed by in-house staff or by sub-consultant(s).

Evaluation Process

This RFQ requires a separate and confidential submission of a Price Proposal and separate submission of a Technical Proposal (together with the Technical Proposal Cover Sheet). Technical Proposals will be evaluated a review committee. Review committee members will be designated by the PRC Commissioner or her designee.

The proposal evaluation and designer selection process will be (1) proposal evaluations, (2) interviews if warranted, and (3) recommendations.

The evaluation will be in accordance with the following criteria:

A. Minimum Evaluation Criteria

The proposal consist of evidence of a proposer's ability to provide the services listed under s the section Scope of Services at pp. 9-10 above. A proposer will be deemed unacceptable if it cannot meet these minimum qualifications.

B. Comparative Evaluation Criteria

Each Technical Proposal meeting the Minimum Evaluation Criteria will be rated according to the eight (8) Comparative Evaluation Criteria listed at p. 11 above.

Following the review of Technical Proposals, the committee may, at its discretion, schedule interviews with any or all the proposers for the purpose of further evaluation. Based on the Technical Proposals submitted, proposers will be rated on the above list of Comparative Evaluation Criteria: "Highly Advantageous," "Advantageous," "Not Advantageous," and "Unacceptable" as set forth in the provisions of M.G.L. Ch. 30B, section 6.

Appendices

- Appendix A** **Athletic Field Capital Improvement Plan**
- Appendix B** **Newton Ordinances c. 21: Parks, Recreation and Culture, Public
Grounds and Trees**
- Appendix C** **Newton Open Space and Recreation Plan 2020-27, Section 5:
Inventory of Lands of Conservation and Recreation Interest**

City of Newton
Purchasing Department
1000 Commonwealth Avenue
Newton, MA 02459

**STATEMENT OF QUALIFICATIONS
TECHNICAL PROPOSAL COVER SHEET**

**Solicitation for On-Call Landscape Architectural Design Services for
Athletic Fields and Parks**

This form is to be SUBMITTED IN ENVELOPE A

The undersigned acknowledges receipt of the following Addenda: _____

A complete proposal shall be submitted as follows:

1. Letter of interest
2. List of comparable site improvements projects (no more than 6), including for each a one-paragraph description, dates of service, design and project budget, a contact name, organization, address, email and telephone number.
3. Three professional references: name, address, email, and telephone number.
4. Background information on the firm(s).
5. Summary resumes of key personnel who will work on the project.
6. Certificate of Authority, 1 page, Certificate of Tax Compliance, 1 page, Certificate of Foreign Corporation (if applicable), 1 page, Debarment Letter, 1 page, IRS W-9, 1 page

One (1) electronic copy and three (3) hard copies (one original and 2 copies) of the Proposal shall be submitted.

City of Newton
Purchasing Department
1000 Commonwealth Avenue
Newton, MA 02459

**STATEMENT OF QUALIFICATIONS
PRICE PROPOSAL**

**Solicitation for On-Call Landscape Architectural Design Services for
Athletic Fields and Parks**

Price Proposal

TO BE SUBMITTED IN SEPARATE ENVELOPE B

Bidder's Name: _____
Name of Individual or Company Making Proposal

The prices quoted and totaled below include the cost of all labor, materials, insurance, and all other necessary expenses to fulfill the conditions of the contract. All travel costs to be incurred by the contractor shall be paid by contractor.

The following detailed price proposal is based upon the Scope of Services. Designers are encouraged, where appropriate, to propose creative, innovative, and cost-effective approaches to the Scope. The Technical Proposal and Price Proposal may reflect modifications or alternative approaches to the general Scope of Services.

1. Project Start-up _____
2. Final Design Development _____
3. Construction Documents for Bid Package _____

The City of Newton reserves the right to choose any or all the phases or tasks resulting from this RFP. Vendors must provide pricing on all tasks. Some of the tasks may not be awarded and deleted tasks may be assumed by the City.

One (1) electronic copy and three (3) hard copies (one original and 2 copies) of the Proposal shall be submitted.

Disclosure

Each firm's proposal submitted in response to this RFQ will be considered the property of the City and may be utilized as deemed appropriate by the City. Should the proposer desire that certain data within the Application not be utilized for purposes other than as a response to the Application, such data shall be identified on the Letter of Interest in response to this RFQ. Information submitted in response to this request may become subject to disclosure to the public pursuant to provisions of the Freedom of Information Act (5 U.S.C. 552).

False Representation

Information must be fully accurate and complete. The penalty for making false statements is prescribed in 18 U.S.C. 1001.

Minority Outreach

Qualified minority individuals and firms are encouraged to submit expressions of interest.

Equal Opportunity Requirements

Proposers are hereby advised that submission of a signed questionnaire in response to this advertisement will be deemed to express the intent to comply in all respects with the following non-discrimination provisions as applicable:

Title VI Civil Rights Act of 1964, as amended.
Title VIII Civil Rights Act of 1968, as amended.
Executive Order 11063 and 11246.

State Tax Requirements

As required by Chapter 233, Acts of 1983, the successful contractor will be required to sign an attest form certifying that all state tax returns have been filed and all state taxes paid. Offerors are advised that submission of a signed questionnaire in response to this advertisement will be deemed to express the offeror's intent to comply with Massachusetts statutes.

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee club, or other organization, entity, or group or individuals.

(Signature of individual)

Name of Business

CERTIFICATION OF TAX COMPLIANCE

Pursuant to M.G.L. c.62C, §49A and requirements of the City, the undersigned acting on behalf of the Contractor certifies under the penalties of perjury that the Contractor is in compliance with all laws of the Commonwealth relating to taxes including payment of all local taxes, fees, assessments, betterments and any other local or municipal charges (unless the Contractor has a pending abatement application or has entered into a payment agreement with the entity to which such charges were owed), reporting of employees and contractors, and withholding and remitting child support.*

**Signature of Individual (Mandatory)

*** Contractor's Social Security Number
(Voluntary) or Federal Identification Number

Print Name: _____

Date: _____

OR

Company Name
(Corporation, Partnership, LLC, etc.)

By: _____
**Corporate Officer (Mandatory)

Print Name: _____

Date: _____

* The provision in this Certification relating to child support applies only when the Contractor is an individual.

** Approval of a contract or other agreement will not be granted until the City receives a signed copy of this Certification.

*** Your social security number may be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed, or extended.

CERTIFICATE OF FOREIGN CORPORATION

The undersigned hereby certifies that it has been duly established, organized, or chartered as a corporation under the laws of:

(Jurisdiction)

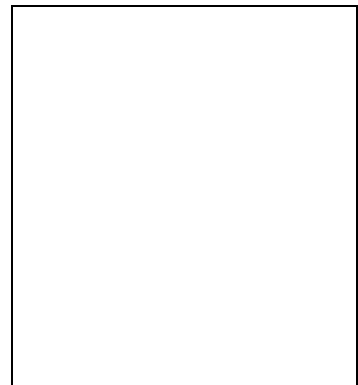
The undersigned further certifies that it has complied with the requirements of M.G.L. c. 30, §39L (if applicable) and with the requirements of M.G.L. c. 156D, §15.03 relative to the registration and operation of foreign corporations within the Commonwealth of Massachusetts.

Name of person signing proposal

Signature of person signing proposal

Name of Business (Please Print or Type)

Affix Corporate Seal here



City of Newton



Mayor
Ruthanne Fuller

Purchasing Department

Nicholas Read *Chief Procurement Officer*
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449
purchasing@newtonma.gov

Telephone
(617) 796-1220
Fax:
(617) 796-1227
TDD/TTY
(617) 796-1089

Date

Vendor

Re: Debarment Letter for Invitation For Bid #22-21

As a potential vendor on the above contract, the City requires that you provide a debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Debarment:

Federal Executive Order (E.O.) 12549 “Debarment and Suspension“ requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

I hereby certify under pains and penalties of perjury that neither I nor any principal(s) of the Company identified below is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

_____ (Name)

_____ (Company)

_____ (Address)

_____ (Address)

PHONE _____ FAX _____

EMAIL _____

_____ Signature

_____ Date

If you have questions, please contact Nicholas Read, Chief Procurement Officer at (617) 796-1220.

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.</p> <p>2 Business name/disregarded entity name, if different from above</p> <p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor or single-member LLC</p> <p><input type="checkbox"/> C Corporation</p> <p><input type="checkbox"/> S Corporation</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Trust/estate</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____</p> <p>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</p> <p><input type="checkbox"/> Other (see instructions) ▶ _____</p> <p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p style="font-size: small;">(Applies to accounts maintained outside the U.S.)</p> <p>5 Address (number, street, and apt. or suite no.) See instructions.</p> <p>6 City, state, and ZIP code</p> <p>7 List account number(s) here (optional)</p> <p style="text-align: right;">Requester's name and address (optional)</p>
--	--

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number					
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 40%; border: 1px solid black; height: 20px;"></td> </tr> </table>		-		-	
	-		-		
OR					
Employer identification number					
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 90%; border: 1px solid black; height: 20px;"></td> </tr> </table>		-			
	-				

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

CONTRACT FORMS

The awarded bidder will be required to complete and submit documents substantially similar in form to the Agreement For Landscape Architectural Services and related Schedules set forth below.

This contract will have a 5-year duration and is subject to City Council approval before fully executing the contract.

These forms may need to be modified on account of changed circumstances, and are provided for informational purposes only.

**AGREEMENT FOR ON CALL LANDSCAPE ARCHITECTURAL DESIGN SERVICES
FOR ATHLETIC FIELDS & PARKS**

The Agreement made as of _____ by and between _____ hereinafter referred to as the “Landscape Architect” and the City of Newton, 1000 Commonwealth Avenue, Newton, Massachusetts, a municipal corporation organized and existing under the laws of the Commonwealth of Massachusetts, acting by and through its Parks, Recreation & Culture Commissioner, but without personal liability to her hereinafter referred to as “The City”.

WITNESSETH THAT:

WHEREAS, the City desires the LANDSCAPE ARCHITECT to conduct and perform such services;

NOW, THEREFORE, the parties do mutually agree in accordance with this Agreement For Services, which shall consist of the following:

- a. This Agreement For Services;
- b. The City's Request for Qualifications #22-21 (RFQ) issued by the Purchasing Department;
- c. The RFQ documents including Specifications, and if included or referenced therein, any Standard Terms and Conditions, Special Conditions, Drawings or Descriptive Materials (collectively referred to herein as the “Project Manual”);
- d. Addenda Number(s) _____;
- e. The Statement of Qualifications submitted by the Architect and accompanying documents and certifications;
- f. Certificate(s) of Insurance and surety bond(s), if any, submitted by the Architect in connection therewith; and
- g. Duly authorized and executed Amendments, Change Orders or Work Orders issued by the City after execution of this Agreement For Services.

****GENERAL PROVISIONS****

1. Employment of Landscape Architect:

The City agrees to engage the services of the LANDSCAPE ARCHITECT and the LANDSCAPE ARCHITECT agrees to perform services as set forth the Scope of Services for the compensation as stated within this Agreement.

2. Scope of Services:

The LANDSCAPE ARCHITECT shall do, perform, and carry out in a satisfactory, competent, and professional manner, as determined reasonably and fairly by the City, the Project described within the Scope of Services outlined by RFQ#22-21.

3. Duration

This Agreement shall remain in force from the date of execution of this contract to that shown in the Work Program Schedule. Project activities shall be undertaken and completed in such sequence as to ensure compliance with said Schedule C, and further, to ensure expeditious completion in a manner consistent with the purposes of this Agreement.

4. Personnel

(a) The LANDSCAPE ARCHITECT represents that he has, or will secure at his own expense, all personnel required for the performance of the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the City except as employees of the LANDSCAPE ARCHITECT. (b) All of the services required hereafter shall be performed by the LANDSCAPE ARCHITECT or under his supervision, and all personnel engaged in the work shall be fully qualified to perform such services. (c) None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the City. The written approval of the City shall in no way relieve the LANDSCAPE ARCHITECT from their responsibility for the professional and technical accuracy of the work furnished.

5. Waiver of Workman's Compensation and Unemployment Compensation Benefits.

It is agreed that the LANDSCAPE ARCHITECT and LANDSCAPE ARCHITECT'S employees, agents, or other persons for whose conduct the LANDSCAPE ARCHITECT is responsible shall not be deemed to be employees of the City and shall file any claim nor bring any action for any Workman's Compensation or unemployment benefits and compensation for which they may otherwise be eligible as a result of work performed pursuant to the terms of this Agreement.

6. Compensation and Method of Payment

The City agrees to pay the LANDSCAPE ARCHITECT the compensation specified in 'Compensation and Method of Payment, which is complete compensation for all services rendered and for such reimbursable expenses as authorized, per Paragraph 7, Reimbursable Expenses. Appropriate sums will be paid, subject to receipt of a requisition for payment. Neither the City's review, approval nor acceptance of, any of the services furnished under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or any cause of action arising out of the performance Agreement.

7. Reimbursable Expenses

The City agrees to reimburse the LANDSCAPE ARCHITECT only for those direct costs incurred by the LANDSCAPE ARCHITECT pursuant to the performance of work under this Agreement as set forth and authorized within Schedule B, Compensation and Method of Payment. As the City does not pay freight and handling charges, and is also exempt from sales tax, freight and handling charges are not reimbursable by the City.

8. Termination of Agreement for Cause

If for any cause, the LANDSCAPE ARCHITECT fails to fulfill in a timely manner his obligations under this Agreement, or if the LANDSCAPE ARCHITECT shall violate any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement, by giving written notice to the LANDSCAPE ARCHITECT of such termination. Such notice shall be given not less than five (5) days prior to the effective date of termination. In the event of termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other material prepared by the LANDSCAPE ARCHITECT under this Agreement shall, at the option of the City, become its property, and the LANDSCAPE ARCHITECT shall be entitled to receive just equitable compensation for any satisfactory work completed on such documents and other materials. Notwithstanding the above, the ARCHITECT shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the Agreement by the LANDSCAPE ARCHITECT, and the City may withhold any payments to the LANDSCAPE ARCHITECT for the purposes of set off until such time as the exact amount of damages due to the City from the LANDSCAPE ARCHITECT is determined.

9. Terminate for Convenience of City

The City may terminate this Agreement at any time by giving written notice to the LANDSCAPE ARCHITECT of such termination as specifying the effective date of such termination. Such notice shall be given not less than (5) days prior to the effective date of termination. In event of termination for convenience, all finished or unfinished documents and other materials as described in Paragraph 8, above, shall, at the option of the City, become its property.

If the Agreement is terminated for the convenience of the City, the LANDSCAPE ARCHITECT shall be entitled to payment for services completed. Such compensation set forth in the Work Authorization Form as in reflective of the percentage of work completed thereunder, less payments already made for such services.

10. Changes

The City may, from time to time, require changes in the Scope of Services of the LANDSCAPE ARCHITECT to be performed hereafter. Such changes, including any increase or decrease in the amount of the LANDSCAPE ARCHITECT's compensation or any change in the work schedule, which are mutually agreed upon by and between the City and the LANDSCAPE ARCHITECT, shall be incorporated in written amendments to this Agreement.

11. Incorporation of Non-Discrimination Laws and Regulations

The LANDSCAPE ARCHITECT, including all approved consultants and subcontractors, shall and hereby agrees, to comply with all laws, ordinances, and duly promulgated regulations applicable to contracts of this nature. In particular, the LANDSCAPE ARCHITECT agrees to comply with the provisions contained in Schedule D, which is attached hereto and made a part hereto and, with the Mayor's Executive Order No. HRC-X relative to non-discrimination as amplified by the City's Affirmative Action Plan.

12. Assignability

The LANDSCAPE ARCHITECT shall not assign any interest in this Agreement and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the City thereto.

13. Interest of LANDSCAPE ARCHITECT

The LANDSCAPE ARCHITECT covenants that he/she has neither presently nor shall he during the period of this Agreement have any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. The LANDSCAPE ARCHITECT further covenants that in the performance of this Agreement, no person having any such interest shall be employed. Conflicts of interest include, but are not limited to: (a) family relationships with officials or employees of the City, (b) instances where the LANDSCAPE ARCHITECT, during the period covered by the Agreement, was an officer or employee of the City.

14. Findings Confidential

Any reports, information, data, etc., given to or prepared or assembled by the LANDSCAPE ARCHITECT under this Agreement which the City requests to be kept confidential shall not be made available to any individual or organization by the LANDSCAPE ARCHITECT without the prior written approval of the Public Buildings Commissioner.

15. Commission Prohibited

The LANDSCAPE ARCHITECT has not given, offered or agreed to give any person, corporation or other entity any gift, contribution or offer of employment as an inducement for, or in connection with, the award of this agreement. No consultant to or subcontractor for the LANDSCAPE ARCHITECT has given, offered or agreed to give any gift, contribution or offer or employment to the Architect, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of the contract by the LANDSCAPE ARCHITECT. No person, corporation or other entity, other than bona fide full-time employee of the LANDSCAPE ARCHITECT, has been retained or hired by the LANDSCAPE ARCHITECT in obtaining the Agreement or understanding that such person, corporation or other entity be paid a fee or other consideration contingent upon the award of this Agreement to the LANDSCAPE ARCHITECT.

For design contracts which exceed Ten Thousand Dollars (\$10,000) or which pertain to a project whose budgeted or estimated construction costs exceeds One Hundred Thousand Dollars (\$100,000), the LANDSCAPE ARCHITECT shall have internal accounting controls as required by section 39R (C) of C.30 of the Massachusetts General Laws and shall file and shall continue to file an audited financial statement as required by subparagraph (d) of section 39R. of C. 30.

16. Compliance with Applicable Laws

The LANDSCAPE ARCHITECT shall comply with all applicable laws, ordinances, or codes of the State or local government, in performing any of the work embraced by this Agreement.

SIGNATORIES

IN WITNESS WHEREOF the parties hereto have executed this Agreement in quintuplicate on the day first written above in. No agreement shall exist until this Agreement has been signed by all parties.

LANDSCAPE ARCHITECT

CITY OF NEWTON

Parks, Recreation & Culture
Commissioner

No City monies are obligated by this Contract. No deliveries are to be made except on shipping orders issued by the City under the contract each of which must have the certification of the Comptroller of Accounts that an Appropriation is available therefor.

Approved as to legal form and character

Assistant City Solicitor

Comptroller of Accounts

CONTRACT APPROVED

Mayor OR HER DESIGNEE

COMPENSATION AND METHOD OF PAYMENT

I. Method of Determining Compensation

A fee for each Project shall be negotiated based upon the services called for. The City anticipates that each Project fee may be developed based either upon a set, agreed upon figure or based upon time and materials cost. In some Projects, both cost bases may be appropriate and necessary subject to the nature and requirements of the particular Project and the services needed.

II. Billing Rates

On Projects where it is determined by the City and agreed upon by the LANDSCAPE ARCHITECT that a fee shall be determined based upon time and materials cost, rates of payment shall be based upon the following:

Day rates are based on actual salaries paid to individuals performing work on the Project plus salary costs, overhead and profit.

Range of Cost Per Hour

Principals _____

Professionals _____

III. Payment Schedule

On projects where the City agrees to pay the LANDSCAPE ARCHITECT a lump sum fee for basic services, which include construction documents and construction administration, the fee is to be divided as follows:

On completion of:	% Paid
Schematic Phase	15%
Design Development	20%
Construction Documents & Final Cost Estimate	30%
Contract Award	10%
Contract Administration	10%
Final Installment (90 calendar days after Certificate of Substantial Completion accepted by the City)	15%

Such requisitions shall be submitted upon completion of work phases detailed above.

IV. Payment

Payment shall be made to the LANDSCAPE ARCHITECT within thirty (30) days of submission by the LANDSCAPE ARCHITECT to the City of a detailed requisition for payment describing the basic and extra services performed and identifying reimbursable expenditures incurred during the preceding period. The City shall have the right to review and approve the ARCHITECT'S requisition. Payment shall not be due the LANDSCAPE ARCHITECT until his requisition has been approved.

Requisitions for Projects billed on a time and materials basis shall include the number of hours worked, the individual who worked these hours, hourly rates, material and overhead costs.

All requisitions submitted shall be accomplished by a detailed time record as well as the appropriate documentation for reimbursable expenses.

WORK PROGRAM AND SCHEDULE

- I. The Agreement shall take effect as of the date of contract execution and shall terminate five years from the date of the Agreement.

- II. The Architect shall complete all work requested by the City that is within the Scope of Services set forth in this RFQ, in an expeditious manner subject to reviews and approvals by the City. Where possible, the LANDSCAPE ARCHITECT shall endeavor to perform the required work in advance of schedule.

CERTIFICATE OF AUTHORITY - CORPORATE

1. I hereby certify that I am the Clerk/Secretary of _____
(insert full name of Corporation)
2. corporation, and that _____
(insert the name of officer who signed the **contract and bonds.**)
3. is the duly elected _____
(insert the title of the officer in line 2)
4. of said corporation, and that on _____
(insert a date that is **ON OR BEFORE** the date the officer signed the **contract and bonds.**)

at a duly authorized meeting of the Board of Directors of said corporation, at which all the directors were present or waived notice, it was voted that

5. _____ the _____
(insert **name** from line 2) (insert **title** from line 3)

of this corporation be and hereby is authorized to execute contracts and bonds in the name and on behalf of said corporation, and affix its Corporate Seal thereto, and such execution of any contract of obligation in this corporation's name and on its behalf, with or without the Corporate Seal, shall be valid and binding upon this corporation; and that the above vote has not been amended or rescinded and remains in full force and effect as of the date set forth below.

6. ATTEST: _____ *AFFIX CORPORATE SEAL HERE*
(Signature of **Clerk or Secretary**)*
7. Name: _____
(Please print or type name in line 6)*
8. Date: _____
(insert a date that is **ON OR AFTER** the date the officer signed the **contract and bonds.**)

* The name and signature inserted in lines 6 & 7 must be that of the Clerk or Secretary of the corporation.

Appendix A



Newton Parks, Recreation and Culture Department

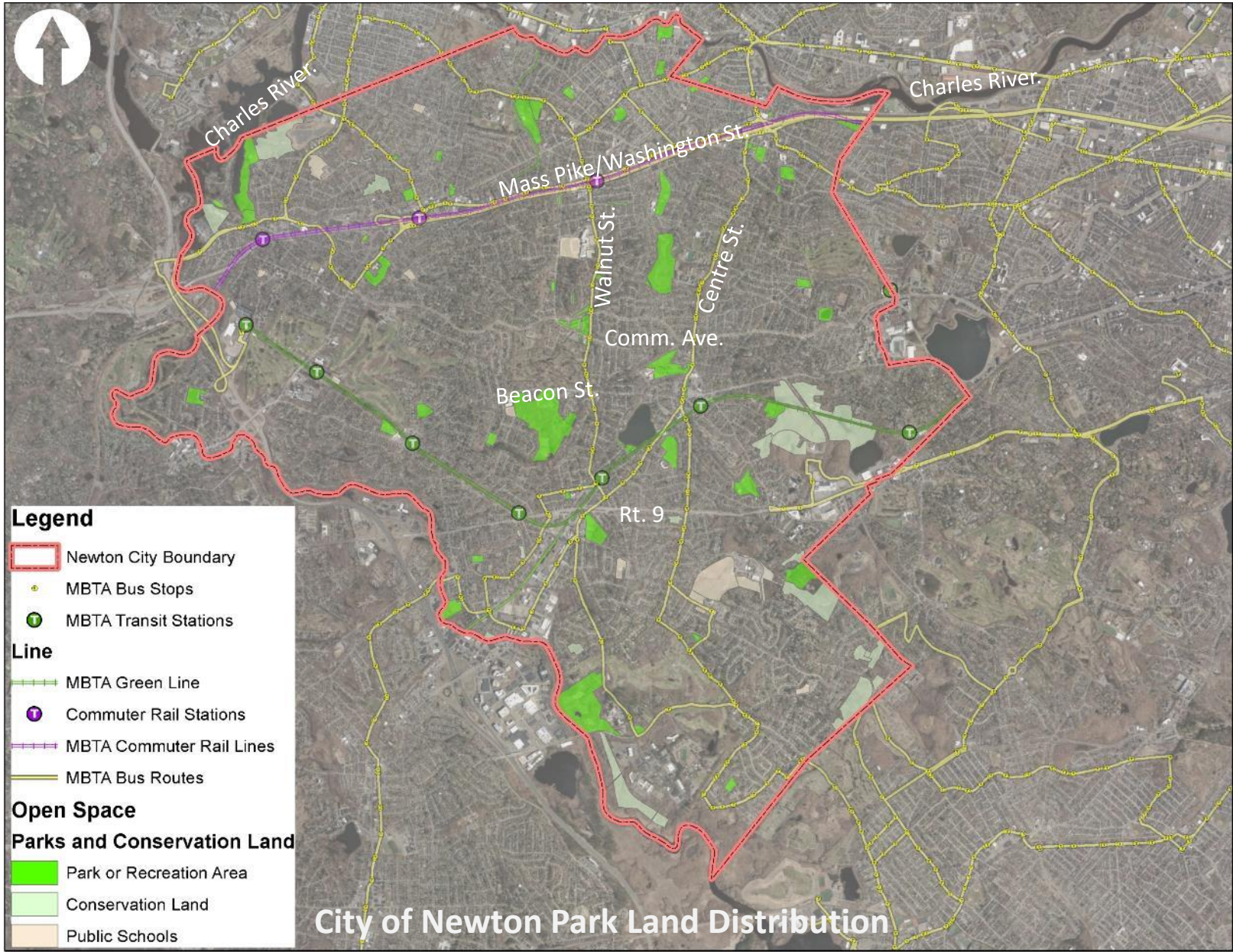
Athletic Fields Capital Improvement Plan

athleticfields@newtonma.gov

Merchant Road Fields, Framingham – Example of quality grass turf fields

Outline

- 1 Parks, Recreation & Culture Department Jurisdiction Overview + Community Survey
- 2 Field Improvement Goals & Prioritization Criteria
- 3 5-Year Athletic Field Capital Project Geographic Distribution
- 4 3-Year Site-Specific Preliminary Improvement Goals
- 5 Parks, Recreation & Culture Department – DRAFT Key Athletic Stakeholder Data and Departmental Maintenance Budget
- 6 DRAFT Project Schedule



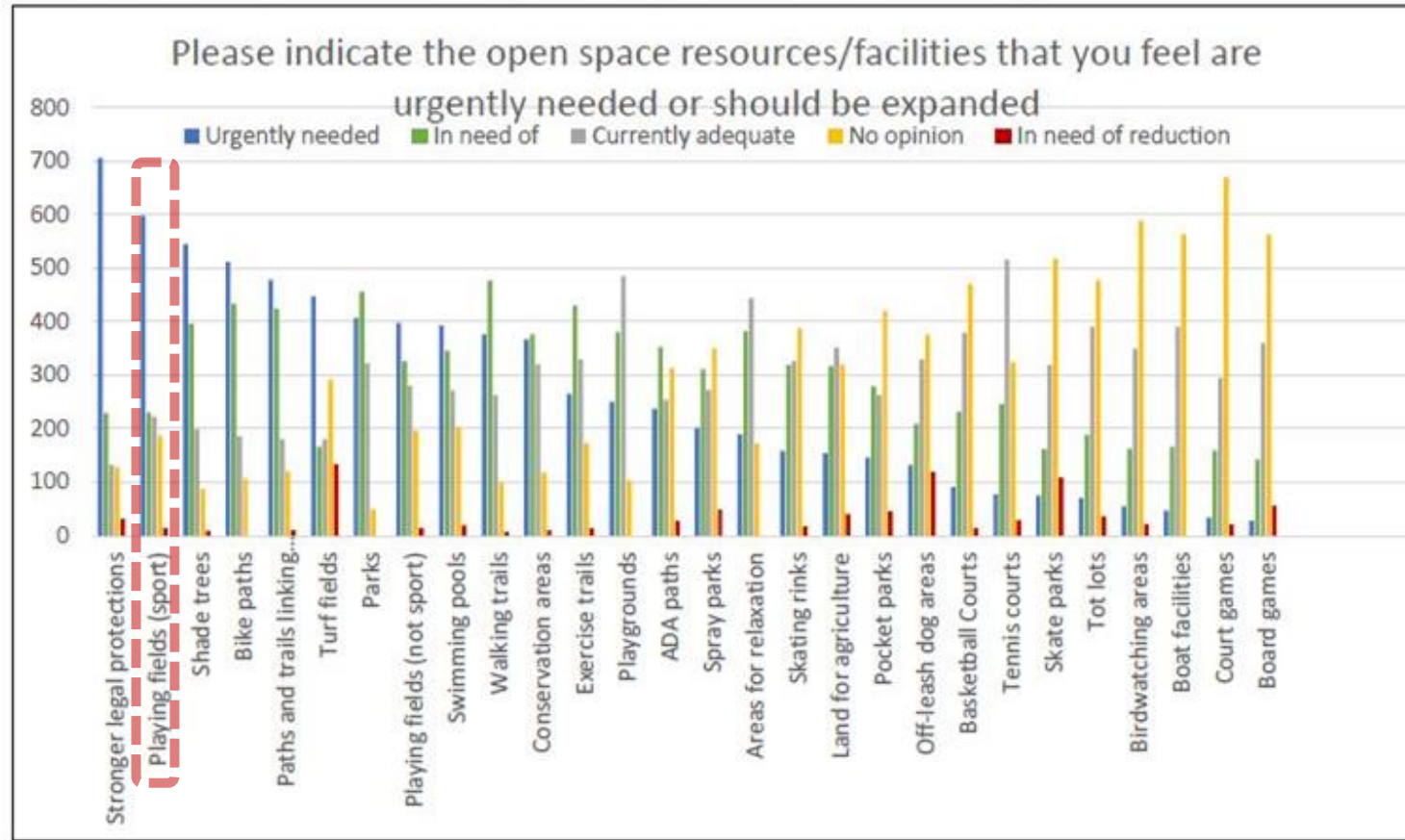
Parks, Recreation & Culture Overview:

- Manage and oversee nearly 600 Acres of park land with varying recreational interests including:
 - Aquatic facilities
 - Tracks + fields
 - Trails, pathways + safe routes to schools
 - Playgrounds + tot Lots
 - Field houses + community centers
 - Hard courts
 - Passive areas
 - Outdoor exercise equipment
 - Wooded areas
 - Outdoor challenge courses
 - Dog parks
 - Splash pads
 - Historic significance
 - Wetlands and waterways
- Spread across all Villages, Wards + School zones

Newton Parks, Recreation and Culture Department
Athletic Fields Capital Improvement Plan

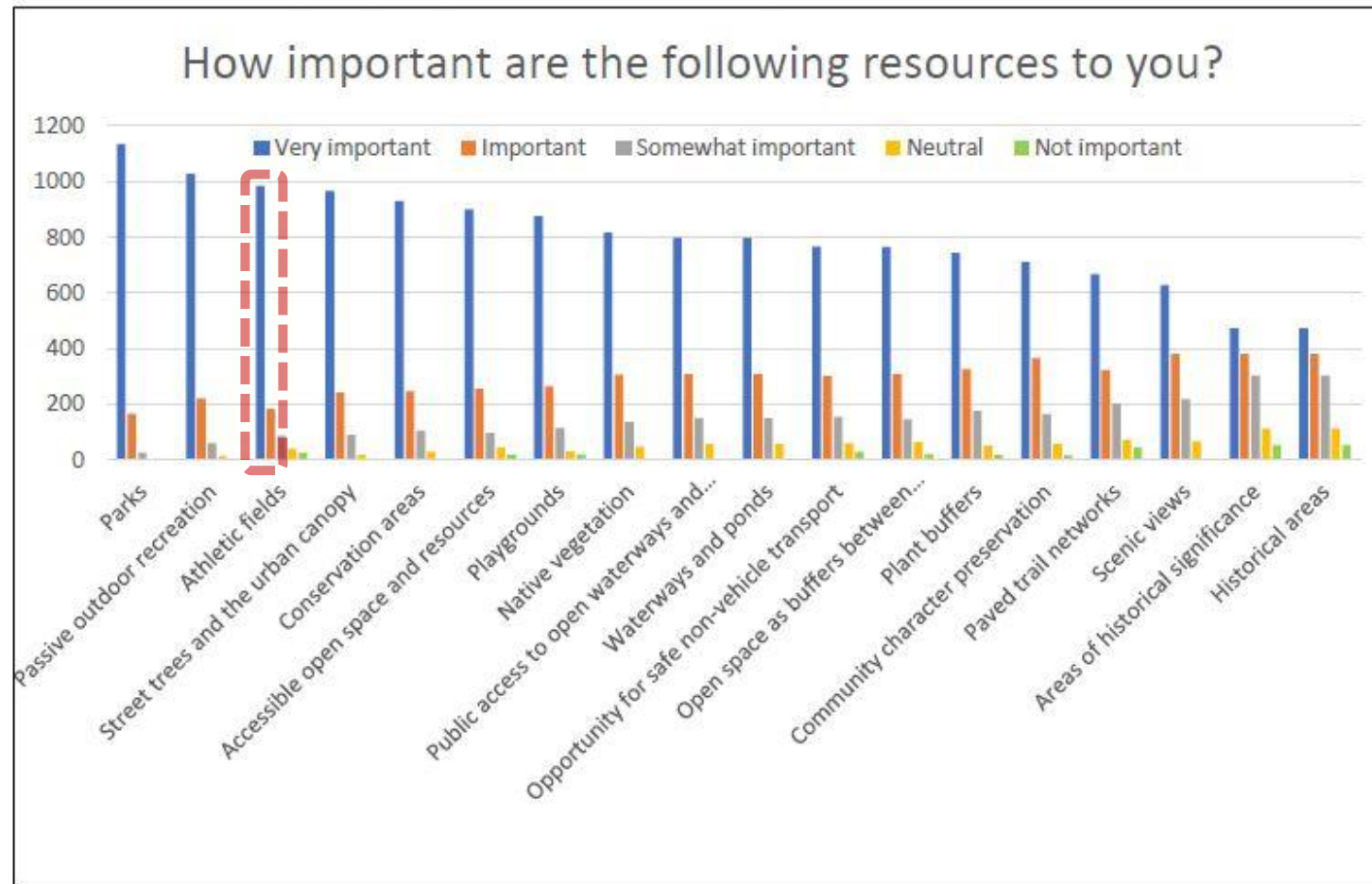
Community Survey (Open Space + Recreation Plan)

Figure 42. Community Survey: Open Space Resources in Greatest Demand



Community Survey (Open Space + Recreation Plan)

Figure 43. Community Survey: Open Space Resources in Greatest Demand



Newton Parks, Recreation and Culture Department
Athletic Fields Capital Improvement Plan

Parks, Recreation & Culture Department Field + Park Improvement Goals

- IMPROVE QUALITY AND QUANTITY OF USABLE MULTIUSE/MULTIPURPOSE FIELDS
- IMPROVE ACCESSIBILITY IN PARKS
- ESTABLISH STANDARDIZED PARK CONSTRUCTION DETAILS TO BETTER MANAGE OPERATION & MAINTENANCE POST CONSTRUCTION
- INVEST EQUITABLY IN NEWTON'S ATHLETIC FIELDS + PARKS ACROSS THE CITY

Parks, Recreation & Culture Department Field Project Prioritization Criteria

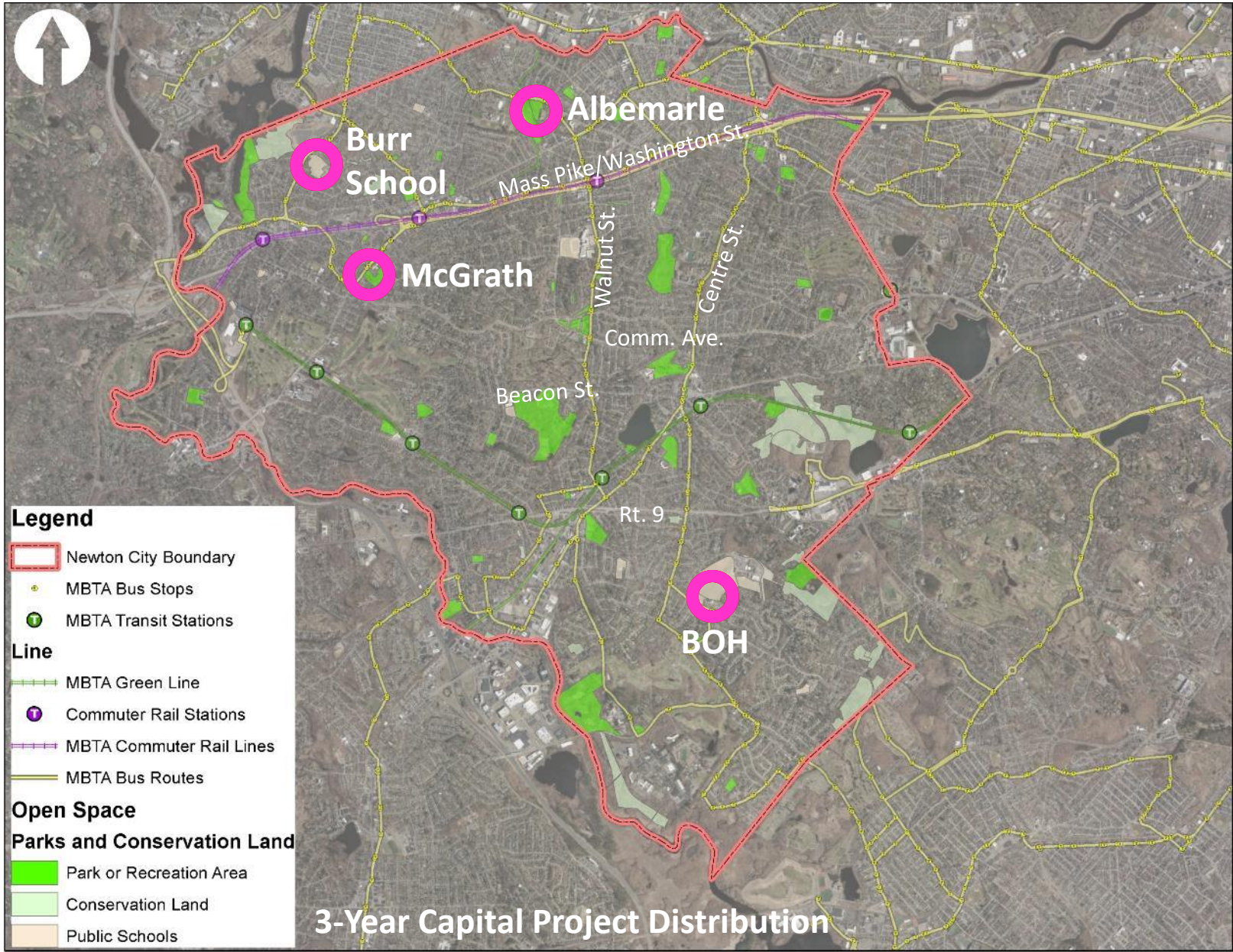
- *Potential for greatest city-wide benefit*
- *Project sequencing: prioritize new fields being brought online first*
- *Bandwidth: Balancing concurrent projects against staff time*
- *Potential for expansion of multiuse fields*
- *Expanding evening play (light improvements/ additions)*
- *Player safety*
- *Integrated with other projects in a park area (e.g., path at McGrath, Gath Pool renovation)*



3-Year Capital Project Distribution:

- Albemarle Park/ Russ Halloran Sports and Recreation Complex
- Burr School
- Brown/Oak Hill Fields
- McGrath Park

TOTAL: 4 Sites



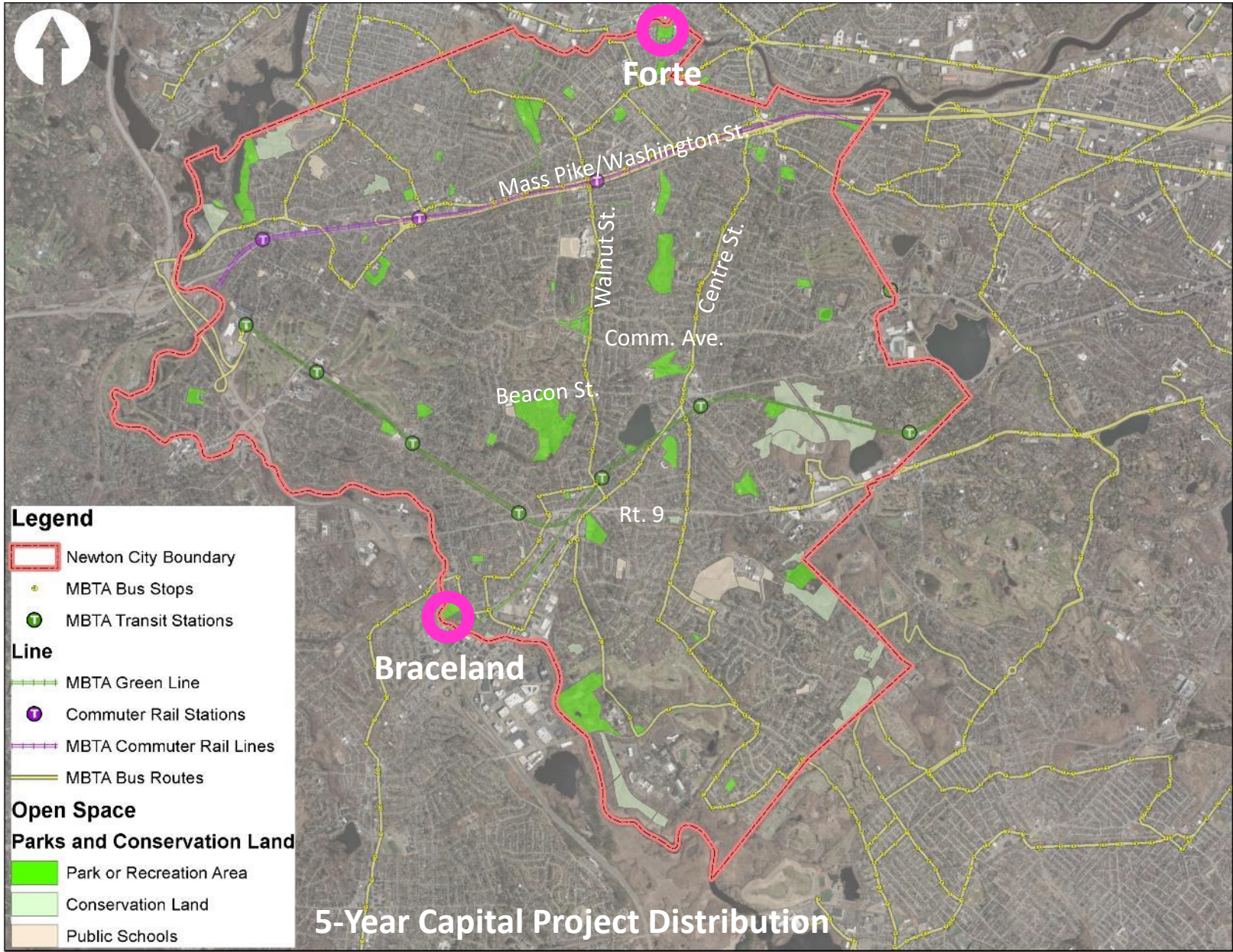
Newton Parks, Recreation and Culture Department
Athletic Fields Capital Improvement Plan



5-Year Capital Project Distribution:

- Bobby Braceland 'Upper Falls' Playground
- Forte Park

TOTAL: 2 Sites



Newton Parks, Recreation and Culture Department
Athletic Fields Capital Improvement Plan



Russ Halloran Sports & Recreation Complex at Albemarle

24.9 ACRES

Ward: 2

Village: Newtonville/ West Newton

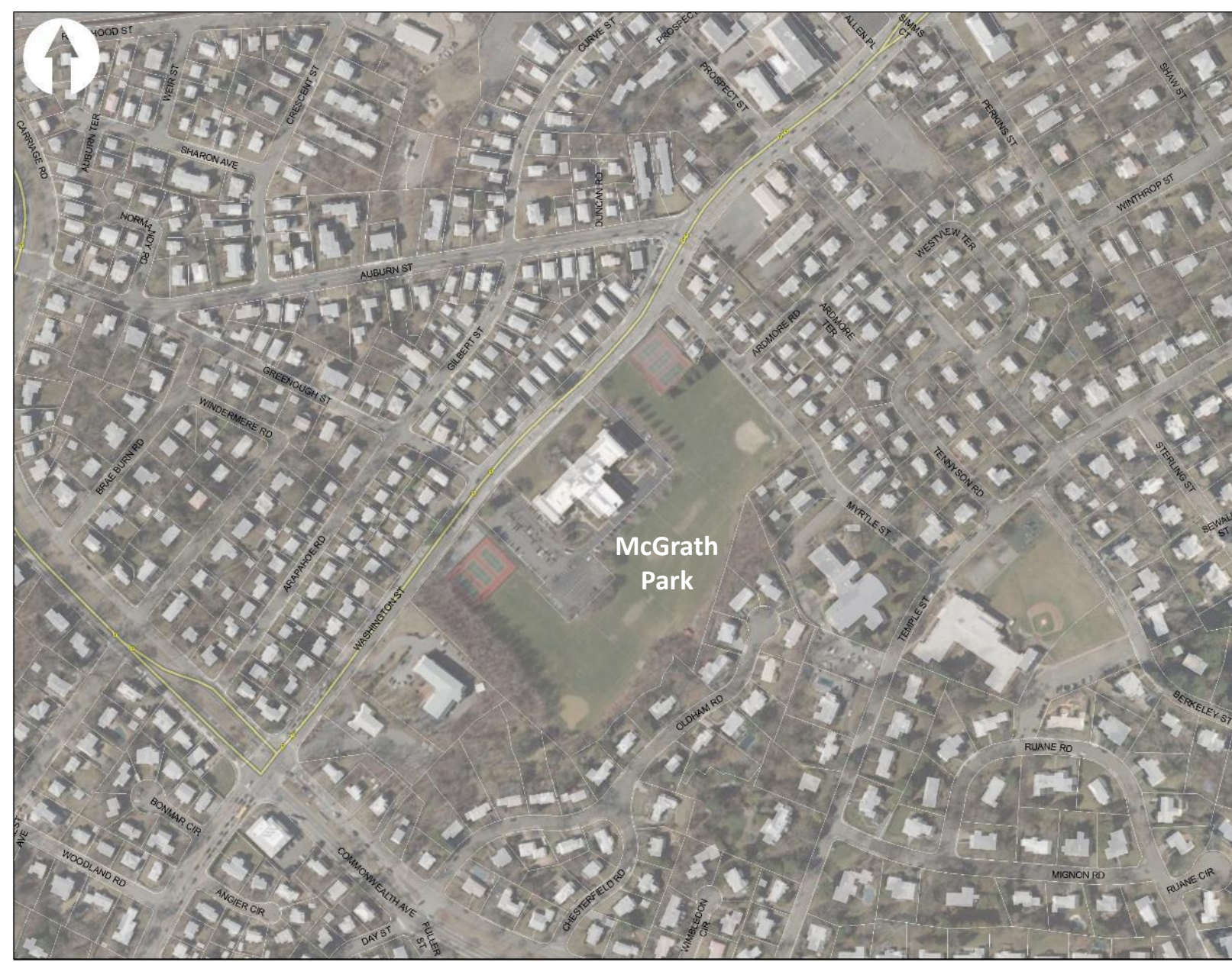
Improvement Goals

- Develop 25% schematic design for entire site ensuring:
 - Maximized field & site layout for efficiency in use*
 - Improved accessibility*
 - Developed a phased plan for improvements*
 - Phase 1 – relighting, field reconfiguration & accessibility improvements*
 - Additional phases – To be determined during design and public process*

- Develop construction bid-ready documents for **PHASE 1** to include:

- Installation of new sports lighting and infrastructure for future system expansion*
- Some reconfiguration of fields*
- Improved accessibility*
- Additional scope identified during public process*

Approximate Construction Budget: 3.2M



Richard J. McGrath Park @ Warren House

10.1 ACRES

Ward: 3

Village: West Newton

Improvement Goals

•Develop construction bid-ready documents for Improvements to include:

- New accessible perimeter path (CDBG Funded)
- Reconfigured courts to maximize field efficiency
- Removed underutilized backstop and infield
- Expanded irrigation system to areas where ballfield and courts have been removed
- Properly located and designed lacrosse practice wall (Wall construction cost to be funded by LAX league)
- Caliper tree replacement for any tree removals required

Approximate Construction Budget: \$500,000

Newton Parks, Recreation and Culture Department
Athletic Fields Capital Improvement Plan



Burr School

10.1 ACRES

Ward: 4

Village: Auburndale

Improvement Goals

•Develop feasibility study and 25% schematic design for field area to include:

- Maximized field and site layout for increased permitted field space
- Improved accessibility
- Assessed potential environmental concerns

•If feasible, develop construction bid-ready documents to include:

- Regraded and properly developed multipurpose field area
- Installed Irrigation
- Reconfigured safe routes to school path and 4c tree planting
- Reconfigured ball diamonds and other amenities within field area
- Improved drainage

Approximate Construction Budget: \$500,000

Newton Parks, Recreation and Culture Department
Athletic Fields Capital Improvement Plan



Brown/Oak Hill Fields

11.3 ACRES

Ward: 8

Village: Oak Hill

Improvement Goals

•Develop feasibility study and 25% schematic design for field area to include:

- Maximized field and site layout for increased permitted field space
- Improved accessibility
- Assessed potential environmental concerns

•If feasible, develop construction bid-ready documents to include:

- Regraded field area
- Expanded Irrigation
- Reconfigured ball diamonds and other amenities within field area
- Improved accessibility
- Improved drainage

Approximate Construction Budget: \$500,000

Newton Parks, Recreation and Culture Department
Athletic Fields Capital Improvement Plan

Key Athletic and Facility Stake Holder City-Wide Data

Total # of Athletes is still being finalized and continues to develop. This table reflects approximate numbers and are subject to further refinement

LEAGUE	TOTAL PLAYERS	SPORT	FACILITY
Newton Youth and Girls Soccer	4,775	soccer	Nahanton, <i>Brown/Oak Hill</i> , Countryside School Fields, NSHS, Newton Highlands, Mason-Rice, <i>Albemarle</i> , Cabot Park, <i>Burr School</i> , Burr Park, <i>Forte Park</i> , <i>McGrath Park</i> , Warren E. Lincoln Playground, Lower Falls Playground, Cold Spring Park, <i>Upper Falls Playground (Braceland)</i> , Weeks Park
Newton Little League	997	baseball	Cabot Park, Carr School Playground, <i>Albemarle</i> , Boyd Park, Lower Falls Playground, Lyons Park, Pierce School Playground, Stearns Park, Ward Park, Franklin School Playground
Newton South East Little League	622	baseball	Hyde Playground, Newton Centre Playground, Richardson Playground, Newton Highlands Playground, Angier School Playground, Bowen School Fields (Thompsonville Playground), <i>Brown/Oak Hill Fields</i> , Memorial Spaulding School Fields, Countryside School Fields
Newton Girls Softball	343	softball	NNHS, NSHS, <i>Albemarle</i> , Davis Playground, Emerson Playground, <i>Upper Falls Playground (Braceland)</i> , Memorial Spaulding School Fields, Ward Park, Burr Park, <i>Burr School</i> , Hyde Playground
Newton Area Flag Football league	325	football	Newton Highlands Playground
Newton Boys Lacrosse League	300	lacrosse	Newton Highlands Playground, <i>McGrath Park</i> , NNHS
Newton Girls Lacrosse League	180	lacrosse	Weeks Park, NSHS, Cold Spring Park
Babe Ruth League	120	baseball	<i>Albemarle</i> , NSHS, Warren E. Lincoln Playground, <i>Upper Falls Playground (Braceland)</i> , Cabot Park, West Newton Common
Newton Youth Football	75	football	NNHS, <i>Albemarle</i>
Girls Lacrosse Newton	61	lacrosse	Pellegrini Park, Highlands, NSHS
Senior Youth Baseball	50	baseball	Newton Centre Playground, <i>Albemarle</i>
American Legion Juniors	36	baseball	NNHS, NSHS, <i>Albemarle</i>
Newton 50/70 Summer Baseball	TBD	baseball	Cold Spring Park
Newton LL Senior Division	TBD	baseball	NNHS, Cabot Park, <i>Albemarle</i>
Zervas Kindergarten Soccer	500	soccer	<i>Brown/ Oak Hill Fields</i>
Gorilla Boys Lacrosse	125	lacrosse	Pellegrini Park, Newton Highlands Playground
BUDA Youth Frisbee	115	frisbee	Cabot Park, West Newton Common, <i>McGrath Park</i> , <i>Albemarle</i>
Triple Crown Baseball	106	baseball	NSHS, Cabot Park, <i>Albemarle</i> , Auburndale Park, Warren E. Lincoln Playground
Newton Youth Field Hockey	80	field hockey	NNHS
Minuteman Baseball	TBD	baseball	West Newton Common, Cabot Park, NSHS
TOTALS:	8,810		

Newton Parks, Recreation and Culture Department Athletic Fields Capital Improvement Plan

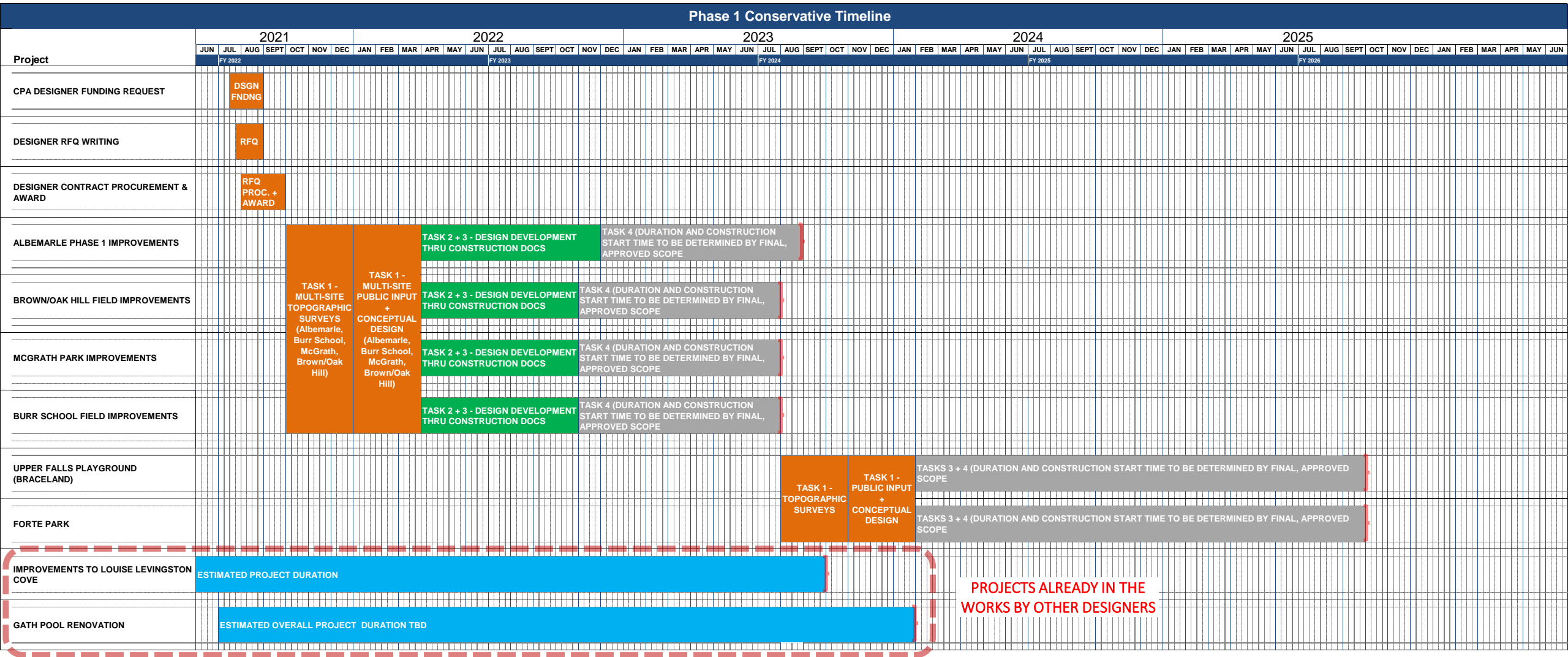
Key Athletic and Facility Stake Holder Data: 3-Year Projects

Facility Name	Non-permitted stake holders	Key Permitted Stake Holders					
		Spring Users (April-June)	Total Spring Permitted Hours	Summer Users (July-August)	Total Summer Permitted Hours	Fall Users (Sept. - November)	Total Fall Permitted Hours
Albemarle Park 'Russell J. Halloran Sports and Recreation Complex'	F.A. Day Middle School students, playground users, passive users, tennis players, basketball players, general park users, pool users, safe route to school	Newton Little League; Newton LL Seniors; Senior Youth Baseball; Newton Girls Softball; Newton Youth Soccer; Newton Girls Soccer; BUDA Youth Frisbee; F.A. Day Middle School Athletics; Prime Baseball League; Babe Ruth Baseball Tryouts; Adult Cricket; Extra Innings Baseball Clinic	2905 hours	Newton Little League; Babe Ruth Baseball; Adult Cricket; Newton Girls Softball; Newton Community Ed - baseball; Boys and Girls Club; Extra Innings Baseball Clinic; Mustang Youth Football; American Legion Baseball; Prime Baseball; BUDA Youth Frisbee; Juventas Youth Soccer	1588 hours	Newton Little League; Newton LL Seniors; Adult Cricket; Newton Girls Softball; Mustang Youth Football; F.A. Day Middle School Athletics; Newton Youth Soccer; Newton Girls Soccer; Extra Innings Baseball Clinic; Lasell Baseball; NNHS Baseball captain's practice; BUDA Youth Frisbee; BUDA Adult Frisbee	2115.50 hours
Brown/Oak Hill Fields	Brown/Oak Hill middle school students, passive users, dog owners, runners, general field users	Brown/Oak Hill Athletics; NSHS Track- discus, javelin; Kindergarten Soccer; Newton Youth Soccer; Newton Girls Soccer; Newton Community Education	1838.50 hours	SMASH Volleyball Clinics; Newton Youth Soccer Clinics; Newton Girls Soccer Clinics; NSHS Fall preseason sports; Newton Community Education; UVC Volleyball	159 hours	Brown/Oak Hill Athletics; Kindergarten Soccer; Newton youth Soccer; Newton Girls Soccer; Newton Community Education; BC Grad Flag Football; Brute Rugby Club	1952 hours
Burr School	Burr school students, playground users, passive users, potentially dog owners, runners and general field users, safe route to school	Newton Public Schools; Newton Girls Softball; Newton Youth Soccer; Newton Girls Soccer; Burr PTO; NNHS Ultimate Frisbee	657 hours		0 hours	Newton Public Schools; Newton Youth Soccer; Newton Girls Soccer	253 hours
Richard J. McGrath Park	walkers, runners, dog owners	NNHS Boys LAX; Newton Boys lacrosse league; Newton Youth Soccer; Newton Girls Soccer; NCDS tennis; Maimonides tennis; Over 55 Pickleball; Over 55 Tennis; N.E. Surf Soccer; Newton Tennis; Learning Center After School PE; Belge-Friends soccer group	1092 hours	Boston Ski and Sports Club; Newton Tennis; Over 55 Pickleball; Over 55 Tennis	128 hours	Over 55 Pickleball; Over 55 Tennis; NNHS Boys Soccer; Newton Youth Soccer; Newton Girls Soccer; Learning Center After School PE; Belge-Friends soccer group	1003 hours

Athletic Stake Holder Groups highlighted in Bold hold the most field permit hours and sorted by the 4 sites prioritized within the next 3 years.

Newton Parks, Recreation and Culture Department **Athletic Fields Capital Improvement Plan**

Projects



PROJECTS ALREADY IN THE WORKS BY OTHER DESIGNERS

Please note that timeframes and durations are estimated and are subject to change as designs are refined. Construction Cycles are also estimated and are dependent on weather, field space allocation during closures during construction etc.

Legend

- Current Capital Proj.
- Planning + Prelim. Dsgn
- Const. Documents
- Construction - Phase 2

Newton Parks, Recreation and Culture Department Athletic Fields Capital Improvement Plan

Appendix B

Chapter 21

PARKS, RECREATION AND CULTURE, PUBLIC GROUNDS AND TREES*

- Art. I. In General, §§ 21-1—21-45**
- Art. II. Parks and Recreation Commission, §§ 21-46—21-59**
- Art. III. Trees, §§ 21-60—21-89**
 - Div. 1 Urban Tree Commission, §§ 21-60—21-71**
 - Div. 2 Regulation of Public Trees, §§ 21-72—21-80**
 - Div. 3 Tree Preservation, §§ 21-81—21-89**

**ARTICLE I.
IN GENERAL**

Sec. 21-1. Parks, recreation and culture commissioner—Designation; duties generally; compensation.

(a) The office of commissioner of parks, recreation and culture, and the department of parks, recreation and culture are established. The commissioner shall be an officer of the city and the provisions of the law for the appointment and removal of heads of departments shall be applicable to such office. He shall have under his immediate control and direction such assistants and employees as may from time to time be duly authorized. The commissioner shall consult with the Director of the history museum regarding the manner of maintenance, care and management of the burial grounds. He shall receive for his services such salary as shall be fixed by the mayor and city council.

(b) The parks, recreation and culture commissioner shall have charge of maintenance, care and management of playgrounds and all recreation lands, except to the extent conferred upon the Parks and Recreation Commission, pursuant to Chapter 426 of the Acts of 1982 and G.L. c. 45. He shall have and exercise the power conferred by G. L. c. 45, sec. 14, except that of taking by eminent domain. He shall also be responsible for the control and supervision of the parks, recreation and culture department. The commissioner also shall have charge of the maintenance, care and management of burial grounds and the grounds about public buildings and the maintenance of lands under the jurisdiction and control of the conservation commission. The commissioner shall consult with the conservation commission regarding the manner of maintaining lands under the commission's jurisdiction.

(c) The parks, recreation and culture commissioner shall also be designated as the local superintendent of insect pest control pursuant to the G.L. c. 132, sec. 13. He shall perform the duties of tree warden and have the care and control of all public shade trees and the planting, trimming and cutting thereof. He shall make and keep an itemized account with vouchers, showing the definite amounts expended for the purposes named in the General Laws for the suppression of insects. He shall, under the direction of the mayor, cause notices as required by the statutes to be sent to owners of parcels of land infested with such insects. He shall make lists of the amounts expended on spraying as provided by law, containing the names of the owners of estates, the locations thereof and the amounts expended thereon. (Rev. Ords. 1973, § 2-125, § 19-39; Ord. No. 90, 10-6-75; Ord. No. 190, 12-20-76; Ord. No. 220, 6-7-77; Ord. No. 233, 8-15-77; Ord. No. 317, 2-20-79; Ord. No. R- 267, 10-18-82; Ord. No. T-318, 12-6-93; Ord. No. V-289, 3-20-00; Ord. No. B-53, 03-02-20)

State law references—Office of tree warden, G.L. c. 41, § 1; statements of expenditures of local superintendents of pest control, G.L. c. 132, § 15

***Cross references** – Cultural affairs committee, Ch. 2, Art. VI, Div. 3

State law reference—Parks and playgrounds generally, G.L. c. 45

Sec. 21-2. Same—Authority over school property.

(a) The parks, recreation and culture commissioner shall have charge of the management, care and maintenance of the city's school yards and school grounds. No layout of a school yard or school ground shall be made by the parks, recreation and culture commissioner until the plan and design of the same has received the written approval of the school committee.

(b) Control of the use of school yards and school grounds shall be entirely within the jurisdiction of the school committee which shall determine the persons entitled to use the grounds and how the same shall be used. The school committee may, however, during vacation periods of the school, turn over the control of the use of designated school yards and school grounds to the parks, recreation and culture commissioner and it may turn over the control of the use of any designated portion of such ground during the school year to the parks, recreation and culture commissioner. The release of jurisdiction provided for in this section shall only be accomplished if and when the parks, recreation and culture commissioner in writing applies for and the school committee in writing authorizes the same. In the event of such turning over of jurisdiction, the adjoining school building and the equipment of the school department shall only be used under such regulations as to use as the school committee makes. (Rev. Ords. 1973, § 2-270; Ord. No. 190, 12-20-76; Ord. No. 220, 6-6-77; Ord. No. R-267, 10-18-82; Ord. No. B-53, 03-02-20)

Cross reference—Newton community education program, Ch. 2, Art. VI, Div. 2

Sec. 21-3. Operation of vehicles.

No person, unless by permission of the commissioner of public works or, on parks and playgrounds, of the parks, recreation and culture commissioner, shall operate a motor vehicle in or upon parks or other public grounds except upon the driveways thereof. (Rev. Ords. 1973, § 19-102; Ord. No. 90, 10-6-75; Ord. No. B-53, 03-02-20)

Sec. 21-4. Selling goods and wares; amusement tents, booths, etc.

No person, except by permission of the commissioner of public works, or, on parks and playgrounds, of the parks, recreation and culture commissioner, shall expose for sale or sell any goods, wares or merchandise in or upon any park or other public grounds, nor erect or maintain a booth, stand, tent or apparatus of any kind for the purpose of amusement or show in any park or on public grounds. (Rev. Ords. 1973, § 19-103; Ord. No. 90, 10-6-75; Ord. No. B-53, 03-02-20)

Cross reference—Licensing and permits generally, Ch. 17

Sec. 21-5. Nuisances generally.

No person shall commit a nuisance in parks or on other public grounds. (Rev. Ords. 1973, § 19-104; Ord. No. 90, 10-6-75)

Sec. 21-6. Playing games, etc.

No person, except by the permission of the commissioner of public works, or, on parks and playgrounds, of the parks, recreation and culture commissioner, shall engage in a game of ball, football, baseball or other athletic sports in or upon any park or public grounds, except upon such portions thereof as may be set apart for such purposes. (Rev. Ords. 1973, § 19-105; Ord. No. B-53, 03-02-20)

Sec. 21-7. Throwing missiles.

No person shall throw a stone, snowball or other missile in or upon any park or public playground. (Rev. Ords. 1973, § 19-106; Ord. No. 90, 10-6-75)

Sec. 21-8. Damaging property.

No person shall pull up, break, cut or deface any of the seats, fences or railings upon or around any park or other public grounds, nor deface any monument or statue in any park or on public grounds. (Rev. Ords. 1973, § 19-107)

Sec. 21-9. Climbing, posting bills on trees.

No person shall climb a tree in any park or upon other public grounds, nor post a bill, nor place a sign upon or around any tree in any park or upon other public grounds of the city. (Rev. Ords. 1973, § 19-108)

Sec. 21-10. Digging, carrying dirt, etc.

No person, except by permission of the commissioner of public works, or, on parks and playgrounds, of the parks, recreation and culture commissioner, and for some public use, shall dig or carry away any sward, gravel, sand, turf or earth from, nor place or deposit or cause to be placed or deposited any stones, sand, gravel or other substance upon, any park, playground or other public grounds. (Rev. Ords. 1973, § 19-109; Ord. No. 90, 10-6-75; Ord. No. B-53, 03-02-20)

Sec. 21-11. Damaging flowers.

No person shall walk, stand, sit or lie down in or upon, or pull a flower or plant out of a flower bed, in any park or upon public grounds. (Rev. Ords. 1973, § 19-110)

Sec. 21-12. Walking on grass.

No person shall stand, walk or lie upon the grass in any park or upon public grounds where such walking, standing or lying has been prohibited, and notice of such prohibition is given to the public by legible notices placed in or upon such park or public grounds. (Rev. Ords. 1973, § 19-111)

Sec. 21-13. City-owned burial grounds.

No further burials are to be permitted in that portion of the City-owned burial ground located on Centre Street, said portion being bounded on the west side by Centre Street and Loring Park, on the south side by Cotton Street, on the east by the land of the Franciscan Sisters, and on the north by a driveway, as more specifically shown on a plan entitled "Plan of Centre Street Cemetery, January 1901; Amended 1918", on file in the engineering division of the department of public works. (Ord. No. R-251, 6-21-82; Ord. No. V-289, 3-20-00)

Sec. 21-14. Spraying for insects.

(a) The commissioner of parks, recreation and culture may, at the request of owners of private property in the city, spray trees and shrubs thereon for the purpose of destroying or suppressing insects or pests and preventing or controlling the spread of Dutch Elm Disease. The commissioner of parks, recreation and culture may establish rules and regulations governing such spraying, including the time and manner of making requests and payments therefor.

(b) There shall be charged for each such spraying an amount determined by the size of the lot upon which such spraying is done according to the following table:

Size of lot (square feet)	
Amount under 7,500	\$ 5.00
7,500 to 9,999.....	7.50
10,000 to 14,999.....	10.00
15,000 to 19,999.....	12.50
20,000 to 24,999.....	15.00
25,000 and over	the cost of labor and materials employed for the purpose as estimated by the commissioner.

(c) The amount to be charged shall in each case be paid to the parks, recreation and culture commissioner before the spraying is done. (Rev. Ord. 1973, § 2-129, § 19-44; Ord. No. 90, 10-6-75; Ord. No. R-267, 10-18-82; Ord. No. B-53, 03-02-20)

Sec. 21-15. Parks, recreation and culture department; functions generally.

The parks, recreation and culture department shall be responsible for planning, scheduling, organizing and supervising programs for designated city groups and citizens. Under direction of the parks, recreation and culture commissioner, it shall provide supervision and patrol activities at swimming ponds, swimming pools, skating areas, playgrounds and all other recreation areas; it shall also conduct all senior citizens recreation programs. (Rev. Ord. 1973, § 2-271; Ord. No. 190, 12-20-76; Ord. No. R-287, 1-19-83; Ord. No. B-53, 03-02-20)

Secs. 21-16—21-45. Reserved.

**ARTICLE II.
PARKS AND RECREATION COMMISSION**

Sec. 21-46. Composition; appointment of members; vacancies; chairman.

(a) There shall be a parks and recreation commission comprised of eight (8) voting members together with the parks, recreation and culture commissioner who shall serve, ex officio, as a non-voting member of the parks and recreation commission. One resident from each ward of the city shall be appointed as permanent members by the mayor with the approval of the city council. Four (4) alternate members selected at large shall also be appointed by the mayor with the approval of the city council.

(b) Appointments by the mayor shall strive to balance the concerns of parks and open space preservation with the concerns of recreation.

(c)(i) Permanent members of the parks and recreation commission shall be appointed for a term of three (3) years.

(ii) Four (4) alternate members shall be appointed by the mayor following the effective date of passage of this ordinance. The initial terms of three (3) of the alternate members shall be shortened as follows to stagger expiration of their terms: one member shall be appointed for one (1) year; two members shall be

appointed for two (2) years; one member shall be appointed for three (3) years. All alternate member appointments subsequent to the initial appointments shall be for a term of three (3) years.

(iii) Both permanent and alternate members shall continue to serve after expiration of their terms until their successors shall be duly appointed and qualified. Vacancies in the offices of either permanent or alternate members shall be filled in the same manner as the original appointment for any unexpired term.

(d) The permanent members shall elect one member to act as chair. In the event that a permanent member is absent or unable to act for any reason, the chair shall designate an alternate member to act. (Rev. Ords. 1973, §2-267; Ord. No. R-287, 1-19-83; Ord. No. T-317, 12-6-93; Ord. No. B-53, 03-02-20)

Editor's note—As amended in 1970, this section provided for the members of the former recreation commission whose terms had not expired to serve until December 31, 1970, as well as for the mayor to appoint additional members to serve until December 31, 1970. The section also provided for appointment of members, commencing January 1, 1971, for staggered terms of one, two (2) and three (3) years.

Cross references—Commissions generally, Ch. 2,
Art. VII; regulations governing appointment to and service on commissions and committees, § 2-8

State law reference—Recreation commission for city of Newton, c. 631, Acts of 1969

Sec. 21-47. Powers and duties.

The parks and recreation commission shall advise the mayor and city council in relation to matters pertaining to sports, recreation, parks, open space and preservation of scenic beauty and shall render decisions concerning parks, recreation and culture programs and the use of lands under its jurisdiction in accordance with written guidelines or policies. The guidelines or policies established by the parks and recreation commission shall preserve and enhance access to parks, recreation and culture opportunities for Newton citizens. The parks and recreation commission shall also advise the mayor and city council as to the amount of money to be spent annually by the department of parks, recreation and culture. Pursuant to Chapter 426 of the Acts of 1982, the parks and recreation commission shall have all the rights, powers, duties and obligations of a park commission as set forth in Chapter 45 of the General Laws, and shall exercise the powers of eminent domain conferred by Sections 2 and 14 of Chapter 45 of the General Laws.

Pursuant to Section 2 of Chapter 87 of the General Laws, the commission may delegate its powers as tree warden under Section 5 of Chapter 45 to the parks, recreation and culture commissioner. (Rev. Ords. 1973, § 2-268; Ord. No. 190, 12-20-76; Ord. No. R-287, 1-19-83; Ord. No. T-317, 12-6-93; Ord. No. B-53, 03-02-20)

Secs. 21-48. —21-59. Reserved.

ARTICLE III. TREES

DIVISION 1. URBAN TREE COMMISSION

Sec. 21-60. Establishment and purpose.

There is hereby established the urban tree commission to advise and assist the tree warden in carrying out his duties and responsibilities. The purpose of the urban tree commission shall be to advise the tree warden, the mayor, the city council and the general public on all matters concerning public trees, including but not limited to, the selection of trees for planting, planting and pruning of trees, the treatment of disease, and the preservation and regular maintenance of trees. (Ord. No. V-71, 3-4-96)

Cross reference—Tree warden, Ch. 21, Art. I, § 21-1

Sec. 21-61. Powers and duties.

(a) The commission shall issue a city tree maintenance manual which shall set forth the standards for planting and maintaining all public shade trees in the city and which shall also set forth the general policies in regard to those trees. The commission shall regularly revise and distribute the tree maintenance manual and review the implementation of the practices and policies it enunciates.

(b) The commission shall annually review the needs of various geographical areas of the city for the planting and replacement of trees and shall recommend priorities based on the annual review to the tree warden and superintendent of urban forestry or such other municipal officials as may hereafter be assigned the duties of tree warden and superintendent of urban forestry.

(c) Whenever a hearing is required to be held in regard to cutting down or removal of a tree, the commission may offer written recommendation(s) to the tree warden.

(d) Whenever the tree warden prepares an impact statement on the effect of any construction project on existing trees or the ability to plant trees in that area in the future, the tree commission may submit its advice as part of a submission to appropriate city agencies and/or to the city council for its review of the project. (Ord. No. V-71, 3-4-96)

Sec. 21-62. Composition and organization.

(a) The commission shall consist of twelve (12) voting members who shall serve for three year terms in accordance with Section 2-8 of these Revised Ordinances. Ten (10) members shall be appointed by the mayor in accordance with Section 3-3 of the Charter. The commissioner of parks, recreation and culture, in his capacity as tree warden, or such other municipal official as may hereafter be assigned the duties of tree warden, shall serve, ex officio, as the eleventh voting member. The superintendent of urban forestry, or such other municipal official as may hereafter be assigned the duties of superintendent of urban forestry, shall serve, ex officio, as the twelfth voting member. Three (3) of the initial appointees shall serve for a term of one year; three (3) of the initial appointees shall serve for a term of two years; and four (4) of the initial appointees shall serve for a term of three years.

(b) Members of the commission, so far as practicable, shall be selected so as to provide representation of citizens with expertise or interest in the preservation and care of trees. Consistent with this requirement, whenever a vacancy occurs on the commission, the commission shall offer a list of prospective members for the mayor's consideration in making appointments.

In making the initial appointees to the urban tree commission, the city council requests that the mayor consider any active members of the urban tree task force who wish to be appointed, it being the will of the city council that the urban tree commission be established as the successor to the urban tree task force. The city council also requests that the mayor also consider appointing any such members of the urban tree task force to the longest terms of office available prior to appointing persons who are not currently serving on the urban tree task force. (Ord. No. V-71, 3-4-96; Ord. No. B-53, 03-02-20)

Secs. 21-63. —21-69. Reserved.

Sec. 21-70. Volunteer work on city property.

(a) Improvements to and maintenance of real property owned or controlled by the City of Newton may be carried out by volunteer workers in accordance with a permit issued by the head of the department having care, custody or control of such real property, or his designee. Every such permit shall state the location, scope and

nature of the project and any other limitations and requirements which, in the opinion of the department head, are necessary in order to carry out the city's policies for the use of such real property.

(b) Whenever such a permit has been issued, the head of the department shall provide city personnel who shall act as supervisors of the volunteer work on the improvement project. All persons serving as volunteer workers shall follow all instructions of and act under the supervision of the city personnel supervising such work.

(c) Volunteer workers who work on improvement and maintenance projects in accordance with such a permit shall be deemed to be "public employees" within the meaning of section one of chapter 258 of the Massachusetts General Laws for the purpose of third party claims; provided that any such claim arises as a result of the project described in the applicable permit.

(d) In order to facilitate the protection provided to volunteer workers pursuant to subsection (c), the head of the department shall keep a record of the names and addresses of every volunteer worker who works at the site of each such project; and every such volunteer worker shall provide his/her name and address for inclusion in such record. (Ord. No. V-96, 11-18-96)

Sec. 21-71. Reserved.

DIVISION 2. REGULATION OF PUBLIC TREES

Sec. 21-72. Public Tree Regulation

(a) Purpose

The purpose of this ordinance is to promote a diverse, healthy and sustainable urban forest in order to provide for the general welfare of Newton's citizens. A healthy urban forest improves the quality of air and water, controls erosion, moderates air temperature, absorbs carbon, reduces noise, enhances appearance and increases property values. Public trees also define public spaces and create civic identity. This ordinance sets out measures to protect trees located on city property and on public rights of way from construction and other preventable damage; to establish conditions for long-term preservation and expansion of the urban forest; to extend the protections afforded by the Tree Preservation Ordinance to city-owned trees and supplement Chapter 87 of the Massachusetts General Laws.

(b) Definitions

Aggregate diameter: The combined diameter of a multiple trunk tree measured at breast height.

Building: The term "building" shall be as defined in section 30-1.

Caliper: The measure of a newly installed tree and is determined in the following manner - Caliper measurement of the trunk shall be taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at twelve inches above the ground.

Certified arborist: An arborist certified by the Massachusetts Arborists Association, or any successor organization.

Diameter breast height (DBH): The diameter of the trunk of a tree 4½ feet above the existing grade at the base of the tree.

Drip line: A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, the person removing a public tree or public shade tree.

Pruning standards: Standards for pruning as defined in the City of Newton Tree Management Manual, 1995 and any future amendments or revisions to the same.

Public tree: Any tree having a diameter of eight inches (8") DBH or larger or having an aggregate diameter of fifteen inches (15") DBH or larger and which is located on land owned by the city of Newton.

Public Shade Tree: Any tree within the city that fits the definition of public shade tree under G.L. Ch. 87

Remove (including removing and removal): The cutting down of any public tree or public shade tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a public tree, including, but not limited to, excessive or improper pruning.

Tree Manual: The City of Newton Tree Management Manual, 1995, and any future amendments and revisions to the same. (Ord. No. V-275, 12-6-99)

Tree warden: The commissioner of parks, recreation and culture or his designee.

(c) *Applicability:* The terms and provisions of this article shall be administered by the tree warden and shall apply to any public shade tree as defined in G.L. Ch. 87 and to any public tree located on land owned and managed by the city of Newton, with the exception of the land under the auspices of the conservation commission.

(d) *Permit:* No person other than the tree warden shall remove, prune, or alter a public tree or public shade tree located on land subject to the provisions of this article without first obtaining a tree permit from the tree warden. Applications shall be made in writing on forms specified by the tree warden.

(e) *Activities requiring a Tree Permit:* A tree permit issued by the tree warden is required prior to any of the following activities:

- (1) Any exterior work that requires the removal of a public tree;
- (2) Any construction on city property within the dripline of a public tree;
- (3) Removal of a public shade tree. This requirement is in addition to the requirements of G.L. Ch. 87 pertaining to removal of a public shade tree;
- (4) Construction within that portion of the dripline of a public shade tree that is located over the public right of way;
- (5) Pruning or treatment for the benefit of the health, safety, or overall well-being of a public shade tree and/or public tree, as deemed appropriate by the tree warden, by anyone other than the tree warden or his designee as provided in G.L. Ch. 87;
- (6) Planting of a tree in the public right of way or on city property by anyone other than the tree warden or his designee as outlined under G.L. Ch. 87;

(7) Pruning or altering of a public shade tree and/or public tree for the purposes of overhead utility line clearance;

(8) Affixing or hanging anything from a public shade tree or public tree.

(f) *Permit application; fee:* An application for a tree permit shall be submitted to the tree warden. Such application shall be on a form prescribed by the tree warden and shall include any materials or information required by the tree warden based on the nature of the activity for which application is made. The application for a tree permit shall be accompanied by an administrative fee of \$150.00. Such fee shall be waived if the applicant is a city department, agency, commission or other public instrumentality of the city or if the tree warden determines in writing that the proposed activity will benefit the health of the tree or the wellbeing of the public.

(g) *Review of permit applications:* The tree warden shall review applications for tree permits in accordance with the provisions of this article and with any rules or regulations promulgated hereunder. The tree warden shall date stamp or otherwise record the date of filing of each application for a tree permit. The tree warden shall complete the review of each tree permit application no later than ten (10) business days after the submission of a completed application to the tree warden except in the case of a request to remove a public shade tree which shall be subject to the procedures set forth in G.L. Ch. 87.

(h) *Conditions:* The tree warden may condition issuance of a tree permit upon such measures as he deems necessary to protect existing public trees or public shade trees. Such conditions shall be in writing. The tree warden shall make a determination that the prescribed protected measures have been adequately provided before site disturbance related to the permitted activity may begin.

(i) *Construction:* Except as provided in a tree permit, construction activities on city-owned property and public right of ways under the drip line of a public tree or public shade tree are prohibited. Prohibited construction activities include, but are not limited to, trenching or grading, storage of materials or equipment, passage of heavy equipment within the drip line and spillage of chemicals or other materials, which are damaging to trees.

(j) *Suspension or revocation:* The tree warden may suspend or revoke a tree permit at any time upon written notice to the permit holder that the permit holder has failed to comply with any provisions of this section, or with any rules or regulations promulgated hereunder, or with conditions of the permit. Written notice shall be sent by certified mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the noncompliance and apply for a renewal of the tree permit upon compliance, where practicable. The suspension or revocation of a tree permit in accordance with this subsection shall not affect the validity of a building permit issued in reliance upon the issuance of such tree permit nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy.

(k) *Public Tree Removal:* The tree warden shall notify the urban tree commission upon receipt of an application to cut down or remove a public tree, and no public tree shall be removed pursuant to a permit until five (5) days after its issuance unless such removal of the tree(s) is necessary based on a determination by the tree warden that at least one of the following conditions are met:

- (1) The public tree is interfering with existing structure, utilities, streets, sidewalks or proposed necessary improvements, and there is no alternative to removal;
- (2) The public tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of public utility service, is causing drainage or passage problems upon rights of way, or poses a threat to pedestrian or vehicular safety.

- (3) The removal of the public tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified to the tree warden by a certified arborist.

(l) *Appeal*: Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or his designee. Said appeal must be in writing and must be received by the mayor or his designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or his designee shall provide a copy to the clerk of the city council and to each councilor for the ward in which the trees are located. The mayor or his designee shall make a final decision on the matter within thirty (30) days from the date of receipt of the appeal request. The mayor or his designee shall include in the decision the rationale there for. Upon issuance of the final decision, the mayor or his designee shall provide a copy to the clerk of the city council and to each ward councilor for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or his designee. No public trees shall be removed while an appeal is pending.

(m) *Permit length*: Any permit issued by the tree warden shall be valid for sixty (60) days from issuance. Length may be extended by tree warden following written request by the applicant. The tree warden may grant the extension for any length of time as he deems necessary and appropriate.

(n) *Emergencies*: A public tree or public shade tree may be removed without first obtaining a written permit as otherwise required by this section only if the tree warden determines that the condition of the public tree or public shade tree is hazardous and immediately endangers the public health, safety or welfare or causes an immediate disruption of public services such that immediate removal is required. If such determination is made, the tree warden may remove the tree or provide oral authorization for its removal, utilizing such professional criteria and technical assistance as he deems necessary. The tree warden shall memorialize in writing each such oral authorization to remove a hazardous tree and keep a record of same.

(o) *Waiver*: The requirements of this section may be waived by the tree warden during the period of an emergency such as a tornado, windstorm, flood or other act of God.

(p) *Tree replacement*: The tree warden may require that replacement of a removed public tree or public shade tree in the manner required in section 21-85 of these ordinances and in any rule or regulation of the tree warden

(q) *Payment in lieu of planting replacement tree(s)*: In lieu of planting a replacement tree as provided in section (p) above, a person who has been granted a tree permit may make a contribution to the tree replacement fund as established in section 21-86 in an amount equal to the cost to replace the tree in accordance with the provisions of section 21-85, which cost shall be determined by the tree warden who shall maintain on file the city's current tree planting costs.

(r) *Rules and regulations*: The tree warden is authorized to promulgate reasonable rules and regulations to implement administration and enforcement of this section

(s) *Enforcement*: The commissioner of parks, recreation and culture, in his capacity as tree warden, or such other municipal official as may hereafter be assigned the duties of tree warden, shall be authorized to enforce the provisions of this section. The tree warden shall provide written notice to the offender of the specific violation and provide a reasonable time for compliance. Such notice shall be sent by certified mail, return receipt requested, or by hand delivery. Thereafter, the tree warden may impose the fines described in (t) below.

(t) *Penalties*: Violations of any portion of this section, including violations of any regulation promulgated hereunder, or failure to comply with conditions of a permit, or failure to replace any removed tree as required by the tree warden, or failure to pay the required amount into the tree replacement fund shall be punishable by a fine of three hundred dollars (\$300.00) for each day during which the violation continues. Nothing herein shall be construed to require the city to make a payment for violation of this section; however the city agency that caused

the violation shall be responsible for the costs of replacement or repair of the tree(s) which were damaged or removed.

(u) *Severability*: The provisions of this article are severable. If any section, provision, or portion of this article is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this article shall continue to be valid.

(v) *Conflict of laws*: Nothing herein is intended to conflict with the General Laws, Chapter 87 and to the extent that any provision hereof conflicts with said Chapter 87, such provision shall not be valid. Nothing herein is intended to conflict with existing special permit procedures as provided in section 30-24 and to the extent that any provision hereof conflicts with said special permit procedures, such provision shall not be valid. Nothing herein is intended to conflict with any state law regulating public utilities and to the extent that any provision hereof conflicts with state law, such provision shall not be valid. (Ord. No. Z-80, 02-22-11; Rev. Ord. 2007, § 20-72; Ord. No. B-53, 03-02-20)

Secs. 21-73. —21-79. Reserved.

DIVISION 3. TREE PRESERVATION

Sec. 21-80 Findings, intent, and purpose.

The city council has determined that many trees are being lost without replacement incident to demolition of existing buildings in order to construct new buildings and lot clearing in connection with the construction of new buildings on previously undeveloped land. The city council has further determined that trees have been lost, severely damaged or disfigured through excessive or improper pruning or other than natural causes. The result is a net loss of the tree population in the city. The city council has further determined that the city has insufficient legal vehicles to assure that such development adequately preserves, protects and provides for replacement of trees.

The preservation of the private tree canopy and the planting of replacement trees is intended to enhance the quality of life and the environment of the city; to preserve the character of the wooded and natural areas; to reduce energy consumption; to protect air quality; to baffle noise; to preserve and enhance habitat for wildlife; to reduce topsoil erosion and storm water runoff; to protect and increase property values; and to enhance the overall appearance of the city. (Ord. No. A-38, 05-05-14)

Sec. 21-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggregate diameter: The combined diameter of a multiple trunk tree measured at breast height.

Building: The term "building" shall be as defined in section 30-1.

Certified arborist: An arborist certified by the Massachusetts Arborists Association or International Society of Arboriculture, or any successor organization.

Diameter breast height (DBH): The diameter of the trunk of a tree 4½ feet above the existing grade at the base of the tree.

Drip line: A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

Exempt lot: A lot which meets all of the following criteria:

- (1) The lot is occupied and used primarily as a dwelling for up to four families at the time any protected tree(s) are removed.
- (2) The lot owner at the time of protected tree removal has owned the lot continuously for a minimum of ninety (90) days prior to the removal of any protected tree(s).
- (3) The existing structure on the lot remains occupied as a dwelling with a person or persons living in it for eighteen consecutive months from the date any protected tree(s) are removed.
- (4) The lot remains owned by the same person for eighteen consecutive months from the date any protected tree(s) are removed.

Exterior work permit: A permit or approval which is required in order to perform work on a vacant lot or to the exterior of a building on a lot, including, but not limited to the following: a building permit; a review of an alteration of contour of land if required pursuant to section 30-5(c)(1); curb cut and street opening permits; an order of conditions; certificates of appropriateness, nonapplicability, or hardship; a demolition permit pursuant to section 22-44; site plan approval pursuant to section 30-23; subdivision approval; a special permit pursuant to section 30-24; a comprehensive permit.

Occupied Lot: A lot containing a legally constructed, permanent structure, used primarily as a dwelling that is currently being legally occupied and lived in and used as a residence by a person or persons. The dwelling must have a functioning, legally permitted, permanent water service, permanent sanitary service, and permanent electrical service.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, the person removing a protected tree as well as the owner of the real property from which the tree is removed. The definition of "person" shall not include the City of Newton.

Protected tree: Any tree having a diameter of eight inches (8") DBH or larger or having an aggregate diameter of fifteen inches (15") DBH or larger and which is located on land subject to the provisions of section 21-82.

Pruning standards: Standards for pruning as defined in the City of Newton Tree Management Manual, 1995 and any future amendments or revisions to the same.

Remove (including removing and removal): The cutting down of any protected tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a protected tree, including, but not limited to, excessive or improper pruning.

Tree Manual: The City of Newton Tree Management Manual, 1995, and any future amendments and revisions to the same. (Ord. No. V-275, 12-6-99)

Tree Warden: The commissioner of parks, recreation and culture or his designee. (Rev. Ord. 2007, § 20-31; Ord. No. A-38, 05-05-14; Ord. No. B-53, 03-02-20)

Sec. 21-82. Applicability, permit or certificate of exemption required.

(a) *Applicability:* The terms and provisions of this article shall apply to any protected tree located on land within the city not owned by the city, the commonwealth, or any independent authority of the commonwealth, or by the federal government except protected tree(s) located on an exempt lot pursuant to paragraphs (c) and (d) below.

(b) *Permit, certificate of exemption:* No person shall remove a protected tree on a non-exempt lot located on land subject to the provisions of this article, or commence legally permitted exterior work on any lot without first obtaining a tree permit or a certificate of exemption from the tree warden. Applications shall be made in writing on forms specified by the tree warden.

(c) *Exempt lot, certificate of exemption:* The owner of an exempt lot shall not be required to apply for a tree permit, provided however, that an owner of an exempt lot who seeks an exterior work permit must certify to the tree warden on form(s) provided by the tree warden, that as of the date on the form(s) the lot qualifies as an exempt lot and will remain an exempt lot for eighteen months following tree removal. There shall be no fee for filing a certificate of exemption.

- (1) The tree warden shall determine whether a property is an occupied lot for the purposes of establishing exempt lot status. The property owner shall, if requested by the tree warden provide proof of ownership as well as a written statement confirming ownership and that a person or persons are living in the property.
- (2) If lot ownership changes during the eighteen consecutive months following the removal of any protected tree(s) on an exempt lot, the new owner must apply for a tree permit and shall be required to replace any protected tree(s) that were removed. If, however, a change of ownership occurs on a lot for which an extension of exempt lot status for non-occupancy during construction has been issued within the eighteen months prior to the change in ownership, the person issued such extension shall apply for a tree permit and shall be required to replace any protected tree(s) that were removed.
- (d) *Extension of exempted lot status:* If at any point during the eighteen consecutive months following the removal of any protected tree(s) the property is no longer an occupied lot, the current owner of the lot must apply for a tree permit. If the non-occupancy is due to legally permitted construction, the tree warden may grant an extension of exempt lot status for the duration of the construction, provided:
 - (1) The owner intends to own the lot for eighteen consecutive months from the date a certificate of occupancy is issued for the construction for which the extension was issued; and
 - (2) The property remains an occupied lot for eighteen consecutive months from the date a certificate of occupancy is issued for the construction for which the extension was issued.
 - (3) Upon request of an applicant for exempt lot status extension, the tree warden may also waive the requirement that the lot be continuously owned by the same owner for ninety (90) days prior to protected tree removal provided the owner intends to own the lot for twenty-one months from the date a certificate of occupancy is issued for the construction for which the extension is granted..
 - (4) If at any time during the applicable eighteen or twenty-one month period the lot ownership changes or the lot is not occupied, the tree warden shall revoke the tree permit and exempt lot status extension. The person issued the extension shall file a new tree permit application and shall replace any protected trees that were removed.
 - (5) Any person issued an extension of exempt lot status must report to the tree warden any change of ownership and any change of occupancy status within fifteen (15) days of the change if that change takes

place during the applicable eighteen (18) month or twenty-one (21) month period following the date the certificate of occupancy issued. (Ord. No. A-38, 05-05-14)

Sec. 21-83. Permit application.

(a) *Contents, fee:* An application for a tree permit shall be submitted to the tree warden. The application for a tree permit shall be accompanied by a fee in the amount of one hundred fifty dollars (\$150.00) and shall include, but not be limited to, the following:

- (1) The shape and dimensions of the parcel of real property to be developed, together with the existing and proposed locations of structures and improvements, if any;
- (2) A tree plan showing the location, type and size of each protected tree indicating which protected tree(s) are to be removed, and the location, type and size of replacement trees;
- (3) The proposed relocation of any existing protected tree with a statement prepared by a certified arborist explaining how each such protected tree is to be relocated and maintained;
- (4) The location of existing and proposed underground or overhead utility services, existing and proposed roadways, bikeways, walkways and parking areas;
- (5) Any proposed grade changes which might adversely affect or endanger any protected tree with a statement prepared by a certified arborist explaining how each such protected tree shall be protected and maintained;
- (6) The proposed method of protecting the remaining protected trees during the course of the construction.

(b) *Review of permit applications:* The tree warden shall review applications for tree permits in accordance with the provisions of this article. The tree warden shall date stamp or otherwise record the date of filing of each application for a tree permit. The tree warden shall complete the review of each tree permit application no later than ten (10) business days after the submission of a completed application to the tree warden and shall report to the commissioner of inspectional services within ten (10) business days of a request with respect to any tree permit application submitted in connection with a building permit as to whether said tree permit has been granted or denied. If no such report is received by the commissioner within the above-stated time period, he shall accept an application for a building permit without receipt of such report.

(c) *Standards for grant or denial:* No tree permit shall be issued unless one of the following conditions exists:

- (1) The protected tree will be relocated or replaced on site.
- (2) The protected tree will be replaced by payment in lieu of planting replacement trees as outlined in section 21-86.
- (3) The protected tree is interfering with existing structures, utilities, streets, sidewalks or other existing improvements
- (4) The protected tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of public utility service, is causing drainage or passage problems upon rights-of-way, or poses a threat to pedestrian or vehicular safety.

(5) The removal of the protected tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified to the tree warden by a certified arborist.

(6) No protected tree(s) are to be removed from the site and appropriate tree protection measures will be in place where necessary as determined by the tree warden.

(d) *Conditions:* Upon the issuance of a tree permit, the tree warden may prescribe in writing such protective measures for existing protected trees as he deems necessary. Before site disturbance may begin, the tree warden may make a determination that the prescribed protective measures have been adequately provided.

(e) *Construction:* Except as provided in a tree permit, construction activities under the drip line of a protected tree are prohibited. Activities include, but are not limited to, trenching or grading, storage of materials or equipment, passage of heavy equipment within the drip line and spillage of chemicals or other materials, which are damaging to trees.

(f) *Suspension or revocation:* A tree permit may be suspended or revoked at any time by the tree warden upon written notice to the permit holder that the permit holder has failed to comply with either this article or the conditions of the permit. The written notice shall be sent by certified or registered mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the noncompliance and apply for a renewal of the tree permit upon compliance, where practicable. The suspension or revocation of a tree permit in accordance with this subsection shall not affect the validity of a building permit issued in reliance upon the issuance (granting) of such tree permit nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy.

(g) *Appeal:* Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or his designee. Said appeal must be in writing and must be received by the mayor or his designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or his designee shall provide a copy to the clerk of the city council and to each councilor for the ward in which the trees are located. The mayor or his designee shall make a final decision on the matter within thirty (30) days from the date of receipt of the appeal. The mayor or his designee shall include in the decision the rationale therefor. Upon issuance of the final decision, the mayor or his designee shall provide a copy to the clerk of the city council and to each ward councilor for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or his designee. No protected trees shall be removed while an appeal is pending. (Ord. No. V-275, 12-6-99; Ord. No. X-202, 04-03-06; Rev. Ord. 2007, § 20-33; Ord. No. A-38, 05-05-14)

Sec. 21-84. Activities not requiring a permit.

(a) *Pruning:* A permit is not required for the pruning of protected trees. However, in order to prevent excessive pruning and topping of trees and to prevent pruning that will be hazardous to the health and natural appearance of the tree, compliance with approved pruning standards is required, and failure to meet these standards is a violation of this article. The tree warden shall maintain on file at all times a copy of the current edition the Tree Manual and shall make copies of the Tree Manual available for the cost of reproduction upon request.

(b) *Emergencies:* If any protected tree shall be determined to be in a hazardous condition so as to immediately endanger the public health, safety or welfare or cause an immediate disruption of public services and require immediate removal without delay, oral authorization may be given by the tree warden to remove such tree, utilizing such professional criteria and technical assistance as he deems necessary, and the protected tree may be removed without obtaining a written permit as otherwise required by this article. The tree warden shall memorialize in writing each such oral authorization to remove a tree and keep a record of the same.

(c) *Waiver*: The requirements of this article may be waived by the tree warden during the period of an emergency such as a tornado, windstorm, flood or other act of God. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-34; Ord. No. A-38, 05-05-14)

Sec. 21-85. Tree replacement.

(a) *Required*: A protected tree shall be replaced in the manner provided in subsection (b) hereof in each instance in which a protected tree was removed from land subject to the provisions of section 21-82 without a tree permit.

(b) *Standards*: A person who has removed a protected tree and is required to replace such tree pursuant to subsection (a) hereof or as a condition of granting a tree permit in accordance with section 21-83, shall replace such tree within eighteen (18) months, or prior to transfer of property ownership whichever comes first from the date the tree permit is issued and in accordance with the following standards:

- (1) A replacement tree shall be of the same or similar species or such other species as deemed advisable by the tree warden in accordance with the Tree Manual and shall have the same or equivalent size as measured in DBH inches as that of the protected tree that has been removed.
- (2) In the event that a tree of the same or equivalent size as measured in DBH inches cannot be planted, then multiple smaller replacement trees may be planted provided that, wherever practicable, as determined by the tree warden, the total DBH of the replacement trees shall, when added together, equal the total DBH of the protected tree that has been removed. The tree warden may specify that replacement trees be of a minimum caliper when consistent with current accepted practice as stated in the Tree Manual.
- (3) A replacement tree shall be required to survive for a minimum of eighteen (18) months from the date it is planted. The person planting the tree shall provide documentation as to the date of planting and file the same with the tree warden within fifteen (15) days of the planting of said replacement tree.
- (4) A replacement tree shall be planted on the same lot from which the tree was removed.. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-35, Ord. No. A-38, 05-05-14)

Sec. 21-86. Tree replacement fund.

(a) *Established*: There is hereby established a tree replacement fund which shall be held in a separate identifiable account and administered in accordance with applicable provisions of the General Laws. Any payments into the tree replacement fund required by this article shall be deposited in the tree replacement fund and shall be used in accordance with subsection (c) hereof.

(b) *Payment in lieu of planting replacement tree(s)*: In lieu of planting a replacement tree as provided in section 21-85, a person who has been granted a tree permit may make a contribution to a tree replacement fund in an amount equal to the cost to replace the tree in accordance with the provisions of section 21-85, which cost shall be determined by the tree warden based on the City's current cost to purchase and install trees.

(c) *Maintenance of tree replacement fund*: The tree replacement fund shall be maintained in a separate account in accordance with state law. All sums deposited into such fund shall be used solely for the purpose of buying, planting and maintaining trees in the city. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-36; Ord. No. A-38, 05-05-14)

Sec. 21-87. Rule and regulations.

The tree warden is authorized to promulgate reasonable rules and regulations to implement administration of sections 21-80 through 21-90. (Ord. No. A-38, 05-05-14)

Sec. 21-88. Enforcement.

(a) *Notice of violation:* Any person who violates any of the provisions of this article shall be notified by the tree warden of the specific violation by certified mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had. The tree warden shall send notice of violation of section 21-86), which notice shall include the date by which trees were to be replaced or payment was to be made for purposes of computing the "per day" violation fine, as provided in section 21-89.

(b) *Stop work order:*

- (1) Upon notice from the tree warden that work on any protected tree, or lot on which a protected tree is located, is being performed contrary to the provisions of this article, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.
- (2) The tree warden is also authorized to request the agency which has granted an exterior work permit to order, to the extent permissible by law, that the owner cease any activity pursuant to the exterior work permit that might affect such protected tree while a stop work order is pending.
- (3) Any person who shall continue any work in or about the protected tree or lot on which a protected tree is located after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than three hundred dollars (\$300.00) for each such violation. Each day during which a violation exists shall constitute a separate offense.

(c) *Injunctive relief:*

- (1) Whenever there exists reasonable cause to believe that a person is violating this article or any standards adopted pursuant to this article or any term, condition or provision of an approved tree permit, the city may, either before or after the institution of any other action or proceeding authorized by this article, institute a civil action in the name of the city for a mandatory or prohibitory injunction and an order of abatement demanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- (2) Upon determination of a court that an alleged violation is occurring, it shall enter such order or judgment as is necessary to abate the violation. The institution of an action for injunctive relief under this subsection shall not relieve any party to such proceedings from any civil penalty prescribed for violation of this article. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-37; Ord. No. A-38, 05-05-14)

Sec. 21-89. Penalties.

(a) *Removal without a permit:* Each instance in which a protected tree is removed without a permit shall constitute a violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00).

(b) *Failure to replace trees or make payment:* Each failure to replace a tree or make a payment into the tree replacement fund shall constitute a separate violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00). Each day such violation continues shall constitute a separate offense.

(c) *Failure to comply with a condition contained in a tree permit or stop work order:* Each instance where there is a failure to comply with a condition contained in a tree permit or stop work order shall constitute a violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00). Each day such violation continues shall constitute a separate offense.

(d) *City trees:* Nothing herein shall be construed to require the city to make a payment into the tree replacement fund for any tree(s) which it removes. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-38; Ord. No. A-38, 05-05-14)

Sec. 21-90. Severability, effect on other laws.

(a) *Severability:* The provisions of this article are severable. If any section, provision, or portion of this article is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this article shall continue to be valid.

(b) *Conflict of laws:* This article shall not apply to any public shade tree as that term is defined by the General Laws, Chapter 87 or any amendments thereto. Nothing herein is intended to conflict with the General Laws, Chapter 87 and to the extent that any provision hereof conflicts with said Chapter 87, such provision shall not be valid. Nothing herein is intended to conflict with existing special permit procedures as provided in section 30-24 and to the extent that any provision hereof conflicts with said special permit procedures, such provision shall not be valid. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-39; Ord, No. A-38, 05-05-14)

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. B-10

April 2, 2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 20 MISCELLANEOUS ORDINANCES.**

1. Delete in its entirety **Sec. 20-64. Pilotless Aircraft Operation.**
2. Insert the following:

Sec. 20-64. Pilotless Aircraft Operation.

Purpose: The use of pilotless aircraft is an increasingly popular pastime as well as learning tool. It is important to allow beneficial uses of these devices while also protecting the privacy, safety and quality of life of residents throughout the City. In order to prevent nuisances and other disturbances of the enjoyment of both public and private space, regulation of pilotless aircraft is required. The following section is intended to promote the public safety and welfare of the City and its residents. In furtherance of its stated purpose, this section is intended to be read and interpreted so as not to conflict with any relevant rules and regulations of the Federal Aviation Administration, or any other federal, state and local laws and regulations.

(a) Definitions:

Pilotless Aircraft – an unmanned, powered aerial vehicle, weighing less than 55 pounds, that is operated by remote control or internally without direct human contact from within or on the aircraft, sometimes referred to as a drone or unmanned aircraft system.

- (b) The City Clerk will provide educational materials on its website concerning current information about FAA Regulations and the safe operation of drones in the City of Newton.
- (c) Operating Prohibitions. The use and operation of all pilotless aircraft within the City shall be subject to the following prohibitions.

(1) No pilotless aircraft shall be operated:

- (a) over any property in a manner that causes direct and immediate interference with the use or enjoyment of that property;

- (b) in a manner that interferes with any manned aircraft;
- (c) in a reckless, careless or negligent manner;
- (d) so as to use City property to launch or land the pilotless aircraft without a permit as may be required in section (d) below;
- (e) for conducting surveillance unless expressly permitted by law or court order;
- (f) for capturing a person's visual image, audio recording or other physical impression in any place where that person would have a reasonable expectation of privacy;
- (g) over any emergency response efforts;
- (h) with the effect of harassing, annoying, or assaulting a person, or creating or causing a public nuisance or trespass;
- (i) in violation of a Certificate of Waiver or Authorization issued by the FAA, if so applicable, which Certificate may pertain to operation beyond the line of sight, operation over people, operation at night, or any other category of operation for which a Certificate of Waiver is required;
- (j) in violation of federal or state law, or any Ordinance of the City of Newton.

(2) The Chief of Police, or designee, may prohibit the use or operation of pilotless aircraft where it is allowed, or allow the operation of pilotless aircraft where it is prohibited, during an impending or existing emergency, or when such use or operation would pose a threat to public safety.

(d) Permit May be Required:

- (1) Individual Permits: A permit may be required to use land maintained by the Parks and Recreation Department, or by any other Department or Commission of the City, to launch or land a pilotless aircraft. Such permits may be issued by the Parks and Recreation Department Head, or designee, or the City entity charged with managing the property, or designee.
- (2) Event Permits: The Parks and Recreation Department, or any Department or Commission charged with managing land owned by the City, may issue Permits for groups and special events. Such Event Permits will be issued to a responsible person who will insure that all operators participating in the event adhere to the requirements of this ordinance.
- (3) Educational Permits: The Parks and Recreation Department, or any other City agency with authority over the use and maintenance of City land, may permit the

operation of pilotless aircraft for educational purposes. Educational permits must be issued to a responsible adult, and in conjunction with an educational purpose sanctioned by an educational organization.

- (e) Proof of Federal Registration; Proof of Certificate of Waiver or Authorization: Operators who are subject to FAA registration or who are required to seek and obtain a Certificate of Waiver or Authorization shall provide proof of such documentation to authorized City personnel upon request.
- (f) Noise Ordinance: All Operators shall comply with the Noise Ordinance at Section 20-13, as amended, at all times while operating pilotless aircraft within the City.
- (g) Penalties: A violation of any section of this Ordinance shall result in a warning for the first offense and shall be punishable by a fine of \$50.00 for each offense thereafter.
- (h) Separate Violations: Action taken pursuant to this section shall not bar any separate action by any other City Department for any other violations.
- (i) Severability: If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.
- (j) Regulations: The City and its Departments may promulgate rules, regulations and policies for the implementation of this Ordinance.


Approved as to legal form and character:


OUIDA C.M. YOUNG
Acting City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
20 yeas 0 nays 4 absent (Councilors Auchincloss, Lipof, Norton, and Schwartz)

(SGD) DAVID A. OLSON
City Clerk

EXECUTIVE DEPARTMENT
Approved:


(SGD) RUTHANNE FULLER
Mayor

April 22, 2018

Appendix C

Section 5: Inventory of Lands of Conservation and Recreation Interest

In this chapter are maps, tables, and descriptions of Newton's open space resources.

- Figure 33.** Newton's Open Space (by Ownership and Level of Protection)
- Figure 34:** Public Open Space (acres/1000 residents)
- Figure 35.** Lands Protected by Deed Restriction
- Figure 36:** Publicly Owned and Managed Open Space (Codes from Section 5 tables)
- Figure 37:** Playing Fields and Courts
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- Figure 39:** Aquatic Recreation Facilities
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- Table 4:** Natural and Recreational Open Space Summary
- Table 5:** Conservation Restrictions, Agricultural Preservation Restrictions, and Conservation Easements
- Table 6:** Parks, Recreation & Culture Controlled Land
- Table 7:** Conservation Commission Controlled Land
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- Table 9:** General Municipal Controlled Land
- Table 10:** Cochituate Aqueduct (PRC and Privately Owned Lands)
- Table 11:** Sudbury Aqueduct (MWRA and Privately Owned Lands)
- Table 12:** Massachusetts Department of Conservation and Recreation Controlled Land
- Table 13:** Other Municipal, State, and Federal Land
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- Table 15:** Privately Owned Cemeteries
- Table 16:** Tax-Exempt Land with Significant Open Space
- Table 17:** Private, Unprotected Land with Significant Open Space
- Table 18:** Trails Inventory

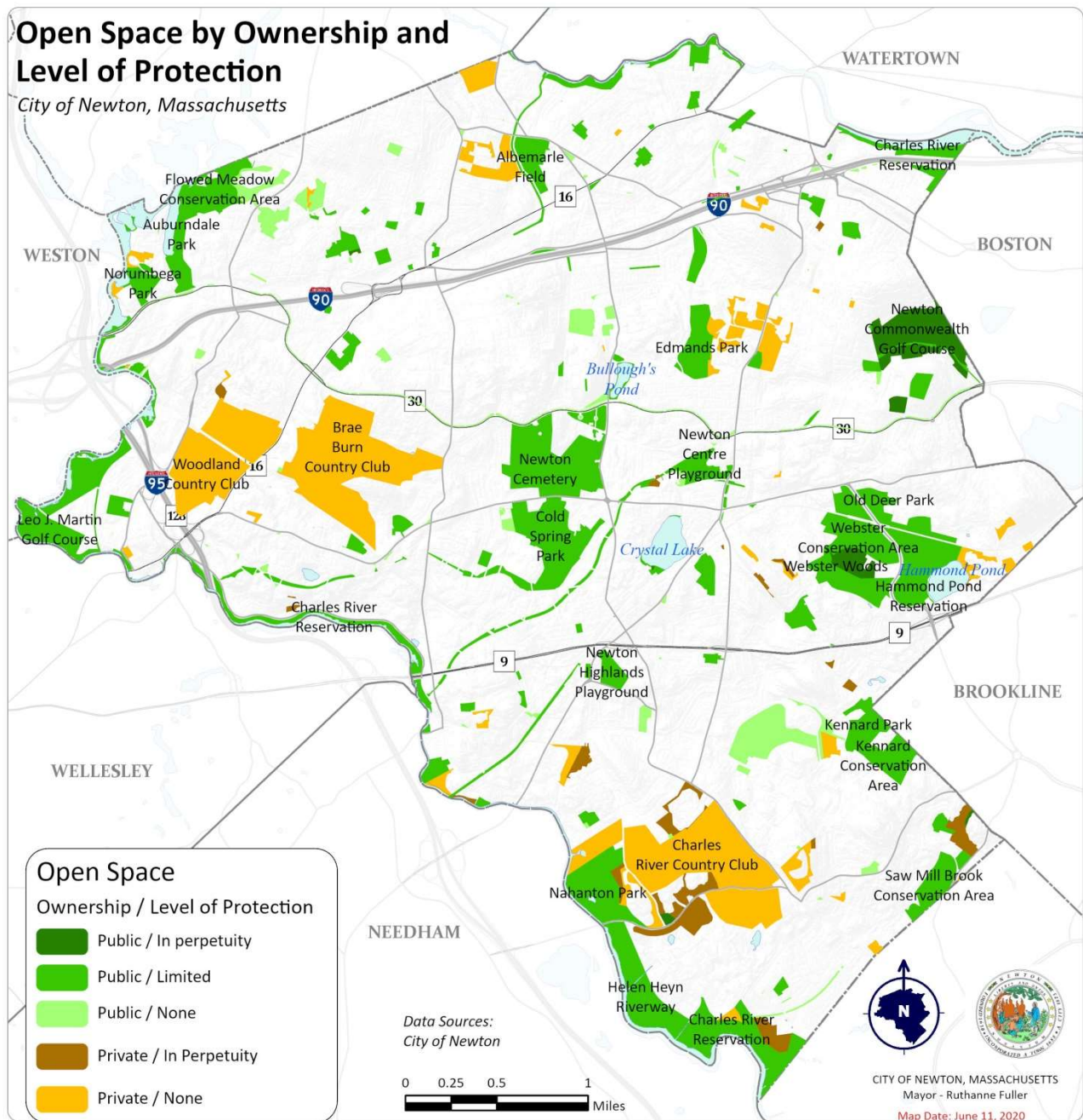
A. Introduction to the Categories of Open Space

These tables have been designed to meet state requirements by providing all required information about specific parcels. Much of this information was all encompassing for all parcels identified in a specific table and so was provided in the narrative text rather than as a separate column of tabular data.

Public and Private, Protected and Unprotected

Newton's open space resources are a combination of publicly and privately owned land, ranging from intensely managed recreational landscapes to minimally managed woodlands and wetlands. This inventory of open space resources includes lands legally protected for open space or recreation use, lands lacking legal protection, and lands temporarily incentivized for open space use under MGL Chapter 61. Privately owned lands which have open space value include recreational land, institutional property, and private estates of significant size. While the open space values of some of these private properties are protected by Conservation Restrictions, most are unprotected or only temporarily protected. See **Figure 33**.

Figure 33. Newton’s Open Space (by Ownership and Level of Protection)



Values of Open Space

All open space parcels, whether private or public, protected, unprotected, or under limited protection, have substantial value and benefit Newton’s residents and visitors. These open space resources provide many valuable services for Newton residents and visitors such as recreational and educational opportunities; mental, physical, emotional, and spiritual health; increased property values; support of the suburban character of the community; flood control; temperature modulation; clean water and clean air; and healthy ecological systems that support native plants and animals. In a densely populated urban setting, small

unbuilt parcels, green frontage and streetscapes can have special significance to individual neighborhoods and Newton as a whole, particularly when they are connected to other areas with open space value.

Including all categories inventoried in this chapter, Newton has approximately 2,500 acres of open space. This represents approximately 21% of the City's land base. Approximately 1,335 acres, about 11.5% of the City's land base, has some legal protection as open space, leaving 945 acres of significant privately held open space as potentially subject to development or conversion. Three private golf clubs comprise about 539 acres of significant privately owned open space, all of which fall under Chapter 61B.

Levels and Forms of Open Space Protection

This inventory of open space parcels includes lands legally protected for open space use, lands lacking such legal protection, and lands that are temporarily incentivized for open space use under MGL Chapter 61.

In Perpetuity

Lands are considered protected in perpetuity when legally and permanently protected as recorded in a deed or other official document. Private land is considered protected in perpetuity if it has a deed restriction in the form of a Conservation Restriction, an Agricultural Preservation Restriction, Historical Preservation Restriction, or Watershed Preservation Restriction. Public lands used for conservation or recreation purposes may be protected under the MA Constitutional Article 97, outlined below.

Deed restrictions provide legally binding language that prohibits development of lands in perpetuity and carries over through the land deed even if the land is sold to another owner. Newton and/or the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) have protected multiple public and private properties with Conservation Restrictions (CRs) to date. These CRs serve to protect many acres of open space. There are currently 47 parcels in Newton protected with CRs. An Agricultural Preservation Restriction (APR) is a deed restriction that protects private land used for agriculture from development in perpetuity. Newton has one parcel, Angino Farm, protected through a CR. In total, there are nearly 176 acres of deed restricted lands in Newton, permanently protected from development.

Article 97

Article 97 of the state constitution protects certain park and open space parcels. Article 97 states:

“The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose. ... Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two-thirds vote, taken by yeas and nays, of each branch of the general court.”

Such lands cannot be converted or developed for other uses, *except by*: 1.) a unanimous vote of the local Conservation Commission; 2.) a vote from the Parks Commission if it is parkland in question; 3.) voted on at a town meeting and passed by a two-thirds majority; 4.) an Environmental Notification Form with EOEEA's MEPA Unit; and 5.) voted by both branches under the Massachusetts Legislature and passed by a two-thirds majority. Lands protected under Article 97 are typically owned by municipal Conservation Commissions, Parks and Recreation Departments, Water Departments, or State Conservation agencies (OSRP Workbook, 2008 pg. 34). Newton has about 1,300 acres of open space that is protected under Article 97, which is over 50% of total open space.

Limited / Temporary

This category includes land that is legally protected for a defined period of time (e.g. a thirty-year Conservation Restriction), or protected through strong but limited open space designations, but could be developed for other uses at the end of their temporary protection or when they no longer serve a conservation or recreation function. Limited protection is protection by legal mechanisms other than those stated above. These lands might be protected by a majority municipal vote or are lands likely to remain open space for other reasons (e.g. cemeteries). Oftentimes, publicly owned land designated for public use purposes, such as parks and conservation areas, are protected under Article 97 of the MA Constitution.

MGL Chapter 61

The Chapter 61 tax programs provide a financial incentive for private landowners to manage their properties for forestry, agricultural, and recreational purposes under reduced property taxes under three distinct special taxation programs: Chapter 61 covers forested lands, Chapter 61A covers agricultural lands, and Chapter 61B covers open space and recreation lands (DCR Chapter 61 Programs). Not all Chapter 61 lands are required to be open to the public. Chapter 61 properties must be managed for forestry, agriculture, or open space and recreation purposes. If these properties are sold, converted to non-Chapter uses, or otherwise removed from Chapter 61 before the time limit expires, the community is afforded the Right of First Refusal to purchase the land — or the ability to assign its right to a nonprofit — and the landowner must pay accumulated back taxes (OSRP Workbook, 2008 pg. 36). The three privately owned golf courses are taxed under Chapter 61B, as recreational land. While tax abatement programs such as MA Chapter 61 provide strong financial incentives for conservation or recreational uses, and hold consequences for converting to non-chapter uses, these programs are *not considered* a form of legal open space protection, but rather a *temporary incentive against development*.

None/Not Protected

Lands that are unprotected, which are usually privately owned, could be sold for non-conservation or recreation uses at any time. Some publicly owned properties may be considered unprotected if they are not explicitly and clearly dedicated to public use purposes, such as conservation and recreation.

B. Introduction to Newton's Open Space Inventory

There are roughly 2500 acres of diverse open space resources in the City of Newton which is managed by a variety of parties including City Departments, state agencies, non-profit organizations, and private landowners. **See Table 4.**

Additions to the inventory of conservation areas, since the 2013-2020 OSRP, include several parcels known as Kessler Woods, and Webster Woods; additions to Parks and Recreation include Waban Hill Reservoir and the 99-year lease secured from the MBTA for the Upper Falls Greenway.

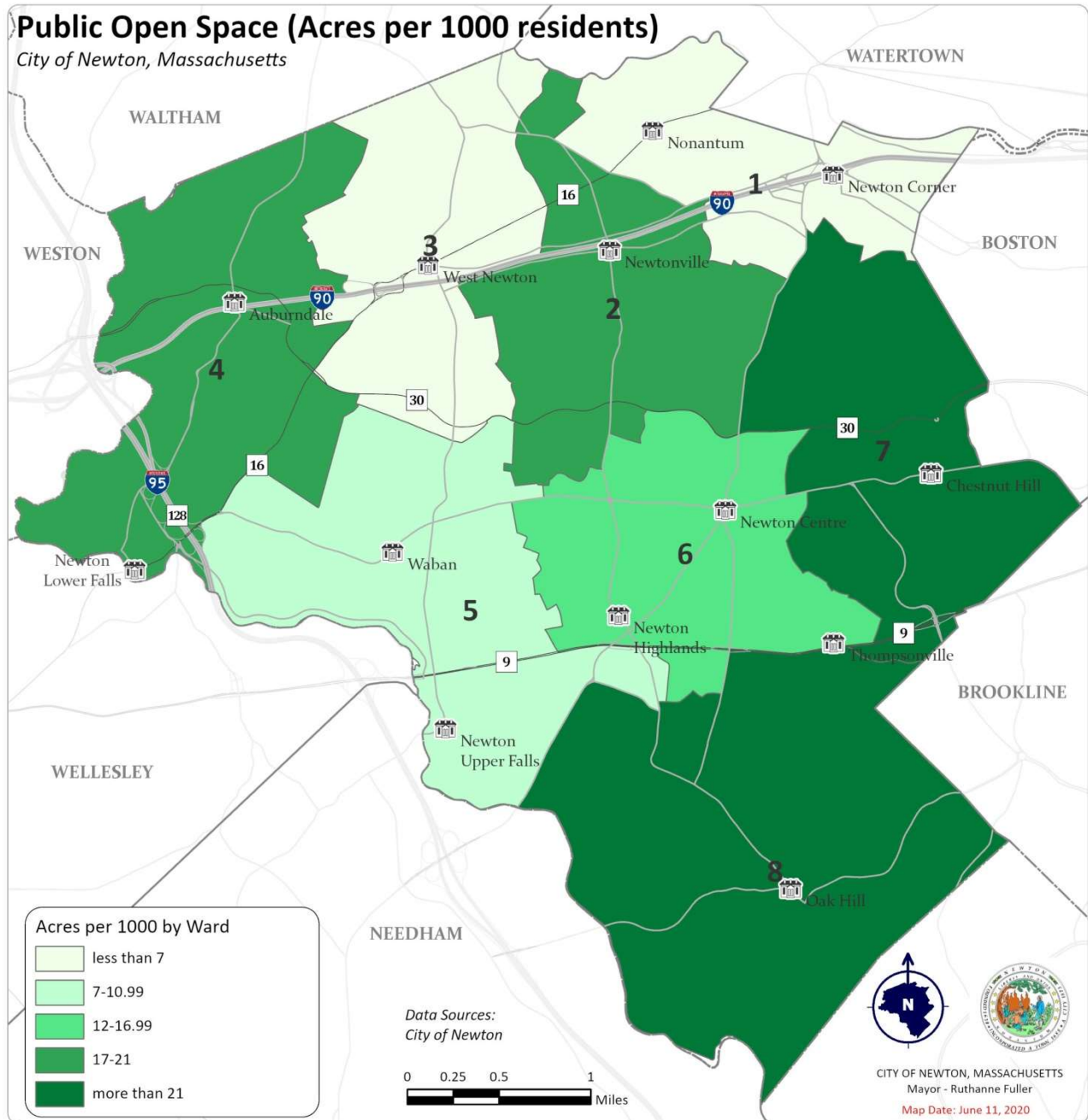
Newton is almost entirely developed, and there are few opportunities for additional park development. The City can still look to incorporate and improve bike lanes and walking trails for passive recreation and for ecological gains that would contribute to open space quality. Areas of City-owned land can also be converted into smaller pocket parks.

Table 4. Natural and Recreational Open Space in Newton: A Summary		
Category	Area in Acres	% of Total Open Space
Publicly Owned Open Space - Subtotal	1,556.96	62.2 %
Newton Parks, Recreation & Culture (Table 6)	558.6	22.4 %
Newton Parks, Recreation & Culture – Medians (Table 6)	7.34	0.03 %
Newton Conservation Commission (Table 7)	310.79	12.4 %
Newton School Department (Table 8)	200.33	8.0 %
General Municipal Control (Table 9)	71.63	2.9 %
Cochituate Aqueduct (Table 10)	41.21	1.6 %
Sudbury Aqueduct (Table 11)	20.65	0.9 %
Massachusetts Department of Conservation and Recreation (Table 12)	338.76	13.5 %
Other Municipal, State, and Federal Land (Table 13)	7.80	0.4 %
Privately Owned Open Space - Subtotal	944.86	37.8%
Golf Courses (Table 14)	542.69	21.8 %
Cemeteries (Table 15)	118.62	4.7 %
Tax Exempt Land w/ Significant Open Space (Table 16)	205.12	8.2 %
Private Land w/ Significant Open Space (Table 17)	78.43	3.2 %
TOTAL	2501.82	100 %

Open spaces and the services and amenities they provide are not evenly distributed throughout the City. **Figure 34** shows that Newton, taken as a whole, is close to the national recommended standard of 15 acres of public open space per 1,000 residents, but that some wards fall below that ratio. (City of Newton, 2014).

Map codes (e.g. P33) are provided for each parcel, or grouping of parcels, inventoried in this Section. Letters refer to ownership of the parcel, e.g., with parcels owned by Parks, Recreation and Culture being labelled with P. Numbers serve to distinguish individual parcels. Map codes for publicly owned open space are shown in **Figure 36** and map codes for privately owned open space are shown in **Figure 41**.

Figure 34: Public Open Space (acres/1000 residents)



C. Inventory of Open Space and Recreation Lands

CRs, APRs, and Conservation Easements (Table 5)

This category of open space includes all lands in Newton with a deed restriction or easement. Lands are considered protected in perpetuity when legally and permanently protected as recorded in a deed or other official document, such as a Conservation Restriction (CR), an Agricultural Preservation Restriction (APR), Historical Preservation Restrictions (HPR), or a Watershed Preservation Restriction (WPR). Deed restrictions provide legally binding language that prohibits development of lands in perpetuity and carries over through the land deed even if the land is sold to another owner. An APR is a deed restriction that protects private land used for agriculture from development, in perpetuity. A landowner may elect to place a Conservation Restriction on all or part of his property, deriving tax benefits by removing the possibility of future development, effectively devaluing the property.

In Newton, these lands include conservation areas, wooded parcels, a farm, and portions of privately owned properties. In total, there are nearly 176 acres of deed restricted lands in Newton, permanently protected from development. There are currently 47 parcels in Newton protected with CRs. Newton has one parcel, Angino Farm, protected through an APR. See **Figure 35 and Table 5**.

Publicly Owned Land

Publicly owned open space includes municipal land managed by Parks, Recreation & Culture (PRC), the Conservation Commission, and School Departments, state-owned land managed by the Massachusetts Department of Conservation and Recreation (DCR) and Massachusetts Water Resources Authority (MWRA).

The City of Newton owns about 77% of Newton's public open space, with most of that land under the jurisdiction of PRC and the Conservation Commission.

The Massachusetts Department of Conservation and Recreation (DCR) and Massachusetts Water Resource Authority (MWRA) have jurisdiction over significant open space parcels including Hammond Pond Reservation, riparian areas along the Charles River, and the Sudbury Aqueduct.

Many of these publicly owned open spaces are protected under Article 97 of the MA Constitution, but it is unknown which parcels are explicitly and legally deeded as Article 97 lands. In order to ensure the ongoing protection of these parcels as open space, an assessment of deeds is necessary. In these tables, it is assumed that, due to public ownership status *and* current use as open space, recreational, or natural resource conservation lands, these parcels are protected under Article 97. However, further protection through Conservation Restrictions, may be appropriate in some cases. See **Figure 36**.

Figure 35. Lands Protected by Deed Restrictions

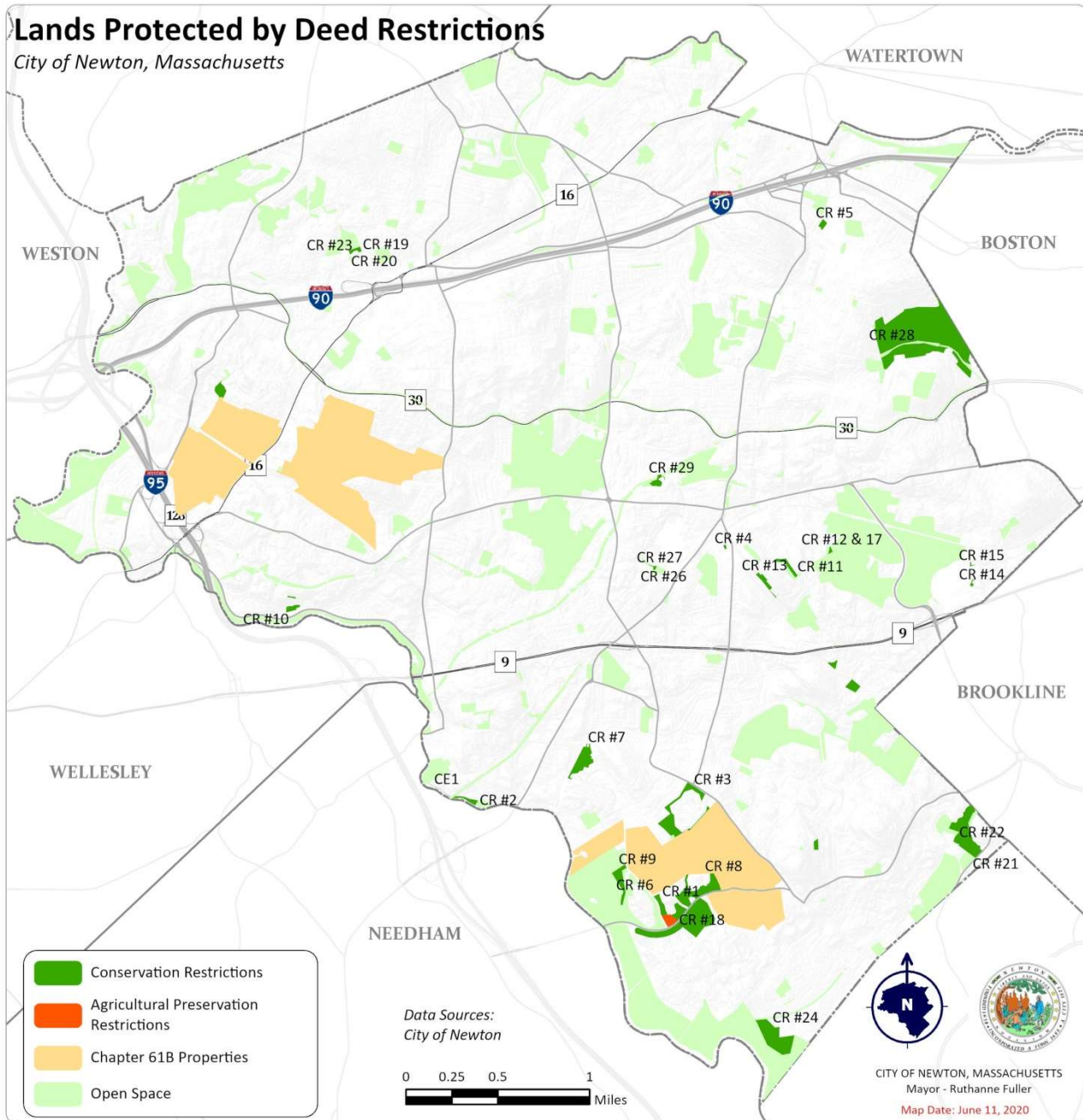
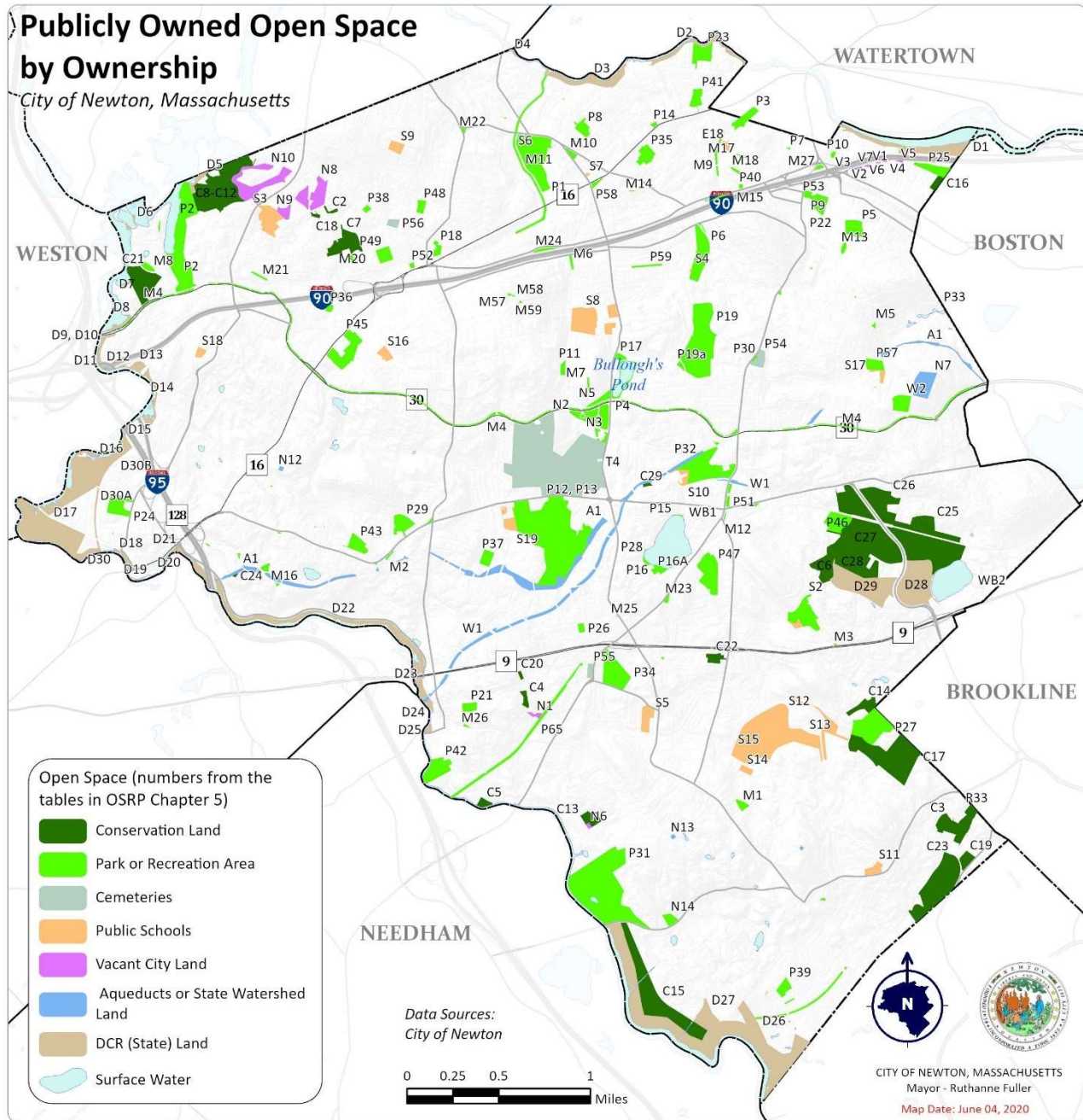


Table 5. Conservation Restrictions, Agricultural Preservation Restrictions, and Conservation Easements					
Map Code	CR Number	Name (Location)	Owner	SBL ID	Size (Acres)
CR1	1	Nahanton Woods Condos (210 Nahanton St)	Condominium	84034 0005	20.55
CR2	2	Oak Park Condos (27-101 Saco St)	Condominium	51046 0005	1.28
CR3	3	The Gables Condos (401-439 Dedham St)	Condominium	83036 0003BA	9.40
CR4	4	18 Paul St	Elaine Woo	62014 0004	0.19
CR5	5	Pomeroy House (84 Eldredge St)	Condominium	72008 0013	0.92
CR6/E9	6	The Kettle (JCC) (333 Nahanton St)	Combined Jewish Philanthropists	83035 0004	0.67
CR7	7	Winchester Park Condos (303-309 Winchester St)	Condominium	83028 0030	6.55
CR8	8	Ledgebrook Condos (207-297 Nahanton St)	Condominium	83036 0008B	14.11
CR9/E9	9	The Oak Grove (JCC) (333 Nahanton St)	Combined Jewish Philanthropists	83035 0004	3.27
CR10	10	Laura Estates (15 Laura Rd)	Omid Farokhzad	55038 0016	0.09
		Laura Estates (19 Laura Rd)	Sarina & James Chiang	55038 0009	0.12
		Laura Estates (0 Laura Rd)	386 Quinobequin, LLC.	55038 0018	0.44
		Laura Estates (20 Laura Rd)	Laura P. Heras	55038 0021	0.77
CR11/E7	11	Hebrew College (160 Herrick Rd)	Hebrew College	65019 0045A	1.71
CR12	12	190 Elgin St	City of Newton	65004 0042	0.07
CR13	13	The Terraces (287 Langley Road)	Condominium	65019 0045B	1.72
CR14	14	25 Moorfield Rd	Todd Jick	63037 0018B	0.26
CR15	15	74 Longwood Rd	Michael S. Field Trustee	63037 0011	0.15
CR16	16	350 Boylston St	Condominium	82004 0043	0.78
CR17	17	190 Elgin St	City of Newton	65004 0041	0.33
CR18/N14	18	Angino Farm (303 Nahanton St)	City of Newton	83036 0009	2.17
CR19/C7	19	Dolan Pond Cons. Area (76 Webster Park)	City of Newton	33022 0036B	0.74
CR20	20	Conservation Easement (76 Webster Park)	Newton Housing Authority	33022 0036	0.02
CR21/R33	21	Hancock Estates (200 Estate Drive)	C S Kessler LLC	82037 0095	11.84
		Hancock Estates (31 & 36 Kessler Way)	Lauren Zuker Siff	82037 0082	0.03
		Hancock Estates (156 Harwich Rd)	Vladimir Zarkhin	82037 0080	0.61
		Hancock Estates	C S Kessler LLC	82037 0093	0.10

Table 5. Conservation Restrictions, Agricultural Preservation Restrictions, and Conservation Easements					
Map Code	CR Number	Name (Location)	Owner	SBL ID	Size (Acres)
CR22/R33	22	Kessler Woods Cons Area (Harwich Rd)	City of Newton	82037 0080A	0.92
CR23	23	Conservation Easement (74 Webster Park)	Habitat for Humanity (Kendra Jackson, Scott & Jessica Larosee)	33022 0036A	0.05
CR24	24	Champion Broadcasting (750 Saw Mill Brook Pkwy)	Champion Broadcasting System, Inc.	84010 0057	12.70
CR26/P16	26	Crystal Lake Park (0 Lake Ave)	City of Newton	62001 0003A	0.19
CR27/P16	27	Crystal Lake Park (230 Lake Ave)	Atila Habip	62001 0003	0.05
CR28/P33	28	Newton Commonwealth Golf Course (212 Kenrick St)	City of Newton	72039 0016	7.87
		Newton Comm. Golf Course (212 Kenrick St)	City of Newton	72039 0020	4.48
		Newton Comm. Golf Course (212 Kenrick St)	City of Newton	72039 0021	19.76
		Newton Comm. Golf Course (212 Kenrick St)	City of Newton	72039 0018	1.41
		Newton Comm. Golf Course (212 Kenrick St)	City of Newton	72039 0017	21.56
		Newton Comm. Golf Course (212 Kenrick St)	City of Newton	63001 0039	12.39
		Newton Comm. Golf Course (212 Kenrick St)	City of Newton	63001 0024A1	2.73
CR29	29	15 Bracebridge Rd	Gregory & Ila Fiete	64016 0015	1.54
CR30	30	Waban Hill Reservoir (Ward St)	City of Newton	63007 0001	5.08
CR31	31	Flowed Meadow Cons Area (30 Wabasso St)	City of Newton	41031 0053	0.02
CR32	32	Crystal Lake Park (20 Rogers St)	City of Newton	62001 0002	0.09
CR33	33	Saw Mill Brook Cons Area (0 Vine St)	City of Newton	82041 0022	0.85
		Kessler Woods Cons Area (200 Vine St)	City of Newton	82037 0003	0.29
239-88	239-88	77 Florence St	Condominium	82004 0074	1.99
261-00	261-00	Lasell Pond (0 Seminary Ave)	Lasell College	43046 0004	2.26
346-80	346-80	Hampton Place Condos (77 Ober Rd)	Luis Pedraza	82015 0109	0.84
CE1	--	Conservation Easement (1165 Chestnut St)	Sconnix Realty Trust	51045 0005	0.14
Total					176.10

Figure 36: Publicly Owned Open Space by Ownership (Codes from Section 5 tables)



Newton Parks, Recreation & Culture Controlled Land (Table 6)

PRC oversees a majority (over 20%) of public open space parcels in Newton. Land under PRC jurisdiction includes parks, playgrounds, tot lots, traffic circles, medians, and recreation facilities.

Managing Agency: All PRC owned lands are managed by PRC maintenance crews, with some assistance for median maintenance being provided by the City’s Department of Public Works.

Public Access: PRC land is predominantly used for recreation and all its lands are open to the public.

Figures 37-40 illustrate the locations of some of the most popular PRC sites in Newton.

Key to Abbreviations: Table 6	
Abbreviation	Meaning
Art 97	Protected under Article 97
BBC	Basketball Court
CR	Conservation Restriction (M.G.L. Ch. 184, Sec. 31-33)
CRF	Charles River Frontage
CVP	Certified Vernal Pool
N	Not Protected
NHR	National Historic Register
OLA	Off-Leash Area
P	Protected in Perpetuity
PF	Playing Field
PG	Playground
SBL ID	Assessor’s Database ID
TC	Tennis Court
UNKN	Unknown
WJ	Wetlands Jurisdiction (MA Wetlands Protection Act 310 CMR 10.00 or Newton Floodplain/Watershed Protection Ordinance Sec. 22-22)
WR	Wetlands Restriction (G.L. Ch. 131, Sec. 40A)

Table 6. Newton Parks, Recreation & Culture Controlled Land

Map Code	Parcel Name	Village	Zone	Size (Acres)	SBL ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant
P1	Albemarle Field	Newtonville & West Newton	PUB	25.46	21022 0001	Active; Russell J. Halloran Sports & Recreation Complex, open green space, lit PFs, PG, tot lot, Gath Pool and Bathhouse, TC, BBC, fieldhouse, gazebo	Good/Fair	Athletic fields turf and lights; Gath Pool upgrade	Art 97	N/A
M1	Hartmann Park	Newton Centre		1.99	81009 0001	Passive; Neighborhood wooded traffic island	Excellent	Low potential		
P2	Auburndale Park/Lyons Park	Auburndale		28.83	41022 0001 (part); 41031 0036A; 41031 0037	Active; Portion of lot is Flowed Meadow Conservation area; PG, PF, BBC, TC, tot lot, fitness station area, grill and picnic area, fieldhouse, river skating, lit field w/concession and restrooms, parking area, undeveloped wooded area with trail; CRF, WJ	Good	Trail improvements		
P60	Beacon-Union-Langley Pocket Park	Newton Centre		0.26	61038 0001	Passive; Open green space; adopted parcel known as “Piccadilly Square”	Very Good	N/A		
M2	Beacon-Wyman Median	Waban	BU-1	0.18	53027 0001A	Passive; Sloped median between Beacon St and Wyman St	Good	N/A	N	
P3	Boyd Park	Nonantum	PUB	2.74	11020 0002	Active; Portion of lot is Lincoln Eliot School; PG, lit PF, BBC, continues into Watertown but fully maintained by Newton	Good	Athletic fields and access improvements	Art 97	LWCF Redevelopment
P4	Bullough’s Pond Park & Pond	Newtonville		1.41	24037 0010; 99099 0068	Passive; Pondsides seating area; WJ	Good	Low potential		
P5	Burr Park	Newton Corner		5.12	72009 0003	Active; PF, PG, TC, BBC, spray pad, recreation building, challenge course, parking	Good	TC and BBC renovation		N/A
P6	Cabot Park	Newtonville		11.58	13001 0001	Active; PG, PF, lit BBC, TC, tot lot, fieldhouse, bocce, fenced OLA	Fair	Accessible pathway network		
P61	Cabot Park (Pocket Park)	Newtonville		0.15	13002 0001	Passive; Pocket park, adj. to Cabot Park	Good	N/A		

Table 6. Newton Parks, Recreation & Culture Controlled Land

Map Code	Parcel Name	Village	Zone	Size (Acres)	SBL ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant
P52	Capt. Ryan Park (Police Park)	West Newton	PUB	1.83	33011 0001	Passive; Memorial pocket park	Good	N/A	Art 97	N/A
P7	Carleton Park	Newton Corner		0.11	71001 0011	Passive; Neighborhood pocket park	Excellent	N/A		
P9	Chaffin Park	Newton Corner		0.83	72004 0003	Passive; Lit walkway; National Historic Register	Good	Low potential		
P10	Charlesbank Park	Nonantum		0.46	71007 0041 -0043	Active; PG, small PF	Excellent	Low potential		
M11	Cheesecake Brook Greenway	West Newton		7.63	99099 0108 – 0110; 99099 0121	Passive; Linear park along Cheesecake Brook w/ seating area at Eddy St; WJ	Fair	Pathway/bike connections to Charles River		
P11	Clafin Playground	Newtonville		1.17	24025 0009A	Neighborhood park, sledding, OLA	Good	Low potential		
P12/ P13	Cold Spring Park	Newton Centre and Newton Highlands		69.46	54021 0002; 54021 0025 - 0026; 54022 0024; 54022 0032 - 0035; 54022 0049B, 0050A, 0051A, 0052A; 54022 0057 - 0059; 54022 0064 - 0066;	Active; PF, OLA, fitness stations along trail, TC, BBC, Farmers Market (June-Oct), parking; wooded, wet, Cold Spring Brook; WJ; WR#20, WR#21	Fair	Trail improvements		LWCF acquisition
P14	Colletti-Magni Park	Nonantum		0.47	14011 0010	Passive; Memorial pocket park w/seating	Excellent	N/A		N/A
M4	Comm. Ave Median	Various		20.65	N/A	Passive; Linear green space ~ 6 miles	Excellent	Access improvements, grant funding for greenway conversion		MassDOT Grant
P15	Cronin's Cove	Newton Centre		0.18	62001 0016	Passive; Lakeside pocket park, boat dock; WJ	Fair	Low potential		N/A
WB1	Crystal Lake	Newton Highlands	28.75	99099 9202	Active/Passive; Great Pond	Good	Low potential			
P16	Crystal Lake Park	Newton Highlands	PUB/SR2	1.99	62001 0001, 0002, 0003A	Passive; Bathhouse, dock, seasonal public swim area, seasonal fence, beach, lakeside pathway, parking; WJ; CR#26, CR#27, CR#32	Fair	Bathhouse/beach and access improvements	P	Community Preservation Act (partial)

Table 6. Newton Parks, Recreation & Culture Controlled Land

Map Code	Parcel Name	Village	Zone	Size (Acres)	SBL ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant	
M12	Centre St Linear Park	Newton Centre	PUB	0.21	61035 0004	Passive; Village green space near MBTA	Excellent	N/A	Art 97	N/A	
P18	Davis Playground (Tom Torchia Playground)	West Newton		1.95	31016 0017	Active; PG, PF, BBC, spray pad, tot lot		Low potential			
P17	Dexter Rd Parcel	Newtonville	PUB	1.1	24038 0001	Passive; Wooded, Laundry Brook; WJ	Good	Low potential			
P6	Edmands Park (Cabot Woods)	Newtonville		33.17	13020 0001; 13021 0004; 22031 0001	Passive; Wooded, trails, esker, wet, Edmands Brook; WJ	Good	Trail improvements			
M5	Eliot Memorial Park	Newton Centre		0.06	73009 0019	Passive; Memorial park	Good	N/A			
M26	Elliot St./High St. Parcel	Upper Falls	MR2 PUB	0.24	51006 0001, 0002	Passive; Wooded slope, linear buffer	Good	N/A			
M6	Elmwood Park	Newtonville	PUB	0.64	24008 0001	Passive; Neighborhood traffic island	Good	Low potential			
P21	Emerson Playground	Upper Falls	MR1	2.6	51008 0001A1	Active; PG, PF, BBC, tot lot, open green space, gazebo, parking, adj. to community ctr.	Fair	Athletic field improvement			“Our Common Backyards”
P22	Farlow Park	Newton Corner	PUB	3.76	72004 0001	Active/Passive; PG, BBC, lit walkway, seasonal pond with footbridge; NHR	Good	Low potential			
P53	Farlow Tot Lot	Newton Corner		0.91	72004 0004	Active; Tot lot	Excellent	N/A			
M27	Firefighters' Memorial	Newton Center		0.58	N/A	Passive; Bell tower structure	Good	N/A			
M57/ M58/ M59	Forest Ave/ Otis St Medians	Newtonville		0.35	24006 0016, 0017; 99099 0027	Passive; Planted traffic islands	Good	N/A			
P23	Forte Memorial Park	Nonantum		6.02	11004 0013	Active; PG, tot lot, lit PF, lit BBC, life course trail, bocce; WJ	Excellent	Athletic field improvements—turf and lights		Urban Self Help #4 and #5 (formerly Allison Park)	
M3	Gasparri Park	Thompsonville		0.11	65010 0025	Passive; Veterans Memorial park/traffic island @ Rt. 9	Good	N/A		N/A	
M7	Grove Hill Park	Newtonville		0.41	24034 0001	Passive; Traffic island, wooded	Good	N/A			

Table 6. Newton Parks, Recreation & Culture Controlled Land										
Map Code	Parcel Name	Village	Zone	Size (Acres)	SBL ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant
P24	Hamilton Playground (Lower Falls Playground)	Lower Falls	PUB	8.53	42021 0001	Active; Community Center, PG, PF, BBC, TC, open green space, parking	Very Good	Low potential	Art 97	N/A
W2	Heartbreak Hill Park at Waban Hill Reservoir	Chestnut Hill		5.06	63007 0001	Passive; Open reservoir, open green space, accessible pathways	Very Good	Phase I improvements underway		CPA purchase
P8	Horace Mann Playground	Newtonville		2.97	23001 0020A	Active; PG, PF, BBC, parking (formerly Carr Playground)	Good	Play equipment upgrade		N/A
P25	Hunnewell Playground	Newton Corner		4.57	71026 0024	Active; Neighborhood park, PG, PF, fenced OLA	Fair/Good	Access and off-leash area improvements		
P26	Hyde Playground	Newton Highlands		1.04	52041 0001	Active; Neighborhood park, PG, PF, garden/seating area	Good	Low potential		
M8	Islington Oval	Auburndale		1.47	41024 0001	Passive; Traffic island/neighborhood park	Excellent	Low potential		
P27	Kennard Park	Newton Centre		15.79	82004 0023	Passive; P&R HQ, wooded, orchard, historic perennial garden	Good	Low potential		
M9	Laundry Brook Reservation	Newton Corner		1.41	12001 0049	Passive; Linear open green space	Good	Low potential		
P28	Levingston Cove	Newton Highlands		0.5	62001 0004	Passive; Lakeside pocket park; WJ	Fair	Renovation design in place		
P62	Lewis - Washington Median	Nonantum		0.11	13002 0001	Passive; Lewis - Washington Pocket Park; Bus Stop	Good	N/A		
P34	Newton Highlands Playground (Joseph Lee Playground)	Newton Highlands		12.56	83003 0025	Active; Open green space, lit PFs, TC, BBC, PG, wooded, rocky outcrops, universally accessible path system, parking	Excellent	Low potential		
P29	Warren Lincoln Playground	Waban		5.42	53032 0013	Active; Open green space, PG, tot lot, PF	Excellent	Pedestrian access		
M10	Linwood Park	Newtonville		0.99	23003 0001	Passive; Traffic island w/ pathway	Good	N/A		
P30	Loring Park	Newton Centre		0.3	73001 0019	Passive; Linear open green space	Excellent	N/A		

Table 6. Newton Parks, Recreation & Culture Controlled Land										
Map Code	Parcel Name	Village	Zone	Size (Acres)	SBL ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant
P58	Lowell Park	Newtonville	PUB	0.58	23013 0001	Passive; Neighborhood historic park	Excellent	Low potential	Art 97	N/A
P45	McGrath Playground (Warren Playground)	West Newton		10.55	32024 0006A	Active; Open green space, PFs, TC, fenced OLA, Cheesecake Brook; WJ	Good	Pedestrian pathway/access		
P31	Nahanton Park	Newton Centre		56.72	83035 0003, 0004A	Active; Nature Center, parking, fishing dock, canoe rental, PF, community gardens; open rec areas, wooded; CRF, CVP WJ; WR #10	Good	Nature Center renovations, access and trail improvements		Urban Self Help (2) #3 (formerly Novitiate)
P51	Newton Centre Green	Newton Centre		1.19	61033 0001; 61034 0002	Passive; Historic PK, City-sponsored seasonal event site	Good	N/A		N/A
P63A/P63B	Newton Centre Library	Newton Centre		0.91	72004 0004	Passive; Public building, children’s reading area, parking; channelized brook	Excellent	N/A		
P32	Newton Centre Playground	Newton Centre		17.9	64032 0001; 64032 0003	Active; Open green space, “The Hut”, universally accessible PG and tot lot, PFs, LGTD BBC, clay TC, sledding, unfenced OLA, Hammond Brook; WJ	Excellent	Construct final segment of pathway network		
P33	Newton Common-wealth Golf Course	Newton Centre		76.5	63001 0024A1 63001 0039; 72039 0016 - 0018 72039 0020 - 0021	Active; Public golf course, CGC Skiing, wooded, Strong's Brook and Pond; WJ,	Good	Maintenance building renovation design in the works		
M15	Veterans Memorial Park	Newton Corner		0.56	12015 0014	Passive; Memorial park	Good	N/A		N/A
P42	Officer Bobby Braceland Playground (Upper Falls Playground)	Upper Falls		8.77	51045 0003	Active; Open green space, tot lot, PFs, TC, BBC, unfenced OLA, parking; CRF, WJ	Fair	Access improvements		
M25	Officer English Park	Newton Highlands		0.02	99099 9821	Passive; Raised brick planted seating area	Good	N/A		
M60	Overlook Park Oval	Chestnut Hill	0.04		Passive; Traffic island/cul de sac	Good	N/A			

Table 6. Newton Parks, Recreation & Culture Controlled Land										
Map Code	Parcel Name	Village	Zone	Size (Acres)	SBL ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant
M13	Kendrick Park	Newton Corner	PUB	0.72	72008 0001	Passive; Traffic island w/ pathway	Good	N/A	Art 97	N/A
P35	Pellegrini Park	Nonantum		4.21	14016 0033	Active; Memorial park, PG, lit PFs, TC, half BBC, tot lot, shade shelter, bocce, Community Centre, parking	Fair	Athletic field and lights improvement		
M14	Prescott St Oval	Newtonville		0.08	23015 0018A	Passive; Traffic island	Good	N/A		
P36	Rev. Ford Playground	Auburndale		0.81	33006 0061 part	Active; PG, remaining portion of lot is PRC lot	Fair	Complete renovation and expansion		
P37	Richardson Playground	Waban		2.98	53016 0007	Active; Open green space, PG, lit PF, tot lot	Good	Low potential		
P38	River Street Playground	West Newton		0.75	33034 0049	Active; Open green space, PG, tot lot	Fair	Upgrade play equipment		
M60	Saw Mill Brook Parkway	Oak Hill Park		3.98	N/A	Passive; Open median/greenbelt	Good	N/A		
P39	Solomon Schechter Playground	Oak Hill		2.93	84019 0001	Active; PG, PF, TC, tot lot (formerly Memorial Playground)	Good	Low		
P40	Spears Park	Newton Corner	MR1	0.32	12003 0001	Passive; Pocket park	Excellent	Improve access and amenities	UNKN	
P41	Stearns Park	Nonantum	PUB	3.44	11010 0002A, 0007	Active; PG, tot lot, TC, BBC, PF	Excellent	Pathway improvements	Art 97	MassWorks Grant (partial)
see S2	Thompsonville Playground	Thompsonville		0	65014 0046	Active; Half BBC, upper PFs (Note: Due to lot being shared with Bowen School, acreage not counted)	Very Good	Access improvements		
P65	Upper Falls Greenway	Upper Falls		8.86	99099 9820	Passive; Mile-long rail trail; CRF, WJ	Excellent	Construct extension using MassWorks grant funding		
UNKN	Waban Common	Waban		0.08	N/A	Passive; Village green space/traffic island	Excellent	N/A		N/A
M17	Waban Park Oval	Newton Corner		0.32	12004 0033	Passive; Neighborhood traffic island	Good	N/A		

Table 6. Newton Parks, Recreation & Culture Controlled Land

Map Code	Parcel Name	Village	Zone	Size (Acres)	SBL ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant
P43	Waban Playground (Angier School)	Waban	PUB	4.72	55010 0049	Active; PG, PF, TC, BBC	Fair	Athletic field renovation	Art 97	N/A
M16	Waban/Alban Island	Waban		0.86	55023 0001	Passive; Traffic island	Good	Low potential		
M24	Walker Park	Newtonville		0.39	21031 0001	Passive; Linear open green space	Fair	Low potential		
M18	Walnut Park	Newton Corner		0.54	12005 0028	Passive; Neighborhood traffic island	Good	N/A		
P57	Ward Park	Newton Centre		3.45	73016 0022	Active; PFs	Good	Athletic field and access improvements		
P59	Washington Park	Newtonville		1.06	22012 0001	Passive; Historic park, lit	Excellent	Low potential		
P46	Webster Park (Warren St Playground)	Newton Centre		7.2	65002 0013	Passive; Open green space, wooded, Thompsonville Brook; WJ	Excellent	Access improvements		
M20	Webster Park	West Newton		0.35	33021 0001	Passive; Traffic island	Good	N/A		
P47	Weeks Park	Newton Centre		11.13	62016 0013	Active/Passive; Tot lot, PFs, TC, raised planted seating area, parking	Excellent	Athletic fields and access improvements		
P48	Wellington Playground	West Newton		1.93	33030 0020	Active; Neighborhood green space, tot lot, PF, BBC, TC, garden	Good	Access improvements		
P49	West Newton Common	West Newton		3.63	33023 0001	Active; Park, tot lot, swings, PFs	Excellent	Play equipment and access improvements		
M21	Wolcott Park	Auburndale		0.55	44027 0001	Passive; Traffic island with gardens	Excellent	N/A		
M28	Unnamed Medians	Various		0.04	99099 0079	Traffic island/Median	N/A			
M29				0.22	99099 0077					
M30				0.11	99099 0076					
M31			0.27	N/A						
M32			0.09	N/A						
M33			0.15	99099 0083						
M34			0.29	53034 0019						
M35			0.20	64039 0008						

Table 6. Newton Parks, Recreation & Culture Controlled Land

Map Code	Parcel Name	Village	Zone	Size (Acres)	SBL ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant
M36	Unnamed Medians	Various	PUB	0.23	99099 0097	Traffic island/Median	N/A	N/A	N	N/A
M37				0.06	99099 0098					
M38				0.29	99099 0099					
M39				0.05	N/A					
M40				0.01	N/A					
M41				0.04	N/A					
M42				0.06	72023 0001					
M43				0.16	72026 0016					
M44				0.02	N/A					
M45				0.02	N/A					
M46				0.02	N/A					
M47				0.04	N/A					
M48				0.05	N/A					
M49				0.02	N/A					
M50				0.08	N/A					
M51				0.09	N/A					
M52				0.02	N/A					
M53				0.04	N/A					
M54				0.00	N/A					
M55				0.08	13001 0002					
M56	0.03	N/A								
M57	0.07	24006 0017								
M58	0.17	24006 0016								
M59	0.10	99099 0027								
M62	0.03	N/A								
			Total	565.94						

Figure 37: Playing Fields and Courts

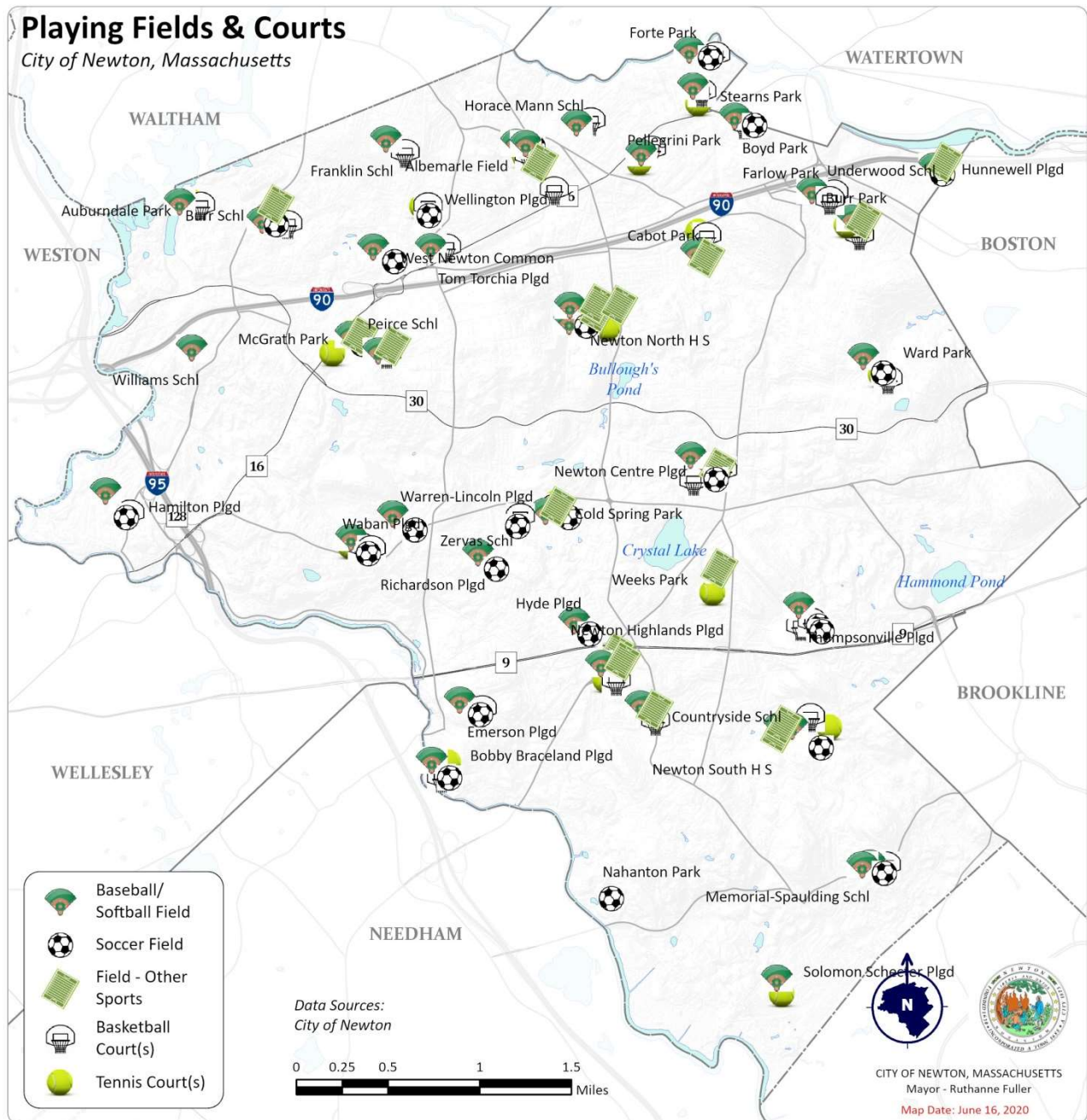


Figure 38: Playgrounds, Tot Lots, and Dog Parks

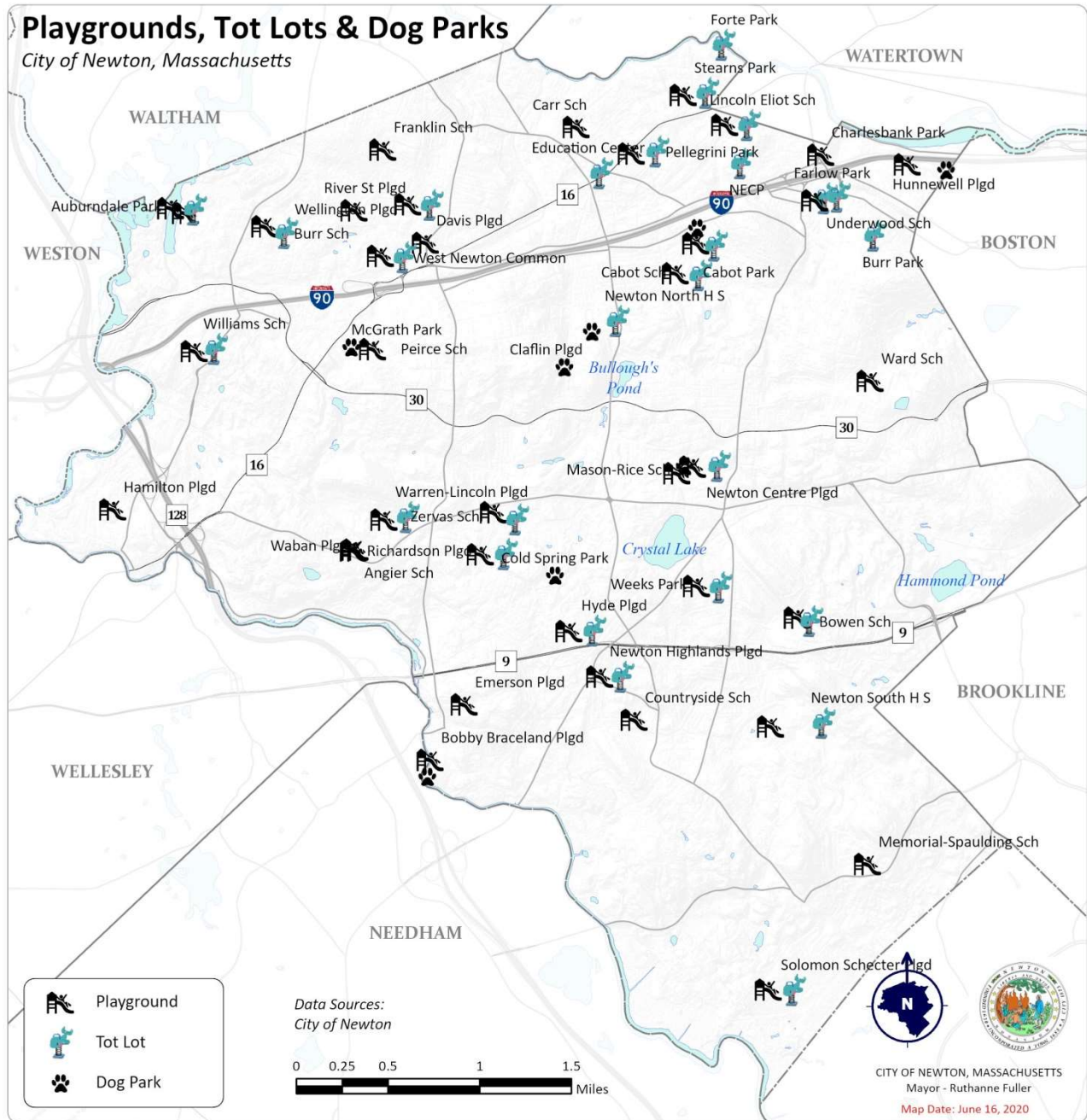


Figure 39: Aquatic Recreation Facilities

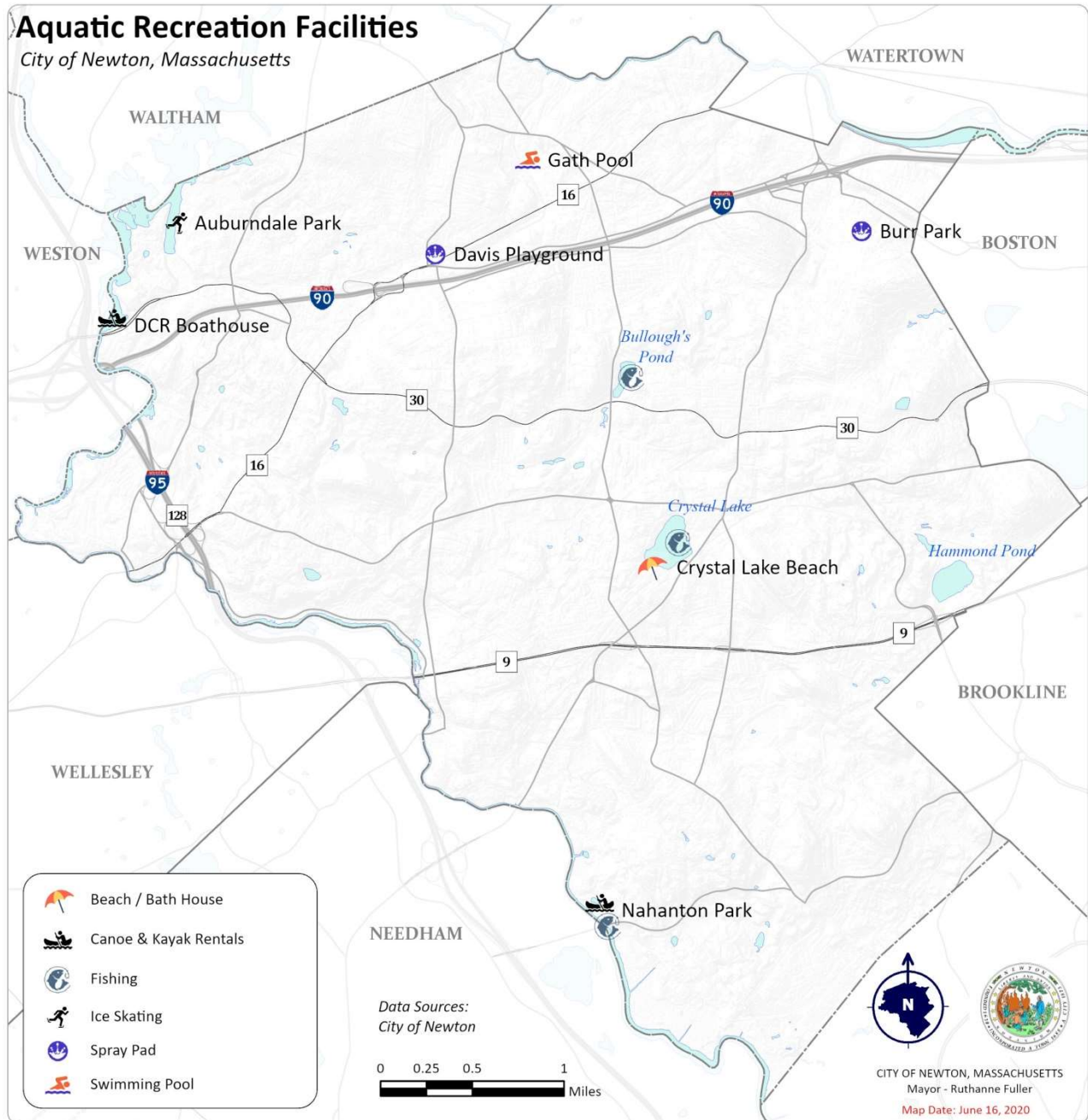
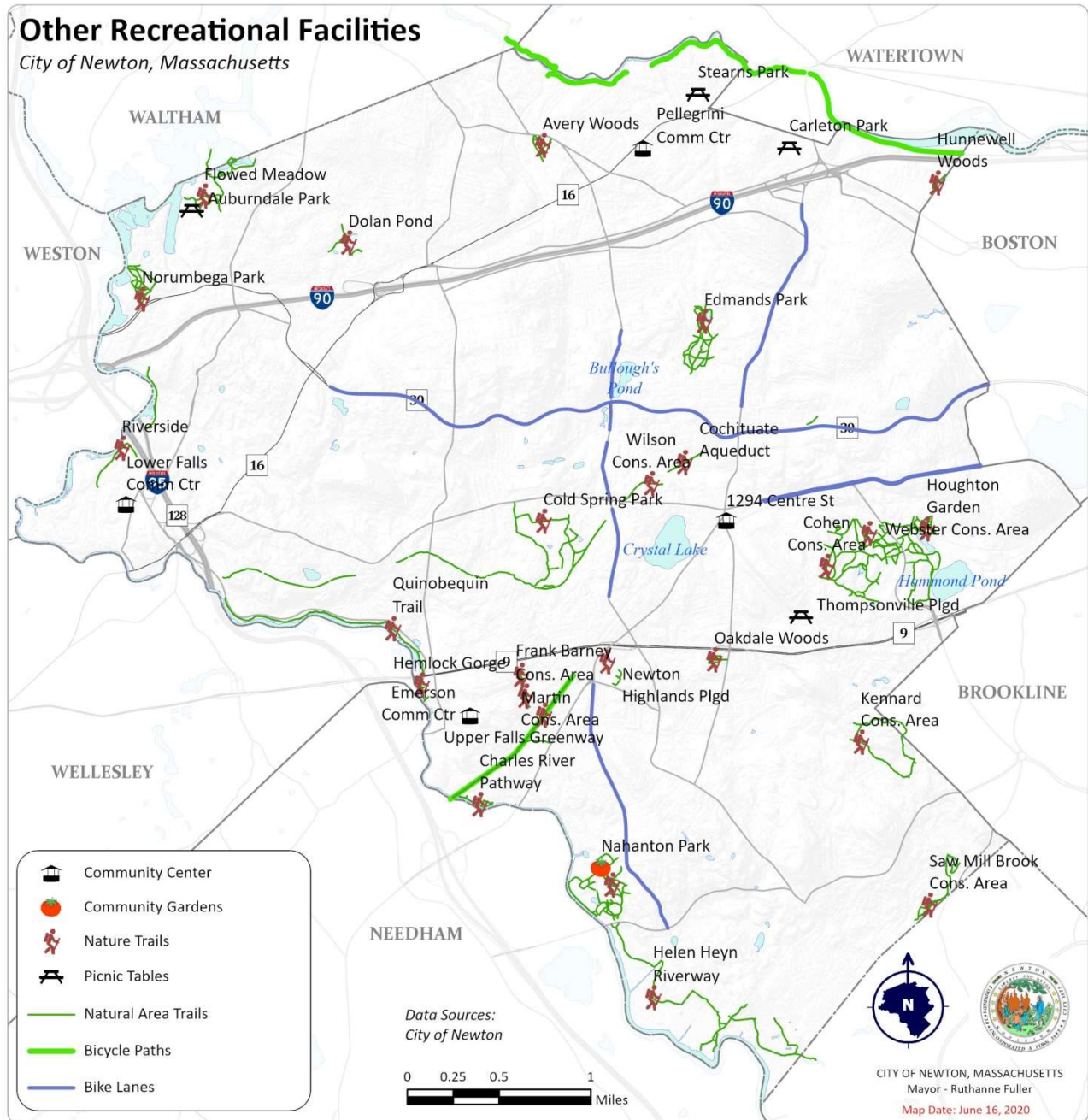


Figure 40: Other Recreation Facilities



Newton Conservation Commission Controlled Land (Table 7)

Newton’s Conservation Commission owns 22 parcels of woods, ponds, and marshes, totaling over 300 acres. Of those parcels, 14 contain trails used for walking and passive recreation. These conservation lands provide many values including water resources (natural areas filter stormwater and recharge wetlands, streams, and rivers), wildlife habitat (native animals rely on healthy ecosystems for breeding, nesting, food, shelter, and hibernation), passive recreation, and overall health and well-being.

Managing Agency: Several partners and organizations, including the City’s annual maintenance contractor, volunteer stewards, Eagle Scouts, and Newton Conservators work with the Conservation Commission to ensure that these cherished lands are being maintained.

Public Access: All Conservation Commission controlled parcels are open to the public, but several parcels are not trailed and maintained in a natural state which can make navigating the parcel difficult.

Key to Abbreviations: Table 7	
Abbreviation	Meaning
Art 97	Protected under Article 97
CR	Conservation Restriction (M.G.L. Ch. 184, Sec. 31-33)
CRF	Charles River Frontage
CVP	Certified Vernal Pool
NHR	National Historic Registry
NVS	Natural Valley Storage Area “B”
P	Protected in Perpetuity
SBL ID	Assessor’s Database ID
WJ	Wetlands Jurisdiction (MA Wetlands Protection Act 310 CMR 10.00 or Newton Floodplain/Watershed Protection Ordinance Sec. 22-22)
WR	Wetlands Restriction (G.L. Ch. 131, Sec. 40A)

Table 7. Newton Conservation Commission Controlled Land

Map code	Conservation Area Name	Zone	Size (Acres)	SBL_ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant
C2	Auburndale Yard Conservation Area	PUB	0.78	44017 0109	Development buffer; wooded	Good	Potential new trail to serve as cut-through	Art 97	N/A
C3	Baldpate Meadow Conservation Area		4.86	82037 0079	Wooded, wet; WJ, WR#7	Good	None	Art 97	
C4	Frank Barney Conservation Area		1.67	51019 0002 - 0005	Wooded slope	Fair	Trail improvements	Art 97	
C5	Charles River Pathway Conservation Area		1.57	51046 0013 - 0016	Wooded; CRF, WJ; CR#2	Good	Trail improvements and stair connection to P65	Art 97/P	Urban Self-Help #1
C6	Cohen Conservation Area	PUB	8.28	65004 0001, 0001G; 65004 0042	Wooded, rocky outcrops; wet; Thompsonville Brook; WJ; CR#12 & CR#17	Excellent	Refresh trail blazing and signage	Art 97/P	Self-Help Program #2 (partial)
		SR2		65007 0001					
C7	Dolan Pond Conservation Area	PUB MR1	8.41	33017 0005 - 0011	Wooded, wet, Banana Pond, Quinn Pond, Dolan Pond; WJ; CR#19, WR#2	Good	Trail improvements to extend accessible trail sections	Art 97/P	Self-Help Program #11
				33017 0015					
				33019 0008 - 0012; 33022 0035, 0036B					
C8	Flowed Meadow Conservation Area and Access Road	PUB	3.5	41031 0044, 0047	Wooded, wet, Purgatory Cove; WJ	Excellent	Refresh trail blazing and signage	Art 97/P	Self-Help Program #6 (partial)
C10		PUB	21.95	41031 0043 part	68, 71, 30 Wabasso St; wooded, wet; WJ; CR#31; WR#1; see N10				
					C11				
C12		MAN	0.11	41032 007	Access road to Flowed Meadow from Riverview Ave				

Table 7. Newton Conservation Commission Controlled Land

Map code	Conservation Area Name	Zone	Size (Acres)	SBL_ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant
C13	Goddard-Christina Conservation Area	PUB	4.35	83033 0032 - 0035	Wooded, wet; WJ; WR#9	Fair	None	Art 97	Self Help Program #15
C14	Hahn Brook Conservation Area	PUB	4.36	82004 0024A	Wooded, wet Hahn Brook; WJ	Poor	None	Art 97	N/A
C15	Helen Heyn Riverway Conservation Area	PUB	30.5	84034 0002	Wooded, wet, Country Club Brook, College Brook; WJ, WR#11	Good	Trail improvements (bridge over College Brook)	Art 97	
C16	Hunnewell Woods Conservation Area	PUB	1.62	71026 0014 - 0017	Wooded slope	Fair	None	Art 97	Self Help Program #7
C17	Kennard Conservation Area	PUB	32.28	82004 0001, 0002; 82004 0020, 0021	Wooded, wet, restoration meadow, South Meadow Brook; WJ; WR#22	Good	Improve boardwalks and add water bars near restoration area	Art 97	Self Help Program #9 (partial)
C18	Kerry Court Conservation Area	PUB	0.66	44017 0114	Wooded, Brunnen Brook; WJ	Good	None	Art 97	N/A
C19	Kessler Woods Conservation Area	PUB	11.01	82037 0003	Wooded, wet, unnamed stream, Saw Mill Brook; WJ; CR#33; WR#7	Fair	Trail system development underway	P	Community Preservation Act
		SR3		82037 0094, 0080A	Wooded, wet, unnamed stream, Saw Mill Brook; WJ; CR#21; WR#7				
C20	Martin Conservation Area	PUB	0.57	51015 0017 - 0020	Wooded slope, rock outcrops	Good	Trail improvements	Art 97	N/A
C21	Norumbega Park Conservation Area	PUB	13.42	41023 0002; 41023 0021 - 0027	Wooded, knolls, open field, slope restoration; CRF, WJ	Good	Transition loop trail from wood chips to stone dust for accessibility	Art 97	

Table 7. Newton Conservation Commission Controlled Land

Map code	Conservation Area Name	Zone	Size (Acres)	SBL_ID	Current Use	Condition	Expanded Rec. Potential	Level of Protect.	Type of Grant
C22	Oakdale Woods Conservation Area	PUB	2.47	81036 0012 - 0015; 81037 0013 - 0021	Wooded, rock outcrops, Stearns Brook; WJ	Good	Trail improvements	Art 97	Self Help Program #10
C23	Saw Mill Brook Conservation Area	PUB	28.71	82041 0007B; 82041 0021, 0021A; 82041 0022, 0023	Wooded, wet, rocky outcrops, Sawmill Brook; WJ; CR#33; WR#8	Good	Refresh trail blazing and signage. New boardwalks.	Art 97/P	Self Help Program #8/ Community Preservation Act
C24	Varick Hill Conservation Area	SR2	0.19	55027 0017	Wooded	Fair	None	Art 97	N/A
C25	Webster Conservation Area - Houghton Garden	PUB	9.8	63016 0008A, 0008B	Historic natural & rock garden; wooded, wet, Hammond Brook, CVP; WJ, WR#4, NHR	Excellent	Pond hydro-raking and trail restoration project underway	Art 97	Self Help Program #12 (Houghton Annex)
C26	Webster Conservation Area - Old Deer Park	PUB	14.06	63016 0011, 0013, 0014A, 0015	Open field, some specimen trees, rocky outcroppings; partially wooded, wet, Hammond Brook; WJ	Fair	Trail development underway	Art 97	Self Help Program #4 (partial)
C27	Webster Conservation Area - East and West	PUB	79.98	63037 0030; 65001 0001 - 0005; 65008 0001 - 0002	Wooded, rocky outcrops, wet, Hammond Brook, Hammond Pond, 3 CVP; WJ, WR#5	Good	Refresh trail blazing and signage	Art 97	
C28	Webster Conservation Area – Webster Woods	PUB	17.7	65008 0003	Wooded, wet, rocky outcrops, CVP; WJ; acquired using CPA funds – CR in progress	Good	Refresh trail blazing and signage	P	
C29	Wilson Conservation Area	PUB	0.5	64016 0023	Wooded; CR#29	Fair	None	Art 97	
			Total	310.79					

Newton School Department Controlled Land (Table 8)

School Department controlled land consists primarily of school buildings and parking areas, but some also include open space resources such as playing fields, tennis and basketball courts, and playgrounds. Parcels in this Table noted with 2 map codes (e.g., S1/P43) are referenced on both this table and in Table 3 (Parks, Recreation & Culture) due to shared use.

Managing Agency: Open space resources on School Department controlled land is managed by the Parks, Recreation & Culture Department maintenance teams. The Public Buildings and School Department are responsible for managing the school structures.

Public Access: Open space resources on School Department controlled land are open to the public.

Expanded Recreational Potential: Most of these parcels are at the limit in terms of opportunities for expanded recreational opportunities, but ADA level access from school buildings to recreational facilities can be improved.

Protection Status: Parcels under School Department control do not qualify for protection under Article 97; therefore, have no formal protection.

Key to Abbreviations: Table 8	
Abbreviation	Meaning
BBC	Basketball Court
PF	Playing Field
PG	Playground
SBL ID	Assessor’s Database ID
TC	Tennis Court
WJ	Wetlands Jurisdiction (MA Wetlands Protection Act 310 CMR 10.00 or Newton Floodplain/Watershed Protection Ordinance Sec. 22-22)
WR	Wetlands Restriction (G.L. Ch. 131, Sec. 40A)

Table 8. Newton School Department Controlled Land					
Map Code	Name	Zone	Size (Acres)	SBL ID	Current Use
S1/P43	Angier Elementary School	PUB	1.98	55010 0056	Adjacent playground and tot lot
S20/P5	Bigelow Middle School	PUB	2.81	72010 0001	Adjacent to Burr Park & Playground
S2	Bowen Elementary School	PUB	11.54	65019 0046	BBC, PFs, PG
S3	Burr Elementary School	PUB	8.65	44035 0095	Basketball court, playing fields, playground; former landfill site
S4/P6	Cabot Elementary School	PUB	1.78	22008 0008	PG, adjacent to Cabot Park
S5	Countryside Elementary School	PUB	7.39	83006 0011	BBC, PFs, PG; South Meadow Brook; WJ
S6/P1	Day Middle School	PUB	8.57	21022 0002	Adjacent to Albemarle Field; wooded, Avery Woods
S7	Education Center	PUB	3.78	23004 0010	School Department offices

Table 8. Newton School Department Controlled Land					
Map Code	Name	Zone	Size (Acres)	SBL ID	Current Use
S8	Newton North High School	PUB	26.93	24017 0007; 24018 0001	Stadium, track, PFs, TC, Dickinson Field, Walnut Street Field
S9	Franklin Elementary School	PUB	5.45	34037 0021	BBC, PFs, PG
S21/P8	Horace Mann Elementary School	PUB	1.59	21022 0001A	Adjacent to former Carr School Playground
S22/P3	Lincoln-Eliot Elementary School	PUB	1.68	11020 0001; 11020 0002 part	BBC, PFs, PG1, tot lot
S10/P32	Mason Rice Elementary School	PUB	3.99	64032 0005	Portion of tot lot, adjacent to Newton Centre Playground; Hammond Brook; WJ
S11	Memorial Spaulding Elementary School	PUB	5.59	82021 0001	BBC, PFs, PG, tot lot
S13	Newton South High School	PUB	71.17	81051 0051; 81051 0047	Track with risers, PFs, TC; wooded, wet; WJ; WR#16, WR#17
S14	Brown Middle School	PUB	8.27	81005 0011	Adjacent to NSHS and Oak Hill Middle
S15	Oak Hill Middle School	PUB	10.47	81051 0052; 81006 0001	PFs; WJ
S16	Peirce Elementary School	PUB	4.9	32021 0005; 32021 0006	BBC, PFs, PGs
S23/P22	Underwood Elementary School	PUB	1.01	72002 0003	Adjacent to Farlow Park
S17/P57	Ward Elementary School	PUB	3.16	73016 0021	PFs, PG, TC, adjacent to Ward Park
S18	Williams Elementary School	PUB	3.1	43031 0002, 0003	PFs, PG
S19/P12	Zervas Elementary School	PUB	6.52	54013 0003	BBC, PFs, PG, adjacent to Cold Spring Park
			Total	200.33	

Newton General Municipal Controlled Land (Table 9)

Newton owns a number of open space parcels that are not under the jurisdiction of the Conservation Commission, PRC, or School Department.

Managing Agency: The majority of these parcels are managed by the City’s Department of Public Works, though the City Hall grounds (N2) are maintained by PRC maintenance crews. Angino Farm is managed by a non-profit organization licensed by the City. The three historic cemeteries are not managed by the City and are left undisturbed except for sidewalk mowing.

Expanded Recreational Potential: Some of these parcels are currently vacant land and so present an opportunity for conversion into open space resources for expanded recreational opportunities or pocket parks.

Key to Abbreviations: Table 9	
Abbreviation	Meaning
APR	Agricultural Preservation Restriction
CR	Conservation Restriction (M.G.L. Ch. 184, Sec. 31-33)
L	Limited, or Temporary Protection
N	Not Protected
NHR	National Historic Register
P	Protected in Perpetuity
SBL ID	Assessor’s Database ID
UNKN	Unknown
V	Vacant (primarily vacant)
WJ	Wetlands Jurisdiction (MA Wetlands Protection Act 310 CMR 10.00 or Newton Floodplain/Watershed Protection Ordinance Sec. 22-22)

Table 9. Newton General Municipal Controlled Land								
Map Code	Name	Address	Zone	Size (Acres)	SBL	Current Use	Level of Protect.	Open to Public
N1	Elliot Street DPW Yard	0 Chandler Pl	PUB	1.05	51029 0034 - 0036	V, Wooded; Adj. to UF Fire Sta. & DPW yard	N	No
N2	City Hall - Grounds & War Memorial Circle	1000 Comm. Ave		9.92	64001 0001	City Hall; lawn, Salvatore Balsamo Millennium Park, ponds, Cold Spring Brook; WJ; NHR	L	Yes
N5	Lakeview Ave parcel	0 Comm. Ave		2.03	24036 0001	V; wooded slope facing City Hall grounds	N	Yes
N7	Waban Hill Reservoir	166 Waban Hill Rd		8.55	63008 0013	Covered reservoir	L	No
N8	Pine St Landfill	0 Pine St		10.18	44035 0086; 44035 0119	V; wooded, filled wetland	N	No
N9	Pine St Rear	0 Pine St		2.97	44035 0097	V; wooded, filled wetland; several encroachments	N	No

Table 9. Newton General Municipal Controlled Land								
Map Code	Name	Address	Zone	Size (Acres)	SBL	Current Use	Level of Protect.	Open to Public
N10	Rumford Ave DPW Yard/Landfill	211 Lexington St		26.89	41031 0043 part	Solar Farm, waste drop-off facility; WJ; see C10	N	No
N11	Cheesecake Brook Reservation	Albemarle Road		7.77	99099 0006 --0009	V; grass with some trees and shrubs; WJ	L	Yes
N12	Stanton Water Tower	160 Stanton Ave		0.39	43045 0033	Water tower; open hillside, some trees	N	No
N13	Countryside Water Tower	0 Dedham St		0.39	83036 0003A	Water tower; wooded area	N	No
N14	Angino Farm	303 Nahanton St	PUB	2.26	83036 0009	Community farm; overseen by Farm Commission; APR; CR#18	P	Partial
V1	City-owned vacant parcel	Braemore Road	SR3	0.01	71019 0006	V		
V2	City-owned vacant parcel	Hunnewell Ave		0.24	71019 0005	V		
V3	City-owned vacant parcel	Hunnewell Ave	PUB	0.39	71032 0005	V		
V4	City-owned vacant parcel	Fairview Street		0.02	71021 0011	V	N	
V5	City-owned vacant parcel	Fairview Street		0.23	71024 0015	V		
V6	City-owned vacant parcel	Oakleigh Road	SR3	0.11	71021 0001	V		
V7	City-owned vacant parcel	Oakleigh Road	SR3	0.11	71020 0003	V		No
P54	East Parish Burying Ground	Centre Street		2.88	73001 0018	Historic cemetery	UNKN	
P55	South Parish Burying Ground	Winchester Street	PUB	1.38	51028 0029	Historic cemetery	UNKN	
P56	West Parish Burying Ground (River St Cemetery)	River Street		1.62	33034 0009	Historic cemetery	UNKN	
			Total	71.63				

Cochituate Aqueduct – Newton Parks, Recreation & Culture, and Private Lands (Table 10)

Managing Agency: Most of the Cochituate Aqueduct is owned and managed by the City of Newton through the PRC, but a few parcels are in private ownership.

Public Access: All City-owned parcels are open to the public for passive recreation and a number of the private parcels within the alignment have easements that allow public use.

Expanded Recreational Potential: The City-owned portions of the Cochituate Aqueduct (along with much of the state-owned Sudbury Aqueduct) are important passive recreation resources for Newton and could potentially be expanded to improve connectivity to other trails.

Key to Abbreviations: Table 10	
Abbreviation	Meaning
Art 97	Protected under Article 97
N	Not Protected
SBL ID	Assessor’s Database ID
UNKN	Unknown
V	Vacant (primarily vacant)

Table 10. Cochituate Aqueduct (Newton PRC and Privately Owned Lands)							
Map Code	Parcel Name/Location	Ownership	Zone	Size (Acres)	SBL ID	Current Use	Level of Protect.
A1	Beethoven Ave	City of Newton	PUB	0.72	53016 0002	V, wooded	Art 97
	Allen Ave			1.03	53022 0009	V, wooded	
	Upland Rd			0.44	53023 0004	V, wooded	
	Chestnut St			0.55	53024 0007	V, wooded	
	Homestead St			0.10	53024 0008	V, wooded, lawn	
	Woodward St-Wyman St			0.35	53026 0021	V, wooded	
	Beethoven Ave			1.63	54012 0010	V, wooded	
	Winslow Rd			4.53	54017 0013	V, wooded	
	Wenham Rd			8.39	54021 0001	V, wooded; S perimeter of P12/P13	
	Adj. 136 Quinobequin Rd			1.29	55027 0016	V, wooded	
	136 Quinobequin Rd		0.19	55028 0001	Pumping Station		
	Mossfield Rd-Waban Ave		SR2	0.006	55037 0006	Median, trees, path	
	Quinobequin Rd		PUB	0.11	55043 0007	V, wooded, lawn	
	Walnut St			0.53	62004 0015	Whole Foods pkg lot	
	Beacon St			0.02	62004 0015A	Whole Foods pkg lot	
	Cochituate Aqueduct			4.31	63001 0002	Wooded	
	Beacon St			0.59	64014 0012	V, wooded, grass	
	Cochituate Aqueduct			0.02	64014 0012	Wooded	
	Pleasant St			0.20	64016 0013	V, wooded, grass	

Table 10. Cochituate Aqueduct (Newton PRC and Privately Owned Lands)							
Map Code	Parcel Name/Location	Ownership	Zone	Size (Acres)	SBL ID	Current Use	Level of Protect.
A1	Hancock Ave	City of Newton	PUB	1.34	64016 0024	V, wooded	Art 97
	Pleasant St			2.28	64032 0006	V, wooded; N perimeter of P32	
	Homer St/Grafton St			0.17	64039 0008	Island, trees, lawn	
	Montrose St			0.29	73016 0022	Crosses Ward Park	
	Commonwealth Ave			1.13	73042 0019	V, trees, lawn	
	Waban Ave: Neshobe Rd-Varick Rd			1.31	99099 0078	Median, trees	
	Waban Ave-Neshobe Rd			0.19	99099 0080	Median, trees	
	Mossfield Rd-Waban Ave			0.43	99099 0081	Median, trees	
	Waban Ave: Carlton Rd-Mossfield Rd			0.85	99099 0082	Median, trees	
	Waban Ave: Crofton Rd-Carlton Rd			0.05	99099 0084	Median, trees	
	Waban Ave: Crofton Rd-Carlton Rd			2.68	99099 0085	Median, trees	
	Waban Ave: Crofton Rd-Carlton Rd			0.38	99099 0086	Median, trees	
	Waban Ave: Nehoiden Rd-Crofton Rd			1.42	99099 0087	Median, trees	
	Collins Rd-Waban Ave			0.16	99099 0088	Island, shrubs, trees	
A1	50 Grafton St	Alkis Malkrides	SR2	0.08	64040 0008	Residential lot	N
	76 Homer St	Avraham & Judith Arazi Tr.		0.11	64032 0041A	Res. lot, wooded, shed	
	615 Comm. Ave	Carolyn D. Allen		0.003	73050 0008	Residential lot	
	629 Comm. Ave	Condominium		0.06	73050 0009	Condos	
	34 Collins Rd	Connie French		0.005	55048 0034	Residential lot	
	64 Homer St	David & Ruth Housman		0.15	64032 0043	V, wooded	
	53 Waban Ave	Deborah & Gerald Simches		0.11	55011 0013	Residential lot	
	39 Waban Ave	Dinah & Alexander Bodkin		0.1	55011 0011	Residential lot	
	6 Prentice Rd	G & L Karthis		UNKN	73040 0011	Residential lot	
	17 Prentice Rd	James Schaeffer		0.06	73041 0014	Residential lot	
	899-901 Walnut St	Jerome Furman	BU2	0.03	54022 0008	Apartment lot	
	Woodward St	Judith & John Willett	SR2	0.09	53025 0016	Res. lot, garage	
	58 Grafton St	Kuen Shii Tsay		0.05	64040 0007	Residential lot	
	397 Woodward St	Lawrence & Elizabeth Epstein		0.03	53025 0015A	Residential lot	
1672 Beacon St	Lisa K. Desai	SR2	0.002	55011 0009	Residential lot		
4 Carthay Circle	Lisa M. Calderone	MR1	0.1	54023 0007	Residential lot		

Table 10. Cochituate Aqueduct (Newton PRC and Privately Owned Lands)							
Map Code	Parcel Name/Location	Ownership	Zone	Size (Acres)	SBL ID	Current Use	Level of Protect.
A1	24 Grant Ave	Lorna Lamont Trust	SR2	0.1	73041 0006	Residential lot	N
	44 Grafton St	M. Huberman & S. Fidel		0.09	64040 0001	Residential lot	
	Woodward St	M. N. DiBona Tr.		0.36	53025 0015C	V, wooded, lawn	
	29 Prentice Rd	Marc & Karen Kramer		0.06	73041 0016	Residential lot	
	63 Lorna Rd	Marjorie R. Gladstone Trust		0.02	73018 0001	Residential lot	
	6 Carthay Circle	Martin Chipppa	PUB	0.27	54023 007A	Residential lot	
	100 Wyman St	MBTA	BU1	0.1	53027 0001	Waban T Station	
	23 Prentice Rd	Michael & Helen Varsamis	SR2	0.06	73041 0015	Residential lot	
	100 Homer St	Nicholas Haining		0.03	64032 0039	V, wooded	
	29 Waban Ave	Patricia F. Malkazian		0.12	55011 0010	Residential lot	
	36 Grant Ave	Paul & Melissa Lerou		0.04	73041 0005	Residential lot	
	15 Bracebridge Rd	Richard & Andree Wilson		0.45	64016 0014A	Res. lot, wooded, garden	
	170 Pine Ridge Rd	Robert & Simone Spain		0.09	53025 0004	Residential lot	
	35 Prentice Rd	Roberta & Ronald Loberfeld		0.02	73041 0017	Residential lot	
	28 Manitoba Rd	Samuel M. Moskowitz		0.12	55011 0001	Residential lot	
	244 Ward St	Sean F. Rynne		0.01	73041 0013	Residential lot	
	658 Comm. Ave	Sharon B. Milinsky		0.01	64041 0001	Residential lot	
	45 Waban Ave	Sidney & Rita Governar		0.11	55011 0012	Residential lot	
	20 Grant Ave	Stanley & Marilyn Salter Trust		0.02	73041 0007	Residential lot	
	28 Collins Rd	Thomas Sabin		0.11	55048 0035	Residential lot	
14 Collins Rd	Union Church Society	0.11		55048 0036	Church		
37 Grant Ave	William Beizer	0.05		73042 0017	Residential lot		
677 Chestnut St	Wm. and Karen Ruth	0.18	53025 0013	Residential lot			
				Public	37.70		
				Private	3.51		

Sudbury Aqueduct – MWRA and Private Lands (Table 11)

The Sudbury Aqueduct is mainly owned by the MWRA (Massachusetts Water Resources Authority) but, like the Cochituate Aqueduct, has some privately-owned parcels.

Managing Agency: Currently the MWRA owned lands are managed by MWRA and privately-owned parcels are maintained by landowners.

Public Access: None of the Sudbury Aqueduct is legally open for public use, though many use the MWRA owned sections for passive recreation.

Expanded Recreational Potential: The MWRA has a relatively recent policy encouraging municipalities to apply for licenses on MWRA aqueduct lands for compatible passive public uses such as walking, biking, and cross-country skiing, as a way to reduce MWRA’s maintenance obligations. Most eligible communities have embraced that opportunity. Securing such a license for the Sudbury Aqueduct would bring expanded recreational benefits to Newton as a link with other open spaces and trails.

Key to Abbreviations: Table 11	
Abbreviation	Meaning
L	Limited, or Temporary Protection
N	Not Protected
SBL ID	Assessor’s Database ID

Table 11. Sudbury Aqueduct (MWRA and Privately Owned Lands)							
Map Code	Parcel Name/Location	Ownership	Zone	Size (Acres)	SBL_ID	Current Use	Level of Protect.
W1	Echo Bridge (4 Ellis St)	MWRA	PUB	0.39	51001 0002	Historic bridge	L
	41 Ellis St			0.39	51001 0002	Wooded slope to Charles River	
	971 Chestnut St			0.27	51002 0008	Lawn	
	1260 Boylston St			0.88	51003 0011	Wooded, embankment, path	
	252 Plymouth Rd			0.02	52001 0030	Trees, embankment, path	
	252 Plymouth Rd			1.86	52001 0030	Trees, embankment, path	
	11 Bowdoin St			1.00	52002 0007	Trees, lawn, path	
	2 Bowdoin St			0.49	52004 0005	Trees, path	
	40 Terrace Ave			1.35	52010 0001	Embankment, path	
	39 Duncklee Rd			2.01	52013 0001	Wooded, path	
	17 Kingman Rd			0.64	52014 0006	Trees, open area	
	259 Plymouth Rd			0.02	54034 0007	Lawn	
	154 Dickerman Rd			0.26	54038 0001	Trees, open area, adj. to MBTA tracks	
	154 Dickerman Rd			0.73	54038 0009	Grassy embankment, path	
	120 Woodward St			0.77	54039 0008	Grassy embankment, path	
	1241 Boylston St			2.05	54049 0001	Trees, embankment, path	
1241 Boylston St	1.07	54049 0001	Trees, embankment, path				

Table 11. Sudbury Aqueduct (MWRA and Privately Owned Lands)

Map Code	Parcel Name/Location	Ownership	Zone	Size (Acres)	SBL_ID	Current Use	Level of Protect.	
W1	0 Centre St	MWRA	PUB	0.84	61032 0001	Grassy slope	L	
	Walnut St - Beacon St			1.01	62004 0007	Grassy embankment, path		
	Beacon St - Greenlawn Ave			0.26	64014 0013	Wooded, path		
	0 Bracebridge Rd	Gregory & Ila Fiete		0.73	64016 0015	Wooded, CR#29	P	
	0 Hancock Ave	City of Newton		0.5	64016 0024	Wooded, northern perimeter of Wilson Conservation Area	L	
	0 Tyler Terr. (south)	MWRA		0.25	64030 0028	Wooded	L	
	0 Tyler Terr. (north)	MWRA		0.15	64032 0002	Wooded	L	
	149 Pleasant St	City of Newton		0.26	64032 0005	School; wooded slope	L	
	639 Beacon St	Wilson Lim		SR1	0.27	61023 0005	Residential lots	N
	655 Beacon St	Susan Davidson			0.13	61024 0001		
	659 Beacon St	Shahin Naghi	0.1		61024 0002			
	665 Beacon St	Mary Kearns	0.11		61024 0003			
	671 Beacon St	William Yee	0.12		61024 0004			
	238 Grant Ave	Jerry Samet	0.04		61024 0005			
	10 Graycliff Rd	Lillia Gordon	0.04		61024 0012			
	251 Grant Ave	Jonathan Lieff	0.11		61025 0001			
	693 Beacon St	David & Jennifer Mack	0.06		61025 0002			
	241 Grant Ave	Martin Flusberg	0.15		610250005A			
	35 Bracebridge Rd	Andrea Roman	0.05	64016 0016				
	33 Hancock Ave	John & Kim Foehl	0.1	64016 0018				
	47 Hancock Ave	John Mason/Barbara Boeger	0.16	64016 0019				
	59 Hancock Ave	Isadore & Sheila Singer	SR2	0.09	64016 0020			
	65 Hancock Ave	Gregor Rhoda		0.09	64016 0021			
	71 Hancock Ave	Peter F. Demuth		0.59	64016 0022			
	38 Bracebridge Rd	Andrei Shleifer		0.03	64026 0004			
	22 Bracebridge Rd	Randolph & Jing Watnick		0.04	64026 0005			
	140 Pleasant St	Juliet Godson		0.14	64026 0008			
	132 Pleasant St	Michael & Barbara Jellinek		0.02	64026 0009			
				Public	18.21			
			Private	2.44				

Massachusetts Department of Conservation and Recreation Controlled Land (Table 12)

Massachusetts Department of Conservation and Recreation (DCR) land, including Hammond Pond Reservation and significant riparian segments along the Charles River, comprises roughly 338 acres or 13.5% of public open space in Newton. DCR land is a combination of parks, parkways, open water, and golf courses maintained by DCR, and is predominantly used for recreation activities. Some land presented on this table is assumed to be owned by DCR but ownership information is currently not available.

Managing Agency: All DCR controlled lands are managed by DCR.

Public Access: All DCR controlled lands in Newton are open to the public for passive and active recreation.

Expanded Recreational Potential: The City does not presume to propose enhancement projects for property it does not own or manage.

Key to Abbreviations: Table 12	
Abbreviation	Meaning
Art 97	Protected under Article 97
CRF	Charles River Frontage
N	Not Protected
PF	Playing Field
SBL ID	Assessor’s Database ID
UNKN	Unknown
V	Vacant (primarily vacant)
WJ	Wetlands Jurisdiction (MA Wetlands Protection Act 310 CMR 10.00 or Newton Floodplain/Watershed Protection Ordinance Sec. 22-22)
WR	Wetlands Restriction (G.L. Ch. 131, Sec. 40A)

Table 12. Massachusetts Department of Conservation and Recreation Controlled Land							
Map code	Name/Location	Owner Notes	Zone	Size (Acres)	SBL_ID	Current Use	Level of Protect.
D1	Charles River Res. – 1 Nonantum Rd	DCR	PUB	1.35	71013 0001	Skating rink, yacht club, PF, DCR path; CRF, WJ	Art 97
D2	Charles River Res. – Watertown - Riverdale Ave			0.64	11001 0005	DCR path; wooded; CRF, WJ	
	Charles River Res. – Riverdale Ave - Rustic St			1.98	11004 0029	DCR path; wooded; CRF, WJ	
	Charles River Res. – Rustic St - 367 California St			2.73	11005 0015	DCR path; wooded; CRF, WJ	
D3	Charles River Res. – 439 California St - Cheesecake Brook			5.4	21002 0003	DCR path; wooded; CRF, WJ	
	Charles River frontage – Albemarle Rd	UNKN	UNKN	0.3	99099 0005	V; wooded; CRF, WJ	UNKN
D4	Charles River Res. – 56 Farwell St – Waltham	DCR	PUB	0.42	21001 0019	V; scrub; CRF, WJ	Art 97
D5	Charles River Res. – Forest Grove Rd			2.61	41031 0039	V; wooded, CRF, WJ, WR#1; adj. to City open space	
D6	Charles River Res. Peninsula (280R Islington Rd)			2	41027 0048	V; wooded, 2 peninsulas, CRF, WJ	

Table 12. Massachusetts Department of Conservation and Recreation Controlled Land

Map code	Name/Location	Owner Notes	Zone	Size (Acres)	SBL_ID	Current Use	Level of Protect.			
D7	Charles River Res. – 2345R Commonwealth Av	DCR	PUB	0.25	41023 0018A	V; some trees; CRF, WJ; adj. to City open space	Art 97			
D8	Charles River Res. – 2401 Commonwealth Ave			1.05	41023 0020	Canoe rental facility; partially wooded; CRF, WJ				
D9	Charles River Res. – 2500 Commonwealth Ave			2.29	41001 0003	V; steep, wooded; CRF, WJ				
D9/D10	Charles River Res. – 2450 Commonwealth Ave			0.36	41001 0004	V; steep, wooded				
D10	Charles River Res. – Commonwealth Ave			0.46	41001 0005	V; steep, wooded				
D11	Charles River Res. – adj. to I-90 and ramp			0.33	41001 0002B	V; wooded; CRF, WJ				
	Charles River frontage – adj. to I-90 and ramp	UNKN	UNKN	0.11	99099 0075	V; wooded; CRF, WJ	UNKN			
	Charles River frontage – adj. to I-90 and ramp	UNKN	UNKN	0.01	99099 0045	V; wooded; CRF, WJ	UNKN			
D12	Charles River Res. – 0 Evergreen Ave	DCR	PUB	0.15	41001 0002A	V; wooded slope; CRF, WJ	Art 97			
D12	Charles River Res. – 21 Riverside Rd			0.28	41001 0002	V; wooded slope; CRF, WJ				
D13	Charles River Res. – 1 Riverside Rd			0.19	41005 0001	V; wooded, lawn, walk; CRF, WJ				
	Charles River Res. – 107 Charles St			1.07	41005 0002	Charles River Res. HQ; lawn, trees; CRF, WJ				
	Charles River Res. – 139 Charles St			0.8	41005 0003	V; lawn, partially wooded; CRF, WJ				
D14	Charles River Res. – 355 Grove St			1.17	42011 0001A	V; wooded slope (RR embankment); CRF, WJ				
	Charles River Res. – 355 Grove St			2.65	42011 0001	V; wooded slope, Pony Truss Bridge; CRF, WJ				
	Charles River Res. – 359 Grove St			4.19	42011 0002	V; wooded slope, Pony Truss Trail; CRF, WJ				
--	Charles River frontage – adj. to ramp			UNKN	UNKN	1.78		99099 0046	V; wooded, old RR bridge; CRF, WJ	UNKN
--	Charles River frontage – between I-95 and ramp			UNKN	UNKN	6.37		99099 0049	V; wooded, rocky outcroppings; CRF, WJ	UNKN
--	Charles River frontage – adj. to I-95	UNKN	UNKN	3.05	99099 0050	V; wooded, gas main alignment; CRF, WJ	UNKN			
D15	Charles River Res. – 81 Pine Grove Ave	DCR	PUB	4.38	42026 0004	Leo J Martin golf course; turf, partially wooded; CRF, WJ	Art 97			
D16	Charles River Res. – 199 Pine Grove Ave			18.08	42026 0003	Leo J Martin golf course; turf, partially wooded; CRF, WJ				

Table 12. Massachusetts Department of Conservation and Recreation Controlled Land

Map code	Name/Location	Owner Notes	Zone	Size (Acres)	SBL_ID	Current Use	Level of Protect.
D17	Charles River Res. – 41 Concord St	DCR	PUB	31	42027 0001	Leo J Martin golf course; turf, wooded; CRF, WJ	Art 97
	Charles River Res. – 51 Concord St			2.33	42027 0008	V; wooded; CRF, WJ	
D18	Charles River Res. – 2357 Washington St			1.35	42028 0008	V; wooded slope; CRF, WJ	
	Charles River Res. – 2359 Washington St			0.15	42028 0009	V; wooded slope; CRF, WJ	
D19	Charles River frontage	UNKN	UNKN	0.13	99099 0064	V; wooded; CRF, WJ	UNKN
	Charles River frontage	UNKN	UNKN	0.08	99099 0049	V, wooded slope; adj. to wine store & parking	UNKN
	Charles River Res. – 2362R Washington St	DCR	BU1	0.06	42031 0024	V; wooded slope; CRF, WJ	Art 97
D20	Charles River frontage	UNKN	UNKN	0.06	99099 0063	V; wooded; CRF, WJ	UNK
	Washington St - Charles River edge	UNKN	UNKN	0.02	99099 0039	Access strip to river edge; partly paved; CRF, WJ	UNK
	Charles River Res. – 2260 Washington St	DCR	PUB	0.02	42031 0005	Paved walkway to bridge; some trees; CRF, WJ	
D21	Charles River Res. – 2242 Washington St	DCR	MAN	0.07	42031 0003	V; wooded; CRF, WJ	
	Charles River Res. – 2232 Washington St		MAN	0.03	42031 0002	V; wooded; CRF, WJ	
	Charles River Res. – 2222 Washington St		PUB	0.31	42031 0001	V; wooded; CRF, WJ	
D22	I-95 ramp median – 2-26 Quinobequin Rd	DCR	BU1	1.88	42001 0002; 0003	V; grass, some trees	Art 97
	Between I-95 and Quinobequin Rd			0.38	42001 0005 -- 0008	V; grass, partially wooded	
	Charles River Res. – 1 Quinobequin Rd			2.61	42001 0001	V; wooded, foot bridge to Wellesley; CRF, WJ	
	Charles River Res. – 119 Quinobequin Rd		PUB	0.36	42002 0017	V; grass	
	Charles River Res. – 137 Quinobequin Rd			0.59	55043 0006	V; grass, partially wooded; CRF, WJ	
	Charles River Res. – 233 Quinobequin Rd			3.29	55043 0005	V; wooded; CRF, WJ	
	Charles River Res. – 321 Quinobequin Rd		SR2	1.65	55043 0004	V; wooded; CRF, WJ	
	Charles River Res. – 420 Quinobequin Rd			0.03	55039 0018	V, wooded side lot	

Table 12. Massachusetts Department of Conservation and Recreation Controlled Land										
Map code	Name/Location	Owner Notes	Zone	Size (Acres)	SBL_ID	Current Use	Level of Protect.			
D22	Charles River Res. – 441 Quinobequin Rd	DCR	PUB	4.32	55043 0003	V; wooded; CRF, WJ	Art 97			
	Charles River Res. – 555 Quinobequin Rd			1.52	55043 0002	V; wooded; CRF, WJ				
	Charles River Res. – 611 Quinobequin Rd			0.82	55043 0001	V; wooded; CRF, WJ				
	Charles River Res. – Quinobequin Rd			4.18	55055 0001	V; wooded, Dresser Brook; CRF, WJ				
	Charles River Res. – Boylston St			0.64	55055 0002	V; wooded, inaccessible; CRF, WJ				
	Charles River Res. – Boylston St			0.3	55055 0003	V; wooded, inaccessible; CRF, WJ				
D23	Charles River Res. – 1 Ellis St					2.37		51001 0001	CRF, V, wooded, adj. to Echo Bridge, WJ	
D24	Charles River Res. – 51 Ellis St					1		51001 0003	V; wooded, adj. to Echo Bridge and Hemlock Gorge; CRF, WJ	
D25	Charles River Res. – 391 Elliot St					0.6		51001 0012	Sewer Pump Station; some trees, lawn; CRF, WJ	
D26	Charles River Res. – Nahanton St - 125R Wells Ave					59.94		84034 0001	V; wooded, wet, NVS, knolls, Country Club Brook, College Brook; CRF, WJ	
	Charles River Res. – 125R Wells Ave - Boston					35.07		84034 0040	V; wooded, wet, NVS, knolls; CRF, WJ	
D28	Hammond Pond Res. East					22.42		99099 0098	Hammond Pd, a Great Pond per MGL	
	Hammond Pond Res. East			26.43	63037 0028; 0029	V; wooded, wet, ledges, boat access ramp area, adj. to Hammond Pond; WJ, WR#5				
D29	Hammond Pond Res. West			38.43	65008 0004	V; wooded, wet, Cat Pond, drive and parking for Chestnut Hill Mall; WJ, WR#6				
WB2	Hammond Pond			22.42	99099 9021	Great Pond	P			
D30	Charles River frontage	UNKN	UNKN	0.4	99099 0041	V; wooded, old railroad bridgehead and rail bed; CRF, WJ	UNKN			
D30A	Concord St – Pine Grove Ave	UNKN	UNKN	1.54	99099 0042	V; wooded, old rail bed segment				

Table 12. Massachusetts Department of Conservation and Recreation Controlled Land							
Map code	Name/Location	Owner Notes	Zone	Size (Acres)	SBL_ID	Current Use	Level of Protect.
D30B	Rear – Clearwater Rd	UNKN	UNKN	2.51	99099 0044	V; wooded, path, old rail bed, adj. to golf course	UNKN
	Charles River frontage	UNKN	UNKN	1.0	99099 0014	Leo J Martin golf course; turf, old rail bed; CRF, WJ	
				Total	338.76		

Other Municipal, State, and Federal Lands with Mixed Levels of Protection (Table 13)

This section includes land under ownership of the following agencies: Massachusetts Turnpike Authority (MTA), Massachusetts Bay Transit Authority (MBTA), and United States Army Corps of Engineers (USACE).

Managing Agency: All parcels in this table are managed by their owners, but the Newton Conservation Commission does maintain the trails on USACE land where they connect to the Helen Heyn Conservation Area from Nahanton Street.

Public Access: Open space resources on School Department controlled land are open to the public.

Expanded Recreational Potential: Most of these parcels are at the limit in terms of opportunities for expanded recreational opportunities, but ADA level access from school buildings to recreational facilities can be improved.

Key to Abbreviations: Table 13	
Abbreviation	Meaning
Art 97	Protected under Article 97
CR	Conservation Restriction (M.G.L. Ch. 184, Sec. 31-33)
CRF	Charles River Frontage
N	Not Protected
NVS	Natural Valley Storage Area “B”
P	Protected in Perpetuity
SBL ID	Assessor’s Database ID
UNKN	Unknown
V	Vacant (primarily vacant)
WJ	Wetlands Jurisdiction (MA Wetlands Protection Act 310 CMR 10.00 or Newton Floodplain/Watershed Protection Ordinance Sec. 22-22)

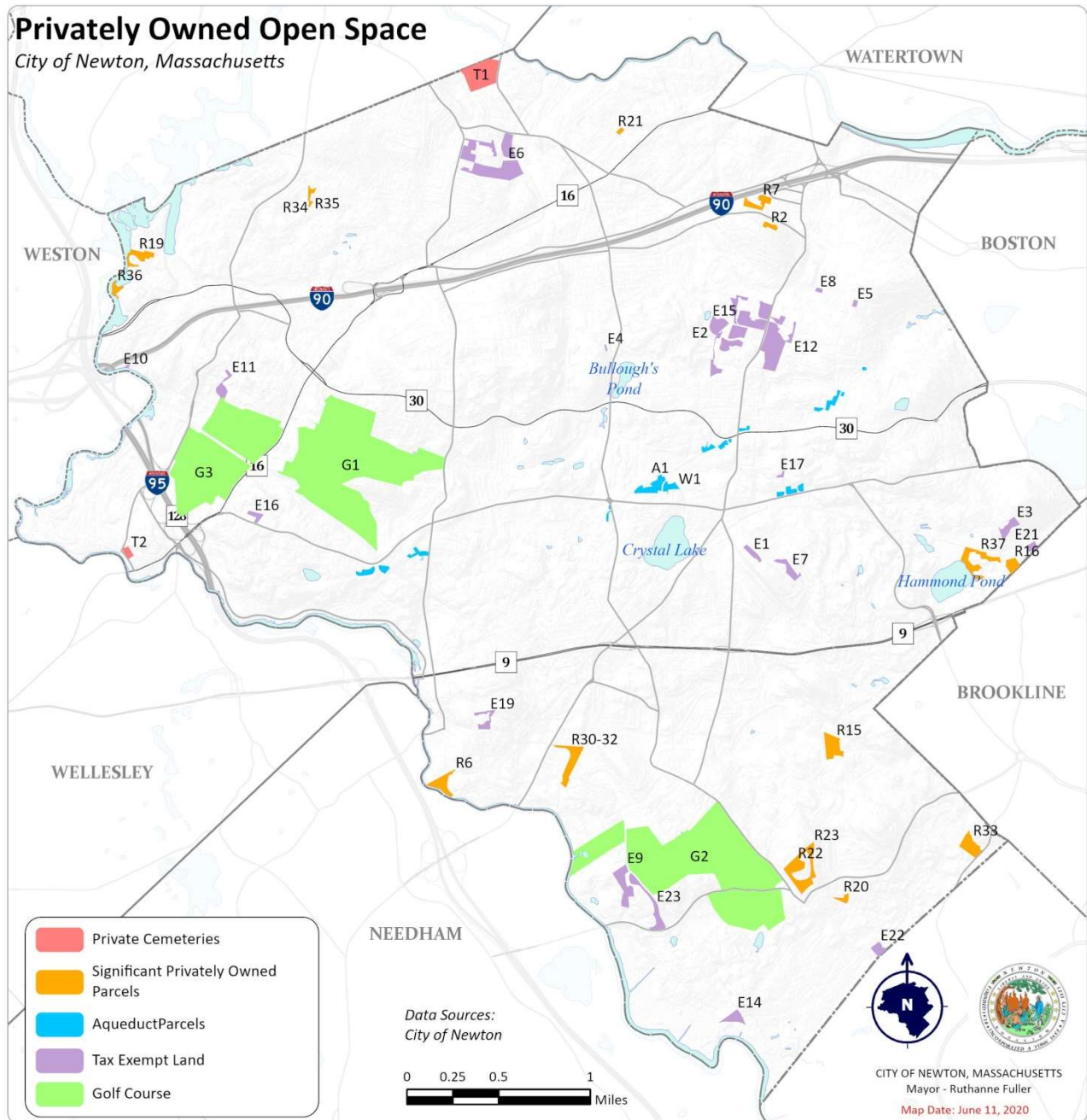
Table 13. Other Municipal, State, and Federal Land

Map Code	Name	Owner	Zone	Size (Acres)	SBL	Current Use	Level of Protect.	Open to Public
D13	Charles River frontage – 149 Charles St	MTA	PUB	0.38	41005 0004	V; wooded, railroad embankment; CRF, WJ	N	No
D27	Charles River Reservation – 117 Wells Ave	USACE	LMD	7.42	84034 0002P	V; wooded, wet, NVS, College Brook; WJ	Art 97	Yes
N/A	Christina St Rail Bridge	MBTA	UNKN	UNKN	UNKN	Old rail bridge over Charles River connecting Christina St in Newton to the Blue Heron trails in Needham	N	No
N/A	Upper Falls Greenway Rail Bridge	MBTA	UNKN	UNKN	UNKN	Old rail bridge over Charles River connecting the Upper Falls Greenway Rail Trail to the cont’d rail ROW in Needham	N	No
				Total	7.80			

Privately Owned Land

Private open space in Newton comprises roughly 38% or 903 acres of all open space in the City. Private open space parcels in the City include three large golf courses, cemeteries, tax-exempt institutional holdings, and many individual parcels with significant areas of open space. Open space that is controlled by private owners and is not protected or has limited protection could be sold or developed into non-open space use. See **Figure 41**.

Figure 41: Privately Owned Open Space (Lands of Conservation or Recreation Interest)
(Codes refer to codes in Section 5 tables)



Private Golf Courses (Table 14)

Private open space makes up 38% of Newton’s open space and of that, three golf courses comprise roughly 56% (542.69 acres) and represent the largest single use category of all open space in the City (golf courses account for 23% of Newton’s total open space).

Managing Agency: The courses are currently maintained by the private management companies running the country clubs associated with them.

Public Access: All three private golf clubs are open only to club members.

Expanded Recreational Potential: These resources have limited opportunities for increased recreational potential, but improved connectivity through and around the golf courses for the public can be explored.

Key to Abbreviations: Table 14	
Abbreviation	Meaning
Ch 61	Registered under MGL Chapter 61
CRF	Charles River Frontage
GC	Golf Course
L	Limited, or Temporary Protection
SBL ID	Assessor’s Database ID
WJ	Wetlands Jurisdiction (MA Wetlands Protection Act 310 CMR 10.00 or Newton Floodplain/Watershed Protection Ordinance Sec. 22-22)
WR	Wetlands Restriction (G.L. Ch. 131, Sec. 40A)

Table 14. Privately Owned Golf Courses						
Map Code	Name	Zone	Size (Acres)	SBL	Current Use	Level of Protect.
G1	Brae Burn Country Club, 326 Fuller St	SR1	190.3	43045 0027; 53029 0001; 53040 0012, 0013	GC, rolling, Moffat Hill, drumlin, Cheesecake Brook, pond, WJ	Ch 61B
G2	Charles River Country Club, 483 Dedham St	SR1, SR3	219.3	84034 0004; 83035 0001; 83036 0004	GC, rolling, Winchester Hill, ponds, part wooded, Lacy Brook & Country Club Brook, rock outcrops, WJ, CRF; WR#10, WR#15	Ch 61B
G3	Woodland Golf Club, 1897 Washington St	SR1, SR2	133.1	42009 0001, 0002; 42009 0004; 42009 0007, 0008; 43046 0011, 0012; 43046 0039	GC, Rolling, esker, Runaway Brook, WJ	Ch 61B
Total			542.69			

* Note: Information on Newton Commonwealth Golf Course is in Table 3, Parks, Recreation, & Culture. Information on Leo J. Martin Golf Course is in Table 9, Department of Conservation and Recreation.

Private Cemeteries (Table 15)

Cemeteries in Newton comprise roughly 118 acres of private open space and include the Newton Cemetery and Arboretum, Calvary Cemetery, and St. Mary's Cemetery. Though private cemeteries only make up about 5% of Newton's open space, they are frequented for passive recreational activities such as walking, bird watching, and visiting historically significant monuments.

Managing Agency: All of these cemeteries are managed by private corporations.

Public Access: All three private are open to the public for passive recreation.

Expanded Recreational Potential: There is no expanded recreational potential for these parcels under their current use.

Key to Abbreviations: Table 15	
Abbreviation	Meaning
Ch 61	Registered under MGL Chapter 61
CRF	Charles River Frontage
GC	Golf Course
L	Limited, or Temporary Protection
SBL ID	Assessor's Database ID
WJ	Wetlands Jurisdiction (MA Wetlands Protection Act 310 CMR 10.00 or Newton Floodplain/Watershed Protection Ordinance Sec. 22-22)
WR	Wetlands Restriction (G.L. Ch. 131, Sec. 40A)

Table 15. Private Cemeteries						
Map Code	Name	Zone	Size (Acres)	SBL	Current Use	Level of Protection
T1	Calvary Cemetery (North St)	PUB	15.73	34002 0014	Cranberry Brook; WJ; WR#13	L
T2	St Mary's Cemetery (Concord St)	ORD	1.43	42030 0010	--	L
T4	Newton Cemetery and Arboretum (Walnut St)	PUB	101.46	64003 0006, 0007; 64003 0009	Arboretum, Civil War Memorial, ponds, Cold Spring brook; WJ	L
			Total	118.62		

* Note: Information on Newton's historic burial grounds are in Table 3, Parks, Recreation, & Culture.

Tax-Exempt Land with Significant Open Space (Table 16)

Tax-exempt land comprises roughly 205 acres of private open space and includes places that are typically owned by religious organizations, schools, non-profits, and other institutions. These lands may be used intensively or may contain significant natural areas. Most of the privately owned tax-exempt land is not protected, but a few parcels, such as Lasell Pond and the Hebrew School, are protected with Conservation Restrictions. Parcels with “significant open space” are defined here as parcels of over ½ acre with some open space of potential ecological or recreational value, except two cases of smaller parcels. Parcels are listed in order of total acreage.

Public Access: The majority parcels listed in Table 16 are not open to the public, except the parcels owned by the Newton Conservators (E4, E8, E17) which are open to the public. General public are not allowed to use the facilities on these parcels, but some parcel owners lease field and court space to local sports leagues. .

Expanded Recreational Potential: There is little to no expanded recreational potential for these parcels.

Key to Abbreviations: Table 16	
Abbreviation	Meaning
CR	Conservation Restriction (M.G.L. Ch. 184, Sec. 31-33)
CRF	Charles River Frontage
HPR	Historic Preservation Restriction
L	Limited, or Temporary Protection
N	Not Protected
P	Protected in Perpetuity
PF	Playing Field
SBL ID	Assessor’s Database ID
TC	Tennis Court
V	Vacant (primarily vacant)
WJ	Wetlands Jurisdiction (MA Wetlands Protection Act 310 CMR 10.00 or Newton Floodplain/Watershed Protection Ordinance Sec. 22-22)

Table 16. Tax-Exempt Land with Significant Open Space								
Map Code	Name	Main Address	Owner/Managed By	Zone	Size (Acres)	SBL_ID	Current Use	Level of Protect.
E6	Fessenden School	250 Waltham St	Fessenden School	SR3	38.32	31028 0010 -- 0013; 31028 0077, 0079, 0079A, 0079B	School; playing fields, tennis courts	N
E1	Andover-Newton Theological	210 Herrick Rd	Winthrop Park School, Inc.	SR3	18.94	65019 0045	School; wooded slope, lawn; scenic easement to Blue Hills; HPR	N
E9	Jewish Community Center	333 Nahanton St	JCC of Greater Boston, Inc.	SR1	28.13	83035 0004	Community Center; wooded slopes; CR#6 & CR#9	L/P
E16	Newton-Wellesley Hospital	1973 Beacon St	Newton-Wellesley Hospital	SR2	26.57	55001 0015, 0015A, 0015B; 55001 0028; 55001 0032 - 0034	Hospital; wooded	N
E12	Mt. Alvernia High School	790 Centre St	Miss Franciscan Sisters of the Immaculate Conception	SR2	22.81	73001 0016, 0016A; 0016D, 0016E, 0017	School; PFs, lawn, wooded, Edmands Brook; WJ	N
E15	Newton Country Day School	785 Centre St	Boston Academy of Sacred Heart, Inc.	SR2 PUB	18.57	13018 0001 - 0005	School; PFs, wooded; WJ	N
E13	UMass Amherst at Mt. Ida	777 Dedham St	University of MA Building Authority	SR1	14.71	84034 0006	College entry parcel; wooded, pond; WJ	N
E7	Hebrew College	0 Langley Rd	Winthrop Park School, Inc.	SR3	6.73	65019 0045A	College; wooded slope; CR#11, B.O. 67-98(3)	P
E18	Jackson Walnut Park School	55 Walnut Park	Congregation Sisters of St Joseph	MR1	6.41	12003 0004	School; lawn	N
E19	Stone Rehabilitation and Senior Living	277 Elliot St	Stone Institute & Newton Home for the Aged People	MR1	5.1	51016 0010	Rehab/senior living facility; wooded, front lawn; HPR	N
E2	Boston College Law School	0 Colby St	Trustees of Boston College	SR2	4.21	13020 0052	PF, stadium; woods, near Edmands Brook; WJ	N
E21/E22	Brimmer & May School	69 Middlesex Rd	Brimmer and May School	SR1	3.63	82039 0001; 63033 0021	School; PFs	N
E3	Chestnut Hill School	142 Essex Rd	Chestnut Hill School Inc.	SR1	3.33	63031 0010	School; open field, specimen trees	N

Table 16. Tax-Exempt Land with Significant Open Space								
Map Code	Name	Main Address	Owner/Managed By	Zone	Size (Acres)	SBL_ID	Current Use	Level of Protect.
E14	Nahanton Street, Rear	1 Nahanton St	Oak Hill Park Association, Inc.	SR1	3.1	84034 0002F	V; wooded; WJ, rare species habitat	N
E11	Lasell Pond	0 Seminary Ave	Lasell College	SR1	1.72	43046 0038	College; pond, wooded; WJ	P
E23	Coleman House	677 Winchester St	JCHE Coleman LP	SR1	0.85	83035 0004B	Senior living facility; TC; wooded	N
E5	Durant Homestead	282 Waverly Ave	Durant Homestead Foundation	SR1	0.57	73009 0001	V; trees, lawn; HPR	P
E8	Hyde Brook - Awtrey Dell	289R Park St	Newton Conservators, Inc.	SR2	0.55	72023 0042A	V; wooded; deed restriction	P
E17	Ordway Park	0 Gibbs St	Newton Conservators, Inc.	SR2	0.52	61029 0016A	V; wooded, terraced garden with shrubs; deed restriction	P
E4	Dexter Woods	25 Dexter Rd	Newton Conservators, Inc.	SR2	0.23	24030 0014A	V; steep, wooded; deed restriction	P
E10	Lasell Boat House	11 Riverside Rd	Lasell College	SR3	0.14	41001 0001	Boathouse, docks; CRF, WJ	N
					Total	205.12		

Private Properties with Significant Open Space (Table 17)

While some of the City’s private parcels with significant amounts of unprotected open space are protected in part by Conservation Restrictions, private unprotected properties are at risk of being developed into non-open space uses. Development potential is dependent on location and existing site conditions (e.g., the presence of wetlands, bedrock and ledge, steep slopes, etc.). “Parcels with significant open space” are defined here as parcels of over ½ acre with some open space of potential ecological or recreational value, except one case where a smaller parcel is contiguous with a large vacant City parcel. Parcels are listed in order of total acreage.

Public Access: The majority parcels listed in Table 17 are not open to the public, except the Boston Marriott Newton (R36) which is open to the public and connects to DCR and Newton Conservation Commission controlled lands.

Key to Abbreviations: Table 17	
Abbreviation	Meaning
CR	Conservation Restriction (M.G.L. Ch. 184, Sec. 31-33)
CRF	Charles River Frontage
HPR	Historic Preservation Restriction
L	Limited, or Temporary Protection or Public Use
N	Not Protected or No Public Use
P	Protected in Perpetuity
SBL ID	Assessor’s Database ID
V	Vacant (primarily vacant)
UD	Under Development
WJ	Wetlands Jurisdiction (MA Wetlands Protection Act 310 CMR 10.00 or Newton Floodplain/Watershed Protection Ordinance Sec. 22-22)
WR	Wetlands Restriction

Table 17. Private, Unprotected Land with Significant Open Space									
Map Code	Parcel Name/Location	Ownership	Zone	Size (Acres)	SBL_ID	Current Use	Public Use	Level of Protect.	Potential Public Value
R33	Hancock Estates	Kessler Woods LLC	MR3	21.98	82037 0094; 95	Multi-family housing, parking; wet, wooded, Saw Mill Br.; WJ; WR#7, CR #33; Public Access Easement to Kessler Woods Conservation Area	L	L	Continuous with other protected lands; passive recreation potential; moderate ecological value
R36	Boston Marriott Newton	CHSP Newton LLC	BU5	11.55	42023 0018	Hotel, parking; open lawn, part wooded; CRF; WJ	N	N	Continuous with other protected lands; limited recreation potential; moderate ecological value (CRF)
R22	Peabody School Condominium	Condominium	SR1	7.93	82015B 0001	Multi-family housing, parking, TC; part wooded	N	N	Moderate recreation potential (TC); low ecological value
R31	Winchester Swamp	Northland 149 Charlemont LLC	SR3	5.15	83028 0086	South Meadow Br.; wooded, wet; WJ	N	N	Continuous with other protected land; moderate recreation potential (P65); moderate ecological value (SMB)
R32		54 Jaconnet Condominium	MU1	1.50	83028 0085	South Meadow Br.; wooded, wet; WJ	N	N	
R30		188 Needham St. Lim. Partn.	MU1	0.97	83028 0081	South Meadow Br.; part wooded, wet; WJ	N	N	
R6	1165 Chestnut St	Sconnix Realty Trust	MR1	6.52	51045 0005	Radio-TV transmission tower, & ground facility; open field, wooded; CRF; CE#1	L	N	Continuous with other protected land; high recreation potential (P65->P42); moderate ecological value (CRF)
R15	Greenwood Street Lots	Moskow Michael B Tr	SR1	6.49	81051 0017 -0019	UD; wooded, wet; WJ; WR#17	N	N	Moderate recreation potential (S13); high ecological value (WR#17)
R19	122 Islington Rd	Basil K Woods	SR3	5.62	41026 0001	Estate; wooded, wet, pond; WJ; CRF	N	N	Continuous with other protected land; low recreation potential; moderate ecological value (CRF)
R37	Hammond Pond Lots	Rosemary LLC Elderberry LLC	SR1	4.35	63037 0002; 63037 0012-0017	Residences; Hammond Pond, wooded, wet; WJ	N	N	Continuous with other protected land; low recreation potential; moderate ecological value (Hammond Pond)

Table 17. Private, Unprotected Land with Significant Open Space									
Map Code	Parcel Name/Location	Ownership	Zone	Size (Acres)	SBL_ID	Current Use	Public Use	Level of Protect.	Potential Public Value
R7	West Suburban YMCA	West Suburban Young Men's	MR1	3.85	12017 0001	YMCA, track, PF, parking; part wooded	L	N	High recreation potential (track/PF); low ecological value
R23	Bigelow House Condo	Condominium	MR3	3.76	82015B 0002	Multi-family housing, parking; wooded; HPR	N	N	Low recreation potential; low ecological value
A1	Cochituate Aqueduct land	Private Owners	--	3.51	See Table 7				High recreation potential; moderate ecological value
R16	Longwood Cricket Club	Longwood Cricket Club	SR1	2.76	63036 0001	Club building, parking, PF, TC	L	N	High recreation potential (PF/TC); low ecological value
W1	Sudbury Aqueduct land	Private Owners	--	2.44	See Table 8				High recreation potential; moderate ecological value
R2	Riley Estate	Condominium	SR1	1.34	12021 0038	Multi-family housing; wooded, grass	N	N	Low recreation potential; low ecological value
R20	Laurus Lane Reservation	Laurus Lane Reservation Area Trust	SR1	1.27	82020 0014E	Wooded, wet, King Brook; WJ	N	N	Low recreation potential; moderate ecological value (King Brook)
R21	Silver Lake	S & J Ventures, LLC.	MR1	1.15	14008 0011	Multi-family housing; wooded	N	N	Low recreation potential; low ecological value
R34	Old Pine St Landfill Rear	Apodemi Anita	SR3	1.06	44035 0070	V, parking; meadow in-holding to City land	N	N	High recreation potential; low ecological value
R35		Mayur Abhay & Roma	SR3	0.43	44035 0087	Residential; part meadow in-holding to City land	N	N	
				Total	78.43				

Trails Inventory (Table 18)

Below is an inventory of the City's natural trails or open space pathways that exist within open space parcels. Trails in Newton are being defined as, generally, naturally surfaced, moderately wide, walking/hiking paths in naturalized areas. These trails are generally not accessible. Pathways in Newton are being defined here as, generally, hard surfaced, wide, multi-use paths. Many pathways in Newton are accessible. See **Appendix B** for information on accessibility. All trails and pathways are under jurisdiction of Parks and Recreation, DCR, and the Conservation Commission. Please note that painted bike lanes along roads are not included in this inventory.

Key to Abbreviations: Table 18	
Abbreviation	Meaning
Con Comm	Newton Conservation Commission
DCR	Massachusetts Department of Conservation and Recreation
PRC	Newton Parks, Recreation & Culture

Table 18. Trails Inventory				
Parcel Name	Village	Total Length (Miles)	Type	Managed By
Albemarle Playground (Russell J. Halloran Sports and Recreation Complex)	West Newton/Newtonville	0.51	Pathway	PRC
Auburndale Park/Lyons Park	Auburndale	1.56	Trail	PRC
Thompsonville Playground/Bowen School	Thompsonville	0.15	Pathway	PRC
Boyd Park	Nonantum	0.15	Pathway	PRC
Bulloughs Pond Park	Newtonville	0.02	Pathway	PRC
Burr Park	Newton Corner	0.12	Pathway	PRC
Cabot Park	Newtonville	0.51	Pathway	PRC
Captain Ryan Park	West Newton	0.07	Pathway	PRC
Chaffin Park	Newton Corner	0.06	Pathway	PRC
Charlesbank Park	Nonantum	0.03	Pathway	PRC
Charles River Pathway Conservation Area	Upper Falls	0.34	Trail	Con Comm
Charles River Reservation	Nonantum/Auburndale	2.65	Trail	PRC/Con Comm/DCR
Cheesecake Brook Greenway	Auburndale	0.01	Footbridge	PRC/DPW
Claflin Playground	Newtonville	0.12	Pathway	PRC
Cochituate Aqueduct	Waban/Newton Highlands/Newton Centre	2.55	Trail	Con Comm/PRC
Cohen Conservation Area	Chestnut Hill	0.30	Trail	Con Comm
Cold Spring Park	Newton Centre/Newton Highlands	1.93	Trail/Pathway	PRC
Colletti-Magni Park	Nonantum	0.12	Pathway	PRC
Crystal Lake: Cronin's Cove	Newton Centre	0.07	Pathway	PRC
Crystal Lake: Levingston Cove	Newton Centre	0.18	Pathway	PRC
Davis Playground (Tom Torchia Playground)	West Newton	0.17	Pathway	PRC

Table 18. Trails Inventory				
Parcel Name	Village	Total Length (Miles)	Type	Managed By
Dexter Rd Parcel	Newtonville	0.07	Trail	PRC
Dolan Pond Conservation Area	West Newton	0.35	Trail	Con Comm
Edmands Park	Newtonville	2.22	Trail	PRC
Emerson Playground	Upper Falls	0.06	Pathway	PRC
Farlow Tot Lot	Newton Corner	0.09	Pathway	PRC
Farlow Park/Underwood School	Newton Corner	0.21	Pathway	PRC
Flowed Meadow Conservation Area	Auburndale	1.46	Trail	Con Comm
Forte Memorial Park	Nonantum	0.21	Trail	PRC
Frank Barney Conservation Area	Upper Falls	0.12	Trail	Con Comm
Hamilton Park (Lower Falls Playground)	Lower Falls	0.04	Pathway	PRC
Heartbreak Hill Park at Waban Hill Reservoir	Chestnut Hill	0.25	Trail	PRC
Helen Heyn Riverway	Oak Hill	2.67	Trail	Con Comm
Hemlock Gorge	Upper Falls	0.29	Trail	DCR
Houghton Garden Conservation Area	Chestnut Hill	0.85	Trail	Con Comm
Hunnewell Woods Conservation Area	Newton Corner	0.15	Trail	Con Comm
Hunnewell Playground	Newton Corner	0.16	Trail	PRC
Kendrick Park	Newton Corner	0.10	Pathway	PRC
Kennard Park and Conservation Area	Newton Centre	1.32	Trail	PRC/Con Comm
Linwood Park	Newtonville	0.04	Pathway	PRC
Lowell Park	Newtonville	0.09	Pathway	PRC
Martin Conservation Area	Upper Falls	0.10	Trail	Con Comm
McGrath Park	West Newton	0.04	Path	PRC
Nahanton Park	Oak Hill	2.59	Trail	PRC
Newton Centre Green	Newton Centre	0.05	Pathway	PRC
Newton Centre Playground	Newton Centre	1.08	Pathway	PRC
Newton Commonwealth Golf Course	Newton Centre	1.40	Pathway	PRC
Newton Highlands Playground	Newton Highlands	1.03	Pathway/Trail	PRC
Norumbega Conservation Area	Auburndale	1.14	Trail	Con Comm
Oakdale Woods Conservation Area	Newton Highlands	0.34	Trail	Con Comm
Officer Bobby Braceland Playground (Upper Falls Playground)	Upper Falls	0.04	Pathway	PRC
Pellegrini Park	Nonantum	0.20	Pathway	PRC
Quinobequin Rd	Waban	1.40	Trail	DCR
Richardson Playground	Waban	0.06	Pathway	PRC
River Street Playground	West Newton	0.02	Pathway	PRC

Table 18. Trails Inventory				
Parcel Name	Village	Total Length (Miles)	Type	Managed By
Riverside Area Trails	Lower Falls	1.00	Trail	Con Comm/PRC
Sawmill Brook Conservation Area	Oak Hill	0.90	Trail	Con Comm
Solomon Schechter Playground	Oak Hill	0.01	Pathway	PRC
Stearns Park	Nonantum	0.22	Pathway	PRC
Upper Falls Greenway	Upper Falls	1.08	Trail	PRC
Waban Playground/Angier School	Waban	0.05	Pathway	PRC
Ward Park	Newton Centre	0.07	Pathway	PRC
Webster Conservation Area and Park	Chestnut Hill	5.60	Trail	Con Comm
Wellington Playground	West Newton	0.16	Pathway	PRC
Wilson Conservation Area and Restriction	Newton Centre	0.08	Trail	Con Comm
	Total	41.02 mi		