



Newton Parks & Recreation Commission Meeting

Newton City Hall, Room 209

Monday, January 26, 2009

Attending: Francis J. Rice, Chairman, Walter Bernheimer, Vice Chairman, Kathleen Heitman, Lee Mottard, Arthur Magni, Peter Johnson, Peter Kastner, Alternate, Jack Neville, Alternate, Fran Towle, Commissioner, Robert DeRubeis, Deputy Commissioner, Carol Stapleton, Manager, Robin McLaughlin, Secretary.

1. The Minutes from the December 15, 2008 Commission Meeting were accepted 5-0. (Not all members were present at the start of the meeting)
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - There is currently a 3% budget cut, approximately \$122,000.00 and may be increased based on revenues. Commissioner Towle is anticipating meeting with the Executive Department for further discussions and will report back to the Commission at the next meeting.
 - Tonight the Department is appearing before Finance to request an additional \$340,000.00 for snow removal to date for this season.
 - The Department has been working with Newton West Little League (NWLL) on the Lyons Park athletic field lighting project. NWLL is working toward the final electrical design plans needed to acquire City permitting. A topographic survey determined that the proposed pole locations fall outside the floodplain, so review by the Conservation Commission is not required. NWLL is working with a geotechnical consultant to determine the existing soil conditions, as they will impact the structural design of the light pole footings.
 - The Camp Fair is scheduled for February 3rd in the War Memorial at City Hall. The Department has expanded the vacation programs which appear to be a growing need in the community.
 - On January 22nd the Crystal Lake Task Force held a public hearing and presented its recommendations on site plan improvements for public comment. The Task Force will present its findings to the Commission at the February meeting.
3. Crystal Lake – “Swim at Your own Risk” – Fran Towle introduced Board of Alderman President, Lisle Baker. President Baker recognized the work that has been done by the Commission and by the Site Manager, Carol Stapleton. He is here because some constituents are asking if the Crystal Lake Summer Program could have an extended season. The Commissioner and Carol Stapleton appeared before the Programs & Services committee to explain the back ground, history and challenges faced with staffing. Alderman Baker stated there are unsupervised swim areas and he would rather see the swim activity done in a lawful way.

Commissioner Towle introduced City Solicitor Dan Funk. Mr. Funk recommended to the Commission that if the City was going to do anything different at Crystal Lake, then the Commission would need to amend the regulations. Commissioner Towle pointed out there are two issues; the first issue is the practical issue of the availability of lifeguards and the second issue is the legal issues allowing people to swim at their own risk. Mr. Funk pointed out that there would be no liability issues because of the “Recreational Use Statute” that states; if a land owner allows the use of their property for recreational use and there is no fees charged for the use and there is no gross negligence, then there is no liability. When the City charges a fee, there is liability to the City. If a “swim at your own risk” policy were adopted by the Commission,

signs would be posted and if we have not left the location in a dangerous way then the City should be free of liability.

Chairman Rice wondered if the docks, ropes and Aquator should remain in the water. Mr. Funk responded that if these items could be damaged or provide an unsafe area they should be removed. Jack Neville wondered if we were to have a swim at your own risk policy, should the building remain open.

Walter Bernheimer commented there may be administrative issues having two swim seasons. One season that allows “swim at your own risk” and a season that does not allow “swim at your own risk”.

President Baker stated that “swim at your own risk” is an option but he also has requests for supervised programs after the regular season has ended. President Baker thought that residents are not looking for year round swimming, only an extension of the regular season, preferably with supervised swimming (lifeguards).

Commissioner Towle is in favor of supervised swimming but is reluctant to open the Lake to a “swim at your own risk” policy at this time, as it would be a very big neighborhood issue especially for parking and crowd control. Carol Stapleton commented that she has witnessed the issues cause by illegal swimming at both Cronin’s Cove and Levingston Cove within the neighborhood. Carol explained that on days when there are a lot of illegal swimmers especially in the Cronin’s Cove area, she has invited people to swim for free at the supervised area if they cannot afford the cost of a permit. Carol also commented that it was her impression that a “swim at your own risk” policy would be something similar to the Town of Wellesley. After Wellesley closes for the season, the Town strips the beach area of their docks, ropes, closes the building and posts “swim at your own risk” signs.

Arthur Magni thought “swim at your own risk” would affect the regular season, as people would question why they need a permit if they can swim without a permit in other areas.

Carol mentioned that records show that bacteria levels have increased in mid-August in the supervised swim area and certainly would increase if the Aqualator is turned off. Each day, the staff takes secchi disk (water clarity) readings and if the readings are below 4 feet the Health Department is notified immediately. Mr. Funk commented that signs would have to be posted notifying swimmers that the water is not checked by the Health Department.

President Baker explained that the City has spent millions of dollars on this very beautiful site and requested that we explore the possibility of an extension of the season or adopting a “swim at your own risk policy”.

Commissioner Towle commented that more study and research into a “swim at your own risk” policy would be done by staff and presented at the March meeting for further discussion. President Baker agreed that all options should be researched and reviewed.

4. Relay for Life- postponed to February Commission meeting
5. Kristen St. Marten- 5K walk/Run fundraiser request- Kristen St. Marten, President of the Paul St. Marten Charitable Corporation is requesting permission to hold a 5K walk/run fundraiser in memory of her father, Paul St. Marten. Ms St. Marten is requesting the use of Week’s Field on May 24, 2009 from 8:00am-11:00 am for this event. Set up for the event would begin at 6:00 am and clean-up would be completed by 1:00 pm. Paul St. Marten passed away from a heart attack while jogging in Newton Centre. Ms St. Marten explained why they chose Weeks Field; everyday her father Paul would start and finish his run on Paul Street near Weeks Field. The Paul St. Marten Charitable Corporation is a non profit organization donating money raised for preventative cardiac research. Ms. St. Marten presented her request for the 5K walk /run in a power point presentation (*on file*). Questions raised by the commission:
 - Will the neighbors be notified of the speaker system? The answer is yes, the neighbors will be invited to the next Commission meeting for a presentation of the event request.

- Is there any concern of turf compression of the field? The answer is no, the event will take place on the northeast side of the field. The tables will be in the area of the softball field.
- Has the route been approved? Yes, the route has been approved by the Police Department and the Department of Public Works.

The following motion was made by Lee Mottard: “The Paul St. Marten Charitable Corporation may move forward with their plan for a public hearing.” Walter Bernheimer seconded the motion. The motion passed with a vote of 8-0.

6. James J. DeVellis-Civil Engineer on behalf of his clients at 24 Warren Street made the following request and presentation to the Commission: “The Goldman-Sevransky family lives in Newton and has recently purchased 24 Warren Street where they are currently permitting and constructing their new home on 2.5 acres. The Goldman-Sevransky family would like to offer several off-site improvements to the immediate area which we believe are mutually beneficial. In brief, the first improvement is to improve the terminus of Warren Street. In place of an abrupt end of pavement, a small cul-de-sac with two designated parallel parking spaces, a foot path to Webster Woods, plantings and drainage improvement are proposed. Pedestrian access past this cul-de-sac will remain and will be enhanced by the addition of a compacted stone dust path; however everyday vehicular access will be controlled and limited to the parking spaces and cul-de-sac. The second improvement is to remove the overhead electric lines and poles running along the horseshoe section of Warren Street and place them below ground. This is proposed within the existing open pathways and with minimal tree removal. The current state of the overhead wires is potentially problematic. The removal of these lines will limit tree damage and add great aesthetic benefit to Webster woods.” Mr. DeVellis and his clients are before the Commission to seek permission to move forward with the plan. This plan is in the initial stages, they have the house plans and they have been before the Conservation Commission, spoke with BOA President Lisle Baker regarding conservation restrictions and they have been before the Police and Fire Department, they have not been to the City’s Law department. Mr. DeVellis passed around a GIS map of the area. Questions & Comments from the Commission Members:
 - Mr. Kastner asked if they have spoken with Dr. Otto Barnett, who was researching the same property. Dr. Barnett and the neighbors did a lot of work on topography and would have a lot of valuable information about the area. Mr. DeVellis responded they had not spoken with Dr. Barnett
 - Mr. Kastner asked if there are any wetlands in the area, Mr. DeVellis responded Thompson brook is in the area but there are no wetlands. Mr. Bernheimer asked how much variance would be required to build near the brook; Mr. DeVellis responded that no variance is required.
 - Mr. Magni asked what type of sound barrier they were planning to use. Mr. DeVellis stated they had not decided on the type of barrier at this point in the planning process. He noted the barrier would be ~500 feet from the property and they would like to have the barrier blend in to the area and Mr. Goldman would be responsible for upkeep of the barrier. Mr. Mottard asked if the noise is really that bad of an issue. Mr. DeVellis responded the barrier would reduce the noise from the train (Green Line) that runs through the area. Peter Johnson asked why the sound barrier is not on the property line. And what is on the other side of the Green line? Jack Neville asked if there are buildable lots on the property and what is going to happen with them/ Mr. Goldstein stated the current plan does not include any development. Mr. Bernheimer asked if the Conservation Committee raised the possibility of restrictions. Mr. DeVellis responded no. Mr. Goldman responded he has bought the house and is currently planning to do organic landscaping and preserve the property for his children.
 - Chairman Rice asked Commissioner Towle for any comments. Commissioner Towle has concerns related to the placement of the sound barrier. In the future if the City decides to develop the land, she would not want the sound barrier to be an issue. Commissioner Towle

recommends working with the Planning Department. Mr. Bernheimer stated from a Community Preservation stand point: he would demand a conservation restriction because the barrier itself adds value to the property by reducing the sound. He understands Mr. Goldman would be paying for the barrier but they are also requesting an easement on recreation land and the City is getting nothing in return. Mr. Goldman has offered to maintain the City's fields at his own expense and reiterated the value of eliminating the sound from the area.

- Mr. Kastner stated it is an interesting concept of a private owner using and caring for public space for private benefit and the City receives no benefit, are we setting a precedent? There should be more planning before receiving approval. Mr. Mottard asked if a precedent is set and is mutually beneficial, what the down side is. Mr. DeVellis asked the Commission if he may proceed with the plan. This is only the first step.
- Commissioner Towle has received an e-mail from Anne Phelps of the Conservation Commission stating there is a newly certified vernal pool near the area and she has suggested Mr. DeVellis, their environmental scientist along with Anne Phelps go out to the area in the Spring. Mr. DeVellis stated he had a botanist recently go out to the area and there was no vernal pool.
- Mr. Steve Garfinkle of 40 Warren Street is concerned about the parking issues on the private road; he is not against the plan which he has discussed with Mr. Goldman, but would like them to take into consideration the parking issues with the new plan.

The Commission closed the presentation agreeing Mr. Goldman & Mr. DeVellis should move forward with the plan.

7. NSHS- Athletic Fields- Lou Taverna, the City Engineer and Paul Tyrell of Gale Associates presented the plan for the plan for the NSHS Athletic fields. This is going to be a synthetic field, made of crushed rubber. The issues faced at the field were flooding and compaction of the soil and maintenance issues. There will be an athletic field, a softball field, a multipurpose field, fences, 800 seat bleaches, and a site for a future concession stand. The plan is currently in the permitting stage. Chairman Rice asked how deep they are going to be digging. Mr. Tyrell responded they will be digging down 14". The water table is at 5-6 feet. Ground water monitoring has been in place for a year. Jack Neville asked what is involved with the maintenance of the synthetic field. Mr. Tyrell stated the field will have to be brushed two times per year. Arthur Magni asked if there is concern about the rubber material going into the ground water. Mr. Tyrell is not aware of any concerns. Commissioner Towle asked about putting the maintenance of the field in the bid specs. Ted Tye of Gale Associates said there is maintenance being added to the bid specs and currently there is \$500,000.00 maintenance endowment in an account for maintenance of the entire complex. Parks & Recreation will be responsible for the maintenance of the complex. Mr. Neville has had experience with these fields in Brookline and commented there is more maintenance for the artificial turf then you think, if dogs get into the fields, the maintenance is brutal. Mr. Tye commented there is a big piece missing from the plan and that is the administration and how it is maintained and will ultimately fall to the Park & Recreation department. Rules will need to be posted and we will need to do things differently.

Mr. Bernheimer made the motion to approve the plan. Ms. Heitman seconded the motion. The motion passed with a vote of 8-0.

8. CPC Priorities- Commissioner Towle stated there are no CPC projects before the Community Preservation Commission (CPC). Parks & Recreation projects are not eligible unless the project is historic. Any priorities we have, the Needs Assessment would set the priorities. The plans for Crystal Lake have been submitted to the State at the State's request in the beginning of January for the stimulus plan.

Mr. Bernheimer mentioned a proposal went before the CPC to renovate bridge on Grove Street and the neighborhood turned up in mass to oppose the project because nobody had ever talked to the community.

9. Dog Park Off Leash signs- Mr. Bernheimer suggested the signs be put up and see what happens, and also mentioned there is a parking issue in the area.
10. New Business- Chairman Fran Rice announced the Commission elections of officers would take place at the February meeting.
11. The next Parks & Recreation Commission Meeting is scheduled for February 23, 2009 at 7:00pm

Meeting adjourned at 8:55 p.m.

Respectfully submitted:

Robin McLaughlin, Secretary