



David B. Cohen
Mayor

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, Room 209

June 15, 2009



Fran L. Towle
Commissioner

Attending: Fran Rice, *Chairman*, Walter Bernheimer, *Vice-Chairman*, Peter Johnson, Arthur Magni, Kathleen Heitman, Lee Mottard, Jack Neville, *Alternate*, Michael Clarke, *Alternate*, Peter Kastner, *Alternate*, Fran Towle, *Commissioner*, Bob DeRubeis, *Deputy Commissioner*, Robin McLaughlin, *Secretary*

Also Attending: Carol Stapleton-*Recreation Manager*, Tom Cahill-*Aquatics Manager*, Carol Schein-*Open Space Coordinator*, Maurya Sullivan, *Planning*

Youth Service Awards ceremony took place in the Aldermanic Chambers at 7:00 pm.

Commission Meeting began at 7:45 pm.

1. The Minutes from the May 18, 2009 Commission Meeting were accepted 8-0
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - The Traffic Commission –approved carriage road change to one way going east from Islington Rd (Newton West Little League). This change has limited costs and will improve the flow of traffic.
 - The Swim season opened June 8 at Crystal Lake and Gath Pool.
 - The Special Olympics is taking place this weekend (June 20, & 21) at Harvard University. Mark Kelly-*Special Needs Director* and the athletes will be staying at Boston University.
 - Most of the summer camps are full, there may be a few spots remaining.
 - The Fourth of July is going to be celebrated on the 4th of July this year. There will be no band but there will be a DJ and fireworks.
 - The cost of the new tree pruning contract has gone up three times to what it was in the previous contract, due to an increase in prevailing wages. This will reduce the number of trees being removed and pruned.
3. Crystal Lake
 - Chairman Rice reviewed a letter the Commission received from the Programs & Services Committee requesting an extended swim season at Crystal Lake from August 24, 2009 through and including Labor Day and a request to research the possibility of a Swim at Your Own Risk Policy at Crystal Lake.

Extending the Swim Season

- Commissioner Towle stated she has asked her staff to check the availability of the lifeguards.
 - Crystal Lake does not have any guards available after August 23, 2009.
 - Gath Pool has 7-8 lifeguards available but these lifeguards will be utilized to cover the pool hours already scheduled.
 - The Commissioner has contacted the YMCA. The YMCA may have lifeguards available for one of the weeks but, the lifeguards may not have the Waterfront Module Certification.
 - Mr. Bernheimer asked how many lifeguards would be needed to staff Crystal Lake and when the lifeguards are scheduled to be gone for the season. Carol Stapleton responded Crystal Lake requires 8 lifeguards and a manger. Managers can be rotated in the schedule. The guards are currently scheduled through August 23.
 - Commissioner Towle requested the Commission's permission to send an ad to surrounding Colleges and Recreation Departments to recruit lifeguards. Chairman Rice agreed to the request.
- Commissioner Towle introduced Aquatics Manager Tom Cahill who also sits on the board for the American Red Cross. Mr. Cahill commented if there are lifeguards available he will provide the training. The issue is the guards head back to school and sports activities the end of August and this makes it difficult to recruit lifeguards. It is easier to recruit pool lifeguards than it is to recruit lake lifeguards because of the required Waterfront Module certification. Swimming will be available at Gath Pool between August 24 and September 7.

Swim at Your Own Risk

- Chairperson Rice asked the Commission members for their opinions regarding a Swim at Your Own Risk Policy at Crystal Lake.
 - Commissioner Towle commented her first priority is safety at Crystal Lake.
 - Carol Stapleton, Crystal Lake Manager commented this would be an unsafe policy
 - Lee Mottard asked if the aqualator would be left on or off. Carol Stapleton replied the aqualator would be turned off because the electric current would be unsafe in an unsupervised area. Tom Cahill commented the aqualator also creates a current that could cause a small child to be swept away.
 - Mr. Bernheimer also commented a Swim at your own Risk Policy does not make sense.

Co-Chairman Walter Bernheimer made a motion to maintain the current policy, swimming only with proper supervision. Arthur Magni seconded the motion. The motion passed with a vote of 6-1-1.

4. Off-Leash Dog Park

- Amy Koel, Chairperson of the Dog Off-Leash Advisory Committee (DOLAC) reviewed the monthly report. Amy thanked the Police Department and stated another dog officer is being trained. There are five park locations in the pipeline to apply to DOLAC for an off-leash dog park. These parks are Norumbega Park, Nahanton Park, Newton Center, Braceland and Edmands.

- Mr. Neville asked Chairperson Koel if anyone has come forward to represent Braceland Park, Chairperson Koel responded yes.
- Mr. Bernheimer asked how these five parks compare to Cold Spring Park in regards to access and parking. Chairperson Koel responded that each park has different issues to be addressed.
- Chairperson Koel commented that Alderman Albright and Alderman Danberg have docketed, in July, a request for a two-year extension for the off-leash dog program. The program is scheduled to expire December 2009.
- Chairman Rice asked Chairperson Koel how the problems at the dog parks were going to be solved. Chairperson Koel responded the issues would be solved with the help of volunteers.
- Chairman Rice asked Chairperson Koel why there is no charge for the use of the off-leash dog park. Chairperson Koel responded the Committee had discussed charging a fee; the issue is that enforcement of the fee would be difficult.
- Ms. Heitman asked if DOLAC expected more issues at Cold Spring off-leash Dog Park when the weather is warmer. Chairperson Koel responded yes and the committee will be using volunteers to help with the situation. The parking issues are being addressed by the traffic council, the applicant group is already parking elsewhere to alleviate the situation, but the little league participants are still parking on the side roads.
- Ms. Heitman asked if the field is clean. Chairperson Koel responded, yes the field is clean.
- Chairman Rice asked if DOLAC will continue to address the issues. Chairperson Koel responded yes it is our responsibility.
- Mr. Magni commented Cold Spring Park is not a good experiment and is not hopeful of a resolution at Cold Spring Park. The trial has been traumatic for the abutters, but he is hopeful of the other off-leash dog parks being requested.
- Alderman Danberg commented DOLAC is working with both groups. They are meeting with the traffic council on June 25, 2009 to address restrictions of parking on side streets.
- Alderman Mansfield commented he agrees with Mr. Magni, the Cold Spring Dog Park is a failed experiment and the experiment should be suspended or cut back.
- Chairman Rice commented if the issues cannot be solved in Cold Spring Park how are issues going to be solved in 3-4 other parks.
- Alderman Parker commented the Cold Spring Off-leash Dog Park has been a difficult situation. This is one dog park for 85,000 people and it has been an intense impact on the neighborhood. Alderman Parker requested a special Commission meeting during the summer to pass other dog parks and also stated we need to work together to fix the flaws.
- Peter Kastner commented when the ordinance was proposed they mentioned two flaws; it was lacking enforcement and fencing.
- Mr. Bernheimer commented the Commission was reluctant when the ordinance was proposed but it does not make sense to suspend and re-open the dog park at this time. Mr. Bernheimer suggests opening more parks in few weeks or stopping the Cold Spring Park experiment. The Commission should have a Special meeting in July.

- Chairman Rice commented DOLAC is trying to work out the issues. There is a new dog officer. DOLAC should be allowed to work out the problems and re-visit in the fall.
- Bob Stock of 43 Beverly Road and Eve Cohen of 47 Beverly Road objected to Chairman Rice's statement to re-visit the program in the fall. Eve Cohen insisted on making a statement. Mrs. Cohen hopes the off-leash program works but the Commission cannot keep asking the abutters to shoulder the issues.
- Mr. Bernheimer stated he is an abutter and is skeptical the issues can be worked out. Without enforcement the program will not work and the police just don't care, they have other things to do.
- Michael Clarke commented he is concerned about extending the programs to other areas if the Cold Spring Park program cannot be enforced now. Expanding may be a problem.
- Chairperson Koel commented there are issues and the animosity is high on both sides. But there is progress being made, the field is calm and a community is being built in the off-leash dog park area. DOLAC and the Commission need to determine what is and what is not working.
- A West Newton dog owner commented there are thousands of dog owners in the City. The off-leash dog park has been a positive experience for many of these owners.
- Michael Clarke commented that a group of people in the fields creating a community is positive, and hopes all can work this out.
- Chairman Rice stated:
 - There will be no vote tonight on the fate of the Cold Spring Park off-leash Dog Park experiment.
 - The Board of Alderman and DOLAC are handling the issues.
 - If you have comments or suggestions please attend the DOLAC meeting on 6-18-09 in room 222 at City Hall at 6:30pm.
 - There will be a Special Commission Meeting in July to address the issues. Date TBD.
 - The Police will be invited. A request was made to have the Police bring data regarding the citations given out at the dog park.

5. Warren Street Proposal-Parking & Sound Barrier

Parking

- Chairman Rice commented the Commission members have received & reviewed the revised proposal for the Warren Street Sound Barrier and parking. The road is going to remain the same and the poles near parking area have been moved over three feet. Grass is going to be put on the side of the road for cars to park on and there will be a circle at end of road for parking. Chairman Rice asked the Commission members if there were any questions or comments:
 - Mr. Kastner asked if they could use gravel instead of grass on the side of the road because grass would discourage parking and become muddy if wet when parked on. Parking on the field is discouraged because of the grass. The area needs to be accessible.
 - Mr. DeVellis explained the plan uses grass to discourage parking near the driveway, so his client can get in and out of his driveway. The road

will be made of asphalt with gravel rolled on top and will go up to the gate.

- Ms. Heitman inquired how many cars actually park on the road. Mr. DeVellis stated not many.
- Mr. Neville commented the asphalt with gravel top dressing as described by Mr. DeVellis would work.
- Mr. Kastner stated they should use gravel dust. Mr. DeVellis stated Thompson Brook runs through the area and gravel dust would be a disaster for the Conservation Commission because it causes siltation. Mr. Kastner stated the Conservation Commission has no jurisdiction and Mr. DeVellis corrected him by stating the Conservation Commission has jurisdiction 100 ft around Thompson Brook, which is wetlands.
- Mr. Barnett of 34 Westminster Rd, stated there are at least one or two cars parked and as many as three or four. The road being added is ineffective because the parking area is cut off. Chairman Rice said the road will stay as it is.
- Mr. Clarke asked if the road material is impermeable. Jim DeVellis responded yes. Mr. Clarke believes the Conservation Commission will object.
- Mr. Clarke asked why we need the paved area all the way down past the driveway. Mr. DeVellis responded the Commission requested it be paved, they did not want it. Chairman Rice commented a paved road is easier access for trucks and emergency vehicles. Commissioner Towle commented the closer you can get to the park the better it is for accessibility. Mr. DeVellis commented Chief LaCroix only needs to get to the driveway to put a fire out at the house.
- Mr. Barnett asked about the edge along the road in the circle. The edge would discourage people from driving onto the road. Mr. Clarke asked what type of edge. Mr. DeVellis responded they were going to add granite or asphalt edge, but he could remove the edge from the plan. Chairman Rice responded the Commission does not want the edge; the road needs to be accessible.
- Mr. Kastner commented we need visual signals to explain how an area should be used. If you grass an area and put loam over it, people are trained not to drive over it, they will not drive on it. Arthur Magni agreed with Mr. Kastner and asked if signage would correct this issue.
- Mr. DeVellis commented that in the original design there were trees but the Commission did not want the obstructions. If the road is to be shared (City & Mr. Goldman) each has ownership to the middle of the road then there would be no parking on either side.
- Mr. Barnett commented that the side of the road, opposite the house, is a drop off and cannot be used for parking.
- Mr. Clarke commented if the applicant wants to add edging on his side of the road up to driveway that would be ok and then signage could be added, clearly indicating where the parking area is located.
- Mr. Goldman stated at the meeting last month the Commission requested changes and at his own expense the changes were made to the plan and he is not sure why there is an objection to this new plan.

- Mr. Barnett commented it is because the plan takes away half of the parking.
- Mr. Clarke commented part of the problem is with the 4” of loam. The loam will be ruined if driven on. If the loam could be minimized and still have grass grow that would work. Mr. DeVellis commented blue stone gravel could be used.
- Mr. Goldman commented people could park in his driveway. Mr. Barnett commented that parking in his driveway is not welcoming.
- Mr. Johnson commented a parking plan is required. Mr. Clarke & Mr. Kastner agreed.
- Mr. Goldman commented there is no parking lot in the area now and he does not want to live next to a parking lot. He would object to living next to a parking lot. He is enhancing the area at his own expense and it is not fair to add more parking. He does not want the entire City invited to his property.
- Mr. Clarke stated we want to preserve the area for parking and other visuals, such as a split rail fence could be used to indicate the parking area.
- Commissioner Towle commented the paved road will allow easier accessibility to the park. Mr. Clarke asked if this was an ADA requirement. Commissioner Towle responded no.
- Commissioner Towle reminded the Commission that the parking plan needs to go back to Fire Chief LaCroix for approval. Emergency vehicles are required to have access to train tracks.

Mr. Mottard made a motion that Mr. Goldman & Mr. DeVellis come back to the Commission with a plan on parking for up to five (5) cars. Mr. Bernheimer seconded the motion. The motion passed 5-0-2 (Kastner, Heitman)

Sound Barrier

- Commissioner Towle reminded everyone that the plan needs to go back to Fire Chief LaCroix for approval. Emergency vehicles are required to have access to the train tracks. The plan must also go to a public meeting for abutters and a final meeting for approval.
- Commissioner Towle commented the benefits of the sound barrier to the park must be stated in the formal agreement and a formal maintenance agreement must be included.
- Mr. Clarke asked what the benefit is of the sound barrier to the public land. Mr. Bernheimer commented at first he believed the sound barrier idea was absurd, but it makes sense, the train noise is a nuisance and the wall would be a benefit in reducing the noise for the users of the park.
- Mr. Clarke stated the noise from the train is not continuous and the highest decuples occur when the train is taking a turn. There are no turns at this section of the tracks. Therefore there is no benefit to the park and its users.
- The sound engineer hired by Mr. DeVellis explained the sound barrier provides sound reduction 365 days per year. The closer the sound barrier is to the source the more effective it is.

- Mr. Clarke commented if the wall is more effective closer to the source why they haven't gone to the MBTA. This is an MBTA problem.
- Jim DeVellis responded they did approach the MBTA a year ago without success.
- Mr. Barnett stated the old deed will be an issue regarding building within 60' of the property line. Mr. DeVellis stated the barrier is in the proper location and if the barrier was any closer to the tracks it would be going down hill.

Peter Johnson made a motion to approve the concept of the sound barrier upon approval of all other necessary committee's and departments. The motion was seconded by Walter Bernheimer. Motion passed 6-2-0 (Kastner, Magni).

President Baker stopped by the Commission Meeting and commented that Mr. Goldman is doing some useful things on the public land at Warren Street; the deed provides a provision for parking and there is an existing parking area.

6. Cell Phone Tower Presentation- Maurya Sullivan

- Five cell phone companies have inquired about leasing public property to install cell towers.
- Currently there are 70-80 towers on private property in Newton. The City Hall Cupola is the only City property with towers. The companies pay around \$35,000/year.
- The Citizen's Advisory Group (CAG) has recommended with the current economic situation, the City (Parks & Recreation and DPW) look into leasing park lands/buildings.
- Mr. Bernheimer asked if the Newton Public Schools (NPS) were included. Ms. Sullivan stated no, not at this time. Mr. Bernheimer responded the Commission should not look into this until NPS is included. Mr. Kastner agreed.
- Mr. Magni asked if there were any health issues with the towers being near a school. Ms. Sullivan replied no there are no health issues.
- Ms. Sullivan commented the locations the providers are interested in do not include any school locations at this time. The four locations the cell companies are currently interested in are:
 1. Halloran Complex
 2. Cold Spring Park
 3. Edmunds Park
 4. Oak Hill (by water tank)
- Ms. Sullivan commented there are many types of cell towers to choose from. And the type of tower would be determined later in the process. Mr. Clarke commented a balloon could be floated up to the height of the tower before installing.

- Ms. Sullivan explained the process to move forward with leasing public property to cell phone companies:
 1. Presentation to the Parks & Recreation Commission
 2. Presentation to The Board of Alderman- Public Facilities Committee
 3. Issuance of a Request for Proposal (RFP)
 4. Board of Alderman-Land Use Process
 5. Executive Lease issued. The lease term would be for 10 years with 2-five year extensions

- Mr. Clarke asked Ms. Sullivan if she has seen all 5 companies plans for Newton. Ms. Sullivan responded yes.
- Ms. Sullivan commented they are working with the Inspector Generals Office to implement a revolving RFP for those companies who cannot build right away.
- Mr. Clarke asked if this plan is going to the Conservation Commission. Ms. Sullivan responded not yet.
- Ms. Sullivan stated if we do not make sites available the carriers could sue the City under the FCC Acts of 1996.
- Mr. Bernheimer requested Ms. Sullivan come back to the Commission in September with specifics and benefits.

Meeting adjourned at 10:45 pm.

Respectfully submitted:

Robin McLaughlin, Secretary