

# PLACE

Fall 2017

Brookline GreenSpace Alliance is a non-profit membership organization dedicated to the enhancement of open space in Brookline by supporting citizens in caring for their green spaces.

**For 30 years the mission of the Brookline GreenSpace Alliance has been the protection and enhancement of Brookline's open space. We believe strongly that the protection of trees, active and passive playing spaces and even the skyscape are essential to our citizens' quality of life and a healthy environment.**



**30th Year**

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Friends of the Muddy River  
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Friends of the Paths and Park on Aspinwall hill  
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Lawton Park Community Garden  
Larz Anderson Auto Museum  
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**Editor** Marian Lazar

BGSA is a non-profit, tax-exempt organization under section 501(c)(3) of the Internal Revenue Code. Donations are tax deductible.

# Annual Appeal

Dear friends of parks and open spaces,

If you are reading this newsletter you are probably someone who loves Brookline's parks and open spaces. Brookline GreenSpace Alliance works on behalf of our open spaces and your support for BGSA helps keep our parks at their best.

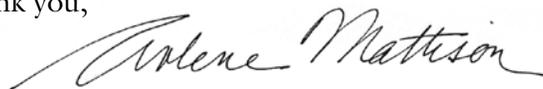
In this our 30th year we accomplished much in many areas of advocacy and education. Just a few examples are:

- provided technical assistance to Park Friends Groups and organized a Friends strategy session and a meeting with speaker Erin Gallentine, Director of Parks and Open Space
- continued to hold the conservation restriction for the new Fisher Hill Reservoir Park
- kept residents informed about important issues affecting Brookline's open space by providing a website and a Facebook page and publishing and mailing PLACE twice to 1,500 households
- sponsored transportation so that every first grader in Brookline could participate in an environmental educator led nature study field trip to Ward's Pond
- met with Town Hall planners to find ways to strengthen open space protection for existing public lands
- organized and held nature walks led by board members or hired naturalists
- held a seat on environmental committees—such as the Selectmen's Climate Action Committee
- advocated to protect against the taking of parkland for other uses
- made a contribution to the Town for the improvement to Riverway Park and a grant in support of a new community garden
- appeared before the Town's Advisory Committee to lobby for the park budget

As advocates for the parks in Brookline, our voice is heard. A thirty year history of environmental activism is something we should celebrate together as we think of the ways we have had a positive impact in our community. Let's re-commit ourselves to the health of the local environment and its contribution to *our* health and happiness. Whether you are a long-time contributor or joining with us for the first time, you are invaluable to our non-profit organization. Please support us this year so we can continue to speak for our open spaces. Thank you in advance for strengthening BGSA's "voice for the parks."

Also, please let us know if you would like to get involved in any of our many activities.

Thank you,



Arlene Mattison, President  
Brookline GreenSpace Alliance

Special thanks to those of you who have already sent a financial contribution this year.

## When is a Playground a Playground?

In the last three issues of PLACE we have followed the ongoing case of a playground in Westfield MA. For many years, land acquired in a tax taking was used as a playground. A federal Land and Water Grant was used to improve the property. In 2011 the city decided to use the site for a new school. Abutters sued to preserve the playground. They lost on narrow rulings in the lower courts. These narrow interpretations of Article 97 of the Massachusetts Constitution land protection placed open space and parks across the Commonwealth in jeopardy. The Supreme Judicial Court heard arguments in the case on April 6, and a decision was handed down on October 2. Below is a summary of the court's decision.

In a decision with significant implications for open space planning and protection across Massachusetts, *the Supreme Judicial Court ruled that municipal parklands are protected by the state's Constitution (Article 97) as long as the land has been dedicated and used as a public park.* Expanded constitutional protections for open space provided by Article 97 of the Massachusetts constitution gives the people of Massachusetts a constitutional right to clean air and clean water; to the natural, scenic, historic qualities of their environment; and to the conservation of the state's natural resources. Land that is subject to Article 97 cannot be converted to another purpose without the approval of two-thirds of the Legislature. It's how land was determined to be protected under Article 97 that was in dispute in the Westfield case.

With this decision, the Court has ruled that land can qualify for Article 97 protection if (1) it is clearly and unequivocally dedicated as a public park and (2) the public uses the land as a park.

The Court reasoned that “[b]ecause the general public has an interest in parkland owned by a city or town, ultimate authority over a public park rests with the Legislature, not with the municipality.”

### What This Means for Open Space in Other Cities & Towns

The implications of this decision reach far beyond Westfield. Any municipal playground, parkland, or other open space that is not subject to a deed or recorded conservation restriction, but has been clearly dedicated and used as a public space, may now qualify for the constitutional protections afforded by Article 97. Further, if a city or town has open space that is not subject to a deeded restriction, then it can obtain constitutional protection for this land by clearly dedicating and using it as a public space.

This landmark decision greatly expands the constitutional protections for parks and other public open space in Massachusetts. These spaces are not only key natural resources – they also have significant public health, economic, and ecological value because they provide recreational opportunities, drinking water protection, flood control and protection, and climate change mitigation.



Baldwin Playground

One of many Brookline parks whose protection has been clarified by the recent decision by the Supreme Judicial Court

## A Perspective on Cypress Field

By *Deborah Rivers, AIA, LEED AP*

Cypress Street Playground or Cypress Field, as it is commonly called, is the Common which unites the various buildings of Brookline High School. The field is divided by a walk, which runs from Davis Avenue to Tappan Street. To the east is a tot lot and a basketball court. To the west is a large athletic field with two baseball diamonds and a soccer field. It serves a number of functions related to the High School, the Neighborhood, and the Town as a whole.

The land that was to become Cypress Street Playground, approximately 5.4 acres, was bought from William B. Craft et al for \$45,878.80 in 1871 “to be used, improved and maintained for the public use forever, as and for a Public Square, Park, Common or Playground, not otherwise.” This land and that which was to become Brookline Avenue Playground, purchased at the same time, are considered to be the first sites in the country acquired for the purpose of establishing municipal playgrounds.

Arbor Day on Cypress Field, High School students on break, April 2017.



International Yoga Day event on Cypress Field, June 2017



Brookline High School graduation

In 1876, the new property was filled with loam, thirty young maples were planted, and a spruce flagpole was erected. By 1880, the Brookline Athletic Club had built a track and seats to give sports exhibitions at the upper end. The playground was enlarged in 1886, when an additional 67,179 square feet was bought. In 1909, the architect Guy Lowell’s plans for a new bandstand were accepted but it is not clear if this structure was ever built, although the 1921 Town report states that the Cypress Street bandstand was a disgrace.

Over the years, Cypress Field has been the site of many activities, including ice-skating, track meets, baseball, and football. The High School graduation ceremony is held there, weather permitting. Many High School athletic

functions are scheduled at the field. Other activities include outdoor classes, lunch breaks, pick-up basketball and soccer games, dog walking, picnicking and sunbathing in the summer and sledding in the winter.

Because of its central location and size, Cypress Field has served as the venue for celebrations and commemorations throughout its history. In the past it was the setting for elaborate Memorial Day observances, including mock battles on the field. More recently, it was the focus of Flag Day ceremonies as the parade terminus and grounds for a carnival-like assemblage of rides and food concessions. In the aftermath of 9/11, it was the place where Brookline gathered to share the anguish caused by that tragedy and to honor its local heroes.

In 1970, there was a proposal to use the site for a new Manual Arts Building. In the mid 1990's, a replacement plan for the High School involved building a new structure on the west end of the field. The old high school building would then have been demolished with the result being the field divided into two parcels. Neighborhood opposition led to a compromise in which the existing building was retained with an addition facing Cypress Field. Acknowledging the relationship of the school to the field, it was subsequently voted to close the block of Greenough Street that separates them to through traffic during school hours.

In 2004, a Friends Group was formed in response to the potential of the field becoming a site for artificial turf. Currently, synthetic turf is being considered as part of improvements to Cypress Street Playground in conjunction with the Brookline High School expansion. At the first scoping session held by the Park and Recreation Commission on September 12th, proponents for synthetic turf cited increased playing hours and safety. Opponents of synthetic turf cited concerns about a change in the character of the field, health and environmental concerns. After another scoping session on December 12<sup>th</sup>, the Park & Recreation Commission will vote on whether to include synthetic turf or an improved natural grass field in the CIP.



Brookline High School across snowy Cypress Field



Cypress Street Playground: A field for all seasons.

## References

Brookline Historical Commission document on Brookline Parks

*Athletic Playing Fields and Artificial Turf: Considerations for Municipalities and Institutions* [http://www.turi.org/Our\\_Work/Home\\_Community/Artificial\\_Turf](http://www.turi.org/Our_Work/Home_Community/Artificial_Turf)

*The Dirt on Turf: What you Need to Know About Synthetic Turf and Natural Grass for Athletic Fields*, Millar, David; Loan, Aaron <http://www.redhenturf.com/pdfs/TheTruth-AboutArtificialTurf.pdf>

**Editor's note:** BGSA is advocating in favor of an improved natural grass field on Cypress Street Playground. A complete statement of our position has been sent to the Park and Recreation Commission. The text of the letter can be found on our website: [www.brooklinegreenspace.org](http://www.brooklinegreenspace.org)

## Is there a tree by-law in Brookline's future?

By Hugh Mattison, Brookline Tree Planting Committee

**W**e have all seen, and often been dismayed and saddened, at the sight of a house lot completely cleared of vegetation, usually by a developer.

Once again, the debate about how to protect trees on private property has surfaced in the form of warrant article 17 to be discussed at the November Town Meeting. Since 2000, Town Meeting has been wrestling with this issue, most often associated with house demolitions, with no resolution.

A citizen petition in May, 2016 by Richard Murphy to adopt a Tree Protection by-law was referred to a Selectmen's committee to study this complex issue. His motivation was the clear cutting of an abutting lot which removed a number of trees along his property line. This "Tree Protection Committee", chaired by Selectwoman Nancy Heller and comprised of representatives from a number of Boards and Commissions, has been meeting since February.

A primary focus was interviewing staff from five nearby towns on their efforts to enforce private tree protection strategies. All of these met with varying degrees of success; however, the one common theme was that an effective by-law will need enforcement, which means additional staff, (estimated at least a ½ time employee) which means a source of funding must be identified. (This has been a recurring issue since 2000). At this point, this Committee has adopted an approach proposed by Tree Warden Tom Brady which entails a two-phase approach explained in a report to the November Town Meeting.

The first phase would involve changing the Stormwater Management by-law (Article 8.26) at the Spring 2018 Town Meeting. Section 8.26.2 deals with "Erosion and Sediment Control". Under this section currently, an Erosion and Sediment Control Plan for any excavation or "land-disturbing activities" or "any additional information or data deemed appropriate" must be approved by the Department of Public Works (DPW). The plan submitted by the property owner/developer has to include the property lines, and provision for minimizing on-site erosion and preserving topsoil.

A foundation for a new house by definition requires excavation and therefore triggers Article 8.26. Trees, however, can be removed without removing topsoil and so new regulations are necessary

An advantage to changing an existing by-law is that much of the language already exists, a "trigger" mechanism (the building permit application) serves to notify DPW that a project is about to start, and provisions for enforcement have already been defined.

Other factors that may be considered in a second phase after the Spring 2018 Town Meeting are use of the property setback provisions now in the zoning by-law, definition of size of tree to be included, and percentage of tree canopy. The Tree Protection Committee will remain active to monitor and guide future progress.

This second phase entails developing, with the Planning and Building departments, a process for "site plan review" which will be more comprehensive. This entails complex planning and it may take up to 3 years to have tree protection procedures in place.



Properties around town clear-cut for development.

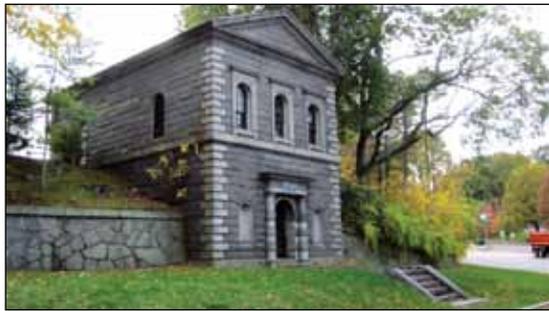


## Changes Coming to Reservoir Park

**B**uilt in 1846-48, Brookline Reservoir on Boylston Street/Route 9 was part of the system that carried water from Lake Cochituate in Natick to another reservoir on Beacon Hill. In 1902, Brookline citizens raised funds to help buy the reservoir from Boston.

Since then, Brookline developed the land surrounding the reservoir as a park. Both the reservoir and the park are in need of renovation and redesign. In addition, the earthen dam that created the reservoir is regulated by the Massachusetts Department of Conservation and Recreation Office of Dam Safety (ODS).

Although the dam is generally in good condition, ODS regulations require that the gatehouse area be maintained



Reservoir Gatehouse.

free of trees and brush. Complete removal of all vegetation other than grass would leave a very altered landscape. The Town will present a “refined” plan for limited removal of plantings to ODS.

Other repairs needed include masonry repair of stone at the reservoir basin, renovation of walking paths, drainage improvements, removal of

invasive plants, gatehouse improvements, signage and replacement of site furniture.

The full presentation from the September 26 Design Review Committee (DRC) meeting can be found at [www.brooklinegreenspace.org](http://www.brooklinegreenspace.org)

Below is the schedule for future meetings of the DRC

- Meeting #3 –Development of design and costs (Nov. 21)
- Meeting #4 –Preferred design with budget estimated at \$2.2 million (Jan./Feb. 2018)
- Meeting #5 –Park and Recreation Committee (March)

Develop Construction Documents (Fall 2018)  
Bidding & Contract awarded (Fall 2018)



Reservoir Park. Photo Frances Shedd Fisher



Aerial view of the Brookline Reservoir



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## What's that on the front page?

Can you recognize the scene on page 1? It looks like another major construction site and tree clear-cutting like the photos in the article on page 6.

Actually, the page 1 picture shows ongoing work on a major Town project involving the capping of the back landfill and the restoration of land at the Lost Pond Sanctuary. The Commonwealth of Massachusetts mandates the capping of land used in the past for garbage disposal. Phase 1 of capping the Town's landfills resulted in the construction of Skyline Park. Phase 2 will create more space for Department of Public Works activities and restoration of adjacent land formerly used for dumping waste and now a portion of the Lost Pond Sanctuary.

The photo below shows the water outflow from Lost Pond. Formerly it ran in a pipe under the old landfill. The waste has been removed from the conservation land and the



stream is being daylighted and naturalized. The area has been hydro-seeded to prevent erosion. Plantings, a boardwalk over the new stream and a new trail are yet to come.

## Support for Friends Groups

One of the primary objectives of the Brookline GreenSpace Alliance is to support and foster volunteer groups who help care for our parks. Park Friends groups' contribution to the quality of life in Brookline is invaluable and BGSA acts as their backup system.

The Umbrella functions of the Alliance include acting as fiscal agent; promoting activities throughout the year through email announcements, Facebook and Twitter; holding informational meetings with the Park & Recreation Commissioner; and hosting gatherings to exchange ideas.

By supplying a strong network of park volunteers, BGSA enables individual groups to raise funds for special projects, attract more people to their parks, and foster a sense of stewardship throughout Brookline.