

## **Bartlet Mall Commission (BMC) Meeting**

Date: February 8, 2018

Time: 6:00-7:30pm

Location: Newburyport Public Library

Attending Commission Members: Andrea Eigerman (Chair), Joanna Fernandes, Karen Johnson, Lise Reid (Parks Director)

Absent Commission Member(s): Constance Maass

Documents utilized: (1) Bartlet Mall Restoration Three Year Tree Removal Plan prepared by Mike Hennessey, Parks Manager, (2) Parking at Bartlet Mall – Estimated Maximum Parking Spots, and (3) Bartlet Mall Restoration Plan - Three Phases as outlined on Newburyport Parks Conservancy <http://newburyportparks.org/bartlet-mall-restoration.html>

### **Agenda**

1. Call to order
2. Review and approval of January 2018 meeting minutes
3. Review and approval of two permit applications – (a) Greater Newburyport Ovarian Cancer Awareness Lantern Festival for Sunday, September 2<sup>nd</sup>, 2018, 2:00 to 9:00; and (2) Exchange Club of Greater Newburyport, Flag Display for September 11<sup>th</sup>, September 5<sup>th</sup>-12<sup>th</sup>. Both applications e-mailed to Commissioners separately. Suggested donation?
4. Confirm date of 2018 Bartlet Mall Day: Saturday, October 6<sup>th</sup>, rain date of Sunday, October 7<sup>th</sup>, 11:00-2:00 pm
5. Public hearing and vote on:
  - (a) Tree removal and planting plan, Years 2 (fall/winter of 2018) and 3 (fall/winter of 2019)
  - (b) Historic restoration. Phases II and III
6. Adjourn

### **Meeting Notes**

- 1. Call to order**

Andrea Eigerman called meeting to order.
- 2. Review and approval of January 2018 meeting minutes**

Joanna Fernandes made a motion to approve the January meeting notes with the inclusion of Andrea Eigerman's comment responding to Ann Dykes' question as to why it is beneficial to restore the Mall to its original landscape plan. (The January meeting was a joint Bartlet Mall and Parks Commissions. The notes were prepared by the Parks Commission). Karen Johnson seconded the motion. All were in favor and the notes were approved.
- 3. Review and approval of two permit applications – (a) Greater Newburyport Ovarian Cancer Awareness Lantern Festival for Sunday, September 2<sup>nd</sup>, 2018, 2:00 to 9:00; and (2) Exchange Club of Greater Newburyport, Flag Display for September 11<sup>th</sup>, September 5<sup>th</sup>-12<sup>th</sup>. Both applications e-mailed to Commissioners separately. Suggested donation?**

Joanna Fernandes made a motion to approve both applications with a minimum suggested donation of \$150. In the past, the Exchange Club has donated \$100 (which was last year's suggested donation). Karen Johnson seconded the motion. All were in favor and were approved.

**4. Confirm date of 2018 Bartlet Mall Day: Saturday, October 6<sup>th</sup>, rain date of Sunday, October 7<sup>th</sup>, 11:00-2:00 pm**

Andrea Eigerman noted that the next Bartlet Mall Day will be held on October 6 with a rain date of October 7. Karen Johnson will coordinate with the Tannery owners regarding the Chile Cook Off times/joint marketing.

**5. Public hearing and vote on:**

**(a) Tree removal and planting plan, Years 2 (winter of 2018) and 3 (fall 2018/winter of 2019)**

**(b) Historic restoration. Phases II and III**

Andrea Eigerman explained the three phases of the Bartlet Mall Restoration project. She reminded everyone that Phase 1 was already approved at the November 2017 joint meeting of the Bartlet Mall and Parks Commissions. She noted that the entire project was already reviewed and approved in 1996, but funds were not available at the time.

The three phases outlined on the Newburyport Parks Conservancy site that were projected on the overhead during the meeting are as follows:

Phase 1: pond water cleanup, repair damage to the grass banks, mow grassy slopes to achieve a manicured appearance, clear vegetation from waters edge, define a broad beach of local sandy gravel around the pond as it was historically.

Phase 2: prune and plant trees according to the original tree planting plan to restore historically intended views clear across the pond, reinstall Allee of Elms on the 2<sup>nd</sup> level of the Mall, extend the promenade to Auburn St., renovate and reconfigure basketball court and play area

Phase 3: restore central "Swan Fountain," restore Taggard Fountain positioning it into the High/Auburn St. corner of the park.

As part of Phase 2, Mike Hennessy, Parks Manager and trained arborist, has developed a three-year tree plan. During the joint Bartlet Mall and Parks Commissions meeting in January, the Commissions approved the first 3 trees slated for removal, which include a damaged Red Maple and two self-seeded Choke Cherries.

Lise Reid explained that in addition to a tree removal plan, there is also a planting plan. The City has already purchased 25 Liberty Elms to plant in 2019. They will be approximately 8 feet tall and 3-4 feet wide canopy. She said it is possible that not all of these Elms will be planted at the Mall. However, she submitted a CPA grant application on February 8, 2018, for purchase of 10 Liberty Elms that would be 14 feet tall with a 6 feet wide canopy to be planted at the Mall. New trees will be planted systematically as opposed to at random, which is what has been happening in the at least recent past.

Lise Reid also noted that the remaining trees Mike Hennessy has slated to remove in the proposed plan, several of which are diseased, are Norway Maples and two very mature Willows approaching the end of their life span. The Norway Maple is an invasive tree that undermines the natural landscape by growing very shallow roots that are long in length and creates lots of maintenance work by dropping seedlings everywhere. The Willows are concerning because of their weak limb structure. They are constantly dropping branches, which present a hazard. The Parks Department has already had to move the tables out from underneath the tree.

## Public Hearing

Andrea Eigerman then opened the meeting for public comment. [Comments are summarized and not direct quotes unless noted. Comments inadvertently may not include all points made by commenters. "Interested Neighbor" is used in places where Secretary was not able to record name].

1. Walt Thompson, former Bartlet Mall Commission Chair:  
The proposed Restoration Plan is not in the best interest of the majority of folks. People who utilize the Mall need shade trees in summer. Tree removal runs counter to quality of life.  
The grass banks have not been damaged so there is no need to repair them. The daffodils [planted by Parks Department] and butterfly garden [planted independently by Walt Thompson] have not caused slope damage.  
We do not need a Park with a manicured appearance. We should not add gravel to the side of the Pond as it will just end up in water. (Lise Reid noted that the gravel being discussed is the same packed gravel that already exists at the Mall and was put in during 2005).  
The City should not spend money on this.
2. Jason Harris, Mall neighbor and pro-bono Graphic Designer for Bartlet Mall Day:  
He has over 20 years of architectural design experience. Based on this, the number one way to restore water quality is to not remove plant growth and vegetation. He has seen the wildlife more than double since the Parks Department stopped mowing the slopes. He warned the water quality may get worse under this plan.
3. Constance Preston-Godbout, Newburyport Tree Commission Chair:  
Norway Maples are indeed an invasive species. The trees have a shallow root system and crowd out everything around them, stealing nutrients. The crumbling sidewalks around Newburyport are evidence of their shallow root systems as years ago the City planted many Norway Maples along the streets. These trees are now very mature and are huge safety hazards. She sees a lot of rationale in the removal of the Norway Maples at the Mall. In fact, growing and planting of Norway Maples is now prohibited by law in MA. The Willows are also a weak rooted tree that crowd out other plantings around them and are very hard to maintain.
4. Interested Neighbor:  
As a long-time resident of Newburyport, the Bartlet Mall was one of the things about the town that first stuck with he and his wife when they moved. Since residing here it has always been a part of their lives. He values it as a contemplative space and noted its conspicuous location. The fact that the Mall's original design and plan is by Charles Elliot, a major figure once associated with Olmstead, is one more reason that the Mall is so special. He is in full support of restoration.
5. Tom Kolterjahn, Newburyport Preservation Trust Co-President:  
The Newburyport Preservation Trust "very strongly supports the restoration of the Mall" following Charles Elliot's plan. He also noted that this year's Preservation Week will be focused on Newburyport Parks.
6. Interested Neighbor:  
Two questions:
  - a. Will the new trees being planted avoid the problem of the trees being removed and will they have the same colorful foliage?

Lise Reid: Yes, the trees slated to be planted are disease resistant Liberty Elms, which have colorful foliage.

- b. Is restoration of the playground part of the restoration plan?

Lise Reid: The playground will not be restored as part of this plan as it is in working and safe condition. The playground will be updated as needed. The basketball court, however, is part of the planned restoration. The shape will be reconfigured, which is better for playing as balls are less likely to go in the street. Also, the materials to be used will be more permeable as opposed to the present asphalt that is cracked.

7. Andy Simpson, former Bartlet Mall Commissioner:

Posed questions as to how the Parks Department can proceed with the restoration plan financially, what the plans are for the sinking fountain, what the concerns of the Commission are in regards to how restoration of slopes will affect water quality, and what caused slopes to deteriorate.

Lise Reid: We are looking at grants and fundraising for all of it. She has already applied for funding for tree replacements and a structural engineering study on the fountain. Also, doing repairs "in house" saves money. For instance, the Parks Department began regarding the slopes in the fall. As we have not mowed the slopes, they have deteriorated. They remained at a 45 degree angle for a long time.

Andrea Eigerman: Per consultation with Conservation Committee, we have determined at this point that manicured lawns are still good for filtration.

8. Jeff Esche, interested neighbor and Northeast Urban Forest Advocacy Founder :

He has spent over 15 years in landscaping. Now runs a non-profit, Northeast Urban Forest Advocacy. He spoke of phytoremediation [the direct use of living green plants for in situ, or in place, removal, degradation, or containment of contaminants in soils, sludges, sediments, surface water and groundwater (as defined by United Nations Environment Programme)]. He stated that some of the elements needed to preserve/improve water quality are in place in the restoration plan. Trees can be planted to assist. However, 45 degree angles are hard to maintain and short mown grass does not have as deep of a root system so it will be more permeable. Want to think of planting plan considering this as maintaining the soil is very important.

9. Charlie Tontar, City Councilmember:

Questioned whether we have considered phasing in "Phase 1" as Charles Elliot didn't have a plan to keep the water clean. Have we thought about figuring out the water first and then the slopes? Why not fill in the pond like the Frog Pond in Boston?

Lise Reid: She is confident that we will see an impact from the OPWS filtration system, a grant funded project, this summer. There were a number of delays outside of OPWS control which prevented the start of the project last summer.

Joanna Fernandes: We have been told we are not able to fill the Pond because it is considered a wetland.

10. Jason Harris: If it is a wetland, why are you removing plants?

Lise Reid Yes: The dominant species is Phragmites, which is very invasive. Removal of the plant is part of the Bartlet Mall Management Plan (2015).

11. Interested Neighbor: Basketball court is in no condition to play a game of basketball. He lives local to the Mall and uses the court with his children. The court needs to be improved.

Andrea Eigerman than closed the meeting to allow for discussion amongst and voting by Bartlet Mall Commission members.

### **Discussion by Commissioners and Vote**

#### Phase 3 – Discussion and Vote

Commissioners began by discussing Phase 3 of the plan, as it was not controversial. They noted that before the “Swan Fountain” is restored, the Parks Department should be secure that the water used in its piping and around its base will not cause damage to the fountain – stating either the Pond water must be sufficiently clean or the Parks Department should create a separate water source for the fountain, such as an independent well or a direct connection to the freshly filtered water from the OPWS system.

**With the above mentioned caveats included in the vote, Joanna Fernandes motioned to approve Phase 3 of the restoration plan, restoring the central “Swan Fountain,” and restoring Taggard Fountain repositioning it into the High/Auburn St. corner of the park. Karen Johnson seconded the motion. All were in favor.**

#### Phase 1– Discussion and Amendment to Former Vote

Commissioners next discussed Phase 1, which Bartlet Mall and Parks Commissioners had jointly had approved at the November 2017 meeting. Initial work on re-grading and reseeding the slopes began by the Parks Department thereafter.

However, during the January and February 2018 meetings, some members of the public concerns voiced concerns over this Phase, especially that mowed grassy slopes would compromise the water clean up efforts and allow for unwanted run off. Commissioners noted to the public that this decision came only after Lise Reid consulted with Conservation Commission Director, Julia Godfriedson, who stated that the shorter grass would not have a noticeable effect on the filtration of the run off water to the Pond. She also noted that long grass creates a potential tick habitat, which is a public health concern because of rampant Lyme disease in our area. This was of concern to the Bartlet Mall Commissioners. In addition, Charles Griffin, one of the members of the public who initiated the move towards restoration efforts, has been in touch with a turf and field consultant who has expertise in maintaining manicured fields near waterways and is able to consult on the project. The consultant attended a Bartlet Mall meeting in 2017 during which he stated that a mowed surface would provide the same filtration as longer grass, and, in addition, mowing the grass would limit the further establishment of invasive species, which he has identified at the site. It is the Bartlet Mall Commission’s expectation that the Parks Department will work in conjunction with either the field consultant provided by Mr. Griffin or someone like him in restoring and thereafter maintaining the slopes as Bartlet Mall Commissioners share in the concern over water quality at the Pond and the potential negative effects of a manicured slopes. Members of the public also voiced specific concerns over this phase having a potentially negative effect on the wildlife that utilize the Mall or make the Mall their home. Bartlet Mall Commissioners also share this concern.

**Therefore, Joanna Fernandes made a motion to review and potentially halt Phase 1 of the restoration plan IF it is suspected the restoration is having a negative environmental impact on the water quality or wildlife.\* Karen Johnson seconded the motion. All were in favor.**

Commissioners encouraged members of the public to stay involved and bring any negative impacts they may notice to the attention of the Parks Department.

\*[Several members of the public noted concerns with mowing the slopes, with emphasis on losing the possible filtration of water that may be occurring. Jason Harris, in particular, noted the increase in pond wildlife at the Mall in the last few years. However, Commissioners would like to add that many factors play into the Mall's ecological health. Other changes in Mall management have also occurred during this same time frame that may be improving the ecology at the Mall. Perhaps the most significant change is that weed killers have not been used at the Mall for about five years. This might also have a significant impact on the wildlife].

#### Phase 2 – Discussion and Vote

Finally, Commissioners discussed Phase 2 of the plan. Phase 2 has garnered much public discussion because of its potential effects on emergency snow parking as well as the removal of shade trees. Commissioners discussed both topics before voting on each aspect separately.

In regards to the basketball court, Commissioners emphasized that any investment in a new basketball court should include a repositioning of the court to allow for the extension of the elm "allee" and promenade. Repositioning the court and extending the elm "allee" and the promenade to Auburn street would still allow for an estimated 25 snow emergency parking spots, which is the number of cars currently utilizing snow emergency spots at the Mall. So, it is not necessary to consider snow emergency parking in determining whether the court should be reconfigured.

The Commissioners further stated that any such investment should be protected. Therefore, while the Commissioners understand and are sensitive to the pressing nature of snow emergency parking for some, they feel the Mall should be designed based on both historically-sensitive and park user needs as opposed to snow emergency needs. They noted that in removing snow emergency parking from the Mall all efforts should be made to relocate snow emergency parking as local to the Mall as possible.

In order for snow emergency parking to be disallowed, City Council would have to change City Ordinance, which currently allows for snow emergency parking on the basketball court. Therefore, if and when a new basketball court is installed, Commissioners recommend that the Parks Department request that City Council change the ordinance and halt all snow emergency parking. If City Council does not approve such a change, than Commissioners noted that all efforts should be made to select materials that can withstand parking and plowing and make design decisions to prevent run off from the court.

**As such, Karen Johnson made a motion to approve the reconfiguration and renovation of the basketball court and the accompanying extension of the elm "allee" and promenade of Phase 2 of the restoration plan with the recommended removal of snow emergency parking from any new basketball court that may be installed and, if possible, identifying alternative snow emergency parking nearby. Joanna Fernandes seconded. All Commissioners voted in favor.**

Commissioners then discussed the tree removal and planting plan that has been proposed in order to restore historically intended views across the Mall and reinstall the allee of elms on the second level of Mall.

In December 2017, Mike Hennessy, Parks Manager and arborist, took an inventory of the assorted shade trees around the paths and slopes around the Bartlet Mall, which he compiled "for the discussion of tree removal at the Mall in order to replace/renovate the tree inventory at the park and revert back to a more historical tree inventory." Based on this, he created proposed a 3-year plan for tree removal. During the joint Bartlet Mall and Parks Commissions meeting in January, the Commissions approved the first 3 trees slated for removal, which include a damaged Red Maple and two self-seeded Choke Cherries.

While commissioners all agree that the further identified trees should be removed (2 Norway Maples and 2 Willows proposed for removal in Fall 2018/Winter 2019 and 3 Norway Maples proposed for removal in Fall 2019/Winter 2020), they also agree it would be preferable to "stagger" or delay, removal of some of the trees. Such delay is to consider the concerns of some residents regarding the loss of shade and other immediate aesthetic impacts, concerns which the Commissioners share. Both Joanna Fernandes and Karen Johnson noted their great affection for the Willow trees in particular. Commissioners recognize that such staggering must be done while considering both safety concerns presented by mature and diseased trees and the need to successfully plant new trees, and therefore ultimately defer to the expertise of the Parks Department.

Further discussion regarding tree removal noted the desire to minimize disruption to the public and its use of the grounds, keeping the Mall habitable during renovation.

Balancing this all is the Commission's concern that not taking action now risks further outgrowth and possible loss of ever getting the plantings back to the historic footprint. The Commissioner's emphasized the significance of the Mall being on the Historic Register is due to the landscape architectural plans completed by Charles Elliot.

In considering the original landscape architectural plans, Commissioners noted that the Parks Department should also review the trees and other plantings added to the Mall in the last two years to determine if they are consistent with Charles Elliot's plans prepared for the Bartlet Mall Improvement Association between 1887 and 1889. Some trees and/or plantings may need to be removed to another park.

In regards to planting, the Commissioners noted that, if possible, it would be great to accept all of the Liberty elms purchased by the Park Department and ready to plant in the fall of 2019 (25?).

Finally, it is the Commissioners hope that the trees at the Mall better maintained in the future. With the hiring of Mike Hennessey, they noted that it should be somewhat easier.

**Karen Johnson made a motion to approve tree removal, pruning and planting plan for Year 2 (fall 2018/winter of 2019) and Year 3 (fall 2019/winter of 2020) of Phase 2, with the amendments of: (a) reviewing all trees and other plantings installed in the last two years to determine their consistency with Charles Elliot's letters and plans prepared for the Bartlet Mall Improvement Association between 1887-1889 (the review may result in the removal of some plantings); (b) accepting all of the 25 Liberty elm trees (or other Dutch Elm disease resistant) already purchased by the Parks Department and ready to plant in the fall of 2019; (c) requesting CPA funding for larger Elm resistant trees to plant; (d) keeping all future plantings consistent with Charles Elliot's plans ; (e) with the help of Mike Hennessy, Parks Manager and trained arborist, do a better job of maintaining and caring for the trees at the Mall; and (f) recommending that the Parks Department delay or stagger tree removal, especially of the willows, if this can**

**be done safely to decrease the aesthetic impacts of tree removal, while still allowing successfully planting of the new trees. Joanna Fernandes seconded the motion and all Commissioners voted in favor.**

**7. Adjourn**

The meeting was adjourned by Andrea Eigerman at roughly 7:30. No next meeting date was set.