

# City of Waltham

Jeannette A. McCarthy

Mayor

CITY OF WALTHAM  
CITY CLERK'S OFFICE

2017 SEP -7 A 8:36

RECORDED

September 7, 2017

TO: The City Council  
RE: Gann Academy  
333 Forest Street

Dear Councillors:

Enclosed please find a copy of a communication that I received from Gann Academy on August 21, 2017.

Sincerely,

Jeannette A. McCarthy

JAM/ccb

Enclosure

cc: School Committee  
John Cervone, Esq.  
Patricia Azadi, Esq.  
School Building Committee



RECEIVED

AUG 21 2017

MAYOR'S OFFICE

August 15, 2017

City of Waltham  
610 Main Street  
Waltham, Massachusetts 02452  
Attn: Honorable Jeannette A. McCarthy, Mayor

Re: Gann Academy ("Gann")/Veteran's Field

Dear Mayor McCarthy:

We are writing to you in connection with the recent public discussions concerning the potential construction of a new Waltham High School on the Veteran's Field property on Forest Street. We also are responding to your letters of July 18, 2017 to Senators Markey and Warren, and to Congresswoman Clark.

As you are aware, Gann is an immediate abutter of Veteran's Field. As you also are aware, Gann and the City of Waltham have entered into a number of agreements concerning Veteran's Field, including an agreement granting Gann rights for the use of one of the fields at certain specified times.

We appreciate your efforts to engage the community in a discussion of this project. Gann enjoys and values its strong relationship with the City of Waltham. Gann participates in and contributes to a wide-range of civic and communal activities with the Waltham community. With respect to the use of both the playing field on the Veteran's Field property and the playing fields on the Gann property, Gann and the City have benefitted from a positive and constructive working relationship for the past 15 years. We look forward to continuing that relationship.

Gann has a significant interest in the use and condition of Veteran's Field, and Gann would have a number of questions and concerns with regard to the construction of a new Waltham High School on the Veteran's Field property. The use of Veteran's Field other than as a public park and recreational facility could have a significant adverse impact on the school and its operations. The school and the Veteran's Field property were constructed concurrently as part of a common scheme. We note that the deed from the National Park Service by which the City of Waltham acquired the Veteran's Field property expressly required the City to use the property **exclusively for public park or public recreation purposes in perpetuity**. We also direct your attention to the agreement between the City and Gann which grants Gann the right to use a playing field

at Veteran's Field. Gann expects the City to continue to perform its obligations under that agreement concerning the use of that field. We also direct your attention to Article XCVII ("Article 97") of the Constitution of the Commonwealth of Massachusetts and the procedural protections Article 97 provides to any potential diversion or change in the use of public lands. Article 97 requires super-majority approval by both houses of the Massachusetts Legislature when a property (such as the Veteran's Field property) which is protected by Article 97 is to be used for a non-Article 97 purpose.

In light of Gann's interest in this matter, we would appreciate your keeping us informed of any further actions taken by the City to pursue this project. In particular, we like to participate in any additional public meetings and hearings (both formal and informal), and would appreciate your informing us of those meetings and hearings before they occur. We also would appreciate your sending to us copies of all public correspondence and documents distributed or filed by the City relating to this matter, including all further correspondence with the Senators and the Congresswoman, and all filings with other Federal and State agencies and authorities.

We would welcome the opportunity to have a meeting with you to discuss this matter further. If you would like to do so, please let us know.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Marc Baker", with a long horizontal flourish extending to the right.

Rabbi Marc Baker



August 15, 2017

Senator Elizabeth Warren  
2400 JFK Federal Building  
15 New Sudbury Street  
Boston, Massachusetts 02203

Re: Gann Academy (“Gann”)/Veteran’s Field, Waltham, Massachusetts

Dear Senator Warren:

We are writing to you in connection with the recent public discussions concerning the potential construction of a new Waltham High School on the Veteran’s Field property on Forest Street in Waltham. We also are responding to the letter to you from Mayor Jeannette McCarthy of Waltham dated July 18, 2017. A copy of that letter is enclosed for your convenience.

Gann Academy is an immediate abutter of Veteran’s Field in Waltham. Gann has a significant interest in the use and condition of the Veteran’s Field property, and Gann would have a number of questions and concerns with regard to the construction of a new Waltham High School on the Veteran’s Field property. The use of Veteran’s Field other than as a public park and recreational facility could have a significant adverse impact on the school and its operations.

We note that the deed from the National Park Service by which the City of Waltham acquired the Veteran’s Field property expressly required the City to use the property **exclusively for public park or public recreation purposes in perpetuity**. (A copy of that deed was included in the letter to you from Mayor McCarthy.) We also note that Gann and the City of Waltham have entered into an agreement which grants Gann the right to use a playing field at Veteran’s Field. Lastly, we also note that use of the Veteran’s Field property would be subject to Article XCVII (“Article 97”) of the Constitution of the Commonwealth of Massachusetts and the procedural protections Article 97 provides to any potential diversion or change in the use of public lands. Article 97 requires super-majority approval by both houses of the Massachusetts Legislature when a property (such as the Veteran’s Field property) which is protected by Article 97 is to be used for a non-Article 97 purpose.



With respect to the use of both the playing field on the Veteran's Field property and the playing fields on the Gann property, Gann and the City of Waltham have benefitted from a positive and constructive working relationship for the past 15 years. We look forward to continuing that relationship.

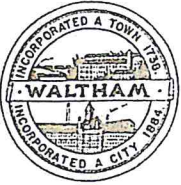
We appreciate your consideration of this matter. Please feel free to contact me with any questions or if you would like any additional information.

Very Truly Yours

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Rabbi Marc Baker

cc: Mayor Jeannette A. McCarthy



# City of Waltham

*Jeannette A. McCarthy*  
*Mayor*

July 18, 2017

Senator Elizabeth Warren  
2400 JFK Federal Building  
15 New Sudbury Street  
Boston, MA 02203

RE: Request of the Waltham City Council

Dear Senator Warren:

Enclosed please find a request from the Waltham City Council regarding Veteran's Field which is located on Forest Street in Waltham. Also enclosed is a copy of the deed to the City of Waltham regarding this land (25 acres.)

Basically, what the City Council is asking is for the local Congressional delegation to file federal legislation to allow the current park and recreation land to be used for educational use, so a new Waltham High School could be built on the Veteran's Field site; and to build the existing six fields on the former Fernald School land.

Many of the City Councillors are of the opinion that this can be performed quickly by you and your colleagues, based upon the legislation filed by Congressman Markey which allowed educational institutions to be on the same par as local cities and towns for the purposes of disposition by GSA of this former surplus land.

There is also an agreement with the former New Jewish High School, now known as Gann Academy, for the use of the Nocera Field (the largest of the six fields.)

Please have someone from your office contact me as soon as possible.

Thank you.

Sincerely,

Jeannette A. McCarthy

JAM/ccb

Enclosures

cc: Gloria Larson, Bentley University  
Rabbi Marc Baker, Gann Academy



August 15, 2017

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975 JFK Federal Building  
15 New Sudbury Street  
Boston, Massachusetts 02203

Re: Gann Academy (“Gann”)/Veteran’s Field, Waltham, Massachusetts

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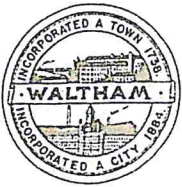
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Rabbi Marc Baker, Gann Academy

August 15, 2017

Congresswoman Katherine Clark  
701 Concord Avenue, Suite 101  
Cambridge, Massachusetts 02138

Re: Gann Academy (“Gann”)/Veteran’s Field, Waltham, Massachusetts

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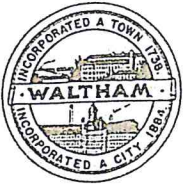
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