PORTION OF LEAST PARTY DEPARTMENT'S COMMUNICATIONS TO STIGMATINES' ATTORNEY

Exh. 6



City of Waltham

MASSACHUSETTS

LAW DEPARTMENT

City Solicitor
JOHN B. CERVONE

Assistant City Solicitors

PATRICIA A. AZADI BERNADETTE D. SEWELL MICHELLE LEARNED LUKE STANTON FRANCIS P. CRAIG

FAXED (617-723-9811) and EMAILED (apaton@zimbret.com)January 24, 2017

Attorney Adam B. Paton Zimble & Brettler, LLP 21 Custom House Street Boston, MA 02110

RE: Prospective Sale Discussions for Stigmatine Property(ies) off Lexington Street, Waltham, MA

Dear Attorney Paton,

Since I have not received any substantive response from you to my 1/18/17 and 1/5/17 FAX (and email) requests to you for a meeting of the principals to explore and truly dialogue new options for resolution – both resolutions proposed by the Mayor and resolutions that your clients might wish to discuss - the Mayor is sending you the attached to forward to the addressees.

We've understood from you (since you replaced their prior counsel) that you do not want the respective principals (i.e. the Mayor and your clients) to have any of their own discussions – even non-binding "exploratory" discussions – and that any and all communications are to go through you. The Mayor has honored your request; but the Mayor is now asking, given the above, for us to send her enclosed letter to you for you to deliver to the addressees/your clients.

Again, to be clear, this attached Mayor's letter has not been sent to the listed addressees, but as per our above understanding, we are requesting and expecting that you will deliver the attached letter without delay to its listed addressees.

Thank you for your anticipated cooperation.

John B. Cervone, Esq.

ENCL:

Azadi, Pat

From:

Azadi, Pat

Sent:

Tuesday, February 28, 2017 11:50 AM

To: Cc: 'Adam Paton' Cervone, John

Subject:

RE: Proposed discussion points for meeting between the Mayor and the official,

authorized representatives of The Trustees of the Stigmatine Fathers, Inc.

Tracking:

Recipient

Delivery

Read

'Adam Paton'

Cervone, John

Delivered: 2/28/2017 11:50 AM

Read: 2/28/2017 3:25 PM

Mayor

Delivered: 2/28/2017 11:50 AM

Hi Attorney Paton,

I am in receipt of your e-mail and I have spoken with the Mayor. Because Marquadt has not yet been completely vacated, it is necessary for the Mayor to arrange the visit through the State. The Mayor plans to speak with the appropriate State representative later today and once she has available dates and times for such a visit I will advise you. Sincerely,

Pat Azadi

----Original Message----

From: Adam Paton [mailto:apaton@zimbret.com]

Sent: Tuesday, February 28, 2017 11:20 AM

To: Azadi, Pat Cc: Cervone, John

Subject: RE: Proposed discussion points for meeting between the Mayor and the official, authorized representatives of

The Trustees of the Stigmatine Fathers, Inc.

Hello Attorney Azadi,

The Stigmatines would like to arrange for a site visit to the Fernald School Marquadt building and the Holy Innocents Chapel on the Fernald site. Please advise how we can set this up in advance of the meeting of principals on March 9.

Adam Paton

Adam B. Paton, Esq.
Zimble & Brettler LLP
21 Custom House Street
Suite 210
Boston, MA 02110
(P) 617-723-2222
(F) 617-723-9811

Email: apaton@zimbret.com

Exh 8



City of Waltham MASSACHUSETTS

LAW DEPARTMENT

City Solicitor
JOHN B. CERVONE

Assistant City Solicitors

PATRICIA A. AZADI BERNADETTE D. SEWELL MICHELLE LEARNED LUKE STANTON FRANCIS P. CRAIG

FAXED (617-723-9811) EMAILED (apaton@zimbret.com)

March 21, 2017

Attorney Adam B. Paton Zimble & Brettler, LLP 21 Custom House Street Boston, MA 02110

RE: Prospective Sale for Stigmatine Property(ies) off Lexington Street, Waltham,
MA

Dear Attorney Paton,

I commence with a thank you for what I felt was a very positive and hopeful tenor resulting from the 3/9/17 meeting with the principals. Just quickly following up the Mayor's letter from last week that we asked you to forward to your clients, did they have any response/proposal/offer(s) to that letter. The Mayor is planning on updating the City Council on this by the City Council's Docket deadline this week at noon this Thursday March 23, 2017.

Also understanding your client's preference was to retain its two (2) buildings(& their accessory parking)referenced, and therefore only sell a portion, do you/your clients have any response/proposal with their price(s) to sell such portion(s).

*

Thank you and please advise before noon this coming Thursday.

Very truly yours,

John B/Cervone, Esq.

Fxh8

Cervone, John

From:

Cervone, John

Sent:

Tuesday, March 21, 2017 4:53 PM

To:

'Adam Paton'

Cc:

Azadi, Pat; Rsw7713@aol.com; Millian, Jon; Dave Capobianco

 $(dcapobian co@atlantic management.com); \ Joe\ Zink\ (jzink@atlantic management.com);$

Cervone, John

Subject: Attachments:

RE: Stigmatines- Post Meeting SKMBT_60117032116510.pdf

Hi Adam:

Please see attached.

Thanks

John

From: Adam Paton [mailto:apaton@zimbret.com]

Sent: Wednesday, March 15, 2017 2:29 PM

To: Cervone, John < jcervone@city.waltham.ma.us>

Cc: Azadi, Pat <pazadi@city.waltham.ma.us>; Rsw7713@aol.com; Millian, Jon <jmillian@city.waltham.ma.us>; Dave Capobianco (dcapobianco@atlanticmanagement.com) <dcapobianco@atlanticmanagement.com>; Joe Zink (jzink@atlanticmanagement.com>

Subject: RE: Stigmatines- Post Meeting

John: Yes, but the designation is 75R (Lincoln St.), not R75.

Adam B. Paton, Esq.
Zimble & Brettler LLP
21 Custom House Street
Suite 210
Boston, MA 02110
(P) 617-723-2222
(F) 617-723-9811

Email: apaton@zimbret.com

From: Cervone, John [mailto:jcervone@city.waltham.ma.us]

Sent: Wednesday, March 15, 2017 2:13 PM

To: Adam Paton

Cc: Azadi, Pat; Rsw7713@aoi.com; Millian, Jon Subject: RE: Stigmatines- Post Meeting

Adam:

Thanks; & to be clear is the Espousal Ctr. The bldg.. that has a "R75" description in the box behind/above the bldg. having 2 long narrow "wings" on either side of a more square central portion?

Thanks again.

Exh 8

JC

From: Adam Paton [mailto:apaton@zimbret.com]

Sent: Wednesday, March 15, 2017 1:37 PM

To: Cervone, John < icervone@city.waltham.ma.us>

Cc: Azadi, Pat pazadi@city.waltham.ma.us>; Rsw7713@aol.com

Subject: RE: Stigmatines-Post Meeting

Hello John,

Yes, in addition to the Espousal Center, the Stigmatines need to retain St. Joseph's Hall, their residence for retired priests. I recall some discussion at the meeting the other day that there was a former building that also went by that name. So, to be clear, St. Joseph's Hall refers to the building identified as St. Joseph's Residence on the attached map.

R

Adam Paton

Adam B. Paton, Esq. Zimble & Brettler LLP 21 Custom House Street Suite 210 Boston, MA 02110 (P) 617-723-2222 (F) 617-723-9811

Email: apaton@zimbret.com

From: Cervone, John [mailto:jcervone@city.waltham.ma.us]

Sent: Wednesday, March 15, 2017 1:25 PM

To: Adam Paton

Cc: Azadi, Pat; Cervone, John

Subject: RE: Stigmatines- Post Meeting

Adam: Thanks. SO to be very clear is one of the 2 bldgs. Needed by the Stigmatines:

- 1) the "St. Joseph's" Bldg?
- 2) Pls identify explicitly

Thanks

JC

From: Adam Paton [mailto:apaton@zimbret.com]

Sent: Wednesday, March 15, 2017 1:19 PM

To: Cervone, John < icervone@city.waltham.ma.us>

Cc: Azadi, Pat pazadi@city.waltham.ma.us>
Subject: RE: Stigmatines- Post Meeting

John:

As requested, attached is the atlas map identifying St. Joseph's Hall, the residence for the retired priests.



Adam Paton

Adam B. Paton, Esq.
Zimble & Brettler LLP
21 Custom House Street
Suite 210
Boston, MA 02110
(P) 617-723-2222
(F) 617-723-9811

Email: apaton@zimbret.com

From: Cervone, John [mailto:jcervone@city.waltham.ma.us]

Sent: Wednesday, March 15, 2017 9:53 AM

To: Adam Paton Cc: Azadi, Pat

Subject: Stigmatines- Post Meeting

Adam: This will just quickly follow-up our meeting last Thurs., my/The Mayor's email & letter Friday & my subsequent messages Mon. (I was in a movie when you called back later Monday evening but I did leave you a VM response.). As I had indicated, It is fairly imp. that I speak w/you ASAP about options congruent w/your clients stated positions relating to a sale..

Thanks

John(direct city line 781-314-3336; cell 781-254-9047)

Exh 9



City of Waltham

LAW DEPARTMENT

City Solicitor
JOHN B. CERVONE

Assistant City Solicitors
Patricia A. Azadi
Bernadette D. Sewell
Michelle Learned
Luke Stanton
Francis P. Craig

FAXED (617-723-9811) EMAILED (apaton@zimbret.com)

March 23, 2017

Attorney Adam B. Paton Zimble & Brettler, LLP 21 Custom House Street Boston, MA 02110

RE: Prospective Sale for Stigmatine Property(ies) off Lexington Street, Waltham,
MA

Dear Attorney Paton,

When you recently informed me that one of my emails to you ended up in your "Spam Folder", to explain your delayed response, I decided it was safer to reach you by attaching my subsequent letters to your email as a "Reply All". But I understand your request from yesterday – will do. (Also I thought you were going to send us another Extension to the prior "Standstill Agreement").

Next as reiterated in the Mayor's letter "time is of the essence"; the Mayor never stated that the site was no longer being considered for the High School (e.g. after our meeting the Mayor researched potential redesign of the high school on a "portion" of the site and we mentioned we might need access for our designers to consider this). The Mayor indicated that the City intended to acquire the site as appropriate for many municipal uses (not merely as a new school site). Since before your involvement your clients had been fielding proposals with private developers to sell all or some of this property 15-18 months ago (including the entire "right" side); and since January 2016 (15 months ago) your client has been negotiating to sell to the City. Ostensibly because of the Stigmatines financial exigencies, untenable maintenance and repair costs, dwindling number of priests (approximately 6-7), etc. — we understood from your clients such sale (total or portion) was inevitable and imminent. Especially after the positive March 9th meeting of principals we are confused by your letter which seems to imply that such sale of some or all of this property is only a new consideration.

When we spoke in December and then January you indicated you would have your own appraisal by the end of February 2017 – is this accurate? The Mayor has

EXL 9

proffered multiple proposals, and permutations thereof, to try to "divine" what may be acceptable to your clients. But, just as in your email rejecting the conceptual "balloon" carve out for the 2 buildings you want to retain, you simply reject it without providing any other options or alternatives. That forces us into a guessing game to try to again "divine" what it is you exactly want. Could you please try to present some/any options/alternatives actually articulating what portion(s) of the property you do wish to sell and their respective prices as soon as possible?

X

Please contact Attorney Patricia Azadi as soon as possible - I will be out of the office.

X

Thank you.

Very truly yours,

John B. Cervone, Esq.

CC: Attorney Patricia Azadi

EXL 9

Casey-Brenner, Colette

From:

Rowland, Karen

Sent:

Thursday, March 23, 2017 12:23 PM

To:

apaton@zimbret.com Cervone, John; Azadi, Pat

Cc: Subject:

Stigmatines Property

Attachments:

SKMBT_60117032312231.pdf

Please see the attached letter from Attorney John Cervone.

Thank you.

Karen Rowland
City of Waltham Law Department
119 School Street
Waltham, MA 02451
(781) 314-3330
krowland@city.waltham.ma.us

Exh 10

Azadi, Pat

From:

Azadi, Pat

Sent:

Friday, March 24, 2017 3:57 PM

To: Cc: 'Adam Paton'

Subject:

Cervone, John Stigmatine property

Tracking:

Recipient

Delivery

Read

'Adam Paton'

Cervone, John

Delivered: 3/24/2017 3:57 PM

Read: 3/24/2017 5:56 PM

Hello Adam,

Thank you for your telephone call this afternoon. During the course of our discussion you asked about a site visit, which you indicated your clients were inclined to allow. I have now confirmed that the City would like access to the site to complete the feasibility study. Please accept this e-mail as the City's formal request to do so.

While we were speaking, I forgot to follow-up on John Cervone's recent correspondence in which he noted that the new stand-still agreement has not yet been received. Please send the agreement at your earliest convenience; and the new end date therein should be the end of April.

Sincerely, Pat Azadi

Non Responsive Exh 10

Azadi, Pat

From:

Adam Paton <apaton@zimbret.com>

Sent:

Friday, March 24, 2017 4:13 PM

To:

Azadi, Pat

Subject:

RE: Stigmatine property

Attachments:

stigmatines 3rd extension and amendment.docx

Hello Patricia,

Please find attached the proposed Revival and Third Amendment to the Stand-still Agreement. Please let me have any comments or proposed changes before circulating for signature.

Adam Paton

Adam B. Paton, Esq.
Zimble & Brettler LLP
21 Custom House Street
Suite 210
Boston, MA 02110
(P) 617-723-2222
(F) 617-723-9811

Email: apaton@zimbret.com

From: Azadi, Pat [mailto:pazadi@city.waltham.ma.us]

Sent: Friday, March 24, 2017 3:57 PM

To: Adam Paton Cc: Cervone, John

Subject: Stigmatine property

Hello Adam,

Thank you for your telephone call this afternoon. During the course of our discussion you asked about a site visit, which you indicated your clients were inclined to allow. I have now confirmed that the City would like access to the site to complete the feasibility study. Please accept this e-mail as the City's formal request to do so.

While we were speaking, I forgot to follow-up on John Cervone's recent correspondence in which he noted that the new stand-still agreement has not yet been received. Please send the agreement at your earliest convenience; and the new end date therein should be the end of April.

Sincerely, Pat Azadi

Exh 11

Azadi, Pat

From:

Azadi, Pat

Sent:

Monday, March 27, 2017 4:09 PM

To: Cc: 'Adam Paton' Cervone, John

Subject:

RE: Stigmatine property

Tracking:

Recipient

Delivery

'Adam Paton'

Cervone, John

Delivered: 3/27/2017 4:09 PM

Hello Adam,

There is no need for the Superior General to write to the City Council to advise of his position. Currently, the Mayor is waiting for your client to advise her of its position as to which portion of the property it wishes to keep. Sincerely,

Pat Azadi

From: Adam Paton [mailto:apaton@zimbret.com]

Sent: Monday, March 27, 2017 2:53 PM

To: Azadi, Pat Cc: Cervone, John

Subject: Re: Stigmatine property

Hell Patricia,

Can you also respond/comment whether there is still a need for the Superior General to write to the City Council to advise of his position. Thank you.

Adam Paton

Adam B. Paton, Esq. Zimble & Brettler LLP 21 Custom House Street Suite 210 Boston, MA 02110 (T) 617-723-2222

(F) 617-723-9811 (e) <u>apaton@zimbret.com</u>

This email is intended for the confidential use of the addressess only. Because the information is subject to the attorney-client privilege and may be attorney work product, you should not file copies of this email with publicly accessible records. If you are not an addressee on this email or an addressee's authorized agent, you have received this email in error; please notify us immediately at 617 723-2222 and do not further review, disseminate or copy this email. Thank you.

From: "pazadi@city.waltham.ma.us" <pazadi@city.waltham.ma.us>

Date: Monday, March 27, 2017 at 10:56 AM To: Adam Paton apaton@zimbret.com

EXL 12



City of Waltham

LAW DEPARTMENT

City Solicitor
JOHN B. CERVONE

Assistant City Solicitors

PATRICIA A. AZADI BERNADETTE D. SEWELL MICHELLE LEARNED LUKE STANTON FRANCIS P. CRAIG

FAXED (617-723-9811) EMAILED (apaton@zimbret.com)

May 4, 2017

Attorney Adam B. Paton Zimble & Brettler, LLP 21 Custom House Street Boston, MA 02110

RE: Prospective Sale for Stigmatine Property(ies) off Lexington Street, Waltham,
MA

Dear Attorney Paton,

This will just quickly and briefly outline the following and current status. Since we have not received any communications from you relating to the above since execution of the Standstill Agreement, which has expired, we surmise you expect us to re-initiate the next steps.

In terms of your clients functional intent your clients had mentioned needing to use only two (2) of the buildings at the site and the Mayor continues to be willing to find a mutually effective way to accommodate that intent. Given the procedural delays intrinsic to filing new matters with the City Council, and since the Mayor's prior communication to the City Council from February relating to the Stigmatine's continued use of a portion of the site and a Taking Order are already docketed in the City Council, the Mayor is today requesting that the City Council take those off the table for consideration. (Please see attached Mayoral docket communication of today).

Please feel free to contact us with any questions and thank you for your attention and consideration.

Very truly yours,

John B. Cervone, Esq.

ENØĹ:



Casey-Brenner, Colette

From:

Rowland, Karen

Sent:

Thursday, May 04, 2017 1:43 PM

To:

apaton@zimbret.com

Subject:

Stigmatine's

Attachments:

SKMBT_60117050413430.pdf

Please see the attached from Attorney John Cervone.

Thank you.

Karen Rowland
City of Waltham Law Department
119 School Street
Waltham, MA 02451
(781) 314-3330
krowland@city.waltham.ma.us





City of Waltham CITY OF WALTHAM CITY CLERK'S OFFICE

Jeannette A. McCarthy Mayor

2017 MAY -4 A 11: 49

RECORDED

May 4, 2017

To: The City Council

Re: The Stigmatine Property

Dear Councillors:

I respectfully request that you take from the table the taking order for 554 Lexington Street, consisting of 554 Lexington Street, 75R Lincoln Street and 111R Lincoln Street (the Stigmatine property) that was tabled in the Committee of the Whole on February 21, 2017.

In February, 2017, I had provided the City Council with an update on the status of communications between the City and the Trustees of the Stigmatine Fathers, Inc. (the Stigmatine Fathers) regarding acquisition of the Stigmatine property. Since my February 8, 2017 communication to you, several items have changed.

- 1. Since the February communication, the Stigmatine Fathers have stated that they are seeking to retain use of only two of the buildings at the Stigmatine property rather than the seven referenced in that communication - the Espousal Center and their residence, St. Joseph's Hall.
- 2. The Stigmatine Fathers have obtained an appraisal of their property from a Boston firm. We have requested a copy of that appraisal but the Stigmatine Fathers have not provided one to us. There is no basis, therefore, for varying from the valuation established by the appraisal performed by the City's appraiser.
- 3. The standstill agreement between the City and the Stigmatine Fathers expired on May 1, 2017. Since the expiration of said agreement, the Stigmatine Fathers have not contacted the City to further discuss the acquisition of their property by the City, even though the Stigmatine Fathers' attorney had indicated that he would get back in touch with the City's attorneys.
- 4. The School Committee, in a vote transmitted to the City Council on December 8, 2016, as renewed by the School Committee at its May 3, 2017 meeting, has advised the City Council that the Stigmatine property is its recommended choice for the location of the new high school and the Committee has requested that the City Council take the necessary steps to acquire said property. (Enclosures)

In light of the above, my recommendation is that the Stigmatine Fathers be allowed to remain in their residence, St. Joseph's Hall, and have use of the parking area associated with it.

My further recommendation is that they be allowed to continue to use the Espousal Center and its parking area until such time as the Espousal Center is required for the purposes of a new high school.

While the Stigmatine Fathers would be able to continue to live in St. Joseph's Hall and use the Espousal Center, the entire Stigmatine property should be taken by the City for whatever future use you may recommend under your bond authorization.

Since the School Committee and I are recommending school use for this property, the area occupied by St. Joseph's Hall and the Espousal Center and the parking areas for both buildings would then be designated as a separate lot owned by the City, distinct from the remainder of the Stigmatine property, thus eliminating any potential issues with the Massachusetts School Building Authority relating to any portion of a proposed school site being occupied by anyone other than the City.

I further propose that the driveway into the property, after acquisition by the City, be made into a public way which would provide access to the two buildings and the parking areas for both that would continue to be used by the Stigmatine Fathers.

Based upon the City's own appraisal, which is based upon the highest and best use of the property (96 house lots) in accordance with the uses thereof legally authorized under the City's Zoning Ordinance, I recommend that the taking be made for Fifteen Million (\$15,000,000.00) Dollars, the value determined in said appraisal.

Because of the School Committee's vote to request that the City acquire the Stigmatine property for the new high school and the exigencies of the school building process, action on the existing taking request should be taken expeditiously to acquire said property and proceed with the necessary steps.

But, in any event, the entire property should be acquired by the City immediately so that it is in control of any future use of the site including its use in accordance with the City's multiple open space and recreation plans prepared over multiple administrations from the 1990s to the present (see attached excerpts from those plans).

I am available to answer any questions you may have regarding these requests.

Sincerely,

Jeannette A. McCarthy

JAM/ccb Enclosures RECORDED

CITY CLERK'S OFFICE

Ex 12

CITY OF WALTHAM IN THE CITY COUNCIL IN THE YEAR TWO THOUSAND SEVENTEEN

Ordered:

That the following described property, including all buildings and trees thereon, be and hereby is taken by right of eminent domain, in fee, for the purpose of educational use, open space, recreational use, and temporary housing use. This taking is made under the provisions of Chapter 79 of the Massachusetts General Laws and by every other power hereto enabling.

Said property consists of three formerly separate parcels of land, formerly known and numbered as 554 Lexington Street, 75R Lincoln Street and 111R Lincoln Street, Waltham and now known collectively as 554 Lexington Street. The entire property now known as 554 Lexington Street contains 46.062 acres, more or less and is more fully described as follows:

Southeasterly by Lexington Street forty and 11/100 (40.11) feet;

Southerly by land now or formerly of Ralph R. Dow et al one hundred sixty-six and 55/100 (166.55) feet;

Southeasterly by lands of sundry adjoining owners as shown on the plan hereinafter mentioned three hundred nine and 23/100 (309.23) feet;

Northerly by land now or formerly of Albina S. Butterfield one hundred seventy-three and 62/100 (173.62) feet;

Southeasterly by said Lexington Street two hundred thirty-nine and 89/100 (239.89) feet; Southwesterly by land now or formerly of John J. DellaCamera et al five hundred twenty-three and 94/100 (523.94) feet;

Easterly by said John J. DellaCamera et al land and by land now or formerly of William B. Childs et al two hundred fourteen and 14/100 (214.14) feet;

Southerly by lands of sundry adjoining owners as shown on said plan four hundred thirty-six and 86/100 (436.86) feet;

Northwesterly one hundred ten and 98/100 (110.98) feet, and

Southerly one hundred forty-one and 77/100 (141.77) feet by land now or formerly of Harold C. Wilson et al, Trustees;

Southeasterly by said Harold C. Wilson et al, Trustees land and by land now or formerly of William J. Garland et al two hundred eighteen and 19/100 (218.19) feet;

Southwesterly forty-four and 88/100 (44.88) feet, and

Easterly ninety-seven and 27/100 (97.27) feet by said William J. Garland et al land;

Southwesterly by lands now or formerly of James E. Sacco et al and of Harry E. O'Donnell et al two hundred seventy and 90/100 (270.90) feet;

Southerly by lands now or formerly of Arthur O. Duquette et al and of Byron Terfonides et al three hundred thirty-nine and 23/100 (339.23) feet;

Northwesterly by land now or formerly of Salvatore A. Vinciullo et al one hundred seventy (170) feet;

Northeasterly two hundred thirty-four and 96/100 (234.96) feet, and

Ex 12

Northwesterly eleven hundred twenty-four and 56/100 (1124.56) feet by land now or formerly of Frederick R.Viles et al;

Northeasterly by part of the end of Trimount Avenue, by land now or formerly of the City of Waltham, by the end of Sachem Street, and by land now or formerly of Stratvern Homes Inc. three hundred fifty-five and 04/100 (355.04) feet;

Northwesterly by said Stratvern Homes Inc. land two hundred forty-seven and 37/100 (247.37) feet;

Northerly by lands of sundry adjoining owners as shown on said plan eight hundred sixty-four and 43/100 (864.43) feet;

Northeasterly by land now or formerly of Meli Realty Trust Co, ninety and 19/100 (90.19) feet; Easterly by lands of sundry adjoining owners as shown on said plan twelve hundred forty-one and 03/100 (1241.03) feet; and

Northerly by lands now or formerly of James J. Cannon et al and of Angela F. Cinncotta two hundred fifty-seven and 33/100 (257.33) feet.

All of the boundaries of said property are located as shown on a plan drawn by "Hayden, Harding & Buchanan, Inc. - Surveyors, dated August 25, 1965, as modified and approved by the Land Court and filed in the Land Registration Office.

So much of the registered land as is included within the Way shown on said plan is subject to a right of way as set forth in a grant made by Albina S. Butterfield to Mildred Clark, dated May 5, 1924, duly recorded in Book 4728, Page 398.

The registered land is subject to a drain easement as set forth in a grant made by Wilson R. Slaunwhite et ux to The Trustees of the Stigmatine Fathers Inc., dated December 5, 1956, duly recorded in Book 8867, Pages 446 and 447.

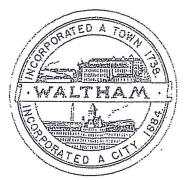
The owner of said property is The Trustees of the Stigmatine Fathers, Inc. of Waltham, MA. Said entity is hereby awarded the sum of FIFTEEN MILLION DOLLARS AND NO CENTS (\$15,000,000.00) for damages by reason of said taking.

Read and adopted:

Approved:

File: draft order for taking stigmatine property

CITY OF WALTHAM CITY CLESS'S OFFICE



RZGORJEĎ

NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL

Under the provisions of Section 3-10 of the City Charter, I hereby call a Special Meeting of the City Council.

The purpose of the meeting is the following:

- 1. Waltham High School Enrollments now and projected by MSBA;
- 2. Waltham High School Educational Plan;
- 3. Waltham High School Schematic Design Concept i.e. design and square footage.

New Waltham High School at 617 Lexington Street

- Waltham High School Site Issues including safety, access/exit to and from the site, parking (on-site/remote), contingency plans, traffic, impact upon neighborhoods, environmental issues, and plusses and minuses of Waltham High School site;
- 5. Total Cost of new school including all elements without phasing, and with phasing;
- 6. Financial analysis and discussion of required City Council funding vote(s) (future).

MSBA

7. Update 12/5/16 MSBA meeting.

Stigmatine site 3 parcels;

- 8. 554 Lexington St., 111R Lincoln St., and 75R Lincoln St., Waltham;
- 9. Plusses and minuses of Stigmatine sites;
- 10. School Committee Vote;
- 11. Possible Executive Session on Stigmatine property acquisition.

DATE:

Monday, December 12, 2016

TIME:

6:00 p.m.

LOCATION:

City Council Chamber, 610 Main Street, Waltham, MA

No other items will be discussed.

Respectfully submitted,

Jeannette A. McCarthy

Mayor



City of Waltham

Jeannette A. McCarthy Mayor CITY OF WALLBAM CITY OLFRES (FFICE 266 DEC -8 A S 37 RECORDED

December 8, 2016

TO:

The City Council

RE:

Special Meeting December 12, 2016

Dear Councillors:

Enclosed please find the documents relative to the Special Meeting.

Respectfully submitted,

leannette A. McCarthy

JAM/ccb Enclosure





Waltham Public-Schools———

Drew Echelson, Ed. D.; Superintendent drewechelson@k12.waltham.ma.us

TO:

Waltham City Council

Mayor Jeannette A. McCarthy

FROM:

Drew M. Echelson, Ed.D.

DATE:

December 8, 2016

RE:

School Committee Vote on Preferred Site for Waltham High School

At their December 7, 2016 meeting the Waltham School Committee took the following vote:

VOTED: On motion of Mr. Tarallo, seconded by Mr. Frassica, that the Waltham School Committee will vote by ballot on their preferred site for a new Waltham High School. Roll call: Mr. Rando, yes; Mr. Graceffa, yes; Ms. Dowcett, yes; Ms. Donnelly, yes; Mr. Frassica, yes; Mr. Tarallo, yes.

The Waltham School Committee voted by ballot on the Fernald Property, Stigmatines Property and the existing Waltham High School site using the following method: 3 points for first choice, 2 points for second choice and 1 point for third choice. The results were all six voting members of the Waltham School Committee selected the Stigmatines Property as their first choice for construction of a new Waltham High School.

Fernald Property

9 points

Stigmatines Property

18 points

Existing WHS Site

9 points

VOTED: On motion of Mr. Tarallo, seconded by Mr. Graceffa, to forward the votes to the Waltham City Council. Roll call: Mr. Rando, yes; Mr. Graceffa, yes; Ms. Dowcett, yes; Ms. Donnelly, yes; Mr. Frassica, yes; Mr. Tarallo, yes.





Waltham Public Schools

Drew Echelson, Ed. D., Superintendent drewechelson@k12.waltham.ma.us

RECEIVED

MAY 0 4 2017

MAYOR'S OFFICE

TO:

Waltham City Council

Mayor Jeannette A. McCarthy

Drew M. Echelson, Ed.D.

DATE:

FROM:

May 4, 2017

RE:

School Committee Vote on Preferred Site for Waltham High School

At their December 7, 2016 meeting the Waltham School Committee took the following vote:

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9 points

Stigmatines Property -

18 points

Existing WHS Site

9 points

VOTED: On motion of Mr. Tarallo, seconded by Mr. Graceffa, to forward the votes to the Waltham City Council. Roll call: Mr. Rando, yes; Mr. Graceffa, yes; Ms. Dowcett, yes; Ms. Donnelly, yes; Mr. Frassica, yes; Mr. Tarallo, yes.

At their May 3, 2017 meeting the Waltham School Committee took the following vote:

VOTED: On motion of Mr. Tarallo, seconded by Mr. Graceffa, to resend to the Waltham City Council the December 7, 2016 vote of the Waltham School Committee, indicating their preferred site for the new Waltham High School is the Stigmatine Fathers Property, and to mark this preference as urgent and request immediate action by the Council. Roll call: Mr. Rando, yes; Mr. Graceffa, yes; Ms. Donnelly, yes; Mrs. AlJammal, yes; Mr. Frassica, yes; Mr. Tarallo, yes.

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City of Waltham Massachusetts

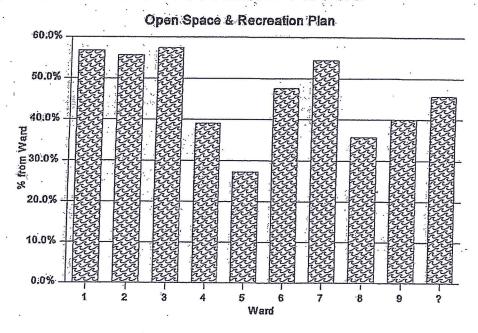
FORENESPACE &

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Prepared by the City of Waltham Planning Department

The results of the Open Space and Recreation Survey by Ward indicate that residents in Wards one, two and three, which surround the Metropolitan State Hospital property, feel more strongly about preserving and acquiring open space. Close to 60% would like more conservation areas in these wards.

Conservation Areas



The results of the questionnaire distributed to City Councillors point to a need to provide new open space in North Waltham as neighborhoods grow and become more dense. New housing and condominium developments along Trapelo Road and Lincoln Street have added many new families to the area. It is important that areas of open space in North Waltham, such as part of the Met State land, be preserved to meet new demands. A suggestion from the questionnaire was to require new subdivisions to provide additional open space, similar to the way new condominium development integrate open space into their plans.

a. Areas for Open Space Protection

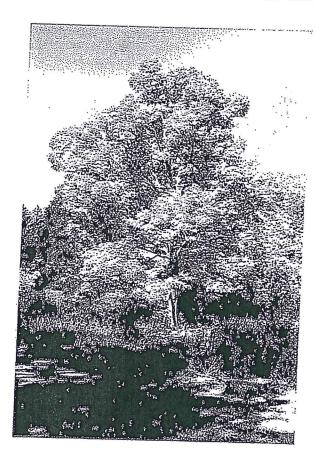
From the questionnaire, from comments in the survey, and from an analysis of the inventory, additional areas of the City which need open space protection were listed as:

- any vacant parcels in the west end of the City for a neighborhood park
- open space along Main Street for parkland
- the Metropolitan State Hospital property for a golf course and MDC Reservation
- park land and access points around Hardy Pond
- Cambridge (Hobbs Brook) Reservoir; increase areas for passive recreational purposes
- open space along the Charles River; increase public access and create continuous walkways
- Augment open space at Stigmatine Fathers
- Augment open space at the Robert Treat Paine Estate
- Dedicate and develop the Central Mass Branch Railroad Right-of-Way for a bicycle and/or recreational trail

City of Waltham Massachusetts

Mayor David F. Gately

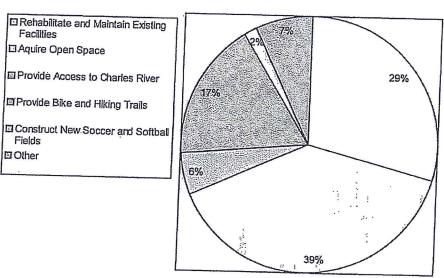
OPEN SPACE AND RECREATION PLAN



Prepared by the City of Waltham Planning Department

2000 Update

Survey Results of the Top Recreational Priorities



In the same survey, 29% of respondents said that the City should act first to maintain its current recreational facilities and, 39% said that the City should act first to acquire additional open space.

Approximately 59% of those responding to the survey said that more conservation areas are needed in Waltham. Many residents have indicated that existing open space needs to be permanently protected, with public access provided for passive recreational purposes such as fitness walking, cross-country skiing, hiking, and bicycle riding.

New housing and condominium developments along Trapelo Road and Lincoln Street have added many new families to the area. It is important that areas of open space areas in North Waltham, such as part of the Met State and the Murphy Federal Center land, be preserved to meet new demands.

Areas for Acquisition:

From comments in the survey, and from an analysis of the inventory, areas of the City that need open space protection were listed as:

- Any vacant parcels in the west end of the City for a neighborhood park
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- Augment open space at Prospect Hill Park
- Augment Open space at University of Mass Field House
- Augment Open space at Fernald
- Augment Open Space at Wal-Lex Site
- Augment Open Space at Olympus Hospital Site

EX12

- Augment Open Space at The Church of Our Lady (Roman Catholic Archbishop of Boston)
- Dedicate and develop the Central Mass Branch Railroad right-of-way for a bicycle and walking trail (Wayside Rail Trail)

SUMMARY OF COMMUNITY NEEDS

The following section summarizes the recreational facilities that are available in Waltham and analyzes the extent to which they serve the present and anticipated population of the city. This section also reviews recreational needs of the handicapped and the elderly. Regional recreational needs are evaluated.

Additional Facilities

Playgrounds and Parkland:

The first step in the analysis is to look for deficiencies based on population and location criteria. The National Recreation and Park Association has developed criteria for different categories of parks.

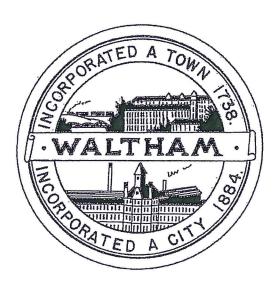
Specifically, mini-parks serve a concentrated or limited population, or specific groups such as young children or seniors. They have a service area of less than 1/4 mile and all users generally walk or ride bikes to the facility. A Neighborhood Playground primarily serves the needs of children from 2 to 15 years of age, with consideration also given to older persons wishing an area for relaxation or unstructured activities. It should generally include swings and climbing equipment for young children, basketball courts, sitting area, and possibly tennis courts. The geographic area it serves is defined by a radius of 1/4 to 1/2 of a mile from the homes in that neighborhood (1/4 for densely populated areas, and 1/2 mile in "suburban" neighborhoods). A District Park serves a larger population group and generally older children and young adults. It serves persons within a 3/4 to 1-mile radius of the facility. A District Park must meet a diversity of needs and interests, primarily with larger playfields for organized athletic games, including baseball, football and soccer. Parking should also be available.

An analysis of the service radius for District Parks shows that coverage in the City is relatively good, with the only exception being the extreme northwest corner where no public recreation facilities exist. However, for Neighborhood Playgrounds, there are significant gaps in coverage, particularly in the center of the City along the Main Street corridor, and again in the northwest corner. In the Main Street corridor, there are dense concentrations of residences behind the commercial frontages along Main Street. However, there are few parcels of land, that could be acquired for public parks and playgrounds. Probably the most dramatic example of this is the area bounded by Columbus Avenue/School Street on the North, Prospect Hill Road on the West, and Bacon Street on the East. There are no public parks within these twelve blocks of dense residential development, and some of the nearest playgrounds would require crossing Main Street with its heavy traffic. Possible sites that have been identified for playground development are:

- Hammer Street (car storage site)
- City-owned land @ Felton St./South Fountain Avenue
- Central Middle School
- Parking lots next to Fitch School

Ex12

WALTHAM COMMUNITY DEVELOPMENT PLAN MAY 2006



Prepared by the Metropolitan Area Planning Council, Central Transportation Planning Staff, Waltham Planning Department

Funded under Executive Order 418

by the

Massachusetts Department of Housing & Community Development,

Massachusetts Department of Business and Technology,

Executive Office of Transportation and Construction,

Executive Office of Environmental Affairs.

dwelling units are built, added requirements are created to provide public recreation facilities and open space amenities to keep a healthy balance between developed land and open space.

Some residents consider it a high priority for the City to acquire and preserve open space for natural areas.

Many residents have also indicated that existing open space needs to be permanently protected, with public access provided for passive recreational purposes such as fitness walking, cross-country skiing, hiking, and bicycle riding.

New housing and condominium developments along Trapelo Road and Lincoln Street have added many new families to the area. It is important that areas of open space areas in North Waltham be preserved to meet new demands.

Areas for Acquisition:

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B. Summary of Community Needs

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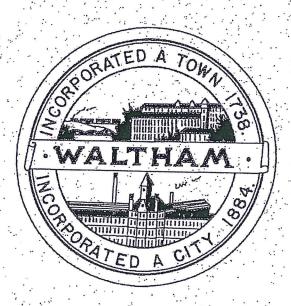
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WALTHAM COMMUNITY DEVELOPMENT PLAN

JUNE 2007

Legislative Version



Prepared by the

Metropolitan Area Planning Council,

Central Transportation Planning Staff,

Waltham Planning Department

Partially funded under Executive Order 418 by the Massachusetts Department of Housing & Community Development, Massachusetts Department of Business and Technology, Executive Office of Transportation and Construction, Executive Office of Environmental Affairs.

Plan Submitted to the City Council by Mayor Jeannette A. McCarthy on December 23, 2004 and recommendations were submitted to the City Council on March 21, 2005.

Non-binding Resolution of the City Council was read and adopted on June 11, 2007. No Mayoral action was requested and no Council Order was issued.

Community Development Plan Map

The Community Development Plan was derived in large part from citizen input that clearly expressed a vision of leveraging the city's existing assets in ways that would enhance rather than detract from the community. Many of the site specific recommendations relate to revitalizing the downtown as an economic, cultural, and residential asset and in tying various sections of the city together with a network of open spaces. The CDP Map (Map 5) shows those recommendations that entail some change in land use in the town.

Downtown

Extend the revitalization of the Moody Street corridor to the rest of downtown by upgrading public streetscapes, expanding mixed use zoning, and leveraging cultural, historical, and recreational resources. Enhance marketing of downtown to local residents and visitors, recruit businesses to fill gaps in the vision for downtown, and explore additional housing development in the downtown to expand the market for retailers and provide needed housing opportunities.

Former Metropolitan State Hospital Site

Promote and enhance active and passive recreational uses on Waltham's portion of the grounds of the former Metropolitan State Hospital. Explore the feasibility of a municipal golf course on the site.

Fernald Center Campus

Determine appropriate uses for the large state facility that may be surplused in the near future.

Former Frederick C. Murphy Federal Center

Maintain the recently constructed Veterans Memorial Athletic Complex.

Hardy Pond

Enhance recreational uses in and around Hardy Pond by acquiring tax delinquent wetland properties along the western shoreline, and expanding facilities at Lazazzero Playground.

Open Space Connections

Explore creating a series of attractive corridors/trails/paths linking parks, open space, residential neighborhoods, downtown Waltham, and gateways to the city. This can be started by acquiring or securing permanent public access to several key open space parcels, including the Lincoln Woods property, the Stigmatine Espousal Center, the University of Massachusetts Field Station, and the Berry Farm site amongst others.

Potentially Surplus School Buildings

Explore potential for reuse of properties, if and when surplused by the School Committee, for affordable housing, including Banks, South Middle, Lawrence, and Bright Schools.

Additional Strategies and Recommendations

A number of other recommendations in the plan would not necessarily result in a change in the land use of an area, or are not specific to particular locations.

Natural Resources and Open Space

The City's Open Space and Recreation Plan identified a number of citywide strategies:

- Develop recreational facilities in areas where service is currently inadequate, or in areas where new development will require additional facilities
- Expand recreational opportunities by developing trail systems for cross-country skiing, hiking, bicycling, and jogging.
- Provide recreational opportunities and facilities for the special needs population
- Provide access to and improve water-based recreation opportunities such as boating, swimming, and fishing.
- Improve and upgrade current recreational facilities.
- Include needed recreational facilities in any reuse plans for State and Federal holdings in Waltham
- Increase public open space in the downtown area that will link historic and cultural assets with greenways along the Charles River.

Landry Park Moody & Prospect Streets	Open space	34.00	State CR	Good	CR
Riverwalk Park Moody to Prospect Street	Trail	4.88	State CR	Excellent	CR
Ice Skating Rink Totten Pond Road	Recreation	3.06	Deed	Good	CR
Former Metropolitan State Hospital Trapelo Road	Closed	54.00	Historic Register Zoning	Closed to public	c CR
Fernald School Trapelo Road	Institutional .	163.05	Zoning	Closed to public	c CR
Veterans Memorial Fields	Recreational	25	Deed	Excellent	CR
UMass Field Station Beaver Street	Agricultural	28.18	Zoning	Community Gardens	CR
Cambridge Reservoir	Reservoir	605.10	Deed restriction	Fair	CR
MacArthur School Lake Lincoln Streets	School Open space	21.05	None	Good	RA2
North East School Pulney Lane	School Open space	30.56	None	Good	RA3
Kennedy Jr. High School Lexington Street	School Open space	42.33	None	Good	RA2
Waltham High School Lexington Street	School Open space	30.69	None	Good	RA2
Leary Field	School Recreation	7.00	None	Good ·	A3
Woburn Street	City Open Space	5.962	Zoning Deed	Poor	CR
Semi-public/ Private Lands	Use	Acres	Degree of Profection	Public Access	Zone
Massachusetts Girl Scouts Beaver Street	Open space Historic building	75.50	None	No formal access	CR
Massachusetts Boy Scouts Beaver Street	Building Open space	10.00	None	No formal access	CR
YMCA Lexington Street	Building Open space	15.00	None	Good	RA3
Beth Israel Memorial Park	Cemetery	7.50		Private	CR
Bentley College Campus Beaver Street	Campus	133.33	None	Good	RA3
Brandeis University South Street	Campus	181.70	None	Good	RA3
Gore Estate 52 Gore Street	Historic building Open space	16.60	Historic Register Deed	Good	RA3
Jyman Estate 85 Lyman Street	Historic building Open space	29.50	Historic Register	Good	RA3
A.T.& T. Bear Hill Road	Office Open space	25.46	None	None	С
Our Lady's Church 80 Trapelo Road	Religious Open space	25.88	None	Limited	RA2
tigmatine Fathers, Inc 54 Lexington Street	Religious Open space	52.55	None	Limited	RA2

Ex/2

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Many residents have also indicated that existing open space needs to be permanently protected, with public access provided for passive recreational purposes such as fitness walking, cross-country skiing, hiking, and bicycle riding.

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B. Summary of Community Needs

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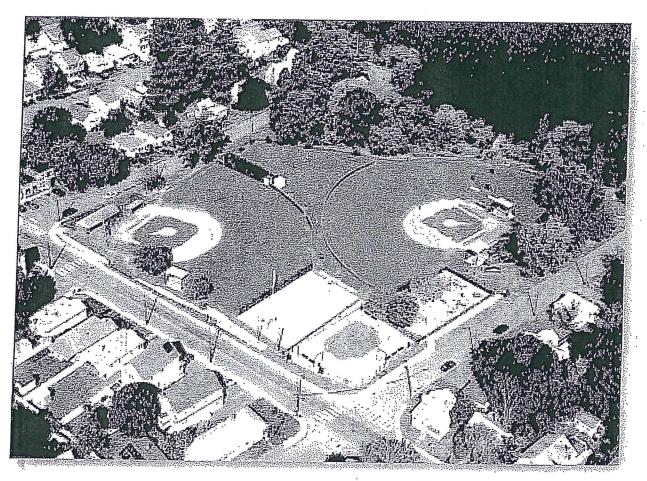
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Possible sites that have been identified for playground development are:

Hammer Street (car storage site)

City of Waltham Massachusetts



2015 - 2022 Open Space & Recreation Plan

City of Waltham Lazazzero Playground Cover Photo provided by Weston and Sampson

Section 5 Inventory of Lands of Conservation and Recreation Interest

This section provides an inventory of the existing open space and recreational land in the City of Waltham. The contents are as follows: definitions of protected and unprotected land, descriptions of publicly owned and privately-owned land, Inventory of Conservation and Open Space Lands, and List of Parks and Recreation Properties.

The open space benefits Waltham's residents by providing opportunities for recreational and aesthetic enjoyment. In its natural state, open space provides places for wildlife habitats, functions as a drainage detention area, and preserves ecologically sensitive natural resources. From the Charles River to Waltham's large parks, open space plays an important role in both the natural and built environment. Waltham residents understand how natural resources affect their overall quality of life, and enhancing and expanding these resources are a high priority.

DISTINCTION BETWEEN PROTECTED AND UNPROTECTED LAND

The following definitions have been developed by the Executive Office of Energy and Environmental Affairs through the cooperation of the Division of Conservation Services and the Department of Environmental Protection:

- Land is considered protected if it is owned by the [City's] Conservation Commission or Water Department, one of the state's conservation agencies (thereby covered by article 97), a non-profit land trust, or if the City received state or federal funds for the purchase or improvement of the property. Private land is considered protected if it has a deed restriction in perpetuity, if an Agricultural Restriction has been placed on it, or if DEP has placed a conservation restriction on it as part of the Wetlands Conservancy Program.
- Land owned by other agencies (local school department, Department of Defense, Department
 of Corrections, etc.) is not protected; it can be sold for development with relative ease.

Private Parcels

Agricultural Properties – Waltham had many farms prior to their redevelopment into housing and office parks. The community is seeking to use CPC funds to purchase Arrigo Farm located near the Belmont line.

Forested Land - The list of privately held open space identifies many forested parcels throughout the City. Beth Israel Memorial Park, Brandeis' Sachar Wood and Berry Park are three such parcels (soon to be deeded to the City).

Areas Significant for Water Resource Protection - Significant wetlands are located behind office parks on Waverly Oaks and Beaver Street as part of the Beaver Brook and Clematis Brook. Storm water runoff in this area is a concern as shown by recent flooding issues.

Priority Areas for Protection – Berry Park is a site adjacent to the former Polaroid site and Prospect Hill Park that is a priority site for protection. In addition, Lot 3 of the Middlesex County Hospital, the Hardy Pond Conservation area and the Stigmatine property have been identified as priority areas for protection.

Private Recreation Land - Several private institutions have lands and facilities that have specialized public recreational use/open space characteristics including: the Cedar Hill Girl Scout Camp, the Cambridge Boy Scouts, and the YMCA.

Estates – Waltham has three significant historic estates being Stonehurst - The Robert Treat Paine Estate, Gore Place, Lyman Estates that have both lawn and forested areas. Gore Place offers a glimpse of a small working farm complete with a farm stand, chickens and sheep.