



STONEHURST

THE ROBERT TREAT PAINE ESTATE

FRIENDS OF
STONEHURST/

ROBERT TREAT PAINE
HISTORICAL TRUST

BOARD OF TRUSTEES

President

Robert Treat Paine Storer, III

Vice President

Thomas M. Paine, MLA

Secretary

Susan Lyon

Directors

Norman G. Adams, AIA

Erika Bourne

John Cox, PhD

Judith Keegan DiMarzo

Maureen Fowler

Brian LaBau, AIA

Sarah Lyon

Edith H. Overly

Elizabeth Storer Paynter

Elaine P. Smerlas

May 13, 2018

To the members of the Waltham School Committee,

Enclosed please find the Friends of Stonehurst position letter on your proposal to install a fence at the parcel line between the Waltham High School and the Robert Treat Paine Estate.

Sincerely,

The Friends of Stonehurst Board of Trustees

[Friends of Stonehurst/Robert Treat Paine Historical Trust board member Dr. John Cox, who is also a member of the Waltham Historical Commission, did not participate in the Friends of Stonehurst discussion and vote on this matter.]

cc. Philip Moser, Chair, Waltham Conservation Commission
Mort Isaacson, Chair, Waltham Historical Commission
Mark Johnson, Chair, Waltham Disability Services Commission
Gregory DeMeo, Principal, Waltham High School
Ann Clifford, Curator, Stonehurst, the Robert Treat Paine Estate
Robert O'Connor, Forest & Land Policy Director, Executive Office of Energy & Environmental Affairs
Melissa Cryan, Executive Office of Energy & Environmental Affairs



STONEHURST

THE ROBERT TREAT PAINE ESTATE

FRIENDS OF
STONEHURST/

ROBERT TREAT PAINE
HISTORICAL TRUST

BOARD OF TRUSTEES

President

Robert Treat Paine Storer, III

Vice President

Thomas M. Paine, MLA

Secretary

Susan Lyon

Directors

Norman G. Adams, AIA

Erika Bourne

John Cox, PhD

Judith Keegan DiMarzo

Maureen Fowler

Brian LaBau, AIA

Sarah Lyon

Edith H. Overly

Elizabeth Storer Paynter

Elaine P. Smerlas

May 13, 2018

Friends of Stonehurst Position Letter on the Proposed Border Fence

Based on the recently announced plan to install a chain link fence along the parcel line between the Robert Treat Paine Estate and Waltham High School, the Board of the Friends of Stonehurst formally submits this letter of opposition. As we understand it, the proposed fence would cut through the woods across the wide Bull Run Trail, the only trail designed to accommodate wheelchairs and large fire trucks. The fence would prevent public and Fire Department access to the Paine forest from the north.

Based on public discussions, we understand that the School Committee has already approved the installation of a 6-foot-high, 350-foot-long chain link fence and is now considering instead a fence nearly twice as long at 650 feet. The Committee's rationale for a fence at the parcel line is two-fold: 1) *loco parentis* or the legal responsibility school districts must take to ensure the safety of children in their care; and 2) the protection of school department property (Superintendent Echelson to School Committee, June 30, 2017).

We urge the School Committee to consider other means of achieving these goals while also considering more fully the detrimental effects and legal ramifications of its plan to install a border fence that would block student, public and Fire Department entry into this publicly-owned National Historic Landmark and conservation land. Waltham High School students and teachers regularly use this land for education, exercise, health and convenient travel between school and home or field trips to the Paine Estate. While some may find a way around the fence, those with mobility issues would have no alternative route around the barrier.

Blocking Bull Run Trail, the only forested wheelchair accessible trail in Waltham, would undoubtedly violate the Americans with Disabilities Act as well as legally binding conditions of the grants that helped purchase and make improvements to this City of Waltham property on both the Paine Estate and high school land. These improvements were supported by Waltham high school students; the Waltham School Department; the Waltham Conservation, Historical and Disability Services Commissions; and the Mayor then in office in 1996. Among the improvements are the northern leg of the wheelchair accessible trail, the fire access gate and the trail head sign that are on the high school side of the parcel line and that the School Committee apparently now intends to cut off from the Paine Estate by installing a fence.

When the City of Waltham accepted Land & Water Conservation Fund and Urban Self-Help Grants to help purchase and improve the Paine Estate property in 1974 and 1996, it agreed to protections under Article 97 of the Massachusetts Constitution. The City of Waltham also agreed that the general public would be able to use this land at all times for park and active outdoor recreational purposes.

Because of these Article 97 protections (not to mention the National Historic Landmark status of the Paine Estate), Federal and/or State review of the fence proposal may well be required under the Massachusetts Environmental Policy Act (MEPA), the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). The installation of this fence in a wooded area would also undoubtedly trigger the Massachusetts Public Shade Tree Act that requires public hearings before the removal of healthy trees over 1.5 inches in diameter that do not pose a hazard.

We implore the School Committee to reconsider its decision on this highly controversial proposal.

Sincerely,

The Friends of Stonehurst Board of Trustees

[Friends of Stonehurst/Robert Treat Paine Historical Trust board member Dr. John Cox, who is also a member of the Waltham Historical Commission, did not participate in the Friends of Stonehurst discussion and vote on this matter.]