

Capital Subcommittee

Report on the FY 18 CIP Request for Schematic Design funds for the Ninth School at Baldwin

April 27, 2017

The Capital Subcommittee held two public hearings, one for the High School Expansion, and the other for the 9th School at Baldwin, on Monday, April 24th in the third floor lounge of Town Hall. Attending were Subcommittee members Harry Friedman, Fred Levitan, Pam Lodish, and Carla Benka; Selectmen Neil Wishinsky and Nancy Heller; School Committee members David Pollak and Susan Wolf Ditkoff; Town Meeting Members Janice Kahn, Robert Allen, Werner Lohe, and Hugh Mattison; Advisory Committee members Bobbie Knable, David-Marc Goldstein and John Doggett; Deputy Town Administrator Melissa Goff, Building Commission member George Cole, Building Department staff Ray Masak, and members of the public Stephen Wald, Daniel Goldberg, Wendy Murphy, Cynthia Snow, Abby Swaine, and Robert McDonnell.

The hearing on the request for \$1.5 million in FY 18 CIP funds for schematic design services for the 9th School at Baldwin began at 6:00 pm.

SUMMARY

The Feasibility Study for the Ninth School at Baldwin, undertaken by Jonathan Levi Architects (JLA) with input from the 9th School at Baldwin Building Committee (9th SBC) and administrative support from Town Hall staff has been underway since October 2016, financed with FY 17 CIP funds. The study is scheduled to be completed by May.

According to Attachment B (Feasibility Study Scope) of the June 2016 Request for Qualifications (RFQ) and the Town's contract with JLA, the feasibility study culminates with a "Preferred Schematic Report" on the preferred design and will include existing conditions, building plan, site plan, educational program, space summary, budgets (estimates of total construction costs, project costs, operational costs, and the District's "not-to-exceed" total project budget), as well as sustainability documents and the project schedule.

The second phase of the 9th School project is Schematic Design; \$1.5 million in FY 18 CIP funds is requested to support this undertaking. Based on the Massachusetts School Building Agency's model, which will be followed, the Schematic Design phase will conclude with a document that includes Traffic, Environmental, Geotechnical, Program, Code, Accessibility, and Utility analyses, a massing study, MA-CHPS or LEED-S Scorecard, a description of building systems, project schedule, siting analysis, site development plan, construction cost estimate, and schematic floor plans and exterior building elevations.

By a vote of 4-0, the Capital Subcommittee, noting a pending court case that may influence how the Town proceeds in the anticipated Article 97 conversion process, recommends Favorable Action on the following motion: To defer the vote on \$1,500,000 for the schematic design services for the 9th School at Baldwin until the Fall Town Meeting.

BACKGROUND

Since 2005, the Brookline Public Schools have witnessed an enrollment growth of 28% district-wide. The total K-12 enrollment for 2016-17 is 7,417. Preliminary projections anticipate

additional growth of more than 10% from FY 18 through FY 22. These enrollment increases, coupled with School Committee policies, have led to the need to expand educational facilities at both the K-8 and high school levels. The “expand-in-place” approach, recommended by the B-SPACE Committee in 2013, has added 55 classrooms for the elementary schools. Private space has been leased for pre-K programs and the Pierce School as well as for administrative purposes. Additionally, Lawrence, Runkle and Heath have been expanded, modulars have been added to Baker, and 16 new classrooms have been created from existing spaces within the eight K-8 schools. Finally a major capital project at Devotion is creating additional classrooms.

Notwithstanding these actions, the School Committee and Board of Selectmen commissioned a 9th elementary school site identification study in December 2014. Civic Moxie, a consulting firm, was selected and asked to research both public and private parcels between three and one-half and six acres in size that would accommodate a K-8 school of approximately 100,000 square feet for 550 students and 100 school staff with onsite parking for 60 vehicles. Civic Moxie’s research resulted in an initial list and matrix of 26 properties. That list was eventually reduced to the six sites considered to be the most promising. After further investigation and a series of public meetings, three sites were chosen to be the focus of a site selection study: Stop and Shop on Harvard Street, the Baker School, and the Baldwin School. The sites were to be evaluated in terms of location and access; physical characteristics; legal and regulatory issues, project complexity, and cost. The Board of Selectmen and School Committee met on October 13, 2016, and the Baldwin site, although not either group’s first choice, was eventually chosen to be the location of the Town’s 9th K-8 school.

1. The Baldwin School Site and Soule Recreation Area

The Baldwin School Site and the adjacent Soule Recreation Area are both contributing properties to the Chestnut Hill National Register District. The school was constructed in 1927 in the Georgian Revival style by the prominent Boston architectural firm of Kilham, Hopkins, and Greeley. The Augustus Soule Recreation Area was once the John G. Wright estate, originally landscaped by Frederick Law Olmsted, Sr. and his son, John Charles Olmsted. Two remaining estate buildings, the gatehouse and the carriage house (now the Soule Recreation Center) date from 1908 and 1897, respectively. Both were designed by Chapman and Frazer. Vestiges of the mansion, also designed by Chapman and Frazer in 1897, and walls from the estate can be found on the property.

The Baldwin School site was described in the RFQ for the 2016 site selection study as follows:

The Baldwin School is a small facility on a 2.7-acre parcel on Heath Street in South Brookline adjacent to Soule Recreation Center, a 9.6 acre Park and Recreation facility. Baldwin currently houses a staff day care center and Winthrop House, which is a substantially separate program of Brookline High School. New school use would require extensive coordination and collaboration with the Parks and Recreation Commission and Department.

The Town’s website (<http://www.brooklinema.gov/Facilities/Facility/Details/Baldwin-School-Playground-11>) includes additional information:

This park, associated with Baldwin School, shares one entrance and a parking lot with the Soule Recreation Center. The property is defined by its rolling topography, mature oaks over expansive lawn, and considerable variation between highest and lowest elevation. The playground includes 2 fenced tot lots, sand boxes, and swings.

Category: School Playground

Size: 1.25 acres

Protection: Article 97, NR, SR

Manager: Brookline DPW, Parks and Open Space Division

Location: Heath Street

Precinct: 15

Inventory Date: October 26, 2004, revised February 1, 2005

Vicinity: Abuts Soule Recreation Center at the back of Baldwin School

The Town's website (<http://www.brooklinema.gov/Facilities/Facility/Details/Soule-Recreation-Center-105>) includes the following information about the Soule Recreation Center:

The site has a wooded area, a specimen beech tree (which played a deciding role in the location of the rear soccer field), an isolated land area subject to flooding, and an interesting geological history. In addition to puddingstone and other rock outcroppings, the soil content is unique with 11 feet of peat found in one of the fields. Robinson Field, located near the site of the original main house, has 1 soccer field. The property also houses the newly renovated Environmental Education Center. The center has seasonal public restrooms and holds environmental education programs, including our summer and school vacation nature camps. The entire recreation area includes 2 soccer fields, tennis courts, expanded play equipment for both toddlers and school age children, and a splash pad water play area.

In 1961, the town bought this property for recreational purposes. The main house burned in 1963. The carriage house continues to be used as the Soule Recreation Center. The Baldwin School playground is contiguous with the recreation area. The area was renovated in 1995 - 1996 with Urban Self-Help State funds. A design review process began in 2005 to replace the play equipment. In 2007, construction was completed on the new equipment, providing exciting new play opportunities for all ages, as well as a new water play area. In 2011, there was a complete renovation of Lower Soule Field, including the installation of a new synthetic turf soccer field, improved drainage, a new handicap accessible entrance plaza, seating areas, improved site plantings, and replacement of sidewalks and fencing. This renovation was thanks to a generous donation by the Brookline Soccer Club.

Size: 9.49 acres

Protection: Article 97, NR, SR, LHD

Precinct: 15

Inventory Date: October 26, 2004, revised May 1, 2011

Vicinity: Surrounded by Hammond, Heath and Woodland Streets and wooded area

2. Feasibility Study Process: October 2016 – Present

Since JLA had been the consultant for the Site Selection Study, it was able to immediately build upon its earlier investigation and preliminary analysis of the Baldwin site. In these efforts, the consultant was guided and advised by an appointed 15-member 9th SBC made up of a member of the School Committee, Board of Selectmen, Building Commission and Advisory Committee, as well as Town and School staff members and neighborhood and Heath School community representatives. Town Boards and Commissions have also been involved in the study process.

According to the Town's website, the 9th SBC's charge was to "advise and support the Building Commission, Board of Selectmen and School Committee in connection with their authority and responsibilities for the construction and alteration of town buildings and structures under Article 3.7 of the General By-Laws of the Town of Brookline." The 9th SBC was also to "be the main body responsible for engaging and informing the public on the project" and "be concerned with all aspects of the project including budget, schedule, safety, public relations, coordination of town agencies, logistics, and contract compliance."

To date the Committee has met eight times and has sponsored two community meetings and one "open house" during which members of the public have been able to express their views and concerns on various aspects of the project, including traffic, and have been able to ask questions of JLA and the Committee. The 9th School project has also been discussed at meetings of the School Committee, School Capital subcommittee, Building Commission, Advisory Committee, and Park and Recreation Commission and has been the subject of public hearings held by the Park and Recreation Commission, Preservation Commission, and Capital subcommittee of the Advisory Committee.

Starting with the assignment of designing both a 4-section, approximately 155,000 square foot K-8 school for 800 students and a 3-section, approximately 135,000 square foot K-8 school for 600 students, JLA developed five conceptual massing options, which were narrowed down to three options in early January. At the end of January, a draft of the 9th Elementary School Education Program was released, and by mid-February, the School Committee voted to approve a space plan for the 9th School that would include a three-section school assigned geographically totaling 27 K-8 classrooms, with three additional classrooms for BEEP/early education (45-51 students), three additional classrooms for district-wide special education classes (25-35 students), and additional space for a town-wide ELL program (40-50 students), which would be the equivalent of three classrooms. (The March 29, 2017 announcement of a gift of a Early Childhood Center to the Brookline Public Schools has raised the question in the minds of some as to whether three BEEP classrooms will still be part of the 9th School or whether that space will be used for other purposes.)

Also in mid-February, Vanasse and Associates, Inc. (VAI), JLA's transportation consultant, gave a summary of its Transportation Impact Assessment of the proposed school to the 9th SBC. A 63-page draft report followed in which VAI identified and analyzed existing and future traffic conditions with and without the proposed school and recommended access requirements and off-site improvements to create a safe environment for students and staff and "traffic conditions maintained at manageable levels." The report assumed an 800-student elementary school that would operate on Monday-Thursday from 8:00 a.m. to 2:30 p.m. and on Friday from 8:00 a.m. to 1:40 pm. It also assumed 125 staff members, 130 onsite parking spaces, no staff use of public transportation, 25 METCO students arriving by bus, 50 students walking, 200 resident students arriving in buses or vans, and 1.45 students per car arriving at and leaving school via

private car. VAI's report was subsequently reviewed by a privately engaged transportation consultant, VHB, which asserted that the VAI's conclusions were not backed up with sufficient data and that more research was needed.

VAI's initial assumptions were later changed to 645 students, 100-110 staff members and 114-116 onsite parking spaces, with 106 spaces in the upper lot.

"Option D," with a modification to the orientation of the gym wing along the Baldwin/Soule boundary, was selected as the preferred design by the 9th SBC. It does not retain any of the existing Baldwin School and, like all the other proposed designs, has an impact on the Soule Recreation Area, particularly in the enlargement of the existing parking area off Heath Street with the removal of puddingstone ledge, the widening of the driveway off Heath to accommodate three lanes of traffic, a "spur" off Woodland Road leading to the parking area, and the demolition of the existing gym and environmental classroom. The current cost estimate is \$83,454,000, with an additional \$1,257,000 for sidewalk "remediation."

DISCUSSION

The proposal to build the Town's 9th elementary school on the Baldwin site is not without controversy. At each of the two public hearings held by the Capital subcommittee and at other meetings and public hearings, members of the public stated that the site is inappropriate and unworkable, noting that it is not in the heart of or even close to primary areas of student population growth. Opponents believe that the Town is creating a de facto commuter school that will deprive its families of the benefits of a walkable neighborhood school, a long-held and cherished tradition in Brookline. One member of the public quoted from a 2015 "Yes in South Brookline" petition that advocated for the 9th school be built in South Brookline (not Chestnut Hill) to avoid having to drive or bus South Brookline children from their homes. "Neighborhood schools are not just about convenience, they're about community connection. Neighborhood schools allow students and families to join activities and access resources."

Other objections expressed by the public fall into two main categories: traffic and loss of greenspace. The 9th SBC, Park and Recreation Commission, and JLA continue to wrestle with these issues.

1. Traffic

Members of the public are concerned about the impact on existing traffic, particularly during the early morning, in the Hammond/Heath area, and about the back-ups that could occur as far south as Horace James Circle and West Roxbury Parkway, both managed by the Department of Conservation and Recreation, as well as Lagrange Street. They question the lack of onsite parking for the school, particular for school-wide/special events, and voice concerns about cut-through traffic on side streets and parking on narrow neighborhood streets, such as Woodland Road and Heath Street.

There are also those who worry about the fuel that will be wasted while vehicles are stopped in traffic approaching the school site and the environmental impact of idling cars, buses, and other vehicles. Finally, residents have pointed out that Baldwin's traffic implications were considered

to be very disadvantageous during the site selection study, but the same traffic consultant later determined that they would be “manageable,” making it difficult to reconcile the two positions.

It should be mentioned that members of the 9th SBC as well as the Advisory Committee have asked about redistricting plans in order to determine whether the traffic consultant’s assumptions about modes of transportation to get to the site are realistic. That information has not yet been provided.

It should also be mentioned that a small committee of the 9th SBC have analyzed the traffic issues and offer the following comments:

A dynamic traffic simulation of the VAI study data of the school peak traffic hours shows that there are modest tailbacks at the Woodland/Heath and Hammond/Heath intersections during the 7:15-8:15 peak period. The new design of the parking lot drop-off has greatly increased the internal queuing capacity which prevents major tailbacks into Heath or Woodland from occurring. Also, the [recommended] retiming of the Heath/Hammond intersection traffic signal, as well as the addition of a Woodland/Hammond St intersection traffic signal [will] make traffic flow more even and much less prone to lengthy queues. Horace James Circle remains the major traffic bottleneck to which the school traffic adds. The main challenge of the modeled traffic simulation is the length of time taken to get all 250+ student carrying vehicles into school by 8:00am. The model suggests that parents will need to start leaving 20-30 minutes prior to [the] leave times that might be experienced currently at Driscoll, say, where over 50% of the vehicles arrive 10 minutes before school starts.

2. Open Space

A second major category of objections to siting the school at Baldwin is the loss of greenspace, the compromising of the only public park for the neighborhood, and the loss of public access to Soule’s fields and other recreational spaces during school hours. A December 14, 2015 letter from the Park and Recreation Commission to Selectmen Chair Neil Wishinsky and School Committee Chair Susan Wolf Ditkoff states: “As the demand for school space increases so too does the need for parks and open spaces for every age and ability. Overburdened playgrounds and parks have created conflicts among users including Day Care use regulated by law, our model Green Dog program, passive recreation, sports programming and several therapeutic and educational programs sponsored by the Recreation department.”

Related to the loss of public access is the concern of some with the installation of artificial turf on the enlarged upper field and the elimination of its Green Dog Park status. The parking area, enlarged and redesigned to accommodate 106 vehicles, as well as added road and walkways and loss of ledge, puddingstone outcroppings and mature trees are all viewed as the sacrifice of greenspace to build the school.

3. Responses

In response, Baldwin advocates have asserted that none of the three sites were without opponents or criticisms. However, they view a new state-of-the-art school as a significant asset

to the immediate area and believe that, over time, more students will be walking to this school as more families with school-age children move into the houses now owned by older residents. Also related to traffic concerns, they note that residential neighborhoods around the other schools in Town also have to deal with traffic issues as well as on-street parking by school staff. Baldwin advocates further point out that the Soule Recreation Area stands to benefit from approximately \$7 million worth of benefits, including an enlarged, regulation size soccer field that can be converted into three smaller fields; additional parking for park users, a new gymnasium and environmental classroom that will be shared with the school, multi-generational walkways, and two new picnic shelters. Furthermore, the existing roadway extending from the upper parking lot to Hammond Street will be eliminated. (NB: A closer look at the cost estimates, prepared by Daedalus, as presented in the Preferred Schematic Report shows that a considerable portion of the \$7 million will be spent on such work as rock excavation-\$1,125,000; new parking and drop-off \$1,032,577; and site prep/selective demo \$1,620,000.)

Regarding making the redistricting plan available to the public now, school officials point out that redistricting is a complex process that typically takes 18 months to two years in order to include a robust public process. They state that it is particularly complex in the case of an elementary school because of the need to make sure of the locations of the homes in which the 1-3 year olds are living, the need to account for conversations with families to query where their children will go, and “the need to plan for welcoming and saying good-bye transitions.”

Finally, School officials note that the results of not building a ninth school include a shortage of 27 – 30 classrooms across the district and increased class size with an average and range of students per class of 24 and 18-30, respectively, by 2020-21. Additionally, short-term, expensive solutions to meet the growing demand for classrooms, such as modulars and rented space, would have to be pursued, and School Committee policies might need to change.

4. Legal Challenges

An April 3, 2017 letter from attorney Stephen Wald, whose firm is acting jointly with others to represent a group of Brookline citizens and taxpayers, was received by members of the Building Commission, 9th SBC, School Committee, Board of Selectmen, Advisory Committee, Parks and Recreation Commission, and Preservation Commission. Attorney Wald has asserted that the current site has “fatal flaws” and that numerous legal obligations on both the Baldwin and Soule sites and encumbrances arising from Article 97 of the State Constitution and previous state and federal grants, will subject the Town to multiple legal challenges. He further notes that the Town has neglected its own by-law (Section 3.7.2) in pursuing the construction of the school.

Attorney Wald attended the second public hearing and distributed copies of the Department of Energy and Environmental Affairs Article 97 Land Disposition Policy; an October 25, 1995 letter to the Town from the Executive Office of Environmental Affairs confirming the \$420,000 Urban Self-Help grant from the Commonwealth; correspondence from Brookline citizens and their counsel regarding the need for a Redistricting Plan before proceeding with the 9th School; Memorandum from Erin Gallentine to Ray Masak, dated March 27, 2017 regarding the Land and Water Conservation Fund and Article 97; a letter from the Park and Recreation Commission to Neil Wishinsky and Susan Ditzkoff, dated December 14, 2015 regarding the construction of any

school building on public parkland; and a memo from Joslin Murphy to Kara Brewton dated January 21, 2016, regarding Potential Ninth School Sites.

Attorney Dan Goldberg addressed the subcommittee, noting that he believes there is a misconception held by some that Article 97 involves “just a lot of paperwork”, and also arguing that the Soule conversion applies to the entire property. Land at Hancock Village would not qualify for a “swap.” He further asserted that as a matter of fairness and a healthy democracy that depends on informed voters, the School Department had an obligation to present a Redistricting Plan before any vote on the debt exclusion.

Attorney Robert McDonnell stated that although the school building itself may be designed and constructed in an environmentally sensitive manner, the project should be viewed holistically and should take into account the additional traffic that its siting will generate.

A motion was made and duly seconded to go into Executive Session with Town Counsel Joslin Murphy for the purposes of discussing strategy with respect to possible litigation regarding the 9th School at Baldwin. The motion was unanimously approved by a roll call vote (Friedman, Levitan, Lodish, and Benka.) In Executive Session the subcommittee discussed a number of legal issues that have been raised relating to the 9th School at Baldwin project. At the end of the Executive Session, by unanimous roll call vote, the subcommittee voted to adjourn and reconvene the public meeting.

REMAINING QUESTIONS

Because the Feasibility Study has not been completed, it is difficult to know how many of the questions raised by members of the public, the 9th SBC, the Advisory Committee, and others will be answered by that study and how many are likely to be answered by the refining existing designs, undertaking further design work, and requiring additional consultant studies, all of which could be part of the Schematic Design process.

Some of the currently outstanding questions include:

Costs

- What are the projected operating costs of the facility (maintenance, utilities, cleaning) and outside spaces (landscape maintenance, snow removal)?
- What is the projected cost of the preparations and planning time required to open the school?
- What is the projected operating cost of the 9th School (staff, programs, materials, supplies)?
- What is the life-cycle cost of the building?
- What are the ancillary costs of siting the school in this location, including additional staff time to monitor morning traffic, police/crossing guards, improvements to the surrounding area (sidewalks, bicycle lanes, crosswalk at Heath and Hammond, traffic control devices, sidewalk snow removal, etc.)?

Site

- How much ledge will to be removed?
- How much of the upper portion of the Soule site will be regraded?

- How many mature trees will be removed and how many are realistically expected to survive the disturbance of construction?
- What are the environmental consequences for the site and its abutting properties as well as other properties in the neighborhood of removing ledge (both above and below ground), removing substantial amounts of vegetation and replacing porous surfaces with hardscape and what is the potential cost of remediation?

Transportation

- What will the earliest bus pick-up time be in order for buses to arrive at the site by 7:40, as stated in the VAI Report.
- What will early arriving students do before school starts and what will be the additional cost of supervising them?
- How many buses and/or vans will be needed to transport students to the site and what will be their annual cost? (Will the School Committee's busing policy be changed to reduce costs?)
- How will the safety of the children who walk to the school be ensured and what will these measures cost?
- Will idling cars waiting in traffic be taken into account when determining the carbon footprint of this project?
- When will the Transportation Management Plan referred to in the VAI Report be available?
- Have the Brookline Police and Fire Departments been asked to comment on the plans for the school, specifically regarding emergency response time?

Shared Facilities

- How will the recreational facilities at Soule be used during school hours?
- How will time in the gym and environmental classroom be allocated between the Recreation Department's programs and School programs?
- How will parking spaces in the upper lot be allocated during the school day? (NB – a proposal regarding parking was received on April 26th and is attached to this report.)

Lawsuits/Regulatory Hurdles

- The Town decided to forego a possible partnership with the MSBA in order to fast-track this project. If the construction of the school were delayed by 4-5 years because of legal action, would that decision be reconsidered?
- How can voters be asked to vote on a debt exclusion question this December not knowing whether the project might be delayed by legal action or whether the plans will be outdated in terms of materials, pedagogy, types of learning spaces, or costs by the time the legal issues are resolved?
- If the school can't open by 2020-21, how long a delay will the Public Schools of Brookline be willing to tolerate?

Other

- Is the School Department willing to provide sometime in the near future information related to redistricting, i.e. which school districts and precincts are likely to be affected by the 9th School and to what extent?
- For which schools other than Baker will the 9th School relieve the pressure on class size?

RECOMMENDATION

By a vote of 4-0, the Capital Subcommittee, noting a pending court case that may influence how the Town proceeds in the anticipated Article 97 conversion process, recommends Favorable Action on the following motion: To defer the vote on \$1,500,000 for the schematic design services for the 9th School at Baldwin until the Fall Town Meeting.