

Subject: RE: [Newton Highlands] Crystal Lake Conservancy and the current work at Levingston Cove

April 29th, 2023

Dear Highlands community members and other interested parties,

I was recently made aware of a topic thread on the newtonhighlands@googlegroups.com listserv regarding the Levingston Cove project. I was able to read some of the commentary and wanted to take the opportunity to provide clarification on the project. Given the interest in the project, it's also a good opportunity to share an update on the ongoing developments at Levingston Cove.

Project background:

Levingston Cove is a City park with many stakeholders who have a heightened interest in the improvement work being done. We value and appreciate the partnership with the Crystal Lake Conservancy, just as we also value our partnership with the Friends of Crystal Lake, local and state agencies, and so many more folks in our community. In steering a project that will impact so many, with varying interests and ideas, it is important that the City weigh input for projects like Levingston Cove from everyone, and to coalesce on a project that best meets the needs of our entire community.

It is important to stress up front, that the project is being built per the design plan that was approved just over 2 years ago by the Conservation Commission and subsequently by MassDEP. These environmental permits were approved, issued to the City, and have been legally filed to the park's deed at South Middlesex Registry of Deeds. This extensive permitting process is necessary by Mass state law due to the project's adjacency to a Great Pond. The City then proceeded in finalizing the documents to shovel-ready very shortly after all permits were approved. This permitting approval process took over 9 months to be reviewed and stamped by Mass DEP. Once the permits were approved and filed with the with the Registry of Deeds, we have very little flexibility to change the design.

We made sure to keep the CLC, Friends of Crystal Lake, and other interested people apprised of developments throughout the design and permitting process. During the permitting process, the location of the platform needed to shift based on subsurface explorations signaling potential obstructions and to protect the nearby mature oak tree that would have been significantly impacted by the "Original" design that was proposed to the Parks and Recreation Commission. Trees are very important to our community, so we felt strongly about protecting them to the greatest extent possible. I also want to point out that the approved design by the Parks and Recreation Commission was done without a topographic survey. There was clear understanding that modifications to that approved plan might be necessary based on further studies and analysis from the full topographic survey and geotechnical explorations. This is similar to many of the other projects needing to go through these processes.

Project Construction Progress update:

We are working with a seasoned, professional contractor that is extremely qualified in construction within this type of sensitive environment and has done a great job to date in working with the City and our consultant. I do very much appreciate members of the CLC reaching out with interest in being involved in the boulder placement, however, the site is under legal care and custody of the contractor and resident entry into an active construction site is not permissible; there are safety and liability implications for both the contractor and the City. In

addition to The Friends of Crystal Lake keeping tabs on the project progress, I have been in contact with CLC leadership through the construction work.

The Department has staff regularly on site 2-3 times a day, depending on the type of work being conducted at the time but no less than once a day. I personally am onsite overseeing construction, and can confirm that:

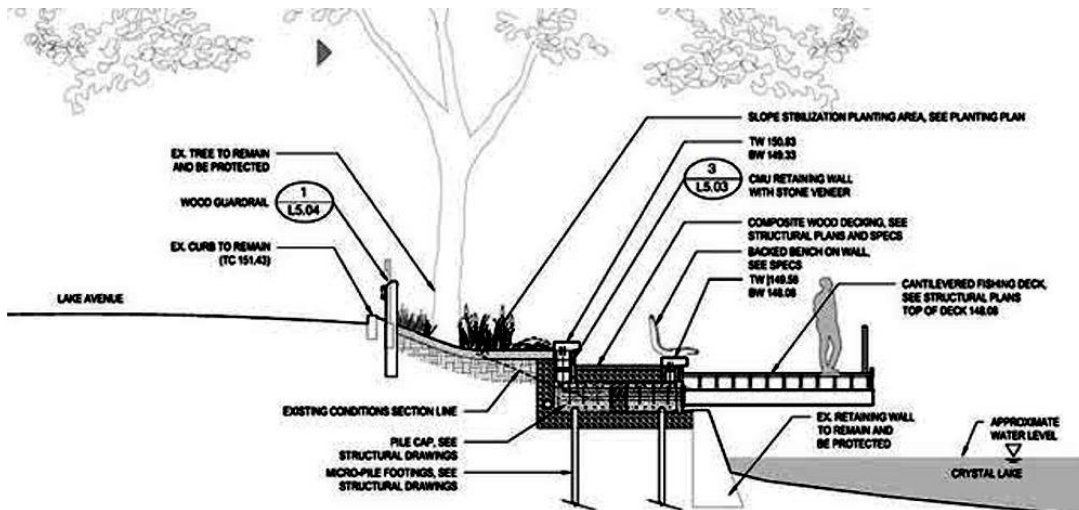
1. The elevation of the deck is being constructed per the plans submitted in the public construction bid. This is consistent with the plans presented to the CPC and to the Conservation Commission in the spring and fall of 2021. All interested community groups participated in this review process and discussions. At no point in the design approved by the Parks and Recreation Commission, CPC and Conservation Commission was there a fishing platform or deck that could be built to be 1-ft above the water level as it is not feasible at this site due to its elevation changes, ADA requirements, and overall protection of nearby sensitive wildlife habitats. The existing wall alone is approximately 4-ft above the water line and the platform was always envisioned to sit atop the existing wall to minimize impacts to the lakebed. Additionally, that section of the site has a dramatic elevation from Lake Ave down to the Lake with a few magnificent trees, including an American elm that were critical to protect.
2. The City had also communicated throughout the entire approval process in 2021 that the shoreline would be composed of stones set along the shoreline and would be sourced from those existing onsite. This design element was a direct result of comments from the CLC on a previous iteration of the project that showed river rocks at the shoreline. We agreed that an alternative to river stone made a lot of sense, thus the stone placement strategy emerged. The primary purpose of the stones along the shoreline was for fortification/erosion prevention, not for people to get into the water for swimming. Many folks who commented on the project design wanted more substantial modifications here to stop people from accessing the water. The boulders were a compromise design. We spoke to CLC leadership specifically about alternatives (to river stone) materials in a meeting during that time. At that meeting they requested that the boulders be represented as they were in the field. We did note that the boulders drawn in that area were an overall intent and that it is impractical and inefficient to expend design money and project schedule to draw stones exactly as they are in onsite. We also noted that it would be financially infeasible and unsustainable to source dimensional stone, when there were plenty of stones on site that could work for this purpose. The drawings also serve as a tally of stones onsite so that bidders have the best understanding of the scope and provide as accurate a price as possible. Below is a picture of the stones that were found and subsequently placed on the

shoreline.



Stones are natural, imperfect elements in the landscape but were set in such a way that folks could sit on them to fish or enjoy the vistas. These were also set in the ground so park guests can find their way down by stepping from one to the other without concern for the rocks shifting and causing imbalance. Though our intent was not to guide people into the water, we recognize that some may seek to use the area as an unsanctioned access point. Again, we are talking about natural stones that were found onsite and were installed per plans to the greatest extent practicable. Our hope is that people will enjoy these for seating and potentially navigating down to the water's edge. This portion of the project, comprising a stepped series of boulders with no handrail is not a walkway to the water. It does not meet, nor is it subject to ADA and MAAB (Massachusetts Architectural Access Board) requirements.

3. The fishing platform will indeed include an upper and lower walkway leading to the platform so that passersby can be separated from those fishing off the platform. I am not sure where concern about eliminating the tiered walkway/ramp came from but I can assure all that the pathway will be separate and elevated behind the platform. See below excerpt from the contract plans the contractor is following. The area shown behind the seat is the upper walkway, while the section in front is the fishing platform area:



As a point of reference, the water level is roughly 143'. The elevation of the wall upslope from the upper walkway will be set at almost 151', an approximate 8-ft difference. The actual deck itself will be set at approximately at the 148' elevation. This puts the platform at roughly 5-ft above average water levels. Below are photos of the "pile cap". This is the structural element that is carrying the weight of the platform on the landside. This structure is supported by 26-7" diameter micro-piles. What folks are seeing is the rebar needed to reinforce this element, along with serving as the anchors for the platform. That structural piece will not be visible in the finished product.



We are excited to be bringing so many park improvement projects forward, particularly the Levingston Cove project. We have communicated regularly that project updates will be provided at our website ([Parks + Open Space Projects](#)). We have communicated regularly with interested groups and individuals and encourage all to check the website for project updates periodically and to reach out to the Department with questions. I may not be able to respond immediately but will do my best to do so within a reasonable timeframe.

We very much appreciate the interest and support of all in protecting Levingston Cove and Crystal Lake from erosion, stormwater runoff, and other threats to wildlife. Along with this overarching goal, the focus to provide an enhanced park space that allows visitors of all abilities to enjoy many recreational activities that can occur in a safe and responsible manner.

Thanks,

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