



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

The Commonwealth of Massachusetts
Executive Office for Administration and Finance
Division of Capital Asset Management and Maintenance
One Ashburton Place

Boston, Massachusetts 02108

Tel: (617) 727-4050

Fax: (617) 727-5363

KRISTEN LEPORE
SECRETARY
ADMINISTRATION & FINANCE

CAROL W. GLADSTONE
COMMISSIONER

August 18, 2015

William F. Welch
Senate Clerk
State House, Room 335
Boston, MA 02133

Steven T. James
House Clerk
State House, Room 145
Boston, MA 02133

Re: Chapter 223 of the Acts of 2012, as amended by Section 92 of Chapter 287 of the Acts of 2014 (collectively, the "Act")

Gentlemen:

The Act (a copy of which is attached to this letter as Exhibit A) authorizes the Division of Capital Asset Management and Maintenance ("DCAMM"), in consultation with the Department of Recreation and Conservation ("DCR"), to lease Daly Field, located partly in the Brighton section of Boston and partly in Newton, to the Allston Brighton Friends of Daly Field, Inc. (the "Friends").

Section 1 of the Act states, in part:

The division of capital asset management and maintenance shall file a record of any proposed construction or repairs to any facilities with the clerks of the house and senate, who shall forward the same to the joint committee on state administration and regulatory oversight 60 days before the effective date of the proposed construction, repair, lease extension or any other agreement.

Pursuant to the Act, DCAMM, for itself and DCR, hereby submits to you the document, provided to DCR and DCAMM by the Friends and entitled "Daly Field Restoration/Record of Construction", attached to this letter as Exhibit B. We note that the description of the project

in the attached Record of Construction reflects the description included in various filings with, and reviewed by, the Executive Office of Energy and Environmental Affairs and its MEPA Office.

We request that you forward this letter, with its exhibits, to the Joint Committee on State Administration and Regulatory Oversight. A copy of this letter and the exhibits is enclosed for your convenience.

If you have any questions or desire any additional information, please do not hesitate to contact Martha McMahon, Deputy General Counsel at 857-204-1312.

Very truly yours,



Carol W. Gladstone
Commissioner

EXHIBIT A

CHAPTER 223 of the ACTS of 2012 AN ACT AUTHORIZING THE LEASE OF THE DALY FIELD COMPLEX LOCATED IN THE BRIGHTON SECTION OF THE CITY OF BOSTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other general or special law or rule or regulation to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may enter into a 20-year lease and a 1-time 10-year extension thereof with the Allston Brighton Friends of Daly Field, Inc., a nonprofit organization, for the fields and facilities, together with the land and appurtenances of the Daly Field complex which is located east of the Daly Memorial Rink and west of the public launching ramp parking lot on Nonantum road in the Brighton section of the city of Boston. The 1-time 10-year extension shall be granted if Simmons College makes a significant investment in the Daly Field complex within the final years of the lease, if necessary, as determined by the department of conservation and recreation.

The 20-year lease may provide for improvements to the fields and facilities, together with the land and appurtenances, and for a newly-constructed or repaired synthetic turf field, synthetic football field, running track, tennis courts, lighting for the entire parcel, bleacher seating for all fields, river access for crew and buildings, including press boxes, home and visitor locker rooms, ticket booths, storage, concessions and a path along the shore of the Charles River extending from west of Daly Memorial Rink to the public access path at Community Rowing, Inc. immediately east of the Daly Field complex, subject to the terms of leases on abutting properties. The department of conservation and recreation shall maintain this path. The department of conservation and recreation and the board of directors of the Allston Brighton Friends of Daly Field, Inc. may enter into an agreement with Simmons College authorizing Simmons College to manage and oversee the construction, refurbishment, repair and improvement to the fields and facilities of the Daly Field complex.

The 20-year lease and the 10-year extension and other agreements executed under this section shall be on terms, conditions and consideration acceptable to the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation; provided, however, that the 20-year lease and the 10-year extension and other agreements shall provide that: (i) the Allston Brighton Friends of Daly Field, Inc. shall provide general oversight for land, facilities, fields and appurtenances associated therewith during the term of the 20-year lease and the 1-time 10-year extension; (ii) the Allston Brighton Friends of Daly Field, Inc. shall carry comprehensive general liability insurance naming the commonwealth as a co-insured, protecting the commonwealth against all claims for personal injury or property damage arising from or on land and appurtenances associated therewith during the term of the lease; provided, however, that Simmons College shall be responsible for all costs and expenses

associated with carrying comprehensive general liability insurance; (iii) the Daly Field complex shall be accessible to the general public when not in use by permittees; (iv) the lessee shall be responsible for outreach and stewardship; (v) the Allston Brighton Friends of Daly Field, Inc., or Simmons College, under section 5, shall not design or construct any facilities on the parcel without the written approval of the commissioner of capital asset management and maintenance and the commissioner of conservation and recreation; (vi) Simmons College shall be responsible for all utility costs, subject to the 20-year lease and the 10-year extension, and for the general day-to-day maintenance of the Daly Field complex; and (vii) Simmons College shall install and maintain the synthetic surface on the field.

The 20-year lease and the 1-time 10-year lease extension shall be reviewed by the inspector general for comment and recommendation. The division of capital asset management and maintenance shall file a record of any proposed construction or repairs to any facilities with the clerks of the house and senate, who shall forward the same to the joint committee on state administration and regulatory oversight 60 days before the effective date of the proposed construction, repair, lease extension or any other agreement.

Before entering into the 20-year lease, the 1-time 10-year extension or other agreement under this act, the commissioner of capital asset management and maintenance shall, in consultation with the commissioner of conservation and recreation, determine the exact boundaries of the Daly Field complex after completion of a survey.

SECTION 2. The Allston Brighton Friends of Daly Field, Inc. shall use the property solely for community, high school and collegiate athletic events, including tennis, football, softball, soccer, rugby, running, field hockey, lacrosse, crew, and any other athletic events as determined by the board of directors of Allston Brighton Friends of Daly Field, Inc., subject to the terms of the lease negotiated under section 1. The property shall remain open to the public at times when the Daly Field complex is not permitted by the department of conservation and recreation under section 3.

SECTION 3. Except as hereinafter provided, the department of conservation and recreation shall determine, schedule and permit the use of the fields, facilities, land and appurtenances of the Daly Field complex, according to regulations promulgated by the department. The department of conservation and recreation shall ensure fair and reasonable use of the fields, facilities, land and appurtenances for practice and games based upon the needs of Simmons College, Brighton High School football, the Allston-Brighton Little League, Inc., public schools and youth sports leagues from the Allston, Brighton and abutting communities and the general public. The department shall permit the following reserved field needs: (i) Simmons College practice and game time on the full Daly Field complex Monday to Friday, inclusive, from 5:30 P.M. to 9:30 P.M. from March to May, inclusive and mid-August to November, inclusive; provided, however, that Brighton High School football shall have reserved field time Monday to Friday from 2:30 P.M. to 5:30 P.M. and on Friday evenings from mid-August to November, inclusive; (ii) Allston-Brighton Little League practice and game time Monday to Friday, inclusive, from 5:30 to 8:30 P.M. from May to July, inclusive; (iii) Simmons College, the Allston Brighton

neighborhood and abutting communities and the general public on each Saturday; and (iv) Allston, Brighton and abutting communities and the general public on each Sunday. Any reserved times contained herein shall not be changed without the approval of the entity having the benefit of the reservation. Parties with reserved times shall notify the department of changes in usage or non-usage to maximize public use of the field or Daly Field complex. The department of conservation and recreation shall make every reasonable effort to permit use by the general public during the reserved times if the field or the Daly Field complex are not being used by the above named parties. During all times when the department of conservation and recreation does not permit usage of the field or the Daly Field complex, the field and Daly Field complex shall remain open and accessible for informal recreational use by the general public. The Allston Brighton Friends of Daly Field, Inc. and the department may review reserved times at board meetings or otherwise to maximize field use. All remaining practice and game times shall be determined by the department, in consultation with the Allston Brighton Friends of Daly Field, Inc. The department of conservation and recreation shall issue a report on the usage of the Daly Field complex and shall biannually file the report with the Allston Brighton Friends of Daly Field, Inc., the clerks of the house of representatives and senate and the clerks of abutting communities on or before January 1 and July 1. Brighton High School football, Allston-Brighton Little League, Inc., and public schools and youth sports leagues from the Allston Brighton neighborhood and abutting communities shall not be responsible for any operating or use permit costs associated with the Daly Field complex. For the purposes of this section, "abutting communities" shall also include, but not be limited to, the city known as the town of Watertown.

SECTION 4. Pursuant to any agreement executed under section 1, Simmons College shall be responsible for all costs and expenses, including costs associated with engineering, surveys, appraisals and lease preparation related to the 20-year lease, the 1-time 10-year extension or any other agreements under this act.

SECTION 5. Simmons College shall be responsible for all costs and expenses associated with any engineering, surveys, appraisals, construction, refurbishment, repair and improvements to the Daly Field complex; provided, however, that Simmons College shall expend approximately \$5,000,000 on the construction, refurbishment, repair and improvements. In no event shall the commonwealth be required to contribute to any of those costs. The construction, refurbishment, repair and improvements of the fields, facilities, land and appurtenances shall, where applicable, meet National Collegiate Athletic Association rules, regulations and standards. The department of conservation and recreation shall have approval authority over the construction, refurbishment, repair and improvements to the Daly Field complex and the Charles River path described in section 1 to ensure that Simmons College satisfies the requirements of this act.

SECTION 6. Simmons College, in consultation with the department of conservation and recreation, shall conduct a traffic and parking study at the Daly Field complex and shall report its findings to the department of conservation and recreation prior to entry into the lease under section 1, and the department shall forward those findings to the clerks of the senate and

house of representatives who shall have 30 days thereafter to comment to the department of conservation and recreation.

SECTION 7. The board of trustees of Simmons College shall contribute \$500,000 to the department of conservation and recreation for the sole purpose of funding a portion of the Watertown Riverfront Park Restoration Project along Charles River road in the city known as the town of Watertown, which shall be paid as follows: (i) \$250,000 at the time of execution of the 20-year lease authorized in section 1 between the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, Allston Brighton Friends of Daly Field, Inc. and (ii) \$250,000 upon issuance of the permits required to proceed with construction.

SECTION 8. Notwithstanding any general or special law or rule or regulation to the contrary, any agreements authorized in this act relating to the advertising, bidding or awarding of contracts, the procurement of services or to the construction and design of improvements shall not be applicable to Allston Brighton Friends of Daly Field, Inc.

SECTION 9. If the land, facilities, fields and appurtenances comprising the Daly Field complex shall cease to be used by the Allston Brighton Friends of Daly Field, Inc. for the purposes and in the manner described in this act or if the Allston Brighton Friends of Daly Field, Inc. ceases to be the lessee at any time before July 31, 2043, the Daly Field complex shall revert to the commonwealth upon such terms and conditions as the commissioner of capital asset management and maintenance may determine, and shall be assigned to the care, custody and control of the department of conservation and recreation. Should the Daly Field complex revert to the commonwealth, any further disposition thereof shall be subject to sections 40E to 40I, inclusive, of chapter 7 of the General Laws.

SECTION 9A. To ensure a no-net-loss of lands protected for conservation and recreation purposes and as a condition of the leasehold interests authorized in this act, the grantee shall compensate the commonwealth through the payment of funds or the transfer of land or a conservation restriction upon land to the department of conservation and recreation, which shall be equal to or greater than the full and fair market value of its leasehold interest under this act as determined by independent appraisal prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation. Any land or interest in land, including any conservation restriction, shall be acceptable to the department of conservation and recreation. The appraisal shall include an examination of the value of the physical capital improvements to be constructed by Simmons College, the relative value associated with the exclusive private use of the improvements by Simmons College and the relative value associated with use of the improvements by the general public to be scheduled by the department of conservation and recreation. In determining the funds due to ensure a no-net-loss of protected land for conservation and recreation purposes, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may

determine a credit on account of the relative value associated with the public use of the improvements and shall provide a credit for the \$500,000 contributed to the department of conservation and recreation under section 7. Any sums due under this section shall be paid by the grantee to the department of conservation and recreation for deposit into the Conservation Trust, established in section 1 of chapter 132A of the General Laws, to be used to acquire land or interests in land for conservation and recreation purposes. In no event shall any funds be due from the department of conservation and recreation.

SECTION 9B. The commissioner of capital asset management and maintenance shall submit any appraisals completed under section 9A to the inspector general for review and comment. The inspector general shall review and approve the appraisals and the review shall include an examination of the methodology utilized for the appraisals. The inspector general shall prepare a report of such review and file the report with the commissioner of capital asset management and maintenance for submission by the commissioner to the house and senate committees on ways and means and the senate and house chairs of the joint committee on state administration and regulatory oversight. The commissioner shall submit copies of the appraisals and the inspector general's review and approval and comments to the house and senate committees on ways and means and the senate and house chairs of the joint committee on state administration and regulatory oversight at least 15 days before the execution of any documents effecting the lease or other agreements described in section 1.

SECTION 10. This act shall expire on July 31, 2043; provided, however if no lease is entered into with the Allston Brighton Friends of Daly Field, Inc., under section 1 by December 31, 2014, this act shall expire on December 31, 2014.

Section 92 of Chapter 287 of the Acts of 2014

SECTION 92. Section 10 of chapter 223 of the acts of 2012 is hereby amended by striking out the figure "2014", each time it appears, and inserting in place thereof the following figure:- 2016.

EXHIBIT B

1.1 PROJECT DESCRIPTION

The Project involves the renovation of the existing athletic fields, replacement of an existing service building with one of a slightly increased size, and construction of new tennis courts as well as a field hockey field, new sports lighting systems, and spectator seating. The athletic field complex will continue to be available for public and community use. Under the provisions of Chapter 223 of the Acts of 2012 (an Act Authorizing the Lease of the Daly Field Complex located in the Brighton Section of the City of Boston, or, the "Legislation"), the Massachusetts Division of Capital Asset Management and Maintenance ("DCAMM") may lease the complex to the Friends of Daly Field, Inc. for a twenty year period, provided that at least \$5 million in capital improvements are made. A provision is made for the lease to be extended for ten additional years if the Friends of Daly Field makes a significant investment in the complex in the final years of the lease. The legislation authorizes the Department of Conservation and Recreation ("DCR") (which will be responsible for all scheduling activities) to allow limited prescribed uses of the field for Brighton High School, Allston Brighton Little League, and Simmons College during certain specific time periods, but DCR shall manage the complex and allocate field times for public use through their system-wide field permit process. In addition, the general public, including but not limited to members of the Allston/Brighton and surrounding communities, will have free and unconstrained use of those outdoor facilities and access to other amenities at times when they are not scheduled by DCR permits or prescribed by the legislation.

The Friends of Daly Field proposes to restore and improve the existing athletic fields on the project Site. The existing baseball and football fields are in poor condition, are poorly drained, and create sediment runoff into the Charles River. Spectator seating serving the football field has fallen into disrepair and had been removed decades ago, and stadium lighting is no longer adequately servicing the football field. The existing 2,600 sf service building is in very poor condition, is closed to the public, and provides no supporting amenities. Constructed in the mid-1960s, Daly Field served the community with football and softball fields until the late 1980s when the fields and service building had deteriorated substantially.

Over the past few decades, the Commonwealth has been challenged to maintain the many publicly-owned recreation areas under its care. While the fields are currently used for some athletic activities, Brighton High School and other organized youth sports leagues have not been able to use the fields or the service building for decades.

The Project will replace the existing compacted and excessively worn natural grass football field with a state-of-the-art synthetic turf multi-use field. The field will be designed to Massachusetts Interscholastic Athletic Association (MIAA) standards for high school football and National Collegiate Athletic Association (NCAA) Division III standards for collegiate soccer and lacrosse games. The existing softball field will be replaced with a NCAA-compliant softball diamond with clay infield and synthetic turf outfield. The outfield will serve a dual use as an NCAA-compliant field hockey field. Six fenced tennis courts and up to three scoreboards will be constructed as well. A new service building of

approximately 3,200 sf will provide team locker rooms, storage rooms, concession area, and new restrooms that will be open to the public at no charge. Access to the Project will be via existing curb openings on Nonantum Road. Parking for events and other activities at Daly Field will be accommodated at shared parking locations on either side of the Site at the CRI boathouse and Daly Memorial Rink. The facility will be open for public use seven days a week.

The Project will substantially improve public access to and enjoyment of the Charles River experience. A decaying service road along the edge of the river will be upgraded to a new pedestrian walking path that stretches along the river, linking the public pathway behind CRI with the riverside of Daly Memorial Rink.

A stormwater management system has been designed for the site that includes recharging the stormwater into area detention/infiltration system under the primarily synthetic turf athletic fields. The rate of stormwater runoff from the Site will be reduced, and the quality of the runoff from the Site will be improved over existing conditions. Water use over conventional natural grass athletic fields will be greatly reduced. Since irrigation is not required for synthetic turf, as much as 1,000,000 gallons of irrigation water per field will be saved annually when compared with water requirements for natural grass turf.