
Open Space Plan 2008-2012

Section 5

**Inventory of Lands
of Conservation &
Recreation Interest
(Open Space
Inventory)**

Open Space Inventory

SECTION 5: INVENTORY OF LANDS OF CONSERVATION AND RECREATION INTEREST (OPEN SPACE INVENTORY)

OPEN SPACE PROTECTION

Boston's open spaces are a system that includes parks, urban wilds, community gardens, and cemeteries. This system provides more than 7000 acres of public and private open space (see Open Space map). These open spaces provide both active and passive recreation, scenic enjoyment, and a sense of well-being and community pride. They provide relief from the densely confined aspects of the urban environment. However, the vital role of open space in urban areas is not to be taken for granted. Development pressures threaten many open spaces at some point. Consequently, people will consider issues such as the ownership of open space parcels and the degree of protection.

Ownership

Ownership is just one aspect of the system of open space protection, but certainly a key one, as certain owners have a major institutional mission to protect and maintain open space. The largest holder of property in Boston is the Parks and Recreation Department (BPRD). The Parks and Recreation Department has jurisdiction and management of a majority of Boston's parks, playgrounds, squares, malls, and cemeteries. The Parks Department also holds a limited number of urban wilds and community gardens.

Other owners of open space land include city agencies, state agencies, non-profit organizations, individuals, private entities, and institutions. The Boston Conservation Commission (BCC) has jurisdiction over a number of urban wilds and natural areas, while the state Department of Conservation and Recreation (DCR) owns and maintains a variety of parks, parkways, playgrounds, beaches, natural areas, and urban wilds in Boston. Private owners of open space include conservation organizations such as the Boston Natural Areas Network (BNAN), the Massachusetts Audubon Society (MAS), and the South End/Lower Roxbury Open Space Land Trust (SE/LROSLT). These non-profit organizations have sizable holdings of community gardens and urban wilds. Additional

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owners of open space include educational and religious institutions and private business organizations.

One of the tables in this section lists the protected open spaces by neighborhood for all of Boston. Also in this section are tables showing the inventories for private open spaces, for public unprotected spaces, and for land trusts.

Protection: A Matter of Degree

The term “protection” generally refers to the ease with which an open space property can be converted from an open space use to a non-open space use. Some properties have permanent (“in perpetuity”) restrictions on development. Others have lesser degrees of protection, while several have no restriction other than the limits imposed by the owner’s own intentions or means.

For the purposes of this Open Space Plan, properties in Boston deemed protected in the open space inventory include all publicly owned lands under the jurisdiction of the National Park Service, Department of Conservation and Recreation, Boston Parks and Recreation Department, and Boston Conservation Commission. It also includes such other properties held by government agencies that are restricted by deed or statute to “conservation” purposes.¹ The total number of acres of protected open space in Boston (2001) is 4685; without the protected Harbor Islands -- that is, considering only mainland protected open spaces -- the figure drops to 4404 (see tables below).

Article 97 is the major reason such public land held for conservation purposes is considered protected (see description below, under the heading, “Types of Protection”). This state constitutional amendment has required an onerous process for the conversion of such lands to non-conservation purposes.

Some of these lands are further protected by state and federal requirements as part of accepting grant assistance for the purchase of or development/redevelopment of these properties if they were the subject of a grant award. These grant programs are the federal Land and Water Conservation Fund (LWCF), the federal Urban Park and Recreation Recovery Program (UPARR), and the state Self-Help (SH) and Urban Self-Help (USH) Programs. The requirement accepted as part of receiving the grant assistance is that land of equal or greater monetary value and equal or greater conservation (including recreation) utility must replace the land to be converted that was the subject of a grant award. This provides a more stringent degree of protection beyond Article 97 (in almost

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all cases, lands covered by this more stringent grant requirement are or will be subject to protection under Article 97).

The Massachusetts Preservation Projects Fund, administered by the Massachusetts Historical Commission, also contains requirements for grant-funded projects to maintain their historical integrity after completion of the project. For historic parks or open spaces associated with historic properties, this can also be a means of protection.

Lands held by a non-profit land trust that have a specific deed restriction or lands held by a trust whose charter prevents development of such lands contrary to its conservation purpose are another category of protected lands. (Please see below the discussion on conservation land trusts.) Other private lands where the deed is permanently restricted by a conservation easement or restriction, an agricultural preservation restriction, an historic restriction, or a wetlands restriction are also considered protected.

Types of Protection

Open space can be protected in a variety of ways and to different levels. Whether owned publicly or privately, limitations on the use of the “bundle” of ownership rights may either be self-imposed or externally imposed, permanent or temporary, revocable or irrevocable. The different methods of protecting open space in Boston include Article 97, zoning, historical designation, environmental regulations, conservation restrictions, conservation land trusts, and the “100-foot rule.”

Article 97 is an amendment to the Massachusetts Constitution that was passed in 1972. This provision prevents publicly-owned lands held for park, recreation, and conservation purposes from being used or disposed of for other purposes without a majority vote of the Parks or Conservation Commissions and the City Council, the approval of the Mayor, and a two-thirds vote of both houses of the State Legislature.

Open space zoning can provide an additional level of protection to lands protected only by Article 97. The City of Boston Zoning Ordinances include zoning for open spaces. Open space zoning prohibits or limits to varying degrees the development of open space lands. The protection of open space zoning has limitations, as zoning is subject to change, and variances and special permits may be granted thereby allowing development or alternative use of open space lands which may not be in accord with the goals of, or

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intentions for, the open space. (Also many protected open spaces are not yet zoned as open space districts or sub-districts. Please see the map titled Aggregated Zoning of Open Spaces.) It is important to note that many, if not most, of the city's privately-owned open spaces are not zoned for open space use, but rather for residential, industrial, institutional, or commercial use, and are therefore not protected by zoning. Private owners who desire to do so may have their property zoned for open space.

Federal, state, and local laws provide for designation of certain parcels, structures, or districts as "historic" or "architectural." As such, these laws require review by designated deliberative bodies or agencies, such as the Boston Landmarks Commission and the Massachusetts Historical Commission. Such review is meant to assure that the proposed project will at a minimum limit damage to the historical, architectural, or cultural artifacts or values of the subject property or properties.

Many of Boston's parks have *historical designation status* – either on the National Register of Historic Places, or as outright designated Landmarks. Several of these that have received historical designation are part of the Emerald Necklace park system. Given the number and significance of these and other parks of historical designation, the Parks and Recreation Department has a staff specifically charged with restoration and protection of these parks. This further insures protection of these open spaces that help define Boston's character and quality of life.

The environmental laws at the federal, state, and local level provide an array of protection for various types of environmental resources, including open spaces. The *National Environmental Policy Act (NEPA)* and the *Massachusetts Environmental Policy Act (MEPA)* provide procedures for public review of projects or policies of a magnitude that may possibly result in significant adverse effects on the environment. The MEPA procedure specifically calls for review of projects that may convert lands protected by Article 97, i.e., that may change the use or purpose of a property from an open space or conservation purpose protected by Article 97. Certain regions or sub-regions may be generally acknowledged as possessing sensitive and valued resources that require additional review. The MEPA process allows for the designation of such regions or sub-regions as *Areas of Critical Environmental Concern (ACEC)*. Projects or policies proposed for such areas are required to undergo the initial MEPA review regardless of the proposed extent of the project or policy.

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Other environmental laws of interest for open space advocates include the Wetlands Protection Act, the Rivers Protection Act, the Public Waterfront Act (MGL Chapter 91), and the Natural Heritage Program. The *Wetlands Protection Act (WPA)* seeks to protect the lands continually or intermittently inundated by water. These are deemed to inherently possess values to be protected, such as flood storage and wildlife habitat. Many open spaces in Boston are wetlands or border on wetlands. The Boston Conservation Commission (BCC) carries out this state-mandated review process within the city limits, with an eye to protecting these resources and assuring their preservation through controlled public access and regular inspections for enforcement.

The *Rivers Protection Act* is an amendment to the Wetland Protection Act, designating a special resource protection area known as the Riverfront Protection Zone. In accordance with this law, the Riverfront Protection Zone in Boston is twenty-five feet wide. By limiting development activities within this zone, it may be possible to create open space corridors along rivers.

The state Department of Environmental Protection (DEP) administers the *Public Waterfront Act*, more commonly known by its Chapter number in the Massachusetts General Laws, *Chapter 91*. Chapter 91 charges DEP to preserve the tidelands for water-dependent uses or uses that otherwise serve a proper public purpose. It also allows municipalities to develop a municipal harbor plan for the implementation of the Chapter 91 regulations for tidelands within their jurisdiction. Chapter 91 and associated municipal harbor plans mandate provision of open space amenities along the water's edge. In Boston, the Municipal Harbor Plan mandates a continuous 47-mile Harbor-walk for public access to the waterfront from Dorchester to Central Boston, and along Charlestown's and East Boston's waterfronts. This law provides a strong basis for open space planning along the waterfront, and for linking such waterfront open spaces to inland communities.

The state Division of Fisheries and Wildlife administers the *Natural Heritage Program*. One aspect of this program is the designation and mapping of rare species habitats. Habitats of endangered, threatened, or special concern species are also designated and mapped. Proposed projects or policies that are reviewed under the Massachusetts Environmental Policy Act (MEPA) or the Wetlands Protection Act are required to disclose whether the project is within such designated habitat areas and if so, what will be done to prevent significant adverse effects on such species or habitats.

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Conservation restrictions (CRs) are legally enforceable agreements voluntarily imposed by a landowner on their own land.

(Conservation easements have similarities to CRs, but are now used less often than CRs.) These restrictions commonly take the form of a deed restriction that prevents the development of a parcel of land. The landowner retains private ownership but surrenders development rights in exchange for a lower property tax rate and an income tax charitable deduction. State and federal guidelines apply in order to qualify for such tax advantages. These restrictions are considered to provide a high level of protection against development pressures. However, some are temporary, imposed for only a fixed period of time.

A *conservation land trust* is a non-profit organization “directly involved in protecting land for its natural, recreational, scenic, historical, or productive value.” (Starting A Land Trust: A Guide to Forming a Land Conservation Organization, The Land Trust Alliance, 1990, page 1) Some land trusts are solely involved in negotiating land transactions, while some others purchase land outright or purchase the development rights. Some conservation land trusts may have charters that require all land held by it to be preserved in perpetuity as open space, while other conservation land trusts may not have such restrictions. For example, land held by a less restrictive land trust may have a specific deed restriction requiring that it not be developed or sold for development in contradiction to the stated purposes of the restriction. Some lands in such a land trust’s portfolio may be sold, perhaps to raise funds for purchases of more significant lands. Some lands in such a land trust’s portfolio may be partially developed, perhaps to protect the higher priority, undeveloped portion of the original parcel with funds received from the developed portion. Some land trusts, whether restrictive or not, may hold parcels temporarily until a public agency can purchase it for inclusion in its inventory of protected lands.

In Boston, the Parks and Recreation Commission carries out a city ordinance, Chapter 7, Section 4.11 of the City of Boston Code of Ordinances, known colloquially as the “100-foot rule.” This ordinance mandates that the Commission render its approval before construction begins on any development project within 100 feet of any park or parkway within the city. This allows the Commission the opportunity to review projects that may have physical or visual effects on adjacent or nearby parkland. Such parkland may be under city, state, or federal ownership.

The Cemetery Division of the Parks and Recreation Department administers the city owned cemeteries, with the Parks and

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Recreation Commission serving as the cemetery Board of Trustees. These cemeteries, in addition to protection under Article 97, obtain additional protection from conversion to non-cemetery uses by virtue of *Chapter 114, Section 17* of the Massachusetts General Laws. This law states that municipal cemeteries over 100 years old cannot be used for anything but a cemetery, and that use of any portion of such cemeteries for another public use needs special authorization by the legislature. All cemeteries owned by the city of Boston are over 100 years old.

TYPES OF OPEN SPACES

Parks

Boston's park system includes the oldest public open space in the nation, Boston Common, established in 1634. The Public Garden was the next significant addition; it was developed more than 200 years later in 1838. Still, Boston had far less designated parkland than other comparable cities by the latter part of the 19th century. Public discussion on the need for parklands led to the creation of the Boston Parks Commission in 1875. The new commission published a plan and the city designated \$900,000 for the acquisition and development of new parklands.

In 1878 the city hired Frederick Law Olmsted, America's first and then most prominent landscape architect, to design and supervise the development of a comprehensive park system. In 1892, the Metropolitan Parks Commission was formed to provide for regional open space needs for Boston and its metropolitan area. The Metropolitan Parks Commission's goal was to acquire parklands adjacent to water resources and other areas of natural significance. The Commission built parkways that linked newly acquired parklands to existing Boston parks.

As the participation in outdoor recreation grew in the 1890s, small parks and playgrounds emerged in Boston's neighborhoods. In 1898, the city passed legislation to construct a playground in each of its 22 wards; this initiative resulted in the construction of 41 sites by 1932.

While the city had continued to invest in its park system, the Metropolitan Parks Commission had incurred water and sewer responsibilities as part of the new Metropolitan District Commission (MDC). Water and sewer responsibilities became a greater priority, it appeared, over the maintenance of parks. A trend of declining parks investment by the MDC also emerged.

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By 1950, most of Boston's parks and playgrounds were in place. Decreasing population and parks budgets following WWII resulted in a declining investment in Boston parks. City parks expenditures then rose intermittently until 1982 when the Parks Department budget was cut by more than one-half as a result of budget constraints caused by the passing of Proposition 21/2. The subsequent budget cuts resulted in the severe deterioration of the city's park system.

During this same period, the MDC was suffering from poor management practices, which ultimately resulted in its water and sewer responsibilities being allocated to a newly created agency, the Massachusetts Water Resource Authority. Without this burden, the MDC began to reinvest effort in its parks.

The city also rediscovered interest in its parks as citizen outcry brought attention to the condition of the parks. In 1987, the Mayor's office and the City Council approved \$75 million to rebuild city parks and playgrounds.

Boston now has over 2300 acres of parkland under the jurisdiction of and maintained by the Parks Department. Boston's parks contain monuments, fountains, statues, footbridges, trees, flower gardens, athletic fields, golf courses, playgrounds, squares, malls, and parkways. This includes the signature 1,000-acre Emerald Necklace, most of which was designed by Olmsted. The Olmsted-designed Emerald Necklace is made up of Charlesgate, the Back Bay Fens, the Riverway Park, Olmsted Park, Jamaica Pond Park, the Arnold Arboretum, and Franklin Park. The Commonwealth Avenue Mall connects the Olmsted-designed Emerald Necklace to the pre-Olmsted Public Garden and Boston Common.

The DCR (successor to the MDC) owns and maintains significant parks in Boston including: the Belle Isle Marsh, Charles River, Stony Brook, Old Harbor, Dorchester Shores, and Neponset River Reservations, as well as Castle Island, the Southwest Corridor Park, and the Franklin Park Zoo (zoo operation and maintenance performed by the Commonwealth Zoological Corporation [aka Zoo New England]). It also owns and maintains such parkways as the Jamaica Way, VFW Parkway, Storrow Drive, Turtle Pond Parkway, Morton Street, and Day Boulevard.

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Urban Wilds

In 1976, the Boston Redevelopment Authority (BRA) issued a landmark document that inventoried and offered recommendations for Boston's remaining unprotected natural areas. *Boston's Urban Wilds: A Natural Area Conservation Program* designated 143 areas throughout the city, whether privately or publicly owned, and categorically ranked them for significance. It also offered strategies for their preservation within a then-limited spectrum of protection mechanisms. The BRA study offered a plan for land protection by identifying particular available spaces, defining priorities, and suggesting an aggressive strategy for acquisition. The report's description of the irreplaceable nature of urban wilds reinforced the need for protection.

In 1977 a private, non-profit organization, the Boston Natural Areas Fund, was formed to work with the city and state agencies to secure urban wilds inventoried in the BRA report. Since then, the city itself has developed an acquisition, advocacy, maintenance, and planning program for sensitive natural areas in need of permanent protection. Today, the Urban Wilds Initiative, administered through the Parks Department, manages more than 30 city-owned sites comprising more than 192 acres. The initiative staff collaborates with staff from the Boston Conservation Commission, which holds jurisdiction over most of the city-owned urban wilds, and serves as guarantor of their natural ecosystem values and functions.

These marshes, woodlands, pastures, meadows, swamps, hilltops, ponds, and streams provide a vital ecological role as a repository for much of the remaining local biodiversity, and contribute to the maintenance of clean air and water throughout the city. Urban wilds expand the range of landscape experiences beyond that of the dense built environment and the designed and manicured landscapes of Boston's parkland. In traditionally under-served neighborhoods, they offer a haven for people seeking a refuge from hectic city streets and serve as outdoor classrooms for children and adults learning about the natural world.

However, these sites have in many cases suffered from years of neglect and abuse. Soil erosion, fires, illegal dumping of trash and debris, filling of wetlands, alterations in hydrology, and the presence of non-native, invasive plant species are chronic problems in nearly all urban wilds and other natural areas.

In 1998, the Boston Parks and Recreation Department made a major commitment toward addressing these problems by reviving

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the Urban Wilds Initiative. For the first time, a natural resource manager with ecological training was hired to administer the program on a full-time basis. Public access and use is a major mission of this initiative. With a strong focus on ecological restoration and stewardship, the revitalized Urban Wilds Initiative seeks to restore and enhance biological diversity and ecological values, such as flood storage, water filtration, wildlife habitat, and control of air quality, while accommodating and enhancing passive recreation and environmental education. Recent projects, such as the creation of a publicly accessible urban wild on Chelsea Creek at the brownfield known as the Condor Street Marsh in East Boston, and current projects such as at Geneva Avenue Cliffs in Dorchester, are aimed at accommodating access for a wide range of users and helping people understand and appreciate the importance of these vital natural areas.

Community Gardens

Community gardening in Boston originally began in 1895. The Industrial Aid Society for the Prevention of Pauperism established a Committee for the Cultivation of Vacant Lots. This committee leased a farm on the outskirts of the city and provided plots for elderly men and women. Shortly after, the School Department and the Massachusetts Horticultural Society initiated a School Gardens Program.

Community gardening gained popularity during the First and Second World Wars when the Victory Gardens program was established. This program was a national effort to increase locally grown produce, allowing more commercially grown produce to be shipped to troops overseas. Boston participated in this program by contributing schoolyards and parkland, including the Common, for use as gardens. The plots in the Back Back Fens, now known as the Parker Memorial Victory Gardens, are the only remaining Victory Gardens in Boston.

In the 1970s, community gardens regained popularity due to three factors: the creation of new vacant lots as a result of both a decrease in the city's population and an increase in property disinvestment; the community empowerment movement; and the immigration of persons from agrarian-based cultures into the city. In 1974, a state bill encouraged gardening on unused portions of state lands. The city's largest community garden was created at the then state-owned Boston State Hospital site in Mattapan (the garden is now owned by the Massachusetts Audubon Society and incorporated as part of the Society's Boston Nature Center). The

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following year, the city initiated the Revival Program, which was responsible for the construction of 30 community gardens. By 1978, garden groups and coalitions had formed in several of the city's neighborhoods. These gardens provided important contributions to Boston's open space.

Community gardens are typically planted on underutilized land and vacant lots. These gardens range in size from one-tenth of an acre to 32 acres, although most are very small. Due to their small size, the piecemeal assembly of these gardens, and the continual organization and energy needed on the part of a number of community residents for their ongoing life, they are often subject to development pressures.

These gardens are, however, productive ventures. Approximately 3,000 families generate an estimated \$1.5 million worth of produce annually. This often assists low- and moderate-income families in meeting their food supply needs and budgets.

Community gardens also have aesthetic and social qualities that strengthen their surrounding community. Gardens often fill vacant lots that would otherwise serve as possible dumping locations causing a sense of blight in the neighborhood. The gardens not only fill a physical void, they also serve as a common ground for residents, bringing them together through a common interest, for a common goal: to increase the quality of life in their neighborhood.

Cemeteries and Burying Grounds

The city has 16 historic burying grounds and 3 large cemeteries. These burying grounds and cemeteries, which date between 1630 and 1892, are located in 13 Boston neighborhoods. More than 15,000 gravemarkers in these cemeteries honor founders of Boston, Revolutionary War heroes, and many other historical figures. Four burying grounds are located on the Freedom Trail and are visited by approximately 3,000 visitors per day who come to see the gravemarkers of such historical figures such as John Hancock and Paul Revere. Eleven other burying grounds are listed on the National Register of Historic Places, with several of those located in historical and architectural conservation districts.

In addition to providing a link to Boston's Puritan and Colonial past, these cemeteries provide relief in the form of open space. Many of these cemeteries and burying grounds are located in dense areas of the city in which open space is otherwise not abundant. The

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three larger city-owned cemeteries are still active, and are operated by the Boston Parks and Recreation Department.

While privately-owned cemeteries exist in Charlestown and East Boston, the most significant private cemeteries are located in Dorchester, Jamaica Plain, Roslindale, and West Roxbury. Forest Hills Cemetery is the largest private cemetery in Boston, and also its most significant. Its attractive landscape design has inspired other cemetery landscape designs. Its proximity to Franklin Park, Arnold Arboretum, the Boston State Hospital site, and Mount Hope Cemetery helps create a sizable “lung” for the city, giving relief from the sense of density in the heart of the city.

Cedar Grove Cemetery in Dorchester helps provide an open space corridor between Dorchester Park and the Neponset River. The cemeteries in West Roxbury along the Newton border provide a large open space assemblage in this southwestern part of Boston, along with the DCR’s Brook Farm and the city’s new Millennium Park at the former Gardner Street Landfill site.

PRIVATE OPEN SPACES

Boston’s open space includes over 1600 acres of private unprotected open space (see table below). (An additional 27 acres are protected through ownership in non-profit land trusts (see table below). These 1,600 private unprotected acres represent almost 25 percent of the city’s total open space. This includes educational institution campuses and athletic fields, office tower plazas, religious institution campuses, Harborwalk segments, cemeteries, stadia and racetracks, a working farm, vacant lands, and private recreational land. This open space is unprotected, controlled by private owners who may choose to develop or otherwise alter their property so that land throughout the city that is taken for granted as open space may well disappear over time. Therefore, the city may lose the potential for new public parks, conservation areas, and recreation facilities. Such development would likely alter the visual and social character of parts of Boston. Such change does not take place overnight, but occurs incrementally.

The inventory of unprotected, private open space includes some parcels that do not have much open space significance due to their isolation, character, or small size. However, many are important based on their location abutting existing protected areas, as links in green space corridors, as components of a large cluster of open

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space, on their special landscape character, or on their location in a neighborhood with a deficiency of open space.

While these lands are unprotected in the legal sense, several are important features for their owners from a functional point of view so that total conversion would not appear likely. For example, the openness of college campuses do erode over time, but the bucolic image of a New England college campus with a leafy quad and sports fields in the distance is still a powerful marketing tool in the competitive higher education environment. Cemeteries can obtain permits to move graves, but this would be highly unlikely.

Still, many private unprotected parcels can be developed at a moment's notice. One example is Lawrence Farm in Jamaica Plain, which is part of the working farm more commonly known as Allendale Farm that straddles both Brookline and Boston. Two out of the four parcels in this assemblage receive a preferential assessment for property tax purposes under M.G.L. Chapter 61A, a state law that seeks to promote agricultural land preservation. However, for the purposes of this inventory, lands assessed under M.G.L. Chapters 61, 61A, and 61B are not considered protected. These statutes enable property owners to gain a preferential property tax assessment for land in forestry, agricultural, or recreational use. These laws help preserve open space by relieving pressure on property owners to develop in order to pay their property taxes. The above mentioned two parcels at Lawrence (Allendale) Farm are assessed under Chapter 61A. Otherwise, no other properties in Boston have applied for the preferential tax assessment under M.G.L. Chapter 61, 61A, and 61B. (Please see the Lands under Chapter 61A map below.) A condition of the preferential assessment is that the city holds the first right-of-refusal on any sale. However, these properties are not considered fully protected because the city would have to secure a relatively large sum of money in a short period of time (120 days) to exercise its right. The owner may also remove the property from the program by paying rollback or conveyance taxes. Therefore, the city must assume these properties are capable of being partially or fully developable at some time in the future.

Therefore, to keep the Lawrence Farm in this type of use would need an alternative type of protection. Thankfully, the owners of this property have placed an agricultural preservation restriction on one parcel in this assemblage. The restriction is being held by The Trustees of Reservations, the Commonwealth's oldest private conservation organization. It has received the approval of the Boston Conservation Commission, the City Council, the Mayor, and

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the state Commissioner of Food and Agriculture, and has been executed and recorded.

The neighborhood chapters in Section 7 discuss measures to address potential loss of several other privately held open spaces.

PUBLIC UNPROTECTED OPEN SPACES

Boston's open space includes 820 acres of publicly-owned open space that is not protected via Article 97, a permanent deed restriction, or some other legislative restriction (please see table below). The citywide total of public unprotected open space drops to 352 acres if such lands within the Harbor Islands are not considered. Excluding the Harbor Islands, this represents almost 5% of the city's total open space acreage.

Ownership is distributed among state and city agencies and authorities. Some of these lands may be publicly accessible while others are not. Types of open spaces included in this category are vacant lands, wetlands, Harborwalk segments, squares and plazas, landscaped traffic islands, passive parks, steep slopes, abandoned rail lines, schoolyards, campuses, school athletic fields, community gardens, harbor shorefronts, rock outcrops, arterial medians, and children's play lots.

While unprotected according to the definition described at the beginning of this section, some of these properties are restricted to open space uses by other constraints. For example, the Wetlands Protection Act will prevent development on public and private properties that are in wetland resource areas, so that such properties as Wood Island Bay Marsh (Massport) and West Roxbury High School Marsh (City of Boston) are essentially undevelopable.

On the other hand, the development and expansion plans of various agencies and authorities may require them to use for other purposes a property that is now prized as open space. For example, schools may need to expand, increasing the school building's footprint at the expense of the schoolyard or campus, or the configuration of a road may change, leading to the reduction or elimination of a landscaped traffic island. A large portion of the community may support these goals, while others in the community may wish to retain the current open space uses.

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Alternatively, the development plans of an agency or authority may lead to the creation or retention of open space. An example of this is the creation of Children's Wharf Park near the Children's Museum at Fort Point Channel. This park was constructed by the MBTA as part of the South Boston Transitway Tunnel project, to serve as mitigation for project impacts on Chapter 91 interests.

Another example is the creation of revitalized schoolyards, usually with children's play equipment included, through the Mayor's Schoolyard Initiative (see Schoolyard Initiative map below). This initiative is spearheaded by the Department of Neighborhood Development, assisted by the School Department, the Chief of Basic City Services, Boston Centers for Youth and Families, the Edward Ingersoll Browne Fund, and the Parks and Recreation Department, and supported by the Boston Schoolyards Funders Collaborative, a group of private sector philanthropists. This initiative has transformed several schoolyards over the past ten years, with more schoolyards proposed for improvements. (In the year 2000, the initiative received the James C. Howland Gold Medal for Urban Enrichment.) This has come from the city's recognition that children do not just learn in indoor classroom settings, but also in outdoor settings through play and interaction with the environment (one schoolyard included a created wetland, while others have nature trails and outdoor amphitheaters). Therefore, this initiative has helped retain open space and created additional play opportunities by enhancing these formerly barren spaces. These enhanced schoolyards will be used not only by the schoolchildren, but also by children who live near but do not attend that school.

Nevertheless, some of the 820 acres of public unprotected open space may be at risk of being transformed into a non-open space use in the foreseeable future. Therefore, the possibility exists that new public parks, conservation areas, and recreation facilities may not be created. The visual and social character of certain parts of Boston may change incrementally because of such development. Each public unprotected open space parcel has its own degree of risk, and its own potential to become a valued and protected open space. The assessment of risk and potential has been presented elsewhere in this text, primarily in Section 7.

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NOTES

¹ Conservation does have a broad definition. According to the June 6, 1973 Opinion of the Attorney General, known as the “Quinn Opinion,” “...parks, monuments, reservations, athletic fields, concert areas and playgrounds clearly qualify” as “covered by Article 97” as they were “taken or acquired for the protection of the people in their right to the conservation, development, and utilization of the agricultural, mineral, forest, water, air and other natural resources[.]” (Pages 142-143.) The opinion goes on to state that Article 97 declares as a public purpose “the protection of the people in their right to the conservation, development, and utilization of the agricultural, mineral, forest, water, air and other natural resources....” It further states that given such a major public purpose, “[p]arkland protection can afford not only the conservation of forest, water and air but also a means of utilizing these resources in harmony with their conservation.” (Page 142.)

Given this Attorney General opinion, well known as the basis for application of Article 97 to parkland, it would appear that parkland and park uses serve conservation purposes. As indicated by Attorney General Quinn’s list (“parks, monuments, reservations, athletic fields, concert areas and playgrounds”), all outdoor recreation, whether active or passive, is therefore a conservation use.