

MEMORANDUM OF UNDERSTANDING (“MOU”) BY AND BETWEEN THE TOWN OF  
WATERTOWN AND BUCKINGHAM BROWNE & NICHOLS SCHOOL REGARDING THE  
PROPOSED SHARED  
USE OF WATERTOWN’S FILIPPELLO FIELDS AND BB&N’S  
FUTURE FIELDS ON GROVE STREET, WATERTOWN

**Background:**

Located six miles west of Boston, with a population of just over 35,700 in 4 square miles, Watertown is a municipality that retains the title of “town” while functioning under state law as a city with a Council/Manager form of government. Watertown has local retail, cultural, and natural assets while enjoying the advantages of being part of the dense and diverse Boston metropolitan area and a booming regional tech and life sciences economy. Watertown’s amenities include destinations such as the Charles River Greenway, The Mosesian Center for the Arts, and the Mount Auburn Cemetery - the first garden cemetery in the U.S. and a national historic landmark. The city is home to Perkins School for the Blind, the Armenian Library and Museum of America, and the historic Watertown Arsenal, which produced military armaments from 1816 through World War II. Along with its proud history, cultural, and natural attractions, the community has a mix of housing stock across its residential neighborhoods, unique retail areas, and easy access to public and highway transportation networks.

Buckingham Browne & Nichols School (“BB&N” or the “School”), located in Cambridge and Watertown Massachusetts, engages more than 1,000 boys and girls in grades pre-K through 12 in a rich and invigorating educational experience. The school excels at helping students discover their unique talents and passions, and develop those strengths to the fullest. At every grade, BB&N takes full advantage of the range of opportunities its locations afford. BB&N’s mission is to promote honor, scholarship and kindness in diverse, curious, and motivated students. BB&N values a diverse and inclusive community that fosters respect for the identities and perspectives of all. BB&N values its relationships with surrounding communities and the new leadership team has started investing in a number of initiatives aimed at building relationships and finding ways to better integrate the School with Watertown and surrounding communities.

**The Shared Athletic Fields Opportunity:**

Filippello Park is a beautiful urban park with 2 playing fields and many other amenities. It is situated on 14 acres of landscaped open space, located between Arlington and Grove Streets in Watertown, Massachusetts.

BB&N is seeking to acquire 6 acres of land in order to construct 2 multipurpose playing fields, including a modest field house and approximately 80 parking spaces, located off of Grove Street and abutting Filippello Park (the “Property”).

**The Proposed Schedule for Commencement of the Cooperative Agreement:**

The Property is currently for sale by the Mount Auburn Cemetery and an accepted offer for BB&N to purchase the property was executed on October 8, 2020. The Property is currently subject to a non-cancellable lease by Mount Auburn Hospital that extends to October 31, 2021. Assuming that BB&N is successful in acquiring the Property, site plan review, permitting and related compliance issues can be successfully addressed prior to the end of the Mount Auburn Hospital lease. The target date for the completion of the BB&N fields on the Property is Spring 2022.

### **The Proposed Cooperative Agreement:**

Assuming that BB&N is successful in acquiring the Property, the members of Watertown's Town Council and the Board of Trustees of BB&N have agreed to support efforts to enter into a cooperative agreement in the form of a joint licensing arrangement between the parties for a mutual sharing of the athletic fields at Filippello Park and the Property (the "Cooperative Agreement"). This Cooperative Agreement will expand access to open green space for active recreational use by the children and adults in Watertown and other nearby communities and by the students of BB&N. The combined athletic facilities will significantly increase the amount of recreational resources available for the Town of Watertown, while addressing a critical need for playing fields at BB&N.

It is anticipated that under the terms of the Cooperative Agreement, the Town of Watertown Department of Recreation and BB&N's Athletic Department would administer the scheduling of use of the fields in accordance with the following general terms.

The School will allow the Town of Watertown use of its 2 playing fields on the Property as follows:

- Monday through Friday from 6:00pm to 10:00pm.
- Saturdays from 8:00am to 11:00am and 5:00pm to 10:00pm except for a limited number of pre-agreed Saturdays for all-school events (such as Homecoming).
- All day Sundays.
- Use during other outdoor seasonal recreation periods, such as fall and spring off season periods, summer periods and other dates, when the property is not used by the School.

The Town will allow the School the use of its 2 playing fields on Filippello Park as follows:

- Monday through Friday during the Fall and Spring athletic seasons from 2:00pm to 6:00pm (The BB&N Fall athletic season starts the week before Labor Day weekend and ends the week of Thanksgiving. The Spring athletic season starts the first full week in March and ends the week after Memorial Day).
- We understand there are some current users of Filippello Park who have been using the park for at least 2 years before the date of this MOU. In these circumstances, BB&N will end its practice at 5:15pm on the dates that overlap with the historical dates that those users had traditionally used the park.
- The week before Labor Day weekend and for one full week in March (when the School has Spring Break and teams practice additional hours) from 8:00am to 5:00pm.
- Non-exclusive use of its playgrounds and spray park at Filippello Park during BB&N's summer camp weeks as scheduled.

The intent of this MOU is that the Town will have a greater amount of time available for public use of the School's fields than the School will have time for scheduled school use of the Town's fields on Filippello Park.

The Cooperative Agreement will contain a mechanism whereby each party may request, and the other party shall consider in good faith, requests for use outside of the guidelines set forth above for special occasions and similar events.

The Town's use of the facilities will include mutually agreed upon access to the field house, once completed, and the Town will bear any additional expense to operate and keep the facility open for its use.

**Maintenance of the Fields:**

Under the Cooperative Agreement, the Town of Watertown and BB&N will each be responsible to maintain and upkeep their own respective fields with reasonable effort to ensure usability for the duration of the Cooperative Agreement.

**Watertown School Construction Projects:**

Watertown’s Building for the Future is a comprehensive, forward-looking initiative to address learning, operational and capacity improvements for all school facilities.

The high school and three elementary schools were identified as high priorities; and therefore steps are being taken to advance the continued development of both projects simultaneously, with the high school on a path for MSBA assistance and the elementary schools on a non MSBA path.

In light of these extensive school construction projects, there could be a significant impact on the playing field capacity of the Town as construction is undertaken. As a result, the parties agree that through the duration of the school construction projects, the Town will reserve the access to the fields at Filippello Park for school use if needed.

**Term:**

It is anticipated that the term of the Cooperative Agreement will commence upon BB&N’s completion of the construction of its fields on the Property. The anticipated term will extend for a period of 20 years, subject to any municipal limitations of the length of a contract in Watertown or Massachusetts, and may be renewed by the joint agreement of the School and the Town of Watertown for an additional term of 20 years.

**Accessibility and Security:**

The design and use plan for the Property shall comply with all accessibility and other applicable requirements of Massachusetts law. The Town of Watertown and its Police Department will provide normal surveillance and enforcement as typical for properties in Town.

**Legal Authority:**

The Town of Watertown and the School will cooperate to ensure that both parties have the legal authority to enter into the Cooperative Agreement contemplated by this MOU.

Executed on this \_\_\_\_ day of November 2020:

Town of Watertown

Buckingham Browne & Nichols School

\_\_\_\_\_  
Michael J. Driscoll  
Town Manager

\_\_\_\_\_  
Jennifer Price  
Head of School