



FY22 FUNDING CYCLE PRE-APPLICATION FORM

Submit an electronic copy no later than **11:59 PM the first Tuesday in May** via email to maldencpc@cityofmalden.org.

PROJECT NAME: Fellsmere Park Master Plan

PROJECT LOCATION/ADDRESS: Fellsmere Road Malden MA 02148

APPLICANT(S) NAME & TITLE/ORGANIZATION: Robert Knox - Director of DPW

CO-APPLICANT (IF APPLICABLE) Tammaro FoFH; C. Spadafora At-Large; C. Linehan W3; C. DeMaria At-Large

CONTACT PERSON: Prisco Tammaro

MAILING ADDRESS: 56 Pine St

PHONE: 857-488-0577

EMAIL: priscotammaro@hotmail.com

DATE: February 6, 2021

In the chart below please check all categories that apply to this project (at least one). For more detailed information on these categories, refer to the "Community Preservation Act Funding Allowable Uses" chart in the application instructions.

	Open Space	Recreational Land	Historic Resources	Community Housing
Acquisition				
Creation				
Preservation				
Support				
Rehabilitation/ Restoration	X		X	

Signatures Required for projects entailing City-owned property:

For purposes of coordination; does not indicate approval or endorsement of project.

_____ Mayor

Assigned to staff liaison _____

Signature of staff liaison _____

- Attachment 1: Property Record Card (page 4 of 24)
- Attachment 2: 1896 Deed to City of Malden (page 5 of 24)
- Attachment 3: 1904 Maintenance Agreement w MDC/DCR (page 12 of 24)
- Attachment 4: 2019 DCR email on Care & Custody (page 19 of 24)

Have you reviewed the Malden CPC Plan? Yes No
Have you attended a CPA informational session in Malden or surrounding cities? Yes No
Have you spoken with any boards, commissions, community organizations, or elected officials about your project? Yes No
If yes, please list here: _____

PROPERTY OWNERSHIP

Legal Property Owner of Record: City of Malden
Is the owner the Applicant? Yes No

For all projects on City property, The City Department with Care, Custody and Control must be the Applicant or project will be deemed ineligible for this Applicant.

If applicable, City Department with Care, Custody and Control: Dept of Public Works

If the Applicant is not the owner, does the Applicant have site control or written consent of the property owner to submit an application? Yes No Applicant is owner
If Yes, please attach written documentation. If No, project will be deemed ineligible for this Applicant.

PROJECT FUNDING

Have you identified other potential funding sources? Yes No
If yes, please list the potential funding sources here: _____

PROJECT DESCRIPTION: *(Please describe the community needs this project is addressing and how this project aligns with CPC goals)*

This project, Master Plan for Fellsmere Park, meets the community needs to provide a 10-year plan for capital improvements, financed by different grants as they become available. The uniqueness of the Fellsmere Park is that it includes a reservoir and Olmsted design. This project will coordinate with both the Conservation Commission and Historical Commission. Both City Commissions will receive copies of the Draft Master Plan and have an opportunity for their suggestions be included in the planning for the Final Draft. Being ecologically responsible and historically accurate is a priority for the planning of Fellsmere Park Master Plan.

PROJECT STATUS: *(Please describe what level of planning, research and discussions have already been undertaken to inform this proposal)*
The original CPC application was approved by City Council in March 2019. July 2020 Fellsmere Pond 3-year Pond Treatment contract was to be extended. The Conservation Commission provided a 6-month extension to get an update for the algae bloom every August. This led to aeration concern and if additional fountains were available. When Councilors confirmed they were not, it was agreed that a master plan is needed. It is a park that everybody uses, so the Ward Councilor and two At-Large Councilors were interested in being co-applicants. Since the original application was approved in 2019, the Malden CPC has updated their Plan to suggest a separate design and construction phase, which allow community meetings. We agree with that new philosophy and would like to start over with community input.

FOR HISTORIC RESOURCES PROJECTS:

Is the resource listed on the State Register of Historic Places? Yes No
(You can check designation at mhc-macris.net)
If no, has the Malden Historical Commission determined that the resource is significant? Yes No
(Please submit documentation of State Register listing or MHS letter of determination.)
Attachment 5: MACRIS MAL.907 Fellsmere Reservoir (page 21 of 24)
Attachment 6: MACRIS MAL.928 Fellsmere Park (page 22 of 24)
Attachment 7: MACRIS MAL.K National Registry Fellsmere Parkways (page 23 of 24)
Attachment 8: National Registry Historic Places Fellsmere Park Parkways COVER (page 24 of 24)
For full 86 page report see <https://mhc-macris.net/Details.aspx?Mhclid=MAL.K>

Unofficial Property Record Card - Malden, MA

General Property Data

Parcel ID	025 106 601	Account Number	
Prior Parcel ID	2323.40 -12.30-	Property Location	FELLSMERE RD
Property Owner	COMM OF MASS (FELLSMERE PARK)	Property Use	MASS DEM
Mailing Address	FELLSMERE RD + FELLSSWAY E	Most Recent Sale Date	
City	MALDEN	Legal Reference	
Mailing State	MA	Grantor	
Parcel Zoning	ResA	Sale Price	0
		Land Area	18.415 acres

Current Property Assessment

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 8,229,900	Total Value 8,229,900
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Building Description

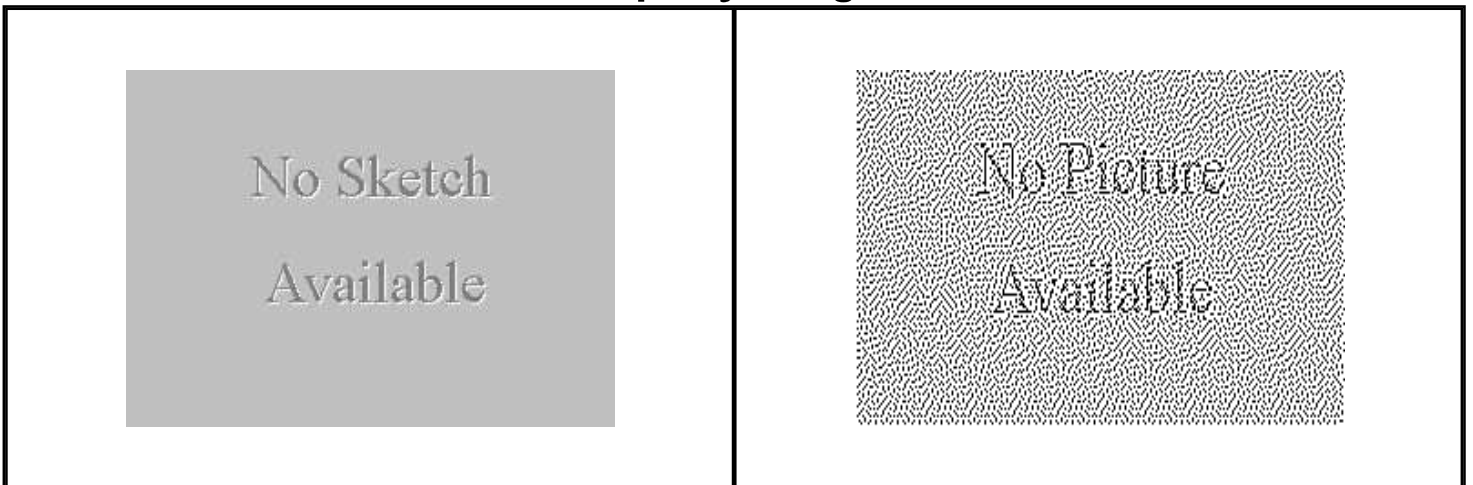
Building Style	Foundation Type	Flooring Type	N/A
# of Living Units 0	Frame Type	Basement Floor	N/A
Year Built N/A	Roof Structure	Heating Type	N/A
Building Grade	Roof Cover	Heating Fuel	N/A
Building Condition Average	Siding	Air Conditioning	0%
Finished Area (SF) N/A	Interior Walls	# of Bsmt Garages	0
Number Rooms 0	# of Bedrooms 0	# of Full Baths	0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures	0

Legal Description

Narrative Description of Property

This property contains 18.415 acres of land mainly classified as MASS DEM with a(n) style building, built about N/A , having exterior and roof cover, with 0 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



scribed as follows to wit: Southeastly by Elmwood Street
 twenty six and 8/100 ft. Southwestly by land of the Lowell
 and Arlington Branch Railroad one hundred and twenty
 six and 6/100 (121.60) feet. Northwesterly by land now a part
 of the West End Street Railway Company ninety five and
 89/100 (95.89) feet. Northeastly by land of Mr. Carthy one hun-
 dred feet. And the buildings thereon. To Have and To
 Hold the granted premises, with all the privileges and ap-
 purtenances thereto belonging to the said Geo. E. Percy, and
 his heirs and assigns, to them own use and behoof forever.
 And I hereby for myself and my heirs, executors and ad-
 ministrators, covenant with the grantee and his heirs and
 assigns that I am lawfully seized in fee-simple of the
 granted premises, that they are free from all incumbrances
 except mortgage of Mr. Carthy which I assume and agree
 to discharge - that I have good right to sell and convey the same
 as aforesaid: and that I will and my heirs, executors, and
 administrators shall Warrant and Defend the same to
 the grantee and his heirs and assigns forever, against the
 lawful claims and demands of all persons. And for the
 consideration aforesaid, I hereby release unto the grantee and
 his heirs and assigns all right of or to both Dower and Hom-
 age in the granted premises. In Witness Whereof I the
 said Arthur S. Percy, being unmarried hereunto set my
 hand and seal this twentieth day of February in the year
 one thousand eight hundred and ninety six. Arthur S. Percy
 Seal. Signed, sealed and delivered in presence of Harry
 F. Atwood. Commonwealth of Massachusetts, Suffolk County
 January 29, 1896. Then personally appeared the above named
 Arthur S. Percy and acknowledged the foregoing instrument
 to be his free act and deed, before me - Harry F. Atwood
 Justice of the Peace. Middlesex ss. March 6, 1896. David B. Benson
 Notary Public

Boston
 Rubber Shoe Co
 to
 City of
 Malden
 &c

Know all Men by these Presents
 That The Boston Rubber Shoe Company, a Corporation
 lawfully established under the laws of the Commonwealth
 of Massachusetts, in consideration of one dollar and three
 cents hereinafter contained to be performed by the
 grantee herein named, to it paid by The City of Mal-
 den a Corporation duly established under the laws

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and Commonwealth, hereby remise, release and forever quit
 unto said City of Malden, and its successors forever,
 the following tract or parcel of land situated in said City
 of Malden and bounded and described as follows: Be-
 ginning at the south-easterly corner of the premises at the
 easterly corner of land late of one Dyer; Thence ^{running} north-
 westerly about three hundred and eighty-six and one-half
 (386.5) feet; thence easterly about one hundred and thirty
 five (135) feet; thence northerly about one hundred and
 thirty-one and one-half (161.5) feet; thence westerly by a
 curb as formerly laid out, about seventy (70) feet and
 two (2) inches; thence northerly about three hundred and
 seven (307) feet; to land formerly of Truman White; thence
 westerly about one hundred and twenty-five (125) feet,
 thence northerly about three hundred and forty-nine
 (349) feet; to a Street as laid out but not built, thence
 north-westerly about 79 1/2 degrees west about three hundred and
 thirty (330) feet by said Street; thence south five hundred
 and ten (510) feet; thence south-westerly one hundred and
 thirteen (113) feet; thence south-easterly twenty-nine (29)
 feet; thence westerly ninety-five (95) feet, to a Street called
 Cedar Street, as laid out on plan, but not built, the
 last four lines being by land formerly of Philip S. Page;
 thence southerly, south-westerly and southerly following
 the line of Cedar Street seven hundred and thirty-one
 (731) feet about; thence north-easterly by land formerly of
 one Knop, about one hundred and sixty (160) feet to a tree
 thence easterly about one hundred and twenty-nine and
 one-half (129.5) feet by said Knop land; thence south-
 westerly by said Knop land about fifty-two (52) feet three
 (3) inches; thence easterly about two hundred and sixty
 one and 48/100 (261.48) feet by land formerly of F. C. Dodge,
 and the northerly end of Buena Vista Street thence north-
 westerly about twenty-two (22) feet by land of Chadwick;
 thence easterly about two hundred and sixty-eight (268)
 feet by land of said Chadwick and said Dyer to the
 point of beginning; together with all the rights of said
 Boston Rubber Shoe Company in the land over which
 any of said Streets were originally laid out, and a
 full right of way through said Buena Vista Street to
 Nassau Street, as shown on said plan. Being the same

and Commonwealth, hereby remise, release and forever quit
 claims unto said City of Malden, and its successors forever,
 the following tract or parcel of land situated in said City
 of Malden and bounded and described as follows: Be-
 ginning at the south-easterly corner of the premises at the
 north-easterly corner of land late of one Dyer: Thence ^{beginning}
 about three hundred and eighty-six and one-half
 (386.5) feet: thence easterly about one hundred and thirty
 five (135) feet: thence northerly about one hundred and
 twenty-one and one-half (121.5) feet: thence westerly by a
 line about as formerly laid out, about seventy (70) feet and
 two (2) inches: thence northerly about three hundred and
 seven (307) feet: to land formerly of Freeman White: thence
 westerly about one hundred and twenty-five (125) feet,
 thence northerly about three hundred and forty-nine
 (349) feet to a Street as laid out but not built, thence
 south about 79 1/2 degrees west about three hundred and
 thirty (330) feet by said Street, thence south five hundred
 and ten (510) feet: thence south-westerly one hundred and
 thirteen (113) feet: thence south-easterly twenty-nine (29)
 feet: thence westerly ninety-five (95) feet, to a Street called
 Cedar Street, as laid out on plan, but not built, the
 last four lines being by land formerly of Philip S. Page:
 thence southerly, south-westerly and southerly following
 the line of Cedar Street seven hundred and thirty-one
 (731) feet about: thence north-easterly by land formerly of
 one Hornor, about one hundred and sixty (160) feet to a tree
 thence easterly about one hundred and twenty-nine and
 one-half (129.5) feet by said Hornor land: thence south-
 westerly by said Hornor land about fifty-two (52) feet three
 (3) inches: thence easterly about two hundred and sixty
 one and 48/100 (261.48) feet by land formerly of F. C. Doane,
 and the northerly end of Buena Vista Street thence north-
 westerly about twenty-two (22) feet by land of Chadwick:
 thence easterly about two hundred and sixty eight (268)
 feet by land of said Chadwick and said Dyer to the
 point of beginning: together with all the rights of said
 Boston Rubber Shoe Company in the land over which
 any of said Streets were originally laid out, and a
 full right of way through said Buena Vista Street to
 Pleasant Street, as shown on said plan. Being the sum-

also conveyed to said Boston Rubber Shoe Company by Oliver M. Gale, and Mary H. Gale, by their deed dated September 8, 1868, recorded with Middlesex South District Deeds, liber 1049, folio 583. Reference being had to the plan described in said deed drawn by Alexander Wadsworth, dated September 8, 1868, for a more full description of the premises described in said deed; and the premises also conveyed by the deed of Philip S. Page to said Boston Rubber Shoe Company, dated November 27, 1868, recorded with Middlesex South District Deeds, liber 1059, folio 565; said deed being made for the purpose of correcting an error in a former deed as therein described, and the premises conveyed by the deed of J. Th. C. Sleeper to said Boston Rubber Shoe Company, dated May 14th, 1872, and recorded with said Middlesex South District deeds, liber 1214, folio 101. To Have and To Hold the granted premises with all the privileges and appurtenances thereto belonging to the said City of Malden and its successors forever, for the purpose of a public park now called Fellsmere Park, in accordance with the provisions of section 3 of Chapter 154 of the acts of 1882, entitled An Act authorizing towns and cities to lay out public parks within their limits, and any act or acts in amendment thereof. Excepting and reserving unto the grantor, its successors and assigns forever the following: The right at all times hereafter to drive or bore as many tubular or artesian wells as it may desire. Such wells may be driven or bored upon any land in the granted premises not actually covered with trees or buildings; if such wells are driven or bored upon land used for a path, walk or road, they shall be securely covered to a depth of four feet; and in connecting such wells with trees or buildings shall be disturbed; and provided also that such wells do not draw any water from the surface. Also the right to erect a pumping station and stand-pipe or tanks upon the granted premises upon such part thereof as the grantor may determine, after consultation with the Board of Park Commissioners of said City of Malden; And in case at any time hereafter it is deemed desirable by the grantor, its successors or assigns, to change the location of the pumping station, or to erect one upon such other land in the granted premises

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as said Board may approve of: also the right forever
 to have full and exclusive control of the pumping sta-
 tion, and to repair and maintain the same, and the
 right to pump water from the wells into the reservoir,
 provided it is not injurious to the public health. Also the
 right to lay a water pipe from the reservoir and the
 pumping station to the factory belonging to the grantor
 and situated in said City, the course of said pipe while
 upon the granted premises to be through any land not
 actually covered with trees or buildings, and not under
 the reservoir, but however through any land that said
 Board may approve of: also the right forever to repair and
 maintain said pipe. Also the right to draw down the wa-
 ter in said reservoir to a level four (4) feet below grade fifty
 (50) or the high water mark that may hereaf-
 ter be established by agreement of the parties, and not
 much farther, as said Board may approve of. And the
 grantee hereby agrees to keep up and maintain forever
 in good repair and free from leaks, the dam at the out-
 let of said reservoir, to the height of said grade fifty seven
 (57), or the high water mark that may hereafter be estab-
 lished by said agreement, and to excavate the soft muck
 and mud, such as muck, mud and peat, from said reservoir
 to an average depth of at least eight (8) feet below the
 present high water mark of same, said excavation to
 be completed within four (4) years from the date hereof:
 and said grantee also agrees to conduct and bring in
 to said reservoir within one (1) year from the date here-
 of, the water flowing in the brook on Highland Ave-
 nue, north of Clifton Street, and also the water flowing
 in the brook on or near Pine Street. The grantee shall
 have the right to draw water as they have done here-
 tofore until said improvements are made, and said new
 supplies brought into the pond. The grantee reserves the
 sole right, as above provided, to take the water from said
 reservoir, with the exception that the grantee may use so
 much as may be necessary for sprinkling purposes of
 Fillingmore Park within its present boundaries, including
 the granted premises. And said Corporation hereby covenants
 with the grantee and its successors that the granted prem-
 ises are free from all incumbrances made or suffered by

it, except such as are reserved and created by this conveyance and that it will Warrant and Defend the same to the grantee and its successors forever against the lawful claims and demands of all persons claiming by, through, or under it, except those claiming under the rations and agreements herein contained, but against them otherwise. In Witness Whereof the said Boston Rubber Shoe Company has caused its corporate seal to be hereunto affixed, and these presents to be signed in its name and behalf by Elisha S. Converse, its Treasurer, this nineteenth day of December in the year one thousand eight hundred and ninety-four.

Signed and sealed } Boston Rubber Shoe Co.
in presence of } By Elisha S. Converse,
F. F. Ryder. } Treasurer.



Commonwealth of Massachusetts. Suffolk ss. Boston
December 19, 1894. Then personally appeared the abovesaid
Elisha S. Converse and acknowledged the foregoing instrument to be the free act and deed of the said Boston Rubber Shoe Company: before me, Harry P. Ballard, Justice of the Peace. Middlesex ss. March 6, 1896. Recd & Recorded.

One more instrument

Attest Wm. B. Brown, Secy.

Note
H.B.

At a meeting of the stockholders of the Boston Rubber Shoe Company holden at the office of said Boston Rubber Shoe Company on the 19th day of December A.D. 1894, duly called and notified it was Voted that the Boston Rubber Shoe Company convey to the City of Malden for the purpose of a public park, the land owned by said Company, situated in ward three in said City of Malden and now occupied as a reservoir for said Company, said land being more particularly bounded and described in a deed thereof from said Company to said City of Malden, prepared under the direction of the Treasurer of said Company, and by him laid before the stockholders at their action thereon: and that the Treasurer be and he is hereby is authorized in the name and behalf of said Boston Rubber Shoe Company to convey said land to the City of Malden for the purpose aforesaid, and to execute said deed a true copy of record. Attest. W. E. Converse, Clerk.

I further certify that the foregoing deed is the same deed which was laid by the Treasurer before the stock

consider in said meeting for their action thereon.

H. E. Converse, Clerk

Middlesex ss. March 6, 1896. Read & Recorded

Alfred Chas Stevens Reg.

Know all Men by these Presents
That I Walter H. Roberts the mortgage named in a
certain mortgage given by Arthur B. Smith and Florence
Smith dated February 6th A. D. 1896, and recorded with
Middlesex (So Dist) Deeds, libro 2438, folio 167, in consideration
of twenty eight hundred & sixty one & 5/100 dollars paid by
Peter S. Roberts of Wakefield, Mass. the receipt whereof is
hereby acknowledged, do hereby assign, transfer, and set
over unto the said Peter S. Roberts the said mortgage and
the real estate thereby conveyed, and the note and claim there-
by secured. To Have and To Hold the same to the said
Peter S. Roberts and his heirs and assigns, to their own use
and behoof forever, subject nevertheless, to the conditions there-
in contained and to redemption according to law. In Wit-
ness Whereof I hereto set my hand, and seal this fifth
day of March A. D. 1896. Walter H. Roberts Read Signed
and sealed in presence of Geo. F. Piper Commonwealth of
Massachusetts. Suffolk ss. March 5th 1896. Then personally
appeared the above named Walter H. Roberts and acknowl-
edged the foregoing instrument to be his free act, and did
before me: George F. Piper, Justice of the Peace.

Middlesex ss. March 6, 1896. Read & Recorded

Alfred Chas Stevens Reg.

Know all Men by these Presents
That I Charles E. Daniels the mortgage named in a
certain mortgage given by Charles C. Swett dated Novem-
ber 27, A. D. 1895, and recorded with Middlesex (So Dist) Deeds
libro 2420 folio 202, do hereby acknowledge that I have
received from Charles C. Swett the mortgage named in
said mortgage, full payment and satisfaction of the same
and in consideration thereof I do hereby cancel and dis-
charge said mortgage, and release and quitclaim unto
the said Charles C. Swett and his heirs and assigns for-
ever the premises thereby conveyed. In Witness Whereof
I hereto set my hand and seal this fifth day of

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As set
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Fellsmore Park (1905) 62
From Tol Kelly

COMMONWEALTH OF MASSACHUSETTS.

THIS INDENTURE made this First day of June in the year of our Lord Nineteen hundred and four between Sylvester Baxter, Andrew J. Freeman, Charles P. Holden, Everell F. Sweet and Harry H. Barrett constituting the Park Commission of the City of Malden and acting herein for said City of Malden, party of the first part, and William B. de las Casas, Edwin B. Haskell, Edwin U. Curtis, David N. Skillings and Ellerton P. Whitney constituting the Board known as the Metropolitan Park Commission created by an Act of the Legislature of said Commonwealth, being Chapter 407 of the Acts of the year 1893, acting herein as said Commission, party of the second part,

WITNESSETH, That the said party of the first part doth hereby under and by virtue and in pursuance of the power and authority upon it conferred by section six of said Chapter 407 of the Acts of the year 1893, and by virtue of section two of Chapter 465 of the Acts of the year 1896, entitled "An Act to better define the authority of the Metropolitan Park Commission," and of every other power and authority hereto enabling and in consideration of the covenants of the party of the second part herein contained and in consideration of One Dollar to it paid by said party of the second part, the receipt whereof is hereby acknowledged, doth hereby transfer and set over unto the party of the second part the care, control and custody, including police protection, of the following described parcel of land situated in said Malder in the County of Middlesex and Commonwealth aforesaid, being Fellsmore Park so-called, of said City as shown upon a plan entitled "Commonwealth of Massachusetts, Metropolitan Park Commission, Middlesex Fells Parkway (Fellsway East) Plan of land in Malden to be transferred by the Park Commission of Malden to the Metropolitan Park Commission for care and control *** May 27, 1904, Wm. T. Pierce, Engineer," being Metropolitan Park Commissioners' Plan No. 456, the original of which is on file in the official archives of said Commissioners, and a copy of which is hereto annexed, and bounded and described as follows:-

Beginning at the Northerly corner of Prospect Street and Prospect Place so-called, as shown on said plan; thence running Northerly in part by said Prospect Street and in part by land of said Commonwealth

known as Fellsway East, Two hundred seventy-five (275) feet, more or less, to a point; thence turning and running Northeasterly, One hundred ten (110) feet to a point; thence Northerly Forty and fifty-five one hundredths (40.55) feet to a point; thence Northeasterly again, One hundred eighteen and eighty-two one hundredths (118.82) feet to a point; thence Northeasterly and Northerly curving to the left with a radius of Two hundred fifty-seven feet, One hundred seventy-six and fifty-nine one hundredths (176.59) feet to a point; thence continuing Northerly curving to the left with a radius of Nine hundred seventeen and ninety-four one hundredths feet, One hundred eighty-six and ninety-one one hundredths (186.91) feet to a stone bound; thence continuing Northerly One hundred fourteen and one tenth (114.1) feet to another stone bound; thence running Northwesterly, nearly Westerly, Seventy-six and seventy-five one hundredths (76.75) feet to another stone bound in the Southerly side line of Savin Street, said seven last mentioned boundary lines or courses running by said land of said Commonwealth known as Fellsway East; thence continuing Northwesterly, nearly Westerly by said Savin Street, Two hundred seventy (270) feet, more or less, to a point; thence running Southwesterly, nearly Westerly, still by said Savin Street, One hundred thirty-three (133) feet, more or less, to a point; thence running Westerly, still by said Savin Street and the extension thereof, Three hundred thirty (330) feet to a point at land of Page & Chandler; thence turning and running Southwesterly, nearly Southerly, by said land of Page & Chandler, in part and by land of the Malden Hospital in part, Five hundred ten (510) feet to a point; thence running Southwesterly by said last mentioned land, One hundred thirteen (113) feet to a point; thence running Southerly by the same, Twenty-nine (29) feet to a point; thence running Northwesterly by the same, Ninety-five (95) feet to Cedar Street; thence running Southwesterly, Westerly, Southwesterly again and Southerly by said Cedar Street, Seven hundred thirty-one (731) feet, more or less, to land of M. S. O'Donnell; thence running Easterly by said land of M. S. O'Donnell, One hundred sixty (160) feet to a tree; thence continuing Easterly by said land of M. S. O'Donnell, One hundred twenty-nine and five tenths (129.5) feet to a point; thence running Southerly by said land of M. S. O'Donnell, Fifty-two and twenty-five one hun-

dredths (52.25) feet to other land of said Commonwealth forming another portion of said Fellsway East; thence running Southeasterly, nearly Easterly, by said last mentioned land of said Commonwealth, Two hundred fifteen (215) feet to a point; thence running Southeasterly, nearly Easterly, by said last mentioned land, Twenty-five and fifty-six one hundredths (25.56) feet to land of J. W. Chadwick; thence running Southeasterly, nearly Easterly, by said land of Chadwick in part and by land of Harriet S. Dyer in part, Two hundred sixty-eight (268) feet to other land of M. S. O'Donnell; thence turning and running Northeasterly by said last mentioned land, Thirty-eight (38) feet, more or less, to a point; thence running Northeasterly, more Easterly, curving to the left with a radius of Two hundred sixty-four and thirty-one one hundredths feet, by said last mentioned land in part and in part by land of W. J. and M. J. Driscoll, Eighty-nine and ninety-six one hundredths (89.96) feet to a point; thence running Northeasterly by said last mentioned land in part and in part by land of the Heirs of David Watson, Fifty-five and fifty-five one hundredths (55.55) feet to a point; thence running Northeasterly and Easterly curving to the right with a radius of Two hundred twenty-seven and sixty-nine one hundredths feet, in part by said land of the Heirs of David Watson and in part by land of the Heirs of James Bartlett, One hundred forty-five and twenty-six one hundredths (145.26) feet to the westerly end of Prospect Place; thence turning and running North by said end of Prospect Place, Thirty (30) feet to the northerly side of Prospect Place; thence turning and running Easterly by said Prospect Place, Three hundred and sixteen one hundredths (300.16) feet to the point of beginning; containing according to said plan Twenty-five and twenty-one one hundredths acres, more or less.

It is hereby mutually agreed and understood that this agreement shall in no manner be deemed to impose upon said Commonwealth or its said Board of Metropolitan Park Commissioners, or any member thereof, or their successors, any active obligation or duty imposed upon the said City of Malden by the terms of the deed from the Boston Rubber Shoe Company to said City of Malden dated September 10, 1894, and recorded with Middlesex South District Deeds, Book 2443, page 338, or by the terms of any other deed or agreement that may exist between

said Boston Rubber Shoe Company or any other person or corporation and said City or its said Park Commission. And said party of the first part hereby agrees that said City of Malden and its said Park Commission will observe and perform all of said obligations and duties in said deeds or contracts contained and will hold said Commonwealth and its said Commission and members thereof and their successors harmless and indemnified from and against the same. And said party of the first part doth hereby reserve to itself and its legal successors and to the said City of Malden the right at all times to enter upon the above described premises whenever necessary to carry out and perform said obligations and duties imposed upon it by said deed of the Boston Rubber Shoe Company or by any other deed or agreement. And the said party of the first part doth hereby further covenant and agree that in case said City of Malden or its said Park Commission is called upon by said Boston Rubber Shoe Company to give its consent or approval to any act contemplated by the terms and agreements as set forth in said deed from the Boston Rubber Shoe Company to said City of Malden, it will before giving such consent or approval confer with said party of the second part or its successors.

This agreement may be terminated at any time by either party hereto by giving six months notice in writing signed by a majority of the persons forming for the time being said Park Commission of the City of Malden or said Metropolitan Park Commission.

And the said Board of Metropolitan Park Commissioners doth hereby in consideration of the transfer herein made accept the care, control and custody of the parcel above described, including police protection, with the rights, easements and appurtenances thereto belonging for the purposes and under the powers and limitations above set forth.

IN WITNESS WHEREOF we, the said Sylvester Baxter, Andrew J. Freeman, Charles P. Holden, Everell F. Sweet and Harry H. Barrett constituting said Park Commission of the City of Malden, and William B. de las Casas, Edwin B. Haskell, Edwin U. Curtis, David M. Skillings and Ellerton P. Whitney constituting said Board of Metropolitan Park Commissioners, all hereunto duly authorized, but in no event incurring any possible personal liability by reason of the execution of these presents, have

Malden, March 7th, 1905.

His Honor the Mayor has approved Order No. 487 Series of 1904.
Below please find a copy.

ORDERED: That the Park Commissioners of the City of Malden are hereby authorized and directed to transfer to the Metropolitan Park Commission for care and control, including police protection, Fellsmere Park, so-called of said city as shown on a plan marked "Commonwealth of Massachusetts, Metropolitan Park Commission, Middlesex Falls Parkway (Fellsway east) Plan of land in Malden to be transferred by the Park Commission of Malden to the Metropolitan Park Commission for care and control *** May 27, 1904, Wm. T. Pierce, Engineer," being Metropolitan Park Commissioners' Plan No. 455 on file in the office of said Commission, and all as described in an indenture dated June 1, 1904, in accordance with the terms and conditions set forth in said indenture, and,

ORDERED: That the said City Government of the City of Malden doth hereby concur in and assent to all of the provisions, stipulations and agreements in said indenture contained, provided, however, that all teams belonging to the City of Malden be allowed free and unrestricted use of the boulevard, so called, lying between Murray Hill Road and Vista Street.

Order No. 487 Series of 1904, of which the above is a true copy,

Passed Feby 23, 1905, by the Common Council, the Common Council consisting of twenty-one members.

Passed March 7, 1905, by the Board of Aldermen, the Board of Aldermen consisting of seven members.

Approved March 9, 1905, by his Honor, Mayor William A. Hastings,

Attest:

Leverett D. Holden,
City Clerk.

COMMONWEALTH OF MASSACHUSETTS.

THIS INDENTURE made this First day of June in the year of our Lord Nineteen hundred and four between Sylvester Baxter, Andrew J. Freeman, Charles P. Holden, Zverell F. Sweet and Harry H. Barrett constituting the Park Commission of the City of Malden and acting herein for said City of Malden, party of the first part, and William B. de las Casas, Edwin B. Haskell, Edwin U. Curtis, David N. Skillings and Ellerton P. Whitney constituting the Board known as the Metropolitan Park Commission created by an Act of the Legislature of said Commonwealth, being Chapter 407 of the Acts of the year 1893, acting herein as said Commission, party of the second part,

WITNESSETH, That the said party of the first part doth hereby under and by virtue and in pursuance of the power and authority upon it conferred by section six of said Chapter 407 of the Acts of the year 1893, and by virtue of section two of Chapter 465 of the Acts of the year 1896, entitled "An Act to better define the authority of the Metropolitan Park Commission," and of every other power and authority hereto enabling and in consideration of the covenants of the party of the second part herein contained and in consideration of One Dollar to it paid by said party of the second part, the receipt whereof is hereby acknowledged, doth hereby transfer and set over unto the party of the second part the care, control and custody, including police protection, of the following described parcel of land situated in said Malden in the County of Middlesex and Commonwealth aforesaid, being Fellsmere Park so-called, of said City as shown upon a plan entitled "Commonwealth of Massachusetts, Metropolitan Park Commission, Middlesex Falls Parkway (Fellsway East) Plan of land in Malden to be transferred by the Park Commission of Malden to the Metropolitan Park Commission for care and control *** May 27, 1904, Wm. T. Pierce, Engineer," being Metropolitan Park Commissioners' Plan No. 456, the original of which is on file in the official archives of said Commissioners, and a copy of which is hereto annexed, and bounded and described as follows:-

Beginning at the Northerly corner of Prospect Street and Prospect Place so-called, as shown on said plan; thence running Northerly in part by said Prospect Street and in part by land of said Commonwealth

Maria Luise

From: Gary J. Christenson
Sent: Wednesday, October 07, 2015 11:53 AM
To: Maria Luise
Subject: FW: Fellsmere Park

Gary Christenson
Mayor, City of Malden
P: 781-397-7000 – Option 6
F: 781-397-7073

 facebook.com/cityofmalden

 twitter.com/thecityofmalden

 linkedin.com/city-of-malden

 accessibleicon.org/partners.html

From: John Matheson
Sent: Wednesday, October 07, 2015 11:14 AM
To: Gary J. Christenson; Robert P. Knox
Subject: Fwd: Fellsmere Park

Gentlemen,

Here is our answer. Malden owns the park. DCR has care as custody. This is the opposite of how we perceived it, and how care of the park is actually performed. Regardless, their representatives state below that no state approval is necessary, only local inspection and approval.

However, because of their role as pond caretaker they would like a courtesy copy of the plans. Bob, can you reply to Cathy Paine with a copy of the specs and drawings? I would also like to request a proposal from Nagle for the full array of water, soil and dredge testing, and send the estimate to the caretakers for their knowledge and assistance.

Regards,
-John

Begin forwarded message:

From: "Paine, Cathleen (DCR)" <Cathleen.Paine@MassMail.State.MA.US>
Date: September 30, 2015 at 3:16:24 PM EDT
To: 'John Matheson' <jmatheson@CITYOFMALDEN.ORG>
Cc: "Hamilton, Susan F. (DCR)" <susan.f.hamilton@state.ma.us>, "Walsh, Thomas M (DCR)" <thomas.m.walsh@state.ma.us>, "Silva, Raul (DCR)" <raul.silva@state.ma.us>, "Teixeira, Ruth (DCR)" <ruth.teixeira@state.ma.us>, "Strother, Eve (DCR)" <eve.strother@state.ma.us>, "Hart, Tony (DCR)" <tony.hart@state.ma.us>
Subject: RE: Fellsmere Park

John...

It was a pleasure talking to you last week.

Tony(DCR- right of way/planner) in his email below to Eve(DCR -legal-long term permitting) explains the agreement better than IBut in summary...

The ownership of the fee in the park and pond is with the City of Malden. Therefore you own that piece of property. You can obtain a building permit with the City Building Inspector...and do not have to go through the State Building inspector since it is no longer state property.

But...DCR has care and control of Fellsmere Park, therefore it would be in our best interests to review the plans.

You can send them to my address or via email and I can be sure to review them with DCR Operations.

Thank you for notifying me with your plans for building the Gazebo. Feel free to contact me if you have further questions.

Warm Regards,
Cathy Paine

DCR North Urban Regional Engineer
(857)294-0050
4 Woodland Road
Stoneham, MA 02180

Hart, Tony (DCR)" <thart@MassMail.State.MA.US> wrote:

Eve:

In instrument No. MPC 456, dated 1st June 1894, the Metropolitan Park Commission accepted the care & control of Fellsmere Park from the Park Commissioners of the City of Malden, acting on behalf of the City. This document is not recorded with Middlesex South Registry of Deeds, but, is "on File with the DCR". MPC 456 has, to the best of my knowledge, never been rescinded, or revoked. The instrument was executed by Sylvester Baxter of said Park Commission on March 15, 1905. It was approved by the Common Council February 28, 1905, by the Board of Aldermen on March 7, 1905, and approved by Mayor William H. Hastings March 9, 1905.

Care & Control of Fellsmere Park & the Pond within, therefore resides with the DCR as statutory successor in title to the former MPC and former MDC. The ownership of the fee in the park and pond remains with the City of Malden. (Note that a portion of Middlesex Fells Parkway - Fellsway East- is laid out within the Park.)


Tony Hart

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Inventory No: MAL.907 
Historic Name: Fellsmere Park - Boston Rubber Shoe Co. Reservoir
Common Name:
Address: Fellsway East
Fellsway East - Savin St
City/Town: Malden
Village/Neighborhood: Oak Grove
Local No: 17;O.P. 17
Year Constructed: 1893
Architect(s): Crowe, John Associates; Eliot, Charles; Olmsted, Frederick
Law; Shurcliff, Arthur Asahel
Architectural Style(s):
Use(s): Park
Significance: Community Planning; Landscape Architecture; Recreation
Area(s):
Designation(s):
Building Material(s):

**Digital Photo
Not Yet
Available**

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Inventory No: MAL.928 
Historic Name: Fellsmere Park
Common Name:
Address: Fellsway East
City/Town: Malden
Village/Neighborhood: West Side
Local No: 24-601,901
Year Constructed: 1893
Architect(s): Olmsted, Olmsted and Eliot; Shurcliff, Arthur Asahel; Works Progress Administration
Architectural Style(s):
Use(s): Park
Significance: Community Planning; Engineering; Industry; Landscape Architecture; Recreation
Area(s):
Designation(s):
Building Material(s):



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Inventory No: MAL.K 
Historic Name: Fellsmere Park Parkways
Common Name:
Address:
City/Town: Malden
Village/Neighborhood:
Local No:
Year Constructed:
Architect(s): Eliot, Charles; Olmsted Brothers; Shurcliff, Arthur Asahel
Architectural Style(s):
Use(s): Other Engineering; Other Road Related; Other Transportation
Significance: Community Planning; Conservation; Engineering; Landscape Architecture; Recreation; Transportation
Area(s):
Designation(s): Nat'l Register MPS (05/09/2003); Nat'l Register District (05/09/2003)
Building Material(s):



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United States Department of the Interior
National Park Service

National Register of Historic Places
Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Fellsmere Park Parkways, Metropolitan Park System of Greater Boston

other names/site number _____

2. Location

street & number West Border Road, Boundary Road not for publication

city or town Malden vicinity _____

state Massachusetts code MA county Middlesex code _____ zip code 02148

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property meets does not meet the National Register Criteria. I recommend that this property be considered significant nationally statewide locally. (See continuation sheet for additional comments.)

Signature of certifying official/Cara H. Metz, State Historic Preservation Officer
Massachusetts Historical Commission

3/21/03
Date

State or Federal agency and bureau _____

In my opinion, the property meets does not meet the National Register criteria. (See continuation sheet for additional Comments.)

Signature of certifying official/Title _____

Date _____

State or Federal agency and bureau _____

4. National Park Service Certification

I, hereby certify that this property is:

Signature of the Keeper _____

Date of Action _____

entered in the National Register

See continuation sheet.

determined eligible for the

National Register

See continuation sheet.

determined not eligible for the

National Register

removed from the

National Register

other (explain): _____