

Town of Brookline Park and Recreation Commission

Public Art Guidelines for Parks and Open Spaces

*Approved by Parks and Recreation Commission on January 12, 2009
Amended on April 12, 2011*

Overview

Proposed installations of permanently-donated or temporarily-loaned art must be properly reviewed to ensure that they comply with Town policies and are appropriate and placed in suitable locations. The Public Art Guidelines for Parks and Open Spaces ("Guidelines") outlines the standards and procedures for considering public art donation and temporary art exhibit proposals by the Park and Recreation Commission in public parks and open spaces. The Guidelines are necessary to ensure that art installations complement and respect the character of the Town, are appropriate to its setting, history, and traditions, and do not impose unexpected or insupportable burdens on the Town (such as a frequent need for maintenance and repair, or high, ongoing security costs).

With respect to donated art, the formal review process typically takes six months but could take longer. Until the review process is complete, neither donors nor the Town should formally commission any work or make any binding commitments, financial or otherwise, that assume acceptance of a work of art by the Town or installation at a particular site.

Purpose

The purpose of the Guidelines is to establish standards and procedures for the selection, installation and care of donated and temporarily-loaned public art within Brookline's parks and open spaces.

Scope

Art work subject to the Guidelines may include, but are not limited to, sculptures, bronzes, paintings, mosaics, and other approved design elements and pieces. The Guidelines apply to all Brookline public parks and open spaces under the jurisdiction of the Park and Recreation Commission.

Exhibitions of Temporarily-Loaned Art

For temporary art installations, proposals shall be approved by the Park and Recreation Commission following the completion of a written application. Following approval of the proposal, the Director of Parks and Open Space shall review each piece to ensure that it conforms with the proposal and shall approve installation methods. Temporary art installation selection criteria shall be as described under "Appearance, Aesthetics and Other Selection Criteria" below. In addition, temporary art installation selection decisions shall not discriminate on the basis of viewpoint.

Conditions on Permanent Donations

Acquisition: The Park and Recreation Commission has an interest in ensuring that public art installations are of high quality related to style, appearance, durability, and ease of maintenance.

Appearance, Aesthetics and other Selection Criteria: The Park and Recreation Commission has an interest in ensuring the best possible appearance and aesthetic quality of their public facilities and selection decisions will be made accordingly. In addition, public art elements and/or any associated donation acknowledgements (as may be approved by the Park and Recreation Commission) should reflect the character of the Town and shall be appropriate for a general audience of all ages. In addition, in light of laws applicable to public parks and open spaces, the following shall not be accepted: (a) public art elements that i) promote political fundraising within the meaning of Mass. Gen. Laws. ch. 55, or that ii) promote or oppose a matter placed, or to be placed, before voters at the polls or that otherwise promote a political campaign purpose within the meaning of Mass. Gen. Laws ch. 55; and (b) public art elements that endorse religion or any particular religion, or that endorse opposition to religion or to any particular religion. No public art element nor its manner of installation shall substantially change the character of a park or facility or its intended use.

Repair: The Park and Recreation Commission has an interest in ensuring that all public art elements remain in good repair. In addition, the public has an interest in ensuring that the short and long term repair costs are reasonable. The Town will accept a donation only after it has determined that parts and materials are readily available. Donated public art elements must be of high quality to ensure a long life and resistance to the elements, wear and tear, or acts of vandalism.

Indemnification for Costs to Town: The Park and Recreation Commission has an interest in ensuring that the donor covers the full cost of the purchase, installation, and maintenance, including repair parts and materials, during the expected life cycle (as described in the donor contract) of donated public art elements. The Town will not be responsible for maintenance, including repair parts and materials, of art installations, particularly those that require regular service, such as recoating or reapplying exterior finishes or protective coverings. For this reason, the Commission typically expects that donors contribute funds to establish a special account for maintenance, repairs, and upkeep of donated art. Consequently, the Town may assess, at the time of donation, a charge sufficient to cover anticipated on-going maintenance of donated public art elements during their life cycle. At the end of the life-cycle term, the Town will attempt to contact the donor, who may, at the discretion of the Park and Recreation Commission extend the life-cycle term by paying for a new donation and its associated maintenance cost or providing additional repairs/upgrades that would extend the life-cycle of the original donation. The Town reserves the right to seek a new donor for the donation at the end of the established life cycle should the original donor choose not to renew the donation or if the Town has not been able to contact the original donor. The Park and Recreation Commission reserves the right to approve a new donor at any point in time if it is determined to be in the best interest of the park and the public's ability to use and enjoy that space.

Installation: Installation of donated public art elements, including any donor/ acknowledgement/ memorial plaques (if approved), will be completed by Town personnel or their approved contractor. The installation will be scheduled at a time and date as determined by the Parks and

Open Space Division so as not to unnecessarily interfere with routine park maintenance activities or events.

Ownership/Removal/Relocation: Donated public art elements, and/or their associated donation acknowledgements, become Town property. The donating party relinquishes all rights in the donated piece as may be specified in the donor agreement. The Town landscape is an evolving, active environment. In addition, public art elements may, over time, prove to interfere with site safety, maintenance or construction activities. The Town reserves the right to alter, relocate or remove a donated art piece. Within the discretion of the Commission, the Commission will endeavor to contact surviving donors/artists for consultation if a major alteration or removal is necessary or desired, and allow thirty (30) days for the donor to remove and reclaim the piece or pay for its removal. In certain circumstances, such as safety or emergency situations, the Commission may endeavor to make such notification after the action is taken. It shall be the responsibility of the donor to provide the Parks and Open Space Division with a current address for purposes of such notification.

Ownership

Unless a special condition to the contrary is expressly requested by the donor, accepted through the review process, and memorialized in the donor agreement, all art installations are the property of the Town. Public art donations become Town property at the time specified by the donor contract.

Making a Permanent Public Art Donation

The Park and Recreation Commission will review all proposed donations of public art to be located in Town parks and open spaces, with the assistance of the Director of Parks and Open Space (“Director”), as set forth below. All donations of public art elements are subject to final approval by the Park and Recreation Commission and acceptance by the Board of Selectmen. The Commission has established the following review process for public art in Town parks and open spaces:

- I. For permanent art installations that are proposed independent of a formal park Design Review Process (which occur as part of a major park renovation), a ***Park Art Review Committee*** shall be established to review the art proposal through a public meeting process. The Park Art Review Committee consists of seven voting members all appointed by the Chair of the Park and Recreation Commission. Three members are Park and Recreation Commissioners and three members are selected from the arts community (the Brookline Commission for the Arts, the Brookline Arts Center board or faculty, Brookline artists etc.) and the final is the Director of Parks and Open Spaces or his/her designee. Meetings of the Park Art Review Committee shall be held in accordance with the Massachusetts Open Meeting Law. The Park Art Review Committee will present its recommendation to the Park and Recreation Commission for formal review and a recommendation to the Board of Selectmen.

These Guidelines require that the Park Art Review Committee consider all criteria set forth in this Policy in its review of proposed public art selection, and specifically:

- a. Artistic excellence/quality of artwork and craftsmanship,
- b. Relationship of artwork to site,
- c. Maintenance provisions,
- d. Adherence to park master plans,
- e. Durability, public safety and the degree of public contact and,
- f. Responsibility of ownership/maintenance.

- II. For permanent art installations that are reviewed as part of a formal park Design Review Process, the Park Design Review Committee [DRC] may ask for art professionals or specialists to sit with the DRC in an advisory capacity to review the public art proposal, or request that a Park Art Review Committee be established if the nature and scope of the art proposal warrant a second advisory committee.

Application: The donor first must contact the Parks and Open Space Director to determine whether a particular site is available for displaying donated public art. If there is availability, the donor must send a written proposal to the Director. Completed proposals, once reviewed by the Director, will be submitted to the Commission for review and processing.

Review Process: Donors are strongly encouraged to discuss tentative proposals and art ideas with the Director prior to beginning the formal review process. Donors should do this before making any major investment of funds in developing a detailed proposal. Proposals need not be in complete form for this early discussion to take place. Once the donors are ready, they must submit their application to the Director. The Director will then review the proposal in order to determine whether a site is available and the application is complete. Once the application is submitted, the donor should be prepared to present the following information to the Director and Commission upon request:

- a. Information about work(s) of art, existing or proposed, including materials, concept and purpose, artist biography, date of creation of the piece, and history (*i.e.*, Why was it commissioned/created? Has it been previously located in installations elsewhere? Has it won awards or critical notice? Are there previous owners of significance? What place and significance does the art have in the overall portfolio of the artist? If the artist has a portfolio, brochures, or samples of similar work, it is useful for the Director to see this material in order to evaluate and understand the style and technique of the artist and the proposed work of art?);
- b. Information about the donor(s), their background and any association with the Town, and why the particular piece of art is being offered to the Town;
- c. Any technical issues related to materials, maintenance and care, repairs, and installation needs such as hanging arrangements, bases, pedestals, or footings needed or environmental

conditions (excessive shade, sunlight, or moisture) that might affect the art or recommendations on its site location;

- d. Photographs of the art or, if it is a proposed piece not yet fabricated, an illustration. If the piece is a sculpture meant to be viewed in the round, photographs or illustrations from more than one perspective are desirable.

After all appropriate consultation with the Director has been completed by the prospective donor, the Director shall prepare a staff report and present recommendations to the Commission.

Following presentation of the proposal, the Commission will review the application based on the following criteria and determine whether or not the proposal should be considered further:

- a. Does the proposed piece of art meet the Town of Brookline Park and Recreation Commission Public Art Guidelines for Parks and Open Spaces? Does the proposed piece of art have aesthetic value and appeal? Will it be a valued addition to the art collection of the Town? Is the proposal appropriate for the Town? High quality art that will have an enduring impact and works of art that highlight the traditions, character, and landscape of the Town are particularly sought and encouraged.
- b. Is the art durable and sturdy? The Town does not have regular funds to repair extensive weather damage, deterioration, or vandalism to art pieces. If a proposed art gift seems especially susceptible to any of these conditions, it may be declined. Works of art with moving parts must be carefully evaluated for their potential for breakage and future needs for repair.
- c. What if any costs will the Town incur to maintain this piece of art? Can the donor pay all the costs of fabrication, delivery, installation, and maintenance of the art? This is an important consideration since the Town does not have funding set aside to purchase or maintain art or subsidize art installations.
- d. Is the proposed site appropriate and consistent with the site plan? Art pieces must be carefully sited to minimize safety concerns and avoid conflicts with underground utility lines, circulation by vehicles and pedestrians, and access by people with disabilities. The Director can review these issues with the donor during their preliminary meetings.
- e. Will the gift of art enhance the Park? The Commission welcomes art works that can make a new and special contribution to previously overlooked portions of the landscape. The Director can advise on locations where art would be appropriate but may not have been considered by the donors. Once its review is complete, the Commission – at one of its regular meetings – may approve, disapprove, or modify a recommended approval, or return the matter to the Donor, Director or Public Art Review Committee with specific questions or requests for modification.

Site Plan: The Donor must prepare a site plan showing the proposed location for the public art element. To accept donation of a public art element for a specific park or open space, the

donation must (1) enhance the park or open space, (2) not interfere with the intended current or future use of the park or open space, and (3) not require the relocation of other equipment or infrastructure to accommodate the public art donation. It is the exclusive right of the Commission to determine whether a park or open space is appropriate for a particular piece of art.

Once a piece is approved and accepted by the Board of Selectmen, the Parks and Open Space Division will continue to work with the applicant on installation, placement and maintenance relative to the public art piece as may be specified in the donor contract.