



Setti D. Warren  
Mayor

**Newton Parks & Recreation Commission**  
**Meeting Minutes**  
**City Hall, Room 209, 7:00pm**  
**October 15, 2012**



Robert J. DeRubeis  
Commissioner

Attending: Arthur Magni, Chairman, Bob DeRubeis, Commissioner, Fran Rice, Andrew Stern, Bethel Bilezikian Charkoudian, Richard Tucker, Vice-Chairman, Don Fishman, Michael Clarke, Jack Neville, Robin McLaughlin, Secretary

*Meeting called to order at 7:03pm*

1. Meeting Minutes – September 24, 2012 – accepted 6-0 (2 members arrived after the vote)
2. Commissioner's Reports on Programs, Forestry and Maintenance
  - Paddy's Road Race took place on Sunday. The event was very successful, 2,300 runners registered; due to the rainy weather about 1,600 ran the race. Mark Kelly, Special Needs Director did a terrific job. Mr. Johnson commented he tried to drive into the CVS parking lot in West Newton during the event and the parking lot was full cars from event participants. Commissioner DeRubeis acknowledged that parking in the area is an issue and will be part of the discussion for next year's event.
  - The Harvest Fair also took place this past weekend.
  - Fall programs include; NNHS Indoor Recreation, Ice Skating and Horseback riding
  - Commissioner DeRubeis took a boat tour on the Charles River with the Mayor and Representative Khan to inspect the invasive plants in the river.
  - A dumpster will be placed in Nahanton Park near the Community Gardens. There is a group cleaning out invasive species in the park.
  - Judy Dore has an Exhibit of the history to the Farmers Market at the Jackson Homestead and Museum. The Exhibit will be at the museum through January. There was a reception last week that was well attended. Judy Dore is the key in making the Farmers Market a success, on the city level and the state level. Mr. Tucker commented he has attended the Cold Spring Market and was very impressed with the variety of items.
  - A winter Farmers Market will begin on Tuesday, November 13 at the Hyde Community Center.
  - Two, of the three, forestry crew has started working this week; a third crew member is close to being hired.
3. New Business
  - Commissioner DeRubeis commented the construction for the 911 memorial has begun at Fire Department Headquarters.
  - Mr. Bernheimer's term is expired on the Community Preservation Committee (CPC) and another member should be appointed. Commissioner DeRubeis stated an alternate commission member can be appointed to the CPC. Mr. Clarke stated he is on the CPC representing Open Space, a different Commission member would need to be appointed to represent the P & R Commission.

- Regulations for Newton's Waterways: The sub-committee appointed on 6-18-12 to create a policy for docks on Crystal Lake submitted its report. Mr. Clarke distributed a document (see attached) Draft Regulations for Newton's Waterways. Mr. Clarke combined the current waterway rules from 1929 and updated the regulations with current information from the state and by looking at what other cities & towns do to regulate waterways. While the Control of Crystal Lake act of 1924 appears to give the Parks and Recreation Commission the ability to make rules for crystal lake, the state official (David Slagle, Waterways Protection Program, DEP) was not sure how to interpret the act, particularly with regard to docks and advised Mr. Clarke to see what other towns had done under Massachusetts 310 CMR 9.07(3), which requires that, if a town assumes regulation, all the waterways (rivers and great ponds) be regulated by the town. The state office also indicated that it was likely than none of Newton's current docks (public and private) were in keeping with 310 CMR 9.07. In addition to the existing rules of 1929, 1992 and 2005 for Crystal Lake, Mr. Clarke also looked at the regulations of towns such as Concord, Sharon, Gloucester, Lowell, Newburyport and Harvard. Consequently, the Regulations presented include the Charles River, Hammond Pond, and Crystal Lake. At the suggestion of Schulyer Larabee (Crystal Lake Conservancy) Bullough's pond (which is public, but not a great pond) was also included. The resulting draft regulations are very preliminary and will need the involvement of a number of other groups (Law Office, Conservation Commission, community groups such as the Crystal Lake Conservancy, and abutters) in order to be adequate. Mr. Clarke feels these rules are important to update and standardize for the sustainability of the waterways in Newton. The members present agreed and came to a consensus to move forward with the document and to begin involving other groups, such as the Conservation Commission. Commissioner DeRubeis suggested forwarding the document to the Law Department for review. Mr. Clarke commented the Conservation Commission and the State would also be required to review the document.

*Meeting Adjourned 7:46pm*

Respectfully submitted,  
*Robin McLaughlin*

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## Regulations for Newton's Waterways

As indicated in Newton's Heritage Landscape Plan:<sup>1</sup>

Water has been a common theme in shaping the land use patterns of Newton, and its importance to the community is reflected in three of the priority landscapes. The Charles River surrounds and defines the western half of Newton. The Charles was used for transportation, while also acting as an impediment to travel. Construction of dams, bridges, alterations to the channel and even water diversions are critical to telling the story of Newton and establishing a background for the selection of priority heritage landscapes. It is no coincidence that many of the parks and conservation areas in Newton are associated with waterways or water bodies, as are some of the remaining large tracts of privately-owned "open space."

The City of Newton endeavors to preserve the natural beauty and ecology of Waterways within its jurisdiction under MGL Ch 91 §10A and 310 CMR 09.07, and enable both recreational and commercial uses of these waterways.

### Definitions:

*City:* The City of Newton

*Waterways:* The navigable waters within the City of Newton, such as Crystal Lake, Hammond Pond, Bullough's Pond, and the right descending portion of the Charles River, including all rivers, streams, coves, lakes, ponds and waterways made temporarily non-navigable by reason drought or seasonal weather or water conditions.

*Harbormaster:* The Harbormaster of the City of Newton duly empowered by the general laws of the Commonwealth, or any assistant Harbormaster duly appointed. This position is to be held by the Commissioner of Inspectional Services or his designee.

*City Docks:* The docks located at Cronin's Cove and the bathhouse area in Crystal Lake and at Nahanton Park on the Charles River.

*Mooring:* An arrangement of an anchor or anchor device made to affix a floating object to the waterway bottom. It may include chain and floating buoy to which a boat may be tied for extended periods. It may also include any type of anchor or ground tackle used to secure a float or docks

*Mooring Dock:* A floating section of dock that is affixed to the waterway bottom and not directly accessible from land and capable of tethering one or more boats.

*Pier:* A dock connected to land by a walkway.

*Person:* Includes individuals, corporations, associations, societies, partnerships, trusts and any other legal entity.

### City Docks, Floats, Piers, Moorings, Landings and Shorelines

1. The City shall not be responsible for any loss or damage to boats or equipment at the publicly owned docks, floats, piers, moorings or landings.
2. Boat owners and operators shall be responsible for any damage caused by themselves or their boats when made fast to any of the piers, docks, floats or moorings, public or private.
3. Except in an emergency, no boat shall be made fast to any public pier, float, mooring or dock for a period of time in excess of posted time limits without the permission of the Harbormaster.
4. No boat shall be permitted to moor in Newton waters or to make fast to any public pier, dock or float, if the boat is determined by the Harbormaster to be unseaworthy, deteriorated, likely to cause damage to property, personal injury or which might become a menace to navigation. This shall not apply to boats in immediate distress as a result of a current emergency.

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5. No person shall leave any boating or fishing equipment, fish or any other personal property upon any public pier, dock, float or landing for longer than is necessary to load or unload said property to and from any boat or vehicle.

6. There shall be no scaling or cleaning of fish or shellfish on any public piers, docks, floats or ramps, or adjacent public parks.

### **Floats, Rafts, Docks and Moorings.**

*Hammond and Bullough's Ponds:* Permanent or temporary floats, rafts, piers, docks, moorings and walkways on the water are not permitted on Hammond Pond and Bullough's Pond.

*Charles River:* All floats, rafts, docks, mooring docks, or moorings on the Charles River must have a permit consistent with a notice of intent and an order of conditions issued by the Conservation Commission and a permit from the Department of Environmental Protection or the Harbormaster (in accordance with M.G.L. Ch 91 §10A).

*Crystal Lake:* The Harbormaster may authorize by permit the mooring on an annual basis of floats, rafts, and docks held in place solely by the means of anchors or bottom moorings (in accordance with M.G.L. Ch 91 §10A and 310 CMR 09.07) on Crystal Lake. The applicant must file a Notice of Intent and secure an Order of Conditions from the Conservation Commission and obtain approval from the Parks and Recreation Commission (under the 1924 Act Relative to the Control of Crystal Lake in Newton) before obtaining a permit from the Commissioner of Inspectional Services. Such structures shall be made of wood or materials having the appearance of natural native wood, shall not be more than 5'x5' and one foot high, and are permitted to be on the water from May 1 to October 15. Permits must be renewed March 1<sup>st</sup> of each year by request to the Parks and Recreation Commission, which shall forward the request to the Commissioner of Inspectional Services by April 1<sup>st</sup>.

*City Docks:* Exception is made for the City Docks, which may be of larger size, and are exempt from annual renewal.

### **Boat Operations in Ponds, Lakes, Streams and Rivers**

The following regulations, in addition to applicable general regulations, apply to all fresh water ponds, lakes, streams and rivers within Newton.

1. Internal Combustion Engines - Restrictions. The use of internal combustion engines

is prohibited on Crystal Lake, Hammond Pond, Bullough's Pond and all waterways less than thirty (30) acres in size.

2. Use of Aircraft - No aircraft adapted to land on water shall be allowed to operate from or upon any pond, lake or river in Newton except upon an emergency basis.

### **General Rules for the Use of Crystal Lake, Hammond Pond and Bullough's Pond**

1. No person shall enter or leave Crystal Lake except at beaches where the City owns the land or at such other places as the Parks and Recreation Commission may specially designate, providing, however that all inhabitants of the Commonwealth shall have equal rights with the citizens of Newton, subject to the payment of such charges as are fixed under these rules. Exception is made of abutters, their guests and servants on their own respective beaches.

2. No person shall in or on Crystal Lake, or upon any land bordering thereon, solicit the acquaintance of, or annoy another person; or utter any profane, threatening, abusive or indecent language, or loud outcry; or solicit any subscription or contribution; or have possession of or drink any intoxicating liquor; or play any game of chance; or have possession of any instrument of gambling, or do any obscene or indecent act; or preach aloud, or make an oration or harangue, or any political or other canvass; or move in a military or civic parade, drill or procession; or lie down upon a bench or go to sleep thereon; or play any musical instrument except by written authority from the Newton Parks and Recreation Commission.

3. No person shall dig up, cut, break, remove, deface, defile or ill-use any building, structure, fence, sign, bush, plant or rock, or any other thing belonging to the City of Newton, or have possession of any part thereof.

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4. No person shall post, paint or affix any sign, notice, placard or advertising device; or, except with written authority from said Newton Parks and Recreation Commission engage in business, sell or expose for sale, or give away any goods, wares, or circulars; or set a trap or snare or injure or have possession of any wild animal or bird; or injure or destroy any bird's nest or eggs; or drop or place and suffer to remain any piece of paper or other refuse, except in the receptacles designated therefor.
5. No person shall ride or drive any animal or vehicle on the city reservation or the beach of Crystal Lake; or bring dogs to the lake except on leash.
6. No person shall refuse or neglect to obey any reasonable direction of a Parks and Recreation official or police officer.
7. No person shall throw, drop or place any waste paper, rubbish or refuse in or on Crystal Lake, Hammond Pond, Bullough's Pond or upon any public land bordering thereon.
8. No person shall throw any stone or any other missile, or have possession of or discharge any destructive weapon, firearm, firecracker, torpedo or firework in or on Crystal Lake or upon any public or private land bordering thereon.
9. No person shall, in or on Crystal Lake or upon any public land bordering thereon, engage in disorderly conduct, gambling, use of illegal drugs, or use of obscene or indecent language.
10. No person shall, in or on Crystal Lake or upon any public land bordering thereon, have possession of or drink any alcoholic beverage.
11. No person shall throw or place a lighted match, cigar, cigarette or other burning substance in or on Crystal Lake or upon any public land bordering thereon, nor shall any person make a fire upon the ground or in a grill upon any public land bordering Crystal Lake, nor shall any person make a fire in a grill on a boat.

### **Bathing.**

Swimming or bathing is not permitted in Hammond Pond or Bullough's Pond.

#### *Rules Regarding Swimming or Bathing in Crystal Lake.*

1. All bathing in Crystal Lake will be limited to pass holders. The passes are good only for the summer of the year in which they are issued and are subject to observance of all the rules pertaining to bathing in Crystal Lake.
2. Each bather is restricted to one hour's use of the dressing room and bathing facilities in Crystal Lake, per day. A shower bath must be taken before entering the waters of the lake.
3. No person entering Crystal Lake from the bathhouse beach for the purpose of swimming may swim out of or otherwise exit the protected swimming area; nor may any person accessing Crystal Lake from the bathhouse beach swim in any area other than the designated, protected swimming area.
4. All persons bathing in the lake shall use the bathing facilities provided by the City of Newton. The fees for swimming will be set annually (in April) by the Parks and Recreation Commission. For exception read Rule 1.
5. No person shall bathe in this lake except in proper costume and at a place designated therefor, or bathe at any other seasons or hours than are posted at the designated bathing beach; or bathe on days or during hours not designated for his or her sex and no persons may loiter on or near the bathing beach. Exception is made as to loitering when parents or guardians accompany their children or when nurses or maids or other persons come in charge of children.

### **Rules and Regulations for Boating on Crystal Lake and Hammond Pond**

Use of Crystal Lake and Hammond Pond for boating and fishing is permitted year-round from dawn to dusk subject to the following rules and regulations:

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## 1. Types of Boats

The following boats are permitted: Car top boats, including canoes, kayaks, rowboats, wind surfers and inflatable boats that have sides, oar locks and a rated carrying capacity of at least 300 lbs.

All persons using the above permitted boats must wear a coast guard approved personal flotation device (PFD) at all times. (see rule 7a below)

2. Types of Motors a. Electric motors not exceeding 3 horsepower or 30 lbs. of thrust.

3. The Following Are Prohibited:

a. Jet skis, crew sculls, water skiing;

b. Internal combustion engines on or in the water. (exception – emergency vehicles)

4. Access Points on Crystal Lake

a. All boats must be put in the water by hand carrying at the designated area on Cronin's Cove. Boats may not be put in Crystal Lake from any other site, except for boats belonging to owners of property abutting the lake (abutters), which may be launched from the abutter's property.

b. Outside of swim season, boaters may park in the Gil Champagne Bathhouse parking lot and put boats in by hand carrying to the lake through the adjacent park area.

5. Launching and Landing

a. Boaters are prohibited from landing their boats on private property on Newton Waterways, except that the foregoing restriction shall not apply to abutters landing boats on their own property.

b. No person shall moor a boat in the water and no person shall beach a boat within the boundary of the access point or upon any other public land surrounding the lake (a) after dusk or (b) in a manner that interferes with the reasonable use and enjoyment of the access point and other public land by others entitled thereto.

c. No person shall dig up, cut, break, remove, deface, defile or ill-use any fence, sign, stairway, bush, plant, turf, rock, or any other thing belonging to the City of Newton, or have possession of any part thereof.

6. Parking

a. Boaters may park in the designated zones on Lake Avenue at Cronin's Cove for five (5) minutes while loading and unloading boats. At all other times, boaters' vehicles must be legally parked in appropriate spaces.

b. The maximum number of boats permitted on Crystal Lake or Hammond Pond in active use at any one time is limited to twenty (20) boats on a first-come/first-served basis.

7. Safety

a. All boats must be equipped with one Coast Guard approved personal flotation device, in good and serviceable condition, for each person on board, which must be worn at all times by each such person on board. (M.G.L. c.90B, §5A)

b. Boaters are required to read and obey State boating regulations, which appear on the Department of Fisheries, Wildlife and Environmental Law Enforcement sign posted at Cronin and Levingston Coves.

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- c. No person shall operate a boat or other craft that exceeds the recommended carrying capacity or recommended number of persons on board. Any person operating a boat in the aforesaid manner shall be ordered to remove such boat from the lake.
- d. No person under age 12 shall operate a boat on the lake, unless accompanied by another person (in the same boat) who is at least 12 years of age.
- e. Boating is not permitted inside the buoyed swimming area, the buoyed area surrounding the high voltage aerator or within one hundred and fifty (150) feet of the bathing beach. Boaters should be mindful of swimmers who may stray outside of the swimming area.
- f. Swimming from boats is prohibited (boaters are not permitted to jump into the water or swim.)
- g. All boaters use the lake at their own risk.

### **Fishing**

1. All persons who fish from boats, piers, floats, shore, *etc.* must have a valid fishing license as required.
2. Scuba fishing and spear fishing are prohibited.
3. Ice fishing or any other activity on the lake is prohibited at any time when the ice is determined by the City of Newton Safety Officer and Parks and Recreation Department to be unsafe for skating and is prohibited at all times in areas planned for skating.

### **Skating**

Skating is not permitted on Hammond Pond.

No persons shall skate on the ice except on the Charles River, Crystal Lake, Bullough's Pond or any other Newton waterway, except at a place or places designated therefor by ropes and lanterns; or skate on any other days or hours than are posted at the skating reservation, or cut ice, or deposit snow on any part of the reservation for skating, or within fifty yards of this reservation; or skate in the reservation when signs are up forbidding skating; or play hockey in any area not specially marked for this game; or refuse or neglect to obey the posted rules and regulations governing winter sports; or refuse or neglect to obey any reasonable directions of playground directors or police officers.

### **Enforcement**

1. No person shall refuse or neglect to obey any of these rules when directed to do so by any official authorized to enforce these rules as specified in Rule 9(b) below.
2. The City of Newton Police and Newton Parks and Recreation Officials shall enforce these rules and regulations. Violations are subject to a \$50 fine to be paid to the City of Newton. (M.G.L. c.90B, §12.14.)
3. The Director of the Division of Law Enforcement of the Department of Fisheries, Wildlife and Environmental Law Enforcement; Environmental Police Officers, and State Police are authorized to enforce applicable state laws, which may also include a \$50 fine for violations. (M.G.L. c.90B, §12, §14.)
4. These Rules have been established taking into account the population density of the City and close proximity of Crystal Lake to major thoroughfares and Newton Center. These Rules also reflect the desire of the City to deal equitably with abutters and non-abutters and to preserve the ecological balance of Crystal Lake by preventing the over-utilization of this cherished natural resource. These Rules will normally be reviewed annually in April at a formal Parks and Recreation meeting, and as deemed necessary by the Parks and Recreation Commission.

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## Prior Rules

The *Rules and Regulations for The Government and Use of Crystal Lake* (City of Newton Playground Commission – 1929) and the *Rules and Regulations for Boating on Crystal Lake* (City of Newton Playground Commission – 2005) are hereby amended and superseded by these regulations. Except as specifically set forth herein, these rules are not intended to displace or supplant existing law.

(1) *Newton's Heritage Landscapes: A Community-Based Reconnaissance Report*, Newton Planning & Development Department, Newton Community Preservation Committee 2010  
<http://www.newtonma.gov/civica/filebank/blobdload.asp?BlobID=30750>