

Property: 20 Rogers Street (Crystal Lake Park)
Newton Conservators Conservation Restriction
Monitoring-2022

BACKGROUND:

1. NAME OF PROPERTY Crystal Lake – 20 Rogers Street

Address of Property 20 Rogers Street, Newton Highlands, MA 02461

Newton- Assessor Data Base # SBL 62001 (City-owned)

2. Current Property Owner and Address—if City of Newton, Department Responsible for Property

City of Newton Dept. of Parks, Recreation and Culture

Telephone # 617.796.1500

Emails: parks@newtonma.gov; Luis Perez Demorizi <lpdemorizi@newtonma.gov>;

[Carolyn K. Stapleton <carolynk.stapleton@newtonma.gov>](mailto:carolynk.stapleton@newtonma.gov)

Is there any knowledge of the property being transferred, leased or sold? No

3. Date of Inspection 18 October 2022

4. Monitor/s Alice Ingerson, Peter Barrer, Ken Mallory

5. Name of Owner or Representative Present During Inspection

Carolyn K. Stapleton, Luis Perez Demorizi, Atilla Habip (private owner of abutting 230 Lake Avenue)

INSPECTION VISIT:

6. Briefly Describe the Nature and Methods of the Site Visit

The site is bounded to southwest by Rogers Street (just south of its intersection with Lake Ave) with the western most site corner being marked by the old driveway for the lot. The site is bounded to the northwest by 230 Lake Ave, a privately-owned residence, and a City-owned vacant parcel (0 Lake Ave) with a Conservation Restriction. The site is bounded to the north and northeast by Crystal Lake, a great pond with an area of roughly 30 acres. The site is bounded to the east by the Crystal Lake bathhouse and parking lot, a facility owned and operated by the City of Newton Parks and Recreation Department.

7. Current land use: also list and describe any changes in land use since last inspection, if none, so state

Passive recreation year-round, public swimming during the summer (late June - late August). No changes since 2021 monitoring.

8. List any man-made alterations since the last monitoring visit, (i.e. construction, dredging, clearing of fields, trail work, tree work, invasive plant removals, etc.) and note location(s) on the route map and attach maps, photographs, and illustrations as helpful.

- Benches once located on the narrow sandy beach on the lake side of the stone retaining wall along 20 Rogers Street (commonly known as “left beach”) were removed in 2020.
- See also discussion under question 10 below.

9. List any natural alterations since the last monitoring visit, (i.e., flooding, fire, insect infestations, tree damage, invasive plants, etc.). Note the location(s) on the route map and attach maps, photographs, and illustrations as helpful.

- In 2021, the lake lapped to within a foot or so of the retaining wall along “left beach.” However, during our 2022 site visit the recent and continuing drought had exposed several feet of sand between retaining walls and the waterline, at both 20 Rogers Street and 230 Lake Avenue.
- One challenge at Crystal Lake, as a Great Pond, is that Massachusetts law (MGL Ch. 131, Section 45) provides for public access and requires state authorization “for all activities in, on, over, or under the entire area of any Great Pond, whether larger or smaller today than historically.” In other words, any “new” land uncovered at the edges of Crystal Lake, whether by human action or by climate change, is still considered part of the Great Pond.
- The invasive vines we noted last year have again grown significantly, and there appears to have been no systematic effort to control them. They include porcelain berry growing on and through the yews along the former driveway of 20 Rogers Street, English ivy growing on several mature trees (including cedars) near the edge of the stone patio/fountain at 230 Lake Avenue and along the (somewhat tumble-down) retaining wall along the original boundary between 20 Rogers Street and 230 Lake Avenue, and some *very robust* (2” or more in diameter) bittersweet vines growing along and through the original retaining wall between 230 Lake Avenue and the lake itself.

10. List areas in need of discussion or review (depositing/dumping, wetland alteration, excavation, residential structures, tree or shrub removal, agricultural structures, damage to the property, etc.).

- NOTE: Detailed plans, community meeting presentations, etc. for the various City projects mentioned below are available from <https://www.newtonma.gov/government/parks-recreation-culture/parks-open-space>
- The Parks, Recreation & Culture Dept. has now hired Weston & Sampson to work on the plans for site improvements supported by the \$75,000 state grant mentioned in our 2021 report. From a 15 September 2022 community meeting about this project, we have attached Weston & Sampson’s “existing conditions” plan and three possible “improvements” plans.
- As noted in 2021, goals for this project include providing equitable ADA-compliant accessibility from the sidewalk to both the park and the water, as well as between 20 Rogers Street and the

City property at Levingston Cove. City staff are aware that the Conservators must approve the design of paths and other significant changes on public property subject to the conservation restrictions we hold. At 20 Rogers Street, the Conservators' restriction limits impermeable surfaces to 20% or less of the total lot area.

- As we suggested in 2021, in April-May 2022 the City conducted a new survey to support this improvement project, including major trees and shrubs already on the site. We have attached that survey.
- As we noted last year, much of the existing woody vegetation, including large yews closer to Rogers Street and cedars closer to the lake, follows the original boundary between 20 Rogers Street and 230 Lake Avenue, rather than the current boundary between public and private property, which runs *through* the stone patio and fountain at 230 Lake Avenue. Many of these shrubs and trees are seriously infested with invasive vines, including porcelain berry, English ivy and bittersweet. We saw no evidence of any attempt to control these invasives.
- As in 2021, we suggested that these existing plantings be replaced with new ones along the current boundary between public and private property. Some of the attached conceptual plans suggest such replanting is under consideration. In reviewing the City's plans for this landscape, the Conservators should discuss in detail with staff how to balance replanting with any value of the existing vegetation as habitat or food for wildlife.
- Much of our conversation with City staff this year focused on accessibility. Currently, wheelchair users must reach the beach and enter the water during swimming season by going around or through the bathhouse, next to the MBTA tracks. A major goal of the improvements project is to give these beach users access alongside other users, on the park side of the bathhouse.
 - The City needs to restrict access to the swimming beach during the swim season, in order to collect the fees that cover much of the costs of allowing for public swimming. At the same time, non-swimmers want access to as much of the site as possible for passive recreation, including during the swim season.
 - The land slopes down from the Rogers Street sidewalk to the lake, quite steeply just before (on the street side of) the retaining wall. This topography poses significant challenges for accessibility. Some options being considered include a two-level deck along the lakeshore, which would allow non-swimmers to see the lake but still allow collection of fees for swimming.
 - The topography also creates challenges for enforcement. See the notes in our 2022 report on 0-230 Lake Avenue about disruptive, illegal uses of the site after park hours.
 - The relatively short (2-3 ft) chain link fence along the top of the retaining wall is an additional barrier to beach access. However, it keeps the public, especially children, from falling over the wall, and to a surprising degree, it apparently also restricts geese to the lake itself, keeping the park's grassy area clean enough for picnicking and passive recreation.
 - There is some potential for an ADA-compliant connection between 20 Rogers Street and Levingston Cove close to the lakeshore, but this would require both removal of some cedars and regrading along the original boundary between 20 Rogers Street and 230 Lake Avenue.

11. Monitor comments: list any other observations or comments, information requests, etc. Also note any rare or unusual plant or animal life or sign thereof seen.

None.

12. Are there any items that monitors should be aware of pertaining to future visits, including land owner contact or access to the property?

As we recommended last year, this year we invited the homeowners at 230 Lake Avenue to accompany our monitoring visit, along with staff from the City's Parks, Recreation & Culture Department. We strongly recommend continuing this practice.

13. Are the terms of the Conservation Restriction being upheld? If not, explain?

Yes.

14. Do the owner(s)/representative(s) seem familiar with the terms of the Conservation Restriction?

Yes.

15. Is any follow up needed? If so, why?

The Conservators should closely monitor

- any indirect impacts of the upcoming construction at Levingston Cove on the plans under development for 20 Rogers Street and on the use of the public path connecting that parcel to Levingston Cove.
- plans for improvements at 20 Rogers Street and the abutting parcel at 0 Lake Avenue, to ensure these plans comply with the terms of the restrictions we hold on both parcels. City staff emphasized that they intend to work closely with the Conservators during the early planning of these improvements to avoid discovering at the last minute that changes already approved by City bodies (such as the Parks & Recreation Commission or Conservation Commission) do not comply with the restriction.

16. List attachments to this report (route map, photos, notes, etc.). Be sure provide a route map of the path walked and locations where on-site photos or other observations were made. Sign and date all materials.

of 12 Ground photographs - 1 (3 pp) Map/Survey - 0 Illustrations
- 1 Aerial photograph _____ Other, explain:

(See monitor signatures on separate page.)

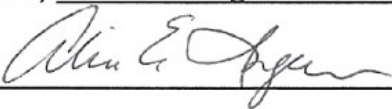
2022 Crystal Lake Conservation Restrictions Monitoring

- 20 Rogers Street/Crystal Lake Park (City-owned parcel)
- 0 Lake Ave (City-owned parcel, formerly part of 230 Lake Ave)
- 230 Lake Ave. (public access path through private property):

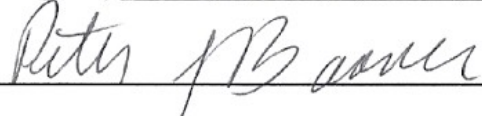
Newton Conservators Monitors' Signatures

Date (site visit): 18 October 2022

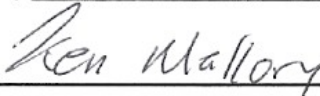
Name of Monitor/s (please print): Alice Ingerson

Signature of Monitor/s: 

Name of Monitor/s (please print): Peter Barrer

Signature of Monitor/s: 

Name of Monitor/s (please print): Ken Mallory

Signature of Monitor/s: 

Name of Monitor/s (please print): _____

Signature of Monitor/s: _____

Name of Monitor/s (please print): _____

Signature of Monitor/s: _____

Name of Monitor/s (please print): _____

Signature of Monitor/s: _____

NEWTON CONSERVATORS CR MONITORING REPORT ATTACHMENT

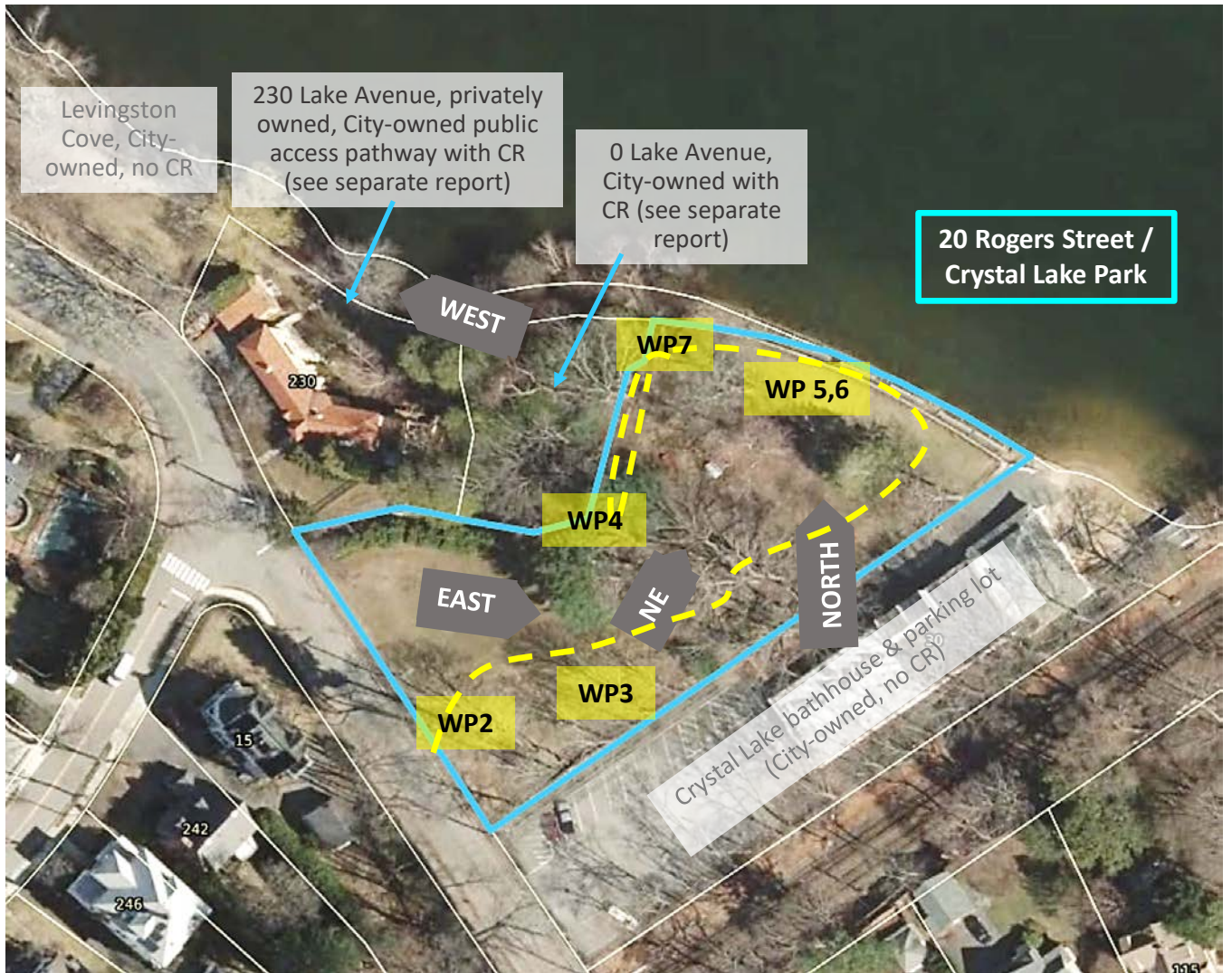
Waypoint Documentation – see map for locations

Property 20 Rogers Street (Crystla Lake Park) **Date** 18 Oct 2022 **Page** 1 of 6

Monitor/s Alice Ingerson, Peter Barrer, Ken Mallory (see separate signatures page)

Camera or other information: Photos by Ken Mallory & Alice Ingerson (smartphone)

Waypoint no.	Photo ID#	Photo location, direction, description
1	map	
2, 3	Ingerson 108221107, 108221107a, 108221116	Looking roughly east, view from sidewalk toward the lake, and from grassy area of park toward the parking lot; invasive English ivy on trees near parking lot fence
4	Mallory 0172, 0208, 0272	Looking roughly west, invasive vines in shrubs that outline original driveway for 20 Rogers Street
5	Mallory 0203, 0178, 0196,	Looking roughly north, sloping topography from park to retaining wall
6	Mallory 0182, 0185, 0220	Looking roughly northeast, swimming area and "left beach"
7	Mallory	Looking roughly east, stairs between City beach and 0 Lake Avenue; this area would need regrading to create an accessible connection between 20 Rogers Street and 0 Lake Ave.



20 Rogers Street CR
 Newton Assessors Database 2019 aerial photo

2, 3	Ingerson 108221107, 108221107a, 108221116	Looking roughly east, view from sidewalk toward the lake, and from grassy area of park toward the parking lot; invasive English ivy on trees near parking lot fence
------	---	---



4

Mallory 0172, 0208,
0272

Looking roughly west, invasive vines
in shrubs that outline original
driveway for 20 Rogers Street



5

Mallory 0203, 0178,
0196,

Looking roughly north, sloping
topography from park to retaining
wall



6	Mallory 0182, 0185, 0220	Looking roughly northeast, swimming area and "left beach"
7	Mallory	Looking roughly east, stairs between City beach and 0 Lake Avenue; this area would need regrading to create an accessible connection between 20 Rogers Street and 0 Lake Ave.

