

CITY OF NEWTON
MASSACHUSETTS

REPORT

OF

SPECIAL COMMITTEE

OF THE BOARD OF ALDERMEN

ON

BATHING FACILITIES AT
CRYSTAL LAKE

AND OTHER PARTS OF NEWTON.

JUNE 24, 1918



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On July 2, 1917, Order No. 44835, as follows, was passed by the Board of Aldermen:

"Ordered, that the President be requested to appoint a select committee of three members of this board to consider (I) the need of bathing facilities in or near Newton Centre and Newton Highlands, (II) the sentiment of the community in regard to the matter, and (III) the relative merits of establishing a bath house on the shores of Crystal Lake or constructing a swimming pool on the Newton Centre Playground, and (V) also to consider the matter of bathing facilities in other sections of the City, and (IV) the question of the legal right of the City to establish bathing in Crystal Lake."

The Committee appointed have carefully considered and studied the five questions involved in the above order, taking the questions in the sequence in which they occur in the order, except that that of bathing facilities for the whole City is taken last.

The Committee herewith beg to report as follows:

In the first place they wish to state that they do not approve of the appropriation or expenditure of the City's funds, during the period of the war, for the acquiring of land or for new construction in connection with bathing facilities.

To aid it in forming an opinion on questions I, II and III, the Committee has had the benefit of having been present at the three hearings before the Board on Crystal Lake matters, has had various petitions and letters, has had a report from the State Board of Health in regard to sanitary questions connected with bathing in Crystal Lake. (Their full report is filed with papers of this report.) The Committee has also had a conference with the Playground Commission, and has received statistics, copies of reports and much valuable information from the Commission, all very freely given, and this assistance the Committee wishes to gratefully acknowledge. As another means of information the Committee has sent out two circulars requesting postal replies to questions connected with the subject. These were sent to all registered voters in Ward 5, Precinct 2, Ward 6, Precincts 1 and 2, and to these only.

The following is a synopsis of all proceedings before the Board, and action by the Board in regard to Crystal Lake matters, of the hearings, as well as of petitions, and of the letters and the postal replies to the two circulars.

This synopsis is a part of this report, and should be read.

Synopsis

It appears that a public bath house erected upon land said to belong to George D. Miller and C. W. Hatch at Crystal Lake was maintained for several years by the City, under the supervision of the Board of Health. In 1916 the supervision was transferred to the Playgrounds Commission.

At about this time a letter was received from George D. Miller, informing the Commission that the bath house was on his land, and must be removed within ten days.

At about this time also, the residents of the district around the Lake informed the Commission of serious nuisances and annoyances in connection with the bathing the previous year, and that they were about to form a protective association and employ counsel, which they did.

The Proceedings in the Board

On June 26, 1916, at a hearing upon bathing in Crystal Lake, which the Playgrounds Commission had requested, a communication was presented by the chairman of that Commission, submitting the proposition that the City purchase certain land on Crystal Lake for a sum not exceeding \$6500. "The said land when purchased to be turned over to the Playgrounds Commission for the purpose of operating and maintaining a public bath house thereon, and public bathing in connection therewith, subject to such regulations as the Commission may make for proper conduct thereon." Also that certain amounts be appropriated, for the erection of a permanent bath house, including toilets, etc., \$2000, and for grading, fencing, planting and removing the old bath house, \$500.

The following communications were also received at this hearing:

From the Newton Highlands Improvement Association, opposing the bath house at Crystal Lake.

Petitions signed by J. O. Reay and 130 others protesting against a public bath house.

Letter from Albert W. Elliot protesting against the municipal bath house, but favoring bathing in the Lake for residents of Newton Highlands only.

Letter from Rev. J. Edgar Park in favor of continuance of bathing in the Lake.

Ten (10) spoke in favor of bathing in Crystal Lake.

Six (6) spoke in opposition, and

Two (2) in favor of bathing for residents of that district only.

On a call for a vote of those present by raising of hands, 24 voted in favor of bathing in Crystal Lake, 40 voted in opposition.

The hearing was declared closed, and the matter referred to the Committee on Finance, who reported unanimously that night, recommending an appropriation of \$25 for the removal of the old building, which had been used as a bath house.

An order for the appropriation of \$25.00 for this purpose was introduced and amended, upon motion of Alderman Harriman, appropriating \$500 for providing bathing at Crystal Lake.

The adoption of the order was refused, 10 yeas, 9 nays, 1 absent, 1 excused.

On December 18, 1916, a communication was received by the Board from the Newton Highlands Improvement Association, stating that at a Special Town Meeting, held under the auspices of this Association on December 2, and called to consider and discuss the maintenance of a Municipal Bath House at Crystal Lake, the following vote was passed by 149 yeas and 3 nays.

VOTED: "That it is the sense of this meeting of the citizens of Newton Highlands, under the auspices of the Newton Highlands Improvement Association, that it is opposed to either the establishment or maintenance of a municipal bath house on Crystal Lake, or the shores thereof, and that this vote be communicated immediately to the Mayor and the Board of Aldermen, by the Secretary."

This communication was referred to the Committee on Public Works, who reported February 19, 1917, "No action necessary."

On July 2, 1917, the following petition was presented to the Board, accompanied by a recommendation of the Mayor's for an appropriation of \$2000 for the purpose asked for in the petition and also accompanied by statistics of bathing in Crystal Lake in 1916.

"We, the undersigned, respectfully request your honorable Board to make provision for the resumption of swimming, under proper supervision and adequate protection of adjoining property owners at Crystal Lake, by taking such land as is necessary and erecting a suitable bath house thereon."

This petition was signed by 599 persons. An analysis of the signers shows the following:

From Newton Centre.....	417 or 69.5%
From Newton Highlands	159 or 26.5%
From other parts of Newton.....	23 or 3.8%
	599

Statistics which accompanied the Mayor's recommendation:

Bathing at Crystal Lake, 1916

Week ending	*Boys	Girls
July 15	928	210
July 22	1812	234
July 29	1168	330
Aug. 5	1355	518
Aug. 12	1098	326
Aug. 19	1215	357
Aug. 26	1540	462
Sept. 2	909	186
Sept. 9	846	194
Sept. 16	683	191
Sept. 23	61	34
	11615	3042
Totals		

Number of Bathers Previous to 8 A.M.

July 27 to August 29.....	373
August 29 to September 16.....	260
	633
	11615
	3042
Grand Total	15290

*Also includes men and women bathers.

Statistics which accompanied the Mayor's recommendation:

*Localities from Which Bathers Came to Crystal Lake
During Summer 1916*

Newton	Number
Newton Centre.....	249
Newton Highlands	230
Waban	52
Thompsonville	52
Newton	39
West Newton	33
Nonantum	32
Upper Falls	18
Newtonville	17
Chestnut Hill	10
Eliot	4
Auburndale	2
Lower Falls	1

739

Cut of Town	Number
Brighton	16
Watertown	5
Everett	4
Waltham	3
Dorchester	3
Worcester	2
Roxbury	3
Jamaica Plain	2
Back Bay	1
Wellesley	1
Brookline	1
Brockton	1
Cambridge	1
Needham	1
Arlington	1

46

		Should be approximately
Newton Centre	249	31% of total number (32%)
Newton Highlands	230	31% of total number (29%)
Other parts of Newton	260	32% of total number (33%)
Out of Town	46	6% of total number (6%)
	<hr/>	
	785	

These statistics of bathing which accompanied the recommendation of the Mayor show that in 1916 there were 785 individuals who bathed in Crystal Lake, as follows:

From Newton Centre	249 or 32%
From Newton Highlands	230 or 29%
From other parts of Newton	260 or 33%
From out of Town	46 or 6%

785

15,290 baths were taken between July 8th and September 23rd. Of these, between July 27th and September 16th, 633 baths were taken before 8 A. M.

(From Figures received by the Committee later from the Playgrounds Commission, it appears the greatest number in one day was 628, on July 22, 1916.)

An informal hearing was held, at which 12 spoke in favor of the petition, and 10 appeared in opposition.

The recommendation and petition were referred to the Committee on Franchises, Licenses, and City Buildings, a majority of whom reported it was inexpedient, 4 voting yes, 1 reserving his rights, and 2 absent.

The report was accepted by the Board, 12 in favor, 3 opposed.

Then followed the introduction of Order No. 44835, requesting the appointment of the Select Committee to consider the question of bathing at Crystal Lake, and other parts of Newton, thus reopening the whole question.

The following letter was received:

"Boston, Jan. 14th, 1918

"Mr. William L. Allen,
Chairman Special Aldermanic Committee on Bathing.

My dear Mr. Allen:

I write to ask in behalf of the Newton Highlands Improvement Association, that a public Hearing be held in connection with the bathing matters which your Committee is considering.

As the most important of these matters refers to bathing at Crystal Lake, which is of particular interest to the people of Newton Highlands, our Association requests that that hearing or another one, be held in Lincoln Hall, Newton Highlands, where the people of Newton Centre could also conveniently attend.

Yours truly,

(Signed) Howard Whitmore, President,
Newton Highlands Improvement Assoc."

About the same time, the following petition, dated January 12, 1918, signed by 33 persons was also received by the Chairman of the Special Committee.

"To William L. Allen, et al.

The undersigned residents of Newton Highlands, being informed that your Committee has not yet reached a decision with reference to the recommendation which it will make as to the establishment of a Municipal Bath House on Crystal Lake, wish to go on record as opposed to the building and maintenance of such an institution. We do not believe the public sentiment or necessity requires it.

Newton is fortunately so located that ample provision for bathing may be made in sections of the City where there can be no objection on the ground that the peace of the community is invaded and the value of nearby property as a place of residence is jeopardized.

To establish a municipal bath house on Crystal Lake, adjacent to one of the best residential sections in this City, would be in our judgment, an unwarranted invasion of our peace and property rights.

That our attitude is that of a great majority of our neighbors is a matter of record. A year ago at a largely attended meeting, called by the Newton Highlands Improvement Association, for the sole purpose of ascertaining the sentiment of this community in regard to the establishment of a municipal bath house on Crystal Lake, the vote was overwhelmingly against it. Further, there was filed with the Association at that time, a protest against the establishment of said Bath House, signed by representatives of over 90 per cent. of the residents of the streets adjacent to Crystal Lake, on the Newton Highlands side.

In view of the renewed threat against our right as a community, we respectfully demand that your Committee, His Honor the Mayor, and your Associates on the Board of Aldermen, grant us a hearing on the question at issue. As this matter relates to Newton Highlands, we request that this hearing be held in Lincoln Hall, at a date to be determined upon."

In response to the foregoing letter, and this petition, a hearing before the full Board was ordered, and held at City Hall, February 11th, 1918.

At the Hearing—

7 spoke in favor of Bathing in Crystal Lake, and

1 Letter was presented in favor.

10 spoke in opposition.

2 Letters were presented in opposition.

A protest signed by 264 persons was presented in opposition to the establishment of a Public Bath House at Crystal Lake.

A rising vote of those present was taken on the following questions:

As to the establishment of a Public Bath House at Crystal Lake, 9 in favor, 75 opposed.

As to the location of a swimming pool on the Newton Centre Playground, 76 in favor, 12 opposed.

As to the continuation of swimming at the Lake under the same supervision as last year (1917), 75 in favor, 3 opposed.

As to the continuance of swimming with supervision and the erection of a temporary tent shelter, 75 opposed.

The Hearing was then closed, and the communications referred to the Special Committee on bathing facilities.

From the foregoing it will be seen that two hearings previous to the one of February 11th, 1918, making three in all, have been held before the full Board, and that the subject of building a bath house at Crystal Lake has been before the Board for consideration and vote twice, and twice the Board has declined to appropriate for this purpose.

**Postal Questionnaires of October 22nd and December 6th, 1917*

On October 22, 1917 a circular containing a reply postal card with questions, as stated below, was sent to the registered voters of Ward 5, Precinct 2, and Ward 6, Precincts 1 and 2, Newton Highlands and Newton Centre. 1748 circulars were sent out and 523 replies were received, that is, about 30% replied.

***NOTE**

7 postals were received very late, after the above figures in the report were compiled and they are not included in those figures. 4 were in reply to Oct. 22nd Circular, 2 for Crystal Lake and 2 for a Swimming Pool. 3 were in reply to Circular of Dec. 6th, all 3 voting "No" on Crystal Lake.

Question 1. "Is there need of Public Bathing facilities in or near Newton Centre and Newton Highlands?"

Replies, "Yes" 378, "No" 105. Total of 483 answers to this question.

Question 2. "Do you favor either establishing a Bath House on Crystal Lake or constructing a swimming pool on the Newton Centre Play Grounds?"

Replies, "Yes" 383, "No," 74. Total of 457 answers to this question.

Question 3. "If so, which plan do you prefer?"

Replies. Bath House, Crystal Lake,—250

Swimming Pool, Newton Centre Play Grounds,—187

Total 437 answers to this question.

Question 4. "If you have any other views that would be of value to the Committee, we would be pleased to have you embody them in a separate letter."

In response to this question 41 letters were received, of which 31 were opposed to establishing bathing facilities at Crystal Lake, and 10 were in favor of it.

It was noticeable that in both the postal replies and the letters received, there was a perceptible percentage who did not approve of spending money for these purposes during the War.

Some of those opposed were in favor of a Swimming Pool at the Newton Centre Play Grounds, a few had other plans to suggest, and some favored neither place.

The objections to Crystal Lake seemed to resolve themselves to four or five principal objections, and several miscellaneous, and were in the main the same objections raised in the three hearings which have been held.

In these 31 letters in opposition there were:

- a. In 11 letters objections to the annoyance which had ensued, or would ensue, from the noise of the bathers.
- b. In 10 letters objections that bathing facilities would attract and increase the numbers that bathed there, and some (4) said would thereby increase the nuisance.
- c. In 7 letters objections that the water was still water and stagnant, and would become foul and unsanitary with bathing.
- d. In 5 letters it was said property in the vicinity would be depreciated in value.
- e. In 5 letters mention was made of disorder which had existed.

Three letters each spoke of the disfigurement to the Lake which would be caused, that it is against the expressed wishes of the residents of that district, and other objections were that of expense, that it would drive away or keep away good citizens, that it is an unsuitable place, and that the Lake is too small a body of water upon which to establish municipal bathing.

Ten of these letters favored a swimming pool at Newton Centre Playgrounds, three favored allowing swimming to continue as it is, and two spoke of the possibilities of the Charles River.

In the ten letters favoring bathing at Crystal Lake, the reasons given were, that the children should not have this opportunity taken away, that it is better to swim in the open than in a pool, that the children should have an opportunity to learn to swim, and that a bath house at Crystal Lake would be less expensive than a pool at Newton Centre Playgrounds.

Taking up some of the objections raised in the thirty-one letters opposed to bathing facilities at Crystal Lake,

- a. The nuisance from the noise of the bathers.

There appears to be enough testimony to support the claim that the people about the Lake are disturbed by the noise of the bathers, and it seems inevitable that there will be some noise where people are bathing, with the best of order.

Some spoke of the noise in the early morning, and this would seem probable, as the statistics of the Playgrounds Commission show that in 1916 between July 27th and September 16th, there were 633 bathers before 8 A. M.

- b. That increased facilities would attract larger numbers and that the larger numbers would mean more noise and thus more disturbance.

This claim seems to be borne out by the following facts. In 1916 there was a bath house at Crystal Lake, and 15290 baths were taken from July 15th to September 23rd, as high as 628 in one day. The bathing was done by 785 individuals from the following localities:

Newton Centre	249 or about 32%
Newton Highlands	230 or about 29%
Other parts of Newton	260 or about 33%
Out of Town.....	46 or about 6%
	<hr style="width: 10%; margin: 0 auto;"/> 785

There was supervision practically from sunrise to 10 P. M. by either the Police or the Playgrounds Commission.

In 1917 there was no bath house at Crystal Lake; 6343 baths were taken from July 21st to September 22nd. This was about 40 per cent. of those taken in 1916. The season was one week shorter. Figures are not available showing the number of individual bathers or localities from which they came.

The Playgrounds Commission did not supervise the bathing this year, but there was good supervision.

At the hearing and in some of the letters it was stated that there was more annoyance from noise in 1916 than in 1917.

The foregoing would appear to indicate both that affording bathing facilities increased the number of bathers and that with increased numbers there was more annoyance from noise. It does not appear to have been a question of the kind of supervision, as it was good both years, if anything, more complete in 1916.

c. Objections that the water was still water and would become foul and unsanitary.

The Committee felt that this was such an important matter that it should have the opinion of an authoritative expert body upon the sanitary aspect of the matter, both for the safety of the bathers and for the users of ice from the Lake, and also in justice to the Ice Company.

For this reason it asked the State Board of Health to give an opinion on these questions.

Their full report is filed with the papers of this report. From this report it appears that it is the opinion of the State Board of Health that Crystal Lake is a suitable body of water for public bathing, that there is a change of water through underground sources, that the quality of the ice supply will not be impaired by bathing there, and that the quality of the water will not become unsafe for the bathers in the bathing season, and that there appears no hygienic reason for limiting the amount of bathing that may be allowed there.

It further says that growths of microscopic organisms may occur in the water in the summer, which may impart to the water a turbidity and color and possibly a noticeable odor. The presence of these organisms is not known to be injurious to health. If this should occur, that it could probably be controlled.

(There is testimony that the water becomes cloudy when numbers have been bathing there, also it is said there is an unpleasant odor in the summer when the water is low and the shores and flats are exposed.)

d. That depreciation of property in the vicinity of Crystal Lake would be caused by the erection and maintenance of a public bath house on its shores.

This obviously is a matter of opinion and judgment. It was the opinion of the 1917 Board of Assessors, given verbally to the Chairman of this Committee, that the values of property within three to four hundred feet of the Lake, would be affected adversely by the erection and maintenance of a public bath house on the Lake.

e. The disorder which is said to have existed in the past.

It seems probable from the amount of testimony on this point that this has been a cause of annoyance in the past, but there appears to have been little, if any, in the years 1916 and 1917.

There is no reason why this should be allowed to occur. There is sufficient law and power to suppress and control any such thing, and any infringement upon good order should be dealt with promptly and effectively.

f. Miscellaneous objections.

Disfigurement to the Lake. There perhaps is some possibility of this.

That it is against the expressed wishes of the residents of the district. Of this there can be little doubt, as has been shown in the hearings, by protests, petitions and letters. The

opposition is strong, and comes from a large number.

That of expense is well raised at this time, but would also apply elsewhere and on other things.

That it would drive away or keep away desirable citizens. This objection is closely connected with the question of effect on values of property in the vicinity, and like that question is a matter of opinion.

That it is an unsuitable place for such an activity, on account of the nature of the locality and the small size of the Lake. We think this is so.

To summarize all the objections, they appear in varying degrees to be sustained, or have sound reasons as a basis, except the important objection on sanitary grounds, the report of the State Board of Health showing that they think that fears on this account are unwarranted.

The Committee assumed that those who replied to the circular of October 22nd would sign their postals, but as nearly half of them did not, the Committee was unable to tell from what sections they came, and thus could not judge correctly the sentiments of one section as compared with another. Also some did not answer all the questions they should have answered, and some of the replies were contradictory and not clear.

For these reasons, and as the question of greatest interest involved seemed to be whether or not Bathing Facilities should be established at Crystal Lake, it seemed best to send out another circular and postal containing this single question, to be answered "Yes" or "No," and the reply to be signed.

On December 6th, 1917, 1750 circulars with the reply postals, containing the following question, were sent to all Registered Voters of Ward 5, Precinct 2, and Ward 6, Precincts 1 and 2.

These postals were numbered consecutively and a corresponding number assigned to each name. When the postal replies were received, they were checked to see that the names and numbers corresponded with those on the key list.

Postal of December 6th, 1917

"Only replies signed, and with addresses of the signers given, will be considered and all replies must be received by December 15th.

"Answer by making cross (X) at right of Yes or No.

Question: Do you favor establishing Public Bathing Facilities at Crystal Lake?"

The following are the results.

	<i>Replies Received</i>				
	Notices Sent	Yes	No.	Indifferent or unsigned	Total Replies Received
Ward 5—Prec. 2	703	198	149	15	362
Ward 6—Prec. 1	609	193	79	9	281
Ward 6—Prec. 2	438	156	75	2	233
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	1750	547	303	26	876

A study of these figures shows:

That of 1750 Registered Voters 876, or 50% replied or voted.

That of the 876 replying,

547, or 62.95% Voted Yes

303, or 34.58% Voted No

26, or 2.57% were Indifferent or unsigned

876

Of the 547 voting yes,

198 or 36.2% were from Ward 5, Prec. 2

193 or 35.3% were from Ward 6, Prec. 1

156 or 28.5% were from Ward 6, Prec. 2

547

Also that in Ward 5, Prec. 2—703 circulars were sent and 362 or 51.4% replied.

That of the 362 replying,

198 or 54.7% voted Yes

149 or 41.1% voted No

15 or 4.1% Indifferent or unsigned

362

Ward 6, Prec. 1—609 circulars were sent and 281 or 46.1% replied.

That of the 281 replying,

193 or 68.6% voted Yes

79 or 28.1% voted No

9 or 3.2% Indifferent or unsigned

281

Ward 6, Prec. 2—438 circulars were sent and 233 or 53.2% replied.

Of the 233 replying

156 or 66.9% Voted Yes

75 or 32.2% Voted No

2 or .8% Indifferent

233

These figures show that 547 or 62.95 per cent. of the 876 people who voted, out of the 1750 voters in these sections, voted in favor of establishing public bathing facilities at Crystal Lake, and they are some indication of the sentiment of those sections, but it must be borne in mind that they are not necessarily conclusive proof of the sentiment of the majority of all the voters in those sections, because it is not known how the 50 per cent. who did not vote, would have voted.

The same applies to the postal vote of October 22nd, where 30 per cent. replied and 70 per cent. did not reply.

QUESTION I

The Need of Bathing Facilities in or Near Newton Centre and Newton Highlands

The Committee feels that there is no need in the sense of public necessity, but that bathing facilities for these communities, as for other communities in the City, are desirable.

QUESTION II

The Sentiment of the Community in Regard to the Matter

The Committee feels that the sentiment of these communities in regard to the need of bathing facilities in Newton Centre and Newton Highlands, is divided.

The postal vote of October 22nd in answer to this question showed 378 voting "Yes", 105 voting "No", in the 523 replies received from 1748 people to whom the circular was sent.

To some extent those who lived near Crystal Lake, who evidently felt that their quiet and peace, and the value of their property would be affected by establishing and maintaining public bathing facilities on Crystal Lake, were the ones who thought bathing facilities were not needed, but they were not the only ones.

On the other hand, some who had property near the Lake felt that bathing facilities were needed, but did not think the Lake the place to afford them, but that they should be on the Charles River or at the Newton Centre Playgrounds.

Those as a rule who felt there was need of bathing facilities in or near these districts were largely those who do not live near the Lake, and some of whom do not get away in the summer.

The sentiment is divided—in what proportions it is difficult to tell conclusively—and influenced perhaps to some extent by individual interests.

QUESTION III

The Relative Merits of Establishing a Bath House on the Shores of Crystal Lake, or Constructing a Swimming Pool on the Newton Centre Playgrounds

As to establishing a swimming pool on the Newton Centre Playgrounds, an open air pool does not seem advisable to the Committee, as it could be used only in the warm season, and would be expensive to construct and to maintain in a sanitary way.

An indoor, all the year round swimming pool in connection with a gymnasium, and showers for the South side of the City might be a desirable thing, could the city afford to have two such establishments, but the logical location of the first or only one, would be at the centre of school activity, on or in the neighborhood of Clafin Field, Newtonville.

What can be accomplished by an indoor swimming pool is strikingly shown by the experience of our neighboring town of Brookline, where with a population of about the same size as our own, and with no opportunities for open air bathing, its people have been accommodated with the one indoor swimming pool, and it is said 85 per cent. of its school children have learned to swim there.

QUESTION III. Part 2

The Committee feels that a bath house on Crystal Lake is not desirable and should not be constructed there. That there is no need in the sense of public necessity for establishing bathing facilities in this particular location, that what need or desirability there may be for such facilities for Newton Centre and Newton Highlands can be adequately and properly taken care of on the Charles River, and to the better interests of the City as a whole.

That in a fine residential district, on a pond, and on a pond of comparatively small size, is not a proper and suit-

able place to erect and maintain a public bath house, and thereby establish an activity of this nature, the objections to which will tend to increase rather than diminish as time goes on, due to the fact that there will probably be a continuing increase in the numbers who will want to use it, for it is an attractive spot and people like to bathe in attractive surroundings, and due also to the natural growth of population.

This will lead to a demand for increased accommodations. It would seem that the best and greatest interests of the city, the benefits to the greatest numbers, and the interests looking farthest ahead and towards the best development of the City, demand that an activity of this kind, with all it involves, should not be established there, but that the Lake and its shores should be preserved for Park purposes, and as a prominent and central part of the scheme of the City Park development.

QUESTION IV

The Legal Right of the City to Establish Bathing in Crystal Lake

It is not quite clear as to just what was meant by this question. Whether it was the intention to ask whether the City has a right to establish bathing in Crystal Lake, or to ask whether the City has the right to establish a public bath house on Crystal Lake.

From the opinion of the City Solicitor, which is filed with this report, it would appear that the City has not the right to establish bathing in Crystal Lake. That right belongs to the State; but it has the right to acquire land on Crystal Lake, and under certain conditions of acquiring the land, can establish bathing facilities there.

Crystal Lake is a Great Pond, and as such belongs to the State, and is under the control of the Commission on Waterways and Public Lands.

The public has a right to bathe in Great Ponds, and the public means everyone; a citizen of any other city or town of the State has an equal right with a citizen of Newton. The State gives this right, and this right can be taken away only by the State, or with its permission.

The land below "Natural High Water Mark" belongs to, and is controlled by the State. Filling or building below natural high water mark can be done neither by a city nor an individual, without permission of the State. In the case of Crystal Lake, there is a strip of land below natural high water mark on some parts of the shore.

The public has a right to walk along the shore of the Lake below natural high water mark, and it has a reasonable right of access to the pond, and would have this right, even over private land, if no public land abutts on the pond. In the case of Crystal Lake public land abutts on the pond at several points, and it is probable that the public has not the right to pass over private land to get to the Pond.

The City has the right to acquire land on the shores of the Lake above natural high water mark, and, depending upon the way in which, and purposes for which, the land is acquired, it can build and maintain a public bath house thereon, and can frame regulations for its use and can limit its use to citizens of Newton.

It is further possible that it can limit its use to residents of certain districts of the City. This possibility would probably be enhanced if it provided facilities for bathing accommodations in other parts of the City, for residents of those other parts.

It cannot build upon the strip of land below natural high water mark, nor fence off a portion of it, nor keep the public from a portion of it, without the permission of the State or of the Commission on Waterways and Public Lands.

QUESTION V

Bathing Facilities in Other Parts of the City

Newton, except on the east side, where it touches Boston, and for a short stretch at the northwest, is surrounded by the Charles River. This river forms nearly two-thirds of the boundary of the City. There is a gentle current in the river, the water for the most part is good and the scenery along its banks in many places is beautiful. Newton, therefore, has very unusual natural opportunities for open-air bathing, accessible from practically all parts of the city. Newton Centre and Chestnut Hill are the two districts which are the farthest from the river, each being about two miles from their centres to the nearest point on the river. Other districts are either directly on the river, or their centres are not much more than a mile from some point on the river. Newton should not fail to avail herself of such unusual opportunities, and should not delay in securing locations for public bathing facilities as convenient as possible to its various districts.

Almost all of the river front, up to and including Hemlock Gorge, Upper Falls, is a part of the Charles River reservation and under the control of the Metropolitan Park Commission. This Commission has displayed a willingness to grant the city bathing privileges at various places along the river, the city building and maintaining the necessary bathing facilities, and the Commission giving the use of the land and policing it.

When the state of the times, war conditions, make it proper, and permit it, these bathing facilities should be developed and afforded in the various districts, as fast as the needs of the respective districts appear, provided the finances of the city warrant it at the time.

Sanitary arrangements should be provided wherever there are public bath houses erected for the open air bathing. As far as possible, open-air bathing facilities, and shower baths when furnished, should be located as near as possible to playground areas, both on account of the resulting economy in supervision and maintenance, and because of the refreshment

and benefit afforded by bathing after exercise. The type of bath house and sanitary recently erected at Allison Park, or some variation of it, would seem a suitable type for the open-air bathing places. For a permanent facility, it is durable, comparatively inexpensive, efficient and sanitary.

At present Newton has three open-air bathing places on the Charles River, with facilities of varying degrees of adequacy.

At Nonantum is the recently constructed bath house or locker building and sanitary at Allison Park. This would appear to take care of the present needs of this district well.

At Lower Falls, upon a bend in the river, and a short distance from the Lower Falls Playground, is a hut or small building belonging to the Metropolitan Park Commission. This is inadequate and unfitted for any material amount of bathing. It is a good location, but perhaps the decision for the location of bathing facilities for this district should be deferred until it is definitely known where the permanent location of the Lower Falls playground will be, the latter at present being on leased land.

At Upper Falls. The Upper Falls Playground extends to the river and there is an excellent opportunity to make a good bathing beach at this place. There is a good locker building and sanitary on the playgrounds not far from the river bank, and an old wooden building on the river bank. These present facilities have been used and enjoyed extensively, but they are not adequate. The beach should be cleaned up and sanded, and either the present locker building should be enlarged to afford more dressing room, and perhaps a small sanitary built down by the river near the bathing beach, or a combination locker building and sanitary should be built near the river. Possibly the first arrangement would be practicable, as the distance to walk would not be great, and probably the expense would be less.

With this bathing place properly developed, the users of this playground and the people of this district, and perhaps some others, would be well taken care of.

There are the following sites on the river which would make

favorable locations for open-air bathing, which if obtained, should be developed when the needs of the various districts make it desirable, and the City's finances permit.

In Newton, on the Charles River Reservation in front of Charlesbank Road and near Russell Road. This would serve the congested Newton section.

Between Newtonville and West Newton, on the Charles River Reservation near the foot of Albemarle Road is a site which would serve Newtonville and possibly West Newton.

In Auburndale, in the Auburndale Park Reservation on Pulsifer Cove, and adjoining the Auburndale playground is an unusually favorably located site. It is close to the playground, and the cove forms a safe place for swimming in summer and a good place for skating in winter. The spot is very attractive. This location would take care of Auburndale and possibly a portion or all of West Newton.

On the South side of the city, there is a fine swimming hole in Waban. It is on the stretch of the river between Newton Upper Falls and Lower Falls, on the Charles River Reservation off the Quinobequin Road, near the foot of Irwin Road. It is in a bend in the river in beautiful surroundings. There is probably not a large need from Waban yet, but when it does come, this would be an ideal location, and is not an unreasonable distance from Newton Highlands.

The Oak Hill district farther up the river is yet largely open and farm country, but will undoubtedly some day be built up. The City should look ahead, and have a location in mind for bathing opportunities for this section. A good deal of bathing is now being done, and for many years has been done, at Kendrick's Bridge, and it would seem a good site could be selected near this point.

With all these opportunities eventually developed, the City would have remarkable open-air bathing facilities.

As a suggestion, the Committee would say that it is possible that the City could be adequately served by fewer bathing places, by making the accommodations at the chosen places larger, and by two or three sections using one location in com-

mon. The convenience for individual districts might not be as great, but there probably would be economy in maintenance and supervision,

In looking at the map it would seem that Newton, Nonantum and Newtonville might thus be served by Allison Park; that West Newton and Auburndale could be taken care of at Pulsifer Cove; Newton Highlands, Waban, and perhaps Newton Centre, at Waban.

Shower Baths

Shower baths are already established in varying degrees of accommodation in several parts of the City. These have proved of great benefit to these particular districts, both to adults and the younger population, especially in cases where there are no bathing facilities in the homes. These existing accommodations should be increased where needed, and accommodations furnished in other parts of the City where needed when the City can properly do so.

WILLIAM L. ALLEN, *Chairman,*

ERNEST G. HAPGOOD,

GEORGE M. ANGLIER, With exceptions as noted in accompanying minority report.

Special Committee of the Board of Aldermen.

APPENDIX

The following papers and data have been accumulated by the Committee in the course of its study of this matter, and will be filed at the City Clerk's office with this report, in case they may be of service for any further or future investigation or reference.

- A. Record of Crystal Lake matters before the Board from June 20, 1916, to July 2, 1917, furnished by the City Clerk.
- B 1-2. Opinions of the City Solicitor, two letters,—B 1. Sept. 6, 1917, and B 2. Nov. 12, 1917.
- B 3. Verbal replies.
- C. Letter from John Dillon, Chairman Park and Recreation Committee of Boston.
- D 1. Letter from Ernst Hermann, Supt. Playgrounds Committee, dated Nov. 20, 1917, accompanied by
- D 2. Copy of "Statement made by Playgrqund Commission in explanation of the Recommendations made to the Mayor and Board of Aldermen regarding Bathing at Crystal Lake."
- D 3. Also Statistics of Bathing for 1916 at Crystal Lake, Newton Upper Falls, Stearns School Showers, Bowen School Showers, and for 1917 for Allison Park, Newton Upper Falls, Crystal Lake.
- D 4. Part of a study of bathing opportunities in Newton, by Ernst Hermann, sent to the Mayor, probably in 1914. (Copy.)
- D 5. Letter of February 9 from Ernst Hermann, Supt. Playgrounds Commission in regard to supervision at Crystal Lake in 1916 and 1917.
- D 6. Letter of February 11, 1918, from same, giving days and weeks of largest attendance at Crystal Lake.
- D 7. Newton Board of Health, Feb. 13, Statistics of bathing at Crystal Lake 1908 to 1915 inclusive.

- E 1-2. Letters to the State Board of Health, Dec. 4, 1917.
(Copy.)
- F. Report of the State Board of Health.
- G 1. Originals of 41 Letters received in reply to Question 4.
- G 2. Circular of October 22, 1917.
- G 3. Postal of October 22, 1917.
- G 4. All postals received in reply to Circular of Oct. 22, 1917.
- H 1. Circular and postal of Dec. 6, 1917.
- H 2. List to whom sent.
- H 3. Reply postals—876.
- I. Letter of Jan. 14, 1918, from Howard Whitmore, President Newton Highlands Improvement Association requesting Hearing.
- J. Petition for Hearing Jan. 12, 1918, signed by 33 residents of Newton Highlands—Original.
- K. Order No. 45416, Jan. 24, 1918, for Hearing Feb. 11, 1918.
- L. Notice for the Hearing Feb. 11, 1918.
- M. City Clerk's Summary of Hearing.
- N. Letter from Board of Assessors Feb. 13, 1918, re-value of Hatch & Miller land and Newton South Storage Co. land and buildings at Crystal Lake.
- O. Blue Print of Crystal Lake, from City Engineer's Office.
- P. Statistics of fluctuations of level of Lake from Feb. 27, 1897, to Aug. 16, 1917.
- Q. Blue print of plan of Playgrounds Commission for Bath House and Grounds at Crystal Lake.
- R. Map of Newton showing locations of present open-air bathing places and shower baths, and suggestions for further possible locations.

MINORITY REPORT OF SPECIAL COMMITTEE OF
THE BOARD OF ALDERMEN ON BATHING
FACILITIES AT CRYSTAL LAKE AND
OTHER PARTS OF NEWTON
JUNE 24, 1918

To the Board of Aldermen:

I concur most heartily with the report of the majority of the Committee on bathing, with the following exceptions:—

I cannot agree with the conclusions of the majority of the committee that "it is unsuitable place for such an activity on account of the locality and size of the lake" nor with the statement in question three: "The Committee feels that a bath-house on Crystal Lake is not desirable, and should not be constructed there".

Bathing cannot be prohibited in Crystal Lake and while, in view of all the facts submitted, it may not be a public necessity, it certainly is a great public convenience and the most available place for public bathing for the residents of Newton Centre and Newton Highlands. The records of past years indicate that this privilege was greatly appreciated, not only by the residents of these villages, but also by other residents of Newton and shows a large public demand, which these people admittedly have a legal right to enjoy.

Granting this, it seems to me, that when a suitable time arrives, it is the duty of the City of Newton to provide proper and simple facilities for bathing supervision, proper sanitary arrangements, and suitable facilities for undressing and dressing. These can best be accomplished by:—

First: The erection of a building having approximately the same accommodations as those at Allison Park, but with the architectural features so improved as to harmonize better with the surroundings.

Second: That that part of the land and shore of the lake required for bathing should be enclosed in such a manner as to restrict its use to those residents of Newton who were willing to comply with such rules and regulations as the controlling and supervising department might require.

Third: The control and supervision should be placed under the direction of the Playground Commission.

Fourth: Before such a bath-house is erected at Crystal Lake appropriations should first be made to develop three or four of the principal bathing pools on the Charles River,—such as those at Newton Upper Falls, Newton Lower Falls, Auburndale, and Newton. This would undoubtedly tend to relieve the congestion at Crystal Lake.

Fifth: If it seems wise to the Playground Department to limit the bathing at Crystal Lake to Newton Center and Newton Highlands, after the other places have been developed, I can see no objection, providing it can be done so legally.

Sixth: Finally, I strongly recommend that the City of Newton (when times are more normal and the city authorities can reasonably do so) should acquire for public park purposes all of the now vacant land adjoining the proposed bath-house location, to the westward, connecting up with the land now owned by the city, reserving only for bathing purposes such land as is necessary to provide for reasonable bathing facilities.

Respectfully submitted,

G. M. ANGIER.

Member of Special Committee of the Board of Aldermen.