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## **V. Jurisdiction and Accountability at Fresh Pond Reservation**

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### **A. Introduction**

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This section describes the process by which the City of Cambridge has obtained legal authority over the land and water contained within Fresh Pond Reservation. It also describes the manner in which the City administers this authority through the City Manager's office and other City departments and commissions and private organizations.

#### **1. Acquisition of Fresh Pond**

On March 16, 1888, the State Legislature passed a Special Act entitled "An Act to Provide a Reservoir for the City of Cambridge and to Better Preserve the Purity of its Water Supply." It provided that the City of Cambridge, within five years after the passage of this Act, could "take and hold, by purchase or otherwise, any part or the whole of the land and buildings thereon which lie within the boundaries" that are now called: at the north, Concord Avenue, at the east, Fresh Pond Parkway and the railroad, at the south, Grove Street and Huron Avenue, and at the west, Blanchard Road. By this Act, the City was given the right to acquire Fresh Pond.

On January 14, 1889, the Cambridge City Council, through the Cambridge Water Board, took Fresh Pond and all the land around it, as set forth above.

#### **2. Creation of Neville Manor and the Municipal Golf Course**

On April 7, 1925, the Legislature authorized the City of Cambridge to use a portion of Fresh Pond for a "city home," now the nursing home known as Neville Manor. On July 29, 1999 the Legislature authorized a nursing home and assisted living facility on the site of Neville Manor, providing that all portions of the Neville Manor site not required for the project be re-dedicated for water supply purposes and returned to the care and control of the Water Board (See Section VI).

On January 7, 1931, the Water Board voted to authorize the use of land around Fresh Pond for a municipal golf course. On February 23, 1932, the Legislature authorized the use by Special Act.

### **B. Jurisdiction and Accountability**

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Under the City Charter, ultimate responsibility for all departments, offices, boards and commissions resides with the City Manager (Massachusetts General Law Chapter 43, Section 104). The City Manager has designated certain departments, boards or officials to

administer the City-owned property that comprises Fresh Pond Reservation. Additionally, some state statutes apply to the Reservation, such as the Wetlands Protection Act, which is administered by the Cambridge Conservation Commission.

***The Cambridge Water Department***

Comprised of the Water Board and the operating staff, the Department has full charge of the aqueducts, lands, reservoirs, storage basins and other works and property connected with the water system. (Cambridge Municipal Code 2.70.060) The Water Department is responsible for ensuring that all areas of the original Fresh Pond Reservation, including the golf course and the current and future Neville Manor site, are managed in a way that protects the integrity and purity of the water supply system.

***The Cambridge Conservation Commission***

By virtue of the Wetlands Protection Act (Massachusetts General Law chapter 131, section 40), the Conservation Commission is required to authorize any removal, fill, dredging or altering of wetlands, water bodies and the land bordering such waters. At Fresh Pond Reservation, these areas include the Reservoir, Black's Nook, North Pond, Little Fresh Pond and the banks and wetlands surrounding these areas. Also included are forested or scrub/shrub wetlands, marshes, vernal pools, streams, stream banks and floodplain areas.

***The Cambridge Department of Human Services, Recreation Division***

The Recreation Division has care and control of the municipal golf course, subject to a requirement that it protect the purity of the water supply and integrity of the water supply system.

***Neville Communities, Inc.***

Neville Communities Inc., will have care and control of the newly configured Neville Manor site for the purposes of operating a nursing home and assisted living facility, subject to the protection of the integrity and purity of the water supply system, and as dictated by the terms of the leases between the City of Cambridge, the Cambridge Health Alliance and Neville Communities, Inc.