

construed to create in the licensee any title to the land into, upon or over which any licensed encroachment shall project, and no person shall by the maintenance of parts of buildings or foundations of buildings herein described, with or without such license, acquire any rights by prescription or adverse possession in any part of the Charles river embankment.

Historical Note

St.1909 c. 521 § 3.

St.1911 c. 498.

St.1919 c. 350 § 123.

Library References

Navigable Waters §37(1-5).

C.J.S. Navigable Waters §§ 98-107.

§ 74A. Licensing of recreational facilities

The commission may from time to time grant licenses to cities and towns, educational institutions, clubs and responsible persons for the construction and maintenance of boat landings, boat houses and landings, floats, wharves, breakwaters and other structures in connection therewith, playgrounds, swimming pools and other recreational facilities at such locations along the Charles river basin for such rental, if any, and upon such terms and conditions as it may deem advisable. For the foregoing purposes the commission may grant suitable locations by lease or otherwise with the right to erect buildings and to project landings and floats upon the waters of the said basin upon such terms, conditions, restrictions and agreements and for such period of years not exceeding twenty-five as the commission may deem expedient. In carrying out the provisions of this section the commission shall encourage rowing and boating on the basin in every reasonable way and, in that connection, shall give consideration to the fact, if it appears to be a fact, that any club or educational institution has for many years owned or occupied a boat house on the basin, the point on the bank at which such boat house was formerly situated and the length of time during which it had been owned or maintained there.

Historical Note

St.1929 c. 371 § 11.

Library References

Navigable Waters §37(1-5).

C.J.S. Navigable Waters §§ 98-107.

§ 75. Appointment of harbor master and assistants; duties

The commission may appoint from its police force a harbor master and assistant harbor masters who shall respectively have and exercise within the Charles river basin all the powers and authority

which now appertain by law to the offices of harbor master and assistant harbor masters for the port of Boston appointed by the police commissioner of Boston. The commission may require such further duties of these officers, including the duties of officers and members of the police force appointed by the commission, consistent with the provisions of law, as the commission may deem expedient. The harbor master and assistant harbor masters appointed hereunder shall receive the pay which may be established for the grade or rank which they respectively hold in the police force of the commission.

Historical Note

St.1913 c. 417.

St.1919 c. 350 § 123.

Cross References

Harbor masters generally, see c. 102, § 19 et seq.

Library References

Navigable Waters $\text{C}\rightarrow$ 14(2).

C.J.S. Navigable Waters § 17.

§ 76. Removal of sewage or polluting matter; prevention of pollution

The commission may order the removal of all sewage and other polluting matter or factory waste as a common nuisance from the Charles river and its tributaries below Waltham and from the Charles river basin; and no sewer, drain or overflow or other outlet for factory or house drainage or for any other drainage shall hereafter be connected with said basin or the river below Waltham without the approval of the commission.

Historical Note

St.1903 c. 465 § 7.
St.1906 c. 368 § 2.

St.1909 c. 524 § 7.

St.1919 c. 350 § 123.

Cross References

Federal water pollution control, see 33 U.S.C.A. §§ 466 to 466n.

Prevention of pollution,

Generally, see c. 21, § 26 et seq.

Charles river, see c. 111, § 175.

Expenses for control reimbursement of cities, towns or districts, see c. 44, § 6A.

Industrial waste treatment facilities, tax deduction, see c. 63, § 38D.

Metropolitan parks districts, see section 39 of this chapter.

Powers and regulation of state health department, see c. 111, § 5.

Tax exemption, prevention or abatement devices, see c. 59, § 5.

Wild life, investigation of effects of sewage, see 16 U.S.C.A. §§ 662, 665.

Whoever violates any rule or regulation made hereunder shall be punished by fine not exceeding two hundred dollars.

Amended by St.1970, c. 489; St.1980, c. 106.

1970 Amendment. St.1970, c. 489, approved June 30, 1970, increased fine from \$20 to \$50.

1980 Amendment. St.1980, c. 106, approved April 23, 1980, in the third paragraph, increased the maximum fine from \$50 to \$200.

Code of Massachusetts Regulations

Reservations and parkways under care and control of metropolitan district commission, rules and regulations for government and use, see 350 CMR 2.01.

Traffic regulations and rules for driving, see 350 CMR 4.01.

§ 38. Rules and regulations for Charles river basin; publication; proof of rules

Code of Massachusetts Regulations

Charles river basin, rules and regulations for government and use of waters, see 350 CMR 12.01 et seq.

Notes of Decisions

1. In general

Any rule or regulation adopted under this section has been nullified by St.1966, c. 685, § 3, if and to the extent that such rule or regulation is directed at water pollution abatement or control. Op.Atty.Gen., Aug. 1, 1968, p. 31.

§ 39. Pollution of Charles river

Notes of Decisions

1. In general

The enactment of St.1966, c. 685, § 3, relieved

the Metropolitan District Commission of all powers exercisable under this section and section 76 of this chapter. Op.Atty.Gen., Aug. 1, 1968, p. 31.

§ 41. Maintenance of accommodations for boating and bathing

The commission may provide any maintain upon reservations and boulevards under its care, suitable accommodations for bathing and boating, and for the use of the same may establish rules and regulations and make reasonable charges. A disabled veteran or a handicapped person whose vehicle bears the distinctive type number plate authorized by section two of chapter ninety shall not be required to pay the charges established under the provisions of this section.

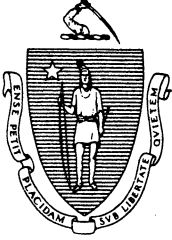
Amended by St.1971, c. 902, § 1.

1971 Amendment. St.1971, c. 902, § 1, approved Oct. 14, 1971, added the second sentence.

§ 45. Alteration of locations

The commission may by order alter, extend or revoke any such location whenever in its opinion the public interest or the rights of the commonwealth so require; provided, that before so doing notice and hearing shall be given to the company and all persons interested, as provided in the preceding section; and provided, further, that any such company or any persons interested in any such order may appeal therefrom to the governor, within fourteen days after the filing of a copy of such order, as provided in the following section.

Amended by St.1975, c. 706, § 134.



RECEIVED BY
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The Commonwealth of Massachusetts
APR 10 10 47 AM '84
Metropolitan District Commission
CAMBRIDGE, MASS.
20 Somerset Street, Boston 02108

WILLIAM J. GEARY
COMMISSIONER

April 5, 1984

Mr. Paul E. Healy
Cambridge City Clerk
City Hall
Cambridge, Massachusetts 02139

Dear Mr. Healy:

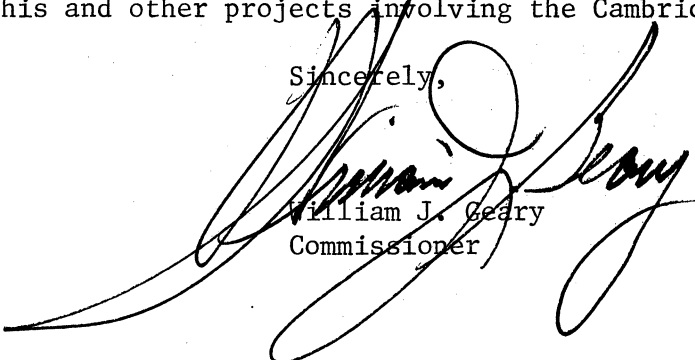
Your letter enclosing a copy of the resolution adopted by the Cambridge City Council on February 6 opposing the proposed Northeastern University boathouse has been referred by the Governor's Office to me for response.

Members of my staff met with a working committee of the Morse Neighborhood Council on March 15th to discuss their issues of concern. The Northeastern University proposed boathouse was the first item on the agenda. It was explained that when Northeastern University approached the Metropolitan District Commission with the boathouse concept almost one year ago, they were told that the boathouse could not be discussed until the community's input had been solicited. In all fairness, we are affording Northeastern University the opportunity to put together a proposal which can be presented to the community. (As I am sure you are aware, we are legislatively mandated to promote such activities on the river - see attached.)

Subsequent to Northeastern's meeting with the community, they must appear before the Commission with their proposal for approval. This is a public meeting and open to any interested citizen. We will notify all appropriate local officials, legislators and community representatives to attend and voice their support or opposition of the proposed boathouse. In addition, legislation must be passed in order for Northeastern to obtain a long-term lease from the Metropolitan District Commission.

I appreciate your interest and concern and look forward to working with you on this and other projects involving the Cambridge community.

Sincerely,


William J. Geary
Commissioner

WJG:kc
enclosure

cc: Governor's Office

S-270

Comm. from William J. Geary, Commissioner,
MDC Re: recent meeting between the MDC & a
working committee of the Morse Neighborhood
Council regarding area concerns over con-
struction of a proposed boathouse by North-
eastern University at Magazine Beach.

In City Council,

April 23, 1984

4/23/84

Placed on File