

The Commonwealth of Massachusetts

SPECIAL REPORT

OF THE

DEPARTMENT OF PUBLIC WORKS AND THE ATTORNEY
GENERAL RELATIVE TO ACQUIRING A RIGHT OF
WAY FOR PUBLIC ACCESS TO LAKE LORRAINE
IN THE CITY OF SPRINGFIELD

UNDER SECTION 18A OF CHAPTER 91 OF THE GENERAL LAWS

FEBRUARY, 1951

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The Commission of Enquiry

SPECIAL REPORT

OF THE

DEPARTMENT OF PUBLIC WORKS AND THE ATTORNEY
GENERAL RELATIVE TO SECURING A RIGHT OF
WAY FOR THE BRIDGES TO LAKE MERRIMACK
IN THE CITY OF BIRMINGHAM

Presented to the Board of Commissioners of the City of Birmingham, Alabama

BIRMINGHAM, 1931

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The Commonwealth of Massachusetts

SPECIAL REPORT OF THE DEPARTMENT OF PUBLIC WORKS AND THE ATTORNEY GEN- ERAL RELATIVE TO ACQUIRING A RIGHT OF WAY FOR PUBLIC ACCESS TO LAKE LORRAINE IN THE CITY OF SPRINGFIELD.

FEBRUARY 26, 1951.

To the Honorable Senate and House of Representatives.

The Joint Board, constituted under the provisions of section 18A of chapter 91 of the General Laws, submits the following report relative to a right of way for public access to Lake Lorraine situated in the city of Springfield.

Section 18A of chapter 91 of the General Laws provides:

Upon petition of ten citizens of the commonwealth that in their opinion public necessity requires a right of way for public access to any great pond within the commonwealth, the department and the attorney general or a representative designated by him sitting jointly shall hold a public hearing and receive such evidence thereon as may be presented to them. The joint board may make such additional investigation as it deems desirable and if it appears to said board that such a right of way exists it shall present a petition to the land court for registration of the easement. If it appears that no right of way exists it shall submit a report, together with recommendations thereon, to the general court on or before January first of the following year. This section shall not apply to any body of water used as a source of water supply by the commonwealth or by any town or district, or water company, nor shall it affect the right of the commonwealth or any town or district or water company to the use and control of the waters of any such pond for the purposes of a water supply, nor shall it affect or diminish any existing right to the use of the water of any such pond for mercantile or manufacturing purposes.

Pursuant to this statute, a petition, suitably signed, was filed with the Department of Public Works on

December 5, 1950, in regard to Five Mile Pond, Loon Pond and Lake Lorraine, in the city of Springfield.

The petition read as follows:

Department of Public Works.

TO WHOM IT MAY CONCERN:—The undersigned ten citizens of Massachusetts, respectfully represent that, in their opinion, public necessity requires a right of way for public access to the shores of Five Mile Pond, Loon Pond and Lake Lorraine, great ponds in the city of Springfield, and request that a public hearing be held by the Joint Board under the provisions of section 18A of chapter 91 of the General Laws, and such further action taken by said Board as may be necessary under the provisions of said statute.

The Attorney General designated Assistant Attorney General James G. Wolff to represent him upon the Joint Board, constituted under the provisions of said section 18A.

A public hearing duly advertised, of which notice was sent to the petitioners and all parties known to be interested, was held before the Joint Board on January 25, 1951, at which persons interested were given full opportunity to be heard and to present evidence and arguments. At this hearing, Assistant Attorney General James G. Wolff sat with Associate Commissioner Benjamin H. Grout of the Department of Public Works.

Lake Lorraine is the northerly portion of an original great pond which was divided in about the year 1833 into two sections by construction of the Western Railroad, the southerly portion being what is now known as Five Mile Pond.

Since Lake Lorraine is approximately 39 acres in extent and is not connected with Five Mile Pond, it was treated as an individual great pond which it is commonly considered to be.

From the evidence presented at the public hearing, and such other information as has been obtained by the Board, it appears that there is no land along the shore in public ownership, and there are no public roads or ways running to the pond, although two such ways leading to the westerly shore were laid out by the city, stopping at

a strip of land running along the shore which is now a private way serving the cottages as a shore drive.

Other than said ways approaching the westerly shore, the nearest public way is Page Boulevard, a state highway, route No. 20A, which runs in close proximity north-erly of the pond.

Upon consideration of the evidence presented at the public hearing, and of the existing means of access to Lake Lorraine, the Board finds that no public right of way for access to the shore of the pond exists, and that establishment of such a right of way is necessary and desirable.

Suggested at the public hearing were routes for public access in extension of Michigan Street, or establishment of a way from Page Boulevard, but the Board makes no recommendation in this respect, as additional study is necessary for proper selection of a suitable location.

The Board recommends that the county commissioners of Hampden County be directed to lay out a public right of way to Lake Lorraine in such location as may be determined suitable, and submits the attached bill for carrying out the recommendation.

Respectfully submitted,

DEPARTMENT OF PUBLIC WORKS.

W. F. CALLAHAN,
Commissioner.

FRANCIS V. MATERA,
Associate Commissioner.

BENJAMIN H. GROUT,
Associate Commissioner.

DEPARTMENT OF THE ATTORNEY GENERAL.

JAMES G. WOLFF,
Assistant Attorney General.

PROPOSED LEGISLATION.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-One.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A
RIGHT OF WAY FOR PUBLIC ACCESS TO LAKE LORRAINE
IN THE CITY OF SPRINGFIELD.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. The county commissioners of Hampden
2 county are hereby authorized and directed to lay out
3 a right of way for public access to Lake Lorraine in
4 the city of Springfield, in accordance with plans to
5 be approved by the department of public works and
6 showing the location and dimensions of such right of
7 way. If it is necessary to acquire land for the purpose
8 of laying out such right of way, said county com-
9 missioners shall at the time such right of way is laid
10 out take such land by eminent domain under chapter
11 seventy-nine of the General Laws. Any person
12 sustaining damages in his property by the laying out
13 of such right of way, or by specific repairs or improve-
14 ments thereon, shall be entitled to recover the same
15 under said chapter seventy-nine; provided, that the
16 right to recover damages, if any, by reason of the
17 laying out of such right of way, shall vest upon the

18 recording of the order of taking by said county com-
19 missioners, and that no entry or possession for the
20 purpose of constructing a public way on land so
21 taken shall be required for the purpose of validating
22 such taking or for the payment of damages by reason
23 thereof.

1 SECTION 2. The city of Springfield from time to
2 time may make specific repairs on or improve such
3 right of way to such extent as it may deem necessary,
4 but neither the county of Hampden nor any city or
5 town therein shall be required to keep such right of
6 way in repair, nor shall it be liable for injury sustained
7 by persons traveling thereon; provided, that suffi-
8 cient notice to warn the public is posted where such
9 way enters upon or unites with an existing public way.

1 SECTION 3. All expenses incurred by said county
2 commissioners in connection with such right of way
3 shall be borne by the county of Hampden, or by such
4 cities and towns therein, and in such proportions as
5 said county commissioners may determine.

1 SECTION 4. Said right of way shall not be dis-
2 continued or abandoned without authority therefor
3 from the general court.

1 SECTION 5. Nothing in this act shall be construed
2 to limit the powers of the department of public health,
3 or any local board of health, under any general or
4 special law.

1. The first of these is the fact that the patient is not always in a position to give a reliable history of his symptoms. This is especially true in the case of children and the insane. In such cases the physician must rely on the physical signs and the results of laboratory tests.

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3. The third of these is the fact that the patient is not always in a position to give a reliable history of his symptoms. This is especially true in the case of children and the insane. In such cases the physician must rely on the physical signs and the results of laboratory tests.

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