

The Commonwealth of Massachusetts

SPECIAL REPORT OF THE DEPARTMENT OF
PUBLIC WORKS RELATIVE TO A RIGHT OF
WAY FOR PUBLIC ACCESS TO FOUR MILE
POND IN THE TOWN OF BOXFORD.

DEPARTMENT OF PUBLIC WORKS,
100 NASHUA STREET, BOSTON, MASS., December 14, 1953.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts.

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 Four Mile Pond situated in the town of Boxford.

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 purpose 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, two petitions suitably signed, were filed with the Department of Public Works in regard to Four Mile Pond in the town of Boxford.

The petition reads as follows:

To the Department of Public Works, Division of Waterways.

We, the undersigned citizens of Massachusetts, County of Essex, petition for a right of way to Four Mile Pond in the Town of Boxford.

This petition contained 34 signatures. The second petition contained the signatures of 19 petitioners.

Subsequently the Attorney General designated Assistant Attorney General William J. Robinson 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 August 10, 1953, at which persons interested were given full opportunity to be heard and to present evidence and arguments. At this hearing, Assistant Attorney General William J. Robinson sat with Commissioner John A. Volpe and Associate Commissioners Francis V. Matera and Fred B. Dole of the Department of Public Works.

Four Mile Pond appears to be a natural pond of about 29 acres as shown on the South Groveland Quadrangle topographical map, surveyed in 1942. An inspection of the location failed to disclose a dam or gate at the outlet of the pond. The pond is not used as a source of water supply nor for manufacturing or mercantile purposes. The pond has never been surveyed by the Department.

Three public highways, namely, Herrick Road, Ipswich Road and Georgetown Road are located in the general vicinity of the pond, Herrick Road lying about 300 feet west of the west side of the pond running in a general north and south direction, Ipswich Road lying about one quarter of a mile northeasterly of the northeasterly side of the pond running in a general southeast and northwest direction and Georgetown Road lying about three quarters of a mile southeast of the south side of the pond

running in a northeast-southwest direction. There are a number of private ways running off Herrick Road to the westerly and southwesterly side of the pond. There are also private ways leading to the pond from Ipswich Road and Georgetown Road.

Upon consideration of the information and evidence presented at the public hearing and that obtained by further investigation, the Board finds that no public right of way for access to Four Mile Pond exists at present and that public necessity does not require that such a right of way be established at this time.

Respectfully submitted,

DEPARTMENT OF PUBLIC WORKS.

JOHN A. VOLPE,
Commissioner of Public Works.
FRED B. DOLE,
FRANCIS V. MATERA,
Associate Commissioners.

DEPARTMENT OF THE ATTORNEY GENERAL.

WILLIAM J. ROBINSON,
Assistant Attorney General.

