

The Commonwealth of Massachusetts

PRELIMINARY REPORT

OF THE

JOINT SPECIAL COMMITTEE

ON

CONSERVATION

SITTING IN RECESS

DECEMBER 3, 1952

The Commonwealth of Massachusetts

MEMBERSHIP.

- Sen. EDWARD C. STONE of Osterville, *Senate Chairman*.
Sen. CHARLES W. OLSON of Ashland.
Sen. CHRISTOPHER H. PHILLIPS of Beverly.
Sen. JOHN W. CODDAIRE, JR., of Haverhill.
Rep. FRED A. BLAKE of Gardner, *House Chairman*.
Rep. STANISLAUS G. WONDOLOWSKI of Worcester, *Clerk*.
Rep. JAMES E. HANNON of Lee.
Rep. ANTONE PERREIRA of Fall River.
Rep. ERNEST DERoy of Chicopee.
Rep. ROBERT X. TIVNAN of Worcester.
Rep. CHARLES T. KELLEHER of Marlborough.
Rep. JOHN A. ARMSTRONG of Plymouth.
Rep. CHARLES A. BISBEE, JR., of Chesterfield.
Rep. ALTON H. WORRALL of Wareham.
Rep. HOWARD S. RUSSELL of Wayland.
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RUTH E. NELSON of Sandwich, *Secretary*.

The Commonwealth of Massachusetts

ORDER CREATING THE COMMITTEE.

Passed in the Senate on April 2, 1952, and in the House on May 13, 1952.)

Ordered, That the committee on Conservation, authorized (under an order adopted by the House of Representatives on July 19 and by the Senate on July 25, 1951) to make a study and investigation relative to the issuance of sporting licenses to minors; the organization, powers and duties of the Department of Conservation; the acquisition by the Commonwealth of a certain part of Sandy Neck, so called, in the town of Barnstable; and the development of Scusset Beach in the town of Bourne, be authorized to continue said study and investigation, and to sit during the recess of the General Court. Said committee may travel within and without the Commonwealth and may expend for clerical and other expenses the balance of the sums appropriated under item 0110-44 in section 2 of chapter 806 of the acts of 1951, and such additional sums as may be appropriated therefor. Said committee shall report to the General Court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the Clerk of the House of Representatives on or before the first Wednesday of December in the current year.

The Commonwealth of Massachusetts

PRELIMINARY REPORT OF THE SPECIAL JOINT COMMITTEE ON CONSERVATION, SITTING IN RECESS.

DECEMBER 3, 1952.

To the Honorable Senate and House of Representatives.

The Committee on Conservation, sitting in recess, as authorized by a Joint Order of the General Court, herewith transmits a preliminary report.

ORGANIZATION.

Pursuant to the passage of the Order authorizing the Committee to sit during the recess of the General Court, your Committee met and organized with Senator Edward C. Stone, of Osterville, as Senate Chairman, and Representative Fred A. Blake, of Gardner, as House Chairman, and Ruth E. Nelson, Secretary.

Your Committee in the time available after the prorogation of the special session of the Legislature on September 15, 1952, held two public hearings, one in Boston and one in Northampton, and at least five executive sessions dealing with matters referred to it.

Of these matters referred to in the Order, perhaps the most important and certainly the most difficult to deal with because of the infinite variety of details involved was that having to do with the organization, powers and duties of the Department of Conservation.

Chief among the suggestions made to your Committee were those set forth in the report of the Commission on the Structure of State Government (House, No. 2032 and Senate, No. 73).

The proponents of Senate, No. 73, due to the involved legal aspects of such legislation, advised us that they desired to present a substitute, and accordingly prepared and presented several drafts, the final one being received by your Committee on December 1st, two days before the time at which we were ordered to report to the General Court our findings.

We have found the same difficulties which must have faced these proponents in trying to get their final draft ready, and, therefore, obviously, there was not time enough for this final draft, to which we were advised there would be still further suggestions to be carefully considered.

There is nothing left for your Committee to do except to ask for further time, and accordingly an Order, Appendix A, is being filed with the Clerk of the House requesting an extension of time for filing the report to March 1, 1953.

LICENSES TO MINORS.

The matter of the issuance of sporting licenses to minors is so linked up to the foregoing that it likewise is left for further consideration.

OCEAN BEACHES.

Other matters to be studied are the acquisition by the Commonwealth of a certain part of Sandy Neck, so called, in the town of Barnstable and the development of Scusset Beach in the town of Bourne.

SCUSSET BEACH.

This beach with others in Barnstable County has been the subject of many recess committee studies over a number of years. One such report called attention to that portion of the shore line extending northward from the Cape Cod Canal at a point where there was a stretch of sandy beach of suitable size to accommodate easily a large number of people and to provide for recreational

facilities appertaining to bathing. This is known as Scusset Beach. Because the beach was so far distant from the beaten path of the traveler, it was pointed out that better means of ingress and of egress would have to be afforded in order to make this beach easily accessible.

Since the time of that report, your Committee has discovered that quite a few more cottages have been built along the shore of this proposed beach, thus taking up practically all the shore line available for bathing, because they extend down to the land owned by the Federal Government on the north side of the Cape Cod Canal.

The whole subject of ocean beaches has recently been receiving the attention of the State Planning Board and the Department of Conservation so far as the whole State is concerned, as well as that of civic-minded individuals in Barnstable County as respects the Barnstable County seashore and other beaches.

At recent conferences, it has been pointed out by J. Spencer Smith, President of the United States Beach and Shore Preservation Association, a well-known expert in the matter of beaches, that by far the best way to deal with this problem is to start with a beach already owned by the Commonwealth, like Salisbury Beach, to develop it in what may be considered proper ways, and thus have a model which may be used as a guide for further developing bathing and incidental facilities for the use of the public.

Mr. Smith likewise pointed out that the idea of home rule is deeply indoctrinated in the minds of all communities within the limits of which are shore beaches. In deference to this, he pointed out that it was undoubtedly the wisest plan to have a referendum of the citizens of those towns as to the desirability of taking beach land within their limits.

In view of all the foregoing, your Committee makes no recommendations for the immediate taking of any land in this area.

Your Committee has been advised that legislation is

now before the General Court concerning the development of Salisbury Beach (now owned by the Commonwealth) by the State Planning Board and the Department of Conservation. A wise course of action would naturally suggest itself of waiting to see what could be done at Salisbury before embarking on the other beach projects.

SANDY NECK.

Your commission further studied the acquisition by the Commonwealth of a certain part of Sandy Neck in the town of Barnstable. This project was described in a previous report as having "a quiet, outstanding natural beauty of land and seascape disturbed only by an unusual and greatly varied collection of bird-life with sand dune summits having magnificent panoramic views spreading beyond and below."

We still strongly feel that these beauties should be kept intact and undisturbed and should be carefully preserved in their natural state.

Since that report, the town of Barnstable, mindful of the feeling referred to, has acquired a substantial tract of land on Sandy Neck near the Sandwich-Barnstable line. This tract by no means includes all of Sandy Neck, so called, or even all of that part which has been suggested as a possible public reservation.

We do not recommend that any part of Sandy Neck be now taken, because of the considerations already referred to with reference to Scusset, and since the town of Barnstable has a genuine opportunity to make a public reservation of this tract and to preserve it in its natural state. A further reason for our course is because the chance will be given to the town to observe closely whatever may be done in the parts of Sandy Neck not owned by the town itself, and thus to see particularly that this scenic spot is in no way despoiled, and that its beauty be kept unimpaired throughout its entire length.

We would particularly call attention to the fact that there is a movement afoot to secure passage of legislation to create a Barnstable County Beach Commission, the

duty of which will be to study the whole matter of beaches as far as Barnstable County is concerned, thus including both Sandy Neck and Scusset, and make recommendations.

Because of all the foregoing factors involving these problems, due deference to the principle of home rule would seem to call for us at this juncture to go no further, but we do express the hope that the county and/or the town of Barnstable will give prompt and careful attention to the preservation of Sandy Neck with its natural, scenic beauty.

CONCLUSION.

Therefore, your Committee, in view of the above considerations, and because of the shortness of time in which to make a complete and careful study of the questions before it, respectfully requests that it be extended for the purposes of further reporting on these matters until the 1st of March, 1953.

Respectfully submitted,

EDWARD C. STONE,

Senate Chairman.

FRED A. BLAKE,

House Chairman.

STANISLAUS G. WONDOLOWSKI.

CHARLES A. BISBEE, JR.

ROBERT X. TIVNAN.

HOWARD S. RUSSELL.

JOHN A. ARMSTRONG.

JAMES E. HANNON.

CHARLES W. OLSON.

ERNEST DERROY.

CHRISTOPHER H. PHILLIPS.

CHARLES T. KELLEHER.

JOHN W. CODDAIRE, JR.

APPENDIX.

ORDER EXTENDING THE COMMITTEE.

Ordered, That the time be extended to March 1, 1953, within which the General Court will receive the report of the Joint Standing Committee on Conservation, authorized to sit during the recess of the General Court for the purpose of making an investigation and study relative to the issuance of sporting licenses to minors; the organization, powers and duties of the Department of Conservation; the acquisition of a certain part of Sandy Neck, so called, in the town of Barnstable, the development of Scusset Beach in the towns of Bourne and Sandwich; and it is further

Ordered, That said Committee may travel within and without the Commonwealth and may expend for clerical and other expenses the balance of sums appropriated under item 0110-44 in section of chapter of the acts of 1952 (and section 2 of chapter 806 of the Acts of 1951) and such additional sums as may be appropriated therefor.

