

SENATE No. 334

The Commonwealth of Massachusetts.

SENATE, March 24, 1926.

The committee on Harbors and Public Lands to whom was referred the report of the special commission (Commissioner of Public Works, Commissioner of Public Safety and Commissioner of Conservation) appointed (under chapter 26 of the resolves of 1925) to investigate relative to opportunities for access by the public to beaches and other points on the seashore (Senate, No. 25), report the accompanying bill (Senate, No. 334).

For the committee,

ALFRED M. BESSETTE.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Six.

An Act to provide for Public Reservations and access thereto in Certain Cities and Towns bordering on Tidewater.

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

1 Chapter forty-five of the General Laws is
2 hereby amended by inserting after section
3 twenty-three, under the title, Shore Reser-
4 vations, the following new sections: —

5 *Section 23A.* The mayor of a city bordering
6 on tidewater and not included in the metro-
7 politan parks district, as defined in chapter
8 ninety-two, which accepts the provisions of
9 this and section; twenty-three C to twenty-
10 three F, inclusive, shall with the approval of
11 the city council, appoint a board of public
12 reservation commissioners for said city, con-
13 sisting of five persons, who shall serve without
14 compensation and hold office for terms of one,
15 two, three, four and five years, respectively,
16 from the first Monday in May next following
17 such appointment, and until their successors
18 are qualified; and thereafter the mayor shall

19 annually before the first Monday in May,
20 with like approval, appoint one such com-
21 missioner for a term of five years from said
22 first Monday in May. No member of the
23 city council, clerk or treasurer of such city
24 shall be such commissioner. In cities a vacancy
25 in such board shall be filled in like manner
26 for the residue of the unexpired term. A
27 commissioner may be removed by a two thirds
28 vote of members of a city council.

29 *Section 23B.* A town bordering on tidewater
30 and not included in the metropolitan parks
31 district as defined in chapter ninety-two which
32 accepts the provisions of this and sections
33 twenty-three C to twenty-three F, inclusive,
34 the selectmen shall appoint a board of public
35 reservation commissioners for said town, con-
36 sisting of three persons, who shall serve without
37 compensation, and hold office for terms of
38 one, two and three years, respectively, from
39 the first Monday in May next following such
40 election, or until their successors are elected;
41 and thereafter the town shall annually before
42 the first Monday in May elect one such com-
43 missioner for a term of three years from said
44 first Monday in May. No member of the
45 board of selectmen, clerk or treasurer of such
46 town shall be such commissioner. In towns
47 a vacancy in such board shall be filled as
48 provided in section eleven of chapter forty-
49 one of the General Laws. A commissioner
50 may be removed by a vote of the town.

51 *Section 23C.* Commissioners appointed or
52 elected under section twenty-three A or twenty-
53 three B may from time to time acquire by pur-
54 chase or otherwise or take by eminent domain
55 under chapter seventy-nine, and subject to
56 the provisions of section fourteen of chapter
57 forty, any land, flats, upland, foreshore, or
58 easement or right therein, within the city or
59 town not already appropriated to public use,
60 for the purpose of creating a public reservation.
61 Said commissioners may also take and hold
62 in trust or otherwise any grant, gift, bequest
63 or devise made for the purpose of laying out
64 or improving any such public reservations.

65 *Section 23D.* A city, town or the county
66 in which a public reservation has been estab-
67 lished under the preceding section, or under
68 section twenty-three F, the means of public
69 access to which is inadequate, shall, for the
70 purpose of providing adequate access thereto,
71 lay out, construct and maintain a public high-
72 way, or reconstruct, extend, widen or otherwise
73 improve an existing way. The work of con-
74 structing and reconstructing such public high-
75 ways and existing ways shall be carried out
76 in accordance with plans approved by the
77 division of highways of the department of
78 public works, and the cost of the work shall
79 in the first instance be paid from the treasury
80 of the commonwealth and assessed upon
81 counties, cities and towns in such proportions
82 as the said division may determine.

83 *Section 23E.* Commissioners shall have
84 charge of public reservations established under
85 sections twenty-three C or twenty-three F,
86 and may make from time to time rules and
87 regulations for the use of the same by the
88 public as open spaces for exercise and recrea-
89 tion.

90 *Section 23F.* If, in a city or town wherein
91 public reservation commissioners are appointed
92 or elected under section twenty-three A or
93 twenty-three B, no public reservation is estab-
94 lished under section twenty-three C within a
95 period of three years following acceptance by
96 the city or town under said sections, the division
97 of waterways and public lands of the depart-
98 ment of public works may, upon the petition
99 of ten registered voters in such city or town,
100 exercise therein the powers and duties con-
101 ferred by section twenty-three C on reservation
102 commissioners therein.

