

HOUSE No. 1388

The Commonwealth of Massachusetts

SPECIAL REPORT OF THE DEPARTMENT OF PUBLIC
WORKS RELATIVE TO A RIGHT OF WAY FOR
PUBLIC ACCESS TO SPECTACLE POND, IN THE
TOWN OF LANCASTER.

DEPARTMENT OF PUBLIC WORKS,
100 NASHUA STREET, BOSTON, 14, December 31, 1956.

*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 Spectacle Pond, situated in the town of Lancaster.

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, four petitions suitably signed were filed with the Department of Public Works in regard to Spectacle Pond in the town of Lancaster. The petitions read as follows:—

To the Department of Public Works and to the Attorney General of the Commonwealth of Massachusetts.

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 Spectacle Pond, a great pond in the town of Lancaster, 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, Tercentenary Edition, 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 William J. Robinson to represent him upon the Joint Board constituted under the provisions of said section 18A.

A public hearing, duly advertised and with notices sent to parties known to be interested, was held November 19, 1956, at which all persons were given full opportunity to be heard and to present evidence and arguments.

Spectacle Pond is a great pond of the commonwealth having an area of 66 acres as determined from a survey by the Department of Public Works in 1927.

There is no inlet of any size to Spectacle Pond. The outlet is Spectacle Brook which flows southerly to join the Nashua River about two miles distant. The pond is believed to be in substantially its natural state.

There are no public ways running to the pond, but there is a beach area owned by the town at the northerly end of the pond, which is for use of bathers, specifically residents of the town. Other than this and an area which is an abandoned sand pit westerly of said beach area the shore is occupied by numerous cottages.

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 Spectacle Pond exists at present, and that public necessity does not require establishment of such a way at the present time.

Respectfully submitted,

DEPARTMENT OF PUBLIC WORKS.

CARL A. SHERIDAN,
Commissioner.

FRED B. DOLE,
LEWIS J. FRITZ,
Associate Commissioners.

RODOLPHE G. BESSETTE,
Director, Division of Waterways.

DEPARTMENT OF THE ATTORNEY GENERAL.

WILLIAM J. ROBINSON,
Assistant Attorney General.

DEPARTMENT OF PUBLIC WORKS

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