

# HOUSE . . . . . No. 8

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## The Commonwealth of Massachusetts.

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### SPECIAL REPORT OF THE COMMISSION ON WATERWAYS AND PUBLIC LANDS RELATIVE TO THE ADVISABILITY OF CHANGING THE HARBOR LINES IN PROVINCETOWN HARBOR.

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*To the Honorable Senate and House of Representatives, State House, Boston.*

The Commission on Waterways and Public Lands submits this report in pursuance of the provisions of chapter 21 of the Resolves of 1917, as follows:—

*Resolved,* That the commission on waterways and public lands is hereby authorized and directed to make the necessary surveys and examinations for the purpose of determining the advisability of changing the harbor lines in Provincetown harbor established by chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-seven. The said commission shall report to the general court not later than the first Wednesday in January in the year nineteen hundred and eighteen with such recommendations as it may deem necessary.

By chapter 268 of the Acts of 1867 a harbor line was established in Cape Cod Harbor, now known as Provincetown Harbor, in Provincetown, this act providing that "no wharf, pier or other structure in the town of Provincetown, shall ever hereafter be extended into and over the tide

waters of said harbor, beyond the line hereinafter described". By chapter 59 of the Acts of 1877 a portion of the line established by the act of 1867 was changed.

The lines so established are shown on maps of Provincetown Harbor prepared under the direction of the Board of Harbor Commissioners from a survey in 1867 covering substantially all the harbor frontage of the town of Provincetown. The line of 1877, in the present location, is about 2,000 feet beyond the shore line and passes through contours of a depth averaging approximately 10 feet at mean low water.

This line has been drawn on a map of the harbor from a survey made by this Commission during the year, which shows by comparison substantially the same stretch of harbor frontage as the survey of 1867, and very little, if any, change in depth of water previously existing between this line and the shore. Of the wharves and other structures now existing it appears that none extends nearer than about 600 feet to the harbor line, in fact the majority are about 1,500 feet shoreward therefrom. Recently, however, the Commission has granted two licenses for the construction of pile wharves in this harbor, one about 1,200 feet in length which will reach within about 800 feet of the harbor line, the other about 500 feet long, the outer end to be about 1,500 feet short of this line. Furthermore, of the existing wharves and structures only three of a total of seventy are now built beyond the extreme low water line, which line is at an average distance of about 1,000 feet from the shore occupied by such wharves and structures.

The survey made by the Commission's engineer discloses the existence of fifteen fish weirs, all of which, with the exception of six, are entirely beyond the harbor line. In fact some of the northerly weirs are more than 6,000 feet from the shore line and not less than 600 feet beyond the harbor line. Because of their locations these structures are clearly built in violation of the law, and are structures which, in the opinion of the Attorney-General given the Board of Harbor and Land Commissioners in 1899, that Board had no authority to license.

In the opinion of this Commission it is inadvisable for any purpose to change the present location of the harbor line in Provincetown Harbor.

Respectfully submitted,

JOHN N. COLE,  
JESSE B. BAXTER,  
WILLIAM S. McNARY,

*Commission on Waterways and Public Lands.*

JAN. 2, 1918.

