

# SENATE . . . . No. 17

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To accompany the petition of Robert T. Barnicle, Chairman of the State Planning Board, that provision be made for a program of ocean beach development. Harbors and Public Lands.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Three.

### AN ACT PROVIDING FOR A PROGRAM OF OCEAN BEACH DEVELOPMENT.

1 *Whereas*, The deferred operation of this act would  
2 tend to defeat its purpose which is to provide for the  
3 people of the commonwealth and to its visitors from  
4 other states and nations the opportunity to enjoy  
5 the healthful recreation possible through the medium  
6 of an adequate system of state-owned and operated  
7 ocean beaches, it is hereby declared to be an emer-  
8 gency act necessary for the immediate preservation  
9 of the public health, welfare and convenience; and

10 *Whereas*, The legislative records of twenty-five or  
11 even thirty years ago contain reports by various  
12 officials, committees and commissions pointing out  
13 the need for ocean beaches and stressing the de-  
14 sirability of prompt acquisition before private de-  
15 velopment progressed too far; and

16 *Whereas*, Eight times since nineteen hundred and  
17 thirty-five the state planning board has recommended  
18 the adoption by the state of a program of beach ac-

19 quisation and development, the department of con-  
20 servation, the special committee on conservation, and  
21 the special commission on shore protection have also  
22 made repeated recommendations, yet the net result  
23 has been that, with the exception of the beaches in  
24 the Boston bay area under the jurisdiction of the  
25 metropolitan district commission, Salisbury beach  
26 under the department of conservation, and New  
27 beach at Provincetown under the department of  
28 public works, the state has no program of ocean beach  
29 development under way; and

30 *Whereas*, Much of the private growth feared by the  
31 earlier students of the problem has materialized, with  
32 the result that sites that could have been obtained at  
33 remarkably low prices ten or fifteen years ago have  
34 been built up to prohibitive values, impossible of  
35 acquisition. Of our nine hundred miles of ocean  
36 beaches less than seventeen are state-owned, while  
37 only another eighty miles are available as city or  
38 town beaches which in many cases have local re-  
39 strictions, and Massachusetts cannot afford to wait  
40 any longer. Too familiar has become the typical ex-  
41 perience of a family group starting out for a day at  
42 the beach only to be repeatedly repelled by such signs  
43 as "Private Beach," "For Residents Only," etc.; and

44 *Whereas*, The Atlantic ocean is not only a state  
45 boundary, but also a national boundary, the people  
46 of Spencer or North Adams have the same rights to  
47 the enjoyment of ocean bathing as do the people of  
48 Beverly or Wareham. By the same token our vaca-  
49 tioning guests from Utah or Indiana should not be  
50 denied the access to the sea that some of us enjoy.  
51 Massachusetts now has under way a great highway  
52 construction program. It is under way because it

53 was planned; it is great because it was well planned  
54 — comprehensively planned — the product of a well-  
55 conceived and effectively executed master plan; and

56 *Whereas*, Such a master plan of ocean beaches is a  
57 must; a piecemeal approach to the problem will not  
58 suffice. Recognizing the need the planning board  
59 has initiated a study of a master plan for ocean  
60 beaches which, to quote its outline, is “To provide  
61 for the people . . . an adequate system of state-  
62 owned beaches, efficiently and attractively devel-  
63 oped, economically constructed, maintained and op-  
64 erated.” Uppermost among the board’s intentions  
65 has been the one that in all cases the natural beauty  
66 of the beaches shall be preserved, and that no detri-  
67 mental commercial or “honky-tonk” activities shall  
68 be permitted; and

69 *Whereas*, Twelve sites, strategically located to best  
70 serve the needs of the people, are being considered.  
71 In the progress of its studies the board has been  
72 fortunate in having the co-operation and advice of  
73 the department of conservation, the department of  
74 public works, the special committee on conservation,  
75 the special commission on shore protection, the  
76 United States Army Corps of Engineers, the Ameri-  
77 can Shore and Beach Preservation Association and  
78 the United States National Park Service, and the  
79 board in its progress report to his excellency the gov-  
80 ernor, dated August fifteen, nineteen hundred and  
81 fifty-two, emphasized the desirability of developing  
82 Salisbury beach and acquiring property for devel-  
83 oping the other sites; and

84 *Whereas*, The state now owns Salisbury, here is an  
85 opportunity to demonstrate what can be done. Up  
86 to now the parks and recreation division of the de-

87 partment of conservation has done an exceptionally  
88 fine job there, but has been hampered by the lack of  
89 funds. The planning board's plan for Salisbury is a  
90 modification of one previously prepared by the de-  
91 partment of conservation as the basis of the devel-  
92 opment to date; and

93 *Whereas*, Still occupied with the further process of  
94 its master plan the board is strongly of the opinion  
95 that action should not be delayed pending the com-  
96 pletion of the study, and therefore recommends the  
97 following: —

- 98 1. That a program of state ocean beaches under  
99 the department of conservation be authorized.
- 100 2. That all sites acquired and/or developed shall,  
101 in so far as practicable, be preserved in their natural  
102 state.
- 103 3. That the facilities be self-supporting.
- 104 4. That sites may be acquired at the following-  
105 named beaches: Salisbury, Plum island, Wingaer-  
106 sheek, Duxbury, Sandy Neck, Kalmus park, South  
107 Cape, Washburn island, Mashnee island and Horse-  
108 neck.
- 109 5. That the beach development, construction and  
110 operation be under the jurisdiction of the division of  
111 parks and recreation.
- 112 6. That the development of Salisbury proceed  
113 forthwith.
- 114 7. That the costs of the entire program be met by  
115 state bond issues.
- 116 8. That the department may charge fees for the  
117 use of the lands and facilities.
- 118 9. That all income derived shall be applied toward  
119 the operating, maintenance and debt service costs of  
120 the program.

121 10. That deficits, if any, be paid from funds as-  
122 sessed under chapter one hundred and thirty-two A  
123 of the General Laws (Parks and Recreation).

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

1 SECTION 1. The department of conservation,  
2 hereinafter called the department, is hereby author-  
3 ized and directed to establish a program of state-  
4 owned ocean beaches, and for said purpose may ac-  
5 quire, by purchase or otherwise, or take by eminent  
6 domain, under chapter seventy-nine of the General  
7 Laws, adequate sites for said beaches and approaches  
8 thereto.

1 SECTION 2. It is hereby declared to be the policy  
2 of the commonwealth that all such sites acquired  
3 and/or developed by the department shall, in so far  
4 as practicable, be preserved in their natural state;  
5 that they shall be collectively self-supporting; and  
6 that no commercial activities except those essential  
7 to the quiet enjoyment of the facilities by the people  
8 shall be permitted.

1 SECTION 3. Said beach sites shall be substantially  
2 as designated by the master plan of ocean beaches in  
3 process of preparation by the state planning board,  
4 and may include takings at the following-named  
5 beach locations: — Salisbury in the town of Salisbury;  
6 Plum island in the towns of Newbury, Rowley and  
7 Ipswich; Wingaersheek in the city of Gloucester;  
8 Duxbury in the towns of Marshfield and Duxbury;  
9 Sandy Neck in the towns of Sandwich and Barn-

10 stable; Kalmus park in the town of Barnstable;  
11 South Cape in the town of Mashpee; Washburn  
12 island in the town of Falmouth; Mashnee island in  
13 the town of Bourne; and Horseneck in the town of  
14 Westport.

1 SECTION 4. The planning, construction, operation  
2 and maintenance of the beach facilities acquired  
3 and/or developed hereunder shall be under the juris-  
4 diction of the division of parks and recreation. In  
5 its preparation of plans of said facilities the depart-  
6 ment shall have the advice and assistance of the de-  
7 partment of public works, the department of public  
8 health, and the state planning board.

1 SECTION 5. The department shall proceed forth-  
2 with to develop the Salisbury beach area substan-  
3 tially in accordance with a plan of the state planning  
4 board, titled "Proposed Development at Salisbury  
5 Beach. Scale 1 inch equals 100 feet, October, 1952,  
6 Plan No. 85-16."

1 SECTION 6. To meet the cost of the acquisitions  
2 and work herein authorized which shall include all  
3 expenses incurred in laying out and constructing the  
4 same, and all appurtenances thereto, and all interest  
5 accruing prior to the first maturity, the state treas-  
6 urer, on request of the department and with the ap-  
7 proval of the governor and council, shall issue and  
8 sell at public or private sale, bonds of the common-  
9 wealth, registered or with coupons attached, as he  
10 may deem best to an amount not exceeding in the  
11 aggregate the sum of                      dollars. All bonds  
12 issued by the commonwealth as aforesaid shall be

13 designated on the face: "state ocean beach loan,"  
14 and shall be on the serial payment plan for such  
15 maximum term of years not exceeding forty as the  
16 governor may recommend to the general court pur-  
17 suant to section 3 of Article LXII of the Amendments  
18 to the Constitution of the commonwealth, the ma-  
19 turities thereof to be so arranged that the amounts  
20 payable each year, including principal and interest,  
21 shall be as nearly equal as in the opinion of the state  
22 treasurer is practicable, and shall bear interest pay-  
23 able semi-annually at such rate as the state treasurer,  
24 with the approval of the governor and council, shall  
25 fix. The first maturity shall not occur until two  
26 years after the issue of the first bond hereunder.

1 SECTION 7. In its development of beach sites the  
2 department is hereby authorized and empowered —

3 (1) To construct, provide, maintain, repair and  
4 operate, in connection with any beach as a public  
5 beach and recreation center, access roads, play fields,  
6 picnic areas, camping areas, parking lots, bathhouses,  
7 swimming, diving and wading pools, bandstands,  
8 music shells, boardwalks together with wheel chairs,  
9 row and paddle boats, boat houses, marinas, fishing  
10 docks, restaurants, and refreshment stands, fire-  
11 places, benches, chairs and shelters, first-aid rooms,  
12 comfort stations, solariums, fresh water supply, and  
13 such other facilities and equipment as the department  
14 deems necessary and desirable.

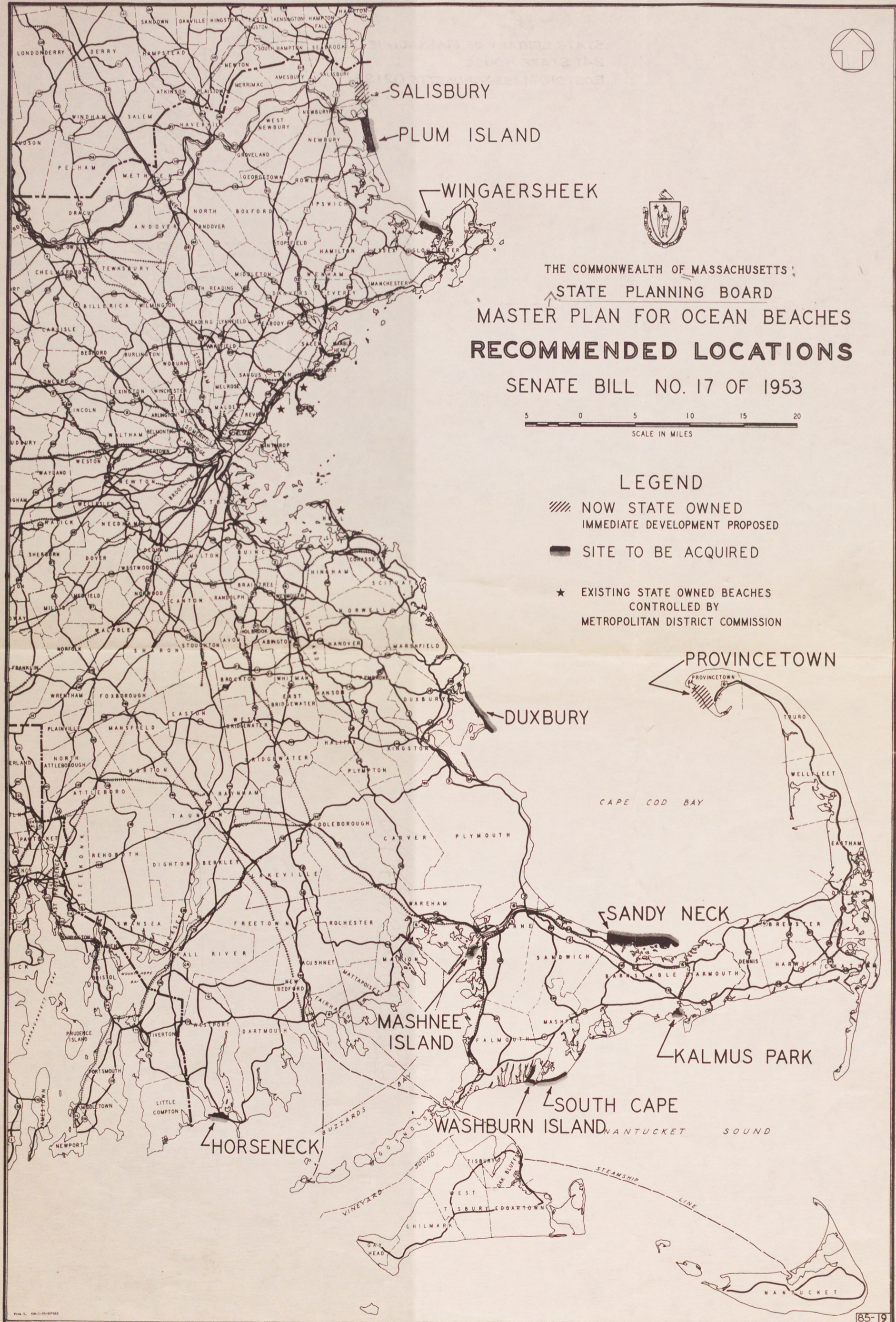
15 (2) To impose and collect such charges and fees for  
16 the use of the lands, buildings, facilities and equip-  
17 ment enumerated in subsection (1) of this section as  
18 may be necessary to defray the cost of the acquisi-  
19 tions and developments herein authorized, including

20 costs of maintenance and operation and bond amor-  
21 tization and interest. Such fees and charges may be  
22 revised from time to time as deemed necessary by  
23 the department.

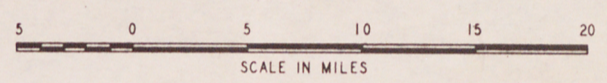
1 SECTION 8. All income derived from the operation  
2 of the facilities established hereunder shall be paid  
3 into the state treasury and shall be deemed to be  
4 generally applicable to the collective obligations of  
5 the commonwealth imposed by this act. Nothing in  
6 this act shall be construed to mean that income from  
7 a particular facility must be applied to meet the ob-  
8 ligations of that particular facility. Nothing in this  
9 act shall prevent the state treasurer from applying  
10 without restriction income from facilities authorized  
11 under this act to the obligations of similar facilities  
12 authorized under future acts.

1 SECTION 9. If in any year the income from the  
2 facilities established under this act shall prove in-  
3 sufficient to meet the costs hereunder the resulting  
4 deficits shall be met in the manner prescribed in sec-  
5 tion four of chapter one hundred and thirty-two A  
6 of the General Laws.

1 SECTION 10. In so far as they are not inconsistent  
2 with this act the provisions of chapter one hundred  
3 and thirty-two A of the General Laws shall be ap-  
4 plicable.



THE COMMONWEALTH OF MASSACHUSETTS  
 STATE PLANNING BOARD  
 MASTER PLAN FOR OCEAN BEACHES  
**RECOMMENDED LOCATIONS**  
 SENATE BILL NO. 17 OF 1953



LEGEND

- NOW STATE OWNED
- IMMEDIATE DEVELOPMENT PROPOSED
- SITE TO BE ACQUIRED
- EXISTING STATE OWNED BEACHES CONTROLLED BY METROPOLITAN DISTRICT COMMISSION

Map  
 Mass  
 1953  
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