

SENATE No. 1210

The Commonwealth of Massachusetts

SENATE, March 21, 1972.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, Senate, No. 125) of Mario Umana for legislation to authorize the Department of Public Works and the Boston Redevelopment Authority to exercise certain powers in regard to certain tidelands along the Atlantic Avenue and Commercial Street waterfront in the city of Boston; the petition (accompanied by bill, Senate, No. 576) of James A. Kelly, Jr., for legislation to authorize the Department of Public Works and the Boston Redevelopment Authority to exercise certain powers in regard to certain tidelands along the Atlantic Avenue and Commercial Street waterfront in the city of Boston; and the petition (accompanied by bill, House, No. 4719) of the Boston Waterfront Residents and others for legislation to further regulate the authority of the Department of Public Works and the Boston Redevelopment Authority to exercise certain powers in regard to certain tidelands along the Atlantic Avenue and Commercial Street waterfront in the city of Boston, reports the accompanying bill (Senate, No. 1210).

For the committee,

ROGER L. BERNASHE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Two.

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS AND THE BOSTON REDEVELOPMENT AUTHORITY TO EXERCISE CERTAIN POWERS IN REGARD TO CERTAIN TIDELANDS ALONG THE ATLANTIC AVENUE AND COMMERCIAL STREET WATERFRONT IN THE CITY OF BOSTON.

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

SECTION 1. Until January first, nineteen hundred and seventy-seven, no license to fill or maintain fill or to erect or maintain a structure within that area in the city of Boston beginning at the intersection of the northeasterly sideline of Northern Avenue and the westerly U.S. Pierhead Line of the Fort Point Channel and running northwesterly by the northeasterly sideline of Northern Avenue to the westerly sideline of Atlantic Avenue; thence turning and running northerly and northwesterly by the westerly sideline of Atlantic Avenue and of Commercial Street to the southeasterly sideline of Hanover Street; thence turning and running northeasterly by the southeasterly sideline of Hanover Street, to the southwest property line of the U. S. Coast Guard Base; thence turning and running southeasterly by the southwest property line of the U. S. Coast Guard Base to the southeasterly property line of the U. S. Coast Guard Base, thence turning and running northeasterly by the southeasterly property line of the U. S. Coast Guard Base extended to the U. S. Pierhead Line; thence turning and running southeasterly, southerly and southwest by the U. S. Pierhead Line, to the point of beginning; shall be granted by the Department of Public Works, hereinafter called the Department, unless the application is approved in writing by the Boston Redevelopment Authority and the Mayor of the City of Boston. No license application so approved shall be granted by the Department until a public hearing has been held by the Department, in accordance with the provisions of Chapter 30A of the general laws, to consider the license appli-

28 cation and all factors relevant thereto including the effect of
29 the proposed work on navigation, pollution, natural resources,
30 marine fisheries and wildlife, historic preservation and scenic
31 preservation, recreational opportunities including access to the
32 water and the water's edge, provision for parkland and open
33 spaces, and the general public interest including public benefits
34 to be realized from the proposed work. Upon full consideration
35 of said relevant factors, the Department shall determine
36 whether, in the public interest, a license will be granted and,
37 when granting a license, the conditions, if any to which the
38 license will be subject in view of its evaluation of the said
39 relevant factors. *Provided:* No license to fill or maintain fill
40 or to erect or maintain a structure in the said area shall be
41 granted by the department unless the application for a license
42 is approved in writing by the Authority and the Mayor of the
43 City of Boston and unless the license is subject to such condi-
44 tions as they prescribe in their approval and unless such li-
45 cense is subject to the further condition that the license shall
46 expire in five years from its date, except as to valuable struc-
47 tures, fillings or enclosures actually and in good faith built or
48 made under and in accordance with the terms and conditions
49 of such license during the term thereof.

50 Notwithstanding the provisions of Section Fifteen of Chapter
51 Ninety-one of the General Laws, every license granted with
52 the approval of the Authority from the effective date of this
53 act until January first, nineteen hundred and seventy-seven
54 shall be irrevocable. The Department shall execute and de-
55 liver a certificate in form suitable for recording upon the
56 completion of any structure or filling pursuant to and in ac-
57 cordance with the terms and conditions of any such license
58 issued by it, and the Register of Deeds for Suffolk County
59 shall accept the same for recording and make a marginal
60 reference thereto upon the records of the records of the ap-
61 propriate license upon payment of the fee prescribed in Chap-
62 ter Two Hundred and Sixty-two of the general laws.

1 SECTION 2. Notice of any hearing to be held under the pre-
2 ceding section shall be made in writing by the Department at
3 least twenty-one days prior to the date of the hearing to the

4 Secretary of Environmental Affairs and any other such cabinet
5 secretaries, departments and agencies of the Commonwealth
6 that have jurisdiction by law or special expertise with respect
7 to the relevant factors to be considered at the hearing. The
8 notice shall indicate the statutory basis for the hearing, the
9 time and place of the hearing and the nature and substance
10 of the matter to be heard. Such notice shall be given to the
11 public by publication of legal notice in a daily newspaper of
12 general circulation in Suffolk County at least fourteen days
13 prior to the date of the hearing.

1 SECTION 3. In order to clarify the relationship of the pro-
2 posed work to the approved Downtown Waterfront-Faneuil
3 Hall Urban Renewal Plan adopted by the Authority on April
4 24, 1964 and approved by the City Council of the City of
5 Boston on June 8, 1964, as amended, prepared by the Au-
6 thority, the following controls are imposed upon the plan:

- 7 (a) North of India Wharf the "toes" of all new fill and
8 supporting structures shall be within the Common-
9 wealth's Harbor Line or Pierhead Line of 1880.
- 10 (b) None of the slips between Commercial and Lewis
11 Wharves and between Sargents and Union Wharves
12 shall be narrowed by the construction of any structures
13 other than those that are associated with marinas.
- 14 (c) The height of structures constructed on Lewis Wharf
15 or Commercial Wharf shall be limited to the height of
16 the tallest structure existing on the pier as of January 1,
17 1972.

1 SECTION 4. The amount of tidewater displaced or to be
2 displaced by any structure below high water mark or by any
3 filling of flats shall be ascertained by the Department which
4 shall require the licensee to pay to the Commonwealth before
5 the license shall become effective such amount, if any, as
6 shall be assessed by the Department with respect to such dis-
7 placement, in accordance with the provisions of chapter ninety-
8 one of the General Laws, and each such license granted by the
9 Department shall contain a recitation that such assessment
10 has been made and payment received.

1 SECTION 5. This act shall take effect as of January 1, 1972.