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**GOVERNOR PATRICK SIGNS BILL RESTORING EXEMPTION FOR NON-WATERFRONT TIDELANDS****Measure restores certainty, predictability for property owners**

BOSTON - Thursday, November 15, 2007 - Governor Deval Patrick today signed into law a consensus bill re-establishing title clarity for properties built in landlocked filled tidelands and granted regulatory exemption from the state's Chapter 91 licensing process for waterfront properties.

In February, the Supreme Judicial Court ruled that the Department of Environmental Protection, which administers Chapter 91, lacked authority to exempt from licensing properties located on filled tidelands that are not on the waterfront - at least 250 feet from the water and separated from it by a public way - which the agency had done since 1990. Until the Legislature clarified the status of that regulatory exemption, a cloud hung over the title of properties in 3,000 acres of Boston alone, and another 1,000 acres across the Commonwealth.

The Legislature approved a consensus bill confirming the exemption of such landlocked tidelands from Chapter 91 licensing, but also providing additional protections for the public interest by means of a new public benefit review for large developments in tidelands and an examination of groundwater levels in communities (such as Boston's Back Bay) where low groundwater is a concern.

"I am delighted to sign this bill to provide reassurance for thousands of property owners who received an exemption from Chapter 91 in the past and clarify the rules going forward," said Governor Patrick. "This new law provides predictability for land development and protects the public interest."

"Many former tidelands are now so far from the water that there is no practical way for the public to use these areas for water-related activities," Senate President Therese Murray said. "This law lifts a cloud of uncertainty over thousands of parcels across the Commonwealth and restores an effective and efficient permitting process, allowing DEP to focus on areas where public access and other amenities are both possible and desirable."

"This new tidelands law is a true compromise - offering public protections for communities to have a say in how their land is developed while clarifying the process for developers looking build on our tidelands," said Speaker Salvatore F. DiMasi. "This is a common sense solution to a complicated problem and I commend all those on both sides of the aisle in the House, Senate and Patrick administration who worked so hard to make sure we got this done the right way."

This bill, crafted by a conference committee chaired by Representative Frank Smizik and Senator Pamela Resor after thorough discussion and deliberation in the Legislature:

- Exempts future uses and structures on non-waterfront properties from the waterfront licensing requirement;
- Confirms the Ch. 91 exemption for all existing uses and structures on non-waterfront tidelands, an exemption that has worked successfully since 1990;
- Creates a new "public benefit review," under the Secretary of Energy and Environmental Affairs, for new large-scale development projects located in tidelands;
- Amends the environmental review process to include examination of groundwater levels in communities where low groundwater has been identified as a problem.

"This bill is a fair and balanced compromise that will allow important economic development projects to proceed while ensuring that public benefits are closely examined," said David I. Begelfer, CEO of NAIOP. "This was a true team effort, and I applaud the

hard work of Governor Deval Patrick and his Administration, Speaker of the House Salvatore DiMasi, and Senate President Therese Murray."

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