

HOUSE No. 1707

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 4, 1946.

The committee on Metropolitan Affairs, to whom were referred the petition (accompanied by resolve, Senate, No. 331) of Harris S. Richardson that provision be made for an investigation and study of certain conditions affecting the public health at Foster's Court Beach in Medford and so much of the Mystic River as lies in the cities of Medford and Somerville, the petition (accompanied by bill, House, No. 220) of Jeremiah J. Sullivan providing for the construction by the Metropolitan District Commission of overflow conduits or other drainage works for the protection of property against flood damage along Alewife Brook in the cities of Cambridge, Somerville and Medford and in the town of Arlington, the petition (accompanied by resolve, House, No. 575) of Thomas P. O'Neill, Jr., for an investigation by the Metropolitan District Commission relative to the construction of a sewer running parallel to Alewife Brook and the Charles River to tide water at or near the mouths of the Charles and Mystic Rivers, the petition (accompanied by resolve, House, No. 798) of Robert P. Campbell that the Department of Public Health and the Metropolitan District Commission be authorized to study the sanitary condition at Foster's Court in the city of Medford for the purpose of making recommendations to eliminate pollution thereat, the petition (accompanied by bill, House, No. 966) of Walter E. Lawrence (mayor of Medford) and others that the Metropolitan District Commission be authorized to straighten and dredge the

Mystic River between Cradock Dam and the Wellington Bridge in the cities of Medford and Somerville, the petition (accompanied by bill, House, No. 1361) of Michael F. Skerry that the Metropolitan District Commission be authorized to straighten the Mystic River in the City of Medford and the petition (accompanied by bill, House, No. 1524) of Michael F. Skerry that the Metropolitan District Commission be authorized to construct a dam at the Wellington Bridge between the cities of Somerville and Medford for the prevention of floods from the Mystic River, report the accompanying bill (House, No. 1707).

For the committee,

ROBERT F. MURPHY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT PROVIDING FOR THE PREPARATION OF PLANS
AND THE CONSTRUCTION OF A DAM ON THE MYSTIC
RIVER IN THE CITIES OF SOMERVILLE AND EVERETT.

*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 emergency public works com-
2 mission, established under section one of chapter
3 three hundred and sixty-five of the acts of nineteen
4 hundred and thirty-three, is hereby authorized and
5 directed to prepare suitable plans and specifications
6 for the construction of a dam, lock, drawbridge and
7 works, equipment and appurtenances thereto across
8 the Mystic river in the cities of Somerville and
9 Everett, for the purpose of maintaining the water
10 level in the Mystic and Malden rivers at a sub-
11 stantially permanent water level of not less than
12 seven feet above Boston City Base, and for the
13 dredging of navigable channels above said dam. In
14 the preparation of such plans, said commission shall
15 consider the subject matter of house document num-
16 bered four hundred of the year nineteen hundred and
17 thirty-two and of house document numbered two
18 hundred and ninety-four of the year nineteen hundred
19 and thirty-seven, and shall also consider the subject
20 matter of current senate document numbered three

21 hundred and thirty-one and of current house docu-
22 ments numbered two hundred and twenty, five hun-
23 dred and seventy-five, seven hundred and ninety-
24 eight, nine hundred and sixty-six, thirteen hundred
25 and sixty-one, and fifteen hundred and twenty-four,
26 which provide for associated improvements relating
27 to public health and the development of the Mystic
28 valley for industrial and recreational purposes, and
29 said commission shall consult and confer with the
30 metropolitan district water supply commission,
31 as enlarged and authorized under chapter seven hun-
32 dred and five of the acts of nineteen hundred and
33 forty-five to carry out sewerage and drainage proj-
34 ects in the metropolitan sewerage districts, the
35 department of public health, the metropolitan dis-
36 trict commission through its parks division and the
37 municipal officials of Somerville, Everett, Medford,
38 Malden, Arlington, Cambridge, Belmont and Win-
39 chester. Said emergency public works commission,
40 with the approval of the governor, shall apply for
41 and accept on behalf of the commonwealth any
42 federal funds or federal assistance, or both, for financ-
43 ing the cost of such plans and specifications as are
44 required for the purposes of this act. Said commis-
45 sion may expend for the preparation of such plans and
46 specifications any unencumbered balance of funds
47 made available to the commission for the prepara-
48 tion of plans and specifications under the provisions
49 of section ten of chapter three hundred and seventy
50 of the acts of nineteen hundred and forty-three.
51 For the purposes aforesaid, the said commission may
52 employ consulting engineers and consulting architects
53 and such other engineering and other assistance as may

54 be necessary and shall report its findings by filing
55 the same with the clerk of the senate on or before
56 the first Wednesday of December, nineteen hundred
57 and forty-seven.

1 SECTION 2. The metropolitan district commission
2 is hereby authorized to build, maintain and operate
3 a dam across the Mystic river in the cities of Somer-
4 ville and Everett in accordance with plans and speci-
5 fications prepared and approved by the emergency
6 public works commission under section one of this
7 act.

1 SECTION 3. The metropolitan district commission
2 shall dredge navigable channels and do other dredg-
3 ing or drainage above the dam in the Mystic and
4 Malden rivers and any lands adjacent thereto, and
5 shall remove the existing dam at Cradock bridge and
6 the weirs and appurtenances thereto so far as neces-
7 sary to leave an unobstructed passageway in the
8 Mystic river and perform such other work as may be
9 necessary in carrying out the purposes of this act.

1 SECTION 4. For the purposes of this act, the met-
2 ropolitan district commission may take in the name
3 of the commonwealth, in fee or otherwise, under
4 chapter seventy-nine of the General Laws, or acquire
5 by purchase, gift or otherwise, such lands, flats and
6 lands covered by tide water or interests therein as it
7 may deem necessary or desirable, including territory
8 within the locations of the Boston and Maine Rail-
9 road and the Boston and Albany Railroad, and may
10 enter into agreements with said railroads and other

11 corporations and persons so far as necessary or de-
12 sirable for the carrying out of sections two and three
13 of this act.

1 SECTION 5. Before undertaking any of the work
2 authorized under sections two and three, the metro-
3 politan district commission shall obtain such permits
4 and approvals as may be required by law from the
5 United States war department and the state depart-
6 ment of public works. In the construction of the
7 works authorized, the metropolitan district commis-
8 sion may appoint and in its discretion remove such
9 engineering and other assistants as it may deem nec-
10 essary and may fix their compensation. Such ap-
11 pointments shall not be subject to classification under
12 sections forty-five to fifty, inclusive, of chapter thirty
13 of the General Laws, and chapter thirty-one of the
14 General Laws, and the rules and regulations made
15 thereunder shall not apply to such engineers or other
16 assistants. Upon request of the metropolitan district
17 commission the division of civil service shall hold
18 special examinations of candidates for such offices
19 and positions.

1 SECTION 6. The metropolitan district commission,
2 when the work herein provided for has been com-
3 pleted, shall maintain, operate and control said dam,
4 lock, drawbridge and works, equipment and appurte-
5 nances thereto, and control the Mystic and Malden
6 rivers and their tributaries above said dam as a part
7 of the metropolitan parks system. Said commission
8 shall also exercise over said waters above said dam
9 all powers and duties now conferred upon said com-
10 mission by chapter ninety-two of the General Laws

11 relative to the care, maintenance and control of the
12 metropolitan parks system and the Charles River
13 basin so far as applicable.

1 SECTION 7. To meet the cost of construction of
2 the work authorized in sections two and three, the
3 commonwealth may accept and use any federal funds
4 or any federal assistance, or both, provided therefor
5 under any federal law, authority to make applica-
6 tion therefor being hereby granted to said emergency
7 public works commission, with the approval of the
8 governor. In case federal funds or federal assistance
9 are made available to the commonwealth for this
10 construction work, the project, when approved by
11 the governor, shall be carried out in all respects sub-
12 ject to the provisions of the appropriate federal law
13 providing for construction of projects of this class,
14 and the rules and regulations made pursuant thereto,
15 and to such terms, conditions, rules and regulations,
16 not inconsistent with such federal laws, rules and reg-
17 ulations, as said emergency public works commission
18 may establish, with the approval of the governor, to
19 insure the proper execution of said project.

1 SECTION 8. This act shall take effect upon its
2 passage.

