

SENATE No. 556

To accompany the petition of Walter E. Lawrence, mayor of Medford, for legislation to provide for the preparation of plans for, and the construction of, a dam on the Mystic River in the vicinity of Wellington Bridge in the cities of Somerville and Medford. Harbors and Public Lands.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE PREPARATION OF PLANS FOR AND THE CONSTRUCTION OF A DAM ON THE MYSTIC RIVER IN THE VICINITY OF WELLINGTON BRIDGE IN THE CITIES OF SOMERVILLE AND MEDFORD.

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 Massachusetts public building
2 commission, hereinafter referred to as the commission,
3 is hereby authorized and directed to prepare suitable
4 plans and specifications for the construction of a dam,
5 lock, drawbridge and works, equipment and appurte-
6 nances thereto across the Mystic river in the vicinity
7 of Wellington bridge in the cities of Somerville and
8 Medford, for the purpose of maintaining the water
9 level in the Mystic river at a substantially permanent
10 water level of not less than seven feet above Boston
11 City Base, and for the dredging of navigable channels

12 above said dam. In the preparation of such plans,
13 said commission shall consider the subject matter of
14 the several legislative documents referred to in section
15 one of chapter four hundred and forty-one of the acts
16 of nineteen hundred and forty-six and shall consult
17 and confer with the state and municipal authorities
18 referred to in said section. Said commission, with the
19 approval of the governor, shall apply for and accept
20 on behalf of the commonwealth any federal funds or
21 federal assistance, or both, for financing the cost of
22 such plans and specifications as are required for the
23 purposes of this act, and for such purposes may also
24 expend any unexpended balance of federal funds ob-
25 tained under authority of section one of said chapter
26 four hundred and forty-one. For the preparation of
27 said plans and specifications the commission may
28 expend from the unencumbered balance of funds
29 made available to the emergency public works com-
30 mission for the preparation of plans and specifications
31 under the provisions of section ten of chapter three
32 hundred and seventy of the acts of nineteen hundred
33 and forty-three a sum not to exceed five thousand
34 dollars, which sum is hereby appropriated. For the
35 purposes aforesaid, the said commission may employ
36 consulting engineers and consulting architects and
37 such other engineering and other assistance as may
38 be necessary. The commission shall make a pre-
39 liminary report of its findings by filing the same with
40 the clerk of the senate on or before the first Wednes-
41 day of December in the year nineteen hundred and
42 forty-eight and a detailed report of its findings shall
43 be filed with said clerk on or before the first Wednesday
44 of December in the year nineteen hundred and forty-
45 nine.

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 Medford in accordance with plans and
5 specifications prepared and approved by the Massa-
6 chusetts public building commission under section
7 one of this act.

1 SECTION 3. The metropolitan district commission
2 shall dredge navigable channels and do other dredging
3 or drainage above the dam in the Mystic river and
4 any lands adjacent thereto, and perform such other
5 work as may be necessary in carrying out the purposes
6 of this act.

1 SECTION 4. For the purposes of this act, the
2 metropolitan district commission may take in the
3 name 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 desira-
12 ble for the carrying out of sections two and three of
13 this act.

1 SECTION 5. Before undertaking any of the work
2 authorized under said sections two and three, the
3 metropolitan district commission shall obtain such
4 permits and approvals as may be required by law
5 from the United States war department and the state

6 department of public works. In the construction of
7 the works authorized, the metropolitan district com-
8 mission may appoint and in its discretion remove such
9 engineering and other assistants as it may deem
10 necessary and may fix their compensation. Such
11 appointments shall not be subject to classification
12 under sections forty-five to fifty, inclusive, of chapter
13 thirty of the General Laws, and chapter thirty-one
14 of the General Laws and the rules and regulations
15 made thereunder shall not apply to such engineers
16 or other assistants; provided, that, upon request of
17 the metropolitan district commission, the division of
18 civil service shall hold special examinations of candi-
19 dates for such offices and positions.

1 SECTION 6. The metropolitan district commission,
2 when the work herein provided for has been completed,
3 shall maintain, operate and control said dam, lock,
4 drawbridge and works, equipment and appurtenances
5 thereto, and control the Mystic river and its tribu-
6 taries above said dam as a part of the metropolitan
7 parks system. Said commission shall also exercise
8 over said waters above said dam all powers and duties
9 now conferred upon said commission by chapter
10 ninety-two of the General Laws relative to the care,
11 maintenance and control of the metropolitan parks
12 system and the Charles River basin so far as applicable.

1 SECTION 7. To meet the cost of construction of the
2 work authorized in said 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 application
6 therefor being hereby granted to said Massachusetts

7 public building 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 the
11 governor, shall be carried out in all respects subject
12 to the provisions of the appropriate federal law pro-
13 viding for construction of projects of this class, and
14 the rules and regulations made pursuant thereto, and
15 to such terms, conditions, rules and regulations, not
16 inconsistent with such federal laws, rules and regula-
17 tions, as said Massachusetts public building com-
18 mission may establish, with the approval of the gov-
19 ernor, to insure the proper execution of said project.

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

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Resolved, That the sum of \$100,000 be and is hereby appropriated for the purpose of purchasing the land described in the following list, to-wit:

FOR THE PURPOSE OF PURCHASING THE LAND DESCRIBED IN THE FOLLOWING LIST, TO-WIT:

- 1. The land owned by the State of New York, and situated in the town of ...
- 2. The land owned by the State of New York, and situated in the town of ...
- 3. The land owned by the State of New York, and situated in the town of ...
- 4. The land owned by the State of New York, and situated in the town of ...
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- 19. The land owned by the State of New York, and situated in the town of ...
- 20. The land owned by the State of New York, and situated in the town of ...

