

# SENATE . . . . No. 49

---

---

To accompany the petition of Charles F. Daly that the Metropolitan District Commission be authorized to construct, maintain and operate a dam across the Mystic River between the cities of Somerville and Everett. Metropolitan Affairs.

---

---

## The Commonwealth of Massachusetts

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

An Act authorizing the Metropolitan District Commission to construct, maintain and operate a Dam across the Mystic River between 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 metropolitan district commission,  
2 hereinafter called the commission, is hereby author-  
3 ized to build, maintain and operate a dam across the  
4 Mystic river in the cities of Somerville and Everett  
5 at or near the crossing of said river by the Eastern  
6 division of the Boston and Maine railroad and the  
7 Boston and Albany railroad. Said dam shall be  
8 built to a sufficient height to hold back all tides  
9 and maintain in said river above the dam a substan-  
10 tially permanent water level not less than seven feet  
11 above Boston city base; shall have a suitable draw-  
12 bridge or drawbridges for railroad or other purposes;  
13 a lock not less than two hundred and fifty feet be-

14 tween the gates and forty feet in width in the clear,  
15 with its bottom sill not less than thirteen feet below  
16 Boston city base; shall be provided with suitable  
17 weirs, sluices, wasteways, gates and such other ma-  
18 chinery, apparatus and devices as may, in the opinion  
19 of the commission, be necessary; and may be so built  
20 as to carry the tracks of the Boston and Maine rail-  
21 road and the Boston and Albany railroad over said  
22 river.

23 During the period of construction of said works  
24 the commission may build, maintain and operate  
25 such temporary bridges and/or other structures and  
26 the appurtenances thereto, as it deems necessary or  
27 desirable.

1 SECTION 2. The commission may dredge navigable  
2 channels and do such other dredging above the dam  
3 in the Mystic and Malden rivers and in lands adja-  
4 cent thereto as it shall deem desirable, and may  
5 construct marginal conduits to suitable outlets below  
6 the dam. The commission shall remove the existing  
7 dam at Cradock bridge and the weirs and appurte-  
8 nances thereto so far as necessary to leave an unob-  
9 structed passageway in the Mystic river.

1 SECTION 3. For the purposes of this act the com-  
2 mission may take by eminent domain in the name of  
3 the commonwealth, in fee or otherwise, under chapter  
4 seventy-nine of the General Laws, or acquire by pur-  
5 chase, gift or otherwise, such lands, flats and lands  
6 covered by tide water or interests therein as it may  
7 deem necessary or desirable, including territory within  
8 the locations of the Boston and Maine railroad and  
9 the Boston and Albany railroad, and may enter into

10 agreements with said railroads and other corpora-  
11 tions and persons so far as necessary or desirable for  
12 the carrying out of this act.

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

1 SECTION 5. The commission, when the work herein  
2 provided for has been completed, shall maintain,  
3 operate and control said dam, lock, drawbridge or  
4 drawbridges, the works, equipment and appurte-  
5 nances thereto, and control the Mystic and Malden  
6 rivers and their tributaries above said dam, as a  
7 part of the metropolitan parks system, and the  
8 commission may order the removal therefrom of  
9 all direct sewage or trade wastes, and no sewer,  
10 drain, overflow or other outlet for domestic or manu-  
11 facturing sewage or other wastes shall hereafter be  
12 connected with said waters above the dam without



13 the approval of the commission. Said commission  
14 shall also have and exercise over said waters above  
15 said dam all powers and duties now conferred and  
16 imposed upon said commission by the provisions of  
17 chapter ninety-two of the General Laws relative to  
18 the care, maintenance and control of the metropolitan  
19 parks system and the Charles river basin, so far as  
20 applicable.

1 SECTION 6. For the purposes of this act the com-  
2 mission may expend such sums as may from time to  
3 time hereafter be appropriated therefor but not to  
4 exceed in the current fiscal year the sum of thirty  
5 thousand dollars, the same to be assessed upon the  
6 cities and towns in the metropolitan parks district.

1 SECTION 7. This act shall take effect upon its  
2 passage.