

By Mr. Quinn of Boston, petition of Robert H. Quinn that certain licenses for fill and structures in certain tidewaters of Dorchester Bay be irrevocable. Harbors and Public Lands.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Five.

AN ACT PROVIDING THAT CERTAIN LICENSES FOR FILL AND STRUCTURES IN CERTAIN TIDEWATERS OF DORCHESTER BAY BE IRREVOCABLE.

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

1 License No. 918 dated March eleventh, eighteen hundred and
2 eighty-six issued by the board of harbor and land commissioners
3 to Bay State Gas Company, License No. 257 dated April twenty-
4 eighth, nineteen hundred and nineteen issued by the commission
5 on waterways and public lands to Boston Consolidated Gas
6 Company, License No. 1648 dated January twenty-ninth, nine-
7 teen hundred and thirty-five issued by the department of public
8 works to Boston Consolidated Gas Company, License No. 30
9 dated May twentieth, nineteen hundred and forty-seven is-
10 sued by the port of Boston Authority to Boston Consolidated Gas
11 Company and License No. 220 dated December eleventh, nine-
12 teen hundred and fifty-two issued by the port of Boston au-
13 thority to Boston Consolidated Gas Company for bulkheads
14 and fill in land in Dorchester Bay conveyed to Mary Kelley by
15 Boston Gas Company by deed dated January 20, 1964, recorded
16 in Suffolk County Registry of Deeds in Book 7819, page 246,
17 to the extent that the same may be subject to revocation are
18 hereby made irrevocable notwithstanding any provision of gen-
19 eral or special law to the contrary, subject however to the con-
20 ditions contained in clauses (4) and (8) [as] hereinafter pro-
21 vided. Any license hereafter issued by said department or any
22 successor authority to fill or maintain fill or to erect or maintain
23 structures in said land shall be irrevocable notwithstanding any

24 provision of general or special law to the contrary upon com-
25 pliance with the following conditions:

26 (1) Application therefor pursuant to the provisions of section
27 fourteen of chapter ninety-one of the General Laws;

28 (2) Recording thereof with accompanying plan within one
29 year after the date thereof in the Suffolk county registry of
30 deeds pursuant to the provisions of section eighteen of said
31 chapter;

32 (3) Payment to the commonwealth of such compensation, if
33 any, as may properly be assessed by said department for tide-
34 water displacement pursuant to the provisions of section twenty-
35 one of said chapter;

36 (4) Payment to the commonwealth of such compensation,
37 if any, as may be determined by the governor and council to be
38 properly due to the commonwealth for occupation of common-
39 wealth flats, so called, pursuant to the provisions of section
40 twenty-two of said chapter;

41 (5) Performance of any work authorized by any such license
42 in accordance with plans submitted to and approved by said
43 department pursuant to the provisions of section twenty of said
44 chapter;

45 (6) Completion of said authorized work within five years
46 after the date of any such license, or of any extension or ex-
47 tensions thereof, pursuant to the provisions of section fifteen of
48 said chapter;

49 (7) The actual building or making in good faith of valuable
50 structures, fillings or enclosures under the authority of any such
51 license and during the term thereof, or of any extension or
52 extensions thereof, pursuant to the provisions of section fifteen
53 of said chapter; and

54 (8) In the event of a taking of said land or any part thereof
55 by the commonwealth or any of its political subdivisions within
56 ten years after the effective date of this act, the damages recov-
57 erable by reason of such taking shall in no case exceed the actual
58 cost of acquisition of said land by the owner from whom said
59 taking is made together with the cost to such owner of any
60 buildings or improvements thereon, with interest at four per
61 cent annually from the date of such acquisition; and

62 (9) Development of said area for residential purposes and
63 only those commercial purposes incidental thereto within five
64 years of the effective date of this act.