

SENATE No. 2300

The Commonwealth of Massachusetts

SENATE, December 9, 1983.

The committee on Ways and Means, to whom was committed the House bill providing that a certain license to maintain existing fill or structures in certain tidewater of the Taunton river in the city of Fall River be irrevocable (House, No. 6811), reports recommending that the same ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2300.

For the Committee,

CHESTER G. ATKINS

1 SECTION 1. The general court hereby finds and declares that
2 the land in the city of Fall River in the county of Bristol de-
3 scribed in section two consists in part of historic flats and his-
4 toric submerged lands; as a result of its former tidelands
5 status title to said land is subject to the condition subsequent
6 that it be used for a public purpose; the use of said land de-
7 scribed in section three assists the economic revival of the
8 city of Fall River and because of the public access provisions
9 provided therein said use promotes the enjoyment of the
10 waterfront by all citizens of the Commonwealth; the loss of
11 public rights from said use are incidental to the public bene-
12 fits conferred. Any and all rights of the public and of the
13 Commonwealth in and to the historic flats and submerged
14 land within the boundaries of that parcel of land described in
15 section two of this act are declared relinquished and extin-
16 guished subject to compliance to the use and conditions set
17 forth in section three.

1 SECTION 2. This act pertains to a certain parcel of land lo-
2 cated in and owned by the city of Fall River in the county of
3 Bristol and consisting of existing solid fill, riprap, bulkheads,
4 and seawalls, the maintenance of which was authorized in
5 license number nine hundred and ninety-five, issued by the
6 department of environmental quality engineering on October
7 twenty-fifth, nineteen hundred and eighty-three. Said prop-
8 erty being shown on license plan number nine hundred and
9 ninety-five, approved by said department on said date, and
10 consisting of: —

11 Areas previously filled under Harbor and Land Commission-
12 er's License Numbers 1871, 1996, 2156, 2157, 2943 and 3526;

13 An existing filled area having an overall length of approxi-
14 mately 213 feet which extends in a northerly direction from
15 the westerly end of fill previously authorized by Harbor and
16 Land Commissioner's License Number 3526;

17 An existing filled area having a triangular shape lying east-
18 ward of existing boat hoist piers which extend from the north-
19 erly face of fill previously authorized by Harbor and Land
20 Commissioner's License Number 1871;

21 An existing filled area of irregular shape lying at the north-
22 erly end of the parcel and southerly of land now or formerly

23 owned by the Point Gloria Building and Development Co.; and
24 Such existing bulkheads, seawalls, and riprap as are shown
25 on said plan in the areas described above.

1 SECTION 3. The rights of the public and of the Common-
2 wealth in the parcel of land described in section two are re-
3 linquished and extinguished subject to the following condi-
4 tions: —

5 (a) that said land be used for the construction of facilities
6 for residential, commercial or marina uses as approved by the
7 Fall River Redevelopment Authority pursuant to the urban re-
8 newal plan, known as the "Central Waterfront Project", de-
9 veloped by said Authority;

10 (b) that prior to completion of construction of the facilities
11 referred to in clause (a) there be constructed, and thereafter
12 maintained in good repair, by the owner or developer of said
13 land a pedestrian walkway which shall be open to the public
14 and located along the perimeter of said land on the Taunton
15 River, said walkway to be of such dimensions and design as
16 are compatible with the wharf walkway associated with the
17 Heritage State Park of Fall River and such dimensions and
18 design and schedule for construction of said walkway to be
19 subject to approval pursuant to an agreement between said
20 owner or developer, the city of Fall River and the department
21 of environmental management;

22 (c) that the operation of residential, commercial or marina
23 facilities on said land shall not be detrimental to the public
24 navigation and shall not have an adverse environmental im-
25 pact on the waters of the Taunton River; and

26 (d) that in no event shall this act be construed to authorize
27 any dredging or filling in the waters of the Taunton River
28 without approval pursuant to the procedures provided in the
29 General Laws for approval of such activities.

30 In the event that said conditions are not complied with, the
31 title to said lands shall revert to the status held prior to the
32 effective date of this act. This act shall not be construed to
33 extinguish any rights that the Commonwealth or the public
34 may have in lands lying outside of the property described in
35 section two.

1 SECTION 4. In the event of a taking by the Commonwealth
2 or any of its political subdivisions of the land described in sec-
3 tion two and held in compliance with section three, the meas-
4 ure of damages recoverable by reason of such taking shall be
5 determined in accordance with the provisions of chapter sev-
6 enty-nine of the General Laws.

1 SECTION 5. Any charges which could have been assessed
2 for tidewater displacement relative to the issuance of license
3 number nine hundred and ninety-five, issued by the depart-
4 ment of environmental quality engineering on October twenty-
5 fifth, 1983, are hereby waived.