

HOUSE No. 6119

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 4, 1982.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, House, No. 3640) of Salvatore F. DiMasi for legislation to provide that a certain license for the purpose of placing and maintaining fill and structures over certain tidewaters in the East Boston section of the city of Boston be irrevocable, reports recommending that the accompanying bill (House, No. 6119) ought to pass.

For the committee,

WILLIAM P. NAGLE, Jr.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT PROVIDING THAT A CERTAIN LICENSE FOR THE PURPOSE OF PLACING AND MAINTAINING FILL AND STRUCTURES OVER CERTAIN TIDEWATERS IN THE EAST BOSTON SECTION OF THE CITY OF BOSTON 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:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the following license and authority heretofore granted to fill or maintain fill or to erect or to maintain structures on a certain parcel of land in East Boston in the City of Boston is hereby made irrevocable:—

The license granted by the commonwealth of Massachusetts through the department of public works to Charles L. Hazelton & Son, being License No. 2728 dated January second, nineteen hundred and forty-five.

Said licenses having been granted, in part, for the purpose of filling portions of the Boston harbor in the city of Boston, and for the purpose of extending the existing wharfs on piles, as set forth in said licenses.

SECTION 2. Notwithstanding the provisions of General Laws, Chapter Ninety-one Section Eighteen; that said license be deemed valid provided that it is recorded in the Suffolk County Registry of Deeds within thirty days of this Act becoming effective.

SECTION 3. In the event of a taking of any land referred to in section one by the Commonwealth or any of its political subdivisions, the measure of damages recoverable by reason of such taking shall be determined in accordance with the provisions of Chapter seventy-nine of the General Laws.

SECTION 4. The present and proposed usage of such land and tidewates referred to in section one, is hereby declared to serve the public good. Therefore, any and all rights of the public and of the Commonwealth in and to the flats within the boundaries of that certain parcel of land in East Boston in the City of Boston, Suffolk County, described in section one are hereby declared extinguished.

SECTION 5. The commonwealth releases to Salvatore A. Lombardo, Paul J. Lombardo and Antonietta Lombardo, Trustees of Lombardo Realty Trust under Declaration of Trust dated January 3, 1962, recorded in the Suffolk County Registry of Deeds in Book 7712, Page 378 as amended by instrument dated May 23, 1967 recorded with said deeds in Book 8120, Page 163 all its right, title and interest in so much of the parcel of land situated in the city of Boston, Suffolk County, Massachusetts, being shown on a plan of land entitled "Plan of Land in East Boston, Mass.", dated October 25, 1972, by George E. Bertini, recorded with Suffolk Registry of Deeds, Book 8580, Page 253 as lies northwesterly of the primitive extreme lower water line.

SECTION 6. The following conditions shall apply to said parcel of land described in section 5 of this act.

A. That the owner of the land agrees to forego filling of or construction over the waters of Boston Harbor which may, be within his property.

B. That the owner in recognition of the public interests in the shores of the Commonwealth shall, within three years from the effective date of this Act construct and maintain public access to the edge of Boston Harbor via a pedestrian walkway which shall be 10 feet wide and extend along the easterly side of the parcel of land referenced in section 5 of this act.

