

HOUSE . . . . . No. 3896

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, July 26, 1966.

The committee on Ways and Means, to whom was referred the Bill relating to certain tidelands located in the Charlestown district of Boston (House, No. 1396), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 3896).

For the committee,

THOMAS F. FARRELL.

## The Commonwealth of Massachusetts

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

### AN ACT RELATING TO CERTAIN TIDELANDS LOCATED IN THE CHARLESTOWN DISTRICT OF BOSTON.

*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 following area containing tidelands is located  
2 in the Charlestown urban renewal area as provided in an urban  
3 renewal plan approved by the division of urban renewal within  
4 the department of commerce and development under chapter  
5 one hundred and twenty-one of the General Laws for that part  
6 of the city of Boston known as Charlestown and are described as  
7 follows:

8 Area 1: Beginning at a point described by the intersection  
9 of the northerly sideline of Medford Street and the westerly  
10 sideline of Terminal Street;

11 Thence proceeding in a generally northeasterly and easterly  
12 direction along the westerly and northerly sidelines of Ter-  
13 minal Street to the intersection with the extended easterly  
14 property line of Wiggins Terminal, Inc., 50 Terminal Street;

15 Thence proceeding in a generally northeasterly direction along  
16 the easterly property line of said Wiggins Terminal, Inc., to the  
17 Mystic River U. S. Pierhead Line;

18 Thence turning and running in an easterly direction along the  
19 Mystic River U. S. Pierhead Line to a point intersecting with  
20 the extended westerly sideline of the U. S. Gypsum Company,  
21 600 Chelsea Street;

22 Thence turning and running in a generally southwesterly  
23 direction along the westerly sideline of the said U. S. Gypsum  
24 Company property in the southerly sideline of said property;

25 Then turning and running in a generally easterly direction  
26 along the southerly sideline of said U. S. Gypsum property to  
27 the easterly sideline of Chelsea Street;

28 Thence turning and running in a generally southwesterly direc-  
29 tion along the easterly side of Chelsea Street to its intersection  
30 with the extended southerly sideline of Terminal Street;

31 Thence turning and running in a generally westerly direction  
32 by various courses and distances along the southerly sideline of  
33 Terminal Street to a point where said sideline turns in a generally  
34 southwesterly direction;

35 Thence proceeding in said southwesterly direction along the  
36 easterly sideline of Terminal Street to a point which intersects  
37 the northerly sideline of Medford Street;

38 Thence turning and running in a westerly direction across  
39 Terminal Street to a point which intersects the westerly side-  
40 line of Terminal Street and the northerly sideline of Medford  
41 Street, which is the point and place of beginning.

1 SECTION 2. On August two, nineteen hundred and sixty-six,  
2 all right, title and interest of the commonwealth in and to the  
3 tidelands within said area shall vest in the Boston Redevelop-  
4 ment Authority, hereinafter called the authority; provided,  
5 that, before said date, the authority files in the registry of deeds  
6 for Suffolk county a certificate by the authority that a loan and  
7 grant contract under the Federal Housing Act of 1949, as  
8 amended, for the Charlestown urban renewal project has been  
9 executed, and gives written notice of such filing to the state de-  
10 partment of public works or its successor in function under chap-  
11 ter ninety-one of the General Laws, hereinafter called the de-  
12 partment. Such certificate shall include a statement of the  
13 provisions of section one. Upon receipt of notice of the filing of  
14 such certificate, the department shall engage at the expense of the  
15 authority a real estate expert to appraise the value of the right,  
16 title, and interest of the commonwealth vesting in the authority  
17 under this section, and said appraiser shall file his appraisal  
18 within one year from his appointment. The department, after  
19 consideration of such appraisal, shall recommend to the governor  
20 an amount which in its opinion constitutes just compensation  
21 for the right, title and interest so vesting. The governor after  
22 considering such appraisal and such recommendation, shall de-  
23 termine the amount to be paid to the commonwealth therefor.  
24 No license to fill or maintain a structure within the area described  
25 in section one shall thereafter be approved by the authority  
26 until the amount determined by the governor to be paid to the  
27 commonwealth has been paid in full by said authority.

1 SECTION 3. From the time the certificate provided for by  
2 section two is filed in the registry of deeds for Suffolk county

3 until January first, nineteen hundred and seventy-two no li-  
4 cense to fill or maintain fill or erect or maintain a structure  
5 within the area described in section one shall be granted by  
6 the department unless the application therefor is approved in  
7 writing by the authority nor unless the license is subject to  
8 such conditions, if any, as the Authority may prescribe in its  
9 approval and, if it is a license to build a structure or to do other  
10 work in, over or under the waters in said areas, subject to the  
11 further condition that such license shall expire in five years from  
12 its date, except as to valuable structures, fillings or enclosures  
13 actually and in good faith built or made under such license dur-  
14 ing the term thereof. Notwithstanding the provisions of section  
15 fifteen of chapter ninety-one of the General Laws, and subject  
16 to such conditions as may be imposed by the authority as afore-  
17 said, every license granted with the approval of the authority  
18 between the time the certificate provided for by section two is  
19 filed as therein provided and January first, nineteen hundred  
20 and seventy-two, shall be irrevocable. The department may  
21 execute and deliver a certificate in form suitable for recording  
22 as to the completion of any structure or filling pursuant to any  
23 such license issued by it, and the register of deeds for Suffolk  
24 county shall accept the same for recording and make a marginal  
25 reference thereto upon the record of the appropriate license upon  
26 payment of the fee prescribed in chapter two hundred and sixty-  
27 two of the General Laws.

1 SECTION 4. The amount of tidewater displaced or to be dis-  
2 placed by any structure below high water mark or by any filling  
3 of flats, shall be ascertained by the department which shall re-  
4 quire the licensee to pay to the commonwealth before the license  
5 shall become effective such amount, if any, as shall be assessed  
6 by the department with respect to such displacement, in ac-  
7 cordance with the provisions of chapter ninety-one of the General  
8 Laws, and each such license granted by the department shall  
9 contain a recitation that such assessment has been made and  
10 payment received.

1 SECTION 5. Nothing herein shall affect or impair the powers  
2 and responsibilities of the department with respect to tidewaters  
3 within any portion of the area covered by such plan which is  
4 not subject to a license granted as provided in section three.