

HOUSE No. 857

By Mr. McGee of Lynn, petition of Thomas W. McGee that certain licenses granted by the Department of Public Works to place and maintain fill over certain former tidewater areas in Lynn Harbor be irrevocable. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THAT CERTAIN LICENSES FOR PURPOSES OF MAINTAINING FILL OVER CERTAIN FORMER TIDEWATER AREAS IN LYNN HARBOR 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 SECTION 1. The licenses granted by the harbor and land
2 commissioners, being licenses numbered 1928, 1992 and 3683
3 dated June eighth, eighteen hundred and ninety-six, Feb-
4 ruary twenty-fourth, eighteen hundred and ninety-seven and
5 June fourth, nineteen hundred and twelve respectively and
6 license granted by the department of public works, being
7 license numbered 5008 dated January twelfth, nineteen hun-
8 dred and sixty-six, to construct and maintain dikes and to
9 place and maintain solid fill in certain tidewaters in the city
10 of Lynn, shall, notwithstanding any provision of general or
11 special law to the contrary, be irrevocable; provided, how-
12 ever, that applicable provisions of chapter 91 of the General
13 Laws are or have been complied with, and that if the
14 commonwealth or any of its political subdivisions shall take,
15 within ten years after the effective date of this act, any land
16 which has the benefit of said licenses, the damages recov-
17 erable by reason of such taking shall not exceed the cost of
18 acquisition of such land by the owner from whom the taking
19 is made together with the cost to such owner of any buildings

20 or improvements thereon, with interest at four per cent
21 annually from the date any such cost was incurred.

1 SECTION 2. Any license hereafter granted by the depart-
2 ment of public works or any successor authority pursuant to
3 chapter ninety-one of the General Laws to fill or maintain fill
4 or to erect or maintain pile or other structures on parts of the
5 area shown as lots 2A, 2B and 2C on "Plan of land belonging
6 to Etta B. Lamper Estate, et. al., Situated in Lynn, Mass.,
7 February 10, 1956, Bradford and Weed, Civil Engineers,
8 Lynn, Mass.", recorded in Essex South registry of deeds Plan
9 Book 87, Plan 97, shall, notwithstanding any provision of
10 section fifteen of said chapter ninety-one to the contrary, be
11 irrevocable, subject, however, to the conditions, which shall
12 be expressed in any such license, that applicable provisions of
13 said chapter ninety-one are complied with, that the payment
14 of compensation for the assessment of tidewater displacement
15 and that if the commonwealth or any of its political subdivi-
16 sions shall take, within ten years after such license is granted,
17 any land which has the benefit of such license, the damages
18 recoverable by reason of such taking shall not exceed the cost
19 of acquisition of such land by the owner from whom the
20 taking is made together with the cost to such owner of any
21 buildings or improvements thereon, with interest at four per
22 cent annually from the date any such cost was incurred.