

feet east, thence north thirty-one degrees forty minutes eleven seconds west six hundred eighty-nine and seven tenths feet to point S in latitude four thousand six hundred fifty-three feet north and longitude twelve thousand one hundred eighteen and seven tenths feet east, thence north thirteen degrees nineteen minutes fifty-seven seconds east six hundred eighty-nine and seven tenths feet to point T in latitude five thousand three hundred twenty-four feet north and longitude twelve thousand two hundred seventy-seven and seven tenths feet east, thence north fifty-eight degrees nineteen minutes forty-eight seconds east three thousand forty-seven and two tenths feet to point U in latitude six thousand nine hundred twenty-three and nine tenths feet north and longitude fourteen thousand eight hundred seventy-one and two tenths feet east, said point U being a point in the pierhead and bulkhead line approved by the secretary of war June thirtieth, nineteen hundred and sixteen, thence north twenty-one degrees six minutes four seconds east, along aforesaid pierhead and bulkhead line, two thousand seven hundred sixty and three tenths feet to point R-2 in latitude nine thousand four hundred ninety-nine and two tenths feet north and longitude fifteen thousand eight hundred sixty-four and nine tenths feet east. Said point R-2 is marked with a granite monument marked U. S. E.

SECTION 2. The harbor line established by section one of chapter thirty of the acts of nineteen hundred and twenty-two is hereby repealed. *Approved August 3, 1939.*

AN ACT REGULATING THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES WITHIN A CERTAIN DISTANCE OF THE BOSTON AIRPORT, SO CALLED. *Chap. 412*

*Be it enacted, etc., as follows:*

SECTION 1. Unless the context otherwise requires, in this act the following words and phrases shall have the following meanings:—

“Center of the Boston airport”, a point in the surface of said airport located exactly at north latitude forty-two degrees, twenty-two minutes, zero seconds, west longitude seventy-one degrees, one minute, zero seconds, North American nineteen hundred and twenty-seven datum.

“Boston airport”, shall include the surface of all land, flats and water, within a radius of three thousand feet from the center of the Boston airport as defined in the preceding paragraph.

“Boston airport approach zones”, the zones hereinafter described, being respectively all the areas within the following distances from the center of the Boston airport:

“Zone one”, over three thousand feet but not over six thousand feet;

“Zone two”, over six thousand feet but not over nine thousand feet;

“Zone three”, over nine thousand feet but not over twelve thousand feet;

“Zone four”, over twelve thousand feet but not over fifteen thousand feet;

“Zone five”, over fifteen thousand feet but not over eighteen thousand feet;

“Zone six”, over eighteen thousand feet but not over twenty-one thousand feet.

SECTION 2. Grade sixteen, Boston city base, for the purposes of this act is deemed to be the grade of the surface of the Boston airport.

SECTION 3. Except as necessary for airport purposes and except as approved by the commissioner of public works, after due notice and hearing as provided in sections five and six, and except as hereinafter provided, no building or structure shall be erected or altered on the Boston airport defined in section one, so that any portion of such building or structure shall be at a greater elevation than grade eighteen, Boston city base.

SECTION 4. Except as provided in sections five and six, and except as otherwise provided in this section, the height in feet above grade sixteen, Boston city base, of any building or structure hereafter erected or altered in height in any of the Boston airport approach zones defined in section one shall not exceed the following:

In zone one, one fiftieth of the horizontal distance in feet of its nearest portion from the nearest edge, vertically projected of the Boston airport as defined in section one.

In zone two, sixty feet plus one fortieth of said distance from the nearest edge of zone one.

In zones three and four, one hundred and thirty-five feet plus one thirtieth of said distance from the nearest edge of zone two, except that there may be erected hereafter in said zone three on premises owned and used by electric companies on July first, nineteen hundred and thirty-nine, for the generation of electricity, chimneys or stacks for such use, provided the height in feet of such chimneys or stacks above said grade sixteen shall not exceed two hundred and fifty feet.

In zones five and six, three hundred and thirty-five feet plus one twentieth of said distance from the nearest edge of zone four.

Notwithstanding the provisions of this section, any building or structure may be erected or altered to a height of not more than fifty feet above the existing ground level in zone two and in zone three. The provisions of this section shall not be deemed to authorize any increase in the height of any building in existence on September first, nineteen hundred and thirty-nine, or the construction of any building, beyond the height permitted in any locality by any zoning law, ordinance or by-law, applicable to such building or locality for the time being.

None of the provisions of this act shall apply to any part of Cambridge or Somerville, to any of that part of Boston known as Charlestown, or to any of that part of Boston bounded northerly by the Charles river, easterly by the waterfront, southerly by Fort Point channel, and westerly by Massachusetts avenue; nor shall any of said provisions apply, except as to the Boston airport defined in section one, to that part of the district in Boston known as East Boston lying southwesterly of a straight line running from said airport in a northwesterly direction along the center line of Porter street to Meridian street, and westerly of a line running in a northerly direction along the center line of Meridian street from its intersection with the said center line of Porter street to the middle of the channel of Chelsea creek.

SECTION 5. The commissioner of public works, in this and the two following sections called the commissioner, after due notice and hearing, may make rules and regulations necessary to carry out the provisions of this act and to establish building heights, consistent with sections one to four, inclusive, permitted in the zones defined therein or in any subdivision of any of said zones; but no such rule or regulation shall reduce the height to which buildings or structures may be erected or altered in accordance with the provisions of section four. The commissioner, upon petition and after hearing of which due notice is given, may, up to the limits provided by zoning laws, ordinances or by-laws, in effect in the several cities and towns within the Boston airport approach zones defined in section one, by order permit a building to be erected or altered on any parcel of real estate to a greater height than that permitted under the provisions of section four; provided, that he finds that the safety of aircraft landing at and taking off from the Boston airport will not thereby be substantially impaired, or rules that such order is necessary to secure to the owner of such real estate his constitutional rights with reference thereto. Notice by registered mail of any such rule, regulation or order shall be sent forthwith to the officer having supervision of the construction of buildings in each city and town in which is situated any real estate affected thereby and also to the office, board or commission having control of the Boston airport. Like notice of action or refusal to act on any such petition shall be sent forthwith by registered mail to such officer, to said office, board or commission and to each petitioner. No provision of this act, and no rule or regulation adopted under this section, shall require a reduction in the height of any building or other structure existing or in process of construction, alteration or repair, on September first, nineteen hundred and thirty-nine, or immediately replacing such a building or structure on the same area to the same or a less height.

SECTION 6. Any person aggrieved by a rule, regulation, order or ruling of the commissioner under section five, or by

his refusal to make an order thereunder may, within thirty days after the service of notice thereof by registered mail upon such person or at any time prior to such service, appeal therefrom by petition in equity to the superior court for the county wherein the building or structure to which such rule, regulation, order or ruling, or petition for order relates is situated; and, after such notice as said court shall direct to all parties interested, including the city of Boston whether or not it is the petitioner, a hearing may be had before the court at an early and convenient time and place fixed by it, and said court may by its decree annul, affirm or alter such rule, regulation, order or ruling of the commissioner, in which case the decree of the court shall have the same authority, force and effect as the original rule, regulation, order or ruling of the commissioner; or said court may direct the commissioner to make such order as law and justice may require.

SECTION 7. The superior court shall have jurisdiction in equity to enforce sections one to six, inclusive, and the rules, regulations and orders made thereunder by the commissioner, and to restrain the violation thereof.

SECTION 8. This act shall take effect on September first in the current year. *Approved August 3, 1939.*

*Chap. 413* AN ACT FURTHER EXTENDING THE TERM OF OFFICE OF THE MILK CONTROL BOARD.

*Be it enacted, etc., as follows:*

Section twenty-two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-four, as amended by chapter three hundred and thirty-four of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out, in the fourth line, the word "forty" and inserting in place thereof the word: — forty-one, — so as to read as follows: — *Section 22.* The board shall continue with all the duties and responsibilities prescribed and imposed by this act until June thirtieth, nineteen hundred and forty-one. On and after the date when this act ceases to be operative any and all obligations which shall have arisen prior to such date or which may arise thereafter in connection therewith, and any violations which shall have occurred prior to such date, shall be deemed not to be affected, terminated or waived by reason of the fact that this act has ceased to be operative. *Approved August 3, 1939.*

*Chap. 414* AN ACT RELATIVE TO THE GIVING OF NOTICE OF APPLICATIONS FOR LICENSES, OR FOR TRANSFERS OF LICENSES, TO SELL ALCOHOLIC BEVERAGES.

*Be it enacted, etc., as follows:*

Chapter one hundred and thirty-eight of the General Laws is hereby amended by striking out section fifteen A, as