

**SENATE . . . . . No. 2695**

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**The Commonwealth of Massachusetts**

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SENATE, July 27, 2006.

The committee on Ways and Means, to whom was committed the Senate Bill authorizing the Department of Conservation and Recreation to provide leases to yacht clubs on its property (Senate, No. 2411), report recommending that the same ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2695).

For the committee,

THERESE MURRAY.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Six.

AN ACT AUTHORIZING THE DEPARTMENT OF CONSERVATION AND RECREATION TO PROVIDE LEASES TO YACHT CLUBS ON ITS PROPERTY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 92 of the General Laws is hereby amended by  
2 inserting, after section 120, the following section:—

3 Section 121. (a) The commissioner of the division of capital  
4 asset management and maintenance may, in consultation with the  
5 department of conservation and recreation and notwithstanding  
6 the provisions of sections 40E to 40J, inclusive, of chapter 7, enter  
7 into leases or other agreements for a term up to 10 years with  
8 existing nonprofit organizations located on public park land under  
9 the care and control of the department regarding the land associ-  
10 ated with the following boating and yacht facilities: Union Boat  
11 Club, Boston; Cambridge Boat Club, Cambridge; Riverside Boat  
12 Club, Cambridge; Buckingham, Browne & Nichols Boat House,  
13 Cambridge; M.I.T. Boat House, Cambridge; Belmont Hill/Winsor  
14 Boat House, Cambridge; Tufts University, Medford; Harvard  
15 Sailing Pavilion, Cambridge; Boston University Sailing Pavilion,  
16 Boston; M.I.T. Sailing Pavilion, Cambridge; Puritan Canoe Club,  
17 Boston; Neponset Valley Yacht Club, Milton/Braintree; Wollaston  
18 Yacht Club, Quincy; Squantum Yacht Club, Quincy; South Shore  
19 Yacht Club, Weymouth; Charlesgate Yacht Club, Cambridge;  
20 Charles River Yacht Club, Cambridge; Newton Yacht Club,  
21 Newton; Columbia Yacht Club, Boston; South Boston Yacht Club,  
22 Boston; Riverside Yacht Club, Medford; Medford Boat Club,  
23 Medford; Mystic Wellington Yacht Club, Medford; Winterhill  
24 Yacht Club, Somerville; Watertown Yacht Club, Watertown; East  
25 Boston Yacht Club, Boston; Dorchester Yacht Club, Dorchester;  
26 and Boston Harbor Yacht Club, Boston.

27 (b) Such leases and other agreements shall be on terms and con-  
28 ditions acceptable to the commissioner of the division of capital

29 asset management and maintenance, after consultation with the  
30 commissioner of the department of conservation and recreation,  
31 and shall require appropriate public access to public park land and  
32 outreach and stewardship by the lessees. The department of con-  
33 servation and recreation shall consider the following criteria when  
34 negotiating lease fees with yachting and boating clubs: the club's  
35 service to the community; community outreach and public access;  
36 the actual revenue generated by the club; the number of years the  
37 club has been at that location; the size of the club's dues-paying  
38 membership; the nature and type of services the yacht club pro-  
39 vides to its members; the capital improvements and maintenance  
40 on clubs located on the department's properties; future capital  
41 improvements or need for improvements to the facilities; the his-  
42 toric nature of the facilities and their use; and the fees and taxes  
43 paid by the club to the municipality in which it is located.

44 (c) The lease or other agreement shall be prepared in accor-  
45 dance with the generally accepted real estate principles and in  
46 accordance with the criteria in section (b). The inspector general  
47 shall review and approve the lease or other agreement, and his  
48 review shall include an examination of the methodology used for  
49 the negotiations. The commissioner shall, 30 days prior to the exe-  
50 cution of any lease or other agreement authorized by this section,  
51 submit the lease or other agreement to the inspector general. The  
52 inspector general shall prepare a report of his review and approval  
53 of the lease or other agreement and file the report with the com-  
54 missioner, and copies of the report shall be filed with the house  
55 and senate committees on ways and means and with the chairmen  
56 of the joint committee on state administration at least 15 days  
57 prior to the execution. All funds received under the lease or other  
58 agreement shall be deposited into the Urban Parks Trust Fund,  
59 established pursuant to section 34 of Chapter 92. The division, in  
60 consultation with the department, is authorized to grant a 10 year  
61 extension to any lease or other agreement.

62 (d) The department of conservation and recreation and the  
63 lessee shall be responsible for their own costs associated with any  
64 appraisal, survey or other expense, unless otherwise specified in  
65 the lease or other agreement.

