

By Ms. Balsler of Newton, petition of Ruth B. Balsler, Brian Paul Golden, Kevin G. Honan and Ronny M. Sydney relative to the disposition of certain surplus waterworks facilities of the Water Resources Authority and the Metropolitan District Commission located in the city of Boston. State Administration.

The Commonwealth of Massachusetts

In the Year Two Thousand.

AN ACT PROVIDING FOR THE DISPOSITION OF CERTAIN SURPLUS WATERWORKS FACILITIES OF THE MASSACHUSETTS WATER RESOURCES AUTHORITY AND THE METROPOLITAN DISTRICT COMMISSION LOCATED IN THE CITY 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. Upon a declaration of the Massachusetts Water
2 Resources Authority that all or a portion of certain lands and
3 improvements thereon, known as the chestnut hill waterworks in
4 the city of Boston, adjacent to the city of Newton and the town of
5 Brookline, are surplus to said authority's needs for construction,
6 maintenance and operation of a sewer or waterworks system, the
7 commissioner of the division of capital asset management and
8 maintenance is authorized and directed, notwithstanding any
9 general or special law to the contrary and pursuant to Article
10 XCVII of the Amendments to the Constitution and subject to any
11 easements, restrictions, conditions and other limitations on use
12 that currently exist or are contained in said authority's declaration,
13 to convey all interest in the lands and improvements thereon cov-
14 ered by said declaration and currently under the care, custody and
15 control of the metropolitan district commission or said authority,
16 by deed, or by lease for a term deemed appropriate by said com-
17 missioner, to a developer or development team, committed to the
18 protection of open space, the preservation of historic structures
19 and the maintenance of appropriate public access and selected in
20 accordance with section 40H of chapter 7 of the General Laws, for

21 private development or public commercial or residential uses. All
22 of the lands and improvements thereon of said chestnut hill water-
23 works were taken or acquired and used for water supply purposes
24 in accordance with chapter 488 of the acts of 1895 and chap-
25 ter 372 of the acts of 1984 and are approximately bounded by
26 Beacon Street to the north, by private property which fronts
27 Reservoir Road to the west, by lands of the Massachusetts Bay
28 Transportation Authority to the south, and by chestnut hill park to
29 the east, as shown on a survey plan of land titled "Chestnut Hill
30 Pumps Station, Chestnut Hill Surplus Property, Plan of Land and
31 Easements Boston (Brighton), Massachusetts, Job Number J9960"
32 prepared by the "Massachusetts Water Resources Authority Engi-
33 neering and Construction Division" and on file with said authority.
34 Prior to said declaration, said commissioner shall proceed, in
35 accordance with section 40F½ of chapter 7 of the General Laws
36 and in consultation with the secretary of environmental affairs, the
37 secretary of the commonwealth, said authority and said commis-
38 sion, with all necessary activities, including planning and bidding,
39 associated with the anticipated disposition of the lands and
40 improvements thereon, as described in this section.

1 SECTION 2. Prior to the execution of any lease or as part of
2 any deed, as described in section one, the commissioner of the
3 division of capital asset management and maintenance shall retain
4 on behalf of the commonwealth and record in the registry of deeds
5 or register in the land court, as applicable, an in perpetuity conser-
6 vation and preservation restriction acceptable to the secretary of
7 environmental affairs and the secretary of the commonwealth, on
8 behalf of the Massachusetts historical commission, on that portion
9 of the lands and improvements thereon as shown on a site plan
10 titled "Chestnut Hill Waterworks Complex, Conservation and
11 Preservation Restrictions," dated March 28, 2000, prepared by the
12 "Engineering & Construction Department, Design Information
13 Systems Center" of said authority and on file with said authority.
14 Said restriction shall be consistent with sections 31, 32 and 33 of
15 chapter 184 of the General Laws, shall ensure appropriate public
16 access, preservation of historic structures and conservation of
17 open space, shall be evidenced by certificates of the secretary of
18 environmental affairs and the secretary of the commonwealth, and

19 subject to any easements, restrictions, conditions and other limita-
20 tions on use that currently exist or are contained in said authori-
21 ty's declaration.

1 SECTION 3. This act shall take effect upon its passage.

