
By Mr. Weeks, a petition of John G. Carzis, John J. Moakley and William D. Weeks for legislation to provide that certain licenses for the purpose of placing and maintaining fill over certain tidewaters be irrevocable. Harbors and Public Lands.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THAT CERTAIN LICENSES FOR THE PURPOSE OF PLACING AND MAINTAINING FILL OVER CERTAIN TIDEWATERS 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 Any provision of general or special law to the contrary
2 notwithstanding, all license and authority for the construction
3 or extension of structures, the filling of land or the driving of
4 piles in or over tide water below high water mark in so much
5 of the area at Cohasset Harbor in the Town of Cohasset
6 bounded Easterly by said Harbor, Northerly by Margin Street,
7 Westerly by Elm and Border Streets and land of Mary F.
8 Cousens and Eleanor S. Marsh and Southerly by land of the
9 Town of Cohasset belonging to John G. Carzis, known as Kim-
10 ball's, as may be below the original high water mark shall
11 hereafter be deemed to be irrevocable, including licenses grant-
12 ed by the Department of Public Works to Edith Kimball
13 Ormo and Hugo Ormo dated August 9, 1933 numbered 1512
14 and dated May 12, 1927 numbered 787, license granted by the
15 Commonwealth of Massachusetts Harbor and Land Commis-
16 sioners to Lura M. Tilden dated April 3, 1910 numbered 3460,
17 license granted by said department to Teresa A. Salvador
18 dated May 31, 1923 numbered 320, and license granted by said
19 department to Thereza A. Salvador dated Dec. 9, 1926 num-
20 bered 744 and any license hereafter issued by the Department
21 of Public Works or any successor authority to fill, maintain
22 existing fill or erect or extend structures on land within said
23 area shall, upon compliance with the following conditions, be

24 deemed to be irrevocable;

25 (1) Application therefor, pursuant to the provisions of
26 Section fourteen of Chapter ninety-one of the General Laws;

27 (2) Recording thereof with accompanying plan within
28 one year after the date thereof in the Registry of Deeds
29 for Norfolk County, pursuant to the provisions of Section
30 eighteen of said chapter;

31 (3) Payment to the Commonwealth of such compensation,
32 if any, as may properly be assessed by said Department for
33 tidewater displacement, pursuant to the provisions of Section
34 twenty-one of said Chapter;

35 (4) Payment to the Commonwealth of such compensation,
36 if any, as may be determined by the Governor and Council
37 to be properly due to the Commonwealth for occupation of
38 Commonwealth Flats, so-called, pursuant to the provisions
39 of Section twenty-two of said Chapter;

40 (5) Performance of any work authorized by any such
41 license in accordance with plans submitted to and approved
42 by said department, pursuant to the provisions of Section
43 twenty of said chapter;

44 (6) Completion of said authorized work within five years
45 after the date of any such license, or of any extension or
46 extensions thereof, pursuant to the provisions of Section
47 fifteen of said chapter; and

48 (7) The actual building or making in good faith of valu-
49 able structures, fillings or enclosures under the authority of
50 any such license and during the term thereof, or of any
51 extension or extensions thereof, pursuant to the provisions
52 of Section fifteen of said Chapter.

53 (8) In the event of a taking of such land or any part
54 thereof by the Commonwealth or any of its political subdivi-
55 sions within ten years after the effective date of this act,
56 the damages recoverable by reason of such taking shall in no
57 case exceed the actual cost of acquisition of said land by the
58 owner from whom said taking is made together with the cost
59 to such owner of any buildings or improvements thereon,
60 with interest at four per cent annually from the date of
61 such acquisition.