

SENATE No. 01902

Senate, May 12, 2011 - New draft of Senate, No. 1872 and House, No. 3044 reported from the Committee on State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to economic development in the North Point area of the city of Cambridge.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to serve a paramount public interest at a time of high unemployment by facilitating the creation of new jobs and economic development by a private business that has a time-sensitive need to expand its operations either in The Commonwealth or at another location in the United States, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 Whereas, the parcel of land subject to this act owned by the Massachusetts Department of
2 Transportation was previously identified for private development in the Charles River master
3 plan and Chapter 91 license issued in conjunction with the Central Artery-Third Harbor Tunnel
4 project, and

5 Whereas, the deferred operation of this act would tend to defeat its purpose, which is to
6 serve a paramount public interest at a time of high unemployment by facilitating the creation of
7 new jobs and economic development by a private business that has a time-sensitive need to
8 expand its operations either in The Commonwealth or at another location in the United States,
9 therefore it is hereby declared to be an emergency law, necessary for the immediate preservation
10 of the public convenience.

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

13 Notwithstanding any general or special law, rule or regulation to the contrary, the department of
14 environmental protection may, concurrent with review pursuant to sections 61 through 62H,
15 inclusive, of chapter 30 of the General Laws and concurrently with any other state or municipal
16 review and approval process, proceed with review of a Chapter 91 application that is filed with,
17 and determined to be sufficient by, the department for the purpose of licensing the construction
18 of a building at the parcel of land in the North Point section of the city of Cambridge containing
19 approximately 55,000 square feet of land, located southeasterly of Industrial Park Road (a.k.a.
20 Education Street) and northeasterly of the extension of North Point Boulevard and which is more
21 particularly described in the “Request for Proposals for Long Term Lease of Surplus MassDOT
22 Real Property” dated August 4, 2010 issued by the Massachusetts Department of Transportation,
23 including related public open space improvements on land adjacent to said parcel; provided that
24 prior to issuance of a final license, the applicant must provide to the department certification of
25 municipal zoning compliance and a secretary’s certificate stating that the project adequately and
26 properly complies with M.G.L. c. 30, §§ 61 through 62H.

27 Further, notwithstanding sections 40E to 40J inclusive of chapter 7 of the General Laws, the
28 commissioner of capital asset management and maintenance, on behalf of, and in consultation
29 with the commissioner of the department of conservation and recreation and the secretary of the
30 department of transportation, is authorized (i) to grant, on land adjacent to said parcel, and used
31 or intended to be used for park or open space purposes, temporary or permanent rights
32 appurtenant to the parcel for construction, maintenance, repair and replacement of pavement,
33 landscaping, lighting, benches, and other public open space improvements, all subject to the
34 approval of the department of conservation and recreation, and which may also include seating
35 and service areas for a facility, or facilities, that are open to the public and (ii) to enter into an
36 easement, deed restriction, covenant or other comparable legal instrument enforceable by the city
37 of Cambridge dedicating land adjacent to said parcel as public open space and allowing such
38 land to be included with the parcel as a single development parcel under the zoning ordinance of
39 the city of Cambridge, as it may be amended from time to time. The department of conservation
40 and recreation is further authorized to grant permanent rights appurtenant to the parcel for non-
41 exclusive pedestrian access and egress to and from the parcel over land held by the department of
42 conservation and recreation that is located between the parcel and the extension of North Point
43 Boulevard.

44 Further, as the “Request for Proposals for Long Term Lease of Surplus MassDOT Real
45 Property” dated August 4, 2010 issued by the Massachusetts Department of Transportation
46 contemplates an option to purchase said parcel by the tenant under a lease thereof upon proper
47 authorization of such a purchase option, the department of transportation is hereby authorized,
48 notwithstanding any general or special law, rule or regulation to the contrary, to grant, in a lease
49 of said parcel, an option for the tenant thereunder to purchase the fee interest in said parcel for a

50 purchase price equal to the fair market value of such fee interest, subject to the lease and
51 excluding improvements constructed by the lessee, as determined by an independent appraisal
52 approved by the secretary of the department of transportation.

53 Further, for the purposes of applying chapter 91 of the General Laws of Massachusetts and the
54 waterways regulations promulgated by the department of environmental protection to the land
55 depicted as Parcels 2-16 and 2-18 in the Order of Taking, dated July 2, 1997 and recorded with
56 the Middlesex County Registry of Deeds at Book 27452, page 537, the location of the high water
57 mark shall be the stone seawall/shoreline as delineated in the plans attached to License No. 7760
58 issued by said department on July 25, 2000 and notwithstanding the provisions of 310 CMR
59 9.53(2)(b) and 9.53(2)(c), the building development and site improvements described above shall
60 provide exterior public space and facilities of public accommodation to the maximum practicable
61 and appropriate extent as determined by the department of environmental protection, but in no
62 event more than required by such provisions.