

SENATE No. 415

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 SECTION 1. Chapter 92 of the General Laws is hereby amended by inserting, after
2 section 120, the following section:-Section 121. (a) The commissioner of the division of capital
3 asset management and maintenance may, in consultation with the department of conservation
4 and recreation and notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7,
5 enter into leases or other agreements for a term up to 10 years with existing nonprofit
6 organizations located on public park land under the care and control of the department regarding
7 the land associated with the following boating and yacht facilities: Union Boat Club, Boston;
8 Cambridge Boat Club, Cambridge; Riverside Boat Club, Cambridge; Buckingham, Browne &
9 Nichols Boat House, Cambridge; M.I.T. Boat House, Cambridge; Belmont Hill / Winsor Boat
10 House, Cambridge; Tufts University, Medford; Harvard Sailing Pavilion, Cambridge; Boston
11 University Sailing Pavilion, Boston; M.I.T. Sailing Pavilion, Cambridge; Puritan Canoe Club,
12 Boston; Neponset Valley Yacht Club, Milton/Braintree; Wollaston Yacht Club, Quincy;
13 Squantum Yacht Club, Quincy; South Shore Yacht Club, Weymouth; Charlesgate Yacht Club,
14 Cambridge; Charles River Yacht Club, Cambridge; Newton Yacht Club, Newton; Columbia

15 Yacht Club, Boston; South Boston Yacht Club, Boston; Riverside Yacht Club, Medford;
16 Medford Boat Club, Medford; Mystic Wellington Yacht Club, Medford; Winterhill Yacht Club,
17 Somerville; Watertown Yacht Club, Watertown; East Boston Yacht Club, Boston; Dorchester
18 Yacht Club, Dorchester; and Boston Harbor Yacht Club, Boston. (b) Such leases and other
19 agreements shall be on terms and conditions acceptable to the commissioner of the division of
20 capital asset management and maintenance, after consultation with the commissioner of the
21 department of conservation and recreation, and shall require appropriate public access to public
22 park land and outreach and stewardship by the lessees. The department of conservation and
23 recreation shall consider the following criteria when negotiating lease fees with yachting and
24 boating clubs: the club's service to the community; community outreach and public access; the
25 actual revenue generated by the club; the number of years the club has been at that location; the
26 size of the club's dues-paying membership; the nature and type of services the yacht club
27 provides to its members; the capital improvements and maintenance on clubs located on the
28 department's properties; future capital improvements or need for improvements to the facilities;
29 the historic nature of the facilities and their use; and the fees and taxes paid by the club to the
30 municipality in which it is located. (c) The lease or other agreement shall be prepared in
31 accordance with the generally accepted real estate principles and in accordance with the criteria
32 in section (b). The inspector general shall review and approve the lease or other agreement, and
33 his review shall include an examination of the methodology used for the negotiations. The
34 commissioner shall, 30 days prior to the execution of any lease or other agreement authorized by
35 this section, submit the lease or other agreement to the inspector general. The inspector general
36 shall prepare a report of his review and approval of the lease or other agreement and file the
37 report with the commissioner, and copies of the report shall be filed with the house and senate

38 committees on ways and means and with the chairmen of the joint committee on state
39 administration at least 15 days prior to the execution. All funds received under the lease or other
40 agreement shall be deposited into the Urban Parks Trust Fund, established pursuant to section 34
41 of Chapter 92. The division, in consultation with the department, is authorized to grant a 10 year
42 extension to any lease or other agreement.(d) The department of conservation and recreation and
43 the lessee shall be responsible for their own costs associated with any appraisal, survey or other
44 expense, unless otherwise specified in the lease or other agreement.