

**HOUSE . . . . . No. 3626**

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Text of an amendment recommended by the committee on Ways and Means to the Senate Bill relative to economic development in the North Point area of the City of Cambridge (Senate, No. 1955). July 25, 2011.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act By striking out all after the enacting clause (of Senate bill No. 1955) and inserting in place thereof the following:--.

*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. Notwithstanding any general or special law or rule or regulation to the  
2 contrary, the department of environmental protection may, concurrent with review pursuant to  
3 sections 61 to 62H, inclusive, of chapter 30 of the General Laws and with any other state or  
4 municipal review and approval process, proceed with review of a chapter 91 application that is  
5 filed with, and determined to be sufficient by, the department for the purpose of licensing the  
6 construction of a building at the parcel of land in the North Point section of the city of  
7 Cambridge containing approximately 55,000 square feet, located southeasterly of Industrial Park  
8 road and northeasterly of the extension of North Point boulevard and which is more particularly  
9 described in the “Request for Proposals for Long Term Lease of Surplus MassDOT Real  
10 Property” dated August 4, 2010, issued by the Massachusetts Department of Transportation and  
11 including related public open space improvements on land adjacent to that parcel. Prior to the  
12 issuance of a final license, the applicant shall provide to the department certification of

13 municipal zoning compliance and a secretary's certificate stating that the project adequately and  
14 properly complies with said sections 61 to 62H, inclusive, of said chapter 30.

15 SECTION 2. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General  
16 Laws, the commissioner of capital asset management and maintenance may, on behalf of and in  
17 consultation with the commissioner of conservation and recreation and the secretary of  
18 transportation, grant, on land adjacent to the parcel described in section 1 and used or intended to  
19 be used for park or open space purposes, temporary or permanent rights appurtenant to the parcel  
20 for the construction, maintenance, repair and replacement of pavement, landscaping, lighting,  
21 benches and other open space improvements, which may also include seating and service areas  
22 for facilities that are open to the public, all of which shall be subject to the approval of the  
23 department of conservation and recreation; and enter into an easement, deed restriction, covenant  
24 or other similar agreement enforceable by the city of Cambridge, dedicating land adjacent to the  
25 parcel as public open space and authorizing such land to be included with the parcel as a single  
26 development parcel under the zoning ordinances of the city of Cambridge. The department of  
27 conservation and recreation may grant permanent rights appurtenant to the parcel for  
28 nonexclusive pedestrian access and egress to and from the parcel over land held by the  
29 department of conservation and recreation that is located between the parcel and the extension of  
30 North Point boulevard.

31 SECTION 3. Notwithstanding any general or special law or rule or regulation to the  
32 contrary, the Massachusetts Department of Transportation may grant, in a lease of the parcel, an  
33 option for the lessee thereunder to purchase the fee interest in the parcel, such option to be  
34 exercised only after the expiration of the lease. The consideration for the purchase shall be the

35 fair market value of the fee interest as determined by an independent appraisal approved by the  
36 secretary of transportation.

37 SECTION 4. For the purpose of applying chapter 91 of the General Laws and the  
38 waterways regulations promulgated by the department of environmental protection to the land  
39 identified as Parcels 2-16 and 2-18 in the Order of Taking, dated July 2, 1997, and recorded with  
40 the Middlesex county registry of deeds, southern district, in book 27452, page 537, the location  
41 of the high water mark shall be the stone seawall/shoreline as delineated in the plans attached to  
42 License No. 7760 issued by the department on July 25, 2000, and notwithstanding 310 CMR  
43 9.53(2)(b) and 9.53(2)(c), the building development and site improvements described in section  
44 2 shall provide exterior public open space and facilities of public accommodation to the  
45 maximum practicable and appropriate extent as determined by the department, but the  
46 department shall not require greater areas of open space and facilities of public accommodation  
47 than that required by the regulations.