HOUSE DOCKET, NO. 4402 FILED ON: 7/17/2014

HOUSE . . . . . No. 4337

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Moran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to preserve the historic Speedway Administration Building in the Brighton district of the city of Boston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michael J. Moran	*18th Suffolk*	*7/17/2014*

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HOUSE . . . . . No. 4337

By Mr. Moran of Boston, a petition (subject to Joint Rule 12) of Michael J. Moran for legislation to authorize the Division of Capital Asset Management and Maintenance to lease a portion of a certain parcel of land in the city of Boston. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act to preserve the historic Speedway Administration Building in the Brighton district of the city of Boston.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to promote the preservation and adaptive reuse of an important state-owned historic resource, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General Laws or any general or special law to the contrary, and pursuant to such additional terms and conditions as the commissioner of capital asset management and maintenance may prescribe, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may lease a portion of a parcel of land and the so called Speedway Administration Building, and convey part of the same parcel by deed or lease the same to the Architectural Heritage Foundation, Inc., a Massachusetts non-profit corporation, or its nominee in which it maintains an interest, as the Architectural Heritage Foundation was selected through an open and public process by the department of conservation and recreation in accordance with the historic curatorship statute, being section 44 of chapter 85 of the acts of 1994, as amended by section 50 of chapter 15 of the acts of 1996, as amended by section 19 of chapter 236 of the acts of 2002, as amended by section 76 of chapter 182 of the acts of 2008, as amended by section 22 of chapter 302 of the acts of 2008, as amended by section 14 of chapter 312 of the acts of 2008, as amended by sections 1 and 2 of chapter 164 of the acts of 2009, as amended by sections 1 and

2 of chapter 67 of the acts of 2011. The parcel is presently under the care, custody and control of the department of conservation and recreation and held for conservation and recreation purposes.

SECTION 2. The parcel referenced in section 1 consists of 2 lots of lands. The first lot of land fronts Soldiers Field Road, contains approximately 8,515 square feet of land, and is shown on the city of Boston Assessors' Maps as Parcel No. 2200577001. The second lot of land contains approximately 38,155 square feet, and is a portion of the land shown on city of Boston Assessors' Maps as Parcel No. 2200577000, with said portion being bounded by Western Avenue, the above-referenced Parcel No. 2200577001, the land shown on the city of Boston Assessors' Maps as Parcel No. 2200576000, and Soldiers Field Road. Notwithstanding any general or special law to the contrary, the exact location and boundaries of the areas to be leased or conveyed, and the subdivision of the parcel and lots, shall be determined by the commissioner of capital asset management and maintenance in consultation with the department of conservation and recreation.

SECTION 3. The division of capital asset management and maintenance shall proceed in accordance with the proposal of the Architectural Heritage Foundation, Inc., as approved by the department of conservation and recreation following the open process conducted by the department under the historic curatorship statute. The proposal generally includes preservation of the historically significant portions of the Speedway Administration Building in accordance with the Secretary of the Interior's Standards for Historic Rehabilitation, demolition of minor non-significant building additions, adaptive reuse for residential housing, non-profit organization offices, artist studio, or commercial or retail space, and the construction of a new multi-story building on the portion of the parcel authorized for conveyance by deed. Notwithstanding any general or special law or rule or regulation to the contrary, the new improvements shall be approved by the department consistent with the proposal and shall not be subject to dimensional, height and setback requirements of local zoning ordinances or zoning regulations, provided, however, that no new building shall exceed 35 feet in height for the façade of any portion of the building bordering Western Avenue, and shall not exceed 75 feet in building height as measured from Western Avenue but the Architectural Heritage Foundation, Inc. shall apply for permits from the city for the construction and occupancy of the new building, if the area is conveyed by the commonwealth, and the new building shall be otherwise subject to local zoning and other ordinances and regulations, including 5 per cent over the inclusionary development policy of the city of Boston and the Boston Redevelopment Authority for affordable units. The division and the department shall consult with the Boston Redevelopment Authority on the design review of any new buildings to be constructed on the parcel. The division may retain a conservation or preservation restriction over any area conveyed by deed, to be held by the department of conservation and recreation for the benefit of the remaining portion of the parcel. The division is authorized to grant or retain any easements as necessary to effectuate the purposes of this section. The lease of the Speedway Administration Building, once executed, shall be administered by the department of conservation and recreation as part of its historic curatorship

program. Any deed, lease or other agreements shall ensure, in the discretion of the division and the department, that rents, unit or other sale proceeds, or other revenues generated from the area to be conveyed by deed are sufficiently accounted for and dedicated to ensure the continuing proper management, maintenance and capital repair of the Speedway Administration Building and its grounds throughout the term of the lease as set forth in the Architectural Heritage Foundation, Inc. proposal. During the term of the lease, the land to be conveyed by deed shall be limited to residential use or the uses identified and accepted by the department within the proposal of the Architectural Heritage Foundation, Inc. and shall not be sold, transferred or conveyed to a private college or university or its agent. The lessee under the lease, shall install and maintain a sign, on the parcel, at or near the corner of Western Avenue and Soldiers Field Road, stating "Welcome to Allston-Brighton", and provide for and maintain appropriate landscaping, subject to the approval of and design standards of the department. The lessee shall provide a minimum of 300 square feet of office space to an Allston/Brighton non-profit for a fee of 1 dollar per calendar year within the restored Speedway Building. The lessee shall contract with a bicycle sharing partner to provide rental biking opportunities on the Speedway Administration Building parcel for a period of 10 years and thereafter for the length of the lease, provide a service with a recreational purpose.

SECTION 4. In furtherance of the commonwealth's policy to ensure a no-net-loss of lands protected for natural resource purposes, the consideration for the lease and conveyance authorized in section 1 shall be the full and fair market value of the parcel, as determined by the division of capital asset management and maintenance based upon an independent professional appraisal, provided that the division shall credit the value of any improvements to the Speedway Administration Building and maintenance and management services provided by the Architectural Heritage Foundation, Inc. under the lease towards the consideration. The appraisal required by this section shall be subject to the review and approval of the inspector general, and such review shall include an examination of the methodology utilized for the appraisal. Within 30 days after receiving an appraisal, the inspector general shall prepare a report of his review and file the report with the division of capital asset management and maintenance for submission by the division to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. The division shall submit copies of the appraisals, and the inspector general's review and approval and comments, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days prior to the execution of documents effecting the transfers described in section 1. All consideration not fulfilled by the value of the improvements and maintenance and management of the Speedway Administration Building shall be deposited in the Division of State Parks and Recreation Trust Fund, established by section 34 of chapter 92 of the General Laws.

SECTION 5. Architectural Heritage Foundation, Inc. shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys,

appraisals, deed preparation related to the conveyance authorized in this act as those costs may be reasonably determined by the division of capital asset management and maintenance and accepted in advance by Architectural Heritage Foundation, Inc.