

# **HOUSE . . . . . No. 4359**

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## **The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, July 28, 2014.

The committee on Ways and Means, to whom was referred the Bill to preserve the historic Speedway Administration Building in the Brighton district of the city of Boston (House, No. 4337, changed), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4359).

For the committee,

BRIAN S. DEMPSEY.

The Commonwealth of Massachusetts

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**In the Year Two Thousand Fourteen**  
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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 convenience.

*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 sections 32 to 38, inclusive, of chapter 7C of the General  
2 Laws or any general or special law to the contrary, and pursuant to such additional terms and  
3 conditions as the commissioner of capital asset management and maintenance may prescribe, the  
4 division of capital asset management and maintenance, in consultation with the department of  
5 conservation and recreation, may lease a portion of a parcel of land and the so called Speedway  
6 Administration Building, and convey part of the same parcel by deed or lease the same to the  
7 Architectural Heritage Foundation, Inc., a Massachusetts non-profit corporation, or its nominee  
8 in which it maintains an interest, as the Architectural Heritage Foundation was selected through  
9 an open and public process by the department of conservation and recreation in accordance with  
10 the historic curatorship statute, being section 44 of chapter 85 of the acts of 1994, as amended by  
11 section 50 of chapter 15 of the acts of 1996, as amended by section 19 of chapter 236 of the acts  
12 of 2002, as amended by section 76 of chapter 182 of the acts of 2008, as amended by section 22  
13 of chapter 302 of the acts of 2008, as amended by section 14 of chapter 312 of the acts of 2008,  
14 as amended by sections 1 and 2 of chapter 164 of the acts of 2009, as amended by sections 1 and  
15 2 of chapter 67 of the acts of 2011. The parcel is presently under the care, custody and control of  
16 the department of conservation and recreation and held for conservation and recreation purposes.

17           SECTION 2. The parcel referenced in section 1 consists of 2 lots of lands. The first lot  
18 of land fronts Soldiers Field Road, contains approximately 8,515 square feet of land, and is  
19 shown on the city of Boston Assessors' Maps as Parcel No. 2200577001. The second lot of land

20 contains approximately 38,155 square feet, and is a portion of the land shown on city of Boston  
21 Assessors' Maps as Parcel No. 2200577000, with said portion being bounded by Western  
22 Avenue, the above-referenced Parcel No. 2200577001, the land shown on the city of Boston  
23 Assessors' Maps as Parcel No. 2200576000, and Soldiers Field Road. Notwithstanding any  
24 general or special law to the contrary, the exact location and boundaries of the areas to be leased  
25 or conveyed, and the subdivision of the parcel and lots, shall be determined by the commissioner  
26 of capital asset management and maintenance in consultation with the department of  
27 conservation and recreation.

28 SECTION 3. The division of capital asset management and maintenance shall proceed in  
29 accordance with the proposal of the Architectural Heritage Foundation, Inc., as approved by the  
30 department of conservation and recreation following the open process conducted by the  
31 department under the historic curatorship statute. The proposal generally includes preservation  
32 of the historically significant portions of the Speedway Administration Building in accordance  
33 with the Secretary of the Interior's Standards for Historic Rehabilitation, demolition of minor  
34 non-significant building additions, adaptive reuse for residential housing, non-profit organization  
35 offices, artist studio, or commercial or retail space, and the construction of a new multi-story  
36 building on the portion of the parcel authorized for conveyance by deed. Notwithstanding any  
37 general or special law or rule or regulation to the contrary, the new improvements shall be  
38 approved by the department consistent with the proposal and shall not be subject to dimensional,  
39 height and setback requirements of local zoning ordinances or zoning regulations, provided,  
40 however, that no new building shall exceed 35 feet in height for the façade of any portion of the  
41 building bordering Western Avenue, and shall not exceed 75 feet in building height as measured  
42 from Western Avenue but the Architectural Heritage Foundation, Inc. shall apply for permits  
43 from the city for the construction and occupancy of the new building, if the area is conveyed by  
44 the commonwealth, and the new building shall be otherwise subject to local zoning and other  
45 ordinances and regulations, including 5 per cent over the inclusionary development policy of the  
46 city of Boston and the Boston Redevelopment Authority for affordable units. The division and  
47 the department shall consult with the Boston Redevelopment Authority on the design review of  
48 any new buildings to be constructed on the parcel. The division may retain a conservation or  
49 preservation restriction over any area conveyed by deed, to be held by the department of  
50 conservation and recreation for the benefit of the remaining portion of the parcel. The division is  
51 authorized to grant or retain any easements as necessary to effectuate the purposes of this  
52 section. The lease of the Speedway Administration Building, once executed, shall be  
53 administered by the department of conservation and recreation as part of its historic curatorship  
54 program. Any deed, lease or other agreements shall ensure, in the discretion of the division and  
55 the department, that rents, unit or other sale proceeds, or other revenues generated from the area  
56 to be conveyed by deed are sufficiently accounted for and dedicated to ensure the continuing  
57 proper management, maintenance and capital repair of the Speedway Administration Building  
58 and its grounds throughout the term of the lease as set forth in the Architectural Heritage  
59 Foundation, Inc. proposal. During the term of the lease, the land to be conveyed by deed shall be

60 limited to residential use or the uses identified and accepted by the department within the  
61 proposal of the Architectural Heritage Foundation, Inc. and shall not be sold, transferred or  
62 conveyed to a private college or university or its agent. The lessee under the lease, shall install  
63 and maintain a sign, on the parcel, at or near the corner of Western Avenue and Soldiers Field  
64 Road, stating “Welcome to Allston-Brighton”, and provide for and maintain appropriate  
65 landscaping, subject to the approval of and design standards of the department. The lessee shall  
66 provide a minimum of 300 square feet of office space to an Allston/Brighton non-profit for a fee  
67 of 1 dollar per calendar year within the restored Speedway Building. The lessee shall contract  
68 with a bicycle sharing partner to provide rental biking opportunities on the Speedway  
69 Administration Building parcel for a period of 10 years and thereafter for the length of the lease.

70 SECTION 4. In furtherance of the commonwealth’s policy to ensure a no-net-loss of  
71 lands protected for natural resource purposes, the consideration for the lease and conveyance  
72 authorized in section 1 shall be the full and fair market value of the parcel, as determined by the  
73 division of capital asset management and maintenance based upon an independent professional  
74 appraisal, provided that the division shall credit the value of any improvements to the Speedway  
75 Administration Building and maintenance and management services provided by the  
76 Architectural Heritage Foundation, Inc. under the lease towards the consideration. The appraisal  
77 required by this section shall be subject to the review and approval of the inspector general, and  
78 such review shall include an examination of the methodology utilized for the appraisal. Within  
79 30 days after receiving an appraisal, the inspector general shall prepare a report of his review and  
80 file the report with the division of capital asset management and maintenance for submission by  
81 the division to the house and senate committees on ways and means and the joint committee on  
82 state administration and regulatory oversight. The division shall submit copies of the appraisals,  
83 and the inspector general’s review and approval and comments, if any, to the house and senate  
84 committees on ways and means and the joint committee on state administration and regulatory  
85 oversight at least 15 days prior to the execution of documents effecting the transfers described in  
86 section 1. All consideration not fulfilled by the value of the improvements and maintenance and  
87 management of the Speedway Administration Building shall be deposited in the Division of  
88 State Parks and Recreation Trust Fund, established by section 34 of chapter 92 of the General  
89 Laws.

90 SECTION 5. Architectural Heritage Foundation, Inc. shall be responsible for all costs  
91 and expenses including, but not limited to, costs associated with any engineering, surveys,  
92 appraisals, deed preparation related to the conveyance authorized in this act as those costs may  
93 be determined by the division of capital asset management and maintenance.