

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel R. Cullinane

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 protect and enhance the public's rights in the commonwealth's tidelands.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>1/18/2019</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/1/2019</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/1/2019</i>

HOUSE No.

By Mr. Cullinane of Boston, a petition (subject to Joint Rule 9) of Daniel R. Cullinane, Jon Santiago and William C. Galvin relative to Commercial Wharf in the city of Boston. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act to protect and enhance the public's rights in the commonwealth's tidelands.

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

1 Notwithstanding any general or special law, rule or regulation to the contrary, including
2 310 CMR 9.00 et. seq., the department of environmental protection may issue a consolidated
3 written determination for Commercial Wharf, comprised of certain parcels of land and water and
4 adjoining Dock in Common and Common Highway shown on a plan entitled "Subdivision Plan
5 of Land, Boston (Boston Proper), Mass. Commercial Wharf" prepared by Whitman and Howard,
6 dated May 2, 1985. Without limitation, any such written determination may authorize uses and
7 structures on Commercial Wharf, even if such uses and structures are not otherwise in
8 compliance with G.L. Chapter 91 and 310 CMR 9.00, provided that such written determination:

9 a) finds that the structures and uses to be licensed on Commercial Wharf as a whole serve
10 a proper public purpose and provide greater public benefits than public detriments to the rights of
11 the public in the tidelands; and

12 b) includes conditions sufficient to ensure said benefits, including, but not limited to:

- 13 1) a minimum 10 foot wide continuous public access harborwalk from Christopher
14 Columbus Park out around Commercial Wharf and connecting back to the Atlantic Avenue
15 sidewalk on the north side of Commercial Wharf; and
- 16 2) ground floor facilities of public accommodation equal to at least 50% of the footprint
17 of buildings to be licensed; and
- 18 3) provisions for vehicular access and parking sufficient to support water dependent uses
19 on the wharf; and
- 20 4) a maximum height of 55 feet for any new buildings to be licensed; and
- 21 5) that individual licenses shall be issued for each parcel on Commercial Wharf based on
22 the consolidated written determination specifying responsibilities for each licensee.