

HOUSE No. 3720

The Commonwealth of Massachusetts

PRESENTED BY:

Aaron Michlewitz

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 confirming Commercial Wharf East Condominium Association present uses as authorized by the Downtown Waterfront-Faneuil Hall Urban Renewal Plan and Chapter 663 of the Acts of 1964 and Chapter 310 of the Acts of 1972 and preventing residents from being forced to sell their property and leave.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>	<i>2/18/2021</i>

HOUSE No. 3720

By Mr. Michlewitz of Boston, a petition (accompanied by bill, House, No. 3720) of Aaron Michlewitz for legislation to further regulate the authority of the Department of Public Works and the Boston Redevelopment Authority to exercise certain powers in regard to certain tidelands along the Atlantic Avenue and Commercial Street waterfront in the city of Boston. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act confirming Commercial Wharf East Condominium Association present uses as authorized by the Downtown Waterfront-Faneuil Hall Urban Renewal Plan and Chapter 663 of the Acts of 1964 and Chapter 310 of the Acts of 1972 and preventing residents from being forced to sell their property and leave.

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

1 Whereas, one of the public purposes set forth in the Downtown Waterfront-Faneuil Hall
2 Urban Renewal Plan, dated April 15, 1964 as adopted by the Boston Redevelopment Authority
3 (“BRA”) and the City of Boston, and authorized through Chapter 663 of the Acts of 1964 and
4 Chapter 310 of the Acts of 1972 was to preserve the historic granite building on Commercial
5 Wharf that was built with granite quarried from Quincy, MA and utilized construction techniques
6 that were unique at the time;

7 Whereas, one of the public purposes was to revitalize the City of Boston through the
8 restoration of residential communities along the waterfront and to rehabilitate the building on
9 Commercial Wharf into a mixed-use condominium facility that was predominantly residential

10 but also permitted the first and second floors of the condominium building to be used for
11 residential, office or other commercial use, together with accessory uses as required by the Urban
12 Renewal Plan;

13 Whereas, one of the public purposes of the Urban Renewal Plan was to preserve the
14 waterfront for public use and to foster such use by limiting development along the waterfront
15 that would interfere with public access, use and enjoyment of the waterfront through height and
16 other restrictions;

17 Whereas, to accomplish these public purposes, the BRA in consultation with the
18 Department of Public Works (then entrusted with the implementation of M.G.L. c. 91) entered
19 into a Rehabilitation Agreement, dated May 10, 1974 and recorded at the Registry in Book 8710,
20 Page 63 and as part of the Rehabilitation Agreement required that Commercial Wharf be used in
21 certain ways and required as well an easement over Commercial Wharf for the purpose of public
22 access to the waterfront for the purposes of fishing, fowling and navigation;

23 Whereas, the requirements of the Rehabilitation Agreement were implemented through
24 the Master Deed for Commercial Wharf East Condominium Association as well as through
25 individual deeds that permitted the first and second floors of the building to be used
26 interchangeable for residential, office or other commercial uses;

27 Now, Therefore, the Downtown Waterfront-Faneuil Hall Urban Renewal Plan, as
28 implemented through Chapter 663 of the Acts of 1964 and Chapter 310 of the Acts of 1972, is
29 hereby acknowledged to serve a proper public purpose and, accordingly, the Commonwealth
30 affirms that the present uses of the land, as set forth in the 1974 Rehabilitation Agreement and
31 Master Deed, have been and are properly authorized in conjunction with such public purpose by

32 Chapter 663 of the Acts of 1964 and Chapter 310 of the Acts of 1972 and under M.G.L. c. 91.
33 Such uses include using the units on the first and second floor of Commercial Wharf
34 interchangeably for residential, office or other commercial purposes together with existing
35 accessory uses.