

HOUSE No. 5080

Substituted by the House, on motion of Mr. Michlewitz of Boston, for a Bill 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 (House, No. 3720). July 25, 2022.

The Commonwealth of Massachusetts

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

An Act confirming and authorizing Commercial Wharf East Condominium Association’s uses and structures located on private 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 SECTION 1. (a) For the purposes of this section, the term “private tidelands” shall have
2 the same meaning provided in section 1 of chapter 91 of the General Laws and 310 CMR 9.02.

3 (b)(1) Notwithstanding any general or special law, rule or regulation to the contrary, all
4 uses within the building, a 5 story granite block building located on private tidelands, and located
5 on a certain parcel of land owned or managed by the Commercial Wharf East Condominium
6 Association and its individual unit owners in the city of Boston, shown on the plan of land
7 entitled “Subdivision Plan of Land, Boston (Boston Proper), Mass. Commercial Wharf,”
8 prepared by Whitman and Howard, dated May 2, 1985, recorded in the Suffolk county registry of
9 deeds in book 11880, page 298, shall be consistent with: (i) the condominium’s 1978 Master
10 Deed, on file with the Suffolk county registry of deeds in book 9083, page 305, as permitted by
11 the 1964 Downtown Waterfront-Faneuil Hall Urban Renewal Plan for the city of Boston

12 pursuant to chapter 663 of the acts of 1964 and chapter 310 of the acts of 1972; and (ii) the 1974
13 Boston Redevelopment Authority Rehabilitation Agreement for Commercial Wharf. Such
14 building uses shall be consistent with said Master Deed and any existing structural alterations
15 that do not change the overall height or the footprint of the building existing as of the effective
16 date of this act shall be authorized and lawful and shall not require any further licensing under
17 chapter 91 of the General Laws.

18 (2) The property described in paragraph (1), situated on private tidelands, is currently
19 used by the Commercial Wharf East Condominium Association and its unit owners for a mixed-
20 use condominium property. The current structures and their uses on private tidelands have been
21 in existence on Commercial Wharf since before January 1, 1984.

22 (c) The Commercial Wharf East Condominium Association, and its associated unit
23 owners, may maintain the present structures, including the entire condominium building and all
24 existing structural alterations, and the present use of building as a mixed-use condominium
25 facility, including the continued historic use of the first and second floor of the condominium as
26 facilities of private tenancy for interchangeable residential or office use as set forth in said 1978
27 Commercial Wharf East Condominium Master Deed, as amended, and consistent with
28 subsection (b); provided, that the following conditions shall be met for public benefits, including
29 the promotion of public access on the wharf that promotes the use and enjoyment of the
30 waterfront by all citizens of the commonwealth:

31 (1) the Commercial Wharf East Condominium Association shall build, construct and
32 maintain in perpetuity a 10-foot Harborwalk along the southside of Commercial Wharf on its

33 property, substantially in accordance with the plan entitled “Commercial Wharf Harborwalk
34 Commercial Wharf Boston, MA 02110” dated May 17, 2022 and on file with the city of Boston;

35 (2) the Commercial Wharf East Condominium Association shall provide and maintain a
36 redesigned entrance to Commercial Wharf’s southside to include “Welcome to Commercial
37 Wharf”, as shown on said plan, with directional signage to the public Harborwalk constructed
38 pursuant to clause (1);

39 (3) The Commercial Wharf East Condominium Association shall re-pave and re-line the
40 entire common area parking, as shown on said plan, to provide safe and well-marked pedestrian
41 and vehicular access to the wharf and Harborwalk; provided, that the Harborwalk shall be
42 subject to such conditions of use, maintenance, and public accessibility as determined through
43 the licensing process in accordance with chapter 91 of the General Laws.

44 (d) Notwithstanding any general or special law, rule or regulation to the contrary, no
45 action that is to be done in accordance with this act shall be deemed to be a change in use or
46 change in pre-existing conditions. Any intervening condition or event that prevents the
47 Commercial Wharf East Condominium Association performance under this act shall be deemed
48 to suspend the Commercial Wharf East Condominium Association’s obligations until such
49 condition or event is removed.

50 (e) Notwithstanding any general or special law, rule or regulation to the contrary, this act
51 shall be narrowly construed and shall not, except as specifically provided in this act , otherwise
52 affect uses of the property described in subsection (b) subject to licensure or other authorization
53 from the department of environmental protection as required pursuant to said chapter 91.

54 SECTION 2. Section 1 shall take effect upon its passage.