SENATE . . . . . No. 1902

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to economic development in the North Point area of the city of Cambridge.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to serve a paramount public interest at a time of high unemployment by facilitating the creation of new jobs and economic development by a private business that has a time-sensitive need to expand its operations either in The Commonwealth or at another location in the United States, therefore it is hereby declared to be an emergency law, 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:

Notwithstanding any general or special law, rule or regulation to the contrary, the department of environmental protection may, concurrent with review pursuant to sections 61 through 62H, inclusive, of chapter 30 of the General Laws and concurrently with any other state or municipal review and approval process, proceed with review of a Chapter 91 application that is filed with, and determined to be sufficient by, the department for the purpose of licensing the construction of a building at the parcel of land in the North Point section of the city of Cambridge containing approximately 55,000 square feet of land, located southeasterly of Industrial Park Road (a.k.a. Education Street) and northeasterly of the extension of North Point Boulevard and which is more particularly described in the "Request for Proposals for Long Term Lease of Surplus MassDOT Real Property" dated August 4, 2010 issued by the Massachusetts Department of Transportation, including related public open space improvements on land adjacent to said parcel; provided that prior to issuance of a final license, the applicant must provide to the department certification of municipal zoning compliance and a secretary's certificate stating that the project adequately and properly complies with M.G.L. c. 30, §§ 61 through 62H.

Further, notwithstanding sections 40E to 40J inclusive of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, on behalf of, and in

consultation with the commissioner of the department of conservation and recreation and the secretary of the department of transportation, is authorized (i) to grant, on land adjacent to said parcel, and used or intended to be used for park or open space purposes, temporary or permanent rights appurtenant to the parcel for construction, maintenance, repair and replacement of pavement, landscaping, lighting, benches, and other public open space improvements, all subject to the approval of the department of conservation and recreation, and which may also include seating and service areas for a facility, or facilities, that are open to the public and (ii) to enter into an easement, deed restriction, covenant or other comparable legal instrument enforceable by the city of Cambridge dedicating land adjacent to said parcel as public open space and allowing such land to be included with the parcel as a single development parcel under the zoning ordinance of the city of Cambridge, as it may be amended from time to time. The department of conservation and recreation is further authorized to grant permanent rights appurtenant to the parcel for non-exclusive pedestrian access and egress to and from the parcel over land held by the department of conservation and recreation that is located between the parcel and the extension of North Point Boulevard.

Further, as the "Request for Proposals for Long Term Lease of Surplus MassDOT Real Property" dated August 4, 2010 issued by the Massachusetts Department of Transportation contemplates an option to purchase said parcel by the tenant under a lease thereof upon proper authorization of such a purchase option, the department of transportation is hereby authorized, notwithstanding any general or special law, rule or regulation to the contrary, to grant, in a lease of said parcel, an option for the tenant thereunder to purchase the fee interest in said parcel for a purchase price equal to the fair market value of such fee interest, subject to the lease and excluding improvements constructed by the lessee, as determined by an independent appraisal approved by the secretary of the department of transportation.

Further, for the purposes of applying chapter 91 of the General Laws of Massachusetts and the waterways regulations promulgated by the department of environmental protection to the land depicted as Parcels 2-16 and 2-18 in the Order of Taking, dated July 2, 1997 and recorded with the Middlesex County Registry of Deeds at Book 27452, page 537, the location of the high water mark shall be the stone seawall/shoreline as delineated in the plans attached to License No. 7760 issued by said department on July 25, 2000 and notwithstanding the provisions of 310 CMR 9.53(2)(b) and 9.53(2)(c), the building development and site improvements described above shall provide exterior public space and facilities of public accommodation to the maximum practicable and appropriate extent as determined by the department of environmental protection, but in no event more than required by such provisions.