SENATE . . . . . No. 1945

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act authorizing the development of certain state-owned land in the city of Cambridge.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate forthwith economic development of state lands in the city of Cambridge, 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:

SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, the department of environmental protection may, concurrent with review pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws and 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, located southeasterly of Industrial Park road 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 that parcel. Prior to the issuance of a final license, the applicant shall provide to the department certification of municipal zoning compliance and a secretary's certificate stating that the project adequately and properly complies with said sections 61 to 62H, inclusive, of said chapter 30.

SECTION 2. 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 conservation and recreation and the secretary of transportation, may: (i) 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 described

20 in section 1 for the construction, maintenance, repair and replacement of pavement, landscaping,
21 lighting, benches and other open space improvements, which may also include seating and
22 service areas for facilities that are open to the public, all of which shall be subject to the approval
23 of the department of conservation and recreation; and (ii) enter into an easement, deed
24 restriction, covenant or other similar agreement, enforceable by the city of Cambridge,
25 dedicating land adjacent to said parcel as public open space and authorizing such land to be
26 included with the parcel as a single development parcel under the zoning ordinances of the city
27 of Cambridge. The department of conservation and recreation may grant permanent rights
28 appurtenant to the parcel for non-exclusive pedestrian access and egress to and from the parcel
29 over land held by the department of conservation and recreation that is located between the
30 parcel and the extension of North Point boulevard.

31 SECTION 3. Notwithstanding any general or special law or rule or regulation to the
32 contrary, in a lease agreement for the parcel entered into by the Massachusetts Department of
33 Transportation, the department may grant to the lessee an option to purchase, such option to be
34 exercisable only at the expiration of the lease, the fee interest in the parcel. The consideration
35 for the purchase shall be the fair market value of the fee interest, as determined by an
36 independent appraisal approved by the governor or the governor's designee.

37 SECTION 4. During the term of the lease, the parcel leased pursuant to section 1 shall be
38 taxable at the commercial rate by the city of Cambridge.

39 SECTION 5. (a) For the purposes of applying chapter 91 of the General Laws and the
40 waterways regulations promulgated by the department of environmental protection to the land
41 identified as Parcels 2-16 and 2-18 in the Order of Taking, dated July 2, 1997, and recorded with
42 the Middlesex County Registry of Deeds, Southern district, in book 27452, page 537, the
43 location of the high water mark shall be the stone seawall/shoreline as delineated in the plans
44 attached to License No. 7760 issued by said department on July 25, 2000, and notwithstanding
45 310 CMR 9.53(2)(b) and 9.53(2)(c), the building development and site improvements described
46 in section 2 shall provide exterior public space and facilities of public accommodation to the
47 maximum practicable and appropriate extent as determined by the department of environmental
48 protection.

49 (b) During the term of the lease, the lessee shall be responsible for the care and
50 maintenance of Parcels 2-16 and 2-18 as shown in the Order of Taking described in subsection
51 (a), and Parcel 1 as described in the Order of Taking, dated May 21, 1997 and recorded with the
52 Middlesex County South Registry of Deeds on June 20, 1997 at Book 27405, page 555.