SENATE . . . . . No. 1955

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 facilitate 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 and 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 may, on behalf of and in consultation with the commissioner of conservation and recreation and the secretary of transportation: (i) grant, on land adjacent to the parcel described in section 1 and used or intended to be used for park or open space purposes, temporary or permanent rights appurtenant

to the parcel for the construction, maintenance, repair and replacement of pavement, landscaping, lighting, benches and other open space improvements, which may also include seating and service areas for facilities that are open to the public, all of which shall be subject to the approval of the department of conservation and recreation; and (ii) enter into an easement, deed restriction, covenant or other similar agreement enforceable by the city of Cambridge, dedicating land adjacent to the parcel as public open space and authorizing such land to be included with the parcel as a single development parcel under the zoning ordinances of the city of Cambridge. The department of conservation and recreation may grant permanent rights appurtenant to the parcel for nonexclusive 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.

SECTION 3. Notwithstanding any general or special law or rule or regulation to the contrary, the Massachusetts Department of Transportation may grant, in a lease of the parcel, an option for the lessee thereunder to purchase the fee interest in the parcel, such option to be exercised only after the issuance by the city of Cambridge of a certificate of occupancy for the building to be constructed under the lease, for a purchase price equal to the fair market value of the fee interest, subject to the lease and excluding improvements constructed by the lessee, as determined by an independent appraisal approved by the secretary of transportation.

SECTION 4. For the purpose of applying chapter 91 of the General Laws and the waterways regulations promulgated by the department of environmental protection to the land identified 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, southern district, in 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 the department on July 25, 2000, and notwithstanding 310 CMR 9.53(2)(b) and 9.53(2)(c), the building development and site improvements described in section 2 shall provide exterior public open space and facilities of public accommodation to the maximum practicable and appropriate extent as determined by the department, but the department shall not require greater areas of open space and facilities of public accommodation than that required by the regulations.