SENATE DOCKET, NO. 460 FILED ON: 1/16/2013

SENATE . . . . . No. 394

The Commonwealth of Massachusetts

PRESENTED BY:

Anthony W. Petruccelli

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 passage of the accompanying:

An Act to revitalize the Commonwealth's waterfronts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anthony W. Petruccelli	*First Suffolk and Middlesex*

SENATE DOCKET, NO. 460 FILED ON: 1/16/2013

SENATE . . . . . No. 394

By Mr. Petruccelli, a petition (accompanied by bill, Senate, No. 394) of Anthony W. Petruccelli for legislation to revitalize the Commonwealth's waterfronts. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *371* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act to revitalize the Commonwealth's waterfronts.

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. Chapter 91, Section 1 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking the existing definition of "Commonwealth tidelands," and inserting in place thereof the following definition:

"Commonwealth tidelands," tidelands below the historic low water mark either held by the commonwealth in trust for the benefit of the public, or held by another party by license or grant of the commonwealth subject to an express or implied condition subsequent that it be used for a public purpose.

SECTION 2. Chapter 91, Section 14 of the General Laws, as appearing in the most recent edition, is hereby amended by inserting the following at the end of the third paragraph:

For the purposes of this section and section eighteen, proper public purpose shall include, but not be limited to, provision of public access to the water; provision of facilities supporting and/or compatible with maritime commerce and activities; revitalization of underutilized waterfront properties; promotion of regional and local commerce, employment, economic development, and community renewal; and promotion of other community or maritime uses in the area.

SECTION 3. Chapter 91, Section 18 of the General Laws, as appearing in the most recent edition, is hereby amended by inserting the following after the first sentence of the third paragraph:

Notwithstanding the foregoing, in granting licenses on private tidelands the department shall specify that the interior use of buildings shall be for any and all uses consistent with local zoning codes or bylaws. In granting licenses on Commonwealth tidelands, the department shall require that the ground floor of any new structure be designed and constructed to accommodate uses accessible to the public (provided that this requirement shall be deemed to be satisfied by provision of a floor to ceiling height of at least ten feet), and the department shall require that the ground floor of any existing or new structure of greater than 50,000 square feet be occupied by water dependent uses or uses accessible to the public in an amount not to exceed in the aggregate five percent of the portion of the gross floor area of said structure situated on Commonwealth tidelands.

SECTION 4. Said Section 18 of said Chapter 91 is hereby further amended by replacing the final sentence of the third paragraph with the following:

The department shall promulgate regulations for implementation of its authority under this chapter which shall authorize, without limitation, alternative measures funded or otherwise taken by a licensee to provide water dependent uses and/or uses accessible to the public elsewhere in the harbor or otherwise in the vicinity of the licensed premises to satisfy the requirements of this chapter.

SECTION 5. The provisions of this Act, and any regulations adopted subsequently hereto, shall apply to any new licenses issued by the department, and shall apply to any existing license without the need for a license amendment or new license notwithstanding the provisions of the fourth and fifth sentences of paragraph three of section 18 of chapter 91. Without limitation, this Act, and any regulations adopted subsequently hereto, supersede any specific use requirement of any existing license to the contrary.