

HOUSE No. 4033

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Moran

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 adoption of the accompanying bill:

An Act creating a community process to supervise the disposition of a certain parcel of land on Leo M. Birmingham Parkway in the Allston-Brighton section of the city of Boston.

PETITION OF:

NAME:

Michael J. Moran

DISTRICT/ADDRESS:

18th Suffolk

HOUSE No. 4033

By Mr. Moran of Boston, a petition (subject to Joint Rule 12) of Michael J. Moran for legislation to create a community process to supervise the disposition of a certain parcel of land on Leo M. Birmingham Parkway in the Allston-Brighton section of the city of Boston. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act creating a community process to supervise the disposition of a certain parcel of land on Leo M. Birmingham Parkway in the Allston-Brighton section of the city of Boston.

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. As used in this chapter, the following words shall, unless the context
2 requires otherwise, have the following meanings:

3 “AMI”, means area median income as defined by the Federal Department of Housing and
4 Urban Development, for the Boston-Cambridge-Quincy, MA-NH HUD Metro Fair Market Rent
5 Area.

6 “Department”, the department of conservation and recreation.

7 “Division”, the division of capital asset management and maintenance.

8 “Parcel”, the parcel of land shown on the city of Boston assessor’s map as, parcel
9 identification number 22027622003, Leo M Birmingham Parkway, Boston, MA 02135, lot size
10 584,814 square feet. The exact boundaries of the parcel shall be determined by the commissioner

11 of the division of capital asset management and maintenance in consultation with the
12 commissioner of the department of conservation and recreation after completion of a survey

13 “Parkway”, the portion of Leo M. Birmingham Parkway which runs from its intersection
14 with Market Street to the intersection North Beacon Street and North Beacon Street to the
15 intersection of Soldiers Field Road, inclusive of said intersections.

16 "Person", a natural person, corporation, association, partnership or other legal entity.

17 “RFP”, a request for proposals.

18 “Task force”, the Leo M. Birmingham Parkway Task Force.

19 SECTION 2. There shall be established a Leo M. Birmingham Parkway Task Force
20 which shall consist of 15 members: 1 of whom shall be a chairperson appointed by a majority
21 vote of the senator for the Second Suffolk and Middlesex district, the senator for the Middlesex
22 and Suffolk district, the representative for the Seventeenth Suffolk District, and the
23 representative for the Eighteenth Suffolk District; 2 of whom shall be appointed by the mayor of
24 the city of Boston; 2 of whom shall be appointed by the senator for the Second Suffolk and
25 Middlesex district; 2 of whom shall be appointed by the senator for the Middlesex and Suffolk
26 district; 2 of whom shall be appointed by the representative for the Seventeenth Suffolk District;
27 2 of whom shall be appointed by the representative for the Eighteenth Suffolk District; 2 of
28 whom shall be appointed by the city of Boston district 9 city councilor; 1 of whom shall be the
29 president of the Brighton Allston Improvement Association or their designee; and 1 of whom
30 shall be the president of the Allston Civic Association or their designee. The task force may
31 retain consultants necessary to exercise the powers and duties established in this chapter. The
32 task force shall submit to the department a proposal regarding the level of funding required for

33 the retention of consultants and reasonable administrative costs. The proposal shall be subject to
34 the approval of the department.

35 SECTION 3. Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General
36 Laws or any other general or special law to the contrary, and pursuant to such additional terms
37 and conditions as the commissioner of the division may prescribe, the division, in consultation
38 with the department, may lease or convey a portion of the parcel, primarily for the purpose of the
39 construction, maintenance and operation of a housing development subject to the process
40 described in section 4. The division may grant or retain any easements as necessary to effectuate
41 the purposes of this act.

42 SECTION 4. Notwithstanding any general or special law or rule or regulation to the
43 contrary, the person chosen to develop the parcel shall be determined by the department after a
44 competitive process in response to an RFP issued by the department. The RFP shall be developed
45 by the task force in collaboration with the department. The RFP shall define the dimensional
46 regulations, parking requirements, and other physical parameters of the project. The RFP shall
47 require that at least 25 per cent of all units are reserved for households with an annual income at
48 or below 60 per cent of AMI. The RFP shall require improvements to the parkway which address
49 vehicular, pedestrian, and bicycle safety to be funded by the person chosen to develop the parcel
50 and completed under the direction of the department. The RFP may specify other terms and
51 require additional amenities as the task force deems appropriate.

52 SECTION 5. Upon receipt of no fewer than three proposals, the department may, in
53 consultation with the task force, select the winning proposal and enter into a contract to develop
54 the parcel subject to the conditions set forth in the RFP. The department may reject all

55 proposals. If fewer than three proposals are received, or if the department rejects all proposals,
56 the department may, in consultation with the task force, revise and reissue the RFP consistent
57 with the process set forth in sections 3 and 4 of this act.

58 SECTION 6. Any funds received by the commonwealth as a result of the lease or
59 conveyance authorized by this act, in excess of the funds necessary to improve the parkway shall
60 be deposited in the Conservation Trust established in section 1 of chapter 132A General Laws.

61 SECTION 7. Any lease or conveyance entered into under this chapter shall include
62 restrictions to ensure the parcel is used primarily for the purpose of housing development and in
63 a manner consistent with the RFP but if the property reverts to the ownership of the
64 commonwealth, then it shall be under no such restriction. The parcel shall not be subject to any
65 local zoning ordinances or regulations.

66 SECTION 8. Notwithstanding any general or special law to the contrary, the person
67 leasing or buying the parcel shall be responsible for all costs and expenses, including but not
68 limited to, costs associated with any engineering, surveys, appraisals, and deed preparation
69 related to the conveyances authorized pursuant to this act as such costs may be determined by the
70 commissioner of the division. Upon conveyance of the parcel, the person leasing or owning the
71 parcel shall be solely responsible for all costs, liabilities and expenses of any nature and kind for
72 the development, maintenance, use and operation of the parcel.

73 SECTION 9. Sections 2 and 3 of this act are hereby repealed.

74 SECTION 10. Section 9 shall take effective on December 31, 2023.