

HOUSE No. 4359

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 28, 2014.

The committee on Ways and Means, to whom was referred the Bill to preserve the historic Speedway Administration Building in the Brighton district of the city of Boston (House, No. 4337, changed), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4359).

For the committee,

BRIAN S. DEMPSEY.

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act to preserve the historic Speedway Administration Building in the Brighton district of the city of Boston.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to promote the preservation and adaptive reuse of an important state-owned historic resource, 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:

1 SECTION 1. Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General
2 Laws or any general or special law to the contrary, and pursuant to such additional terms and
3 conditions as the commissioner of capital asset management and maintenance may prescribe, the
4 division of capital asset management and maintenance, in consultation with the department of
5 conservation and recreation, may lease a portion of a parcel of land and the so called Speedway
6 Administration Building, and convey part of the same parcel by deed or lease the same to the
7 Architectural Heritage Foundation, Inc., a Massachusetts non-profit corporation, or its nominee
8 in which it maintains an interest, as the Architectural Heritage Foundation was selected through
9 an open and public process by the department of conservation and recreation in accordance with
10 the historic curatorship statute, being section 44 of chapter 85 of the acts of 1994, as amended by
11 section 50 of chapter 15 of the acts of 1996, as amended by section 19 of chapter 236 of the acts
12 of 2002, as amended by section 76 of chapter 182 of the acts of 2008, as amended by section 22
13 of chapter 302 of the acts of 2008, as amended by section 14 of chapter 312 of the acts of 2008,
14 as amended by sections 1 and 2 of chapter 164 of the acts of 2009, as amended by sections 1 and
15 2 of chapter 67 of the acts of 2011. The parcel is presently under the care, custody and control of
16 the department of conservation and recreation and held for conservation and recreation purposes.

17 SECTION 2. The parcel referenced in section 1 consists of 2 lots of lands. The first lot
18 of land fronts Soldiers Field Road, contains approximately 8,515 square feet of land, and is
19 shown on the city of Boston Assessors' Maps as Parcel No. 2200577001. The second lot of land

20 contains approximately 38,155 square feet, and is a portion of the land shown on city of Boston
21 Assessors' Maps as Parcel No. 2200577000, with said portion being bounded by Western
22 Avenue, the above-referenced Parcel No. 2200577001, the land shown on the city of Boston
23 Assessors' Maps as Parcel No. 2200576000, and Soldiers Field Road. Notwithstanding any
24 general or special law to the contrary, the exact location and boundaries of the areas to be leased
25 or conveyed, and the subdivision of the parcel and lots, shall be determined by the commissioner
26 of capital asset management and maintenance in consultation with the department of
27 conservation and recreation.

28 SECTION 3. The division of capital asset management and maintenance shall proceed in
29 accordance with the proposal of the Architectural Heritage Foundation, Inc., as approved by the
30 department of conservation and recreation following the open process conducted by the
31 department under the historic curatorship statute. The proposal generally includes preservation
32 of the historically significant portions of the Speedway Administration Building in accordance
33 with the Secretary of the Interior's Standards for Historic Rehabilitation, demolition of minor
34 non-significant building additions, adaptive reuse for residential housing, non-profit organization
35 offices, artist studio, or commercial or retail space, and the construction of a new multi-story
36 building on the portion of the parcel authorized for conveyance by deed. Notwithstanding any
37 general or special law or rule or regulation to the contrary, the new improvements shall be
38 approved by the department consistent with the proposal and shall not be subject to dimensional,
39 height and setback requirements of local zoning ordinances or zoning regulations, provided,
40 however, that no new building shall exceed 35 feet in height for the façade of any portion of the
41 building bordering Western Avenue, and shall not exceed 75 feet in building height as measured
42 from Western Avenue but the Architectural Heritage Foundation, Inc. shall apply for permits
43 from the city for the construction and occupancy of the new building, if the area is conveyed by
44 the commonwealth, and the new building shall be otherwise subject to local zoning and other
45 ordinances and regulations, including 5 per cent over the inclusionary development policy of the
46 city of Boston and the Boston Redevelopment Authority for affordable units. The division and
47 the department shall consult with the Boston Redevelopment Authority on the design review of
48 any new buildings to be constructed on the parcel. The division may retain a conservation or
49 preservation restriction over any area conveyed by deed, to be held by the department of
50 conservation and recreation for the benefit of the remaining portion of the parcel. The division is
51 authorized to grant or retain any easements as necessary to effectuate the purposes of this
52 section. The lease of the Speedway Administration Building, once executed, shall be
53 administered by the department of conservation and recreation as part of its historic curatorship
54 program. Any deed, lease or other agreements shall ensure, in the discretion of the division and
55 the department, that rents, unit or other sale proceeds, or other revenues generated from the area
56 to be conveyed by deed are sufficiently accounted for and dedicated to ensure the continuing
57 proper management, maintenance and capital repair of the Speedway Administration Building
58 and its grounds throughout the term of the lease as set forth in the Architectural Heritage
59 Foundation, Inc. proposal. During the term of the lease, the land to be conveyed by deed shall be

60 limited to residential use or the uses identified and accepted by the department within the
61 proposal of the Architectural Heritage Foundation, Inc. and shall not be sold, transferred or
62 conveyed to a private college or university or its agent. The lessee under the lease, shall install
63 and maintain a sign, on the parcel, at or near the corner of Western Avenue and Soldiers Field
64 Road, stating “Welcome to Allston-Brighton”, and provide for and maintain appropriate
65 landscaping, subject to the approval of and design standards of the department. The lessee shall
66 provide a minimum of 300 square feet of office space to an Allston/Brighton non-profit for a fee
67 of 1 dollar per calendar year within the restored Speedway Building. The lessee shall contract
68 with a bicycle sharing partner to provide rental biking opportunities on the Speedway
69 Administration Building parcel for a period of 10 years and thereafter for the length of the lease.

70 SECTION 4. In furtherance of the commonwealth’s policy to ensure a no-net-loss of
71 lands protected for natural resource purposes, the consideration for the lease and conveyance
72 authorized in section 1 shall be the full and fair market value of the parcel, as determined by the
73 division of capital asset management and maintenance based upon an independent professional
74 appraisal, provided that the division shall credit the value of any improvements to the Speedway
75 Administration Building and maintenance and management services provided by the
76 Architectural Heritage Foundation, Inc. under the lease towards the consideration. The appraisal
77 required by this section shall be subject to the review and approval of the inspector general, and
78 such review shall include an examination of the methodology utilized for the appraisal. Within
79 30 days after receiving an appraisal, the inspector general shall prepare a report of his review and
80 file the report with the division of capital asset management and maintenance for submission by
81 the division to the house and senate committees on ways and means and the joint committee on
82 state administration and regulatory oversight. The division shall submit copies of the appraisals,
83 and the inspector general’s review and approval and comments, if any, to the house and senate
84 committees on ways and means and the joint committee on state administration and regulatory
85 oversight at least 15 days prior to the execution of documents effecting the transfers described in
86 section 1. All consideration not fulfilled by the value of the improvements and maintenance and
87 management of the Speedway Administration Building shall be deposited in the Division of
88 State Parks and Recreation Trust Fund, established by section 34 of chapter 92 of the General
89 Laws.

90 SECTION 5. Architectural Heritage Foundation, Inc. shall be responsible for all costs
91 and expenses including, but not limited to, costs associated with any engineering, surveys,
92 appraisals, deed preparation related to the conveyance authorized in this act as those costs may
93 be determined by the division of capital asset management and maintenance.