

# HOUSE . . . . . No. 4412

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 13, 2020.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 4033) 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, reports recommending that the accompanying bill (House, No. 4412) ought to pass.

For the committee,

DANIELLE W. GREGOIRE.

**HOUSE . . . . . No. 4412**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act to create the Leo M. Birmingham Parkway Trust Fund.

*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. Chapter 92 of the General Laws is hereby amended by inserting after  
2 section 34D the following section:-

3           Section 34E. There shall be a Leo M. Birmingham Parkway Trust Fund, which shall be  
4 used for the purposes of advancing recreational, educational and conservation interests including,  
5 but not limited to, the maintenance of facilities and infrastructure improvements for the parcel of  
6 land shown on the city of Boston assessor’s map as, parcel identification number 2202762003,  
7 Leo M. Birmingham Parkway, Boston, MA 02135, lot size 584,814 square feet; and provided  
8 further and notwithstanding any general or special law to the contrary that the parcel, excluding  
9 the roadway, shall be used exclusively as a public park for recreational purposes and entitled in  
10 all respects to protections afforded to public parkland under article XCVII of the amendments to  
11 the Massachusetts constitution; and provided further that a bocce court be maintained on the  
12 parcel. The trust shall receive, hold and expend any monies received from public or private  
13 sources as appropriations, gifts, grants or donations, fees generated by permits, licenses and all  
14 other agreements not currently being directed to the General Fund relating to the use of the Leo

15 M. Birmingham Parkway as authorized by the commissioner of the department of conservation  
16 and recreation in consultation with the Friends of Leo M. Birmingham Parkway Advisory Board.  
17 The department shall not make expenditures from this fund so as to cause the fund to be  
18 deficient. The books and records of the Leo M. Birmingham Parkway Trust Fund shall be  
19 subject to an audit by the state auditor, in accordance with generally accepted government  
20 auditing standards, as often as the state auditor determines is necessary.

21 SECTION 2. Notwithstanding any general or special law to the contrary, there shall be  
22 established a Leo M. Birmingham Parkway Advisory Board which shall consist of no more than  
23 15 members appointed to 4 year terms: 1 of whom shall be a chairperson appointed by a majority  
24 vote of the senator for the Second Suffolk and Middlesex district, the senator for the Middlesex  
25 and Suffolk district, the representative for the Seventeenth Suffolk District, and the  
26 representative for the Eighteenth Suffolk District; 2 of whom shall be appointed by the senator  
27 for the Second Suffolk and Middlesex district; 2 of whom shall be appointed by the senator for  
28 the Middlesex and Suffolk district; 2 of whom shall be appointed by the representative for the  
29 Seventeenth Suffolk District; 2 of whom shall be appointed by the representative for the  
30 Eighteenth Suffolk District.

31 SECTION 3. The Leo M. Birmingham Parkway Advisory Board appointed under Section  
32 2 of this act may by a majority vote appoint up to 7 additional members to the board.

33 SECTION 4. The Leo M. Birmingham Parkway Advisory Board shall have the  
34 following responsibilities: to create bylaws governing the operation of the board which shall  
35 include but not limited to, policies and procedures for appointing members under Section 3 of  
36 this act, determining specific biannual meeting dates, and adopting rules and regulations

37 governing conduct and activity within the Leo M. Birmingham Parkway as described in Section  
38 1 in consultation with and subject to the approval of the commissioner of the department of  
39 conservation and recreation.