

SENATE No. 00371

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 bill:

An Act to revitalize the Commonwealth's waterfronts.

PETITION OF:

NAME:

Anthony W. Petruccelli

DISTRICT/ADDRESS:

First Suffolk and Middlesex

SENATE No. 00371

By Mr. Petruccelli, petition (accompanied by bill, Senate, No. 371) of Petruccelli for legislation to revitalize the Commonwealth's waterfronts [Joint Committee on Environment, Natural Resources and Agriculture].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

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

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

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

10 For the purposes of this section and section eighteen, proper public purpose shall include, but not
11 be limited to, provision of public access to the water; provision of facilities supporting and/or

12 compatible with maritime commerce and activities; revitalization of underutilized waterfront
13 properties; promotion of regional and local commerce, employment, economic development, and
14 community renewal; and promotion of other community or maritime uses in the area.

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

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

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

30 The department shall promulgate regulations for implementation of its authority under
31 this chapter which shall authorize, without limitation, alternative measures funded or otherwise
32 taken by a licensee to provide water dependent uses and/or uses accessible to the public

33 elsewhere in the harbor or otherwise in the vicinity of the licensed premises to satisfy the
34 requirements of this chapter.

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