

HOUSE No. 833

The Commonwealth of Massachusetts

PRESENTED BY:

Aaron Michlewitz

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 confirming Commercial Wharf East Condominium Association present uses as authorized by the Downtown Waterfront-Faneuil Hall Urban Renewal Plan and Chapter 663 of the Acts of 1964 and Chapter 310 of the Acts of 1972 and preventing residents from being forced to sell their property and leave.

PETITION OF:

NAME:

Aaron Michlewitz

DISTRICT/ADDRESS:

3rd Suffolk

HOUSE No. 833

By Mr. Michlewitz of Boston, a petition (accompanied by bill, House, No. 833) of Aaron Michlewitz relative to the uses of the land owned by the Commercial Wharf East Condominium and its condominium unit owners in the city of Boston under the tidelands law. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

An Act confirming Commercial Wharf East Condominium Association present uses as authorized by the Downtown Waterfront-Faneuil Hall Urban Renewal Plan and Chapter 663 of the Acts of 1964 and Chapter 310 of the Acts of 1972 and preventing residents from being forced to sell their property and leave.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Whereas, one of the public purposes set forth in the Downtown Waterfront-Faneuil Hall
2 Urban Renewal Plan, dated April 15, 1964 as adopted by the Boston Redevelopment Authority
3 (“BRA”) and the City of Boston, and authorized through Chapter 663 of the Acts of 1964 and
4 Chapter 310 of the Acts of 1972 was to preserve the historic granite building on Commercial
5 Wharf that was built with granite quarried from Quincy, MA and utilized construction techniques
6 that were unique at the time;

7 Whereas, one of the public purposes was to revitalize the City of Boston through the
8 restoration of residential communities along the waterfront and to rehabilitate the building on
9 Commercial Wharf into a mixed-use condominium facility that was predominantly residential
10 but also permitted the first and second floors of the condominium building to be used for

11 residential, office or other commercial use, together with accessory uses as required by the Urban
12 Renewal Plan;

13 Whereas, one of the public purposes of the Urban Renewal Plan was to preserve the
14 waterfront for public use and to foster such use by limiting development along the waterfront
15 that would interfere with public access, use and enjoyment of the waterfront through height and
16 other restrictions;

17 Whereas, to accomplish these public purposes, the BRA in consultation with the
18 Department of Public Works (then entrusted with the implementation of M.G.L. c. 91) entered
19 into a Rehabilitation Agreement, dated May 10, 1974 and recorded at the Registry in Book 8710,
20 Page 63 and as part of the Rehabilitation Agreement required that Commercial Wharf be used in
21 certain ways and required as well an easement over Commercial Wharf for the purpose of public
22 access to the waterfront for the purposes of fishing, fowling and navigation;

23 Whereas, the requirements of the Rehabilitation Agreement were implemented through
24 the Master Deed for Commercial Wharf East Condominium Association as well as through
25 individual deeds that permitted the first and second floors of the building to be used
26 interchangeable for residential, office or other commercial uses;

27 Now, Therefore, the Downtown Waterfront-Faneuil Hall Urban Renewal Plan, as
28 implemented through Chapter 663 of the Acts of 1964 and Chapter 310 of the Acts of 1972, is
29 hereby acknowledged to serve a proper public purpose and, accordingly, the Commonwealth
30 affirms that the present uses of the land, as set forth in the 1974 Rehabilitation Agreement and
31 Master Deed, have been and are properly authorized in conjunction with such public purpose by
32 Chapter 663 of the Acts of 1964 and Chapter 310 of the Acts of 1972 and under M.G.L. c. 91.

33 Such uses include using the units on the first and second floor of Commercial Wharf
34 interchangeably for residential, office or other commercial purposes together with existing
35 accessory uses.

Captain Bill –

Legislation currently before the Massachusetts state legislature not only threatens public access to Boston's Waterfront but could set a dangerous precedent for waterfronts across the Commonwealth.

No one is exempt from the state's public access law (Chapter 91) – but this bill would clear the way for a Boston condo association to ignore their obligations to provide public access to the waterfront.

Allowing this bill to pass would open the door for property owners across the state to circumvent centuries-old public access principles and privatize waterfronts – and we're ready to fight to make sure our waterfront areas stay public.

Will you stand up for public spaces alongside us?

Make a call to the Joint Committee on Environment, Natural Resources, and Agriculture, and tell them to kill H.833 before it rolls back protections for our waterfront.

CALL NOW

Our right to access the waterfront is enshrined in Massachusetts law – and Conservation Law Foundation will continue to fight for its preservation, no matter what.

We have a right to access Boston Harbor and the Waterfront, even as developers and private entities lobby their political allies to look the other way. We cannot afford to lose any more of Boston's waterfront to private interests.

Call a member of the Joint Committee today and tell them to stop H.833 from setting a dangerous precedent.

Thank you for all you do for a better, brighter future for Massachusetts. We couldn't do this work without you.

Onward,

Deanna Moran
Director of Environmental Planning
Conservation Law Foundation

*P.S. For more background on this bill, **check out our blog.***