

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Morrissey, Michael (SEN)

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 authorizing the Department of Conservation and Recreation to provide leases to yacht clubs on its property.

PETITION OF:

NAME:

Morrissey, Michael (SEN)

DISTRICT/ADDRESS:

Norfolk and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00527 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE DEPARTMENT OF CONSERVATION AND RECREATION TO
PROVIDE LEASES TO YACHT CLUBS ON ITS PROPERTY.

*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 120, the following section:-
3 Section 121. (a) The commissioner of the division of capital asset management and
4 maintenance may, in consultation with the department of conservation and recreation and
5 notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7, enter into leases or
6 other agreements for a term up to 10 years with existing nonprofit organizations located on
7 public park land under the care and control of the department regarding the land associated with
8 the following boating and yacht facilities: Union Boat Club, Boston; Cambridge Boat Club,
9 Cambridge; Riverside Boat Club, Cambridge; Buckingham, Browne & Nichols Boat House,
10 Cambridge; M.I.T. Boat House, Cambridge; Belmont Hill / Winsor Boat House, Cambridge;
11 Tufts University, Medford; Harvard Sailing Pavilion, Cambridge; Boston University Sailing

12 Pavilion, Boston; M.I.T. Sailing Pavilion, Cambridge; Puritan Canoe Club, Boston; Neponset
13 Valley Yacht Club, Milton/Braintree; Wollaston Yacht Club, Quincy; Squantum Yacht Club,
14 Quincy; South Shore Yacht Club, Weymouth; Charlesgate Yacht Club, Cambridge; Charles
15 River Yacht Club, Cambridge; Newton Yacht Club, Newton; Columbia Yacht Club, Boston;
16 South Boston Yacht Club, Boston; Riverside Yacht Club, Medford; Medford Boat Club,
17 Medford; Mystic Wellington Yacht Club, Medford; Winterhill Yacht Club, Somerville;
18 Watertown Yacht Club, Watertown; East Boston Yacht Club, Boston; Dorchester Yacht Club,
19 Dorchester; and Boston Harbor Yacht Club, Boston.

20 (b) Such leases and other agreements shall be on terms and conditions acceptable to the
21 commissioner of the division of capital asset management and maintenance, after consultation
22 with the commissioner of the department of conservation and recreation, and shall require
23 appropriate public access to public park land and outreach and stewardship by the lessees. The
24 department of conservation and recreation shall consider the following criteria when negotiating
25 lease fees with yachting and boating clubs: the club's service to the community; community
26 outreach and public access; the actual revenue generated by the club; the number of years the
27 club has been at that location; the size of the club's dues-paying membership; the nature and type
28 of services the yacht club provides to its members; the capital improvements and maintenance on
29 clubs located on the department's properties; future capital improvements or need for
30 improvements to the facilities; the historic nature of the facilities and their use; and the fees and
31 taxes paid by the club to the municipality in which it is located.

32 (c) The lease or other agreement shall be prepared in accordance with the generally accepted
33 real estate principles and in accordance with the criteria in section (b). The inspector general
34 shall review and approve the lease or other agreement, and his review shall include an

35 examination of the methodology used for the negotiations. The commissioner shall, 30 days
36 prior to the execution of any lease or other agreement authorized by this section, submit the lease
37 or other agreement to the inspector general. The inspector general shall prepare a report of his
38 review and approval of the lease or other agreement and file the report with the commissioner,
39 and copies of the report shall be filed with the house and senate committees on ways and means
40 and with the chairmen of the joint committee on state administration at least 15 days prior to the
41 execution. All funds received under the lease or other agreement shall be deposited into the
42 Urban Parks Trust Fund, established pursuant to section 34 of Chapter 92. The division, in
43 consultation with the department, is authorized to grant a 10 year extension to any lease or other
44 agreement.

45 (d) The department of conservation and recreation and the lessee shall be responsible for their
46 own costs associated with any appraisal, survey or other expense, unless otherwise specified in
47 the lease or other agreement.