

APPENDIX G:
HISTORIC CURATORSHIP ENABLING LEGISLATION

**DCR Historic Curatorship Program Enabling Legislation and Amendments
(As amended through 2018)**

Section 44, Chapter 85, Acts of 1994

SECTION 44. Notwithstanding the provisions of any general or special law to the contrary, the department of environmental management may, consistent with established procedures of the division of capital planning and operations, and as provided herein, lease real property under its control and supervision to any person or organization, if the commissioner of said department makes a determination that such lease will adequately ensure the preservation and maintenance of an historic property, and that such lease is otherwise consistent with the department's duties and responsibilities.

For the purposes of this section the following words shall have the following meanings:-

"Historic property", any real property possessing historic value, and so identified hereunder in this section.

Any lease entered into by the department pursuant to this section shall provide, at a minimum, for the following: (a) the improvement and maintenance and management, throughout the term of the lease, of the property by the Tenant in conformance with appropriate standards for rehabilitation of historic properties approved by the Massachusetts historical commission, and all other applicable provisions of law; (b) the payment to the department of fair market rent for the property, provided that the value of any improvements and maintenance and management services provided by the Tenant under the lease may be deducted from the amount payable over the term of the lease; (c) a finding by the commissioner that the property covered by the lease, while not needed for use by the department for the duration of the lease, is nonetheless subject to its statutory duty under section one of chapter twenty-one of the General Laws to exercise control and supervision of areas of historic significance committed to it, and that the lease is entered into by the department pursuant to said duty; (d) the opening of the property to the public, no less often than twice each year, for the purpose of providing public access to the historic qualities of the property; and (e) any and all other provisions, terms and conditions as the commissioner may deem necessary and appropriate to protect the interests of the commonwealth and ensure the adequate preservation of the historic or other qualities of the property for future generations.

Historic properties subject to the provisions of this section shall include: the Barton house, so-called, Foxborough state forest, the Bell house, so-called, in Maudslay state park, the farm house, so-called, in Maudslay state park, the superintendent's house, so-called, in Wachusett Mountain state reservation, the Benjamin Osborne house, so-called, in Mount Washington state forest, Palmer mansion, so-called, in Bradley Palmer state park, E. F. Dodge house, so-called, in Bradley Palmer state park, Summit house, so-called, in Skinner state park, Hunter House, so-called, in Windsor state forest, Lowell Litchfield house, so-called, in Carlisle state forest, Graham house, so-called, in Nickerson state park, the former Knights of Columbus camp, so-called, in Dubuque state forest, Hunt house, so-called, in Mount Washington state forest, the gatekeeper's house and shed, so-called, Lowell heritage park, the superintendent's house, so-called, Beartown state forest, Swans Lodge and barn, so-called, Beartown state forest, the Intemann house, so-called, Mount Washington state forest, Crosby mansion, so-called, Nickerson state park, Graham house, so-called, Nickerson state park, Vierick house, so-called, Halibut Point state park, Elder house, so-called, Natural Bridge state park, Windago

Camp compound, so-called, Windsor state forest, and Bascom Lodge, so-called, Mount Greylock state reservation.

The commissioner shall establish guidelines for the implementation of a program of curatorship leases, provided, however, that such guidelines shall, at a minimum, provide for an open, competitive process for selecting lessees.

Historic Curatorship Enabling Legislation Amendments

Section 50, Chapter 15, Acts of 1996

SECTION 50. Said section 44 of said chapter 85 is hereby further amended by striking out, in line 35, the words ", E.F. Dodge house" and inserting in place thereof the following words:-, the Coach House and Carriage Garage at Bradley Palmer State Park, the Farm Complex at Maudslay State Park, Gilder House complex at Jug End, the Weeks House at Myles Standish State Forest, the Baker Chocolate Factory Company Administration Building at Lower Mills in the city of Boston, Lamson House and garage.

Section 19, Chapter 236, Acts of 2002

SECTION 19. Section 44 of chapter 85 of the acts of 1994, as amended by section 50 of chapter 15 of the acts of 1996, is hereby further amended by inserting after the word "forest", in line 31, the following words:- , Smith farmhouse, garage and barn in Borderland state park, Woodis house in Acushnet cedar swamp state reservation, Harlow house and barn in Ellenville state park, the farmhouse and barn in Carroll A. Holmes recreational area, formerly known as Lake Wyola state park, and coachman's house and barn in Maudslay state park.

Section 76, Chapter 182 of the Acts of 2008

SECTION 76. Section 44 of chapter 85 of the acts of 1994, as most recently amended by [section 19 of chapter 236 of the acts of 2002](#), is hereby further amended by inserting after the words "Mount Greylock state reservation" the following words:- , Whitehead House at Willowdale state forest, Kerighan House at Bradley Palmer state park.

Section 14, Chapter 312 of the Acts of 2008

SECTION 14. Section 44 of chapter 85 of the Acts of 1994, as most recently amended by section 19 of chapter 236 of the acts of 2002, is hereby further amended by inserting after the word "reservation", in line 45, the following words:- , CCC Camp in Upton state forest.

Section 22, Chapter 302, Acts of 2008

SECTION 22. Section 44 of chapter 85 of the acts of 1994, as most recently amended by section 76 of chapter 182 of the acts of 2008, is hereby further amended by inserting after the word "reservation", in line 45, the following words:- , Wilbur Farmhouse and Barn at Borderland state park, police station, dormitory, laundry and waiting room structures at Nantasket Beach reservation, Caretaker's Cottage and the Barn at Brookwood Farm in the Blue Hills reservation, 1 Woodland Road in the Middlesex Fells reservation, Print Shop at the Brook Farm Historic Site in West Roxbury, Carriage House at Havey Beach in West Roxbury, CCC Camp in Upton state forest and the Teahouse and Boathouse in Maudslay state park

Chapter 164, Acts of 2009

AN ACT RELATIVE TO THE LEASING OF THE HORSENECK POINT LIFESAVING STATION IN THE TOWN OF WESTPORT TO THE WESTPORT FISHERMEN'S ASSOCIATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the lease of the lifesaving station in the town of Westport to the Westport Fishermen's Association, 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:

SECTION 1. Section 44 of chapter 85 of the acts of 1994 is hereby amended by striking out, in line 2, the words "environmental management" and inserting in place thereof the following words:- conservation and recreation.

SECTION 2. Said section 44 of said chapter 85 is hereby further amended by inserting after the word "forest", in line 44, the following words:- , Horseneck Point Lifesaving Station in the Horseneck Beach State Reservation.

SECTION 3. Notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws or section 44 of chapter 85 of the acts of 1994 or any other general or special law or rule or regulation to the contrary, the commissioner of conservation and recreation may lease certain land and the building thereon to the Westport Fishermen's Association. The parcel, the exact boundaries of which shall be established prior to such conveyance by a survey commissioned by the commissioner, is located at the corner of West Beach and East Beach roads at Gooseberry Neck in the town of Westport and known as the Horseneck Point Lifesaving Station. The term of such lease shall be 25 years, subject to extension for another 10 year term at the discretion of the commissioner.

SECTION 4. Notwithstanding any general or special law to the contrary, the parcel described in section 3 shall be leased subject to a restriction limiting the use of the parcel to operating a lifesaving museum and promoting the appreciation of the Horseneck Point Lifesaving Station and historic resources. If at any time the property ceases to be used for the purposes described in this section or should the commissioner of conservation and recreation determine that the Westport Fishermen's Association has failed to comply with the terms of the lease entered into between the department and the Westport Fishermen's Association, the commissioner shall give written notice to the lessee of the unauthorized use. The lessee shall, upon receipt of the notice, have 30 days to respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter established, the lease of the parcel, upon the recording of a notice thereof by the commissioner in the appropriate registry of deeds, shall terminate and any further disposition of the property shall be subject to chapter 7 of the General Laws.

SECTION 5. Notwithstanding any general or special law, or any rule or regulation to the contrary, the commissioner of capital asset management and maintenance shall, 30 days before the execution of any lease authorized by this act, or any subsequent amendment thereto, submit the proposed lease or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of the proposed lease or amendment. The commissioner of

capital asset management and maintenance shall submit the proposed lease or amendment, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days before execution of said lease.

SECTION 6. Notwithstanding any general or special law to the contrary, the lessee shall be responsible for all costs associated with the lease of the property under this act including but not limited to, costs associated with any engineering, surveys and legal or recording fees as such costs may be determined by the commissioner of capital asset management and maintenance. During the term of the lease, the lessee shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance and operation of the leased property.

SECTION 7. Use of the Horseneck Point Lifesaving Station shall be in compliance with all applicable statutes, regulations and executive orders, including, but not limited to, laws relating to environmental protection and the Westport Fishermen's Association shall secure all necessary approvals and permits. Failure to obtain or maintain compliance with these statutes, regulations and executive orders or to obtain and maintain permits and approvals shall constitute cause for termination of the lease and the notice and right to cure provisions of section 4 shall apply.

SECTION 8. The use of the Horseneck Point Lifesaving Station shall not interfere with the commonwealth's use and operation of adjacent property as a state park.

Chapter 67, Acts of 2011, Sections 1 and 2

SECTION 1. Section 44 of chapter 85 of the acts of 1994 is hereby amended by inserting after the words "Horseneck Beach State Reservation", inserted by section 2 of chapter 164 of the acts of 2009, the following words:- Officers' Quarters at Fort Revere in the town of Hull, Gatekeeper's House at Maudslay State Park, Gates House at Wachusett Mountain State Reservation, Blue Farmhouse and garage and associated barns 3, 4 and 5 at 215 Cold Spring road and Red Farmhouse and shed at 220 Cold Spring road at Spectacle Pond in the town of Sandisfield, the McKay House at Willowdale State Forest, 57 Dedham street in the Hyde Park section of the city of Boston, Speedway Administration Building located in the Brighton section of the city of Boston, the Police Substation on Furnace Brook Parkway in the city of Quincy, the Compressor Building at Quincy Quarries in the Blue Hills Reservation, any of the cottages on Peddock's Island in the Boston Harbor Islands National Park Area, 3 Wompatuck Cottages in Wompatuck State Park, Stress House 1 at Neponset River Reservation and, notwithstanding any general or special law to the contrary, the Schooner Ernestina and a portion of the New Bedford state pier, to provide sufficient berthing space.

SECTION 2. Said section 44 of said chapter 85 is hereby further amended by inserting after the fourth paragraph the following paragraph:-

Notwithstanding section 182B of chapter 6 of the General Laws, the department shall, as a condition of a lease of the Schooner Ernestina, require that the lessee consult with the Cape Verdean Association in New Bedford in order to provide historic and cultural education programs at said Schooner.

Section 186, Chapter 165, Acts of 2014

SECTION 83F. Section 44 of chapter 85 of the acts of 1994 is hereby amended by inserting after the words “Stress House 1 at Neponset River Reservation” inserted by section 1 of chapter 67 of the acts of 2011, the following words:- Cochituate Headhouse at Lake Cochituate in the town of Wayland.

Chapter 242, Acts of 2014

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the lease of certain parkland in the city of Cambridge, 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:

The fourth paragraph of section 44 of chapter 85 of the acts of 1994, as most recently amended by section 1 of [chapter 67 of the acts of 2011](#), is hereby further amended by inserting after the words “Mount Greylock State Reservation” the following words:- Powder House, so-called, at Magazine beach in the city of Cambridge.

Section 127, Chapter 46, Acts of 2015

The fourth paragraph of section 44 of chapter 85 of the acts of 1994, as most recently amended by chapter 242 of the acts of 2014, is hereby further amended by inserting after the words “the city of Cambridge” the following words:- William H. Peterson House, so-called, at 22 Turnpike street in the Blue Hills State Reservation in the city of Canton.

Section 69, Chapter 209, Acts of 2018

The fourth paragraph of section 44 of chapter 85 of the acts of 1994 is hereby amended by inserting after the word “Canton”, as appearing in section 127 of chapter 46 of the acts of 2015, the following words:- , Randolph Avenue Stables at 1333 Randolph avenue in the Blue Hills State Reservation in the town of Milton, 7 Brainard street in the Stonybrook State Reservation in the Hyde Park section of the city of Boston.

Chapter 262 of the Acts of 2014 (former House Bill H.4359)
(not an amendment to the Section 44, Chapter 85, Acts of 1994)

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, 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:

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

SECTION 2. The parcel referenced in section 1 consists of 2 lots of lands. The first lot of land fronts Soldiers Field Road, contains approximately 8,515 square feet of land, and is shown on the city of Boston Assessors' Maps as Parcel No. 2200577001. The second lot of land contains approximately 38,155 square feet, and is a portion of the land shown on city of Boston Assessors' Maps as Parcel No. 2200577000, with said portion being bounded by Western Avenue, the above-referenced Parcel No. 2200577001, the land shown on the city of Boston Assessors' Maps as Parcel No. 2200576000, and Soldiers Field Road. Notwithstanding any general or special law to the contrary, the exact location and boundaries of the areas to be leased or conveyed, and the subdivision of the parcel and lots, shall be determined by the commissioner of capital asset management and maintenance in consultation with the department of conservation and recreation.

SECTION 3. The division of capital asset management and maintenance shall proceed in accordance with the proposal of the Architectural Heritage Foundation, Inc., as approved by the department of conservation and recreation following the open process conducted by the department under the historic curatorship statute. The proposal generally includes preservation of the historically significant portions of the Speedway Administration Building in

accordance with the Secretary of the Interior's Standards for Historic Rehabilitation, demolition of minor non-significant building additions, adaptive reuse for residential housing, non-profit organization offices, artist studio, or commercial or retail space, and the construction of a new multi-story building on the portion of the parcel authorized for conveyance by deed.

Notwithstanding any general or special law or rule or regulation to the contrary, the new improvements shall be approved by the department consistent with the proposal and shall not be subject to dimensional, height and setback requirements of local zoning ordinances or zoning regulations, provided, however, that no new building shall exceed 35 feet in height for the façade of any portion of the building bordering Western Avenue, and shall not exceed 75 feet in building height as measured from Western Avenue but the Architectural Heritage Foundation, Inc. shall apply for permits from the city for the construction and occupancy of the new building, if the area is conveyed by the commonwealth, and the new building shall be otherwise subject to local zoning and other ordinances and regulations, including 5 per cent over the inclusionary development policy of the city of Boston and the Boston Redevelopment Authority for affordable units. The division and the department shall consult with the Boston Redevelopment Authority on the design review of any new buildings to be constructed on the parcel. The division may retain a conservation or preservation restriction over any area conveyed by deed, to be held by the department of conservation and recreation for the benefit of the remaining portion of the parcel. The division is authorized to grant or retain any easements as necessary to effectuate the purposes of this section. The lease of the Speedway Administration Building, once executed, shall be administered by the department of conservation and recreation as part of its historic curatorship program. Any deed, lease or other agreements shall ensure, in the discretion of the division and the department, that rents, unit or other sale proceeds, or other revenues generated from the area to be conveyed by deed are sufficiently accounted for and dedicated to ensure the continuing proper management, maintenance and capital repair of the Speedway Administration Building and its grounds throughout the term of the lease as set forth in the Architectural Heritage Foundation, Inc. proposal. During the term of the lease, the land to be conveyed by deed shall be limited to residential use or the uses identified and accepted by the department within the proposal of the Architectural Heritage Foundation, Inc. and shall not be sold, transferred or conveyed to a private college or university or its agent. The lessee under the lease, shall install and maintain a sign, on the parcel, at or near the corner of Western Avenue and Soldiers Field Road, stating "Welcome to Allston-Brighton", and provide for and maintain appropriate landscaping, subject to the approval of and design standards of the department. The lessee shall provide a minimum of 300 square feet of office space to an Allston/Brighton non-profit for a fee of 1 dollar per calendar year within the restored Speedway Building. The lessee shall contract with a bicycle sharing partner to provide rental biking opportunities on the Speedway Administration Building parcel for a period of 10 years and thereafter for the length of the lease, provide a service with a recreational purpose.

SECTION 4. In furtherance of the commonwealth's policy to ensure a no-net-loss of lands protected for natural resource purposes, the consideration for the lease and conveyance authorized in section 1 shall be the full and fair market value of the parcel, as determined by the division of capital asset management and maintenance based upon an independent professional appraisal, provided that the division shall credit the value of any improvements to the Speedway Administration Building and maintenance and management services provided by the Architectural Heritage Foundation, Inc. under the lease towards the consideration. The appraisal required by this section shall be subject to the review and approval of the inspector general, and such review shall include an examination of the methodology utilized for the appraisal. Within 30 days after receiving an appraisal, the inspector general shall prepare a report of his review and file the report with the division of capital asset management and

maintenance for submission by the division to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. The division shall submit copies of the appraisals, and the inspector general's review and approval and comments, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days prior to the execution of documents effecting the transfers described in section 1. All consideration not fulfilled by the value of the improvements and maintenance and management of the Speedway Administration Building shall be deposited in the Division of State Parks and Recreation Trust Fund, established by section 34 of chapter 92 of the General Laws.

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

Section 224 of Chapter 127 of the Acts of 1999

Crosby Mansion / Cottages Legislation

(not an amendment to the Section 44, Chapter 85, Acts of 1994)

Section 1. Notwithstanding section forty-four of chapter eighty-five of the acts of 1994, as amended by section fifty of chapter fifteen of the acts of 1996, the commissioner of the department of environmental management is authorized to convey to the town of Brewster a leasehold interest in the Crosby Mansion, so-called, and three cottages in Nickerson State Park. The area of said leasehold is described on a plan to be filed with the department of environmental management entitled "Land and buildings in Nickerson State Park to be leased to the town of Brewster." Said lease shall contain terms and conditions established by the department. Notwithstanding any other provision of law, the term of such lease shall be twenty-five years, subject to extension for another ten year term at the discretion of the commissioner.

Section 2. The use of said Crosby Mansion and cottages shall be for Town municipal purposes, and for promoting the appreciation of the Mansion and historic resources. Should said use terminate, or should the commissioner determine that the town has failed to comply with the terms of the lease entered into between said department and the town, the property described in section 1 shall revert to said department.

Section 3. Use of said mansion and cottages shall be in compliance with all statutes, regulations and executive orders governing, but not limited to environmental protection, and the town shall secure all necessary approvals and permits. Failure to obtain or maintain compliance with said statutes, regulations, or to obtain and maintain permits and approvals shall constitute cause for termination of said lease.

Section 4. The use of said Mansion and cottages shall not interfere with the Commonwealth's use and operation of adjacent property as a state park.