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Councillor Duehay

Consent

Whereas the Massachusetts River Protection Act, Senate Bill 1620, has passed the Massachusetts Senate and is awaiting action in the House;

Whereas the purpose of the Act is to prevent further degradation of the natural integrity of the state's rivers;

Whereas the operation of the Act will protect and enhance the values of rivers and adjacent lands for natural habitat, beautiful landscapes, water supply, pollution absorption, flood storage, and fishing, boating and other forms of recreation;

Whereas the chief mechanism of the Act establishes a setback for certain types of potentially harmful land use activities adjacent to rivers and streams ranging from 25 to 150 feet and whereas other beneficial land use activities are specifically permitted within the riverfront area;

Whereas the state's twenty most populous and/or densely developed cities and towns are prequalified for a 25 foot setback; and whereas for all other communities, the setback is reduced to 25 feet for densely developed areas (such as the downtowns of mill communities) and/or areas covered by an approved municipal development or river corridor plan and whereas cities and towns are also empowered to adopt local river protection ordinances or bylaws;

Whereas cities and towns are also empowered to grant variances to any landowner for which the strict application of the setback would constitute a hardship, and are required to issue variances where the failure to do so would constitute a "taking";

Whereas existing uses are grandfathered as well as projects that have building or other specified permits in hand and/or have gone through the MEPA process but have yet to begin construction;

Whereas the Act does not establish any new programs or require the expenditure of additional funds at the state or local level;

Whereas the Act does not establish additional rights of public access over private land;

Whereas the Act aids in the administration of the Wetlands Protection Act and reduces the workload of Conservation Commissions by designating an easily defined area within which specific land use activities are allowed or restricted;

Whereas the Act is intended to stabilize and enhance property values through the protection of rivers as natural amenities;

Whereas the Act would lead to a reduction in flood insurance premiums, as restrictions on additional development within the floodplain lowers the risk of flood damage to existing structures;

Whereas the 150 foot setback will keep potential sources of pollutants away from the Charles River and its tributaries upstream, thereby helping to maintain and enhance the water quality of the river downstream in Cambridge;

Whereas this legislation would affect both the Charles River and Alewife Brook in Cambridge (but would not in itself prevent city-endorsed development projects along the rivers from occurring);

Whereas the passage of this Act will maintain and improve the quality of the water in Cambridge's suburban reservoirs since these reservoirs are fed in part by rivers and streams;

Resolved that the Cambridge City Council go on record in favor of passage of Senate Bill 1620 and that the City Clerk immediately deliver copies of this resolution to Senators Havern, Barrett and Traviglioni, to Speaker ~~Flaherty~~ Flaherty and to Representatives Thompson and Toomey, and to members of the Legislature of our bordering communities: Belmont, Arlington, Boston, Watertown and Somerville;

Resolved that the Cambridge City Council asks that the special language inserted by the Senate in the bill to protect Massachusetts Broken Stone in Weston be deleted since its inclusion has an undesirable effect on the Cambridge reservoirs' watershed.



City of Cambridge

26.

IN CITY COUNCIL

June 28, 1993

COUNCILLOR DUEHAY
COUNCILLOR WALSH

WHEREAS: The Massachusetts River Protection Act, Senate Bill 1620, has passed the Massachusetts Senate and is awaiting action in the House; and

WHEREAS: The purpose of the Act is to prevent further degradation of the natural integrity of the state's rivers; and

WHEREAS: The operation of the Act will protect and enhance the values of rivers and adjacent lands for natural habitat, beautiful landscapes, water supply, pollution absorption, flood storage, and fishing, boating and other forms of recreation; and

WHEREAS: The chief mechanism of the Act establishes a setback for certain types of potentially harmful land use activities adjacent to rivers and streams ranging from 25 to 150 feet and whereas other beneficial land use activities are specifically permitted within the riverfront area; and

WHEREAS: The state's twenty most populous and/or densely developed cities and towns are prequalified for a 25 foot setback; and

WHEREAS: For all other communities, the setback is reduced to 25 feet for densely developed areas (such as the downtowns of mill communities) and/or areas covered by an approved municipal development or river corridor plan and whereas cities and town are also empowered to adopt local river protection ordinances or bylaws; and

WHEREAS: Cities and towns are also empowered to grant variances to any landowner for which the strict application of the setback would constitute a hardship, and are required to issue variances where the failure to do so would constitute a "taking"; and

WHEREAS: Existing uses are grandfathered as well as projects that have building or other specified permits in hand and/or have gone through the MEPA process but have yet to begin construction; and

WHEREAS: The Act does not establish any new programs or require the expenditure of additional funds at the state or local level; and

WHEREAS: The Act does not establish additional rights of public access over private land; and

- WHEREAS: The Act aids in the administration of the Wetlands Protection Act and reduces the workload of Conservation Commissions by designating an easily defined area within which specific land use activities are allowed or restricted; and
- WHEREAS: The Act is intended to stabilize and enhance property values through the protection of rivers as natural amenities; and
- WHEREAS: The Act would lead to a reduction in flood insurance premiums, as restrictions on additional development with the floodplain lowers the risk of flood damage to existing structures; and
- WHEREAS: The 150 foot setback will keep potential sources of pollutants away from the Charles River and its tributaries upstream, thereby helping to maintain and enhance the water quality of the river downstream in Cambridge; and
- WHEREAS: This legislation would affect both the Charles River and Alewife Brook in Cambridge (but would not in itself prevent city-endorsed development projects along the rivers from occurring); and
- WHEREAS: The passage of this Act will maintain and improve the quality of the water in Cambridge's suburban reservoirs which are fed in part by rivers and streams; now therefore be it
- RESOLVED: That the City Council go on record in favor of passage of Senate Bill 1620 and that the City Clerk immediately deliver copies of this resolution to Senators Havern, Barrett and Travaglini, to Speaker Flaherty and to Representatives Thompson and Toomey, and to members of the Legislature of our bordering communities: Belmont, Arlington, Boston, Watertown and Somerville; and be it further
- RESOLVED: That the City Council asks that the special language inserted by the Senate in the bill to protect Massachusetts Broken Stone in Weston be deleted since its inclusion has an undesirable effect on the Cambridge reservoirs' watershed.

In City Council June 28, 1993.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
City Clerk



City of Cambridge

26.

IN CITY COUNCIL

June 28, 1993

COUNCILLOR DUEHAY

- WHEREAS: The Massachusetts River Protection Act, Senate Bill 1620, has passed the Massachusetts Senate and is awaiting action in the House; and
- WHEREAS: The purpose of the Act is to prevent further degradation of the natural integrity of the state's rivers; and
- WHEREAS: The operation of the Act will protect and enhance the values of rivers and adjacent lands for natural habitat, beautiful landscapes, water supply, pollution absorption, flood storage, and fishing, boating and other forms of recreation; and
- WHEREAS: The chief mechanism of the Act establishes a setback for certain types of potentially harmful land use activities adjacent to rivers and streams ranging from 25 to 150 feet and whereas other beneficial land use activities are specifically permitted within the riverfront area; and
- WHEREAS: The state's twenty most populous and/or densely developed cities and towns are prequalified for a 25 foot setback; and
- WHEREAS: For all other communities, the setback is reduced to 25 feet for densely developed areas (such as the downtowns of mill communities) and/or areas covered by an approved municipal development or river corridor plan and whereas cities and town are also empowered to adopt local river protection ordinances or bylaws; and
- WHEREAS: Cities and towns are also empowered to grant variances to any landowner for which the strict application of the setback would constitute a hardship, and are required to issue variances where the failure to do so would constitute a "taking"; and
- WHEREAS: Existing uses are grandfathered as well as projects that have building or other specified permits in hand and/or have gone through the MEPA process but have yet to begin construction; and
- WHEREAS: The Act does not establish any new programs or require the expenditure of additional funds at the state or local level; and
- WHEREAS: The Act does not establish additional rights of public access over private land; and

- WHEREAS: The Act aids in the administration of the Wetlands Protection Act and reduces the workload of Conservation Commissions by designating an easily defined area within which specific land use activities are allowed or restricted; and
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- RESOLVED: That the City Council asks that the special language inserted by the Senate in the bill to protect Massachusetts Broken Stone in Weston be deleted since its inclusion has an undesirable effect on the Cambridge reservoirs' watershed.

Walsh Consent Corder # 26 *R-324*
Councillor Duehay re: Senate Bill 1620
Massachusetts River Protection Act.

In City Council,

June 28, 1993

Order adopted