

3.0 LAND USE CONTROLS

The Department of Conservation and Recreation (DCR) owns the air rights above the three canals within the project area, and in many areas, a 20-foot wide strip along the edge of the canals. In order for the proponent to bring roads, bridges, and utilities into the site, easements are required over DCR property. In July 2008, legislation was filed providing for the transfer of property rights from the state to the City of Lowell for the construction and/or reconstruction of several new bridges and pedestrian crossings within the Hamilton Canal District project site. The respective parcels were identified and agreed upon and a plan was drawn up to identify each parcel. Chapter 312 of the Acts of 2008 was passed by the legislature and signed into law by the Governor authorizing the conveyance of the property interests owned by the State to the City of Lowell for an overhead bridge, pedestrian and vehicular bridges, utility services, and public highway purposes.

3.1 ARTICLE 97 LAND TRANSFER UPDATE

Since the passage of the 2008 legislation, the proponent, the City of Lowell, DCR, and the Division of Capital Asset Management (DCAM) have been working to put together the necessary documents to finalize the conveyance to the City of Lowell. A survey plan and written property description defining the parcels to be conveyed has been prepared. Deeds have been drafted and are being reviewed by the parties. There are nineteen separate parcels to be conveyed, most of which are volumetric parcels (meaning the parcels have limited top and bottom elevations). Each bridge crossing is composed of multiple parcels of fee and air rights. There are seven bridge “crossings”, including three pedestrian bridges adjacent to the Appleton Mills, the temporary and permanent Revere Street crossings, the Swamp Locks crossing and the new bridge crossing to the north island. Seventeen of these parcels are associated with Phase One.

The subject parcels range in size from 246 square feet (sf) to 1,496 sf, with a total combined area of 5,969 sf. Conversion of these parcels is necessary to upgrade the physical infrastructure required to support the build-out of the Hamilton Canal District and enhance the visitor experience at the Lowell National Historical Park (LNHP).

The “mitigation” parcel of new open space (Parcel 3) has been identified and agreed to by DCR and the City. This site will be dedicated by the City of Lowell to park purposes and will be improved and maintained as parkland. The size of this parcel is 12,307 sf, substantially in excess of the acquisition parcels total area.

Once constructed, the replacement site will be designated as public park land overlooking the epicenter of Lowell’s historic canal system. The park will be a large, quarter-acre urban park, replacing small slivers of presently under-utilized park land. The park, known as

Point Park, will not only provide valuable public open space within Lowell's urban core, but will also more spectacularly highlight Lowell's history by providing direct and clear views of the historic power system that led to the development of the city and defines its' past. Furthermore, the park will overlook and support the Lowell National Historical Park's canal boat tour launch site and an important stop on the park's heritage trolley system.

It was recently discovered that the park land in question was purchased by the State in the early 1980s through the use of National Park Service Land and Water Conservation Funding (LWCF) for the construction of a series of canal-side walkways. The original acquisition encompassed approximately 69 acres. These walkways were intended to support the Lowell State Heritage Park, the precursor to the LNHP, highlighting Lowell's importance as a center of the American Industrial Revolution. The Hamilton Canal District portion of the canal walkway system has not been constructed as planned, but will be constructed as part of the Hamilton Canal District project.

Since the LWCF project agreement from the 1980s did not anticipate the use of these lands for roads, bridges, sidewalks and trolley-ways, the LWCF project agreement will need to be modified. The Division of Conservation Services, with support from the City of Lowell, has drafted a request to the National Park Service for an amendment to the project agreement allowing for the transfer of these parcels to the City for the above purposes. It is anticipated that approval of the amendment to the project agreement allowing the transfer to proceed will be received in the near future.

The land transfer is anticipated to occur at the end of April, 2009.