

Environmental Notification Form

Submitted Pursuant to the Massachusetts Environmental Policy Act

Chapter 286 of the Acts of 2008 Lease of Certain Properties to the Town of Acton



Submitted to:

MEPA Office
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Submitted by:

Town of Acton
Town Hall
472 Main Street
Acton, MA 01720

In Association with:

**Massachusetts Department of
Corrections
and Massachusetts
Division of Capital Asset Management**

November 17, 2008

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ENVIRONMENTAL NOTIFICATION FORM

ENF Environmental Notification Form

For Office Use Only
 Executive Office of Environmental Affairs

EOEA No.:
 MEPA Analyst:
 Phone: 617-626-

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Chapter 286 of the Acts of 2008 – Lease of Certain Properties to the Town of Acton		
Street: School Street		
Municipality: Acton	Watershed: Assabet River	
Universal Transverse Mercator Coordinates: NAD83 UTM Zone 19N: 301502.305 4704487.504 meters	Latitude: 42° 28' 02.3" N Longitude: 071° 24' 54.8" W	
Estimated commencement date: Dec 2008	Estimated completion date: Dec 2008	
Approximate cost: \$1.00	Status of project design: N/A %complete	
Proponent: Town of Acton		
Street: Town Hall 472 Main Street		
Municipality: Acton	State: MA	Zip Code: 01720
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Maryjane Kenney		
Firm/Agency: Town of Acton	Street: 472 Main Street	
Municipality: Acton	State: MA	Zip Code: 01720
Phone: 978-264-9612	Fax: 978-264-9630	E-mail: mkenney@acton-ma.gov

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes No
- Has this project been filed with MEPA before?
 Yes (EOEA No. _____) No
- Has any project on this site been filed with MEPA before?
 Yes (EOEA No. _____) No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8)) Yes No
 - a Special Review Procedure? (see 301CMR 11.09) Yes No
 - a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
 - a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres):

The Commissioner of Capital Asset Management and Maintenance, in consultation with the Commissioner of Corrections, is authorized, and proposes, to lease a certain parcel of land to the Town of Acton for a term of 10 years plus extensions, as authorized by Chapter 286 of the Acts of 2008.

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals: **None.**

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify _____) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes No (Specify: _____)

The Department of Capital and Asset Management submitted a Project Notification Form to the Massachusetts Historic Commission for the proposed lease. MHC has determined the proposed lease is "unlikely to affect any significant historic and archaeological resources." MHC has indicated that any future "construction or ground disturbance activities that could be proposed in future for recreational activities have the potential to affect significant archaeological properties. A Project Notification Form (950 CMR 71) and preliminary project plans should be submitted to the MHC as early as possible in the planning stages of any future projects proposed on the properties." The Town of Acton has committed to do so if and when any such activities are proposed (See Attachment 1).

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

For approximately 20 years the Town of Acton has licensed from the Massachusetts Department of Corrections (DOC) an area of approximately 5 acres of land located immediately east of School Street and south of Route 2 in the Town of Acton for use as active recreational lands (see Figure 1, USGS Locus Map and Figure 2, Existing and Expanded Recreational Areas). In turn, the Town of Acton has granted DOC the right to actively farm an approximately 25-acre parcel of Town of Acton land located west of Wetherbee Street and north of Route 2 in the Town of Acton (the "Wetherbee lands" - see Figure 3, Wetherbee Farm Fields).

In 2003 the Town of Acton and DOC preliminarily agreed to expand the area under the pre-existing license to include an additional area of approximately 10 acres of fallow lands, all of which would be leased to the Town for recreational activities and related facilities. The expansion area is situated north of and immediately abutting the existing playing fields. At approximately this same time, the Town of Acton, working with the DOC and local land protection trusts, initiated an effort to establish Article 97 protection on approximately 106 acres of DOC lands in Acton, subject to the lease/license of a portion of the DOC property for recreational activities and facilities.

On August 6, 2008 the Massachusetts legislature authorized Chapter 286 of the Acts of 2008 "An Act Authorizing the Division of Capital Asset Management and Maintenance to Lease Certain Property to the Town of Acton." Chapter 286 specifically authorized the Division of Capital Asset Management and Maintenance (DCAM), "in consultation with the Commissioner of Corrections," to lease the above-reference lands to the Town of Acton for "for recreational activities and facilities."

On August 14, 2008 the Massachusetts legislature authorized Chapter 313 of the Acts of 2008 "An Act Designating Certain Land in the Towns of Acton and Concord for Conservation, Agricultural, Open Space and Recreational Purposes." Chapter 313 essentially designated approximately 106 acres of DOC land in Acton, and a similar area of land in Concord, to be "held solely for the purpose of open

LAND SECTION – all proponents must fill out this section

I. Thresholds / Permits

A. Does the project meet or exceed any review thresholds related to land (see 301 CMR 11.03(1)) X** Yes ___ No; if yes, specify each threshold:

**Section 11.03(1)(b)(4) identifies the "conversion of land in active agricultural use to nonagricultural use, provided the land includes soils classified as prime, state-important or unique by the United States Department of Agriculture" as an ENF trigger. The proposed lease lands have been utilized for active recreation and/or have been fallow and used for passive recreation for greater than three years. *It is therefore unclear as to whether this trigger is applicable.* It is also unknown if the Department of Correction submitted an Environmental Notification Form prior to discontinuing agricultural operations at this site and prior to the expansion of recreational uses upon the adjacent 10 acres of land.

II. Impacts and Permits

A. Describe, in acres, the current and proposed character of the project site, as follows:

	Existing	Change	Total
Footprint of buildings	<u>0</u>	<u>0</u>	<u>0</u>
Roadways, parking, and other paved areas	<u>0</u>	<u>0</u>	<u>0</u>
Other altered areas (describe)**	<u>5</u>	<u>10</u>	<u>15</u>
Undeveloped areas	<u>0</u>	<u>0</u>	<u>0</u>

**The recreational lease area includes 5 acres currently in active recreational use, and 10 acres of fallow lands which have been utilized for passive recreation, including Boy Scout camporees and practice and warm-up areas for the adjacent playing fields.

B. Has any part of the project site been in active agricultural use in the last three years? ___ Yes X No; if yes, how many acres of land in agricultural use (with agricultural soils) will be converted to nonagricultural use?

C. Is any part of the project site currently or proposed to be in active forestry use? ___ Yes X No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a DEM-approved forest management plan:

D. Does any part of the project involve conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97? ___ Yes X No; if yes, describe:

E. Is any part of the project site currently subject to a conservation restriction, preservation restriction, agricultural preservation restriction or watershed preservation restriction? ___ Yes X No; if yes, does the project involve the release or modification of such restriction? ___ Yes ___ No; if yes, describe:

F. Does the project require approval of a new urban redevelopment project or a fundamental change in an existing urban redevelopment project under M.G.L.c.121A? ___ Yes X No; if yes, describe:

G. Does the project require approval of a new urban renewal plan or a major modification of an existing urban renewal plan under M.G.L.c.121B? Yes ___ No X ; if yes, describe:

H. Describe the project's stormwater impacts and, if applicable, measures that the project will take to comply with the standards found in DEP's Stormwater Management Policy:

The proposed lease will have no impact on existing stormwater conditions. The ultimate use of these lands for recreational purposes does not include impervious surfaces and will not result in a change in soil conditions. As a result there will be no change in runoff quantity or quality; the proposed use will comply with the DEP Stormwater Management Policy standards.

Westborough, MA 01581, allowing 30 days for receipt of information):

2. Have you surveyed the site for rare species? ___ Yes ___ No; if yes, please include the results of your survey.

3. If your project is within Estimated Habitat, have you filed a Notice of Intent or received an Order of Conditions for this project? ___ Yes ___ No; if yes, did you send a copy of the Notice of Intent to the Natural Heritage and Endangered Species Program, in accordance with the Wetlands Protection Act regulations? ___ Yes ___ No

B. Will the project "take" an endangered, threatened, and/or species of special concern in accordance with M.G.L. c.131A (see also 321 CMR 10.04)? ___ Yes ___ No; if yes, describe:

C. Will the project alter "significant habitat" as designated by the Massachusetts Division of Fisheries and Wildlife in accordance with M.G.L. c.131A (see also 321 CMR 10.30)? ___ Yes ___ No; if yes, describe:

D. Describe the project's other impacts on rare species including indirect impacts (for example, stormwater runoff into a wetland known to contain rare species or lighting impacts on rare moth habitat):

WETLANDS, WATERWAYS, AND TIDELANDS SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **wetlands, waterways, and tidelands** (see 301 CMR 11.03(3))? ___ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits (or a local Order of Conditions) related to **wetlands, waterways, or tidelands**? ___ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Water Supply Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Wetlands, Waterways, and Tidelands Section below.

II. Wetlands Impacts and Permits

A. Describe any wetland resource areas currently existing on the project site and indicate them on the site plan:

B. Estimate the extent and type of impact that the project will have on wetland resources, and indicate whether the impacts are temporary or permanent:

<u>Coastal Wetlands</u>	<u>Area (in square feet) or Length (in linear feet)</u>
Land Under the Ocean	_____
Designated Port Areas	_____
Coastal Beaches	_____
Coastal Dunes	_____
Barrier Beaches	_____
Coastal Banks	_____
Rocky Intertidal Shores	_____
Salt Marshes	_____
Land Under Salt Ponds	_____
Land Containing Shellfish	_____
Fish Runs	_____
Land Subject to Coastal Storm Flowage	_____
<u>Inland Wetlands</u>	
Bank	_____
Bordering Vegetated Wetlands	_____
Land under Water	_____

WATER SUPPLY SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **water supply** (see 301 CMR 11.03(4))? Yes No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **water supply**? Yes No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Wastewater Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Water Supply Section below.

II. Impacts and Permits

A. Describe, in gallons/day, the volume and source of water use for existing and proposed activities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Withdrawal from groundwater	_____	_____	_____
Withdrawal from surface water	_____	_____	_____
Interbasin transfer	_____	_____	_____
Municipal or regional water supply	_____	_____	_____

B. If the source is a municipal or regional supply, has the municipality or region indicated that there is adequate capacity in the system to accommodate the project? Yes No

C. If the project involves a new or expanded withdrawal from a groundwater or surface water source,

1. have you submitted a permit application? Yes No; if yes, attach the application
2. have you conducted a pump test? Yes No; if yes, attach the pump test report

D. What is the currently permitted withdrawal at the proposed water supply source (in gallons/day)? _____ Will the project require an increase in that withdrawal? Yes No

E. Does the project site currently contain a water supply well, a drinking water treatment facility, water main, or other water supply facility, or will the project involve construction of a new facility? Yes No. If yes, describe existing and proposed water supply facilities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Water supply well(s) (capacity, in gpd)	_____	_____	_____
Drinking water treatment plant (capacity, in gpd)	_____	_____	_____
Water mains (length, in miles)	_____	_____	_____

F. If the project involves any interbasin transfer of water, which basins are involved, what is the direction of the transfer, and is the interbasin transfer existing or proposed?

G. Does the project involve

1. new water service by a state agency to a municipality or water district? Yes No
2. a Watershed Protection Act variance? Yes No; if yes, how many acres of alteration?
3. a non-bridged stream crossing 1,000 or less feet upstream of a public surface drinking water supply for purpose of forest harvesting activities? Yes No

H. Describe the project's other impacts (including indirect impacts) on water resources, quality, facilities and services:

III. Consistency -- Describe the project's consistency with water conservation plans or other plans to enhance water resources, quality, facilities and services:

H. Describe the project's other impacts (including indirect impacts) on wastewater generation and treatment facilities:

III. Consistency – Describe measures that the proponent will take to comply with federal, state, regional, and local plans and policies related to wastewater management:

A. If the project requires a sewer extension permit, is that extension included in a comprehensive wastewater management plan? ___ Yes ___ No; if yes, indicate the EOE number for the plan and describe the relationship of the project to the plan

TRANSPORTATION -- TRAFFIC GENERATION SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **traffic generation** (see 301 CMR 11.03(6))? ___ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **state-controlled roadways**? ___ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Roadways and Other Transportation Facilities Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Traffic Generation Section below.

II. Traffic Impacts and Permits

A. Describe existing and proposed vehicular traffic generated by activities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Number of parking spaces	_____	_____	_____
Number of vehicle trips per day	_____	_____	_____
ITE Land Use Code(s):			

B. What is the estimated average daily traffic on roadways serving the site?

	<u>Roadway</u>	<u>Existing</u>	<u>Change</u>	<u>Total</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

C. Describe how the project will affect transit, pedestrian and bicycle transportation facilities and services:

III. Consistency – Describe measures that the proponent will take to comply with municipal, regional, state, and federal plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services:

ROADWAYS AND OTHER TRANSPORTATION FACILITIES SECTION

I. Thresholds

A. Will the project meet or exceed any review thresholds related to **roadways or other transportation facilities** (see 301 CMR 11.03(6))? ___ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **roadways or other transportation facilities**? ___ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Energy Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Roadways Section

AIR QUALITY SECTION

I. Thresholds

A. Will the project meet or exceed any review thresholds related to **air quality** (see 301 CMR 11.03(8))? ___ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **air quality**? ___ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Solid and Hazardous Waste Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Air Quality Section below.

II. Impacts and Permits

A. Does the project involve construction or modification of a major stationary source (see 310 CMR 7.00, Appendix A)? ___ Yes ___ No; if yes, describe existing and proposed emissions (in tons per day) of:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Particulate matter	_____	_____	_____
Carbon monoxide	_____	_____	_____
Sulfur dioxide	_____	_____	_____
Volatile organic compounds	_____	_____	_____
Oxides of nitrogen	_____	_____	_____
Lead	_____	_____	_____
Any hazardous air pollutant	_____	_____	_____
Carbon dioxide	_____	_____	_____

B. Describe the project's other impacts on air resources and air quality, including noise impacts:

III. Consistency

A. Describe the project's consistency with the State Implementation Plan:

B. Describe measures that the proponent will take to comply with other federal, state, regional, and local plans and policies related to air resources and air quality:

SOLID AND HAZARDOUS WASTE SECTION

I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **solid or hazardous waste** (see 301 CMR 11.03(9))? ___ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **solid and hazardous waste**? ___ Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the **Historical and Archaeological Resources Section**. If you answered "Yes" to either question A or question B, fill out the remainder of the Solid and Hazardous Waste Section below.

II. Impacts and Permits

A. Is there any current or proposed facility at the project site for the storage, treatment, processing, combustion or disposal of solid waste? ___ Yes ___ No; if yes, what is the volume (in tons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____

See Attachment 1.

D. Describe and assess the project's other impacts, direct and indirect, on listed or inventoried historical and archaeological resources:

None.

II. Consistency -- Describe measures that the proponent will take to comply with federal, state, regional, and local plans and policies related to preserving historical and archaeological resources:
See B. above.

ATTACHMENTS:

1. Plan, at an appropriate scale, of existing conditions of the project site and its immediate context, showing all known structures, roadways and parking lots, rail rights-of-way, wetlands and water bodies, wooded areas, farmland, steep slopes, public open spaces, and major utilities. ****See Figures 1, 2 and 3 in Attachment 2.****
2. Plan of proposed conditions upon completion of project (if construction of the project is proposed to be phased, there should be a site plan showing conditions upon the completion of each phase). ****N/A****
3. **Original** U.S.G.S. map or good quality **color** copy (8-½ x 11 inches or larger) indicating the project location and boundaries. ****See Figure 1 in Attachment 2.****
4. List of all agencies and persons to whom the proponent circulated the ENF, in accordance with 301 CMR 11.16(2). ****See Attachment 3: Circulation List.****
5. Other: ****Letter from the Massachusetts Historical Commission to the Division of Capital Asset Management dated October 29, 2008 (see Attachment 1).****

CERTIFICATIONS:

1. The Public Notice of Environmental Review has been/will be published in the following newspapers in accordance with 301 CMR 11.15(1):

(Name) The Beacon (Date) November 20, 2008

2. This form has been circulated to Agencies and Persons in accordance with 301 CMR 11.16(2).



Date Signature of Responsible Officer
or Proponent
Steven L. Ledoux



Date Signature of person preparing
ENF (if different from above)
Andrew D. Magee

Name (print or type)

Name (print or type)

Town of Acton
Firm/Agency

Town of Acton
Firm/Agency

472 Main Street
Street
Acton, MA 01720

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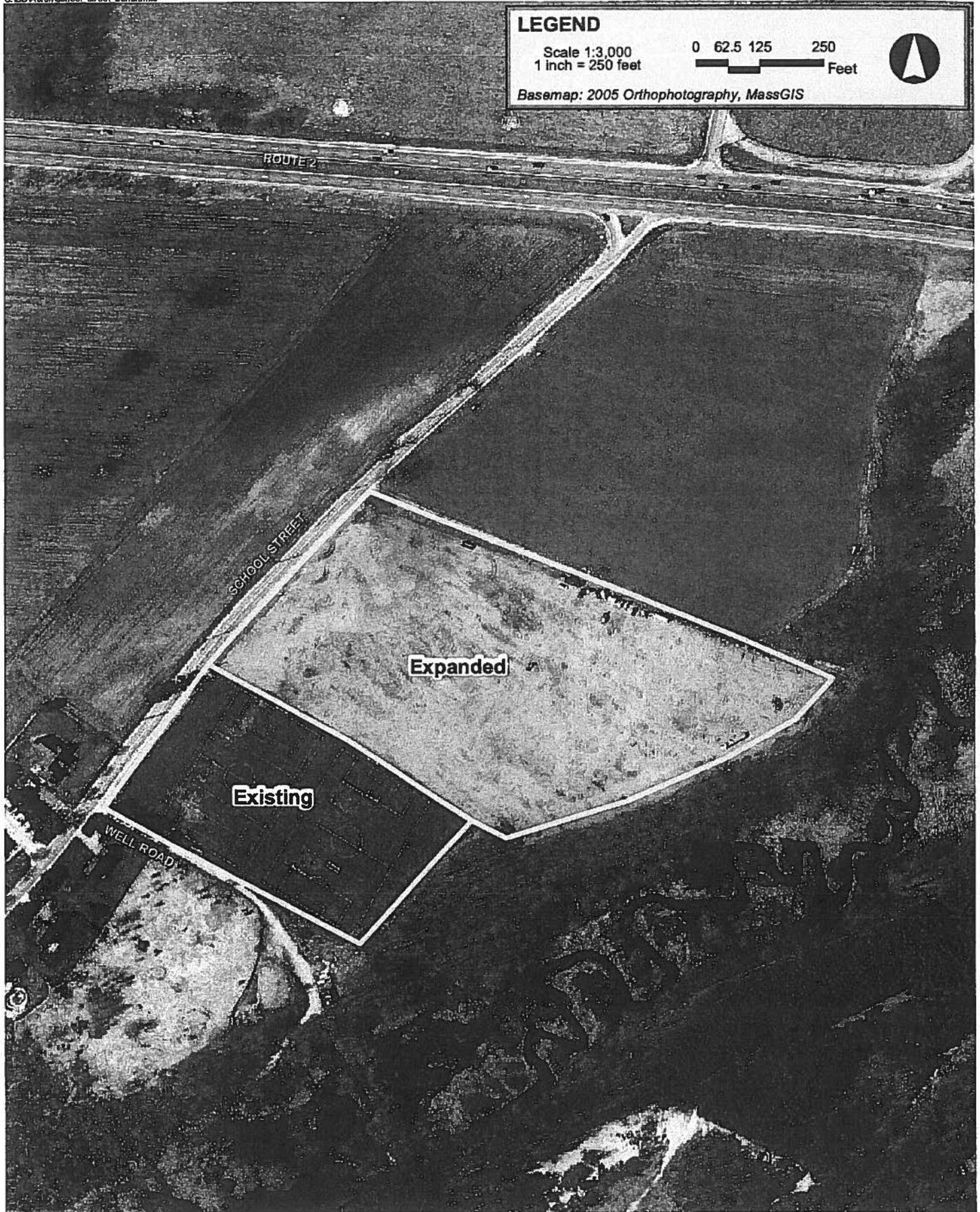
Municipality/State/Zip
978-264-9612

Municipality/State/Zip
978-264-9612

Phone

Phone

FIGURES



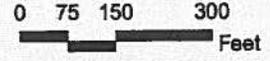
Acton, Massachusetts



Figure 2
Existing and Expanded Recreational Areas

LEGEND

Scale 1:3,600
1 inch = 300 feet



Basemap: 2005 Orthophotography, MassGIS



Acton, Massachusetts



Figure 3
Wetherbee Farm Fields

**ATTACHMENT 1 – MASSACHUSETTS HISTORICAL COMMISSION
CORRESPONDENCE**



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

October 29, 2008

David D. Opatka
Project Manager
Office of Real Estate Management
Division of Capital Asset Management
One Ashburton Place, 15th floor
Boston, MA 02108

RE: Chapter 286 and 287 Leases of State-Owned Properties, Massachusetts Correctional Institution Agricultural Land, Acton, Shirley, MA. MHC #RC.45289 and 45290.

Dear Mr. Opatka:

Thank you for submitting Project Notification Forms to the Massachusetts Historical Commission for the projects referenced above. Staff of the MHC have reviewed our files and the information provided. The proposed projects consist of the ten year lease of 14+ acres in Acton, Assessors Map parcel H-4, Lot 6 off School street, and 10+ acres in Shirley, between Shaker and Wilde Roads, of state-owned Massachusetts Correctional Facility agricultural lands to the Towns of Acton and Shirley for passive recreation and recreational activities.

Review of the Inventory of Historic and Archaeological Assets of the Commonwealth indicates that the Acton parcel contains one recorded ancient Native American archaeological site, the Fort Pond Brook site, 19-MD-502. This site was first identified by avocational archaeologists and has not been subject to professional archaeological investigations. Likewise, the Shirley parcel is adjacent to one recorded ancient archaeological site identified during a professional archaeological survey conducted for the adjacent Fort Devens property. Both parcels are considered by MHC to be archaeologically sensitive. The archaeological sensitivity of the project area is principally defined by its environmental setting, which includes well-drained soils in proximity to neighboring wetlands and water resources associated with Fort Pond Brook and the Nashua River and their tributary streams, favorable for Native American occupation and land use.

After review of the information submitted and our files, MHC has determined that the proposed projects are unlikely to affect any significant historic and archaeological resources referenced above.

Construction or ground disturbance activities that could be proposed in future for recreational activities have the potential to affect significant archaeological properties. A Project Notification Form (950 CMR 71) and preliminary project plans should be submitted to the MHC as early as possible in the planning stages of any future projects proposed on the properties.

220 Morrissey Boulevard, Boston, Massachusetts 02125
(617) 727-8470 • Fax: (617) 727-5128
www.sec.state.ma.us/mhc

**ATTACHMENT 2 – CHAPTERS 286 AND 313
OF THE ACTS OF 2008**

Chapter 286 of the Acts of 2008

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO LEASE CERTAIN PROPERTY TO THE TOWN OF ACTON.

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 40F to 40I, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance may lease, in consultation with the commissioner of correction, to the town of Acton for a term of 10 years, including any extensions, a certain parcel of land located on the southeast side of School street, approximately 700 feet south of the intersection of School street and Route 2 in the town of Acton and further shown as being the southerly portion of lot 6 on Acton's assessors map H-4, comprising a portion of the land of the Massachusetts Correctional Institute, Concord. The property so leased shall be used by the town of Acton for recreational activities and facilities. The exact boundaries of the property so leased shall be determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of correction, after completion of a survey. The lease agreement authorized by this section shall be subject to such terms and conditions as the commissioner of capital asset management and maintenance may prescribe, in consultation with the commissioner of correction.

SECTION 2. If for any reason the property leased as described in section 1 ceases to be used solely for the purposes described in section 1, the commissioner of capital asset management and maintenance, in consultation with the commissioner of correction, shall terminate the lease for the property. If the lease is terminated, the property shall revert to the commonwealth under the care and control of the department of correction.

SECTION 3. Notwithstanding any general or special law to the contrary, the lease agreement authorized by section 1 shall provide for the town of Acton to manage, operate, improve, repair and maintain the leased property and any buildings, facilities and equipment thereon for the duration of the lease. The lease shall also provide for continuing public access to the property described in section 1 under conditions acceptable to the commissioner of correction. The inspector general shall review and comment upon the lease agreement and any terms and conditions contained therein, as authorized under section 1. The inspector general shall issue his review and comments within 15 days of his receipt of any proposed lease agreement or amendments thereto. The commissioner shall submit the proposed lease agreement and any subsequent amendments thereto and the reports and the comments of the inspector general to the house and senate committees on ways and means and the chairmen of the joint committee on bonding, capital expenditures and state assets at least 15 days before execution of the lease.

SECTION 4. The town of Acton shall compensate the commonwealth in the sum of 1 dollar per year for the term of the lease and shall comply with Executive Order 193 by mitigating for the term of the lease the loss of state-owned agricultural soils and lands with the commissioner of agricultural resources. Any mitigation for the conversion of state-owned lands having soil types capable of supporting or contributing to present or potential commercial agricultural uses required by any general or special law, regulation or executive order in connection with the lease authorized by this act shall be provided by the town of Acton at its sole cost and expense and shall not include any other state-owned lands.

Chapter 313 of the Acts of 2008

AN ACT DESIGNATING CERTAIN LAND IN THE TOWNS OF ACTON AND CONCORD FOR CONSERVATION, AGRICULTURE, OPEN SPACE AND RECREATIONAL PURPOSES.

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. (a) The parcels of land identified in section 2, which are under the custody, control and care of the department of correction or the department of highways, are hereby designated for and shall be held solely for the purposes of open space protection, management and conservation, agriculture, forests, and limited public access for passive and specified active recreation and enjoyment.

(b) The department of correction, in consultation with the department of highways, the executive office of environmental affairs and the towns of Acton and Concord, may issue regulations consistent with the purposes set forth in subsection (a) for the access, use and maintenance of those parcels designated in said subsection that are under the custody, control and care of the department of correction. The department of highways, in consultation with the department of correction, the executive office of environmental affairs and the towns of Acton and Concord may issue regulations consistent with the purposes set forth in subsection (a) for the access, use and maintenance of those parcels designated in said subsection that are under the custody, control and care of the department of highways.

(c) No parcel designated under subsection (a) shall be altered if the alteration shall be: (i) of a substantial nature; (ii) inconsistent with a permitted purpose under subsection (a); (iii) prohibited in subsection (d) or any applicable regulation or other law; or (iv) not approved previously in writing by the department having the custody, control and care of the parcel.

(d) No building or other permanent structure, utility system or paved roadway or area, excluding non-solid fencing and recreational equipment, shall be constructed on or over any parcel designated under subsection (a).

(e) Notwithstanding any other provision of this section to the contrary, the department of correction or department of highways may access, use and maintain any infrastructure existing as of the effective date of this act that is located on or over any parcel designated in subsection (a) if the parcel is under the respective custody, control and care of that department. Any such infrastructure use of parcels and related to accessing the infrastructure shall be reserved for its current purposes and uses and shall be excluded from subsection (a). For the purposes of this section, "infrastructure" shall include, without limitation, any building, structure, roadway, utility system, drainage system, and other improvement and appurtenance.

(f) Notwithstanding any other provision of this section to the contrary, the use, maintenance and rebuilding of any existing building, structure, improvement, appurtenance or road located on, above or below ground, or over the parcels, shall be perpetually subject to current uses, and shall be subject to any additional future uses not inconsistent with this act, including, without limitation, the use, maintenance, and related parking and access to a 5-bedroom house located on a portion of the parcel identified and described in clause (2) of subsection (a) of section 2.

not to include approximately 34,254 square feet of this parcel having been taken by the commonwealth by an order of taking recorded at the registry at book 12731, page 578 and shown as parcel F on a plan of land recorded at the registry as plan number 1323 of 1974; and

(8.) assessor's map G4, parcel 198, this parcel having been granted to the commonwealth by a deed recorded at the registry at book 7704, page 476 and being approximately the 18 acres of a parcel of land shown on a plan of land recorded at the registry as plan number 165 of 1949, but not to include approximately 3.10 acres of this parcel owned by the commonwealth and described as parcel No. 9 on a plan of road recorded at the registry as plan number 2056 of 1950.

(b) The parcels in the town of Concord designated for the purposes described in section 1 shall be those lands of the commonwealth described in:

(1.) assessor's parcel ID 2007, this parcel being a portion of the land granted to the commonwealth by a deed recorded at the registry at book 2647, page 41, but not to include from this parcel approximately 0.31 acre of land owned by the commonwealth described as parcel no. 11 on a plan of road recorded at the registry as plan number 2093 of 1950, and approximately 3,800 square feet of land owned by the commonwealth described as parcel no. 13 on the plan; but specifically excluding that portion of this parcel, which land shall be subject to the restrictions of section 3, that is adjacent to the northerly location line of the November 14, 1950, state highway alteration of Union turnpike on Route 2 as shown on a plan of road recorded at the registry at plan 2093 of 1950, and being those lands within a distance of 200 feet northerly of and parallel to the highway location line extending from the Acton-Concord town line easterly to the eastern property boundary of this parcel;

(2.) assessor's parcel ID 2016, this parcel being a portion of the land granted to the commonwealth by a deed recorded at the registry at book 2647, page 41, but not to include from this parcel approximately 0.70 acres of land owned by the commonwealth described as parcel no. 12 on a plan of road recorded at the registry as plan number 2093 of 1950; but specifically excluding that portion of this parcel, which land shall be subject to the restrictions of section 3, that is adjacent to the southerly location line of the November 14, 1950, state highway alteration of Union turnpike on Route 2 as shown on a plan of road recorded at the registry at plan 2093 of 1950, and being those lands within a distance of 200 feet southerly of and parallel to the highway location line extending from the Acton-Concord town line easterly to the intersection with the New York, New Haven and Hartford Railroad Company railroad right-of-way, as shown on the plan, further including those lands within a distance of 200 feet southwesterly of and parallel to the railroad easement extending southeasterly for the length of the easement to the northeasterly boundary point of assessor's parcel ID 2016;

(3.) assessor's parcel IDs 1999-2 and 1999-3, these parcels having been granted to the commonwealth by a deed recorded at the registry at book 5578, page 569 Area V, Area X and Area Y in a notice recorded at the registry at book 51404, page 128, but specifically excluding those portions of these parcels, which land shall be subject to the restrictions of section 3 described as Area V and Area Y adjacent to the northerly location line of the February 1, 1938, state highway alteration of Elm street on Route 2A as shown on a plan of road recorded at the registry at plan 100 of 1938, and the northerly location line of the June 11, 1940, state highway alteration of Elm street on Route 2A, as shown on a plan of road recorded at the registry at plan 519 of 1940, and being those lands within a distance of 200 feet northerly of and parallel to the highway location lines extending from the property boundary that divides Lot 2 and Lot 3 as shown on plan entitled "Plan of Land in Concord Formerly Belonging to George H. Pierce",

ATTACHMENT 3 – CIRCULATION LIST

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Secretary Ian A. Bowles, Secretary
Executive Office of Energy and
Environmental Affairs Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Undersecretary for Policy
Executive Office of Energy and
Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Department of Environmental Protection
Attn: Commissioner's Office
One Winter Street
Boston, MA 02108

Department of Environmental Protection
Central Regional Office
Attn: MEPA Coordinator
627 Main Street
Worcester, MA 01608

Executive Office of Transportation
Attn: Environmental Reviewer
10 Park Plaza, Room 3510
Boston, MA 02116-3969

Massachusetts Highway Department
Public/Private Development Unit
10 Park Plaza
Boston, MA 02116

Massachusetts Highway Department
MHD – District #4
Attn: MEPA Coordinator
519 Appleton Street
Arlington, MA 02174

Metropolitan Area Planning Council
60 Temple Place, 6th floor
Boston, MA 02111

Massachusetts Aeronautics Commission
Attn: MEPA Coordinator
10 Park Plaza, Room 3510
Boston, MA 02116

Massachusetts Historical Commission
ATTN: MEPA Reviewer
The MA Archives Building
220 Morrissey Boulevard
Boston, MA 02125

Department of Agricultural Resources
Attn: MEPA Coordinator
16 West Experimental Station
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21 Needham Street
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10 Park Plaza, 6th Floor
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Senator Pamela P. Resor
MA State House – Room 410
Boston, MA 02133

Representative James Eldridge
MA State House Room 33
Boston, MA 02133

