

# 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

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**Commonwealth of Massachusetts**  
**Executive Office of Environmental Affairs ■ MEPA Office**

**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.

<b>Project Name: Chapter 286 of the Acts of 2008 – Lease of Certain Properties to the Town of Acton</b>		
Street: <b>School Street</b>		
Municipality: <b>Acton</b>	Watershed: <b>Assabet River</b>	
Universal Tranverse 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: <b>Dec 2008</b>	Estimated completion date: <b>Dec 2008</b>	
Approximate cost: <b>\$1.00</b>	Status of project design: <b>N/A</b>	%complete
Proponent: <b>Town of Acton</b>		
Street: <b>Town Hall 472 Main Street</b>		
Municipality: <b>Acton</b>	State: <b>MA</b>	Zip Code: <b>01720</b>
Name of Contact Person From Whom Copies of this ENF May Be Obtained: <b>Maryjane Kenney</b>		
Firm/Agency: <b>Town of Acton</b>	Street: <b>472 Main Street</b>	
Municipality: <b>Acton</b>	State: <b>MA</b>	Zip Code: <b>01720</b>
Phone: <b>978-264-9612</b>	Fax: <b>978-264-9630</b>	E-mail: <b>mkenney@acton-ma.gov</b>

- 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 301 CMR 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.**

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- |  |                                       |  |
|--|---------------------------------------|--|
| <input checked="" type="checkbox"/> Land (see Project Description) | <input type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands      |
| <input type="checkbox"/> Water                                     | <input type="checkbox"/> Wastewater   | <input type="checkbox"/> Transportation                        |
| <input type="checkbox"/> Energy                                    | <input type="checkbox"/> Air          | <input type="checkbox"/> Solid & Hazardous Waste               |
| <input type="checkbox"/> ACEC                                      | <input type="checkbox"/> Regulations  | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
<b>LAND</b>				<input type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input checked="" type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i> The proposed lease was authorized by 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."
Total site acreage	~ 15			
New acres of land altered		- 10 -		
Acres of impervious area	- 0 -	- 0 -	- 0 -	
Square feet of new bordering vegetated wetlands alteration		- 0 -		
Square feet of new other wetland alteration		- 0 -		
Acres of new non-water dependent use of tidelands or waterways		- N/A -		
<b>STRUCTURES</b>				
Gross square footage	N/A	N/A	N/A	
Number of housing units	N/A	N/A	N/A	
Maximum height (in feet)	N/A	N/A	N/A	
<b>TRANSPORTATION</b>				
Vehicle trips per day	N/A	N/A	N/A	
Parking spaces	N/A	N/A	N/A	
<b>WATER/WASTEWATER</b>				
Gallons/day (GPD) of water use	N/A	N/A	N/A	
GPD water withdrawal	N/A	N/A	N/A	
GPD wastewater generation/ treatment	N/A	N/A	N/A	
Length of water/sewer mains (in miles)	N/A	N/A	N/A	

**CONSERVATION LAND:** Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify \_\_\_\_\_)  No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

- Yes (Specify \_\_\_\_\_)  No

**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

space protection, management and conservation, agriculture, forests, and limited public access for passive and specified active recreation and enjoyment.”

Upon execution of the lease authorized under Chapter 286, the Town of Acton proposes to expand the existing playing fields to include much of the lease area. No permanent structures, other than the “non solid fencing and recreational equipment” referenced in Chapter 313 are proposed. Existing, unpaved parking will be expanded as necessary and in accordance with Chapters 286 and 313.

Although not specifically the subject of this Environmental Notification Form, the proposed recreational field improvements may be subject to review by the Massachusetts Historical Commission and the Massachusetts Department of Agriculture. As noted above, MHC has determined the proposed lease is “unlikely to affect any significant historic and archaeological resources.” MHC has indicated that any “construction or ground disturbance activities that could be proposed in the 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. Similarly, the proposed lease area soils have been identified as “important” by the Natural Resources Conservation Services. While no significant alteration of these soils is proposed (no significant excavation or grading), Chapter 286 requires the Town comply with Executive Order 193 by mitigating for the term of the lease any loss of state-owned agricultural soils and lands. Subject to any necessary approvals, the Town is prepared to offer such mitigation in the form of an agricultural restriction or other suitable instrument on the approximately 25 acres of “Wetherbee lands” referenced above and shown on Figure 3, or on a similar non-state property.

The protection of the lands referenced in Chapters 286 and 313 for their recreational, open space, agricultural and landscape values have long been the goal of the Town of Acton, the DOC and the local and regional land trusts. Each of these entities worked long and hard in bringing these protections to fruition. The alternative of significant concern to all was the eventual sale of these lands for subdivisions and/or commercial or retail developments. The proposed lease of approximately 15 acres of these lands has been a key component in the success of this protective endeavor. The lease will not result in the loss or disruption of these lands, and the combined result of Chapters 286 and 313 effectively represent “mitigation” of this use.

**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:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
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.

I. Is the project site currently being regulated under M.G.L.c.21E or the Massachusetts Contingency Plan? Yes \_\_\_ No X ; if yes, what is the Release Tracking Number (RTN)?

J. If the project site is within the Chicopee or Nashua watershed, is it within the Quabbin, Ware, or Wachusett subwatershed? \_\_\_ Yes X No; if yes, is the project site subject to regulation under the Watershed Protection Act? \_\_\_ Yes X No

K. Describe the project's other impacts on land:

The lease will contribute to the overall protection of the leased lands identified in Chapter 286 of the Acts of 2008 from development, as well as those nearby and/or adjacent lands identified in Chapter 313 of the Acts of 2008.

### III. Consistency

A. Identify the current municipal comprehensive land use plan and the open space plan and describe the consistency of the project and its impacts with that plan(s):

The lands addressed in Chapters 286 and 313 of the Acts of 2008 are identified in the Town of Acton Open Space and Recreation Plan as being of the highest priority for protection as open space and recreation lands. The proposed use is highly consistent with the Town's open space and recreational goals and the Town has worked diligently in support of the passage of these legislative initiatives.

B. Identify the current Regional Policy Plan of the applicable Regional Planning Agency and describe the consistency of the project and its impacts with that plan:

The project is consistent with MAPC's "smart growth" principles in that it is designed to promote development of public recreational land while protecting the environment and conserving energy and water resources, protecting environmentally sensitive areas, and saving precious land in other places. The project will promote long-term sustainability of Acton in particular and the Greater Boston area in general.

C. Will the project require any approvals under the local zoning by-law or ordinance (i.e. text or map amendment, special permit, or variance)? Yes \_\_\_ No X ; if yes, describe:

D. Will the project require local site plan or project impact review?  
\_\_\_ Yes X No; if yes, describe:

## RARE SPECIES SECTION

### I. Thresholds / Permits:

A. Will the project meet or exceed any review thresholds related to **rare species or habitat** (see 301 CMR 11.03(2))? \_\_\_ Yes X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **rare species or habitat**? \_\_\_ Yes X No

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

### II. Impacts and Permits

A. Does the project site fall within Priority or Estimated Habitat in the current Massachusetts Natural Heritage Atlas (attach relevant page)? \_\_\_ Yes \_\_\_ No. If yes,

1. Which rare species are known to occur within the Priority or Estimated Habitat (contact: Environmental Review, Natural Heritage and Endangered Species Program, Route 135,

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	_____

Isolated Land Subject to Flooding \_\_\_\_\_  
Bordering Land Subject to Flooding \_\_\_\_\_  
Riverfront Area \_\_\_\_\_

C. Is any part of the project

1. a limited project?  Yes  No
2. the construction or alteration of a dam?  Yes  No; if yes, describe:
3. fill or structure in a velocity zone or regulatory floodway?  Yes  No
4. dredging or disposal of dredged material?  Yes  No; if yes, describe the volume of dredged material and the proposed disposal site:
5. a discharge to Outstanding Resource Waters?  Yes  No
6. subject to a wetlands restriction order?  Yes  No; if yes, identify the area (in square feet):

D. Does the project require a new or amended Order of Conditions under the Wetlands Protection Act (M.G.L. c.131A)?  Yes  No; if yes, has a Notice of Intent been filed or a local Order of Conditions issued?  Yes  No; if yes, list the date and DEP file number: \_\_\_\_\_  
Was the Order of Conditions appealed?  Yes  No. Will the project require a variance from the Wetlands regulations?  Yes  No.

E. Will the project:

1. be subject to a local wetlands ordinance or bylaw?  Yes  No
2. alter any federally-protected wetlands not regulated under state or local law?  Yes  No; if yes, what is the area (in s.f.)?

F. Describe the project's other impacts on wetlands (including new shading of wetland areas or removal of tree canopy from forested wetlands):

**III. Waterways and Tidelands Impacts and Permits**

A. Is any part of the project site waterways or tidelands (including filled former tidelands) that are subject to the Waterways Act, M.G.L.c.91?  Yes  No; if yes, is there a current Chapter 91 license or permit affecting the project site?  Yes  No; if yes, list the date and number:

B. Does the project require a new or modified license under M.G.L.c.91?  Yes  No; if yes, how many acres of the project site subject to M.G.L.c.91 will be for non-water dependent use?

Current  Change  Total

C. Is any part of the project

1. a roadway, bridge, or utility line to or on a barrier beach?  Yes  No; if yes, describe:
2. dredging or disposal of dredged material?  Yes  No; if yes, volume of dredged material \_\_\_\_\_
3. a solid fill, pile-supported, or bottom-anchored structure in flowed tidelands or other waterways?  Yes  No; if yes, what is the base area? \_\_\_\_\_
4. within a Designated Port Area?  Yes  No

D. Describe the project's other impacts on waterways and tidelands:

**IV. Consistency:**

A. Is the project located within the Coastal Zone?  Yes  No; if yes, describe the project's consistency with policies of the Office of Coastal Zone Management:

B. Is the project located within an area subject to a Municipal Harbor Plan?  Yes  No; if yes, identify the Municipal Harbor Plan and describe the project's consistency with that plan:

## 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 X No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **water supply**? \_\_\_ Yes X 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:

**WASTEWATER SECTION**

**I. Thresholds / Permits**

A. Will the project meet or exceed any review thresholds related to **wastewater** (see 301 CMR 11.03(5))? \_\_\_ Yes X No; if yes, specify, in quantitative terms:

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

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

**II. Impacts and Permits**

A. Describe, in gallons/day, the volume and disposal of wastewater generation for existing and proposed activities at the project site (calculate according to 310 CMR 15.00):

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Discharge to groundwater (Title 5)	_____	_____	_____
Discharge to groundwater (non-Title 5)	_____	_____	_____
Discharge to outstanding resource water	_____	_____	_____
Discharge to surface water	_____	_____	_____
Municipal or regional wastewater facility	_____	_____	_____
<b>TOTAL</b>	_____	_____	_____

B. Is there sufficient capacity in the existing collection system to accommodate the project? \_\_\_ Yes \_\_\_ No; if no, describe where capacity will be found:

C. Is there sufficient existing capacity at the proposed wastewater disposal facility? \_\_\_ Yes \_\_\_ No; if no, describe how capacity will be increased:

D. Does the project site currently contain a wastewater treatment facility, sewer main, or other wastewater disposal facility, or will the project involve construction of a new facility? \_\_\_ Yes \_\_\_ No. If yes, describe as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Wastewater treatment plant (capacity, in gpd)	_____	_____	_____
Sewer mains (length, in miles)	_____	_____	_____
Title 5 systems (capacity, in gpd)	_____	_____	_____

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

F. Does the project involve new sewer service by an Agency of the Commonwealth to a municipality or sewer district? \_\_\_ Yes \_\_\_ No

G. Is there any current or proposed facility at the project site for the storage, treatment, processing, combustion or disposal of sewage sludge, sludge ash, grit, screenings, or other sewage residual materials? \_\_\_ Yes \_\_\_ No; if yes, what is the capacity (in tons per day):

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Treatment, processing	_____	_____	_____
Combustion	_____	_____	_____
Disposal	_____	_____	_____

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

below.

**II. Transportation Facility Impacts**

A. Describe existing and proposed transportation facilities at the project site:

	Existing	Change	Total
Length (in linear feet) of new or widened roadway	_____	_____	_____
Width (in feet) of new or widened roadway	_____	_____	_____

Other transportation facilities:

B. Will the project involve any

1. Alteration of bank or terrain (in linear feet)? \_\_\_\_\_
2. Cutting of living public shade trees (number)? \_\_\_\_\_
3. Elimination of stone wall (in linear feet)? \_\_\_\_\_

**III. Consistency** – Describe the project’s consistency with other federal, state, regional, and local plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services, including consistency with the applicable regional transportation plan and the Transportation Improvements Plan (TIP), the State Bicycle Plan, and the State Pedestrian Plan:

**ENERGY SECTION**

**I. Thresholds / Permits**

A. Will the project meet or exceed any review thresholds related to **energy** (see 301 CMR 11.03(7))?  
\_\_\_ Yes  X  No; if yes, specify, in quantitative terms:

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

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

**II. Impacts and Permits**

A. Describe existing and proposed energy generation and transmission facilities at the project site:

	Existing	Change	Total
Capacity of electric generating facility (megawatts)	_____	_____	_____
Length of fuel line (in miles)	_____	_____	_____
Length of transmission lines (in miles)	_____	_____	_____
Capacity of transmission lines (in kilovolts)	_____	_____	_____

- B. If the project involves construction or expansion of an electric generating facility, what are
1. the facility’s current and proposed fuel source(s)?
  2. the facility’s current and proposed cooling source(s)?

C. If the project involves construction of an electrical transmission line, will it be located on a new, unused, or abandoned right of way? \_\_\_ Yes \_\_\_ No; if yes, please describe:

D. Describe the project’s other impacts on energy facilities and services:

**III. Consistency** -- Describe the project’s consistency with state, municipal, regional, and federal plans and policies for enhancing energy facilities and services:

**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	_____	_____	_____

Treatment, processing \_\_\_\_\_  
 Combustion \_\_\_\_\_  
 Disposal \_\_\_\_\_

B. Is there any current or proposed facility at the project site for the storage, recycling, treatment or disposal of hazardous waste? \_\_\_ Yes \_\_\_ No; if yes, what is the volume (in tons or gallons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	_____	_____	_____
Recycling	_____	_____	_____
Treatment	_____	_____	_____
Disposal	_____	_____	_____

C. If the project will generate solid waste (for example, during demolition or construction), describe alternatives considered for re-use, recycling, and disposal:

D. If the project involves demolition, do any buildings to be demolished contain asbestos?  
 \_\_\_ Yes \_\_\_ No

E. Describe the project's other solid and hazardous waste impacts (including indirect impacts):

III. **Consistency**--Describe measures that the proponent will take to comply with the State Solid Waste Master Plan:

**HISTORICAL AND ARCHAEOLOGICAL RESOURCES SECTION**

**I. Thresholds / Impacts**

A. Is any part of the project site a historic structure, or a structure within a historic district, in either case listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth? \_\_\_ Yes X No; if yes, does the project involve the demolition of all or any exterior part of such historic structure? \_\_\_ Yes X No; if yes, please describe:

B. Is any part of the project site an archaeological site listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth? X Yes \_\_\_ No; if yes, does the project involve the destruction of all or any part of such archaeological site? \_\_\_ Yes X No; if yes, please describe:

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).

C. If you answered "No" to all parts of both questions A and B, proceed to the **Attachments and Certifications** Sections. If you answered "Yes" to any part of either question A or question B, fill out the remainder of the Historical and Archaeological Resources Section below.

D. Have you consulted with the Massachusetts Historical Commission? X Yes \_\_\_ No; if yes, attach correspondence

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: 11/17/08 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

472 Main Street  
Street  
Acton, MA 01720

Municipality/State/Zip  
978-264-9612

Municipality/State/Zip  
978-264-9612

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Phone



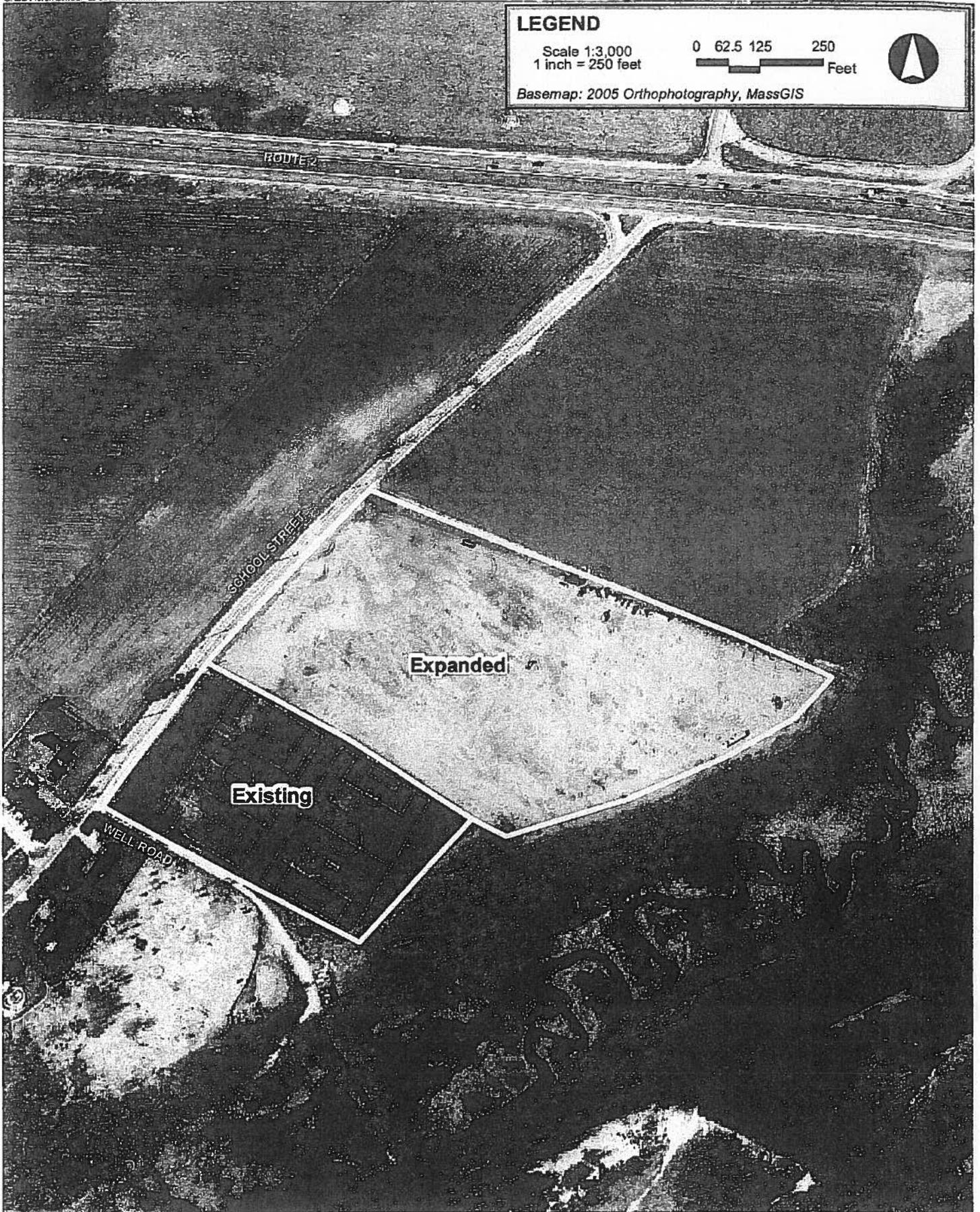
## FIGURES

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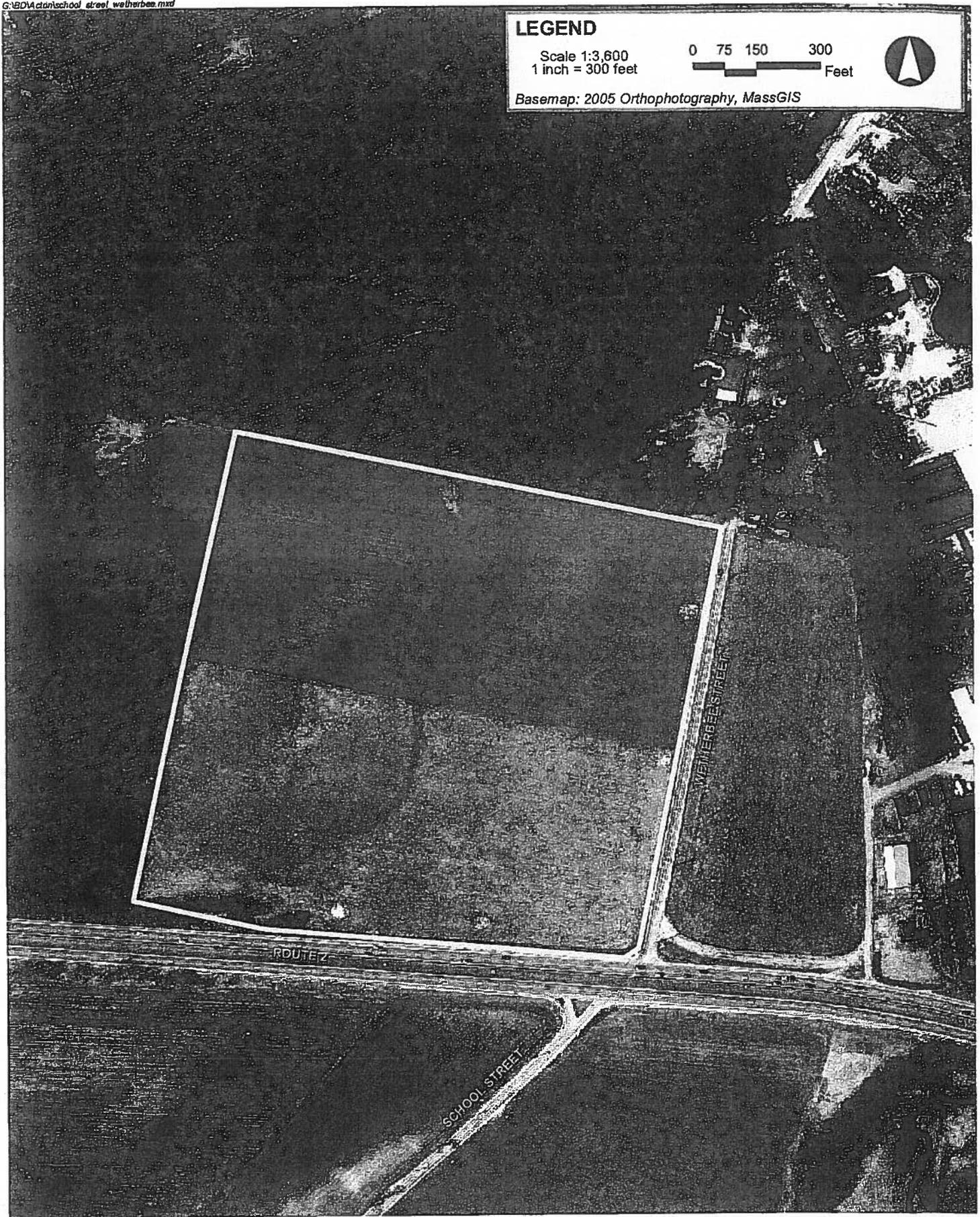


Acton, Massachusetts



**Figure 2**  
*Existing and Expanded Recreational Areas*





**LEGEND**

Scale 1:3,600  
1 inch = 300 feet

0 75 150 300  
Feet



Basemap: 2005 Orthophotography, MassGIS





ATTACHMENT 1 – MASSACHUSETTS HISTORICAL COMMISSION  
CORRESPONDENCE

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**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 Assct 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](http://www.sec.state.ma.us/mhc)

These comments are offered to assist in compliance Massachusetts General Laws Chapter 9, Sections 26-27C (950 CMR 71). If you have further questions or require additional information please contact Jonathan K. Patton at this office.

Sincerely,



Brona Simon  
State Historic Preservation Officer  
Executive Director  
Massachusetts Historical Commission

xc: Carol Meeker, DCAM  
Steve Ledoux, Town Manager, Town of Acton  
Kyle J. Keady, Town Administrator, Town of Shirley  
Acton Historical Commission  
Shirley Historical Commission

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

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## 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.

**SECTION 5.** The lease may provide that the town of Acton and its agents, tenants or contractors agree to hold the commonwealth and its agents and employees harmless from and against all claims, actions, damages or costs claimed for injuries or damages to persons or property arising out of, or in any way relating to, the lease authorized by this act, and agree to indemnify and defend the commonwealth and its agents and employees from and against any and all such claims, actions, damages or costs.

**SECTION 6.** The town of Acton shall be responsible for the costs and expenses, including, but not limited to, costs associated with any engineering, surveys, appraisals and lease preparation related to the lease authorized by this act as such costs may reasonably be determined by the commissioner of capital asset management and maintenance.

*Approved August 6, 2008*

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**Return to:**

List of Laws passed in 2008 Session

General Court home page, or

Commonwealth of Massachusetts home page.

## 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.

(g) The designation of any parcel under subsection (a) shall be subject to any easement, restriction, condition, lease, license, agreement or grant of any right or interest in the parcel in existence as of the effective date of this act, including, without limitation, (i) agreements relating to approximately 15 acres of land on a portion of the parcel identified and described in clause (3) of subsection (a) of section 2 to be used for active recreation, including agreements regarding the use, maintenance, and related parking and access for said active recreation land; (ii) an easement for the water supply system for the town of Concord located on the parcel identified and described in said clause (3) of subsection (b) of said section 2; and (iii) a road located on the parcel identified and described in said clause (3) of said subsection (b) of said section 2, used to access the adjoining land owned by the town of Concord identified on assessor's map 1997.

**SECTION 2.** (a) The parcels in the town of Acton designated for the purposes described in section 1 shall be those lands of the commonwealth described in:

- (1.) assessor's map G5, parcels 95 and 96, these parcels being a portion of the land granted to the commonwealth by deed recorded at the Middlesex south district registry of deeds, in this section referred to as the registry, at book 2647, page 41;
- (2.) assessor's map H4, parcel 5, 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 5.56 acres of land of the commonwealth described as parcel No. 4 on a plan of road recorded at the registry as plan number 2056 of 1950;
- (3.) assessor's map H4, parcel 6, this parcel being a portion of the land granted to the commonwealth by deed recorded at the registry at book 2647, page 41, but not to include from this parcel approximately 2.63 acres of land of the commonwealth described as parcel No. 2 on a plan of road recorded at the registry as plan number 2056 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 Massachusetts avenue on route 2, as shown on a plan of road recorded at the registry at plan 2056 of 1950, and being those lands within a distance of 200 feet southerly of and parallel to said highway location line extending from the Acton-Concord town line westerly to the intersection with School street, as shown on said plan;
- (4.) assessor's map G4, parcel 176, this parcel having been taken by the commonwealth by an order of taking recorded at the registry at book 11703, page 603 and shown as parcel C on a plan of land recorded at the registry as plan number 684 of 1969;
- (5.) assessor's map G4, parcel 184, this parcel having been taken by the commonwealth by an order of taking recorded at the registry at book 12717, page 213 and shown as parcel E on a plan of land recorded at the registry as plan number 1204 of 1974;
- (6.) assessor's map G4, parcel 185, 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;
- (7.) assessor's map G4, parcel 187, this parcel being granted to the commonwealth by a deed recorded at the registry at book 7704, page 475 and being approximately 3.5 acres of a parcel of land shown as Lot 2 on a plan of land recorded at the registry as plan number 339 of 1939, but

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",

dated July 29, 1931 and recorded with the registry at plan 696 of 1931, northwesterly along Elm street to a stone wall at the land now or formerly of Robbins, as shown on the plan of land; and an additional portion of the land described as Area V, being those lands adjacent to the northerly location line of the February 1, 1938 state highway alteration of Barretts Mill road, as shown on plans of road recorded at the registry at plan 100 and plan 225 of 1938, and being those lands within a distance of 200 feet northerly of and parallel to said 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", dated July 29, 1931, and recorded with the registry at plan 696 of 1931, northeasterly along Barretts Mill road to a stone wall at the land now or formerly of Keefe shown on said plan of land.

**SECTION 3.** The department of correction may receive gifts or grants, in an amount not to exceed \$100,000, for the specific purpose of acquiring environmental services and equipment, including the purchase, installation and maintenance of recycling equipment. The department of correction may expend without further appropriation, all such funds received for such environmental services and equipment.

**SECTION 4.** This act shall take effect on December 31, 2008.

*Approved August 14, 2008*

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**Return to:**

List of Laws passed in 2008 Session

General Court home page, or

Commonwealth of Massachusetts home page.

## ATTACHMENT 3 – CIRCULATION LIST

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## 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  
University of Massachusetts  
Amherst, MA 01003

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

Jeffrey J. Quick, A.I.A., CIPS - Director  
Division of Resource Management  
Massachusetts Department of Correction  
21 Needham Street  
Norfolk, MA 02056

Massachusetts Bay Transit Authority  
Attn: MEPA Coordinator  
10 Park Plaza, 6th Floor  
Boston, MA 02216-3966

Senator Pamela P. Resor  
MA State House - Room 410  
Boston, MA 02133

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

Town of Acton Board of Selectmen

Town Hall

472 Main Street

Acton, MA 01720

Town of Acton Planning Board

Town Hall

472 Main Street

Acton, MA 01720

Town of Acton Conservation Commission

Town Hall

472 Main Street

Acton, MA 01720

Town of Acton Board of Health

Town Hall

472 Main Street

Acton, MA 01720

Town of Acton Historical Commission

Town Hall

472 Main Street

Acton, MA 01720

# Department of Correction

## Division of Resource Management

### TRANSMITTAL

DATE:	FEBRUARY 10, 2016	SUBMITTAL:	
DRM PROJECT NUMBER			
PROJECT NAME	CHAPTER 286 OF THE ACTS OF 2008 LEASE OF CERTAIN PROPERTIES TO THE TOWN OF ACTON		

TRANSMITTED TO:	TRANSMITTED VIA:
Mr. Steven L. Ledoux	U.S. MAIL <input checked="" type="checkbox"/>
Town Manager	UPS <input type="checkbox"/>
Town of Acton	DOC COURIER <input type="checkbox"/>
472 Main Street	FAX <input type="checkbox"/>
Acton, MA 01720	Fax Number

**WE TRANSMIT:**

Herewith  In accordance with your request

**FOR YOUR:**

<input checked="" type="checkbox"/> Approval/Signature	<input type="checkbox"/> Distribution	<input type="checkbox"/> Information
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> Records	<input type="checkbox"/> Use

**THE FOLLOWING:**

<input type="checkbox"/> Cert. Of Substantial Completion	<input type="checkbox"/> Certified Payroll(s)	<input type="checkbox"/> Project Change Request
<input type="checkbox"/> Drawing(s)/Documents on CD	<input type="checkbox"/> Purchase Order	<input type="checkbox"/> Specifications
<input type="checkbox"/> Sub Qualifications Package	<input type="checkbox"/> Equipment Submittals	<input type="checkbox"/> Design Submittals

Copies	Document Date	Rev. No.	Description	Action Code
1	11.17.08		Copy of Ch 286 of Acts of 2008 Lease of Cert Prop to Acton	A
1	2.4.16		Original Signed License Agreement by DOC	B

**ACTION CODE:**

(A) No action required. (B) For signature and forwarding as noted in remarks.  
 (C) Please review and submit approval/comments ASAP. (D) See remarks below.

**REMARKS**

Please sign and return a copy to the individual listed below. Thank you.

COPIES TO:  w/enclosures  w/o enclosures

**Sent by:** Jeffrey J. Quick, A.I.A., CIPS, Director  
 Division of Resource Management  
 Department of Correction  
 50 Maple Street  
 Milford, MA 01757

