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WAIVER OR MODIFICATION OF REPLACEMENT LAND REQUIREMENTS OF M.G.L. c. 3 § 5A

PROJECT: Proposed Disposition of Land in the Town of Billerica to Support the Construction of the Yankee Doodle Bike Path
MUNICIPALITY: Billerica
EEA FILE NUMBER: A97_016_031
PROJECT PROPONENT: Massachusetts Department of Transportation
DATE: April 23, 2025

Pursuant to M.G.L. c. 3 § 5A, a public entity who is proposing to use for another purpose or otherwise dispose of land or an interest in land subject to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts ("Article 97"), may request a waiver or modification of the replacement land requirements of Section 5A, provided that:

1. the disposition involves only the transfer of legal control between public entities and does not involve any other change, including, but not limited to, a change allowing the land to be used for another purpose; or
2. the transfer is of land or interest in land that is of insignificant natural resource and recreation value and is less than 2,500 square feet in area and the transfer serves a significant public interest.

This determination constitutes solely a waiver or modification of the replacement land requirements pursuant to M.G.L. c. 3 § 5A(a)(ii) & M.G.L. c. 3 § 5A(a)(iii) and does not indicate that the Secretary of Energy and Environmental Affairs takes any position on the Project or on whether it complies with the Executive Office of Energy and Environmental Affairs ("EEA") Article 97 Land Disposition Policy. This determination reflects the independent analysis of EEA for advisory purposes and does not create any right, benefit, or duty, substantive or procedural, enforceable at law or equity by any party in any judicial or administrative matter.

Project Description:

The Project involves the transfer of care, custody and control of approximately 61,501 square feet of land from the Billerica Conservation Commission to the Billerica Select Board, in order to facilitate the construction of a portion of the Yankee Doodle Bike Path. This land primarily consists of an existing path within a former railroad Right of Way, which is currently used for passive recreation purposes. The

proposed disposition would result in improvements to the existing path, including paving and enhanced access. The land would remain subject to Article 97 and would be used solely for the purposes of passive recreation.

Determination:

Based on the information provided by the Town of Billerica (posted on EEA's website via the Tracker) and an independent analysis conducted by EEA, the proposed project meets the criteria for a waiver of replacement land requirements pursuant to M.G.L. c. 3 § 5A because the project involves the transfer of land between public entities without a change in use.