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**FINDING: REQUEST TO PROVIDE FUNDING IN LIEU OF REPLACEMENT LAND**

**PROJECT:** Proposed Disposition of Land Held by the Town of Canton in the Town of Stoughton for Highway Purposes  
**MUNICIPALITY:** Town of Stoughton & Town of Canton  
**EEA FILE NUMBER:** A97\_006\_050  
**PROJECT PROPONENT:** Massachusetts Department of Transportation  
**DATE:** July 30, 2024

Pursuant to M.G.L. c. 3, § 5A, in order 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”), a public entity must identify replacement land as mitigation or in certain cases, provide funding in lieu of replacement land. M.G.L. c. 3, § 5A states that a public entity may provide funding in lieu of replacement land if the Secretary of Energy and Environmental Affairs (“the Secretary”) has reported to the legislature an explicit finding that:

- (i) the proposed change in use or disposition serves a significant public interest;
- (ii) the proposed change in use or disposition will have no adverse impacts on an environmental justice population;
- (iii) the alternatives analysis has been submitted to the Secretary and subjected to public notice and comment and said analysis demonstrates that all other options to avoid or minimize the disposition or change in use have been explored and no feasible or substantially equivalent alternative exists for reasons specifically stated; and
- (iv) it is not feasible to contemporaneously designate replacement land that satisfies the requirements of M.G.L. c. 3, § 5A.

This Report solely fulfills the requirements of M.G.L. c. 3, § 5A(b)(1) and does not indicate that the Secretary 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 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:**

As described in the alternatives analysis provided to EEA, a safety audit conducted by the Massachusetts Department of Transportation (MassDOT) in 2018 showed areas of high traffic incidents along the Route 138 corridor in the Town of Stoughton. As a result of this safety audit, MassDOT designed improvements to address poor access management, inconsistent markings, ADA compliance, and bicycle access and to update traffic signals.

The alternatives analysis describes the public interest served by this project and the need for permanent easements on land located in Stoughton and owned by the Town of Canton for conservation and water supply protection purposes. This disposition is described in detail in the pending legislation H.3979.

### **Information considered:**

This finding is based on a review of the Alternatives Analysis, other materials submitted by the proponent, the Town of Canton, and interested members of the public, and EEA's independent analysis. EEA's analysis included review of the written request by MassDOT for funding in lieu of replacement land, use of EEA's Environmental Justice Map Viewer, and multiple conversations with both the Town of Canton and MassDOT. All information provided by the proponent is publicly available on EEA's website (<https://www.mass.gov/info-details/article-97-the-public-lands-preservation-act>)

### **1: The proposed change in use or disposition serves a significant public interest.**

The proposed project consists of roadway improvements to Route 138, which is a state-number route extending from Milton to Somerset, identified in a safety audit conducted by MassDOT. Route 138 is a major roadway which is listed as a component of the National Highway System in the MassDOT Road Inventory. The proposed improvements include traffic signal installation, sidewalk reconstruction, and buffered bicycles lanes. These improvements would bring this section of Route 138 into compliance with the Americans with Disabilities Act, Massachusetts Architectural Access Board guidelines, and MassDOT's Complete Streets and GreenDOT initiatives. EEA acknowledges the significant benefit that these roadway improvements provide to the public and the Commonwealth and finds that the proposed project serves a significant public interest.

### **2: The proposed change in use or disposition will have no adverse impacts on an environmental justice population.**

The permanent easements proposed for disposition in the proposed project is located partially within a census block designated as an Environmental Justice (EJ) population, as indicated in EEA's *Environmental Justice Map Viewer*, (Figure 1, easements shown as red stars).



*Figure 1: Approximate Location of Proposed Permanent Impacts*

As required by the Federal Highway Administration, MassDOT performed an EJ population assessment and analysis. This assessment determined that EJ populations will not bear an “unfair or inequitable” burden as a result of the proposed project.

Independent from, but consistent with, MassDOT’s determination, EEA finds that the project will not have an adverse impact on an EJ population because:

- The project itself does not deprive an EJ population of an environmental benefit and provides for walking and biking facilities that will reduce emissions and offer other benefits;
- The impacts will be almost entirely to the overgrown shoulder along a major roadway that is not currently suitable for use by the public;
- The easements will not impact the public’s ability to access, benefit from, and/or utilize the remainder of the parcels subject to Article 97; and
- The proposed legislation requires the Town of Canton to use the mitigation funds for acquisition of land in a comparable location.

**3. The alternatives analysis has been submitted to the Secretary and subjected to public notice and comment and said analysis demonstrates that all other options to avoid or minimize the disposition or change in use have been explored and no feasible or substantially equivalent alternative exists for reasons specifically stated.**

The project proponent has submitted an alternatives analysis to the Secretary, and this alternatives analysis was posted for public comment on the Town of Canton’s website. In addition, MassDOT has provided other public notice and comment opportunities for the project as a whole.

The alternatives analysis and the Design Justification Workbook adequately describe the need for this project and demonstrate that other options to avoid or minimize the disposition have been explored and that there is no feasible or substantially equivalent alternative to address the public safety deficiencies of the roadway as currently constructed. In addition, MassDOT successfully minimized the number of parcels affected by the project, reducing the overall impact.

**4. It is not feasible to contemporaneously designate replacement land that satisfies the requirements of M.G.L. c. 3, § 5A.**

MassDOT has received federal funding to move forward with the proposed project and in order not to lose this funding certain deadlines need to be met. To this point, while MassDOT and the Town of Canton have consulted on potential candidate parcels of replacement land, they have not yet been able to conclusively identify a replacement parcel with sufficient certainty to include in legislation. As a result, a contemporaneous designation of replacement land would put the project at risk of losing federal funding.