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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 Dighton for Bridge Replacement Purposes
MUNICIPALITY: Dighton
EEA FILE NUMBER: A97_024_076
PROJECT PROPONENT: Town of Dighton
DATE: February 03, 2026

Pursuant to M.G.L. c. 3 § 5A(a), a public entity that 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 otherwise-applicable requirement to provide replacement land, 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) 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 or any law or regulation.

Project Description:

The project involves the replacement of an existing bridge over Muddy Cove Brook in the town of Dighton (“the Project”). As a part of this bridge replacement, the Town of Dighton will need to transfer fee ownership and convey easements over small portions of land subject to Article 97 at Tricentennial Park, which consists mostly of maintained lawn with natural resource values most prominently associated with passive recreation and access to the riverfront . These dispositions are necessary for the bridge replacement and associated infrastructure including guard rails, utility poles, rock fill, erosion controls and tree protections. The total impact of all fee takings, permanent easements and temporary easements is

1,231 square feet. The Project will not have significant impacts on the natural resource values of the land or permanently impede access or use of Tricentennial Park. The project is described in more detail in an Alternatives Analysis and supplemental materials provided by the Town of Dighton, and posted on EEA's website¹.

Determination:

Based on the information provided by the Town of Dighton, and an independent analysis conducted by EEA, the proposed project meets the criteria for the requested waiver of the replacement land requirements pursuant to M.G.L. c. 3 § 5A because the project serves a significant public benefit and involves a disposition of land which has insignificant natural resource and recreational value and impacts less than 2500 square feet. I therefore waive the requirement for the provision of replacement land associated with the Project.

¹ <https://www.mass.gov/info-details/article-97-an-act-preserving-open-space-in-the-commonwealth-mgl-c-3-ss-5a>