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

PROJECT: Proposed Transfer of Land Held by DCR to the City of Holyoke  
MUNICIPALITY: Holyoke  
EEA FILE NUMBER: A97\_015\_137  
PROJECT PROPONENT: City of Holyoke  
DATE: March 19, 2025

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, described more particularly in an Alternatives Analysis (Appendix A) provided by the City of Holyoke, involves the transfer of land currently held by the Department of Conservation and Recreation (DCR) to the City of Holyoke. This land, which is in the middle of a City-owned park (“Anniversary Park”), was originally taken by DCR for the purposes of constructing and operating a public pool. In the 1990s, this pool was closed and later demolished. The Project proposes to convey this parcel back to the City of Holyoke to be maintained for park purposes subject to Article 97. As part of this conveyance, the Holyoke Department of Public Works’ division of Parks and Recreation would assume care and control of the parcel.

**Determination:**

Based on the information provided by the City of Holyoke and DCR, 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 involves a transfer of legal care and control from one public entity to another public entity without a change in use. As the project will not result in a net loss of Article 97 land, there is no need to mitigate for any loss through the provision of replacement land.