



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Maura T. Healey
GOVERNOR

Kimberley Driscoll
LIEUTENANT GOVERNOR

Rebecca L. Tepper
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1081
<http://www.mass.gov/eea>

FINDING: REQUEST TO PROVIDE FUNDING IN LIEU OF REPLACEMENT LAND

PROJECT: Proposed Grant of Easements on Land Held by the Department of Conservation and Recreation in the Town of Milton at Chickatawbut Road to the Department of Transportation for Highway Purposes

MUNICIPALITY: Town of Milton

EEA FILE NUMBER: A97_014_189

PROJECT PROPONENT: Massachusetts Department of Transportation (MassDOT)

DATE: January 02, 2025

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 (Exhibit A) provided to EEA on October 16th, 2024, MassDOT is proposing to redesign the intersection of Randolph Avenue and Chickatawbut Road in the Town of Milton. This intersection has been identified as one of the most dangerous in the Commonwealth. The Alternatives Analysis states that it “consistently ranks in the top 5 high crash locations in Massachusetts”. A portion of this work is proposed on a Department of Conservation and Recreation (DCR) owned parkway and impacts land subject to Article 97.

The Alternatives Analysis describes the public interest served by this project and the need for permanent easements on land controlled by DCR.

Information considered:

This finding is based on a review of the Alternatives Analysis, other materials submitted by the proponent, 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 MassDOT and DCR. All information provided by the proponent is publicly available on EEA’s website (<https://www.mass.gov/info-details/article-97-an-act-preserving-open-space-in-the-commonwealth-mgl-c-3-ss-5a>)

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

The proposed project consists of roadway improvements to the intersection of Randolph Ave and Chickatawbut Road, in order to increase safety for vehicle, bicycle and pedestrian traffic. These improvements include splitter islands, curvature changes, truck aprons, and updated signage and pavement markings. The need for these improvements is demonstrated in the Alternatives Analysis, which indicates that between 2016 and 2022 188 crashes occurred in this intersection, 82 of which resulted in a serious injury or fatality. 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 are not located within an Environmental Justice (EJ) census block. However, the project does occur within 1 mile of two EJ populations: Income (green) and Minority (orange).



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 is not directly in an EJ population and does not deprive an EJ population of an environmental benefit and increases vehicle, bicycle and pedestrian safety within 1 mile of multiple EJ populations;
- The easements to be conveyed exist solely along the existing roadway and 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 would require DCR 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 the Analysis was posted for public comment. In addition, MassDOT has provided other public notice and comment opportunities for the project as a whole.

The Alternatives Analysis adequately describes 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.

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 DCR have not 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 and safety concerns would not be addressed.