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

PROJECT: Proposed Boston Road Land Disposition for Highway Purposes
MUNICIPALITY: Westford
EEA FILE NUMBER: A97_008_330
PROJECT PROPONENT: Massachusetts Department of Transportation
DATE: July 30, 2024

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, 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 as 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 is described in pending legislation H.4140, and involves the conveyance of permanent easements on land held in the care, custody and control of the Westford Conservation Commission. The proposed easements are for the purposes of repairing, reconstructing, operating, maintaining or improving Boston Road, including, but not limited to, guy wire and overhead wire placement, grading, clearing and

grubbing, loaming and seeding and future maintenance. Four easements are proposed on land subject to Article 97, totaling approximately 438 square feet of potential impact.

Determination:

Based on the information provided by Massachusetts Department of Transportation 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 serves a significant public interest and the impacted land subject to Article 97 is less than 2,500 square feet and a is not of significant natural resource or recreation value.