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

**PROJECT:** Proposed Release of Certain Portions of an Agricultural Preservation  
Restriction for Highway Safety Purposes  
**MUNICIPALITY:** Town of Westford  
**EEA FILE NUMBER:** A97\_011\_330  
**PROJECT PROPONENT:** Massachusetts Department of Transportation  
**DATE:** April 24, 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 provided to EEA and posted on the Town of Westford website, the proposed project includes vehicular, bicycle and pedestrian safety improvements, as well as utility upgrades, pavement resurfacing, roadway reconstruction and sidewalk construction along Boston Road in Westford. A portion of this work requires permanent easements along 66-68 Boston Road, owned by Westford Gateway, LLC and subject to an Agricultural Preservation Restriction held by the Town of Westford.

### **Information considered:**

This finding is based on a review of the Alternatives Analysis, other materials submitted by the proponent, the Town of Westford, 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 MassDOT. All information provided by the proponent will be made 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 designed to address safety concerns along the corridor of Boston Road between Main Street and the on-ramps to Interstate 495 Southbound. The proposed improvements are designed specifically to increase safety for vehicular, bicycle and pedestrian traffic along Boston Road. 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 in this project are not located within a census block designated as an Environmental Justice (EJ) population, as indicated in EEA's *Environmental Justice Map Viewer*.

As required by the Federal Highway Administration, MassDOT performed an EJ population assessment and analysis. This assessment determined that the proposed work will not bear an "unfair or inequitable" burden on an EJ population.

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 work is not proposed in a census block designated as an EJ population.

### **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 Westford's website. In addition, MassDOT has provided other public notice and comment opportunities for the project as a whole.

The alternatives analysis 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.

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

At the time of this request, MassDOT has not yet been able to conclusively identify a replacement parcel with sufficient certainty to include in legislation. It was determined that there was not enough time to comply with the replacement land requirements of M.G.L. c. 3 § 5A prior to the end of legislative session and non-compliance may result in a delay and/or loss of funding for a project deemed to have significant public interest.