

**ENF**

**Environmental  
Notification Form**

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>	
EOEA No.:	14340
MEPA Analyst:	Holly Johnson
Phone:	617-626-1023

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

<b>Project Name: Chapter 286 of the Acts of 2008 – Lease of Certain Properties to the Town of Acton</b>		
Street: <b>School Street</b>		
Municipality: <b>Acton</b>	Watershed: <b>Assabet River</b>	
Universal Transverse Mercator Coordinates: NAD83 UTM Zone 19N: 301502.305 4704487.504 meters	Latitude: 42° 28' 02.3" N Longitude: 071° 24' 54.8" W	
Estimated commencement date: <b>Dec 2008</b>	Estimated completion date: <b>Dec 2008</b>	
Approximate cost: <b>\$1.00</b>	Status of project design: <b>N/A</b> %complete	
Proponent: <b>Town of Acton</b>		
Street: <b>Town Hall 472 Main Street</b>		
Municipality: <b>Acton</b>	State: <b>MA</b>	Zip Code: <b>01720</b>
Name of Contact Person From Whom Copies of this ENF May Be Obtained: <b>Maryjane Kenney</b>		
Firm/Agency: <b>Town of Acton</b>	Street: <b>472 Main Street</b>	
Municipality: <b>Acton</b>	State: <b>MA</b>	Zip Code: <b>01720</b>
Phone: <b>978-264-9612</b>	Fax: <b>978-264-9630</b>	E-mail: <b>mkenney@acton-ma.gov</b>

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  
 Yes  No
- Has this project been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No
- Has any project on this site been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8))  Yes  No
  - a Special Review Procedure? (see 301CMR 11.09)  Yes  No
  - a Waiver of mandatory EIR? (see 301 CMR 11.11)  Yes  No
  - a Phase I Waiver? (see 301 CMR 11.11)  Yes  No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres):

The Commissioner of Capital Asset Management and Maintenance, in consultation with the Commissioner of Corrections, is authorized, and proposes, to lease a certain parcel of land to the Town of Acton for a term of 10 years plus extensions, as authorized by Chapter 286 of the Acts of 2008.

Are you requesting coordinated review with any other federal, state, regional, or local agency?  
 Yes (Specify \_\_\_\_\_)  No

List Local or Federal Permits and Approvals: **None.**

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- |                                                                    |                                       |                                                                |
|--------------------------------------------------------------------|---------------------------------------|----------------------------------------------------------------|
| <input checked="" type="checkbox"/> Land (see Project Description) | <input type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands      |
| <input type="checkbox"/> Water                                     | <input type="checkbox"/> Wastewater   | <input type="checkbox"/> Transportation                        |
| <input type="checkbox"/> Energy                                    | <input type="checkbox"/> Air          | <input type="checkbox"/> Solid & Hazardous Waste               |
| <input type="checkbox"/> ACEC                                      | <input type="checkbox"/> Regulations  | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
<b>LAND</b>				<input type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input checked="" type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i> The proposed lease was authorized by Chapter 286 of the Acts of 2008 "An Act Authorizing the Division of Capital Asset Management And Maintenance to Lease Certain Property to the Town of Acton."
Total site acreage	~ 15			
New acres of land altered		- 10 -		
Acres of impervious area	- 0 -	- 0 -	- 0 -	
Square feet of new bordering vegetated wetlands alteration		- 0 -		
Square feet of new other wetland alteration		- 0 -		
Acres of new non-water dependent use of tidelands or waterways		- N/A -		
<b>STRUCTURES</b>				
Gross square footage	N/A	N/A	N/A	
Number of housing units	N/A	N/A	N/A	
Maximum height (in feet)	N/A	N/A	N/A	
<b>TRANSPORTATION</b>				
Vehicle trips per day	N/A	N/A	N/A	
Parking spaces	N/A	N/A	N/A	
<b>WATER/WASTEWATER</b>				
Gallons/day (GPD) of water use	N/A	N/A	N/A	
GPD water withdrawal	N/A	N/A	N/A	
GPD wastewater generation/ treatment	N/A	N/A	N/A	
Length of water/sewer mains (in miles)	N/A	N/A	N/A	

**CONSERVATION LAND:** Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify \_\_\_\_\_)  No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

- Yes (Specify \_\_\_\_\_)  No

**RARE SPECIES:** Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify \_\_\_\_\_)  No

**HISTORICAL /ARCHAEOLOGICAL RESOURCES:** Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes  No (Specify: \_\_\_\_\_)

The Department of Capital and Asset Management submitted a Project Notification Form to the Massachusetts Historic Commission for the proposed lease. MHC has determined the proposed lease is "unlikely to affect any significant historic and archaeological resources." MHC has indicated that any future "construction or ground disturbance activities that could be proposed in future for recreational activities have the potential to affect significant archaeological properties. A Project Notification Form (950 CMR 71) and preliminary project plans should be submitted to the MHC as early as possible in the planning stages of any future projects proposed on the properties." The Town of Acton has committed to do so if and when any such activities are proposed (See Attachment 1).

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify \_\_\_\_\_)  No

**AREAS OF CRITICAL ENVIRONMENTAL CONCERN:** Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify \_\_\_\_\_)  No

**PROJECT DESCRIPTION:** The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

For approximately 20 years the Town of Acton has licensed from the Massachusetts Department of Corrections (DOC) an area of approximately 5 acres of land located immediately east of School Street and south of Route 2 in the Town of Acton for use as active recreational lands (see Figure 1, USGS Locus Map and Figure 2, Existing and Expanded Recreational Areas). In turn, the Town of Acton has granted DOC the right to actively farm an approximately 25-acre parcel of Town of Acton land located west of Wetherbee Street and north of Route 2 in the Town of Acton (the "Wetherbee lands" - see Figure 3, Wetherbee Farm Fields).

In 2003 the Town of Acton and DOC preliminarily agreed to expand the area under the pre-existing license to include an additional area of approximately 10 acres of fallow lands, all of which would be leased to the Town for recreational activities and related facilities. The expansion area is situated north of and immediately abutting the existing playing fields. At approximately this same time, the Town of Acton, working with the DOC and local land protection trusts, initiated an effort to establish Article 97 protection on approximately 106 acres of DOC lands in Acton, subject to the lease/license of a portion of the DOC property for recreational activities and facilities.

On August 6, 2008 the Massachusetts legislature authorized Chapter 286 of the Acts of 2008 "An Act Authorizing the Division of Capital Asset Management and Maintenance to Lease Certain Property to the Town of Acton." Chapter 286 specifically authorized the Division of Capital Asset Management and Maintenance (DCAM), "in consultation with the Commissioner of Corrections," to lease the above-reference lands to the Town of Acton for "for recreational activities and facilities."

On August 14, 2008 the Massachusetts legislature authorized Chapter 313 of the Acts of 2008 "An Act Designating Certain Land in the Towns of Acton and Concord for Conservation, Agricultural, Open Space and Recreational Purposes." Chapter 313 essentially designated approximately 106 acres of DOC land in Acton, and a similar area of land in Concord, to be "held solely for the purpose of open

space protection, management and conservation, agriculture, forests, and limited public access for passive and specified active recreation and enjoyment.”

Upon execution of the lease authorized under Chapter 286, the Town of Acton proposes to expand the existing playing fields to include much of the lease area. No permanent structures, other than the “non solid fencing and recreational equipment” referenced in Chapter 313 are proposed. Existing, unpaved parking will be expanded as necessary and in accordance with Chapters 286 and 313.

Although not specifically the subject of this Environmental Notification Form, the proposed recreational field improvements may be subject to review by the Massachusetts Historical Commission and the Massachusetts Department of Agriculture. As noted above, MHC has determined the proposed lease is “unlikely to affect any significant historic and archaeological resources.” MHC has indicated that any “construction or ground disturbance activities that could be proposed in the future for recreational activities have the potential to affect significant archaeological properties. A Project Notification Form (950 CMR 71) and preliminary project plans should be submitted to the MHC as early as possible in the planning stages of any future projects proposed on the properties.” The Town of Acton has committed to do so if and when any such activities are proposed. Similarly, the proposed lease area soils have been identified as “important” by the Natural Resources Conservation Services. While no significant alteration of these soils is proposed (no significant excavation or grading), Chapter 286 requires the Town comply with Executive Order 193 by mitigating for the term of the lease any loss of state-owned agricultural soils and lands. Subject to any necessary approvals, the Town is prepared to offer such mitigation in the form of an agricultural restriction or other suitable instrument on the approximately 25 acres of “Wetherbee lands” referenced above and shown on Figure 3, or on a similar non-state property.

The protection of the lands referenced in Chapters 286 and 313 for their recreational, open space, agricultural and landscape values have long been the goal of the Town of Acton, the DOC and the local and regional land trusts. Each of these entities worked long and hard in bringing these protections to fruition. The alternative of significant concern to all was the eventual sale of these lands for subdivisions and/or commercial or retail developments. The proposed lease of approximately 15 acres of these lands has been a key component in the success of this protective endeavor. The lease will not result in the loss or disruption of these lands, and the combined result of Chapters 286 and 313 effectively represent “mitigation” of this use.