

**FINDING BY THE DEPARTMENT OF CONSERVATION AND RECREATION
AND
THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE
FOR EASEMENTS UNDER M.G.L. C. 30, S. 61**

Introduction

Massachusetts General Laws, Chapter 30, section 61 ("Section 61") requires that "[a]ll agencies, departments, boards, commission and authorities of the Commonwealth shall review, evaluate, and determine the impact on the natural environment of all works, projects, or activities conducted by them and shall use all practical means and measures to minimize damage to the environment. Any determination made by an agency of the Commonwealth shall include a finding describing that all feasible measures have been taken to avoid or minimize said impact." The finding required by Section 61 "shall be limited to those matters which are within the scope of the environmental impact report, if any, required [on a project]." M.G.L. c. 30. S. 62A.

The development of the Project site requires the development of an internal street network serving the site and crossing over the canals. DCR and DCAM own a 20-foot wide strip of land abutting some of the canals and air rights over the canals. In order for the proponent to bring roads and utilities into the site, easements are required over DCR property. Therefore, DCR and DCAM must issue a Section 61 finding.

The proponent has designated Parcel 3 (12,307 sf) as an open space parcel, which will be under the ownership and control of the City of Lowell, and developed as a public park. Parcel 3 exceeds the area of land subject to the Article 97 disposition (5,969 sf).

MEPA Review

An Expanded Environmental Notification Form (EENF) for the Project was prepared and filed on April 30, 2008 and the Secretary of the Executive Office of Environmental Affairs (the Secretary) issued a Certificate on the EENF specifying the scope for a Draft Environmental Impact Report (DEIR) on June 13, 2008. In addition, a Phase One Waiver was granted in the Final Record of Decision on July 11, 2008, which allowed the land transfers associated with Phase One to proceed. The DEIR was filed with the Secretary on December 30, 2008. The Secretary issued the Certificate on the DEIR on February 13, 2009. The Final Environmental Impact Report (FEIR) was filed on March 31, 2009. The Secretary issued the Certificate on the FEIR on May 15, 2009. The parties are at this time effecting the transfers associated with both Phase One and Phase Two.

Project Description

As currently proposed, the project calls for the redevelopment of approximately 13 acres of land located within the Hamilton Canal District in the southwest corner of downtown

Lowell. The bulk of the site is situated on two peninsulas formed by the Merrimack, Lower Pawtucket, and the Hamilton Canals and is bounded by the Lowell National Historic Park Visitor Center to the north, Middlesex Street and Jackson Street to the south, Dutton Street to the west, and Revere Street to the east.

The proposed Hamilton Canal District project's building program was developed through a series of neighborhood charrettes as part of the public review process requested by the City of Lowell. The proposed program calls for the redevelopment of two historic buildings and the construction of several new structures to provide 623 residential units, 54,800 sf of retail space, 391,566 sf of office space, and a 450-seat theatre.

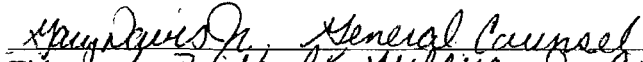
Mitigation Measures, Responsible Party, and Costs:

Mitigation	Responsible Party/Implementation	Costs
<p>Parcel 3 of the project site has been designated to be developed as a public park with a canal-side walkway, landscaping, and recreational amenities under the ownership and control of the City of Lowell.</p> <p>Ownership and Maintenance of the Parcel 3 park will be by the City of Lowell.</p>	<p>City of Lowell</p>	<p>TBD</p>
<p>Design of the proposed improvements subject to review by DCR.</p>	<p>City of Lowell/ DCR</p>	<p>Part of Overall Project Cost</p>

Conclusion

Now, therefore, DCR and DCAM, having reviewed the MEPA filings for the Hamilton Canal District Project and the mitigation measures proposed, finds pursuant to M.G.L. c. 30, section 61 that with the implementation of the aforesaid measures, all practical and feasible means and measures will have been taken to avoid or minimize potential damage to the environment from the Project.


MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION


Title *for Richard K. Sullivan, Jr., Commissioner*

6/25/09

Date

MASSACHUSETTS DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE


Title *Deputy Commissioner*

June 19, 2009

Date