



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

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July 7, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Silva Property
PROJECT MUNICIPALITY : Hamilton
PROJECT WATERSHED : Ipswich River
EOEA NUMBER : 13813
PROJECT PROPONENT : Town of Hamilton
DATE NOTICED IN MONITOR : June 7, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

This project consists of the transfer of 2,207 square feet (sf) of public water supply land owned by the Town of Hamilton. The site includes a portion of a patio and pool associated with a residence at 73 Pine Tree Drive. The site is located within public water supply land and is subject to a Conservation Restriction (CR), enacted in 1995, held by Mass Audubon.

The project is undergoing MEPA review pursuant to Section 11.03 (1)(b)(5) because it requires a state permit and consists of a transfer of Article 97 land to a purpose not in accordance with Article 97. The project requires approval from the Secretary of the Executive Office of Environmental Affairs (EOEA) for partial release of a CR and approval from the Department of Environmental Protection (DEP) for sale of water supply land.

The structures were constructed twenty years prior to the enactment of the CR. The property was unintentionally included in the CR and this inclusion was not identified until the residence was sold in 1997. Hamilton Town Meeting approved the transfer of a 2,207 sf parcel of land to the property owner. Mass Audubon agreed to a partial release of the land from the CR

and a home rule petition to authorize a partial release from the CR was enacted into law in 2004 (Chapter 212 of the Acts of 2004). The partial release was approved by EOEA on December 7, 2004. The partial release is for a small amount of land, the structures preceded the placement of the CR on the land and no changes are proposed to the existing use. This release will not impact the water supply.

The review of the ENF has served to adequately disclose the potential impacts associated with this project. Based on the information in the ENF and after consultation with relevant public agencies, I find that outstanding issues can be addressed through state and local permitting. No further MEPA review is required.

July 7, 2006

Date



Stephen R. Pritchard

No comments received

SRP/CDB/cdb