



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

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

PROJECT NAME : Capen Court Easement
PROJECT MUNICIPALITY : Somerville
PROJECT WATERSHED : Boston Harbor (Mystic)
EOEA NUMBER : 14333
PROJECT PROPONENT : Somerville Housing Authority
DATE NOTICED IN MONITOR : October 22, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) 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).

Project Description

The project consists of the granting of easements over property owned by the Commonwealth of Massachusetts at 149 Capen Street, which is known as the "Mystic Shops" property. The intent of the project is to create deeded rights to adjacent property owners based on the historical and current use of this property. The easements will secure vehicular access to 1 Capen Court and 405 Alewife Brook Parkway and allow continued use and maintenance of utilities now serving 1 Capen Court. The NPC indicates that the easements will document uses which have been in place for more than fifty years. As part of this project, water pipes owned by the Massachusetts Water Resources Authority (MWRA) will be relocated from the center of 1 Capen Court to the perimeter of 1 Capen Court. Future improvements may include alterations to the existing curb cut at Mystic Valley Parkway including repaving the access road, adding curbing and providing pedestrian improvements.

Project Site

The site is located in the northern section of Somerville in close proximity to the border with Medford. It is adjacent to the Mystic Valley Parkway and the Alewife Brook Parkway, both of which are owned and operated by DCR. The property is part of the waterworks system pursuant to the MWRA Enabling Act (St. 1984, c.372). The entire site consists of impervious surfaces. State land consists of the easement and a waterworks building. In addition, the site includes MWRA water supply piping. The adjacent properties to the east and the northeast are owned by the Capen Conwell Limited Partnership and the Somerville Housing Authority (SHA). Access to all three properties has been provided by the existing easement. The Mystic Shops/Mystic Waterworks Pump Station are listed in the State and National Registers of Historic Places and these are included in the Mystic Valley Parkway historic district which is also listed in the State and National Registers of Historic Places.

Permits and Jurisdiction

The project is undergoing MEPA review pursuant to Section 301 CMR 11.01 (1)(b)(3) because it requires a state permit and consists of conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth for any purpose not in accordance with Article 97. The project requires a truck access permit from the Department of Conservation and Recreation (DCR) and it may require a curb cut permit from DCR. In addition, the land transfer is subject to legislative approval consistent with Article 97.

Because the project involves a land transfer, MEPA jurisdiction is broad in scope and extends to all issues that may cause Damage to the Environment as defined in the MEPA regulations.

Review of the ENF

The ENF indicates that the transfer of this easement does not constitute a net loss of land protected by Article 97 because the granting of the easement will codify an existing and historical use and does not actually change the use. Because the proposed easements do not represent an actual change in use, the proponent indicates that compensatory mitigation is not appropriate.

Chapter 270 of the Acts of 2008 authorizes the DCAM to grant the easement. Section 1 of the legislation includes a provision that the instrument granting the easement contain an acknowledgement that use of the DCR parkways are subject to DCR regulations. Section 2 of the legislation includes a provision requiring that the developments be maintained as affordable senior housing with supportive services, including independent and assisted living. The legislation does not require the proponent to provide any compensatory land in exchange for the grant of the easement.


Comments from DCR identify the permits required or potentially required for the project and highlight the provision within the legislation that use of the DCR parkways are subject to DCR regulations. Comments from MHC indicate that the project will have no adverse effect on historic properties.

The review of this project only extends to the environmental impacts associated with the granting of easements. The waterworks building has been declared surplus property and DCAM has initiated the process for its disposition. I note that development of the waterworks building may be subject to separate MEPA review if it exceeds MEPA thresholds identified at 301 CMR 11.03.

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 no further MEPA review is required. The project may proceed to permitting.

November 21, 2008

Date



Ian A. Bowles

Comments Received:

11/11/08 Department of Conservation and Recreation (DCR)
10/28/08 Massachusetts Historical Commission (MHC)

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