

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

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December 8, 2006

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

PROJECT NAME : Abuzahra Land Transfer
 PROJECT MUNICIPALITY : Rowley
 PROJECT WATERSHED : Parker River
 EOE NUMBER : 13907
 PROJECT PROPONENT : Sheriff Abuzahra, Trustee – Spring-R Realty Trust
 DATE NOTICED IN MONITOR : November 8, 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 a three-way land transfer between the Abuzahra family, the Town of Rowley and the Department of Conservation and Recreation (DCR). The agreement will provide a no-build buffer between the State Forest and the parcels owned by the Abuzahra family, provide access and parking to the State Forest and increase the size of the State Forest. The Abuzahra family owns 13.25 acres within three lots at 982, 992 and 1002 Haverhill Street in Rowley. Lot 19 contains one residence and Lot 20 contains a 4,200 square foot office building, and a 9,925 sf mini-warehouse. DCR owns a .94-acre undeveloped linear lot between Lot 19 and Lot 20 (Lot 19-1). The land transfer consists of the following:

- transfer of Lot 19-1 (.94 acres) from DCR to the Abuzahra family;
- placement of a permanent easement (.49 acres) on Lot 19 to provide access to the Georgetown-Rowley State Forest including parking for five vehicles;
- placement of a permanent Conservation Restriction, consisting of .31 acres, on Lots 19, 19-1 and 20 to provide a no-build buffer for the State Forest; and
- funding to DCR to acquire, and incorporate into the Georgetown-Rowley State Forest, the Pierce Parcel (21 acres) and Warwick Parcel (5 acres).

The transfer will add 26 acres to the State Forest and provide an additional buffer of .81 acres. The proponent indicates that it does not have plans for additional development of Parcel 19 or 20 at this time. To address concerns with potential project segmentation, the ENF provides analysis of a development scenario for Parcel 20.

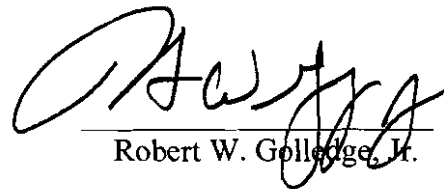
The project is undergoing MEPA review pursuant to Section 11.03 (1)(b)(3) because it requires a land transfer under Article 97 of the Amendments to the Massachusetts Constitution and consists of the conversion of land held for natural resources purposes in accordance with Article 97 to any purpose not in accordance with Article 97. The proposal will trigger a state disposition process guided by Article 97 and requires approval, by a two-thirds vote, of the legislature (which has been obtained). The transfer will be reviewed for consistency with the Executive Office of Environmental Affairs (EOEA) Article 97 Land Disposition Policy. Because the project involves a transfer of state land, MEPA jurisdiction extends to all aspects of the project that may cause Significant Damage to the Environment.

The Article 97 Land Disposition Policy, which was developed to ensure no net loss of Article 97 lands under the ownership and control of the Commonwealth, requires that conservation land be replaced with land of equal or greater fair market value and resource value as determined by EOEA and its agencies. Based on the information provided in the ENF and comments from DCR, it appears that this transfer has been structured to meet the requirements of the EOEA Article 97 Policy although a detailed review of the transfer has not been completed and updated appraisals will be required. Comments from DCR note that final approval of the transfer is dependent on a finding that DCR is receiving fair market value for its land. Also, DCR comments indicate that placement of signage on Route 133 to publicize the availability of the trail head parking is important.

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 adequately through state and local review. No further MEPA review is required.

December 8, 2006

Date



Robert W. Gollidge, Jr.

Comments Received:

11/28/06 Department of Conservation and Recreation (DCR)
11/28/06 Massachusetts Department of Environmental Protection/Northeast
Regional Office (MassDEP/NERO)

RWG/CDB/cdb