

Commonwealth of Massachusetts
Executive Office of Environmental Affairs ■ MEPA Office

Environmental
ENF Notification Form

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>	
EOEA No.:	<u>14292</u>
MEPA Analyst:	<u>Aisling Eglinton</u>
Phone:	<u>617-626-1024</u>

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.

Project Name: <u>Foley Land Swap</u>		
Street: <u>54 Harris Street</u>		
Municipality: <u>Holden</u>	Watershed: <u>Wachusett Res./Nashua River</u>	
Universal Transverse Mercator Coordinates:	Latitude: <u>42°21'49"</u> Longitude: <u>-71°50'05"</u>	
Estimated commencement date: <u>2003</u>	Estimated completion date: <u>2008</u>	
Approximate cost: <u>\$0</u>	Status of project design: <u>N/A</u>	%complete
Proponent: <u>John Foley & Janet Foley</u>		
Street: <u>54 Harris Street</u>		
Municipality: <u>Holden</u>	State: <u>MA</u>	Zip Code: <u>01520</u>
Name of Contact Person From Whom Copies of this ENF May Be Obtained: <u>Janet Foley (see above)</u>		
Firm/Agency:	Street:	
Municipality:	State:	Zip Code:
Phone: <u>508-829-3348</u>	Fax:	E-mail: <u>jnutfoley@aol.com</u>

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 301 CMR 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): MA Dept. of Conservation & Recreation – Watershed Division land swap – 0.36 acres

Are you requesting coordinated review with any other federal, state, regional, or local agency?

Yes (Specify _____) No

List Local or Federal Permits and Approvals: Act of State Legislature – Ch. 264 of the Acts of 2004

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

Land

Rare Species

Wetlands, Waterways, & Tidelands

- Water
- Energy
- ACEC

- Wastewater
- Air
- Regulations

- Transportation
- Solid & Hazardous Waste
- Historical & Archaeological Resources

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<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
Total site acreage	15,704			
New acres of land altered		0		
Acres of impervious area		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		0		
STRUCTURES				<input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit XX Other Permits (including Legislative Approvals) – Specify: <u>Ch. 264 of the Acts of 2004</u>
Gross square footage	0			
Number of housing units	0			
Maximum height (in feet)	0			
TRANSPORTATION				
Vehicle trips per day	0			
Parking spaces	0			
WASTEWATER				
Gallons/day (GPD) of water use	0			
GPD water withdrawal	0			
GPD wastewater generation/ treatment	0			
Length of water/sewer mains (in miles)	0			

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?

XXYes (Specify_Swap 15,704 sq. ft. of Watershed land for 81,715 sq. ft. Cons. Restriction) No

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

Yes (Specify _____) XXNo

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 _____) XXNo

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 (Specify _____) No

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.*)

The proposed land swap consists of 15,704 square feet of state-owned watershed land adjacent to a single-family residence at 54 Harris St., Holden to be conveyed to the Foley's (owners of 54 Harris Street). In exchange the Foley's will convey to DCR Watershed Division a Watershed Protection Restriction and Conservation Easement on 81,715 square feet of land that is presently part of their 54 Harris Street property. The 15,704 square foot property consists largely of the Foley's lawn and driveway which was evidently placed on a private owner's property inadvertently and prior to acquisition by DCR. The 81,715 square foot property is wooded and undeveloped and is separated from the Foley house site by a private subdivision road. It has been determined that the property to be acquired by DCR has significant watershed protection value associated with Wachusett Reservoir.

The Legislature approved the transfer of land as Chapter 264 of the Acts of 2004 on August 9, 2004 (see attached).

The Inspector General approved the appraisal of the parcels on June 3, 2008 (see attached).

It appears that the proposed swap is consistent with the EOEA Article 97 Land Disposition Policy as follows:

1. The land swap is entirely within an existing, 3.5-acre property and the alternatives are realistically limited to either the proposal as it stands or nothing. If the swap was not to be done the state would retain control of a degraded area and a larger, undegraded area would run the risk of being developed for uses accessory to a single-family house (e.g. pool, barn, lawn, etc.).
2. There are no known "unique or significant resources" on the site to be swapped. It is not within a mapped rare species habitat, ACEC, etc. As noted in the summary above, the land to be swapped is presently largely developed with a lawn and driveway.
3. The approved appraisal established equivalent value between the parcels to be swapped (see attached). DCR will gain use control of 5.2 times more land than they are conveying to the Foleys.
4. The land to be swapped is relatively small and constitutes no more than what is presently being used by the Foleys. It will continue to be used for it's present purpose as accessory to a single-family house.
5. The land to be gained by DCR has significant watershed protection value in its present, wooded state.
6. The land to be swapped was sold to DCR for watershed protection. We do not believe there were any stipulations or restrictions that any previous owner had placed on the land to be swapped.

LAND SECTION – all proponents must fill out this section

I. Thresholds / Permits

A. Does the project meet or exceed any review thresholds related to **land** (see 301 CMR 11.03(1) XX_ Yes ___ No; if yes, specify each threshold: 301 CMR 11.03(1)(b)3. Chapter 97 land swap.

II. Impacts and Permits

A. Describe, in acres, the current and proposed character of the project site, as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Footprint of buildings	<u>0</u>	<u>0</u>	<u>0</u>
Roadways, parking, and other paved areas	<u>0.06</u>	<u>0</u>	<u>0</u>
Other altered areas (describe)	<u>0.2</u>	<u>0</u>	<u>0.2</u>
Undeveloped areas	<u>0.1</u>	<u>0</u>	<u>0.1</u>

B. Has any part of the project site been in active agricultural use in the last three years? ___ Yes XX No; if yes, how many acres of land in agricultural use (with agricultural soils) will be converted to nonagricultural use?

C. Is any part of the project site currently or proposed to be in active forestry use? ___ Yes XX No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a DEM-approved forest management plan:

D. Does any part of the project involve conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97? XX Yes ___ No; if yes, describe: Land swap – see project description.

E. Is any part of the project site currently subject to a conservation restriction, preservation restriction, agricultural preservation restriction or watershed preservation restriction? ___ Yes XX No; if yes, does the project involve the release or modification of such restriction? ___ Yes ___ No; if yes, describe:

F. Does the project require approval of a new urban redevelopment project or a fundamental change in an existing urban redevelopment project under M.G.L.c. 121A? ___ Yes XX No; if yes, describe:

G. Does the project require approval of a new urban renewal plan or a major modification of an existing urban renewal plan under M.G.L.c. 121B? Yes ___ No XX ; if yes, describe:

H. Describe the project's stormwater impacts and, if applicable, measures that the project will take to comply with the standards found in DEP's Stormwater Management Policy: none

I. Is the project site currently being regulated under M.G.L.c.21E or the Massachusetts Contingency Plan? Yes ___ No XX ; if yes, what is the Release Tracking Number (RTN)?

J. If the project is site is within the Chicopee or Nashua watershed, is it within the Quabbin, Ware, or Wachusett subwatershed? XX Yes ___ No; if yes, is the project site subject to regulation under the Watershed Protection Act? ___ Yes XX No

K. Describe the project's other impacts on land: Project will improve watershed protection – see Project Description.

