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February 22, 2007

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

PROJECT NAME: Chebacco Woods Land Exchange
PROJECT MUNICIPALITY: Hamilton & Manchester-by-the-Sea
PROJECT WATERSHED: North Coastal
EOEA NUMBER: 13947
PROJECT PROPONENT: Towns of Hamilton and Manchester-by-the-Sea
DATE NOTICED IN MONITOR: January 23, 2007

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).

Project Description

According to the Environmental Notification Form (ENF), the project involves two small land exchanges at Chebacco Woods in the Towns of Manchester-by-the-Sea and Hamilton to correct two pre-existing encroachments. In June 1998, the Towns of Manchester-by-the-Sea and Hamilton jointly acquired a 113-acre parcel of land from Gordon College and combined the parcel with Manchester Water Supply Land and named the 365-acre parcel Chebacco Woods. The Chebacco Woods parcel is under conservation restriction and is used for water supply protection and passive recreation. The land was not surveyed until 2003 when the Chebacco Woods Land Management Committee received a grant for the work. The survey revealed that there were two encroachments onto the conservation land: the first encroachment on Chebacco Road consists of a septic

system built on 7,114 square feet (sf) of Chebacco Woods land; the second encroachment on Partridgeberry Lane is an established lawn and well on 20,008 sf of Chebacco Woods. The property owner at 111 Chebacco Woods has offered to exchange a contiguous wooded parcel of the same square footage for the parcel with the existing septic. The property owner at 3 Partridgeberry Lane has offered to exchange a contiguous wooded parcel with double the square footage for the parcel with the existing lawn and well.

Jurisdiction

The project is subject to environmental review pursuant to 301 CMR 11.03 (1)(b)(3): 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; and 301 CMR 11.03 (1)(b)(5): Release of an interest in land held for conservation, preservation or agricultural or watershed preservation purposes. The project requires a two-thirds vote of the State Legislature to convert the conservation parcels, and approval from Town Meeting, the Board of Selectmen and the Conservation Commission in each Town. The original land acquisition was partially funded with a Massachusetts Division of Conservation Services Self-Help grant. Because the project involves financial assistance from the Commonwealth, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment as defined in the MEPA statute.

Review of the ENF

According to the ENF, each Town has received a majority vote of the Conservation Commission, Board of Selectmen, and Town Meeting in support of the proposed conversions. In their comments on the ENF, the Executive Office of Environmental Affairs' (EOEA) Division of Conservation Services has indicated its support of the Towns' requests to correct the boundary encroachments based on the suitability of each replacement parcel. Any site which received state Self-Help grant assistance becomes permanently protected conservation land and cannot be converted to any other use without approval by the Secretary of Environmental Affairs, compliance with Article 97 of the Amendments to the State Constitution, and replacement of the converted land with land of equal or greater monetary value and conservation use. A staff member from the Division of Conservation Services attended the MEPA site visit held for the project on February 1, 2007.

Based on a review of the Inventory of Historic and Archaeological Assets of the Commonwealth, the Massachusetts Historical Commission (MHC) has stated that there are no recorded historic or archaeological resources within the project area. However, the property bounded by Chebacco Road and Route 128, including Gravelly Pond, Coy Pond, Round Pond, Beck Pond and Chebacco Lake in Hamilton is considered to be archaeologically sensitive. The continued preservation of these parcels for open space will assist to protect and preserve any significant archaeological sites that may be present. The proponent should note comments from MHC regarding notification requirements in

the case of proposed activities involving ground disturbance.

Conclusion

Based on a review of the information provided by the proponent and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR. I commend officials and residents in the Towns of Hamilton and Manchester-by-the-Sea for their commitment to open space protection. No further MEPA review is required.



February 22, 2007

Date

Ian A. Bowles

Comments Received:

1/25/2007	Massachusetts Historical Commission
2/6/2007	Division of Conservation Services
2/6/2007	Ralph C. Smith, Chebacco Woods Land Management Committee

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