

Peter F. Jackson
14 Capen Street
Milton, MA 02186

November 26, 2007

Secretary Ian A. Bowles
Executive Office of Energy and Environmental Affairs
ATTN: MEPA Unit
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Proposed Article 97 Land Swap;
EOEEA No. 14115

Dear Secretary Bowles:

I have reviewed the ENF submitted October 1, 2007 and the Supplementary Information submitted November 6, 2007 for referenced project. I also attended the public consultation meeting and site visit on October 26 at the project site. I look forward to your careful consideration of the following comments.

The Lantana is a valuable and well managed business that is important to the commercial tax base of the Town of Randolph. For this reason town officials, with the exception of the Randolph Conservation Commission, and the South Shore Chamber of Commerce have consistently supported the proposed land swap. The land proposed to be added to the Blue Hills Reservation is of no economic value to the town while the expansion of the Lantana site carries great economic potential.

The family that owns and manages The Lantana seeks to increase the economic value of the property it owns by acquiring 3 acres of public open space adjacent to its site. This public parcel will be developed as a parking lot freeing the current parking area for redevelopment for new commercial and/or residential uses. This type of conversion of public land for private economic gain is totally in opposition to the intent of Article 97 and the EOEEA Land Disposition Policy making it impossible for the transfer to proceed, without disregarding these two important public land protection measures.

Inconsistent with Article 97

The intent of Article 97 of the Massachusetts Constitution was to prevent the conversion of lands acquired for park and open space purposes for other uses unless there was a compelling public purpose for doing so. There is no public purpose being served by the proposed land swap. The proponent claims that the only public purpose is for public safety for his customers crossing the street from the existing parking lot. However, there is no record of the proponent approaching the Town of Randolph to identify this as a problem or to explore potential public safety improvements to Scanlon Drive or the existing crossing. In his letter to the Randolph Town Meeting seeking their support for this project, Paul Hart said

“By freeing up other portions of the Lantana property for redevelopment, the land exchange, coupled with the approval of Article 51, would potentially increase tax revenue for the Town of Randolph by upwards of \$200,000. This potential development is, of course, independent of the land transfer, and will be subject to a separate permit and approval process.”

Nowhere in this letter does Mr. Hart reference the purported “public purpose” of addressing a serious public safety issue on Scanlon Drive. Secondly, this letter clearly states the intent to segment the environmental review of the land transfer from that of the redevelopment of the vacated parking lot. This segmentation must not be allowed in the current MEPA review.

This project is solely a land grab to increase the economic development potential of the private parcel, a purpose opposed to the purpose of Article 97 and the EOEEA Land Disposition Policy.

Inconsistent with EOEEA Land Disposition Policy

This project has not yet undergone review under the EOEEA Land Disposition Policy. When the land swap was approved by the General Court in 2002 the MDC did not oppose the legislation because, “Since the disposition of the MDC land must conform to the provisions of the EOEEA land disposition policy, we do not oppose this legislation.” (Bernadette O’Malley (MDC) to Thomas Gray(MDC) and Sarah Joor(EOEA). No formal review under the policy has yet taken place. One of the requirements for Article 97 disposition under the Policy is that “the disposition serves an Article 97 purpose or another public purpose without detracting from the mission, plans, policies and mandates of EOEA and its appropriate department or division”. The procedures for disposition include full environmental review, full justification for the disposal under the policy signed by the agency head and a surplus declaration statement submitted and published by DCAM prior to support for Article 97 legislation. None of these requirements were fulfilled in this case. EOEEA and DCR must do a full review of this disposition before moving forward with this disposition. It is clear that this project does not meet the public purpose test under the Land Disposition Policy.

Therefore, DCR must oppose this disposition and due to DCR opposition and its own review EOEEA must also oppose the land swap.

MEPA Review

If you, Mr. Secretary, find that you do not have the ability to stop this action at this time then I request that you require a full Environmental Impact Report for the project that includes the following elements.

1. A new appraisal of the two swap parcels that takes into account the full economic value to the proponent’s parcel including the redevelopment potential of the land vacated by the existing parking.
2. Comprehensive traffic studies relative to the existing conditions including accident reports, alternatives for traffic safety including traffic calming, traffic and pedestrian crossing lights, roadway changes, signage, and enhanced lighting at the road crossing. The only traffic engineering study included in the ENF was one paragraph added in one day after this issue was raised at the October 26 public project review. The proponent’s alternatives analysis must demonstrate that no feasible alternatives exist to address the traffic safety problems of the

pedestrian crossing that have less environmental impacts than the proposed conversion of public park land to a parking lot.

3. Comparative traffic analysis of the existing condition versus traffic generated after redevelopment of the expanded Lantana parcel including the vacated parking lot to its full potential allowed under zoning. This is required to avoid the segmentation of the land swap from the future redevelopment of the vacated parcel.
4. Due to the fact that this is a conversion of public open space, the environmental impact analysis must conform to a higher standard than the stormwater and wetlands analysis completed to date. The impacts should include air quality due to loss of vegetation and increased traffic after full redevelopment. They include loss of native soils, loss of habitat for flora and fauna important to the Blue Hills Reservation. They include loss of aesthetic values to the reservation along its High Street border.

Compensation for Swap Parcel

If this land conversion is allowed to proceed I would request that the following options are considered in determining full and fair replacement for the reservation parcel.

1. The proponent could be required to renaturalize the vacated parking parcel and place a conservation restriction on it or transfer it to DCR for partial compensation for impacts to the BHR. This would prevent the cumulative environmental impacts associated with redevelopment of this parcel.
2. The proponent could be required to provide a greater ratio of compensatory parkland than the 1:1 ratio proposed. Because there is such a great disparity between the environmental and economic values of the parcels currently being discussed the ratio could be more like 7:1 as was done in a case in Worcester or 5:1 as was done in Winthrop. I'm sure there are other examples of requiring a greater ratio than 1:1 when the relative values are so disparate.
3. The monetary compensation should be based on the full economic value of the proponent's site for redevelopment. These funds could be directed to an account for the Blue Hills Reservation either capital improvements or land acquisition so that the impacts suffered by the reservation can result in benefits to the reservation.

Thank you for the opportunity to comment on this very important project and I urge you to give full consideration to my comments and those of others. Please be mindful that small incremental losses add up and result in a huge loss of the environmental and recreational values that Article 97 was meant to protect. It's bad enough when these losses are for legitimate public purposes but totally unacceptable when they are for private economic gain.

Sincerely,

Peter F. Jackson

cc. Commissioner Richard Sullivan, DCR
Peter Church, DCR South Region
Friends of the Blue Hills