

April \_\_, 2019

His Excellency Charlie Baker  
Governor of the Commonwealth  
State House, Rm. 360  
Boston, MA 02133

Dear Governor Baker:

Please accept this letter as a request, pursuant to Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Massachusetts Constitution, as amended by Article LXXXIX, that you file legislation with the General Court on behalf of the Town of Natick. The purpose of the legislation is to authorize the Division of Capital Asset Management and Maintenance to grant a drainage easement to the Town of Natick at Cochituate State Park, which is under the custody and control of the Department of Conservation and Recreation (DCR). Cochituate State Park is subject to Article XCVII of the Articles of Amendment of the Massachusetts Constitution (Article 97). Accordingly, DCR may not convey an easement to the Town in Cochituate State Park without a two-thirds roll call vote of each house of the Legislature. The drainage easement is an essential component of the North Main Street (Route 27) Improvement Project (the "Project"), which is scheduled for certification by the Massachusetts Department of Transportation to the Federal Highway Administration in early August 2019. DCR will not issue a Construction and Access Permit, which is required for any work conducted on its property, unless and until the Legislature passes emergency special legislation authorizing the grant of the easement.

*North Main Street (Route 27) Project*

North Main Street (Route 27) in Natick is one of Metrowest's primary north/south transportation corridors, spanning over two miles from the Wayland town line (north), crossing Route 9, and connecting to Natick Center (south). Since 2009, the Town has spent/appropriated over \$3.6 million to advance the design and right of way acquisition for the Project, which is currently programmed on the Metropolitan Area Planning Organizations' (MPO) Transportation

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Improvement Program (TIP) for approximately \$18.5 million of construction funds in Federal Fiscal Year 2019, which ends in September 2019.

The Project includes the comprehensive reconstruction of this major corridor, including significant upgrades to drainage, enhanced roadway conditions, improved intersections, and the provision of pedestrian and bike access. North Main Street provides regional access to the Natick Center Cultural District, the Natick Center Commuter Rail Station (one of the busiest on the Framingham/Worcester line), and Route 9 proximate to some of the region's largest employers, including MathWorks (Applehill and Lakeside Campuses), Cognex's world headquarters, Exponent's east coast headquarters, and many small business and retail centers. North Main Street also serves several of Natick's compact residential neighborhoods, two schools, and five parks.

Per funding requirements, this \$18.5 million investment must be advertised by the end of the current federal fiscal year, that is, by September 2019.

#### *Drainage Easement*

Currently, stormwater from North Main Street and a bridge that is part of the Massachusetts Turnpike flows into Snake Brook in Cochituate State Park. The Project includes replacing the existing 15" storm drain pipe with a 30" pipe to accommodate the present and future drainage of stormwater from North Main Street. In addition, a sedimentation area will be installed within the new drainage system to improve the quality of stormwater entering Snake Brook, which eventually flows to Lake Cochituate. These drainage and water quality improvement measures will be installed upon an approximately 3,110 square foot portion of Cochituate State Park. All the work will be performed at no cost to DCR and the Town of Natick will be responsible for the long-term maintenance of the drainage infrastructure.

The Town and the Massachusetts Department of Transportation have explored all alternatives to impacting Cochituate State Park. Given the constraints of the roadway, the surrounding area and the existing stormwater system, the only alternative that does not result in an impact to the DCR property is to leave the drainage system in its current condition, which is the least preferred option by all parties as it would result in increased untreated stormwater entering Cochituate State Park, which would ultimately end up in Snake Brook and Lake Cochituate.

The Town has worked with State partners throughout the design process for the North Main Street Improvement Project to review and permit all aspects of the Project, including the drainage easement within the Park. The Town previously submitted affidavits in 2016 for the improvements, sought a Construction and Access Permit from DCR in the winter of 2018, and intended to submit a petition seeking Article 97 legislation later this year. However, it was not until March 2019 that the Town learned that, as part of the MEPA review process for this Project, Article 97 legislation must

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pass before the Project could be advertised. In a letter dated March 28, 2019 that Leo Roy, Commissioner of the Department of Conservation and Recreation, sent to Matthew A. Beaton, Secretary of the Executive Office of Energy and Environmental Affairs, the Commissioner stated that "DCR will not issue a Construction and Access Permit that effectuates a change of use or involves a disposition of an interest in DCR property...until a required land disposition is fully complete." The letter further notes that "DCR would, in this instance, consider granting a Construction and Access Permit earlier in the process, but only after Article 97 legislation authorizing conveyance of the easement has been enacted." Since this Project must be advertised by the Massachusetts Department of Transportation by September 2019, and the Town was informed of the Commissioner's decision at the end of March 2019, the Town does not have time to proceed with the standard Article 97 legislative process for this essential component of the Project.

### *Conclusion*

This matter is of the utmost urgency. Since the Massachusetts Department of Transportation must certify the Project to the Federal Highway Administration in early August 2019, it is imperative that the Town acquire all of the necessary property interests to construct, operate and maintain the improvements to North Main Street by early July 2019. All parties support the conveyance of the drainage easement. Commissioner Roy indicated in his letter to Secretary Beaton that DCR supports the disposition of the easement because of the overall public benefits of the Project, specifically, the improvement of water quality flowing into Snake Brook, subject to conditions the Town will fulfill. The issuance of a Construction and Access Permit by DCR for the drainage infrastructure within the Park is an essential step toward certifying the Project. As noted, there are no feasible alternatives to using the DCR land. The only other option, which is not acceptable, is not to upgrade the drainage system, which would result in increased untreated stormwater entering the Park, ending up in Snake Brook and Lake Cochituate.

For all these reasons, the Board of Selectmen of the Town of Natick, as well as the undersigned, respectfully request that you submit the enclosed special legislation on behalf of the Town.

Thank you for your timely consideration of this important matter. If you need further information, please contact James Errickson, Director of Community & Development at 508-647-6450.

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Respectfully submitted,

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Michael J. Hickey, Jr., Chair  
Natick Board of Selectmen

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Hon. Karen Spilka  
State Senator  
Second Middlesex & Norfolk

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Hon. Rebecca Rausch  
State Senator  
Norfolk, Bristol, Middlesex

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David P. Linsky  
State Representative  
5<sup>th</sup> Middlesex District