

# massDOT

Massachusetts Department of Transportation

## INTEROFFICE MEMORANDUM

MB141030.GL

**TO:** Francis A. DePaola, Highway Administrator

**THROUGH:** Jeffrey Simon, Assistant Secretary, Office of Real Estate and Asset Development

**FROM:** Maurizio A. Fabbo, Office of Real Estate and Asset Development

**DATE:** October 30, 2014

**RE: DISPOSITION TO LEASE MASSDOT LAND**

<b>CITY/TOWN:</b>	Framingham	<b>LOCATION:</b>	Worcester Rd. @ Gates St.
<b>LAYOUT No.</b>	2760, Dated 4/14/1931	<b>AREA:</b>	14,250± SF.(Lease Area)
<b>F.A.P. No.:</b>	S-125(1)	<b>COST CODE:</b>	026-6803-003-804-071

The Office of Real Estate and Asset Development (OREAD) has received a request from Patrick J. McCarty, P.E. on behalf of his client, 1881 Worcester, LLC to lease MassDOT-owned Land located on Worcester Road @ Gates Street, in the Town of Framingham, Massachusetts.

We have canvassed the various Departments and Sections at the Highway Division and received the following comments:

District #3, Highway Director: No Objection. Provided the Proponent agrees to vacate the parcel given a six month notification from MassDOT.

Highway Design Engineer: No Objection. Provided that no "Breaks in Access" or driveway openings are permitted, and further provided that a 28 foot strip measured from the edge of the right hand travel way is retained. The following areas are noted and recommend they are addressed. 1) The shoulder appears to be less than the 8 feet which would be the desirable minimum bicycle accommodation on this roadway. 2) The sidewalk appears to be narrow and should be widened to 6 feet minimum to properly comply with ADA and AAB requirements. 3) The utility poles are installed inside the dynamic deflection area of the guardrail creating a hazardous installation. The guardrail requires a 6 foot total width for installation and dynamic deflection with utility poles behind this envelope. 3) The utilities should be provided with an 8 foot corridor behind the guardrail. If the face of the utility pole is installed at the edge of the guardrail envelope a minimum 5 feet is required.

Based on the responses received, the Office of Real Estate and Asset Development (OREAD) recommends that the Highway Division Administrator approve this request for a “Break in Access” and Easement, subject to the following conditions/provisions:

1. The Administrator grants the request for lease.
2. OREAD shall have an appraisal prepared to determine the fair market rent of the subject parcel.
3. The Proponent is aware that they shall be responsible for a land survey verifying the location of all utilities (public and private) including highway drainage within the land lease parcels. Accommodations for any necessary easements are also the responsibility of the Project Proponent as well as the preparation of the necessary state highway easement or alteration plans and written descriptions associated with the lease of a portion of the state highway. All documents must be prepared by a firm prequalified by the MassDOT Highway Division’s A&E Board in the “S3” category (Layout Document Preparation) and in accordance with the appropriate MassDOT standards. The firm preparing the plans and written instruments shall utilize a sample specification package designed by MassDOT’s Layout Section for the land lease area.
4. The Proponent is aware that no “Breaks in Access” or driveway openings are permitted and no direct access to this parcel is granted to/from Route 9.
5. The Proponent is aware that they would have to vacate when provided with a six month notice in the event that the land is needed for maintenance, operation or expansion of the transportation facilities
6. The Proponent is aware that a 28 foot strip measured from the edge of the right hand travel way is retained. And will also review the recommendations made as to other details needing attention on this proposal.
7. The Proponent is aware that the property will be leased as is, and assumes all liability and responsibility for an MCP response action that may be necessary if there is contamination found on it.
8. The Proponent is aware and agrees to comply and show evidence of compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR Part 800) if Federal Aid and/or M.G.L. Chapter 9, Section 26-27C as amended by Chapter 254 of the Acts of 1988 (950 CMR 71) if non-federal Aid is not ascribed to the parcels in question.
9. The Proponent is aware that it is their responsibility to survey the property for resource areas, and file any applicable permits under the Massachusetts Wetland Protection Act with local conservation, and Section 401 and 404 of the Federal Clean Water Act with the Department of Environmental Protection and Army Corps of Engineers.

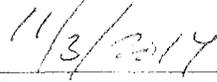
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- Traffic Engineer: No Objection. Provided that no direct access to this parcel is granted to/from Route 9.
- Highway Operations Engineer: No Objection.
- Environmental Division: No Objection. However, the Proponent is aware that the groundwater at the MassDOT land is contaminated with oil; therefore the property should be leased as is, and the Proponent assuming all responsibility for an MCP response action that may be necessary if there is contamination found on it. It is also the Proponent's responsibility to survey the property and file any applicable permits (i.e. Request for Determination of Applicability under the Wetland Protection Act) with the appropriate permitting authorities. The grantee, prior to lease, must agree to comply and show evidence of compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR Part 800) if Federal Aid and/or M.G.L. Chapter 9, Section 26-27C as amended by Chapter 254 of the Acts of 1988 (950 CMR 71.00) if non-federal aid.
- Layout Engineer: No Objection. Provided if the land lease is approved, the Project Proponent shall be responsible for a land survey verifying the location of all utilities (public and private) including highway drainage within the land lease parcels. Accommodations for any necessary easements are also the responsibility of the Project Proponent as well as the preparation of the necessary state highway easement or alteration plans and written descriptions associated with the lease of a portion of the state highway. All documents must be prepared by a firm prequalified by the MassDOT Highway Division's A&E Board in the "S3" category (Layout Document Preparation) and in accordance with the appropriate MassDOT standards. The firm preparing the plans and written instruments shall utilize a sample specification package designed by MassDOT's Layout Section for the land lease area. A sample specification package is to be requested by the Office of Real Estate and Asset Development (OREAD) to the Layout Section upon completion of the canvassing process.
- BTP&D/PPDU: No Objection. Provided the Proponent would have to vacate when provided with a six month notice in the event that the land is needed for maintenance, operation or expansion of the transportation facilities.

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Francis A. DePaola, Highway Administrator



Date

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