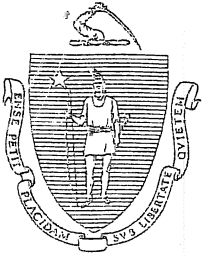


EXHIBIT B



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
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MITT ROMNEY
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OFFICE OF THE
TOWN CLERK
HOLLISTON, MASS.
2005 DEC 28 AM 11:16

December 16, 2005

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

PROJECT NAME: Cedar Ridge Estates
PROJECT MUNICIPALITY: Holliston
PROJECT WATERSHED: Charles/Concord
EOEA NUMBER: 13666
PROJECT PROPONENT: Green View Realty, LLC
DATE NOTICED IN MONITOR: November 9, 2005

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 requires the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project involves the remediation of an historic solid waste landfill and subsequent construction of a residential condominium complex under the state's Comprehensive Permit framework (Chapter 40B). The proposed project, Cedar Ridge Estates, will consist of a 200-unit residential condominium complex consisting of 54 townhouse style buildings, associated roadways and driveways, recreational facilities, a sewerage treatment facility, and stormwater management structures on an approximately 52.5-acre site located off Prentice Street in Holliston, MA. The proposed new roadway winds through the property and has multiple access roads to Marshall Street.

The historical land use of the site was primarily associated with limited forestry, farming and agricultural practices up until the mid 1960s, at which point a gravel mining operation was

conducted on the property. Large-scale filling of the former mined areas with commercial solid waste, building debris and tire stockpiling occurred at the property from the late 1960s through the early 1980s. In 1983 it was discovered that an unlicensed tire storage and disposal facility was operating at the property and State and local authorities were notified and environmental site investigations of the site were initiated.

Jurisdiction and Project Review

The project is undergoing environmental review and is subject to the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(2), 11.03(1)(b)(1), 11.03(2)(b)(2), 11.03(3)(b)(1)(d), 11.03(5)(b)(4)(c)(ii), 11.03(5)(b)(3)(c) and 11.03(6)(b)(14) of the MEPA regulations because the project will result in the creation of approximately 12.29 acres of impervious surface; the project will alter approximately 30.32 acres of land; the project may result in a "take" of the Spotted Turtle, a state-listed species of "Special Concern" in accordance with M.G.L. c. 131A; the project may result in the temporary alteration of 16,000 square feet (sf) of Bordering Vegetated Wetlands (BVW); the project will discharge approximately 58,000 gallons per day (gpd) of wastewater to groundwater and requires 1.13 miles of new sewer main not located in the existing right of way; and because the project will result in the generation of 1,158 new daily vehicle trips and requires the construction of 400 new parking spaces.

The project will require a NPDES Construction General Permit; approval from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act; a 401 Water Quality Certification, a Groundwater Discharge Permit, a Distribution System Modification Permit (BRP WS 32), a Comprehensive Site Assessment Permit (BWP SW 23), a Corrective Action Design Permit (BWP SW 25), and possibly a Post-Closure Use Permit (BWP SW 37) from the Department of Environmental Protection (DEP); possibly a Conservation and Management Permit from the MA Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP); an Order of Conditions (OOC) from the Holliston Conservation Commission (and hence a Superceding OOC from the DEP if the local Order is appealed); and a Comprehensive Permit from the Holliston Zoning Board of Appeals (ZBA), and therefore approval from the Housing Board of Appeals (HAC) if the Comprehensive Permit is appealed. Because the proponent may be seeking approval from the Commonwealth (HAC), MEPA jurisdiction is broad, and extends to all aspects of the project that may have significant environmental impacts.

Request for a Single EIR

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an Expanded ENF with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than the usual process of a Draft and Final EIR. The EENF received an extended comment period pursuant to Section 11.06(8) of the MEPA regulations. Based on a review of the EENF, consultation with public agencies, and written comments, I hereby find that the EENF does not meet the regulatory requirements for filing of a Single EIR. Therefore, I must require the usual two-step Draft and Final EIR process.

The two-step EIR process is essential to resolving potential environmental impacts posed by significant projects like the proposed Cedar Ridge Estates, to ensure adequate public review and comment on project design and associated impacts, and to develop sufficient information for the Massachusetts permitting agencies to use in their permitting decisions. The EENF did not contain sufficient information describing and analyzing the project, its alternatives and environmental impacts, and mitigation measures as required for EENF submittals. In addition, there is a general lack of specific information about the project in the EENF as a result of the proponent's early stage in the site assessment process. I am therefore requiring that this information be presented in the DEIR. The Scope for the Draft EIR is included below.

While I am denying the request for a Single EIR, I acknowledge the proponent's efforts in developing the EENF, which contained considerable information that has been particularly helpful in understanding the project and defining the scope of the EIR. Should the DEIR resolve the substantive issues outlined below, I will consider the procedural options available to me at 301 CMR 11.08 (8)(b)(2) as they relate to the Scope for the Final EIR.

The project site is a complex site with a long history. It has been contaminated with the dumping of hazardous waste, construction and demolition debris, and tire storage. There are residual levels of tetrachloroethylene (TCE) and other organic compounds in a groundwater plume that emanates from the site towards the Cedar Swamp aquifer which serves the Town of Holliston's Public Water Supply Well #4. The project site also overlaps a Zone II Water Supply Protection Area. I am sensitive to the need for affordable housing in the region and realize the environmental benefits that will result from the remediation of the project site. Nonetheless, no matter how worthy a potential project may be, MEPA imposes a requirement on project proponents to understand and fully disclose the potential impacts of a project, both positive and negative; to study feasible alternatives to a project; and to avoid, reduce, or mitigate environmental impacts to the maximum extent feasible.

SCOPE

General

The DEIR should follow the general guidance for outline and content contained in Section 11.07 of the MEPA regulations, as modified by this Scope. The DEIR should include a copy of this Certificate and a copy of each comment received. The proponent should circulate the DEIR to those parties that commented on the EENF, to the Town of Hopkinton, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in Section 11.16 of the MEPA regulations. A copy of the DEIR should be made available for public review at the Holliston Public Library.

Project Description and Permitting

The DEIR should include a thorough description of the project, including a detailed description of construction methods and phasing. The DEIR should provide a history of the site

and an overview of site investigations, sampling and remediation that has been undertaken to date.

The DEIR should include a brief description of each state permit or agency action required or potentially required, and should demonstrate that the project will meet applicable performance standards. In accordance with Executive Order No. 385, "Planning for Growth" and Section 11.03 (3)(a) of the MEPA regulations, the DEIR should discuss the consistency of the project with the local and regional growth management and open space plans. The proponent should also provide an update on the local permitting process for the project.

Alternatives

The DEIR requires a comprehensive alternatives analysis in order to ascertain which site layout minimizes overall impacts to land, open space, wetlands, rare species and sensitive receptors. The alternatives analysis should clearly demonstrate consistency with the objectives of MEPA review, one of which is to document the means by which the proponent plans to avoid, minimize or mitigate Damage to the Environment to the maximum extent feasible. The DEIR should fully explain any trade-offs inherent in the alternatives analysis, such as increased impacts on some resources to avoid impacts to other resources. The DEIR should evaluate any additional alternatives required by the state permitting processes and should also take into consideration the Department of Housing and Community Development's (DHCD) Guidelines for Project Consistency with the Commonwealth's Sustainable Development Principles.

As proposed, the 200 units in 54 townhouses occupy virtually the entire buildable site. The DEIR should explore a reduction in buildings, greater density with clustering, and alternative site layouts to reduce environmental impacts. Based on comments from the Town of Holliston, the proposed roadways and drives presented in the EENF may need to be widened to meet safety standards, thus increasing the amount of impervious surface on site. It is therefore important that the alternatives analysis consider more dense alternative layouts that would reduce the almost seven acres of roadways and parking in the current plan.

Land Alteration/Drainage

The project as described in the EENF will result in the creation of approximately 12.29 of new impervious surface at the site. The EENF states that the stormwater management system for the proposed development has been designed in accordance with the DEP's Stormwater Management Standards. Best Management Practices (BMPs) including deep sump catch basins, Vortech units and extended retention basins have been incorporated into the project design. The DEIR should provide more information on the stormwater management system including drainage calculations, pre and post construction run off rates and a detailed description of BMPs. Details concerning the assumptions used in designing the stormwater system, test pit evaluations within the stormwater basin indicating groundwater elevation, and sufficient information to demonstrate that the system meets DEP's Stormwater Management Policy should be included in the DEIR. The proponent should note comments from NHESP with regard to keeping stormwater management structures at least 100 feet away from wetlands and habitat.

The proponent should respond to comments concerning the proposed detention basin near Marshall Street and the TCE plume's source. Sampling of the pond and a discussion of potential impacts from the detention basin on 21E releases should be included in the DEIR. The pipe in the pond referenced at p. 40 of the Phase II report should be investigated further.

The proponent should respond to comments from the Town of Holliston with regard to the width of proposed roadways in the DEIR. The EENF states that the proposed roadway will be 1.39 miles in length and 22 feet in width with one-foot Cape Cod berm shoulders. The Town of Holliston Fire Department has stated that this is narrower than the National Fire Protection Association (NFPA) Standard and is not acceptable. The Town has stated in its comments that it will be requiring a roadway width of 24 feet, consistent with the NFPA Standard. The DEIR should discuss the increase in impervious surface that will result from the increased width in roadways. The DEIR should also address discrepancies in the EENF related to roadway width versus driveway width, and should present any further increases in impervious surface as a result of this discussion.

The DEIR should contain a draft of the stormwater management plan. It should discuss whether the internal roads will be conveyed to the Town, and what entity will be responsible for the ongoing operation and maintenance of structural BMPs. If the roads will be maintained by the proponent, the stormwater management plan should include internal roadway sweeping, catch basin cleaning and snow removal.

I encourage the proponent to consider LID techniques in site design and storm water management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers, and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Rare Species

The NHESP has stated that portions of the property are located within Priority and Estimated Habitat (WH 245 & PH 909) as indicated in the Massachusetts Natural Heritage Atlas. The project is located within the actual habitat of the Spotted Turtle (*Clemmys guttata*), a species that is listed as "Special Concern" in accordance with the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). NHESP has stated that the project as currently proposed may result in a prohibited "take" of the Spotted Turtle. Proposed work, including remediation and restoration of contaminated areas has the potential to kill or harm Spotted Turtles when moving between wetlands on the project site, and to disrupt estivation, feeding and possibly nesting behavior.

The proponent has conducted field surveys and a wildlife habitat evaluation that were submitted to NHESP. Since undertaking the field studies and habitat assessment, the proponent has provided additional information regarding site remediation in the EENF. In its comments on the EENF, NHESP states that it may be possible for the project to avoid a "take" of Spotted Turtles, through (1) work timing restrictions when working within 100 feet of the A, B, C and D series wetlands; (2) appropriate turtle barriers; (3) avoiding placement of any structures a minimum of 100 feet of the A, B, C and D series wetlands; and (4) appropriate habitat restoration.

The proponent should file with the NHESP pursuant to the MESA with revisions to avoid and minimize impacts to Spotted Turtles. Upon receipt of a full MESA filing, NHESP will determine if the project will result in a "take" of Spotted Turtles. A project resulting in a "take" may only be permitted if it meets the performance standards for a Conservation and Management Permit (321 CRM 10.23). The DEIR should describe all impacts to habitat of state-listed rare species and demonstrate compliance with the MESA. The results of all habitat assessments and field surveys, in addition to plans for the long-term management of the habitat on site and any relevant communication with the NHESP, should be included in the DEIR.

Wetlands

According to the ENF, up to 16,000 sf of BVW in the area identified as Area of Concern 5 (AOC-5) may be impacted by solid and hazardous waste remediation. DEP's Wetland Program is aware that more assessment of the site is needed to identify the extent and level of contamination to meet the BWSC's requirements pursuant to 301 CMR 40.0000. Until the assessment is completed, specific details about wetland impacts and information on the various remedial and restoration alternatives cannot be fully presented.

Once the remediation assessment is complete, the specific details of remediation and wetland restoration should be identified within the Areas of Concern and a Notice of Intent (NOI) should be filed with the Holliston Conservation Commission. The project requires an OOC pursuant to the Massachusetts Wetlands Protection Act (MGL c. 131 § 40). The proponent should provide a discussion in the DEIR of how the project would meet the limited project provision and standards under 310 CMR 10.53 (3)(q). This information should clearly identify what the "No Significant Risk" level is for each of the areas and the selected "Comprehensive Remedial Action Alternative". The proponent should note comments from DEP with regard to the submittal of the NOI.

The DEIR should provide an update on the status of project planning and remediation with regard to potential wetland impacts and should explain how the project will meet the performance standards of the Wetlands Protection Act.

Drinking Water

The proponent should include documentation in the DEIR from the Holliston Water Department indicating that there is adequate hydraulic capacity to provide safe drinking water to

the proposed project area at the anticipated post development demand flow, while maintaining compliance with the Public Water System's Water Management Registration and/or Permit requirements. Additional consideration for requirements for fire flow, minimum distribution pressure and storage pressure should also be adequately addressed. The proponent should respond to comments from the Charles River Watershed Association (CWRA) with regard to water conservation measures. The DEIR should also explain discrepancies between its estimate of 42,000 gpd of water use and 58,000 gpd of wastewater.

The proposed project includes the construction of 1.29 miles of water main lines. The project requires a Distribution System Modification permit (BRP WS 32) from DEP. The proponent should note comments from DEP with regard to the submission of the permit application.

Many commenters have raised concerns about the impact of the proposed project on the Town of Holliston's Water Supply Well #4. Well #4 provides approximately 25 percent of the average daily demand for drinking water in the Town of Holliston. The proponent should undertake a detailed hydrogeologic study that considers the potential of public water supply contamination as a result of the proposed project. Groundwater and soil sampling should be conducted in the Zone II area down gradient of the project site to determine if any contaminants have migrated off site towards the water supply well. I direct the proponent to coordinate with DEP in the development of the hydrogeologic study. The proponent should also discuss what provisions will be set in place for providing a reliable warning if contamination occurs.

Wastewater

The projected 58,000 gallons per day (gpd) of wastewater for the project will be treated on site at a privately owned wastewater treatment facility (WWTF). The EENF did not provide sufficient detail about the design of the WWTF. The plans submitted with the EENF showed the leach field immediately adjacent to wetlands and a stormwater detention basin. The DEIR should include a hydrogeological study that evaluates the impact of the leach field on the adjacent wetlands, stormwater detention basin and on the contaminants present at the site. The study should include a particle tracing analysis to document the pathway of contaminants and time of travel. Again, I direct the proponent to coordinate with DEP in the development of the study.

Several comments on the EENF refer to a letter issued by DEP on November 8, 1999 when the Town of Holliston's Comprehensive Wastewater Management Plan was undergoing MEPA review (EOEA #11581). The letter indicates that the Bird property (Cedar Ridge Estates project site) should not be considered as a potential wastewater disposal site because of concerns about cost recovery, liability, and the impact of a new groundwater discharge that could create a detrimental change in the movement of any contaminated ground water plume from the 21E site. DEP has indicated to MEPA at this time that this recommendation was made because other sites were potentially available, and there was no responsible party willing or able to cleanup the site and conduct the studies necessary to determine that groundwater discharge will not pose a risk to human health or the environment. If the project proceeds, the developer will be responsible for site cleanup and for completing all work necessary to obtain a groundwater discharge permit.

The DEIR should provide additional information about ownership of the sewers, pump station and WWTF. The DEIR should discuss any required state permits related to wastewater and should demonstrate how the project will meet any applicable performance standards and should outline any necessary mitigation.

Plans submitted with the EENF show a construction road directly over the leach field. The DEIR should address how the leach field will be built if there are construction vehicles driving over it. The proponent should note that houses cannot be sold until the WWTF and leach field are approved by DEP.

Solid/Hazardous Waste

The proponent is proposing to relocate fill material from the area near the intersection of Marshall and Prentice Streets (AOC-3) and the western wetland area (AOC-4) to the main fill area towards the rear of the property (AOC-2). In addition, the general consolidation of fill material in AOC-2 is anticipated. The fill material consists of brick, concrete, wood and steel intermixed with soil, sand and gravel. Once consolidated, the area will be capped in accordance with DEP requirements and maintained as open space.

The DEIR should describe permits required for the proposed remediation and should outline how the project will meet the performance standards of those permits. The DEIR should also address any post-remediation requirements related to monitoring and stormwater management and should present an emergency spill prevention and contamination clean up plan that will address potential problems that could arise during site remediation and development.

The TCE testing performed so far has shown the migration of the contamination offsite. The Phase II Site Assessment recommended that more testing of TCE be done. This needs to be done to determine the actual boundaries of this plume of hazardous chemical offsite, as well as onsite. The proponent asserts that testing for TCE in the groundwater was completed in August 2005, yet results have not been presented in the EENF. These results and the result of further testing should be presented in the DEIR. The proponent should also respond to specific comments on p. 3 of DEP's comment letter and p. 3 of the Holliston Conservation Commission's letter related to waste site clean up and testing.

The proponent's Phase II Site Assessment asserts that no asbestos considered to be friable was present at the site. However at the site visit conducted for the project, friable asbestos was observed in the western wetlands section of the property. Testing for asbestos should be conducted at the project site.

The proponent should provide more information on GW-2 exceedances at the project site. GW-2 standards are designed to prevent unacceptable exposures to contaminants that have volatilized from groundwater. The DEIR should explain how the proponent will ensure that negative impacts to indoor air quality will be avoided.

Transportation

The proponent has conducted a traffic study for the project in conjunction with the local Comprehensive Permit application to the Holliston Zoning Board of Appeals and submitted the study with the EENF. The project does not abut any state roadways and does not require a permit from the Massachusetts Highway Department (MHD). However, as MEPA jurisdiction over the project is broad, the proponent should address issues related to the project's impacts on traffic in the DEIR. The proponent should submit a copy of the traffic study with the DEIR, with any revisions suggested by the ZBA. The proponent should also respond to comments from the Town of Holliston, the Metrowest Growth Management Committee and the Metropolitan Area Planning Council about transportation.

Sustainable Design

The proponent should evaluate sustainable design alternatives that can serve to avoid or minimize potential environmental impacts. Such alternatives may also reduce project development and long-term operational costs. The DEIR should discuss sustainable design alternatives evaluated by the proponent and describe measures proposed to avoid and minimize environmental impacts.

I encourage the proponent to consider high-performance/green building and other sustainable design measures to avoid and minimize environmental impacts. Such measures may include:

- Leadership in Energy and Environmental Design (LEED) certification;
- water conservation and reuse of wastewater and stormwater;
- use of renewable energy;
- ecological landscaping;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- an annual audit program for energy and water use, and waste generation;
- energy-efficient Heating, Ventilation and Air Conditioning (HVAC), lighting systems, and appliances, and use of solar preheating of makeup air;
- use of building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- incorporation of an easily accessible and user-friendly recycling system infrastructure into building design; and
- implementation of a solid waste minimization and recycling plan.

In addition, I encourage the proponent to consider LID techniques in site design and storm water management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also

protect natural resources by incorporating wetlands, stream buffers, and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Construction Period Impacts

The DEIR should include a discussion of construction phasing, evaluate potential impacts associated with construction activities, and propose feasible measures to avoid or eliminate these impacts. The proponent must comply with DEP's Solid Waste and Air Quality Control regulations. The proponent should implement measures to alleviate dust, noise and odor nuisance conditions which may occur during the construction activities.

Mitigation

The DEIR should contain a separate chapter on mitigation measures. It should include a Draft Section 61 Finding for all state permits that includes a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of the mitigation, based on the construction phases of the project, should also be included.

Comments

The DEIR should respond to the comments received from state agencies, local officials and public citizens. The DEIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

December 16, 2005

Date


Stephen R. Pritchard

Comments received:

11/22/2005	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
11/22/2005	Carol P. Merritt
11/22/2005	Jim Rose
11/23/2005	Jim Rose
11/23/2005	Holliston/Hopkinton Action Committee
11/25/2005	Stephen Bennion
12/5/2005	Town of Holliston, Board of Selectmen
12/5/2005	Holliston Fire Department

12/6/2005 Town of Holliston, Planning Board
12/6/2005 Town of Holliston, Conservation Commission
12/8/2005 Town of Holliston, Board of Health
12/8/2005 Town of Holliston, Water Department
12/8/2005 Metrowest Growth Management Committee
12/8/2005 Tom Oertel
12/9/2005 Cathy Tomasetti
12/9/2005 Charles River Watershed Association
12/12/2005 Department of Environmental Protection, Central Regional Office
12/13/2005 Metropolitan Area Planning Council

SRP/BA/ba

