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August 31, 2004

Mr. John Lynch  
Holliston-Hopkinton Action Committee  
421 Prentice Street  
Holliston MA 01746

Re: Request for Fail-Safe Review, Cedar Ridge Estates, Holliston MA

Dear Mr. Lynch:

I am writing in response to your letter and petition dated August 16, 2004 (received by the this office on August 19) in which your organization asked the Secretary of Environmental Affairs to require the filing of an Environmental Notification Form (ENF) for the above referenced project, pursuant to the fail-safe provisions of the Massachusetts Environmental Policy Act (MEPA).

The MEPA regulations require a project proponent that is seeking state permits (or funding or a state land transfer) to also file an ENF if the project exceeds one or more MEPA review thresholds. The fail-safe provisions of the MEPA regulations allow the Secretary of Environmental Affairs to require the filing of an ENF for a project that needs one or more state agency actions (such as permits or funding) but that *does not* exceed MEPA review thresholds. Fail safe review can only be invoked where a project requires state agency actions, but falls below ordinary MEPA review levels. If no state agency actions are needed, MEPA review cannot be required; if state agency actions are involved and the project exceeds review thresholds, then MEPA review must be completed before state agencies can finalize permits, funding or land transfers.

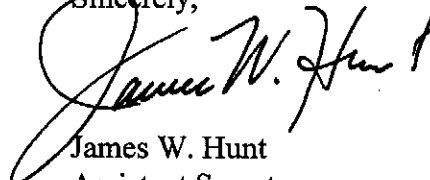
Based on the information you provided, it appears very likely that the Cedar Ridge Estates project as currently proposed will require one or more state permits (please note that the need for a specific permit is made by the appropriate permitting agency, such as the Department of Environmental Protection, not the MEPA Office), and will also exceed MEPA review thresholds (for example, those related to impervious area). Consequently, use of fail safe to mandate a MEPA review is not necessary. While your letter makes the case that the filing of an ENF should be done prior to the decision by MassHousing on site eligibility for this project, the

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site eligibility determination is not considered a permit under the MEPA regulations, as it is not an "entitlement for use" -- it simply gives the proponent the ability to continue seeking permits and financing for an affordable housing project.

We welcome your participation in the anticipated MEPA review of this project. Notification of the filing of the ENF will appear in a local newspaper at the time the ENF is submitted to the MEPA Office, and in the *Environmental Monitor* (<http://mass.gov/envir/mepa/secondlevelpages/currentissue.htm>). A new issue of the *Environmental Monitor* is posted every two weeks. If you would like to be informed via email when a new issue has been posted, please contact Barbara Kehoe ([Barbara.kehoe@state.ma.us](mailto:Barbara.kehoe@state.ma.us)) to be placed on our electronic mailing list.

Sincerely,



James W. Hunt  
Assistant Secretary

cc: Michael Norton, 189 Hartford Ave., Suite 2-1, Bellingham MA 02019