

May 18 2004

Richard Herlihy, Director
MassHousing
One Beacon Street
Boston, MA 02108

**RE: Cedar Ridge Estates, Holliston, MA
Green View Realty LLC- Application for Eligibility
Response to Letter by Cathy Tomasetti/ &
Holliston/Hopkinton Action Committee**

Dear Mr. Herlihy:

On behalf of Green View Realty, LLC ("Green View"), Coler & Colantonio, Inc. and Rubin and Rudman, LLP are pleased to submit the following relative to the Application for Eligibility submitted to MassHousing for the above referenced project. We appreciate your consideration this material.

INTRODUCTION

This letter has been prepared in response to the letter prepared by Cathy Tomasetti addressed to Ms. Mary Gardner of the Massachusetts Department of Environmental Protection (DEP) dated February 3, 2004 and a letter prepared by the "Holliston/Hopkinton Action Committee" addressed to yourself dated February 14, 2004.

The Site has had a long history of environmental issues. Initial assessment and remedial efforts were undertaken by the DEP, the United States Environmental Protection Agency (EPA) and the Town of Holliston. The primary current issue is the presence of dissolved-phase chlorinated solvents in groundwater in the easterly portion of the Site. The DEP, through a subcontractor, determined that the chlorinated solvents do not require active remediation and recommended monitored natural attenuation (MNA) until residual levels have decreased below the applicable standard. To the best of our knowledge, DEP has conducted no active assessment and monitoring activities in this portion of the Site since the mid-to-late 1990s. The westerly portion of the Site is also of concern due to: the presence of significant construction debris; possible residual effects from up to 2,000,000 automobile tires that were previously removed by the Town of Holliston; and, the potential for additional metal drums beyond those already removed from the Site by the DEP and EPA.

It should be noted that the MADEP and the USEPA performed extensive site assessment and careful remediation on the property including numerous test pits in suspect areas, wetlands evaluations, soil borings, groundwater well installation and analysis, ground penetrating radar and magnetometry studies, removal of drums and excavation and off-site disposal of contaminated soil. This work was conducted over the past two decades. While much effort was directed to assessment, the DEP and EPA also completed substantial remediation including the removal of over 320 drums and over 200 tons of contaminated soil.

We understand the concerns of both Ms. Tomasetti and the Holliston/Hopkinton Action Committee, and have acknowledged the environmental condition of the property in our discussions with the Town of Holliston, the neighbors, and with MassHousing. Green View Realty has committed to additional assessment and evaluation of environmental conditions during design development to help resolve the concerns noted in the referenced comment letters, and to ensure that the project is completed in an environmentally responsible manner. One of the primary motivators behind this project is the desire of the current owners, and the applicant to see that the clean up of the Site is completed. The project will add sufficient value to the property to enable that clean up to occur. In our opinion, the concerns identified by Ms. Tomasetti and the Holliston/Hopkinton Action Committee can be rectified resulting in a significant benefit to the environment, the surrounding area and to the Town of Holliston in general.

RESPONSE

Ms. Tomasetti's letter included a rudimentary map with several areas circled by hand. We have prepared a scaled plan showing the suspect areas as noted by Ms. Tomasetti along with test pit locations previously completed by Coler & Colantonio, Inc., the Massachusetts DEP, and the United States EPA. Additionally, site visits were conducted on April 16 and May 18, 2004 and photographs of the areas of concern noted by Ms. Tomasetti and other photos showing general site conditions were obtained. The photographs are attached to this letter.

Each comment of Ms. Tomasetti's letter has been restated or summarized in italics followed by the applicable response.

A, B: These two areas, beneath boulder piles on the area marked on the map "borrow pit" in the western portion of the site; 55-gallon drums are visible from the surface between the boulders in each pile.

Coler & Colantonio, Inc. conducted a test pit identified as TP#912-19 within the approximate area indicated by Ms. Tomasetti. The test pit log indicated approximately 24 inches of fill over native materials. No drums were found during the test pit excavation work. During the April 2004 site visit, crushed, empty drums were found on the ground surface. No overt visual and olfactory evidence of a release was identified. The applicant will conduct further test pitting, and soil and groundwater analysis (if warranted based on such test pitting) to determine if any oil and hazardous material (OHM) releases are reportable at these locations.

If a reportable release(s) is identified, the Applicant will notify the appropriate PRP and DEP and take appropriate response actions in compliance with M.G.L. c.21E and the Massachusetts Contingency Plan 310 CMR 40.0000 et seq.

C: This area is a very large “burial ground” containing 55-gallon drums (more than I could count). This disposal site is found in the wooded area to the east of the top of the EPA-capped hillside as indicated on the map.

Coler & Colantonio, Inc. conducted a test pit identified as TP#912-18 within the approximate area indicated by Ms. Tomasetti. The test pit log indicated approximately 48 inches of fill over native materials. Parts of metal drums were found during the test pit excavation work. No overt visual and olfactory signs of contamination were identified during the test pit exercise. DEP installed two monitoring wells in this area in the 1980s. No indications of contamination were identified in the wells. The applicant will conduct further test pitting, and soil and groundwater analysis (if warranted based on such test pitting) to determine if any oil and hazardous material (OHM) releases are reportable at these locations. If a reportable release(s) is identified, the Applicant will notify the appropriate PRP and DEP and take appropriate response actions in compliance with M.G.L. c.21E and the Massachusetts Contingency Plan 310 CMR 40.0000 et seq.

It should also be noted that there is nothing in the EPA or DEP records to suggest that the EPA “capped the hillside” to serve as any permanent engineered barrier or protective remedial measure to prevent any significant risks to public health or the environment. It is our understanding that the hillside was graded, covered and stabilized to prevent erosion of the area.

D: In this spot, my husband and I observed 55-gallon drums along the north side of the road before you approach the ‘buried debris’ and ‘borrow pit’ on the western portion of the site. During the 1980s, we recall seeing an open pit off the side of the road containing 15-20 partially buried 55-gallon drums. Several days later the pit had been filled in. Today, trees have grown over the area making it difficult to pinpoint exactly where this spot is. I personally reported this sighting, by phone, to the DEP... Please note that this area does not show any sign of debris from the surface; it is all underground.

Coler & Colantonio, Inc. conducted three test pits identified as TP#912-14, #912-15 and #912-16 within the approximate area indicated by Ms. Tomasetti. The test pit logs for #912-14 and #912-15 found no indications of fill to depth of refusal. The test pit log for #912-16 found fill materials to a depth of approximately 7 feet. No drums were identified in the test pits. The applicant will conduct further test pitting, and soil and groundwater analysis (if warranted based on such test pitting) to determine if any oil and hazardous material (OHM) releases are reportable at these locations. If a reportable release(s) is identified, the Applicant will notify the appropriate PRP and DEP and take appropriate response actions in compliance with M.G.L. c.21E and the Massachusetts Contingency Plan 310 CMR 40.0000 et seq.

E: A tall boulder and automobile gasoline tank pile, about 20 feet high, lies in the wetland swamp area near the border of town conservation land to the south. I counted 30 gasoline tanks that were mixed in with the boulders, and more appear to be buried inside the pile itself. Has that swamp's water been tested for contamination? It is not directly connected to the swamp area that had been tested in the past.

The presence of automobile gasoline tanks was confirmed. Sampling was not conducted by DEP or EPA in the immediate vicinity of this area. Nonetheless, we identified no overt visual or olfactory evidence of a release in vicinity of the tanks. Additional testing will be conducted during the Comprehensive Permit process to evaluate conditions in this area. If a reportable release(s) is identified the Applicant will notify the PRP and DEP and take appropriate response actions in compliance with M.G.L. c. 21 E and the Massachusetts Contingency Plan 310 CMR 40.0000 et seq.

F: The area marked 'borrow pit' on the eastern portion of the site contains much buried debris. I have seen pieces of metal that appear to be parts of 55-gallon drums, leading me to question whether there may be more drums buried in this location as well.

This area has been the most extensively assessed portion of the property by DEP and the EPA. In addition, Coler & Colantonio, Inc. completed eleven test pits in this area identified as test pits #912-1 through #912-10, and #913-10. The presence of construction debris was identified in six of the test pits but no buried drums were identified. While several crushed, empty drums were found on the ground surface, no overt visual and olfactory evidence of a release was found. It is our opinion that additional assessment is not warranted in this area due to the extensive assessment previously conducted. The debris will need to be removed as required to construct the project.

G: The trail into the swamps (western portion) marked surface debris appears to be just the top of the buried debris. The entire trail was actually created by fill that was put there to create access to the rear of the property. Has this area been excavated or tested?

This area was assessed by DEP's consultant (Wehran Engineering) in the late 1980s. Ten drums were identified in one portion of the area and were removed. Additional test pits conducted in 1991 did not identify further drums in this area. During the April 2004 site visit, several areas of tires, remnant metal and other debris were identified. The applicant will conduct further test pitting, and soil and groundwater analysis (if warranted based on such test pitting) to determine if any oil and hazardous material (OHM) releases are reportable at these locations. If a reportable release(s) is identified, the Applicant will notify the appropriate PRP and DEP and take appropriate response actions in compliance with M.G.L. c.21E and the Massachusetts Contingency Plan 310 CMR 40.0000 et seq.

The Holliston/Hopkinton Action Committee letter raised several concerns. We have paraphrased their comments (in bold) and have the following responses:

The Committee states “The environmental considerations posed by this project are far more complex than the typical application and we encourage you to seek independent confirmation...”.

We recognize that the environmental considerations of this project are complicated. As mentioned above, the applicant will conduct further test pitting, and soil and groundwater analysis (if warranted based on such test pitting). The applicant has also committed to obtaining environmental insurance (cost-cap overrun and third-party liability protection) to ensure that the environmental clean up will not pose a threat to completion of the project. Significant funds have been earmarked in the pro forma to address the environmental condition of the property. In our opinion, the record information suggests that conditions are suitable for construction of the proposed project assuming that the additional clean up activities are conducted.

The Committee suggests that an Environmental Notification Form (ENF) and mandatory Environmental Impact Report (EIR) will be required and that these reports/studies should be completed early on in the Site Approval process.

We agree that the project needs to comply with the MEPA process as a state-issued permit (Ground Water Discharge Permit) will be needed to construct the waste water treatment plan and soil absorption system. We concur that an ENF will be needed; however, it is our opinion that a mandatory EIR will not be required for this project as it is our expectation that none of the mandatory EIR thresholds are exceeded. We anticipate submittal of the ENF during the Comprehensive Permit process.

The Committee makes several statements about long-term liability, questions about operation of remediation systems and the potential implications to future homeowners of the development.

The DEP has already indicated that no active remediation is required to address the chlorinated solvent plume emanating from the site. DEP's recommended action involves monitored natural attenuation, i.e., sampling and analysis of groundwater samples from the existing monitoring wells. The debris on site will be addressed during construction and is not expected to have long-term impacts on or necessitate long-term actions by the residents of the project.

CONCLUSION

The project proponent Green View Realty, LLC, who is not a responsible party under MGL Chapter 21E, recognizes the environmental history of the property and the concerns of the neighborhood, the Town of Holliston and the State. Substantial funds have been included in the pro forma (\$1,200,000) for additional environmental response actions including the procurement of \$1-3 Million dollars of environmental insurance. These funds are above and beyond the \$1,400,000 already incurred by the MADEP on the Property. The insurance (cost-cap overrun insurance and third party liability insurance) will provide necessary safeguards to complete the environmental restoration of the property.

The assessment and clean up work conducted by the DEP and the EPA has, in our opinion resolved the majority of environmental issues. The remaining issues include a residual chlorinated solvent plume extending from the easterly portion of the site across Marshall Street, and the presence of construction debris in the eastern and westerly portions of the site. DEP has indicated in a draft Phase III Remedial Action Plan, and a draft Class C- RAO that the site does not pose a substantial hazard and that monitored natural attenuation is the most feasible option for achieving a Permanent Solution in accordance with 310 CMR 40.0000 et seq.

Currently, DEP is not actively monitoring the site. This project is intended to help resolve the existing DEP lien of \$3.4 million, address lingering concerns of the neighbors and the town, to provide the necessary financing to address other remaining environmental issues and to construct badly needed affordable housing in the Town of Holliston.

Thus, this project will be beneficial to the environment by providing sufficient resources and value to the property to complete environmental assessment and restoration activities. Green View Realty, LLC will conduct additional assessment activities prior to completion of the Comprehensive Permit process. Assessment information will be submitted to the Town of Holliston and to the DEP.

Green View Realty Trust, LLC appreciates your consideration of the project and looks forward to discussing this additional information and receipt of a Letter of Eligibility. If you need additional information or have questions, please do not hesitate to contact us.

Sincerely,
OHI ENGINEERING, INC.

RUBIN AND RUDMAN LLP

James R. Borrebach, P.E.
Division Manager

Robert A. Fasanella, Esq.

Attachment: Photographs from April 2004 Site Visit

cc: J. Michael Norton, Manager, Green View Realty LLC
Christa N. Canavan, Trustee, R&C Trust and C&R Trust
Holliston Board of Selectmen
Holliston Town Administrator
Holliston Zoning Board of Appeals
Holliston Planning Board
Holliston Conservation Commission
Holliston Board of Health
Holliston Fire Department
Holliston Water Department
Holliston Highway Department
Jane Wallis Gumble, Director DHCD
Ms. Mary Gardner, DEP-Central Region