

March 15, 2006

Thomas R. Gleason
Executive Director
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

(Cedar Ridge Estates, Holliston, PE-199)

Dear Mr. Gleason:

I am writing to ask that MassHousing reconsider its earlier determination and/or deny extension of Project Eligibility (Site Approval) for the Cedar Ridge Estates project located near the intersection of Prentice and Marshall Streets in Holliston. The site approval letter was dated August 24, 2004 and states "The approval will be effective for a period of two years from the date of this letter. Should construction not commence within this period or should the effective period of this letter not be extended in writing by MassHousing, it shall be considered to have expired and no longer be in effect." While the Holliston Zoning Board of Appeals commenced its public hearing process on this application in March 2005, the process is ongoing because of a multitude of questions raised by the Board members, town agencies and citizens.

The Executive Office of Environmental Affairs (EOEA) recently issued a Certificate (copy enclosed) requiring the project proponents to prepare an Environmental Impact Report (EIR) that, inter alia, must address the substantial solid waste, hazardous waste, wastewater disposal, wetlands, rare species habitat, aquifer protection and site assessment issues associated with the site. The Certificate notes that the site "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 also overlaps a Zone II Water Supply Protection Area." It further notes that "more assessment of the site is needed to identify the extent and level of contamination"; that there should be a "detailed hydrogeologic study that considers the potential of public water supply contamination as a result of the proposed project"; and that the hydrogeologic study should "evaluate the impact of the leach field on the adjacent wetlands, stormwater detention basin and on the contaminants present at the site". The Certificate also states that the proponent asserted that no friable asbestos was on the site but a site visit found that "friable asbestos was observed in the western wetlands section of the property. Testing for asbestos should be conducted at the project site". The requirement for an EIR highlights the many health and safety concerns embedded in the site. I would also point out raise concerns for continued non-compliance with the Massachusetts Contingency Plan with regard to site clean-up and closure as well as the applicant's plan to create a permanent landfill area on the site.

The Secretary's Certificate also notes nine separate permits which will be required that relate to

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environmental and water supply issues. It goes on to require an “alternatives analysis in order to ascertain which site layout minimizes overall impacts to land, open space, wetlands, rare species and sensitive receptors...to avoid, minimize or mitigate Damage to the Environment to the maximum extent feasible”; points out that as proposed, the project would “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”; and calls for a discussion of “sustainable design alternatives evaluated by the proponent” and measures proposed to “avoid and minimize environmental impacts”. The requirements of the EIR are likely to result in a reconfigured project proposal that would be substantially and dramatically different than the concept reviewed by your office.

In your letter of February 16, 2006, on the Riverview Village at Winchester project, it was noted that “the environmental contamination remains a concern...(i)t may very well be that the site can be remediated to a point at which there will be no concern for the health of residents, and no need to worry about the potential impairment of the Site as collateral for a loan. The plain fact is, however, that the Site is not presently in that posture.” Such a determination can similarly be made for the Cedar Ridge Estates project and we feel strongly that it should have. We believe there is little, if any, precedent for a housing project of this scale on a site with such a magnitude of solid waste and hazardous waste remediation and cleanup.

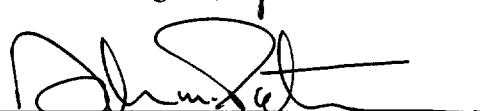
The above noted issues suggest sufficient evidence that the Cedar Ridge project is no longer, or is not yet, eligible for a subsidy. We would welcome an opportunity to discuss this in more detail with you at your convenience.

Very truly yours,

James W. Barry, Chairman



Carl F. Damigella, Vice-Chairman

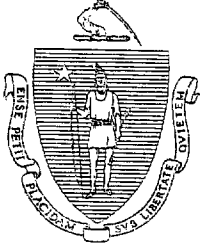


Andrew M. Porter, Clerk

BOS/pdl
Enclosure

xc: Ms. Jane Wallis Gumble, Director, DHCD
Board of Selectmen
Planning Board
Conservation Commission
Board of Health
Water Department
J. Michael Norton, Greenview Realty, LLC

Cedar Ridge MassHousing



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02144-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD
SECRETARY

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

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

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

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 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.

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

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

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