

Notice of Rights of Affected Third Parties

The following Person has filed an application pursuant to M.G.L. c. 21E, § 3A(j)(2)-(3), & 940 CMR 23.00, to enter into a Brownfields Covenant Not to Sue Agreement for the Site listed below. Third parties who may have claims with regard to this Site are hereby notified that: 1) the execution of the requested Agreement may affect such claims, and 2) third parties whose rights will be affected may seek to join the Agreement. Parties who wish to do so must make such request to the Attorney General in writing and must either deliver such request to the Office of the Attorney General, Attn. Brownfields Unit, 1 Ashburton Place, Boston, MA 02108, by February 2, 2007 or mail such request to the same address by first-class mail postmarked by that date.

Name of Applicant: Downtown Natick Development Company, LLC.

Description of the Site: a 26,000-square foot parcel, more or less, located at 20-30 South Avenue in Natick, MA (the "Property").

Description of the Releases at Issue:

RTN #3-0000007: a release from an underground storage tank was reported on 1/15/1987. After removal and remediation, its status since 7/23/1993 is "NFA" (no further action required) by the Massachusetts Department of Environmental Protection.

RTN #3-0024359: a release of waste oil was reported on 10/22/2004, and is being remediated by the current property owner.

Summary of the terms of the application.

The current owner will conduct response actions during site demolition and subsequent construction activities, and the Applicant anticipates a permanent solution will be achieved. The current owner and DNDC have agreed to financial terms regarding the cleanup. Applicant is seeking liability relief immediately prior to the date of the transfer of the property under G.L. c. 21E, § 5(a)(1) for response action costs and statutory or common law claims for contribution and property damages for contaminants identified by or associated with Releases at Issue. Applicant seeks protections for itself and subsequent owners and/or operators that would be afforded an eligible person under § 5C upon obtaining a permanent solution. Such protections are necessary to allow Applicant to proceed with the development of the project and invest significant monies into the property.

Copies of the Applicant's application may be obtained by contacting Katherine Garrahan, Esq. at kgarrahan@bowditch.com.