

**Notice of Settlement with Commonwealth and Notice of Opportunity to Comment
(Pursuant to MGL c. 21E, 3A(j)(2))**

229 Main Street Limited Partnership and Robert and Carole Kirsch are current and/or past owners of 229-231 North Main Street/31 Rutledge Road, Natick, Massachusetts (the "property").

With regard to the property and Massachusetts Department of Environmental Protection Release Tracking No. 3-3672, 229 Main Street Limited Partnership (by and through its general partner 229 North Main Street, Inc.) and Robert and Carole Kirsch have entered into a settlement with the Commonwealth and the Town of Natick to resolve their alleged liability to these parties. In the settlement, 229 Main Street Limited Partnership and Robert and Carole Kirsch refer to their positions in numerous filings before numerous courts, wherein they deny the alleged liability, damages and all other claims.

After the ninety-day calendar period which commenced with the date of the first publication of this notice, the settlement will be filed in and judicially approved by the Massachusetts Suffolk Superior Court. A copy of the full text of the Settlement Agreement may be obtained from Ms. Giselle Ciano, Paralegal, Posternak Blankstein & Lund LLP (Tel. 617-973-6229; Fax. 617-722-4911, E-mail gciano@pbl.com).

Under the settlement, 229 Main Street Limited Partnership and Robert and Carole Kirsch will perform and complete response actions necessary at the site to comply with MGL c. 21E or the MCP, including the following:

- (1) a Supplemental Phase II Comprehensive Site Assessment;
- (2) a Phase III Initial Screening of Likely Remedial Action Alternatives;
- (3) a Phase III Remedial Action Plan;
- (4) a Phase IV Remedy Implementation Plan; and
- (5) a Permanent Solution or Remedy Operations Status.

(Settlement Agreement, paragraph 14.)

In addition, 229 Main Street Limited Partnership (by and through its general partner 229 North Main Street, Inc.) and Robert and Carole Kirsch will pay to the Commonwealth a certain amount, for reimbursement of response costs incurred by the Commonwealth as of August 2, 1997, and for full and complete payment of the Tier 1A Annual Compliance Assurance Fees due and owing for the Billable Years ending August 2, 1998 through August 2, 2002. (Settlement Agreement, paragraph 6). Further, 229 Main Street Limited Partnership (by and through its general partner, 229 North Main Street, Inc.) and Robert and Carole Kirsch will pay to the Town of Natick a certain amount for reimbursement of response costs incurred by the Town. (Settlement Agreement, paragraph 6). Therefore, "matters addressed in the settlement" means the following:

- (1) All response actions performed and to be performed by 229 Main Street Limited Partnership and Robert and Carole Kirsch pursuant to the Settlement Agreement; and
- (2) Response costs and fees to be paid by 229 Main Street Limited Partnership and Robert and Carole Kirsch pursuant to the Settlement Agreement.

(Settlement Agreement, paragraph 33.)

Regarding these “matters addressed in the settlement,” 229 Main Street Limited Partnership (by and through its general partner 229 North Main Street, Inc.) and Robert and Carole Kirsch shall not be liable for claims for contribution, cost recovery, or equitable share to any person who is provided notice, who otherwise receives notice, and who has an opportunity to comment on the settlement. (Settlement Agreement, paragraph 36.)

In accordance with Massachusetts General Law c. 21E §3A(j)(2), you may comment on the settlement, by sending your written comments, if any, to all of the following:

- (1) David Y. Li, Posternak Blankstein & Lund LLP, 100 Charles River Plaza, Boston, MA 02114 (Counsel for 229 Main Street Limited Partnership and Robert and Carole Kirsch);
- (2) Betsy Harper, Assistant Attorney General, Environmental Protection Division, Office of the Attorney General, 200 Portland Street, Boston, MA 02114 (Counsel for the Commonwealth);
- (3) Gail McCarthy, DEP, Northeast Regional Office, 205A Lowell Street, Wilmington, MA 01887 (Counsel for the Commonwealth); and
- (4) Rick Sheils, Esq., Bowditch & Dewey, LLP, 311 Main Street, P.O. Box 15156, Worcester, MA 01615-0156 (Counsel for the Town of Natick).

Your comments should be made during the ninety-day calendar period that commenced with the date of the first publication of this notice.

This notice is provided by 229 Main Street Limited Partnership (by and through its general partner 229 North Main Street, Inc.) and Robert and Carole Kirsch.