



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
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7/11/07 (B)
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July 10, 2007

James Purdy
Louis Berger Group, Inc.
75 Second Avenue, Suite 700
Needham, MA 02494

Re: Request for Advisory Opinion
Jefferson at Ashland – Ashland (EOEA #12375)

Dear Mr. Purdy:

I am writing in response to your letter of June 20, 2007, in which you requested an advisory opinion as to whether additional review under the Massachusetts Environmental Policy Act (MEPA) is required for the project referenced above.

The project was the subject of previous review under MEPA and the Final Environmental Impact Report (FEIR) was found to be adequate in a Certificate issued on October 15, 2001. As described during that review, the project entailed the construction of a 500-unit transit-oriented residential development located adjacent to the Ashland commuter rail station, with access to Route 135 to be provided via the Massachusetts Bay Transportation Authority's (MBTA) access road. According to your letter, the project has not been constructed to date because the proponent has been engaged in resolving outstanding contractual issues in order to complete the acquisition of the property from the seller.

Because the project as not commenced construction within five years of the notice of availability of the FEIR, you requested a determination that the proponent has continued to take major steps in a continuous sequence to advance the project - including but not limited to the expenditure of significant funds for final design, local permitting activities, and property acquisition - such that it could be regarded as having commenced within five years in accordance with the MEPA regulations at 301 CMR 11.10(3)(b)(2), thereby negating the requirement that a

new Environmental Notification Form (ENF) be submitted for review. You state that the project has not changed in scope in any significant way since it underwent MEPA review, including the number of units, distribution of bedrooms, and site design. Additionally, the proponent remains committed to implement mitigation measures specified during MEPA review, including inflow/infiltration (I/I) removal in the Town of Framingham and the construction of a sidewalk between the project site and the Ashland MBTA commuter rail station. The proponent will also coordinate with the MBTA regarding construction impacts to the commuter rail station access road.

Based on a review of the information contained in your letter, I find that the proponent has continuously engaged in significant activities to advance the project from the time of the publication of the FEIR through the present. Having met this standard, I hereby determine that the submission of a new ENF is not required.

Please contact Richard Bourré, Assistant Director of the MEPA Office, at (617) 626-1130 if you have any questions concerning this matter.

Sincerely,



Deerin Babb-Brott
Assistant Secretary

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