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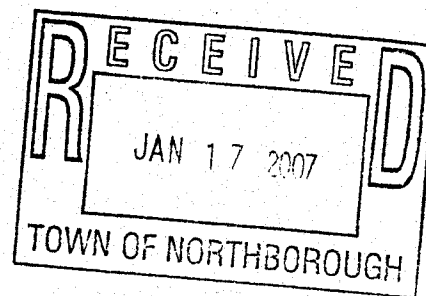
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January 16, 2007

BY FACSIMILE - (508)393-6996

Mr. John W. Coderre
Assistant Town Administrator
Northborough Town Hall
63 Main Street
Northborough, MA 01532



Re: Redevelopment of 119 Colburn Street

Dear Mr. Coderre:

You requested an opinion regarding the possible redevelopment of a portion of Town-owned property located at 119 Colburn Street (the "Property"). The Town purchased the Property in 2002 through its exercise of rights in accordance with the provisions of G.L. c. 61A, from Central New England Sports Center, Inc. ("Central New England"). The Property was operated by Central New England as a sportsmen's club, entailing the discharge of firearms on and from the Property. As a result, lead and arsenic from the shot and gunpowder utilized by guests at the Property were released onto the Property. Due to this release, a portion of the Property has been classified as a disposal site by the Department of Environmental Protection (the "DEP"). It is my understanding that the Town wishes to construct a senior center on the uncontaminated portion of the Property. You question whether the DEP regulations regarding the management and cleanup of disposal sites would prohibit the development of a senior center on the uncontaminated portion of the Property.

In my opinion, the DEP regulations do not bar the development of the uncontaminated portion of the Property to the extent that such portion is not subject to cleanup standards imposed by the DEP. However, in my opinion, the Town is obligated to manage the disposal site in accordance with those regulations, and to take such steps as

Mr. John W. Coderre
Assistant Town Administrator
January 16, 2007
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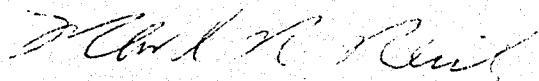
are necessary to ensure that the existing release and its remediation do not impact the uncontaminated portion of the Property.

The reporting and cleanup of hazardous waste sites in Massachusetts is governed by the provisions of 310 CMR 40.000 et seq., the Massachusetts Contingency Plan. These regulations provide specific requirements for submissions to the DEP and regulate the overall cleanup process. The Town has engaged a licensed site professional ("LSP") to undertake the assessment of the Property, determine the appropriate course of action for the remediation of the Property, and submit the necessary filings to the DEP in compliance with the regulations. The Town's LSP has determined the extent of the contamination on the Property and has submitted documentation to the DEP specifying the outline of the contaminated area to delineate the disposal site. The LSP has determined that the portion of the Property on which the Town would like to site a senior center is not within the bounds of the disposal site and is not impacted by the release of hazardous waste at the Property.

I have reviewed the provisions of 310 CMR 40.000 et seq. to determine whether development of the uncontaminated portion of the Property would be allowable. I have found nothing to indicate that development of the uncontaminated portion of the Property is prohibited. I recommend that the Town properly monitor the Property to ensure that no contamination migrates onto the uncontaminated portion of the Property. Since remediation of the contaminated portion of the Property is required in accordance with the provisions of 310 CMR 40.000 et seq., the Town will be required to take appropriate measures to protect public health, safety, and the environment during that remediation process. Such measures will, of course, extend to protection of the uncontaminated portion of the Property. Therefore, in my opinion, the Town is not prohibited from appropriately developing the uncontaminated portion of the Property.

Please contact me if you have any further questions regarding this matter.

Very truly yours,



Mark R. Reich

MRR/bp
cc: Town Administrator
303847/NBOR/0021