



*Environmental Engineering, Civil Engineering,
Forensic Engineering, Construction Services*

Limited Phase I Site Assessment

on

Nashoba Place
Acton, MA & Littleton, MA

Prepared for

Mr. Brian Falvey
OHC Development LLC
One Intercontinental Way, 3rd Floor
Peabody, MA 01960

June 21, 2006

FSL Associates Inc.
18 Shepard Street
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Nashoba Place
Acton, MA & Littleton, MA

FSL ASSOCIATES, INC.

LIMITED PHASE I ENVIRONMENTAL SITE ASSESSMENT

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Job #053120063
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LIMITED ENVIRONMENTAL SITE ASSESSMENT

6/21/2006

Limited Phase I Environmental Site Assessment

Nashoba Place
Acton, MA & Littleton, MA

Client

Mr. Brian Falvey (Client)
OHC Development LLC
One Intercontinental Way, 3rd Floor
Peabody, MA 01960

Job #06012006

Executive Summary

This Limited Phase I site assessment was conducted for the Client in general accordance with the guidelines as described in ASTM E1527-00 for Phase I Site Assessments to survey the Site for evidence of contamination of the soil or groundwater by oil or hazardous materials. The evaluation included the investigation of both on- and off-Site sources to determine the occurrence of past or current releases which may have affected the Site and whether any such releases would be a cause for concern and liability under Massachusetts Department of Environmental Protection Regulations 310 CMR 40.0000 to the owner or its successors. These findings are based upon multiple sources including: a commercial databases of sites of potential environmental impact, a municipal review, historical, aquifer and areas of environmental concern maps of the area, and a physical inspection of the Site.

Findings: A leaching field is located on section of the property and serves the 35 Nagog Park Office Building. The remainder of the Site is undeveloped.

Recommendations: FSL recommends No Further Action for the Property.

1.0 INTRODUCTION

FSL Associates, Inc., (FSL) conducted this Limited Phase I Site Assessment in general accordance with the guidelines as described in ASTM E1527-97 for Phase I Site Assessments for the Client to investigate the above referenced Site to determine whether any conditions exist that would require a response under the requirements of Massachusetts General Law (M.G.L.), Chapter 21E for oil and hazardous materials. The evaluation included the investigation of both on- and off-Site sources to determine the occurrence of past or current releases which may have affected the Site and whether any such releases would be cause for concern and present a liability under Massachusetts Department of Environmental Protection (MADEP) Regulations 310 CMR 40.0000 to the owner or its successors. These findings are based upon multiple sources including: commercial databases of sites of potential environmental impact, a municipal document review, historical, aquifer and areas of environmental concern maps of the area, and a physical inspection of the Site.

1.1 Reliance

The contents herein may be utilized by lenders and title insurance companies in granting mortgage monies and affirmative insurance coverage.

1.2 Use of Report

This use of this report is limited to the Client and/or its designee. No part of this report may be reproduced without the expressed consent of the Client. FSL understands that the report is being used by the Client or its designee to evaluate possible environmental liability concerning the Site.

2.0 SITE LOCATION

The Site is situated in a congested suburban area in the Towns of Acton and Littleton, MA just off Nagog Park road on Westford Lane. The coordinates of the Site as reported by New England DataMap Technology are Longitude -71.432273 and Latitude 42.525326. A Location Map is also appended in the Figures section.

3.0 SCOPE OF WORK

3.1 The objectives of this Site Evaluation were as follows:

- To determine if oil or hazardous materials had been released on or had migrated onto the Site from other locations.
- To determine if oil or hazardous materials are present on the Site at the present time.
- To identify potential on-Site receptors and other effects to the environment which could come from a spill or release of oil or hazardous materials at the Site.

3.2 To accomplish these goals FSL performed the following tasks:

- Contacted New England DataMap Technology Corporation, a firm specializing in databases of sites of potential environmental impact, to complete an "Environmental FirstSearch Report" on the Site and its environs.
- Conducted a physical inspection of the Site and surrounding areas for obvious indications of present or past activities which have or could contaminate the Site.
- Contacted personnel in municipal and other involved governmental agencies for information of environmental impact on the Site.
- Analyzed and interpreted the results of these investigations.
- Prepared this report containing our procedures, findings and conclusions.

4.0 SITE DESCRIPTION

4.1 Locus Description: The Site is located in a suburban residential area just off Nagog Park Road on Westford Lane. The Site consists of approximately 34.875 acres of land. The property is undeveloped.

4.1.1 Resource Areas (Aquifers & ACEC)

MassGIS Aquifer Map: The Site is not located within the footprint of an aquifer.

Areas of Critical Environmental Concern (ACES) Map: There are no ACEC associated with the Site.

A copy of the ACEC Map is located in the Figures section.

4.2 Building Description

The Site is undeveloped.

4.3 Utility Services: The Site is serviced by the following public and private utilities:

4.3.1 Electric Service: Electric service in Acton is provided by NStar. Electric service in Littleton is provided by the Littleton Electric Light & Water Department.

4.3.2 Water & Sewer Service: Water service in Acton is provided by the Acton Water District. Water service in Littleton is supplied by the Littleton Electric Light & Water Department. Neither town supplies sewer service. Sheet flow of rainwater is directed to the city sewer.

4.3.3 Natural Gas: Gas service is provided by Keyspan in both Acton and Littleton.

5.0 SITE HISTORY

An environmental review was conducted through the "Environmental FirstSearch Report" obtained from New England DataMap Technology Corporation.

5.1 FirstSearch Report: FSL reviewed information on the Site collected by an electronic environmental database service for listings of sites identified in various state and federal databases resulting from the discovery, use, spill or storage of hazardous materials that are within specified distances from a Site. FSL uses the standard ASTM databases and distances to initially evaluate a Site for the presence of a release or threat of a release of oil and/or hazardous materials that could affect a Site. The complete report is included in the Electronic File Search section. Site locations cited below shown as "Search ID #" refer to sites listed in the report and "Map ID #" refers to the sites listed on the maps. Database acronyms are provided in a glossary in the Electronic File Search of this report.

5.1.1 Federal Databases

The federal databases searched for this report were NPL, CERCLIS, RCRA TSD, RCRA GEN, ERNS.

5.1.2 MADEP Databases

The state databases searched for this report were State List, SPILLS 1990s, ACTIVE SWL, REGISTERED UST, AQUIFERS, and ACEC.

5.1.3 FirstSearch Review

NPL - There were no sites on the National Priority List listed within a quarter mile of the Subject Site.

CERCLIS - There were no sites listed on the Comprehensive Environmental Response, Compensation and Liability Information System database within a quarter mile of the Subject Site.

NFRAP - There were no sites listed on the No Further Remedial Action Planned database within a quarter mile of the Subject Site.

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RCRA TSD - There were no sites listed within a quarter mile on the Resource Conservation and Recovery Act (Treatment, Storage and Disposal) database.

RCRA COR - There were no sites listed within a quarter mile on the Resource Conservation and Recovery Act (Treatment, Storage and Disposal) database.

RCRA GEN - There were three site located within a quarter mile of the Subject Site on the RCRA Generator (generates permitted hazardous waste) database. Generators include Uniform Printing & Supply Inc., List Inc., and ENSR Corp. As long as the hazardous waste generated by these companies is handled according to their permitted regulations, there is no reason to suspect that any of the three sites have had an adverse environmental impact on the Subject Site. No further action is recommended.

ERNS - There were two listing for the same site within a quarter mile on the Emergency Response Notification Site database.

- A spill of five gallons of 2, 4-dichlorophenoxyacetic acid at Digital Equipment Division located 0.21 miles southeast of the Site occurred in October 1991. As groundwater was not impacted, no further action is recommended.

State Sites - There were no sites listed within a quarter mile on the State Site database.

Spills - 1990 - There were two sites listed within a quarter mile on the State Spills database.

- A spill of 1-10 gallons of an unknown contaminant at DEC located 0.21 miles southeast of the Site occurred in October 1991. The case is closed and no further action is recommended.
- A spill of less than 1 gallon of an unknown contaminant at Nagog Park located 0.24 miles southwest of the Site occurred in February 1993. The case is closed and no further action is recommended.

SWL - There were no solid waste landfills identified within a quarter mile of the Subject Site.

REG UST/AST - There were no registered underground or aboveground storage tanks identified within a quarter of a mile from the Subject Site.

Aquifers - The Site is not located within the footprint of an aquifer.

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ACEC - There are no areas of critical environmental concern on the Subject Site. ACEC's near the Subject Site are shown on a copy of the ACEC map in the figures section.

Floodplains - The Subject Site is not located within a floodplain.

5.2 Municipal Review:

5.2.1 Fire Department

FSL made inquiry to the Towns of Acton and Littleton Fire Prevention Offices on May 31, 2006 to request any information the Fire Department might have on file regarding the installation or removal of underground or above ground storage tanks. The Site is undeveloped and no information was provided.

5.2.2 Building Department

FSL made inquiry to the Towns of Acton and Littleton Building Department on May 31, 2006 to request any information the Building Department might have on file regarding environmentally hazardous conditions. The Site is undeveloped and no information was provided.

5.2.3 Health Department

FSL made inquiry to the Towns of Acton and Littleton on May 31, 2006 to request any information the Health Department might have on file regarding environmentally hazardous conditions. The Site is undeveloped and no information was provided.

6.0 ENVIRONMENTAL SITE SURVEY

6.1 The Site Inspection

FSL personnel made a visit to the Site with Mr. Thomas Ellis of OHM Development LLC on May 31, 2006 to make a property evaluation and to determine if any further investigations would be required. The evaluation included a walkover and visual survey of the Site's exterior and interior, along with a survey of conditions of abutter properties that might affect the subject Site.

6.1.1 Observed Conditions: The Site and environs were viewed for any visible evidence of a possible release of oil and/or hazardous material. FSL personnel walked around the perimeter of the building for any evidence of oil or hazardous material. The Site is undeveloped and there were no indications of environmentally hazardous conditions.

6.1.2 Abutting Properties: The abutting properties are residential and commercial properties. A leaching field is located on portion of the property and serves the 35 Nagog Park Office Building. No further action is currently recommended based on the abutting properties.

6.2 Topography/Surface Waters/Wetlands: The land is generally flat in the vicinity of the Site. The United States Geologic Survey (USGS) Topographic Map was reviewed and confirms the lack of slope on the property.

There are no surface waters or wetlands immediate to the vicinity. The nearest body of water is the Nagog Pond, which lies approximately three quarters of a mile to the southwest of the Site. FSL did not observe flowing water, saturated soils or hydrophytic vegetation at the Site. According to the USGS Quadrangle Map, the Site does not contain identified wetlands.

6.3 Fuel Source: The Site is undeveloped.

6.4 Fuel Tanks (AST & UST): The Site is undeveloped.

6.5 Solid Waste/Wastewater Disposal: The Site is undeveloped.

6.6 Hazardous Material Survey

6.6.1 Hazardous Material (Hazmat): The Site is undeveloped.

6.6.2 Oil Products: The Site is undeveloped.

6.6.3 Asbestos Containing Materials (ACM): The Site is undeveloped.

6.6.4 Lead-based Paint (LBP): The Site is undeveloped.

6.6.5 Polychlorinated Biphenyls (PCBs): Observations were made of equipment likely to contain PCBs, which includes transformers, as the Site is undeveloped. There were no on-Site transformers.

6.6.6 Radon Gas: A radon gas survey was not within the scope of this report. Further action or investigation is not recommended with regard to radon gas levels at the Site.

6.7 Subsurface Investigation: The goal of the subsurface investigation is to perform a series of test borings to establish a means of isolating the location of any possible contamination. There was nothing found during the research for this report that indicated the need for a subsurface investigation. No further action is recommended.

7.0 Findings and Recommendations

7.1 Findings: A leaching field is located on section of the property and serves the 35 Nagog Park Office Building. The remainder of the Site is undeveloped.

7.2 Recommendations: FSL recommends no further action.

8.0 SUMMARY AND CONCLUSIONS

8.1 Summary

FSL personnel conducted an environmental survey of the above referenced property to determine the existence of any possible oil and/or hazardous waste contamination. This survey included the following:

- A search of a commercial environmental site database
- A municipal records review
- An on-site property inspection

Based on the review performed and the information developed in preparing this report, FSL does not find evidence of an environmental concern at the property.

8.2 Conclusions

No environmental concerns were identified during the investigation and research for this report. No further action is recommended for this Property.

Prepared by:

Cynthia McDonnell
Cynthia McDonnell
V.P., FSL Associates

9.0 CONDITIONS AND LIMITATIONS

This report addresses the likelihood of a release or threat of release of oil or hazardous materials on the Site as defined by Massachusetts General Law Chapter 21E (October 1988) and the Massachusetts Contingency Plan (October 1999).

In conducting this site investigation, FSL Associates, Inc. has attempted to independently assess the environmental quality of the site relative to oil or hazardous materials with reference to M.G.L c. 21E and the Massachusetts Contingency Plan for Oil and Hazardous Materials. As with any site evaluation there is a certain degree of dependence upon oral information provided by facility or site representatives which is not readily verifiable through visual inspection or supported by available documentation. FSL Associates, Inc. shall not be held responsible for conditions or consequences arising from relevant facts that were concealed, withheld, or not fully disclosed by facility or site representatives at the time this investigation was performed. Any damages resulting from errors and omissions by FSL Associates, Inc. are limited to the cost of the service performed plus up to but not to exceed \$50,000. This report and all field data and notes were gathered and/or prepared by FSL Associates, Inc. in accordance with the agreed upon scope of work and generally accepted engineering and scientific practices in effect at the time of investigation on the site. The statements, conclusions, and opinions contained in this report are only intended to give approximations of the environmental conditions of the subject site. This report is designed to detect releases of oil or hazardous materials to the environment. It is not intended to be a complete environmental audit or industrial hygiene survey which would ascertain compliance with federal, state, and local regulation other than those explicitly stated.

Unless otherwise indicated, any site drawing provided within this report is not meant to be an accurate engineering drawing, but is used to present the general, relative locations of features of interest on and surrounding the site.

This report, including all supporting field data and notes (collectively referred to hereinafter as "Information"), was prepared or collected by FSL Associates, Inc. for the benefit of its client. The client may release the information to third parties, who may use and rely upon the Report at their discretion. However, any use or reliance upon the information by a party other than specifically named above or by separate letter from FSL Associates, Inc. shall be solely at the risk of such third party and without legal recourse against FSL Associates, Inc. or its subsidiaries and affiliates, or their respective employees, officers or directors, regardless of whether the action on which recovery of damages is sought is based upon contract, tort (including the sole, concurrent or other negligence and strict liability of FSL Associates, Inc.) statute or otherwise. This information shall not be used or relied upon by a party that does not agree to be bound by the above statement.

The interpretations and opinions provided in this report are based on governmental regulations and policies in effect at the time of preparation of the report. Future changes in regulatory policy may render these opinions obsolete or otherwise invalid.

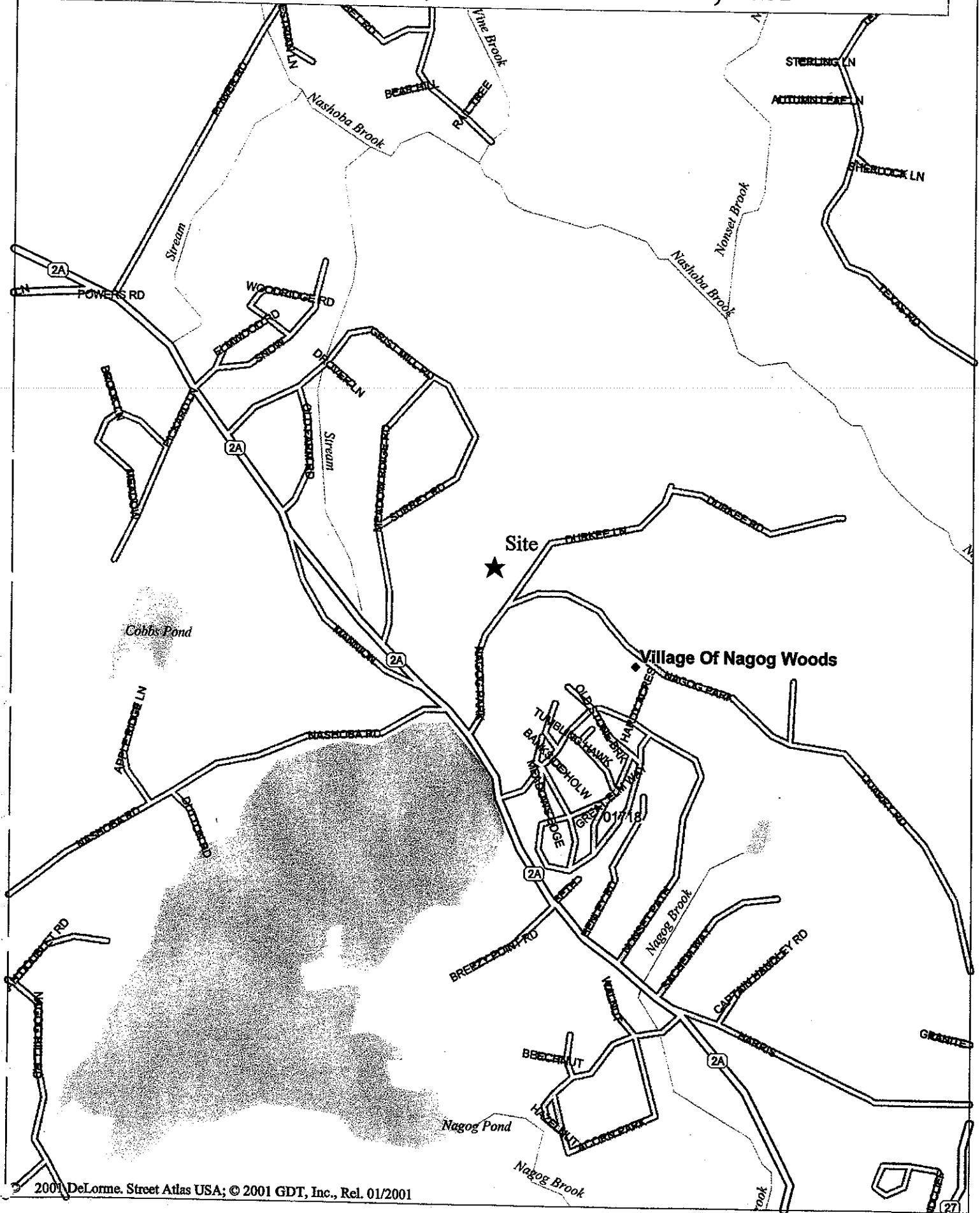
The parties agree to submit any dispute to binding arbitration to be decided by three arbitrators, one chosen by each of the parties and the third chosen by the two parties.

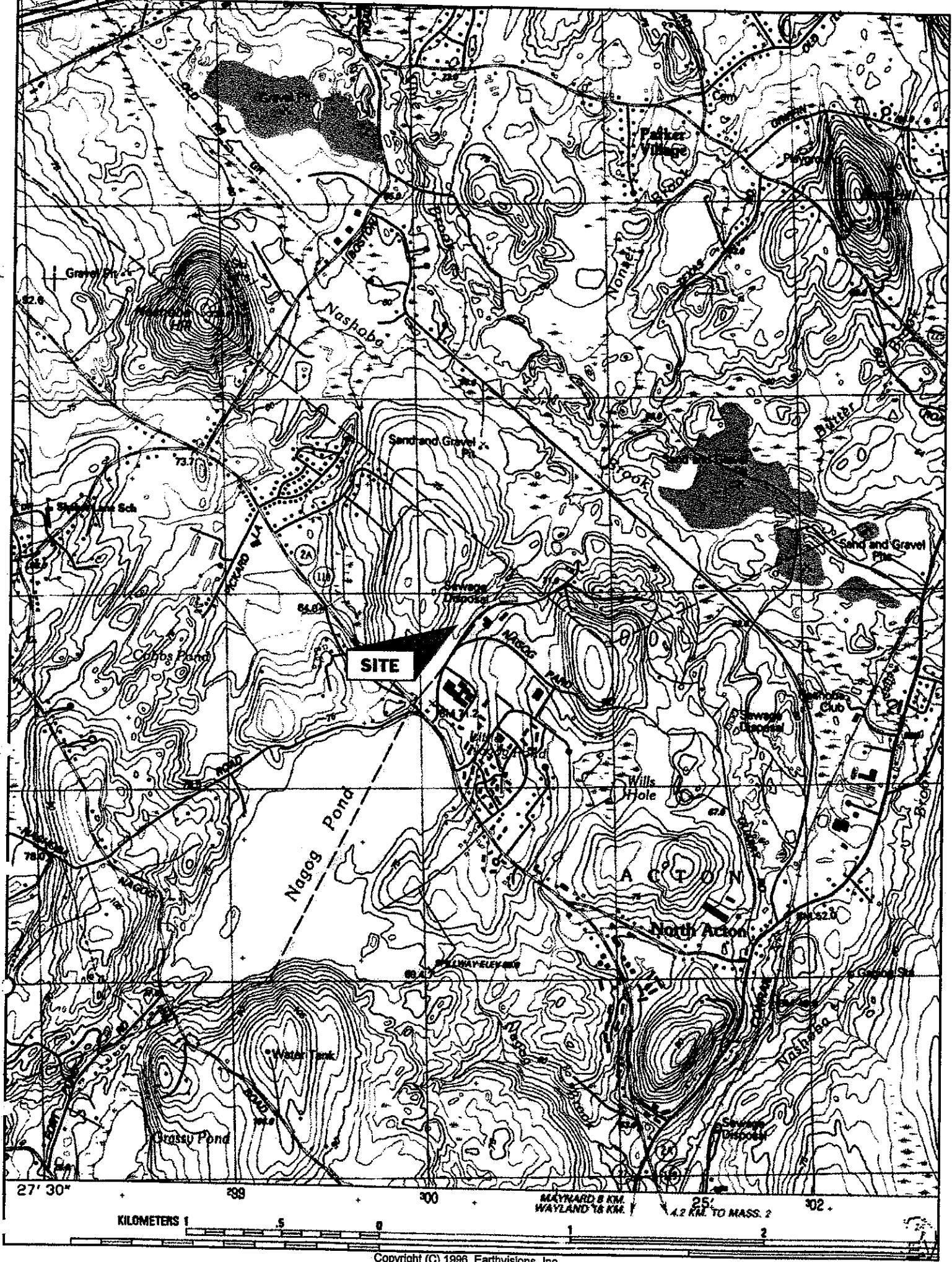


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FIGURES

Nashoba Place, Acton & Littleton, MA







Environmental FirstSearch

.5 Mile Radius ACEC Sites

The logo for Environmental FIRSTSEARCH. It features the word "Environmental" in a small, italicized font above the word "FIRSTSEARCH" in a large, bold, sans-serif font. A circular graphic with a textured, wood-grain-like pattern is positioned to the right of the text, partially overlapping it. The word "SEARCH" is partially visible at the bottom of the circle.

NASHOBA PL, LITTLETON MA 01460



Source: 2002 U.S. Census TIGER Files

Target Site (Latitude: 42.525326 Longitude: -71.432273)



Identified Site, Multiple Sites, Receptor



NPL, Brownfield, Solid Waste Landfill (SWL) or Hazardous Waste



Railroads

Black Rings Represent 1/4 Mile Radius; Red Ring Represents 500 ft. Radius

Area of Critical Environmental Concern (ACEC), Protected Open Spaces

Estimated Habitats of Rare Wetlands Wildlife. Vernal Pool



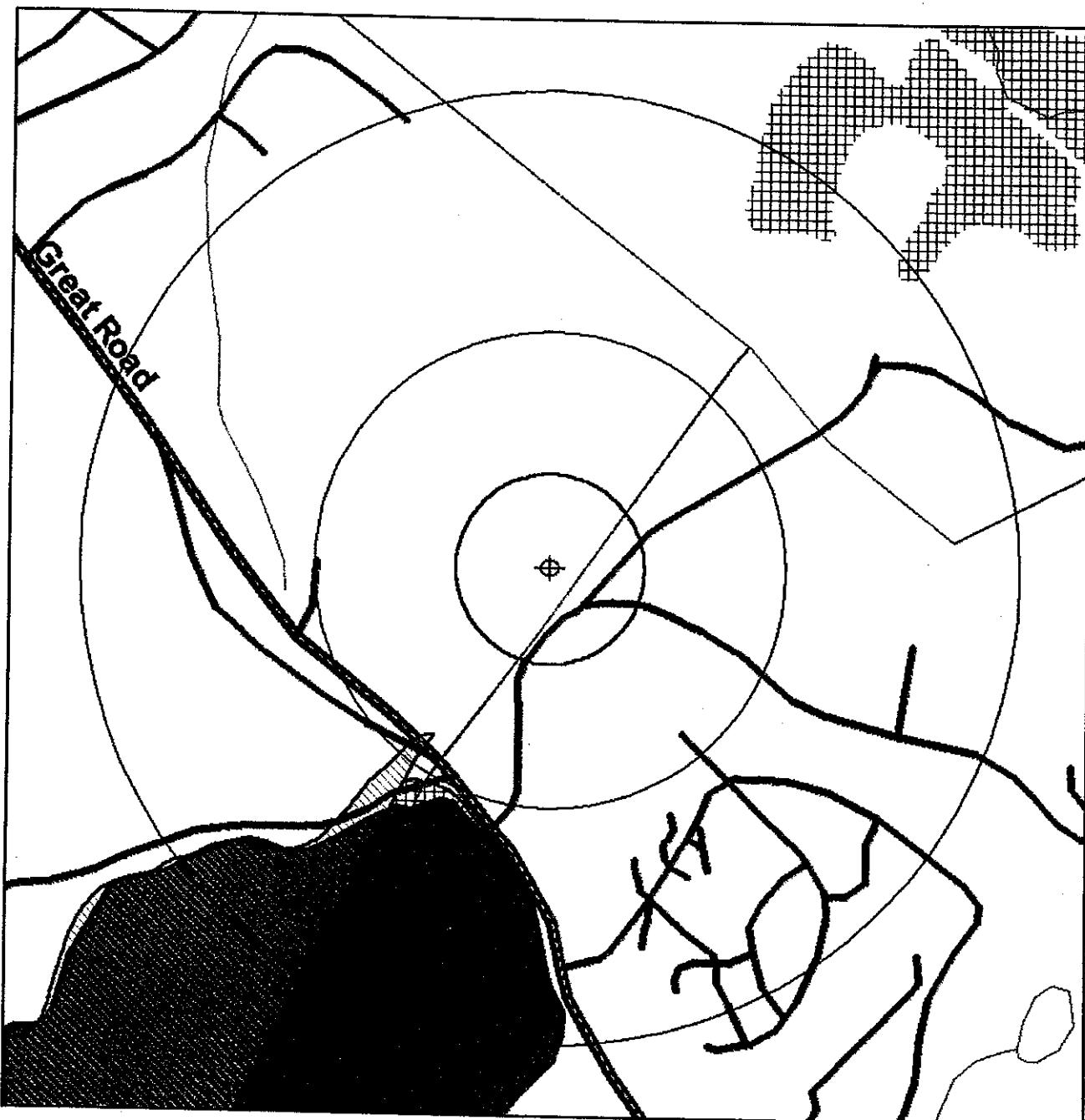


Environmental FirstSearch

.5 Mile Radius
Floodplains Sites



NASHOBA PL, LITTLETON MA 01460



Source: 2002 U.S. Census TIGER Files

Target Site (Latitude: 42.525326 Longitude: -71.432273)



Identified Site, Multiple Sites, Receptor



NPL, Brownfield, Solid Waste Landfill (SWL) or Hazardous Waste

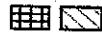


Railroads



Black Rings Represent 1/4 Mile Radius; Red Ring Represents 500 ft. Radius

Floodplains: 100 Year, 500 Year

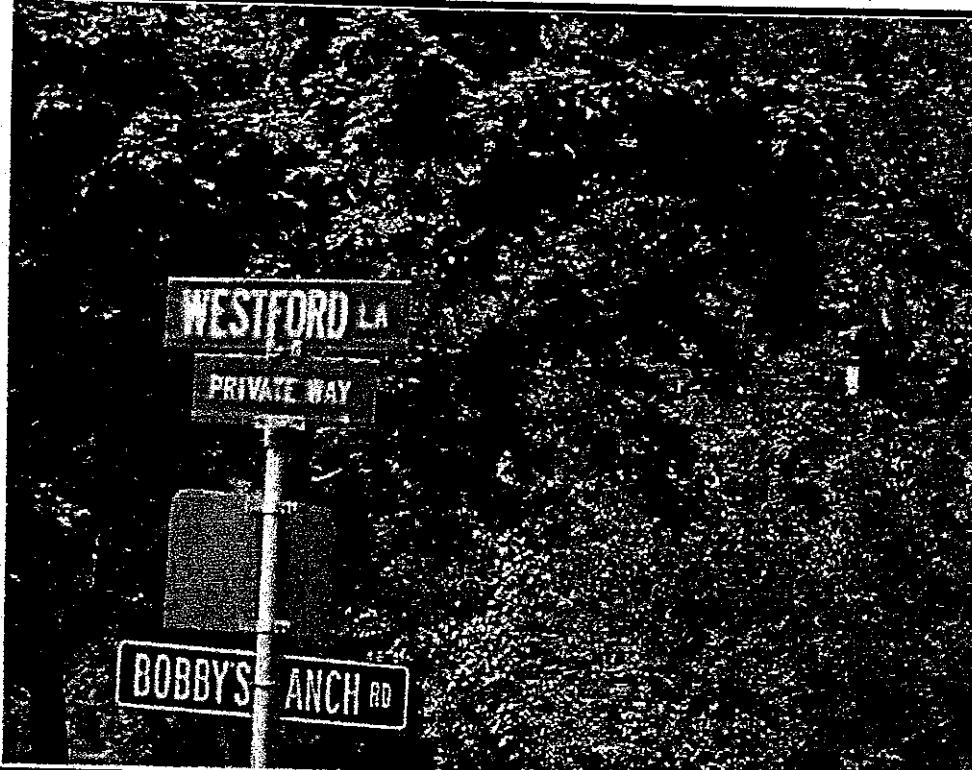




Picture 1

Looking Northwest

Date: 5/31/2006	Property Location: Nashoba Place, Acton & Littleton, MA	Prepared by: Dan Imig
FSL Associates, Inc.		18 Shepard Street, Brighton, MA 02135



Picture 2

Nearest Intersection of Westford Lane and Bobby's Ranch Road

Date: 5/31/2006	Property Location: Nashoba Place, Acton & Littleton, MA	Prepared by: Dan Imig
FSL Associates, Inc.		18 Shepard Street, Brighton, MA 02135



Picture 3

Looking Northeast

Date: 5/31/2006	Property Location: Nashoba Place, Acton & Littleton, MA	Prepared by: Dan Imig
FSL Associates, Inc.		18 Shepard Street, Brighton, MA 02135



Picture 4

Looking Southwest

Date: 5/31/2006	Property Location: Nashoba Place, Acton & Littleton, MA	Prepared by: Dan Imig
FSL Associates, Inc.		18 Shepard Street, Brighton, MA 02135