

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT
C.A. NO. 08-1123

COMMONWEALTH OF MASSACHUSETTS,)
by and through its DEPARTMENT OF)
ENVIRONMENTAL PROTECTION,)
Plaintiff,)
v.)
NORTHEAST CONCEPTS, INC., and)
JAMES LaMOUNTAIN,)
Defendants.)
_____)

Affidavit of Karen Raymond

I, Karen Raymond, state the following:

1. I have resided at 8 Amber Road, Holland, MA for approximately twenty years. Amber Brook runs through the rear of my property. I am familiar with the property at issue in this matter, which borders Amber Brook and Mashapaug Road in Holland and is more specifically identified on Plan Book 350 at Page 21. The property is owned by Northeast Concepts, Inc. ("NCI"). I will refer to the entire parcel of property at issue as "the NCI Property"; almost all of the property lying west of Mashapaug Road ("Western Portion") and a very small strip lying east of Mashapaug Road and bordering Hamilton Reservoir ("Eastern Portion"). My familiarity with the NCI property comes from driving past it in my car on Mashapaug Rd. and from observing it from my property.

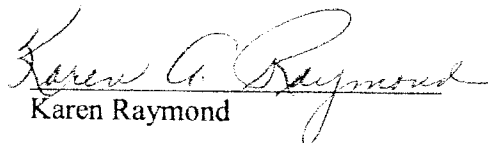
2. Beginning by at least Tuesday, May 12, 2009, a gas powered pump was placed near the bank of Amber Brook on the NCI Property. The pump is connected to pipes that run from Amber Brook to the pump and then to a larger pipe on the NCI Property. The pipe that was placed in Amber Brook was placed in what appears to be a freshly excavated hole upstream of what appears to be a small dam that was recently constructed from stones and boulders. I have attached photographs that were taken on Thursday,

May 14, 2009, and depict what I observed and described above.

3. I heard the pump running almost non-stop, day and night, until approximately 10:30 p.m. on Wednesday, May 13, 2009. I do not know whether the pump was running on Thursday and Friday because I was not home, but I know it was running and withdrawing water almost all day Saturday, May 16, 2009 (for approximately 8 to 10 hours). The brook had running water in it before the pipe was placed in it and the pump began operating. Afterwards, however, I noticed that below the area where the pipe had been placed the brook was no longer flowing. I believe this is because the pump was extracting all of the water from the brook and pumping it north through the pipes onto the NCI Property. After the pump briefly ceased operation on Wednesday night, the brook began flowing again below the point where the pipe was placed, until the pump started back up again. I am concerned with how the water withdrawal will impact the downstream portions of the brook and how it will impact my water well, which lies in relatively close proximity to Amber Brook.

4. On Wednesday, May 13, 2009, when I noticed that the pump was still operating late at night I contacted the state police at approximately 10:00 p.m. An officer reported to the scene, and we searched in the woods in the dark with flashlights to show the officer what was occurring. The officer reported that she could not do anything about it. Shortly after we were in the woods with flashlights, the pump was turned off at about 10:30 p.m.

Signed under the penalties of perjury this the 18th day of May 2009.


Karen Raymond