

Maura McCaffery

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EXPERIENCE

TRILOGY LAW LLC, Boston, Massachusetts

February 2012 to present

Co-Founder and Partner

Commercial real estate and business law firm concentrating in complex acquisitions, dispositions, finance and restructuring, leasing, joint ventures, permitting and development, environmental due diligence, and conservation.

Practice encompasses a broad array of national clients and real estate asset classes, including office, retail, residential, multifamily, industrial, hospitality and renewable energy.

Our attorneys have major, national law firm and in-house counsel experience, as well as business experience, offering unique insights and strategies for mitigating legal and business risk for our clients.

EnviroBusiness, Inc. d/b/a EBI Consulting, Burlington, Massachusetts

May 2016 to present

Senior Legal Counsel, Real Estate

EBI Consulting is a premier national firm providing environmental consulting and due diligence services. Industries served include real estate, telecommunications, life sciences, and manufacturing.

Practice focuses on all aspects of due diligence services for commercial real estate investment and finance industries. Responsibilities also include advising and managing corporate strategic legal initiatives, managing real estate and corporate best practices, as well as corporate permitting, client and subcontractor contract management, and insurance.

Boreal Renewable Energy Development, Arlington, Massachusetts

General Counsel and Director

June 2010 – February 2012

Outside General Counsel and Director, as Partner of Trilogy Law LLC

February 2012 – September 2012

Boreal served as a leading Massachusetts consulting firm specializing in solar, wind and hydroelectric energy. Boreal provides feasibility studies, economic analyses, regulatory and siting evaluations, technology and market analyses, design and engineering services, project management, and grant writing expertise.

Broad in-house legal experience in environmental planning and siting of renewable energy installations. Manage the Federal, State and local regulatory permitting process for all project phases, including design, construction, and operation. Analyzed and negotiated renewable energy project documents, including equipment purchase agreements, power purchase agreements, construction and maintenance contracts, and equipment warranty agreements.

- Drafted and negotiated Balance of Plant agreement with general contractor for installation of 1.5 MW wind turbine, including insurance and liability provisions to mitigate project risks. Advised client regarding terms of Turbine Supply Agreement with foreign supplier and provisions of the post-installation Operation and Maintenance Agreement.

- Analyzed Federal, State and local environmental and zoning restrictions for more than twenty-five projects as part of wind and solar feasibility analyses.
- Drafted and negotiated License and Option to Lease Agreements affecting over 100 acres of land subject to State Forestry Management Plans for the installation of wind resource assessment equipment and, if successful, a 6-8 MW wind farm.
- Served as owner's engineer for full scope of 1.5 MW turbine installation project. Supervised owner's bid process and final award of multi-million dollar contract for Balance of Plant work to construction firm, and coordinated substantial group of owner's consultants.
- Managed contracting team in drafting and submittal of detailed proposal for retro-commissioning work for the U.S. Department of Veterans Affairs, with a base cost of \$2.4M.

Managed Federal government contracting through two U.S. General Services Administration contracts, including a Blanket Purchase Agreement for Comprehensive Professional Energy Services. Negotiated pricing and contract modifications with Federal government. Managed marketing and business development within the Federal and State government sector. Drafted and negotiated all contracts and confidentiality agreements between Boreal and our clients and service providers.

Bingham McCutchen LLP, Boston, Massachusetts
Senior Environmental and Land Use Attorney

Spring 1998 - Winter 2002

Handled environmental and land use matters with a concentration in compliance counseling and transactional due diligence for national and international projects. Clients included large financial institutions, commercial investors, and commercial/industrial operators. Responsibilities involved counseling on compliance with Federal and State environmental laws and regulations; permitting for complex redevelopment projects including air, storm water, wastewater, and wetlands issues; advising and negotiating appropriate environmental insurance coverage; developing remediation strategies for contaminated properties; drafting and negotiating environmental indemnification agreements; and litigating hazardous waste disputes.

- Counsel to developer of 575+ acre Brownfields site in Massachusetts formerly occupied by a methane gas manufacturing plant. Development plans included a 1.3 million square foot warehouse facility. Permitting issues involved zoning, wetlands, historic preservation, Federal and State Environmental Policy Acts, and water withdrawal. Managed team of environmental consultants.
- Counsel to purchaser of electric utility fossil fuel assets in Massachusetts. Conducted pre-purchase review and analysis of all operational permits including NPDES, water withdrawal, tidelands, and air emissions. Quantified environmental costs for asset bid.
- Counsel to venture capital company during acquisition due diligence for manufacturing facilities in CT, IN, NJ, MA, TX and VT, including facilities engaged in the manufacturing of heavy construction equipment and cast epoxy resin. Analyzed permitting and environmental liability given proximity to several Superfund sites. Negotiated terms, scope, and price of environmental insurance.
- Counsel to fiberglass lift equipment manufacturer in IA and MO regarding Title V air permitting compliance issues; negotiated Administrative Consent Orders.

- Counsel to owner of apartment complex located adjacent to municipal landfill with methane gas emission issues. Representation included investigation of soil and groundwater impacts, evaluation of odor and air emission concerns, and negotiation with State agency regarding landfill closure.

Goulston & Storrs, P.C., Boston, Massachusetts
Environmental and Land Use Attorney

Spring 1995 - Spring 1998

Broad environmental experience with particular focus on permitting and remediating Brownfields sites for commercial redevelopment. Counseled clients regarding real estate acquisition and permit compliance matters, including hazardous materials, air emissions, wastewater, asbestos and wetlands issues, and negotiated environmental insurance coverage. Experience also included developing site remediation strategies and negotiating Consent Orders and Settlement Decrees with Federal and State agencies. Active member of the Massachusetts Brownfields Advisory Committee, focusing on reforming the State environmental liability law.

- Drafted more than a dozen Covenant Not to Sue applications under the State analogous Superfund statute and Prospective Purchaser Agreements.
- Drafted Activity and Use Limitation Agreements, allowing contaminated property to return to legal and environmentally protective uses.
- Represented developer during second phase of a commercial, mixed-use project regarding complex environmental permitting and compliance matters. Issues involved preserving the on-going groundwater treatment system required to address contamination discovered during the construction of the first phase and ensuring that the second phase construction did not exacerbate existing conditions.

Burns & Levinson LLP, Boston, Massachusetts
Environmental Compliance and Litigation Attorney

Fall 1992 - Spring 1995

Handled all aspects of environmental litigation, including prosecuting and defending hazardous waste cases.

- Represented several Potentially Responsible Party groups under Superfund investigations. Reviewed litigation filings including interrogatories and deposition transcripts. Prepared answers to document production requests and interviewed client employees.
- Advised clients regarding internal environmental audit procedures, including implementation of management control practices to minimize industrial accidents and environmental liabilities.
- Assisted industrial client to determine comparative liability for leaking underground storage tanks located on the client's and neighboring properties. Managed environmental consultants and advised regarding remediation strategies.

EDUCATION

Boston University School of Law, Boston, Massachusetts, J.D., 1992

Honors: Articles Editor, Annual Review of Banking Law

Published Note: *Banks Facing Lender Liability May Find Partial Relief Under Modified Valdez Principles*, 11 Ann. Rev. Banking L. 571 (1992)

University of Pennsylvania, Philadelphia, Pennsylvania, B.A., Neuropsychology, 1988

BAR MEMBERSHIPS, CERTIFICATIONS AND OTHER ACTIVITIES

Massachusetts Bar, 1992

Cambridge, MA Conservation Commission, Member, 1997-2004

U.S. Green Building Counsel LEED Green Associate, 2010 - present

PUBLICATIONS

- “New Mass. Legislation, Senate Bill 2395, Advances Clean Energy Initiatives and Opportunities”, *New England Real Estate Journal*, October, 2012
- “SEC Environmental Disclosure Requirements Pursuant to Items 101 and 103 of Regulation S-K”, *Environmental Disclosure*, MCLE, March, 2000.
- “Mulling Protections, Pitfalls of ‘Downgradient Property Status’” *Boston Business Journal*, November, 1999.
- Co-author of Rhode Island and Massachusetts chapters of *Brownfields, A Comprehensive Guide to Redeveloping Contaminated Property*, ABA, © 1997.
- “Brownfields Development in Massachusetts Through Privatized Cleanup”, American Society of Civil Engineers’ *Practice Periodical of Hazardous, Toxic and Radioactive Waste Management*, October, 1997.
- “Emerging Options in Environmental Insurance”, American Society of Civil Engineers’ *Practice Periodical of Hazardous, Toxic and Radioactive Waste Management*, July, 1997.