

*Ammended Notice of Activity
and Use Limitation as Recorded
and Filed*

012



2014 00140879

Bk: 64236 Pg: 51 Doc: AMEND
Page: 1 of 12 09/18/2014 11:19 AM

Amends

BOTH WAYS

RECORDING INFORMATION AREA

Form 1082B

FIRST AMENDMENT TO NOTICE OF ACTIVITY AND USE LIMITATION
M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: Former Raytheon Facility, 430 Boston Post Road, Wayland, MA
DEP Release Tracking Nos.: 3-13302 & 3-22408

WHEREAS, a Notice of Activity and Use Limitation has been recorded with the Middlesex County (South) Registry of Deeds in Book 58135, Page 87, and/or registered with the Land Registration Office of the Middlesex County (South) Registry District as Document No. 1585834 (said Notice of Activity and Use Limitation and any amendments thereto are collectively referred to herein as "Notice"); cert 234881

WHEREAS, said Notice sets forth limitations on use and activities, conditions and obligations affecting a portion ("Portion") of certain parcel(s) of land situated in Wayland, Middlesex County, Massachusetts with the buildings and improvements thereon, said land being more particularly bounded and described in Exhibit A to the Notice ("Property"), including but not limited to land more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("WTCR Property"), being part of the Portion of the Property described in and subject to the Notice. Said limitations on use and activities are consistent with the terms of maintaining a condition of No Significant Risk (such conditions and terms being defined in 310 CMR 40.0000, the Massachusetts Contingency Plan ("MCP")); and

WHEREAS, the undersigned Licensed Site Professional, in accordance with M.G.L. c. 21E and the MCP, opines that the implementation of the following proposed changes in Site Activities and Uses at the Property will maintain a condition of No Significant Risk;

Paragraph 2, "Activities and Uses Inconsistent with the AUL Opinion", is amended to read as follows:

2. Activities and Uses Inconsistent with the AUL Opinion. Activities and

252846

Rackemann, Sawyer & Brewster
160 Federal Street
Boston, MA 02110-1700

LR

uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:

- (i) Residential, with the exception of (i) up to 12 units on the second floor of a building located in the "Building 2F Building Envelope," as shown on Exhibit D attached to the Notice, and (ii) units on the second floor of a building located in the "Building 2B Building Envelope," as shown on the exhibit attached hereto and incorporated herein by reference as Exhibit D-1, said uses as described in the preceding (i) and (ii) being permissible so long as there is an appropriate sub-slab vapor barrier installed;
- (ii) Childcare, daycare, agricultural, horticultural, or gardening, unless previously approved by the LSP in accordance with the obligations and conditions set forth in the AUL Opinion;
- (iii) Groundwater withdrawal or use except for assessment or remedial purposes;
- (iv) Septic systems unless previously approved by the LSP in accordance with the obligations and conditions set forth in the AUL Opinion;
- (v) Other activities or uses that, in the opinion of the LSP, would likely result in significant risk from exposures to oil and/or hazardous material if such activities or uses were to take place on the Portion of the Property.

NOW THEREFORE, in accordance with M.G.L. c. 21E and the MCP, the undersigned WTC RETAIL, LLC, a Massachusetts limited liability company ("WTCR"), of 10 Memorial Blvd, Ste. 901, Providence, RI 02903, being the owner of the WTCR Property pursuant to a deed recorded with the Middlesex County (South) Registry of Deeds in Book 60610, Page 273, and/or Certificate of Title No. 252846, issued by the Land Registration Office of the Middlesex County (South) Registry District, hereby amends said Notice as it pertains to the WTCR Property as follows:

Paragraph 1, "Activities and Uses Consistent with the AUL Opinion":

1. Activities and Uses Consistent with the AUL Opinion. The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Portion of the Property:

- (i) The Portion of the Property may be used for passive recreation;
- (ii) The Portion of the Property may be used for commercial/industrial uses;
- (iii) Such other activities or uses which, in the opinion of an LSP, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this Paragraph; and
- (iv) Such other activities and uses consistent with those set forth in this Paragraph and not expressly prohibited by this Notice.

Paragraph 2, "Activities and Uses Inconsistent with the AUL Opinion":

2. Activities and Uses Inconsistent with the AUL Opinion. Activities and uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:
 - (i) Residential, with the exception of (i) up to 12 units on the second floor of a building located in the "Building 2F Building Envelope," as shown on Exhibit D attached to the Notice, and (ii) units on the second floor of a building located in the "Building 2B Building Envelope," as shown on the exhibit attached hereto and incorporated herein by reference as Exhibit D-1, said uses as described in the preceding (i) and (ii) being permissible so long as there is an appropriate sub-slab vapor barrier installed;
 - (ii) Childcare, daycare, agricultural, horticultural, or gardening, unless previously approved by the LSP in accordance with the obligations and conditions set forth in the AUL Opinion;
 - (iii) Groundwater withdrawal or use except for assessment or remedial purposes;
 - (iv) Septic systems unless previously approved by the LSP in accordance with the obligations and conditions set forth in the AUL Opinion;
 - (v) Other activities or uses that, in the opinion of the LSP, would likely result in significant risk from exposures to oil and/or hazardous material if such activities or uses were to take place on the Portion of the Property.

Paragraph 3, "Obligations and Conditions Set Forth in the AUL Opinion":

3. Obligations and Conditions Set Forth in the AUL Opinion. If applicable, obligations and/or conditions to be undertaken and/or maintained at the Portion of the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:
 - (i) Certification in the form of documentation bearing the original signature, date and Seal of the LSP must be obtained by the Owner prior to implementation of the following activities and uses:
 - a) Expansion or relocation of existing buildings;
 - b) Use of the Portion of the Property for residential, childcare, daycare, recreational, agricultural, horticultural, or gardening activities, or for unrestricted public access;
 - c) Subsurface activities, including excavation or new construction below grade; and
 - d) Land development or construction involving changes in surface conditions (i.e., topography, surface cover, etc.), including installation of pavement or building foundations;
 - (ii) Parties conducting activities and uses described in Section 1 above, that, in the opinion of the LSP, may include disturbance of contaminated media, waste or debris, or that could render subsurface contaminated media, waste or debris accessible to exposure, shall submit, for approval by the LSP, a contingency plan for the management of contaminated media, waste or debris, if encountered, including:
 - a) Procedures for monitoring of contaminated media, waste or debris;
 - b) Procedures for notification to the LSP of the discovery of contaminated media, waste or debris;
 - c) A certification that all response actions will be conducted under the supervision of the LSP;
 - d) A soils management plan including contingencies for handling contaminated soil and/or groundwater if activities may extend below the water table;

- e) A certification that response personnel will comply with applicable safety regulations, including 29 CFR 1910.120; and
 - f) A certification that contaminated waste, debris or media or remediation waste (pursuant to 310 CMR 40.0000) generated by such activities shall be handled, stored, transported and disposed in accordance with the applicable federal, state and local regulations;
- (iii) The responsible parties and their representatives shall be granted unrestricted access to the Property in order to conduct any and all activities associated with the performance of response actions as defined under the MCP, or any other applicable regulation;

In all other respects the provisions of said Notice remain unchanged.

WTCR authorizes and consents to the filing and recordation and/or registration of this First Amendment to Notice of Activity and Use Limitation, said First Amendment to become effective when executed under seal by the undersigned Licensed Site Professional and recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office.

[Remainder of page intentionally left blank; signature blocks follow on next page]

WITNESS the execution hereof under seal this 21st day of August, 2014.

Owner:

LLC cert
11680814

WTC RETAIL, LLC

By:

Anthony J. DeLuca, Manager and Authorized Signatory

RHODE ISLAND
COMMONWEALTH OF ~~MASSACHUSETTS~~

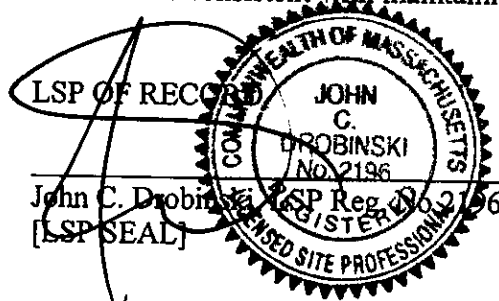
Providence, ss.

On this 11 day of August, 2014, before me, the undersigned, a Notary Public, personally appeared Anthony J. DeLuca, and proved to me through satisfactory evidence of identification, which was a MA driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Manager and Authorized Signatory of WTC RETAIL, LLC, a Massachusetts limited liability company.

C. Scott Jos. Summer
Notary Public: C. Scott Jos. Summer
My Commission Expires: 7-11-17
[SEAL] RI Bar 4127

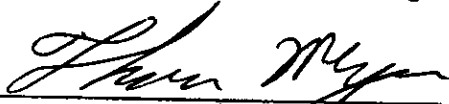
The undersigned Licensed Site Professional hereby certifies that in his opinion this First Amendment to Notice of Activity and Use Limitation is consistent with maintaining a condition of No Significant Risk.

Date: 9/4, 2014



Middlesex, ss. COMMONWEALTH OF MASSACHUSETTS

On this 4TH day of September, 2014, before me, the undersigned notary public, personally appeared John C. Drobinski, proved to me through satisfactory evidence of identification, which were Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public: Thomas MEYERS
My Commission Expires: 11-10-17
[SEAL]

Upon recording, return to:
Rackemann, Sawyer & Brewster
160 Federal Street
Boston, Massachusetts 02110
ATTN: Daniel J. Ossoff, Esq.


**THOMAS P. MEYERS**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 10, 2017

EXHIBIT A

Description of the Property owned by WTC Retail, LLC

The following described land situated in Wayland, Middlesex County, Massachusetts, and bounded and described as follows:

Parcel 1E

A certain parcel of land situated north of Boston Post Road (Route 20), in the Town of Wayland, County of Middlesex, Commonwealth of Massachusetts, and being shown as Lot 7-1 on a plan entitled, "Plan of Land in Wayland, MA," prepared for Twenty Wayland, LLC, by Hancock Associates, dated August 9, 2011, and recorded in the Middlesex South District Registry of Deeds as Plan 305 of 2012, being bounded and described as follows:

Beginning at a point, at the southeasterly corner of Parcel R-17, said point also being along the northerly boundary line of parcel R-19-B, as shown on the above referenced plan, thence;

N 03° 50' 24" E a distance of One Hundred Fifty-Three and Zero Hundredths (153.00) feet by said Parcel R-17 and Parcel 11 to a point, thence;

In a northeasterly direction along a curve to the right, having a radius of Four Hundred Seventy-Five and Zero Hundredths (475.00) feet and an arc length of Three Hundred Thirty-Four and Thirty-Two Hundredths (334.32) feet to a point, thence;

N 44° 10' 00" E a distance of Fourteen Hundredths (0.14) feet to a point, thence;

In a northeasterly direction along a curve to the right, having a radius of One Hundred Seventy-Four and Twenty-Nine Hundredths (174.29) feet and an arc length of Thirty-Three and Sixty Hundredths (33.60) feet, the last three courses by Parcel 11, to a point at the northwesterly corner of Parcel B, thence;

S 04° 38' 36" W a distance of Thirty-Six and Sixty-Eight Hundredths (36.68) feet to a point, thence;

S 86° 08' 20" E a distance of Three Hundred Ninety-Nine and Ninety-Five Hundredths (399.95) feet to a point, thence;

N 03° 51' 40" E a distance of Seventy-Five and Zero Hundredths (75.00) feet, the last three courses by said Parcel B, being land now or formerly of the Town of Wayland, to a point on the southerly boundary line of Parcel 11, thence;

In a southeasterly direction along a curve to the right, having a radius of Ninety-One and Twenty-Nine Hundredths (91.29) feet and an arc length of Fifty and Forty-Three Hundredths (50.43) feet to a point, thence;

S 54° 29' 25" E a distance of One and Forty-Six Hundredths (1.46) feet to a point, thence;

In a southeasterly direction along a curve to the right, having a radius of One Hundred Thirty and Zero Hundredths (130.00) feet and an arc length of Eighty-Four and Forty Hundredths (84.40) feet to a point, thence;

In a southerly direction along a curve to the left, having a radius of One Hundred Seventy and Zero Hundredths (170.00) feet and an arc length of Forty-Five and Sixty-Eight Hundredths (45.68) feet to a point, thence;

S 32° 42' 37" E a distance of Ten and Ninety-Eight Hundredths (10.98) feet, the last five courses by said Parcel 11, to a point on the northerly boundary line of Parcel 12, thence;

In a southwesterly direction along a curve to the left, having a radius of Three Hundred and Fifty-Seven and Zero Hundredths (357.00) feet and an arc length of Two Hundred Fifty-Four and Ninety-Nine Hundredths (254.99) feet by said Parcel 12 to a point, thence;

In a southwesterly direction along a curve to the right, having a radius of Two Hundred Thirteen and Zero Hundredths (213.00) feet and an arc length of Two Hundred Ninety-Nine and Ninety-Five Hundredths (299.95) feet by said Parcel 12 and Parcel R-19-B to a point, thence;

N 86° 09' 36" W a distance of Three Hundred Thirty-Three and Zero Hundredths (333.00) feet by said Parcel R-19-B to the Point of Beginning.

Land
Reg
Lot 7-1, being comprised of both Registered and Unregistered land, consisting of Recorded Land Parcel R-16, as shown on the above referenced plan, and Registered Land Lot 9, excluding municipal wastewater facilities owned by the Town of Wayland, MA shown as Parcel A and Parcel B within said Lot 7-1, as shown on Land Court Plan 17983-I.

Said lot contains 226,336 square feet of land more or less according to said plan.

Excluded from the above described premises is a certain parcel of land shown as "N/F Town of Wayland, Parcel A" as shown on Plan No. 1206 of 1999. Said Parcel A was acquired by the town of Wayland by an Order of Taking filed as L.C. Document # 1122165, recorded in Deed Book 30797, Page 5. Said Parcel A, which lies completely within the previously described parcel and consists of the existing sewer treatment plant, is bounded and described as follows:

Beginning at a point at the northwesterly corner of the hereinafter described premises, said point being located S 86° 08' 20" E a distance of two hundred eighty-nine and thirty-seven hundredths feet (289.37') and thence S 04° 38' 36" W a distance of one hundred seventy-two and seventy-four hundredths feet (172.74') from a concrete bound w/ drill hole set at a northerly corner of the aforementioned described premises; thence

S 85° 21' 24" E a distance of one hundred seventeen and no hundredths feet (117.00') to a

point; Thence
S 04°38'36" W a distance of one hundred sixty-three and no hundredths feet (163.00') to a
point; Thence
N 85°21'24" W a distance of one hundred seventeen and no hundredths feet (117.00') to a
point; Thence
N 04°38' 36" E a distance of one hundred sixty-three and no hundredths feet (163.00') to
the point of beginning.

The above described premises contains an area of 19,071 square feet.

Also excluded from the above described premises is a certain parcel acquired by the Town of
Wayland by an Order of Taking filed as L.C. Document # 1558125.

[End]

Title Reference Book 60610 Page 273

EXHIBIT D-1

Plan showing "Building 2B Building Envelope"

[SEE ATTACHED]

A1104012.1

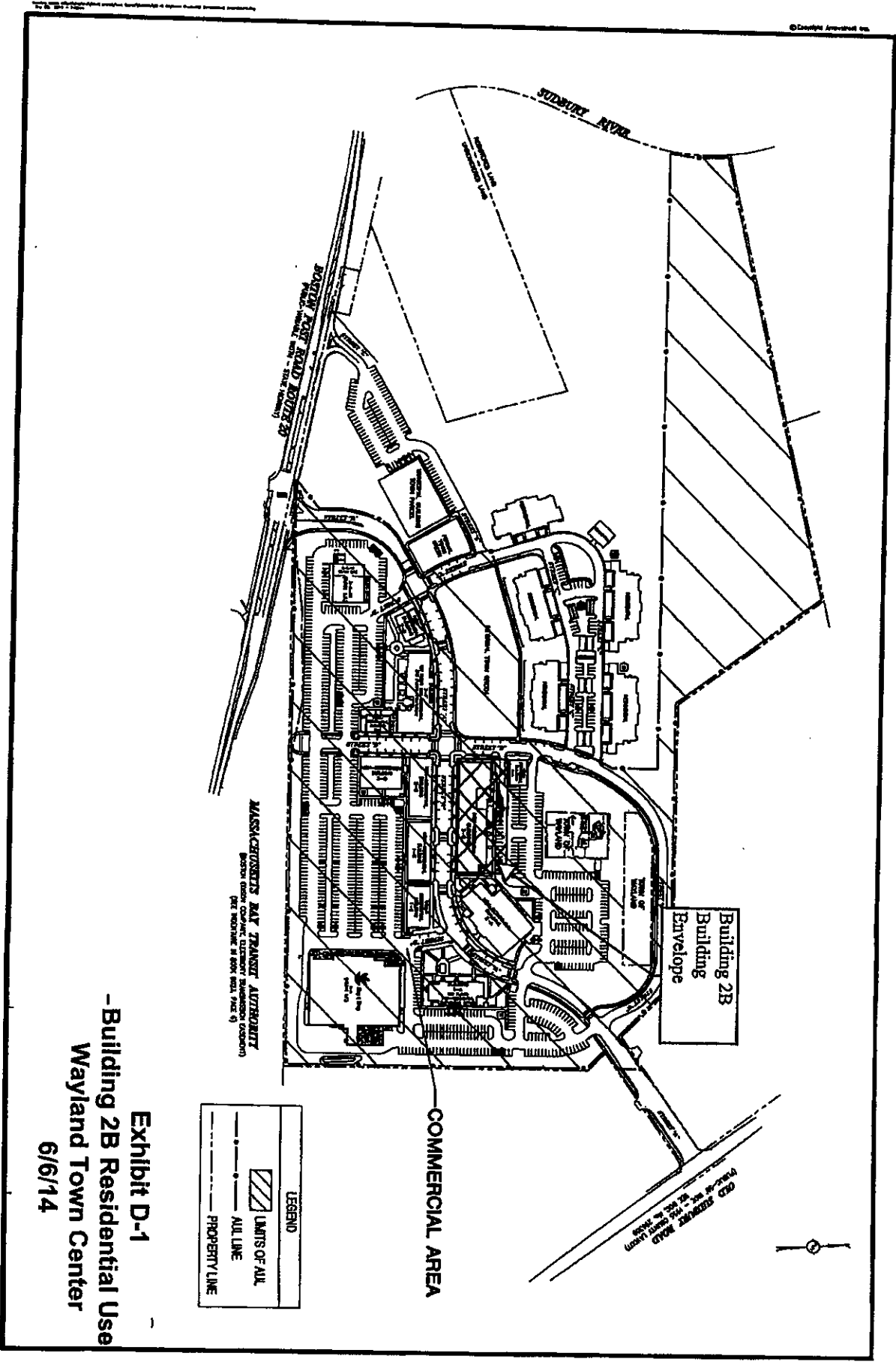


Exhibit D-1
- Building 2B Residential Use
Wayland Town Center
6/6/14

Amends

BOTH WAYS



2014 01680817

Bk: 1427 Pg: 57 Cert#: 252846

Doc: AMEND 09/16/2014 10:55 AM

RECORDING INFORMATION AREA

Form 1082B

FIRST AMENDMENT TO NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: Former Raytheon Facility, 430 Boston Post Road, Wayland, MA
DEP Release Tracking Nos.: 3-13302 & 3-22408

WHEREAS, a Notice of Activity and Use Limitation has been recorded with the Middlesex County (South) Registry of Deeds in Book 58135, Page 87, and/or registered with the Land Registration Office of the Middlesex County (South) Registry District as Document No. 1585834 (said Notice of Activity and Use Limitation and any amendments thereto are collectively referred to herein as "Notice"); Cert 234881

WHEREAS, said Notice sets forth limitations on use and activities, conditions and obligations affecting a portion ("Portion") of certain parcel(s) of land situated in Wayland, Middlesex County, Massachusetts with the buildings and improvements thereon, said land being more particularly bounded and described in Exhibit A to the Notice ("Property"), including but not limited to land more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("WTCR Property"), being part of the Portion of the Property described in and subject to the Notice. Said limitations on use and activities are consistent with the terms of maintaining a condition of No Significant Risk (such conditions and terms being defined in 310 CMR 40.0000, the Massachusetts Contingency Plan ("MCP")); and

WHEREAS, the undersigned Licensed Site Professional, in accordance with M.G.L. c. 21E and the MCP, opines that the implementation of the following proposed changes in Site Activities and Uses at the Property will maintain a condition of No Significant Risk;

Paragraph 2, "Activities and Uses Inconsistent with the AUL Opinion", is amended to read as follows:

2. Activities and Uses Inconsistent with the AUL Opinion. Activities and

uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:

- (i) Residential, with the exception of (i) up to 12 units on the second floor of a building located in the "Building 2F Building Envelope," as shown on Exhibit D attached to the Notice, and (ii) units on the second floor of a building located in the "Building 2B Building Envelope," as shown on the exhibit attached hereto and incorporated herein by reference as Exhibit D-1, said uses as described in the preceding (i) and (ii) being permissible so long as there is an appropriate sub-slab vapor barrier installed;
- (ii) Childcare, daycare, agricultural, horticultural, or gardening, unless previously approved by the LSP in accordance with the obligations and conditions set forth in the AUL Opinion;
- (iii) Groundwater withdrawal or use except for assessment or remedial purposes;
- (iv) Septic systems unless previously approved by the LSP in accordance with the obligations and conditions set forth in the AUL Opinion;
- (v) Other activities or uses that, in the opinion of the LSP, would likely result in significant risk from exposures to oil and/or hazardous material if such activities or uses were to take place on the Portion of the Property.

NOW THEREFORE, in accordance with M.G.L. c. 21E and the MCP, the undersigned WTC RETAIL, LLC, a Massachusetts limited liability company ("WTCR"), of 10 Memorial Blvd, Ste. 901, Providence, RI 02903, being the owner of the WTCR Property pursuant to a deed recorded with the Middlesex County (South) Registry of Deeds in Book 60610, Page 273, and/or Certificate of Title No. 252846, issued by the Land Registration Office of the Middlesex County (South) Registry District, hereby amends said Notice as it pertains to the WTCR Property as follows:

Paragraph 1, "Activities and Uses Consistent with the AUL Opinion":

1. Activities and Uses Consistent with the AUL Opinion. The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Portion of the Property:

- (i) The Portion of the Property may be used for passive recreation;
- (ii) The Portion of the Property may be used for commercial/industrial uses;
- (iii) Such other activities or uses which, in the opinion of an LSP, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this Paragraph; and
- (iv) Such other activities and uses consistent with those set forth in this Paragraph and not expressly prohibited by this Notice.

Paragraph 2, "Activities and Uses Inconsistent with the AUL Opinion":

2. Activities and Uses Inconsistent with the AUL Opinion. Activities and uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:
 - (i) Residential, with the exception of (i) up to 12 units on the second floor of a building located in the "Building 2F Building Envelope," as shown on Exhibit D attached to the Notice, and (ii) units on the second floor of a building located in the "Building 2B Building Envelope," as shown on the exhibit attached hereto and incorporated herein by reference as Exhibit D-1, said uses as described in the preceding (i) and (ii) being permissible so long as there is an appropriate sub-slab vapor barrier installed;
 - (ii) Childcare, daycare, agricultural, horticultural, or gardening, unless previously approved by the LSP in accordance with the obligations and conditions set forth in the AUL Opinion;
 - (iii) Groundwater withdrawal or use except for assessment or remedial purposes;
 - (iv) Septic systems unless previously approved by the LSP in accordance with the obligations and conditions set forth in the AUL Opinion;
 - (v) Other activities or uses that, in the opinion of the LSP, would likely result in significant risk from exposures to oil and/or hazardous material if such activities or uses were to take place on the Portion of the Property.

Paragraph 3, "Obligations and Conditions Set Forth in the AUL Opinion":

3. Obligations and Conditions Set Forth in the AUL Opinion. If applicable, obligations and/or conditions to be undertaken and/or maintained at the Portion of the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

- (i) Certification in the form of documentation bearing the original signature, date and Seal of the LSP must be obtained by the Owner prior to implementation of the following activities and uses:
 - a) Expansion or relocation of existing buildings;
 - b) Use of the Portion of the Property for residential, childcare, daycare, recreational, agricultural, horticultural, or gardening activities, or for unrestricted public access;
 - c) Subsurface activities, including excavation or new construction below grade; and
 - d) Land development or construction involving changes in surface conditions (i.e., topography, surface cover, etc.), including installation of pavement or building foundations;
- (ii) Parties conducting activities and uses described in Section 1 above, that, in the opinion of the LSP, may include disturbance of contaminated media, waste or debris, or that could render subsurface contaminated media, waste or debris accessible to exposure, shall submit, for approval by the LSP, a contingency plan for the management of contaminated media, waste or debris, if encountered, including:
 - a) Procedures for monitoring of contaminated media, waste or debris;
 - b) Procedures for notification to the LSP of the discovery of contaminated media, waste or debris;
 - c) A certification that all response actions will be conducted under the supervision of the LSP;
 - d) A soils management plan including contingencies for handling contaminated soil and/or groundwater if activities may extend below the water table;

- e) A certification that response personnel will comply with applicable safety regulations, including 29 CFR 1910.120; and
 - f) A certification that contaminated waste, debris or media or remediation waste (pursuant to 310 CMR 40.0000) generated by such activities shall be handled, stored, transported and disposed in accordance with the applicable federal, state and local regulations;
- (iii) The responsible parties and their representatives shall be granted unrestricted access to the Property in order to conduct any and all activities associated with the performance of response actions as defined under the MCP, or any other applicable regulation;

In all other respects the provisions of said Notice remain unchanged.

WTCR authorizes and consents to the filing and recordation and/or registration of this First Amendment to Notice of Activity and Use Limitation, said First Amendment to become effective when executed under seal by the undersigned Licensed Site Professional and recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office.

[Remainder of page intentionally left blank; signature blocks follow on next page]

WITNESS the execution hereof under seal this 21st day of August, 2014.

Owner:

LLC Cert
1680814

WTC RETAIL, LLC

By:

Anthony J. DeLuca, Manager and Authorized Signatory

~~MASSACHUSETTS~~ RHODE ISLAND

COMMONWEALTH OF

Providence, ss.

On this 11 day of August, 2014, before me, the undersigned, a Notary Public, personally appeared Anthony J. DeLuca, and proved to me through satisfactory evidence of identification, which was a MA driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Manager and Authorized Signatory of WTC RETAIL, LLC, a Massachusetts limited liability company.

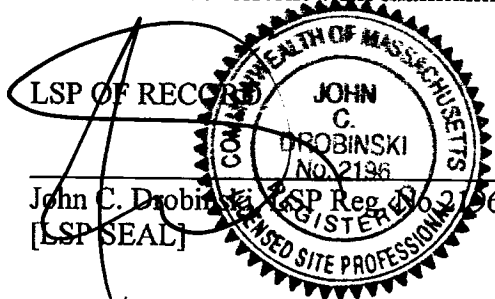
Notary Public: C. Scott Jos. Summer

My Commission Expires: 7-11-17

[SEAL] RI Bar 4127

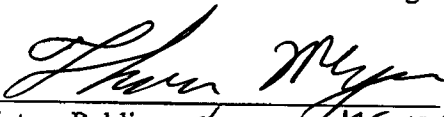
The undersigned Licensed Site Professional hereby certifies that in his opinion this First Amendment to Notice of Activity and Use Limitation is consistent with maintaining a condition of No Significant Risk.

Date: 9/4, 2014



Middlesex, ss. COMMONWEALTH OF MASSACHUSETTS

On this 4TH day of September, 2014, before me, the undersigned notary public, personally appeared John C. Drobinski, proved to me through satisfactory evidence of identification, which were Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public: Thomas MEYERS
My Commission Expires: 11-10-17
[SEAL]

Upon recording, return to:
Rackemann, Sawyer & Brewster
160 Federal Street
Boston, Massachusetts 02110
ATTN: Daniel J. Ossoff, Esq.


 **THOMAS P. MEYERS**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 10, 2017

EXHIBIT A

Description of the Property owned by WTC Retail, LLC

The following described land situated in Wayland, Middlesex County, Massachusetts, and bounded and described as follows:

Parcel 1E

A certain parcel of land situated north of Boston Post Road (Route 20), in the Town of Wayland, County of Middlesex, Commonwealth of Massachusetts, and being shown as Lot 7-1 on a plan entitled, "Plan of Land in Wayland, MA," prepared for Twenty Wayland, LLC, by Hancock Associates, dated August 9, 2011, and recorded in the Middlesex South District Registry of Deeds as Plan 305 of 2012, being bounded and described as follows:

Beginning at a point, at the southeasterly corner of Parcel R-17, said point also being along the northerly boundary line of parcel R-19-B, as shown on the above referenced plan, thence;

N 03° 50' 24" E a distance of One Hundred Fifty-Three and Zero Hundredths (153.00) feet by said Parcel R-17 and Parcel 11 to a point, thence;

In a northeasterly direction along a curve to the right, having a radius of Four Hundred Seventy-Five and Zero Hundredths (475.00) feet and an arc length of Three Hundred Thirty-Four and Thirty-Two Hundredths (334.32) feet to a point, thence;

N 44° 10' 00" E a distance of Fourteen Hundredths (0.14) feet to a point, thence;

In a northeasterly direction along a curve to the right, having a radius of One Hundred Seventy-Four and Twenty-Nine Hundredths (174.29) feet and an arc length of Thirty-Three and Sixty Hundredths (33.60) feet, the last three courses by Parcel 11, to a point at the northwesterly corner of Parcel B, thence;

S 04° 38' 36" W a distance of Thirty-Six and Sixty-Eight Hundredths (36.68) feet to a point, thence;

S 86° 08' 20" E a distance of Three Hundred Ninety-Nine and Ninety-Five Hundredths (399.95) feet to a point, thence;

N 03° 51' 40" E a distance of Seventy-Five and Zero Hundredths (75.00) feet, the last three courses by said Parcel B, being land now or formerly of the Town of Wayland, to a point on the southerly boundary line of Parcel 11, thence;

In a southeasterly direction along a curve to the right, having a radius of Ninety-One and Twenty-Nine Hundredths (91.29) feet and an arc length of Fifty and Forty-Three Hundredths (50.43) feet to a point, thence;

S 54° 29' 25" E a distance of One and Forty-Six Hundredths (1.46) feet to a point, thence;

In a southeasterly direction along a curve to the right, having a radius of One Hundred Thirty and Zero Hundredths (130.00) feet and an arc length of Eighty-Four and Forty Hundredths (84.40) feet to a point, thence;

In a southerly direction along a curve to the left, having a radius of One Hundred Seventy and Zero Hundredths (170.00) feet and an arc length of Forty-Five and Sixty-Eight Hundredths (45.68) feet to a point, thence;

S 32° 42' 37" E a distance of Ten and Ninety-Eight Hundredths (10.98) feet, the last five courses by said Parcel 11, to a point on the northerly boundary line of Parcel 12, thence;

In a southwesterly direction along a curve to the left, having a radius of Three Hundred and Fifty-Seven and Zero Hundredths (357.00) feet and an arc length of Two Hundred Fifty-Four and Ninety-Nine Hundredths (254.99) feet by said Parcel 12 to a point, thence;

In a southwesterly direction along a curve to the right, having a radius of Two Hundred Thirteen and Zero Hundredths (213.00) feet and an arc length of Two Hundred Ninety-Nine and Ninety-Five Hundredths (299.95) feet by said Parcel 12 and Parcel R-19-B to a point, thence;

N 86° 09' 36" W a distance of Three Hundred Thirty-Three and Zero Hundredths (333.00) feet by said Parcel R-19-B to the Point of Beginning.

Land
Reg
Lot 7-1, being comprised of both Registered and Unregistered land, consisting of Recorded Land Parcel R-16, as shown on the above referenced plan, and Registered Land Lot 9, excluding municipal wastewater facilities owned by the Town of Wayland, MA shown as Parcel A and Parcel B within said Lot 7-1, as shown on Land Court Plan 17983-I.

Said lot contains 226,336 square feet of land more or less according to said plan.

Excluded from the above described premises is a certain parcel of land shown as "N/F Town of Wayland, Parcel A" as shown on Plan No. 1206 of 1999. Said Parcel A was acquired by the town of Wayland by an Order of Taking filed as L.C. Document # 1122165, recorded in Deed Book 30797, Page 5. Said Parcel A, which lies completely within the previously described parcel and consists of the existing sewer treatment plant, is bounded and described as follows:

Beginning at a point at the northwesterly corner of the hereinafter described premises, said point being located S 86° 08' 20" E a distance of two hundred eighty-nine and thirty-seven hundredths feet (289.37') and thence S 04° 38' 36" W a distance of one hundred seventy-two and seventy-four hundredths feet (172.74') from a concrete bound w/ drill hole set at a northerly corner of the aforementioned described premises; thence

S 85° 21' 24" E a distance of one hundred seventeen and no hundredths feet (117.00') to a

point; Thence
S 04°38'36" W a distance of one hundred sixty-three and no hundredths feet (163.00') to a
point; Thence
N 85°21'24" W a distance of one hundred seventeen and no hundredths feet (117.00') to a
point; Thence
N 04°38' 36" E a distance of one hundred sixty-three and no hundredths feet (163.00') to
the point of beginning.

The above described premises contains an area of 19,071 square feet.

Also excluded from the above described premises is a certain parcel acquired by the Town of
Wayland by an Order of Taking filed as L.C. Document # 1558125.

[End]

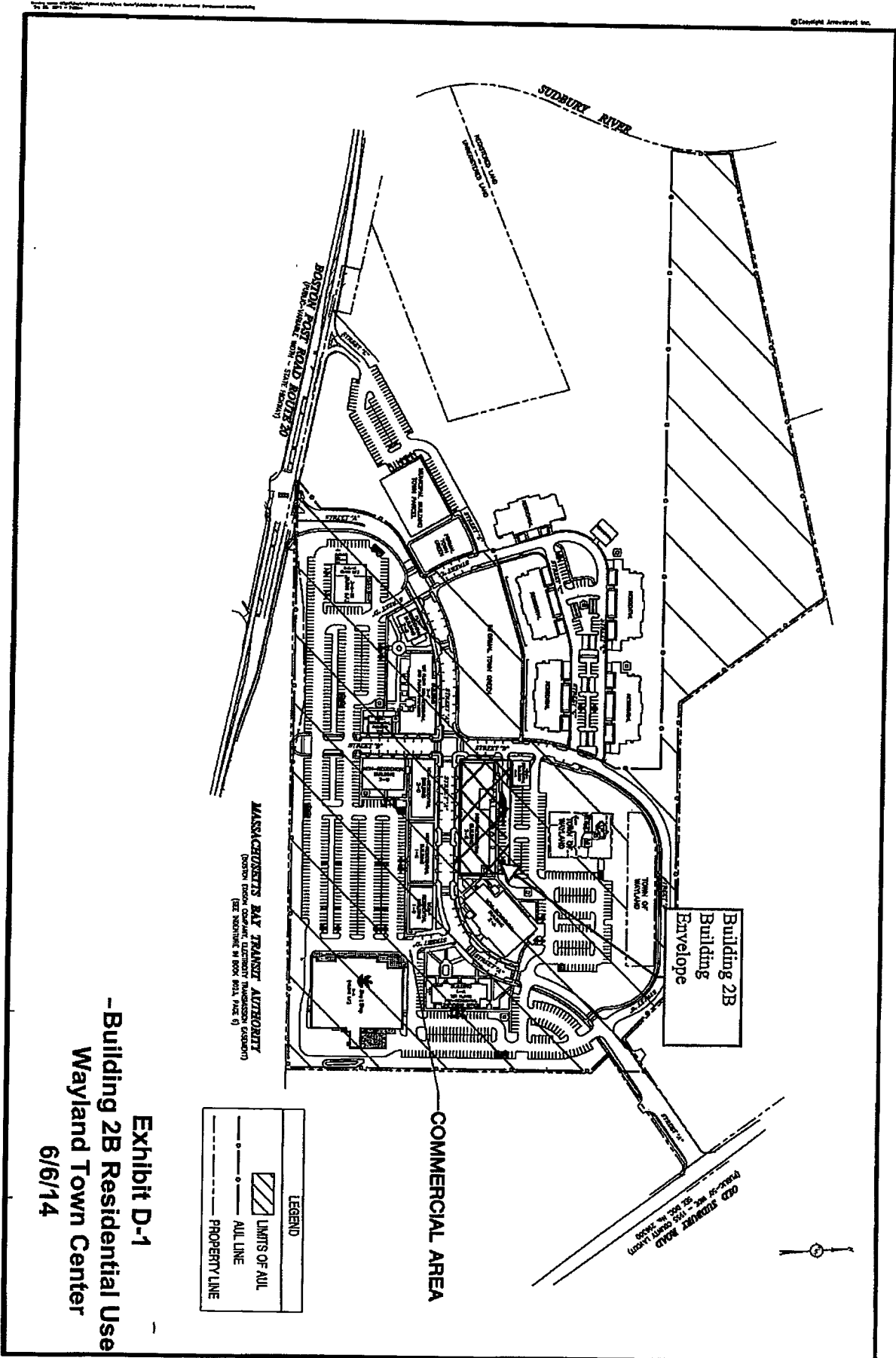


Exhibit D-1
 - Building 2B Residential Use
 Wayland Town Center
 6/6/14



DOC 01680817

Southern Middlesex LAND COURT
Registry District

RECEIVED FOR REGISTRATION

On: Sep 16, 2014 at 10:55A

Document Fee 75.00

Receipt Total: \$300.00

NOTED ON: CERT 252846 BK 01427 PG 57

ALSO NOTED ON:

@ghicZRecord-Interest Holders

Parties with interests of record in WTC RETAIL LLC Parcel 7-1		
	Bank of America, N.A. 111 Westminster Street Providence RI 02903	
	TSI Wayland LLC c/o Town Sports International, LLC 5 Penn Plaza, Fourth Floor New York, NY 10001	
	The Stop & Shop Supermarket Company LLC 1385 Hancock Street Quincy, MA 02169 Attention: Senior Vice President of Real Estate With copy to: Vice President, Real Estate Law The Stop & Shop Supermarket Company LLC 1385 Hancock Street Quincy, MA 02169	
	Middlesex Savings Bank 120 Flanders Road (WIC-2) PO Box 5210 Westborough, MA 01581-5210	
	Petco Animal Supplies Stores, Inc. c/o Property Manager 9125 Rehco Road San Diego, CA 92121-2270	
	Bertucci's Restaurant Corp. 155 Otis Street Northborough, MA 01532	
	Att: Bertucci's Account Manager Fortress Credit Corp. as agent for Secured Parties	

	1345 Avenue of Americas New York, NY 10105	
	Attn: Steven E. Hartman Levine Leichtman Capital Partners Deep Value Fund II, LP in its capacity as agent for secured parties 335 North Maple Drive, Suite 240 Beverly Hills, CA 90210	
	Panera, LLC Three Charles River Place 63 Kendrick Street Needham, MA 02494	
	Brendon Properties River Trail LLC 259 Turnpike Road, Suite 110 Southborough, MA 01772	
	Wayland Meadows Limited Partnership 145 Rosemary Street, Suite E. Needham, MA. 02194	
	Wayland Commons Condominium Trust Jon R. Levine, Trustee c/o Equity Industrial Partners Corp. 145 Rosemary Street, Suite E Needham, MA 02494	
	RAYTHEON COMPANY 870 Winter Street Waltham, Massachusetts 02451	
	RAYTHEON COMPANY 141 Spring Street Lexington, Massachusetts	
	Department of Housing and Community Development Atten Local Initiative Program Director	

	100 Cambridge Street, 3rd Floor Boston, MA 02114	
	Town of Wayland, Massachusetts 41 Cochituate Road Wayland, MA 01778-2614	

[End]

*Public Official Notification
Letters*

22 October 2014
Reference: 0237233

Ms. Julia Junghanns, R.S., C.H.O.
Department of Public Health/Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778



Re: Notice of Amendment of Activity and Use Limitation Filing
Former Raytheon Facility
430 Boston Post Road
Wayland, Massachusetts

Dear Ms. Junghanns:

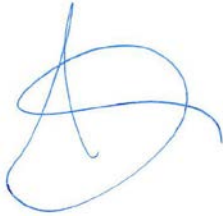
On behalf of Raytheon Company (Raytheon), Environmental Resources Management (ERM) has prepared this letter to inform you that an Amendment to Notice of Activity and Use Limitation for a portion of the above property has been recorded and registered with the Middlesex South Registry of Deeds on 16 September 2014. This notification letter has been prepared to comply with the requirements of the Massachusetts Contingency Plan (MCP) at 310 CMR 40.1403 and the Public Involvement Plan developed for the site (ERM, 13 July 2004).

A copy of the recorded Amendment to Notice of Activity and Use Limitation is attached. Any person interested in obtaining additional information or reviewing the Notice of Amendment of Activity and Use Limitation and the disposal site file may contact Louis J. Burkhardt, Manager of Environmental Programs, Raytheon Company, 50 Apple Hill Drive, Tewksbury, MA, 01876 at (978) 858-1885.

Raytheon will continue to make copies of pertinent reports and correspondence available to the public at the Wayland Board of Health Office Repository and on the Extranet Webpage (<http://raytheon.erm.com/home.htm>).

If you have any questions or comments, please contact Louis Burkhardt of Raytheon at (978) 858-1885.

Sincerely,



John C. Drobinski, P.G., LSP
Principal-in-Charge

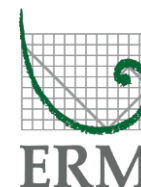


Lyndsey Colburn, P.G.
Project Manager

cc: Louis Burkhardt, Raytheon Company
Jonathan Hone, Raytheon Company
Public Repositories

22 October 2014
Reference: 0237233

Ms. Nan Balmer
Town Administrator/Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778



Re: Notice of Amendment of Activity and Use Limitation Filing
Former Raytheon Facility
430 Boston Post Road
Wayland, Massachusetts

Dear Ms. Balmer:

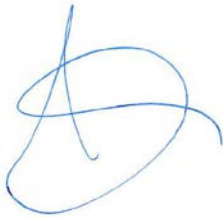
On behalf of Raytheon Company (Raytheon), Environmental Resources Management (ERM) has prepared this letter to inform you that an Amendment to Notice of Activity and Use Limitation for a portion of the above property has been recorded and registered with the Middlesex South Registry of Deeds on 16 September 2014. This notification letter has been prepared to comply with the requirements of the Massachusetts Contingency Plan (MCP) at 310 CMR 40.1403 and the Public Involvement Plan developed for the site (ERM, 13 July 2004).

A copy of the recorded Amendment to Notice of Activity and Use Limitation is attached. Any person interested in obtaining additional information or reviewing the Notice of Amendment of Activity and Use Limitation and the disposal site file may contact Louis J. Burkhardt, Manager of Environmental Programs, Raytheon Company, 50 Apple Hill Drive, Tewksbury, MA, 01876 at (978) 858-1885.

Raytheon will continue to make copies of pertinent reports and correspondence available to the public at the Wayland Board of Health Office Repository and on the Extranet Webpage (<http://raytheon.erm.com/home.htm>).

If you have any questions or comments, please contact Louis Burkhardt of Raytheon at (978) 858-1885.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John C. Drobinski', with a stylized, looping initial 'J'.

John C. Drobinski, P.G., LSP
Principal-in-Charge

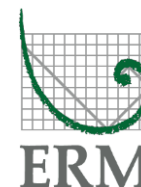
A handwritten signature in blue ink, appearing to read 'Lyndsey Colburn', with a cursive style.

Lyndsey Colburn, P.G.
Project Manager

cc: Louis Burkhardt, Raytheon Company
Jonathan Hone, Raytheon Company
Public Repositories

22 October 2014
Reference: 0237233

Mr. Jay Abelli
Building Department/Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778



Re: Notice of Amendment of Activity and Use Limitation Filing
Former Raytheon Facility
430 Boston Post Road
Wayland, Massachusetts

Dear Mr. Abelli:

On behalf of Raytheon Company (Raytheon), Environmental Resources Management (ERM) has prepared this letter to inform you that an Amendment to Notice of Activity and Use Limitation for a portion of the above property has been recorded and registered with the Middlesex South Registry of Deeds on 16 September 2014. This notification letter has been prepared to comply with the requirements of the Massachusetts Contingency Plan (MCP) at 310 CMR 40.1403 and the Public Involvement Plan developed for the site (ERM, 13 July 2004).

A copy of the recorded Amendment to Notice of Activity and Use Limitation is attached. Any person interested in obtaining additional information or reviewing the Notice of Amendment of Activity and Use Limitation and the disposal site file may contact Louis J. Burkhardt, Manager of Environmental Programs, Raytheon Company, 50 Apple Hill Drive, Tewksbury, MA, 01876 at (978) 858-1885.

Raytheon will continue to make copies of pertinent reports and correspondence available to the public at the Wayland Board of Health Office Repository and on the Extranet Webpage (<http://raytheon.erm.com/home.htm>).

If you have any questions or comments, please contact Louis Burkhardt of Raytheon at (978) 858-1885.

Sincerely,

A handwritten signature in blue ink, appearing to be 'John C. Drobinski', with a stylized, looping initial 'J'.

John C. Drobinski, P.G., LSP
Principal-in-Charge

A handwritten signature in blue ink, appearing to be 'Lyndsey Colburn', written in a cursive style.

Lyndsey Colburn, P.G.
Project Manager

cc: Louis Burkhardt, Raytheon Company
Jonathan Hone, Raytheon Company
Public Repositories

*Legal Notice Published in the
Wayland Town Crier on
30 October 2014*

Legal Notices

430 BOSTON POST RD.

**LEGAL NOTICE
NOTICE OF AMENDMENT OF ACTIVITY
AND USE LIMITATION**

**FORMER RAYTHEON FACILITY
430 BOSTON POST ROAD, WAYLAND,
MASSACHUSETTS
RELEASE TRACKING NUMBERS: 3-13302
& 3-22408**

A release of oil and/or hazardous materials has occurred at this location, which is a disposal site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. On September 16, 2014, WTC Retail, LLC, recorded with the Middlesex County (South) Registry of Deeds and registered with the Land Registration Office of the Middlesex County (South) Registry District an AMENDMENT of a NOTICE OF ACTIVITY AND USE LIMITATION on the disposal site, pursuant to 310 CMR 40.1080 through 40.1084. The NOTICE OF ACTIVITY AND USE LIMITATION was originally recorded and/or registered on December 21, 2011.

The AMENDMENT to the NOTICE OF ACTIVITY AND USE LIMITATION is as follows:

Paragraph 2, "Activities and Uses Inconsistent with the AUL Opinion"

Activities and uses which are inconsistent with the objectives of the Notice, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:

(i) Residential, with the exception of (i) up to 12 units on the second floor of a building located in the "Building 2F Building Envelope" as shown on Exhibit D attached to the Current AUL, and (ii) units on the second floor of a building located in the "Building 2B Building Envelope," as shown on the exhibit to be attached to the AUL Amendment and incorporated therein by reference as Exhibit D-1, said uses as described in the preceding (i) and (ii) being permissible so long as there is an appropriate sub-slab vapor barrier installed.

Any person interested in obtaining additional information about the NOTICE OF ACTIVITY AND USE LIMITATION may contact Louis J. Burkhardt, Manager of Environmental Programs, Raytheon Company, 50 Apple Hill Drive, Tewksbury, MA 01876 at (978) 858-1885.

The AMENDED NOTICE OF ACTIVITY AND USE LIMITATION and the disposal site file can be viewed at the MassDEP website using Release Tracking Numbers (RTNs) 3-13302 & 3-22408 at <http://public.dep.state.ma.us/SearchableSites/2/Search.aspx> or at MassDEP, 205B Lowell Street, Wilmington, Massachusetts 01887 at (978) 694 3200.

AD#13185539
WC 10/30/14