Form 1075

NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, §6 and 310 CMR 40.0000

Disposal Site Name: Raytheon Company (FMR), 430 Boston Post Road, Wayland, MA
DEP Release Tracking Nos.: 3-13302, 3-13574 & 3-14042

This Notice of Activity and Use Limitation ("**Notice**") is made as of this 21 day of October, 1997, by Wayland Meadows Limited Partnership, a Massachusetts Limited Partnership with an address at 145 Rosemary Street, Suite E, Needham, MA 02194 together with his/her/its/their successors and assigns (collectively "**Owner**").

WITNESSETH:

WHEREAS, Wayland Meadows Limited Partnership, of Needham, Norfolk County, Massachusetts is the owner in fee simple of those certain parcels of land located at 430 Boston Post Road, in Wayland, Middlesex County, Massachusetts, with the buildings and improvements thereon ("**Property**").

WHEREAS, said parcels of land, which is more particularly bounded and described in **Exhibit A**, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is shown on a plan to be recorded herewith in the Middlesex County (South) Registry of Deeds and/ or on a sketch plan attached hereto and filed herewith for registration with the Middlesex County (South) Registry District of the Land Court.

WHEREAS, a portion of the Property ("**Portion of the Property**") is subject to this Notice of Activity and Use Limitation. The Portion of the Property is more particularly bounded and described in **Exhibit A-1**, attached hereto and made part hereof. The Portion of the Property is shown on a plan to be recorded herewith and/or on a sketch plan attached hereto and filed herewith for registration;

WHEREAS, the Portion of the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material. **Exhibit B** is a sketch plan showing the relationship of the Portion of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site (to the extent such boundaries have been established to date). Exhibit B is attached hereto and made part hereof; and

WHEREAS, one or more response actions have been selected for the Portion of the Disposal Site in accordance with M.G.L. c.21E ("**Chapter 21E**") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("**MCP**"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/

or groundwater and/or (b) the restriction of certain activities occurring in, on, through, over or under the Portion of the Property. The basis for such restrictions is set forth in an Activity and Use Limitation Opinion ("**AUL Opinion**"), dated 21 October 1997, (which is attached hereto as **Exhibit C** and made a part hereof); and

WHEREAS, this Notice of Activity and Use Limitation is recorded in advance of completion of Comprehensive Response Actions (pursuant to 310 CMR 40.0800) including both investigative, Phase II-Comprehensive Site Assessment, and remedial phases (i.e., Phases III, IV and V) necessary to achieve a Response Action Outcome for the Portion of the Property, and, therefore, approvals and Opinions required by a Licensed Site Professional (LSP) to maintain compliance with conditions and obligations set forth in this Activity and Use Limitation shall be restricted to those of the **LSP-of-Record** for Comprehensive Response Actions pursuant to 310 CMR 40.0000 (henceforth referred to herein as the **LSP**); and

WHEREAS, to the extent that achievement of a Response Action Outcome for the Portion of the Property warrants release, termination or amendment of this Activity and Use Limitation, implementation of such a release, termination or amendment shall be subject to the approval of the LSP;

NOW, THEREFORE, notice is hereby given that the activity and use limitations set forth in said AUL Opinion are as follows:

1. Permitted Activities and Uses Set Forth in the AUL Opinion. The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare and 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 commercial or industrial activities with uses that may include office space, wholesale, retail, manufacturing, storage/warehousing, and assembly of goods; and

(ii) The vertical expansion of, or interior reconstruction of, the buildings existing on the Portion of the Property as of the date of this Notice, provided that such expansion, or reconstruction, does not, in the Opinion of the LSP, limit performance of Comprehensive Response Actions, is consistent with the activities and uses set forth in this Paragraph and is not expressly prohibited by this Notice; and

(iii) Such other activities or uses which, in the Opinion of the LSP, shall present no greater risk of harm to health, safety, public welfare and the environment than the activities and uses set forth in this Paragraph; and

(iv) All activities and uses consistent with those set forth in this Paragraph and not expressly prohibited by this Notice.

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, childcare, daycare, recreational, agricultural, horticultural, or gardening activities; or for public access purposes, unless previously approved by the LSP in accordance with the obligations and conditions set forth in the AUL Opinion;

(ii) Groundwater use except for assessment or remedial purposes;

(iii) Subsurface activities that could render contaminated media, waste or debris accessible to exposure including; excavation, new construction below grade, reconstruction of existing buildings below grade, or maintenance of subsurface utilities unless certified by the LSP that such activities:

a) would not pose a substantial hazard or a significant risk of harm to health, safety, public welfare or the environment; and

b) are unlikely to result in generation of contaminated waste, debris or media pursuant to 310 CMR 40.0000.

(iv) Activities and uses that, in the Opinion of the LSP, limit access to, or performance of, Comprehensive Response Actions at the Portion of the Property; and

(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 site activities or uses were to take place on the Portion of the Property.

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 laterally or vertically;

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, new construction below grade, reconstruction of existing buildings below grade, or maintenance of subsurface utilities; and

d) land development or construction involving changes in surface conditions (i.e., topography, surface cover, etc.) including installation or removal of pavement, building foundations, drainage structures or vegetative cover.

(ii) Parties conducting activities and uses described in 3(i), 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;

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 assess to the Portion of 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.

(iv) The integrity of all building foundations and all paved surfaces existing on the Portion of the Property will be maintained in order to eliminate direct access to subsurface contaminated media.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Portion of the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by the LSP who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes will present a significant risk of harm to health, safety, public welfare and the environment. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

5. Violation of a Response Action Outcome. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, and the environment, or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by the LSP in accordance with 310 CMR 40.1080 *et seq.*, and without additional response actions, if necessary, to achieve or maintain a condition of No Significant Risk or to eliminate substantial hazards.

If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by the LSP in accordance with 310 CMR 40.1080 *et seq.*, the owner or operator of the Portion of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed.

Owner hereby authorizes and consents to the filing and recordation and/or registration of this Notice, said Notice to become effective when executed under seal by the undersigned LSP, and recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office(s).

WITNESS the execution hereof under seal this 21st day of October, 1997.

Owner: Wayland Meadows Limited Partnership

By: Wayland Meadows Corporation, its General Partner

By: _____
Donald A. Levine, President

By: _____
Lewis Heafitz, Treasurer

(See Continuation of Signature Page attached)

Continuation of Signature Page

By: 90 Salem Corporation, its General Partner

By: _____
Donald A. LaVine, President

By: _____
Lewis Hoffitz, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss OCT. 21, 1997

Then personally appeared the above named Donald A. Levine and Lewis Heafitz as President and Treasurer of Wayland Meadows Corporation, as General Partner of Wayland Meadows Limited Partnership, and acknowledged the foregoing to be their free act and deed, and the free act and deed of said corporation as said general partner, before me,

Notary Public
My Commission Expires: 8/25/2000

(See Continuation of Acknowledgment Page attached)

The undersigned LSP-of-Record hereby certifies that he executed the aforesaid Activity and Use Limitation Opinion attached hereto as Exhibit C and made a part hereof and that in his Opinion this Notice of Activity and Use Limitation is consistent with the terms set forth in said Activity and Use Limitation Opinion.

Date: 10/21/97

John C. Drobinski, LSP Reg. No._____
[LSP SEAL]

COMMONWEALTH OF MASSACHUSETTS
JOHN C. DROBINSKI No. 2196
REGISTERED LICENSED SITE PROFESSIONAL

WILLIAM H. O'CONNELL
Notary Public
My Commission Expires Jan. 22, 2004

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss 10/21, 1997

Then personally appeared the above named John C. Drobinski, and acknowledged the foregoing to be his free act and deed before me,

Notary Public
My Commission Expires: 1/22/04

Upon recording, return to:

Continuation of Acknowledgment Page

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss 10/21, 1997

Then personally appeared the above named Donald A. Levine and Lewis Heafitz as President and Treasurer of 90 Salem Corporation, as General Partner of Wayland Meadows Limited Partnership, and acknowledged the foregoing to be their free act and deed, and the free act and deed of said corporation as said general partner, before me,

Notary Public
My Commission Expires: 8/25/2000

EXHIBIT A

(To include metes and bounds description of Property and Registered Property Plan).

[redacted]

VHB

Legal Description

A certain parcel of land being comprised partly of registered land and partly of un-registered land, situated on the northerly side of Boston Post Road (Route 20) and on the westerly side of Old Sudbury Road (Route 27) in the Town of Wayland, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the northerly line of Route 20 at the intersection of the northerly line of land now or formerly of the MBTA; thence

N 74° 45′ 30″ W	a distance of four hundred thirty-eight and ninety-two hundredths feet (438.92′) by the said northerly line of Route 20 to a point; thence
N 15° 14′ 30″ E	a distance of forty-eight and sixty-three hundredths feet (48.63′) to a point; thence
N 74° 45′ 30″ W	a distance of one hundred seventeen and twenty-one hundredths feet (117.21′) to a point; thence
N 15° 14′ 30″ E	a distance of one and thirty-seven hundredths feet (1.37′) to a point; thence
N 74° 45′ 30″ W	a distance of one hundred twenty-three and seventy-three hundredths feet (123.73′) to a point, the previous four (4) courses bounding on land now or formerly of the Town of Wayland and of the Commonwealth of Massachusetts; thence
N 71° 34′ 28″ E	a distance of five hundred forty-nine and fifty-one hundredths feet (549.51′) to a point; thence
N 11° 48′ 20″ W	a distance of three hundred twenty-eight and no hundredths feet (328.00′) to a point; thence
S 71° 01′ 00″ W	a distance of eight hundred forty-two feet, more or less (842′±) to a point at the Sudbury River, the previous three (3) courses bounding on land now or formerly of Dennis Hamlen; thence
Northerly	by the Sudbury River, a distance of eight hundred and one feet, more or less (801′±) to a point; thence
S 86° 08′ 20″ E	a distance of two thousand one hundred seventy-seven feet, more or less (2,177′±) by land now or formerly of the U.S. Fish and Wildlife Service and the Town of Wayland to a point in the Westerly line of Route 27; thence

[redacted]

VHB

S 32° 59′ 09″ E	a distance of one thousand eighty-six and twenty-seven hundredths feet (1086.27′) to a point; thence
S 31° 52′ 50″ E	a distance of four hundred sixty-seven and sixty-six hundredths feet (467.66′) to a point, the previous (2) courses bounding on the said westerly line of Route 27; thence
S 67° 13′ 40″ W	a distance of three hundred ninety-four and seventy four hundredths feet (394.74′) by a brook to a point; thence
S 32° 06′ 10″ E	a distance of two hundred fifty and forty-nine hundredths feet (250.49′) to a point in the northerly line of land now or formerly of the MBTA, the previous two (2) courses bounding on land now or formerly of Ralph Wetland; thence
N 86° 08′ 20″ W	a distance of two thousand sixty and eighteen hundredths feet (2060.18′) by the said northerly line of land of the MBTA to the point of beginning.

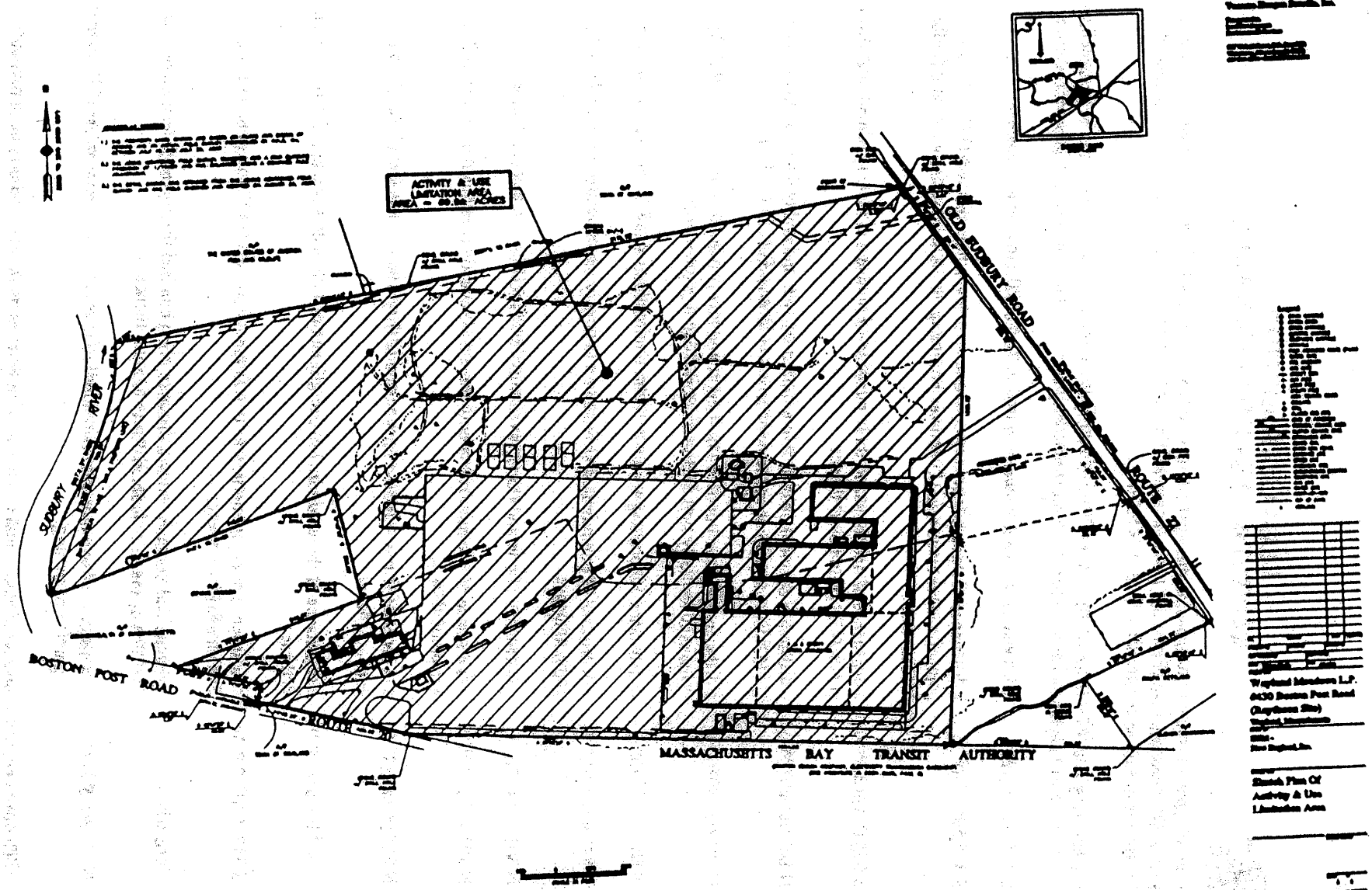
The above described parcel of land contains an area of 82.53± acres and is more particularly shown on a plan entitled "Wayland Meadows Corporation - #430 Boston Post Road (Raytheon Site) - Wayland, MA, ALTA ACSM land Title Survey" dated August 18, 1997, prepared by Vanasse Hangen Brustlin, Inc. 101 Walnut Street, Watertown, MA.*

COMMONWEALTH OF MASSACHUSETTS
DANA J. STANDLEY
No. 28044
REGISTERED PROFESSIONAL LAND SURVEYOR

10-21-97

*, and is also shown as the cross hatched and the non-cross hatched areas on a plan entitled "Wayland Meadows L.P., 430 Boston Post Road, Wayland, Massachuseets - ERM - New England, Inc. - Sketch Plan of Activity & Use Limitation Plan" prepared by Vanasse Hangen Brustlin, Inc. to be recorded herewith as part of Exhibit A.

EXHIBIT A-1
(To include metes and bounds description of the Portion of the Property and Registered Portion of the Property Plan).


VHB
ACTIVITY & USE LIMITATION AREA
OLD SUDBURY ROAD
ROUTE 20
SUDBURY RIVER
BOSTON POST ROAD
MASSACHUSETTS BAY TRANSIT AUTHORITY

VHB

LEGAL DESCRIPTION
ACTIVITY & USE LIMITATION AREA

A certain parcel of land situated on the northerly side of Boston Post Road (Route 20) and on the westerly side of Old Sudbury road (Route 27) in the Town of Wayland, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows.

Beginning at a point in the westerly line of Old Sudbury Road at the southeasterly corner of land owned by the Town of Wayland, said point being the most northerly corner of the herein described premises: thence

S 31° 32' 10" E	a distance of two and twenty hundredths feet (2.20') to a point: thence
S 32° 59' 20" E	a distance of three hundred twenty one and eleven hundredths feet (321.11') to a point, the previous two (2) courses bounding on the said westerly line of Old Sudbury road: thence
S 03° 51' 46" W	a distance of one thousand three hundred sixty nine and seventy two hundredths feet (1369.72') to a point: thence
N 86° 08' 20" W	a distance of one thousand five hundred thirty four and eighty three hundredths feet (1534.83') to a point in the northerly line of Boston Post Road: thence
N 74° 45' 30" W	a distance of four hundred thirty eight and ninety two hundredths feet (438.92') by the said northerly line of Boston Post Road to a point: thence
N 15° 14' 30" E	a distance of forty eight and sixty three hundredths feet (48.63') to a point: thence
N 74° 45' 30" W	a distance of one hundred seventeen and twenty one hundredths feet (117.21') to a point: thence
N 15° 14' 30" E	a distance of one and thirty seven hundredths feet (1.37') to a point: thence
N 74° 45' 30" W	a distance of one hundred twenty three and seventy three hundredths feet (123.73') to a point: thence
N 71° 34' 28" E	a distance of five hundred forty nine and fifty one hundredths feet (549.51') to a point: thence
N 11° 48' 20" W	a distance of three hundred twenty eight and no hundredths feet (328.00') to a point: thence
S 71° 01' 00" W	a distance of eight hundred forty two feet, more or less (842') to a point at the Sudbury River: thence
Northerly	by the said Sudbury River a distance of eight hundred fifty seven feet, more or less (857') by the said Sudbury River to a point: thence
N 80° 45' 43" E	a distance of two thousand two hundred fifty seven feet, more or less (2257') to the point of beginning.

The above described parcel of land contains an area of 69.9 acres more or less, and is more particularly shown on a plan entitled "Wayland Meadows L.P., 430 Boston Post Road, Wayland, Massachusetts - ERM-New England, Inc. - Sketch Plan of Activity & Use Limitation Plan" prepared by Vanasse Hangen Brustlin, Inc. to be recorded herewith. (See plan attached as Exhibit A)

EXHIBIT B

(To include a sketch displaying the boundaries of the disposal site (to the extent such boundaries have been established as of the date of this Notice) in relation to the boundaries of the Portion of the Property subject to the Notice of AUL).

(See Plan Attached as Exhibit A)

EXHIBIT C
(To include LSP-of-Record Notice of AUL Opinion).

EXHIBIT C

ACTIVITY & USE LIMITATION OPINION

430 BOSTON POST ROAD, WAYLAND, MASSACHUSETTS

This Activity & Use Limitation Opinion (AUL) Opinion is issued in support of the Notice of Activity and Use Limitation (Notice) filed on a Portion of the Property located at 430 Boston Post Road, Wayland Massachusetts. Pursuant to 310 CMR 40.0000, this AUL Opinion describes the basis for restrictions in activities on, and uses of, the Portion of the Property subject to this Notice and obligations and conditions to be undertaken and/or maintained to ensure protection of health, safety, public welfare and the environment. This AUL Opinion is certified by the Licensed Site Professional (LSP)-of-Record for Comprehensive Response Actions being conducted in accordance with Permit No. 133939 issued under the authority of the Massachusetts Department of Environmental Protection (MA DEP), Bureau of Waste Site Cleanup.

1.0 PHYSICAL DESCRIPTION AND LAND USE

The subject Property is an approximately 83 acre parcel located at 430 Boston Post Road in Wayland, Massachusetts (Exhibit A). Approximately 6 acres are occupied by building and structures, 16 acres are paved and 60 acres are undeveloped meadow, woodland and wetland. The Property is bounded to the west by the Sudbury River, to north by undeveloped land including the Great Meadows National Wildlife Refuge, to the east by Route 27 and to the South by Route 20.

Prior to 1955 the Property was utilized for residential and agricultural purposes. Subsequent to development in 1955, the Property was utilized as an engineering research and development facility until decommissioning in 1995. The Property is currently vacant and zoned for limited commercial and residential use.

2.0 *BACKGROUND*

Releases of oil and hazardous materials to soil and groundwater were discovered on the Property during decommissioning of the former manufacturing facility. Massachusetts General Law, Chapter 21E, requires assessment and, if necessary, remedial actions in accordance with requirements of the Massachusetts Contingency Plan (MCP) 310 CMR 40.0000.

The MCP process allows up to five years for completion of those phases of assessment and/or remediation that are necessary to achieve regulatory closure. Assessment and/or remediation activities are conducted as "Comprehensive Response Actions" under the direction of the Licensed Site Professional -of-Record (LSP). Upon satisfying all applicable MCP requirements, a Response Action Outcome (RAO) Statement, certified by the LSP, is filed with the MA DEP Bureau of Waste Site Cleanup, officially closing the site out of the MCP process. Once closure is obtained it is binding, subject however, to DEP audit for up to five years from the date of filing.

3.0 *PURPOSE AND APPLICABILITY OF THE NOTICE OF ACTIVITY AND USE LIMITATION*

The purpose of the Notice is to record on the registered property deed those activities and land uses that are consistent with continued protection of health, safety, public welfare and the environment, those that are specifically prohibited and obligations and conditions necessary to ensure continued protection.

This Notice is applicable to the Portion of the Property as defined in Exhibit A-1. This Notice is being filed prior to completion of assessment and, as necessary, remedial actions required to achieve an RAO. The Portion of the Property includes the Disposal Site, as defined under MGL Chapter 21E, to the extent that Disposal Site boundaries have been established to date (Exhibit B). The remaining Portion of the Property surrounding the Disposal Site is selected as a conservatively large area pending additional assessment to fully define final Disposal Site boundaries in accordance with MCP requirements.

This Notice of AUL is recorded by the Property owner as a precautionary measure to ensure appropriate use of the Portion of the Property during completion of Comprehensive Response Actions, including further assessment to fully define final Disposal Site boundaries. In so far as assessment and/or remediation further define the boundaries of the Disposal Site, as referred to above, this Notice of AUL may, in the Opinion of the LSP, be terminated or amended. In all cases, the LSP shall review this Notice of AUL, and if appropriate, terminate or amend this Notice of AUL prior to approval and filing of a RAO for the Portion of the Property, or any portion thereof. Because this Notice is being filed prior to completion of assessment and remedial actions required to achieve an RAO, all approvals and opinions required by a Licensed Site Professional to maintain compliance with this Notice and AUL Opinion shall be restricted to the Licensed Site Professional of Record for Comprehensive Response Actions, and any termination or amendment of this Notice of AUL pursuant to the prior sentence shall be based upon an opinion of the LSP of Record, only.

4.0 *PERMITTED ACTIVITIES AND USES SET FORTH IN THE AUL OPINION*

The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare and 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 commercial or industrial activities with uses that may include office space, wholesale, retail, manufacturing, storage/warehousing, and assembly of goods; and

(ii) The vertical expansion of, or interior reconstruction of, the buildings existing on the Portion of the Property as of the date of this Notice, provided that such expansion, or reconstruction, does not, in the Opinion of the LSP, limit performance of Comprehensive Response Actions, is consistent with the activities and uses set forth in this Paragraph and is not expressly prohibited by this Notice; and

(iii) Such other activities or uses which, in the Opinion of the LSP, shall present no greater risk of harm to health, safety, public welfare and the environment than the activities and uses set forth in this Paragraph; and

(iv) All activities and uses consistent with those set forth in this Paragraph and not expressly prohibited by this Notice.

5.0 *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, childcare, daycare, recreational, agricultural, horticultural, or gardening activities; or for public access purposes, unless previously approved by the LSP in accordance with the obligations and conditions set forth in the AUL Opinion;

(ii) Groundwater use except for assessment or remedial purposes;

(iii) Subsurface activities that could render contaminated media, waste or debris accessible to exposure including; excavation, new construction below grade, reconstruction of existing buildings below grade, or maintenance of subsurface utilities unless certified by the LSP that such activities:

(a) would not pose a substantial hazard or a significant risk of harm to health, safety, public welfare or the environment; and

(b) are unlikely to result in generation of contaminated waste, debris or media pursuant to 310 CMR 40.0000.

(iv) Activities and uses that, in the Opinion of the LSP, limit access to, or performance of, Comprehensive Response Actions at the Portion of the Property; and

(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 site activities or uses were to take place on the Portion of the Property.

6.0 *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 laterally or vertically;

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, new construction below grade, reconstruction of existing buildings below grade, or maintenance of subsurface utilities; and

d) land development or construction involving changes in surface conditions (i.e., topography, surface cover, etc.) including installation or removal of pavement, building foundations, drainage structures or vegetative cover.

(ii) Parties conducting activities and uses described in 6.0(i) 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;
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 assess to the Portion of 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.

The integrity of all building foundations and all paved surfaces existing on the Portion of the Property will be maintained in order to eliminate direct access to subsurface contaminated media.

7.0 *CERTIFICATION*

The undersigned LSP-of-Record hereby certifies that the terms of this Activity and Use Limitation Opinion are consistent with those of the Notice for the subject Portion of Property located at 430 Boston Post Road, Wayland, Massachusetts.

Date: October 21, 1997

John C. Drobinski, LSP Reg. No. 2196

LSP SEAL

COMMONWEALTH OF MASSACHUSETTS
JOHN C. DROBINSKI No. 2196
REGISTERED LICENSED SITE PROFESSIONAL

EXHIBIT D
(BWSC Form 114, AUL Transmittal Form)

Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC-114

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1070 - 40.1084 (Subpart J)

Release Tracking Number: 3 - 13302

COMPLETE THIS FORM AND ATTACH AS AN EXHIBIT TO THE AUL DOCUMENT TO BE RECORDED AND/OR REGISTERED WITH THE REGISTRY OF DEEDS AND/OR LAND REGISTRATION OFFICE.

A. LOCATION OF DISPOSAL SITE AND PROPERTY SUBJECT TO AUL:

Disposal Site Name: Raytheon Company (FMR)

Street: 430 Boston Post Road Location Aid:

City/Town: Wayland, MA ZIP Code: 01778-0000

Address of property subject to AUL, if different than above. Street:

City/Town: ZIP Code:

B. THIS FORM IS BEING USED TO: (check one)

- [x] Provide the LSP Opinion for a **Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1074 (complete all sections of this form).
- [ ] Provide the LSP Opinion for an **Amended Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1081(4) (complete all sections of this form).
- [ ] Provide the LSP Opinion for a **Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(3) (complete all sections of this form).
- [ ] Provide the LSP Opinion for a **Grant of Environmental Restriction**, pursuant to 310 CMR 40.1071, (complete all sections of this form).
- [ ] Provide the LSP Opinion for an **Amendment of Environmental Restriction**, pursuant to 310 CMR 40.1081(3) (complete all sections of this form).
- [ ] Provide the LSP Opinion for a **Release of Environmental Restriction**, pursuant to 310 CMR 40.1083(2) (complete all sections of this form).

C. LSP OPINION:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this submittal, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and (iii) the provisions of 309 CMR 4.03(5), to the best of my knowledge, information and belief,

> *if Section B indicates that a **Notice of Activity and Use Limitation** is being registered and/or recorded*, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1074(1)(b);

> *if Section B indicates that an **Amended Notice of Activity and Use Limitation** is being registered and/or recorded*, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1080(1) and 40.1081(1);

> *if Section B indicates that a **Termination of a Notice of Activity and Use Limitation** is being registered and/or recorded*, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1083(3)(a);

> *if Section B indicates that a **Grant of Environmental Restriction** is being registered and/or recorded*, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1071(1)(b);

> *if Section B indicates that an **Amendment to a Grant of Environmental Restriction** is being registered and/or recorded*, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1080(1) and 40.1081(1);

> *if Section B indicates that a **Release of Grant of Environmental Restriction** is being registered and/or recorded*, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1083(3)(a).

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

- [ ] Check here if the Response Action(s) on which this opinion is based, if any, are (were) subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA. If the box is checked, you MUST attach a statement identifying the applicable provisions thereof.

SECTION C IS CONTINUED ON THE NEXT PAGE.

Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC-114

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1070 - 40.1084 (Subpart J)

Release Tracking Number: 3 - 13302

C. LSP OPINION: (continued)

LSP Name: John C. Drobinski LSP #: 2196 Stamp:

Telephone: 617-267-8377 Ext.: 150

FAX: 617-267-6447

LSP Signature:

Date: 10/21/97

COMMONWEALTH OF MASSACHUSETTS
JOHN C. DROBINSKI
No. 2196
REGISTERED
LICENSED SITE PROFESSIONAL

YOU MUST COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY FIND THE DOCUMENT TO BE INCOMPLETE.