

Form 1075

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

This Notice of Activity and Use Limitation ("Notice") is made as of this 21^{57} day of <u>DECEPTER</u> 2011, by Twenty Wayland, LLC, a Massachusetts limited liability company, with an address care of KGI Properties, LLC, 10 Memorial Blvd, Ste 901, Providence, RI 02903, and Wayland Town Center LLC, a Delaware limited liability company, with an address care of KGI Properties, LLC, 10 Memorial Blvd., Suite 901, Providence, RI 02903, together with their successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, Twenty Wayland, LLC and Wayland Town Center LLC collectively are the owners in fee simple of that certain parcel of land located at 400-440 Boston Post Road in Wayland, Middlesex County, Massachusetts, with the buildings and improvements thereon ("Property") pursuant to a deed to Twenty Wayland, LLC recorded with the Middlesex County (South) Registry of Deeds in Book 45981, Page 177 and filed with the Middlesex County (South) Registry District of the Land Court as Document No. 1386382 (see Certificate of Title No. 234881), and a deed of a portion of said land by Twenty Wayland, LLC to Twenty Wayland Commercial LLC recorded with the Middlesex County (South) Registry of Deeds in Book 57767, Page 545, and a subsequent deed of such portion of said land from Twenty Wayland Commercial LLC to Wayland Town Center LLC recorded with the Middlesex County (South) Registry of Deeds in Book 57767, Page 545, and a subsequent deed of such portion of said land from Twenty Wayland Commercial LLC to Wayland Town Center LLC recorded with the Middlesex County (South) Registry of Deeds in Book 57767, Page 545, and a subsequent deed of such portion of said land from Twenty Wayland Commercial LLC to Wayland Town Center LLC recorded with the Middlesex County (South) Registry of Deeds in Book 57767, Page 545, and a subsequent deed of such portion of said land from Twenty Wayland Commercial LLC to Wayland Town Center LLC recorded with the Middlesex County (South) Registry of Deeds in Book 57767, Page 547.

WHEREAS, the Property is more particularly bounded and described in <u>Exhibit A</u>, attached hereto and made a part hereof. The Property is shown on a sketch plan attached hereto (titled, "<u>Exhibit A</u>: Sketch Plan") and filed herewith for registration with the

234881-1307-76

Middlesex County (South) Registry District of the Land Court and recorded herewith with the Middlesex County (South) Registry of Deeds.

WHEREAS, a portion of the Property is subject to this Notice of Activity and Use Limitation ("Portion of the Property"). The Portion of the Property is more particularly bounded and described in Exhibit A-1, attached hereto and made a part hereof. The Portion of the Property is shown on a plan recorded with the Middlesex County (South) Registry of Deeds in Plan Book 201, Plan 200, and on a sketch plan attached hereto (titled, "Exhibit A-1: Sketch Plan") and filed herewith for registration and recorded herewith.

WHEREAS, the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material. <u>Exhibit B</u> 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 existing within the limits of the Property and to the extent such boundaries have been established. <u>Exhibit B</u> is attached hereto and made a part hereof.

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

1. <u>Activities and Uses Consistent with the AUL Opinion</u>. 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.

- 2. <u>Activities and Uses Inconsistent with the AUL Opinion</u>. 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 up to 12 units on the second floor of a building located in the "Building 2F Building Envelope," as shown on Exhibit D, 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.
- 3. <u>Obligations and Conditions Set Forth in the AUL Opinion</u>. 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;
- 4. <u>Proposed Changes in Activities and Uses</u>. Any proposed changes in activities and uses at the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by an 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 or 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. <u>Violation of a Response Action Outcome</u>. 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, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by an 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 an LSP in accordance with 310 CMR 40.1080 *et seq.*, the owner or operator 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. <u>Incorporation Into Deeds</u>, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all future 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. All exhibits attached hereto are hereby incorporated herein by reference.

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.

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WITNESS the execution hereof under seal this $\frac{2}{2}$ day of $\frac{2}{2}$, 2011.

Owner: TWENTY WAYLAND, LC By Anthony J. HeLuca, Manager and Authorized Signatory AYLAND TOWN CENTER LLC B Anthony J. DeLuca, Authorized Signatory ISLAND STATE OF IMU, ss.

day of M_{0} , 2011, before me, the undersigned, a Notary On this Public, personally appeared Anthony J. DeLuca, and proved to me through satisfactory 3 evidence of identification, which was a driver's license, to be the 3. $(\gamma \gamma)$ A. 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 Twenty Wayland, LLC.

Notary Public: Scott Joseph Jumner My Commission Expires: [SEAL]

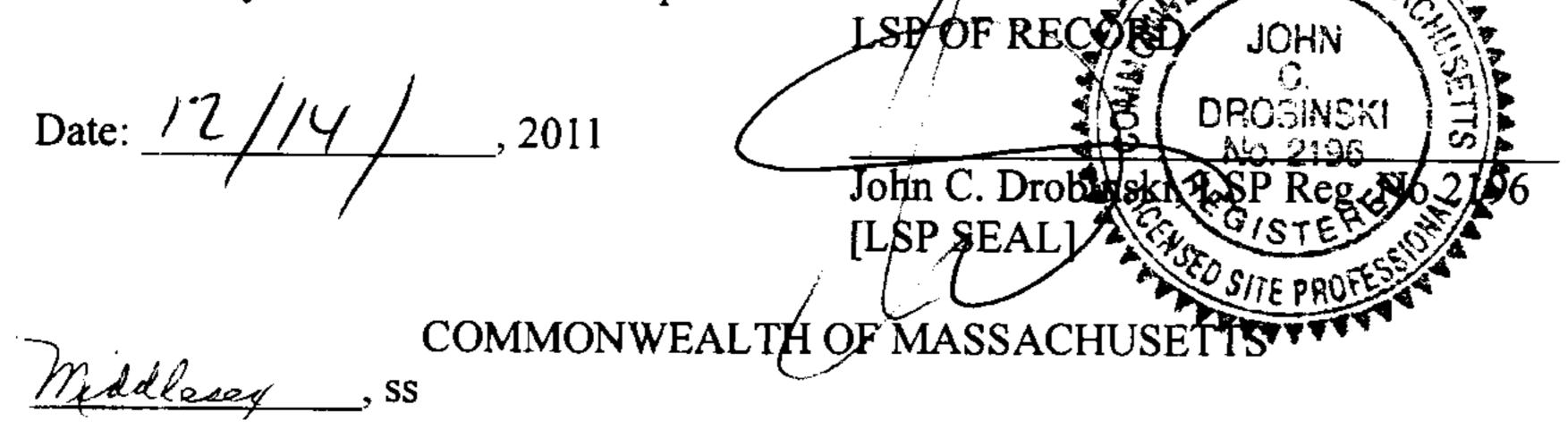
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POVIDINGSS. STATE OF RHODE ISLAND

On this 3 day of 0 day of 0

Notary Public: My Commission Expires: [SEAL]

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



On this $\underline{/4}^{\text{ff}}$ day of $\underline{/2exemples}$, 2011, before me, the undersigned notary public, personally appeared John C. Drobinski, proved to me through satisfactory evidence of identification, which were <u>personally knewn</u>, 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.

mary a. ne Cornack

Notary Public: MARY A MCCORMACK My Commission Expires: <u>8/3/18</u> [SEAL]

Upon recording, return to: MARY A. MCCORMACK **Notary Public** RACIOMANN SAWLER & BREWSTER Commonwealth of Massachusetts 160 FEDERA STREET **My Commission Expires** BOSTAN MA. UZ-INC ATTN D.J. USSOFF August 3, 2018

EXHIBIT A

Description of the Property owned by Twenty Wayland, LLC

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

Parcel One:

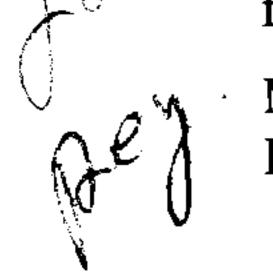
The land in said Wayland situated on the westerly side of Sudbury Road, being that parcel of land enclosed by lines and marked "A" on a plan by Rowland H. Barnes & Co., C.E.'s dated December, 1940 on file at the Engineers' Office for the Land Court in Boston, said plan being Plan #17983A, filed with Certificate #49312, Book 326, Page 97, in the South

Registry District for Middlesex County, said parcel being bounded and described as follows:

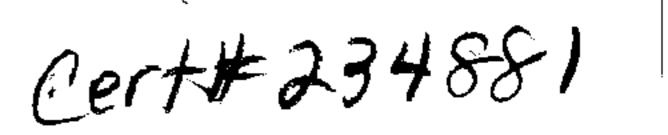
NORTHEASTERLY by the westerly side of Sudbury Road, 931.66 feet;

- SOUTHERLY by land formerly of Grace A. and Blanche E. Heard, 413.88 feet;
- EASTERLY by land formerly of said Heard, 162.99 feet;
- SOUTHERLY by land formerly of Wentzel, 1,017.69 feet;
- WESTERLY by land formerly of Wentzel, 211.30 feet;
- SOUTHERLY by land formerly of Wentzel, 622.50 feet;
 - by land of Mainstone Farm Trust, 328.00 feet;
 - again by land of said Trust, 842 plus or minus feet;
 - by Sudbury River; and

NORTHERLY by land now or formerly of Ruth N. Burbank, 2,185 plus or minus feet.



Meaning and intending to describe the remaining portion of parcel "A," being Lot 1 on Land Court Plan #17983G dated May 29, 2000, revised August, 2000.



Parcel Two

WESTERLY

SOUTHERLY

WESTERLY

A certain parcel of land shown as Lots "B" and "C" on a Plan of Land in Wayland-Mass., Scale 1" = 100', May 14, 1954, Albert A. Miller, Wilbur C. Nylander, Civil Engr's & Surveyors - Lexington, Mass., recorded with Middlesex South District Registry of Deeds as Plan #763 of 1954, Book 8256, Page 439 and together bounded as follows:

NORTHEASTERLY by Sudbury Road by two lines measuring together 429 and 54/100 feet;

SOUTHEASTERLY by land shown on said plan as Audrey A. and Natile K. Bill by the middle of a brook 403 and 75/100 feet;

NORTHEASTERLY by the same 250 and 49/100 feet;

SOUTHERLY by land or location of Boston & Maine Railroad as shown on said plan by six lines measuring together 2,064 and 94/100 feet and by State Highway (Route 20) 438 and 92/100 feet;

WESTERLY by land shown on said plan as Town of Wayland 48 and 53/100 feet;

SOUTHERLYby the same 117 and 21/100 feet;WESTERLYby land shown on said plan as Commonwealth of Massachusetts 1and 37/100 feet;

SOUTHERLY by the same 123 and 73/100 feet;

NORTHERLY by land shown on said plan as Mainstone Farm Trust 549 and 52/100 feet and by land formerly of Joseph H. Decatur by two lines measuring together 622 and 50/100 feet;

NORTHEASTERLY

and NORTHERLY by land formerly of Martin Cerel and David Yorks by eight lines shown on said plan as a stone wall measuring together 1,228 and 99/100 feet;

EASTERLY by land formerly of Blanche E. Heard and shown as "Parcel A" on said plan 20 and 00/100 feet;

NORTHERLY by the same 499 and 89/100 feet.

Parcel Three:

A certain parcel of land shown as Lot "A" on said Plan of Land in Wayland – Mass., Scale 1" = 100', May 14, 1954, Albert A. Miller, Wilbur C. Nylander, Civil Engr's & Surveyors - Lexington, Mass., and bounded as follows:

NORTHEASTERLY by Sudbury Road by two lines measuring together 192 and 87/100

feet;

SOUTHERLY by land formerly of Herbert S. Wentzel and Mary E. Wentzel, shown on said plan and Parcel "B" 499 and 89/100 feet;

WESTERLY by land formerly of said Wentzel, 20 and 00/100 feet and by land formerly of Martin Cerel and David Yorks by a line as shown on said plan as a stone wall 182 and 99/100 feet;

NORTHERLY by land of the same 413 and 88/100 feet.

Parcel Four:

A certain parcel of land situated in said Wayland bounded and described as follows:

Beginning on land of the Boston & Maine Railroad and at other land formerly of Raytheon Manufacturing Company at a point 41 and 25/100 feet northerly from Station 699 plus 00 on the center line of location of the Central Massachusetts Branch of said Boston & Maine Railroad, measuring at rights angles thereto, thence running South 80° 25' 30" West by said other land of said Railroad 627 and 50/100 feet to a point at said land formerly of Raytheon Manufacturing Company; thence turning and running by said last-mentioned land on three courses as follows: North 73° 07' 40" East 204 and 66/100 feet, North 78° 40' 30" East 239 and 11/100 feet and South 89° 24' East 188 and 47/100 feet to the point of beginning, be all of said measurements more or less, said parcel containing about 12,811 square feet and being shown upon plan marked "Land in Wayland, Mass. Boston & Maine Railroad - To -Raytheon Manufacturing Company J.F. Kerwin, Eng'r of Design, April, 1955" recorded with Middlesex South Registry of Deeds as Plan #1721 of 1955 in Book 8562, Page 316.

Excepting and excluding the following parcels of land:

2000. $=4,5,46,5\in C$ De-Reg, Noc \neq 15-0046 Pot 2 and Lot 3 shown on Land Court Plan No. 17983-G dated May 29, 2000, revised August 25, 2000. Lot AB-1 shown on plan dated May 1, 2000, and recorded as Plan No. 1426 of 2000 in Book 32174, Page 142. Parcel A shown on Land Court Plan No. 17983-G dated May 29, 2000, revised August 25,

Book 32174, Page 142.

A certain parcel acquired by the Town of Wayland by an Order of Taking filed with the Middlesex South Registry District of the Land Court as Document No. 1558125.

All of the above also being more particularly bounded and described as follows:

A certain parcel of Registered and Unregistered land situated on the northerly side of Boston Post Road 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 Boston Post Road (Route 20) at the intersection of the northerly line of the former railroad N/F of the MBTA: thence

- a distance of four hundred thirty eight and ninety-two hundredths N 74°46'46" W feet (438.92') by the said northerly line of Boston Post Road to a point; thence
- a distance of forty-eight and sixty three hundredths feet (48.63') to a N 15°13'14" E point; thence
- a distance of one hundred seventeen and twenty-one hundredths feet N 74°46'46" W (117.21') to a point; thence
- a distance of one and thirty-seven hundredths feet (1.37') to a point; N 15°13'14" E thence

N 74°46'46" W	a distance of one hundred twenty three and seventy-three hundredths
	feet (123.73') to a point; thence

- N 71°29'32" E a distance of five hundred forty nine and seventy-eight hundredths feet (549.78') 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
- Northerlya distance of seven hundred sixty two feet, more or less (762') by theSudbury River to a point; thence

N 80°45'43" E a distance of one thousand one hundred seventy nine feet, more or less (1179') to a point; thence

S 33°00'48" E	a distance of four hundred sixty six and twenty four hundredths feet (466.24') to a point; thence
S 86°08'20" E	a distance of seven hundred thirty six and twenty four hundredths feet (736.24') to a point; thence
S 42°30'55" E	a distance of one hundred ninety and sixty hundredths feet (190.60') to a point; thence
N 59°03'55" E	a distance of three hundred fifty and eighty eight hundredths feet (350.88) to a point; thence
Northerly	and curving to the left along the arc of a curve having a radius of fifteen and no hundredths feet (15.00'), a distance of twenty four and eleven hundredths feet (24.11') to a point in the southwesterly line of Old Sudbury Road; thence
S 33°00'47" E	a distance of ninety and three hundredths feet (90.03') by the said southwesterly line of Old Sudbury Road to a point; thence
Westerly	and curving to the left along the arc of a curve having a radius of fifteen and no hundredths feet (15.00'), a distance of twenty three

and two hundredths feet (23.02) to a point; thence

- S 59°03'55" W a distance of three hundred forty one and eighty six hundredths feet (341.86') to a point; thence
- S 42°30'55" E a distance of sixty three and forty hundredths feet (63.40') to a point; thence
- S 03°51'08" W a distance of seven hundred ninety three and sixty five hundredths feet (793.65') to a point in the northerly line of the Massachusetts Bay Transportation Authority; thence
- N 86°09'36" W a distance of one thousand five hundred thirty four and eighty three hundredths feet (1534.83') by the said northerly line of the M.B.T.A. to the point of beginning.

The above described parcel of land contains an area of 56.9 acres, more or less.

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

- N 85°21'24" Wa distance of one hundred seventeen and no hundredths feet (117.00')
to a point; ThenceN 85°21'24" Wa distance of one hundred sixty three and no hundredths feet
(163.00') to a point; ThenceN 85°21'24" Wa 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]

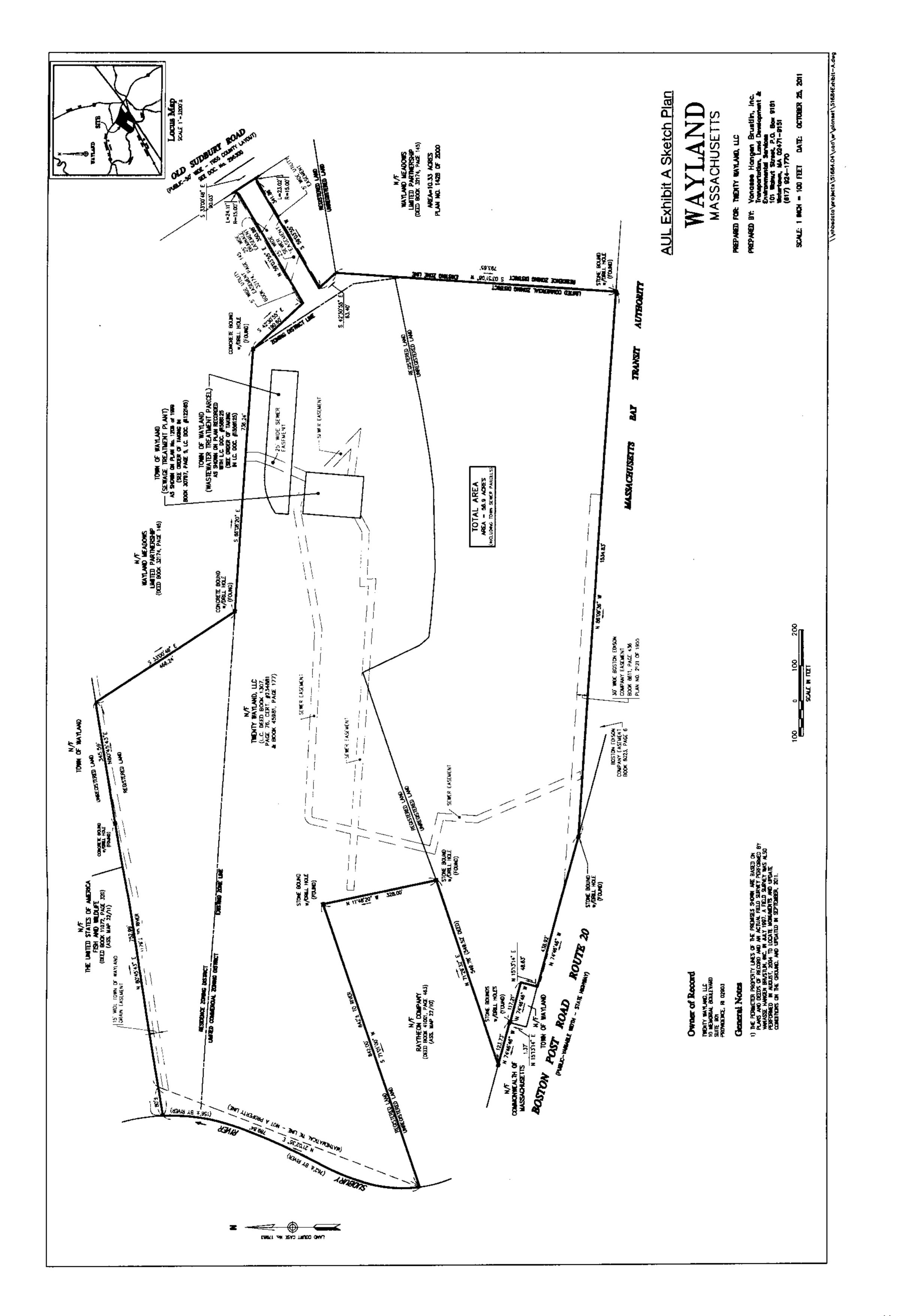


EXHIBIT A-1

Description of Portion of the Property

subject to this Notice of Activity and Use Limitation

A certain parcel of land located on the property owned now or formerly by Twenty Wayland, LLC situated northerly of Boston Post Road (Route 20) and westerly 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 stone bound found on the northerly side of Boston Post Road (Route 20) at the intersection of the northerly line of the railroad right of way now or formerly of the Massachusetts Bay Transit Authority; thence

N 55°10'40" E a distance of One Hundred Four and Seventy Hundredths feet (104.70') to a point; thence a distance of Fifty Two and Eighty Seven Hundredths feet N 03°50'24" E (52.87')to a point; thence and curving to the right along the arc of a curve having a radius Northerly of Two Hundred Thirty Three and Zero Hundredths feet (233.00'), a length of One Hundred Twelve and Forty Two Hundredths feet (112.42') to a point; thence and curving to the right along the arc of a curve having a radius Northeasterly of One Hundred Twenty Nine and Ninety Five Hundredths feet (129.95'), a length of Seventy Three and Forty Hundredths feet (73.40') to a point; thence

N 63°50'24" E a distance of One Hundred Nine and Sixty Three Hundredths feet (109.63') to a point; thence

N 26°09'36" W a distance of Thirty Six and Seventy Nine Hundredths feet (36.79') to a point; thence

Northerly and curving to the right along the arc of a curve having a radius of Four Hundred Sixty Two and Sixty One Hundredths feet (462.61'), a length of One Hundred Sixty One and Five Hundredths feet (161.05') to a point; thence

N 71°03'32" E a distance of Forty Six and Seventy Two Hundredths feet (46.72') to a point; thence

N 76°50'11" E a distance of Two Hundred Sixteen and Two Hundredths feet (216.02') to a point; thence

Easterly and curving to the right along the arc of a curve having a radius of One Hundred Eleven and Thirty Six Hundredths feet (111.36'), a length of Thirty Three and Thirteen Hundredths feet (33.13') to a point; thence

S 86°09'36" E a distance of Two Hundred Nine and Forty Three Hundredths feet (209.43') to a point; thence

Northerly	and curving to the right along the arc of a curve having a radius of Five Hundred Twenty and Zero Hundredths feet (520.00'), a length of Two Hundred Fifty One and Eighty Three Hundredths feet (251.83') and a chord length of Two Hundred Forty Nine and Thirty Eight Hundredths feet (249.38') with a chord bearing of N 19°33'54" E to a point; thence
N 03°50'24" E	a distance of One Hundred Nineteen and Thirty Eight Hundredths feet (119.38') to a point; thence
N 86°08'20" W	a distance of Eight Hundred Seventy Five and Thirty One Hundredths feet (875.31) to a point; thence
S 06°55'42" W	a distance of Five Hundred Fifteen and Fifteen Hundredths feet (515.15) to a point at land now or formerly of Raytheon Company; thence

N 11°48'20" W a distance of Two Hundred Seventy and Seventy Six Hundredths feet (270.76') to a stone bound; thence

S 71°01'00" W a distance of Eight Hundred Forty Two feet more or less (842'+/-) to a point along the easterly edge of the Sudbury River (the previous two (2) courses are by said land of Raytheon Company); thence

Northerly

along said easterly edge of the Sudbury River a distance of Seven Hundred Sixty Two feet more or less (762'+/-) to a point at land now or formerly of The United States of America Fish and Wildlife; thence

N 80°45'43" E by land of said United States of America Fish and Wildlife and land now or formerly of the Town of Wayland a distance of Eight Hundred Thirty Three feet more or less (833'+/-) to a concrete bound found; thence

N 80°45'43" E continuing by said land of The Town of Wayland a distance of Three Hundred Forty Five and Fifty Nine Hundredths feet (345.59') to a point at land now or formerly of Wayland Meadows Limited Partnership; thence

S 33°00'48" E a distance of Four Hundred Sixty Six and Twenty Four Hundredths feet (466.24') to a concrete bound found; thence

S 86°08'20" E a distance of Seven Hundred Thirty Six and Twenty Four Hundredths feet (736.24') to a concrete bound found; thence

S 42°30'55" E a distance of One Hundred Ninety and Sixty Hundredths feet (190.60') to a point; thence

N 59°03'55" E a distance of One Hundred Nine and Eighty Six Hundredths feet (109.86') to a point (the previous four (4) courses are by said land of Wayland Meadows Limited Partnership); thence

S 03°51'48" W through said land now or formerly of Twenty Wayland, LLC a distance of Seventy Three and Three Hundredths feet (73.03') to a point at other land now or formerly of Wayland Meadows Limited Partnership; thence

S 59°03'55" W a distance of Fifty Five and Eighty Nine Hundredths feet (55.89') to a point; thence

S 42°30'55" E a distance of Sixty Three and Forty Hundredths feet (63.40') to a point; thence

S 03°51'08" W a distance of Seven Hundred Ninety Three and Sixty Five Hundredths feet (793.65') to a stone bound found along the northerly line of the railroad right of way now or formerly of the Massachusetts Bay Transit Authority (the previous three (3) courses are by said other land of Wayland Meadows Limited Partnership); thence

along said Northerly line of the railroad right of way a distance N 86°09'36" W of One Thousand Five Hundred Thirty Four and Eighty Three Hundredths feet (1,534.83') to a point at the point of beginning.

The above described parcel contains an area of 35.5 acres more or less.

EXHIBIT A-1: SKETCH PLAN

Sketch Plan of the Portion of the Property

subject to this Notice of Activity and Use Limitation

[SEE ATTACHED]

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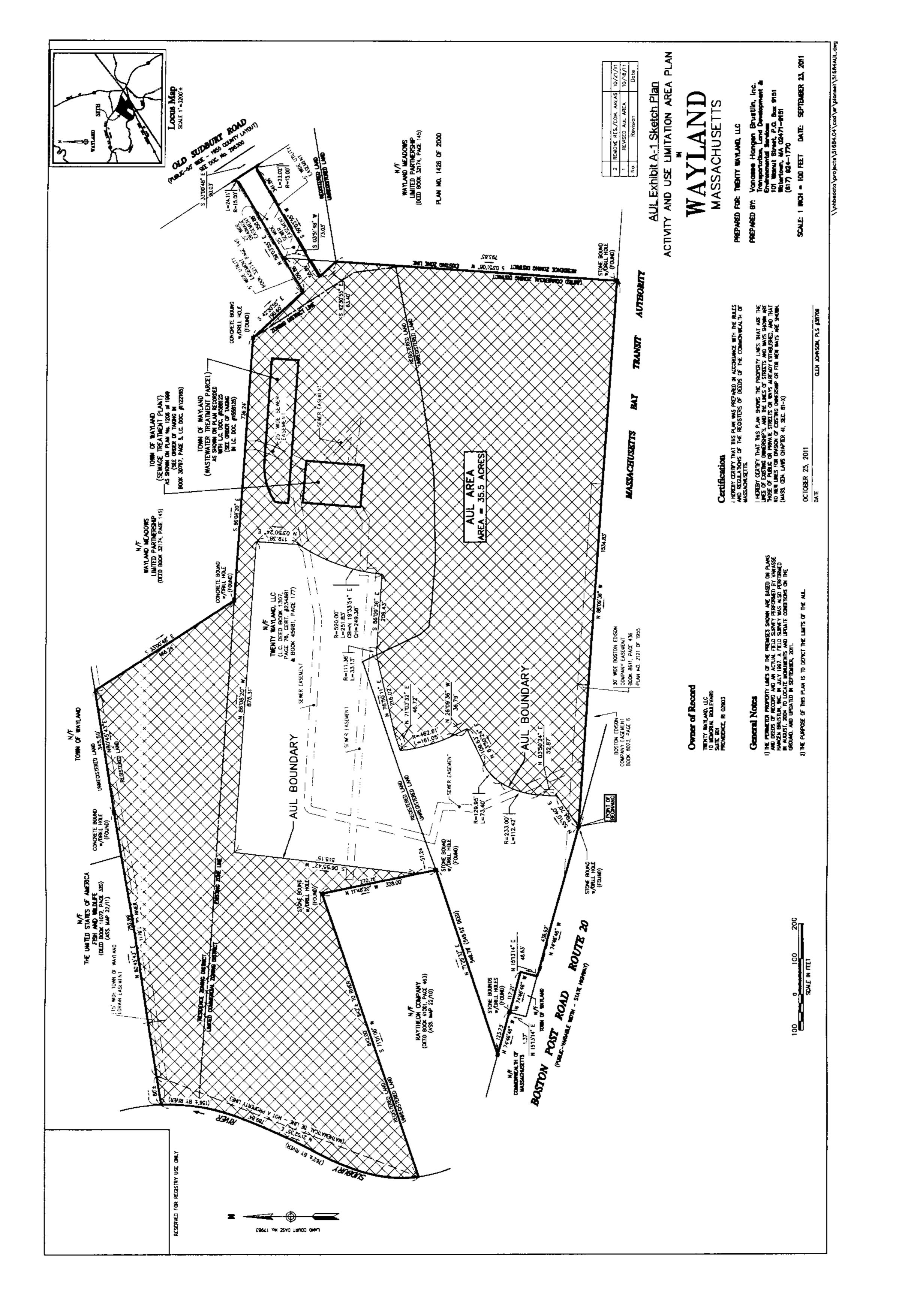


EXHIBIT B

Sketch plan showing the relationship of the Portion of the Property

subject to this Notice of Activity and Use Limitation

to the boundaries of the disposal site

[SEE ATTACHED]

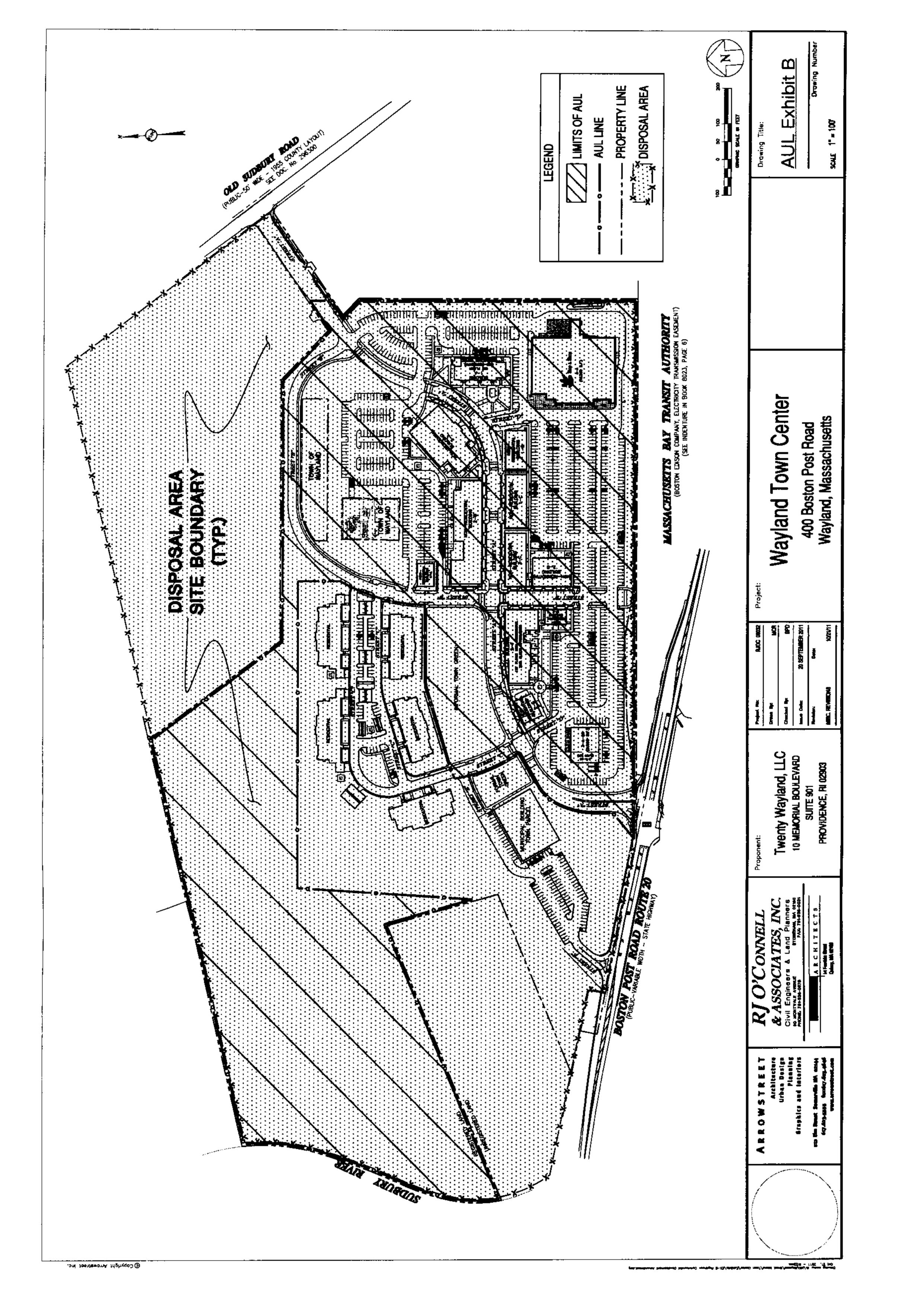


EXHIBIT C

ACTIVITY & USE LIMITATION OPINION

BOSTON POST ROAD, WAYLAND, MASSACHUSETTS

This Activity and Use Limitation (AUL) Opinion is issued in support of the Notice of Activity and Use Limitation (Notice) filed on the parcels located at 430 Boston Post Road, Wayland, Massachusetts (the "Property"). 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 the 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 conducted in accordance with Permit No. 133939 for Release Tracking Number (RTN) 3-13302 and Permit No. W045278 for RTN 3-22408, issued under the authority of the Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Site Cleanup.

1.0 PHYSICAL DESCRIPTION AND LAND USE

The subject lands (Exhibit A to Notice) are a portion of the entire Property which is an approximately 83-acre parcel located at 430 Boston Post Road in Wayland, Massachusetts (Lot 23-52 and Lot 23-52C). The Property consists of two lots and is bounded to the west by the Sudbury River and Lot 22-10, to the north by undeveloped land including the Great Meadows National Wildlife Refuge, to the east by Lots 23-52E through 23-52M, and to the South by Route 20/Boston Post Road and a Massachusetts Bay Transit Authority right-of-way.

Prior to 1955 the Property was a wetland, floodplain, and farmland. Subsequent to 1955, the Property was used as an engineering research and development facility that was decommissioned in 1995. Portions of the Property are currently a wetland and floodplain subject to the restrictions of the Wetlands Protection Act.

1

2.0 BACKGROUND

Releases of oil and/or hazardous materials (OHM) to soil and groundwater were discovered on the Property during decommissioning of the former Raytheon Company facility. Concentrations of OHM were discovered on the Property during environmental investigation for RTNs 3-13302 and 3-22408. 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 5 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 LSP-of-Record. Upon satisfying all applicable MCP requirements, a Response Action Outcome (RAO) Statement, certified by the LSP, is filed with the MassDEP Bureau of Waste Site Cleanup, officially closing the site out of the MCP process. Once closure is obtained it is binding, subject, however, to MassDEP audit for up to 5 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, and those that are specifically prohibited and obligations and conditions necessary to ensure continued protection.

The Notice is applicable to the portion of the Property (Portion of the Property) as defined in Exhibit A-1 to the Notice.

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The Notice of AUL is recorded by the Property owner as a precautionary measure to ensure appropriate use of the Property. 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 Property, or any portion thereof. All approvals and opinions required by a LSP to maintain compliance with this Notice and AUL Opinion shall be restricted to the LSP-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.

SUMMARY OF PCB IMPACTS, REMEDIAL ACTION, AND USE **4.0 RESTRICTIONS ON PROPERTY**

> A remedial action was implemented within the wetland portions of two parcels (Lot 23-52C and Lot 22-10) that comprise a portion of the Property and land adjacent to the Property. This remedial action consisted of excavating wetland soils for removal of polyaromatic hydrocarbons (PAHs) and associated petroleum hydrocarbons, polychlorinated biphenyls (PCBs), and heavy metals (chromium, copper, arsenic, silver, and lead). The remedial action activities are summarized below.

Pre-Excavation Extent and Concentrations of Contamination in Remediation Area

The primary source of impact to wetland sediments appeared to be historic releases of OHM to the storm water conveyance system, discharging at the storm water outfall OF-1. The primary contaminants of concern (COCs) identified in source structures (dry wells and manholes) connected to the storm water conveyance system included PAHs and associated petroleum hydrocarbons, PCBs, and heavy metals (chromium, copper, arsenic, silver, and lead). Evaluation of the average concentrations of primary COCs versus distance from the outfall indicated concentrations were highest near the outfall, decreasing sharply within 200 feet from the outfall and then approaching background near the Sudbury River. The vertical extent of impact appeared to be largely limited to the top 18 inches of sediment, although local variations were noted. The sediment layer is confined by an underlying, silt and clay unit beneath the wetland.

Correlation of areas impacted by COCs in sediment with the results of vegetative mapping and analysis of plant tissue defined an area of stunted vegetation estimated at approximately 0.6 acres. This condition constituted a condition of "readily apparent harm", defined by 310 CMR 40.0955(3) as "stressed vegetation attributable to Site OHM" and is

interpreted to reflect the toxicity of heavy metals (e.g., chromium) to plants.

Specific details regarding the remediation area for the Toxic Substance Control Act (TSCA; 40 CFR 750 and 761) were presented in the Application for Risk-Based Disposal Approval submitted on 23 December 2002 (revisions and additional information submitted on 3 April 2003, 8 May 2003, and 28 August 2003) and the Phase IV Remedy Implementation Plan dated 27 December 2002. The Application for Risk-Based Disposal was approved by the U.S. EPA in a letter dated 2 October 2003.

Description of Remedial Actions Undertaken in Remediation Area

Comprehensive Remedial Actions were completed from October 2003 through October 2004 on the Property. Remedial activities required the excavation of approximately 3,500 cubic yards of sediment material from an area of 0.9 acres on the Property to a depth of approximately 2.4 feet. Following verification sampling of the excavated area, engineered soil was brought in as fill and the remediation area was largely returned to its original grades. The total PCBs concentration remaining was calculated from the results of confirmation sampling by summing analytical detections of PCBs and substituting one-half the method detection limit for samples without detections.

Wetland restoration was completed on 20 February 2004 using the planting specifications submitted in the permit applications. Minor substitutions were made based on species availability at that time of year. All substitutions were made using comparable species and were planted in the same zones. Wetlands monitoring, along with additional plantings and invasive species control, continued through 2008.

Description of Use Restrictions for the Remediation Area

Remediation and restoration of the wetland area provides a level of protection to human health consistent with U.S. EPA guidance. It restores the affected Portion of the Property to a condition of "no significant risk", meets the MCP performance standards for filing a Response Action Outcome and represents a Permanent Solution for the affected Portion of the Property. The U.S. EPA approval for risk-based PCB remediation contained a provision requiring a Deed Notice or AUL be applied to the Property.

5.0 PERMITTED ACTIVITIES AND USES SET FORTH IN THIS AUL OPINION

> This 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 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 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;
- (iv) Such other activities and uses consistent with those set forth in this Paragraph and not expressly prohibited by this Opinion.

6.0 ACTIVITIES AND USES INCONSISTENT WITH THIS AUL OPINION

Activities and uses which are inconsistent with the objectives of the 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:

- Residential, with the exception of up to 12 units on the second floor of a building located in the "Building 2F Building Envelope" as shown on Exhibit D to the Notice, 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 this AUL Opinion;
- (iii) Groundwater withdrawal or use on the Portion of the Property except for assessment or remedial purposes;

(i)

- (iv) Septic systems unless previously approved by the LSP in accordance with the obligations and conditions set forth in this 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.

7.0 OBLIGATIONS AND CONDITIONS SET FORTH IN THIS 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 this 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 5.0 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;

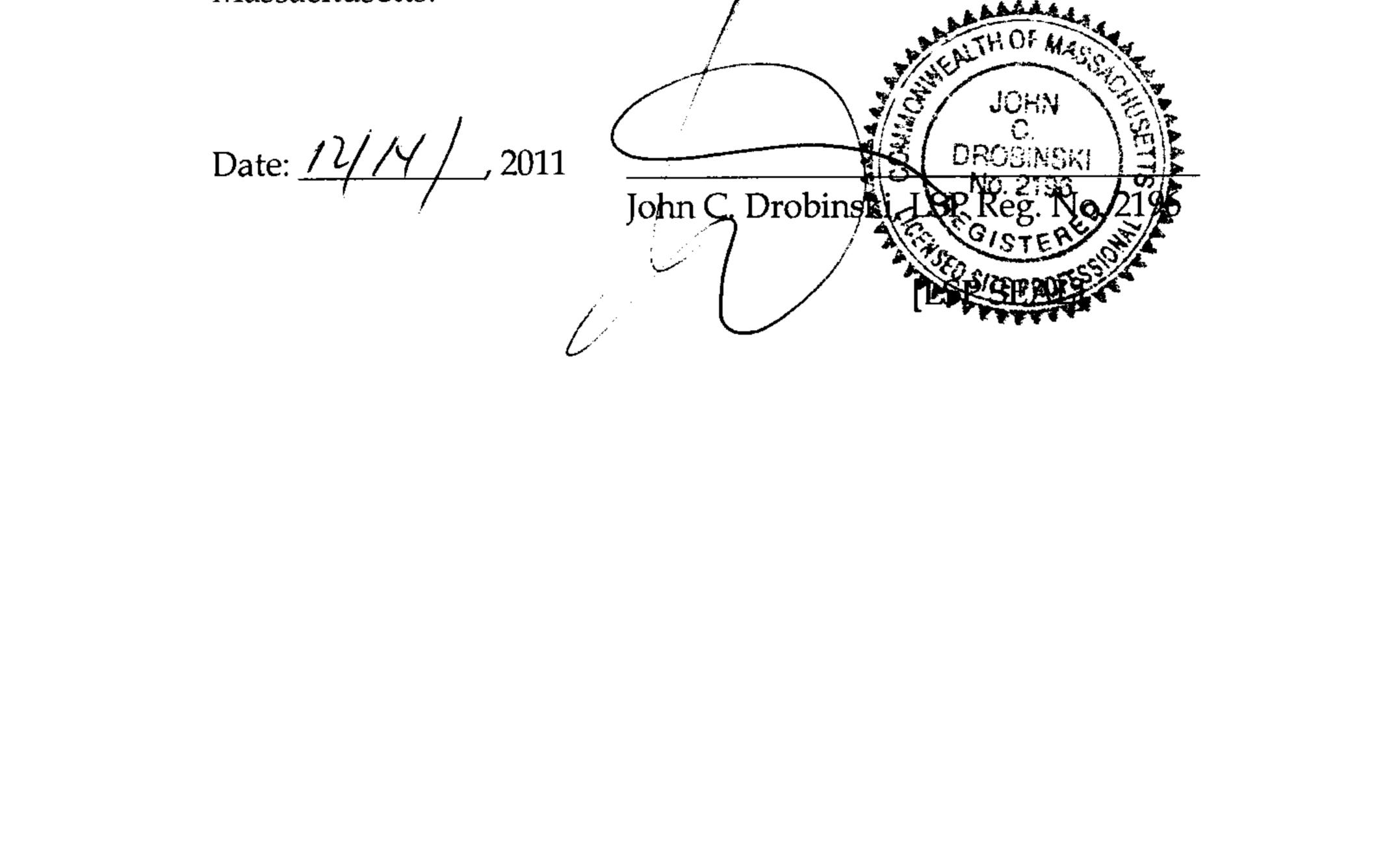
(iii) The responsible parties and their representatives shall be granted unrestricted access to the Property in order to conduct any and all activities associated with the performance of response actions as defined under the MCP, or any other applicable regulation.

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8.0 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 Property located at 430 Boston Post Road, Wayland, Massachusetts.



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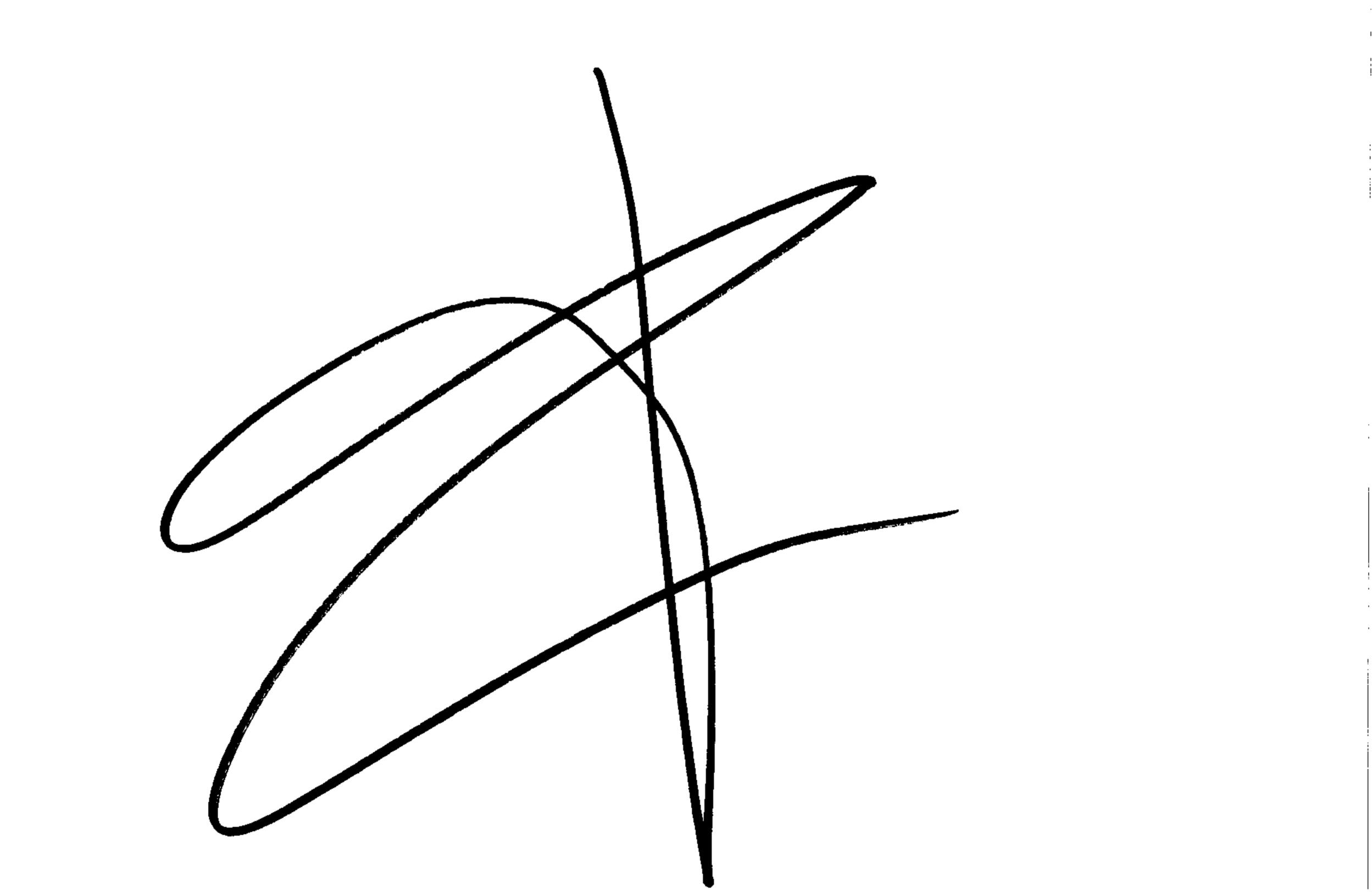
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EXHIBIT D

Plan showing "Building 2F Building Envelope"

[SEE ATTACHED]

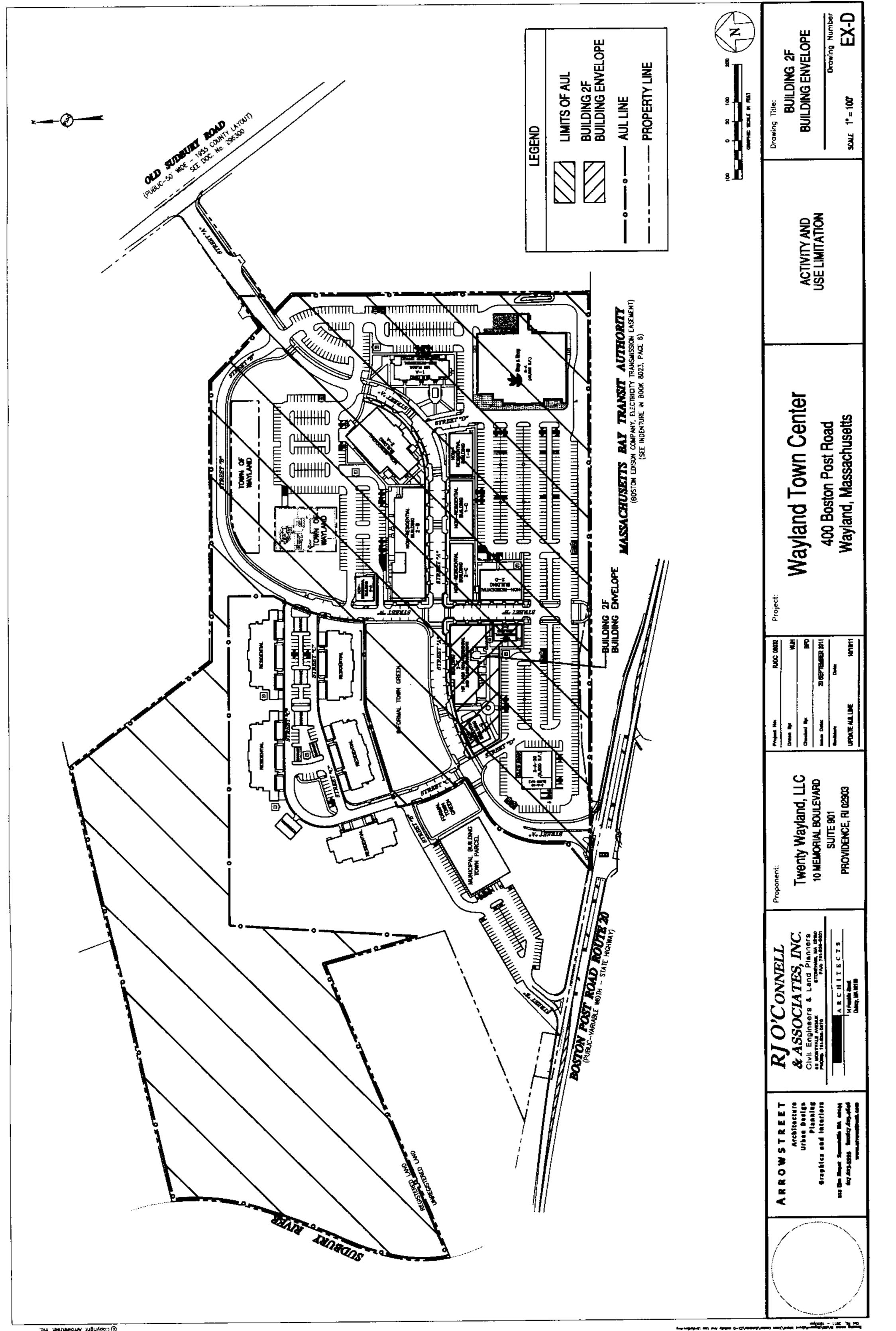
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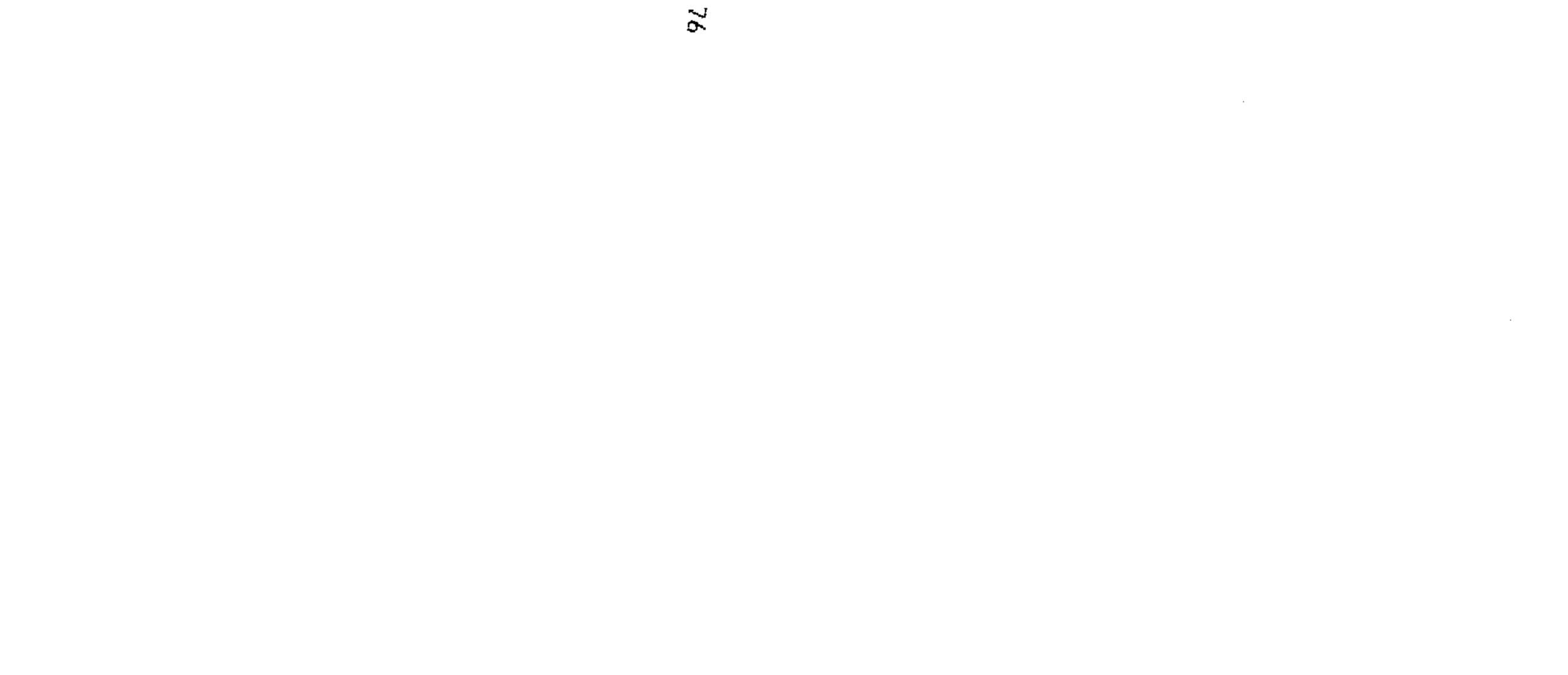
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NOTED ON: CERT 234881 ALSO NOTED ON: Receipt Total: Document Fee On: Dec 21,2011 at 01:01P RECEIVED FOR REGISTRATION Southern Middlesex LAND COURT Registry District \$450.00 75.00 BK 01307 ۲۹

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RECORDING INFORMATION AREA

Form 1075

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

This Notice of Activity and Use Limitation ("Notice") is made as of this 215^{r} day of **December** 2011, by Twenty Wayland, LLC, a Massachusetts limited liability company, with an address care of KGI Properties, LLC, 10 Memorial Blvd, Ste 901, Providence, RI 02903, and Wayland Town Center LLC, a Delaware limited liability company, with an address care of KGI Properties, LLC, 10 Memorial Blvd., Suite 901, Providence, RI 02903, together with their successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, Twenty Wayland, LLC and Wayland Town Center LLC collectively are the owners in fee simple of that certain parcel of land located at 400-440 Boston Post Road in Wayland, Middlesex County, Massachusetts, with the buildings and improvements thereon ("Property") pursuant to a deed to Twenty Wayland, LLC recorded with the Middlesex County (South) Registry of Deeds in Book 45981, Page 177 and filed with the Middlesex County (South) Registry District of the Land Court as Document No. 1386382 (see Certificate of Title No. 234881), and a deed of a portion of said land by Twenty Wayland, LLC to Twenty Wayland Commercial LLC recorded with the Middlesex County (South) Registry of Deeds in Book 57767, Page 545, and a subsequent deed of such portion of said land from Twenty Wayland Commercial LLC to Wayland Town Center LLC recorded with the Middlesex County (South) Registry of Deeds in Book 57767, Page 545, and a subsequent deed of such portion of said land from Twenty Wayland Commercial LLC to Wayland Town Center LLC recorded with the Middlesex County (South) Registry of Deeds in Book 57767, Page 545, and a subsequent deed of such portion of said land from Twenty Wayland Commercial LLC to Wayland Town Center LLC recorded with the Middlesex County (South) Registry of Deeds in Book 57767, Page 547.

WHEREAS, the Property is more particularly bounded and described in <u>Exhibit A</u>, attached hereto and made a part hereof. The Property is shown on a sketch plan attached hereto (titled, "<u>Exhibit A: Sketch Plan</u>") and filed herewith for registration with the

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Middlesex County (South) Registry District of the Land Court and recorded herewith with the Middlesex County (South) Registry of Deeds.

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WHEREAS, a portion of the Property is subject to this Notice of Activity and Use Limitation ("Portion of the Property"). The Portion of the Property is more particularly bounded and described in Exhibit A-1, attached hereto and made a part hereof. The Portion of the Property is shown on a plan recorded with the Middlesex County (South) Registry of Deeds in Plan Book 2011, Plan 860, and on a sketch plan attached hereto (titled, "Exhibit A-1: Sketch Plan") and filed herewith for registration and recorded herewith.

WHEREAS, the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material. <u>Exhibit B</u> 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 existing within the limits of the Property and to the extent such boundaries have been established. <u>Exhibit B</u> is attached hereto and made a part hereof.

WHEREAS, one or more response actions have been selected for the Property 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 Property. The basis for such restrictions is set forth in an Activity and Use Limitation Opinion ("AUL Opinion"), dated $\underline{Determine}$ (2011 (which is attached hereto as <u>Exhibit C</u> and made a part hereof).

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

- 1. <u>Activities and Uses Consistent with the AUL Opinion</u>. 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.

- 2. <u>Activities and Uses Inconsistent with the AUL Opinion</u>. 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 up to 12 units on the second floor of a building located in the "Building 2F Building Envelope," as shown on Exhibit D, 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.
- 3. <u>Obligations and Conditions Set Forth in the AUL Opinion</u>. 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;
- 4. <u>Proposed Changes in Activities and Uses</u>. Any proposed changes in activities and uses at the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by an 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 or 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. <u>Violation of a Response Action Outcome</u>. 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, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by an 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 an LSP in accordance with 310 CMR 40.1080 *et seq.*, the owner or operator 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. <u>Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer.</u> This Notice shall be incorporated either in full or by reference into all future 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. All exhibits attached hereto are hereby incorporated herein by reference.

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.

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

WITNESS the execution hereof under seal this 31 day of October, 2011.

Owner: AYDAND TWENTY LL By Anthony J. DeLuca Manager and Authorized Signatory W OWN CENTER LLC ID 7 By Anthony J. DeLuca, Authorized Signatory STATE OF KHODE JSLAND COMMONWEALTHOF MASSACHUSETTS idence, ss.

On this 3 day of 0 day of 0

- summer 1-1# -13 Notary Public Scott

My Commission Expires:

On this 3 day of 0 day of 0

STATE OF EHODE ISLAND COMMONWEALTH OF MASSACHUSETTS-

Notary Public: 11-13 My Commission Expires: [SEAL]

The undersigned LSP 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.

LSP OF RECORD JOHN С DROBINSKI 2011 2196 John C. Drobinski [LSP SEAL COMMONWEAL/TH OF MASSACHUSETTS

On this 19⁷⁴ day of <u>Decomber</u>, 2011, before me, the undersigned notary public, personally appeared John C. Drobinski, proved to me through satisfactory evidence of identification, which were <u>personally known</u>, 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.

Mary P. m. Cormock Notary Public: MARY A. M. Cormack My Commission Expires: 8/3/18 [SEAL]

Upon recording, return to: <u>RAMANNSAW/FRAB</u>OWSTER <u>ILO FEDERA STREET</u> <u>BUSTEN, MA. 02110</u> ATIN! D.J. OSSEFF

Krovillences

MARY A. MCCORMACK **Notary Public** Commonwealth of Massachusetts My Commission Expires August 3, 2018

EXHIBIT A

Description of the Property owned by Twenty Wayland, LLC

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

Parcel One:

The land in said Wayland situated on the westerly side of Sudbury Road, being that parcel of land enclosed by lines and marked "A" on a plan by Rowland H. Barnes & Co., C.E.'s dated December, 1940 on file at the Engineers' Office for the Land Court in Boston, said plan being Plan #17983A, filed with Certificate #49312, Book 326, Page 97, in the South Registry District for Middlesex County, said parcel being bounded and described as follows:

NORTHEASTERLY by the westerly side of Sudbury Road, 931.66 feet;

SOUTHERLY	by land formerly of Grace A. and Blanche E. Heard, 413.88 feet;
EASTERLY	by land formerly of said Heard, 162.99 feet;
SOUTHERLY	by land formerly of Wentzel, 1,017.69 feet;
WESTERLY	by land formerly of Wentzel, 211.30 feet;
SOUTHERLY	by land formerly of Wentzel, 622.50 feet;
WESTERLY	by land of Mainstone Farm Trust, 328.00 feet;
SOUTHERLY	again by land of said Trust, 842 plus or minus feet;
WESTERLY	by Sudbury River; and
NORTHERLY feet.	by land now or formerly of Ruth N. Burbank, 2,185 plus or minus

Meaning and intending to describe the remaining portion of parcel "A," being Lot 1 on Land Court Plan #17983G dated May 29, 2000, revised August, 2000.

Parcel Two

A certain parcel of land shown as Lots "B" and "C" on a Plan of Land in Wayland-Mass., Scale 1" = 100', May 14, 1954, Albert A. Miller, Wilbur C. Nylander, Civil Engr's & Surveyors - Lexington, Mass., recorded with Middlesex South District Registry of Deeds as Plan #763 of 1954, Book 8256, Page 439 and together bounded as follows:

NORTHEASTERLY by Sudbury Road by two lines measuring together 429 and 54/100 feet;

SOUTHEASTERLY by land shown on said plan as Audrey A. and Natile K. Bill by the middle of a brook 403 and 75/100 feet;

NORTHEASTERLY by the same 250 and 49/100 feet;

SOUTHERLY by land or location of Boston & Maine Railroad as shown on said plan by six lines measuring together 2,064 and 94/100 feet and by State Highway (Route 20) 438 and 92/100 feet;

WESTERLY by land shown on said plan as Town of Wayland 48 and 53/100 feet;

SOUTHERLY by the same 117 and 21/100 feet;

WESTERLY by land shown on said plan as Commonwealth of Massachusetts 1 and 37/100 feet;

SOUTHERLY by the same 123 and 73/100 feet;

NORTHERLY by land shown on said plan as Mainstone Farm Trust 549 and 52/100 feet and by land formerly of Joseph H. Decatur by two lines measuring together 622 and 50/100 feet;

NORTHEASTERLY

and NORTHERLY by land formerly of Martin Cerel and David Yorks by eight lines shown on said plan as a stone wall measuring together 1,228 and 99/100 feet;

EASTERLY by land formerly of Blanche E. Heard and shown as "Parcel A" on said plan 20 and 00/100 feet;

NORTHERLY by the same 499 and 89/100 feet.

Parcel Three:

A certain parcel of land shown as Lot "A" on said Plan of Land in Wayland – Mass., Scale 1" = 100', May 14, 1954, Albert A. Miller, Wilbur C. Nylander, Civil Engr's & Surveyors - Lexington, Mass., and bounded as follows:

NORTHEASTERLY by Sudbury Road by two lines measuring together 192 and 87/100 feet;

SOUTHERLY by land formerly of Herbert S. Wentzel and Mary E. Wentzel, shown on said plan and Parcel "B" 499 and 89/100 feet;

WESTERLY by land formerly of said Wentzel, 20 and 00/100 feet and by land formerly of Martin Cerel and David Yorks by a line as shown on said plan as a stone wall 182 and 99/100 feet;

NORTHERLY by land of the same 413 and 88/100 feet.

Parcel Four:

A certain parcel of land situated in said Wayland bounded and described as follows:

Beginning on land of the Boston & Maine Railroad and at other land formerly of Raytheon Manufacturing Company at a point 41 and 25/100 feet northerly from Station 699 plus 00 on the center line of location of the Central Massachusetts Branch of said Boston & Maine Railroad, measuring at rights angles thereto, thence running South 80° 25' 30" West by said other land of said Railroad 627 and 50/100 feet to a point at said land formerly of Raytheon Manufacturing Company; thence turning and running by said last-mentioned land on three courses as follows: North 73° 07' 40" East 204 and 66/100 feet, North 78° 40' 30" East 239 and 11/100 feet and South 89° 24' East 188 and 47/100 feet to the point of beginning, be all of said measurements more or less, said parcel containing about 12,811 square feet and being shown upon plan marked "Land in Wayland, Mass. Boston & Maine Railroad - To - Raytheon Manufacturing Company J.F. Kerwin, Eng'r of Design, April, 1955" recorded with Middlesex South Registry of Deeds as Plan #1721 of 1955 in Book 8562, Page 316.

Excepting and excluding the following parcels of land:

Parcel A shown on Land Court Plan No. 17983-G dated May 29, 2000, revised August 25, 2000.

Lot 2 and Lot 3 shown on Land Court Plan No. 17983-G dated May 29, 2000, revised August 25, 2000. (denegusiened by dre # 183898-lot 2; dre # 1500+61 (1015 4, 5+6)

Lot AB-1 shown on plan dated May 1, 2000, and recorded as Plan No. 1426 of 2000 in Book 32174, Page 142.

A certain parcel acquired by the Town of Wayland by an Order of Taking filed with the Middlesex South Registry District of the Land Court as Document No. 1558125.

All of the above also being more particularly bounded and described as follows:

A certain parcel of Registered and Unregistered land situated on the northerly side of Boston Post Road 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 Boston Post Road (Route 20) at the intersection of the northerly line of the former railroad N/F of the MBTA: thence

N 74°46'46" 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°13'14" E	a distance of forty-eight and sixty three hundredths feet (48.63') to a point; thence
N 74°46'46" W	a distance of one hundred seventeen and twenty-one hundredths feet (117.21') to a point; thence
N 15°13'14" E	a distance of one and thirty-seven hundredths feet (1.37') to a point; thence

NT 77 40 4 CH 4 CH 137	
N 74°46'46" W	a distance of one hundred twenty three and seventy-three hundredths feet (123.73') to a point; thence
N 71°29'32" E	a distance of five hundred forty nine and seventy-eight hundredths feet (549.78') 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	a distance of seven hundred sixty two feet, more or less (762') by the Sudbury River to a point; thence
N 80°45'43" E	a distance of one thousand one hundred seventy nine feet, more or less (1179') to a point; thence
S 33°00'48" E	a distance of four hundred sixty six and twenty four hundredths feet (466.24') to a point; thence
S 86°08'20" E	a distance of seven hundred thirty six and twenty four hundredths feet (736.24') to a point; thence
S 42°30'55" E	a distance of one hundred ninety and sixty hundredths feet (190.60') to a point; thence
N 59°03'55" E	a distance of three hundred fifty and eighty eight hundredths feet (350.88) to a point; thence
Northerly	and curving to the left along the arc of a curve having a radius of fifteen and no hundredths feet (15.00'), a distance of twenty four and eleven hundredths feet (24.11') to a point in the southwesterly line of Old Sudbury Road; thence
S 33°00'47" E	a distance of ninety and three hundredths feet (90.03') by the said southwesterly line of Old Sudbury Road to a point; thence
Westerly	and curving to the left along the arc of a curve having a radius of fifteen and no hundredths feet (15.00'), a distance of twenty three and two hundredths feet (23.02') to a point; thence
S 59°03'55" W	a distance of three hundred forty one and eighty six hundredths feet (341.86') to a point; thence
S 42°30'55" E	a distance of sixty three and forty hundredths feet (63.40') to a point; thence
S 03°51'08" W	a distance of seven hundred ninety three and sixty five hundredths feet (793.65') to a point in the northerly line of the Massachusetts Bay Transportation Authority; thence
N 86°09'36" W	a distance of one thousand five hundred thirty four and eighty three hundredths feet (1534.83') by the said northerly line of the M.B.T.A. to the point of beginning.

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The above described parcel of land contains an area of 56.9 acres, more or less.

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 A: SKETCH PLAN

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Sketch Plan of the Property owned by Twenty Wayland, LLC

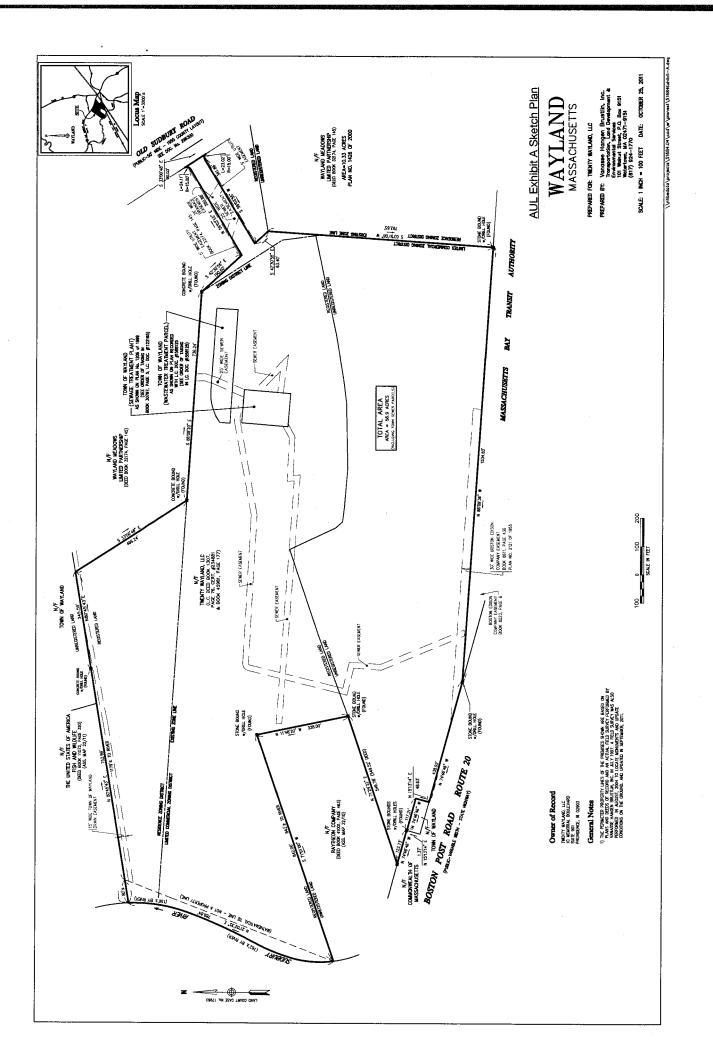


EXHIBIT A-1

<u>Description of Portion of the Property</u> <u>subject to this Notice of Activity and Use Limitation</u>

A certain parcel of land located on the property owned now or formerly by Twenty Wayland, LLC situated northerly of Boston Post Road (Route 20) and westerly 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 stone bound found on the northerly side of Boston Post Road (Route 20) at the intersection of the northerly line of the railroad right of way now or formerly of the Massachusetts Bay Transit Authority; thence

N 55°10'40" E	a distance of One Hundred Four and Seventy Hundredths feet (104.70') to a point; thence
N 03°50'24" E (52.87')	a distance of Fifty Two and Eighty Seven Hundredths feet
	to a point; thence
Northerly	and curving to the right along the arc of a curve having a radius of Two Hundred Thirty Three and Zero Hundredths feet (233.00'), a length of One Hundred Twelve and Forty Two Hundredths feet (112.42') to a point; thence
Northeasterly	and curving to the right along the arc of a curve having a radius of One Hundred Twenty Nine and Ninety Five Hundredths feet (129.95'), a length of Seventy Three and Forty Hundredths feet (73.40') to a point; thence
N 63°50'24" E	a distance of One Hundred Nine and Sixty Three Hundredths feet (109.63') to a point; thence
N 26°09'36" W	a distance of Thirty Six and Seventy Nine Hundredths feet (36.79') to a point; thence
Northerly	and curving to the right along the arc of a curve having a radius of Four Hundred Sixty Two and Sixty One Hundredths feet (462.61'), a length of One Hundred Sixty One and Five Hundredths feet (161.05') to a point; thence

N 71°03'32" E	a distance of Forty Six and Seventy Two Hundredths feet (46.72') to a point; thence
N 76°50'11" E	a distance of Two Hundred Sixteen and Two Hundredths feet (216.02') to a point; thence
Easterly	and curving to the right along the arc of a curve having a radius of One Hundred Eleven and Thirty Six Hundredths feet (111.36'), a length of Thirty Three and Thirteen Hundredths feet (33.13') to a point; thence
S 86°09'36" E	a distance of Two Hundred Nine and Forty Three Hundredths feet (209.43') to a point; thence
Northerly	and curving to the right along the arc of a curve having a radius of Five Hundred Twenty and Zero Hundredths feet (520.00'), a length of Two Hundred Fifty One and Eighty Three Hundredths feet (251.83') and a chord length of Two Hundred Forty Nine and Thirty Eight Hundredths feet (249.38') with a chord bearing of N 19°33'54" E to a point; thence
N 03°50'24" E	a distance of One Hundred Nineteen and Thirty Eight Hundredths feet (119.38') to a point; thence
N 86°08'20" W	a distance of Eight Hundred Seventy Five and Thirty One Hundredths feet (875.31) to a point; thence
S 06°55'42" W	a distance of Five Hundred Fifteen and Fifteen Hundredths feet (515.15) to a point at land now or formerly of Raytheon Company; thence
N 11°48'20" W	a distance of Two Hundred Seventy and Seventy Six Hundredths feet (270.76') to a stone bound; thence
S 71°01'00" W	a distance of Eight Hundred Forty Two feet more or less (842'+/-) to a point along the easterly edge of the Sudbury River (the previous two (2) courses are by said land of Raytheon Company); thence
Northerly	along said easterly edge of the Sudbury River a distance of Seven Hundred Sixty Two feet more or less (762'+/-) to a point at land now or formerly of The United States of America Fish and Wildlife; thence

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N 80°45'43" E	by land of said United States of America Fish and Wildlife and land now or formerly of the Town of Wayland a distance of Eight Hundred Thirty Three feet more or less (833'+/-) to a concrete bound found; thence
N 80°45'43" E	continuing by said land of The Town of Wayland a distance of Three Hundred Forty Five and Fifty Nine Hundredths feet (345.59') to a point at land now or formerly of Wayland Meadows Limited Partnership; thence
S 33°00'48" E	a distance of Four Hundred Sixty Six and Twenty Four Hundredths feet (466.24') to a concrete bound found; thence
S 86°08'20" E	a distance of Seven Hundred Thirty Six and Twenty Four Hundredths feet (736.24') to a concrete bound found; thence
S 42°30'55" E	a distance of One Hundred Ninety and Sixty Hundredths feet (190.60') to a point; thence
N 59°03'55" E	a distance of One Hundred Nine and Eighty Six Hundredths feet (109.86') to a point (the previous four (4) courses are by said land of Wayland Meadows Limited Partnership); thence
S 03°51'48" W	through said land now or formerly of Twenty Wayland, LLC a distance of Seventy Three and Three Hundredths feet (73.03') to a point at other land now or formerly of Wayland Meadows Limited Partnership; thence
S 59°03'55" W	a distance of Fifty Five and Eighty Nine Hundredths feet (55.89') to a point; thence
S 42°30'55" E	a distance of Sixty Three and Forty Hundredths feet (63.40') to a point; thence
S 03°51'08" W	a distance of Seven Hundred Ninety Three and Sixty Five Hundredths feet (793.65') to a stone bound found along the northerly line of the railroad right of way now or formerly of the Massachusetts Bay Transit Authority (the previous three (3) courses are by said other land of Wayland Meadows Limited Partnership); thence

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N 86°09'36" W along said Northerly line of the railroad right of way a distance of One Thousand Five Hundred Thirty Four and Eighty Three Hundredths feet (1,534.83') to a point at the point of beginning.

The above described parcel contains an area of 35.5 acres more or less.

EXHIBIT A-1: SKETCH PLAN

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Sketch Plan of the Portion of the Property subject to this Notice of Activity and Use Limitation

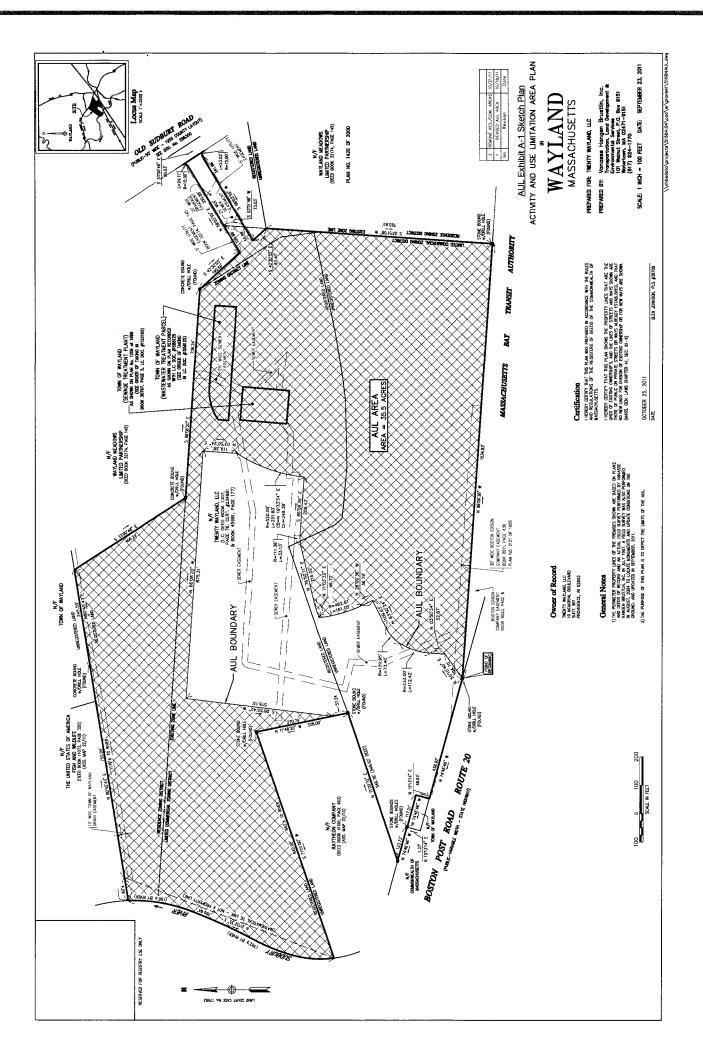


EXHIBIT B

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Sketch plan showing the relationship of the Portion of the Property subject to this Notice of Activity and Use Limitation to the boundaries of the disposal site

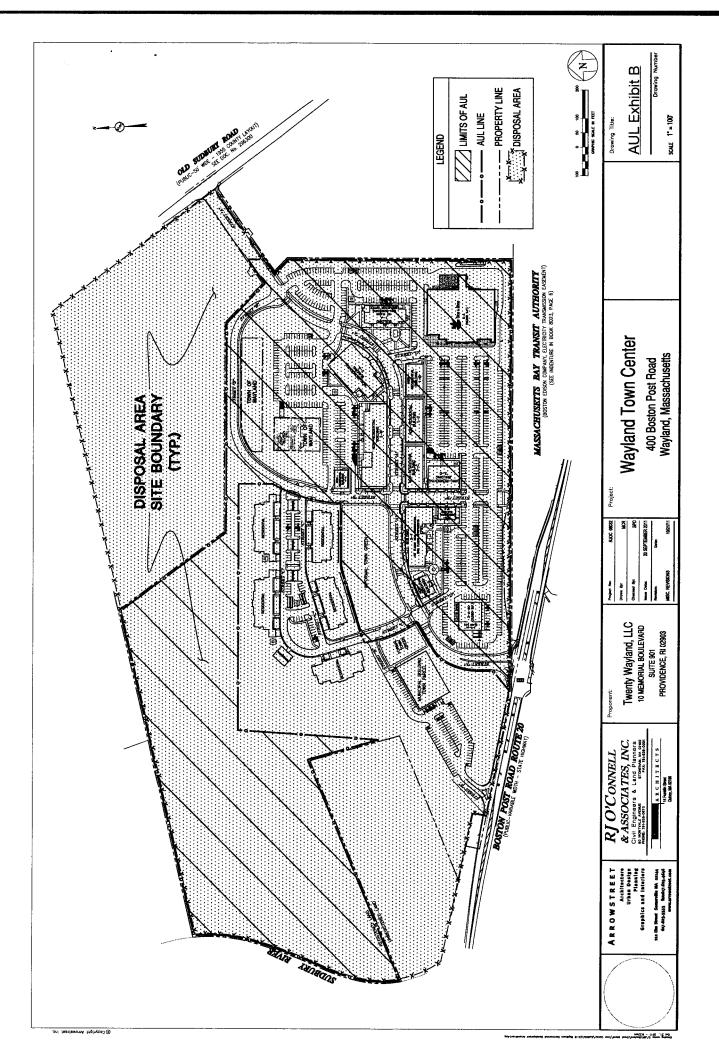


EXHIBIT C

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AUL Opinion

EXHIBIT C

ACTIVITY & USE LIMITATION OPINION

BOSTON POST ROAD, WAYLAND, MASSACHUSETTS

This Activity and Use Limitation (AUL) Opinion is issued in support of the Notice of Activity and Use Limitation (Notice) filed on the parcels located at 430 Boston Post Road, Wayland, Massachusetts (the "Property"). 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 the 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 conducted in accordance with Permit No. 133939 for Release Tracking Number (RTN) 3-13302 and Permit No. W045278 for RTN 3-22408, issued under the authority of the Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Site Cleanup.

1.0 PHYSICAL DESCRIPTION AND LAND USE

The subject lands (Exhibit A to Notice) are a portion of the entire Property which is an approximately 83-acre parcel located at 430 Boston Post Road in Wayland, Massachusetts (Lot 23-52 and Lot 23-52C). The Property consists of two lots and is bounded to the west by the Sudbury River and Lot 22-10, to the north by undeveloped land including the Great Meadows National Wildlife Refuge, to the east by Lots 23-52E through 23-52M, and to the South by Route 20/Boston Post Road and a Massachusetts Bay Transit Authority right-of-way.

Prior to 1955 the Property was a wetland, floodplain, and farmland. Subsequent to 1955, the Property was used as an engineering research and development facility that was decommissioned in 1995. Portions of the Property are currently a wetland and floodplain subject to the restrictions of the Wetlands Protection Act.

2.0 BACKGROUND

Releases of oil and/or hazardous materials (OHM) to soil and groundwater were discovered on the Property during decommissioning of the former Raytheon Company facility. Concentrations of OHM were discovered on the Property during environmental investigation for RTNs 3-13302 and 3-22408. 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 5 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 LSP-of-Record. Upon satisfying all applicable MCP requirements, a Response Action Outcome (RAO) Statement, certified by the LSP, is filed with the MassDEP Bureau of Waste Site Cleanup, officially closing the site out of the MCP process. Once closure is obtained it is binding, subject, however, to MassDEP audit for up to 5 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, and those that are specifically prohibited and obligations and conditions necessary to ensure continued protection.

The Notice is applicable to the portion of the Property (Portion of the Property) as defined in Exhibit A-1 to the Notice.

The Notice of AUL is recorded by the Property owner as a precautionary measure to ensure appropriate use of the Property. 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 Property, or any portion thereof. All approvals and opinions required by a LSP to maintain compliance with this Notice and AUL Opinion shall be restricted to the LSP-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

SUMMARY OF PCB IMPACTS, REMEDIAL ACTION, AND USE RESTRICTIONS ON PROPERTY

A remedial action was implemented within the wetland portions of two parcels (Lot 23-52C and Lot 22-10) that comprise a portion of the Property and land adjacent to the Property. This remedial action consisted of excavating wetland soils for removal of polyaromatic hydrocarbons (PAHs) and associated petroleum hydrocarbons, polychlorinated biphenyls (PCBs), and heavy metals (chromium, copper, arsenic, silver, and lead). The remedial action activities are summarized below.

Pre-Excavation Extent and Concentrations of Contamination in Remediation Area

The primary source of impact to wetland sediments appeared to be historic releases of OHM to the storm water conveyance system, discharging at the storm water outfall OF-1. The primary contaminants of concern (COCs) identified in source structures (dry wells and manholes) connected to the storm water conveyance system included PAHs and associated petroleum hydrocarbons, PCBs, and heavy metals (chromium, copper, arsenic, silver, and lead). Evaluation of the average concentrations of primary COCs versus distance from the outfall indicated concentrations were highest near the outfall, decreasing sharply within 200 feet from the outfall and then approaching background near the Sudbury River. The vertical extent of impact appeared to be largely limited to the top 18 inches of sediment, although local variations were noted. The sediment layer is confined by an underlying, silt and clay unit beneath the wetland.

Correlation of areas impacted by COCs in sediment with the results of vegetative mapping and analysis of plant tissue defined an area of stunted vegetation estimated at approximately 0.6 acres. This condition constituted a condition of "readily apparent harm", defined by 310 CMR 40.0955(3) as "stressed vegetation attributable to Site OHM" and is

interpreted to reflect the toxicity of heavy metals (e.g., chromium) to plants.

Specific details regarding the remediation area for the Toxic Substance Control Act (TSCA; 40 CFR 750 and 761) were presented in the Application for Risk-Based Disposal Approval submitted on 23 December 2002 (revisions and additional information submitted on 3 April 2003, 8 May 2003, and 28 August 2003) and the Phase IV Remedy Implementation Plan dated 27 December 2002. The Application for Risk-Based Disposal was approved by the U.S. EPA in a letter dated 2 October 2003.

Description of Remedial Actions Undertaken in Remediation Area

Comprehensive Remedial Actions were completed from October 2003 through October 2004 on the Property. Remedial activities required the excavation of approximately 3,500 cubic yards of sediment material from an area of 0.9 acres on the Property to a depth of approximately 2.4 feet. Following verification sampling of the excavated area, engineered soil was brought in as fill and the remediation area was largely returned to its original grades. The total PCBs concentration remaining was calculated from the results of confirmation sampling by summing analytical detections of PCBs and substituting one-half the method detection limit for samples without detections.

Wetland restoration was completed on 20 February 2004 using the planting specifications submitted in the permit applications. Minor substitutions were made based on species availability at that time of year. All substitutions were made using comparable species and were planted in the same zones. Wetlands monitoring, along with additional plantings and invasive species control, continued through 2008.

Description of Use Restrictions for the Remediation Area

Remediation and restoration of the wetland area provides a level of protection to human health consistent with U.S. EPA guidance. It restores the affected Portion of the Property to a condition of "no significant risk", meets the MCP performance standards for filing a Response Action Outcome and represents a Permanent Solution for the affected Portion of the Property.

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The U.S. EPA approval for risk-based PCB remediation contained a provision requiring a Deed Notice or AUL be applied to the Property.

5.0 PERMITTED ACTIVITIES AND USES SET FORTH IN THIS AUL OPINION

This 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 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 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;
- (iv) Such other activities and uses consistent with those set forth in this Paragraph and not expressly prohibited by this Opinion.

6.0 ACTIVITIES AND USES INCONSISTENT WITH THIS AUL OPINION

Activities and uses which are inconsistent with the objectives of the 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:

- Residential, with the exception of up to 12 units on the second floor of a building located in the "Building 2F Building Envelope" as shown on Exhibit D to the Notice, 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 this AUL Opinion;
- (iii) Groundwater withdrawal or use on the Portion of the Property 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 this 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.

7.0 OBLIGATIONS AND CONDITIONS SET FORTH IN THIS 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 this 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 5.0 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.

8.0 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 Property located at 430 Boston Post Road, Wayland, Massachusetts.

JOHN Date: $\frac{l}{l}/l$, 2011 DROBINSKI John C. Drobinsk

EXHIBIT D

Plan showing "Building 2F Building Envelope"

[SEE ATTACHED]

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