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Form 1075

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

Disposal Site Name: Gateway Condominium
DEP Release Tracking No.: 3-0808

This Notice of Activity and Use Limitation ("Notice") is made as of this 20th day of December, 2010, by The Gateway Condominium Trust, having a usual mailing address of c/o E.P. Management, 7 Tozer Road, Beverly, Massachusetts 01915 together with its successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, Gateway Condominium Trust, is the owner in fee simple of that certain parcel of land located in Beverly, Essex County, Massachusetts with the buildings and improvements thereon, pursuant to a deed recorded with the Land Registration Office of the Essex South District Registry of Deeds at Book 9431, Page 375 and Book 9431, Page 402, as amended.

WHEREAS, said parcel of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") contains an area described in the next paragraph which is subject to this Notice of Activity and Use Limitation.

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 a part hereof. The Portion of the Property is shown on a survey plan attached hereto as Exhibit A.

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 existing within the limits of the Property and to the extent such boundaries have been established.

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") of which the Portion of the Property is a part. 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 (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 as of the date of this Notice of Activity and Use Limitation, (which is attached hereto as Exhibit C 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. Activities and Uses Consistent with the AUL Opinion. The AUL Opinion provides that a condition of no substantial hazard 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) Activities and uses including, but not limited to vehicular parking, overland travel by pedestrians and vehicles, repaving, landscaping, and structure removal / renovation which does not disturb or contact soil at a depth of greater than six (6) feet below grade;

(ii) Excavation, greater than six (6) feet below grade, associated with emergency short term (three months or less) underground utility and/or construction work, provided it is conducted in accordance with a Soil Management Plan and a Health and Safety Plan in accordance with Obligations and Conditions (i), (ii), and (iii) specified below in this Opinion;

(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) All activities and uses in any interior spaces of the existing building and of the swimming pool and associated areas around the pool, including renovations and repairs thereto, on the condition that such use, renovation or repair does not result in excavation within the buildings beneath the existing basement floors, or to a depth more than six (6) feet below the existing grade.

(v) Such other activities and uses not identified in Paragraph 2 as being Activities and Uses Inconsistent with the AUL.

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) Activities and/or uses which are likely to involve the removal and/or disturbance of soil greater than six (6) feet below grade in the AUL Area and not in accordance with Obligations and Conditions specified below;

(ii) Relocation of impacted soil from a depth greater than six (6) feet below grade unless an LSP renders an Opinion which states that such relocation is consistent with maintaining a condition of no substantial hazard;

(iii) Activities and/or uses which are likely to involve agricultural and/or horticultural uses of the impacted soil located beneath the pavement within the AUL Area;

(iv) Activities and/or uses which are likely to involve single-family residential and/or recreational uses of the impacted soil located greater than six (6) feet below grade within the AUL Area;

(v) Building construction within the AUL area which does not prevent a direct exposure pathway for vapors to indoor air; and

(vi) Activities and/or uses which are likely to increase the mobility of the oil and/or hazardous material.

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 eliminate a substantial hazard as set forth in the AUL Opinion shall include the following:

(i) A Soil Management Plan must be prepared by an LSP and implemented prior to the commencement of any activity that is likely to disturb impacted soil greater than six (6) feet below grade. The Soil Management Plan should describe appropriate soil excavation, handling, storage, transport and disposal procedures and include a description of the engineering controls and monitoring procedure necessary to ensure that workers and receptors in the vicinity are not affected by fugitive dust or particulates. On-site workers must be informed other requirements of the Soil Management Plan.

(ii) A Health and Safety Plan must be prepared by an LSP, Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements and implemented prior to the commencement of any activity which involves the removal and disturbance of soil greater than six feet (6') below grade. The plan should clearly describe the location of the impacted soil and specifically identify the types of personal protective equipment, monitoring devices, and engineering controls necessary to ensure that workers are not exposed to petroleum through dermal contact, ingestion, and/or inhalation of particulate dusts. Workers who may come in contact with impacted soil within the designated AUL Area must be informed of the location of the impacted soils and all requirements of the Health and Safety Plan; and

(iii) Any buildings constructed within the AUL area must be designed by a qualified individual to prevent a direct exposure pathway for vapors to indoor air. The design should clearly describe the types of measures or engineering controls necessary to ensure that an exposure pathway does not exist.

(iv) Any activity that can result in increased mobility of the oil and/or hazardous material must be designed by a qualified individual to prevent migration of the oil and/or hazardous material. The design should clearly describe the types and measures or engineering controls necessary to minimize mobility and/or migration of the oil and/or hazardous material.

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 an LSP who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes will invalidate the conclusion that no substantial hazard remains. 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.

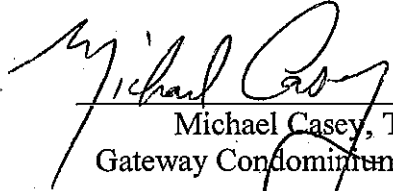
5. Violation of a Response Action Outcome. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous 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 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 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.

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(ies) of Deeds and/or Land Registration Office(s). For evidence of authority of Michael Casey, Trustee, to sign on behalf of the Trust see Exhibit A-3 attached hereto.

WITNESS the execution hereof under seal this 20th day of December, 2010.

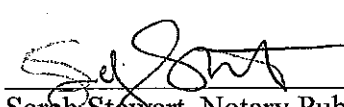

Michael Casey, Trustee
Gateway Condominium Trust

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

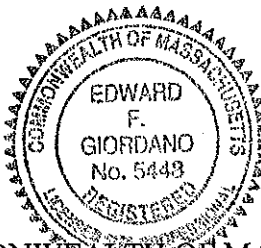
December 20, 2010

On this 20th day of December, 2010, before me, the undersigned notary public, personally appeared Michael Casey, Trustee of Gateway Condominium Trust, personally known to me, 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.


Sarah Stewart, Notary Public
My Commission Expires: March 22, 2013

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.

Date: 12/20/2010



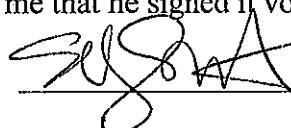

Edward F. Giordano, LSP

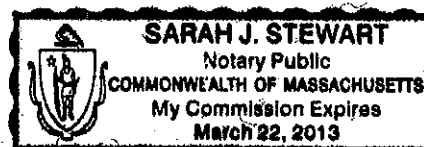
COMMONWEALTH OF MASSACHUSETTS

Essex, ss

December 20, 2010

On this 26th day of December, 2010, before me, the undersigned notary public, personally appeared Edward F. Giordano, as LSP for Gateway Realty Trust, proved to me through satisfactory evidence of identification, which was a personal knowledge, 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.

 (official signature and seal of notary)



Upon recording, return to:

Michael Casey, Trustee
Gateway Condominium Trust
Unit 707
60 Rantoul Street
Beverly, MA 01915

EXHIBIT A-1

LEGAL DESCRIPTION OF LAND SUBJECT TO ACTIVITY AND USE
LIMITATION AT 60 RANTOUL STREET, MASSACHUSETTS

A portion of a parcel of land situated on the westerly side of Rantoul Street in Beverly, County of Essex, Commonwealth of Massachusetts, which is subject to an activity and use limitation is bounded and described as follows:

Beginning at an inside corner of the northerly building on said parcel; thence running,

S 21° 43' 39" W through a portion of the building, a distance of sixty four and fifty nine hundredths (64.59) feet to the outside face of said building; thence turning and running,

S 26° 15' 12" W in part by the face of the southerly building on said parcel, a distance of eighty and twenty six hundredths (80.26) feet to an inside corner of said building; thence turning and running,

N 63° 51' 33" W by the face of said building a distance of one hundred thirty and sixty three hundredths (130.63) feet to an inside corner of said building; thence turning and running,

N 26° 16' 57" E a distance of nineteen and one hundredth (19.01) feet to an outside corner of said building; thence turning and running,

N 63° 58' 19" W by said building a distance of twenty five and ninety seven hundredths (25.97) feet to another outside corner of said building; thence turning and running,

S 26° 44' 50" W a distance of fifteen and sixty two hundredths (15.62) feet to the face of said building; thence turning and running,

N 63° 53' 47" W by said building, a distance of three and eighty one hundredths (3.81) feet to an outside corner of said building; thence turning and running,

S 26° 58' 59" W by the face of said building a distance of two and ninety seven hundredths (2.97) feet to an inside corner of said building; thence turning and running,

N 63° 53' 08" W in part by the face of said building a distance of thirty eight and sixty five hundredths (38.65) feet to a point on the westerly property line of said parcel; thence turning and running,

N 29° 18' 14" E by land of the Massachusetts Bay Transportation Authority a distance of two hundred sixty three and eighty hundredths (263.80) feet to a point; thence turning and running,

N 82°23' 14" E a distance of thirty five and eight hundredths (35.08) feet to a point on the northerly property line of said parcel; thence turning and running,

S 65°09' 59" E by land of the Massachusetts Bay Transportation Authority a distance of one hundred fifty one and fourteen hundredths (151.14) feet to a point; thence turning and running,

S 26°18' 26" W in part by the face of the first building mentioned a distance of one hundred forty two and three hundredths (142.03) feet to the point of beginning.

Containing 52,898 square feet or 1.21 acres more or less.

The portion of the parcel which is subject to an activity and use limitation is shown as "Area Subject to Activity & Use Limitation" on a plan entitled " Plan of Land Showing Activity and Use Limitation (AUL) Area, 60 Rantoul Street, Beverly, Massachusetts, property of the Gateway Condominium, August 16, 2010, North Shore Survey Corporation".

[illegible]

PLAN OF LAND SHOWING
ACTIVITY AND USE LIMITATION (AUL) AREA
60 RANTOUL STREET

PROPERTY OF
THE GATEWAY CONDOMINIUM
SCALE 5" = 20' AUGUST 16, 2010
NORTH SHORE SURVEY CORPORATION
14 BROWN STREET - SALEM, MA

13432

RANTOUL STREET (PUBLIC)

NOTES

- - - DEED REFERENCE FOR LOCUS IS RECORD BOOK 3431 PAGE 375.
- PLAN REFERENCE - PLAN BOOK 233 PLAN 35

GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft.



I CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES
OWNING EXISTING OWNERSHIPS AND THE LINES OF STREETS AND
WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS
ALREADY ESTABLISHED AND NO NEW LINES FOR DIVISION OF
EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

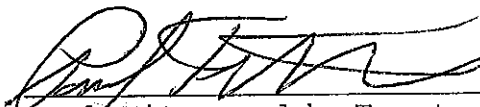
2/16/80 DATE
Maile L. Smith REGISTERED PROFESSIONAL LAND SURVEYOR

EXHIBIT A-3

**THE GATEWAY CONDOMINIUM
AUTHORIZATION TO SIGN GRANT OF ENVIRONMENTAL RESTRICTION
AND NOTICE OF ACTIVITY AND USE LIMITATION**

The Undersigned, being all of the currently sitting Members of the Board of Trustees of The Gateway Condominium, a Condominium created under a Master Deed and Declaration of Trust recorded with the Essex South Registry of Deeds at Book 9431, Page 375 and Book 9431, Page 402, as amended, hereby certify, pursuant to and in accordance with 310 C.M.R. 40.1071(2)(c) and 40.1074(2)(c), that Michael E. Casey, as Trustee, is duly authorized and empowered to execute the Grant of Environmental Restriction and/or Notice of Activity and Use Limitation, on behalf of the said Gateway Condominium, to which this Authorization is annexed as an Exhibit.

Signed and sealed on this 15 day of June, 2010.

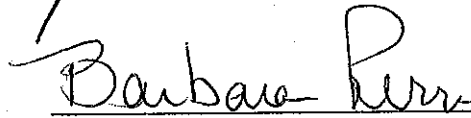


Paul Fitzgerald, Trustee of
The Gateway Condominium Trust

AS TRUSTEES OF THE
GATEWAY CONDOMINIUM TRUST
AND NOT INDIVIDUALLY



Michael E. Casey, Trustee of
The Gateway Condominium Trust



Barbara Perry, Trustee of
The Gateway Condominium Trust

COMMONWEALTH OF MASSACHUSETTS

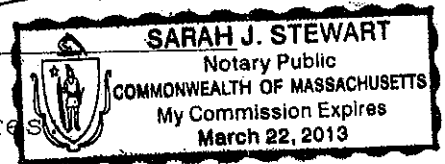
ESSEX, ss.

June 15, 2010

Then personally appeared the above-named Paul Fitzgerald, proved his identification to me through satisfactory evidence, to wit: a Massachusetts Driver's License, and acknowledged the foregoing to be his free act and deed, given for the purposes therein stated, before me,


Notary Public

My Commission Expires



COMMONWEALTH OF MASSACHUSETTS

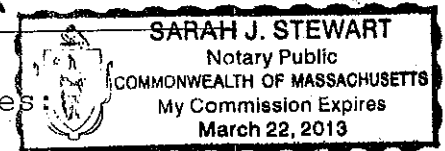
ESSEX, ss.

June 15, 2010

Then personally appeared the above-named Michael E. Casey, proved his identification to me through satisfactory evidence, to wit: a Massachusetts Driver's License, and acknowledged the foregoing to be his free act and deed, given for the purposes therein stated, before me,


Notary Public

My Commission Expires

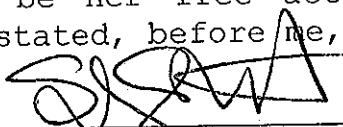


COMMONWEALTH OF MASSACHUSETTS

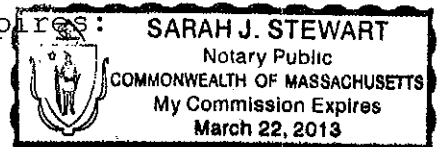
ESSEX, ss.

June 15, 2010

Then personally appeared the above-named Barbara Perry, proved her identification to me through satisfactory evidence, to wit: a Massachusetts Driver's License, and acknowledged the foregoing to be her free act and deed, given for the purposes therein stated, before me,

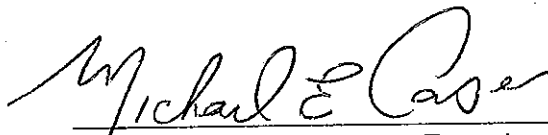

Notary Public

My Commission Expires



ACCEPTANCE:

I hereby accept the foregoing Authorization to Sign Grant of Environmental Restriction and Notice of Activity and Use Limitation, on behalf of the said Gateway Condominium:


Michael E. Casey, Trustee of
The Gateway Condominium Trust
and Not Individually

COMMONWEALTH OF MASSACHUSETTS

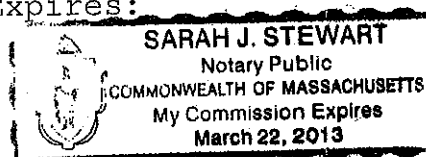
ESSEX, ss.

June 15, 2010

Then personally appeared the above-named Michael E. Casey, proved his identification to me through satisfactory evidence, to wit: a Massachusetts Driver's License, and acknowledged the foregoing to be his free act and deed, given for the purposes therein stated, before me,

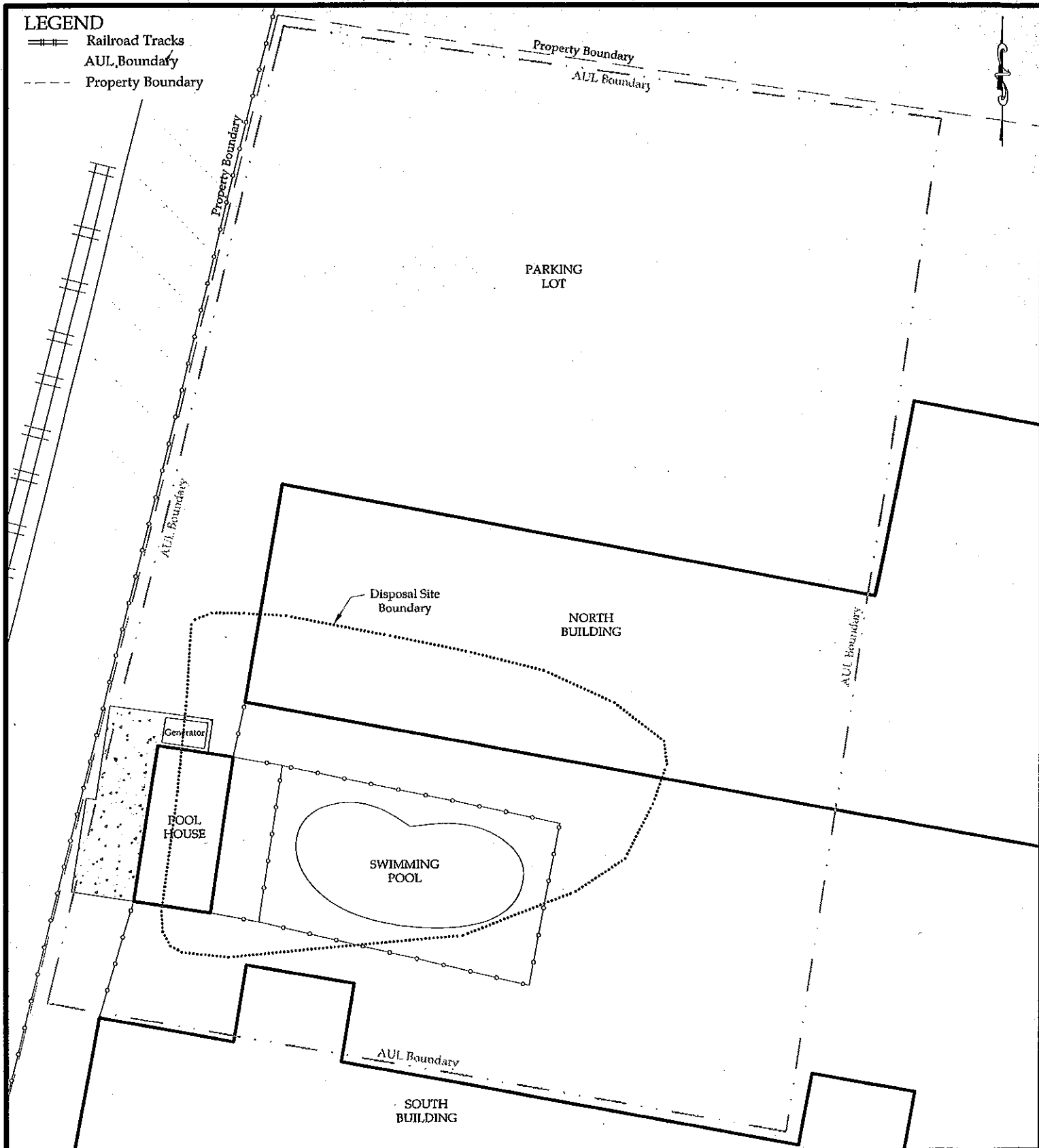

Notary Public

My Commission Expires:



LEGEND

- ==== Railroad Tracks
- - - - AUL Boundary
- - - - Property Boundary



LESSARD ENVIRONMENTAL

100 Cummings Center Suite 229C, Beverly, MA 01915 ph: 978-338-5541 fax: 978-338-5542
7 Austin Ave. Smithfield, RI 02828 ph: 401-349-3699 fax: 401-349-3698

EXHIBIT B: AUL Area in Relation to Disposal Site Boundary

PROJECT# 1785

CLIENT: Gateway Condominiums

SITE ADDRESS: 58-60 Rantoul Street, Beverly, MA

SCALE: 1" : 20'

DRAWN BY: CRD/JRC/RJK

DATE: 12-7-10

NOTES:

1. All Locations on this Figure are approximate.
2. This plan is based on 4-30-07, 9-10-07, and 1-25&31-08 level line survey conducted by LEI and field observations made by LEI.

SCALE BAR: 1 inch = 30 feet

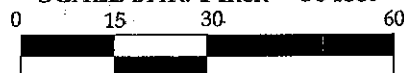


EXHIBIT C

Activity and Use Limitation Opinion
Gateway Condominium
58-60 Rantoul Street
Beverly, MA 01915
MA DEP RTN 3-0808

In accordance with the requirements of 310 CMR 40.1074, this Activity and Use Limitation (AUL) Opinion has been prepared to support a Notice of Activity and Use Limitation for a portion of the property located at 58-60 Rantoul Street in Beverly, Massachusetts (hereinafter the "Site"). As illustrated by Exhibit B Plan of Land Activity & Use Limitation Area attached hereto, two buildings are within the AUL bounds. The area within the AUL bounds is asphalt paved parking, patio paving blocks and landscaped areas.

Site History

The Site is situated between Rantoul Street and the MBTA commuter rail line. The property where the Disposal Site is located is identified as Lot 77 on the Town Assessor's Map 4. The property is currently a condominium complex with one seven-story building (North Building), one five story building (South Building), a pool house, court yard and above- and below-ground parking. The buildings are currently occupied. The North Building was constructed in approximately 1988 and the South Building was renovated from its historical use as the Aulson Tanning Machine Company to the existing condominiums. A swimming pool was installed in the approximate location of the tank grave of the 10,000 gallon UST known to have been the source of the #6 fuel oil release. The pool house was previously a boiler room.

In April 1987, Jet-Line removed a 10,000-gallon #6 fuel oil UST from 60 Rantoul Street. Upon removal, it was evident that a volume of oil had been released to the subsurface from the UST. The tank was emptied, removed from the Site and disposed of by Jet-Line. According to a report entitled "*Amended Report on Underground Tank Removal at 58-60 Rantoul Street*" dated August 20, 1987, 150

cubic yards of #6 fuel oil contaminated soil was removed from the area around and beneath the 10,000-gallon UST. Visual and olfactory observations were reportedly utilized to assess the extent of fuel oil impacts. It was estimated that approximately 400 cubic yards of impacted soil remained on the Site. Soil impacts were identified as extending approximately 40 feet to the northwest with trace oil observed approximately 25 feet to the northeast. No additional assessment was conducted at the Site until LEI was contracted in February 2007 to provide LSP services.

In April 2007 soil borings revealed significant fuel oil impacts north of the swimming pool. A second RTN was subsequently issued for the Site when over 7 feet of non-aqueous phase liquid (NAPL) was detected in a newly installed monitoring well. The new reporting condition was assigned RTN 3-26792 which was linked to RTN 3-0808 on June 22, 2007.

LEI has since identified the Disposal Site Boundaries through additional soil, groundwater and soil vapor assessment. A combined Method 1 and Method 3 Risk Characterization has concluded that soil conditions at the Site represent a condition of *No Substantial Hazard* for current Site use.

Reason for Activity and Use Limitation

Exposure point concentrations for compounds of concern in soil the Site do not meet the applicable Method 1/S-1 Soil Standards required for closure without an AUL. A condition of *No Significant Risk* to human health, safety, public welfare, and the environment is not present for all foreseeable future Site activities and use. A condition of *No Significant Risk* does exist for current Site use.

In order to maintain a level of *No Significant Risk* for future foreseeable Site activities and uses, an Activity and Use Limitation is necessary to ensure that the soil located beneath the Site remains inaccessible and the potential exposure pathways remain incomplete. Activities which may result in the disturbance of the soil must also be restricted in order to prevent exposures. The AUL will control future activities and uses to ensure that exposure scenarios do not change.

A condition of *No Substantial Hazard* exists and it is concluded that response actions to achieve a Permanent Solution are not currently feasible after the completion of a Phase III evaluation.

Permitted Activities and Uses

- i. Activities and uses including, but not limited to, vehicular parking, overland travel by pedestrians and vehicles, repaving, landscaping, and

structure removal / renovation which does not disturb or contact soil at a depth of greater than six (6) feet below grade;

- ii. Excavation, greater than six (6) feet below grade, associated with emergency short term (three months or less) underground utility and/or construction work, provided it is conducted in accordance with a Soil Management Plan and a Health and Safety Plan in accordance with Obligations and Conditions specified below in this Opinion;
- iii. Such other activities and uses which, in the Opinion of an LSP, shall present no greater risk of harm of health, safety, public welfare, or the environment than the activities and uses set forth in this paragraph.
- iv. All activities and uses in any interior spaces of the existing building and of the swimming pool and associated areas around the pool, including renovations and repairs thereto, on the condition that such use, renovation or repair does not result in excavation within the buildings beneath the existing basement floors, or to a depth more than six (6) feet below the existing grade.
- v. Such other activities and uses not identified as Restricted Activities and as detailed in the following section.

Restricted Activities and Uses

- i. Activities and/or uses which are likely to involve the removal and/or disturbance of soil greater than six (6) feet below grade in the AUL Area and not in accordance with Obligations and Conditions specified below;
- ii. Relocation of impacted soil from a depth greater than six (6) feet below grade unless an LSP renders an Opinion which states that such relocation is consistent with maintaining a condition of *No Substantial Hazard*;
- iii. Activities and/or uses which are likely to involve agricultural and/or horticultural uses of the impacted soil located beneath the pavement within the AUL Area;
- iv. Activities and/or uses which are likely to involve single-family residential use or recreational uses of the impacted soil located greater than six (6) feet below grade within the AUL Area;
- v. Building construction within the AUL area which does not prevent a direct exposure pathway for vapors to indoor air; and

- vi. Activities and/or uses which are likely to increase the mobility of the oil and/or hazardous material.

Obligations and Conditions

- i. A Soil Management Plan must be prepared by an LSP and implemented prior to the commencement of any activity that is likely to disturb impacted soil greater than six (6) feet below grade. The Soil Management Plan should describe appropriate soil excavation, handling, storage, transport and disposal procedures and include a description of the engineering controls and monitoring procedure necessary to ensure that workers and receptors in the vicinity are not affected by fugitive dust or particulates. On-site workers must be informed other requirements of the Soil Management Plan; and
- ii. A Health and Safety Plan must be prepared by an LSP, Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements and implemented prior to the commencement of any activity which involves the removal and/or disturbance which involves the removal and disturbance of soil greater than six (6) feet below grade. The plan should clearly describe the location of the impacted soil and specifically identify the types of personal protective equipment, monitoring devices, and engineering controls necessary to ensure that workers are not exposed to petroleum through dermal contact, ingestion, and/or inhalation of particulate dusts. Workers who may come in contact with impacted soil within the designated AUL Area must be informed of the location of the impacted soils and all requirements of the Health and Safety Plan.
- iii. Any buildings constructed within the AUL area must be designed by a qualified individual to prevent a direct exposure pathway for vapors to indoor air. The design should clearly describe the types of measures or engineering controls necessary to ensure that an exposure pathway does not exist.
- iv. Any activity that can result in increased mobility of the oil and/or hazardous material must be designed by a qualified individual to prevent migration of the oil and/or hazardous material. The design should clearly describe the types and measure or engineering controls necessary to minimize mobility and/or migration of the oil and/or hazardous material.

Please contact Edward Giordano with any questions related to the AUL Opinion or attached documents.

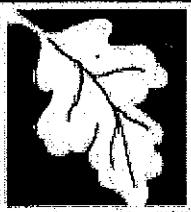
Sincerely,
Lessard Environmental, Inc.



Edward Giordano, LSP
LSP-of-Record

12/20/2010

Date



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC113A

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

3 - 808

A. DISPOSAL SITE LOCATION:

1. Disposal Site Name: GATEWAY TOWERS

2. Street Address: 58-60 RANTOUL STREET

3. City/Town: BEVERLY

4. ZIP Code: 01915-0000

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

- ☒ 1. Provide the LSP Opinion for a **Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1074.
- ☐ 2. Provide the LSP Opinion for an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement**, pursuant to 310 CMR 40.1080. Include BWSC113A as an attachment to BWSC113. Section A and C do not need to be completed.
- ☐ 3. Provide the LSP Opinion for an **Amended Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1081(4).
- ☐ 4. Provide the LSP Opinion for a **Partial Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(3).
- ☐ 5. Provide the LSP Opinion for a **Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(1)(d).
- ☐ 6. Provide the LSP Opinion for a **Grant of Environmental Restriction**, pursuant to 310 CMR 40.1071.
- ☐ 7. Provide the LSP Opinion for an **Amendment of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1081(3).
- ☐ 8. Provide the LSP Opinion for a **Partial Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(2).
- ☐ 9. Provide the LSP Opinion for a **Release of a Grant of Environmental Restriction**, pursuant to 310 CMR 40.1083(1)(c).
- ☐ 10. Provide the LSP Opinion for a **Confirmatory Activity and Use Limitation**, pursuant to 310 CMR 40.1085(4).

(Unless otherwise noted above, all sections of this form (BWSC113A) must be completely filled out, printed, stamped, signed with black ink and attached as an exhibit to the AUL Document to be recorded and/or registered with the Registry of Deeds and/or Land Registration Office.)

C. AUL INFORMATION:

1. Is the address of the property subject to AUL different from the disposal site address listed above?

☒ a. No ☐ b. Yes If yes, then fill out address section below.

2. Street Address: _____

3. City/Town: _____

4. ZIP Code: _____



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC113A

ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1056 & 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

3 - 808

D. LSP SIGNATURE AND STAMP:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this transmittal form, 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 309 CMR 4.03(2), and (iii) the provisions of 309 CMR 4.03(3), 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;

> if Section B indicates that an **Evaluation of Changes in Land Uses/Activities and/or Site Conditions after a Response Action Outcome Statement** is being submitted, this evaluation was developed 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;

> if Section B indicates that an **Amended Notice of Activity and Use Limitation or 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 40.1081;

> if Section B indicates that a **Termination or a Partial Termination of a Notice of Activity and Use Limitation, or a Release or Partial Release of 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 40.1083;

> 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;

> if Section B indicates that a **Confirmatory 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 40.1085(4);

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.

1. LSP #: 5448

2. First Name: EDWARD

3. Last Name: GIORDANO

4. Telephone: (401) 349-3699

5. Ext.: 6. FAX: (401) 349-3698

7. Signature: 

8. Date: mm/dd/yyyy

9. LSP Stamp:

