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2015 07-11-000  
Bk: 840 Pg: 188 Cert#: 142138  
Doc: NOT 09/28/2016 11:30 AM

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

Note: Pursuant to 310 CMR 40.1074(5), upon transfer of any interest in or a right to use the property or a portion thereof that is subject to this Notice of Activity and Use Limitation, the Notice of Activity and Use Limitation 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. Within 30 days of so incorporating the Notice of Activity and Use Limitation in a deed that is recorded or registered, a copy of such deed shall be submitted to the Department of Environmental Protection.

Disposal Site Name: 50 Fordham Road  
DEP Release Tracking No.: 3-0000518

This Notice of Activity and Use Limitation ("Notice") is made as of this 13<sup>th</sup> day of July, 2015, by Rosemarie Stanieich, Victoria J. Miyara, and Annette Maria Given as Trustees of the Wilmington Realty Trust, established by Declaration of Trust dated September 7, 1973, registered in the Middlesex North Registry District of the Land Court as Document No. 63541 and noted on Certificate of Title No. 19837 and registered further in the Middlesex South Registry of the Land Court as Document No. 515729 and noted on Certificate of Title No. 142138, together with their successors and assigns (collectively "Owner").

**WITNESSETH:**

WHEREAS, the Wilmington Realty Trust, of Wilmington, Middlesex County, Massachusetts is the owner in fee simple of those certain parcels of land located at 40 and 50 Fordham Road in Wilmington, Middlesex County, Massachusetts, with the buildings and improvements thereon;

WHEREAS, said parcels of land, which are more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property"), are subject to this Notice of Activity and Use Limitation. The Property is shown on plans registered in the Middlesex County North Registry District of the Land Court as Land Court Plan Nos. 31713-C, 34588-B, 34588-E, and 36899-B, and in the Middlesex County South Registry District of the Land Court as Land Court Plan No. 31713-D;

WHEREAS, a portion of the Property ("Portion of the Property") is more specifically subject to this Notice of Activity and Use Limitation. This 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 sketch plan attached hereto and filed herewith for registration;

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WHEREAS, the Portion of the Property comprises part of a disposal site as the result of a release of oil and/or hazardous materials. 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. Exhibit B is attached hereto and made a part hereof; and

WHEREAS, one or more response actions have been selected for the Portion of the Disposal Site in accordance with M.G.L. c.21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or groundwater, and (b) the restriction of certain activities occurring in, on, through, over or under the Portion of the Property. A description of the basis for such restrictions, and the oil and/or hazardous material release event(s) or site history that resulted in the contaminated media subject to the Notice of Activity and Use Limitation is attached hereto as Exhibit C and made part hereof.

NOW, THEREFORE, Notice is hereby given that the activity and use limitations set forth in this Notice of Activity and Use Limitation are as follows:

1. Activities and Uses Consistent with Maintaining No Substantial Hazard Conditions. The following Activities and Uses are consistent with maintaining a condition of No Substantial Hazard and, as such, may occur on the Portion of the Property pursuant to 310 CMR 40.0000:

- i. Industrial and commercial uses;
- ii. Such other activities which, in the Opinion of a Licensed Site Professional, 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
- iii. Such other activities and uses not identified in Paragraph 2 as being Activities and Uses inconsistent with maintaining No Substantial Hazard Conditions.

2. Activities and Uses Inconsistent with Maintaining No Substantial Hazard. The following Activities and Uses are inconsistent with maintaining a condition of No Substantial Hazard pursuant to 310 CMR 40.0000, and, as such, may not occur on the Portion of the Property:

- i. Residential, school, playground, park, or daycare use; and
- ii. In the area as defined by the Activity and Use Limitation ("AUL") boundary presented in Figure 1 of the Activity and Use Limitation Opinion annexed hereto as Exhibit C, activities that would result in exposure to or the disturbance of potentially contaminated soils, bedrock, groundwater, and indoor air, unless appropriate precautions to prevent human exposure are taken as described in paragraph 3 below.

3. Obligations and Conditions. The following obligations or conditions are necessary and shall be undertaken and/or maintained at the Portion of the Property to maintain a condition of No Substantial Hazard:

- i. The concrete floors within the footprint of the AUL boundary, if present, must be maintained in a condition that will prevent potential exposure to potentially contaminated soil, groundwater, and soil gas. Interior building floors will be inspected annually with repairs made to seal cracks larger than one-fourth (1/4) inch in width. The penetration of and the subsequent repairs made to the concrete floor of any buildings within the AUL boundary will be evaluated by a Licensed Site Professional to maintain the safety of construction and on-site workers.
- ii. Excavated soil and bedrock removed from the AUL area must be managed in accordance with the Soil Management Procedures pursuant to 310 CMR 40.0030.
  - a. If the soils and bedrock are suspected or are pre-determined by a Licensed Site Professional to be Remediation Waste as defined under 310 CMR 40.0006, then the soils and bedrock will be managed under a Release Abatement Measure ("RAM") set forth by the MCP at 310 CMR 40.0440, as determined by a Licensed Site Professional.
  - b. If the excavated soils and bedrock from the AUL area are determined not to be Remediation Waste, then they will be managed under a RAM or in accordance with the Similar Soils Provisions Guidance, WSC#-13-500, as determined by a Licensed Site Professional.
- iii. If groundwater dewatering activities are required within the AUL area, then the groundwater will be managed appropriately as described here:
  - a. If the groundwater is determined to be a Remediation Waste, then it will be managed under a Release Abatement Measure ("RAM") set forth by the MCP at 310 CMR 40.0440, as determined by a Licensed Site Professional.
  - b. If the groundwater removed from the AUL area is not determined to be a Remediation Waste, then other appropriate options may be used to manage the water as determined by a Licensed Site Professional.
- iv. Activities that could result in exposure to or the disturbance of soils, bedrock or groundwater in the AUL area, must be conducted in accordance with the performance standards for RAMs set forth by the MCP at 310 CMR 40.0440, the Soil Management Procedures pursuant to 310 CMR 40.0030, the Similar Soils Provisions Guidance (WSC#-13-500), Construction of Buildings in Contaminated Areas (Policy WSC#-00-425) and applicable Health and Safety

procedures outlined in 310 CMR 40.0018, as determined by a Licensed Site Professional.

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 a Licensed Site Professional who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes are inconsistent with maintaining a condition of No Substantial Hazard. 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 the AUL. 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 a Licensed Site Professional in accordance with 310 CMR 40.1080, and without additional response actions, if necessary, to maintain a condition of No Substantial Hazard.

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 a Licensed Site Professional in accordance with 310 CMR 40.1080, the owner or operator of the Portion of the Property subject to this Notice at the time 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 in accordance with 310 CMR 40.1074(5).

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 Licensed Site Professional, and recorded and/or registered with the appropriate Registry(ies) of Deeds and/or Land Registration Office(s).

[Remainder of Page Intentionally Left Blank]

WITNESS the execution hereof under seal this 13<sup>th</sup> day of July, 2015.

Rosemarie Stanicich  
Owner  
Rosemarie Stanicich, as  
Trustee of the Wilmington Realty Trust

Original/  
Trustee

COMMONWEALTH OF MASSACHUSETTS

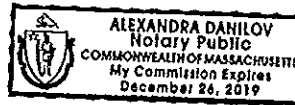
Middlesex, ss

July 13, 2015

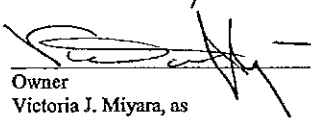
On this 13<sup>th</sup> day of July, 2015, before me, the undersigned notary public, personally appeared Rosemarie Stanicich (name of document signer), proved to me through satisfactory evidence of identification, which were Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as trustee for Wilmington Realty Trust.

Alexandra Danilov  
Notary Public:

My Commission Expires: 12-26-19



WITNESS the execution hereof under seal this 14<sup>th</sup> day of July, 2015

  
Owner  
Victoria J. Miyara, as  
Trustee of the Wilmington Realty Trust

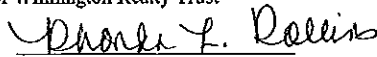
Appt  
1086045

COMMONWEALTH OF MASSACHUSETTS  
State of New Hampshire

Merrimack, ss

July 14<sup>th</sup>, 2015

On this 14<sup>th</sup> day of July, 2015 before me, the undersigned notary public, personally appeared Victoria J. Miyara (name of document signer), proved to me through satisfactory evidence of identification, which were FL. Drivers Lic., to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as trustee for Wilmington Realty Trust

  
Notary Public:  
My Commission Expires: 8/22/17



WITNESS the execution hereof under seal this 13<sup>th</sup> day of July, 2015

Annette Maria Given  
Owner

Annette Maria Given, as  
Trustee of the Wilmington Realty Trust

ADPT  
1086065

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

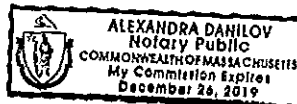
July 13, 2015

On this 13<sup>th</sup> day of July, 2015 before me, the undersigned notary public, personally appeared Annette Maria Given (name of document signer), proved to me through satisfactory evidence of identification, which were driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as trustee for Wilmington Realty Trust

Alexandra Danilo

Notary Public:

My Commission Expires: 12-26-19

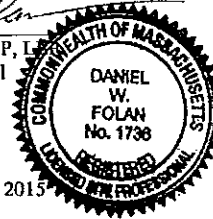


The undersigned Licensed Site Professional hereby certifies that in his Opinion this Notice of Activity and Use Limitation is consistent with maintaining a condition of No Substantial Hazard.

Date: 7-21-2015

Daniel W. Folan

Daniel W. Folan, PhD, PG, LSP, L  
Licensed Site Professional Seal



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

21 July, 2015

On this 21<sup>st</sup> day of July, 2015 before me, the undersigned notary public, personally appeared Daniel Folan (name of document signer), proved to me through satisfactory evidence of identification, which were Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Margaret V. Cleary  
Notary Public: Margaret V. Cleary  
My Commission Expires: May 23, 2019

Upon recording, return to:

Ronald Dardeno, Esq.  
Law Offices of Frank N. Dardeno LLP  
424 Broadway  
Somerville, MA 02145-2619

and

Beth M. Kramer, Esq.  
Associate General Counsel -- Energy,  
Environment, Safety & Health  
Lockheed Martin Corporation  
6801 Rockledge Drive  
Bethesda, MD 20817





LEGAL DESCRIPTION

LOT 4 and LOT 6

Two (2) certain parcels of land located in the Town of Wilmington, County of Middlesex, Massachusetts; said two (2) parcels of land located easterly of Fordham Road, in Wilmington, Massachusetts; and said two (2) parcels of land shown as Lot 4 and Lot 6 on "Plan of land in Wilmington, Mass." dated February 28, 1978, Dana P. Perkins & Assoc., Inc., Civil Engineers and Surveyors, Reading-Lowell, Massachusetts; which plan is filed in Middlesex North Registry District of the Land Court, as Plan No. 36899-B.

The said two (2) parcels of land are bounded and described as follows:

LOT 4 as shown on said plan.

- NORTHWESTERLY: by land now or formerly of Carl Realty, Inc., seven hundred thirty-one and 40/100 (731.40) feet;
- NORTHEASTERLY: by Lot 6 as shown on said plan, two hundred seventy-five and 02/100 (275.02) feet;
- EASTERLY: by Lot 3 as shown on said plan, ninety-two and 44/100 (92.44) feet; and
- SOUTHEASTERLY: by land now or formerly of George E. Dunn, along the Town Line dividing Wilmington and North Reading, seven hundred fifty-five and 87/100 (755.87) feet; and
- SOUTHWESTERLY: by land now or formerly of South Mass. Land Developers, Inc., two hundred thirty and 27/100 (230.27) feet.

LOT 6 as shown on said plan.

- NORTHWESTERLY: by land now or formerly of Carl Realty, Inc., two hundred ninety-seven and 00/100 (297) feet;
- SOUTHEASTERLY: by Lot 5 as shown on said plan, four hundred thirty-five and 67/100 (435.67) feet; and
- NORTHEASTERLY: by Lot 4 as shown on said plan, two hundred seventy-five and 02/100 (275.02) feet.

For title of Trustees of THE WILMINGTON REALTY TRUST to said Lot 4 and Lot 6, see Middlesex North Registry District of the Land Court, Certificate of Title No. 19892, recorded in Registration Book 102, Page 93.

LOT 7

A certain parcel of land with the buildings thereon, located in the Town of Wilmington, County of Middlesex, Commonwealth of Massachusetts, said parcel shown as Lot 7 upon a plan entitled "Subdivision Plan of Land in Wilmington, Mass.", dated September 21, 1983, Dana F. Perkins and Assoc., Inc., Surveyors, and filed with the Engineering Division of the Land Court of Massachusetts as Plan 31713C.

For Owner's title, see Middlesex North County Registry District of the Land Court, Certificate of Title No. 19837 and Certificate of Title No. 19838.

LOT 10

A certain parcel of land, located in the Town of North Reading, County of Middlesex, Commonwealth of Massachusetts, said parcel shown as Lot 10 upon a plan entitled "Plan of Land in NORTH READING & WILMINGTON, MASS.", dated September 21, 1983, DANA F. PERKINS and Assoc., Inc., Civil Engineers and Surveyors, and filed with the Engineering Division of the Land Court of Massachusetts as Plan 31713C and Plan 31713D bounded and described as follows:

- NORTHERLY by the Town Line between North Reading and Wilmington, as shown on said Plan, nine hundred seven and 69/100 (907.69) feet;
- NORTHWESTERLY by land shown on said Plan as "Town of North Reading", ninety-eight and 43/100 (98.43) feet;
- SOUTHEASTERLY by Lot 9, as shown on said Plan, four hundred twenty-three and 18/100 (423.18) feet;
- SOUTHWESTERLY by Lot 9, as shown on said Plan, one hundred ten and 41/100 (110.41) feet;
- SOUTHEASTERLY by Lot 9, as shown on said Plan, three hundred ninety and 49/100 (390.49) feet; and
- SOUTHWESTERLY by Lot 9, as shown on said Plan, two hundred forty-eight and 36/100 (248.36) feet.

Said Lot 10, all within the town of North Reading, comprises 3.91 acres of land, more or less (170,877) square feet of land, more or less, as shown on said Plan.

Said Lot 10 is a subdivision of certain lots, title to which is registered in the Land Registration Office, South Registry District of Middlesex County, and as follows:

- of Lot 26, as shown on Plan No. 31652-A (Certificate of Title No. 142137); and
- of Lot 6, as shown on Plan No. 31713-B (Certificate of Title No. 142138), Sk. 870-138

LOT 30

That certain parcel of land situate in Wilmington, County of Middlesex, Commonwealth of Massachusetts bounded and described as follows:

- SOUTHWESTERLY by the Northeasterly line of Fordham Road, two hundred fifty (250) feet;
- NORTHWESTERLY by land now or formerly of Carl Realty, Inc., six hundred seventy-two and 36/100 (672.36) feet;
- EASTERLY by land now or formerly of So. Mass. Land Developers, Inc., two hundred fifty-five and 07/100 (255.07) feet; and
- SOUTHEASTERLY by land now or formerly of Carl Realty, Inc., six hundred twenty-one and 74/100 (621.74) feet.

All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 34588-B, drawn by Dana F. Perkins & Sons, Inc., Surveyors, dated April 3, 1968, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of title 16261, and said land is shown as Lot thirty (30) on said plan.

Being the same premises evidenced by Certificate of Title No. 19839 (Middlesex North Registry District). *SL. 102-77*

LOT 33

That certain parcel of land situate in Wilmington, in the County of Middlesex Commonwealth of Massachusetts, bounded and described as follows:

WESTERLY by the Easterly line of Fordham Rd. by several lines measuring together, eleven hundred eighty-seven and 97/100 (1,187.97) feet;

NORTHEASTERLY by land now or formerly of Carl Realty, Inc., five hundred thirty-two and 01/100 (532.01) feet;

NORTHEASTERLY again by land now or formerly of Max Siegel et al, two hundred ninety-seven (297) feet;

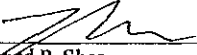
EASTERLY by land now or formerly of So. Mass. Land Developers, Inc., five hundred ninety-nine and 28/100 (599.28) feet; and

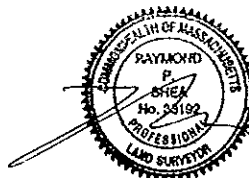
SOUTHEASTERLY by Lot 30, six hundred seventy-two and 36/100 (672.36) feet.

All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 34588-E, drawn by Dana F. Perkins and Sons, Inc., Surveyors, dated January 27, 1969, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 16620, and said land is shown as Lot thirty-three (33) on said plan.

Being the same premises evidenced by Certificate of Title No. 19840 (Middlesex North Registry District). 02-102-77

THE ABOVE DESCRIPTIONS ARE TAKEN FROM LAND COURT RECORD DOCUMENT NUMBER 172247  
NORTH MIDDLESEX COUNTY

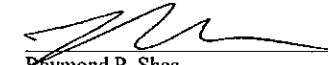
  
Raymond P. Shea  
Massachusetts PLS No. 33192  
Holden Engineering & Surveying, Inc.

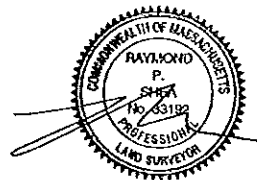


### AUL BOUNDARY LEGAL DESCRIPTION

Beginning at a stone bound on the easterly sideline of Fordham Road at the northwest corner of lot ID 91-131 Lot 7 and the southwest corner of lot ID 91-131A Lot 30 and the point of beginning of the AUL Boundary, thence along the easterly sideline of Fordham Road North  $11^{\circ} 54' 17''$  West 285.10 feet past the northwest corner of lot ID 91-131 Lot 30 to lot ID 91-131A Lot 33, thence over lot ID 91-131A Lot 33 North  $81^{\circ} 02' 45''$  East 443.90 feet, thence over lot ID 91-131A Lot 33, North  $16^{\circ} 31' 27''$  West 142.97 feet, thence over lot ID 91-131A Lot 33, North  $75^{\circ} 45' 44''$  East 108.12 feet, thence over lot ID 91-131A Lot 33, North  $01^{\circ} 02' 35''$  West 85.99 feet, thence over lot ID 91-131A Lot 33, and lot ID 99-1 Lot 4 North  $78^{\circ} 32' 00''$  East 334.19 feet, thence over lot ID 99-1 Lot 4 South  $07^{\circ} 25' 18''$  East 335.96 feet, thence over lot ID 99-1 Lot 4 and lot ID 213-212 Lot 10 and along lot ID 213-2-11 South  $12^{\circ} 48' 00''$  East 847.35 feet, to the southeast corner of the AUL Boundary and southeast corner of lot ID 91-131 Lot 7 at land of lot ID 213-2-11 thence along lot ID 213-2-11 South  $72^{\circ} 23' 59''$  West 293.36 feet, thence along lot ID 213-2-11 South  $63^{\circ} 19' 49''$  West 26.31 feet, thence along lot ID 213-2-11 South  $63^{\circ} 19' 49''$  West 88.69 feet, thence along lot ID 213-2-11 South  $25^{\circ} 37' 41''$  East 80.00 feet, thence along lot ID 213-2-11 South  $64^{\circ} 22' 25''$  West 255.00 feet to the southwesterly corner of the AUL Boundary and southwesterly corner of lot ID 91-131 Lot 7 at the easterly sideline of Fordham Road, thence along the easterly sideline of Fordham Road North  $48^{\circ} 17' 49''$  West 84.60 feet to a point of curvature, thence along the easterly sideline of Fordham Road having a curve to the right having a Radius of 1081.41 feet and a length of 659.84 feet and a chord bearing of North  $29^{\circ} 23' 07''$  West 649.65 feet to the point of tangency, thence along the easterly sideline of Fordham Road North  $11^{\circ} 54' 17''$  West 200.00 feet to the point of beginning.

Containing 970,499 Square Feet or 22.280 Acres

  
Raymond P. Shea  
Massachusetts PLS No. 33192  
Holden Engineering & Surveying, Inc.



**EXHIBIT A-2**

**PLAN OF THE PORTION OF THE PROPERTY SPECIFICALLY SUBJECT TO THE  
AUL PREPARED BY REGISTERED LAND SURVEYOR**





**EXHIBIT B**

**RELATIONSHIP OF THE PORTION OF THE PROPERTY SUBJECT TO THE AUL  
TO THE BOUNDARIES OF THE DISPOSAL SITE (Sketch Plan)**



## **EXHIBIT C - ACTIVITY AND USE LIMITATION OPINION**

### **Purpose of the AUL**

This Notice of Activity and Use Limitation ("AUL") provides notice to current and future interest holders of the property commonly known as 50 Fordham Road (including the addresses of 40 and 50 Fordham Road), Wilmington, Massachusetts (the "Property") of residual contamination remaining at the Property. It should be noted that this AUL is being used voluntarily, in accordance with Section 40.1012(3)(h) of the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000, and is not required by the MCP, to confirm certain assumptions regarding future uses at the Property for purposes of Risk Characterization of human health and ecological risks at the Disposal Site. This AUL describes certain restrictions upon the use of the Property to promote the ongoing protection of human health and the environment.

This AUL will serve as a notification, concerning appropriate health and safety measures to be taken during any future construction-related or other activities that disturb the subsurface, including (but not limited to) penetration of concrete building slabs, subsurface soil or bedrock excavations and groundwater dewatering activities. It will also be protective of human health and the environment by requiring that any contaminated media generated during construction activities be managed in accordance with Massachusetts Contingency Plan (MCP) Soil Management procedures as described in 310 CMR 40.0030 and the Massachusetts Department of Environmental Protection (MassDEP) guidance documents, including Construction of Buildings in Contaminated Areas (Policy WSC#-00-425) and the Similar Soils Provisions Guidance (WSC#-13-500), as determined by a Licensed Site Professional ("LSP").

### **Relevant Property History**

Contamination of the Stickney Well, a currently inactive public supply well for the town of North Reading, was discovered in the late 1970s. Subsequent investigations of multiple surrounding properties, including the Property (formerly owned and operated by GE Aerospace (sometimes referred to as "GE" herein)), began in the early 1980s. The Property has been subject to remedial investigations and cleanup since 1986, when the MassDEP (then the Department of Environmental Quality Engineering or DEQE) issued GE a Notice of Responsibility. In 1987, the MassDEP

classified the former GE facility as a Priority Disposal Site,<sup>1</sup> and in 1994 the MassDEP assigned Release Tracking Number (RTN) RTN-3-0518 to the site.<sup>2</sup>

The Property has had a history of manufacturing processes that have contributed to releases of fuels, oils, solvents, and metals to the environment. Analytical data have shown that six primary types of organic and inorganic compounds are associated with RTN 3-0518. These include chlorinated volatile organic compounds (CVOCs); total petroleum hydrocarbons (TPH); benzene, toluene, ethyl benzene and xylenes (BTEX) compounds; methyl tertiary butyl ether (MTBE); several metals; and light non-aqueous phase liquids (LNAPL) identified as Stoddard fuel (solvent). Known impacted areas of the Property include four separate operating units (OU), as well as the Tank F and Building 1 Areas, and are summarized in the following table and shown on the attached Figure 1. These areas are designated "Restricted Areas."

Restricted Areas	Description	Affected Media	Compounds of Concern	Regulatory Status
OU-1	Former Tank Farm source area and adjacent Eastern Parking Lot (EPL). Tank Farm had 4 underground storage tanks (USTs) removed in 1987.	Vadose zone soils, and shallow groundwater	Stoddard Solvent LNAPL in groundwater and extractable petroleum hydrocarbons (EPH)-volatile petroleum hydrocarbons (VPH) in both soils and groundwater; associated arsenic	Open
OU-2	Former Tank Farm source area and down-gradient plume on- and off-property	Groundwater	CVOCs and 1,4-dioxane	Open
OU-3	Storm water/Waste water Outfalls 001 and 002	Sediment	Metals and petroleum hydrocarbons	Closed, Partial Class A-2 Response Action Outcome (RAO) (Submitted 2004)

<sup>1</sup> Under 310 CMR 40.0006 (1)(b), the term "Disposal Site" is used to refer to a place or area where an uncontrolled release of oil and/or hazardous material from or at a site or vessel has come to be located.

<sup>2</sup> Martin Marietta acquired GE Aerospace in 1993 and subsequently Martin Marietta and Lockheed merged to form Lockheed Martin Corporation.

Restricted Areas	Description	Affected Media	Compounds of Concern	Regulatory Status
OU-4	Former Tank K source area and immediately down-gradient of plume.	Vadose zone soils and shallow groundwater	Gasoline related petroleum hydrocarbons (VOCs) from former gasoline UST. UST was removed in 1986.	Closed, Partial Class A-2 RAO (Submitted 2010)
Tank F/Building 1 Area	Former Tank F area and area below concrete slab of Building 1	Vadose zone soils and groundwater	CVOCs and petroleum hydrocarbons	Open

#### OU-1 Area

The Response Actions taken at the Tank Farm/EPL Petroleum Area (OU-1) have included LNAPL recovery, removal of Building 3 and the Oil House/drum storage, and excavation and off-site disposal of petroleum contaminated soil. Since 2011, LNAPL gauging has indicated the absence of measurable LNAPL in any wells that have been gauged. Soil impacts in the OU-1 appear to be consistent with current MCP Industrial/Commercial standards; however, the deeper groundwater and down-gradient plume is impacted with the CVOCs emanating from the former Tank Farm OU-2 Area (see below).

#### OU-2 Area

The Response Actions taken at the Tank Farm CVOC Source Area (OU-2) have been extensive and included:

- Removal in 1987 of four Underground Storage Tanks ("USTs") at the Tank Farm (Tank D, a 10,000-gal "waste fuel" tank that received waste fuel and oil, thinners, and solvents; Tank G, a 10,000-gal tank used for storing jet fuel and oil; Tank H, a 1,000-gal tank used for storing JP-4 jet fuel; and Tank I, a 500-gal tank used for storing methanol).
- Groundwater pump and treat at the Tank Farm Area between 1993 and 2002. During operation, approximately 1.9 million gallons of groundwater were treated, and approximately 31 pounds of VOCs were removed from the groundwater.
- Groundwater pump and treat in a bedrock well (TRC-202R) located down-gradient of the Tank Farm Area between 2003 and 2008. During operation, approximately 4.3 million gallons of groundwater were treated, and approximately 159 pounds of VOCs were

removed from the groundwater. Groundwater data trends did not indicate significant reductions in contaminant concentrations. The system remains shut down at the present time.

- Addition of a remedial treatment solution known as Emulsified Zero Valent Iron (EZVI) in 2005 through 2006. EZVI was injected directly into bedrock fractures and into the overburden-bedrock interface within the Tank Farm Area. The EZVI treatment was not considered successful.
- Analysis of monitored natural attenuation (MNA) geochemical and microbiological parameters in 2012 for groundwater, indicating conditions supportive of limited enhanced reductive dechlorination. A review of plume geometry and other trends indicate that the off-site CVOC impacts appear to be stable or shrinking.
- Additional groundwater investigation activities from 2012 through 2014 in the Tank Farm, the EPL and off-site in the adjacent wetland areas. This work is on-going and the data will be evaluated and presented in a Supplemental Phase II report in the future.

#### **OU-3 and OU-4 Areas**

Areas within OU-3 and OU-4 have been remediated and closed under the MCP in 2004 and 2010, respectively. Response Actions taken at OU-3 included excavation of metal-impacted sediments and wetland restoration. Response Actions taken at OU-4 have included UST removal, soil excavation, and biosparge/soil vapor extraction. Although these areas have been closed under the MCP, it should be noted that contaminated media were cleaned up to Industrial/Commercial standards and that low level impacts may remain. That is, the soil, sediments and groundwater have not been cleaned up to conditions such that these locations would be suitable for Residential, Institutional, or park/playground land use without first completing further response actions.

#### **Tank F and Building 1 Areas**

Tank F, formerly located on the southwest side of Building 1 on the former GE facility property, which received acid and caustic wastes plus other degreasing solvent and fuel wastes through floor drains from Building 1, was removed from the Property in 1990. No obvious impacts were

observed during its removal or from samples obtained from soils and other liquids associated with the tank prior to its removal. No remedial efforts have been associated with this tank area.

Investigation results suggest CVOC impacts in the southwestern area of Building 1 and/or the former Tank F area. Shallow groundwater in the overburden does not exhibit elevated CVOC concentrations; however, bedrock wells in this area exhibited much higher concentrations of both PCE and TCE. In June 1987, a small tank was removed adjacent to Tank F and field screening levels of VOCs ranging from 100 to 200 parts per million (ppm) were encountered near the bottom of the excavation. In addition, sampling of sediment from within the chase troughs in Building 1 exhibited petroleum hydrocarbon and CVOC impacts. Soils within the top foot under the metals finishing floor sumps indicated low levels of CVOCs.

Sub-slab and indoor air sampling has been conducted within Building 1 between 2009 through 2014. Elevated levels of petroleum hydrocarbons and CVOCs have been detected below the concrete slab of Building 1. Low levels of CVOCs have also been detected in indoor air samples, however, they have consistently been below MassDEP available MA Commercial/Industrial (C/I) Threshold Values and do not pose a risk to industrial/ commercial workers. It is therefore the opinion of the LSP that industrial and commercial use is a permissible use under the AUL.

In 2013 and 2014, additional soil and groundwater investigation activities have been performed underneath Building 1. This work is on-going and the data will be evaluated and presented in a Supplemental Phase II report in the future.

#### **Nature and Extent of Contamination**

The lateral extent of the MCP Disposal Site encompasses a large portion of the Property as shown on the attached Figure 1. Within this site boundary, residual levels of contaminants are likely present within soil or groundwater or both. Higher concentrations are expected within the Operable Units and the Tank F/Building 1 Areas than in areas outside of these designated areas. However, low level residual contamination above applicable MCP standards may be present in areas outside of these areas within the Disposal Site boundary. The AUL boundary has been set to encompass a large portion of the Property, including the Restricted Areas, but exclusive of the

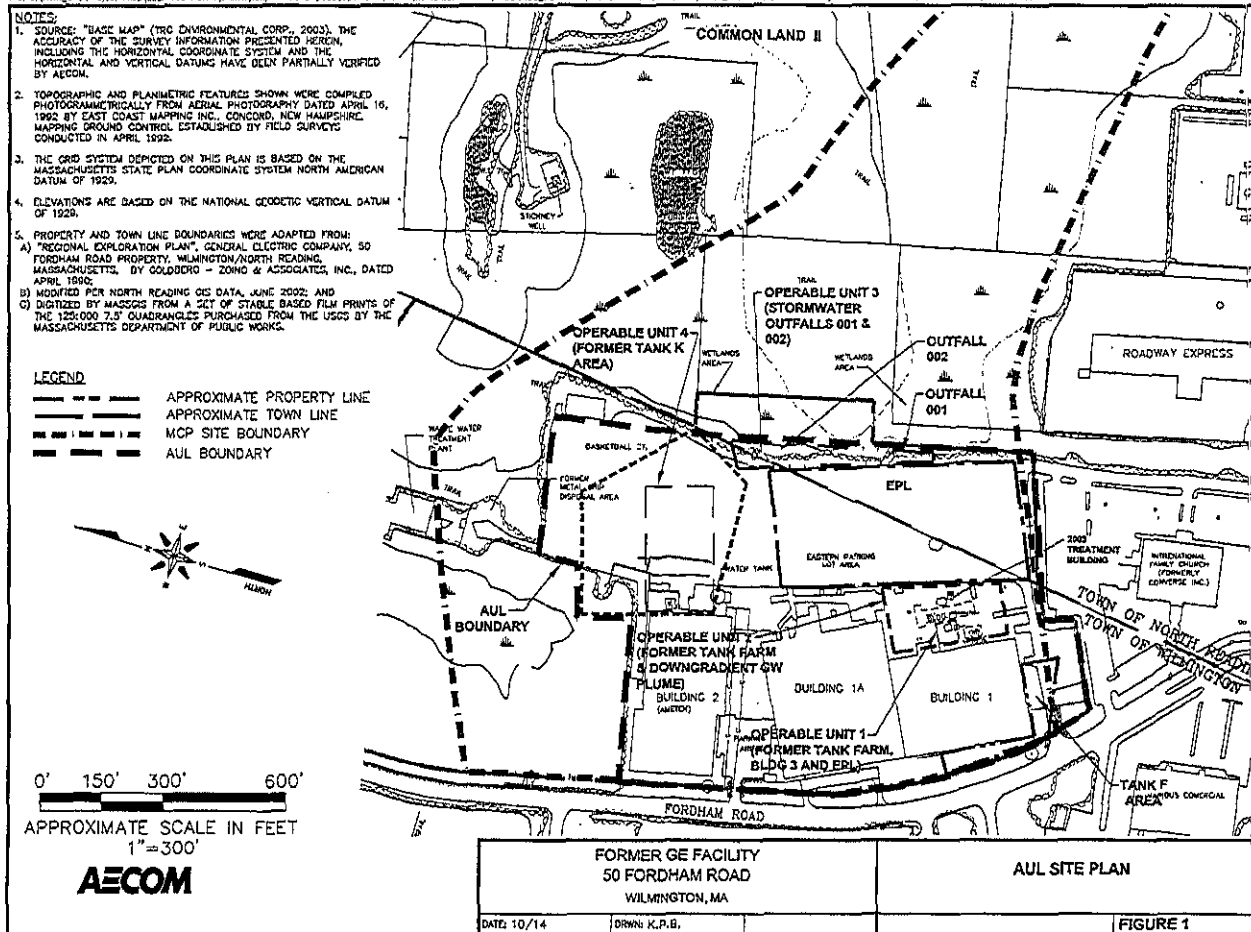
northern wetland areas where future construction-related activities are considered to be highly unlikely, and exclusive of the areas beneath and between Buildings 1A and 2.

#### **Recommendations**

It is the opinion of the LSP that the restrictions on Activities and Uses of the Property and the Obligations and Conditions contained in the AUL are appropriate, based on the foregoing.



File: J:\Rev\_Eng\Project Files\Lockheed Martin\Wilmington, MA 2012\002672\14\Project Implementation Files\0001\002\_2013-04\AUL Site Plan 2.dwg Layout: AUL-0 (3) User: baryk Plot: Oct 13, 2014 - 2:04pm Units:



Doc 01711502

Southern Middlesex LAND COURT  
Registry District

RECEIVED FOR REGISTRATION

On: Sep 28, 2015 at 11:30A

Document Fee 75.00

Receipt Total: \$182.00

NOTED ON: CERT 142138 BK 00840 PG 122

ALSO NOTED ON:

I HEREBY ATTEST AND CERTIFY ON 01/14/2015  
THAT THE FOREGOING DOCUMENT IS A FULL, TRUE AND  
CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY  
MARIA C. CURTATONE  
ASST RECORDER  
LAND COURT

BY



(2)

2015 07/11/507  
Bk: 00840 Pg: 188 Cert#: 142138  
Doc: CERT 09/28/2015 11:30 AM

WILMINGTON REALTY TRUST  
TRUSTEES' CERTIFICATE

The undersigned, Rosemarie Stanieich, Victoria J. Maiyara, and Annette Maria Given, as Trustees of Wilmington Realty Trust under Declaration of Trust dated September 7, 1973, registered in the Middlesex North Registry District of the Land Court as Document No. 63541 and noted on Certificate of Title No. 19837 and registered further in the Middlesex South Registry of the Land Court as Document No. 515729 and noted on Certificate of Title No. 142138 (the "Trust"), hereby certify as follows:

1. That they are all of the current Trustees of the Trust;
2. That the Trust is in full force and effect and has not been revoked, terminated or rescinded in whole or in part;
3. That the undersigned Trustees have been duly authorized and specifically directed by all of the beneficiaries of the Trust to execute, acknowledge and deliver that certain Activity and Use Limitation with respect to the property owned by the Trust and having an address of 50 Fordham Road in Wilmington, Massachusetts, and;
4. No beneficiary of the Trust is a minor, a Massachusetts corporation selling all or substantially of all its Massachusetts assets, or a personal representative of an estate subject to an estate tax lien, deceased, or under any other legal incapacity.

EXECUTED as a sealed instrument this 2<sup>nd</sup> day of July, 2015

WILMINGTON REALTY TRUST

Rosemarie Stanieich  
Rosemarie Stanieich, as Trustee and not individually

original  
Trustee  
515729

Victoria J. Maiyara  
Victoria J. Maiyara, as Trustee and not individually

ADPT  
10/26/04/5

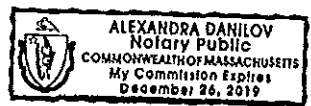
Annette Maria Given  
Annette Maria Given, as Trustee and not individually

THE COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

On this 13<sup>th</sup> day of July, 2015 before me, the undersigned notary public, personally appeared Rosemarie Stanieich, proved to me through satisfactory evidence of identification, which was [ ☒ ] photographic identification with signature issued by a federal or state government agency, [ ☐ ] oath or affirmation of a credible witness, or [ ☐ ] personal knowledge of the undersigned, to be the person whose name is signed on the preceding document as Trustee of Wilmington Realty Trust as aforesaid and acknowledged to me that she signed it voluntarily, for its stated purpose.

Alexandra Danilo  
Notary Public  
Name: Alexandra Danilo  
My Commission Expires: 12-26-19



142138 - 840 - 188

5

~~THE COMMONWEALTH OF MASSACHUSETTS~~  
THE STATE OF NEW HAMPSHIRE

Merrimack  
County of Middlesex, ss.

On this 14<sup>th</sup> day of JULY, 2015 before me, the undersigned notary public, personally appeared Victoria J. Maiyara proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, or ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding document as Trustee of Wilmington Realty Trust as aforesaid and acknowledged to me that she signed it voluntarily, for its stated purpose.



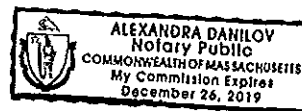
*Rhonda L. Rollins*  
Notary Public  
Name: Rhonda L. Rollins  
My Commission Expires: 8/22/17

THE COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

On this 18<sup>th</sup> day of July, 2015 before me, the undersigned notary public, personally appeared Annette Maria Given proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, or ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding document as Trustee of Wilmington Realty Trust as aforesaid and acknowledged to me that she signed it voluntarily, for its stated purpose.

*Alexandra Danilov*  
Notary Public  
Name: Alexandra Danilov  
My Commission Expires: 12-26-19



(2)

Doc 01711507

Southern Middlesex LAND COURT  
Registry District

RECEIVED FOR REGISTRATION

On: Sep 28, 2015 at 11:30A

Document Fee 75.00

Receipt Total: \$152.00


NOTED ON: CERT 142138 BK 00840 PG 182

ALSO NOTED ON:

Stephen Rymaszewski 017 694 3567

NAME Franklin St, 7th Floor  
STREET ADDRESS 265  
CITY OR TOWN Boston ZIP 02110

10/14/2015  
I HEREBY ATTEST AND CERTIFY ON  
THAT THE FOREGOING DOCUMENT IS A FULL, TRUE AND  
CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY  
MARIA C. CURTATONE  
ASST RECORDER  
LAND COURT

BY 



Cert: 19837 Bk: 102 Pg: 73  
Recorded: 09/28/2015 11:50 AM

**NOTICE OF ACTIVITY AND USE LIMITATION**

M.G.L. c. 21E, §6 and 310 CMR 40.0000

Note: Pursuant to 310 CMR 40.1074(5), upon transfer of any interest in or a right to use the property or a portion thereof that is subject to this Notice of Activity and Use Limitation, the Notice of Activity and Use Limitation 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. Within 30 days of so incorporating the Notice of Activity and Use Limitation in a deed that is recorded or registered, a copy of such deed shall be submitted to the Department of Environmental Protection.

Disposal Site Name: 50 Fordham Road  
DEP Release Tracking No.: 3-0000518

This Notice of Activity and Use Limitation ("Notice") is made as of this 13<sup>th</sup> day of July, 2015, by Rosemarie Stanieich, Victoria J. Miyara, and Annette Maria Given as Trustees of the Wilmington Realty Trust, established by Declaration of Trust dated September 7, 1973, registered in the Middlesex North Registry District of the Land Court as Document No. 63541 and noted on Certificate of Title No. 19837 and registered further in the Middlesex South Registry of the Land Court as Document No. 515729 and noted on Certificate of Title No. 142138, together with their successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, the Wilmington Realty Trust, of Wilmington, Middlesex County, Massachusetts is the owner in fee simple of those certain parcels of land located at 40 and 50 Fordham Road in Wilmington, Middlesex County, Massachusetts, with the buildings and improvements thereon;

WHEREAS, said parcels of land, which are more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property"), are subject to this Notice of Activity and Use Limitation. The Property is shown on plans registered in the Middlesex County North Registry District of the Land Court as Land Court Plan Nos. 31713-C, 34588-B, 34588-E, and 36899-B, and in the Middlesex County South Registry District of the Land Court as Land Court Plan No. 31713-D;

WHEREAS, a portion of the Property ("Portion of the Property") is more specifically subject to this Notice of Activity and Use Limitation. This 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 sketch plan attached hereto and filed herewith for registration;



WHEREAS, the Portion of the Property comprises part of a disposal site as the result of a release of oil and/or hazardous materials. 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. Exhibit B is attached hereto and made a part hereof; and

WHEREAS, one or more response actions have been selected for the Portion of the Disposal Site in accordance with M.G.L. c.21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or groundwater, and (b) the restriction of certain activities occurring in, on, through, over or under the Portion of the Property. A description of the basis for such restrictions, and the oil and/or hazardous material release event(s) or site history that resulted in the contaminated media subject to the Notice of Activity and Use Limitation is attached hereto as Exhibit C and made part hereof.

NOW, THEREFORE, Notice is hereby given that the activity and use limitations set forth in this Notice of Activity and Use Limitation are as follows:

1. Activities and Uses Consistent with Maintaining No Substantial Hazard Conditions. The following Activities and Uses are consistent with maintaining a condition of No Substantial Hazard and, as such, may occur on the Portion of the Property pursuant to 310 CMR 40.0000:

- i. Industrial and commercial uses;
- ii. Such other activities which, in the Opinion of a Licensed Site Professional, 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
- iii. Such other activities and uses not identified in Paragraph 2 as being Activities and Uses inconsistent with maintaining No Substantial Hazard Conditions.

2. Activities and Uses Inconsistent with Maintaining No Substantial Hazard. The following Activities and Uses are inconsistent with maintaining a condition of No Substantial Hazard pursuant to 310 CMR 40.0000, and, as such, may not occur on the Portion of the Property:

- i. Residential, school, playground, park, or daycare use; and
- ii. In the area as defined by the Activity and Use Limitation ("AUL") boundary presented in Figure 1 of the Activity and Use Limitation Opinion annexed hereto as Exhibit C, activities that would result in exposure to or the disturbance of potentially contaminated soils, bedrock, groundwater, and indoor air, unless appropriate precautions to prevent human exposure are taken as described in paragraph 3 below.





3. Obligations and Conditions. The following obligations or conditions are necessary and shall be undertaken and/or maintained at the Portion of the Property to maintain a condition of No Substantial Hazard:

- i. The concrete floors within the footprint of the AUL boundary, if present, must be maintained in a condition that will prevent potential exposure to potentially contaminated soil, groundwater, and soil gas. Interior building floors will be inspected annually with repairs made to seal cracks larger than one-fourth (1/4) inch in width. The penetration of and the subsequent repairs made to the concrete floor of any buildings within the AUL boundary will be evaluated by a Licensed Site Professional to maintain the safety of construction and on-site workers.
- ii. Excavated soil and bedrock removed from the AUL area must be managed in accordance with the Soil Management Procedures pursuant to 310 CMR 40.0030.
  - a. If the soils and bedrock are suspected or are pre-determined by a Licensed Site Professional to be Remediation Waste as defined under 310 CMR 40.0006, then the soils and bedrock will be managed under a Release Abatement Measure ("RAM") set forth by the MCP at 310 CMR 40.0440, as determined by a Licensed Site Professional.
  - b. If the excavated soils and bedrock from the AUL area are determined not to be Remediation Waste, then they will be managed under a RAM or in accordance with the Similar Soils Provisions Guidance, WSC#-13-500, as determined by a Licensed Site Professional.
- iii. If groundwater dewatering activities are required within the AUL area, then the groundwater will be managed appropriately as described here:
  - a. If the groundwater is determined to be a Remediation Waste, then it will be managed under a Release Abatement Measure ("RAM") set forth by the MCP at 310 CMR 40.0440, as determined by a Licensed Site Professional.
  - b. If the groundwater removed from the AUL area is not determined to be a Remediation Waste, then other appropriate options may be used to manage the water as determined by a Licensed Site Professional.
- iv. Activities that could result in exposure to or the disturbance of soils, bedrock or groundwater in the AUL area, must be conducted in accordance with the performance standards for RAMs set forth by the MCP at 310 CMR 40.0440, the Soil Management Procedures pursuant to 310 CMR 40.0030, the Similar Soils Provisions Guidance (WSC#-13-500), Construction of Buildings in Contaminated Areas (Policy WSC#-00-425) and applicable Health and Safety



procedures outlined in 310 CMR 40.0018, as determined by a Licensed Site Professional.

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 a Licensed Site Professional who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes are inconsistent with maintaining a condition of No Substantial Hazard. 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 the AUL. 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 a Licensed Site Professional in accordance with 310 CMR 40.1080, and without additional response actions, if necessary, to maintain a condition of No Substantial Hazard.

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 a Licensed Site Professional in accordance with 310 CMR 40.1080, the owner or operator of the Portion of the Property subject to this Notice at the time 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 in accordance with 310 CMR 40.1074(5).

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 Licensed Site Professional, and recorded and/or registered with the appropriate Registry(ies) of Deeds and/or Land Registration Office(s).

[Remainder of Page Intentionally Left Blank]



WITNESS the execution hereof under seal this 13<sup>th</sup> day of July, 2015.

Rosemarie Stanieich

Owner  
Rosemarie Stanieich, as  
Trustee of the Wilmington Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

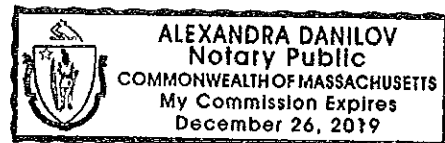
July 13, 2015

On this 13<sup>th</sup> day of July, 2015, before me, the undersigned notary public, personally appeared Rosemarie Stanieich (name of document signer), proved to me through satisfactory evidence of identification, which were a Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as trustee for Wilmington Realty Trust.

Alexandra Danilov

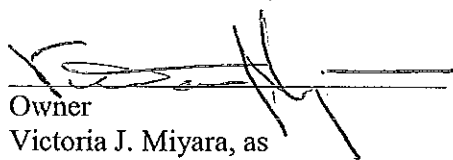
Notary Public:

My Commission Expires: 12-26-2019





WITNESS the execution hereof under seal this 14<sup>th</sup> day of July, 2015

  
Owner  
Victoria J. Miyara, as  
Trustee of the Wilmington Realty Trust

~~COMMONWEALTH OF MASSACHUSETTS~~  
State of New Hampshire

Merrimack, ss

July 14, 2015

On this 14<sup>th</sup> day of July, 2015 before me, the undersigned notary public, personally appeared Victoria J. Miyara (name of document signer), proved to me through satisfactory evidence of identification, which were Florida Drivers License be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as trustee for Wilmington Realty Trust

  
Notary Public:

My Commission Expires: 8-22-17







WITNESS the execution hereof under seal this 13<sup>th</sup> day of July, 2015

Annette Maria Given  
Owner

Annette Maria Given, as  
Trustee of the Wilmington Realty Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

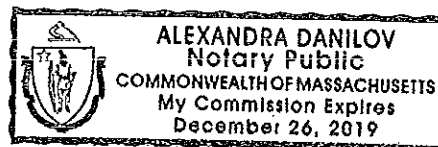
July 13, 2015

On this 13<sup>th</sup> day of July, 2015 before me, the undersigned notary public, personally appeared Annette Maria Given (name of document signer), proved to me through satisfactory evidence of identification, which were Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as trustee for Wilmington Realty Trust

Alexandra Danilo

Notary Public:

My Commission Expires: 12-26-19



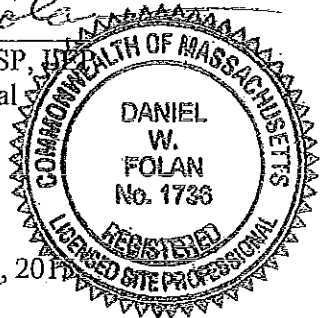


The undersigned Licensed Site Professional hereby certifies that in his Opinion this Notice of Activity and Use Limitation is consistent with maintaining a condition of No Substantial Hazard.

Date: 7-21-2015

Daniel W. Folan

Daniel W. Folan, PhD, PG, LSP, ID  
Licensed Site Professional Seal



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

21 July, 2015

On this 21 day of July, 2015, before me, the undersigned notary public, personally appeared Daniel Folan (name of document signer), proved to me through satisfactory evidence of identification, which were driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

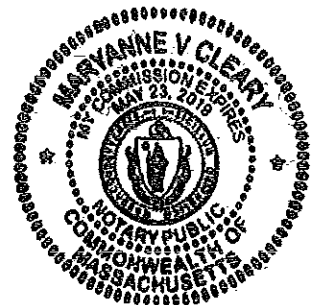
Maryanne V. Cleary  
Notary Public: Maryanne Cleary  
My Commission Expires: May 23, 2019

Upon recording, return to:

Ronald Dardeno, Esq.  
Law Offices of Frank N. Dardeno LLP  
424 Broadway  
Somerville, MA 02145-2619

and

Beth M. Kramer, Esq.  
Associate General Counsel -- Energy,  
Environment, Safety & Health  
Lockheed Martin Corporation  
6801 Rockledge Drive  
Bethesda, MD 20817





**EXHIBIT A**

**DESCRIPTION OF PROPERTY SUBJECT TO THE AUL**



LEGAL DESCRIPTION

LOT 4 and LOT 6

Two (2) certain parcels of land located in the Town of Wilmington, County of Middlesex, Massachusetts; said two (2) parcels of land located easterly of Fordham Road, in Wilmington, Massachusetts; and said two (2) parcels of land shown as Lot 4 and Lot 6 on "Plan of land in Wilmington, Mass." dated February 28, 1978, Dana F. Perkins & Assoc., Inc., Civil Engineers and Surveyors, Reading-Lowell, Massachusetts; which plan is filed in Middlesex North Registry District of the Land Court, as Plan No. 36899-B.

The said two (2) parcels of land are bounded and described as follows:

LOT 4 as shown on said plan.

- NORTHWESTERLY: by land now or formerly of Carl Realty, Inc., seven hundred thirty-one and 40/100 (731.40) feet;
- NORTHEASTERLY: by Lot 6 as shown on said plan, two hundred seventy-five and 02/100 (275.02) feet;
- EASTERLY: by Lot 3 as shown on said plan, ninety-two and 44/100 (92.44) feet; and
- SOUTHEASTERLY: by land now or formerly of George E. Dunn, along the Town Line dividing Wilmington and North Reading, seven hundred fifty-five and 87/100 (755.87) feet; and
- SOUTHWESTERLY: by land now or formerly of South Mass. Land Developers, Inc., two hundred thirty and 27/100 (230.27) feet.

LOT 6 as shown on said plan.

- NORTHWESTERLY: by land now or formerly of Carl Realty, Inc., two hundred ninety-seven and 00/100 (297) feet;
- SOUTHEASTERLY: by Lot 5 as shown on said plan, four hundred thirty-five and 67/100 (435.67) feet; and
- NORTHEASTERLY: by Lot 4 as shown on said plan, two hundred seventy-five and 02/100 (275.02) feet.

For title of Trustees of THE WILMINGTON REALTY TRUST to said Lot 4 and Lot 6, see Middlesex North Registry District of the Land Court, Certificate of Title No. 19842, recorded in Registration Book 102, Page 83.

CTF-19842





LOT 7

A certain parcel of land with the buildings thereon, located in the Town of Wilmington, County of Middlesex, Commonwealth of Massachusetts, said parcel shown as Lot 7 upon a plan entitled "Subdivision Plan of Land in Wilmington, Mass.", dated September 21, 1983, Dana F. Perkins and Assoc., Inc., Surveyors, and filed with the Engineering Division of the Land Court of Massachusetts as Plan 31713C.

For Owner's title, see Middlesex North County Registry District of the Land Court, Certificate of Title No. 19837 and Certificate of Title No. 19838.



LOT 10

A certain parcel of land, located in the Town of North Reading, County of Middlesex, Commonwealth of Massachusetts, said parcel shown as Lot 10 upon a plan entitled "Plan of Land in NORTH READING & WILMINGTON, MASS.", dated September 21, 1983, DANA F. PERKINS and Assoc., Inc., Civil Engineers and Surveyors, and filed with the Engineering Division of the Land Court of Massachusetts as Plan 31713C and Plan 31713D bounded and described as follows:

- NORTHERLY by the Town Line between North Reading and Wilmington, as shown on said Plan, nine hundred seven and 09/100 (907.09) feet;
- NORTHWESTERLY by land shown on said Plan as "Town of North Reading", ninety-eight and 43/100 (98.43) feet;
- SOUTHEASTERLY by Lot 9, as shown on said Plan, four hundred twenty-three and 16/100 (423.16) feet;
- SOUTHWESTERLY by Lot 9, as shown on said Plan, one hundred ten and 41/100 (110.41) feet;
- SOUTHEASTERLY by Lot 9, as shown on said Plan, three hundred ninety and 49/100 (390.49) feet; and
- SOUTHWESTERLY by Lot 9, as shown on said Plan, two hundred forty-eight and 36/100 (248.36) feet.

Said Lot 10, all within the town of North Reading, comprises 3.91 acres of land, more or less (170,477) square feet of land, more or less), as shown on said Plan.

Said Lot 10 is a subdivision of certain lots, title to which is registered in the Land Registration Office, South Registry District of Middlesex County, and as follows:

- ~~of Lot 26, as shown on Plan No. 34588-A (Certificate of Title No. 142137); and~~
- of Lot 6, as shown on Plan No. 31713-B (Certificate of Title No. 142138), Sk 840-188



LOT 30

That certain parcel of land situate in Wilmington, County of Middlesex, Commonwealth of Massachusetts bounded and described as follows:

- SOUTHWESTERLY by the Northeasterly line of Fordham Road, two hundred fifty (250) feet;
- NORTHWESTERLY by land now or formerly of Carl Realty, Inc., six hundred seventy-two and 35/100 (672.36) feet;
- EASTERLY by land now or formerly of So. Mass. Land Developers, Inc., two hundred fifty-five and 07/100 (255.07) feet; and
- SOUTHEASTERLY by land now or formerly of Carl Realty, Inc., six hundred twenty-one and 74/100 (621.74) feet.

All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 34588-B, drawn by Dana F. Perkins & Sons, Inc., Surveyors, dated April 9, 1968, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of title 16261, and said land is shown as Lot thirty (30) on said plan.

Being the same premises evidenced by Certificate of Title No. 19839 (Middlesex North Registry District). *Bk. 102-77*



LOT 33

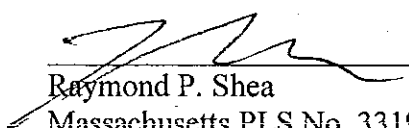
That certain parcel of land situate in Wilmington, in the County of Middlesex Commonwealth of Massachusetts, bounded and described as follows:

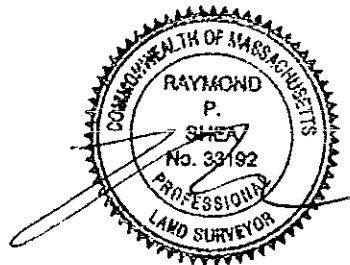
- WESTERLY by the Easterly line of Fordham Rd. by several lines measuring together, eleven hundred eighty-seven and 97/100 (1,187.97) feet;
- NORTHEASTERLY by land now or formerly of Carl Realty, Inc., five hundred thirty-two and 01/100 (532.01) feet;
- NORTHEASTERLY again by land now or formerly of Max Siegel et al, two hundred ninety-seven (297) feet;
- EASTERLY by land now or formerly of So. Mass. Land Developers, Inc., five hundred ninety-nine and 28/100 (599.28) feet; and
- SOUTHEASTERLY by Lot 30, six hundred seventy-two and 36/100 (672.36) feet.

All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 34588-E, drawn by Dana F. Perkins and Sons, Inc., Surveyors, dated January 27, 1969, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 16620, and said land is shown as Lot thirty-three (33) on said plan.

Being the same premises evidenced by Certificate of Title No. 19840 (Middlesex North Registry District). BK. 102-79

THE ABOVE DESCRIPTIONS ARE TAKEN FROM LAND COURT RECORD DOCUMENT NUMBER 172247  
NORTH MIDDLESEX COUNTY

  
Raymond P. Shea  
Massachusetts PLS No. 33192  
Holden Engineering & Surveying, Inc.



19840





**EXHIBIT A-1**

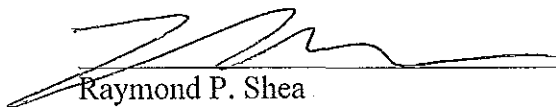
**LEGAL DESCRIPTION OF PORTION OF PROPERTY SUBJECT TO AUL**

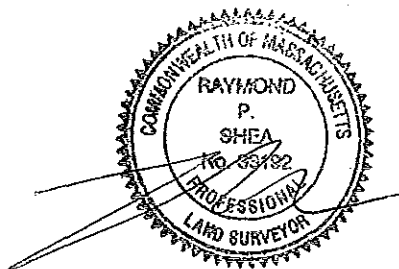


## AUL BOUNDARY LEGAL DESCRIPTION

Beginning at a stone bound on the easterly sideline of Fordham Road at the northwest corner of lot ID 91-131 Lot 7 and the southwest corner of lot ID 91-131A Lot 30 and the point of beginning of the AUL Boundary, thence along the easterly sideline of Fordham Road North  $11^{\circ} 54' 17''$  West 285.10 feet past the northwest corner of lot ID 91-131 Lot 30 to lot ID 91-131A Lot 33, thence over lot ID 91-131A Lot 33 North  $81^{\circ} 02' 45''$  East 443.90 feet, thence over lot ID 91-131A Lot 33, North  $16^{\circ} 31' 27''$  West 142.97 feet, thence over lot ID 91-131A Lot 33, North  $75^{\circ} 45' 44''$  East 108.12 feet, thence over lot ID 91-131A Lot 33, North  $01^{\circ} 02' 35''$  West 85.99 feet, thence over lot ID 91-131A Lot 33, and lot ID 99-1 Lot 4 North  $78^{\circ} 32' 00''$  East 334.19 feet, thence over lot ID 99-1 Lot 4 South  $07^{\circ} 25' 18''$  East 335.96 feet, thence over lot ID 99-1 Lot 4 and lot ID 213-212 Lot 10 and along lot ID 213-2-11 South  $12^{\circ} 48' 00''$  East 847.35 feet, to the southeast corner of the AUL Boundary and southeast corner of lot ID 91-131 Lot 7 at land of lot ID 213-2-11 thence along lot ID 213-2-11 South  $72^{\circ} 23' 59''$  West 293.36 feet, thence along lot ID 213-2-11 South  $63^{\circ} 19' 49''$  West 26.31 feet, thence along lot ID 213-2-11 South  $63^{\circ} 19' 49''$  West 88.69 feet, thence along lot ID 213-2-11 South  $25^{\circ} 37' 41''$  East 80.00 feet, thence along lot ID 213-2-11 South  $64^{\circ} 22' 25''$  West 255.00 feet to the southwesterly corner of the AUL Boundary and southwesterly corner of lot ID 91-131 Lot 7 at the easterly sideline of Fordham Road, thence along the easterly sideline of Fordham Road North  $48^{\circ} 17' 49''$  West 84.60 feet to a point of curvature, thence along the easterly sideline of Fordham Road having a curve to the right having a Radius of 1081.41 feet and a length of 659.84 feet and a chord bearing of North  $29^{\circ} 23' 07''$  West 649.65 feet to the point of tangency, thence along the easterly sideline of Fordham Road North  $11^{\circ} 54' 17''$  West 200.00 feet to the point of beginning.

Containing 970,499 Square Feet or 22.280 Acres

  
Raymond P. Shea  
Massachusetts PLS No. 33192  
Holden Engineering & Surveying, Inc.

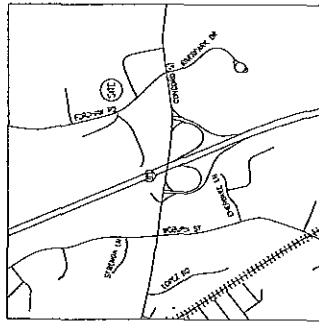




**EXHIBIT A-2**

**PLAN OF THE PORTION OF THE PROPERTY SPECIFICALLY SUBJECT TO THE  
AUL PREPARED BY REGISTERED LAND SURVEYOR**



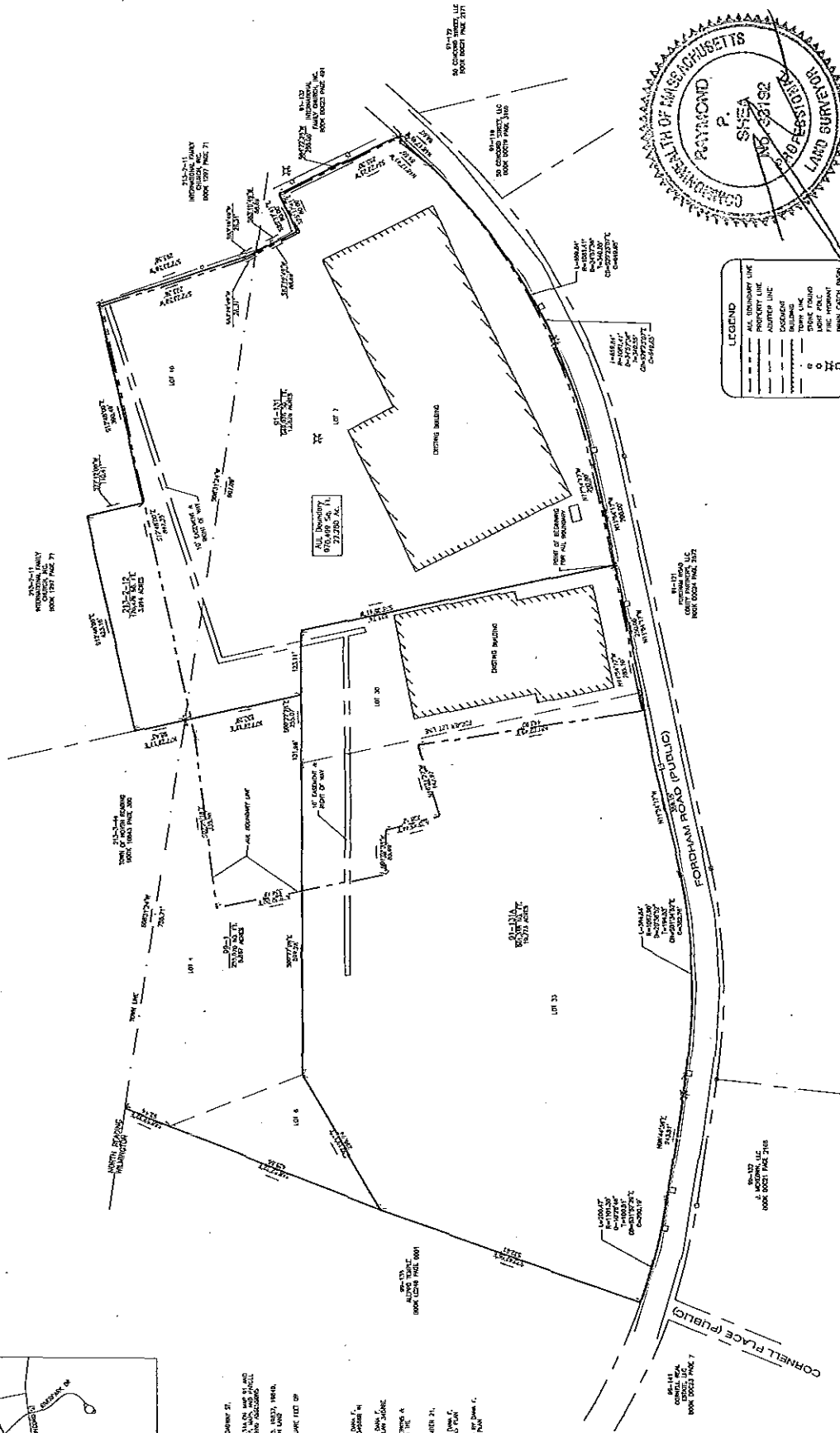


**NOTES:**

1. THE BOUNDARY OF THE PROPERTY IS SHOWN ON THE MAP.
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#### PLAN REFERENCES

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### AUL BOUNDARY PLAN ROSEMARIE STANIEICH NORTH READING/WILMINGTON, MA

**HOLDEN ENGINEERING & SURVEYING, Inc.**

Date: 05/04/2015	Page
Scale: 1" = 100'	Book
Dr. By: SP Co By: DJ	Sheet
Job No: 1320388	Sheet no 1 of 1

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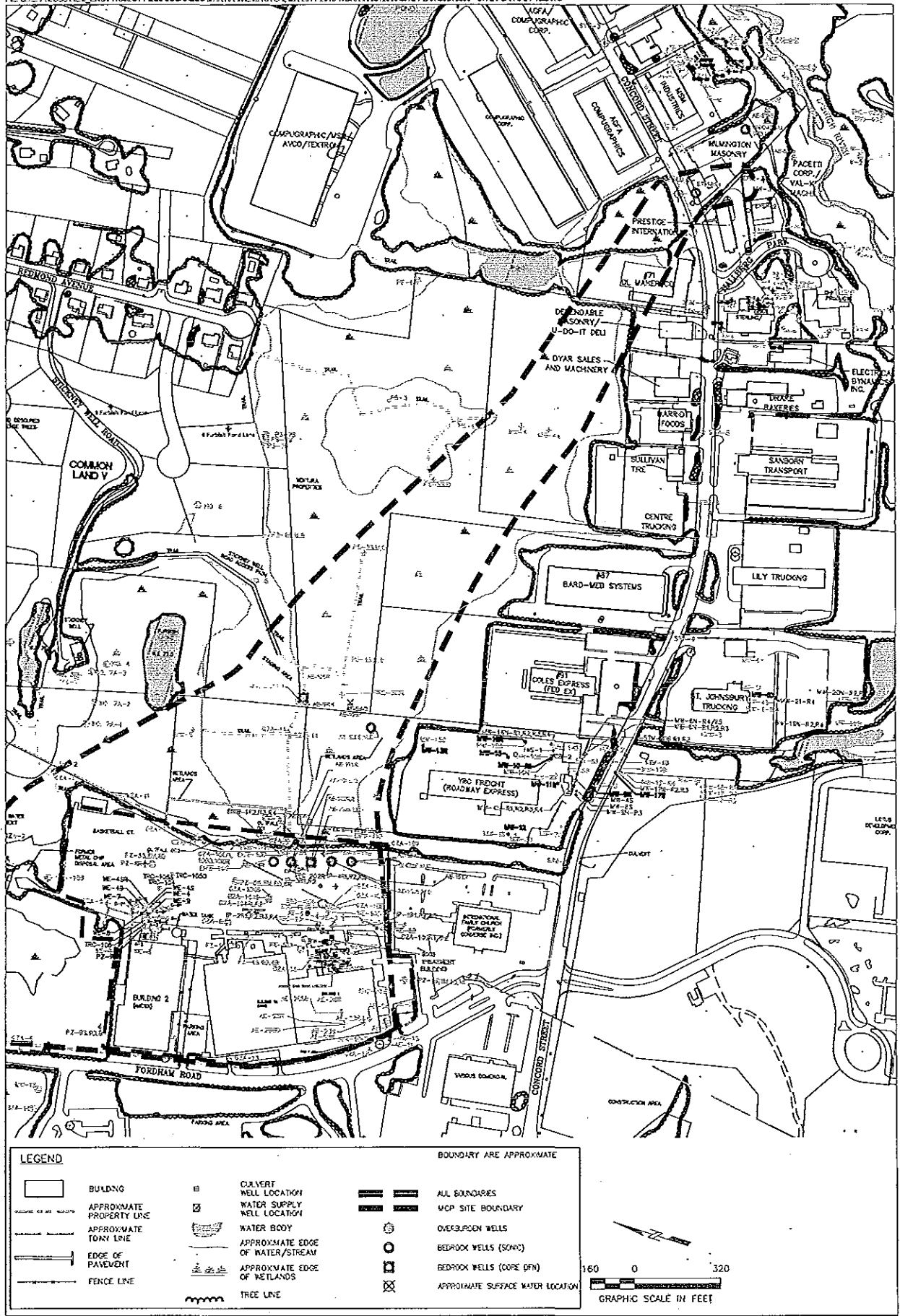




**EXHIBIT B**

**RELATIONSHIP OF THE PORTION OF THE PROPERTY SUBJECT TO THE AUL  
TO THE BOUNDARIES OF THE DISPOSAL SITE (Sketch Plan)**







**EXHIBIT C**

**ACTIVITY AND USE LIMITATION OPINION**



## **EXHIBIT C - ACTIVITY AND USE LIMITATION OPINION**

### **Purpose of the AUL**

This Notice of Activity and Use Limitation ("AUL") provides notice to current and future interest holders of the property commonly known as 50 Fordham Road (including the addresses of 40 and 50 Fordham Road), Wilmington, Massachusetts (the "Property") of residual contamination remaining at the Property. It should be noted that this AUL is being used voluntarily, in accordance with Section 40.1012(3)(h) of the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000, and is not required by the MCP, to confirm certain assumptions regarding future uses at the Property for purposes of Risk Characterization of human health and ecological risks at the Disposal Site. This AUL describes certain restrictions upon the use of the Property to promote the ongoing protection of human health and the environment.

This AUL will serve as a notification, concerning appropriate health and safety measures to be taken during any future construction-related or other activities that disturb the subsurface, including (but not limited to) penetration of concrete building slabs, subsurface soil or bedrock excavations and groundwater dewatering activities. It will also be protective of human health and the environment by requiring that any contaminated media generated during construction activities be managed in accordance with Massachusetts Contingency Plan (MCP) Soil Management procedures as described in 310 CMR 40.0030 and the Massachusetts Department of Environmental Protection (MassDEP) guidance documents, including Construction of Buildings in Contaminated Areas (Policy WSC#-00-425) and the Similar Soils Provisions Guidance (WSC#-13-500), as determined by a Licensed Site Professional ("LSP").

### **Relevant Property History**

Contamination of the Stickney Well, a currently inactive public supply well for the town of North Reading, was discovered in the late 1970s. Subsequent investigations of multiple surrounding properties, including the Property (formerly owned and operated by GE Aerospace (sometimes referred to as "GE" herein)), began in the early 1980s. The Property has been subject to remedial investigations and cleanup since 1986, when the MassDEP (then the Department of Environmental Quality Engineering or DEQE) issued GE a Notice of Responsibility. In 1987, the MassDEP





classified the former GE facility as a Priority Disposal Site,<sup>1</sup> and in 1994 the MassDEP assigned Release Tracking Number (RTN) RTN-3-0518 to the site.<sup>2</sup>

The Property has had a history of manufacturing processes that have contributed to releases of fuels, oils, solvents, and metals to the environment. Analytical data have shown that six primary types of organic and inorganic compounds are associated with RTN 3-0518. These include chlorinated volatile organic compounds (CVOCs); total petroleum hydrocarbons (TPH); benzene, toluene, ethyl benzene and xylenes (BTEX) compounds; methyl tertiary butyl ether (MTBE); several metals; and light non-aqueous phase liquids (LNAPL) identified as Stoddard fuel (solvent). Known impacted areas of the Property include four separate operating units (OU), as well as the Tank F and Building 1 Areas, and are summarized in the following table and shown on the attached Figure 1. These areas are designated "Restricted Areas."

Restricted Areas	Description	Affected Media	Compounds of Concern	Regulatory Status
OU-1	Former Tank Farm source area and adjacent Eastern Parking Lot (EPL). Tank Farm had 4 underground storage tanks (USTs) removed in 1987.	Vadose zone soils, and shallow groundwater	Stoddard Solvent LNAPL in groundwater and extractable petroleum hydrocarbons (EPH)-volatile petroleum hydrocarbons (VPH) in both soils and groundwater; associated arsenic	Open
OU-2	Former Tank Farm source area and down-gradient plume on- and off-property	Groundwater	CVOCs and 1,4-dioxane	Open
OU-3	Storm water/Waste water Outfalls 001 and 002	Sediment	Metals and petroleum hydrocarbons	Closed, Partial Class A-2 Response Action Outcome (RAO) (Submitted 2004)

<sup>1</sup> Under 310 CMR 40.0006 (1)(b), the term "Disposal Site" is used to refer to a place or area where an uncontrolled release of oil and/or hazardous material from or at a site or vessel has come to be located.

<sup>2</sup> Martin Marietta acquired GE Aerospace in 1993 and subsequently Martin Marietta and Lockheed merged to form Lockheed Martin Corporation.



Restricted Areas	Description	Affected Media	Compounds of Concern	Regulatory Status
OU-4	Former Tank K source area and immediately down-gradient of plume.	Vadose zone soils and shallow groundwater	Gasoline related petroleum hydrocarbons (VOCs) from former gasoline UST. UST was removed in 1986.	Closed, Partial Class A-2 RAO (Submitted 2010)
Tank F/Building 1 Area	Former Tank F area and area below concrete slab of Building 1	Vadose zone soils and groundwater	CVOCs and petroleum hydrocarbons	Open

### OU-1 Area

The Response Actions taken at the Tank Farm/EPL Petroleum Area (OU-1) have included LNAPL recovery, removal of Building 3 and the Oil House/drum storage, and excavation and off-site disposal of petroleum contaminated soil. Since 2011, LNAPL gauging has indicated the absence of measurable LNAPL in any wells that have been gauged. Soil impacts in the OU-1 appear to be consistent with current MCP Industrial/Commercial standards; however, the deeper groundwater and down-gradient plume is impacted with the CVOCs emanating from the former Tank Farm OU-2 Area (see below).

### OU-2 Area

The Response Actions taken at the Tank Farm CVOC Source Area (OU-2) have been extensive and included:

- Removal in 1987 of four Underground Storage Tanks ("USTs") at the Tank Farm (Tank D, a 10,000-gal "waste fuel" tank that received waste fuel and oil, thinners, and solvents; Tank G, a 10,000-gal tank used for storing jet fuel and oil; Tank H, a 1,000- gal tank used for storing JP-4 jet fuel; and Tank I, a 500-gal tank used for storing methanol).
- Groundwater pump and treat at the Tank Farm Area between 1993 and 2002. During operation, approximately 1.9 million gallons of groundwater were treated, and approximately 31 pounds of VOCs were removed from the groundwater.
- Groundwater pump and treat in a bedrock well (TRC-202R) located down-gradient of the Tank Farm Area between 2003 and 2008. During operation, approximately 4.3 million gallons of groundwater were treated, and approximately 159 pounds of VOCs were



removed from the groundwater. Groundwater data trends did not indicate significant reductions in contaminant concentrations. The system remains shut down at the present time.

- Addition of a remedial treatment solution known as Emulsified Zero Valent Iron (EZVI) in 2005 through 2006. EZVI was injected directly into bedrock fractures and into the overburden-bedrock interface within the Tank Farm Area. The EZVI treatment was not considered successful.
- Analysis of monitored natural attenuation (MNA) geochemical and microbiological parameters in 2012 for groundwater, indicating conditions supportive of limited enhanced reductive dechlorination. A review of plume geometry and other trends indicate that the off-site CVOC impacts appear to be stable or shrinking.
- Additional groundwater investigation activities from 2012 through 2014 in the Tank Farm, the EPL and off-site in the adjacent wetland areas. This work is on-going and the data will be evaluated and presented in a Supplemental Phase II report in the future.

#### **OU-3 and OU-4 Areas**

Areas within OU-3 and OU-4 have been remediated and closed under the MCP in 2004 and 2010, respectively. Response Actions taken at OU-3 included excavation of metal-impacted sediments and wetland restoration. Response Actions taken at OU-4 have included UST removal, soil excavation, and biosparge/soil vapor extraction. Although these areas have been closed under the MCP, it should be noted that contaminated media were cleaned up to Industrial/Commercial standards and that low level impacts may remain. That is, the soil, sediments and groundwater have not been cleaned up to conditions such that these locations would be suitable for Residential, Institutional, or park/playground land use without first completing further response actions.

#### **Tank F and Building 1 Areas**

Tank F, formerly located on the southwest side of Building 1 on the former GE facility property, which received acid and caustic wastes plus other degreasing solvent and fuel wastes through floor drains from Building 1, was removed from the Property in 1990. No obvious impacts were



observed during its removal or from samples obtained from soils and other liquids associated with the tank prior to its removal. No remedial efforts have been associated with this tank area.

Investigation results suggest CVOC impacts in the southwestern area of Building 1 and/or the former Tank F area. Shallow groundwater in the overburden does not exhibit elevated CVOC concentrations; however, bedrock wells in this area exhibited much higher concentrations of both PCE and TCE. In June 1987, a small tank was removed adjacent to Tank F and field screening levels of VOCs ranging from 100 to 200 parts per million (ppm) were encountered near the bottom of the excavation. In addition, sampling of sediment from within the chase troughs in Building 1 exhibited petroleum hydrocarbon and CVOC impacts. Soils within the top foot under the metals finishing floor sumps indicated low levels of CVOCs.

Sub-slab and indoor air sampling has been conducted within Building 1 between 2009 through 2014. Elevated levels of petroleum hydrocarbons and CVOCs have been detected below the concrete slab of Building 1. Low levels of CVOCs have also been detected in indoor air samples, however, they have consistently been below MassDEP available MA Commercial/Industrial (C/I) Threshold Values and do not pose a risk to industrial/ commercial workers. It is therefore the opinion of the LSP that industrial and commercial use is a permissible use under the AUL.

In 2013 and 2014, additional soil and groundwater investigation activities have been performed underneath Building 1. This work is on-going and the data will be evaluated and presented in a Supplemental Phase II report in the future.

#### **Nature and Extent of Contamination**

The lateral extent of the MCP Disposal Site encompasses a large portion of the Property as shown on the attached **Figure 1**. Within this site boundary, residual levels of contaminants are likely present within soil or groundwater or both. Higher concentrations are expected within the Operable Units and the Tank F/Building 1 Areas than in areas outside of these designated areas. However, low level residual contamination above applicable MCP standards may be present in areas outside of these areas within the Disposal Site boundary. The AUL boundary has been set to encompass a large portion of the Property, including the Restricted Areas, but exclusive of the





northern wetland areas where future construction-related activities are considered to be highly unlikely, and exclusive of the areas beneath and between Buildings 1A and 2.

### **Recommendations**

It is the opinion of the LSP that the restrictions on Activities and Uses of the Property and the Obligations and Conditions contained in the AUL are appropriate, based on the foregoing.



# NOTES:

1. SOURCE: "BASE MAP" (TRC ENVIRONMENTAL CORP., 2003), THE ACCURACY OF THE SURVEY INFORMATION PRESENTED HEREIN, INCLUDING THE HORIZONTAL COORDINATE SYSTEM AND THE HORIZONTAL AND VERTICAL DATUMS HAVE BEEN PARTIALLY VERIFIED BY AECOM.
2. TOPOGRAPHIC AND PLANIMETRIC FEATURES SHOWN WERE COMPILED PHOTOGRAMMETRICALLY FROM AERIAL PHOTOGRAPHY DATED APRIL 16, 1992 BY EAST COAST MAPPING INC., CONCORD, NEW HAMPSHIRE. MAPPING GROUND CONTROL ESTABLISHED BY FIELD SURVEYS CONDUCTED IN APRIL 1992.
3. THE GRID SYSTEM DEPICTED ON THIS PLAN IS BASED ON THE MASSACHUSETTS STATE PLAN COORDINATE SYSTEM NORTH AMERICAN DATUM OF 1929.
4. ELEVATIONS ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.
5. PROPERTY AND TOWN LINE BOUNDARIES WERE ADAPTED FROM:
  - A) "REGIONAL EXPLORATION PLAN", GENERAL ELECTRIC COMPANY, 50 FORDHAM ROAD PROPERTY, WILMINGTON/NORTH READING, MASSACHUSETTS, BY GOLDBERG - ZOINO & ASSOCIATES, INC., DATED APRIL 1990;
  - B) MODIFIED PER NORTH READING GIS DATA, JUNE 2002; AND
  - C) DIGITIZED BY MASSGIS FROM A SET OF STABLE BASED FILM PRINTS OF THE 125:000 7.5' QUADRANGLES PURCHASED FROM THE USGS BY THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS.

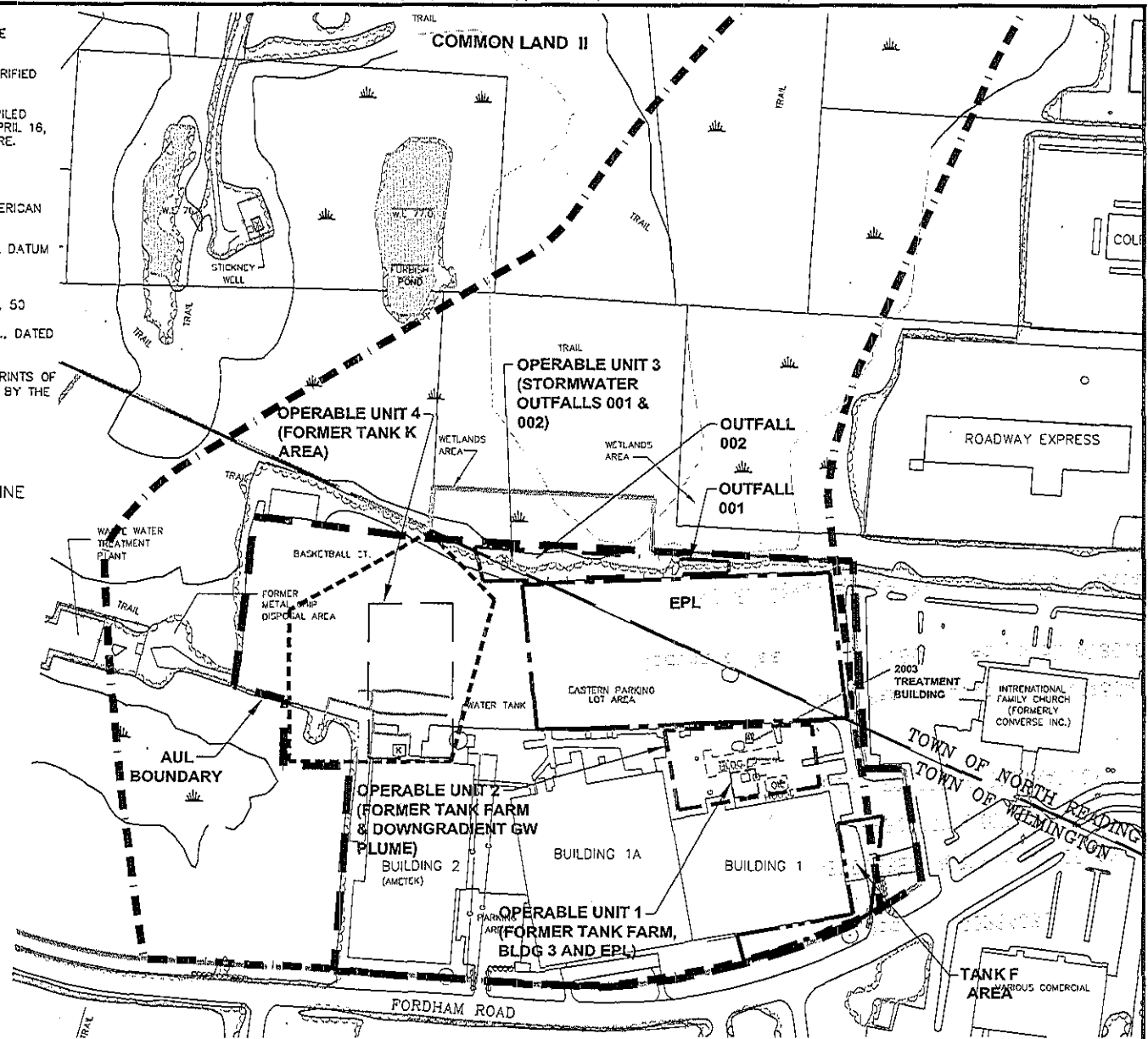
## LEGEND

- APPROXIMATE PROPERTY LINE
- APPROXIMATE TOWN LINE
- MCP SITE BOUNDARY
- AUL BOUNDARY



0' 150' 300' 600'  
 APPROXIMATE SCALE IN FEET  
 1"=300'

**AECOM**



FORMER GE FACILITY  
 50 FORDHAM ROAD  
 WILMINGTON, MA

AUL SITE PLAN

DATE: 10/14

DRWN: K.P.B.

FIGURE 1

Doc 00224026

ADOLESEX NORTH LAND COURT  
REGISTRY DISTRICT  
RECEIVED FOR REGISTRATION

Doc Sep 28, 2015 at 11:50A  
Document Fee 75.00 Net Total \$720.00

NOTED ON: 09/28/2015 ON: 09/28/2015 73

I HEREBY ATTEST AND CERTIFY ON  
THAT THE FOREGOING IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY  
9-28-15  
RICHARD P. HOWE JR.  
ASST. RECORDER  
LAND COURT  
Richard P. Howe Jr.



2015 00284036

Cert: 19837 Bk: 00102 Pg: 73

Recorded: 09/28/2015 11:50 AM

**WILMINGTON REALTY TRUST  
TRUSTEES' CERTIFICATE**

The undersigned, Rosemarie Stanieich, Victoria J. Maiyara, and Annette Maria Given, as Trustees of Wilmington Realty Trust under Declaration of Trust dated September 7, 1973, registered in the Middlesex North Registry District of the Land Court as Document No. 63541 and noted on Certificate of Title No. 19837 and registered further in the Middlesex South Registry of the Land Court as Document No. 515729 and noted on Certificate of Title No. 142138 (the "Trust"), hereby certify as follows:

1. That they are all of the current Trustees of the Trust;
2. That the Trust is in full force and effect and has not been revoked, terminated or rescinded in whole or in part;
3. That the undersigned Trustees have been duly authorized and specifically directed by all of the beneficiaries of the Trust to execute, acknowledge and deliver that certain Activity and Use Limitation with respect to the property owned by the Trust and having an address of 50 Fordham Road in Wilmington, Massachusetts, and;
4. No beneficiary of the Trust is a minor, a Massachusetts corporation selling all or substantially of all its Massachusetts assets, or a personal representative of an estate subject to an estate tax lien, deceased, or under any other legal incapacity.

EXECUTED as a sealed instrument this 13<sup>th</sup> day of July, 2015

WILMINGTON REALTY TRUST

Rosemarie Stanieich  
Rosemarie Stanieich, as Trustee and not individually

Victoria J. Maiyara  
Victoria J. Maiyara, as Trustee and not individually

Annette Maria Given  
Annette Maria Given, as Trustee and not individually

**THE COMMONWEALTH OF MASSACHUSETTS**

County of Middlesex, ss.

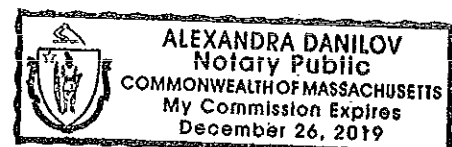
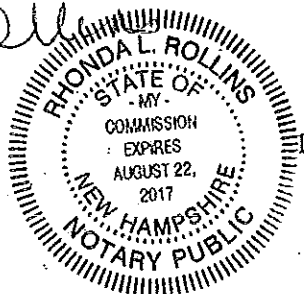
On this 13<sup>th</sup> day of July, 2015 before me, the undersigned notary public, personally appeared Rosemarie Stanieich, proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, or ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding document as Trustee of Wilmington Realty Trust as aforesaid and acknowledged to me that she signed it voluntarily, for its stated purpose.

Alexandra Danilo

Notary Public

Name: Alexandra Danilo

My Commission Expires: 12-26-19



Rhonda L. Rollins  
7-14-15



~~THE COMMONWEALTH OF MASSACHUSETTS~~  
THE STATE OF NEW HAMPSHIRE

Merrimack  
County of Middlesex, ss.

On this 14<sup>th</sup> day of July, 2015 before me, the undersigned notary public, personally appeared Victoria J. Maiyara proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, or ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding document as Trustee of Wilmington Realty Trust as aforesaid and acknowledged to me that she signed it voluntarily, for its stated purpose.



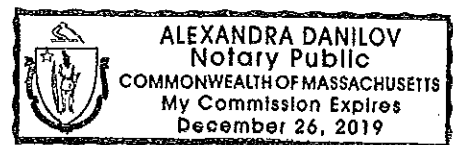
Rhonda L. Rollins  
Notary Public  
Name: Rhonda L. Rollins  
My Commission Expires: 8/22/17

THE COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

On this 13<sup>th</sup> day of July, 2015 before me, the undersigned notary public, personally appeared Annette Maria Given proved to me through satisfactory evidence of identification, which was ☒ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, or ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding document as Trustee of Wilmington Realty Trust as aforesaid and acknowledged to me that she signed it voluntarily, for its stated purpose.

Alexandra Danilov  
Notary Public  
Name: Alexandra Danilov  
My Commission Expires: 12-26-19





Doc 00284030

MIDDLESEX NORTH LAND COURT  
REGISTRY DISTRICT  
RECEIVED FOR REGISTRATION

On: Sep 28, 2015 at 11:50A

Document Fee 75.00 Rec Total 4780.00

NOTED ON: CERT 19837 BK 00102 PG 7

Also noted on other Certificates

51-88-6  
RECEIVED  
MIDDLESEX NORTH LAND COURT  
REGISTRY DISTRICT  
SEP 28 2015  
11:50 AM  
NOTED ON: CERT 19837 BK 00102 PG 7

*Richard P. H.*  
RE



Hermes, Netburn, O'Connor & Spearing, P.C.

265 Franklin Street, 7th Floor  
Boston, Massachusetts 02110-3113

Tel: 617.728.0050  
Fax: 617.728.0052

**Stephen Ryan, Jr.**  
sryan@hermesnetburn.com  
Direct Dial: (617) 210-7719

July 22, 2015

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

James M. Flynn  
Senior Vice President  
Century Bank  
400 Mystic Avenue  
Medford, MA 02155

Re: 50 Fordham Road, Wilmington, Massachusetts (the "Property")  
Release Tracking Number: 3-0000518

Dear Mr. Flynn:

A review of the records on file with the Land Court Section of the Registry of Deeds indicates that your company possesses a record interest in the above-referenced Property in the form of a mortgage and other ancillary documents. Pursuant to 310 CMR 40.0000, please be advised that the owner of the Property, Wilmington Realty Trust (the "Trust"), intends to file a Notice of Activity and Use Limitation ("AUL") concerning said Property. A copy of the proposed Notice of AUL, in substantially the form in which it will be filed, is enclosed herewith. The Trust will file this Notice of AUL after thirty (30) days have elapsed from the date of this letter.

If you have any questions in connection with the foregoing, please do not hesitate to contact the undersigned at (617) 210-7719, or Ronald Dardeno, counsel to the Trust, at (617) 666-2600.

Very truly yours,

A handwritten signature in black ink, appearing to be 'S. Ryan', written over a horizontal line.

Stephen Ryan, Jr.

SR/avb

Enclosures

cc: Ronald Dardeno, Esq. (via email)

7113 6710 0000 1570 2011

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

7113 6710 0000 1570 2011

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To *James M. Flynn, Sr. VP.*

Street, Apt. No.,  
or PO Box No. *Century Bank*

City, State, ZIP+4 *400 Mystic Avenue  
Medford, MA 02155*

PS Form 3800, August 2005 See Reverse for Instructions

**COMPLETE THIS SECTION**

Items 1, 2, and 3. Also complete Restricted Delivery is desired. Name and address on the reverse can return the card to you. card to the back of the mailpiece, only if space permits.

Addressed to:  
*James M. Flynn  
Vice President  
Century Bank  
Mystic Avenue  
Medford, MA 02155*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ *C. D'Antonio* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *C. D'Antonio* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



Hermes, Netburn, O'Connor & Spearing, P.C.

265 Franklin Street, 7th Floor  
Boston, Massachusetts 02110-3113

Tel: 617.728.0050  
Fax: 617.728.0052

Stephen Ryan, Jr.  
sryan@hermesnetburn.com  
Direct Dial: (617) 210-7719

August 24, 2015

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

Eagle Bank  
466 Broadway  
Everett, MA 02149

Re: 50 Fordham Road, Wilmington, Massachusetts (the "Property")  
Release Tracking Number: 3-0000518

Dear Sir/Madam:

A review of the records on file with the Land Court Section of the Registry of Deeds indicates that your company possesses a record interest in the above-referenced Property in the form of a mortgage and other ancillary documents. Pursuant to 310 CMR 40.0000, please be advised that the owner of the Property, Wilmington Realty Trust (the "Trust"), intends to file a Notice of Activity and Use Limitation ("AUL") concerning said Property. A copy of the proposed Notice of AUL, in substantially the form in which it will be filed, is enclosed herewith. The Trust will file this Notice of AUL after thirty (30) days have elapsed from the date of this letter.

If you have any questions in connection with the foregoing, please do not hesitate to contact the undersigned at (617) 210-7719, or Ronald Dardeno, counsel to the Trust, at (617) 666-2600.

Very truly yours,

A handwritten signature in black ink, appearing to be 'S. Ryan, Jr.', written over a horizontal line.

Stephen Ryan, Jr.

SR/avb

Enclosure

cc: Ronald Dardeno, Esq. (via email)

7011 1570 0000 7113 5959

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Postage \$  
 Certified Fee  
 Return Receipt Fee (Endorsement Required)  
 Restricted Delivery Fee (Endorsement Required)  
 Total Postage & Fees \$

Sent To Eagle Bank  
 Street, Apt. No., or PO Box No. 466 Broadway  
 City, State, ZIP+4 Everett, MA 02149

PS Form 3800, August 2006 See Reverse for Instructions

Postmark  
Here

**FR: COMPLETE THIS SECTION**

Complete items 1, 2, and 3. Also complete 4 if Restricted Delivery is desired. Your name and address on the reverse of this card to the back of the mailpiece, on the front if space permits.

Addressed to:

Eagle Bank  
466 Broadway  
Everett, MA  
02149

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☒ James R. Bayne ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

JAMES R. BAYNE

C. Date of Delivery

8/25/11

D. Is delivery address different from item 1? ☐ Yes

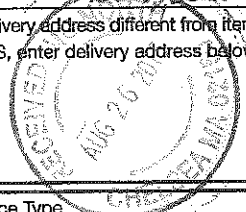
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Number

(Transfer from service label)

7011 1570 0000 7113 5959

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



Hermes, Netburn, O'Connor & Spearing, P.C.

265 Franklin Street, 7th Floor

Tel: 617.728.0050

Boston, Massachusetts 02110-3113

Fax: 617.728.0052

**Stephen Ryan, Jr.**

sryan@hermesnetburn.com

Direct Dial: (617) 210-7719

July 22, 2015

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

Reading Municipal Light Department  
230 Ash Street  
Reading, MA 01867

Re: 50 Fordham Road, Wilmington, Massachusetts (the "Property")  
Release Tracking Number: 3-0000518

Dear Sir/Madam:

A review of the records on file with the Land Court Section of the Registry of Deeds indicates that your company may possess a record interest in the above-referenced Property in the form of a utility easement. Pursuant to 310 CMR 40.0000, please be advised that the owner of the Property, Wilmington Realty Trust (the "Trust"), intends to file a Notice of Activity and Use Limitation ("AUL") concerning said Property. A copy of the proposed Notice of AUL, in substantially the form in which it will be filed, is enclosed herewith. The Trust will file this Notice of AUL after thirty (30) days have elapsed from the date of this letter.

If you have any questions in connection with the foregoing, please do not hesitate to contact the undersigned at (617) 210-7719, or Ronald Dardeno, counsel to the Trust, at (617) 666-2600.

Very truly yours,

A handwritten signature in black ink, appearing to be 'S. Ryan', written over a horizontal line.

Stephen Ryan, Jr.

SR/avb

Enclosures

cc: Ronald Dardeno, Esq. (via email)

7011 1570 0000 7113 5904

U.S. Postal Service CERTIFIED MAIL RECEIPT	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <i>Realty Management Light Dept.</i>	
Street, Apt. No., or PO Box No. <i>130 Ash St.</i>	
City, State, ZIP+4 <i>Realty, MA 01867</i>	
PS Form 3800, August 2006 See Reverse for Instructions	

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

*Realty Management Light  
Dept.  
130 Ash Street  
Realty, MA  
01867*

## 2. Article Number

(Transfer from service label)

7011 1570 0000 7113 5904

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

*X*☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes



Hermes, Netburn, O'Connor & Spearing, P.C.

265 Franklin Street, 7th Floor  
Boston, Massachusetts 02110-3113

Tel: 617.728.0050  
Fax: 617.728.0052

Stephen Ryan, Jr.  
sryan@hermesnetburn.com  
Direct Dial: (617) 210-7719

July 22, 2015

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

Verizon New England, Inc., f/k/a,  
New England Telephone  
Department of In-House Counsel  
125 High Street, 7<sup>th</sup> Floor  
Boston, MA 02110

Re: 50 Fordham Road, Wilmington, Massachusetts (the "Property")  
Release Tracking Number: 3-0000518

Dear Sir/Madam:

A review of the records on file with the Land Court Section of the Registry of Deeds indicates that your company may possess a record interest in the above-referenced Property in the form of a utility easement. Pursuant to 310 CMR 40.0000, please be advised that the owner of the Property, Wilmington Realty Trust (the "Trust"), intends to file a Notice of Activity and Use Limitation ("AUL") concerning said Property. A copy of the proposed Notice of AUL, in substantially the form in which it will be filed, is enclosed herewith. The Trust will file this Notice of AUL after thirty (30) days have elapsed from the date of this letter.

If you have any questions in connection with the foregoing, please do not hesitate to contact the undersigned at (617) 210-7719, or Ronald Dardeno, counsel to the Trust, at (617) 666-2600.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Ryan', written over the typed name 'Stephen Ryan, Jr.'.

Stephen Ryan, Jr.

SR/avb

Enclosures

cc: Ronald Dardeno, Esq. (via email)



7011 1570 0000 7113 6734

U.S. Postal Service CERTIFIED MAIL RECEIPT	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To <i>Verizon New England Dept. of In-House Counsel</i>	
Street, Apt. No., or PO Box No. <i>125 High St., 7th Floor</i>	
City, State, ZIP+4 <i>Boston, MA 02110</i>	
PS Form 3800, August 2005 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>1. Article Addressed to:</p> <p><i>Verizon New England E/KA ME Telephone Dept. of In-House Counsel 125 High St., 7th Floor Boston, MA 02110</i></p>	<p>2. Article Number (Transfer from service label) <i>7011 1570 0000 7113 6734</i></p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540