

URBELIS & FIELDSTEEL, LLP  
155 FEDERAL STREET  
BOSTON, MASSACHUSETTS 02110-1727

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OF COUNSEL  
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Telephone 978-475-4552  
Telephone 617-338-2200  
Telecopier 617-338-0122

June 10, 2019

Paul Materazzo  
Andover Town Offices  
36 Bartlet Street  
Andover, MA 01810

RE: TOWN YARD – 11 LEWIS STREET  
TERMINATION OF NOTICE OF ACTIVITY AND USE LIMITATION

Dear Paul:

Enclosed is the original recorded Termination of Notice of Activity and Use Limitations for the Town Yard at 11 Lewis Street, which is recorded with the North Essex District Registry of Deeds in Book 15873, Page 252, and a Certified Copy of the recorded document.

Please let us know if there is anything else that you need.

Very truly yours,



Carol Hajjar McGravey

CHM/kmp  
Enclosure  
cc: Austin Simko, Town Clerk (w/enc)

Form 1084B

TERMINATION OF NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6 and 310 CMR 40.0000 (310 CMR 40.1083(1)(a))  
Form 1084B Is Used When the Notice of Activity and Use Limitation Is No Longer  
Required to Meet the Requirements of 310 CMR 40.0000

Disposal Site Name: Andover Public Works, 11 Lewis Street, Andover, Massachusetts  
DEP Release Tracking No.(s) 3-24490

WHEREAS, a Notice of Activity and Use Limitation has been recorded with the Essex North Registry of Deeds in Book 10965 Page 123, (said Notice of Activity and Use Limitation and any amendments thereto are collectively referred to herein as "Notice");

WHEREAS, said Notice sets forth limitations on use and activities, conditions and obligations affecting certain land situated in Andover, Essex County, Massachusetts with the buildings and improvements thereon, said land being more particularly bounded and described in Exhibit A attached hereto and made a part hereof ("Property");

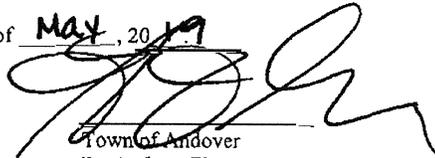
WHEREAS, the undersigned, Robert J. Leventry being a Licensed Site Professional, opines that the limitations on activities and uses, conditions and obligations set forth in said Notice are no longer necessary to maintain a condition of No Significant Risk at the Property, and accordingly, said Notice may be terminated;

WHEREAS, said Notice is being terminated because the limitations on activities and uses, conditions and obligations set forth in said Notice are no longer necessary to meet the requirements of 310 CMR 40.0000 at the Property.

NOW, THEREFORE, I/We of Andover, Essex County, Massachusetts, being the owner(s) of said Property, do hereby terminate said Notice.

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

WITNESS the execution hereof under seal this 21 day of May, 2019



Town of Andover  
By Andrew Flanagan  
As authorized by  
the Board of Selectmen

ESSEX NORTH REGISTRY OF DEEDS  
LAWRENCE, MASS. 6/7/2019  
A TRUE COPY ATTEST:



REGISTER OF DEEDS

COMMONWEALTH OF MASSACHUSETTS

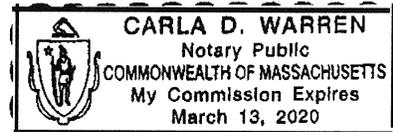
Essex ss

May 21, 2019

On this 20<sup>th</sup> day of May, 2019, before me, the undersigned notary public, personally appeared Andrew Flanagan, proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

as Town Manager for the Town of Andover, as authorized by a vote of the Board of Selectmen

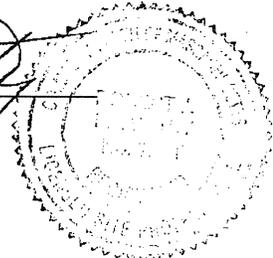
Carla D. Warren (official signature and seal of notary)



The undersigned Licensed Site Professional hereby certifies that this Termination of Notice of Activity and Use Limitation is consistent with [a Permanent Solution and maintaining a condition of No Significant Risk]

Date: May 21, 2019

Robert J. Leventry  
Robert J. Leventry  
[Licensed Site Professional SEAL]



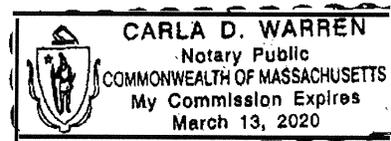
COMMONWEALTH OF MASSACHUSETTS

Essex ss

May 21, 2019

On this 21<sup>st</sup> day of May, 2019, before me, the undersigned notary public, personally appeared Robert J. Leventry, proved to me through satisfactory evidence of identification, which were MA Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Carla D. Warren (official signature and seal of notary)



Upon recording, return to:

Town of Andover  
Andrew Flanagan, Town Manager  
36 Bartlet Street  
Andover, MA 01810

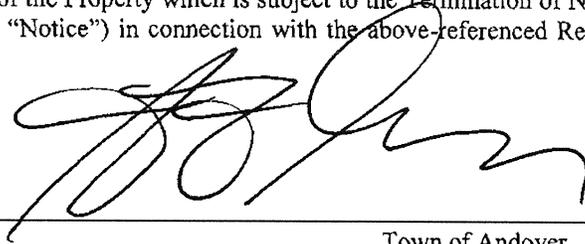
STATEMENT PURUANT TO 310 CMR 40.1083(1)(e)(4)  
RELEASE TRACKING NUMBER 3-24490  
TOWN OF ANDOVER DPW YARD  
11 LEWIS STREET, ANDOVER, MASSACHUSETTS

In accordance with the requirements set forth at 310 CMR 40.1083(1)(e)(4), the Department is hereby advised as follows:

- The undersigned Andrew Flanagan Town Manager of the Town of Andover and is not an individual signing on his or her own behalf but rather on behalf of the Town of Andover, as authorized by the Board of Selectmen.
- The Town of Andover is the owner of the Property which is subject to the Termination of Notice of Activity and Use Limitation (the "Notice") in connection with the above-referenced Release Tracking Number.

Date:

May 21, 2019



Town of Andover

## EXHIBIT A

A certain parcel of land comprised of Lot 14 as shown on the Town of Andover, Massachusetts Assessor's Map 38, said parcel being situated on the southeasterly side of the Boston and Maine Railroad in Andover, Essex County, Massachusetts, being more particularly bounded and described as follows:

Beginning at the southwesterly corner of the within described parcel at other land of the Town of Andover and land of the Boston and Maine Railroad, thence;

N29° 03' 09"E by land of the Boston and Maine Railroad, 433.03 feet more or less, thence;

N 29° 03' 30"E continuing by land now or formerly of the Boston and Maine Railroad, a distance of 244.43 feet more or less, thence;

Southerly by other land of the Town of Andover, by a spiral curve to the southeast, an arc length of 181.37 feet more or less, said curve having a tie bearing of S13° 05' 49" W, thence;

Southerly by other land of the Town of Andover, by a curve to the southeast, an arc length of 156.90 feet more or less, said curve having a tie bearing of S02° 16' 15"E, thence;

S76° 14' 21"E by land of the Town of Andover, 19.00 feet more or less, thence; by land of

S04° 50' 38"E the Town of Andover, 50.00 feet more or less, thence;

S02° 30' 06"E by said land now or formerly of Temple, 50.00 feet more or less, thence;

S11° 45' 10"E by said land now or formerly of Surette, 50.00 feet more or less, to the northerly sideline of Lewis Street, so called, thence;

S78° 14' 50" w by the northerly sideline of Lewis Street, a distance of 168.00 feet more or less, thence;

S05° 57' 40" w a distance of 41.99 feet more or less, thence;

N78° 14' 50"E by the southerly sideline of Lewis Street, a distance of 226.15 feet more or less, to other land of the Town of Andover, the previous three courses being by the layout of Lewis Street, thence;

S06° 41' 22" E by land of the Town of Andover, 72.34 feet more or less, thence;

S85° 33' 26" W a distance of 299.74 feet more or less, by land of Dwyer, the Town of Andover, Dewhirst and Kim respectively, thence;

N84° 14' 18" W a distance of 91.88 feet more or less, by land of the Town of Andover to the point of beginning.

Containing 82,709 square feet or 1.899 acres, more or less, according to available plans and records.



NARRATIVE OF THE BASIS FOR THE  
ACTIVITY AND USE LIMITATION (AUL) TERMINATION

Town of Andover DPW Yard  
11 Lewis Street  
Andover, Massachusetts  
Release Tracking Number (RTN) 3-24490

In accordance with the requirements of 310 CMR 40.1083, a narrative AUL Opinion is being provided for the disposal site associated with RTN 3-24490, located at 11 Lewis Street in Andover, Essex County, Massachusetts. This narrative is submitted in support of a Massachusetts Department of Environmental Protection (MassDEP) Form 1084B Termination of Notice of Activity and Use Limitation for the disposal site. The disposal site is owned by the Town of Andover, which has the following address:

Town of Andover  
36 Bartlet Street  
Andover, MA 01810

There have been documented releases of oil or hazardous materials at the existing facility location dating back to 1990. In July 1990 a 1,000-gallon diesel underground storage tank and a 5,000-gallon gasoline UST were removed from the property. Assessment activities were conducted in 1996 and 1997 and gasoline constituents detected in soil and groundwater were below Massachusetts Contingency Plan (MCP) Reportable Concentrations. In March 1997 two additional abandoned gasoline USTs were identified and removed from the DPW property. Reportedly no indication of contamination was observed at the time of tank removals.

During the installation of a public water line through the DPW yard in October 2003, an area of soil was identified as having potential oil odors. Subsequent assessment activities did not exceed MCP Reportable Concentrations. In June 2004 a perimeter drain was installed in front of the Water and Tree Department's garage building, as part of the repaving of Lewis Street. An abandoned 1,000-gallon fuel oil UST was identified during construction activities. The tank was found to have leaked and Immediate Response Action (IRA) activities were conducted that included the removal of oily water and approximately 275 tons of petroleum-impacted soil. A Risk Characterization was subsequently conducted which indicated that a condition of No Significant Risk existed for the site.

In December 2004 the detection of elevated concentrations of PAHs in soil was reported to the MassDEP and RTN 3-24490 was assigned. In May 2005, a 6,000-gallon diesel UST was removed from the Site. Reportedly no evidence of a release was identified at the time of tank removal. In August and September 2005 additional soil and groundwater assessment was conducted. Additional exceedances for extractable petroleum hydrocarbons target analytes, benzo(a)anthracene and benzo(a)pyrene in soil were identified. Reportedly no groundwater exceedances were identified above applicable risk standards.

In November 2007 an AUL was implemented to limit exposure to impacted soil and to restrict site uses to commercial/industrial. The placement of the AUL was apparently predicated on the presence of polycyclic aromatic hydrocarbon (PAH) compounds identified within the upper five feet of fill across the site. The AUL area comprises 1.89 acres of land, the boundaries of which are referenced in Exhibit A and shown on Exhibit B of this document. Following the filing of the AUL, a Class B-2 Response Action Outcome (RAO) was submitted to the MassDEP for RTN 3-24490 on December 10, 2007.

## REASON FOR TERMINATION OF ACTIVITY AND USE LIMITATION

The distribution and type of PAH compounds identified across the site indicate that they are attributable to Historic Fill, which was further demonstrated by the presence of coal and coal ash in the on-site soil. This was also documented by laboratory analytical test methods including Polarized Light Microscopy and Scanning Electron Microscopy with Energy Dispersive X-Ray Spectroscopy. Based on the results of the PLM/SEM analyses, combined with the information identified during historical site research, it has been concluded that the presence of the pyrogenic PAHs and metals in soil at the Site are associated with the historical filling of the area, i.e. Anthropogenic Background. Additionally, the presence of PAHs and metals is likely associated with the fill material brought onto the site prior to development in the late 1800s. The Anthropogenic Background/Historic Fill evaluation supports the termination of the AUL. A revised Permanent Solution With Conditions with Best Management Practices for non-commercial gardening is being filed with the MassDEP in conjunction with this AUL Termination as allowed under 310 CMR 40.1013(1).

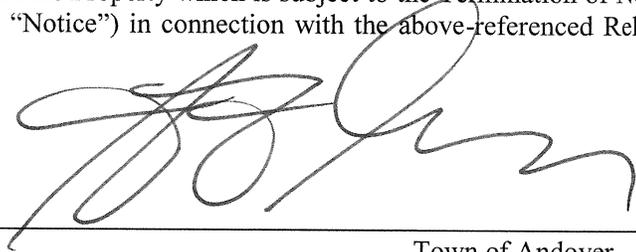
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TOWN OF ANDOVER DPW YARD  
11 LEWIS STREET, ANDOVER, MASSACHUSETTS

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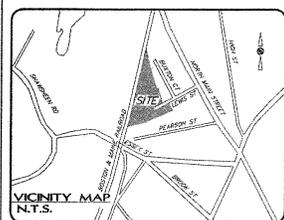
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Containing 82,709 square feet or 1.899 acres, more or less, according to available plans and records.



**GENERAL NOTES:**

1. THE PROPERTY IS SHOWN ON THE TOWN OF ANDOVER ASSESSORS MAP 38 AS LOT 14. THEREIN:
  - PLAN REFERENCES
  - PLAN OF ANDOVER ASSESSORS MAP 38 ASSESSORS MAP 38
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2. PROPERTY LINE CORRELATION AS SHOWN HEREIN WAS COMPILED FROM THE ABOVE NOTED PLANS AND CORROBORATED BY ON-SITE SURVEY FIELD DATA BY THE ENGINEER. THIS PLAN BEARS NO RESPONSIBILITY FOR THE ACCURACY OF THE SURVEY DATA. THE ENGINEER HAS NOT BEEN PERFORMED BY A LICENSED PROFESSIONAL ENGINEER.
3. EXISTING CONDITIONS AS SHOWN HEREIN WAS DERIVED FROM ACTUAL FIELD LOCATION DURING DECEMBER OF 2005 AND JANUARY 2006.
4. LOT 14 IS PRIMARILY LOCATED IN A ZONE "F" (AREA OF ANNUAL FLOODING) AS INDICATED ON COMMUNITY PANEL NUMBER TOWN 0004 DATED AN OCTOBER DATE OF JUNE 2, 1999.

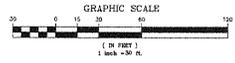
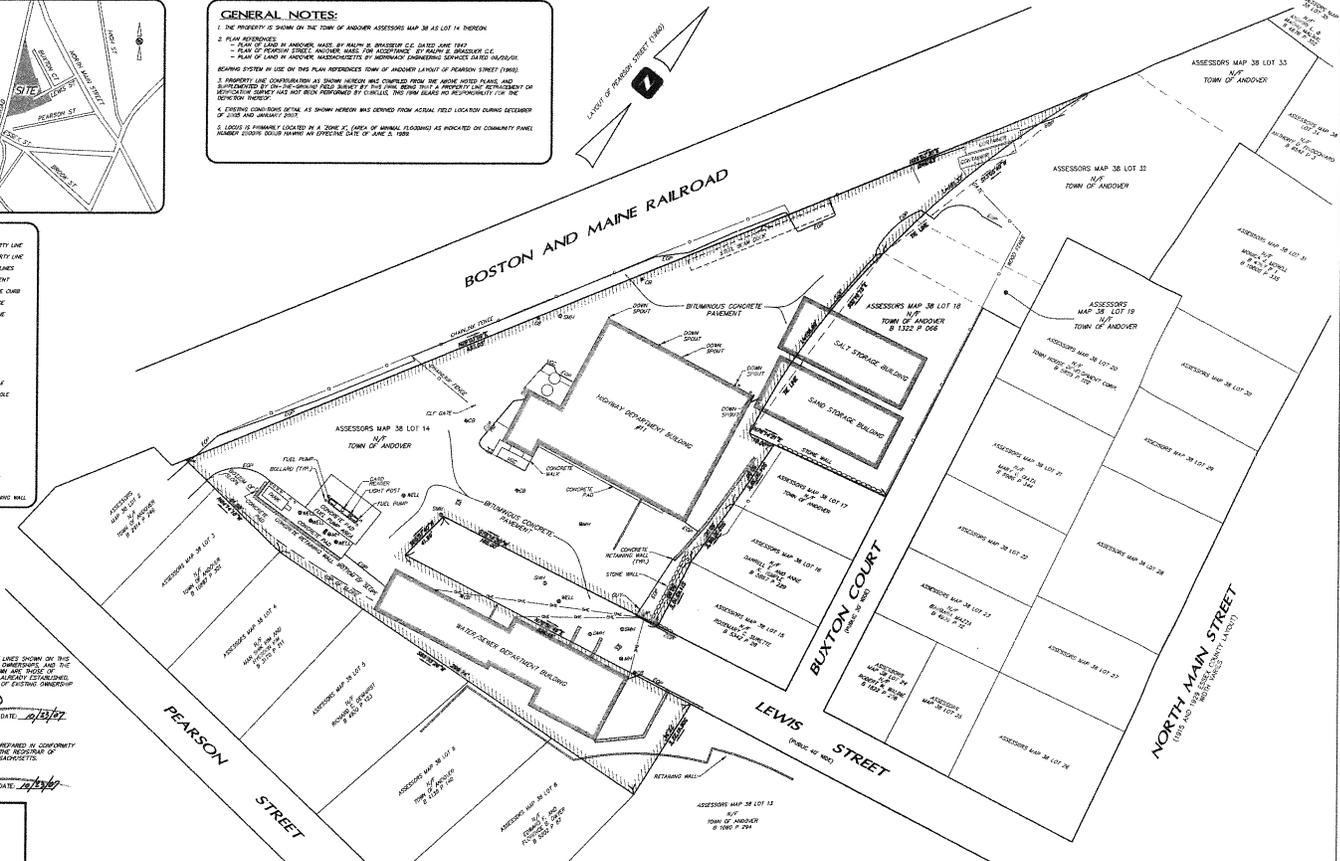
- LEGEND:**
- SUBJECT PROPERTY LINE
  - ADJACENT PROPERTY LINE
  - RIGHT-OF-WAY LINE
  - SIDE OF PAVEMENT
  - VERTICAL GRADE CURB
  - DRAIN LINE FENCE
  - STORM DRAIN LINE
  - SEWER LINE
  - WATER LINE
  - STONE WALL
  - STONE MANHOLE
  - UNKNOWN MANHOLE
  - SLEEPING MANHOLE
  - CATCH BASIN
  - WATER VALVE
  - FIRE HYDRANT
  - CURE RECORD
  - FUEL PUMP
  - LIGHT POST
  - MONITORING WELL
  - BOLLARD
  - CONCRETE RETAINING WALL

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF A CAREFUL SURVEY AND THE LINES OF THE STREETS AND MAPS SHOWN ARE THOSE OF PUBLIC OR PRIVATE RECORDS OR HAVE ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OF THE LAND HAVE BEEN LAYED OUT.

DATE: 10/13/07

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTERED PROFESSIONAL ENGINEERS OF MASSACHUSETTS.

DATE: 10/13/07



PROJECT TITLE: <b>LEWIS STREET TOWN YARD ANDOVER, MASSACHUSETTS</b>		SHEET TITLE: <b>ACTIVITY AND USE LIMITATION PLAN</b>			<b>1</b> <small>OF 1</small>
FILE NO: 051084A.002	PROJECT NO: 051084	SCALE: 1"=30'	APPROVED BY: SPD		

FOR USE BY REGISTRY OF DEEDS ONLY

NARRATIVE OF THE BASIS FOR THE  
ACTIVITY AND USE LIMITATION (AUL) TERMINATION

Town of Andover DPW Yard  
11 Lewis Street  
Andover, Massachusetts  
Release Tracking Number (RTN) 3-24490

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36 Bartlet Street  
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Form 1084B

TERMINATION OF NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6 and 310 CMR 40.0000 (310 CMR 40.1083(1)(a))

Form 1084B Is Used When the Notice of Activity and Use Limitation Is No Longer  
Required to Meet the Requirements of 310 CMR 40.0000

Disposal Site Name: Andover Public Works, 11 Lewis Street, Andover, Massachusetts  
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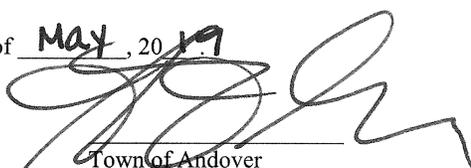
WHEREAS, the undersigned, Robert J. Leventry being a Licensed Site Professional, opines that the limitations on activities and uses, conditions and obligations set forth in said Notice are no longer necessary to maintain a condition of No Significant Risk at the Property, and accordingly, said Notice may be terminated;

WHEREAS, said Notice is being terminated because the limitations on activities and uses, conditions and obligations set forth in said Notice are no longer necessary to meet the requirements of 310 CMR 40.0000 at the Property.

NOW, THEREFORE, I/We of Andover, Essex County, Massachusetts, being the owner(s) of said Property, do hereby terminate said Notice.

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

WITNESS the execution hereof under seal this 21 day of May, 2019

  
Town of Andover  
By Andrew Flanagan  
As authorized by  
the Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

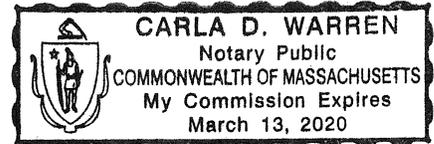
Essex ss

May 21, 2019

On this 20<sup>th</sup> day of May, 2019, before me, the undersigned notary public, personally appeared Andrew Flanagan, proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

as Town Manager for the Town of Andover, as authorized by a vote of the Board of Selectmen

Carla D. Warren (official signature and seal of notary)



The undersigned Licensed Site Professional hereby certifies that this Termination of Notice of Activity and Use Limitation is consistent with [a Permanent Solution and maintaining a condition of No Significant Risk]

Date: May 21, 2019

Robert J. Leventry  
Robert J. Leventry  
[Licensed Site Professional SEAL]

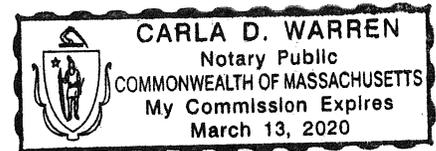
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