

DRAFT

Form 1075

**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.**

NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: Former Grande Meadows, 170 Dwight Road, Longmeadow, Massachusetts  
DEP Release Tracking No.: 1-20963

This Notice of Activity and Use Limitation ("Notice") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2021, by the Town of Longmeadow, 20 Williams Street, Longmeadow, Massachusetts together with his/her/its/their successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, the Town of Longmeadow, is the owner in fee simple of that certain parcel of land located in Longmeadow, Hampden County, Massachusetts with the buildings and improvements thereon, pursuant to an Order of Taking recorded with the Hampden County Registry of Deeds in Book 21736, Page 309.

WHEREAS, said parcel of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is shown on a plan recorded in the Hampden County Registry of Deeds in Plan Book \_\_\_\_\_, Plan \_\_\_\_\_.

WHEREAS, the Property comprises all of a disposal site as the result of a release of oil and/or hazardous material.

Exhibit B is a sketch plan showing the relationship of the 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 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 (b) the restriction of certain activities occurring in, on, through, over or under 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 a 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 Significant Risk Conditions. The following Activities and Uses are consistent with maintaining a Permanent Solution and a condition of No Significant Risk and, as such, may occur on the Property pursuant to 310 CMR 40.0000:

- (i) Use of the Property as a vacant lot or as a commercial / industrial property provided that direct contact with contaminated soil located within the two Environmental Cap Areas as described in Exhibit A and depicted in Exhibit B remains restricted through the use and maintenance of a cap, as described in Paragraph 3(i);
- (ii) Permitted activities include routine landscaping, emergency utility work, and other Property maintenance activities that do not require excavation and will not cause or result in the disturbance or relocation of soil containing asbestos containing material currently located within the two Environmental Cap Areas and/or potential asbestos containing material and associated soil which may be located in other unidentified areas of the Property;
- (iii) Excavation activities are permitted provided that the activities are conducted in accordance with the applicable Obligations and Conditions set forth in Paragraph 3;
- (iv) Such other activities and uses which, in the Opinion of a Licensed Site Professional (LSP), shall present no increased risk of harm to health, safety, public welfare, or the environment than the activities and uses set forth in this Paragraph; and,
- (v) Such other activities and uses not identified in Paragraph 2 as being Activities and Uses Inconsistent with maintaining No Significant Risk Conditions.

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

- (i) Use of the Property as a school, day care center, playground, residential purposes, or for the growth of agricultural products for human consumption;
- (ii) Use of the Property in absence of the two Environmental Cap Areas identified in Obligations and Conditions Paragraph 3(i);
- (iii) Alteration or removal of the two Environmental Caps Areas at the Property, unless an LSP Opinion is rendered which states that such alteration or removal is consistent with maintaining a condition of No Significant Risk, as indicated in Obligations and Conditions Paragraph 3(i);
- (iv) Any activity and use that may damage the two Environmental Cap Areas;

- (vi) Any excavation activity or any other subsurface activity (other than emergency utility work) at the Property that is not performed in accordance with the applicable Obligations and Conditions set forth in Paragraph 3, below;

3. Obligations and Conditions. The following obligations and/or conditions are necessary and shall be undertaken and/or maintained at the Property to maintain a Permanent Solution and a condition of No Significant Risk:

- (i) The two constructed Environmental Cap Areas at the Property, their as-built locations as described in Exhibit A and shown on Exhibit B, consisting of geotextile fabric and 3 feet of clean fill material to prevent exposures to asbestos containing material and associated soil located beneath the cap shall be maintained, unless an LSP Opinion is rendered which states that removal or alteration of the cap is consistent with maintaining a condition of No Significant Risk.
- (ii) The Environmental Cap in both areas must be inspected on a bi-annual basis to confirm its ability to effectively prevent exposure to underlying asbestos containing material and impacted soils. Repairs to the Cap must be performed under to the oversight or an LSP within ten (10) days of being identified.
- (iii) Prior to the performance of any excavation or subsurface activity which may result in direct contact with and/or disturbance of asbestos containing material and associated soil within the two Environmental Cap Areas, and also throughout the remainder of the Property where potential asbestos containing material and associated soil may be located in unidentified areas, a written Health & Safety Plan (“HSP”) and a Soil Management Plan (“SMP”) must be developed and implemented in accordance with the guidelines set forth below:
  - a) The HSP must be prepared by a Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements. The HSP should specify the type of personal protection (i.e., clothing, respirators), engineering controls, and environmental monitoring necessary to prevent worker exposure to contaminated soil through dermal contact, ingestion, and/or inhalation. On-site workers who may come in contact with asbestos containing material and associated soil should be appropriately trained on the requirements of the HSP, and the plan must be available on the Property throughout the course of a project.
  - b) A SMP must be prepared by an LSP and Licensed Asbestos Project Designer and implemented. The SMP should describe appropriate soil excavation, soil characterization, handling, storage, transport, and disposal procedures; and appropriate plans for asbestos containing material identification, characterization, handling, storage transport and disposal procedures. The SMP should include a description of the engineering controls and monitoring procedures necessary to ensure that workers and receptors in the vicinity are not affected by fugitive dust or particulates. On-site workers who may come in contact with the contaminated soil and/or asbestos containing materials should be appropriately trained on the requirements of the SMP, and the plan must be available on-site throughout the course of a project.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by a Licensed Site Professional who shall render an Opinion, in accordance with 310 CMR 40.1080, as to whether the proposed changes are inconsistent with maintaining a Permanent Solution and a condition of No Significant Risk. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

5. Violation of a Permanent or Temporary Solution. 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 Significant Risk.

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 *et seq.*, the owner or operator of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. 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 of Deeds and/or Land Registration Office.

WITNESS the execution hereof under seal this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Town of Longmeadow

By: \_\_\_\_\_

Name: Thomas Lachuisa

Title: Chair, Select Board

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss \_\_\_\_\_, 2021

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared Thomas Lachuisa, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, 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 as authorized signatory for the Town of Longmeadow.

\_\_\_\_\_  
(Official signature and seal of Notary)

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Frank Ricciardi, LSP  
[Licensed Site Professional SEAL]

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss

\_\_\_\_\_, 2021

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared Frank Ricciardi, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed above, and acknowledged to me that he signed it voluntarily for its stated purpose as Licensed Site Professional.

\_\_\_\_\_  
(Official signature and seal of Notary)

Upon recording, return to:

TOWN OF LONGMEADOW  
20 Williams Street  
Longmeadow, MA 01106

## Exhibit A

### Legal Description of Parcel of Land Containing Area Subject to AUL

Beginning at an iron pipe found on the northerly line of a parcel of land now or formerly belonging to the Town of Longmeadow, said pipe being approximately 605' westerly from the west side of Dwight Road;

Thence S 77°47'51" E a distance of 420.00' to a point;

Thence S 83°48'26" E a distance of 185.00' to a point on the westerly side of said Dwight road, the last two courses being along land now or formerly Linda M. Beaulieu;

Thence S 29°26'26" E a distance of 164.84' to a concrete bound;

Thence continuing S 29°26'26" E a distance of 129.18' to a point, the last two courses being along the westerly side line of Dwight road;

Thence S 85°07'15" W a distance of 62.08' to a stone bound;

Thence S 36°02'04" W a distance of 203.50' to an iron pin, the last two courses being along land now or formerly of 136 Dwight Road LLC.;

Thence N 80°40'56" W a distance of 669.68' along land now or formerly of Yeshivah Achei Tmimim of Springfield MA Inc. and land now or formerly of Mikvah Association Inc. to a point;

Thence N 13°38'48" E a distance of 15.00' to a point;

Thence N 81°49'01" W a distance of 51.26' to a point near an iron pipe;

Thence S 09°19'04" W a distance of 221.32' to a point near an iron pipe on the northerly side of Converse street, the last three courses being along said Mikvah Association Inc.;

Thence N 80°40'56" W a distance of 58.45' to a point;

Thence along a curve turning to the left with a radius of 1942.69', an arc length of 179.55', a chord bearing of N 83°19'48" W, and a chord length of 179.49' to a point, the last two course being along the northerly side of said Converse Street ;

Thence N 06°10'04" E a distance of 225.00' to an iron pipe;

Thence continuing N 06°10'04" E a distance of 534.68' to a point near a concrete bound, the last two courses being along land now or formerly of Dickstein Family Trust;

Thence S 73°48'26" E a distance of 370.00' to a point;

Thence S 13°38'48" W a distance of 61.42' to the point of beginning, the last two courses being along said Linda M. Beaulieu.

The above described parcel of land contains 12.071 acres, more or less, as shown on a plan titled "Plan of Land in Longmeadow, MA, Hampden Registry, prepared for Town of Longmeadow", dated April 16, 2021, prepared by Northeast Survey Consultants.

**Legal Description of Environmental Cap Area 1**

Beginning at a point, said point being S04°16'27"W a distance of 81.76' from an iron pipe found on the northerly line of land now or formerly the Town of Longmeadow, said pipe being approximately 605' westerly from the west side of Dwight Road, running thence:

S17°01'43"W a distance of 78.95' to a point, thence;

N76°49'30"W a distance of 30.08' to a point, thence;

N05°33'02"E a distance of 76.67' to a point, thence;

S80°18'43" E a distance of 45.64' to the point of beginning.

The above-described parcel of land contains of 2,930 square feet or 0.067 acres, more or less, as shown on a plan titled "Plan of Land in Longmeadow, MA, Hampden Registry, prepared for Town of Longmeadow", dated April 16, 2021, prepared by Northeast Survey Consultants.

**Legal Description of Environmental Cap Area 2**

Beginning at a point, said point being S61°08'13" W a distance of 49.69' from an iron pipe found on the northerly line of land now or formerly the Town of Longmeadow, said pipe being approximately 605' west from the westerly side of Dwight Road, running thence:

S12°18'07" W a distance of 68.99' to a point, thence;

N77°42'08" W a distance of 161.74' to a point, thence;

N12°18'00" E a distance of 69.00' to a point, thence;

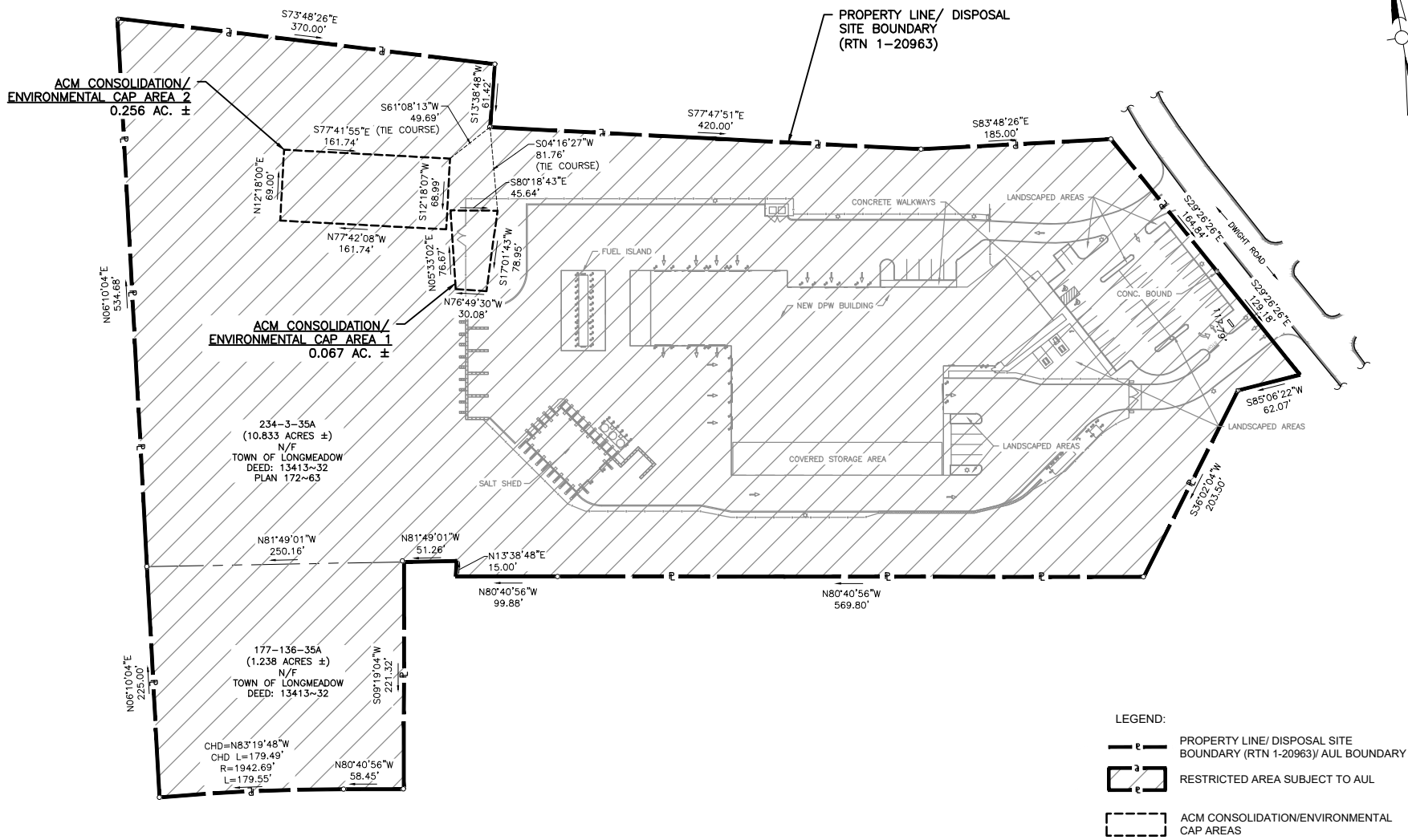
S77°41'55" E a distance of 161.74' to the point of beginning,

The above-described parcel of land contains of 11,160 square feet or 0.256 acres, more or less, as shown on a plan titled "Plan of Land in Longmeadow, MA, Hampden Registry, prepared for Town of Longmeadow", dated April 16, 2021, prepared by Northeast Survey Consultants.

**Exhibit B**

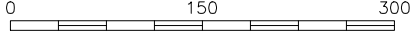
**Sketch Plan Depicting  
AUL Boundary Relative to Boundary of Disposal Site  
And  
As-Built Locations of Environmental Cap Areas**





- LEGEND:**
- PROPERTY LINE/ DISPOSAL SITE BOUNDARY (RTN 1-20963)/ AUL BOUNDARY
  - RESTRICTED AREA SUBJECT TO AUL
  - ACM CONSOLIDATION/ENVIRONMENTAL CAP AREAS

SKETCH PLAN OF AUL AREA  
170 DWIGHT ROAD  
LONGMEADOW, MA  
**EXHIBIT B**  
SCALE: 1"=150'



**Exhibit C**

**Description of:**

**Site History;  
Oil and/Hazardous Material Release Events(s);  
Basis for Restrictions.**

## EXHIBIT C

### Disposal Site Description and History

The Disposal Site (Site) occupies 10.7 acres of land and was previously occupied by Grande Meadows Tennis & Health Club which operated in an approximately 80,000 square foot building. The Site was purchased by the Town in 2017 and the building was demolished and removed in 2018. A new Department of Public Works (DPW) facility has recently been constructed at the Site.

### Oil and/Hazardous Material Release Events

In January and February 2019, during Site redevelopment, soils were removed during foundation excavations and stockpiled on-Site. Following stockpiling, scattered pieces of asbestos containing material (ACM) in the form of tennis court underlay were discovered in the stockpiles. The observed ACM was collected and bagged for appropriate disposal as part of an Operations and Maintenance Policy which was implemented at the Site. Additionally, in June 2019, the southeast slope of the Site property was discovered to contain additional amounts of ACM (tennis court underlay). An ACM Non-Traditional Work (NT) Plan was subsequently submitted and approved by the Massachusetts Department of Environmental Protection (DEP) to excavate the ACM and associated soil and place it in a consolidation area within the western portion of the Site. The NT Plan was approved by DEP Bureau of Air and Water (BAW) and Bureau of Waste Site Cleanup (BWSC) on July 16, 2019 with understanding that the area would be capped and have an Activity and Use Limitation (AUL) placed on the property post-construction under the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000) regulations.

In October 2019, an additional deposit of ACM was discovered along the eastern portion of Site and designated for relocation in the consolidation area. Due to the nature of the Site and sporadic dumping of ACM (tennis court underlay), it was acknowledged that other areas of the Site may contain buried ACM that had not been identified. If identified, this ACM was to be managed in accordance with NT Plan and consolidated/capped on-Site or disposed of off-Site.

As part of the approval for the NT Plan, the DEP BWSC indicated that a Release Notification Form (RNF) should be submitted to allow for the management of ACM and associated soil and the placement of an AUL on the Site. On October 17, 2019, the Town submitted an RNF to the DEP for the identification of asbestos. The DEP assigned Release Tracking Number (RTN) 1-20963 to the release.

On December 6, 2019, the Town submitted a RAM Plan to the DEP for RTN 1-20963 to provide plans for the management of ACM and associated soil during Site construction activities. The RAM Plan also provided plans for placement of ACM within the on-Site consolidation area (ACM Consolidation / Environmental Cap Area 1). As Site construction proceeded, a modification to the original ACM Consolidation Area was required beyond what was proposed in the RAM Plan. On February 28, 2020, Weston & Sampson submitted a RAM Plan Modification to provide plans for a modification for an additional consolidation area in western portion of the Area (ACM Consolidation Area / Environmental Cap Area 2). RAM activities were completed at the Site between December 2019 and January 2021 and both ACM Consolidation / Environmental Cap Areas 1 and 2 were capped with geotextile fabric and 18 inches of clean soil cover. Additionally, during construction all subsurface utilities were replaced and installed in corridors which did not contain ACM. As such, emergency utility work/repairs are permitted at the Site.

### Basis for Restrictions

As indicated above, ACM and associated soil identified at the Site during redevelopment has been placed and capped in ACM Consolidation / Environmental Cap Areas 1 and 2. Additional unidentified ACM may also be located in other unidentified areas of the Site. In order to maintain a Condition of No Significant Risk at the Site an AUL is necessary to maintain the constructed Environmental Caps, and to provide procedures for future excavation and potential management of ACM and associated soil if identified during excavation. This AUL applies to the entire Disposal Site Boundary for RTN 1-20963, which is also the Property boundary for 170 Dwight Road, Longmeadow, Massachusetts.

**Exhibit D**

**Documentation of Signatory Authority**