507 NORTH MAIN ST Property Location Bldg Name State Use 310 Map ID 1/ 15/ 2/ / Vision ID Account # 6 Blda # 1 Sec # 1 of 1 Card # 1 of 1 Print Date 11-03-2020 8:41:32 A **CURRENT ASSESSMENT CURRENT OWNER TOPO** UTILITIES STRT/ROAD LOCATION 1 TYPCL Appraised Description Code Assessed MOOR THAN ENOUGH LLC 1006 COMMERC. 310 110.100 110,100 COMM LAND 310 169.200 169.200 **EAST** SUPPLEMENTAL DATA 234 COUNTY RD COMMERC. 310 12.100 12.100 LONGMEADOW, MA Alt Prcl ID Received SP Permit NIA Chapter La Field 8 **BECKET** MA 02133 OC Dates Field 9 **VISION** In+Ex FY Field 10 Mailed GIS ID F_376160_2855704 Assoc Pid# 291,400 Total 291.400 RECORD OF OWNERSHIP BK-VOL/PAGE | SALE DATE SALE PRICE Q/U V/I PREVIOUS ASSESSMENTS (HISTORY) Code Assessed Code Assessed Code Assessed Year Year Year MOOR THAN ENOUGH LLC U 100 1B 19619 0282 12-31-2012 04-03-1992 310 110.100 2019 310 107,000 310 107.000 AUTH FUELS INC. 07998 0510 U 1A 2020 2018 07995 0581 04-01-1992 U 1A 169,200 163,800 163,800 **AUTH** 310 310 310 AUTH JOSEPH A + SARA +PAU 07071 0312 01-12-1989 U 1A 310 12,100 310 12,100 310 12,100 MONAN EILEEN C 07071 0310 01-12-1989 U 1A Total 291400 Total 282900 Total 282900 OTHER ASSESSMENTS **EXEMPTIONS** This signature acknowledges a visit by a Data Collector or Assessor Year Code Description Amount Code Description Number Amount Comm Int APPRAISED VALUE SUMMARY 110.100 Appraised Bldg. Value (Card) Total 0.00 ASSESSING NEIGHBORHOOD Appraised Xf (B) Value (Bldg) Nbhd Name Nbhd В Tracing Batch 12.100 Appraised Ob (B) Value (Bldg) ВG 0001 310 169,200 Appraised Land Value (Bldg) **NOTES AUTH FUEL** Special Land Value Total Appraised Parcel Value 291,400 Valuation Method Total Appraised Parcel Value 291,400 **BUILDING PERMIT RECORD VISIT/CHANGE HISTORY** Date Comp Permit Id Issue Date Type Description Amount Insp Date % Comp Comments Date ld Type Is Cd Purpose/Result 56 04-01-1991 MN Manual Note 1.500 SHED 01-20-2004 303 MEAS+INSPCTD 07-02-1992 107 3 MEAS+INSPCTD MEAS+INSPCTD 04-02-1981 500 3 LAND LINE VALUATION SECTION В Use Code I. Factor Adi Unit Pric Description Zone Land Type Land Units Unit Price Site Index Cond. Nbhd. Nhbd Adi Notes Location Adjustment Land Value 310 OIL STO BUS SITE 23,430 SF E BG 7.22 4.22 1.71000 1.00 1.000 169,200 169.200 **Total Card Land Units** Parcel Total Land Area: 0.5379 Total Land Value 0.538 AC

507 NORTH MAIN ST Property Location 1/ 15/ 2/ / Bldg Name State Use 310 Map ID Vision ID 6 Account # 6 Blda # 1 Sec # 1 of 1 Card # 1 of 1 Print Date 11-03-2020 8:41:33 A **CONSTRUCTION DETAIL CONSTRUCTION DETAIL (CONTINUED)** Element Cd Description Element Cd Description 34 Style: 71 **OFFICE** Model 94 COMMERCIAL Grade ח FAIR Stories 1.00 1 STORY MIXED USE Occupancy 1.00 Code Description Percentage Exterior Wall 1 CONC BLOCK 21 48 FFL 48 OIL STO 310 100 Exterior Wall 2 0 Roof Structure FI AT 0 Roof Cover TAR+GRAVEL COST/MARKET VALUATION Interior Wall 1 8 PLYWD PANL Interior Wall 2 5 MINIMUM RCN 169.427 Interior Floor 1 4 CARPET 34 CONCRETE Interior Floor 2 12 34 Heating Fuel OIL Year Built 1948 lз Heating Type FORCED H/W 1983 Effective Year Built AC Percent lo ΑV **Depreciation Code** FBM Saft Remodel Rating OIL STO Bldg Use 310 Year Remodeled Total Rooms 44 Depreciation % 35 Bedrooms lo. Functional Obsol Full Baths 0 External Obsol Half Baths 3 Trend Factor Extra Fixtures Condition #Heat Sys Condition % 26 STEEL Frame Percent Good **AVERAGE** Bath Style Cns Sect Rcnld 110.100 CONCRETE Foundation Dep % Ovr Partitions **TYPICAL** Dep Ovr Comment Wall Height 12.00 Misc Imp Ovr FBM Quality Misc Imp Ovr Comment Kitchens Cost to Cure Ovr Cost to Cure Ovr Comment OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B) Code Description L/B Units Unit Price Yr Blt Cond. Cd | % Good | Grade | Grade Adj Appr. Value 85 **PAVING** 12,000 1.61 1950 AV 55 Α 1.00 10,600 ANTENNA ANT 35 57.50 1950 AV55 0.90 1,000 55 SHED/FR 500 02 L 120 7.48 1998 ΑV Α 1.00 AUTH R **BUILDING SUB-AREA SUMMARY SECTION** Code Description Living Area Floor Area Eff Area Unit Cost Undeprec Value BASEMENT **BMT** 1,426 9.65 13.765 EFP **ENCL PORCH** 338 0 24 14.09 FFL 155,324 1ST FLOOR 3,216 3,216 48.30

169,427

Ttl Gross Liv / Lease Area

3,216

4,666

3,508



J1349-01-09 December 28, 2020

Office of Planning and Community Development 60 Center Square East Longmeadow, MA 01028 Attn: Bethany Yeo, Acting Director

Subject:

Notice of Activity and Use Limitation

507 North Main Street, East Longmeadow, Massachusetts MassDEP Release Tracking Number (RTN) 1-801

Dear Acting Director Yeo:

This letter provides notification of an Activity and Use Limitation (AUL) filed for a property in your community. Due to a release of fuel oil at the above-referenced property response actions were conducted under the Massachusetts Contingency Plan (MCP). An AUL has been implemented to restrict certain Site activities than may be inconsistent with maintaining a condition of No Significant Risk, as defined in the Massachusetts Contingency Plan (MCP).

There is No Significant Risk, as defined in the MCP, for use of the property for nonresidential purposes in the future. To meet the requirements of the MCP, a complete copy of the AUL is attached for your information. The AUL was recorded in the Hampden County Registry of Deeds on December 23, 2020 in Book 23610 Page 543. A legal notice regarding the AUL filing is scheduled to be published in an upcoming edition of The Republican newspaper.

If you have any questions, please contact us at (413) 788-6222.

Sincerely.

O'Reilly, Talbot & Okun Associates, Inc.

Edward . **Associate**

Attachment: Notice of Activity and Use Limitation

c: MassDEP, Town Manager, Health Department, Building Department

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: Auth Fuel

DEP Release Tracking No.(s): 1-801

This Notice of Activity and Use Limitation ("Notice") is made as of this 23rd day of <u>New Low</u>, 2020, by Moor Than Enough, LLC, a Massachusetts Limited Liability Corporation having a principal place of business at 234 County Road, Becket, Massachusetts 02133, together with his/her/its/their successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, Moor Than Enough, LLC is the owner in fee simple of those certain parcels of land located in East Longmeadow, Hampden County, Massachusetts with the buildings and improvements thereon, pursuant to a deed recorded with the Hampden County Registry of Deeds in Book 19619, Page 282;

WHEREAS, said parcel(s) 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 Registry of Deeds in Plan Book 29, Plan 58;

WHEREAS, the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material. Exhibit B is a sketch plan showing the relationship of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site 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 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) Commercial, industrial and business activities and uses including but not limited to, pedestrian and/or vehicular traffic, manufacturing, storage of materials, parking and servicing of vehicles, offices, warehousing, and maintenance of landscaping and paved and unpaved parking areas which do not cause the relocation of contaminated soil located at 1 foot below grade and greater;
 - (ii) Construction, maintenance and emergency excavation and repair of subsurface utilities, as long as such activities are performed in accordance with the Obligations and Conditions described in Paragraph 3;
 - (iii) Such other activities or uses which, in the Opinion of an LSP, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this Paragraph; and
 - (iv) Such other activities and uses 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 residence, school (with the exception of adult education), nursery, daycare, recreational area (such as a park or athletic fields), and/or any other use at which a child's presence may result in contact with contaminated soil;
 - (ii) Use of the Property for the growing of produce and/or the raising of livestock for human consumption;
 - (iii) Non-emergency excavation of soil located greater than 1 foot below the surface without the prior development and implementation of a Soil Management Plan and Light Aqueous Phase Liquid Management Plan, in accordance with the Obligations and Conditions specified in Paragraph 3;
 - (iv) Non-emergency relocation of soil located greater than 1 foot below the surface, unless such relocation is first evaluated by an LSP who renders an Opinion stating that such relocation is consistent with maintaining a condition of No Significant Risk described in Paragraph 3; and
 - (v) Construction or occupation of a newly enclosed building, or portion of an enclosed building, unless such activity is performed in accordance with the Obligations and Conditions specified in Paragraph 3.
- 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) A Soil Management Plan (SMP) and Light Non Aqueous Phase Liquid (LNAPL) Management Plan must be prepared and approved by a Licensed Site Professional (LSP) prior to non-emergency excavation or disturbance of contaminated soil at the Site. Soil, groundwater and/or Light Non Aqueous Phase Liquid (LNAPL) removed is to return to the point of origin following completion of the work, or such media shall go to an appropriate receiving facility. A Licensed Site Professional (LSP) shall determine an appropriate receiving facility and the manner of transportation of soil, groundwater and/or LNAPL from the Property; and

- (ii) If an enclosed building, or portion of an enclosed building, is to be constructed and occupied on the Property, such building shall incorporate into the building design measures to mitigate potential vapor migration into the building. A Licensed Site Professional (LSP) shall be retained to approve the measures and conduct a vapor migration assessment in accordance with applicable guidance. The measures incorporated into the building design shall be maintained following the Opinion of a LSP, and in accordance with applicable laws, regulations and guidance in effect.
- 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. <u>Violation of a Permanent or Temporary Solution</u>. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by 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, the owner or operator of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. <u>Incorporation Into Deeds</u>, <u>Mortgages</u>, <u>Leases</u>, and <u>Instruments of Transfer</u>. This Notice shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed 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(s).

By: Dor DV Meatre

WITNESS the execution hereof under seal this ______ day of ______ 2020.

Moor Than Enough, LLC. David V. Nietupski, Manager

thinpoten .ss

December 22, 2020

On this 22 day of <u>Never there</u>, 2020, before me, the undersigned notary public, personally appeared David V. Nietupski, Manager of Moor Than Enough, LLC as indicated in the Certificate of Organization attached hereto as Exhibit D, proved to me through satisfactory evidence of identification, which were slate devices 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.

(CLANG C (Clele) (official signature and scal of notary)

ALYSSA C. AVERY
Netary Public
Massachusetts
maissine Explose May 25, 202

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:

OF POSTER NO. 4505

Edward J. Weagle

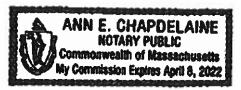
COMMONWEALTH OF MASSACHUSETTS

HAMPOEN, SS

12.23, 2020

On this <u>J310</u> day of <u>DFLEMSER</u>, 2020, before me, the undersigned notary public, personally appeared Edward J. Weagle, Licensed Site Professional with O'Reilly, Talbot & Okun Associates, Inc., proved to me through satisfactory evidence of identification, which was <u>INA LICENSE</u>, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Inn C. Chaptel Admitial signature and seal of notary)



Upon recording, return to:

Moor Than Enough, LLC. 234 County Road Becket, Massachusetts 02133

EXHIBIT A

507 NORTH MAIN STREET, EAST LONGMEADOW, MASSACHUSETTS

Certain parcels of land situated in East Longmeadow, Hampden County, Massachusetts, shown and described on a plan of lots entitled "Plan of Lots in East Longmeadow, Mass., owned by Beatrice Theroux" recorded in the Hampden County Registry of Deeds Plan Book 29, Page 58, prepared by Cobb, Beesley & Miles, Engineers, Springfield Mass., bound and described as follows:

Parcel 1

BEGINNING at a stone bound at an angle in the Northeasterly side of North Main Street,

THENCE running SOUTHEASTERLY along the Northeasterly side of said North Main Street, a distance of 228. 45 feet to a stone bound,

THENCE continuing Southeasterly along the Northeasterly side of said North Main Street, a distance of 0.54 feet to land now or formerly of the New York, New Haven & Hartford Railroad;

THENCE running NORTHWESTERLY along said land now or formerly of the New York, New Haven & Hartford Railroad, a distance of 248.03 feet to an iron pin;

THENCE running SOUTHWESTERLY a distance of 130.62 feet to the stone bound at the point of beginning, the last course making an interior angle with the first course of 82° 19' 30".

Said Parcel 1 being Lot #1 as shown on the plan referenced above.

Parcel 2

BEGINNING at an iron pin in the Northeasterly side of North Main Street, at the southeasterly corner of Lot #3 as shown on the plan referenced above,

THENCE running SOUTHEASTERLY along the Northeasterly side of said North Main Street, a distance of 60 feet to a stone bound at the Southeasterly corner of Lot #1 as shown of the plan referenced above,

THENCE running NORTHEASTERLY along said Lot #1, a distance of 130.62 feet

to an iron pin at the land now or formerly of the New York, New Haven &

Hartford Railroad;

THENCE running NORTHWESTERLY along said land now or formerly of the New

York, New Haven & Hartford Railroad, a distance of 65.63 feet to an iron

pin;

THENCE running SOUTHWESTERLY, a distance of 157.21 feet to the iron pin at

the point of beginning.

Said Parcel 2 being Lot #2 as shown on the plan referenced above.

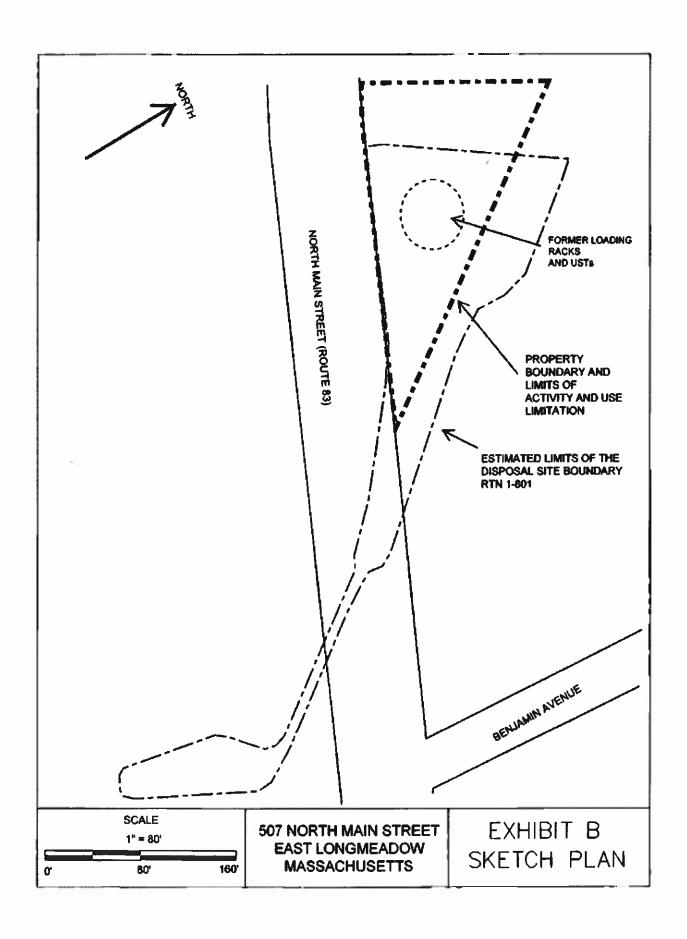


EXHIBIT C ACTIVITY AND USE LIMITATION ("AUL") NARRATIVE DESCRIPTION RELEASE TRACKING NO. 1-0801 507 North Main Street Springfield, Massachusetts

In accordance with the requirements of 310 CMR 40.1074, this Activity and Use Limitation (AUL) Opinion has been prepared for the Property located at 507 North Main Street in Springfield, Hampden County, Massachusetts, owned by Moor Than Enough, LLC.

<u>Permanent Solution Statement</u> - The Notice of Activity and Use Limitation is appropriate in order to maintain a Permanent Solution and a condition of No Significant Risk, as long as the requirements of the Notice of Activity and Use Limitation are met. These requirements include restricting future residential use of the Property and the implementation of measures to control exposure during excavation activities.

Description of the Oil Release. The 507 North Main Street property was used for the storage and distribution of fuel oil and petroleum products from 1948 through the late 1980s. The business utilized underground storage tanks for the storage and transfer of petroleum products onto delivery trucks. The underground storage tanks and product loading equipment were removed in the late 1980s, at which time fuel oil impacted soil was identified. The former locations of the underground storage tanks and loading equipment are shown on the Sketch Plan in Exhibit B. The release impacted soil and groundwater, and migrated along a culvert which resulted in the discharge of separate phase fuel oil into a stream. MassDEP (through its contractors) conducted assessment of soil and groundwater conditions and performed oil recovery operations in the 1990s. Risk characterizations based on assessment data collected from the Site since that time has shown that the release does not pose an unacceptable risk to human health subject to the Notice of Activity and Use Limitation.

Description of Contaminated Media Subject to the AUL. - Assessments of the property have occurred at various times since the late 1980s. These assessments identified petroleum in soil and groundwater at the 507 North Main Street property. Petroleum impacted soil is located at depths that range from 1 to 22 feet below grade. The estimated limits of the disposal site are shown on the Sketch Plan attached in Exhibit B.

EXHIBIT D

MOOR THAN ENOUGH, LLC

CERTIFICATE OF ORGANIZATION

Pursuant to the provisions of the Massachusetts Limited Liability Company Act (the "Act"), the undersigned hereby certifies as follows:

- 1. The name of the limited liability company formed hereby (the "LLC") is Moor Than Enough, LLC. The federal employer identification number for the LLC is not available at this time.
- 2. The address of the office of the LLC in the Commonwealth is 234 County Road, Becket, Massachusetts 02133.
 - 3. The general character of the business of the LLC is to own and manage real estate.
 - 4. The LLC shall have no specific date of dissolution.
- 5. The name and business address of the resident agent for service of process for the LLC are: David V. Nietupski, 234 County Road, Becket, Massachusetts 02133.
- 6. The name and business address of the initial manager of the LLC are: David V. Nietupski, 234 County Road, Becket, Massachusetts 02133.
- 7. Any manager is authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property on behalf of the LLC.

IN WITNESS WHEREOF, the undersigned hereby affirms under the penalties of perjury that the facts stated herein are true this December 28, 2012.

David Nietupski

Authorized Person