

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 Monnier Building
DEP Release Tracking No.(s): 3-13390

This Notice of Activity and Use Limitation ("Notice") is made as of this 9 day of September, 2020, by 60 Pulaski Street LLC, 65 Walnut Street, Peabody, MA together with its successors and assigns (collectively "Owner").

W I T N E S S E T H:

WHEREAS, 60 Pulaski Street LLC, is the owner in fee simple of that certain parcel of land located in Peabody, City of Peabody, Essex County, Massachusetts with the buildings and improvements thereon, pursuant to a deed recorded with the Essex County Registry of Deeds in Book 22470, Page 164;

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 Essex South District Registry of Deeds in Book 38900, Page 292;

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

Exhibit B is a sketch plan showing the relationship of the Portion of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site existing within the limits of the Property and to the extent such boundaries have been established. 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 (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 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 Portion of the Property pursuant to 310 CMR 40.0000:

- (i) Activities and uses including but not limited to, landscaping and routine maintenance of landscaped areas which do not cause and/or result in direct contact with, disturbance of, and/or relocation of, the chromium-contaminated soil currently located at depths of 3 feet to 15 feet below surface grade;
- (ii) Excavation activities associated with emergency, short-term (less than one week) subsurface utility work, ground cover maintenance, road repair, fence installation and landscaping to a depth of five (5) feet or less below the ground surface
- (iii) Excavation deeper than five (5) feet below ground surface associated with non-emergency underground utility work, road repair, fence installation and/or building construction work as long as such work is conducted in a manner consistent with Paragraph 3(ii) and (iii);
- (iv) Such other activities or uses 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
- (v) Such other activities and uses not identified 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 Portion of the Property:

- (i) Use as a residence, nursery, daycare, and/or other such use at which a child's regular presence is likely without maintaining the cover of least three feet;
- (ii) Agricultural or gardening uses, except for the landscaping activities, including planting of trees, shrubs and flowers to a depth of three (3) feet or less below ground surface, and the maintenance of ground cover, including mowing, seeding and fertilizing of grass or similar vegetation at the ground surface;
- (iii) Excavation activities associated with underground utility work, construction work, or landscaping at depths of greater than three (3) feet below surface grade, without the development and implementation of a Soil Management Plan and a Health and Safety Plan in accordance with Obligations (i) and (ii) listed below; and
- (iv) Construction of any future building and property development that will be occupied without an evaluation and determination by a Licensed Site Professional that the use of the building will not result in a significant risk to occupants.

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

- (i) A Soil Management Plan must be prepared and implemented prior to the commencement of any activity that is likely to disturb soil at depths of three (3) feet to 15 feet below surface grade. The Soil Management Plan must describe procedures for appropriate soil handling, storage, transport, and disposal. It must also specify necessary monitoring to prevent exposures to other receptors in the vicinity. Soil must not be removed from the area subject to the AUL without the approval of a Licensed Site Professional;
- (ii) A Health and Safety Plan must be prepared and reviewed and signed by a Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety procedures and requirements and implemented prior to the commencement of any activity that is likely to disturb soil at depths of three (3) feet to 15 feet below surface grade within the area subject to the AUL. This Plan must be developed in accordance with applicable laws and regulations, and include necessary controls to prevent exposure to excavation workers;
- (iii) A Licensed Site Professional evaluation and modification of (as necessary) plans and specification of any future buildings to be constructed within the area subject to the AUL intended for occupation to ensure that the use of the building will not result in a significant risk to occupants due to migration of site contaminants; and

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

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

WITNESS the execution hereof under seal this 9 day of September, 2020.

60 Pulaski Street, LLC

By: Tannin Corporation, Manager

John V. Thompson
John V. Thompson, President

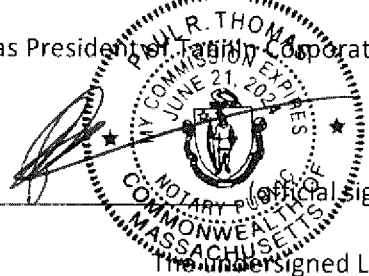
COMMONWEALTH OF MASSACHUSETTS

Essex, ss

Sept 9, 2020

On this 9th day of September, 2020, before me, the undersigned notary public, personally appeared John V. Thompson (name of document signer), proved to me through satisfactory evidence of identification, which were known to me, 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.

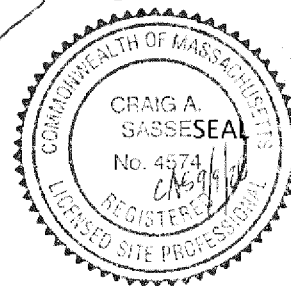
as President of Tannin Corporation, a corporation

[Signature]
(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: 9/9/2020

Craig Sasse
Craig Sasse, LSP



COMMONWEALTH OF MASSACHUSETTS

Massachusetts ss

9/9, 2020

On this 9th day of September 2020 before me, the undersigned notary public, personally appeared Craig Sasse (name of document signer), proved to me through satisfactory evidence of identification, which were known to me, 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.

Donna L. McLean (official signature and seal of notary)

Upon recording, return to:

60 Pulaski Street LLC
Attention: John Thompson
65 Walnut Street
Peabody, MA 01960

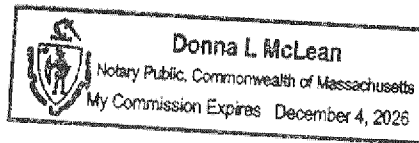


EXHIBIT A

METES & BOUNDS DESCRIPTION

60 PULASKI STREET, PEABODY, MASSACHUSETTS

The parcels of land situated at 60 Pulaski Street, formerly Liberty Street, in Peabody, Essex County, Commonwealth of Massachusetts:

- (1) A certain parcel of land situated on Pulaski Street in said Peabody, bounded and described as follows: Southerly and southeasterly by said Pulaski Street about one hundred and ten (110) feet; easterly by land formerly of Philip Bushby, about seven hundred thirty (730) feet; northerly by Waters River; and westerly by the center of the creek running into the said River. Excepting and Reserving, however, any portion of said land lying within the boundaries of the town of Danvers.
- (2) A certain parcel of land situated on Pulaski Street in said Peabody, bounded and describe as follows: Southerly by said Pulaski Street; westerly by land late of John Cleary; northerly by Waters River; and easterly by said Waters River and the parcel of land hereinbefore described. Excepting and Reserving, however, any portion of said land lying within the boundaries of the town of Danvers.
- (3) A certain parcel of land situated on Pulaski Street in said Peabody, bounded and described as follows: Southerly by said Pulaski Street; northerly by land formerly of J.V. and J. Hanson; northerly and northwesterly by Waters River or the Mill Pond; so-called; southerly by other land now or formerly of The George E. Marsh Company. Excepting and Reserving, however, any portion of said land lying within the boundaries of the town of Danvers.

EXHIBIT A-1

DESCRIPTION OF AREA SUBJECT TO AUL

60 PULASKI STREET, PEABODY, MASSACHUSETTS

Reference is made to a plan entitled "Plan of Land in Peabody, Mass. Hayes Engineering, Inc., Scale 1" = 40', November 18, 2011 revised January 11, 2012, August 6, 2020, August 14, 2020, 60 Pulaski St., showing Activity and Use Limitation Area" recorded with the Essex South District Registry of Deeds in Plan Book 38900, on Page 292 with said "Area" being shaded and bounded and described as follows:

Beginning at the Northwesterly corner on the Edge of the Waters River thence running;

Southwesterly as shown on said plan by the edge of the river on six courses, 14.6', 78.9', 53.8', 38.2' 33.5' and 5.0'; thence turning and running

Southeasterly as shown on said plan 196.7'; thence turning and running

Northeasterly as shown said plan 180.9'; thence turning and running

Northwesterly as shown on said plan 204.2'; thence turning and running

Northwesterly as shown on said plan 187.1 to the edge of the river and the point of beginning.

Said "Area" contains 65,000 square feet according to said plan.

EXHIBIT B

SITE SKETCH

EXHIBIT C

ACTIVITY AND USE LIMITATION OPINION

EXHIBIT C

ACTIVITY AND USE LIMITATION OPINION

In accordance with the requirements of 310 CMR 40.1074, this Activity and Use Limitation (AUL) Opinion has been prepared for the property identified as 60 Pulaski Street in Peabody, Massachusetts. Specifically, the Portion of the Property to which this AUL applies is described in Exhibit A-1 and shown in Exhibit B of the Notice of AUL. As of the date of this Activity and Use Limitation Opinion, the Portion of the property is undeveloped vacant land.

Site History

Polk's Salem City Directories and/or Naumkeag Directories for Salem, as available, were reviewed at the Peabody Institute Library at approximate five-year intervals dating from 1910 through 1991. From 1940 through 1980, the directories indicate occupancy by Leon E. Monnier, Inc. tanning extracts or Leon E. Monnier Co. tanning extracts. The subject property is listed as being occupied by the Peabody Tallow Co. on Liberty Street in the 1912 Polk's Salem City Directory, indicating that Pulaski Street was formerly known as Liberty Street. Plate 39 of an August 1929 Sanborn Fire Insurance Map shows the property on Liberty Street and occupied by the Peabody Tallow Company. The Peabody Tallow Company was a manufacturer of tanning extracts and tallow. The subject property is listed as occupied by Tannin Corp. tanning extracts in the 1986 Polk's Salem Directory. According to a representative of Tannin, the company began renting the property on April 30, 1980, and ceased operations at the subject property and relocated to 58 Pulaski Street on September 30, 1989. Tannin Corp. vacated the site on September 30, 1989, and the site building remained unoccupied until March 30, 1998, when it was completely destroyed by fire. Leon E. Monier, Inc., Leon E. Monnier Company, and Tannin have all been involved in tanning extract processes on the site.

In 1995, the U.S. Environmental Protection Agency (EPA) was conducting a site inspection of the adjacent property at 58 Pulaski Street, and reportedly observed blue tanned hides both inside and outside of the building on the subject property. It was later determined that approximately 40 tons of chromium-contaminated leather scraps were stored outside of the building, and an additional 1,900 cubic feet of scraps were present inside the building. Approximately 300 tons of scrap hides were later removed from the site by one of the responsible parties, identified as Val Chiaradonna Trucking of Peabody, Massachusetts. Eight drums and five to ten pails were observed in the southwest corner of the building, showing evidence of releases. These drums were overpacked, absorbent was applied to the ground and was collected for removal by an EPA contractor. The EPA collected soil samples and found no chromium contamination in the surficial soil. Concentrations of chromium in the hides themselves were reported as high as 38,900 ppm. Two liquid vats in the basement had total chromium concentrations ranged as high as 2,000 ppm. Pipe insulation was found to contain 40% friable asbestos. In February 1997, approximately 1,000 gallons of high concentration chromium liquid were pumped from the vats in the basement and were shipped off-site and removal and/or stabilization of asbestos inside the building was completed. Also in February 1997, the removal of the majority of the scrap hides was completed.

On March 30, 1998, a fire destroyed the building at the site. Water that was used to extinguish the blaze filled the basement. The fire water eventually overflowed the basement and exited the building through windows at the ground level on the west side of the building. The water from the fire-fighting activities

became contaminated with chromium as a result of high level chromium liquids that were remaining in the basement vats at the time of the fire. The chromium-contaminated water from the fire-fighting activities impacted site soils along the western property boundary. The Massachusetts Department of Environmental Protection (DEP) took emergency response actions to prevent further impact to the Waters River. Approximately 40,000 gallons of water was removed from the basement into fractionation tanks. Additional pumping of an unknown quantity of basement water was performed by Tannin in 1998. Additional response actions were performed by Tannin between March 30, 1998 and October 4, 1999. Water in the fractionation tanks was batch treated by a reduction, pH adjustment, and precipitation process, and discharged to the South Essex Sewer District. A total of 1,053 tons of chromium-contaminated soil and dewatered sludge were treated in August through October 1999 under an Immediate Response Action (IRA) by a reduction and stabilization/fixation process, and were then disposed off-site at the Hyland Ash Landfill. The basement floor was sampled, and the foundation hole was backfilled with gravel and capped with soil cement.

Municipal records and information from previous environmental inspections indicate that there was one 4,500 gallon underground No. 2 fuel oil storage tank at the subject property. An aboveground storage tank was observed on the east side of the former building. According to Peabody Fire Department inspection records, a 500 gallon above ground propane storage tank was observed at the site in November 1989, as well as a large square tank labeled "LIONTAN 1000" found to be 1h to 2/3 full at the time of the inspection. The 4,500 gallon UST was removed in 2005 as part of a Release Abatement Measure. Numerous 55-gallon metal drums were observed around the building and in the field to the northwest of the building during the November 1989 inspection. During this same Fire Department inspection, acetylene bottles, drums and bags of aluminum sulfate, lime, potash, pumices, sodium bisulfate and sodium hexameta phosphate were observed in the former office and warehouse portions of the building, as well as additional unmarked containers. A 1978 fire inspection noted that the building contained seven tanks of sulfur dioxide gas. During the 1995 EPA site inspection, blue-green tanned hides were reported both within and outside the building.

By June 1997, approximately 300 tons of leather hides had been removed from the property by the EPA and/or Val Chiaradonna Trucking. The waste containers, underground tanks and above ground tanks were removed. No lagoons, pits, or piles have been noted since.

Reason for Activity and Use Limitation

Former historic operations and a fire and associated fire-fighting water contaminated soil and groundwater with chromium. Waste removal, groundwater removal, groundwater in-situ remediation, and soil excavation and off-site disposal were conducted on the property.

The current use of the property is vacant land. The Portion of the Property which is subject to the AUL is vacant land with a concrete capped foundation.

A Method 3 Risk Characterization found a condition of no significant risk to health, safety, welfare or the environment for current use and activities, including short term excavation for emergency utility repairs, at the Portion of the Property subject to the AUL. Potential greater risk may be present for other possible future unrestricted uses, including use of the Portion of the Property for residential use or excavation of soils for construction.

In order to maintain a level of no significant risk, an AUL is necessary to limit potential future site uses and activities. Limitations include restricting future use of the property as well restricting activities which may result in disturbances to underlying soil.

Permitted Activities and Uses

A condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time as long as any of the following activities and uses occur on the area subject to the AUL:

- (i) The site's current use as vacant land as well as any use for commercial, industrial or retail activities and uses;
- (ii) Excavation activities associated with underground utility, construction work, or landscaping are conducted in accordance with a Soil Management Plan and a Health and Safety Plan in accordance with Obligations (i) and (ii) of this Opinion. The Health and safety plan should consider inhalation, direct contact exposures and potential migration of contamination away from the area of excavation;
- (iii) Emergency utility work including excavation, maintenance and repairs to site utilities;
- (iv) Such other activities or uses which, in the Opinion of a Licensed Site Professional (LSP), shall present no greater risk of harm to health, safety, public welfare, or the environment than the activities and uses identified in this section; and
- (v) Such other activities and uses not identified as being Activities and Uses Inconsistent with maintaining No Significant Risk Conditions.

Activities and Uses Inconsistent with AUL Opinion

Activities and uses of the area subject to the AUL which are inconsistent with the objectives of the Notice of AUL, and which, if implemented, may result in a significant risk of harm to health, safety, public welfare, or the environment or in a substantial hazard, are as follows:

- (i) Use as a residence, nursery, daycare, and/or other such use at which a child's regular presence is likely without maintaining the cover of least three feet of clean soil;
- (ii) Agricultural or gardening uses, except for the landscaping activities, including planting of trees, shrubs and flowers to a depth of three (3) feet or less below ground surface, and the maintenance of ground cover, including mowing, seeding and fertilizing of grass or similar vegetation at the ground surface;
- (iii) Excavation activities associated with underground utility work, construction work, or landscaping at depths of greater than three (3) feet below surface grade, without the development and implementation of a Soil Management Plan and a Health and Safety Plan in accordance with Obligations (i) and (ii) listed below; and
- (iv) Construction of any future building and property development that will be occupied without an evaluation and determination by a Licensed Site Professional that the use of the building will not result in a significant risk to occupants.

Obligation and Conditions

To maintain a condition of No Significant Risk, the following obligation and condition must be undertaken and/or maintained in the area subject to the AUL:

- (i) A Soil Management Plan must be prepared and implemented prior to the commencement of any activity that is likely to disturb soil at depths below three (3) feet of surface grade. The Soil Management Plan must describe procedures for appropriate soil handling, storage, transport, and disposal. It must also specify necessary monitoring to prevent exposures to other receptors in the vicinity. Soil must not be removed from the area subject to the AUL without the approval of a Licensed Site Professional;
- (ii) A Health and Safety Plan must be prepared and reviewed and signed by a Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety procedures and requirements and implemented prior to the commencement of any activity that is likely to disturb soil at depths of three (3) feet below surface grade within the area subject to the AUL. This Plan must be developed in accordance with applicable laws and regulations, and include necessary controls to prevent exposure to excavation workers;
- (iii) A Licensed Site Professional evaluation and modification of (as necessary) plans and specification of any future buildings to be constructed within the area subject to the AUL

intended for occupation to ensure that the use of the building will not result in a significant risk to occupants due to site contaminants;

LSP: Craig Sasse
Craig A. Sasse, LSP No. 4574

Date: 9/9/2020

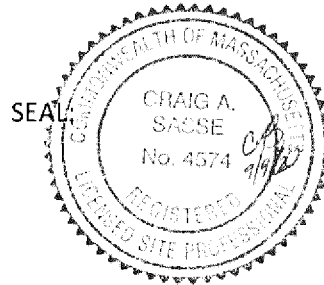


EXHIBIT D

SIGNATURE AUTHORITY

EXHIBIT D
60 PULASKI STREET LLC
CERTIFICATE

Tannin Corporation, Inc. ("Tannin"), the sole Manager of 60 Pulaski Street LLC (the "LLC"), does hereby certify as follows:

1. Tannin is the sole Manager of LLC, a limited liability company organized under the laws of the Commonwealth of Massachusetts;
2. The Operating Agreement LLC (the "Operating Agreement"), attached hereto as Exhibit A, is a full, true and correct copy of the Operating Agreement of the LLC as in effect on the date hereof, which Operating Agreement has not been amended, modified, or rescinded, except as set forth in such Exhibit .
3. The Certificate of Organization of LLC, attached hereto as Exhibit B, is a full, true and correct copy of the Certificate of Organization of LLC filed with the Massachusetts Secretary of State, as in effect on the date hereof, which Certificate of Organization has not been amended, modified or rescinded, except as set forth in such Exhibit B.
4. The Sole Members of LLC and their percentage interest in the profits and losses of the LLC are as provided in the Operating Agreement, as amended.

IN WITNESS WHEREOF, the undersigned, as sole Manager of LLC, has caused these presents to be executed and delivered on this 3rd day of September, 2020.

TANNIN CORPORATION (Sole Manager)

By: _____

John V. Thompson, President

