



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

November 27, 2023

Town of Kingston
Board of Selectmen
26 Evergreen Street
Kingston, MA 02364

Re: Earth Removal Permit Application
P.K. Realty Trust
Map 97 Lot 1, Map 97 Lot 2, Map 92 Lot 5 (partial), Map 96 Lot 2 (partial),
Map 96 Lot 6, Map 96 Lot 1 (partial)
Off Route 44
Kingston, MA 02367
G.A.F. Job No. 20-9617

Honorable Selectmen,

G.A.F. Engineering, Inc., on behalf of our client P.K. Realty Trust, respectfully submits the enclosed Earth Removal Permit Application and supporting documentation. This earth removal permit application is being filed under the provisions of Chapter 12, Earth Removal By-law of the Town of Kingston General By-law. This earth removal is necessary, customary, and incidental for the preparation of the site for the proposed organic cranberry bog and water supply/tailwater reservoir. The cranberry bog system is intended to be used as an educational program for Cardinal Cushing School students. Carver Middleborough Cranberry Company and Off Brook Street Cranberry Company will be providing cultural practices support to the students. The proposed water supply/tailwater reservoir is proposed as a clay lined pond. The cranberry bog will be constructed with a slowly permeable confining layer coupled with an organic confining layer so as to create a suitable medium mimicking the characteristics of a Bordering Vegetated Wetland (BVW). Together the water supply and cranberry bog will create a closed agricultural system.

The agricultural features of this project are all located outside the limits of the Water Resource Overlay District. The entire project is located in the R-80 zoning district and outside any wetland resource areas or buffer zones to protected resource areas.

The enclosed plans and project narrative describe the project in more specific detail. We look forward to discussing this project with the Select Board.

Very Truly Yours,

William F. Madden, P.E.
bill@gafengine.com

WFM/jlc

Enclosures

cc: P.K. Realty Trust – Ian Norrie
Tim Angley, Esq.

266 MAIN ST.
WAREHAM, MA 02571

TEL 508.295.6600
FAX 508.295.6634

Kingston Board of Health
Kingston Board of Water Commissioners
Kingston Conservation Commission

**TOWN OF KINGSTON
BOARD OF SELECTMEN**

APPLICATION FOR EARTH-REMOVAL PERMIT

(Please Type or Clearly Print Application)

DESCRIPTION OF PROPERTY:

Map(s) 97, 96, 92 **Lot(s)** Lot 1, Lot 2, Portion of Lot 2
Lot 6, Portion of Lot 1, Portion of Lot 5
Zoning R-80 **Total Size** 34.76 Acres
Refer to the attached plan entitled Existing Conditions Plan

OWNER OF PROPERTY:

Name P.K. Realty Trust
Address P.O. Box 240 Plympton, MA 02367
Tel. No. 781-844-4270

APPLICANT:

Name P.K. Realty Trust
Title _____
Address P.O. Box 240 Plympton, MA 02367
Tel. No. 781-844-4270

EXPLANATION OF NEED FOR PERMIT:

Earth removal necessary to prepare the site for a cranberry bog, water supply/tailwater
pond construction. The proposed organic cranberry bog is intended to be used to support a
cranberry cultivation educational tool for students of Cardinal Cushing School.

PRIOR EARTH REMOVAL PERMITS ON PROPERTY: None

Date _____

Location **Map** _____ **Lot** _____

Volume Removed _____

INDICATE BELOW THE APPROVE PLANS/PERMTIS THAT NECESSITATE EARTH REMOVAL.

APPROVAL DATE

- | | | |
|-------------------------------------|------------------------------------|-------|
| <input type="checkbox"/> | Subdivision | _____ |
| <input type="checkbox"/> | Site | _____ |
| <input type="checkbox"/> | Disposal works construction | _____ |
| <input type="checkbox"/> | Conservation | _____ |
| <input checked="" type="checkbox"/> | Agriculture | N/A |
| <input type="checkbox"/> | Other | _____ |

EVCAVATION INFORMATION:

Number of Acres to be Excavated	<u>20 ±</u>
Number of Phases	<u>8</u>
Phase requested in this application	<u>8</u>
Total volume of materials to be removed for entire site	<u>1,100,500 cubic yards</u>
Volume of material to be removed this phase	<u>Refer to Phasing Schedule Sheet 6 of 10</u>
Volume to be removed in 1-yr period	<u>200,000 cubic yards</u>
Volume to be removed per day	<u>1,000 cubic yards</u>
Description of material	<u>Sand and gravel and other mineral soil</u>

Destination of Material:

On Site	_____
Off Site	<u>Plympton Sand and Gravel, Brook Street Plympton</u>

Requested hours of operation:

Monday – Friday	<u>7 AM - 4 PM</u>
Saturday	<u>7 AM - 12 Noon</u>

PLEASE ATTACH PLANS SHOWING THE FOLLOWING:

- I. The precise location of the proposed excavation as part of the total land area of the subject property.** Refer to Sheet 4 of 10
- II. Property lines with certified names and addresses of all abutters, including those across any way.** Refer to Sheet 3 of 6 10
- III. Existing contours at two-foot intervals in the area from which material is to be excavated and in surrounding areas, together with the contours at two-foot intervals below which no exaction shall take place.** Refer to Sheets 3 and 4 of 10
- IV. Natural features such as wetlands, the 100-year floodplain, ground cover, surface water and groundwater. (Water-table elevation shall be determined by test pits and soil borings satisfactory to the Board of Selectmen.) A log of soil borings shall be included, taken to the depth of the proposed excavation, congruent with the size and geological makeup of the site.** Refer to Narrative
- V. A topographical map showing contributory runoff and direction of flow; drainage facilities; location of wells, test pits, and borings; final grades, proposed vegetation and trees; and location and elevation of the permanent monument.** Refer to attached Plan Set
- VI. Dust, erosion, and sediment-control plan for the site, for all earth-removing equipment and truck traffic.** Refer to Sedimentation and Erosion Control Plan included in Project Narrative
- VII. The amount and cost of proposed restoration materials, and the source from which the applicant intends to obtain them, the location of any existing topsoil stockpile.** Refer to
Restoration Plan included in Project Narrative
- VIII. Estimated quantity of material to be removed, the quantity and estimated quality of topsoil to be replaced, and the location of any on-site stockpiling of topsoil to be removed under this application.** Refer to Project Narrative
- IX. An estimate of the number of per diem truck, trips, location of truck routes and hours of truck traffic.** Refer to Truck Route in Project Narrative
- X. Designation on the required plan of any and all proposed phases and the number of cubic yards to be excavated in each, none to exceed five acres or 200,000 cubic yards, whichever is less.** Refer to Sheet 6 of 10

AS PART OF YOUR APPLICATION, PLEASE SUBMIT PROOF THAT YOUR PLANS HAVE BEEN SUBMITTED TO THE BOARD OF HEALTH, BOARD OF WATER COMMISSIONERS, AND CONSERVATION COMMISSION.

PLEASE STATE FORM OF SURETY PROPOSED TO GUARANTEE RESTORATION OF SITE AND NAME AND ADDRESS OF SURETY COMPANY.

FORM	<u>Performance Bond</u>
NAME	<u>Travelers</u>
ADDRESS	<u>P.O.Box 2905, Hartford CT 06104-2905</u>

PLEASE ATTACH LIST OF NAME AND ADDRESSES OF ABUTTERS TO OWNER'S PROPERTY AS CERTIFIED BY THE BOARD OF ASSESSORS.

This application conforms to the requirements of the Town of Kingston Earth Removal ByLaw amended 6 May 1992, a copy of which I have read.

Date: November 21, 2023



Owners Signature

Earth Removal Permit Project

Narrative

Prepared for:

P. K. Realty Trust

P.O. Box 240
Plympton, MA 02367

November 27, 2023

Prepared by:

G.A.F. Engineering, Inc.

266 Main Street
Wareham, MA 02571

G.A.F. Job No. 20-9617

PROJECT NARRATIVE

	Page
1.0 General	1 - 3
1.1 Project Site	
2.0 Existing Parcel	3 – 4
2.1 General	
3.0 Zoning	4 – 5
3.1 General	
4.0 Soils	5 – 8
4.1 General Mapping	
4.2 Water Resource Mapping	
4.3 Soil Borings and Monitoring Wells	
5.0 Wetlands	8 – 9
5.1 General	
5.2 Determination	
6.0 Archeology	9 – 10
6.1 General	
6.2 Summary	
7.0 Water Supply	10 – 11
7.1 General	
8.0 Earth Removal	11 - 15
8.1 General	
8.2 Proposed Project	
8.3 Phasing	
8.4 Sedimentation, Erosion Control, and Dust Control	
8.5 Trucking and Truck Route	
8.6 Restoration	

Attachments

Exhibit 1.1 – Property Deeds

Exhibit 4.1 – Soil Boring Log and Report

Exhibit 5.1 – Letter from MassDEP and WPA Form 2 Superseding Determination of Applicability

Exhibit 6.1 – Letters from Massachusetts Historical Commission (MHC) and Public Archaeology Laboratory

Exhibit 7.1 – Memorandum of Agreement Between The Commission for Conservation of Soil, Water and Related Resources and The Department of Environmental Protection Water Management Program

Exhibit 8.1 – NPDES Stormwater Construction General Permit

Figures

4.4 – Soil Boring Locations & Monitor Well Location

1.0 General

1.1 Project Site

P. K. Realty Trust acquired this 41.47-acre parcel of land which is comprised of five (5) Assessor's parcels 97-1; 2.00 acres, 92-97-2; 5.03 acres, 92-5; 8.50 acres, 96-2; 19.10 acres, and 96-6; 6.40 acres. A total of 41.03 acres according to Assessor's records. The irregularly shaped parcel with rolling hill topography is landlocked and not provided with utilities such as water, sewer, gas, and electricity. A portion of the land is encumbered by a portion of an electrical easement in the southwest corner of the site. Two areas of the site exhibit characteristics of an historic excavation site, otherwise the site is chiefly wooded.

For the purpose of this narrative the word "parcel" will mean the entirety of the locus property containing 41.03 acres. Refer to Figures 1.1 and 1.2. The word "site" will mean the area located south, southeasterly of the "Boundary Tie Line" as shown on sheet 3 of 10 within the site plan. Also refer to Figure 3.1.

The parcel borders Indian Pond to the North, Route 44 and a Town of Kingston parcel to the South, Commonwealth of Massachusetts and privately owned land to the East, and a 300-foot-wide electrical easement and land owned by Eversource to the West. The Plympton town line forms the westerly property line.

The land is zoned Residential R-80. P. K. Realty Trust has direct access to the parcel which resulted from a land acquisition, in addition to the deeded rights of access over the Eversource easement. Refer to Exhibit 1-1 for Deeds to the property.

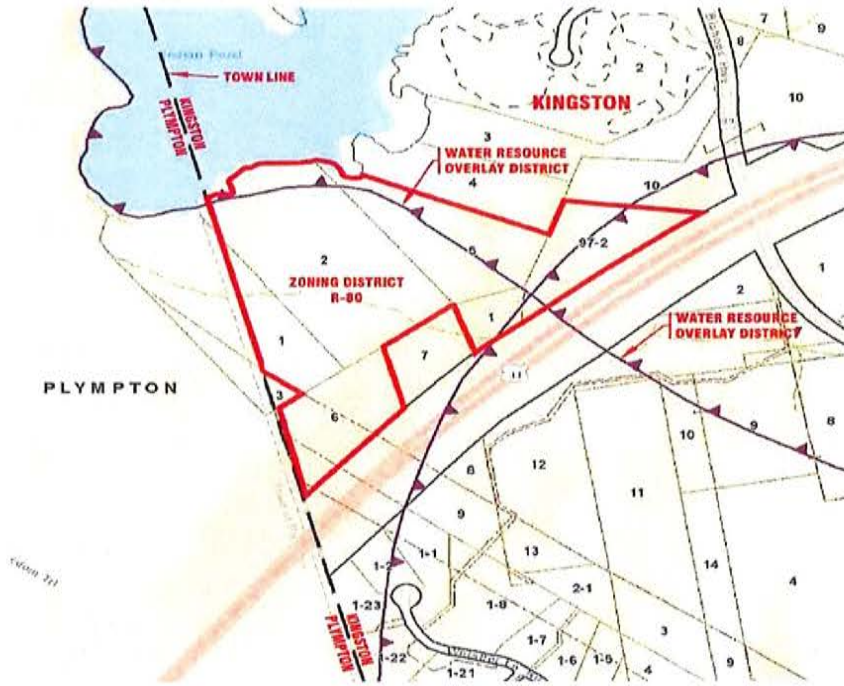


Figure 1.1 Existing Parcel

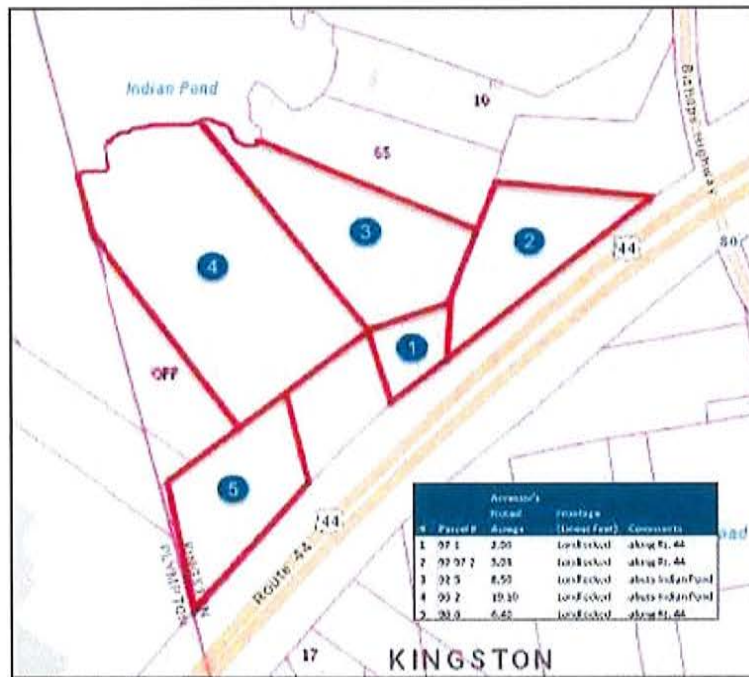


Figure 1.2 Parcel Data



Figure 1.3 Parcel View

2.0 Existing Parcel

2.1 General

The existing parcel, which is undeveloped consists of wooded rolling hills, pockets of isolated wetland areas, and wetlands associated with Indian Pond. The parcel contains roughly 35 acres of upland. One area on the parcel is indicative of past earth moving/removal activities and encompasses approximately 2.7 acres. A portion of the site has been cut off. The existing wooded parcel is otherwise undisturbed. The parcel is located in the R-80 Zoning District and is landlocked as it has no direct frontage.



Figure 2.1 Aerial View

3.0 Zoning

3.1 General

The existing parcel is presently zoned as Residential R-80 which requires a minimum lot area of 80,000 square feet and 200 feet of continuous frontage. The parcel is landlocked and has no direct frontage. The purpose of the R-80 Zoning District is to provide suitable areas for low density residential uses that will be compatible with other uses permitted within the boundaries of the Water Resource Overlay District¹. Most Permitted uses by-right are those of residential type uses. Other special permit type uses are allowed subject to special permits issued by the Planning Board⁴ or Zoning Board of Appeals.

Agriculture is noted as “permitted use” by right in the R-80 Zoning District². A small portion of the site is located in a Water Resource Overlay District the purpose of which is to “preserve the quality and quantity of the Town’s groundwater and surface water resources in order to insure a safe and healthy public water supply.”³.....Earth removal within the Water Resource Overlay District within 10-feet of the USGS historic highwater table or equivalent data determined by the Water Quality Review Committee more specific to the site”.....Earth removal within 10-feet of the historic highwater table is prohibited except for excavations necessary for building foundations, roads, and

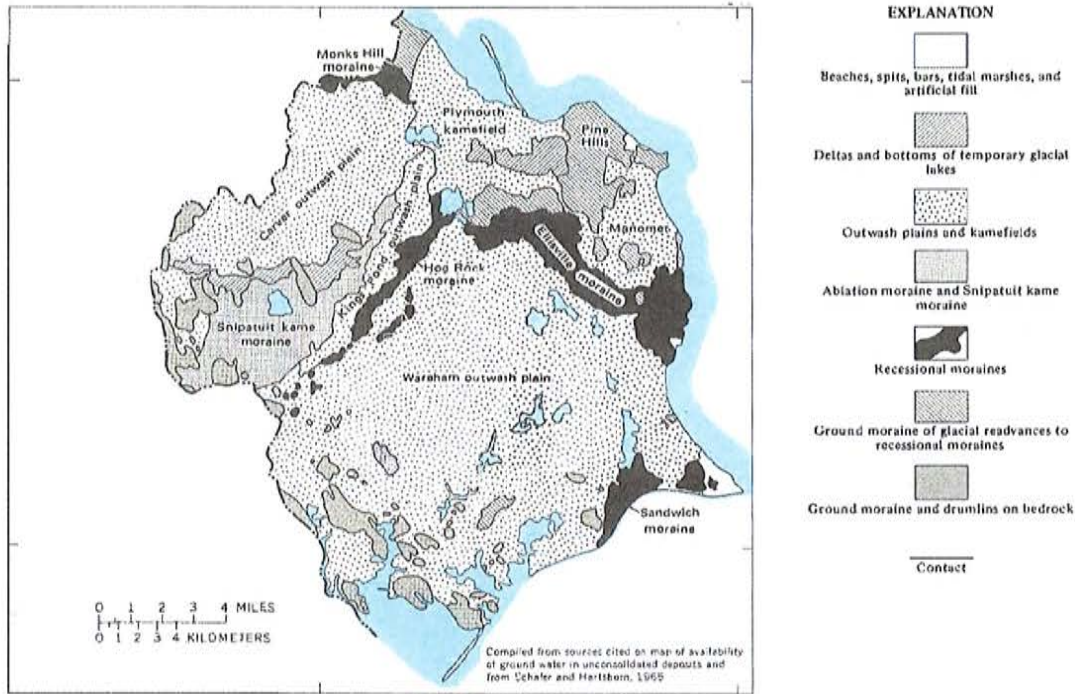
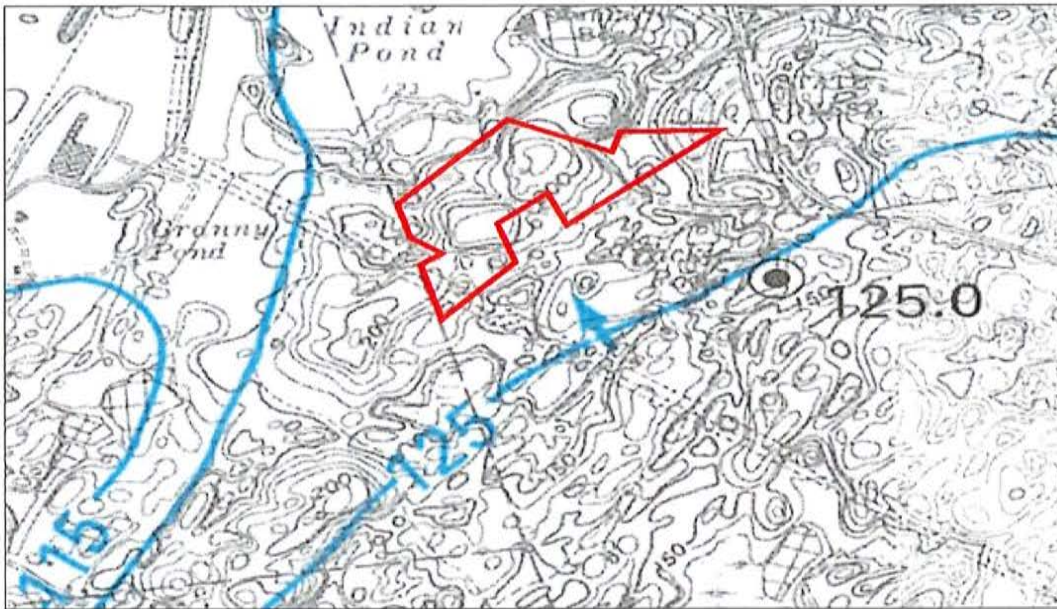


Figure 4.1- USGS-Hydrologic Investigations Atlas HA-507
 “Water Resources of the Coastal Drainage Basins of Southeastern Massachusetts,
 Plymouth to Weweantic River, Wareham”

This map identifies the project area being within the Monks Hill Moraine. An area of outwash plain is located to the south and kames and kame deltas are located to the north. Moraines in this area generally consist of irregular topography. Soils will consist primarily of Hinckley gravelly sandy loam. Morainal soils may consist of a poorly sorted, heterogenous mixture of silt, clay, sand, gravel and boulders. Soil borings confirmed soils of this character.

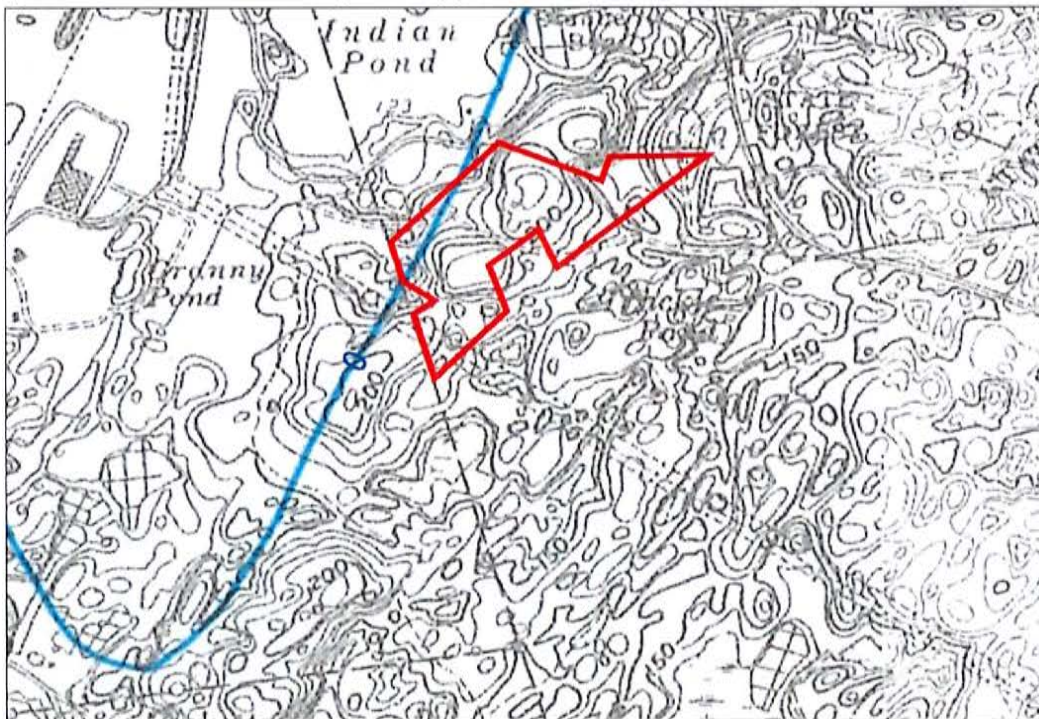
4.2 Water Resource Mapping

G.A.F. Engineering also reviewed a USGS report entitled “Geohydrology and Simulated Ground-Water Flow, Plymouth-Carver Aquifer, Southeastern Massachusetts, Water-Resources Investigations Report 90-4204”. This report contains two (2) Plates. Plate 1 is the “Altitude of the Water Table” (Figure 4.2). This Plate identifies the altitude of the water table at the project site to be approximately elevation 120 to 123. This plate also provides groundwater contours which illustrate the direction of groundwater flow. In this location the groundwater flow direction is generally toward the northwest and west. The project site is located within the Taunton River Basin and is approximately 1 mile northwesterly from the basin divide.

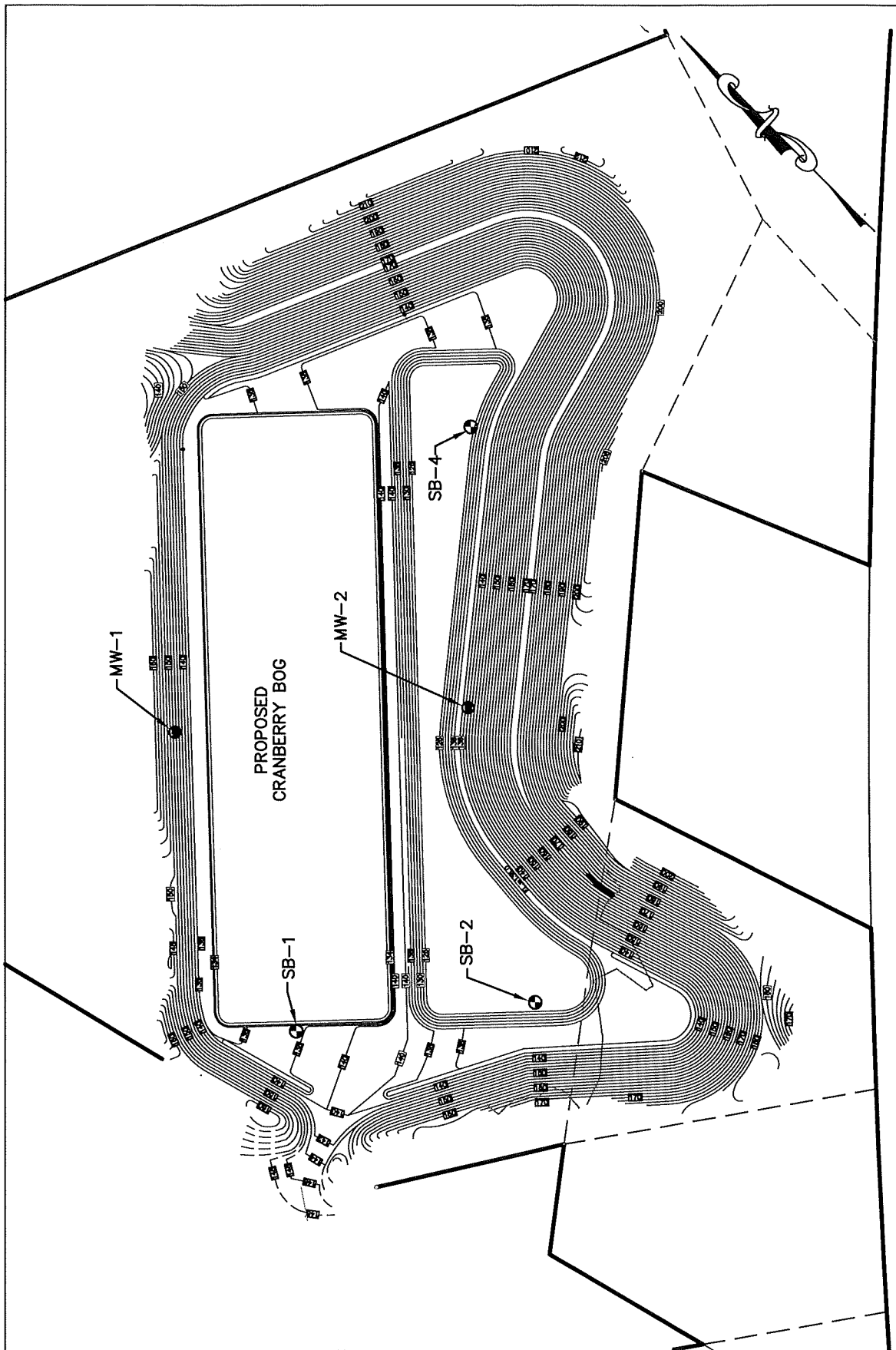


**Figure 4.2- USGS-Water-Resources Investigations Report 90-4204
Altitude of Water Table in the Plymouth-Carver Area**

The second Plate is the “Altitude of Bedrock Surface” (Figure 4.3). This Plate identifies the altitude of bedrock at the project site to be approximately elevation “0”. That would provide an overburden depth of approximately 160 to 210 feet for the project site.



**Figure 4.3- USGS-Water-Resources Investigations Report 90-4204
Altitude of Bedrock Surface, Plymouth-Carver Area**



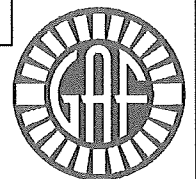
SCALE: 1" = 200'

PK REALTY TRUST

SOIL BORING LOCATIONS
MONITOR WELL LOCATIONS

SOURCE: MASS GIS

KINGSTON, MA



ENGINEERING, INC.

FIGURE 4.4

Additionally, a Soil Report for the site was obtained from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) (Refer to Exhibit 4.1). This report identifies the site as being underlain by primarily Hinckley soils. These soils are identified as Excessively Drained and fall within Hydrologic Soil Group A with low runoff potential. Landforms in this area are identified as Outwash terraces, kames and kame terraces and moraines. The Parent Material for these soils are “Sandy and gravelly glaciofluvial deposits”. A typical soil profile for Hinckley describes them as gravelly, coarse sands. The limitation on this report is the typical profile is only to a depth of around 60 inches.

4.3 Soil Borings and Monitoring Wells

Specific site information was obtained through direct observation. West End Drilling was engaged to perform soil borings throughout the site on November 6, 2023. A hollow stem auger was utilized to drill three (3) test borings and to establish two (2) monitor wells. Refer to Figure 4.4-Soil Boring Locations. These logs confirm the nature of the overburden. Each boring was characterized as having many depositional, varying layers. These layers alternated between clean sands and tight loamy sands with varying degrees of gravel. The soil boring logs confirm morainal soils that consist of a poorly sorted, heterogenous mixture of silt, clay, sand, gravel and boulders.

Two Monitor Wells were drilled to establish and monitor the depth to water table. These wells are identified in the Soil Boring Logs as MW-1 and MW-2. The wells are 2” PVC wells drilled into the water table. Each well was finished with three (3) feet of stainless well screen. The monitor wells were allowed to stabilize and depths to the water table were measured on November 16th. The water table elevation in MW-1 was EL. 121.0 and in MW-2 it was EL. 121.4. The observed water table is consistent with the elevations noted on Figure 4.2.

Representative samples were taken from the soil borings and delivered to S.W. Cole Engineering, Inc. to perform gradation testing. These results confirm the significant variation of the soil within the site. Results Refer to Exhibit 4.1 for boring data and soils data.

5.0 Wetlands

5.1 General

The parcel contains various wetland resource areas defined in MGL Ch131 § 40 and defined in the Wetlands Regulations found at 310 CMR 10.00 and the Town of Kingston Wetland By-law. One of the founding design principles was to avoid any unnecessary impacts to Wetland Resource Areas. In order to implement this consideration all wetland resource areas were delineated in the field by Environmental Consulting & Restoration, LLC. These resource areas were field located by conventional survey

methodology and placed on a site plan for further evaluation so to evaluate various site development options. After detailed evaluation of the wetlands resource areas, associated buffer zones, and topography it was determined to avoid any potential project impacts to wetland resource by establishing a tie-line approximately 600-feet south of Indian Pond. The area between the tie-line and Indian Pond was removed from further evaluation at this time. The area south of the tie-line extending to the layout line of Route 44 was selected as the area for further site evaluation. This area from the tie-line to the layout line of Route 44 was considered to be the development site ("site"). The site is not located within Estimated or Priority Habitats of Rare Species according to the Massachusetts Natural Heritage and Endangered Species Program.

5.2 Determination

In order to further advance the site evaluation a Request for Determination of Applicability was filed with both the Kingston Conservation Commission and DEP for the purpose of confirming that the site did not contain protectable wetland resource areas. Ultimately the Department of Environmental Protection issued a Superseding Determination of Applicability confirming no protectable wetland resource area exist on the project site (refer to Exhibit 5.1).

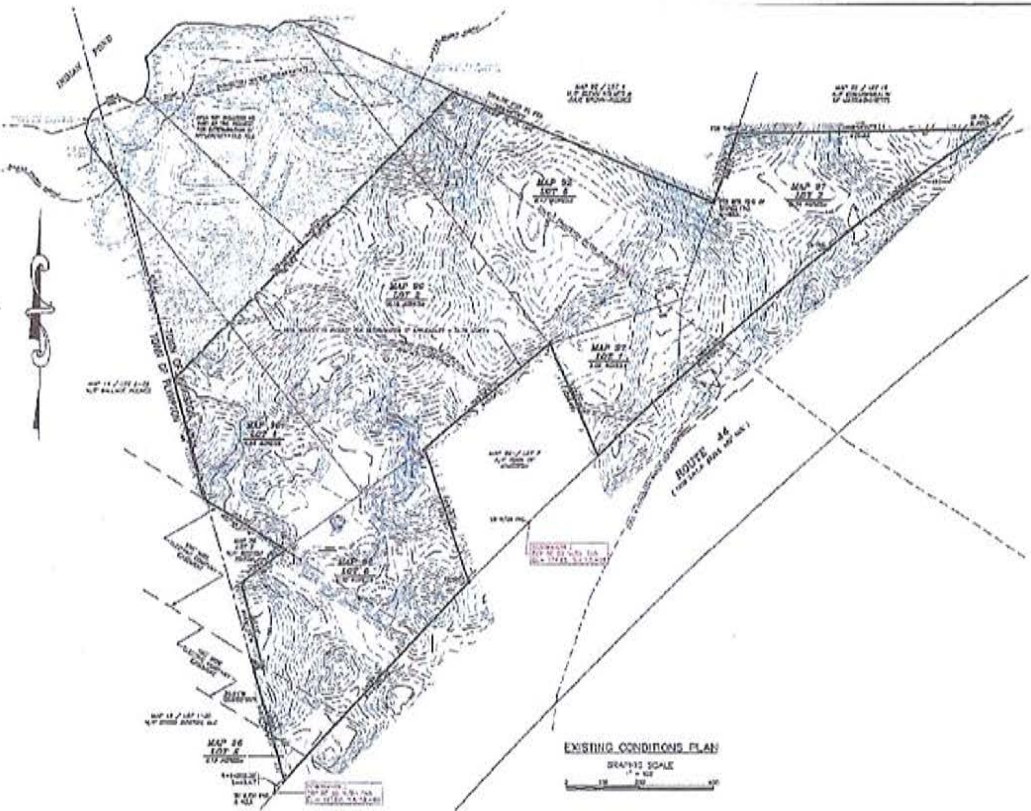


Figure 5.1

6.0 Archeology

6.1 General

A Project Notification Form (PNF) was prepared for this project and submitted to the Massachusetts Historical Commission (MHC) for review. The PNF indicated that the project requires a Stormwater Pollution Prevention Plan and Notice of Intent authorization from the US Environmental Protection Agency. Portions of the project area are archaeologically sensitive for significant ancient and historical period archaeological deposits and features. The Town of Kingston's 2008 archaeological reconnaissance survey and MHC's 1981 historical overview report indicates that the part of Kingston near Indian Pond has archaeological sensitivity. MHC recommended that an intensive (locational) archaeological survey be conducted for the project. The goal of the survey was to locate and identify and significant historic and archaeological resources that may be affected by the project, and to provide sufficient information to consider feasible alternatives to avoid, minimize or mitigate adverse project effects to important archaeological deposits and features.

P. K. Realty Trust engaged the services of PAL (Public Archaeology Laboratory) to conduct an Intensive (locational) Archaeological Survey compliant with 950 CMR 70 for the project. The goal of the intensive (locational) archaeological survey was to identify any pre-contact and or post-contact archaeological resources that may be eligible for listing in the State and/or National Registers.

Fieldwork for the archaeological survey was conducted by PAL staff in April and May 2023. Ninety-three (93) test pits were excavated within the project site. These test pits revealed material associated with stone tool production and lacked complexity and were not recommended as potentially eligible for listing in the National Register of Historic Places.

6.2 Summary

The PAL's Management Summary states;

“No significant cultural resources will be affected by the proposed P. K. Realty Trust Cranberry Bog and Tailwater Recovery Project, and no additional archaeological investigations are recommended.”

The Commonwealth of Massachusetts Historical Commission (MHC) in correspondence dated August 1, 2023, stated in part;

“Because no significant historic or archaeological resources were identified in the project area, no further archaeological survey is recommended by MHC. No further MHC review is required for the project.”

Reference: Technical Report, Intensive (locational) Archaeological Survey, P. K. Realty Trust Cranberry Bog and Tailwater Recovery Project Kingston, MA prepared by the Public Archaeology Laboratory Inc. June 2023. (Refer to Exhibit 6.1).

7.0 Water Supply

7.1 General

The water supply for the proposed organic cranberry farm will be derived from surface water runoff originating from precipitation (snow, rain, sleet, etc.). Surface water runoff will be collected and directed to the proposed Reservoir/Tailwater Pond.

- 7.1.1 An excavated lined 2.41-acre reservoir has been designed for the water supply feature for this project. The cranberry bog, coupled with the pond, create a “closed” system where residual water used in cultural practices such as frost protection, irrigation, harvest, and winter flood are returned to the water source for reuse.
- 7.1.2 An excavated reservoir is proposed for this project. The pond bottom will be set above the estimated seasonal high-water table. The pond will receive its water supply from surface water runoff from the site and surrounding areas. The perimeter of the ponds has some curvilinear features which blend somewhat into the natural topography. Although not located in an area of high public visibility the shape is smooth and fitting to the adjacent landform.
- 7.1.3 The reservoir, designed to capture surface water runoff, will also capture return flows from irrigation, frost protection, harvest, and winter flows. These return flows are termed Tailwater Flows and are considered water conservation features.
- 7.1.4 The Reservoir/Tailwater Pond will be excavated and lined with a layer of clay material to confine the water within the limits of the reservoir. The reservoir is not located within Zone II to a public

water supply well or within the Town of Kingston Water Resource Overlay District.

7.1.5 The cranberry bog project will be constructed in a manner which exempts the project from the requirements of a Massachusetts Water Withdrawal Permit under the Water Management Act. The threshold for permitting new cranberry bog acreage is 9.3 acres when employing Best Management Practices (BMP's). Since this project yields 4.38 acres of cranberry beds and BMP's will be implemented in design and construction a Water Management Act Permit will not be required.

As noted on the plans the BMP's employed in design and construction include;

- Laser leveling of the cranberry bog surface to 6 inches.
- Implementation of a Tailwater Recovery System.
- Irrigation system and Water Control Structures designed and constructed to USDA Soil Conservation Service standards.

Final field certification by NRCS or NRCS certified Technical Service Provider will document the bogs have been constructed to this standard.

8.0 Earth Removal

8.1 General

This application for earth removal is being submitted in accordance with the Town of Kingston General By-Law Chapter 12 Earth Removal By-Law. This general by-law adopted under Chapter 40 of the General Laws and is independent from and not subject to zoning by-laws adopted under Chapter 40A. The Earth Removal By-law controls how earth removal is governed within the municipality and enables the Town to regulate the removal of soil, sand, and gravel. The general by-law authorizes the Town to control the entire process of severing the material from the land and conveying it from the premises.

8.2 Proposed Project

The proposed project is a cranberry bog development project consisting of a 4.38-acre cranberry bog and a 2.41-acre reservoir/tailwater pond. The cranberry bog project once completed is an allowed use within the R-80 Zoning District. The cranberry bog will be farmed as an organic cranberry

bog and will be used as an educational tool for the Cardinal Cushing School. Carver Middleborough Cranberry Company and Off Brook Street Cranberry Company will provide the overall management of the construction project and cranberry farming operation. The reshaping of the site is necessary to create the flat ground surface on which the cranberry farm is to be constructed. The earth removal is incidental, customary, and necessary for the development of this project.

The details of construction and site restoration are noted on the design drawings. The restoration will return the land contours to safe and useable condition and will be appropriately revegetated as shown on the plans.

8.3 Phasing

The earth removal is proposed to be undertaken in phases not exceeding 5 acres or requiring the removal of 200,000 cubic yards, whichever is less and is further described on the Phasing Plan included with the Site Plans. Sheet 6 of 10.

Excavation of any phase will be set back a minimum of 50-feet from abutting property lines.

8.4 Sedimentation, Erosion Control, and Dust Mitigation

The Site Plans include sedimentation and erosion control devices to be implemented during construction. Erosion controls include a perimeter erosion control barrier to be placed down gradient from proposed excavation areas, stabilized construction entrance, and dust mitigation plan. A stormwater pollution prevention plan compliant with USEPA NPDES standards has been prepared for this project. A Notice of Intent has also been submitted to and approved by the US EPA and currently has active permit coverage refer to Exhibit 8.1. Stumps are proposed to be retained on-site and ground utilizing a commercial stump grinder. The stump grindings will be used as temporary slope stabilization and stormwater diversion berms as this material is an effective erosion control material. Stump grindings will also be used as a temporary erosion control device. Unused grindings will be removed from the site.

Dust Mitigation

A dust mitigation plan is noted on the drawings (Sheet 2 of 10). A water truck will be stationed on-site during the excavation period. Water and

surface wetting will be the primary measures used to minimize the effect of dust.

8.5 Trucking and Truck Route

Trucking the material from the site will be accomplished using off-road articulated dump vehicles. All material removed from the site will be delivered to Plympton Sand and Gravel, located approximately 3,500-feet northwest of the site. Trucks will utilize the existing Eversource roads located within the 400-foot wide Eversource easement for travel (refer to "License" in Exhibit 1.1). (Eversource Energy is the successor in interest to the Boston Edison Company).

Trucking will not occur on any public or private ways or roads and will not interfere with local traffic in the Town of Kingston.

The capacity of these off-road vehicles is variable however we estimate that 30 cubic yards will be carried in each load. Approximately 30-35 loads per day will equal a removal rate of 1,000 cubic yards per day during daily operation. Daily operation will be Mondays through Fridays 7:00AM to 4:00PM and 7:00AM to 12 Noon on Saturdays.

8.6 Restoration

The portion of the site requiring restoration is generally the side slopes of the finished project area. Excavation will not occur within 50-feet of adjacent property lines.

Slopes will be restored to 2:1 slope and covered with 4 inches of topsoil derived from the site. Topsoil is to be stripped and stockpiled for each phase. In total, 11,700 cubic yards of topsoil is estimated to be derived from the project site. A total of 4,750 cubic yards of topsoil is needed to restore the proposed side slopes as shown on the plans. The remainder of the stockpiled topsoil will be used as part of the organic confining layer of the cranberry bog. All topsoil derived from the site shall be stockpiled and retained for final side slope restoration. The topsoil seed bed will be enhanced with lime, fertilized, and suitable slope/erosion control seed mixture as noted on the plans. All other disturbed areas with the exception of dike roads and landing areas will be restored in a similar manner.

The area of the cranberry bog will be planted with cranberry vines at the rate of 4 tons per acre.

The surface of the pond will be the finish feature of the pond.

Dike roads, landing areas and circulation and equipment maneuvering areas will be topped with well graded gravel max stone size 1 ½ inches and compacted.

Exhibit

1.1

Property Deeds

*** Electronic Recording ***
Doc#: 00131127
Bk: 56046 Pg: 161 Page: 1 of 9
Recorded: 11/19/2021 02:21 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 11/19/2021 02:21 PM
Ctrl# 152183 15814
Fee: \$4,560.00 Cons: \$1,000,000.00

QUITCLAIM DEED

(Plympton and Kingston Properties)

SYSCO BOSTON, LLC, a Delaware limited liability company, ("Grantor"), with a principal place of business at c/o Sysco Corporation, 1390 Enclave Parkway, Houston, Texas 77077, for consideration paid, and in full consideration of **One Million and 00/100 Dollars (\$1,000,000.00)**, grants to **PLYMPTON SAND & GRAVEL CORP.**, a Massachusetts corporation ("Grantee"), with a mailing address of 190 Brook Street, Plympton, Massachusetts 02367,

with **QUITCLAIM COVENANTS**,

the land and improvements thereon containing approximately 41.47 acres off Muddy Pond Road and Route 80 in the Towns of Kingston and Plympton, Plymouth County, Massachusetts, more fully described on **Exhibit "A"** attached hereto and made a part hereof (the "Property").

Said premises are conveyed with the benefit of any and all rights, rights of way, easements, reservations or other benefits, if any, of record insofar as the same may be in force and applicable.

The parties acknowledge that Grantor is retaining other real property located adjacent to or in the vicinity of the Property (collectively, the "Grantor's Retained Tract"), which Grantor's Retained Tract is legally described on **Exhibit "B"** attached hereto and made a part hereof. The Property is herein conveyed subject to the following restrictions, which restrictions shall run with the title to the Property and shall bind the owners and occupants from time to time of the Property, and which shall run with title as a benefit to Grantor's Retained Tract and its owners and occupants from time to time:

No part of the Property conveyed hereby (including without limitation the buildings or structures from time to time thereon, or any part thereof), shall be developed, operated or used for the wholesale distribution of food or beverages, or any related food/beverage products, equipment, supplies, chemicals, janitorial/sanitation products, paper products and/or disposables in connection therewith (collectively the "Food Products"), whether via off-site distribution/delivery or via on-site cash and carry operations, to any entity or party including, but not limited to, any institutional user such as a restaurant, grocery store, healthcare facility, educational facility, lodging establishment, governmental entity, foodservice establishment, or any other similar operation engaged in the re-sale of Food Products or the preparation of food and/or beverages for consumption for a period of thirty (30) years following the date hereof (such restrictions, the "Restrictions"). Any transferee of the Property (or any portion thereof) shall automatically be deemed, by acceptance of title thereto, to be bound and restricted by the Restrictions pursuant to the terms hereof.

The Property herein conveyed being that portion of land designated as 'Parcel 2' as conveyed by a Quitclaim Deed from SN Commercial, LLC to Sysco Boston, LLC, dated April 26, 2011, and recorded in the Plymouth County Registry of Deeds in Book 39899, Page 118.

Property address: Parcel Nos. 97-1, 92-97-2, 92-5, 96-2, 96-6 and 96-5 a/k/a
41.47 acres off Muddy Pond Road in Kingston and Plympton MA 02364

GRANTEE, BY ITS ACCEPTANCE OF THIS DEED, ACKNOWLEDGES AND AGREES THAT, EXCEPT AND SOLELY TO THE EXTENT OF THE QUITCLAIM COVENANTS SET FORTH IN THIS DEED AND THE EXPRESS REPRESENTATIONS AND WARRANTIES OF GRANTOR CONTAINED IN ARTICLE 6 OF THAT CERTAIN PURCHASE AND SALE AGREEMENT DATED EFFECTIVE AUGUST 30, 2021, BY AND BETWEEN GRANTOR AND GRANTEE (THE "AGREEMENT"):

(a) GRANTEE ASSUMES (i) THE RISK OF ADVERSE MATTERS AFFECTING THE PROPERTY, INCLUDING ADVERSE PHYSICAL CONDITIONS, DEFECTS, CONSTRUCTION DEFECTS, ENVIRONMENTAL, HEALTH, SAFETY AND WELFARE MATTERS THAT MAY NOT HAVE BEEN REVEALED BY GRANTEE'S INSPECTIONS, (ii) THE RISK OF CHANGES IN THE ENVIRONMENTAL REQUIREMENTS OR OTHER APPLICABLE LAWS AND REGULATIONS RELATING TO PAST, PRESENT AND FUTURE ENVIRONMENTAL CONDITIONS AND (iii) THE RISK THAT ADVERSE PHYSICAL CHARACTERISTICS AND CONDITIONS, INCLUDING THE PRESENCE OF HAZARDOUS MATERIALS OR OTHER CONTAMINANTS, MAY NOT HAVE BEEN REVEALED BY ITS INVESTIGATION.

(b) GRANTEE, FOR ITSELF AND ITS AGENTS, AFFILIATES, SUCCESSORS AND ASSIGNS, WAIVES, RELEASES AND FOREVER DISCHARGES GRANTOR AND GRANTOR'S AGENTS, MEMBERS, EMPLOYEES, DIRECTORS, OFFICERS, AFFILIATES, INTEREST HOLDERS, PROPERTY MANAGERS, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS (COLLECTIVELY, THE "RELEASES") FROM ANY AND ALL RIGHTS, CLAIMS, OBJECTIONS, COMPLAINTS AND DEMANDS, AT LAW OR IN EQUITY, WHETHER KNOWN OR UNKNOWN AS OF THE DATE OF THIS DEED, AND WHETHER ARISING BEFORE OR AFTER THE DATE OF THIS DEED, THAT GRANTEE HAS NOW OR MAY HAVE IN THE FUTURE, ARISING OUT OF THE PHYSICAL, ENVIRONMENTAL, ECONOMIC, LEGAL OR OTHER CONDITION OF THE PROPERTY, INCLUDING ANY OBLIGATIONS OF GRANTOR RELATING TO THE PHYSICAL, ENVIRONMENTAL, ECONOMIC OR LEGAL COMPLIANCE STATUS OF THE PROPERTY, AND INCLUDING ALL CLAIMS IN TORT OR CONTRACT AND ANY CLAIM FOR INDEMNIFICATION OR CONTRIBUTION ARISING UNDER CERCLA, RCRA, OR ANY SIMILAR FEDERAL, STATE OR LOCAL STATUTE, RULE OR REGULATION, AND ALL OTHER TITLE OR DUE DILIGENCE MATTERS DESCRIBED IN THE AGREEMENT.

(c) GRANTEE WAIVES THE BENEFITS OF ANY LAW THAT GENERALLY PROVIDES THAT A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT A CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN ITS FAVOR AT THE TIME OF EXECUTING THE RELEASE THAT, IF KNOWN BY IT, MAY HAVE MATERIALLY AFFECTED ITS SETTLEMENT WITH THE DEBTOR.

Grantor has elected to be treated as a corporation for federal tax purposes, but the sale of the Property is not a sale of all or substantially all of Grantor's assets located within the Commonwealth of Massachusetts.

WITNESS the execution hereof under seal as set forth below, to be effective as of November 17, 2021.

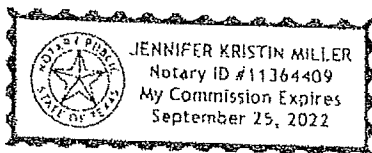
SYSCO BOSTON, LLC,
a Delaware limited liability company

By: [Signature]
Gerald W. Clanton,
Vice President & Secretary

STATE OF TEXAS

HARRIS COUNTY

On this 17 day of November, 2021, before me, the undersigned notary public, personally appeared Gerald W. Clanton, as Vice President & Secretary of Sysco Boston, LLC, proved to me through satisfactory evidence of identification, which were acknowledged/proven, 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 the free act and deed of Sysco Boston, LLC.



[Signature]
Jennifer Kristin Miller
Texas Notary ID # 11364409
My commission expires September 25, 2022

EXHIBIT "A"

Description of the Property

The land in the Towns of Kingston and Plympton, Plymouth County, Massachusetts, situated on Route 44, and being shown on the plan entitled, "Plan of Land Off Route 80 Kingston MA (Plymouth County), dated April 14, 2011, prepared for Sysco Corporation by Coler & Colantonio, Inc., and recorded with the Plymouth County Registry of Deeds in Plan Book 56, Page 532, to which plan reference is hereby made for a more particular description.

Said parcel contains a total of 41.47 ± acres, according to said plan.

Being more particularly described as:

Beginning at a point on the northerly sideline of the 1998 State Highway Layout No. 7293 (Route 44), said point being northwesterly by a curve to the right having a radius of 14200 feet a distance of 40.51' and being subtended by a chord bearing of N40° 43' 09" E, a chord distance of 40.51 feet from a stone bound with a drill-hole, said point also being the southwesterly corner of the herein described premises, thence running

N15° 27' 39"W a distance of 349.58 feet to a point, thence turning and running

S55° 02' 55"E a distance of 39.91 feet to a point, thence turning and running

N14° 31' 33"W a distance of 241.12 feet to a point, thence turning and running

N52° 44' 37"E a distance of 410.00 feet to a point, thence turning and running

N37° 47' 25"W a distance of 1209.01 feet to a point marked by a field stone on the southerly edge of Indian Pond, thence turning and running

Northeasterly and easterly "by the pond" 817' +/- to a point, thence turning and running

S66° 44' 15"E a distance of 41.9' +/- feet to a point marked by a field stone, thence running

S66° 44' 15"E a distance of 1214.76 feet to a point marked by a field stone with a ring of stones, thence turning and running

N17° 25' 20"E a distance of 200.52 feet to a point, thence turning and running

N88° 50' 07"E a distance of 675.02 feet to a point on the northerly sideline of said 1998 State Highway Layout No. 7293 (Route 44), thence turning and running

Southwesterly by the sideline of said 1998 State Highway Layout No. 7293 (Route 44), by a curve to the left having a radius 6600 feet, a length of 542.62 feet, and being subtended by a chord bearing of S51°33' 16" W, a chord distance of 542.46 feet to a point marked by a stone bound with a drill-hole, thence running

Southwesterly by the sideline of said 1998 State Highway Layout No. 7293 (Route 44), by a curve to the left having a radius 14200.00 feet, a length of 845.18 feet, and being subtended by a chord bearing of S47° 29' 39" W, a chord distance of 845.06 feet to a point, thence leaving said highway line turning and running

N22° 42' 09" W a distance of 335.49 feet to a point, thence turning and running

S49° 38' 42" W a distance of 445.50 feet to a point, thence turning and running

S18° 18' 00" E a distance of 389.79 feet to a point on the northerly sideline of said 1998 State Highway Layout No. 7293 (Route 44), thence turning and running

Southwesterly by the sideline of said 1998 State Highway Layout No. 7293 (Route 44), by a curve to the left having a radius 14200.00 feet, a length of 744.33, and being subtended by a chord bearing of S42° 18' 09" W, a chord distance of 744.25 feet to the point of beginning.

EXHIBIT "B"

Description of Grantor's Retained Tract

The land in Plympton, Plymouth County, Massachusetts, shown on the plan entitled "Definitive Subdivision Plan Freedom Trail, Plympton, MA", dated March 2, 2011, prepared for Sysco Corporation by Coler & Colantonio, Inc., and recorded with the Plymouth County Registry of Deeds in Plan Book 56, Page 533, to which plan reference is hereby made for a more particular description.

A certain parcel of land situated in the Commonwealth of Massachusetts, Plymouth County, Town of Plympton, bounded and described as follows:

Beginning at a point on the southerly sideline of Freedom Trail said point being at the easterly terminus of the Town Layout Section 2 portion of Freedom Trail also being N60°-51'-54"E a distance of 4.00 feet from a stone bound with a drill hole, said point also being the southeasterly corner of the herein described premises; thence turning and running

N28°-44'-10"W by the terminus of said Town Layout Section 2 portion of Freedom Trail to the northerly sideline of said Freedom Trail, a distance of 60.00 feet to a point, thence turning and running

S60°-51'-54"W by the northerly sideline of said Freedom Trail, a distance of 4.42 feet to a point, thence turning and running

Northwesterly along said Freedom Trail by a curve to the right having a radius 70.00 feet, a length of 53.41 feet, and being subtended by a chord bearing of S82°-43'-21"W, a chord distance of 52.12 feet, thence running

N16°-09'-08"E by land now or formerly of Manchester Sand, Gravel & Cement, a distance of 67.45 feet to a point, thence turning and running

N34°-02'-43"E by said land now or formerly of Manchester Sand, Gravel & Cement, a distance of 85.23 feet to a point, thence turning and running

N41°-01'-25"E a distance of 145.0 feet to a point, thence turning and running

N55°-47'-19"E a distance of 75.88 feet to a point, thence turning and running

N40°-04'-20"E a distance of 87.18 feet to a point, thence turning and running

N45°-07'-18"E a distance of 77.84 feet to a point marked by a concrete bound with a drill hole, thence turning and running

- N42°-51'-27"E a distance of 30.63 feet to a point, thence turning and running
N19°-17'-53"E a distance of 89.53 feet to a point, thence turning and running
N28°-28'-49"E a distance of 76.13 feet to a point, thence turning and running
N18°-21'-06"E a distance of 136.17 feet to a point, thence turning and running
N21°-42'-51"E a distance of 151.21 feet to a point, thence turning and running
N31°-27'-39"E a distance of 250.10 feet to a point, thence turning and running
N35°-36'-14"E a distance of 131.89 feet to a point, thence turning and running
S70°-53'-48"W a distance of 22.76 feet to a point marked by a concrete bound with a
drill hole, thence turning and running
N68°-14'-40"W a distance of 139.54 feet to a point marked by a concrete bound with a
drill hole, thence turning and running
S87°-15'-14"W a distance of 139.82 feet to a point marked by a concrete bound with a
drill hole, thence turning and running
S08°-22'-56"W a distance of 176.22 feet to a point, thence turning and running
S79°-16'-42"W a distance of 116.18 feet to a point marked by a concrete bound with a
drill hole, thence turning and running
S25°-37'-45"W a distance of 136.61 feet to a point marked by a concrete bound with a
drill hole, thence turning and running
N85°-48'-34"W still by said land now or formerly of Manchester Sand, Gravel &
Cement, a distance of 401.33 feet to a point marked by a concrete bound with a drill hole,
thence turning and running
N41°-29'-53"W by land now or formerly of Litcontrol Corp, a distance of 945.44 feet to
a point, thence turning and running
N47°-48'-37"W by land now or formerly of Plympton Nominee Trust, a distance of
116.17 feet to a point, thence turning and running
N39°-02'-05"E a distance of 214.96 feet to a point, thence turning and running
N89°-09'-27"E a distance of 306.02 feet to a point marked by a concrete bound with a
drill hole, thence turning and running

- N24°-43'-50"E a distance of 172.31 feet to a point marked by a concrete bound with a drill hole, thence turning and running
- N53°-22'-37"W a distance of 69.30 feet to a point, thence turning and running
- N30°-17'-23"E a distance of 114.13 feet to a point, thence turning and running
- S64°-35'-31"E a distance of 48.18 feet to a point marked by a concrete bound with a drill hole, thence turning and running
- N33°-04'-20"E a distance of 575.52 feet to a point, thence turning and running
- N55°-02'-56"W still by said land now or formerly of Plympton Nominee Trust, a distance of 34.20 feet to a point, thence turning and running
- N56°-57'-24"W by the sideline of Joey Circle, a distance of 114.48 feet to a point, thence turning and running
- N35°-47'-16"E by land now or formerly of Off Brook Street Realty Trust, a distance of 60.85 feet to a point, thence turning and running
- Northeasterly by a curve to the left having a radius 50.00 feet, a length of 59.62 feet, and being subtended by a chord bearing of N82°-59'-29"E, a chord distance of 56.15 feet, thence running
- N48°-49'-52"E by said land now or formerly of Off Brook Street Realty Trust, a distance of 52.83 feet to a point, thence turning and running
- Northeasterly by a curve to the right having a radius 530.00 feet, a length of 254.56 feet, and being subtended by a chord bearing of N62°-35'-27"E, a chord distance of 252.12 feet, thence running
- Northwesterly by a reverse curve to the left having a radius 220.00 feet, a length of 211.31 feet, and being subtended by a chord bearing of N48°-50'-03"E, a chord distance of 203.28 feet, to a point, thence running
- N21°-19'-01"E still by said land now or formerly of Off Brook Street Realty Trust, a distance of 325.55 feet to a point, thence turning and running
- Northeasterly by a curve to the left having a radius 370.00 feet, a length of 168.57 feet, and being subtended by a chord bearing of N08°-15'-54"E, a chord distance of 167.12 feet, thence running
- N85°-12'-46"E a distance of 60.00 feet to a point, thence turning and running

Northwesterly by a curve to the left having a radius 430.00 feet, a length of 161.23 feet, and being subtended by a chord bearing of N15°-31'-46"W, a chord distance of 160.29 feet, thence running

N26°-16'-16"W still by said land now or formerly of Off Brook Street Realty Trust, a distance of 203.81 feet to a point, thence turning and running

N67°-01'-17"E by other land now or formerly of Off Brook Street Realty Trust, a distance of 175.76 feet to a point, thence turning and running

S55°-02'-55"E by land now or formerly of Boston Edison Company, a distance of 2079.58 feet to a point, thence turning and running

S15°-27'-39"E by land now or formerly of SN Commercial LLC, a distance of 349.58 feet to a point on the northerly sideline of the 1998 State Highway Layout No. 7537 (Route 44), thence turning and running

Southwesterly on the northerly sideline of said 1998 State Highway Layout No. 7537 (Route 44) by a curve to the left having a radius 14200.00 feet, a length of 954.19 feet, and being subtended by a chord bearing of S38°-52'-33"W, a chord distance of 954.01 feet, to a point marked by a stone bound with a drill hole, thence running

Southwesterly by a reverse curve to the right having a radius 13800.00 feet, a length of 1081.60 feet and being subtended by a chord bearing of S39°-11'-46"W, a chord distance of 1081.32 feet, to a point marked by a stone bound with a drill hole; thence running

S87°-09'-45"W still by the sideline of said 1998 State Highway Layout No. 7537 (Route 44), a distance of 140.16 feet to a point marked by a stone bound with a drill hole, thence turning and running

Southwesterly by a curve to the right having a radius 13700.00 feet, a length of 204.38 feet, and being subtended by a chord bearing of S42°-16'-41"W, a chord distance of 204.37 feet, to a point marked by a stone bound with a drill hole, thence running

S20°-30'-48"W a distance of 173.43 feet to a point marked by a stone bound with a drill hole, thence turning and running

Southwesterly by a curve to the right having a radius 500.00 feet, a length of 218.18 feet, and being subtended by a chord bearing of S33°-00'-51"W, a chord distance of 216.45 feet, to a point marked by a stone bound with a drill hole, thence running

Southwesterly by a compound curve to the right having a radius 1067.15 feet, a length of 285.91 feet, and being subtended by a chord bearing of S53°-11'-25"W, a chord distance of 285.06 feet, to a point marked by a stone bound with a drill hole; thence running

S60°-51'-54"W still by the sideline of said 1998 State Highway Layout No. 7537 (Route 44), a distance of 412.79 feet to the point of beginning.

Containing an area of 132.91 acres more or less.



2021 00140127

Bk: 56169 Pg: 343 Page: 1 of 4

Recorded: 12/14/2021 03:48 PM

ATTEST: John R. Buckley, Jr. Register

Plymouth County Registry of Deeds

QUITCLAIM DEED

PLYMPTON SAND & GRAVEL, CORP, a Massachusetts Corporation, (“Grantor”), with a principal place of business at 190 Brook Street, Plympton, Massachusetts, 02367,

for consideration paid of **Less than One Hundred and 00/100 (\$100.00) Dollars**,

grants to **PK Realty Trust, Under Declaration of Trust dated December 14, 2021 as evidenced by a Trustee Certificate recorded herewith**, (“Grantee”), with a mailing address of 190 Brook Street, Plympton, Massachusetts 02367,

with **QUITCLAIM COVENANTS**,

the land and improvements thereon containing approximately 41.47 acres off Muddy Pond Road and Route 80 in the Towns of Kingston and Plympton, Plymouth County, Massachusetts, more fully described on **Exhibit “A”** attached hereto and made a part hereof (the “Property”).

Said premises are conveyed with the benefit of any and all rights, rights of way, easements, reservations or other benefits, if any, of record insofar as the same may be in force and applicable.

The Property is herein conveyed subject to the following restrictions, which restrictions shall run with the title to the Property and shall bind the owners and occupants from time to time of the Property, and which shall benefit to Sysco Boston, LLC and its owners and occupants from time to time:

No part of the Property conveyed hereby (including without limitation the buildings or structures from time to time thereon, or any part thereof), shall be developed, operated or used for the wholesale distribution of food or beverages, or any related food/beverage products, equipment, supplies, chemicals, janitorial/sanitation products, paper products and/or disposables in connection therewith (collectively the “Food Products”), whether via off-site distribution/delivery or via on-site cash and carry operations, to any entity or party including, but not limited to, any institutional user such as a restaurant, grocery store, healthcare facility, educational facility, lodging establishment, governmental entity, foodservice establishment, or any other similar operation engaged in the re-sale of Food Products or the preparation of food and/or beverages for consumption for a period of thirty (30) years following the date hereof (such restrictions, the “Restrictions”). Any transferee of the Property (or any portion thereof) shall automatically be deemed, by acceptance of title thereto, to be bound and restricted by the Restrictions pursuant to the terms hereof.

The Property herein conveyed being that portion of land designated as ‘Parcel 2’ as conveyed by a Quitclaim Deed from SN Commercial, LLC to Sysco Boston, LLC, dated April 26, 2011, and recorded in the Plymouth County Registry of Deeds in Book 39899, Page 118.

Property Address: Parcel Nos. 97-1, 92-97-2, 92-5, 96-6 and 96-5 a/k/a 41.47 acres off Muddy Pond Road in Kingston and Plympton, MA

EXHIBIT "A"

Description of the Property

The land in the Towns of Kingston and Plympton, Plymouth County, Massachusetts, situated on Route 44, and being shown on the plan entitled, "Plan of Land Off Route 80 Kingston MA (Plymouth County), dated April 14, 2011, prepared for Sysco Corporation by Coler & Colantonio, Inc., and recorded with the Plymouth County Registry of Deeds in Plan Book 56, Page 532, to which plan reference is hereby made for a more particular description.

Said parcel contains a total of 41.47 ± acres, according to said plan.

Being more particularly described as:

Beginning at a point on the northerly sideline of the 1998 State Highway Layout No. 7293 (Route 44), said point being northwesterly by a curve to the right having a radius of 14200 feet a distance of 40.51' and being subtended by a chord bearing of N40° 43' 09" E, a chord distance of 40.51 feet from a stone bound with a drill-hole, said point also being the southwesterly corner of the herein described premises, thence running

N15° 27' 39"W a distance of 349.58 feet to a point, thence turning and running

S55° 02' 55"E a distance of 39.91 feet to a point, thence turning and running

N14° 31' 33"W a distance of 241.12 feet to a point, thence turning and running

N52° 44' 37"E a distance of 410.00 feet to a point, thence turning and running

N37° 47' 25"W a distance of 1209.01 feet to a point marked by a field stone on the southerly edge of Indian Pond, thence turning and running

Northeasterly and easterly "by the pond" 817' +/- to a point, thence turning and running

S66° 44' 15"E a distance of 41.9' +/- feet to a point marked by a field stone, thence running

S66° 44' 15"E a distance of 1214.76 feet to a point marked by a field stone with a ring of stones, thence turning and running

N17° 25' 20"E a distance of 200.52 feet to a point, thence turning and running

N88° 50' 07"E a distance of 675.02 feet to a point on the northerly sideline of said 1998 State Highway Layout No. 7293 (Route 44), thence turning and running

Southwesterly by the sideline of said 1998 State Highway Layout No. 7293 (Route 44), by a curve to the left having a radius 6600 feet, a length of 542.62 feet, and being subtended by a chord bearing of S51°33' 16" W, a chord distance of 542.46 feet to a point marked by a stone bound with a drill-hole, thence running

Southwesterly by the sideline of said 1998 State Highway Layout No. 7293 (Route 44), by a curve to the left having a radius 14200.00 feet, a length of 845.18 feet, and being subtended by a chord bearing of S47° 29' 39" W, a chord distance of 845.06 feet to a point, thence leaving said highway line turning and running

N22° 42' 09" W a distance of 335.49 feet to a point, thence turning and running

S49° 38' 42" W a distance of 445.50 feet to a point, thence turning and running

S18° 18' 00" E a distance of 389.79 feet to a point on the northerly sideline of said 1998 State Highway Layout No. 7293 (Route 44), thence turning and running

Southwesterly by the sideline of said 1998 State Highway Layout No. 7293 (Route 44), by a curve to the left having a radius 14200.00 feet, a length of 744.33, and being subtended by a chord bearing of S42° 18' 09" W, a chord distance of 744.25 feet to the point of beginning.



2022 00013992

Bk: 58445 Pg: 103 Page: 1 of 10

Recorded: 02/15/2022 01:23 PM

ATTEST: John R. Buokley, Jr. Register
Plymouth County Registry of Deeds

LICENSE

This **LICENSE AGREEMENT** (hereinafter the "License") made this 14th day of February, 2022, by **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** (successors in interest to **THE BOSTON EDISON COMPANY**), a Massachusetts corporation and public utility having a place of business at 247 Station Drive, Westwood, Massachusetts 02090 (hereinafter the "Licensor"), and **JOHN W. NORRIS**, Trustee of the **JWN REALTY TRUST**, u/d/t March 8, 2021 with a Trustee's Certificate under M.G.L.c.184 § 35, (d/b/a Plympton Sand & Gravel, Corp), having a place of business at 190 Brook Street (P.O. Box 240), Plympton, Massachusetts, 02367 (hereinafter the "Licensee")

* Notice

RECITALS:

WHEREAS,

Licensor owns two (2) fee parcels of land and adjacent easement rights located off Brook Street partly in the Town of Plympton (Tax ID: 4-1-3) and partly in the Town of Kingston (Tax ID: 96/3/), Plymouth County, Massachusetts (collectively hereinafter the "Fee Land"), utilized primarily for the construction, operation and maintenance of various components deemed necessary for the transmission of electrical energy and communications (hereinafter the "Facilities"), together with all other enumerated rights essential to the utilization of the Facilities. Said Fee Land was acquired by Licensor by virtue of a Quitclaim Deed from Plympton Washed Sand and Stone Co., Inc. dated November 8, 1971 and recorded in Book 3729 at Page 556 and a Quitclaim Deed from Alexander Holmes, Jr. dated March 19, 1971 and recorded in Book 3657 at Page 46, and easements from Ruth H. Bailey et al. dated September 20, 1948 and December 8, 1961 recorded in Book 2903 at Page 360, all of which being recorded in the Plymouth County Registry of Deeds (hereinafter the "Registry"); and

WHEREAS,

Licensee desires to utilize existing roads for vehicular travel across the Fee Land (hereinafter the "Proposed Use"), all across and within an area of the Fee Land (hereinafter the "License Area"), as depicted as "Licensed Area on Eversource Parcels" on a marked up plan entitled "STUDY PLAN OF LAND IN KINGSTON & PLYMPTON, MASS. PREPARED FOR PLYMPTON SAND & GRAVEL" dated 12/11/19, Scale 1"=120', Sheet No. 1 of 1, prepared by Webby Engineering Associates, Inc, Joseph E. Webby, Jr. PLS No. 28717, a reduced size copy of which is attached hereto and incorporated herein as EXHIBIT A (full-sized copies of which are in the possession of both the Licensor and Licensee), and hereinafter referred to also as the "PLANS"; and

WHEREAS,

Licensee has requested from the Licensor a license with respect to use the existing roads within the Fee Land, and Licensor is willing to grant to Licensee permission and such a license for the purposes of using the existing roads within the License Area, but subject to compliance with the terms and conditions provided herein;

NOW THEREFORE, in consideration of the mutual covenants herein and intending to incorporate the foregoing recitals by reference, it is hereby agreed between the parties hereto as follows:

Msail 2
Angley & Angley, 66 Sanda Way, Plympton, MA 02560

1.0 Subject to the terms and conditions of this License, Licensor hereby grants Licensee, its successors and assigns this conditional license to use (but not relocate or expand without prior written consent of Licensor) the existing roads as shown on the PLANS, within the License Area. Licensee covenants to use the License Area only to travel across the Fee Land and for no other uses. Licensee agrees that any field changes to the existing roads shall be subject to prior review and written approval of Licensor, which shall not be unreasonably withheld. Licensee shall always maintain the existing roads in good condition.

2.0 Licensee shall, contemporaneously with the execution of this License, execute a Grant of Easement covering a certain 7,643 +/- S.F. area of adjacent lands owned by Licensee, providing property rights to Licensor as specified therein.

3.0 Licensee shall ensure that all slopes within the Fee Land and affecting the Fee Land are not modified, remain stable and not steeper than 2:1, with access ways along the Fee Land not steeper than 10:1. Any clearing of vegetation within the Fee Land by the Licensee, its contractors or their respective employees that is within 20 feet, or has the potential to fall within 20 feet of any overhead electric conductors, shall be performed by qualified personnel trained in accordance with OSHA Standard 29 CFR Part 1910.269, as it may be amended from time to time.

4.0 No materials, including without limitation, soil, trash, snow, loam, peat, sand, rock, minerals, gravel, mulch, wood chips, clay or snow shall be stockpiled, excavated, removed from, or moved about the Fee Land, except such grading and improvements as may be required for and incidental to the performance of the Proposed Use. No dumpster shall be placed on and no parking of equipment or vehicles is permitted across the Fee Land.

5.0 Licensee, for itself and its agents, employees and contractors, agrees that no truck, trailer, crane, power shovel, backhoe, front-end loader or other vehicle, machinery or equipment, or any other appurtenance or part thereof which is or may be capable of being elevated in excess of thirteen feet six inches (13'-6") above the level of the ground, shall be operated across the Fee Land, nor shall any machinery or equipment, object, or other appurtenance be brought or operated within ten (10) feet of any energized wire. Licensee further agrees not to place or park dumpsters, trucks, trailers or construction equipment under any overhead electric wires or across the Fee Land.

6.0 There shall be no interference with pedestrian and vehicular access to Licensor Facilities within the Fee Land. It is understood that access to Facilities includes travel along the Fee Land and through adjacent lands owned by Licensee at any time for inspection and maintenance, and for emergency dispatch and repairs, by all manner of vehicles and on foot, and includes low-flying aircraft, and that Licensor may perform, without prior notice, any other act, including but not limited to closing the License Area, or portions thereof, to Licensee for periods of time, consistent with its obligations as a public utility. Licensor maintains its rights at all times to utilize reasonable and convenient access routes and ways along and across adjacent lands owned by Licensee outside the Fee Land to travel to and from the Fee Land. Licensor shall not be liable for any loss, cost or damage arising out of Licensor's access across said adjacent lands unless such damage results from Licensor's negligence or willful misconduct.

7.0 By agreeing to this License, Licensor does not represent or warrant that the Fee Land, including the License Area, is appropriate, safe or suitable for the proposed use, or that such area may be used for

the purposes specified herein under applicable zoning, environmental, land use, or other laws or regulations, nor does Licensor undertake to make the Fee Land appropriate, safe or suitable for such use, or to obtain any permits, licenses or approvals of any governmental authority which may be required to permit such use. Licensee shall obtain any and all necessary governmental permits, licenses and approvals, at its sole cost and expense, prior to the commencement of any use of the Fee Land as Licensee and shall comply at all times with all applicable zoning, environmental, land use or other laws and regulations.

8.0 Licensee shall indemnify, defend and save harmless Licensor, its officers, employees, representatives, agents and contractors, for and from and against all third-party demands, claims, actions, damages, costs, expenses (including reasonable attorney's fees), fines, penalties, losses or liability whatsoever (including, without limitation, claims for injury to persons or damage to property) in any manner, directly or indirectly, resulting from or arising out of (a) the acts or omissions of Licensee, or its agents, contractors and invitees, and their respective employees pursuant hereto, or (b) the use of the Fee Land, including the License Area, by Licensee, its agents, contractors and invitees and their respective employees, and any failure of Licensee or its agents, contractors and invitees and their respective employees to comply with any applicable laws or regulations, or (c) any breach by Licensee, its agents, contractors and invitees and their respective employees of any provision of this License, except to the extent that any such claim or liability results from the negligence or willful misconduct of Licensor, or its agents and contractors, and their respective employees.

9.0 At the inception of this License, Licensee shall provide a Certificate of Insurance and a copy of the endorsement(s) to the policy in which NSTAR ELECTRIC COMPANY d/b/a Eversource Energy and its affiliates are designated an additional insured, and which provide minimum liability coverage as follows:

9.1 Licensee shall procure and maintain at its expense, at all times during the Proposed Use, general liability insurance of \$4,000,000 combined single limit and aggregate of \$4,000,000 against all claims and demands of any injury to person or property which may occur or be claimed to have occurred as the result of the use of the Fee Land by Licensee, its agents, contractors or employees. Licensor shall be named an additional insured using ISO additional insured endorsement CG 20 10 11 85 or a substitute if not available CG 20 10 07 04 and/or CG 20 37 07 04. Coverage shall include ongoing and completed operations. Limits may be provided by a combination of primary and excess liability policies.

9.2 Licensee shall procure and maintain at its expense, at all times during the Proposed Use Auto liability insurance with a per accident limit of \$2,000,000.00 with an aggregate limit of \$2,000,000.00 on its vehicles. These limits may be provided by a combination of primary and excess liability policies. Licensor shall be named as an additional insured.

9.3 Licensee, to the extent that Licensee is required under Massachusetts law to provide for workers' compensation for its employees, shall do so. Every Contractor and/or subcontractor working on behalf of the Licensee shall procure and maintain at its expense, at all times during maintenance, repair and /or replacement of the Proposed Use workers' compensation for its employees in an amount not less than statutory in Massachusetts, including coverage for any applicable Federal laws and regulations, and Employers Liability in the amounts of \$1,000,000/\$1,000,000/\$1,000,000.

9.4 Each insurance policy shall be primary to NSTAR ELECTRIC COMPANY d/b/a Eversource Energy's self-insurance and insurance program and NSTAR ELECTRIC COMPANY d/b/a Eversource Energy's insurance program shall be non-contributory. All such insurance shall not limit the liability of Licensee. Each policy shall specify that it shall not be cancelable except upon thirty (30) days prior written notice to NSTAR ELECTRIC COMPANY d/b/a Eversource Energy. Licensee shall ensure that its contractors and subcontractors procure and maintain all insurance as specified in this section. Should Licensee fail to ensure contractors and subcontractors insurance coverage, Licensee shall cover all claims arising therefrom. Licensor shall have the right to increase the amounts required herein upon notification to Licensee in writing. Licensee shall submit Certificates of Insurance and all applicable endorsements evidencing compliance with the above on an annual basis to NSTAR ELECTRIC COMPANY d/b/a Eversource Energy's, T&D Rights and Survey Supervisor at set forth in Section 16.0.

10.0 Licensee and its employees, agents and contractors shall comply at all times and under all circumstances with all Massachusetts General Laws (M.G.L. c. 166, s. 21A et seq.), OSHA and any other applicable requirements regarding work or activity in the proximity of energized electric lines. Licensee agrees that it is hereby made a condition of this License, that the use of the Fee Land by Licensee shall not result in the release of any oil or hazardous materials, as those terms are defined in the Massachusetts Contingency Plan, (310 CMR 40.000 et seq). In the event of any breach of the foregoing conditions by Licensee, Licensor shall, in addition to all other remedies, have the benefit of the indemnity provision set forth in Section 8.0 and the right to seek injunctive relief.

11.0 It is understood and agreed that by issuing this License, Licensor does not relinquish, diminish, waive, abandon or lessen its right to construct, install, upgrade, reconstruct, relocate and maintain existing or new electric transmission or distribution line or lines on, above and/or underground within and across the entire Fee Land, adjacent easements in favor of Licensor and/or License Area at any time and from time to time, nor in any other manner modify or relinquish any of its rights under or across the Fee Land, adjacent easements in favor of Licensor and/or License Area, and that such rights and the exercise thereof may require modifications or relocations of the existing roads in the future, at Licensee's sole cost and expense. Licensor shall not be liable to Licensee for any damage to the access road(s) utilized for the Proposed Use resulting from Licensor's access and operations across the Fee Land and/or License Area. Licensee, for itself and its successors in title, agrees that it shall not, directly or indirectly, oppose or support those opposing, in any public or private forum, any future replacement, modification, upgrade or expansion of Licensor's Facilities within and across the Fee Land, adjacent easements in favor of Licensor and/or License Area.

12.0 Licensee acknowledges and understands that mild shocks due to electrostatic currents may be felt when touching conductive structures, vehicles, and objects across the Fee Land and/or the License Area. Licensee, for itself and its employees, agents, contractors and invitees, accepts this circumstance, which is a normal condition attendant to high-voltage transmission lines, and understands that Licensor will not be able (and will not be required) to eliminate these currents.

13.0 Licensee shall not endanger, damage or interfere with any Facilities located on or across the Fee Land and/or License Area. The buried counterpoise ground wire shall remain in place. In the event of any damage to the counterpoise wire or any of the Facilities discovered during access or maintenance, Licensee shall immediately notify Licensor's Supervisor of Electric Operations and the T&D Rights and

Survey Department Supervisor by telephone and in writing as set forth in Section 16.0, so that repairs can be made without delay.

14.0 Licensee shall promptly reimburse Licensor for the actual costs, as reasonably determined by Licensor, of repair or replacement of any Facilities that have been injured or damaged by Licensee, its agents, invitees, contractors, or their respective employees, in its exercise of the license and permission hereby granted.

15.0 It shall be specifically understood that, in the event there is a violation of the conditions set forth herein, or if an activity of Licensee is deemed to be unsafe or unauthorized, in the sole opinion of Licensor, Licensor shall have the right, without notice to Licensee, its successors in title, to take any and all action (including, without limitation, self-help), at Licensee's expense, as is deemed necessary to make safe or restore the Fee Land and/or License Area to an acceptable state.

16.0 Notices under this License shall be in writing and sufficient if sent by (a) facsimile, with electronic confirmation of receipt (provided that an additional copy of the notice shall be sent via first class mail, postage prepaid), or (b) by hand delivery or overnight courier delivery, in either case with written confirmation of delivery, to the following addresses:

If to Licensor:

NSTAR Electric Company d/b/a Eversource Energy
247 Station Drive, SE 210
Westwood, Massachusetts 02090
Attn: Supervisor, T & D Rights and Survey
Office Telephone Number: (603) 634-2278

And

NSTAR Electric Company d/b/a Eversource Energy
247 Station Drive, SE 210
Westwood, Massachusetts 02090
Attn: Supervisor of Electric Operations
Telephone Number: (508) 732-4262
Alternate Number: (508) 732-4313

If to Licensee:

JWN Realty Trust
c/o Ian Norrie
P.O. Box 240
Plympton, MA 02367
Telephone Number: (781) 844-4270

Such notices shall be deemed delivered when received or when delivery is refused.

17.0 The Parties agree to use their best efforts to cooperate in their joint use of the License Area, and to provide each other, upon reasonable request, with engineering and surveying plans, maps or other information necessary or helpful in locating or determining their respective rights across the Fee Land and/or License Area.

18.0 Any consent, express or implied, by either party, to a breach by the other party of any covenant, condition or agreement contained herein shall not constitute a waiver of any prior or succeeding breach, and the non-breaching party reserves all its rights at law or in equity.

19.0 This License contains the entire agreement of the parties with respect to the subject matter hereof. This License shall be binding on the parties and their respective successors in title. This License may be executed in one or more counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one and the same instrument. This License can be modified only by an instrument in writing signed by both parties.

20.0 This License shall be governed by the laws of the Commonwealth of Massachusetts and shall be specifically enforceable.

[signatures follow next page(s)]

IN WITNESS WHEREOF, the parties have caused this License to be executed as an instrument under seal by their respective duly authorized representatives as of the date and year first above written.

LICENSOR: NSTAR ELECTRIC COMPANY d/b/a
EVERSOURCE ENERGY

By: Patricia Quinn
Name: Patricia A. Quinn
Title: Supervisor, T & D Rights and Survey

ACKNOWLEDGEMENT

STATE OF Massachusetts
COUNTY OF Plymouth

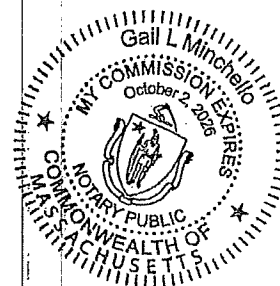
ss:

On this the 14 day of February, 2022 before me, the undersigned officer, personally appeared Patricia A. Quinn, Supervisor, T&D Rights and Survey, for NSTAR Electric Company d/b/a Eversource Energy, who have proven to me with proper identification and/or through personal knowledge to be the persons whose name(s) are subscribed on the preceding or attached document, and acknowledged that they each signed it voluntarily and of their free will and deed for its stated purpose.

In witness whereof, I hereunto set my hand and official seal.

Gail L Minchello

Notary Public -- My Commission Expires: 10/2/26



IN WITNESS WHEREOF, the parties have caused this License to be executed as an instrument under seal by their respective duly authorized representatives as of the date and year first above written.

LICENSEE:

JWN Realty Trust, u/d/t March 8, 2021

By: [Signature]
Name: John W. Norrie
Title: Trustee

ACKNOWLEDGEMENT

STATE OF Massachusetts
COUNTY OF Plymouth

ss:

On this the 10 day of February, 2022 before me, the undersigned officer, personally appeared John W. Norrie, Trustee of JWN Realty Trust, u/d/t March 8, 2021, who have proven to me with proper identification and/or through personal knowledge to be the persons whose name(s) are subscribed on the preceding or attached document, and acknowledged that they each signed it voluntarily and of their free will and deed for its stated purpose.

In witness whereof, I hereunto set my hand and official seal.

[Signature: Gail L Minchello]

Notary Public -- My Commission Expires: 10/2/28

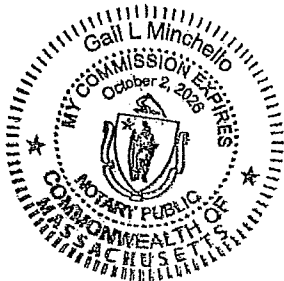
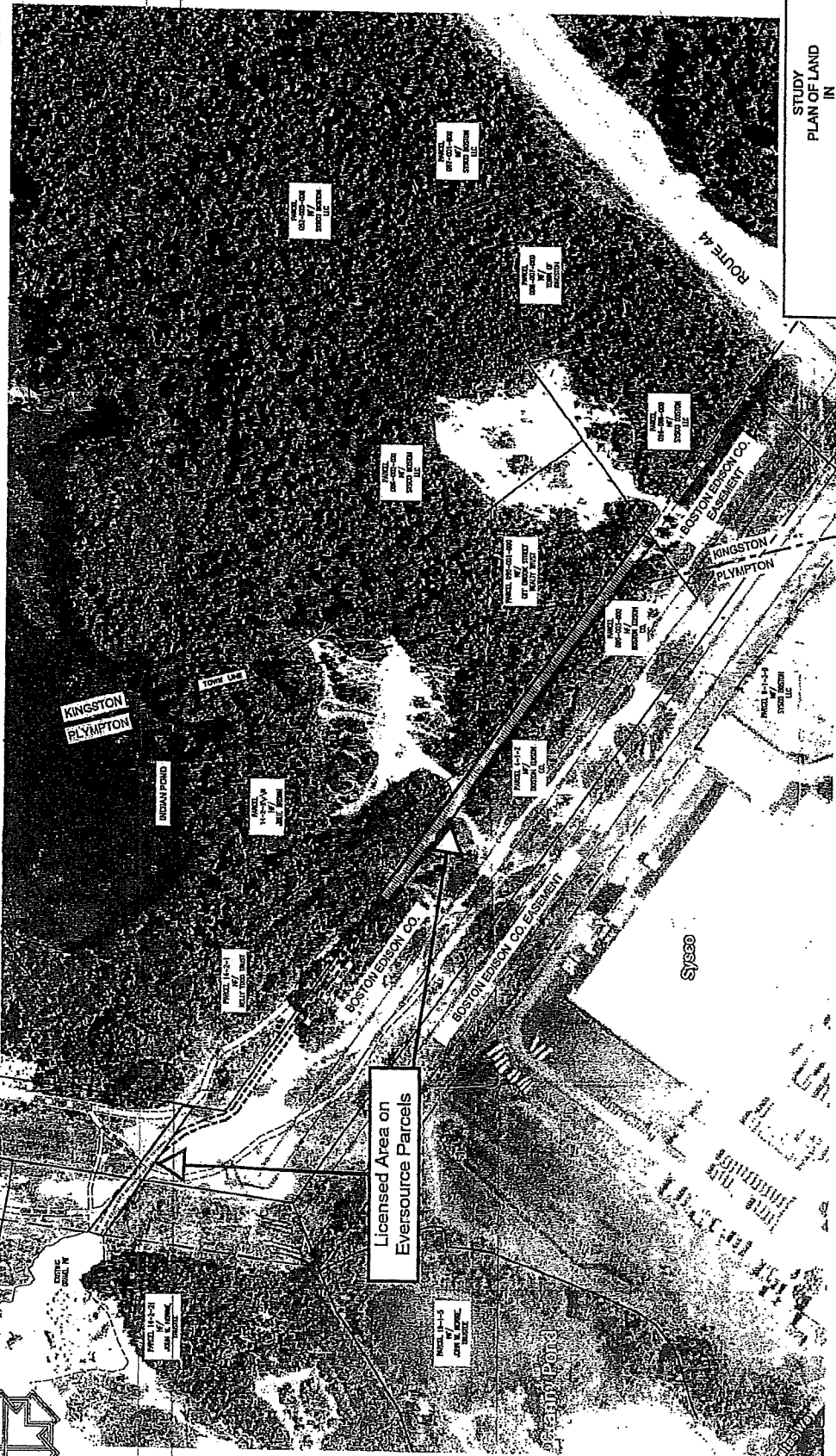


EXHIBIT A

Plan entitled "STUDY PLAN OF LAND IN KINGSTON & PLYMPTON, MASS. PREPARED FOR PLYMPTON SAND & GRAVEL" dated 12/11/19, Scale 1"=120', Sheet No. 1 of 1, prepared by Webby Engineering Associates, Inc, Joseph E. Webby, Jr. PLS No. 28717



STUDY
PLAN OF LAND
IN

KINGSTON & PLYMPTON, MASS.

PREPARED FOR
PLYMPTON SAND & GRAVEL
WEBBY ENGINEERING ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
180 COUNTY ROAD, PLYMPTON MA. 02357
Tel.: (781)-565-1164

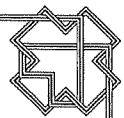
SCALE:	1" = 120'
DATE:	12/11/19
DRAWN BY:	GTH
3D MODEL:	1P
SHEET NO.:	1
OF 4 SHEETS	

DATE	REVISIONS	DESCRIPTION

12/11/19
GTH

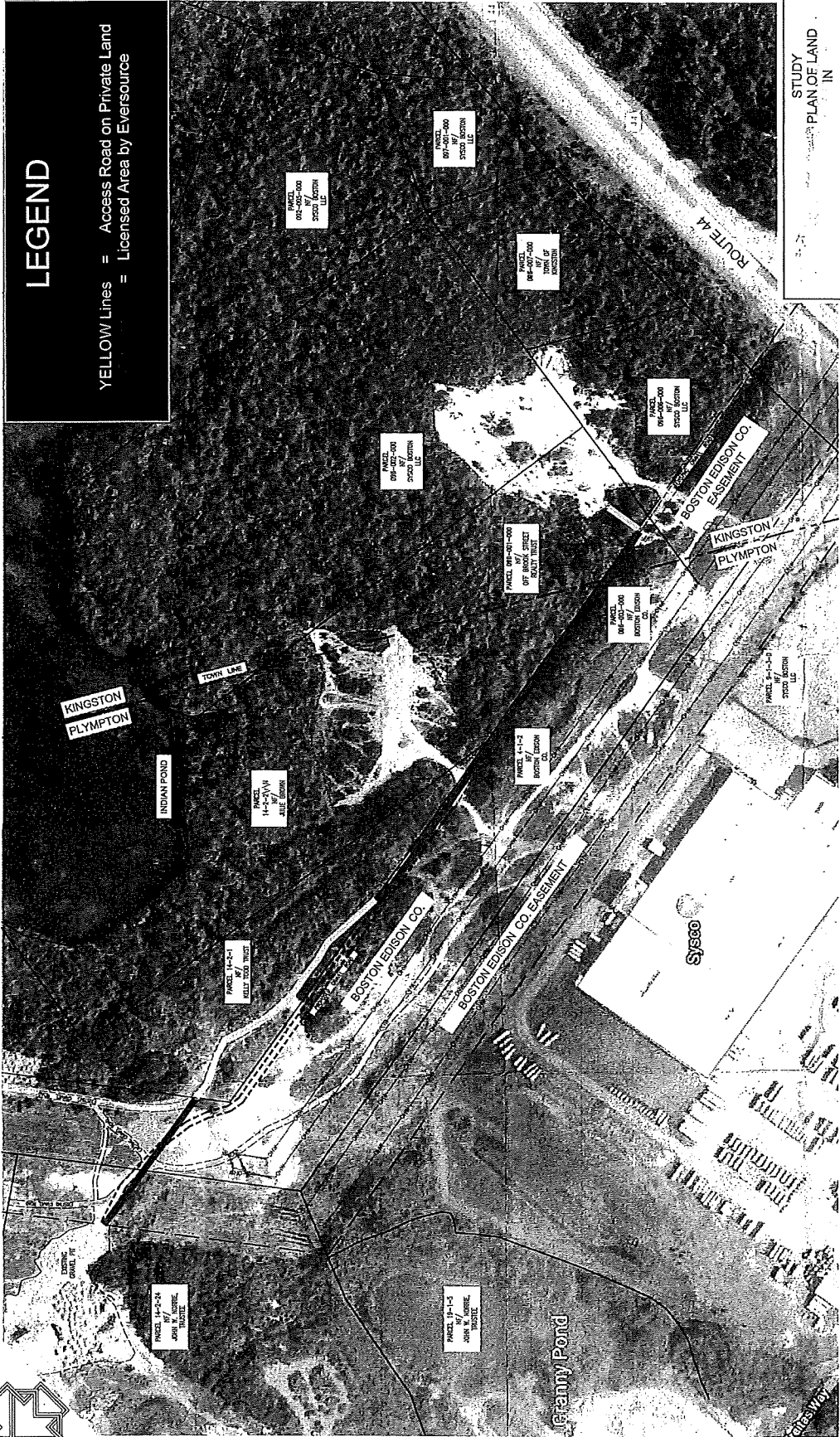
- 1) HOUSE IS SHOWN AS LOT 6 ON MAPS OF THE TOWN OF PLYMPTON.
- 2) RECORD OWNER BRUSHAW FAMILY TRUST





LEGEND

YELLOW Lines = Access Road on Private Land
 = Licensed Area by Eversource



STUDY
 PLAN OF LAND
 IN

KINGSTON & PLYMPTON, MASS.

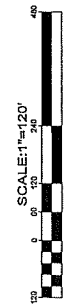
PREPARED FOR
PLYMPTON SAND & GRAVEL
WEBBY ENGINEERING ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 180 COUNTY ROAD, PLYMPTON MA. 02367
 Tel.: (781)-585-1164

SCALE:	1" = 120'
DATE:	12/11/19
DRAWN BY:	GTH
JOB NO.:	W.
SHEET NO.:	1
OF 1 SHEETS	

DATE	REVISIONS	DESCRIPTION

JOSEPH M. WEBBY
 REGISTERED LAND SURVEYOR
 STATE OF MASSACHUSETTS
 No. 12746

NOTES:
 1) SCALE IS GIVEN AS LOTS ON MAP #6 OF THE TOWN OF KINGSTON ASSESSOR'S PLAN.
 2) RECORD OWNER BRADSHAW FAMILY TRUST





2020 00126745

Bk: 54018 Pg: 298 Page: 1 of 2
Recorded: 12/16/2020 12:32 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

Msgr Timothy E Angley
121 W. Green Ave
Plymouth, MA 02360

QUITCLAIM DEED

I, Theresa Carmody, Trustee of the Kelly Todd Trust, u/d/t, June 10, 1994 and recorded with the Plymouth County Registry of Deeds, Land Court Division in Book 438, Page 59, as Document #379671 with a mailing address of 556 Elm Street, Kinston, Massachusetts, 02364

for consideration of **One Hundred Fifty Thousand Dollars (\$150,000.00), paid**

grant to: Plympton Sand & Gravel, a duly incorporated Massachusetts Corporation with a postal address of P. O. Box 240, Plympton, Massachusetts, 02367

with Quitclaim Covenants A certain parcel of land situated in the Town of Plympton, County of Plymouth, Commonwealth of Massachusetts, located West of Indian Pond and containing approximately 4.14 acres, as shown as Parcel A on a plan of land entitled "Plan of Land in Plympton, Mass. Prepared for Plympton Sand & Gravel, Scale: 1"=100' September 23, 2020, Webby Engineering Associates, Inc., Engineers & Land Surveyors, 180 County Road, Plympton, MA. 02367", recorded herewith, and described as:

Beginning: at a point south of Indian Pond, along the land now or formerly of Julie Brown, thence;

NORTHWESTERLY: North 38° 20' 16" West for Nine Hundred Seventy-Nine and 59/100 (979.59) feet; thence;

NORTHEASTERLY: North 22° 11' 58" East for Four Hundred Twenty-Two and 32/100 (422.32) feet; thence;

SOUTHERLY: South 21° 14' 36" East for One Thousand Two Hundred Forty-Two and 18/100 (1,242.18) feet back to the point of beginning.

Containing approximately 4.14 acres

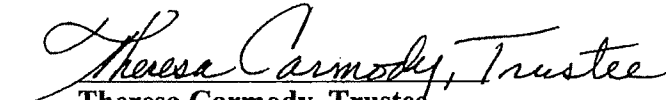
The above described property being only a portion of the land located in the Town of Plympton owned by the Kelly Todd Trust and formed from a larger parcel located in Plympton.

For title see deed of Kelly Todd Trust, recorded in Plymouth County Registry of Deeds in Book 17433, Page 36.

Property Address: Off Brook Street, Plympton, Plymouth County, 02367

CANCELLED
MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 12/16/2020 12:32 PM
Ctrl# 141889 03487
Fee: \$684.00 Cons: \$150,000.00

Witness my hand and seal this 16th day of December, 2020

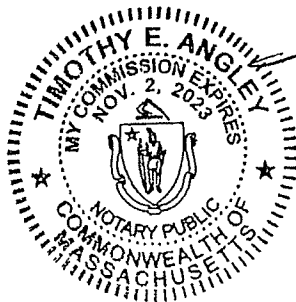

Theresa Carmody, Trustee
Kelly Todd Trust

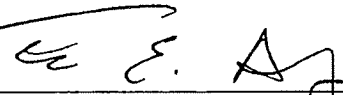
COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss:

December 16, 2020

On this 15th day of December, 2020, before me the undersigned Notary Public, personally appeared **Theresa Carmody, Trustee of the Kelly Todd Trust** and proved to me through satisfactory evidence of identification which was her Massachusetts Driver's License to be the persons whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose,




Notary Public: Timothy E. Angley
My Commission expires: Nov 2, 2023



RECORDED
DEC 19 2020
12-16-2020

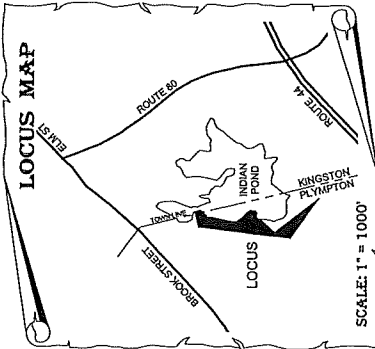
20-612

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES OF THE REGISTER OF DEEDS AND THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.



REGISTERED LAND SURVEYOR
9/29/20 DATE

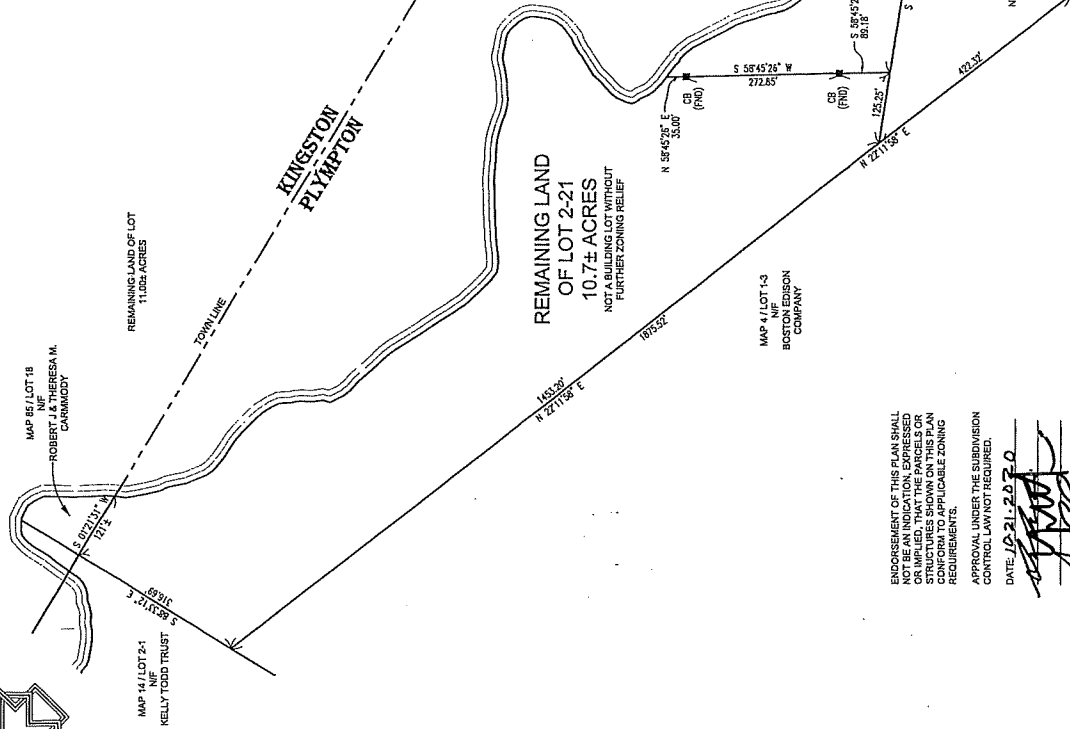
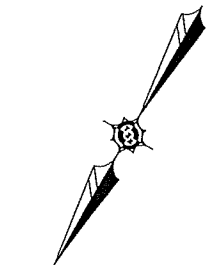
Plymouth County Registry of Deeds
PLAN BOOK 64 PAGE 1052



- NOTES:
- 1.) RECORD OWNER: (PLYMPTON) KELLY TODD TRUST, THERESA CARMODY, TRUSTEE 58 ELM STREET KINGSTON, MA 02344
 - 2.) LOCUS IS SHOWN AS LOT 2-21 ON MAP 14 OF THE TOWN OF PLYMPTON ASSESSORS PLANS.
 - 3.) DEED REFERENCES: BOOK 17433, PAGE 38 (PLYMPTON)
 - 4.) PLAN REFERENCE: PLAN BOOK 23 / PAGE 209
 - 5.) THE PURPOSE OF THIS PLAN IS TO CONVEY PARCEL 'A', CONTAINING 4.14 ACRES OF LAND, TO PLYMPTON SAND & GRAVEL.
 - 6.) DATE OF GROUND SURVEY: SEPTEMBER 8, 2020
 - 7.) ZONING: INDUSTRIAL

PLAN OF LAND IN
PLYMPTON, MASS.

PREPARED FOR
PLYMPTON SAND & GRAVEL
SCALE: 1"=100' SEPTEMBER 23, 2020
WEBBY ENGINEERING ASSOCIATES, INC.
ENGINEERS & LAND SURVEYORS
180 COUNTY ROAD - PLYMPTON, MA
02367 TEL: 1-781-585-1164
DRAWN BY: GTH



ENDORSEMENT OF THIS PLAN SHALL NOT BE AN INDICATION, EXPRESSED OR IMPLIED, THAT THE SURVEYOR'S STRUCTURES SHOWN ON THIS PLAN CONFORM TO APPLICABLE ZONING REQUIREMENTS.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

DATE: 10-21-2020

[Signature]
PLYMPTON PLANNING BOARD

THE PLYMPTON PLANNING BOARD'S APPROVAL NOT CONSTITUTE AN ATTENTION OF COMPLIANCE WITH ZONING REQUIREMENTS.

SCALE: 1"=100'

MAP 4 LOT 1-3
BOSTON EDISON
COMPANY

MAP 4 LOT 1-3
BOSTON EDISON
COMPANY

MAP 4 LOT 1-3
BOSTON EDISON
COMPANY

MAP 4 LOT 1-3
BOSTON EDISON
COMPANY

*** Electronic Recording ***
Doc#: 00091557
Bk: 57419 Pg: 74 Page: 1 of 2
Recorded: 11/15/2022 08:37 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 11/15/2022 08:37 AM
Ctrl# 161558 02142
Fee: \$205.20 Cons: \$45,000.00

QUITCLAIM DEED

I, **Julie Brown**, unmarried, of 17 Tobey Lane, Plympton, County of Plymouth, Commonwealth of Massachusetts, for consideration paid the sum of **Forty-Five Thousand Dollars (\$45,000.00)** cash, grant to **Plympton Sand & Gravel Corp.**, a Massachusetts corporation, having its usual place of business at 190 Brook Street, Plympton, County of Plymouth, Commonwealth of Massachusetts, with

QUITCLAIM COVENANTS:

The land in Plympton, County of Plymouth, Commonwealth of Massachusetts, described as follows:

Parcel A as shown on a plan entitled "Plan of Land in Plympton, Mass. Prepared for Plympton Sand & Gravel, Scale 1"=80' October 11, 2022 Webby Engineering Associates, Inc., Engineers and Land Surveyors, Plympton, Mass." recorded in Plan Book 66, Page 692, in Plymouth County Registry of Deeds.

Being a portion of the premises contained in a Deed recorded with the Plymouth County Registry of Deeds in Book 44293, Page 260.

Property Address: Parcel A Off Bishops Highway, Plympton, MA 02367

Witness my hand and seal this 14 day of November, 2022.

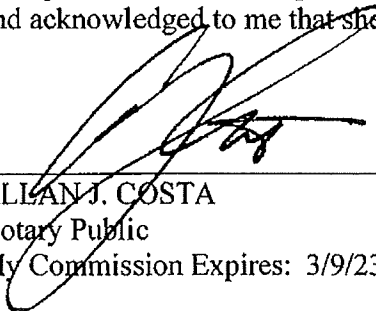
Julie Brown
Julie Brown

COMMONWEALTH OF MASSACHUSETTS

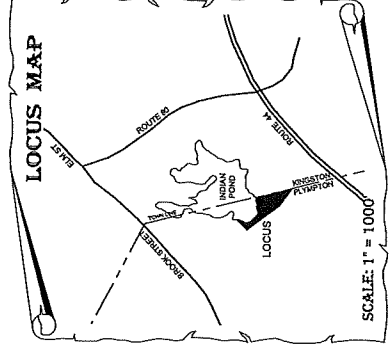
Plymouth, ss

November 14, 2022

On this 14th day of November, 2022, before me, the undersigned notary public, personally appeared **Julie Brown**, provided to me through satisfactory evidence of identification, which were *photo ID*, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



ALIAN J. COSTA
Notary Public
My Commission Expires: 3/9/23

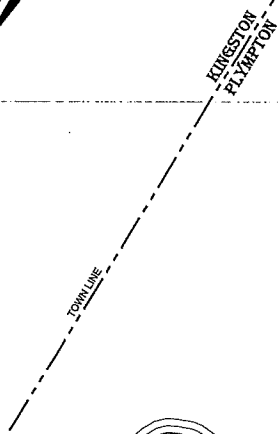
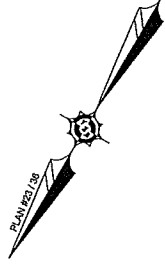


CERTIFY THAT THIS PLAN CONFORMS TO THE REQUIREMENTS OF THE MASSACHUSETTS PLANNING BOARD AND WAS PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL REQUIREMENTS OF THE MASSACHUSETTS PLANNING BOARD AND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

REGISTERED LAND SURVEYOR _____ DATE _____

NOTES:

- 1.) RECORD OWNER: (PLYMPTON) JULIE BROWN 7 TOBEY CANE PLYMPTON, MA 02387
- 2.) LOCUS IS SHOWN AS LOT 2, 23 ON MAP 14 OF THE TOWN OF PLYMPTON ASSESSOR'S PLANS.
- 3.) DEED REFERENCES: BOOK 4492L, PAGE 38 (PLYMPTON) PLAN BOOK 87 / PAGE 209
- 4.) PLAN REFERENCE: PLAN BOOK 23 / PAGE 209 PLAN BOOK 87 / PAGE 532
- 5.) THE PURPOSE OF THIS PLAN IS TO CONVEY PARCEL 'A', CONTAINING 1.68± ACRES OF LAND, TO PLYMPTON SAND & GRAVEL.
- 6.) DATE OF GROUND SURVEY: OCTOBER 3, 2022
- 7.) ZONING: INDUSTRIAL



INDIAN POND

REMAINING LAND OF LOT 2-22
9.05± ACRES
(394,220± S.F.)

PARCEL A
1.68± ACRES
(72,410 S.F.)

MAP 14 / LOT 2-21
NIP
THERESA CELA TRUSTEE
588 ELM STREET
KINGSTON MA
(BK. 5401B, PG. 249)

N 56°45'20" E 135.00'
S 56°45'20" W 272.85'
S 89°18'18" W 89.18'
S 89°18'18" W 89.18'
N 21°15'58" E 125.25'

MAP 4 / LOT 1-3
NIP
BOSTON EDISON COMPANY
P.O. BOX 270
HARTFORD CT.

MAP 14 / LOT 2-21A
NIP
PLYMPTON SAND & GRAVEL
P.O. BOX 240
PLYMPTON
(BK. 5401B, PG. 249)

MAP 86 / LOT 1
NIP
OFF-BROOK STREET REALTY TRUST
P.O. BOX 240
PLYMPTON, MA
(BK. 5446Z, PG.230)

MAP 4 / LOT 1-3
NIP
BOSTON EDISON COMPANY
P.O. BOX 270
HARTFORD CT.

MAP 4 / LOT 1-3
NIP
BOSTON EDISON COMPANY
P.O. BOX 270
HARTFORD CT.

ENDORSEMENT OF THIS PLAN SHALL NOT BE AN INDICATION, EXPRESSED OR IMPLIED, THAT THE STRUCTURES SHOWN ON THIS PLAN CONFORM TO APPLICABLE ZONING REQUIREMENTS.

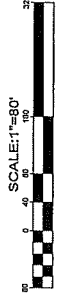
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

DATE _____

PLYMPTON PLANNING BOARD

PLAN OF LAND IN
PLYMPTON, MASS.

PREPARED FOR
PLYMPTON SAND & GRAVEL
SCALE: 1"=60' OCTOBER 11, 2022
WEBBY ENGINEERING ASSOCIATES, INC.
ENGINEERS & LAND SURVEYORS
180 COUNTY ROAD - PLYMPTON, MA.
02387 TEL: 1-781-585-1164
DRAWN BY: GTH Wdrrs



Exhibit

2

Intentionally

Left

Blank

Exhibit

3

Intentionally

Left

Blank

Exhibit
4.1
Soil Boring Log
&
Report



SOIL BORING LOG

BORING NO.: **SB-4**

PROJECT: PK REALTY

WATER ENC.: 80'

LOCATION: KINGSTON

GROUND ELEV.: 207.4

BORING CONT.: WEST END DRILLING

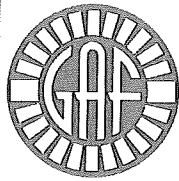
WATER ELEV.: 127.4

BORING METHOD: HOLLOW STEM AUGER

LOGGED BY: BRG

DATE: NOV. 6, 2023

ELEVATION	DEPTH-FT.	SOIL DESCRIPTION	COLOR	REMARKS
167.4	40	MEDIUM TO FINE SAND TRACE OF GRAVEL	2.5Y5/4	
157.4	50	MEDIUM TO FINE SANDY LOAM GRAVEL	5Y4/3	TIGHT
142.4	65	COARSE TO FINE SILTY SAND GRAVEL	5Y4/3	TIGHT
132.4	75	MEDIUM SAND	2.5Y5/4	LOOSE
117.4	90	COARSE TO MEDIUM SAND	2.5Y6/4	LOOSE
107.4	100	END OF BORING 100'		



SOIL BORING LOG

BORING NO.: **MW-1**

PROJECT: PK REALTY

WATER ENC.: 40.8'

LOCATION: KINGSTON

PVC ELEV.: 161.86

BORING CONT.: WEST END DRILLING

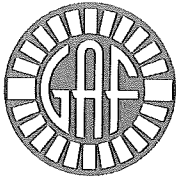
WATER ELEV.: 121.0

BORING METHOD: HOLLOW STEM AUGER

LOGGED BY: BRG

DATE: NOV. 6, 2023

ELEVATION	DEPTH-FT.	SOIL DESCRIPTION	COLOR	REMARKS
		COARSE TO FINE LOAMY SAND AND GRAVEL	5Y4/3	TIGHT
120.5	40 ▽			
		COARSE TO FINE SILTY SAND AND GRAVEL	5Y4/3	TIGHT
157.4	50			
		END OF BORING 100'		



SOIL BORING LOG

BORING NO.: **MW-2**

PROJECT: PK REALTY

WATER ENC.: 63.1'

LOCATION: KINGSTON

PVC ELEV.: 184.52

BORING CONT.: WEST END DRILLING

WATER ELEV.: 121.4

BORING METHOD: HOLLOW STEM AUGER

LOGGED BY: BRG

DATE: NOV. 6, 2023

ELEVATION	DEPTH-FT.	SOIL DESCRIPTION	COLOR	REMARKS
158.4	25	MEDIUM TO FINE SILTY SAND	2.5Y5/3	
148.4	35	CLAY LOAM	5Y5/3	
138.4	45	MEDIUM TO FINE SILTY SAND TRACE OF GRAVEL	2.5Y4/3	TIGHT
103.4	80	MEDIUM SAND SOME COARSE SAND TRACE OF GRAVEL	2.5Y5/4	
		END OF BORING 100'		



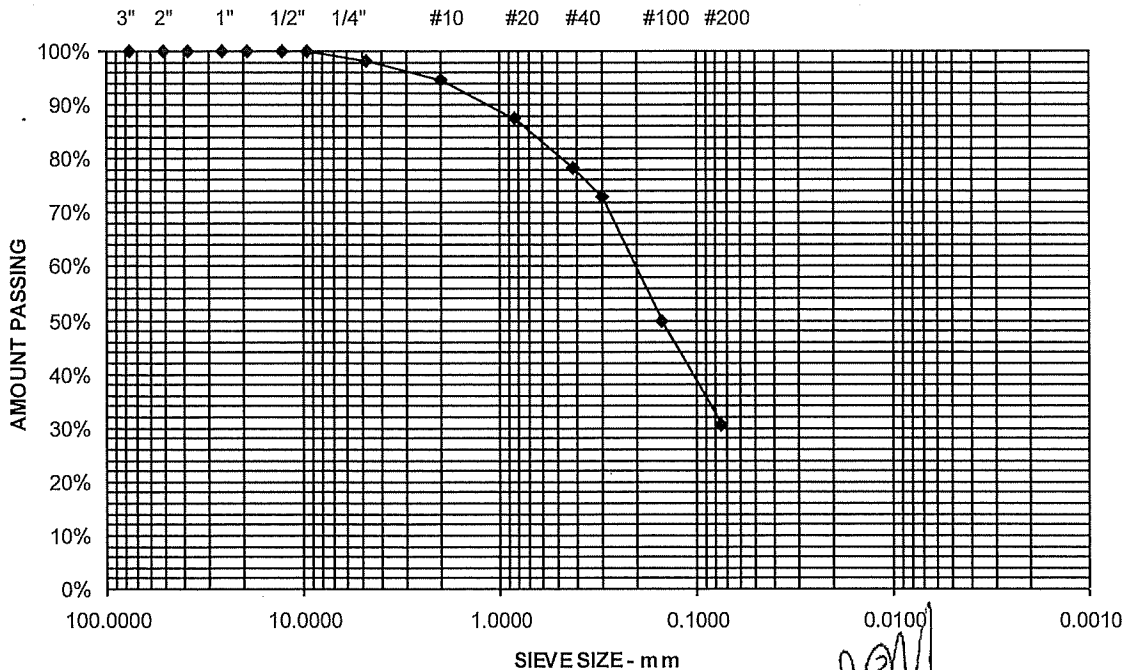
Report of Gradation

ASTM C-117 & C-136

Project Name KINGSTON MA - PK REALTY TRUST - 2023 LABORATORY TESTING SERVICES
 Client GAF ENGINEERING, INC.
 Material Type SOIL BORING
 Material Source SB1: 10-15'

Project Number 23-2345
 Lab ID 6829T
 Date Received 11/17/2023
 Date Completed 11/20/2023
 Tested By JORDAN PAINE

STANDARD DESIGNATION (mm/um)	SIEVE SIZE	AMOUNT PASSING (%)	SPECIFICATIONS (%)
150 mm	6"	100	
100 mm	4"	100	
75 mm	3"	100	
50 mm	2"	100	
38.1 mm	1-1/2"	100	
25.0 mm	1"	100	
19.0 mm	3/4"	100	
12.5 mm	1/2"	100	
9.5 mm	3/8"	100	
4.75 mm	No. 4	98	
2.00 mm	No. 10	95	
850 um	No. 20	88	
425 um	No. 40	78	
300 um	No. 50	73	
150 um	No. 100	50	
75 um	No. 200	30.6	



Comments

Derek Mello



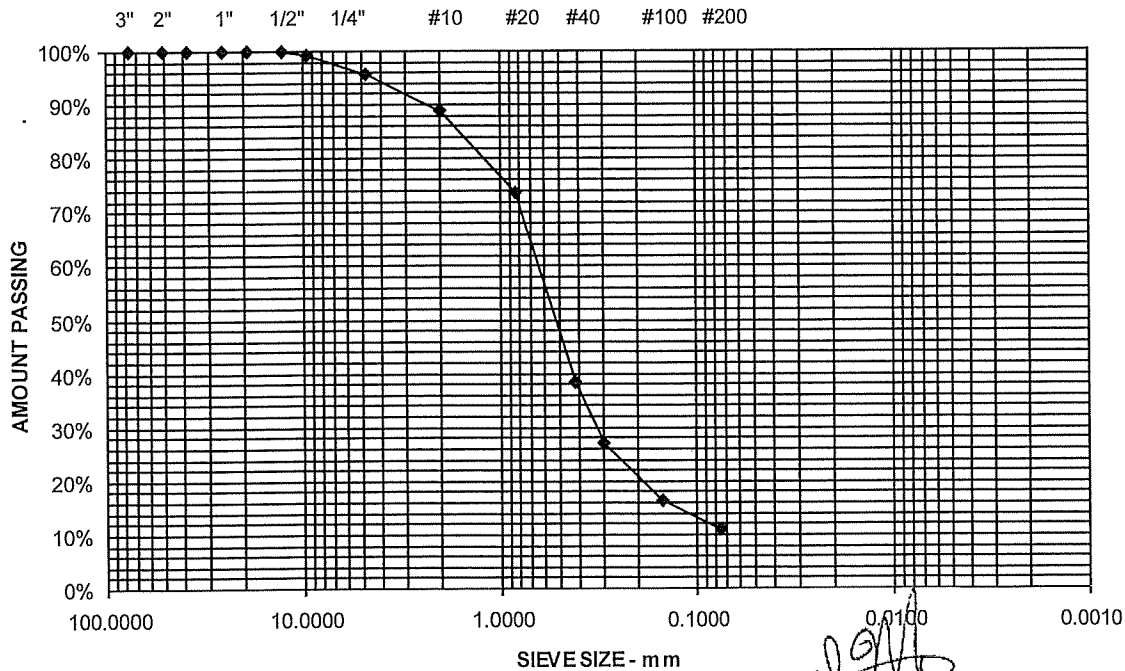
Report of Gradation

ASTM C-117 & C-136

Project Name KINGSTON MA - PK REALTY TRUST - 2023 LABORATORY TESTING SERVICES
 Client GAF ENGINEERING, INC.
 Material Type SOIL BORING
 Material Source SB2: 15-25'

Project Number 23-2345
 Lab ID 6830T
 Date Received 11/17/2023
 Date Completed 11/20/2023
 Tested By JORDAN PAINE

<u>STANDARD</u> <u>DESIGNATION (mm/um)</u>	<u>SIEVE SIZE</u>	<u>AMOUNT PASSING (%)</u>	<u>SPECIFICATIONS (%)</u>
150 mm	6"	100	
100 mm	4"	100	
75 mm	3"	100	
50 mm	2"	100	
38.1 mm	1-1/2"	100	
25.0 mm	1"	100	
19.0 mm	3/4"	100	
12.5 mm	1/2"	100	
9.5 mm	3/8"	99	
4.75 mm	No. 4	96	
2.00 mm	No. 10	89	
850 um	No. 20	74	
425 um	No. 40	39	
300 um	No. 50	27	
150 um	No. 100	16	
75 um	No. 200	11.1	



Comments

Derek Mello



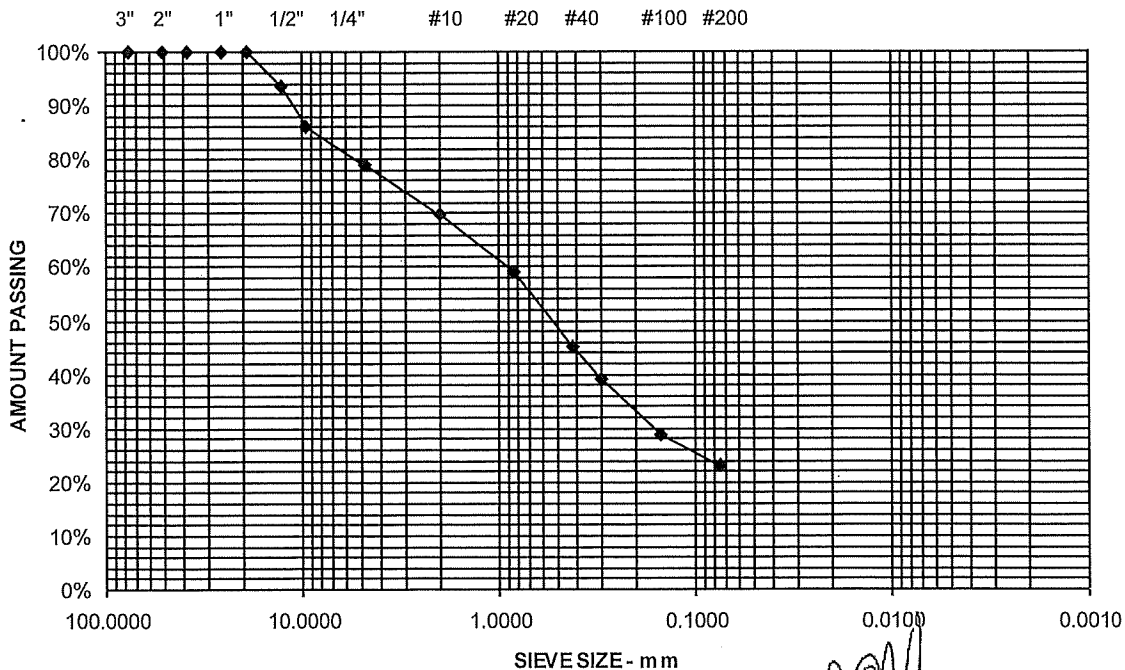
Report of Gradation

ASTM C-117 & C-136

Project Name KINGSTON MA - PK REALTY TRUST - 2023 LABORATORY TESTING SERVICES
 Client GAF ENGINEERING, INC.
 Material Type SOIL
 Material Source MONITER WELL-1: 20'

Project Number 23-2345
 Lab ID 6832T
 Date Received 11/17/2023
 Date Completed 11/20/2023
 Tested By JORDAN PAINE

<u>STANDARD DESIGNATION (mm/μm)</u>	<u>SIEVE SIZE</u>	<u>AMOUNT PASSING (%)</u>	<u>SPECIFICATIONS (%)</u>
150 mm	6"	100	
100 mm	4"	100	
75 mm	3"	100	
50 mm	2"	100	
38.1 mm	1-1/2"	100	
25.0 mm	1"	100	
19.0 mm	3/4"	100	
12.5 mm	1/2"	94	
9.5 mm	3/8"	86	
4.75 mm	No. 4	79	
2.00 mm	No. 10	70	
850 μm	No. 20	59	
425 μm	No. 40	45	
300 μm	No. 50	39	
150 μm	No. 100	29	
75 μm	No. 200	23.1	



Comments

Derek Mello



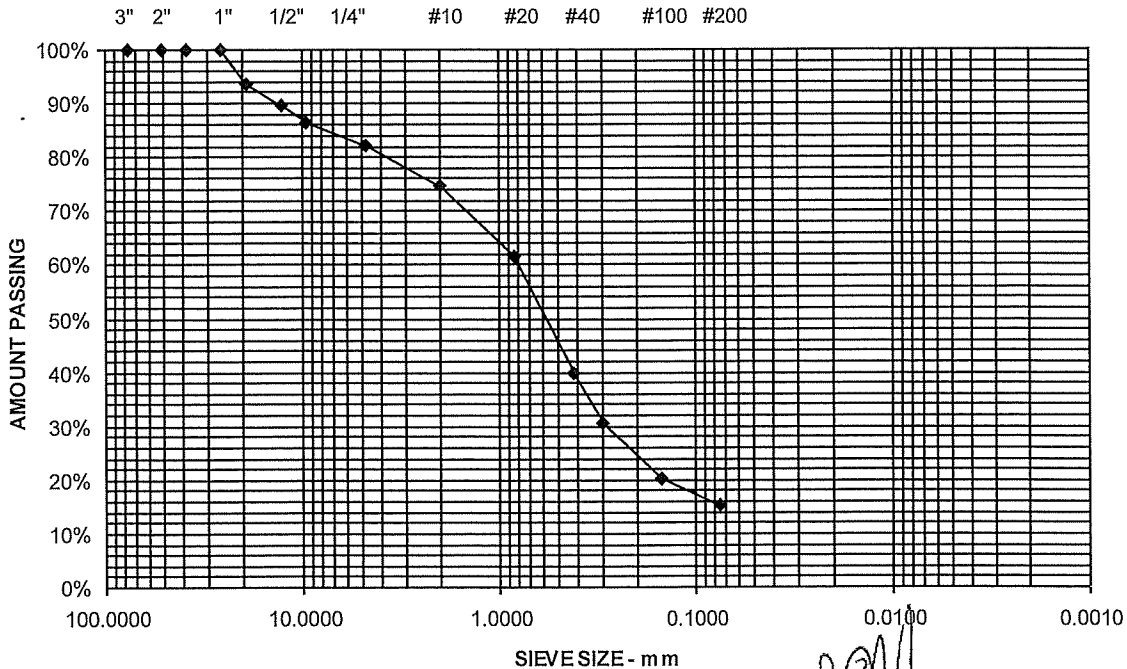
Report of Gradation

ASTM C-117 & C-136

Project Name KINGSTON MA - PK REALTY TRUST - 2023 LABORATORY TESTING SERVICES
 Client GAF ENGINEERING, INC.
 Material Type SOIL BORING
 Material Source SB4: 45-50'

Project Number 23-2345
 Lab ID 6831T
 Date Received 11/17/2023
 Date Completed 11/20/2023
 Tested By JORDAN PAINE

STANDARD DESIGNATION (mm/μm)	SIEVE SIZE	AMOUNT PASSING (%)	SPECIFICATIONS (%)
150 mm	6"	100	
100 mm	4"	100	
75 mm	3"	100	
50 mm	2"	100	
38.1 mm	1-1/2"	100	
25.0 mm	1"	100	
19.0 mm	3/4"	93	
12.5 mm	1/2"	90	
9.5 mm	3/8"	87	
4.75 mm	No. 4	82	
2.00 mm	No. 10	75	
850 μm	No. 20	61	
425 μm	No. 40	40	
300 μm	No. 50	31	
150 μm	No. 100	20	
75 μm	No. 200	15.1	



Comments

Derek Mello



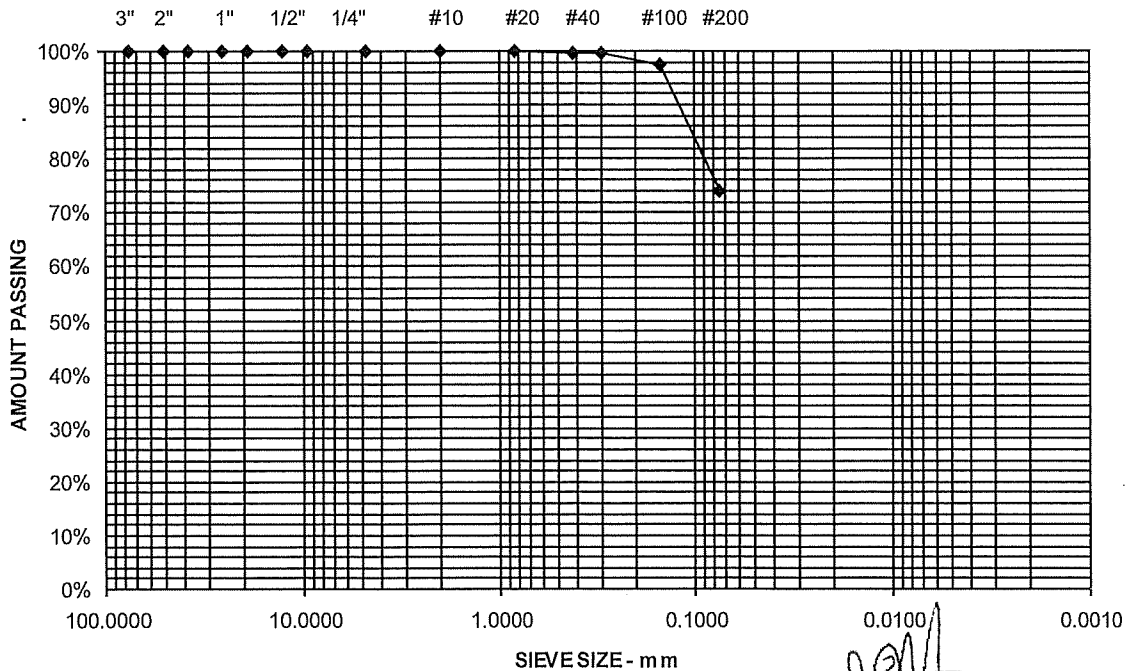
Report of Gradation

ASTM C-117 & C-136

Project Name KINGSTON MA - PK REALTY TRUST - 2023 LABORATORY TESTING SERVICES
 Client GAF ENGINEERING, INC.
 Material Type SILT/SAND
 Material Source WASH POND

Project Number 23-2345
 Lab ID 6833T
 Date Received 11/17/2023
 Date Completed 11/20/2023
 Tested By JORDAN PAINE

<u>STANDARD DESIGNATION (mm/μm)</u>	<u>SIEVE SIZE</u>	<u>AMOUNT PASSING (%)</u>	<u>SPECIFICATIONS (%)</u>
150 mm	6"	100	
100 mm	4"	100	
75 mm	3"	100	
50 mm	2"	100	
38.1 mm	1-1/2"	100	
25.0 mm	1"	100	
19.0 mm	3/4"	100	
12.5 mm	1/2"	100	
9.5 mm	3/8"	100	
4.75 mm	No. 4	100	
2.00 mm	No. 10	100	
850 μm	No. 20	100	
425 μm	No. 40	100	
300 μm	No. 50	100	
150 μm	No. 100	97	
75 μm	No. 200	74.2	



Comments

Derek Mello



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Plymouth County, Massachusetts



November 16, 2023

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Contents

Preface.....	2
How Soil Surveys Are Made.....	5
Soil Map.....	8
Soil Map.....	9
Legend.....	10
Map Unit Legend.....	11
Map Unit Descriptions.....	11
Plymouth County, Massachusetts.....	13
253B—Hinckley loamy sand, 3 to 8 percent slopes.....	13
289C—Hinckley gravelly sandy loam, 8 to 15 percent slopes, bouldery.....	14
289E—Hinckley gravelly sandy loam, 15 to 35 percent slopes, bouldery...	16
600—Pits, gravel.....	17
References.....	18

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

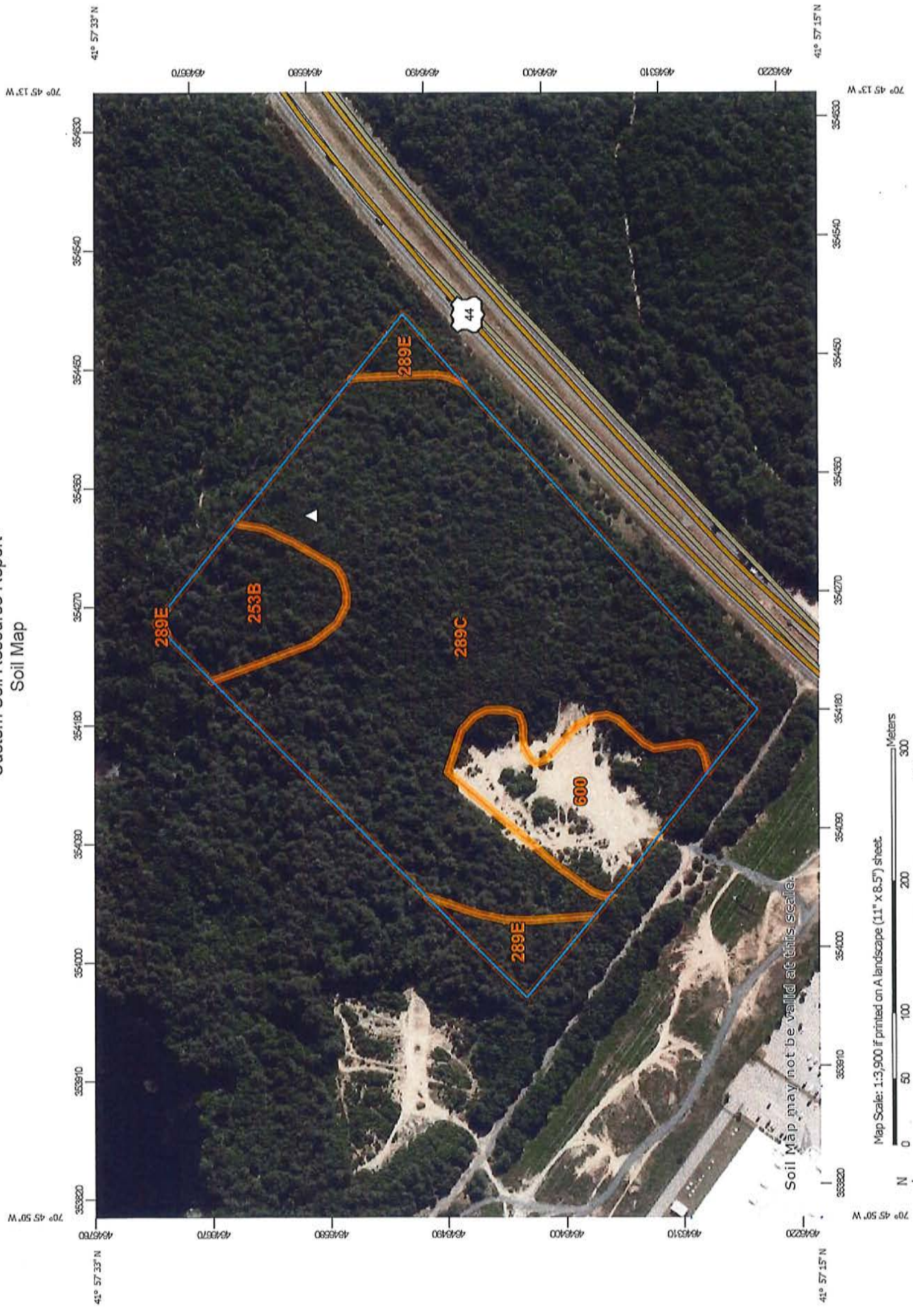
Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map








































Map Scale: 1:3,900 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

-  Area of Interest (AOI)
-  Area of Interest (AOI)
- Soils**
-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points
- Special Point Features**
-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features
- Water Features**
-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Plymouth County, Massachusetts
 Survey Area Data: Version 16, Sep 10, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 10, 2022—Jun 30, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
253B	Hinckley loamy sand, 3 to 8 percent slopes	2.7	9.2%
289C	Hinckley gravelly sandy loam, 8 to 15 percent slopes, bouldery	21.0	72.6%
289E	Hinckley gravelly sandy loam, 15 to 35 percent slopes, bouldery	1.4	4.7%
600	Pits, gravel	3.9	13.5%
Totals for Area of Interest		29.0	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

Custom Soil Resource Report

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Plymouth County, Massachusetts

253B—Hinckley loamy sand, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2svm8
Elevation: 0 to 1,430 feet
Mean annual precipitation: 36 to 53 inches
Mean annual air temperature: 39 to 55 degrees F
Frost-free period: 140 to 250 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Hinckley and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hinckley

Setting

Landform: Outwash deltas, outwash terraces, kames, kame terraces, moraines, eskers, outwash plains
Landform position (two-dimensional): Summit, shoulder, backslope, footslope
Landform position (three-dimensional): Nose slope, side slope, base slope, crest, riser, tread
Down-slope shape: Concave, convex, linear
Across-slope shape: Convex, linear, concave
Parent material: Sandy and gravelly glaciofluvial deposits derived from gneiss and/or granite and/or schist

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material
A - 1 to 8 inches: loamy sand
Bw1 - 8 to 11 inches: gravelly loamy sand
Bw2 - 11 to 16 inches: gravelly loamy sand
BC - 16 to 19 inches: very gravelly loamy sand
C - 19 to 65 inches: very gravelly sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 3.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3s
Hydrologic Soil Group: A

Custom Soil Resource Report

Ecological site: F144AY022MA - Dry Outwash

Hydric soil rating: No

Minor Components

Windsor

Percent of map unit: 8 percent

Landform: Outwash deltas, outwash terraces, moraines, eskers, kames, outwash plains, kame terraces

Landform position (two-dimensional): Summit, shoulder, backslope, footslope

Landform position (three-dimensional): Nose slope, side slope, base slope, crest, riser, tread

Down-slope shape: Concave, convex, linear

Across-slope shape: Convex, linear, concave

Hydric soil rating: No

Sudbury

Percent of map unit: 5 percent

Landform: Outwash deltas, outwash terraces, moraines, outwash plains, kame terraces

Landform position (two-dimensional): Backslope, footslope

Landform position (three-dimensional): Head slope, side slope, base slope, tread

Down-slope shape: Concave, linear

Across-slope shape: Concave, linear

Hydric soil rating: No

Agawam

Percent of map unit: 2 percent

Landform: Outwash deltas, outwash terraces, moraines, eskers, kames, outwash plains, kame terraces

Landform position (two-dimensional): Summit, shoulder, backslope, footslope

Landform position (three-dimensional): Nose slope, side slope, base slope, crest, riser, tread

Down-slope shape: Concave, convex, linear

Across-slope shape: Convex, linear, concave

Hydric soil rating: No

289C—Hinckley gravelly sandy loam, 8 to 15 percent slopes, bouldery

Map Unit Setting

National map unit symbol: bd1l

Elevation: 0 to 400 feet

Mean annual precipitation: 41 to 54 inches

Mean annual air temperature: 43 to 54 degrees F

Frost-free period: 145 to 240 days

Farmland classification: Not prime farmland

Map Unit Composition

Hinckley, bouldery, and similar soils: 80 percent

Minor components: 20 percent

Custom Soil Resource Report

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hinckley, Bouldery

Setting

Landform: Outwash deltas, terraces, kames, eskers

Landform position (two-dimensional): Shoulder, backslope

Landform position (three-dimensional): Riser

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Sandy and gravelly glaciofluvial deposits

Typical profile

Oe - 0 to 2 inches: moderately decomposed plant material

A - 2 to 3 inches: gravelly sandy loam

Bw - 3 to 19 inches: very gravelly loamy coarse sand

C1 - 19 to 33 inches: very gravelly coarse sand

C2 - 33 to 60 inches: very gravelly coarse sand

Properties and qualities

Slope: 8 to 15 percent

Surface area covered with cobbles, stones or boulders: 0.1 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Excessively drained

Runoff class: Low

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 28.34 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Very low (about 1.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4e

Hydrologic Soil Group: A

Ecological site: F144AY022MA - Dry Outwash

Hydric soil rating: No

Minor Components

Merrimac

Percent of map unit: 10 percent

Landform: Kames, terraces, outwash plains

Landform position (two-dimensional): Shoulder, backslope

Landform position (three-dimensional): Riser

Down-slope shape: Linear

Across-slope shape: Convex

Hydric soil rating: No

Gloucester, bouldery

Percent of map unit: 7 percent

Landform: Ground moraines, hills

Landform position (two-dimensional): Summit, shoulder

Landform position (three-dimensional): Interfluvium

Down-slope shape: Convex

Across-slope shape: Convex

Custom Soil Resource Report

Hydric soil rating: No

Barnstable, bouldery

Percent of map unit: 3 percent

Landform: Moraines

Landform position (two-dimensional): Summit, shoulder

Landform position (three-dimensional): Interfluve

Down-slope shape: Convex

Across-slope shape: Convex

Hydric soil rating: No

289E—Hinckley gravelly sandy loam, 15 to 35 percent slopes, bouldery

Map Unit Setting

National map unit symbol: bd1k

Elevation: 0 to 400 feet

Mean annual precipitation: 41 to 54 inches

Mean annual air temperature: 43 to 54 degrees F

Frost-free period: 145 to 240 days

Farmland classification: Not prime farmland

Map Unit Composition

Hinckley, bouldery, and similar soils: 80 percent

Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hinckley, Bouldery

Setting

Landform: Outwash deltas, terraces, kames, eskers

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Riser

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Sandy and gravelly glaciofluvial deposits

Typical profile

Oe - 0 to 2 inches: moderately decomposed plant material

A - 2 to 3 inches: gravelly sandy loam

Bw - 3 to 19 inches: very gravelly loamy coarse sand

C1 - 19 to 33 inches: very gravelly coarse sand

C2 - 33 to 60 inches: very gravelly coarse sand

Properties and qualities

Slope: 15 to 35 percent

Surface area covered with cobbles, stones or boulders: 0.1 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Excessively drained

Runoff class: Low

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 28.34 in/hr)

Custom Soil Resource Report

Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very low (about 1.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: A
Ecological site: F144AY022MA - Dry Outwash
Hydric soil rating: No

Minor Components

Merrimac

Percent of map unit: 10 percent
Landform: Kames, terraces, outwash plains
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Convex
Hydric soil rating: No

Gloucester, bouldery

Percent of map unit: 7 percent
Landform: Ground moraines, hills
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Interfluve
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

Barnstable, bouldery

Percent of map unit: 3 percent
Landform: Moraines
Landform position (two-dimensional): Summit, shoulder
Landform position (three-dimensional): Interfluve
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

600—Pits, gravel

Map Unit Composition

Pits, gravel: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

References

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

National Research Council. 1995. Wetlands: Characteristics and boundaries.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577

Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580

Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.

United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.

United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374

United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelpdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

Exhibit

5.1

Letter from MassDEP

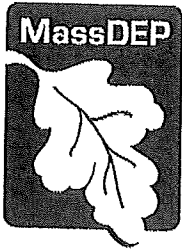
&

WPA Form 2

Superseding

Determination of

Applicability



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Bethany A. Card
Secretary

Martin Suuberg
Commissioner

DEC 22 2022

P.K. Realty Trust
c/o William F. Madden, P.E.
G.A.F Engineering, Inc.
266 Main Street
Wareham, Massachusetts 02571

RE: KINGSTON – Wetlands
Superseding Determination
of Applicability
Off Route 44

Dear Mr. Madden:

Following an onsite inspection and in-depth review of the above-referenced file, and in accordance with Massachusetts General Laws, Chapter 131, Section 40, the Department of Environmental Protection has issued the enclosed Superseding Determination of Applicability (SDA). This Determination finds that the area in question is not subject to the Massachusetts Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40) and its implementing Regulations (310 CMR 10.00).

In the Department's opinion, the information gathered from the parties involved and observations made at the onsite inspection are sufficient to justify the enclosed SDA. In response to concerns raised during the onsite inspection and in accordance with 310 CMR 10.02(2)(d), the Department notes that activities outside Areas Subject to Protection under the Act and the Buffer Zone and not depicted on the referenced plan, may be subject to the filing of a Notice of Intent or the issuance of an Enforcement Order to contribute to the protection of the interests identified in the Act should those activities actually alter an Area Subject to Protection under M.G.L. c. 131, § 40. Please be advised that the Department reserves the right, should there be further proceedings in the matter to raise additional issues and present further evidence as may be appropriate.

The Department does not have the authority to regulate or enforce local by-laws or Conservation Commission policies. Additional information, not listed in the SDA, may therefore be required by local agencies. The enclosed SDA does not relieve the property owner of the need to obtain approval under the Kingston Wetlands Bylaw and Regulations.

If you have any questions regarding this matter, please contact Maissoun Reda at 508-946-2804 or by e-mail at Maissoun.Red@mass.gov.

Very truly yours,



Daniel F. Gilmore, Chief
Wetlands & Waterways
Bureau of Water Resources

DFG/mr

Enclosure

Certified Mail # 7021 0950 0000 9321 6621

cc: Kingston Conservation Commission



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

Kingston
Municipality

WPA Form 2 – Superseding Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

From:

Massachusetts Department of Environmental Protection
Issuing Authority

To: Applicant:

P.K. Realty Trust; c/o William F. Madden, P.E.
Name
G.A.F. Engineering, Inc.; 266 Main Street
Mailing Address
Wareham MA 02571
City/Town State Zip Code

Property Owner (if different from applicant):

Name
Mailing Address
City/Town State Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Plan to Accompany Request for Determination of Applicability; Off
Route 44; Kingston, MA; Prepared for: P.K. Realty Trust
Title June 8, 2022
Date
G.A.F. Engineering, Inc.
Prepared by Date
William F. Madden, P.E.
Signed and Stamped by Date

2. Date Request Filed:

June 8, 2022

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Department considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Seeking determination of whether the area depicted on the referenced plan is subject to the jurisdiction of the Wetlands Protection Act. No work is proposed on the referenced plan.

Project Location:

Off Route 44
Street Address Kingston
City/Town
Portion of Parcels 96-1, 96-2, 92-5, Entire Parcels 97-1, 97-2, 96-6
Assessors Map/Plat Number Parcel/Lot Number

Findings Under Municipal Wetlands Bylaw or Ordinance

To the extent that the Determination of Applicability is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no jurisdiction to supersede the local by-law determination.



WPA Form 2 – Superseding Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent.

5. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

Alternatives limited to the lot on which the project is located.

Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.

Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.

Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.



Massachusetts Department of Environmental Protection
 Bureau of Water Resources - Wetlands
WPA Form 2 – Superseding Determination of Applicability
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Kingston
 Municipality

B. Determination (cont.)

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. Work may proceed at the owner's risk even if a request for an adjudicatory hearing has been made. Requirements for requests for adjudicatory hearings are listed at the end of this document.

- 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

- 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.
- 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (cite applicable statutory/regulatory provisions)

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by certified mail

DEC 29 20??

Date

CERTIFIED MAIL # 7021 0950 0000 9321 6621

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

Signature:

Daniel F. Gilmore

Daniel F. Gilmore, Chief, Wetlands & Waterways Program, Bureau of Water Resources

DFG/mr



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands
WPA Form 2 – Superseding Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Kingston
Municipality

D. Appeals

The applicant, the landowner, any person aggrieved by the Superseding Order, Determination or other Reviewable Decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this Reviewable Decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this Reviewable Decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, Suite 900
Boston, MA 02114

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP
20 Riverside Drive
Lakeville, MA 02347

In the event that a ten resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten-resident group, whose name and contact information is included in this Reviewable Decision (when relevant).

Contents of Appeal Notice

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

- (a) the MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
- (b) the complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative;
- (c) if a ten residents group, the same information for the group's designated representative; if the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this Reviewable Decision;
- (d) if the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that led to this Reviewable Decision and sufficient written facts to demonstrate status as a person aggrieved;
- (e) the names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;
- (f) a clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error is inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c.131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 2 – Superseding Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Kingston
Municipality

- (g) a copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;
- (h) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and
- (i) if asserting a matter that is Major and Complex, as defined at 310 CMR 10.04(1), a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

Filing Fee and Address

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Exhibit
6.1
Letters from
Massachusetts Historical
Commission (MHC)
&
Public Archaeology
Laboratory

Exhibit
6.1
Letters from
Massachusetts Historical
Commission (MHC)



February 10, 2023

PK Realty Trust
PO Box 240
Plympton MA 02367

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

RE: PK Realty Trust Cranberry Bog & Tailwater Recovery Project, Kingston, MA. **MHC #RC.72664.**

Dear Sir or Madam:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the Project Notification Form (PNF) prepared and submitted by G.A.F. Engineering Inc. for the project referenced above and the MHC's files.

The PNF indicates that the project requires a Stormwater Pollution Prevention Plan and Notice of Intent authorization from the US Environmental Protection Agency (EPA). The project may also require an EPA National Pollution Discharge Elimination System permit.

The project requires review by the EPA in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800). The MHC advises the EPA that the EPA should commence notification to Native American tribes and to other consulting parties and invite them to participate in consultation.

Portions of the project area are archaeologically sensitive for significant ancient and historical period archaeological deposits and features. The Town of Kingston's 2008 archaeological reconnaissance survey and the MHC's 1981 historical overview report indicates that this part of Kingston near Indian Pond has archaeological sensitivity. LIDAR imagery shows what appears to be pathways or trails and what may be historical cultural features, such as building foundations.

The MHC recommends that an intensive (locational) archaeological survey (950 CMR 70) be conducted for the project. The goal of the survey is to locate and identify any significant historic and archaeological resources that may be affected by the project, and to provide sufficient information to consult with the MHC and other consulting parties to consider feasible project alternatives to avoid, minimize, or mitigate and adverse project effects to important archaeological deposits and features. The survey requires a State Archaeologist's field investigation permit (950 CMR 70), the application for which should be submitted to the MHC by a qualified and experienced archaeological consulting firm.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800) and M.G.L. c. 9, ss. 26-27C (950 CMR 70-71). If you have any questions, please contact Edward L. Bell, Deputy State Historic Preservation Officer and Senior Archaeologist at the MHC.

Sincerely,

A handwritten signature in cursive script that reads "Brona Simon".

Brona Simon
State Historic Preservation Officer
Executive Director
State Archaeologist
Massachusetts Historical Commission

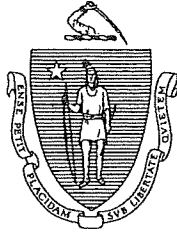
xc:

Kenneth W. Moraff, EPA Region 1
Michael Stover, EPA Region 1
Daniel Amon, EPA Federal Preservation Officer
David Weeden, Mashpee Wampanoag Tribe
Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah)
Kingston Historical Commission
Robert Rogers, G.A.F. Engineering, Inc.

220 Morrissey Boulevard, Boston, Massachusetts 02125

(617) 727-8470 • Fax: (617) 727-5128

www.state.ma.us/sec/mhc



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

August 1, 2023

Ian Norrie
PK Realty Trust
192 Brook Street
Plympton, MA 02367

RE: PK Realty Trust Cranberry Bog & Tailwater Recovery Project, Kingston, MA.
PAL #4537. MHC #RC.72664.

Dear Mr. Norrie:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the report prepared by The Public Archaeology Laboratory, Inc. (PAL) for the project referenced above, *Intensive (Locational) Archaeological Survey, PK Realty Trust Cranberry Bog & Tailwater Recovery Project, Kingston, Massachusetts*.

Two ancient period Native American sites were found during the systematic archaeological testing, and designated Norrie Bog Site Locus 1 and Norrie Bog Site Locus 2. It is the opinion of the MHC's staff that the two archaeological sites do not meet the National Register Criteria of Eligibility (36 CFR Part 60.4).

Because no significant historic or archaeological resources were identified in the project area, no further archaeological survey is recommended by the MHC. No further MHC review is required for the project.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800) and/or M.G.L. c. 9, ss. 26-27C (950 CMR 70-71). If you have any questions or require additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Bell".

Edward L. Bell
Deputy State Historic Preservation Officer
Senior Archaeologist
Massachusetts Historical Commission

xc:

Kenneth W. Moraff, EPA Region 1
Daniel Amon, EPA Federal Preservation Officer
David Weeden, Mashpee Wampanoag Tribe
Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah)
Kingston Historical Commission
Robert Rogers, G.A.F. Engineering, Inc.
Deborah C. Cox, PAL



March 22, 2023

Brona Simon
State Archaeologist
Executive Director
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, Massachusetts 02125

Attn: Edward Bell

Re: PK Realty Trust Cranberry Bog and Tailwater Recovery Project
Kingston, Massachusetts
Intensive (locational) Archaeological Survey
MHC #RC.72664, PAL #4537

Dear Ms. Simon:

Enclosed please find an application for a permit to conduct an Intensive (locational) Archaeological Survey. This application concerns the proposed PK Realty Trust Cranberry Bog and Tailwater Recovery Project in Kingston, Massachusetts. The project area is located on the Plympton, Massachusetts topographic quadrangle. We would like to begin investigations as soon as possible. Thank you in advance for your time and attention to this matter.

If you have any questions or concerns, please do not hesitate to contact Dianna Doucette, Principal Investigator, at your convenience.

Sincerely,

A handwritten signature in blue ink that reads 'Deborah C. Cox'.

Deborah C. Cox, RPA
President

Enclosure

cc: William Madden, GAF Engineering, Inc. (w/encl. – via email)
Bettina Washington, Wampanoag Tribe of Gay Head/Aquinnah (w/encl. – via email)
David Weeden, THPO Mashpee Wampanoag Tribe (w/encl. – via email)

B. Professional Qualifications

1. Attach a personnel chart and project schedule as described in 950 CMR 70.11 (b).

a. Personnel

Principal Investigator(s): Dianna L. Doucette
Project Archaeologist(s): Jessica Horn
Field Crew: PAL Staff

b. Schedule

Fieldwork: April 2023
Laboratory: April – May 2023
Report: May -June 2023

2. Include copies of curriculum vitae of key personnel (unless already on file with the State Archaeologist).

C. Research Design

1. Attach a narrative description of the proposed Research Design according to the requirements of 950 CMR 70.11.
2. The Applicant agrees to perform the field investigations according to the standards outlined in 950 CMR 70.13.
3. The Applicant agrees to submit a Summary Report, prepared according to the standards outlined in 950 CMR 70.14 by: July 2023
4. The specimens recovered during performance of the proposed field investigation will be curated at:

The Public Archaeology Laboratory, Inc.
26 Main Street
Pawtucket, Rhode Island 02860

SIGNATURE

Dianna Doucette
APPLICANT(S)

3/22/23
DATE

Exhibit

7.1

Memorandum of Agreement

Between

**The Commission for Conservation of Soil, Water
and Related Resources and**

The Department of Environmental Protection

Water Management Program

P _____

**Memorandum of Agreement
Between**

**The Commission for Conservation of Soil, Water and Related
Resources and**

**The Department of Environmental Protection
Water Management Program**

Water Conservation Plans for Cranberry Bog Construction

Purpose

The purpose of this agreement, made between the State Department of Environmental Protection (hereafter referred to as DEP) and the State Commission for Conservation of Soil, Water and Related Resources, (hereafter referred to as State Commission) is to establish the procedures for a uniform program to exempt new or expanding Cranberry Bog construction, up to 9.3 acres, from the requirements of a Massachusetts Water Withdrawal Permit under the Water Management Act (M.G.L. c21G). This exemption will be conditioned upon the bogs design and construction being certified by the local Conservation District (hereafter referred to as District) as utilizing best management practices for water conservation.

Background

The 1985 Water Management Act requires new water withdrawals in excess of a threshold volume of 100,000 gallons per day (gpd) to secure a permit for that use from the DEP. Withdrawals in excess of the threshold volume which occurred between the years 1981 and 1985 could be registered and continued without the need to obtain a permit.

Since bog owners had no accurate equipment for metering readily available to them, DEP agreed to issue estimated withdrawal registrations based on an industry wide standard of 10 acre feet/acre/year. That translated into the threshold for regulation to be set at 4.66 acres of bog in production during the peak quarter of water use. A study was undertaken by the Cape Cod Cranberry Grower's Association between 1989 and 1991 to better quantify the water used in cranberry production.

This study of cranberry bog water consumption showed annual usage fell somewhere between 8 - 12 acre feet/acre/year. The 10 acre feet/acre/year was affirmed for the average existing bog. Bogs constructed or rehabilitated using best management practices for water conservation (hereafter referred to as BMP's) used substantially less water. In an effort to promote

these designs using BMP's and reduce permitting cost to bog owners, DEP has agreed to increase the threshold for permitting new or expanded acreage from 4.6 to 9.3 for bogs that are designed and operated in accordance with BMP's as certified by a credible third party.

Organization and Management

The Commission will;

1. Coordinate the participation of the local Conservation Districts' as the entities to certify that new or rehabilitated bogs have been constructed in accordance with BMP's. Immediate priorities will be the Districts of Plymouth, Cape Cod, Bristol, Dukes and Nantucket. Other counties will participate on an as needed basis.
2. In consultation with the local District and with the concurrence of DEP, establish a Policy and Procedures document to carry out this program.
3. Act as an intermediary when necessary between the District and DEP.
4. Provide necessary training and oversight of the Districts to assure proper delivery of services agreed upon in this document.

The DEP will;

1. Accept a copy of the District Cooperators Agreement, in accordance with the approved Policy and Procedures, as notification of a land owners intent to construct or expand a bog in accordance with these procedures.
2. Accept the letter of certification from the Conservation District as sufficient documentation that the referenced bog was constructed in accordance with the BMP standards.
3. Exempt new or expanded cranberry bog acreage up to 9.3 acres from the requirements of a water withdrawal permit when that acreage is constructed in conformance with all the requirements of this agreement.
4. Incorporate this procedure into its rules and regulations where necessary.

Both the State Commission and the DEP agree to the following standard methods of procedure;

1. A land owner constructing a new bog, anywhere in the Commonwealth, exceeding 4.6 acres but less than 9.3

acres would be directed to contact their local Conservation District for a review of their conservation plan and a field review. The applicant is required to sign a Cooperators Agreement with the District, prior to any construction, which is then forwarded to the DEP.

2. The District will utilize the services of the USDA Soil Conservation Service or a consulting engineer to design a Conservation Plan using BMP's. The designer will also confirm at this time that the area proposed for new or expanded cranberry bog construction under this procedure is between 4.6 and 9.3 acres.
3. The applicant will notify the District upon completion of construction that they are ready for a final inspection. The District will then arrange to have qualified personnel visit the site and confirm that the BMP's were installed per the plan and the acreage did not exceed 9.6.
4. The District will then issue a Certification letter to the DEP, with a copy to the applicant, verifying compliance with the Conservation Plan. After issuance of this letter, the bog area in question will be considered exempt from obtaining a water withdrawal permit from the DEP.
5. The Commission, DEP and Districts will encourage development of the conservation plans for all bog construction, regardless of the size.
6. The District Board of Supervisors will be permitted to charge a fee for their services. Those fees will be in accordance with a Fee Schedule approved by the State Commission.
7. For purposes of this agreement, Best Management Practices-BMP's, will be defined as follows;
 - A. Bogs construction laser leveled (or equivalent) to 6 inches.
 - B. Implementation of tail water recovery system.
 - C. Irrigation systems and water control structures (dikes and flumes) to USDA Soil Conservation Service standards.

Approvals by the District under this agreement, both for bog design and for final certification of work in field, are for the purposes of determining eligibility for waving the requirements of the Massachusetts Water Withdrawal Permit only. Any other Federal, State or local permitting requirements that apply are the responsibility of the applicant.

Exhibit

8.1

NPDES Stormwater

Construction

General Permit

Create New/Request Permissions

Create new NOI or LEW

Request Permissions for an existing NOI or LEW

Do I qualify for a LEW? (JavaScript:;)

My Projects/Sites

Filter (JavaScript:)

Show 10 entries

Column Visibility

Actions	Project / Site Name	NPDES ID	Submission Status	Submission Type	Coverage Status	Coverage Type	Certified / Submitted Date	Effective Date	Expiration Date	Last Modified Date
Actions	Craneberry Farm (JavaScript:)	MAR100412	Approved	New	● Active	General Permit	02/06/2023	02/20/2023	02/16/2027	02/20/2023 4:00 PM

Showing 1 to 1 of 1 entries

Previous 1 Next



This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0305). Responses to this collection of information are mandatory in accordance with this permit and EPA NPDES regulations (40 CFR 122.28(b)(2)). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information are estimated to average 1.1 to 19.6 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Permit Information

NPDES ID: MAR100412

State/Territory to which your project/site is discharging: MA

Is your project/site located on federally recognized Indian Country lands? No

Are you requesting coverage under this NOI as a "Federal Operator" or a "Federal Facility" as defined in Appendix A (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-a-definitions.pdf>)? No

Have stormwater discharges from your current construction site been covered previously under an NPDES permit? No

Will you use polymers, flocculants, or other treatment chemicals at your construction site? No

Has a Stormwater Pollution Prevention Plan (SWPPP) been prepared in advance of filing this NOI, as required? Yes

Are you able to demonstrate that you meet one of the criteria listed in Appendix D (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-d-endangered-species-protection.pdf>) with respect to protection of threatened or endangered species listed under the Endangered Species Act (ESA) and federally designated critical habitat?
Yes

Have you completed the screening process in Appendix E (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf>) relating to the protection of historic properties? Yes

Indicating "Yes" below, I confirm that I understand that CGP only authorized the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.

Yes

Operator Information

Operator Information

Operator Name: PK Realty Trust

Operator Mailing Address:

Address Line 1: 190 Brook Street

Address Line 2:

City: Plympton

ZIP/Postal Code: 02367

State: MA

County or Similar Division: Plymouth

Country: US

Operator Point of Contact Information

First Name Middle Initial Last Name: Ian E Norrie

Title: General Operations - Senior VP

Phone: 781-844-4270

Ext.:

Email: ianplympton13@gmail.com

NOI Preparer Information

This NOI is being prepared by someone other than the certifier.

First Name Middle Initial Last Name: Robert Rogers

Organization:

Phone: 508-295-6600

Ext.:

Email: rogers2012@comcast.net

Project/Site Information

Project/Site Name: Craneberry Farm

Project/Site Address

Address Line 1: Muddy Pond Road & Route 44

Address Line 2:

City: Kingslon

ZIP/Postal Code: 02364

State: MA

County or Similar Division: Plymouth

Latitude/Longitude: 41.957199°N, 70.780141°W

Latitude/Longitude Data Source: Map

Horizontal Reference Datum: WGS 84

Types of Construction Sites:

- Cranberry Bog and Organic Farm with Tailwater Recovery Pond

Will there be demolition of any structure built or renovated before January 1, 1980? No

Will you be discharging dewatering water from your site? No

Was the pre-development land use used for agriculture? No

Are there other operators that are covered under this permit for the same project site? No

Have earth-disturbing activities commenced on your project/site? No

Is your project/site located on federally recognized Indian Country lands? No

Is your project/site located on a property of religious or cultural significance to an Indian tribe? No

Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? No

Are any of the waters of the U.S. to which you discharge designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier 3 water (Outstanding National Resource Water)? See Resources, Tools and Templates (https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates)

No

001: Surface flow to isolated wetland area.

Latitude/Longitude: 41.958022°N, 70.76056°W

Tier Designation: N/A

Is this receiving water impaired (on the CWA 303(d) list)? No

Has a TMDL been completed for this receiving waterbody? No

Stormwater Pollution Prevention Plan (SWPPP)

Will all required personnel, including those conducting inspections at your site, meet the training requirements in Part 6 of this permit? Yes

First Name Middle Initial Last Name: Ian E. Norio

Title: General Operations-Senior VP

Phone: 781-844-4270 Ext.:

Email: ianplympton13@gmail.com

Endangered Species Protection Worksheet: Criterion A

Determine ESA Eligibility Criterion

Are your discharges and discharge-related activities already addressed in another operator's valid certification of eligibility for your "action area" under the current 2022 CGP? No

Has consultation between you, a Federal Agency, and the USFWS and/or the NMFS under section 7 of the Endangered Species Act (ESA) concluded? No

Are your construction activities the subject of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat?

No

You must determine whether species listed as either threatened or endangered, or their critical habitat(s) are located in your site's action area (i.e., all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action, including areas beyond the footprint of the site that are likely to be affected by stormwater discharges, discharge-related activities, and authorized non-stormwater discharges).

Determine your Action Area

You must consider the following in determining the action area for your site, and confirm that all the following are true:

In determining my "action area", I have considered that discharges of pollutants into downstream areas can expand the action area well beyond the footprint of my site and the discharge point(s). I have taken into account the controls I will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the discharges. I confirm that all receiving waterbodies that could receive pollutants from my site are included in my action area.

True

In determining my "action area", I have considered that discharge-related activities must also be accounted for in determining my action area. I understand that discharge-related activities are any activities that cause, contribute to, or result in stormwater and authorized non-stormwater point source discharges, and measures such as the siting, construction timing, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. I understand that any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of my action area.

True

Determine if ESA-listed species and/or critical habitat are in your site action area.

ESA-listed species and designated critical habitat are under the purview of the NMFS and the USFWS, and in many cases, you will need to acquire species and critical habitat lists from both federal agencies.

NATIONAL MARINE FISHERIES SERVICE (NMFS)

For NMFS species and designated critical habitat information, use the following webpage:

- <https://www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility> (<https://www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility>)

I have checked the webpage listed above and confirmed that:

- There are no NMFS-protected species and/or designated critical habitat in my action area.
- There are NMFS-protected species and/or designated critical habitat in my action area.

U.S. Fish and Wildlife Service (USFWS)

For USFWS species and critical habitat information, use the following webpage:

- <https://www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility> (<https://www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility>)

I have checked the webpage listed above and confirmed that:

- There are no FWS-protected species and/or designated critical habitat in my action area.
- There are FWS-protected species and/or designated critical habitat in my action area.


You are eligible under Criterion A.

Identify the USFWS information sources used (Note: state resources are not acceptable):

Official Species List from IPaC.

Identify the NMFS information sources used (Note: state resources are not acceptable):

USFWS webpage indicates the project site outside of the limits of mapping.

You must attach: 

- Aerial image(s) of the site.
- A printout of the species' list(s) showing no ESA-listed species or designated critical habitat in my action area.

Name	Uploaded Date	Size
 Aerial Overview.pdf (attachment/1632677)	02/06/2023	830.47 KB
 Species List_ New England Ecological Services Field Office.pdf (attachment/1632678)	02/06/2023	245.61 KB

Have you attached aerial image(s) of the site? Yes

Have you attached a printout of the species' list(s) showing no ESA-listed species or designated critical habitat in my action area? Yes

Have you provided documentation in your SWPPP supporting your eligibility under Criterion A? Yes

Historic Preservation

Are you installing any stormwater controls as described in Appendix E (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf>) that require subsurface earth disturbances? (Appendix E (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf>), Step 1)

Yes

- Have prior surveys or evaluations conducted on the site already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf>), Step 2):

No

- Have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? (Appendix E (<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-e-historic-properties.pdf>), Step 3)

Yes

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. Signing an electronic document on behalf of another person is subject to criminal, civil, administrative, or other lawful action.

Certified By: William F. Madden

Certifier Title: Manager

Certifier Email: bill@gafenginc.com

Certified On: 02/06/2023 3:53 PM ET