

**Auction Binder
The Provident Bank
Hatter's Cove Marina
Foreclosure Auction / Secured Party Sale
DATE: May 1, 2009
Amesbury, Mass.**

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4-3-09 Draft

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10/21/02



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC 20

Tier 1 Permit Extension Application

83075

Transmittal Number

Facility ID# (if known)

Pursuant to 310 CMP 40.0560(7), Tier II sites that have not achieved a Response Action Outcome within five (5) years of the effective date of the Tier II Classification must submit a Tier II Classification Extension (and each year thereafter). This requirement also applies to sites with a waiver of approvals, upon expiration of the waiver.

A. Disposal Site Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



☐ Check here if there is more than one applicant.

1. Current permit category (check one):

- ☐ Initial Tier IA (Permit Category BWSC01)
- ☐ Initial Tier IB (Permit Category BWSC02)
- ☐ Initial Tier IC (Permit Category BWSC03)
- ☐ Transition Tier IA (Permit Category BWSC04)
- ☒ Transition Tier IB (Permit Category BWSC05)
- ☐ Not applicable since an RAO has been filed (see Section A7)

83075

DEP Permit Transmittal Number

2. Disposal Site:

Bailey's Pond Parcel

Name

77 Merrimac Street

Street

Amesbury

City/Town

MA

State

01913

Zip Code

3. List each release tracking number (RTN) and date of release notification for each release or threat of release that is the subject of this permit extension application. For those sites identified on the List of Disposal Sites and Locations To Be Investigated, the 1993 Transition List, and any addendum thereto pursuant to 310 CM R 40.0600, provide the Disposal Site Number in place of the RTN (attach additional pages if needed):

RTN/Site ID(s)

3-0204

Notification Date(s)

2/13/86 (NOR)



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A. Disposal Site Information (cont.)

4. If the applicant is adding new parcels to the permit, list the map(s) and parcel number(s) of each new lot that you are seeking to add to this permit. Attach a copy of each tax assessor's map(s) showing these parcels. For those applicants seeking to modify their transition permit category (issued by the Department as permit category BWSC 04 or BWSC 05); provide all of the information shown below:

Municipal Tax Assessor's Map(s)

Parcel Number(s)

99

Lots 3 and 4

5. Reason for Permit Extension (check one box):

☒ Current permit is expiring. Do not complete Section A7.

Note: Application for permit extension is required 90 days prior to permit expiration pursuant to 310 CMR 40.0724(l).

Last Phase Completed

Date Completed

☐ To conduct response actions at a Tier I site with an RAO.

Note: Applicant must complete Section A7.

6. Attach a statement describing why the extension is sought. Include a schedule for completing all work at the site, and a summary of all response actions performed at the site to date, including all phase work:

☒ Statement attached.

7. Complete this section if requesting a permit extension for sites where an RAO Statement has been previously filed.

Note: Do not complete this section if you are requesting a permit extension for a permit that is about to expire and where an RAO has not been achieved.

- a. Check the RAO Class filed for the disposal site:

☐ A3

☐ A4

☐ B2

☐ B3

☐ C



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A. Disposal Site Information (cont.)

b. Reason for Permit Extension (check one):

- ☐ Initiation of response actions to implement a Permanent Solution at a disposal site where a Class C RAO has been filed pursuant to 310 CMR 40.0581 (1)(a).
- ☐ Initiation of response action(s) to maintain a Temporary Solution other than those that are conducted for normal maintenance of a Class C RAO pursuant to a post Class C RAO Operation pursuant to 310 CMR 40.0581(l)(d).

Note: You are also required to submit an LSP Periodic Review Opinion pursuant to 310 CMR 40.0580.

- ☐ Maintain a Class A, B or Class C Response Action Outcome at a disposal site where an Activity and Use Limitation (AUL) is in place pursuant to 310 CMR 40.1080 and 310 CMR 40.0581 (1)(b).
- ☐ Conduct further response actions where an AUL is in place in order to terminate such limitation to allow site uses or activities which are prohibited in the RAO Statement pursuant to 310 CMR 40.0581(l)(c).
- ☐ Conduct further response actions where an Activity and Use Limitation is in place in order to maintain a level of No Significant Risk for contemplated changes in land use/activities or other site conditions pursuant to 310 CMR 40.1080(2) and 310 CMR 40.1081.

c. Is the applicant the person who submitted the applicable RAO?

- ☐ Yes ☐ No

Note: If no, you must also obtain a joint application for a Permit Transfer pursuant to 310 CMR 40.0581 (d).

d. Check one of the following statements:

- ☐ An LSP Opinion is included with this application for Permit Extension verifying that response actions will be conducted in accordance with the Phase III and Phase IV reports and Completion Statements which are the basis for the existing RAO.
- ☐ The LSP Evaluation has concluded that response actions to be conducted are significantly different from those that are the basis for the existing RAO; therefore, an application for a Major Permit Modification pursuant to 310 CMR 40.0707 is included herein.



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B. Primary Representative Information

Complete only if there is a change in the Primary Representative, or if you have not previously furnished this information to DEP. You do not need to complete this section, if there is only one applicant. The Primary Representative should complete this section, if there are multiple applicants.

Note: The Primary Representative for multiple applicants will receive the annual compliance assurance fee statement for the disposal site.

1. Primary Representative:

Is the Primary Representative also an applicant? ☒ Yes ☐ No

[REDACTED], Merrimack Land Corp.

Name of Organization

Richard Gardiner

Name

20 Inn Street

Street

Newburyport

City/Town

978-

Telephone

President

Title

MA

State

01950

Zip Code

Contact Name (if different)

Contact Telephone

2. Primary Representative Certification:

"I certify under the penalties of law that I am fully authorized to act on behalf of all persons submitting this permit application for the following purposes: (i) to receive oral and written correspondence from DEP with respect to this application; (ii) to receive oral and written correspondence from DEP with respect to the performance of response actions upon issuance of a Tier I permit; and (iii) to receive any statement of fee required by 310 CMR 4.03(3) upon issuance of a Tier I permit. I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information."

Richard Gardiner

Name (print)

President

Title

Richard Gardiner

Signature

10/21/02

Date



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C. Applicant Information

All applicants must complete this section. Where there is more than one applicant, make copies of this page, have each applicant provide this information, and then attach all copies to this application for a Permit Extension.

1. Applicant:

_____/Merrimack Land Corp.

Name of Organization

Richard Gardiner

President

Name

Title

20 Inn Street

Street

Newburyport

MA

01950

City/Town

State

Zip Code

978-465-3044

Telephone

Contact Name (if different)

Contact Telephone

2. Type of Applicant (check one):

- | | |
|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Sole proprietorship |
| <input type="checkbox"/> Partnership | <input checked="" type="checkbox"/> Corporation |
| <input type="checkbox"/> Realty Trust | <input type="checkbox"/> State authority |
| <input type="checkbox"/> Municipality | <input type="checkbox"/> State agency |
| <input type="checkbox"/> Federal agency | <input type="checkbox"/> Other |

If other, please specify:

3. Relationship of applicant to disposal site (check all that apply):

- ☐ Current owner (as defined in Section 5(a)(1) of M.G.L. c 21E)
- ☐ Current operator (as defined in Section 5(a)(1) of M.G.L. c 21E)
- ☒ Past owner (as defined in Section 5(a)(2) of M.G.L. c 21E)
- ☐ Past operator (as defined in Section 5(a)(2) of M.G.L. c 21E)
- ☐ Generator (as defined in Section 5(a)(2) of M.G.L. c 21E)
- ☐ Transporter (as defined in Section 5(a)(4) of M.G.L. c 21E)
- ☐ Other legally responsible party (as defined in Section 5(a)(5) of M.G.L. c 21E)
- ☐ Other person (as defined in 310 CMR 40.0006(10))



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D. Parcel Information

Complete this section only if the current owner(s) or operator(s) information is different from that provided in the initial permit application. For applicants having received a BWSC04 or BWSC05 Transition Permit and Acceptance Statement you must complete this section if the current owner(s) or operator(s) as defined in Section 2 of M.G.L. c. 21E is not an applicant. Provide information about the owner(s) or operator(s) for each parcel(s) that is (are) the subject of this application. Attach additional copies of this page as necessary.

1. Parcel:

99

Map Number

Lots 3 and 4

Parcel Number

2. Current owner (if different from the applicant):

Amesbury for Parking LLC

Name of Organization

C. Daniel Swift

Name

c/o Swift Sprinkler Systems, Inc., PO Box 3007

Street

Peabody

City/Town

508-509-7264

Telephone

Authorized Member

Title

MA

State

01961-3007

Zip Code

Contact Name (if different)

Contact Telephone

3. Current Operator (if different from the owner):

Name of Organization

Name

Title

Street

City/Town

State

Zip Code

Telephone



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E. Applicant's Compliance History

Each applicant must complete this section. For disposal sites with more than one applicant make copies of this section, have each applicant complete this information, and then attach all copies to this Permit Extension Application. For applicants with a BWSC 01, BWSC 02 or BWSC 03 Permit, provide only information that has changed since the effective date of the initial permit. For applicants having received a BWSC04 or BWSC05 Transition Permit and Acceptance Statement, complete all of the information in this section.

1. List each Tier I permit held by the applicant for other disposal sites:

Disposal Site Name

BWSC Permit No.

RTN/Site ID(s)

N/A

2. List each Tier II disposal site where the applicant is conducting response actions:

Note: Sites with Waivers are considered categorically to be Tier II Disposal Sites

Disposal Site Name

RTN/Site ID(s)

N/A



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E. Applicant's Compliance History (cont.)

3. List all other permits or licenses issued by the DEP and held by the applicant that are material to this disposal site:

NONE

	Permit No.	Permit Category	Facility ID
Air Quality			
Hazardous Waste (M.G.L. c 21C)			
Solid Waste			
Industrial Wastewater Management			
Water Supply			
Water Pollution Control			
Surface Water			
Groundwater			

4. List all other federal, state, or local permits, licenses, certifications, registrations, variances, or other approvals held by applicant that are material to this disposal site:

Issuing Authority	Identification Number	Date Issued
<i>NONE</i>		



E. Applicant's Compliance History (cont.)

5. Attach a statement detailing the applicant's history of compliance with the DEP's requirements, since the effective date of the applicant's permit, including, but not limited to, M.G.L. c. 21 E, 310 CMR 40.0000, and other laws for the protection of health, safety, public welfare and the environment administered or enforced by federal, state and local government agencies, that are material to the disposal site. Such statement should identify information such as: action(s) material to the disposal site taken by the DEP to enforce its requirements including, but not limited to Notice of Noncompliance (NON), Notice of Intent to Assess Civil Administrative Penalty (PAN), administrative enforcement order, Notice of Responsibility (NOR), Notice of Intent to Take Response Action (NORA); Administrative Consent Order; Judicial Consent Judgment; similar administrative actions taken by other states, federal, or local agencies; and/or civil or criminal actions material to the disposal site brought on behalf of the DEP or other federal, state, or local agencies and any additional information relevant to the applicant's history of compliance.

For each action identified, give the name of the issuing authority and identification number, if available, and a description of the noncompliance cited, the current status of the matter, and final disposition, if any, using the sample format below.

Note: Make additional copies of this page as needed.

Action: _____

Date: _____ Identification Number: _____

Issuing Authority: _____

Description of Non-compliance: _____

Current Status: _____

Final Disposition: _____



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F. Applicant Certifications

Each applicant must complete this section. For disposal sites with more than one applicant, make copies of these pages, have each applicant complete this information, and then attach copies to this Permit Extension application.

1. Certification of Submittal:

I, Richard Gardiner
attest under the pains and penalties of perjury (i)
that I have personally examined and am familiar
with the information contained in this submittal,
including any and all documents accompanying
this transmittal form, (ii) that, based on my
inquiry of those individuals immediately
responsible for obtaining the information, the
material information contained in this submittal
is, to the best of my knowledge and belief, true,
accurate and complete, and (iii) that I am fully
authorized to make this attestation on behalf of
the entity legally responsible for this submittal.
I/the person or entity on whose behalf this
submittal is made am/is aware that there are
significant penalties, including, but not limited to,
possible fines and imprisonment, for willfully
submitting false, inaccurate, or incomplete
information.

By (signature)

President

Title

[Redacted] / Merrimack Land Corp.

For

Date

10/21/02

Enter address of the person providing certification, if different from address recorded in Section C:

Street

City/Town

State

Zip Code

Telephone



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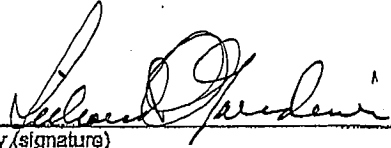
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F. Applicant Certifications (cont.)

2. Certification of Ability and Willingness:

I attest under the pains and penalties of perjury that (i) I/the person(s) or entity(ies) on whose behalf this submittal is made has/have personally examined and am/is familiar with the requirements of M.G.L. c. 21E and 310 CMR 40.0000; (ii) based upon my inquiry of the/those Licensed Site Professional(s) employed or engaged to render Professional Services for the disposal site which is the subject of this Transmittal Form and of the person(s) or entity(ies) on whose behalf this submittal is made, and my/that person's(s') or entity's(ies)' understanding as to the estimated costs of necessary response actions, that/those person(s) or entity(ies) has/have the technical, financial and legal ability to proceed with response actions for such site in accordance with M.G.L. c. 21E, 310 CMR 40.0000 and other applicable requirements; and (iii) that I am fully authorized to make this attestation on behalf of the person(s) or entity(ies) legally responsible for this submittal. I/the person(s) or entity(ies) on whose behalf this submittal is made is aware of the requirements in 310 CMR 40.0172 for notifying the Department in the event that I/the person(s) or entity(ies) on whose behalf this submittal is made learn(s) that it/they is/are unable to proceed with the necessary response actions.


By (signature)
President
Title
[REDACTED] / Merrimack Land Corp.
For
Date 10/21/02



G. Required Technical Submittals with Application for Permit Extension

1. Indicate which of the following response actions (conducted pursuant to 310 CMR 40.000, the 1988 MCP, or 310 CMR 40.0000, the 1993 MCP) are in progress or have been completed at the time of this permit extension application.

Response Actions	Completed	Date Completed	In Progress
------------------	-----------	----------------	-------------

Preliminary Response Actions:

Short Term Measure	<input type="checkbox"/>	_____	<input type="checkbox"/>
Interim Measure	<input type="checkbox"/>	_____	<input type="checkbox"/>
Limited Removal Action (LRA)	<input type="checkbox"/>	_____	<input type="checkbox"/>
Immediate Response Action (IRA)	<input type="checkbox"/>	_____	<input type="checkbox"/>
Release Abatement Measure (RAM)	<input type="checkbox"/>	_____	<input type="checkbox"/>
Utility Related Abatement Measure (URAM)	<input type="checkbox"/>	_____	<input type="checkbox"/>
Phase 1 Initial Site Investigation	<input type="checkbox"/>	_____	<input type="checkbox"/>
Other (specify): _____	<input type="checkbox"/>	_____	<input type="checkbox"/>

Comprehensive Response Actions:

Phase 2 Comprehensive Site Assessment	<input type="checkbox"/>	_____	<input checked="" type="checkbox"/>
Phase 3 Identification, Evaluation and Selection of Comprehensive Remedial Action Alternatives	<input type="checkbox"/>	_____	<input checked="" type="checkbox"/>
Phase 4 Implementation of the Selected Remedial Action Alternative (Remedy Implementation plan only)	<input type="checkbox"/>	_____	<input type="checkbox"/>

2. Indicate which of the following Status Reports, Phase Reports, or Completion Statements have been prepared for response actions that are in progress or completed at the disposal site at the time of this Permit Extension Application.

Note: Persons who received a Transition Permit and Acceptance Statement should check either the first or second column, if applicable, but not the third column since an initial Permit Application was not required.



G. Required Technical Submittals with Application for Permit Extension (cont.)

Document	Submitted with this application	Submitted since initial application, but prior to this application	Submitted prior to, or with initial application
Short Term Measure Documentation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interim Measure Documentation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill of Lading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IRA Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IRA Status Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IRA Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RAM Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RAM Status Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RAM Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
URAM Status Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
URAM Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phase 1 Report and Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phase 2 Scope of Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phase 2 Comprehensive Site Report and Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phase 3 Remedial Action Plan and Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Downgradient Property Status Submittal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Response Action Outcome Statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):			
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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G. Required Technical Submittals with Application for Permit Extension (cont.)

3. Attach an LSP Opinion regarding proposed or continuing response actions describing all response actions that, in the opinion of the LSP, should continue or have DEP approval during the DEP's review of this Permit Extension application. Use the following format:
- Description of the response action
 - Current status of the response action
 - Rationale for continuance of the response action

H. Licensed Site Professional Opinion

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this submittal, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and (iii) the provisions of 309 CMR 4.03(5), to the best of my knowledge, information and belief, this Permit Application was developed in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000. I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

WILLIAM A. SIMMONS
LSP Name
LICENSED SITE PROFESSIONAL
Title
SIMMONS ENVIRONMENTAL SERVICES, INC.
LSP Organization
10-21-02
Date
978-463-6669
Telephone
William A. Simmons
Signature

Seal:



G.3. Required Technical Submittal w/Application for Permit Extension

- **Description of the Response Action**

Following the issuance of the permit, additional test borings will be placed in the escarpment area to delineate the horizontal extent of contamination. Concurrently, sediment samples along the edge of Bailey's Pond and proximate to a weir will be collected and analyzed for priority pollutant metals. The above data will be used as part of a Phase II Comprehensive Site Assessment consistent with the requirements of 310 CMR 40.0835. It is anticipated that part of the Phase II Report will involve a Method 3 Risk Characterization and a Stage II Environmental Risk Characterization due to numerous environmental (aquatic) receptors associated with Bailey's Pond. Moreover, the Method 3 Risk Characterization for human health will be particularly significant in light of the Town's proposed usage of areas near the Bailey's Pond parcel for proposed recreational activities.

Concurrent with the completion of the Phase II, a systematic evaluation of remedial response alternatives is required. Specific remedial options or combinations should be evaluated to determine what options or combination of remedial options is (are) likely to achieve optimum results. The process of systematic evaluation of remedial response alternatives is required to be documented within a Phase III Report.

Based upon the results of the Phase III Report, it is likely that an Activity and Use Limitation (AUL) will be used as a method of risk reduction. This will involve placement of affected soil upon a suitable geotextile liner beneath an asphalt cap. It is unclear at this juncture what level of involvement of construction activities for this cap may be required with the Amesbury Conservation Commission.

During excavation and placement of the affected soil within the area designated for capping, monitoring of the process must be reported to MDEP at required intervals. The actual construction costs of this cap are unknown and will not be determined until the assessment activities described above are completed.

Lastly, a Class A-3 Response Action Outcome (RAO) Statement will be required to be filed with MDEP to close this matter. That RAO must adequately demonstrate that a condition of no significant risk has been achieved with regard to human health, public safety, public welfare and the environment. That report should draw heavily from the Risk Characterization information in Phase II.

- **Current Status of the Response Actions**

Pending approval of the Tier IB Extension

- **Rationale for continuance of the response actions**

Section 40.0730(1) of the MCP outlines the criteria to be considered in the review of a Tier I Permit. A consideration of these criteria with respect to the subject property is as follows:

(a) the existence, source, nature and exposure of a disposal site;

A prior developer of the property, Richard Gardiner, had excavated approximately 3000 tons of contaminated soil from both the Hat Factory and the Bailey's Pond parcel under a remediation plan approved by MDEP in 1989. The affected soil was disposed of at the Model Cities Landfill in New York State. However, no post excavation sampling of either property took place to document effectiveness of remedial activities nor were appropriate closure documents filed with MDEP to conclude this matter.

According to the Tier I Transition Classification and Permit Statement issued by MDEP on July 7, 1995, *"total mercury contamination in soil was limited to the near surface soil. The higher levels were detected in the top 6" of soil according to a testing program performed by GZA in 1985. The highest level detect on site near Bailey's Pond was 120 µg/g wet weight. Contamination had been brought onto the subject site from the mill. No records are available to indicate that the groundwater had ever been testing on site. Testing of groundwater had been performed on the adjacent mil site, and on surface waters on Bailey's Pond itself. No mercury was detected in either case. Tests on fish yielded levels up to .24 µg/g (below safety limits established from edible fish of .5 µg/g). The highest level of mercury detected in pond sediment was 1.71 µg/g dry weight."*

On the behalf of a previously interested purchaser, Simmons Environmental Services, Inc. (SIMMONS) confirmed in 1997 that there are still substantial areas of mercury contaminated soil remaining at the Bailey's Pond parcel. Concentrations of mercury in the upper 1'-2' of soil ranged up to 80 mg/Kg in contrast to the most simplistic risk based concentration limit of 20 mg/Kg for this analyte.

(b) the nature and extent of danger to health, safety, public welfare and the environment posed by the disposal site:

The site is currently surrounded on two sides by a 6'+ wooden stockade fence in disrepair. The site can be accessed from a perimeter trail around the pond that is frequented by dirt bikes and other motorized vehicles. The subject site appears to be used as shortcut to the trail. There is also access to the site from the north side from the water's edge and the pond itself.

The Division of Wildlife and Fisheries has discontinued stocking the pond. No private wells are at the subject property or its vicinity.

(c) magnitude and complexity of the actions necessary to assess, contain or remove the oil and/or hazardous materials in question;

It appears that all the mercury contaminated soil greater than 10 mg/kg have been removed from the site completely, and material excavated from the site with lesser concentrations was brought to the site for disposal. It was agreed that at least 12" of cover with bituminous pavement over it be placed at the site, and future access be controlled via monitoring and deed restriction.

- (d) the extent to where there are legally enforceable standardized methods and criteria available for response actions;**

Methods and criteria are established in the MCP and other policy/guidance documents.

- (e) the extent to which the Department is persuaded that the applicant has the ability and willingness to perform necessary response actions;**

There is a strong willingness by the new PRP to perform required response actions. Funding has been obtained via MassDevelopment.

- (f) the applicant's compliance history with Departmental and other applicable regulations which is material to the disposal site;**

The new PRP has no compliance history with the Department and/or other applicable regulatory agencies.

- (g) the extent to which Departmental oversight is necessary to ensure compliance with MGL c.21E and 310 CMR 40.0000;**

Levels of mercury remain low and MDEP oversight does not appear to be warranted.

- (h) any permit conditions developed pursuant to 310 CMR 40.0740(3)(o) to which the applicant has consented; and**

None.

- (i) any other factor the Department deems relevant to the decision;**

None.

NOTICE OF APPLICATION TO EXTEND/TRANSFER A WASTE SITE CLEANUP PERMIT

Bailey's Pond Parcel
77 Merrimac Street
Amesbury, Massachusetts
Release Tracking Number 3-0204
Permit #83075

The Department of Environmental Protection (DEP) granted a Waste Site Cleanup Tier I Permit to Richard Gardiner, President, MERRIMACK LAND CORPORATION, for comprehensive response actions at this site on July 7, 1995. Pursuant to the Massachusetts Contingency Plan (310 CMR 40.0703), an application for a Permit Extension is being submitted to the Department of Environmental Protection (DEP) for this site on November 21, 2002. The application proposes to extend the permit for this site for the following rationale:

- as noted below, the ownership of the disposal site has transferred. The new owner, AMESBURY FOR PARKING LLC, is committed to completing further assessment measures and any remedial response actions that may be required as expeditiously as possible.

Pursuant to the Massachusetts Contingency Plan (310 CMR 40.0703), an application for a Permit Transfer is being submitted to the DEP for the above referenced site on November 21, 2002. The application proposes to transfer this permit to C. Daniel Swift, Authorized Member of AMESBURY FOR PARKING LLC.

If this Permit Transfer is approved, C. Daniel Swift, Authorized Member of AMESBURY FOR PARKING LLC will take over comprehensive response actions for the above site. Anyone interested in reviewing the Permit Transfer application should notify DEP by writing to DEP, Bureau of Waste Site Cleanup, Northeast Regional Office, 205A Lowell Street, Wilmington, Massachusetts 01887 by December 11, 2002. If anyone notifies DEP of his or her interest in reviewing or submitting comment on the application, DEP will conduct a public comment review period of twenty (20) days that shall run concurrently with DEP's Initial Technical Review of the application. Anyone who fails to notify DEP in writing of his/her interest in commenting on the application by the above date may be deemed to have waived his/her rights, if any, to appeal DEP's permit decision or to intervene in an adjudicatory proceeding with response to this application, pursuant to 310 CMR 40.0770(2).

MGL c.21E and the MCP provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: (1) the Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and (2) upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality

potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact William A. Simmons, Licensed Site Professional, Simmons Environmental Services, Inc., 213 Elm Street, Salisbury, Massachusetts 01952 at (978) 463-6669.



Hand-enter Your Transmittal Number

► W 032401

Your unique Transmittal Number can be accessed through DEP's web site or by calling the DEP InfoLine as listed on the last page of this document

Massachusetts Department of Environmental Protection Transmittal Form for Permit Application and Payment

Instructions

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Your check should be made payable to the Commonwealth of Massachusetts. Please mail your check along with a copy of this form to: DEP, P.O. Box 4062, Boston, MA 02211.

3. Three (3) copies of this form will be needed.

Copy 1 (the original) must accompany your permit application.

Copy 2 must accompany your fee payment.

Copy 3 should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to DEP, P.O. Box 4062, Boston, MA 02211

For DEP Use Only
Permit No. _____
Rec'd Date _____
Reviewer _____

A. Application Information

DEP Permit Code (the 7 or 8 character code from first page of permit application instructions):
BWSC20 & **BWSC30**

Name of Permit Category:
Tier I Permit Extension/Tier I Permit Transfer

Type of Project or Activity:
Permit to extend & transfer Tier IB Permit to proceed w/response actions

B. Applicant Information (Firm or Individual)

Name of Firm:
Amesbury for Parking LLC

Or, if party needing this approval is clearly an individual:

Individual's Last Name:

First Name

MI

Street Address
c/o Swift Sprinkler Systems, PO Box 3007

City/Town
Peabody

State
MA

Zip Code
01961 3007

Telephone Number
(508) 509-7264 ext.

Contact:
C. Daniel Swift

e-mail address (optional)

C. Facility, Site or Individual Requiring Approval

Name of Facility, Site or Individual
Bailey's Pond Parcel

DEP Facility Number (if Known)

Street Address
77 Merrimac Street

e-mail address:
(optional)

City/Town
Amesbury

State
MA

Zip Code
01913

Telephone Number
() ext.

D. Application Prepared by (if different from Section B)

Name of Individual or Firm:
William A. Simmons, LSP - Simmons Environmental Services, Inc.

Address
213 Elm Street

City/Town
Salisbury

State
MA

Zip Code
01952

Telephone Number
(978) 463-6669 ext.

Contact:
William A. Simmons, LSP

LSP Number (21E only)
1847

E. Permit - Project Coordination

Is this project subject to MEPA review? ☐ yes ☒ no

If yes, indicate the project's EOE file number (assigned when an Environmental Notification Form is submitted to the MEPA unit)
EOEA # _____ Is an Environmental Impact Report Required? ☐ yes ☐ no

Is this application part of a larger project for which two or more DEP permits are being or will be sought? ☐ yes ☐ no

List any other DEP permits that apply to this project:

Permit Category	Date of Submission (tentative or actual)	Transmittal Number (if application already submitted)
Tier IB Permit	07/07/95	83075

F. Amount Due

Special Provisions: ☐ Fee Exempt* (city, town or municipal housing authority) (state agency if fee is \$100 or less)
☐ Hardship Request [payment extensions according to 310 CMR 4.04(3)(c)]
☐ Alternative Schedule Project (according to 310 CMR 4.05 and 4.10)

*There are no fee exemptions for 21E, regardless of applicant status

Check #: 1013	Dollar Amount: \$1,200	Date: 11/1/02
Please make check payable to the Commonwealth of Massachusetts and mail check and one copy of this form to DEP, P.O. Box 4062, Boston, MA 02211		

rev: 03/21/00

Security features. Details on back.

1013

SALEM FIVE CENTS SAVINGS BANK
SALEM, MASSACHUSETTS

53-7055/2113

11/01/2002

PAY

TO THE
ORDER OF

MARINA ACCOUNT
PEABODY, MA 01961-3007

Commonwealth of Mass.

One Thousand Two Hundred and 00/100*****

Commonwealth of Mass.

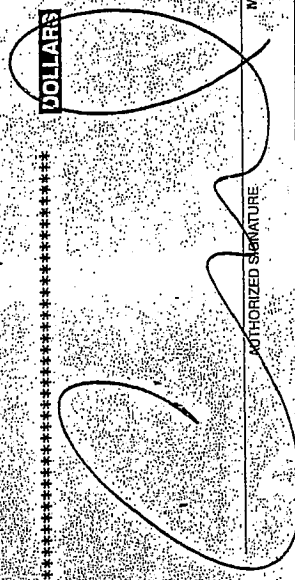
\$ **1,200.00

DOLLARS

MEMO

Combined Extension/Transfer
Permit # 83075 RTN 3-0204
Tier II

AUTHORIZED SIGNATURE



880133381

11001013 1:21.13705581



LETTER OF TRANSMITTAL

*Mailed to
Lock Box
12-27-05*

Simmons Environmental Services, Inc.

213 Elm Street

Salisbury, MA 01952

978-463-6669 – 1-800-353-3656

978-463-6679 (Fax)

DATE: 12/26/05

JOB NO. 971108

TO: Data Entry Section
Massachusetts Department of
Environmental Protection
205B Lowell Street
Wilmington, Massachusetts 01887

RE: Release Tracking Number 3-0204
Bailey's Pond, 77 Merrimac Street
Amesbury, MA

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via ☐ the following items:

COPIES	DATE	RTN NO	DESCRIPTION
1	12/26/05	3-0204	Correspondence re: Tier I (B) Permit Extension
1	12/26/05	3-0204	Transmittal Form for Permit Application and Payment (original)
1	12/26/05	3-0204	BWSC 20 – Tier I Permit Extension
1	12/26/05	3-0204	Copy of Check mailed to Lock Box

TRANSMITTED AS CHECKED BELOW:

☐ For Approval ☐ Approved as Submittal ☐ Resubmit ☐ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit ☐ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return ☐ corrected prints
☐ For review and comment _____
☐ For Bids Due _____ Date: _____

REMARKS:

COPIES TO: Client
File Copy

SIGNED: 

LEGAL NOTICE: PUBLISHED: N/A



SIMMONS

Environmental Services, Inc.

December 26, 2005

Ref.# 971108

Data Entry Section
Massachusetts Department of Environmental Protection
NERO
205B Lowell Street
Wilmington, MA 01887

RE: RTN 3-0204 – PARKING FOR AMESBURY, LLC
Bailey's Pond – Amesbury, MA
Tier I (B) Permit Extension

Enclosed please find a Tier I (B) permit extension request for the above referenced site. Also, please note that the correct name of the Applicant is PARKING FOR AMESBURY, LLC. That name was mistakenly listed on the Tier I Permit Transfer and Extension application submitted by Simmons Environmental Services, Inc. (SIMMONS) on October 21, 2002. Since that date, all subsequent submittals concerning this site have been addressed as PARKING FOR AMESBURY, LLC. We respectfully request that the Department update its permit to reflect the correct name. Also, the Applicant's new address is provided as PO Box 162, Amesbury, MA 01913.

We regret any confusion that this change may cause the Data Entry Section.

Very truly yours,

William A. Simmons
Licensed Site Professional

Cc: C. Daniel Swift, Manager
Parking for Amesbury, LLC
PO Box 162
Amesbury, MA 01913



STATEMENT AS TO WHY EXTENSION IS SOUGHT

The conceptual model for this disposal site shows that the most likely release mechanism was atmospheric deposition of dust from buffing operations of dust from buffing operations that involved felt that had been treated with mercury containing salts. That treatment was not done at this disposal site. Instead, the treated felt was shipped to the former Merrimac Hat Factory where it was buffed (to raise the nap) and cut prior to manufacturing felt hats. The buffing discharge was deposited on the Bailey's Pond parcel during northeasterly winds. The surface and subsurface soils have been tested by SIMMONS as well as other investigators since 1985. With the completion of the partial Class A-2 RAO in January 2004, direct exposure to humans and/or environmental receptors with regard to soil has been eliminated.

In February of 2004, SIMMONS personnel cored through the ice cover on Bailey's Pond and collected 12 samples of sediment. Analyses of these sediment samples confirmed that mercuric salt residue is still present. These data were provided to a third party subcontractor that specializes in ecological risk assessments. Following an on site meeting with that subcontractor in March of 2004, a proposal for a detailed ecological risk assessment was received. The estimated cost not including LSP oversight was approximately \$37,000.

Because of construction commitments that were in place at that time it was fiscally impossible for the owner to commit to that expenditure. Since that data, discussions with personnel from the Northeast Regional Office of MassDevelopment Corp. have indicated the potential availability of funding to complete the stage II environmental risk characterization. Moreover, construction activities for the parking area have been completed. Between funding possibility from Mass Development and other sources, the applicant will be able to cover anticipated costs to characterize environmental risk.

The applicant requests that the Department change the proposed date of the submittal of a Phase IV Remedial Implementation Plan from May 29, 2006 to October 31, 2006. The reason for this change is that because of the highly specialized nature of ecological risk characterization, it would be impossible to engage these services and collect and analyzed all of the necessary data given that the pond will not be fully accessible for collection and analysis of all of the required environmental receptors until the spring of 2006. By extending the proposed data until October 31, 2006, this will provide sufficient time to fully characterize the risk and develop a Remedy Implementation Plan.

The applicant does not propose any changes to the May 29, 2007 data for submittal of a Response Action Outcome Statement.



COMPLIANCE HISTORY

The permittee has no compliance history with the Department or any federal environmental regulatory agencies. The relevant compliance issue is the Notice of Non Compliance for failure to have submitted a Response Action Outcome Statement by May 17, 2005.

Since the date of the original transfer, the applicant has reduced risk to human health by completing a Release Abatement Measure (RAM) that involved excavation of soil containing mercury. The original plan indicated that an Activity and Use Limitation would be used to restrict future exposure. However, the property owner subsequently opted to notify the local Conservation Commission and proceed with excavation and off site disposal of affected soil. A partial Class A-2 Response Action Outcome Statement was submitted in January of 2004.



Enter your transmittal number

W072651

Transmittal Number

Your unique Transmittal Number can be accessed online: <http://www.mass.gov/dep/counter/trasmfrm.shtml> or call DEP's InfoLine at 617-338-2255 or 800-462-0444 (from 508, 781, and 978 area codes).

Massachusetts Department of Environmental Protection**Transmittal Form for Permit Application and Payment**

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: DEP, P.O. Box 4062, Boston, MA 02211.

3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. Copy 2 must accompany your fee payment. Copy 3 should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

DEP
P.O. Box 4062
Boston, MA
02211

* Note:
For BWSC Permits,
enter the LSP.

A. Permit Information

BWSC 20

1. Permit Code: 7 or 8 character code from permit instructions

Response Actions under MCP

3. Type of Project or Activity

TIER I PERMIT EXTENSION

2. Name of Permit Category

B. Applicant Information - Firm or Individual

Parking for Amesbury, LLC

1. Name of Firm - Or, if party needing this approval is an individual enter name below:

Swift

C. Daniel

2. Last Name of Individual

3. First Name of Individual

4. MI

P.O. Box 162

5. Street Address

Amesbury

MA

01913-0162

508-509-7264

6. City/Town

7. State

8. Zip Code

9. Telephone #

10. Ext. #

C. Daniel Swift

11. Contact Person

12. e-mail address (optional)

C. Facility, Site or Individual Requiring Approval

Bailey's Pond Parcel

1. Name of Facility, Site Or Individual

77 Merrimac Street

2. Street Address

Amesbury

MA

01913

508-509-7264

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

RTN 3-0204

RTN 3-0204

8. DEP Facility Number (if Known)

9. Federal I.D. Number (if Known)

10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

Simmons Environmental Services, Inc.

1. Name of Firm Or Individual

213 Elm Street

2. Address

Salisbury

MA

01952

978-463-6669

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

William A. Simmons

1847

8. Contact Person

9. LSP Number (BWSC Permits only)

E. Permit - Project Coordination

1. Is this project subject to MEPA review? ☐ yes ☒ no
If yes, enter the project's EOE file number - assigned when an Environmental Notification Form is submitted to the MEPA unit:

EOEA File Number

F. Amount Due

DEP Use Only

Permit No:

Rec'd Date:

Reviewer:

Special Provisions:

1. ☐ Fee Exempt (city, town or municipal housing authority)(state agency if fee is \$100 or less).
There are no fee exemptions for BWSC permits, regardless of applicant status.
2. ☐ Hardship Request - payment extensions according to 310 CMR 4.04(3)(c).
3. ☐ Alternative Schedule Project (according to 310 CMR 4.05 and 4.10).
4. ☐ Homeowner (according to 310 CMR 4.02).

\$1,200.00

Check Number

Dollar Amount

Date



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

W072651

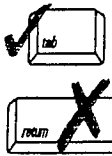
Transmittal Number

3-0204

Release Tracking Number

A. Disposal Site Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor – do not use the return key.



- ☐ 1. Check here if there is more than one applicant. (A Primary Representative must be listed in Section B and each applicant must fill out Sections C, D and E.)
2. Which category of supplemental Tier I permit actions are you applying for? (Check all that apply.)
- ☐ a. Major Permit Modification (BWSC 10) ☐ d. Check here if applicant is a Homeowner pursuant to 310 CMR 4.02. A Homeowner Certification (BWSC120) must be submitted in order to qualify for the homeowner application fee.
- ☒ b. Permit Extension (BWSC 20)
- ☐ c. Permit Transfer (BWSC 30)
3. Current permit category:
- ☐ a. Tier IA (BWSC 01) ☐ d. Transition Tier IA (BWSC 04)
- ☒ b. Tier IB (BWSC 02) ☐ e. Transition Tier IB (BWSC 05)
- ☐ c. Tier IC (BWSC 03) f. 83075
- Permit Number

Note:
1. In the case of a permit transfer, the applicant is the transferee, or the individual requesting that the permit be transferred to his/her name.

2. If more than one category of supplemental Tier I permit action is being submitted concurrently, only one application fee is required.

4. a. Bailey's Pond Parcel
Disposal Site Name
- b. 77 Merrimac Street
Street
- c. Amesbury d. MA e. 01913
City/Town State Zip Code

5. List other release tracking number(s) that is(are) the subject of this permit application.

Release Tracking Number (RTN)

- a. _____ b. _____
- c. _____ d. _____
- e. _____ f. _____

6. If the applicant is filing a Major Permit Modification, select the modification type being sought:

- ☐ a. Request for change in permit category. By checking this you are also certifying that a completed, revised Numerical Ranking System (NRS) Score Form and LSP Tier Classification Opinion prepared in accordance with 310 CMR 40.0510(3) is attached.

Revised Numerical Ranking System (NRS) Score

- ☐ i. Downgrade Tier IA to Tier IB ☐ v. Upgrade Tier IB to Tier IA
- ☐ ii. Downgrade Tier IA to Tier IC ☐ vi. Upgrade Tier IC to Tier IA
- ☐ iii. Downgrade Tier IB to Tier IC ☐ vii. Upgrade Tier IC to Tier IB
- ☐ iv. Downgrade to Tier II

- ☐ b. Request modifications to terms or conditions of permit. By checking this you are also certifying that a LSP Opinion as to why specific permit terms or conditions are no longer necessary or appropriate is attached. Include reports, as appropriate, detailing any new or additional information to justify the modification(s) to the permit terms or conditions being sought.



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

W072651

Transmittal Number

3-0204

Release Tracking Number

A. Disposal Site Information (cont.)

7. If the applicant is filing a Permit Extension, select the reason for extending the permit: (check one)

- ☒ a. An extension is necessary to initiate or continue Comprehensive Response Actions at the site to achieve a Response Action Outcome (RAO). By checking this you are also certifying that a statement describing why the extension is sought is attached. Include a schedule for completing all work at the site and a summary of all response actions performed to date, including all phase work.
- ☐ b. An extension is necessary to conduct response actions at the site after a Response Action Outcome (RAO) has been submitted to DEP.
- i. Select the RAO class filed for the disposal site: ☐ A3 ☐ A4 ☐ B2 ☐ B3 ☐ C
- ii. Select the reason for conducting response actions after a RAO: (check one)
- ☐ Implement a Permanent Solution at a disposal site where a Class C RAO has been filed.
- ☐ Implement response actions pursuant to 310 CMR 40.1080 at a disposal site where an Activity and Use Limitation is in place in order to maintain No Significant Risk.
- ☐ Conduct further response actions at a disposal site where an Activity and Use Limitation is in place in order to withdraw such Limitation in order to allow certain site uses or activities which are prohibited pursuant to the existing Activity and Use Limitation.
- ☐ Implement response actions after a Periodic Evaluation conducted pursuant to 310 CMR 40.0580(1) reveals that more substantial response actions are required to maintain the Temporary Solution at such disposal site other than those that may be conducted for normal maintenance of the Class C RAO pursuant to a post-Class C RAO Operation Maintenance and/or Monitoring Plan pursuant to 310 CMR 40.0896.



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

W072651

Transmittal Number

3-0204

Release Tracking Number

B. Primary Representative Information

Note:

1. Complete this section only if there is a change in the Primary Representative or if you have not previously furnished this information to DEP.

2. If there is only one applicant, you do not need to complete this section.

3. If there is more than one applicant, then the Primary Representative should complete this section.

4. The Primary Representative for multiple applicants will receive the annual compliance assurance fee statement for the disposal site.

1. Primary Representative:

a. Is the Primary Representative also an applicant? ☐ i. Yes ☐ ii. No

b. Parking for Amesbury, LLC

Name of Organization

c. C. Daniel Swift

Name

d. Manager

Title

e. P.O. Box 162

Street

f. Amesbury

City/Town

g. MA

State

h. 01913-0162

Zip Code

i. 508-509-7264

Telephone

j.

E-mail (optional)

k.

Contact Name (if different)

l.

Contact Telephone

2. Primary Representative Certification:

I attest under the pains and penalties of perjury that I am fully authorized to act on behalf of all persons submitting this permit application for the following purposes: (i) to receive oral and written correspondence from DEP with respect to this application; (ii) to receive oral and written correspondence from DEP with respect to the performance of response actions conducted pursuant to the Tier I permit; and (iii) to receive any statement of fee required by 310 CMR 4.03(3) associated with the Tier I permit. I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information.

a. C. Daniel Swift

Name (Print)

b. Manager

Position or Title

c.

Signature

d.

Date



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

W072651

Transmittal Number

3-0204

Release Tracking Number

C. Applicant Information

Note:

1. All applicants must complete this section. Where there is more than one Applicant, make copies of this page, have each applicant provide this information, and then attach all copies to this application.

2. The applicant, or the Primary Representative for more than one applicant, will receive the annual compliance assurance fee statement for the disposal site.

1. Applicant:

a. Parking for Amesbury, LLC

Name of Organization

b. C. Daniel Swift

Applicant Name

c. Manager

Title

d. P.O. Box 162

Street

e. Amesbury

City/Town

f. MA

State

g. 01913-0162

Zip Code

h. 508-509-7264

Telephone

i. _____

E-mail (optional)

j. _____

Contact Name (if different)

k. _____

Contact Telephone

2. Type of Applicant (check **one**):

- ☐ a. Individual
☐ b. Sole proprietorship
☐ c. Partnership
☒ d. Corporation
☐ e. Realty trust
☐ f. State authority
☐ g. Municipality
☐ h. State agency
☐ i. Federal agency
☐ j. Other, please specify: _____

3. Relationship of applicant to disposal site (check all that apply):

- ☒ a. Current owner (as defined in Section 5(a)(1) of M.G.L. c 21E)
☒ b. Current operator (as defined in Section 5(a)(1) of M.G.L. c 21E)
☐ c. Past owner (as defined in Section 5(a)(2) of M.G.L. c 21E)
☐ d. Past operator (as defined in Section 5(a)(2) of M.G.L. c 21E)
☐ e. Generator (as defined in Section 5(a)(3) of M.G.L. c 21E)
☐ f. Transporter (as defined in Section 5(a)(4) of M.G.L. c 21E)
☐ g. Other legally responsible party (as defined in Section 5(a)(5) of M.G.L. c 21E)
☐ h. Other person (as defined in 310 CMR 40.0006(10))

☐ 4. Check here to certify that additional copies of Sections C, D and E are attached to this application.



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

W072651

Transmittal Number

3-0204

Release Tracking Number

D. Applicant's Compliance History

Note:

Each applicant must complete this section. For disposal sites with more than one Applicant, make copies of this section, have each applicant complete this information, and then attach all copies to this application.

- ☒ 1. Check here to certify that a statement further describing the applicant's compliance history is attached.

This statement must describe the applicant's history of compliance with DEP's requirements, including, but not limited to, M.G.L. c. 21E, 310 CMR 40.0000, and other laws for the protection of health, safety, public welfare and the environment administered or enforced by federal, state and local government agencies, that are material to the disposal site. Such a statement should identify information such as: action(s) material to the disposal site taken by DEP to enforce its requirements including, but not limited to Notice of Noncompliance (NON), Notice of Intent to Assess Civil Administrative Penalty (PAN), administrative enforcement order, Notice of Responsibility (NOR), Notice of Intent to Take Response Action (NORA); Administrative Consent Order; Judicial Consent Judgment; similar administrative actions taken by other states, federal, or local agencies; and/or civil or criminal actions material to the disposal site brought on behalf of DEP or other federal, state, or local agencies and any additional information relevant to the applicant's history of compliance. For each action identified, give the name of the issuing authority and identification number, if available, and a description of the noncompliance cited, the current status of the matter, and final disposition, if any.

- ☐ 2. Check here if a statement of the applicant's compliance history was previously submitted, and there has been no change in that person's compliance history.

3. List all other DEP permits or licenses held by the applicant that are material to this disposal site:

Program	Permit Code	Permit Category	Facility ID
a. Air Quality			
b. Hazardous Waste (M.G.L. c. 21C)			
c. Solid Waste			
d. Industrial Wastewater Management			
e. Water Supply			
f. Water Pollution Control: Surface Water			
g. Water Pollution Control: Groundwater			
h. Water Pollution Control: Sewer Connection			
i. Wetlands & Waterways			

4. List all other permits, licenses, certifications, registrations, variances, or other approvals issued by other federal, state, or local authorities and held by applicant that are material to this disposal site:

Issuing Authority	Identification Number	Date Issued
a. _____	_____	_____
b. _____	_____	_____
c. _____	_____	_____



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

W072651

Transmittal Number

3-0204

Release Tracking Number

E. Applicant Certifications

Note:

Each applicant must complete this section. For disposal sites with more than one Applicant, make copies of this page, have each applicant complete this information, and then attach all copies to this application.

1. Certification of Submittal

I attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this submittal, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the person or entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

2. Statement of Ability and Willingness

I attest under the pains and penalties of perjury that (i) I/the person(s) or entity(ies) on whose behalf this submittal is made has/have personally examined and am/is familiar with the requirements of M.G.L. c. 21E and 310 CMR 40.0000; (ii) based upon my inquiry of the/those Licensed Site Professional(s) employed or engaged to render Professional Services for the disposal site which is the subject of this permit application and of the person(s) or entity(ies) on whose behalf this submittal is made, and my/that person's(s') or entity's(ies') understanding as to the estimated costs of necessary response actions, that/those person(s) or entity(ies) has/have the technical, financial and legal ability to proceed with response actions for such site in accordance with M.G.L. c. 21E, 310 CMR 40.0000 and other applicable requirements; and (iii) that I am fully authorized to make this attestation on behalf of the person(s) or entity(ies) legally responsible for this submittal. I/the person(s) or entity(ies) on whose behalf this submittal is made is aware of the requirements in 310 CMR 40.0172 for notifying the Department in the event that I/the person(s) or entity(ies) on whose behalf this submittal is made and/is(are) unable to proceed with the necessary response actions.

3. Certification of Remittance of Permit Application Fee

I attest under the pains and penalties of perjury that, on or before the date of submittal of this permit application to the Department, I remitted, or caused to be remitted, the applicable permit fee payable in accordance with 310 CMR 4.00.

4. Terms and Conditions Consent (if the applicant is filing a Permit Transfer)

I understand that this is a permit to proceed with response actions required under 310 CMR 40.0000 and agree to conduct all response actions pursuant to the terms and conditions of any and all Department approvals that are in effect on October 1, 1993 as well as all future response actions at the disposal site which are not subject to an existing Department approval in accordance with the provisions of 310 CMR 40.0000. I also understand and agree to all of the permit conditions set forth in 310 CMR 40.0740 and any other conditions included with the Permit. I will not proceed with response actions at the subject site until I receive Department approval of this permit transfer.

5. Applicant/Transferee Acceptance

a. C. Daniel Swift

Name (Print)

b. Manager

Position or Title

c.

Signature

d.

Date

12-26-05



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

W072651

Transmittal Number

3-0204

Release Tracking Number

F. Transferor Information and Certification

Note:

1. The transferor is the current permittee who is transferring the permit to a new permittee.

2. Each current permittee/transferor must complete this section. For disposal sites with more than one current permittee/transferor, make copies of this page, have each current permittee/transferor complete this information, and then attach all copies to this application.

1. If the applicant is filing a Permit Transfer, please fill out the following information on the current permittee (the transferor):

a. N/A
Name of Organization

b. _____ c. _____
Name Title

d. _____
Street

e. _____ f. _____ g. _____
City/Town State Zip Code

h. _____ i. _____
Telephone E-mail (optional)

j. _____ k. _____
Contact Name (if different) Contact Telephone

2. Permit Transfer Consent:

I hereby consent to the transfer of my Tier I Permit for the Disposal Site/Release Tracking Number(s) stated in Section A of this application to the proposed transferee(s) designated in Section C of this application. I understand that I am still responsible for conducting all response actions required by M.G.L. c. 21E and 310 CMR 40.0000 until the Department has approved this application.

a. _____
Name (Print)

b. _____
Position or Title

c. _____
Signature

d. _____
Date

- ☐ 3. Check here if there is more than one transferor and additional copies of this certification are attached to this application.

- ☐ 4. Check here to certify that a statement as to why the permit transfer is being sought is attached.



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

W072651

Transmittal Number

3-0204

Release Tracking Number

G. Required Technical Submittals with Application

1. Please indicate which of the following response actions are in progress or have been completed at this disposal site at the time of this application:

Response Actions	Completed	In Progress
a. Limited Removal Action (LRA)	<input type="checkbox"/>	
b. Immediate Response Action (IRA)	<input type="checkbox"/>	<input type="checkbox"/>
c. Release Abatement Measure (RAM)	<input type="checkbox"/>	<input type="checkbox"/>
d. Utility Related Abatement Measure (URAM)	<input type="checkbox"/>	<input type="checkbox"/>
e. Phase I Initial Site Investigation	<input type="checkbox"/>	<input type="checkbox"/>
f. Phase II Comprehensive Site Assessment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Phase III Identification, Evaluation and Selection of Comprehensive Remedial Action Alternatives	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Phase IV Implementation of the Selected Remedial Action Alternative (Remedy Implementation Plan only)	<input type="checkbox"/>	<input type="checkbox"/>
i. _____ Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

2. Please indicate which of the following Status Reports, Phase Reports, or Completion Statements have been prepared for response actions that are in progress or have been completed at the disposal site at the time of this application.

Note:
For response actions in progress, attach a statement of description of the current status and projected schedule for completion of such response actions.

Document	Previously Submitted	Submitted with this Application	Projected Date for Completion
a. Bill(s) of Lading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
b. Immediate Response Action (IRA) Plan(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
c. IRA Status Report(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
d. IRA Completion Report(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
e. Release Abatement Measure (RAM) Plan(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
f. RAM Status Report(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
g. RAM Completion Report(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
h. Utility-Related Abatement Measures (URAM)	<input type="checkbox"/>	<input type="checkbox"/>	_____



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
BWSC 10 – Tier I Major Permit Modification
BWSC 20 – Tier I Permit Extension
BWSC 30 – Tier I Permit Transfer
Application for Supplemental Tier I Permit Actions

W072651

Transmittal Number

3-0204

Release Tracking Number

G. Required Technical Submittals with Application (cont.)

Document	Previously Submitted	Submitted with this Application	Projected Date for Completion
i. URAM Status Report(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
j. URAM Completion Report(s)	<input type="checkbox"/>	<input type="checkbox"/>	_____
k. Phase I Report and Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	_____
l. Phase II Scope of Work	<input type="checkbox"/>	<input type="checkbox"/>	_____
m. Phase II Report and Completion Statement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
n. Phase III Remedial Action Plan and Completion Statement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
o. Phase IV Remedy Implementation Plan (RIP)	<input type="checkbox"/>	<input type="checkbox"/>	_____
p. Phase IV As-Build Construction Report	<input type="checkbox"/>	<input type="checkbox"/>	_____
q. Phase IV Final Inspection Report and Completion Statement	<input type="checkbox"/>	<input type="checkbox"/>	_____
r. Phase V Operation Maintenance and/or Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	_____
s. Remedy Operation Status (ROS)	<input type="checkbox"/>	<input type="checkbox"/>	_____
t. Response Action Outcome (RAO) Statement	<input type="checkbox"/>	<input type="checkbox"/>	_____
u. _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other (specify)			

H. Licensed Site Professional Opinion

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this submittal, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and 309 CMR 4.03(2), and (iii) the provisions of 309 CMR 4.03(3), to the best of my knowledge, information and belief, this application was developed in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000. I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

1. 1847
License Number

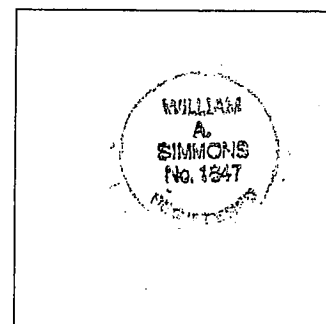
2. William A. Simmons
LSP Name (Print)

3. _____
Date

4. 978-463-6669
Telephone

5. *William A. Simmons*
LSP Signature

6. LSP Seal:





Enter your transmittal number

W072651

Transmittal Number

Your unique Transmittal Number can be accessed online: <http://www.mass.gov/dep/counter/trasmfrm.shtml> or call DEP's InfoLine at 617-338-2255 or 800-462-0444 (from 508, 781, and 978 area codes).

Massachusetts Department of Environmental Protection**Transmittal Form for Permit Application and Payment**

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: DEP, P.O. Box 4062, Boston, MA 02211.

3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. Copy 2 must accompany your fee payment. Copy 3 should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

DEP
P.O. Box 4062
Boston, MA
02211

* Note:
For BWSC Permits,
enter the LSP.

A. Permit Information

BWSC 20

TIER I PERMIT EXTENSION

1. Permit Code: 7 or 8 character code from permit instructions

2. Name of Permit Category

Response Actions under MCP

3. Type of Project or Activity

B. Applicant Information - Firm or Individual

Parking for Amesbury, LLC

1. Name of Firm - Or, if party needing this approval is an individual enter name below:

Swift

C. Daniel

2. Last Name of Individual

3. First Name of Individual

4. MI

P.O. Box 162

5. Street Address

Amesbury

MA

01913-0162

508-509-7264

6. City/Town

7. State

8. Zip Code

9. Telephone #

10. Ext. #

C. Daniel Swift

11. Contact Person

12. e-mail address (optional)

C. Facility, Site or Individual Requiring Approval

Bailey's Pond Parcel

1. Name of Facility, Site Or Individual

77 Merrimac Street

2. Street Address

Amesbury

MA

01913

508-509-7264

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

RTN 3-0204

RTN 3-0204

8. DEP Facility Number (if Known)

9. Federal I.D. Number (if Known)

10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

Simmons Environmental Services, Inc.

1. Name of Firm Or Individual

213 Elm Street

2. Address

Salisbury

MA

01952

978-463-6669

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

William A. Simmons

1847

8. Contact Person

9. LSP Number (BWSC Permits only)

E. Permit - Project Coordination

1. Is this project subject to MEPA review? ☐ yes ☒ no
If yes, enter the project's EOE file number - assigned when an Environmental Notification Form is submitted to the MEPA unit:

EOEA File Number

F. Amount Due

DEP Use Only

Permit No:

Rec'd Date:

Reviewer:

Special Provisions:

1. ☐ Fee Exempt (city, town or municipal housing authority)(state agency if fee is \$100 or less).
There are no fee exemptions for BWSC permits, regardless of applicant status.
2. ☐ Hardship Request - payment extensions according to 310 CMR 4.04(3)(c).
3. ☐ Alternative Schedule Project (according to 310 CMR 4.05 and 4.10).
4. ☐ Homeowner (according to 310 CMR 4.02).

1303

\$1,200.00

12-26-04

Check Number

Dollar Amount

Date

1323

THE MARINA AT HATTERS POINT, LLC

5 PERRY WAY UNIT 1
NEWBURYPORT, MA 01950

THE PROVIDENT BANK
AMESBURY, MASSACHUSETTS
53-7402-2113

12/26/2005

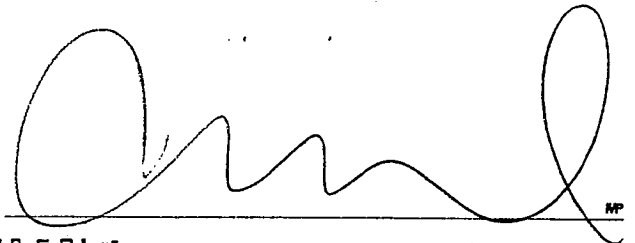
PAY TO THE
ORDER OF Commonwealth Of Massachusetts

\$ **1,200.00

One Thousand Two Hundred and 00/100*****

DOLLARS

Commonwealth Of Massachusetts



MEMO

RTN: 3-0204
W07.651

⑈001323⑈ ⑆211374020⑆ 27 726574⑈

THE MARINA AT HATTERS POINT, LLC

Commonwealth Of Massachusetts

12/26/2005

1323

1,200.00

*Parking @ Amesbury LLC
77 Inverness St Amesbury
RTN 30204
Get Permit Extension*

Marina @ Hatters Point, L

1,200.00

General Laws, Chapter 60, Section 23 as Amended.
Municipal Lien Certificate
Town of Amesbury
The Commonwealth of Massachusetts

March 30, 2009

RUDOLPH FRIEDMANN LLP, COUNCELORS AT LARGE
92 STATE St
BOSTON, MA 02109

Certificate # 2807

*60 Merrimac
(Near)*

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on March 27, 2009 are listed below.

Name of person assessed: **DANIEL SWIFT**Location of property: **60 MERRIMACK St**Class Code: **3840-COMMERC.**

Land Area:

Map/Lot: **0099-0023-A** **Book 100** **Page 100**

Land Value:

Improv./Building Value: **\$320,000**

Exemption:

Assessed Value: **\$320,000**

Tax Period	2009	2008	2007
Tax Rate	\$16.53/\$1,000.00	\$17.20/\$1,000.00	\$15.47/\$1,000.00
Tax			
1st quarter	\$1,376.00	\$1,237.60	\$1,087.20
2nd quarter	\$1,376.00	\$1,237.60	\$1,087.20
3rd quarter	\$1,268.80	\$1,514.40	\$1,388.00
4th quarter	\$1,268.80	\$1,514.40	\$1,388.00
Betterment/Asses.			
Utility Liens	\$2,859.59		
Total Billed	\$8,149.19	\$5,504.00	\$4,950.40
Payments	\$5,450.60		\$4,950.40
Abate./Exempt.		\$5,504.00	
Charges & Fees			
Interest due to 3/30/09			
Adjustments	\$0.00	\$0.00	\$0.00
Balance Due	\$2,698.59	\$0.00	\$0.00
Int. Per Diem	\$0.00	\$0.00	\$0.00

Note* The Town of Amesbury is on a quarterly billing system for real estate taxes. New owner information may not appear on the FY2009 REAL ESTATE BILLS. Please advise the new owner to contact the Tax Collector BEFORE EACH DATE to obtain a copy of the real estate bill. PRELIMINARY TAXES generally represent no more than 50% of prior year's tax.

Apportioned betterments not yet due: \$0.00

I have no knowledge of any other lien outstanding.

Utility accounts are subject to final readings. Please call (978) 388-8119 if you have any questions.

Utility Charges: (\$2,594.25) Outstanding (#R05631), Per Diem \$80.00 Water and Sewer rates and services charges to: 3/30/09

Tax Title Amount:

Deferred Taxes: \$0.00



Authorized Signature

Collector of Taxes for the Town of Amesbury

General Laws, Chapter 60, Section 23 as Amended.
Municipal Lien Certificate
Town of Amesbury
The Commonwealth of Massachusetts

75 Merrimac

March 30, 2009

Certificate # 2805

RUDOLPH FRIEDMANN LLP, COUNCELORS AT LARGE

92 STATE St

BOSTON, MA 02109

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on March 27, 2009 are listed below.

Name of person assessed: **PARKING FOR AMESBURY LLC**Location of property: **75 MERRIMAC St**Land Value: **\$166,300**Class Code: **3900-COMMERC.**

Improv./Building Value:

Land Area: **14,470.00 Square Feet**

Exemption:

Map/Lot: **0099-0003**Book **DOC405** PageAssessed Value: **\$166,300**

Tax Period	2009	2008	2007
Tax Rate	\$16.53/\$1,000.00	\$17.20/\$1,000.00	\$15.47/\$1,000.00
Tax			
1st quarter	\$729.71	\$594.44	\$522.20
2nd quarter	\$729.71	\$594.43	\$522.19
3rd quarter	\$644.76	\$864.99	\$666.68
4th quarter	\$644.76	\$864.98	\$666.67
Betterment/Asses.			
Utility Liens			
Total Billed	\$2,748.94	\$2,918.84	\$2,377.74
Payments	\$2,104.18		
Abate./Exempt.		\$2,918.84	\$2,377.74
Charges & Fees			
Interest due to 3/30/09			
Adjustments	\$0.00	\$0.00	\$0.00
Balance Due	\$644.76	\$0.00	\$0.00
Int. Per Diem	\$0.00	\$0.00	\$0.00

Note* The Town of Amesbury is on a quarterly billing system for real estate taxes. New owner information may not appear on the FY2009 REAL ESTATE BILLS. Please advise the new owner to contact the Tax Collector BEFORE EACH DATE to obtain a copy of the real estate bill. PRELIMINARY TAXES generally represent no more than 50% of prior year's tax.

Apportioned betterments not yet due: \$0.00

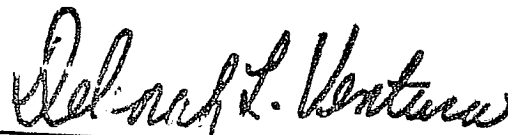
I have no knowledge of any other lien outstanding.

Utility accounts are subject to final readings. Please call (978) 388-8119 if you have any questions.

Utility Charges: \$0.00 Water and Sewer rates and services charges to:

Tax Title Amount:

Deferred Taxes: \$0.00



Authorized Signature

Collector of Taxes for the Town of Amesbury

General Laws, Chapter 60, Section 23 as Amended.
Municipal Lien Certificate
Town of Amesbury
The Commonwealth of Massachusetts

March 30, 2009

Certificate # 2806

77 Merrimac

RUDOLPH FRIEDMANN LLP, COUNCELORS AT LARGE
92 STATE St
BOSTON, MA 02109

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on March 27, 2009 are listed below.

Name of person assessed: **PARKING FOR AMESBURY LLC**Location of property: **77 MERRIMAC St**Class Code: **3900-COMMERC.**Land Area: **17.53 Acres**Map/Lot: **0099-0004**Book **104041T** Page

Land Value:

\$482,800

Improv./Building Value:

Exemption:

Assessed Value:

\$482,800

Tax Period	2009	2008	2007
Tax Rate	\$16.53/\$1,000.00	\$17.20/\$1,000.00	\$15.47/\$1,000.00
Tax			
1st quarter	\$2,092.81	\$1,809.61	\$1,589.69
2nd quarter	\$2,092.81	\$1,809.60	\$1,589.69
3rd quarter	\$1,897.53	\$2,376.02	\$2,029.52
4th quarter	\$1,897.53	\$2,376.01	\$2,029.51
Betterment/Asses.			
Utility Liens			
Total Billed	\$7,980.68	\$8,371.24	\$7,238.41
Payments	\$6,083.15		\$7,238.41
Abate./Exempt.		\$8,371.24	
Charges & Fees			
Interest due to 3/30/09			
Adjustments	\$0.00	\$0.00	\$0.00
Balance Due	\$1,897.53	\$0.00	\$0.00
Int. Per Diem	\$0.00	\$0.00	\$0.00

Note* The Town of Amesbury is on a quarterly billing system for real estate taxes. New owner information may not appear on the FY2009 REAL ESTATE BILLS. Please advise the new owner to contact the Tax Collector BEFORE EACH DATE to obtain a copy of the real estate bill. PRELIMINARY TAXES generally represent no more than 50% of prior year's tax.

Apportioned betterments not yet due: \$0.00

I have no knowledge of any other lien outstanding.

Utility accounts are subject to final readings. Please call (978) 388-8119 if you have any questions.

Utility Charges: \$0.00 Water and Sewer rates and services charges to:

Tax Title Amount:

Deferred Taxes: \$0.00



Authorized Signature

Collector of Taxes for the Town of Amesbury