



July 13, 2015

79 Elm Street • Hartford, CT 06106-5127

[www.ct.gov/deep](http://www.ct.gov/deep)

Affirmative Action/Equal Opportunity Employer

**To:**

Michael Gray  
Shoreline Trailer Court Mobile Homes, LLC

c/o Brian Kluberdanz  
Wofsey, Rosen, Kweskin & Kuriansky, LLP  
600 Summer Street  
Stamford, CT 06901

Re: Environmental Land Use Restriction  
509-545 East Main Street  
Branford, CT

The Bureau of Water Protection and Land Reuse ("Department") is forwarding an approved Environmental Land Use Restrictions (ELUR) for the above referenced property.

Please sign and notarize the ELUR, and record the following on the land records of the Town of Branford, CT within seven (7) days of signature (fully executed):

- The approved ELUR and any associated exhibits (including the final, signed ELUR Survey);
- Documents which are necessary to demonstrate that each person holding an interest in the land, or any part thereof has irrevocably subordinated such interest to the ELUR; and
- The Department's approval of a waiver from the requirement to obtain subordination agreements for interests which are so minor as to be unaffected by the ELUR, as applicable.

Within seven (7) days of the recordation of the ELUR, please submit the following for Department record:

- Two paper copies of:
  - ✓ The certificate of title;
  - ✓ The ELUR as recorded (Town Clerk certified copy – the ELUR Survey can be a copy of the Mylar with the map filing number given) indicating the volume and page; and in addition,
  - ✓ The full-size final ELUR Survey, bearing an original stamp and signature.
- An electronic copy of the following items sent to [DEEP.ELUR@ct.gov](mailto:DEEP.ELUR@ct.gov) (RE: Property/Facility Name, Address):
  - ✓ The certificate of title, in Adobe® PDF format;
  - ✓ The ELUR as recorded indicating the volume and page, in Adobe® PDF format; and
  - ✓ The final ELUR Survey, in Adobe® PDF format.
  - ✓ Property Owner Affidavit

The certificate of title must certify that each interest in the land has been irrevocably subordinated to the ELUR, or the Department has waived the requirement to obtain subordination agreements for interests in the land that are so minor as to be unaffected by the ELUR.

Michael Gray  
Shoreline Trailer Court Mobile Homes, LLC  
Environmental Land Use Restriction  
509-545 East Main Street  
Branford, CT  
Page 2

In addition, copies of the ELUR must be sent by certified mail, return receipt requested, to: (1) the chief administrative officer of the Town of Branford CT (2) the chairman of the planning, zoning, or planning and zoning commission for the Town of Branford, CT (3) the local Director of Health (4) any person who submitted comments on the ELUR during the public comment period and (5) any utility subject to Section 16-237 of the CGS. Please send copies in Adobe® PDF format of the letters and completed return receipts to [DEEP.ELUR@ct.gov](mailto:DEEP.ELUR@ct.gov) (RE: Property/Facility Name, Address) within thirty (30) days of the recordation of the ELUR.

The Department's review was limited to the review of the draft ELUR documents, and was not intended to address potential technical issues related to the investigation and remediation of the site. Pursuant to Section 22a-133v(g) of the Connecticut General Statutes, the Department may conduct an audit of the investigation and remediation of the site subsequent to the verification by the licensed environmental professional. The results of such an audit may require modification of the ELUR.

If you have any questions, please contact me at (860) 424-3792, or at [DEEP.ELUR@ct.gov](mailto:DEEP.ELUR@ct.gov) (RE: Property/Facility Name, Address).

Sincerely,



Michelle M. Bedson  
ELUR Coordinator  
Remediation Division  
Bureau of Water Protection and Land Reuse

Attachment

Sent Certified Mail, Return Receipt Requested



July 13, 2015

79 Elm Street • Hartford, CT 06106-5127

[www.ct.gov/deep](http://www.ct.gov/deep)

Affirmative Action/Equal Opportunity Employer

**After Recording Return to:**

Environmental Land Use Restriction Coordinator  
State of Connecticut Department of Energy and Environmental Protection  
Remediation Division  
Bureau of Water Protection and Land Reuse  
79 Elm Street  
Hartford, CT 06106

**To:**

Michael Gray  
Shoreline Trailer Court Mobile Homes, LLC

c/o Brian Kluberanz  
Wofsey, Rosen, Kweskin & Kuriansky, LLP  
600 Summer Street  
Stamford, CT 06901

Re: Environmental Land Use Restriction  
509-545 East Main Street  
Branford, CT

**APPROVAL**  
**REQUEST FOR WAIVER FROM CERTAIN SUBORDINATION AGREEMENTS**

The Bureau of Water Protection and Land Reuse ("Department") has reviewed the *Interests in the Land Summary and Subordination Waiver Request Application for Environmental Land Use Restriction* submitted on May 20, 2015 ("Application") that requests a waiver from the requirement to obtain certain subordination agreements in conjunction with the proposed Environmental Land Use Restriction (ELUR) for the property. The Application was prepared by Wofsey, Rosen, Kweskin & Kuriansky, LLP on behalf of Shoreline Trailer Court Mobile Homes, LLC.

The Application requests a waiver from the requirement to obtain subordination agreements for the following interests at the above referenced property:

**Item 11** Volume 585, Page 606 – Notice of Intention to Dispute the use and encroachment on neighboring land dated March 24, 1995. The interest is located on another land owner's property outside of the ELUR Subject Area(s), and will not affect the purpose of the ELUR.

**Item 13** Volume 694, Page 556 – Easement in favor of the State of Connecticut dated January 31, 2000. The Easement has expired by its own terms and will not affect the purpose of the ELUR.

Michael Gray  
Shoreline Trailer Court Mobile Homes, LLC  
Environmental Land Use Restriction  
509-545 East Main Street  
Branford, CT  
Page 2

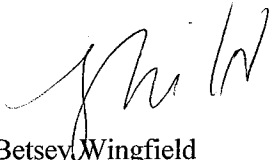
The request to waive the requirement to obtain subordination agreements for the above referenced interests is hereby approved. This approval is based on the information presented in the Application.

Please record this approval letter, and any other documents that are necessary to show that all other interests in the land have been irrevocably subordinated to the ELUR, as required by Connecticut General Statutes section 22a-133o(b).

Nothing in this approval shall relieve any person of his or her obligations under applicable federal, state and local law.

If you have any questions pertaining to this matter, please contact Michelle Bedson of my staff at (860) 424-3792.

Sincerely,

A handwritten signature in black ink, appearing to read "Betsey Wingfield", is written over the typed name.

Betsey Wingfield  
Bureau Chief  
Bureau of Water Protection and Land Reuse

Cc: Michelle Bedson, CT DEEP (2)

Sent Certified Mail, Return Receipt Requested

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

After Recording Return to:

Environmental Land Use Restriction Coordinator  
State of Connecticut Department of Energy and Environmental Protection  
Remediation Division  
Bureau of Water Protection and Land Reuse  
79 Elm Street  
Hartford, CT 06106

---

DECLARATION OF ENVIRONMENTAL LAND USE RESTRICTION  
AND GRANT OF EASEMENT

This Declaration of Environmental land use restriction and Grant of Easement is made this 10<sup>th</sup> day of July, 2015, between Shoreline Trailer Court Mobile Homes, LLC (the "Grantor") and the Commissioner of Energy and Environmental Protection of the State of Connecticut (the "Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of certain real property (the "Property") described below:

Street address: 509-545 East Main Street
City/Town: Branford
State: Connecticut
Assessor's Map H05 Block 2 Lot 3 and/or Assessors' Account Number: 001777
Volume and Page of Deed: 680/22

A description of the property is attached hereto as Exhibit A, and which is made a part hereof; and

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

WHEREAS, the Grantee has the authority to enter into this declaration of environmental land use restriction pursuant to sections 22a-5, 22a-6, and 22a-133o *et seq.* of the General Statutes; and

**Instructions - Select one of the two choices below by checking the applicable check box.**

☒ **If the Commissioner of Energy and Environmental Protection signs the environmental land use restriction:**

WHEREAS, the Grantee has determined that the environmental land use restriction set forth below is consistent with regulations adopted pursuant to section 22a-133k of the General Statutes; and

WHEREAS, the Grantee has determined that this environmental land use restriction will effectively protect human health and the environment from the hazards of pollution; and

WHEREAS, the Grantee's written approval of this environmental land use restriction is contained in the document attached hereto as Exhibit B (the Decision Document) which is made a part hereof; and

☐ **If a Licensed Environmental Professional signs the environmental land use restriction pursuant to section 22a-133y of the General Statutes:**

WHEREAS, remediation of the property has been conducted in accordance with section 22a-133y of the General Statutes; and

WHEREAS, the Licensed Environmental Professional whose signature appears below has determined that the environmental land use restriction set forth below is consistent with regulations adopted by the Commissioner of Energy and Environmental Protection pursuant to section 22a-133k of the General Statutes; and

WHEREAS, the Licensed Environmental Professional whose signature appears below has determined that this environmental land use restriction will effectively protect human health and the environment from the hazards of pollution; and

WHEREAS, the Grantee's written approval of this environmental land use restriction is contained in the document attached hereto as Exhibit B (the Decision Document) which is made a part hereof; and

WHEREAS, the property or portion thereof identified in the class A-2 survey (the "Subject Area") which survey is attached hereto as Exhibit C which is made a part hereof, contains pollutants; and

WHEREAS, to prevent exposure to or migration of such pollutants and to abate hazards to human health and the environment, and in accordance with the Decision Document, the Grantor desires to impose certain restrictions upon the use, occupancy, and activities of and at the Subject Area, and to grant this environmental land use restriction to the Grantee on the terms and conditions set forth below; and

WHEREAS, Grantor intends that such restrictions shall run with the land and be binding upon and enforceable against Grantor and Grantor's successors and assigns;

NOW, THEREFORE, Grantor agrees as follows:

1. Purpose. In accordance with the Decision Document, the purpose of this environmental land use restriction is to assure that the use and activity at the property and the Subject Area is restricted in accordance with the requirements of the Decision Document attached hereto as Exhibit B.
2. Restrictions Applicable to the Subject Area: In furtherance of the purposes of this environmental land use restriction, Grantor shall assure that use, occupancy, and activity of and at the Subject Area are restricted in accordance with the requirements of the Decision Document, attached hereto as Exhibit B. Such restrictions shall remain in effect unless and until a release is obtained under paragraph 5 below.
3. Except as provided in Paragraph 4 below, no action shall be taken, allowed, suffered, or omitted if such action or omission is reasonably likely to:
  - i. Create a risk of migration of pollutants or a potential hazard to human health or the environment; or
  - ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain pollutants or limit human exposure to pollutants.
4. Emergencies. In the event of an emergency which presents a significant risk to human health or the environment, the application of Paragraphs 2 and 3 above may be suspended, provided such risk cannot be abated without suspending said Paragraphs and the Grantor:
  - i. Immediately notifies the Grantee of the emergency;
  - ii. Limits both the extent and duration of the suspension to the minimum reasonably necessary to adequately respond to the emergency;
  - iii. Implements all measures necessary to limit actual and potential present and future risk to human health and the environment resulting from such suspension; and
  - iv. After the emergency is abated, implements a plan approved in writing by the Grantee, on a schedule approved by the Grantee, to ensure that the Subject Area is remediated in accordance with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive, or restored to its condition prior to such emergency.

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

5. Release of Restriction; Alterations of the Subject Area. Grantor shall not make, or allow or suffer to be made, any alteration of any kind in, to, or about any portion of the Subject Area inconsistent with this environmental land use restriction until a release has been approved by the Commissioner and such release is either recorded on the land records in the municipality where such parcel is located or the requirement to record such a release is waived by the Commissioner pursuant to section 22a-133o of the General Statutes. The Grantee shall not approve any permanent release of the Property from the provisions of this environmental land use restriction unless the Grantor demonstrates to the Grantee's satisfaction that Grantor has remediated the Subject Area in accordance with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive.

6. Grant of Easement to the Grantee. Grantor hereby grants and conveys to the Grantee, the Grantee's agents, contractors, and employees, and to any person performing pollution remediation activities under the direction thereof, a non-exclusive easement (the "Easement") over the Subject Area and over such other parts of the Property as are necessary for access to the Subject Area or for carrying out any actions to abate a threat to human health or the environment associated with the Subject Area. Pursuant to this Easement, the Grantee, the Grantee's agents, contractors, and employees, and any person performing pollution remediation activities under the direction thereof, may enter upon and inspect the Property and perform such investigations and actions as the Grantee deems necessary for any one or more of the following purposes:

- i. Ensuring that use, occupancy, and activities of and at the Property are consistent with this environmental land use restriction;
- ii. Ensuring that any remediation implemented complies with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive;
- iii. Performing any additional investigations or remediation necessary to protect human health and the environment;
- iv. Ensuring the structural integrity of any engineering controls described in Exhibit B of this environmental land use restriction and Grant of Easement and their continuing effectiveness in containing pollutants and limiting human exposure to pollutants.

7. Notice and Time of Entry onto Property. Entry onto the Property by the Grantee pursuant to this Easement shall be upon reasonable notice and at reasonable times, provided that entry shall not be subject to these limitations if the Grantee determines that immediate entry is necessary to protect human health or the environment.

8. Notice to Lessees and Other Holders of Interests in the Property. Grantor, or any future holder of any interest in the property, shall cause any lease, grant, or other transfer of any interest in the Property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this environmental land use restriction and Grant of Easement. The failure to include such provision shall not affect the validity or applicability to the Property of this environmental land use restriction and Grant of Easement.

9. Persons Entitled to Enforce Restrictions. The restrictions in this environmental land use restriction on use, occupancy, and activity of and at the Property shall be enforceable in accordance with section 22a-133p of the General Statutes.

10. Severability and Termination. If any court of competent jurisdiction determines that any provision of this environmental land use restriction or Grant of Easement is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity



Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

and enforceability as determined by such court. In the event that the provision invalidated is of such nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect. Further, in either case, the Grantor shall submit a copy of this restriction and of the Judgment of the Court to the Grantee in accordance with R.C.S.A. section 22a-133q-1(1). This environmental land use restriction shall be terminated if the Grantee provides notification pursuant to R.C.S.A. section 22a-133q-1(l).

11. Binding Effect. All of the terms, covenants and conditions of this environmental land use restriction and grant of easement shall run with the land and shall be binding on the Grantor, the Grantor's successors and assigns, and each owner and any other party entitled to possession or use of the Property during such period of ownership or possession.

12. Terms Used Herein. The definitions of terms used herein shall be the same as the definitions contained in sections 22a-133k-1 and 22a-133q-1 of the Regulations of Connecticut State Agencies as such sections existed on the date of execution of this environmental land use restriction.

Signature Page Follows

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

In witness whereof, the undersigned has/have executed this Environmental Land Use Restriction this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_.

Witnessed by:

Shoreline Trailer Court Mobile Homes, LLC

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Michael Gray  
Its Duly Authorized Agent

Mailing Address:  
Street Address: 509-545 East Main Street  
City/Town: Branford  
State and Zip Code: CT, 06512

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

**Instructions Notarization Language for Grantor Acknowledgement - select appropriate notarization language from one of the choices below by checking the applicable check box and providing the information required.**

☐ **If the Grantor is an individual:**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ Month, \_\_\_\_\_ Year before me, \_\_\_\_\_ Name of Notary Public or Commissioner of the Superior Court the undersigned officer, personally appeared \_\_\_\_\_ Name of Individual or Individuals, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Notary Public or Commissioner of the Superior Court  
Date Commission Expires \_\_\_\_\_ Date

OR

☐ **If the Grantor is a Corporation:**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ Month, \_\_\_\_\_ Year before me, \_\_\_\_\_ Name of Notary Public or Commissioner of the Superior Court, the undersigned officer, personally appeared \_\_\_\_\_ Name of Officer, who acknowledged himself /herself to be the \_\_\_\_\_ Title of Officer of \_\_\_\_\_ Name of Corporation, a corporation, and that he/she, as such \_\_\_\_\_ Title of Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as \_\_\_\_\_ Title of Officer.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Notary Public or Commissioner of the Superior Court  
Date Commission Expires \_\_\_\_\_ Date

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

OR

☒ **If the Grantor is a Limited Liability Company:**

State of {Connecticut}  
County of {New Haven}

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me, \_\_\_\_\_, the undersigned officer, personally appeared Michael Gray, who acknowledged himself/herself to be the Duly Authorized Agent of Shoreline Trailer Court Mobile Homes, LLC, a (member managed or manager managed) limited liability company, and that he/she, as such Duly Authorized Agent, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself/herself as Duly Authorized Agent.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Date Commission Expires

OR

☐ **If the Grantor is any other type of entity, provide appropriate language for the Grantor Entity below:**

Unlimited space provided to insert appropriate certification language for an Acknowledgement as specified in Section 1-34 of the General Statutes

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

**Instructions Grantee Signature Block - Select one of the two choices below, as applicable;**

☒ **This choice is used for all environmental land use restrictions except those approved pursuant to section 22a-133y of the General Statutes.**

**Grantee:** The Grantee, the Commissioner of Energy and Environmental Protection or by the Commissioner's duly designated agent, Betsey Wingfield, Bureau Chief.

By:

Date:

Name: Betsey Wingfield

Its Duly Authorized: Bureau Chief

Mailing Address:

Bureau of Water Protection and Land Reuse

Connecticut Department of Energy and Environmental Protection

Street Address: 79 Elm Street

City/Town: Hartford

State and Zip Code: Connecticut 06106

☐ **This choice is used solely for environmental land use restrictions approved pursuant to section 22a-133y of the General Statutes.**

**Grantee:** The Grantee, the Commissioner of Energy and Environmental Protection, by the undersigned Licensed Environmental Professional authorized as a duly designated agent pursuant to section 22a-133y of the Connecticut General Statutes.

Licensed Environmental Professional as Duly Authorized Agent for Grantee, the Commissioner of Energy and Environmental Protection:

By:

Date:

Name: Printed/Typed Name of Licensed Environmental Professional

Its Duly Authorized Agent: Licensed Environmental Professional authorized pursuant to section 22a-133y of the Connecticut General Statutes

Grantee Mailing Address:

Bureau of Water Protection and Land Reuse

Connecticut Department of Energy and Environmental Protection

Street Address: 79 Elm Street

City/Town: Hartford

State and Zip Code: Connecticut 06106

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

Information for Duly Authorized Agent for Grantee (Licensed Environmental Professional):

Name: Name of Licensed Environmental Professional  
License Number License Number  
Title, if applicable Title  
Company, if applicable Name of Company

Mailing Address:  
Street Address: Street Address  
City/Town, State, Zip Code: City/Town, State, and Zip Code

Witnesses:

\_\_\_\_\_  
Signature

Printed/Typed Name  
\_\_\_\_\_  
Printed/typed name

\_\_\_\_\_  
Signature

Printed/Typed Name  
\_\_\_\_\_  
Printed/typed name

Instructions Notarization Language for Duly Authorized Agent for Grantee (Licensed Environmental Professional):

State of             
County of           

On this Day day of Month, Year before me, Name of Notary Public or Commissioner of the Superior Court the undersigned officer, personally appeared Name of Individual or Individuals, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Notary Public or Commissioner of the Superior Court  
Date Commission Expires Date

## **Exhibit A. Property Description (Metes and Bounds)**

Shoreline Trailer Park  
Shoreline Trailer Court Mobile Homes, LLC  
509-545 East Main Street  
Branford, CT

The Property Description (Metes and Bounds) is as follows:

### **LEGAL DESCRIPTION OF ENTIRE PROPERTY OWNED**

COMMENCING AT THE NORTHEAST CORNER OF LAND N/F 487 EAST MAIN ST LLC, SAID POINT  
ALONG THE SOUTHERLY STREET LINE OF EAST MAIN STREET (ROUTE #1) AND AT THE  
NORTHWEST CORNER OF PARCEL HEREIN DESCRIBED,  
THENCE ALONG THE FOLLOWING LINE COURSES;

Line Course: N 89d-21'-41" E Length: 126.36 feet to a point;  
Line Course: N 88d-15'-43" E Length: 61.08 feet to a point;  
Line Course: S 86d-59'-29" E Length: 351.49 feet to a point;  
Line Course: N 84d-34'-24" E Length: 238.59 feet to a point;  
Line Course: S 83d-55'-53" E Length: 87.44 feet to a point;  
last five line courses along the southerly street line of East Main Street,  
Line Course: S 09d-45'-47" E Length: 467.35 feet to a point;  
along the westerly boundary of land N/F MNS REALTY LLC  
Line Course: S 79d-04'-49" W Length: 72.55 feet to a point;  
Line Course: S 85d-31'-27" W Length: 45.94 feet to a point;  
Line Course: S 86d-34'-26" W Length: 63.83 feet to a point;  
Line Course: S 29d-35'-45" W Length: 9.09 feet to a point;  
Line Course: S 86d-36'-31" W Length: 57.21 feet to a point;  
Line Course: S 85d-39'-25" W Length: 10.97 feet to a point;  
Line Course: S 85d-39'-25" W Length: 53.04 feet to a point;  
Line Course: S 85d-41'-37" W Length: 118.37 feet to a point;  
Line Course: S 85d-00'-41" W Length: 175.43 feet to a point;  
Line Course: S 83d-59'-16" W Length: 116.26 feet to a point;  
Line Course: S 85d-55'-25" W Length: 102.11 feet to a point;  
Line Course: N 13d-01'-32" W Length: 121.24 feet to a point;  
last 12 line courses along the northerly boundary of land  
N/F STONY CREEK MEDICAL CENTER LLC,  
Line Course: N 13d-01'-32" W Length: 436.42 feet to a point;  
along the easterly boundary of land N/F 487 EAST MAIN ST LLC.  
TO THE POINT AND PLACE OF COMMENCEMENT.

Area: 427,280 sq.ft. 9.8090 acres

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

LEGAL DESCRIPTION SUBJECT AREA A  
ENVIRONMENTAL LAND USE DESCRIPTION (ELUR)

COMMENCING AT THE NORTHEAST CORNER OF LAND N/F 487 EAST MAIN ST LLC, SAID POINT  
ALONG THE SOUTHERLY STREET LINE OF EAST MAIN STREET (ROUTE #1) AND AT THE  
NORTHWEST CORNER OF PARCEL HEREIN DESCRIBED,  
THENCE ALONG THE FOLLOWING LINE COURSE;

Line Course: S 13d-01'-32" E Length: 436.42 feet to a point  
SAID POINT AT THE POINT OF BEGINNING OF SUBJECT AREA A.  
THENCE ALONG THE FOLLOWING LINE COURSES:

Line Course: S 13d-01'-32" E Length: 121.24 feet to a point;  
along the easterly boundary of land N/F 487 EAST MAIN ST LLC.

Line Course: N 85d-55'-25" E Length: 102.11 feet to a point;

Line Course: N 83d-59'-16" E Length: 116.26 feet to a point;

Line Course: N 85d-00'-41" E Length: 175.43 feet to a point;

Line Course: N 85d-41'-37" E Length: 118.37 feet to a point;

Line Course: N 85d-39'-25" E Length: 53.04 feet to a point;

last 5 line courses along the northerly boundary of land  
N/F STONY CREEK MEDICAL CENTER LLC.

Line Course: N 20d-2.3'-47" W Length: 150.27 feet to a point;

Line Course: N 34d-11'-06" E Length: 29.81 feet to a point;

Line Course: N 75d-00'-21" W Length: 29.28 feet to a point;

Line Course: N 88d-34'-51" W Length: 105.9.3 feet to a point;

Line Course: N 88d-26'-28" W Length: 193.12 feet to a point;

Line Course: S 55d-37'-21" W Length: 45.98 feet to a point;

Line Course: S 56d-42'-26" W Length: 55.00 feet to a point;

Line Course: N 24d-41'-13" E Length: 24.08 feet to a point;

Line Course: N 65d-48'-13" W Length: 24.12 feet to a point;

Line Course: S 24d-11'-47" W Length: 6.28 feet to a point;

Line Course: N 65d-48'-13" W Length: 17.65 feet to a point;

Line Course: S 25d-15'-58" W Length: 6.84 feet to a point;

Line Course: N 65d-48'-13" W Length: 9.88 feet to a point;

Line Course: S 23d-50'-55" W Length: 10.79 feet to a point;

Line Course: S 51d-15'-23" W Length: 48.30 feet to a point;

Line Course: S 6.3d-50'-20" W Length: 69.63 feet to a point;

last 16 line courses internal to the property

Line Course: S 13d-01'-32" E Length: 15.01 feet to a point;

along the easterly boundary of land N/F 487 EAST MAIN ST LLC.

TO THE POINT AND PLACE OF BEGINNING.

Area: 102,736 sq.ft. 2.3585 acres



## Exhibit B. Decision Document Overview

**Property/Facility Name ("Property"):** Shoreline Trailer Park

**Grantor Legal Name:** Shoreline Trailer Court Mobile Homes, LLC

**Address:** 509-545 East Main Street

**City/Town:** Branford

The purpose of this Decision Document is to describe:

1. The type and location of substances present in soil, groundwater or soil vapor on or underlying the Property or portion thereof ("Subject Area") which is the subject of the Environmental Land Use Restriction (ELUR);
2. The provisions of the ELUR and why such restrictions or limitations on the use of the Property or portion thereof are necessary to adequately protect human health and the environment; and
3. Description of the reason for the ELUR, including an explanation why such restriction is consistent with Sections 22a-133k-1 through 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies (RCSA).

This Decision Document consists of the following restriction(s), for which the applicable individual Restriction Forms are attached:

Restriction (Check box(es) that apply; enter Subject Area(s) designation.)	Subject Area
<input type="checkbox"/> <u>Residential Activity Restriction - Soil</u>	
<input type="checkbox"/> <u>Residential Activity Restriction – Soil (PCBs)</u>	
<input type="checkbox"/> <u>Exposure of Inaccessible Soil Restriction</u>	
<input type="checkbox"/> <u>Exposure of Environmentally Isolated Soil to Infiltration of Water Restriction</u>	
<input checked="" type="checkbox"/> <u>Disturbance of Engineered Control and Polluted Soil Restriction</u>	Subject Area A
<input type="checkbox"/> <u>Residential Activity Restriction - Groundwater</u>	
<input type="checkbox"/> <u>Residential Activity Restriction – Soil Vapor</u>	
<input type="checkbox"/> <u>Building Construction Restriction</u>	
<input type="checkbox"/> <u>Groundwater Use Restriction</u>	

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

Public Notice of Grantor's Intent to Record an Environmental Land Use Restriction

(Check box that applies.)

☐ Public Notice is not Required for Residential Activity Restriction ELUR

In accordance with Section 22a-133q-1(c)(2) of the RCSA, Public Notice need not be published if the proposed ELUR provides solely that the use of the subject Property, or portion thereof is restricted to industrial or commercial activities and the municipal zoning already limits the Property to such use.

or

☒ Public Notice is Required for Proposed ELUR

(Enter information as requested.)

Date Published: 4/4/2015 Name of Newspaper: New Haven Register

and

(Check box that applies.)

☐ No public comments were received.

or

☒ A summary of all written public comments that were received within thirty (30) days after the date of publication of the Public Notice and a brief response to each comment is provided below:

A request for a copy of the ELUR documentation was received by HRP Associates, Inc. (HRP) on April 8, 2015 from Diane Lane, 525 East Main Street #60, Branford, CT 06405. HRP subsequently sent Ms. Lane a copy of the Draft ELUR on May 15, 2015, the day this application was submitted to CT DEEP.

CT DEEP received comments from Diane Lane (resident) on April 9, 2015. Ms. Lane expressed concern regarding several issues with the trailer park property. In relation to the proposed ELUR, she requested information regarding what the ELUR would restrict and expressed concern that contaminated soils had not be re-tested after the placement of the Engineered Control on-site. She also asked what the possible consequences of the recordation of an ELUR are to the residents of Shoreline Trailer Park.

HRP responded to Ms. Lane with a letter dated April 17, 2015. The letter states that HRP is working closely with CT DEEP to resolve details related to the draft ELUR, and that CT DEEP will send a separate response to her comments. HRP ensured Ms. Lane that she would receive a copy of the draft ELUR and have ample time to comment on the document before it is finalized.

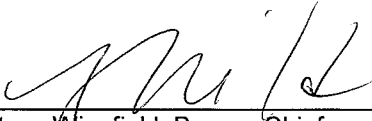
CT DEEP responded to Ms. Lane with a letter dated April 23, 2015. The letter stated that her comments were forwarded to HRP, and that after the ELUR application is submitted, CT DEEP will consider the issues outlined in her comments that related to the proposed ELUR.

HRP mailed a response letter, dated May 15, 2015, to Ms. Lane with a Draft copy of the ELUR. HRP's response included an explanation of the purpose of the ELUR and allowed an additional time-frame of 2 weeks for further comments.

Approval of this Decision Document is hereby granted.

**GRANTEE:** The Grantee, the Commissioner of the Department of Energy and Environmental Protection or by the Commissioner's duly designated agent, Betsey Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse.

7/10/15  
Date

  
Betsey Wingfield, Bureau Chief  
Bureau of Water Protection and Land Reuse  
Connecticut Department of Energy and Environmental Protection

## Exhibit B. Decision Document

### **Disturbance of Engineered Control and Polluted Soil Restriction Form**

In accordance with Section 22a-133k-2(f)(2)(A) of the Regulations of Connecticut State Agencies (RCSA) (**Variances – Engineered Control of Polluted Soils**), if certain conditions at a subject release area exist or are met, the requirements of RCSA Sections 22a-133k-2(a) through 22a-133k-2(e) (**the Standards for Soil Remediation**) **do not apply** provided that an Engineered Control of polluted soils is implemented pursuant to RCSA Section 22a-133k-2(f)(2)(B) and RCSA Section 22a-133k-2(f)(2)(C).<sup>1</sup>

RCSA Section 22a-133k-2(f)(2)(B): A request to use an Engineered Control shall be submitted to the Commissioner and shall be accompanied by a detailed report and plan which demonstrates that, among other things, an Environmental Land Use Restriction is or will be in effect with respect to the Property at which the subject release area is located, which restriction ensures that such Property will not be used in a manner that could disturb the Engineered Control or the polluted soil;

and

RCSA Section 22a-133k-2(f)(2)(C): When the Commissioner approves a request to use an Engineered Control, he may require that such control incorporate any measures deemed necessary to protect human health and the environment and any person implementing an Engineered Control shall perform all actions specified in the approved proposal including the recordation of the Environmental Land Use Restriction and posting of the mechanism for financial assurance.

#### **Purpose:**

The purpose of this Environmental Land Use Restriction (ELUR) is to ensure such Property at which the subject release area is located will not be used in a manner that could disturb the Engineered Control or the polluted soil, as defined in Section 22a-133k-1(16) of the RCSA, at the Subject Area(s) ("Subject Area") designated below. The Engineered Control description is attached hereto as part of the Restriction Form.

#### **Restrictions Applicable to the Subject Area:**

☒ Engineered Control designed to address exceedances of Direct Exposure Criteria for soil only.

The Grantor shall ensure that use, occupancy, and activity of and at the Subject Area (as depicted on Exhibit C – Class A-2 Survey) are restricted as follows:

- ☒ With respect to the Property at which the subject release area is located, the Property will not be used in a manner that could disturb the Engineered Control at **Subject Area A** or the polluted soil in accordance with RCSA Section 22a-133k-2(f)(2)(B).

**AND**

<sup>1</sup> For a complete description of the rationale for the restriction, see the referenced regulatory citation.

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

**Type and Location of Substances at Subject Area:**

(At concentrations greater than the Direct Exposure Criteria for soil, or greater than the Direct Exposure Criteria for soil and the Pollutant Mobility Criteria for soil)

Subject Area A - Polycyclic Aromatic Hydrocarbons and Extractable Total Petroleum Hydrocarbons

**Reasons Restriction or Limitation are Necessary to Adequately Protect Human Health and the Environment:**

If humans were to come into contact with the substance(s) present in such polluted soil, these substance(s) may pose an unacceptable risk to human health.

The polluted soil does not pose a risk to human health, provided the Engineered Control or the polluted soil is not disturbed such that people may come into contact with such polluted soil.

When the Engineered Control also addresses exceedances of the Pollutant Mobility Criteria for soil, if the Engineered Control or the polluted soil are disturbed such that the polluted soil is exposed to the infiltration of water, such polluted soil may pose an unacceptable risk to groundwater quality.

Such polluted soil does not pose a risk to groundwater quality provided the Engineered Control or the polluted soil is not disturbed and exposed to infiltration of water.

Declaration of Environmental Land Use Restriction and Grant of Easement  
509-545 East Main Street, Branford, CT

**Restriction or Limitation is Consistent with the Remediation Standard Regulations (RSRs)  
Sections 22a-133k-1 through 22a-133k-3, inclusive, of the RCSA, as amended, and as follows:**

- ☒ The Commissioner of the Department of Energy and Environmental Protection has approved a request to use an Engineered Control at **Subject Area A** in accordance with 22a-133k-2(f)(2)(C). Pursuant to RCSA Section 22a-133k-2(f)(2)(A), the requirements of RCSA Section 22a-133k-2(a) through 22a-133k-2(e) (**Soil Remediation Standards**) do not apply.

Date of Commissioner's conditional approval of the Engineered Control Application: April 22, 2005

Pursuant to the Commissioner's conditional approval and RSRs 22a-133k-2-(f)(2)(B)(viii):

The requirements for maintenance and monitoring of the Engineered Control are specified in the plan below, as approved by the Connecticut Department of Energy and Environmental Protection.

Title and Date: Engineered Control Variance Request, December 2004; and Revised Addendum No. 2 Supplement, April 2005.

and

- ☒ A Description of the Engineered Control (As-Built) is attached.

Date the mechanism for financial assurance submitted to the Department: Letter of credit currently being obtained.

The latest Annual Report including current status of financial assurance and the most recent Inspection and Maintenance Report has been submitted to the Connecticut Department of Energy and Environmental Protection.

Title and Date: Remedial Action Report, April 2015

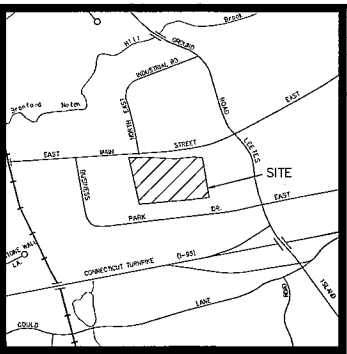
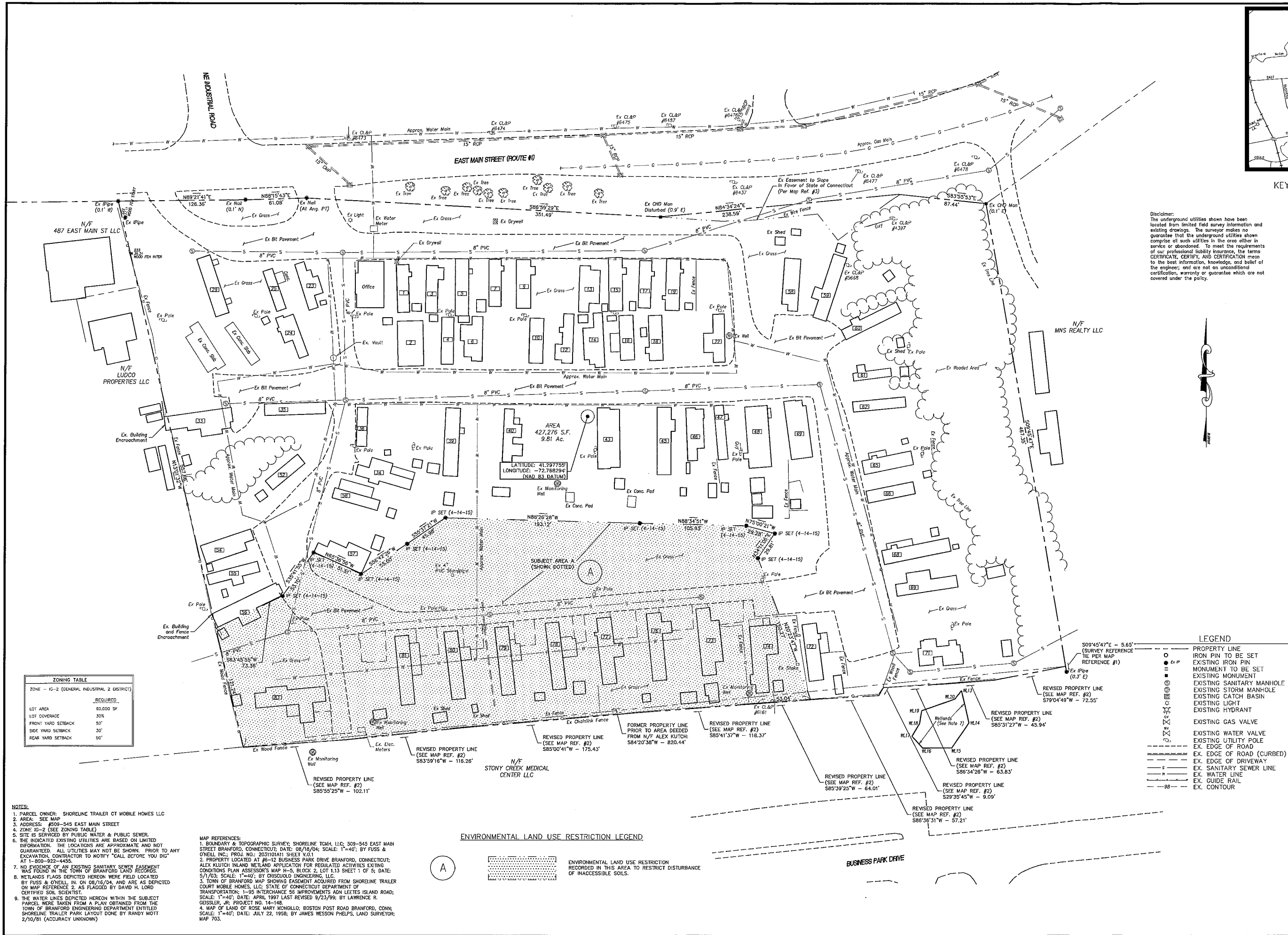
and

- ☒ With respect to the Property at which the subject release area is located, the Property will not be used in a manner that could disturb the Engineered Control or the polluted soil in accordance with RCSA Section 22a-133k-2(f)(2)(B).

### Description Engineered Control (As-Built)

Site remediation used an engineered control to achieve compliance with RSR soil criteria. Construction of an engineered control in accordance with RCSA Section 22a-133k-2(f)(2)(B)(i) provides a variance from compliance with the RDEC and is intended to address the exposure risk associated with direct contact to contaminants. In 2005, F&O constructed an EC to physically isolate contaminated soils in the southern portion of the property.

- Stage 1 remedial activities (placement of CLSM) were completed in the fall of 2004. CLSM was placed beneath 11 trailers within the remediation area, and two additional trailers outside of the remediation area, at the request of the occupants. The CLSM was poured beneath the 13 trailers at a minimum thickness of 4-inches and was mounded in the center to allow for drainage.
- Stage 2 remedial activities were conducted between May and October 2005. Stage 2 included:
  - Preparatory work including replacing stairways, sheds, decks, and adjusting utilities associated with existing trailers.
  - Placement of a geotextile barrier covered by 1-foot of clean fill and vegetative cover in landscaped areas.
  - Installation of the geotextile covered by at least 8-inches of processed stone in paved areas.
  - Installation of infrastructure for six new trailers including excavation of utility trenches lined with geotextile and backfilled with clean imported material or on-site material located outside the engineered control area. The construction was inspected and approved by the Branford Zoning Enforcement Officer under Building Permit #2005684.
  - Construction of a stone swale along the southern property boundary to improve drainage. Storm water is transported via sheet flow to the south towards the drainage swale, which flows into a storm drainage system that discharges to a ditch adjacent to Highway I-95. The swale was constructed in conjunction with remediation activities on the southern adjoining property (Klutch), and the geotextile fabric was tied into the fabric barrier placed on the Klutch property.



KEYMAP; SCALE: 1"=1000'

DISCLAIMER:  
The underground utilities shown have been located from limited field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area either in service or abandoned. To meet the requirements of our professional liability insurance, the terms CERTIFICATE, CERTIFY, AND CERTIFICATION mean to the best information, knowledge, and belief of the engineer, and are not an unconditional certification, warranty or guarantee which are not covered under the policy.

REVISIONS TO THESE PLANS BY ANYONE OTHER THAN KJA SHALL MAKE THESE PLANS NULL AND VOID. KJA SHALL TAKE NO RESPONSIBILITY FOR SAID REVISIONS.

REVISION-7:	
REVISION-6:	
REVISION-5:	
REVISION-4:	
REVISION-3:	
REVISION-2:	
REVISION-1:	
PROJECT:	
DATE: MPT/04	SR: AD
SCALE:	

SURVEY NOTES:  
THIS MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED FOR USE BY THE REGULATIONS OF CONNECTICUT STATE AGENCIES ON SEPTEMBER 26, 1996. (CT SECTIONS 20-300b-1 TO 20-300b-20).  
THE TYPE OF SURVEY PERFORMED IS AN: IMPROVEMENT LOCATION MAP.  
BOUNDARY DETERMINATION IS BASED UPON: A DEPENDENT RESURVEY.  
THIS SURVEY CONFORMS TO A: CLASS A-2  
TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

James M. Sokonich  
CT P.E. & L.S. #11502

**kratzer,**  
**jones &**  
**associates, inc.**  
CIVIL ENGINEERS • LAND SURVEYORS  
SITE PLANNERS • BUILDING ENGINEERS  
P.O. BOX 337  
1755 MERIDEN-WATERBURY RD.  
MILDALE, CT 06457-0337  
PHONE: (860) 621-3638  
FAX: (860) 621-9609  
EMAIL: INFO@KRATZERJONES.COM

EASEMENT MAP, EXHIBIT C  
OF THE DECLARATION OF  
ENVIRONMENTAL LAND USE  
RESTRICTION AND GRANT OF  
EASEMENT,  
SHORELINE TCMH, LLC,  
#509-545 EAST MAIN STREET  
BRANFORD, CT

for  
**SHORELINE**  
**TCMH, LLC**

#509-545 EAST MAIN STREET  
BRANFORD, CT

SCALE: 1"=40'  
DATE: APRIL 20, 2015

HALF ONE INCH TWO INCH  
INCHES ON ORIGINAL

KJA FILE NO.: DRAWING NO.:  
**215-028** **1**

SPACE HOLDER EXHIBIT C



Draft Survey.pdf



SPACE HOLDER PROPERTY OWNER AFFIDAVIT