

LS 1818



Lincoln Environmental, Inc.

333 Washington Highway
Smithfield, Rhode Island 02917-1941
(401) 232-3353
(401) 232-1130 FAX

Other Offices:
Glastonbury, Connecticut 06033
Westford, Massachusetts 01886

CERTIFIED MAIL NO. Z 723 437 733

January 21, 1997

Ms. Lena De Fonzo
Community Estates, Inc.
144 Windmill Street
Pawtucket, RI 02860

RE Property Access Agreement for
Lincoln Auto Body/Sales, Inc. Property
827 Smithfield Avenue
Lincoln, RI

Dear Ms. Defonzo:

To date, Lincoln Environmental, Inc. (Lincoln) has not received your response to our latest letter (dated November 22, 1996) regarding our request to access your property located at 827 Smithfield Avenue in Lincoln, RI (your property). Lincoln is aware that the Rhode Island Department of Environmental Management (DEM) has sent you a letter (dated November 26, 1996) encouraging your cooperation with our request. Inasmuch, Lincoln again respectfully requests your acceptance of the enclosed access agreement.

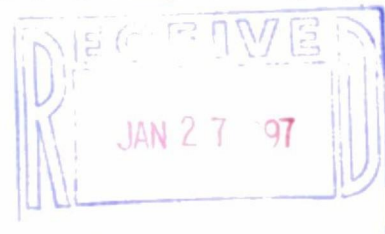
The objective of the proposed work is to define the direction and quality of groundwater beneath your property. At this time, Lincoln believes that the groundwater beneath the CFI property flows northeasterly (from the CFI property to your property), but additional wells on your property will provide necessary information to make an accurate determination.

The well installation process consists of drilling an approximately 6 inch diameter hole in the ground with a specialized auger and drilling vehicle. Various amounts of water, soil, pebbles, sand, and/or gravel may be generated during this phase of the process, however 100% of this material will be either placed back into the ground or placed into drums and taken off your property at the conclusion of the work. A plastic pipe (PVC material) will be lowered into the hole to a depth of approximately 20 feet. Clean sand and a sealing material will be placed around the outside of the pipe in accordance with standard procedures. The top of the well will be covered with a locking well cap and enclosed in a steel road box. The road box will be mounted so as to be flush with the surrounding pavement. The road box will be anchored in place with either concrete or cold patch asphalt. In conclusion, there will be no adverse physical alteration of your property, and the existence of these wells will provide valuable data needed to complete the investigation described.

Set forth below is CFI's understanding as to the terms and conditions under which Lincoln will be permitted to access the property:

- (1) In consideration of Community Estates, Inc. allowing Lincoln to access the property to implement the work as contemplated in this agreement, CFI and Lincoln agree to indemnify and hold Community Estates, Inc. harmless against any and all claims for personal injury or property damage occurring to you or third parties directly arising out of the work contemplated herein.

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- (2) CFI and Lincoln agree to repair all damage to the property directly resulting from the work conducted by Lincoln as contemplated by this agreement and will leave the property in the same functional condition as was encountered prior to commencement of the work.


The terms and conditions of the access agreement are provided to offer you, as the owner of the property, the following protection: 1) CFI and Lincoln will not hold you responsible in any way for any injuries that we may incur or for any property damage resulting directly from the well installation activities; and 2) Lincoln will finish the work in a competent and professional manner such that the property will be in the same functional condition as was encountered prior to the commencement of the work.

Please note that Mr. Peter Grivers of Lincoln is prepared to cordially discuss this matter with you in person or over the telephone if you prefer. Since Lincoln does not have a telephone number to contact you, we invite you to call Mr. Peter Grivers at (401) 232-3353, extension 128 if you wish to discuss the matter further or set up a meeting. If you would like to see other groundwater monitor wells that exist at the CFI property a demonstration at the CFI property can be easily arranged at a time convenient to you.

If this agreement is acceptable, please sign and date this letter in the space below and return to Lincoln at your earliest convenience. A self-addressed, stamped envelope has been provided. Thank you for your time and consideration of this request.

Sincerely,

LINCOLN ENVIRONMENTAL, INC.


Peter M. Grivers
Civil/Environmental Engineer

CUMBERLAND FARMS, INC.

Derrick Golden
Project Manager

AGREED TO AND ACCEPTED:

Ms. Lena De Fonzo (President, Community Estates, Inc.)

Date

Attachment

cc: Mr. Derrick Golden, Cumberland Farms, Inc.
Dave Brochu, Lincoln Environmental, Inc.
Bruce T. Catterall, RIDEM, Office of Waste Management
Kevin Gillen, RIDEM, Office of Waste Management