

Conservation Restriction  
**Baseline Documentation Report**



**Restriction ID Number:** DCR #P-000154 (DCR-P2010-28)

**Restriction Name:** Kibby Property

**Restriction Closing Date:** 6/29/2010

**Prepared for:** Massachusetts Department of Conservation and Recreation,  
251 Causeway Street, Boston, MA 02114

**Prepared by:** John C Lepore, Future Lands Designs, LLC

**Date of Report:** 10/05/2016

**Property Location:** Bridge Street, Weymouth, MA

**Acreage:** 1.3545 +/- acres

**Copy Designation:**

☒ Landowner

☐ Agency Archive

☐ Agency File

☐ Field Office



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## Section I Restriction Information

# Restriction Information Summary

**Agency-Designated Restriction ID Number(s):** DCR #P-000154 (DCR-P2010-28)

**Agency-Designated Restriction Name:** Kibby Property

**Other names for property, if applicable:** None known

**Restriction Type:** Conservation Restriction

**Instrument Type:** Deed

**Property location/address:** Bridge Street, Weymouth, MA

**Restriction acreage by:** 1.3545 +/- acres

## Contact Information

**Restriction grantor:** Richard C. Kibby

**Mailing address:** 77 North Road, Deerfield, NH

**Telephone number:** Unknown

**Email address:** Unknown

**Current fee owner:** Town of Weymouth

**Primary contact name:** Robert Luongo, Director of Planning and Community Development

**Relationship to landowner:** Owner of Record

**Mailing address:** 75 Middle Street, Weymouth, MA 01289

**Telephone number:** (781) 340-5015

**Email address:** rluongo@weymouth.ma.us

## Assessor and Registry Information

**Assessor's map and parcel numbers:** Map 5, Lot 6

## **Restriction Registry Information**

**Date Recorded:** 6/29/2010

**Registry:** Norfolk County Registry of Deeds

**Book:** 27789

**Page:** 329

**Underlying Fee Interest Registry Information**

**From:** Kibby, Richard C  
**To:** The Town of Weymouth  
**Date Recorded:** 6/29/2010  
**Registry:** Norfolk Registry of Deeds  
**Book:** 27789  
**Page:** 337

**From:** Lawler Diane, Executrix of the Estate of Esther E. Kibby  
**To:** Kibby, Richard C  
**Date Recorded:** 6/29/2010  
**Registry:** Norfolk Registry of Deeds  
**Book:** 27789  
**Page:** 305

**From:** Kibby, Richard C. Jr.  
**To:** Kibby, Richard C.  
**Date Recorded:** 11/08/2000  
**Registry:** Norfolk Registry of Deeds  
**Book:** 14517  
**Page:** 132

**Property Description Registry Information**

Parcel 2 of Deed referenced in Exhibit A of CR (Book 14517, Page 132)

**Survey Registry Information**

**Date Recorded:** 6/29/2010  
**Prepared for:** Mary F Kibby  
**Registry:** Norfolk County Registry of Deeds  
**Plan Book:** 600  
**Plan:** 78

**Are there any easements of rights of way on or over the property?**

None Known

# Conservation Restriction (Copy)

10  
Bk 27789 Pg 329 #60948  
06-29-2010 @ 03:50p

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

CERTIFY

*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

## CONSERVATION RESTRICTION

KNOW ALL PERSONS BY THESE PRESENTS that RICHARD C. KIBBY, individually and as Executor of the Estate of Mary F. Kibby, Norfolk Probate Court Docket No. 09P3100EA, by power conferred by a License for Sale of Real Estate dated June 28, 2010, recorded herewith, and every other power, of 77 North Road, Deerfield, New Hampshire, its successors and assigns, (hereinafter "Grantor"), for consideration paid of Two Hundred Fifty Thousand Dollars, (\$250,000.00), the receipt of which is hereby acknowledged, hereby grants with QUITCLAIM COVENANTS, in perpetuity and for conservation purposes as set forth in Article 97 of the Amendments to the Massachusetts Constitution, a Conservation Restriction (hereinafter "CR") pursuant to Chapter 184, Sections 31-33, and Chapter 92, Section 3, of the General Laws, to the Commonwealth of Massachusetts, acting by and through its Department of Conservation and Recreation, 251 Causeway Street, Boston, Massachusetts 02114 (hereinafter "Grantee"), Grantor's interest in 48,900 +/- square feet of land situated off of Bridge Street in Weymouth, Norfolk County, Massachusetts which is further described in Exhibit A attached hereto and incorporated herein by reference (hereinafter "Premises").

**I. PURPOSE:** The purpose of this CR is to retain the Premises predominantly in its natural, scenic, and open condition; to protect and promote the conservation of forests, wetlands, soils, natural watercourses, ponds, water supplies and wildlife thereon; to protect the horticultural and natural resources of the Premises; to protect and enhance the value of adjacent and nearby conservation areas; and to allow public access for passive recreational use and enjoyment of the wildlife and open space resources of the Premises. Grantor and Grantee agree that the specific conservation values of the Premises shall be documented in a report to be on file in the offices of the Grantor and the Grantee and incorporated herein by reference (hereinafter the "Baseline Documentation Report"), further described in Article III C below.

**II. PROHIBITED ACTIVITIES:** The Grantor covenants for itself and its legal representatives, mortgagees, successors and assigns that the Premises will at all times be held, used and conveyed subject to and not in violation of this CR. The Grantor shall refrain from and will not permit any activity which shall be inconsistent with the aforesaid purposes of this grant or which is detrimental to water quality, soil conservation, wildlife conservation and/or forestry management practices or which is otherwise wasteful of the natural resources of the Premises. Prohibited activities shall include, but not be limited to, the following:

A. Construction or placing of any building, dwelling, parking area, tennis court, swimming pool, artificial water impoundment, billboard, sign, except as provided in Article III D below, or other advertising display, roadway, asphalt or concrete pavement, antenna, utility pole, to, conduit or line, or any other temporary or permanent structure or facility above or below the Premises, except as permitted in Article III C below. Grantor and Grantee hereby acknowledge that no buildings or structures exist on the Premises at the time of the execution of this CR.

B. Dumping, placing or storing of equipment (except during forest management activities), mobile home, trailer, automotive vehicle or parts, soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, radioactive waste, hazardous waste, or the installation of aboveground or underground storage tanks on or in the Premises.

C. Excavating, mining, dredging or removing any loam, peat, gravel, soil, sand, rock or other mineral substance, or natural deposit from the Premises, or altering any natural contours or features whatsoever.

D. Removal, destruction or cutting of trees, seedlings, grasses, shrubs, or other vegetation on the Premises, unless such removal or cutting of trees is performed in accordance with prudent and sound forest management practices and pursuant to a Forest Management Plan or Forest Cutting Plan (hereinafter "Plan") approved by the state forester, whether or not such plan is required under Chapter 61 or Chapter 132 of the General Laws, and is approved in writing by the Grantee pursuant to Article V below.

E. Use of motorized or power-driven vehicles of any kind, including without limitation automobiles, trucks, motorcycles, motorized bikes or all-terrain vehicles, snowmobiles, except for vehicles used by Grantor for the purpose of upkeep and maintenance of the Premises, vehicles used by Grantee for proper inspection of the Premises as provided in Article IV below, motorized wheelchairs or other disabled assistance devices as permitted in Article III A below, and except as required by police, fire fighters, and other governmental agents responding to emergencies or otherwise carrying out their lawful duties.

F. Commercial or industrial use of any kind, including but not limited to commercial camping, commercial fishing, commercial hunting or commercial trapping.

G. The storage or application of pesticides, herbicides, insecticides, fungicides or other chemicals on the Premises; except the application of same is allowed if by licensed applicators in strict compliance with all existing state and federal laws and regulations, including but not limited to those administered by the Pesticide Bureau of the Massachusetts Department of Food & Agricultural and after written notice provided to the Grantee at least 5 days prior to application.

H. Purposeful introduction of species or animals or plants that are not native to Norfolk County, as defined by current published lists of native species, including The Vascular Plants of Massachusetts: A County Check list, by Bruce A. Sorrie and Paul Somers, published by the Massachusetts Division of Fisheries and Wildlife Natural Heritage & Endangered Species Program (1999) or as amended or contained in a similar professionally acceptable publication available in the future.



Bk 27789 Pg331 #60948

I. Subdivision of the Premises under Chapter 41, Section 81K et seq., of the Massachusetts General Laws. It is the intent of this paragraph that the Premises shall be conveyed as a unit, whether or not said Premises are comprised, as of the date of this CR, of more than one separate legal parcel.

J. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or other acts or uses detrimental to retention of land and water resources.

K. Other uses of the Premises or activities which would significantly impair the conservation interests protected by this CR or which are prohibited by federal, state or local law or regulation or which are inconsistent with the intent that the Premises remain, in the reasonable opinion of the Grantee, predominantly in its natural condition, except for the use of the Premises for approved forest management, educational, or recreational purposes in accordance with the provisions of Article III below and otherwise consistent with the provisions of this CR.

**III. PERMITTED ACTIVITIES:** Notwithstanding any provisions herein to the contrary, the Grantor reserves to itself and to its heirs, devisees, legal representatives, successors and assigns the right to conduct or permit the following activities on the Premises:

A. Use of the Premises by the general public, for passive recreational activities such as hiking, horseback riding, snowshoeing, cross-country skiing, nature study, fishing, swimming, nature study, and other like recreational and educational activities, including access by motorized wheelchairs or other disabled assistance devices, so long as such activities are carried out in a manner which does not impair the purposes of this CR.

B. Maintenance and use of existing ways, trails, fences, bridges, gates and stone walls on the Premises, substantially in their present condition, or as reasonably necessary for the current uses thereof or hereinafter permitted, so long as such use is not significantly detrimental to water quality, soil conservation, wildlife conservation and/or forestry management practices or which is otherwise wasteful of the natural resources of the Premises.

C. Layout and construction of new trails, fences, stone walls, gates, bridges, wildlife observation blinds or towers and installation of stone barriers by Grantor, as reasonably required or necessary to undertake the permitted activities herein described or to carry out the purposes of this CR, so long as such new construction is not detrimental to water quality, soil conservation, wildlife conservation or otherwise wasteful of the natural resources of the Premises; provided such new construction shall be approved by Grantee pursuant to Article V below, as to location, design and materials, to ensure that the construction as proposed would not impair the conservation interests to be protected by this CR.

D. Erection, maintenance and replacement of signs identifying ownership interests of Grantor and Grantee; its status as a conservation area; the restrictions on the use of the Premises; the identity or location of trails, areas of interest, natural and historic features or other characteristics of the Premises, and for providing other like information, provided the location and design of such signs are approved by Grantee pursuant to Article V below.

E. Planting, cutting, pruning and removal of trees, shrubs and other vegetation for ordinary improvement and maintenance of the Premises, to prevent threat of injury or damage to persons or property, to prevent or mitigate pest infestation, blight or disease, or to control, manage or eradicate invasive species not native to Norfolk County.

F. Planting, cutting, pruning and removal of trees to maintain or improve wildlife habitat and/or to improve and maintain the forest stand as dictated by sound forestry practices, and/or commercial harvesting of forest products, provided such planting, cutting, pruning and removal of trees and/or commercial harvesting is performed in accordance with prudent and sound forest management practices and is performed pursuant to a Forest Management or Forest Cutting Plan ("Plan") approved by the state forester, whether or not such plan is required under Chapter 61 or Chapter 132 of the General Laws, and is approved in writing by the Grantee, pursuant to Article V below. Grantor shall submit a copy of this CR with the application for approval of said plans, to the state forester. Any such Plan must be consistent with the terms of this CR.

G. Excavation of cellar holes, stone walls or other landscape features on the Premises with the intent of collecting archaeological artifacts or performing archeological surveys, provided Grantor submits a Project Notification Form (PNF) and obtains an Archeological Field Investigation Permit from the State Archeologist, in accordance with Chapter 9, Section 27C of the General Laws, 950 CMR 70.00 et seq., and obtains approval of Grantee pursuant to Article V below.

The exercise of any permitted activity or use by Grantor under this Article III shall be in compliance with then current laws applicable to the Premises, the Wetlands Protection Act (General Laws Chapter 131, Section 40) and all other applicable federal, state and local environmental protection and other laws and regulations. The inclusion of any permitted activity or use in this Article III requiring a permit from a public agency does not imply that the Commonwealth takes a position on whether such permit should be issued.

Any activity or use not permitted herein is prohibited without the express written consent of the Grantor stating that such activity or use is not inconsistent with the conservation purposes of the CR. Any request by Grantor for approval of such activity or use shall contain a detailed description of why such activity or use is consistent with the conservation purposes of the CR. In the event the grantor disapproves the requested activity or use, the Grantor shall provide a detailed written explanation of why said activity or use is inconsistent with the conservation purposes of this CR.

**IV. RIGHT OF ACCESS; MANAGEMENT; INSPECTION:** The CR hereby conveyed includes the grant of the right of the Grantee, its successors and assigns, to enter upon and to permit the public to enter upon and use the Premises and existing and future ways and trails thereon for the purposes set forth in Paragraph III A.

The CR also includes the grant of the right to Grantee, its successors and assigns, to enter upon the Premises in a reasonable manner and at reasonable times for the purpose of inspecting the Premises to determine compliance with the terms of this CR. Grantee may use motor vehicles for this purpose. In the event of any violation, Grantee must notify Grantor thereof and request Grantor to

remedy such violation. If the violation is not remedied within 30 days of receipt of written notice, or such additional time as may be reasonable under the circumstances as determined by Grantee. Grantee may enter upon the Premises in order to remedy or abate such violation, in which event, Grantor, its successors and assigns, covenants and agrees to reimburse the Grantee for all reasonable costs and expenses incurred by Grantee, including without limitation counsel fees, in enforcing this CR or in remedying or abating any violation of this CR. The provisions of this paragraph shall not preclude any other remedies available at law or in equity.

**V. NOTICE BY GRANTOR:** Unless otherwise provided herein or by law, Grantor shall notify Grantee in writing, sent certified mail, return receipt requested, sixty (60) days before allowing or undertaking any uses or activities on the Premises, which require the approval of the Grantee under the terms of this CR. Grantor shall also in the same manner notify the Grantee before allowing or undertaking any uses or activities which may significantly impair the conservation interests found within the Premises or are contrary to the purposes of this CR. Grantor shall submit to Grantee such plans and other information as Grantee shall reasonably require in order to determine whether the use or activity is consistent with the purposes of this CR. All communications in this regard should be mailed to:

Commissioner  
Department of Conservation and Recreation  
251 Causeway Street, Suite 600-900  
Boston, MA 02114

With respect to those activities or uses that require Grantee's approval, Grantee shall grant or withhold its approval in writing within sixty (60) days of receipt of Grantor's written request therefore. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purposes of this CR, or would materially impair the conservation interests to be protected by this CR.

**VI. REMEDIES; WAIVER:** The rights hereby granted shall include the right to enforce this CR by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that Grantee may have no adequate remedy at law), and shall be in addition to and not in limitation of any other rights and remedies available to Grantee.

This CR shall be enforced by Grantee in its sole discretion. Nothing herein shall impose upon the Grantee any affirmative obligation or liability relating to the condition of the Premises. Failure by the Grantee to enforce any provision or condition set forth herein, or to exercise any rights hereby conveyed, shall not constitute a release or waiver of any such right or condition.

**VII. COSTS AND TAXES; LIABILITY:** Grantor agrees to pay and discharge when and if due any and all real property taxes and other assessments levied by competent authority on the Premises.

**VIII. BINDING EFFECT; RELEASE; RECORDATION:** The burden of this CR shall run with

the Premises in perpetuity, and shall be enforceable against the Grantor and the Grantor's successors and assigns holding any interest in the Premises. This CR may only be released, in whole or in part, by the Grantee pursuant to the procedures established by Chapter 184, Section 32 of the General Laws, and in accordance with Article 97 of the Amendments to the Massachusetts Constitution.

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this CR. The Grantor, for itself and its successors and assigns, appoints the Grantee its attorney-in-fact, coupled with an interest, to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor agrees to execute any such instrument upon request.

**IX. ASSIGNMENT:** The benefits of this CR shall be in gross and shall not be assignable by the Grantee, its successors and assigns, unless the assignee is a "qualified organization" as defined in Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, including, without limitation, a government entity, provided that, as a condition of such assignment, the assignee is required to hold this CR and enforce its terms for conservation purposes. The Grantee shall notify the Grantors in writing at least thirty (30) days before it assigns this CR.

**X. SUBSEQUENT TRANSFERS:** The Grantor agrees to incorporate the terms of this CR, in full or by reference, in any deed or other legal instrument by which Grantor conveys or transfers any interest in all or a portion of the Premises, including without limitation, a leasehold interest. The Grantor shall notify the Grantee in writing at least thirty (30) days before conveying or transferring the Premises, or any part thereof or interest therein (including a lease).

**XI. EXTINGUISHMENT; EMINENT DOMAIN:** The Grantor and Grantee agree that the grant of this CR gives rise to a property right that vests immediately in the Grantee and which has a fair market value that is equal to the value by which the CR reduces, at the time of the grant, the value of the property as a whole. Such proportionate value of the Grantee's property right at the time of the grant shall remain constant.

Should this CR be extinguished over all or any portion of the Premises by judicial decree or by act of public authority, the Grantee shall be entitled to a portion of the proceeds equal to the proportionate value of the CR, subject, however, to any applicable law which expressly provides for a different disposition of proceeds. If the conservation interests protected hereby are unaffected by the taking, and the only interest taken by public authority is the Grantor's interest, and recovered proceeds are awarded on the basis of the value of the Premises as restricted by this CR, then the proceeds from such taking shall be payable in their entirety to Grantor.

Whenever all or any part of the Premises or any interest therein is taken by a public authority (other than The Commonwealth) under power of eminent domain, or if all or any part of this CR is extinguished by act of public authority (other than The Commonwealth), then the Grantor and Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. If the public authority is The Commonwealth, the Grantor and Grantee shall pursue their remedies separately.

**XII. AMENDMENT:** The parties to this CR may amended it by mutual written agreement, provided that such amendment does not have a material adverse effect on the conservation purposes of this CR and does not violate Article 97 of the Amendments to the Massachusetts Constitution. The Grantor and Grantee shall execute a written confirmation concluding that the amendment meets this criterion, explaining in detail the reasons for this conclusion. Any such amendment shall be recorded with the appropriate Registry of Deeds in Massachusetts.

**XIII. SEVERABILITY:** If any section or provision of this CR shall be held to be unenforceable by any court of competent jurisdiction, the CR shall be construed as though such section had not been included in it. If any section or provision of the CR shall be susceptible of two constructions, one of which would render such section or provision invalid, then such section or provision shall be given the construction that would render it valid. If any section or provision of this instrument is ambiguous, it shall be interpreted in accordance with the policies and provisions expressed in Chapter 184, Sections 31 - 33 and Chapter 132A of the General Laws.

**XIV. MISCELLANEOUS:**

- (1) This instrument does not purport to transfer a fee interest.
- (2) This CR is conveyed subject to matters of record at the Norfolk County Registry of Deeds.
- (3) The land restricted hereunder may not be used for purposes of calculating permissible building density of other unrestricted and adjacent land of Grantor, if any.

IN WITNESS WHEREOF, the said \_\_\_\_\_ has caused these presents to be signed, acknowledged and delivered on this 29 day of June, 2010, by

  
Grantors

**COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

On this 29 day of June, 2010, before me the undersigned notary public, personally appeared, Richard C. Kibby, proved to me through satisfactory evidence of identification, which was Driver's License (NH), to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed voluntarily for its stated purpose

  
Notary Public  
My Commission Expires:



GREGORY F. GALVIN  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
May 11, 2012

**EXHIBIT A**  
**(Legal Description)**

Property Owner: Richard C. Kibby  
Property Address: A parcel of Land situated off of Bridge Street, Weymouth, MA

A certain parcel of land situated off of Bridge Street, Weymouth, Norfolk County, Massachusetts, Containing, according to the plan cited below, forty eight thousand nine hundred (48,900) +/- square feet shown as Lot 1 on a plan of land entitled, "Subdivision of Land Bridge Street (Assessors Parcel 5-13-6) Weymouth, Massachusetts," Town Engineer: Andrew P. Fontaine, PE, prepared by James E. McGrath, PLS, dated ~~6~~21/2010, Scale: 1" = ~~40~~' , said plan having been recorded with the Norfolk County Registry of Deeds as Plan No. \_\_\_\_ in Plan Book \_\_\_\_, Page \_\_\_\_.

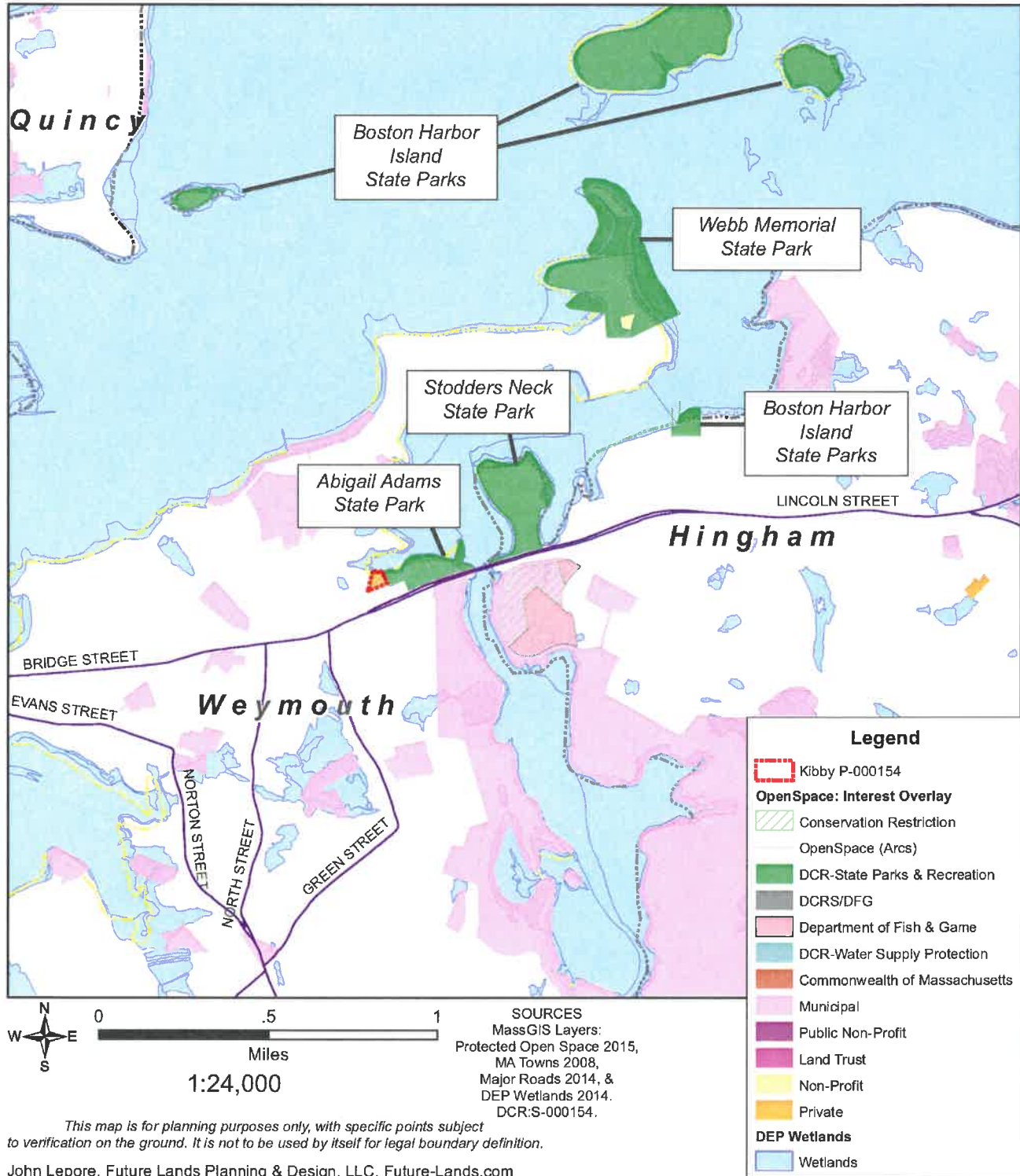
Together with any easements, rights of way and rights so far as now in force and applicable.

Being a portion of Parcel 2, a 1/3 interest having been conveyed to Richard C. Kibby by Deed of Richard C. Kibby, Jr. dated September 26, 2000 and recorded with the Norfolk County Registry of Deeds in Book 14517, Page 132. The other 2/3 interest having been inherited by said Richard C. Kibby, see Probate of Jessie K. Kibby, Norfolk Probate and Family Court, Docket No. 188625 and Probate of Mary F. Kibby, Norfolk Probate and Family Court, Docket No. 09P3100.

## Section II Maps

# LOCUS MAP

Restriction Name: Kibby Property  
Weymouth, MA  
Restriction ID: #P-000154  
1.3545 +/- acres





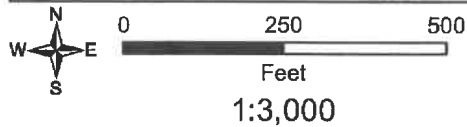
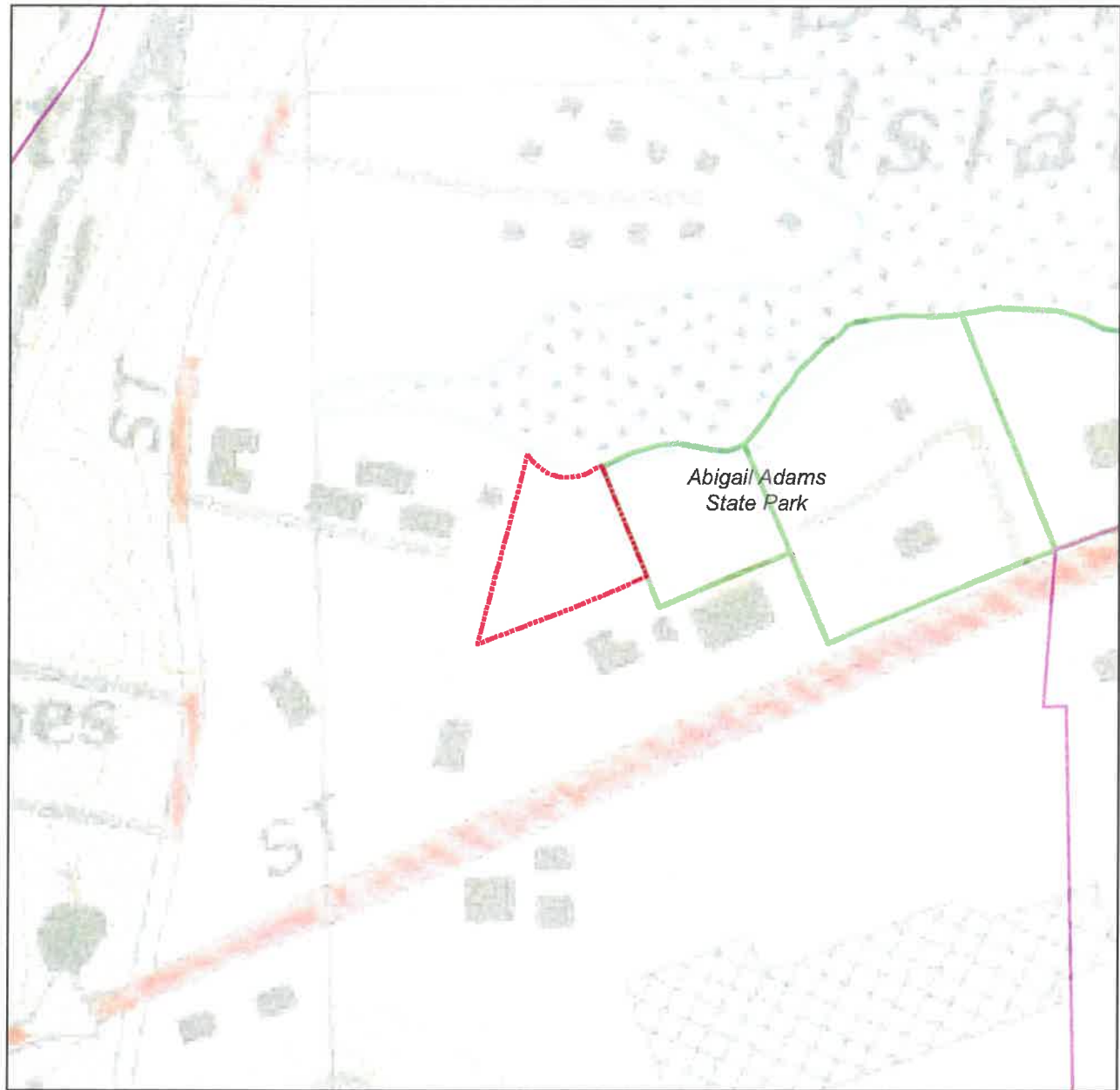
# USGS COLOR TOPO MAP

Restriction Name: Kibby Property

Weymouth, MA



Restriction ID: #P-000154

1.3545 +/- acres



SOURCES  
MassGIS Data Layers:  
Protected Open Space,  
& USGS Topo 2003.  
DCR S-000154.

## Legend

-  Kibby P-000154
-  DCRS
-  Municipal

*This map is for planning purposes only, with specific points subject to verification on the ground. It is not to be used by itself for legal boundary definition.*

John Lepore, Future Lands Planning & Design, LLC, Future-Lands.com

# COLOR ORTHOPHOTO MAP

Restriction Name: Kibby Property  
Weymouth, MA  
Restriction ID: #P-000154  
1.3545 +/- acres



0 250 500

Feet




1:3,000

## SOURCES

MassGIS Data Layers:  
USGS Color Ortho 2013-14  
& Protected Open Space

DCR S-000154

## Legend

-  Kibby P-000154
-  DCRS
-  Municipal

*This map is for planning purposes only, with specific points subject to verification on the ground. It is not to be used by itself for legal boundary definition.*

John Lepore, Future Lands Planning & Design, LLC, Future-Lands.com

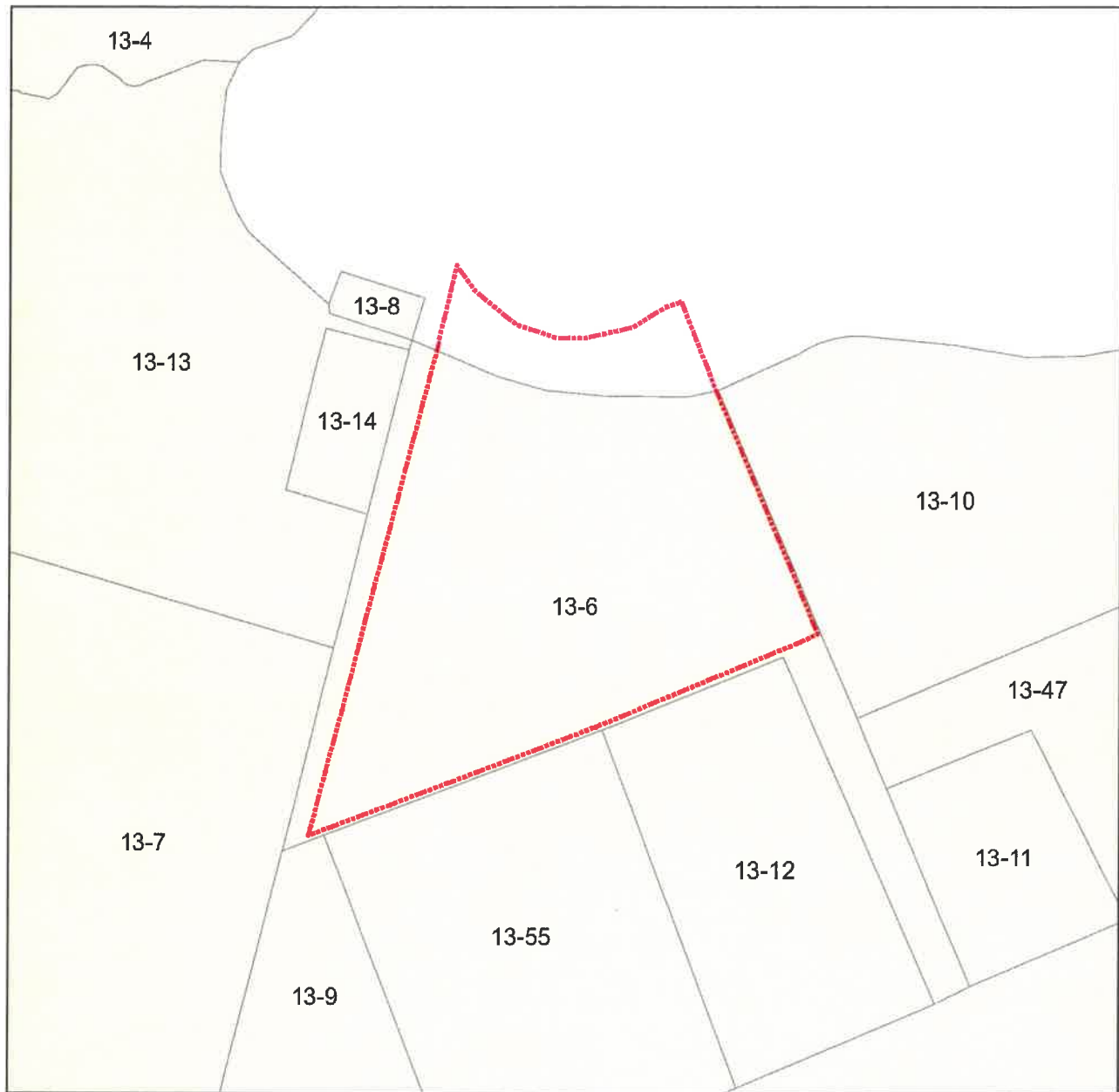
# ASSESSOR'S MAP

Restriction Name: Kibby Property

Weymouth, MA

Restriction ID: #P-000154

1.3545 +/- acres

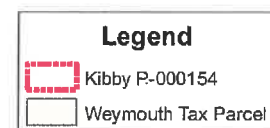


1:1,000

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John Lepore, Future Lands Planning & Design, LLC, Future-Lands.com

SOURCES  
MassGIS Data Layer:  
Weymouth Tax Parcel 2011.  
DCR S-0000154





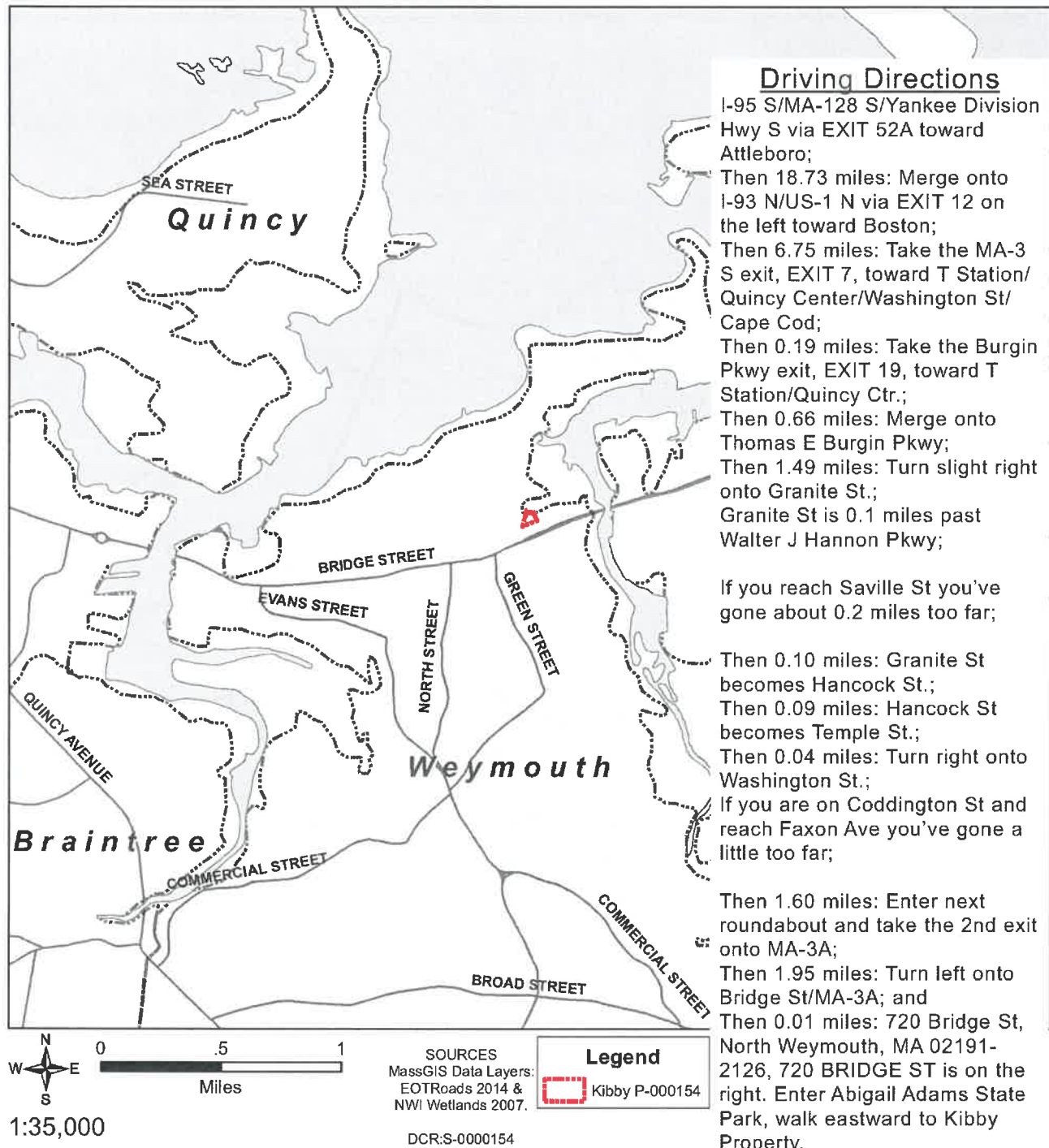
# DRIVING DIRECTIONS

Restriction Name: Kibby Property

Weymouth, MA

Restriction ID: #P-000154

1.3545 +/- acres



This map is for planning purposes only, with specific points subject to verification on the ground. It is not to be used by itself for legal boundary definition.

John Lepore, Future Lands Planning & Design, LLC, Future-Lands.com

Source for distances: Mapquest

## Survey Map



TOWN ENGINEER: ANDREW P. FONTA  
PREPARED BY: JAMES E. MCGRATH,  
DATE: 6/21/2010  
SCALE: 1" = 40'  
KIBBY FORM A.dwg

SUBDIVISION OF LAND  
BRIDGE STREET (ASSESSORS PARCEL 5-13-6)  
WEYMOUTH, MASSACHUSETTS

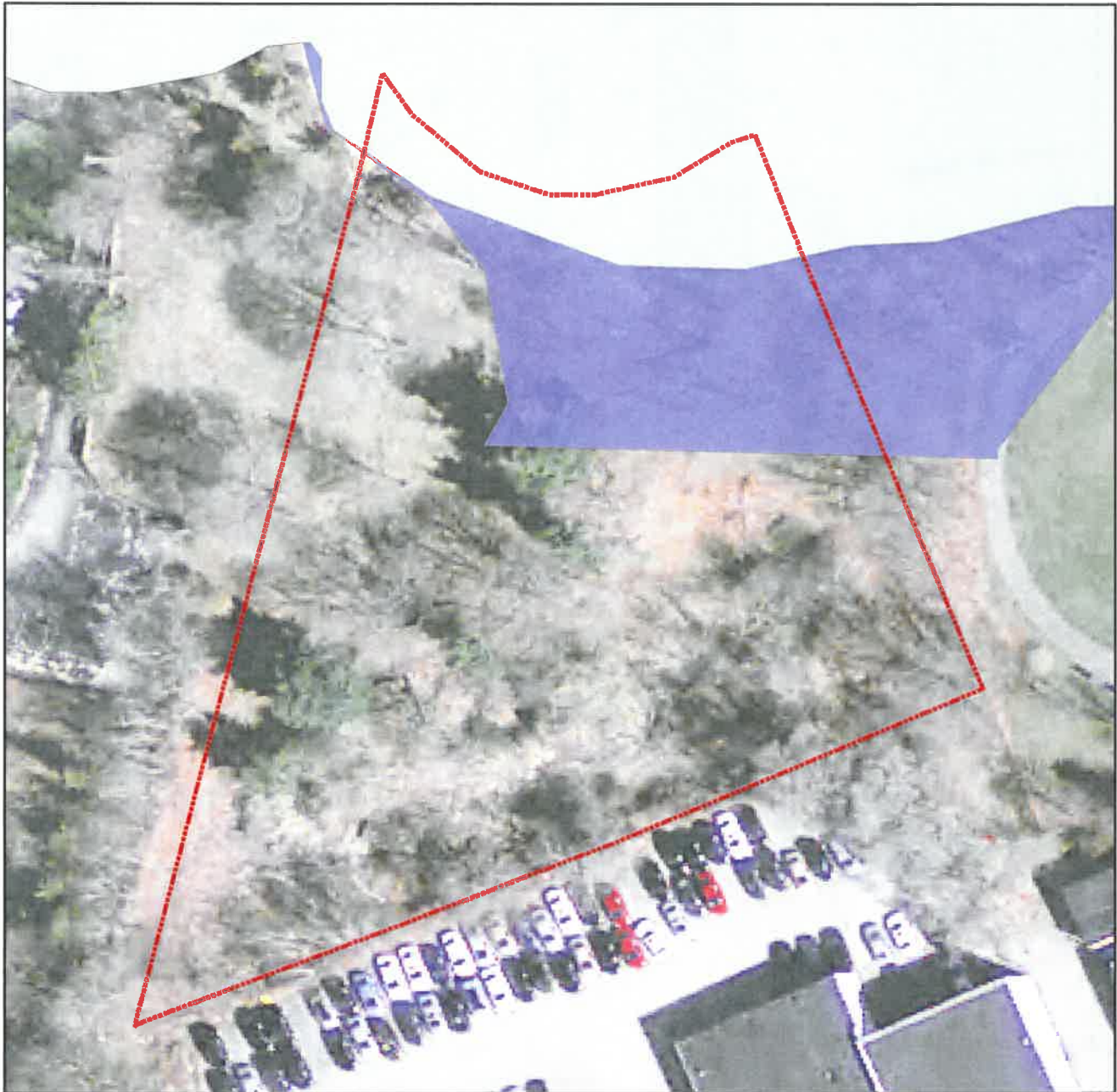
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION  
TOWN OF WEYMOUTH



# RESOURCE MAP

Restriction Name: Kibby Property  
Weymouth, MA

Restriction ID: #P-000154  
1.3545 +/- acres






0 50 100  
Feet  
1:600

SOURCES  
MassGIS Data Layers:  
BioMap 2011 &  
USGS Ortho 2013-14,

DCR: S-000154

## Legend

-  Kibby P-000154
-  BM2\_CH\_AQUATIC\_CORE
-  Upland Buffer of Aq. Core

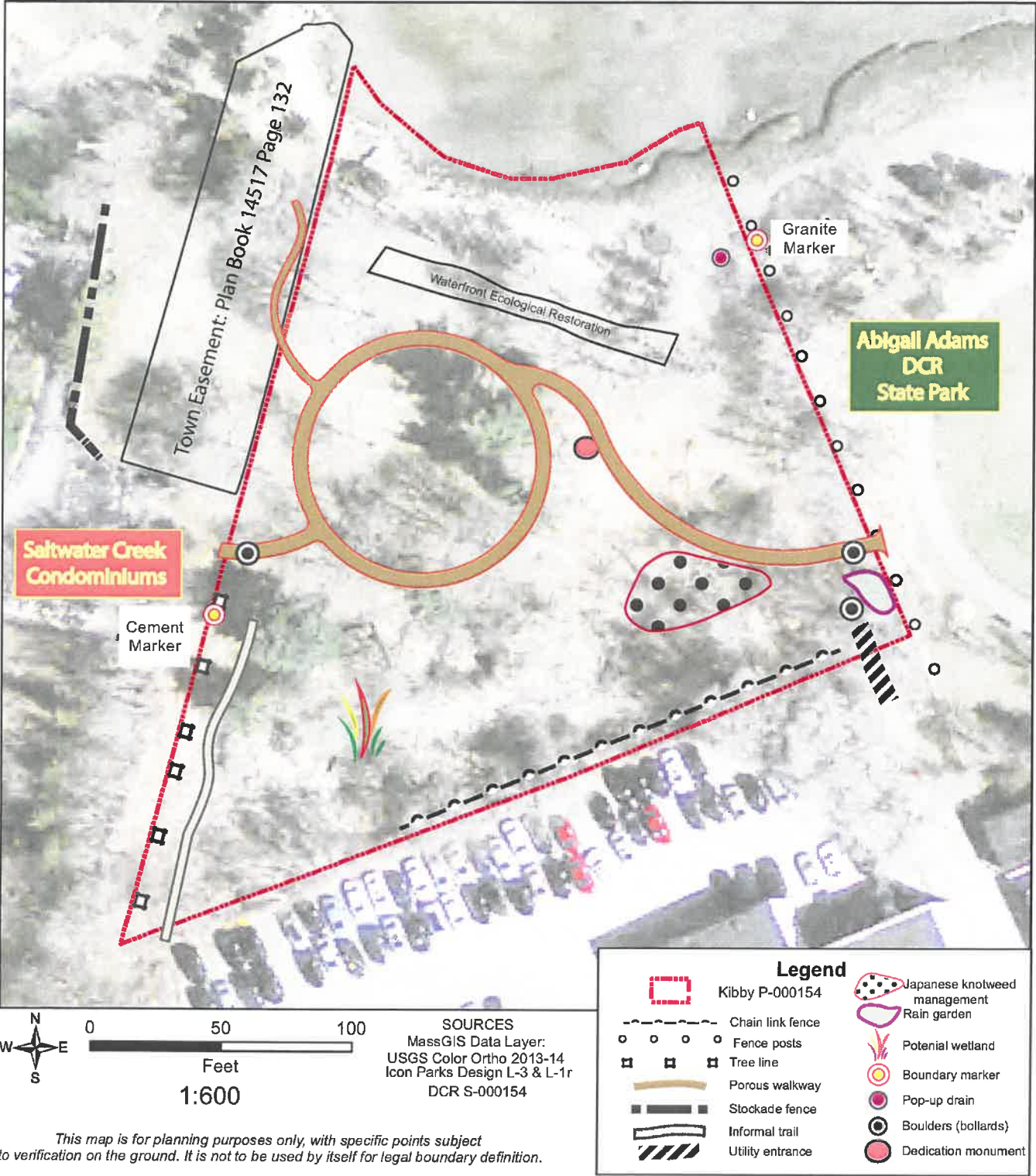
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John Lepore, Future Lands Planning & Design, LLC, Future-Lands.com



# MONITORING MAP

Restriction Name: Kibby Property  
Weymouth, MA  
Restriction ID: #P-000154  
1.3545 +/- acres



### Section III: Site Visit Report



**Part A: General Information****Date of inspection:** 10/05/2016**Time spent on property:** 2 hours,**Who was present on the site visit? What was their association with the property?**

Kate S. Marshall, Town of Weymouth Community Development Planner, unexpectedly arrived with the Town's fire chief, Keith Stark, about one hour after the DCR contracted inspector, John Lepore, began walking the site.

<b>Questions for the landowner/representative:</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Have there been any changes on the property since the Restriction was recorded?	√		
Do you plan to make any changes on the property in the near future?		√	
Are you aware of any encroachments on your property?		√	
Do you have any questions regarding the Restriction on your land?		√	
If public access is allowed under terms of the Restriction, have you encountered any difficulties?		√	

**Describe when the landowner questions were asked:**

We had a brief discussion at the site on the day of my inspection, but since Kate was there for another purpose, we agreed to talk over the phone at a later time. During our discussion on Thursday, October 13, 2016, we talked about the design and implementation process. The Town worked with Rick Corsi, DCR Senior Planner, and John Ryther, LA, Icon Park Designs, to develop a comprehensive oceanfront ecological restoration plan and park design for the Kippy Property (KP).

**Comments on any of the landowner's answers to the above questions or any other questions or concerns the landowner had:**

After the CR closing in June 2010, a dilapidated and abandoned home on the site was removed with the Town's Community Development Fund (CDF). This funding also supported contracts with the landscape architect firm, Icon Park Designs, and DanDel Construction, the local landscaper.

Owners of the adjoining Saltwater Creek Condominiums on the west side of the park expressed concern that the park would draw automobile traffic to their quiet setting. As a result, the Town responded by agreeing to keep the Town-owned easement between KP and the condominiums as part of the park, if Saltwater Creek would be willing to allow 'soft' access - by foot - through their parking lot next to the KP. A favorable agreement was reached.

The Town worked with Rick Corsi, DCR Senior Planner, and John Ryther, LA, Icon Park Designs, to develop a comprehensive oceanfront ecological restoration plan and park design for the Kibby Property (KP).

The restoration and planting was near completion in May 2016. However, this year's drought destroyed most of the new vegetation. Plants were re-installed in the late summer/early fall in preparation for a dedication ceremony in October 2016.

The Town and DCR have an agreement that once the site's planting is completed, DCR will take over maintenance and management as part of the adjoining Abigail Adams State Park. <sup>1 & 4</sup>

**Part B: Current Property Conditions**

Note: This section may summarize some provisions of the Restriction. The entire Restriction must be read in order to understand its terms.

**1 Conditions of the property relevant to the Restriction Purposes:**

The purposes of the Conservation Restriction (CR) are to:

- Retain the Premises in its natural, scenic and open condition;
- Protect and Promote the conservation of forests, soils, natural watercourses, ponds, water supplies and wildlife;
- Protect the horticultural and natural resources of the Premises;
- Enhance the value of the adjacent and nearby conservation areas; and
- Allow public access for passive recreational use and enjoyment of the wildlife and open spaces.

The KP is nestled on the tidal bay waters (WP-photo 015-32 and 014-30) to the west of Abigail Adams DCR State Park (AASP) which is the northernmost access to the Weymouth Back River Trail. To the west a quiet condominium sits (WP-photo 011-21 and 012-24). Access to the KP is gained through AASP by foot ( WP-photos 001-1 and 001-2). AASP is located on Route 3A/ Bridge Street. Businesses abut the KP's south boundary (WP-photo 007-14) with blocked utility access. The property line follows the boundary between the KP and AASP (WP-002-3 and 015-33).

Exotic invasive Phragmites and Japanese bittersweet thrive in and around a potential wetland near the site's SW boundary (WP-photo 005-11 & 006-12). However, the inspection took place at the end of a summer drought and there was no standing water. Hydric soils would need to be sampled to verify the area's wetland status.

The site's natural features have been enhanced with a sinuous, permeable-pavement walkway and strategically placed park benches for visitors along the waterfront (WP-photos 013-27 and 013-28). Native plants are restoring the site (WP-photo 004-8, 014-29, and 015-32) except in a small dedication area where horticultural species grow (WP-photo 014-31 and 018-38). Discrete and appropriate stormwater drainage has been installed (WP-photo 017-37). The southern half of the site is mostly wild and native. Small areas of trash litter the south boundary fence (WP-photo 004-7). The oceanside of KP is warm and inviting (WP-photo 016-36 and 015-34).

**2. Conditions of the property relevant to the Restriction's Prohibited and Permitted Uses:****Section II Prohibited Activities**

- (A) There were no other building's observed on the inspector's route through the property.
- (B) There were no signs of dumping, storage of equipment, mobile homes, automobile vehicles or parts, hazardous waste or storage tanks on the premises observed on the inspector's route through the property. Along the south east fence line trash was discovered. It appeared to have been dumped years ago and is not a recent accumulation. Based on the conditions observed by the inspector during the site visit, the property appears to be consistent with the purposes of the CR.
- (C) It was necessary for the Town to excavate between 10 to 15 cubic yards of soil containing Japanese knotweed near a planned walkway close to the entrance of AASP. <sup>1,3</sup> A WPA Form 1, 'Notice of Intent of Applicability'(NOI), was filed 07/10/2015, with the Conservation Commission by Jim Clark, Weymouth Department of Planning and Community Development, in order to accomplish this. At the time of this report, written communication with DCR about this effort was unavailable. However, the DCR was involved in the planning of site alterations.
- (D) Trees were pruned, unsightly debris removed and native plants were installed to enhance and improve the site's visitor experience. <sup>1,3</sup> At the time of this report, written communication with the State Forested about this effort was unavailable.
- (E) Other than soil removed [explained in item (C)], which might have required heavy excavation equipment, the inspector saw no signs of heavy motorized or power driven vehicles on the site. In fact, on the day of the inspection, the landscape crew used wheel barrows to transport plants onto the site from the utility access blocked by large boulders on the SE corner.
- (F) Commercial or industrial uses on the site were not observed on the inspector's route through the property. Based on the conditions observed by the inspector during the site visit, the property conditions appear to be consistent with the purposes of the CR .
- (G) Herbicides were applied to eradicate the Japanese Knotweed near the KP/ AASP entrance based on an application schedule attached to the NOI. <sup>1,3</sup> There were no containers of agricultural chemicals observed by the inspector on his route through the property. Based on the conditions observed by the inspector during the site visit, the property conditions appear to be consistent with the purposes of the CR.
- (H) At the time of the inspection the landscaper was installing horticultural plants around the dedication monument in the east-central portion of the site (WP-photo 018-38, 014-31). Some may not have been native species, such as chrysanthemums, but none appeared to be on the Massachusetts Invasive Plant List.
- (I) There did not appear to be any signs of property subdivision on the inspector's route through the property. Based on the conditions observed by the inspector during the site visit, the property conditions appear to be consistent with the purposes of the CRs.
- (J) Using a native plant rain garden, porous asphalt walkways and limiting mowing to three feet on each side of walkway. On the day of the visit, the inspector asked

the landscapers about the green disk in the NW corner of the site. They explained that additional subterranean drainage had been added (WP-photo 017-37). At the time of this report, written communication with DCR about this was unavailable. However, the DCR was involved in the planning of site alterations.

- (K) Based on the inspector's route through the site, all conservation interests on the Premises appear be consistent with the purposes of the CR.

#### Section III Permitted Activities

- (A) Other than the landscapers and Town Officials there were no other visitors on the site during the inspection. Based on observations on the inspector's route through the property, passive recreation appears to be consistent with the best practices and the purposes of the CR.
- (B) Since documentation about the site's original condition is not available at the time of this report, it is difficult to determine if the maintenance and use of existing trails meet the purposes of the CR.
- (C) The one major walkway through the site's center and fences and stone barriers appear to be consistent with the purposes of the CR on the day of the inspection (WP-photos 014-29, 016-35, 013-27, 012-24, 002-3 and 003-6). One user created trail remains on the southwest boundary (WP-photo 008-16). Pursuant to Article V in the CR, at the time of this report, written communication with DCR about this was unavailable. However, the DCR was involved in the planning of site alterations.
- (D) A sign has been placed at the entrance from AASP (WP-photo 001-10). Another sign indicating that the exit to the west traverses the private property of the condominium is also posted (WP-photo 011-21). There were no signs at the utility entrance on the SE side at the time of the inspection (WP-photo 004-8 and 002-3).
- (E) The Town consulted with Rick Corsi, DCR Senior Planner, to plan planting and manage the site. Exotic invasive plants located near the main KP/AASP entrance along the future walkway came under the purview of the Weymouth Conservation Commission. <sup>2</sup> Documentation supporting the work with DCR was unavailable at the time this report was written.
- (F) The Town consulted with Rick Corsi, DCR Senior Planner, in plan pruning and tree removal. <sup>2</sup> Documentation supporting the work with DCR was unavailable at the time this report was written.
- (G) Based on observations on the inspector's route through the property, archaeological investigations and activities as detailed in the CR were not occurring and appear to be consistent with the purposes of the CR.

#### Section V. Notice by Grantor

Written notification to the DCR Commissioner for the changes described in Section II Prohibited Activities as required by the CR were unavailable at the time of this report.

**3. Conditions of the Property relevant to public use:**

Section III (A) of the CR allows for use of the premises by the general public for passive recreational activities. At the time of the inspection On Wednesday , 10/05/2016 at 8:30 AM visitors were at the neighboring AASP. The only people at the site were the landscapers and a brief visit from the Town's Fire Chief, Kate Marshall, Community Development Planner and DanDel Construction workers.

A significant part of the CR's purpose is to promote passive recreation. The site's natural features have been enhanced with a sinuous permeable pavement walkway, strategic pruning of trees, debris removal, and well-placed park benches that offer both a pleasant walk and places to sit for visitors along the water front (WP-photos 013-27 and 013-28). <sup>1</sup> It is a welcoming destination.

**4. Additional remarks regarding the present condition of the property:**

A potential wetland exists on this property. In addition to wetland vegetation that was largely unrecognizable due to drought conditions, phragmites and Japanese bittersweet were found ((WP-photo 005-11 & 006-12). These were left unmentioned and untreated during the Ecological Restoration on 07/2015 when the NOI was filed with the Conservation Commission stating: 'The eradication of invasive species with the exception of the knotweed previously mentioned, will follow the DCR's approach taken at the Abigail Adams State Park.' <sup>1</sup>

An area along the south boundary parallel to Bridge Street had become a 'dumping ground for a variety of materials (WP-photo 004-7). This area has been mostly, but not entirely cleared at the time of the inspection. Large boulders prevent further dumping instead of timber bollards as planned. <sup>1</sup>

**5. Recommended areas to note on future monitoring visits:**

- The invasive plants described in item #4;
- Trash along the south fence line paralleling Bridge Street; and
- The potential wetland at waypoint #006.

**Part C: Boundary Conditions****1. Did the boundaries on the ground match the property boundary GIS shapefile provided by the Agency? If not, how did you locate the property boundary?**

Yes.

**2. Are portions of the property that are excluded from the Restriction marked or otherwise evident on the ground?**

There are no portions of the property that are excluded from the CR.

**3. Describe the condition of the boundary markings at all other points (i.e. stone wall, flagged, signed, unmarked):**

Beginning at the entrance from AASP, newly installed steel fence posts delineate the boundary between the two parks (WP\_photo 001-1, 002-3, 004-8 and 005-5). Large boulders mark the entrance.

On the east end of the south boundary a chain linked fence separates the abutter from the park (WP 003-6) but does not continue to the west corner (WP-photo 0010-20). No corner markers exist, however, and an old fence with chicken wire, along with a defined tree line, delineate the west boundary (WP-photo 010-19). A cement marker with surveyor flagging sits along the old fence line (WP-photo 009-19). Two large boulders mark the 'soft' entrance from the neighboring condominium on the west (WP-photos 012-24 and 011-21).

Continuing along the west boundary northward, a deteriorated wooden fence identifies the edge of the Town's easement and the Saltwater Creek Condominiums (WP-photo 012-25 and Wicked Local Weymouth News 10/14/2016).

Continuing north on the west boundary, the waterfront identifies the northerly boundary (WP-photos 014-30, 015-32, and 015-34). A granite boundary marker on the northeast boundary along the fence separating AASP and the KP (WP-photo 016-35). Adjacent to the visitor's entrance between the two parks is a utility entrance which is blocked by large boulders (WP-photos 002-3 and 004-8).

No boundary markers are listed on the site's survey (Weymouth DPW, Norfolk Registry of Deeds, Book 600, Page 78).

**4. Describe the use of abutting properties, focusing on uses close to the boundary line:**

Saltwater Creek Condominiums (WP-photo 012-25) abuts the property to the west. To the south, two businesses sit between the Kippy Property and Bridge St. (WP-photo 010-20). The waterfront defines the north boundary and AASP is located to the east.

**5. Any other comments on boundaries?**

Only two boundary markers were found on the site (WP-photo 009-18 and 016-35).

**References**

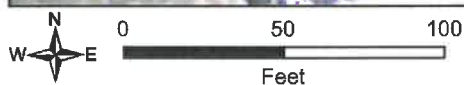
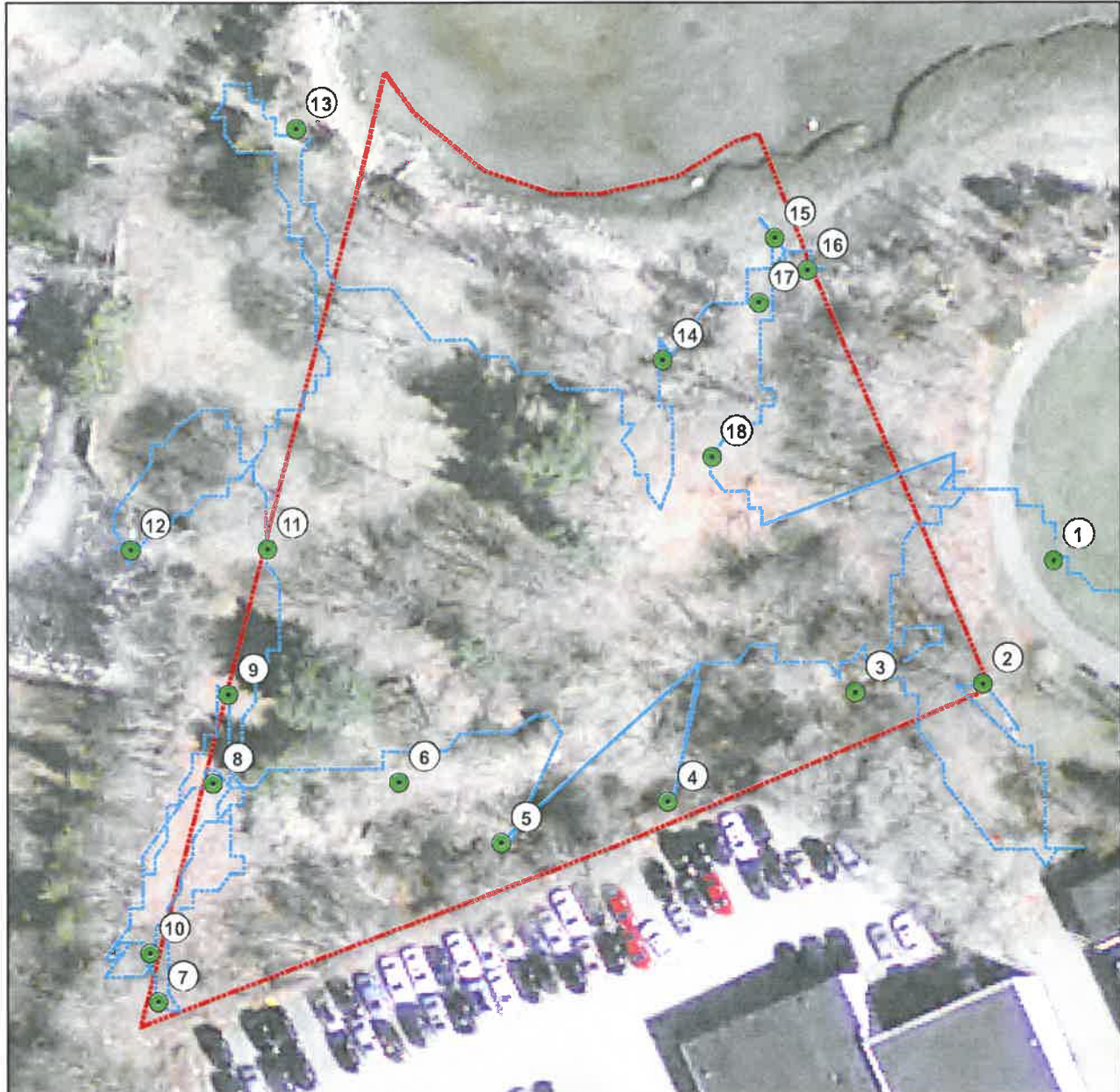
1. Improvements to the Kibby Property, Weymouth, MA by John Rather, LA, 07/2015.
2. Icon Park Designs, Site Plan 'Existing Conditions, Demolition Plan and Add Alterations,' L-1r; see Section 5 Appendix.
3. Personal correspondence and electronic plans from John Ryther, Icon Park Design, 10/17/2016.
4. Personal phone interview, Kate S. Marshall, Town of Weymouth Community Development Planner, 10/16/2016



## Section IV Waypoints & Photographs

# TRACK & WAY POINTS

Restriction Name: Kibby Property  
Weymouth, MA  
Restriction ID: #P-000154  
1.3545 +/- acres



1:600

*This map is for planning purposes only, with specific points subject to verification on the ground. It is not to be used by itself for legal boundary definition.*

John Lepore, Future Lands Planning & Design, LLC, Future-Lands.com

SOURCES  
MassGIS Layer:  
USGS Ortho 2013-14.  
DCR:P000154  
Visitation Date:  
10/05/2016

## Legend



WP

Track



Kibby P-000154

# Table of Waypoints & Photographs

Camera /Make Model:		Apple iPad 3rd Generation (WiFi/Cellular/ VerizonGPS 64GB)			GIS Program: GIS Kit, Garafa, LLC	
Photo Resolutions(Pixels):		5 Megapixels			GPS: DeLorme inReach AG 008727-201	
Photographer:		John Lepore			GPS/Operator: John Lepore	
Date	Waypoint Number	Photo Number	Photo File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	001	1	IMG_5478	Entrance to Kibby Property	NW	Property entrance and sign; CR to left, standing in Abigail Adams State Park (AASP)
10/05/2016	001	2	IMG_5479	Entrance to Kibby Property	E	Pan of adjacent state park; CR to behind, standing in Abigail Adams State Park
10/05/2016	002	3	IMG_5480	SSE Utility entrance to property	S	Paved utility entrance blocked by boulders; replacement nursery trees (far), annuals near on left; Standing in CR
10/05/2016	002	4	IMG_5481	SSE Utility entrance to property	W	Permeable pavement, newly installed garden and memorial stone ahead, added fill to left and right; on CR
10/05/2016	002	5	IMG_5482	SSE Utility entrance to property	N	Steel post, possible S boundary marker marking; on CR
10/05/2016	003	6	IMG_5483	SE boundary	N	New fence possibly marking E adjacent to AASP boundary; on CR
10/05/2016	004	7	IMG_5484	SE boundary	SW	Steel post, possibly S boundary marker and litter; on CR
10/05/2016	004	8	IMG_5485	SE boundary	N	Native nursery plants replacing one destroyed by summer drought and entrance to AASF; on CR's walkway
10/05/2016	005	9	IMG_5486	SE boundary	E	Back shot toward WP 4 on CR, old fence missing, no posts; IP multiflora rose (MR)
10/05/2016	005	10	IMG_5487	SE boundary	SW	Fore shot in CR near boundary line, IP Japanese Knotweed (JN) in background
10/05/2016	005	11	IMG_5488	SE boundary	SW	Desiccated wetland from drought on CR; IP Phragmites in background
10/05/2016	006	12	IMG_5489	SW portion	S	Desiccated wetland from drought on CR; IP Phragmites in foreground with IP Japanese bittersweet (Jb) in background
10/05/2016	006	13	IMG_5490	SW portion	N	Pan of central park-like area in CR facing river
10/05/2016	007	14	IMG_5491	SW corner	SE	Near corner of CR facing abutter, IP JB overgrowth; boundary markers not visible
10/05/2016	007	15	IMG_5492	SW corner	NE	Near corner of CR, IP JB overgrowth; boundary markers not visible
10/05/2016	008	16	IMG_5493	W boundary line	N	Informal overgrown path from abutter along boundary line in CR
10/05/2016	008	17	IMG_5494	W boundary line	S	Back shot along informal overgrown path along boundary line in CR
10/05/2016	009	18	IMG_5495	W boundary line	N	Cement marker (CM) along old collapsed wooden fence inside CR
10/05/2016	010	19	IMG_5496	W boundary line	N	Old collapsed wooden fence with chicken wire and tree line delineating an old boundary inside CR

Camera /Make Model:	Apple iPad 3rd Generation (WiFi/Cellular/ VerizonGPS 64GB)			GIS Program: GIS Kit, Garafa, LLC	
Photo Resolutions(Pixels):	5 Megapixels			GPS: DeLorme inReach AG 008727-201	
Photographer:	John Lepore			GPS/Operator: John Lepore	
10/05/2016	010	20	IMG_5487	W boundary near SW corner	SE Back shot along possible boundary to abutter inside CR
10/05/2016	011	21	IMG_5498	W boundary line, midway	W West entrance to abutter inside CR on permeable pavement walkway; note fence as a boundary for Weymouth/ abutter easement beyond CR's boundary
10/05/2016	011	22	IMG_5499	W boundary line, midway	N Pan to waterfront in CR; left portion is abutter/Weymouth easement; right half is approximate CR boundary
10/05/2016	011	23	IMG_5500	W boundary line, midway	E Permeable pavement walkway into CR parklike landscape view; note bare soil from spring planting followed by summer drought
10/05/2016	012	24	IMG_5501	Outside W boundary	W Outside CR, condo to rear looking in
10/05/2016	012	25	IMG_5502	Outside W boundary	NE Outside CR, abutter/Weymouth easement delineated by fence on left
10/05/2016	013	26	IMG_5503	Outside W boundary near waterfront	N Outside CR on easement viewing old pier
10/05/2016	013	27	IMG_5504	Outside W boundary near waterfront	S Outside CR; new permeable walkway; not recent replanting of native shrubs and trees
10/05/2016	013	28	IMG_5505	Outside W boundary near waterfront	SW Outside CR, in easement; new park bench
10/05/2016	014	29	IMG_5506	NE portion of site	W Inside CR, near waterfront; recent plantings, new park benches, silt barrier in place from recent renovations
10/05/2016	014	30	IMG_5507	NE portion of site	E Inside CR, along shoreline
10/05/2016	014	31	IMG_5508	NE portion of site	SE Inside CR, dedication stone and horticultural garden during installation near WP 018
10/05/2016	015	32	IMG_5509	Near NE boundary line	W Inside CR, waterfront to easement pier
10/05/2016	015	33	IMG_5510	Near NE boundary line	S Inside CR, below seasonal high water mark; note utility entrance at left opening with two parked nursery trucks
10/05/2016	015	34	IMG_5511	Near NE boundary line	E Inside CR, below seasonal high water mark
10/05/2016	016	35	IMG_5512	Near NE boundary line	S On CR boundary line, granite marker (SM) at bottom along fence line separating AASP from CR
10/05/2016	016	36	IMG_5513	Near NE boundary line	W On CR along seasonal high water mark
10/05/2016	017	37	IMG_5514	Near NE boundary line	S Inside CR; foreground, green disc is popup stormwater drain; bare soil is partly imported fill; planted in spring and failed from droughty summer conditions; utility entrant in upper left; horticultural garden installation on upper right.
10/05/2016	018	38	IMG_5515	Midway along NE boundary, 1/4 west across property	SW At horticultural garden inside CR; new dedication stone





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	001	1	IMG_5478	Entrance to Kibby Property	NW	Property entrance and sign; CR to left, standing in Abigail Adams State Park (AASP)



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	001	2	IMG_5479	Entrance to Kibby Property	E	Pan of adjacent state park; CR to behind, standing in Abigail Adams State Park



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	002	3	IMG_5480	SSE Utility entrance to property	S	Paved utility entrance blocked by boulders; replacement nursery trees (far), annuals near on left; Standing in CR



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	002	4	IMG_5481	SSE Utility entrance to property	W	Permeable pavement, newly installed garden and memorial stone ahead, added fill to left and right; on CR





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	002	5	IMG_5482	SSE Utility entrance to property	N	Steel post, possible S boundary marker marking; on CR



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	003	6	IMG_5483	SE boundary	N	New fence possibly marking E adjacent to AASP boundary; on CR





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	004	7	IMG_5484	SE boundary	SW	Steel post, possibly S boundary marker and litter; on CR



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	004	8	IMG_5485	SE boundary	N	Native nursery plants replacing one destroyed by summer drought and entrance to AASF; on CR's walkway





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	005	9	IMG_5486	SE boundary	E	Back shot toward WP 4 on CR, old fence missing, no posts; IP multiflora rose (MR)



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	005	10	IMG_5487	SE boundary	SW	Fore shot in CR near boundary line, IP Japanese Knotweed (JN) in back-ground





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	005	11	IMG_5488	SE boundary	SW	Desiccated wetland from drought on CR; IP Phragmites in background



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	006	12	IMG_5489	SW portion	S	Desiccated wetland from drought on CR; IP Phragmites in foreground with IP Japanese bittersweet (Jb) in background





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	006	13	IMG_5490	SW portion	N	Pan of central park-like area in CR facing river



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	007	14	IMG_5491	SW corner	SE	Near corner of CR facing abutter, IP JB overgrowth; boundary markers not visible





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	007	15	IMG_5492	SW corner	NE	Near corner of CR, IP JB overgrowth; boundary markers not visible



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	008	16	IMG_5493	W boundary line	N	Informal overgrown path from abutter along boundary line in CR





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	008	17	IMG_5494	W boundary line	S	Back shot along informal overgrown path along boundary line in CR



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	009	18	IMG_5495	W boundary line	N	Cement marker (CM) along old collapsed wooden fence inside CR





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	010	19	IMG_5496	W boundary line	N	Old collapsed wooden fence with chicken wire and tree line delineating an old boundary inside CR



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	010	20	IMG_5497	W boundary near SW corner	SE	Back shot along possible boundary to abutter inside CR





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	011	21	IMG_5498	W boundary line, midway	W	West entrance to abutter inside CR on permeable pavement walkway; note fence as a boundary for Weymouth/abutter easement beyond CR's boundary



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	011	22	IMG_5499	W boundary line, midway	N	Pan to waterfront in CR; left portion is abutter/Weymouth easement; right half is approximate CR boundary



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	011	23	IMG_5500	W boundary line, midway	E	Permeable pavement walkway into CR parklike landscape view; note bare soil from spring planting followed by summer drought



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	012	24	IMG_5501	Outside W boundary	W	Outside CR, condo to rear looking in





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	012	25	IMG_5502	Outside W boundary	NE	Outside CR, abutter/Weymouth easement delineated by fence on left



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	013	26	IMG_5503	Outside W boundary near waterfront	N	Outside CR on easement viewing old pier





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	013	27	IMG_5504	Outside W boundary near waterfront	S	Outside CR; new permeable walkway; not recent replanting of native shrubs and trees



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	013	28	IMG_5505	Outside W boundary near waterfront	SW	Outside CR, in easement; new park bench





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	014	29	IMG_5506	NE portion of site	W	Inside CR, near waterfront; recent plantings, new park benches, silt barrier in place from recent renovations



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	014	30	IMG_5507	NE portion of site	E	Inside CR, along shoreline



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	014	31	IMG_5508	NE portion of site	SE	Inside CR, dedication stone and horticultural garden during installation near WP 018



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	015	32	IMG_5509	Near NE boundary line	W	Inside CR, waterfront to easement pier





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	015	33	IMG_5510	Near NE boundary line	S	Inside CR, below seasonal high water mark; note utility entrance at left opening with two parked nursery trucks



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	015	34	IMG_5511	Near NE boundary line	E	Inside CR, below seasonal high water mark





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	016	35	IMG_5512	Near NE boundary line	S	On CR boundary line, granite marker (SM) at bottom along fence line separating AASP from CR



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	016	36	IMG_5513	Near NE boundary line	W	On CR along seasonal high water mark





Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	017	37	IMG_5514	Near NE boundary line	S	Inside CR; foreground, green disc is popup storm-water drain; bare soil is partly imported fill, planted in spring and failed from droughty summer conditions; utility entrant in upper left; horticultural garden installation on upper right.



Date	Waypoint #	Photo #	JPEG File Number	Location Description	Cardinal Direction	Description of Photo Subject
10/05/2016	018	38	IMG_5515	Midway along NE boundary, 1/4 west across property	SW	At horticultural garden inside CR; new dedication stone

## Section V: Affidavit



## BASELINE PREPARER AFFIDAVIT

The undersigned hereby certifies 1) that acting in my capacity as a contractor for Department of Conservation & Recreation, I prepared the accompanying Baseline Documentation Report dated 10/05/2016 describing the Kippy Property located in Weymouth 2) that the Report describes and documents the natural and other resources of the Property protected under a Conservation Restriction recorded in the Norfolk County Registry of Deeds in Book 27789, Page 329 on 6/29/2010, and 3) that based on all the information cited in said Report and to the best of my knowledge and belief, the Report is an accurate representation of the Property and its condition as of the date of the Report.

Notwithstanding the above, the undersigned agrees that the conditions documented in the Report do not necessarily constitute the entirety of conditions of the Property allowed or required by the Conservation Restriction, and that Department of Conservation & Recreation in no way waives any rights, in law or equity, to enforce any provisions of the Conservation Restriction, whether or not directly addressed in this Report.


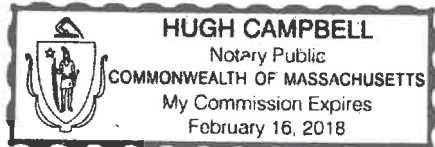
Signed and sealed under the pains and penalties of perjury this 26 day of Oct, 2016

By: John C Lepore, Future Lands Designs, LLC



On this 26 day of October, 2016, before me, the undersigned notary public, personally appeared John Lepore, proved to me through satisfactory evidence of identification, which were driver license, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of [his/her] knowledge and belief.

SEAL

  
Signature of Notary Public

Printed name of Notary Public Hugh Campbell

My Commission expires: 2/16/18

BASELINE PHOTOGRAPHER AFFIDAVIT

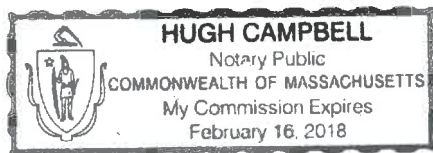
The undersigned hereby certifies that acting in my capacity as contractor for Department of Conservation & Recreation, on 10/05/2016 I visited the Kibby Property located in Weymouth and took documentary ground photographs ("the Photographs"), with photo file names, IMG\_5478 through IMG\_5515 , and 2) that the Photographs, attached hereto, together with accompanying descriptions, List of Waypoints and Documentary Photographs, and Waypoints and Route Map, fairly and accurately depict the property as it appeared on the date the photographs were taken.

Signed and sealed under the pains and penalties of perjury this 26 day of Oct, 2016

By: John C Lepore, Future Lands Designs, LLC

On this 26 day of October, 2016, before me, the undersigned notary public, personally appeared John Lepore proved to me through satisfactory evidence of identification, which were driver's license, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of [his/her] knowledge and belief.

SEAL



[Signature]  
Signature of Notary Public  
Hugh Campbell  
Printed name of Notary Public  
My Commission expires: 2/16/18

## ACKNOWLEDGMENT OF BASELINE CONDITIONS

The undersigned, being the grantor owners of the Kippy Property located in Weymouth, subject to a Conservation Restriction recorded in the the Norfolk County Registry of Deeds in Book 27789, Page 329 on 06/29/2010 hereby certify to Department of Conservation and Recreation that the accompanying Baseline Documentation Report, dated 10/05/2016 is, to the best of our knowledge and belief, an accurate representation of the Property and its condition on this date.

Notwithstanding the above, the undersigned agree that the conditions documented in said Report do not necessarily constitute the entirety of conditions of the Property allowed or required by the Conservation Restriction and that Department of Conservation and Recreation in no way waives any rights, in law or equity, to enforce any provisions of the Conservation Restriction, whether or not directly addressed in this Report.

Executed under seal this 6 day of March 2017

By: 

Signature of Grantor

ROBERT J. LUONGO  
Print Name DIRECTOR OF PLANNING  
WEYMOUTH, MA

Acknowledged by:  
Agency Name

By: 

Signature of Agency Representative

Quincy H. CORREIA, Lead PLOT Specs  
Print Name and Job Title

## Section VI: Appendices

## Letter of Transmittal

P.O. Box 608  
Bernardston, MA 01337  
October 28, 2016

Felicia Bakaj  
Conservation Restriction Stewardship Coordinator  
MA Dept. of Conservation and Recreation  
251 Causeway Street  
Boston, MA 02114

Dear Ms. Bakaj;

Pursuant to RFR-FEW Stewardship-2013 and the Notice to Proceed from MDAR dated 09/28/2016, enclosed is a Baseline Documentation Report dated 10/05/2016 for the Kibby Property in Weymouth, Restriction ID: #P-000154.

The report was prepared in compliance with EOEEA Restriction Baseline Documentation Report Specifications issued 5/7/2013.

The report is printed on premium grade, acid free paper manufactured by International Paper/ Hammermill Item # 166140.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Lepore".

John C Lepore, Principal  
Future Lands Designs

# Preparer's Qualifications

John Lepore is the author of this report. He is an independent contractor providing design and planning services through his firm Future Lands Designs, LLC.

He earned a Bachelor of Science degree in Botany from the University of Maine and taught environmental science in public schools until his retirement in 2010. The following year, he earned a Masters degree from the Conway School of Ecological Planning and Design.

Since then he has prepared four major land use and planning publications for public land in Massachusetts and Connecticut. From these efforts he has developed extensive field experience using GIS. He is a Keystone Cooperator through the Harvard Forest/ University of Massachusetts and has over 50 hours of additional training in environmental mitigation for climate change through NOAA. Through volunteer efforts he has been extensively involved with Mount Grace Land Trust, Greening Greenfield Youth Outreach Project, Pioneer Valley Regional School, Bernardston Master Plan Committee as chairman and Franklin Regional Council of Governments in their Stormwater Planning Committee.

His publications include:

Pioneering Stewardship Plan: An ecological management for the largest public school land holder in Massachusetts, Pioneer Valley Regional School;

Charity Farm Lot Conservation and Recreation Plan: A plan for the Town Of Bernardston's public wilderness area;

Carolina Hill Reservation: A Framework for Conservation Management: For the town of Marshfield, MA; and

Keep Bloomfield Farming: A matrix to determine which farmland has the highest value for preservation, Bloomfield, CT.

# Restriction History & Chronology

## Restriction History and Chronology

Fall 1996	MDC staff reached out to Richard Kibby Jr. requesting that he consider a conservation outcome for the open land behind his residence which included over 200 feet of shoreline along the Weymouth Back River. Mr. Kibby stated in very clear terms that he would never sell to the MDC.
Winter 2008	Weymouth Community Preservation Committee is contacted by Richard Kibby, heir to the estate of his uncle, Richard Kibby Jr., indicating his willingness to sell some, or all, of the site for public use as a park.
April 2008	James Clarke, Weymouth's Director of Planning and Community Development contacted DCR to discuss a joint acquisition effort. Recognizing the Kibby parcel was one of the last large undeveloped sites along the shoreline of Boston Harbor, DCR staff expressed immediate interest. Moreover, the Kibby Parcel was adjacent to Abigail Adams State Park which would provide the opportunity to extend a previously developed trail system onto additional public land.
September 2008	The Kibby property was presented to the DCR Lands Committee where it was favorably reviewed and approved. DCR General Counsel Gary Davis was assigned to the project.
2009 -2010	DCR staff, Gary Davis and Jim Comeau, and Town of Weymouth worked cooperatively to exclude a small portion of the site for sale to the commercial abutter who had a right of first refusal on the entire property and then allocate in equal amounts of state and local funding to: 1. acquire the property, 2. support a limited response action under the MCP (hazardous material response), 3. demolish existing buildings and 4. design & construct the park. It was decided that post-acquisition improvements to the property would be overseen by DCR Planner, Rick Corsi.
June 29, 2010	The DCR Conservation Restriction was recorded at Norfolk Registry of Deeds, book 27789 and page 329. The restricted fee simple estate was then conveyed to the Town of Weymouth, recorded at Norfolk Registry of Deeds, book 27789 and page 337.

# Property Deed (Copy)

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

CERTIFY

*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

MASSACHUSETTS STATE EXCISE TAX  
Norfolk Registry of Deeds  
Date: 06-29-2010 @ 03:50pm  
Ct1#: 2181 Doc#: 60949  
Fee: \$1,128.60 Cons: \$247,250.00

RICHARD C. KIBBY of Deerfield, New Hampshire, individually and as Executor of the Estate of Mary F. Kibby, Norfolk Probate Court Docket No. 09P3100EA, by power conferred by a License for Sale of Real Estate dated June 28, 2010, recorded herewith, and every other power, FOR CONSIDERATION PAID and in full consideration of TWO HUNDRED FORTY-SEVEN THOUSAND TWO HUNDRED FIFTY AND 00/100 (\$247,250.00), DOLLARS grant(s) to THE TOWN OF WEYMOUTH, a municipal corporation with a usual place of business at 75 Middle Street, Weymouth, Norfolk County, Massachusetts,

with QUITCLAIM COVENANTS

a certain parcel of land situated in Weymouth, being shown as Lot 1 on a plan entitled "Subdivision Plan of Land Bridge Street (Assessors Parcel 5-13-6) Weymouth, Massachusetts, Town Engineer: Andrew P. Fontaine, PE, Prepared by James E. McGrath, PLS, Scale: 1" = 40' dated 6/21/2010", recorded in Norfolk Registry of Deeds herewith.

Lot 1 containing 48,900 square feet of land more or less according to said plan.

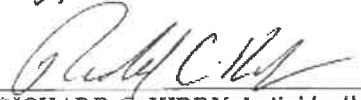
Said premises are conveyed subject to restrictions and easements of record, if any, so far as are now in force and applicable and zoning rules and regulations of the Town of Weymouth.

Said premises are a portion of the premises conveyed to Grantor by deed recorded in Norfolk Registry of Deeds, Book 14517, Page 132, and deed of Dianne Lawlor, Executrix of the Estate of Esther E. Kibby, Norfolk Probate Docket No. 09P2826EA, recorded at Norfolk Registry of Deeds, Book ~~27789~~ Page 305. See also Estate of Mary F. Kibby, Norfolk Probate Court Docket No. 09P3100EA.

Property Address: Lot 1, Bridge St., Weymouth, Mass.



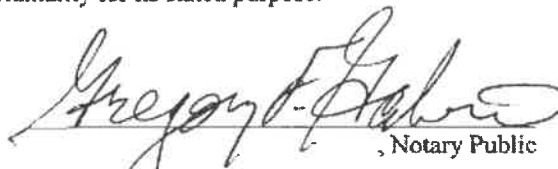
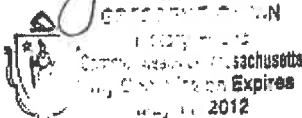
WITNESS my hand and seal this 29 day of June 2010.

  
\_\_\_\_\_  
RICHARD C. KIBBY, Individually  
and as Executor of the Estate of Mary F. Kibby

COMMONWEALTH OF MASSACHUSETTS

Norfolk:ss

On this 29 day of June 2010, before me, the undersigned notary public, personally appeared RICHARD C. KIBBY, in the above-noted capacities, proved to me through satisfactory evidence of identification, which was: ☐ driver's license or other state/federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to be me who knows the above signatory, or ☐ my own personal knowledge of the signatory to be the person(s) whose name is signed on the preceding or attached document and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

  
\_\_\_\_\_  
, Notary Public  


# Landowner Contact Log

Date	Method	Person Contacting	Person Con- tacted	Summary of Contact
9/29/2016	email	John Lepore	Robert Luongo	Introduction and overview; email not accepted
9/30/2016	email	John Lepore	Robert Luongo	Introduction and overview; email not accepted
10/30/2016	email	John Lepore	Robert Luongo	Introduction and overview
10/4/2016	phone	Kate Marshall	John Lepore	Introduction and overview
10/5/2016	at site	John Lepore	Kate Marshall	Easement in NW corner and site plan
10/13/2016	phone	John Lepore	Kate Marshall	Site visitation form questions
10/14/2016	phone	John Ryther	John Lepore	Clearer copy of site plan, NOI for knotweed removal
10/14/2016	email	John Ryther	John Lepore	Sent series of related plan documents
10/14/2016	email	John Lepore	Mary Ellen Schloss	Requested her official title with the town and her role in NOI
10/14/2016	email	Mary Ellen Schloss	John Lepore	Replied she help initially with NOI
10/17/2016	phone	John Lepore	John Ryther	Requested date and applicants for NOI
10/17/2016	email	John Ryther	John Lepore	Sent readable plan copies
10/17/2016	email	John Lepore	Mary Ellen Schloss	Asked what she knew about the isolated wetland
10/22/2016	email	John Lepore	John Ryther	Asked to review walkway and knotweed location; several failed attempts at attaching the draft Monitoring map
10/25/2016	email	John Ryther	John Lepore	Noted omissions in walkways
10/25/2016	email	John Lepore	John Ryther	Described how the Monitoring map was derived
10/26/2016	email	John Ryther	John Lepore	Described that he would check the site at the dedication ceremony
10/27/2016	phone	John Lepore	John Ryther	Confirmed location and extend of walkways

# Landowner Correspondance

po box 608  
bernardston, ma 01337

September 30, 2016



413.512.0644  
[ask@future-lands.com](mailto:ask@future-lands.com)

Mr. Robert Luongo  
Director of Planning and Community  
Town of Weymouth  
75 Middle St.  
Weymouth, MA 02189

Dear Robert;

The Massachusetts Department of Conservation and Recreation contracted with me to prepare a Baseline Documentation Report (BDR) on your Kibby Property Conservation Restriction (CR) at Bridge St., Weymouth, MA. This will involve a phone conversation followed by a site visit shortly thereafter.

Let me share a little about myself. Much of my youth in Maine was spent on a farm and in forests. Later, as a husband and dad, we raised three children in Bernardston, a community with a wealthy farm and forestry history. I am a strong supporter of local agriculture and forestry both personally and professionally. In fact, our small farm supplies much of our food, all of our firewood and construction lumber. As a small business owner, I am active in promoting local forestry through town government. Presently, I am chairperson for the Bernardston Master Plan Committee where I spearhead the future of forestry in our recommendations.


My visit to your CR will involve talking with you and taking a walk around the landscape. My job is listen and observe. Your successes and challenges are important for me to hear. I will be documenting features such as boundary markers, forest areas, and infrastructure. To make best use of your busy schedule, we will begin with a phone interview or, if it is more convenient, we can talk directly when I visit. It will not be necessary for you to join me when I document the forest's existing conditions, but you are certainly welcome.

I will be contacting you by phone in a short while to set up a time for the phone interview. I plan to visit the site during the first week in October. Please feel welcome to contact me through email ([ask@future-lands.com](mailto:ask@future-lands.com)) or phone (413.512.0644).

I look forward to meeting and working you.

Sincerely,

John Lepore  
Landscape Planner & Designer

From: **John C. Lepore** ask@future-lands.com   
Subject: DCR CR at the Kibby Property  
Date: September 30, 2016 at 11:46 AM  
To: rluongo@weymough.ma.us



Good Morning Robert,

I am contracted with DCR to create a baseline documentation report (BDR) on the Bates Property. I plan to visit the site early next week and although it is not necessary, would you like to meet?

Please find a detailed description attached. I look forward to taking with you.

Thank you,  
John Lepore, DCR Inspector



[future-lands.com](http://future-lands.com)



Kibby\_Weymouth\_Intro\_  
Ltrr\_20160901 2.pdf

From: postmaster@secureserver.net   
Subject: Message Delivery Failure  
Date: October 1, 2016 at 12:28 AM  
To: ask@future-lands.com

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients was aborted after 12.7 hour(s):

\* rluongo@weymough.ma.us

Reason: There was an error while attempting to deliver your message with [Subject: "DCR CR at the Kibby Property"] to rluongo@weymough.ma.us. It has been in queue too long, and will not attempt delivery again.

Reporting-MTA: dns; p3plsmtpa08-01.prod.phx3.secureserver.net [173.201.193.102]

Received-From-MTA: dns; 192.168.1.6 [96.236.113.191]

Arrival-Date: Fri, 30 Sep 2016 08:46:17 -0700

Final-recipient: rfc822; rluongo@weymough.ma.us



Mail Attachment    Mail Attachment.eml

www.veymouth.ma.us

Apps Thesaurus Dashboard Future Ecological Restoration JCL info TinyURL Grammarly Hulu Netflix Email Financial NRCS Reference-general Weather CFL-Rets Imported From Safari Other Bookmarks

Weymouth Massachusetts

About Weymouth Mayor Town Council Departments Boards & Committees Where Do I Go For?

Home

**Message Sent**

The message has been sent.

Thank you for your submission.

Town of Weymouth, 75 Middle Street, Weymouth, MA 02189  
Phone: (781) 335-2000 Fax: (781) 335-3283

Website Designer: Visit Town & Schools

Contact Mary Ellen Schloss

www.veymouth.ma.us

Thesaurus Dashboard Future Ecological Restoration JCL info TinyURL Grammarly Hulu Netflix Email Financial NRCS Reference-general Weather CFL-Rets Imported From Safari

Home > mschloss

**Contact Mary Ellen Schloss**

View Contact

Send e-mail

Your name: \*  
John Lepore

Your e-mail address: \*  
ask@future-lands.com

Subject: \*  
Your official title

Message: \*  
Hi Mary Ellen,  
I am working with DCR on completing a baseline documentation report on the Kippy property. John Ryther said you co-wrote 'Improvements to the Kippy Property, Weymouth, MA.'  
I would like to include this in the site documentation for the report. Kindly send me your title.  
Thank you!  
John  
413.512-0544  
future-lands.com

CAPTCHA

This question is for testing whether you are a human visitor and to prevent automated spam submissions.

WATTON

no CAPTCHA

From: **John C. Lepore** ask@future-lands.com  
Subject: Re: Kibby Property  
Date: October 13, 2016 at 4:25 PM  
To: kmarshall@weymouth.ma.us



Hi Kate,

I tried to look at the Kibby site plan by Icon. It's too low in resolution to read the details (91Kb). Could you send or DropBox a higher resolution? I'd like to add it to the BDR's appendix.

Thanks!

John

On Oct 13, 2016, at 9:38 AM, [kmarshall@weymouth.ma.us](mailto:kmarshall@weymouth.ma.us) wrote:

Hi John,

Per your request - please find the atlas sheet attached. If you require further information, please send a message or call.

Thank you,

Kate

Kate S. Marshall  
Community Development Planner  
75 Middle Street  
Weymouth, MA 02189  
781-340-5015

This email and any files transmitted with it are privileged, confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error please notify the sender immediately and delete this e-mail from your system. You should not disseminate, distribute or copy this e-mail. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Town of Weymouth. Finally, the recipient should check this email and any attachments for the presence of viruses. The Town of Weymouth accepts no liability for any damage caused by any virus transmitted by this email.

Town of Weymouth, 75 Middle Street, Weymouth, MA, 02189

[www.weymouth.ma.us](http://www.weymouth.ma.us) <20161013092039.pdf>



**Kippy Property**

Restriction ID: #P-000154 (DCR-P2010-28)

From: **John C. Lepore** ask@future-lands.com  
Subject: Re: [Weymouth MA] Your official title  
Date: October 17, 2016 at 7:31 PM  
To: MSchloss@weymouth.ma.us



Thank you Mary Ellen for the clarification.

Were you aware of the potential small wetland with phragmites near the center southern portion of the site at waypoint 6?

John had not recollection of it. Was it inspected by a PWS prior to the Knotweed removal? Do you have a map showing the extent of the knotweed?

Thank you,

John

On Oct 17, 2016, at 5:05 PM, [MSchloss@weymouth.ma.us](mailto:MSchloss@weymouth.ma.us) wrote:

Hi John-

I am the Conservation Administrator for the Town of Weymouth. The Conservation Commission reviewed and approved the project under the Wetlands Protection Act and Weymouth Wetlands Protection Ordinance.

The document that you are referring to was written by the Town's consultant, John Ryther, as part of the Notice of Intent application to the Commission. In my role as Conservation Administrator, I provided some early feedback and comments. I would not say that I "co-wrote" it.

Let me know if you have any other questions.

Thanks,

Mary Ellen

\*\*\*\*\*

Mary Ellen Schloss  
Weymouth Conservation Administrator  
Conservation Office: 781-340-5007  
Direct Line: 781-682-3658  
Email: [mschloss@weymouth.ma.us](mailto:mschloss@weymouth.ma.us)

From: **John C. Lepore** [ask@future-lands.com](mailto:ask@future-lands.com)  
Subject: Re: Kibby Property NOI information  
Date: October 22, 2016 at 7:23 PM  
To: [john@iconparks.com](mailto:john@iconparks.com)



Hi John,

Please find a draft attached.

When I compared the walkway on L-3 it was different than my photos showed, so I adjusted the route.

The location of the rain garden was a little unclear from the info I have.

If there are other components (except grading) needed, please let me know.

Thanks,

John Lepore

Future Lands Designs, LLC

---

On Oct 22, 2016, at 2:49 PM, <[john@iconparks.com](mailto:john@iconparks.com)> <[john@iconparks.com](mailto:john@iconparks.com)> wrote:

John,

Sure. Send your draft and I will be happy to review it with you.

John

ICON parks design

---

**From:** John C. Lepore [<mailto:ask@future-lands.com>]

**Sent:** Saturday, October 22, 2016 11:36 AM

**To:** [john@iconparks.com](mailto:john@iconparks.com)

**Subject:** Re: Kibby Property NOI information

Hi John,

Hope you are well. I ma using your plan sets L-1 and L-1r to add features for the BDR. Would you have a minute to discuss this over the phone if I send you a draft. I am most interested in the rain garden and walkway locations. It does not need to be precise, but should give DCR a pretty clear idea of what the changes are.

Thanks!

John Lepore

From: john@iconparks.com  
Subject: RE: Kibby Property Monitoring Map Review  
Date: October 27, 2016 at 9:22 AM  
To: John C. Lepore ask@future-lands.com

John,

Feel free to call anytime. I will be out of the office Friday morning but should be back by noon.

John

**From:** John C. Lepore [mailto:ask@future-lands.com]  
**Sent:** Wednesday, October 26, 2016 6:36 PM  
**To:** john@iconparks.com  
**Subject:** Re: Kibby Property Monitoring Map Review

Hi John,

I am going to call DCR tomorrow about re-submitting the Resource Map.  
From your Google Earth sketch it looks like I missed the lower part of the center walkway and the spur to the NW. Can I give you a call tomorrow?  
Thanks!  
John Lepore

On Oct 26, 2016, at 2:02 PM, [john@iconparks.com](mailto:john@iconparks.com) wrote:

John

I went to the site and have marked up the aerial for your use. A bit rough, but if you smooth the lines out a be it should be close. I have located the path, the fragmentizes, the boulder, the rain garden and the location where the Knotweed were eradicated.

Call me if you have questions. The informal path, in my opinion, is really not worth mentioning for it is not traveled enough to show more than a few bent blades of grass and broke twigs. I downloaded the CDs and spec and can make them available if you need them.

John

**From:** John C. Lepore [mailto:ask@future-lands.com]  
**Sent:** Tuesday, October 25, 2016 9:47 AM  
**To:** [john@iconparks.com](mailto:john@iconparks.com)  
**Subject:** Re: Kibby Property Monitoring Map Review

HI John,  
The is a compilation of your designs and my photo-documentation. I traced your plans from their center as accurately as possible. (Note my source list.) I did not see the loop path during my visit. The boulders are marked at the entrances as observed and photo-documented.

Please realize this is a conceptual rendering, not an engineered drawing for construction.

In my photos I could not identify the rain garden near the east entrance. Did it get installed? The dedication stone was placed where the walkway in the plan traveled, so I adjusted it accordingly.

John Lepore

On Oct 25, 2016, at 9:36 AM, [john@iconparks.com](mailto:john@iconparks.com) wrote:

John,

I don't know what to say. Did you visit the site and review the CD's? If so, how did you come up with this? With the exception of a bit of a wiggle in the walk when it hits Abigail Adams State park, the CDs should be very close to the actual layout. Where is the loop path and the off shoot from it down towards the water? Why are there boulders on the walkway? Why is the alignment off so much? I have never seen the informal path. This I will need to verify.

John  
ICON parks design

**From:** John C. Lepore [<mailto:ask@future-lands.com>]  
**Sent:** Tuesday, October 25, 2016 7:13 AM  
**To:** [john@iconparks.com](mailto:john@iconparks.com)  
**Subject:** Re: Kibby Property Monitoring Map Review

Hi John,  
This should work.  
<https://files.acrobat.com/a/preview/b6b2f658-fc0e-4946-902a-18a6662dcd58>  
John  
Future Lands Designs, LLC

On Oct 24, 2016, at 7:43 AM, [john@iconparks.com](mailto:john@iconparks.com) wrote:

John,

Again, nothing attached. Can you send it in pdf format if you are using Mac?

John  
ICON parks design

**From:** John C. Lepore [<mailto:ask@future-lands.com>]  
**Sent:** Sunday, October 23, 2016 5:45 AM  
**To:** [john@iconparks.com](mailto:john@iconparks.com)  
**Subject:** Re: Kibby Property Monitoring Map Review

Hi John,  
Must be a Adobe-Mac/PC thing because it came back with this reply. I'll export it again. You must be using Microsoft to open it?

John

# Waypoint & Attribute Table

Waypoint ID	Date	GPS Accuracy	Property Boundary	Property Certainty	Natural Feature	Cultural Feature	Land Use	Road Feature	Potential Issue	Comments	Number of Photos
001	10/5/16	4 meters					ks	tr			2
002	10/5/16	4 meters	fe, fc	med				tr			3
003	10/5/16	4 meters	fe	med							1
004	10/5/16	4 meters	fe, fc	med				gr			2
005	10/5/16	4 meters			ip				y	phragmites	3
006	10/5/16	4 meters			ip				z	multiflora rose	2
007	10/5/16	4 meters									2
008	10/5/16	4 meters						tr			2
009	10/5/16	4 meters	fr, sm	high							1
010	10/5/16	4 meters									2
011	10/5/16	4 meters						tr			3
012	10/5/16	4 meters						tr			2
013	10/5/16	4 meters						tr			3
014	10/5/16	4 meters						tr			3
015	10/5/16	4 meters						tr			3
016	10/5/16	4 meters	fe, sm	high							2
017	10/5/16	4 meters									1
018	10/5/16	4 meters									1



# Management Plan

## Improvements to the Kibby Property, Weymouth, MA\*

### Project Narrative



**Background:** The improvements to the site include the extension of the pedestrian pathway system found in the Abigail Adams State Park into the land known as the Kibby Property, located at 0 Bridge Street, 279 Rear Neck Street and 0 off Neck Street (Parcel IDs: 5-13-6; 5-13-14; 5-13-8). The site is located adjacent to a tidal cove of the Weymouth Back River. Wetland areas on and adjacent to the site include riverfront area, coastal bank, coastal beach (including tidal flat), and salt marsh. Wetland resource areas were delineated by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184.

The proposed walkway will be constructed of Porous Asphalt Pavement that has been designed for stormwater management. This pavement system recharges the groundwater and will extend the pavement life due to well drained base and reduced freeze-thaw. It is expected that no runoff from the new pavement will become surface flowage and that runoff from the site that enters the paved areas will be readily absorbed by the system. Due to the slope of several sections to the walkway, the thickness of the stone base may vary, and below-pavement impervious dikes will be utilized to improve the subsurface storage of water and to reduce the horizontal movement of ground water to the lowest elevations of the walkway. Although the project is proposed within the 200 foot strip along the riverfront, the intent of the design is to improve visibility and pedestrian access into the Kibby Property, making the site safe and secure, without impacting the resource area values of the Weymouth Back River Riverfront Area. During construction and initial stabilization of disturbed areas, erosion control measures will be maintained to prevent loose soils from washing into the resource area. Clearing will be limited to the areas immediately adjacent to the walkway as indicated on the plans. In addition to the initial clearing, some trees may be limbed up to allow for improved visibility and safety within the site. All new plantings will be of indigenous material that is suitable for the area and will be located to maintain the banks and improve the area for animals that frequent the area.

The proposed project will entail some work within 25 feet of the coastal bank, and will require a variance from Part 9.00 of the Weymouth Wetlands Protection Regulations (Buffer Zone Set Backs). Part 5.01 (Variances) allows the Commission to grant a variance if the applicant demonstrates that the proposed work, or its natural and consequential impacts and effects, will not have any adverse effect upon the interests of the Ordinance.

**Variance:** A small segment of the pathway, approximately 904 square feet, is proposed to be located within 25 feet of the upper-most, vegetated, coastal bank (See ENV-1 Land subject to Coastal Storm Flowage). Some vista pruning is also requested to be conducted within the 25-foot no-disturb area, in consultation with the Conservation Commission and/or its Administrator. Native plantings within the 25-foot no-disturb buffer are proposed to be installed to supplement existing vegetation within the 25-foot buffer and elsewhere on site (See L-4 Planting Plan).

The proposed pathway will be sited on existing grassed areas and will not require the removal of any mature trees, in either the 25-foot no-disturb area or elsewhere on the site. Erosion controls will be installed during pathway construction to prevent erosion and sedimentation into resource areas. The pathway is constructed of porous pavement and will be designed so that water does not shed from the pathway onto the coastal bank. Vista pruning will be conducted in a manner that targets pruning and vegetation removal toward invasive and less desirable species and preserves species and specimens with wildlife habitat value.

**Debris Removal:** In addition to constructing the pathway it is the intent of the project to improve the appearance of the site by removing debris that detracts from the beauty of the site and its surroundings. Currently of major concern are two areas: (1) the coastal bank; and (2) the strip of land running parallel that is closest to Bridge Street.

**(1) Coastal Bank:** Historically the property was the site of a house that was recently demolished. Approximately 65% to 70% of the site consists of urban fill that appears to be a few inches to as much as 6' or 7' in depth. On the northeast portion of the site this fill extends 35' to 40' feet out into the Back River. This extension and the remainder of the unnatural embankment (approximately 220' in length) has been armored with an assortment of materials, both natural and unnatural (see attached pictures). Although it would be ideal to remove a significant amount of the obnoxious material from the river bank, it is beyond the scope of the current project. What is proposed is the selective removal, by hand, of loose obnoxious material (such as automobile tires, cement blocks, etc.) that will improve the appearance of the site without destabilizing the bank.



**(2) The strip of land running parallel that is closest to Bridge Street.** This portion of the site has been used as a dumping ground for a variety of materials. Without examining each pile in detail, most of the material appears to be from landscape construction and maintenance companies that have conveniently found a destination for unwanted leaves, trees, soils, plastic

pots, etc. To prevent future access to the site by individuals who would otherwise continue this practice, timber bollards will be installed at the end of the Saltwater Creek Condominium parking lot, and a small rain garden with associated plantings and bollards are proposed at the end of the paved easement from Bridge Street. The rain garden will also serve to collect runoff from the paved easement that currently passes through the site. Once again, the scope of the cleanup of this area will be limited to the hand removal of obnoxious debris, such as plastic pots and trash that will not decompose readily. If possible, some of the piles of debris will be spread out to form a more natural appearance to the landscape without endangering the existing, adjacent vegetation.

Given the former development of the site, this proposal should be considered "redevelopment" under both the Massachusetts Stormwater Standards and the Riverfront Area Regulations. Because this work is redevelopment, a formal alternatives analysis under the Riverfront regulations is not required. The Massachusetts Stormwater Handbook states that "footpaths, bike paths and other paths for pedestrian and/or non-motorized vehicle access" shall meet the Stormwater Management Standards to the "maximum extent practicable" (Volume I, Chapter 1). The handbook also states that for redevelopment projects, the Standards shall be met to the maximum extent practicable" and shall improve existing conditions (Volume I, Chapter 1, Standard 7). The Riverfront regulations state that the redevelopment must improve existing conditions (310 CMR 10.58(5)).

The proposed project will improve conditions compared to the prior developed condition (residence with unregulated dumping of urban fill) through the general cleanup of the site of as much of the visible obnoxious material as feasible without disturbing the retaining capabilities of the manmade banks. Although the new development will add a paved walkway system it is pervious and should absorb all of the rainfall that falls upon it along with any sheet flow from the adjacent landscaped areas. This pervious bituminous concrete will absorb and retain significant amounts of water allowing the subsoil to absorb, filter and treat rainfall, eliminating the need for drainage structures, pipes and outfalls that could eventually contaminate the Back River. This pathway will not be sanded or salted and will not have vehicles on it with the exception of periodic maintenance vehicles.

**Invasives Management:** The site contains a relatively small patch of Knotweed that will be treated prior to the construction of the path. If construction begins before the knotweed is eradicated, the following additional measure will be taken. Although the knotweed is located outside of the alignment of the path, the roots, which may extend ten feet or more beyond the plants stalks, may fall within the proposed walkways construction. To prevent the spread of the knotweed during construction soil excavated within fifteen feet of the knotweed will be removed from site and transferred to a sanitary landfill. The amount of soil to be removed is estimated to be in the range of 10 to 15 cubic yards. The proposed method of treatment for the knotweed will include cutting and spraying over the next three or four years, followed by

hand removal of any new sprouts that survive. See attachment for herbicides, timing of cuttings, and approach to spraying proposed for this work.

To further improve the site, indigenous plantings will be added to stabilize the existing coastal bank. The park improvements planned will protect the Riverfront Area from compaction and erosion associated with heavy park use, while making the resource available to all. The inclusion of park visitors into this area, along with the proposed bollards, rain garden and plantings, will be a deterrent to illicit dumping of debris that previously occurred here.

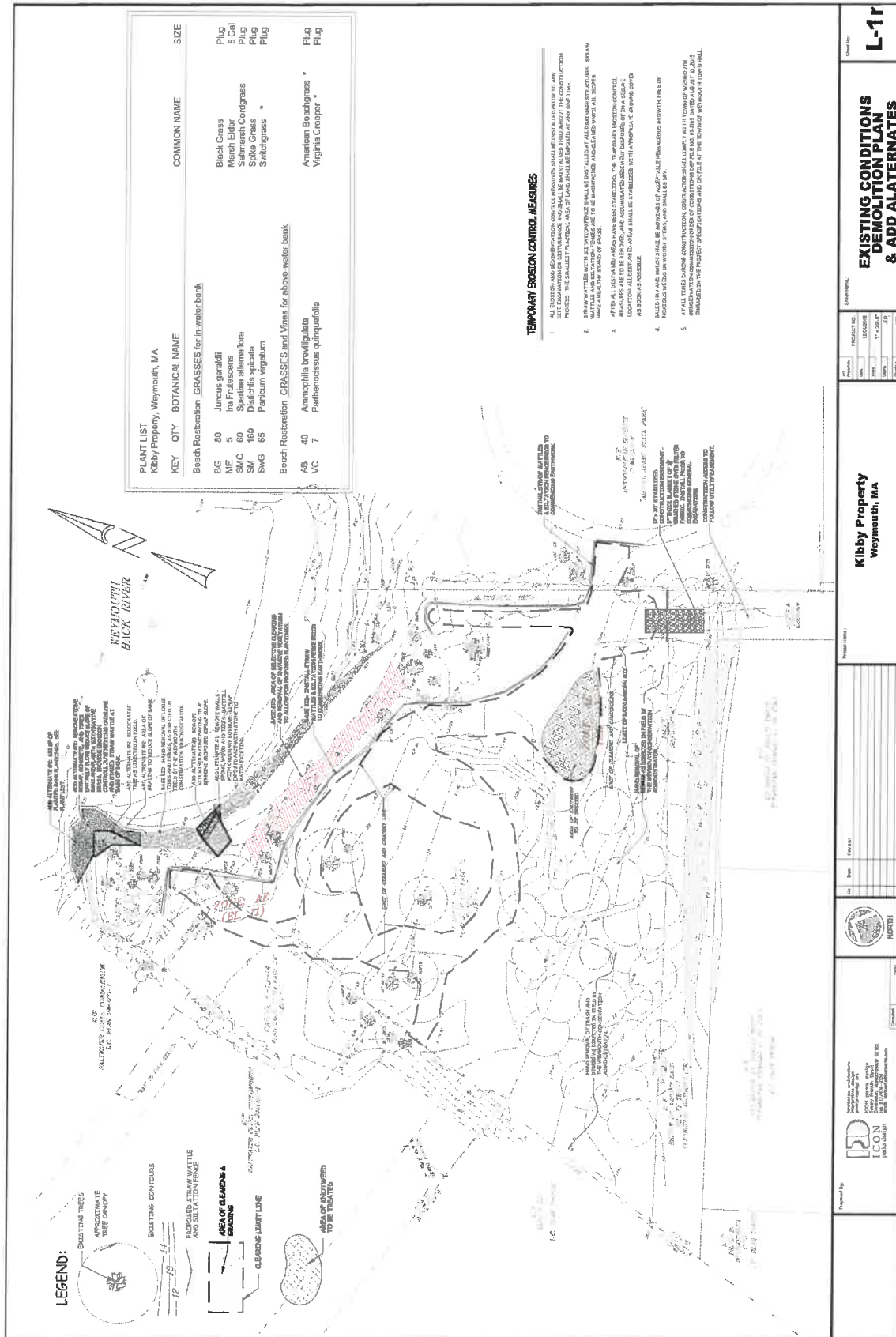
**Maintenance:** The maintenance of the site will be undertaken by the DCR on a regular basis in concert with the maintenance work conducted on the Abigail Adams State Park. At a minimum, the lawn within the pathway loop will be maintained as a manicured lawn and a minimum strip of three feet will be mowed along the outside edges of the walkway. Areas beyond the 3' mow strip will be maintained as a wild meadow and urban wild. The eradication of invasive species, with the exception of the knotweed previously mentioned, will follow the DCR's approach taken at Abigail Adams State Park. During routine maintenance events, the rain garden will be inspected and cleaned of debris. If after several years of operation it ceases to function as intended, the soil mixture should be excavated and replaced.

In closing, the enhancements proposed will protect the interests of the Wetlands Protection Act and the Weymouth Wetlands Protection Ordinance while allowing the public to appreciate excellent views of the Back River waterfront.

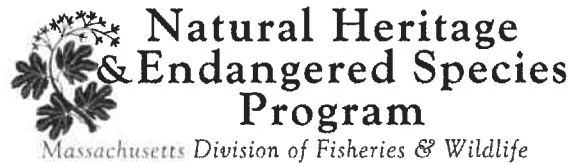
\* BDR Inspector's Note: This document was created by John Ryther, Icon Parks Designs, for the site's NOI filed 07/10/2015 with the Weymouth Conservation Commission.







# Natural Heritage Rare Species Information



**Parcel:** P-000154                      **Municipality:** Weymouth  
**Acreage:** 1.35                      **CR Holder:** DCR  
**Grantor:** Kibby

## **Rare Species and Natural Community Information:**

The Massachusetts Natural Heritage & Endangered Species Program (NHESP) has no documented reports of **rare species** listed under the Massachusetts Endangered Species Act (MESA) on or near this tract as of October 11, 2016.

There are **no Certified Vernal Pools and no Potential Vernal Pools** on this tract/parcel.

There are no documented **Natural Communities** on this tract/parcel.

Part of this tract is **BioMap2 Core Habitat** for an Aquatic Core. Part of this tract is **BioMap2 Critical Natural Landscape** for an Aquatic Buffer.

This information is subject to change as records are updated over time.

## **Date of Natural Heritage Information: 10/2016**

*Note:* This information should be updated regularly by contacting the Natural Heritage & Endangered Species Program.



