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Admitted To Practice Law: Massachusetts and New York State

Masters of Law – LLM Taxation EMAIL: DavidKellyEsq@comcast.net

June 10, 2021

Town of Weymouth Conservation Commission Attn: Mary Ellen Schloss, Conservation Administrator 75 Middle Street Weymouth, Massachusetts 02189

Re: Request for Partial Certificate Compliance for Specific Lot
10 Simonds Lane – Recorded Plan Reference Lot 35
Assessor Reference: Map 40 Block 484 Lot 32
DEP File # 81-234
(Supersedes DEP Files #81-111 and #81-189)
Current Property Owner: Donald F Hall, Jr and Karen Hall
Original Applicant: Edward Jordan, Trustee of Sheri Realty Trust

Dear Ms. Schloss and Members of the Conservation Commission:

I represent Donald F. Hall, Jr. and Karen Hall ("The Halls"), the current owners of the above referenced property known and numbered as 10 Simonds Lane [Exhibit 6]. The Halls are scheduled to close on the sale of their home on June 24, 2021. In connection with the title examination for the Closing, no Certificate of Compliance or Partial Certificate of Compliance or Release with respect to the Halls' property has been recorded with respect to DEP File # 81-234 [Exhibit 3 superseding DEP File # 81-189 Exhibit 4]. Accordingly, the Halls request a Partial Certificate of Compliance or Certificate of Partial Release with respect to Lot 35 as shown on Plan #710 of 1985 Plan Book 323 as recorded Norfolk Registry of Deeds as "Stetson Estates" Revised Plan of Land in Weymouth, Massachusetts dated February 22, 1985 (the "Recorded Plan")

[Exhibit 5]. The Conservation Commission has previously issued a Partial Certificate of Compliance for Lot 36 on the Recorded Plan recorded in Book 6786 Page 436 on September 9, 1985 [Exhibit 7] and also a Partial Certificate of Compliance for Lot 42 on the Recorded Plan Book 6784 Page 745 on September 6, 1985 [Exhibit 8].

The Halls are the first owners of the subject home, shown as Lot 35 on the Recorded Plan and shown as Town Assessors Lot 32, having acquired the property on April 5, 1993. The Orders of Condition issued in DEP File # 81-234 should have been released with respect Recorded Plan Lot 35 at the time the Halls purchased the property from the Original Applicant developer.

I have enclosed the following as evidence in support of the Request for Partial Certificate of Compliance for Lot 35 on the Recorded Plan.

- 1. WPA Form 8A Request for Partial Certificate of Compliance Lot 35 Only
- 2. Filing Fee of Fifty Dollars (\$50.00)
- 3. Orders of Condition DEP File # 81-234 recorded Norfolk Book 6783Page 175
- 4. Order of Condition DEP File # 81-189 recorded Norfolk Book 6127 Page 595
- 5. Recorded Plan #710 of 1985 Plan Book 323 "Stetson Estates" Revised Plan dated February 22, 1985 recorded June 17, 1985
- Deed of Jordan Homes, Inc. to the Halls dated April 5, 1993 recorded Norfolk Book 9807 Page 406
- 7. Conservation Commission Partial Certificate of Compliance for Lot 36 on the Recorded Plan dated September 9, 1985
- 8. Conservation Commission Partial Certificate of Compliance for Lot 42 on the Recorded Plan dated September 6, 1985.

Please include this Request for Partial Certificate of Compliance for Lot 35 as shown on the Recorded Plan as the next available meeting of the Conservation Commission. The Partial Certificate of Compliance is required to clear the title to Halls

property prior to Closing scheduled for June 24, 2021. Please contact me with any questions or comments. I appreciate your attention to this matter.

Very truly yours,

David A Kelly



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

work regulated by it was never started.

PARTIAL RELEASE

81-234 Provided by DEP

DEP File Number:

WPA Form 8A - Request for Certificate of Compliance

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

A. Project Information

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





Upon completion 3. of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

Donald F. Hall, Jr. and Karen Hall	This request is being made by: Donald F. Hall, Jr. and Karen Hall							
	0 Simonds Lane							
Mailing Address								
Weymouth	<u>MA</u>	02190						
City/Town	State	Zip Code						
857-366-1423								
Phone Number								
2. This request is in reference to work regu	ulated by a final Order of Conditi	ons issued to:						
Edward Jordan, Trustee Sheri Realty Tr	rust							
Applicant								
August 23, 1984	81-234	1						
Dated	DEP File	e Number						
3. The project site is located at:								
Western Ave and Simonds Lane (10 S	imonds Lane Partial Weym	outh						
Release Request Assessor Lot 32 known a								
40-484	32							
Assessors Map/Plat Number		Parcel/Lot Number						
Edward Jordan, Trustee Sheri Realty Tr Property Owner (if different)	rust							
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The Order of Conditions for #81-234 supersedes File #81-111 (B5591 P509) and File #81-189 (B6127 P595)



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 8A - Request for Certificate of Compliance

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

DEP File Number:

81-234

Provided by DEP

A. Project Information (cont.)

6.	Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?			
	⊠ Yes		nent by such a professional certifying substantial d describing what deviation, if any, exists from the plans See Lot 35 of Plan #710 of 1985 Plan Book 323 Recorded	
	☐ No		Norfolk Registry of Deeds copy herewith	

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-officefor-your-city-or-town.html).

Page 2 of 2 wpaform8a.doc ** rev. 5/29/14

TOWN OF WEYNOUTH

. ASERVATION COMMISSION

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Commonwealth of Massachusetts

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Chr/Town	WEYMOUTH
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Order of Conditions

Massachusetts Wetlands Protection Act

G.L.c. 131, §40

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Therefore the Countration	hereby linds that the following conditions are
secondary to accordance with the Performance Sta	indards set forth in the regulations, to protect those littler-
charted shows The Commission	arders that all work shall be performed
an accordance with wald conditions and with the Noti	ice of intent referenced above. To the extent that the fol-
lowing conditions modify or differ from the plane, sp	eclifications or other proposals submitted with the Notice
of Intent, the contitions shall control.	

Concret Conditions

- Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invesion of private rights.
- This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
- 4. The work sutherized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
- This Order may be extended by the Issuing authority for one or more periods of up to three years each
 upon application to the Issuing authority at least 30 days prior to the expiration date of the Order.
- Any 34 used in connection with this project shell be bleen 16, containing no trash, refuse, nubbleh or debris, including but not limited to lumber, bricks, plaster, wire, letts, paper, cardboard, pipe, tires, sefec, refragerators, motor vehicles or parts of any of the foregoing.
- Ho work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.

- 10. Where the Department of Environmental Quality Engineering is requested to make a determination and to issue a Supersading Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
- 11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Completice be issued stating that the work has been satisfactority completed.
- 12. The work shall conform to the following plans and special conditions:

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	personally appeared 1. person desprised in and who executed the foregoing instrument and acknowledged that he/she executed 2. characteristic higher free act and deed
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Town of Weymouth + Consequation Commission • 75 Middle Street • E. Weymouth, MA 02189 • (617) 335-2007

Commonwealth of Mannchuoetta Wetlands Protection Act Gen. Laws Chap. 131, s. 40

	ORDER	OF CONDITION	s
TOW	N OF WEYMOUTH	FILE • _	
TO:	Name _EDWARD JORDAN	Address _	40 South Boundary Road
CERT	TIFIED MAIL NUMBER:		Pembroke, NA
PROJ	Address Condrow Rd. Norfoli Recorded at Registry of Norfoli Certificate (if registered)	25-31 10 k	Pembroke, NA -> 484 X
REG/	ARDING:		
	Notice of Intent dated December	1, 1982	
	and plans titled and deted	same	
G.L. co ing co dance	ION has reviewed your Notice of Intention which the proposed work is to be do., 13! s. 40. The WEYMOUTH CONSE anditions are necessary to protect said it with them and with the Notice of Introdified by said conditions.	t and plans identifue is significant to RVATION COMM Interests and all w	to one or more of the interests listed in HSSION hereby orders that the follow- ters shall be performed in strict accou-
	Ci.	ONDITIONS	
1.	Failure to comply with all condition regulatory measures, shall be deemed or		and with all related statutes and other modify this order.
2.	This order does not grant any properize any injury to private property or i	ety rights or any invasion of private	exclusive privileges; it does not authorights.
3.	This order does not relieve the perm with all other applicable federal, sta- tions.	ittee or any other de or local statut	r person of the necessity of complying zz, ordinances, by-laws and/or regula-
4,	order unless it is for a maintenance dr extended by the issuing authority for	redging project sub r one or more add	thin one (1) year from the date of this sject to Section 5(9). The order may be litional one-year periods upon applica- mys prior to the expiration date of the
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Order of Conditions



- No work may be commenced until all appeal periods have clapsed from the order of the WEYMOUTH CONSERVATION COMMISSION or from a final order by the Department of Environmental Quality Engineering.
- No work shall be undertaken until the final order, with respect to the proposed project, has been recorded in the Norfolk Registry of Deeds. The Document number indicating such recording shall be submitted on the form at the end of this order to the WEYMOUTH CONSERVATION COMMISSION prior to commencement of work.
- A sign shall be displayed at the site not less than two square feet or more than three square feet bearing the words "Massachusetts Department of Environmental Quality Engineering Number_51-189
- Where the Department of Environmental Quality Engineering is requested to make a determination and to issue a superseding order, the WEYMOUTH CONSERVATION COMMIS-SION shall be a party to all agency proceedings and hearings before the Department.
- The WEYMOUTH CONSERVATION COMMISSION shall receive a minimum of 48 hours advance notice as to when construction will commence.
- Upon completion of the work described herein, the applicant shall forthwith request, in writing, that a Certificate of Compliance be issued stating that the work has been satisfactorily completed. A written statement signed by a professional engineer, architect or land surveyor certifying compliance with this order shall accompany said request for the Certificate.
- The work shall conform to the following described plens and additional conditions: Hotice of Intent and Environmental Data Form of Edward J. Jordan, 40 South Boundary Rd., Pembroke, NA for his proposal re. "Stetson Estates" subdivision Plan of land in Weywouth, NA 10 August 1978; revised to Nov. 1976; signed by Lamont R. Healy, Land Surveyor and James G. Chendler, Jr. except as follows:

 a) The authorizing has been incorpared into the Town Atlantas as you

The subdivision has been incorporated into the Town Atlas as revision to January 1, 1982 except for the following Lot Mumbers-Sheet 40; Block 485. Lots 38 and 39; Block 484, Lots 25 to 31.

- 13. When applying for a limited Certificate of Compliance for a single lot (see item 11), use the Atlas numbers, also the Book number, page number and date of recording these Conditions with the Registry of Deeds.
- 14. The error which now comes under the Wetland Act has been radoced to the following: The unfinished roadways, WESTERN AVE. and SIMONS LANE including all storm drainage systems, sever mains, also the lot number 24 to 30 (old numbering) or lots 25 to 31 (from Atlas).
- 15. Any peat in the area where a structure is to be exected shall be removed and replaced with well-compacted gravel. Peat maybe used later for landscaping.
- 16. The lowest floor elevation of structures on lots 25 to 31 shall be a minimum of two feet shows the maximum seasonal water table for the area.
- 17. All catch basins shall be provided with a sedimentation sump three feet below the invert of the drain pipe.
- 18. Scour protection: the discharge end of the drain at the headwall on Lot 28 shell be protected with a rip-rap apron of a width not less than three times the dismeter of the piny and extend for a distance not less than ten times the dismeter from the end of the discharge pipe.
- Graded areas shall not have a slope greater than four (4) horizontal to one (1) vertical and must be leased and seeded to prevent erosion.
- 20. Use of road sait (sodium chloride) for de-icing purposes will be problituad.

Joder of Conditions

Page 3

The applicant, any person agricult by this order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to appeal this order to the Department of Environmental Quality Engineering provided the sequent is made in writing and by certified mail to the Department within ten (10) days from the issuance of this order.

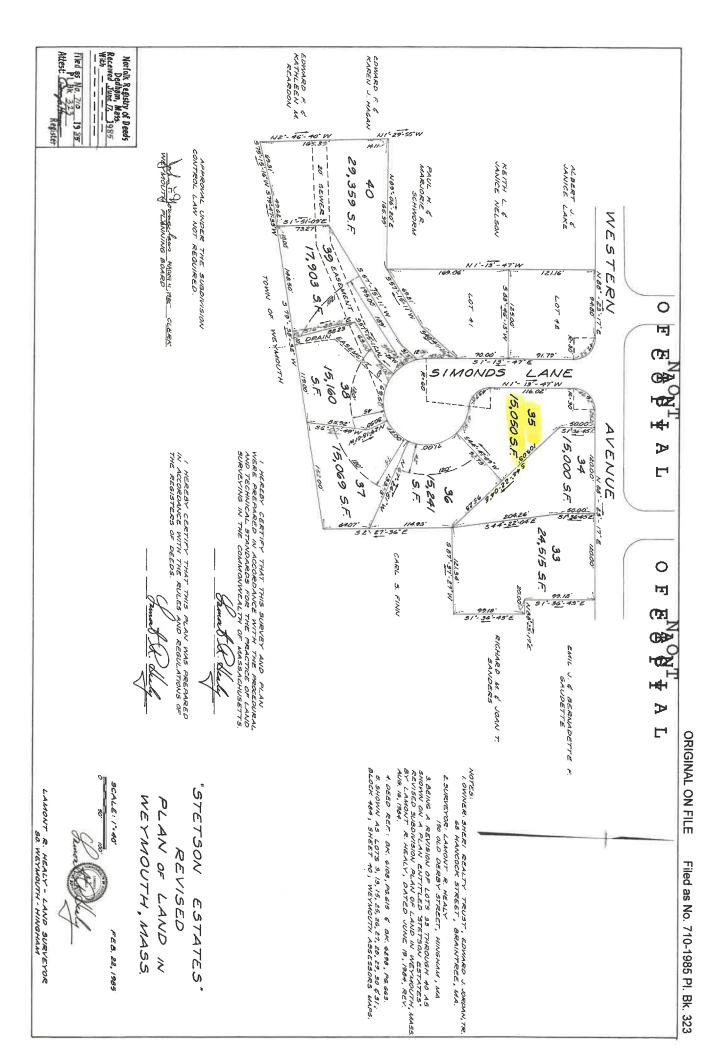
ISSUED BY HETCUH CONSENATION COMISSION Thoward W. Evers

CONTRACTOR .

On this . 5th ______ day of _January____ 19.83, before me personally appeared Howard Evirs, Acting Chairman_____ to me known to be the person described in, and who executed, the foregoing instrument and acknowledged that he executed the same as his free act and deed.

A market

Recorded Mar. 7, 1983 at 9h. A. M.



Weymouth

Address:

JORDAN HOMES, INC., a duly established Massachusetts Corporation having its usual place of business in Weymouth, a corporation duly established under the laws of the Commonwealth of Massachusetts, for consideration paid, and in full consideration of NINETY-FIVE THOUSAND (\$95,000.00) DOLLARS, grants to DONALD F. HALL, JR., and KAREN HALL, husband and wife as tenants by the entirety of Weymouth, Massachusetts, with QUITCLAIM COVENANTS, the land in Weymouth, Norfolk County, Massachusetts, bounded and described as follows:

A certain parcel of land shown as Lot 35 on a plan entitled "Stetson Estates", revised plan of land in Weymouth, Massachusetts, dated February 22, 1985, Lamont R. Healy, L.S. duly recorded with Norfolk Deeds as Plan No.710 of 1985 in Plan Book 323.

The above described premises are conveyed subject to the following:

Takings for the layout of Simonds Lane and Western Avenue recorded with Norfolk Deeds in Book 7722, Page 82 and 101 respectively.

Sewer easement as shown on two plans recorded with Norfolk Deeds in Plan Book 315, as 1157 of 1984 and Plan Book 358 as 1067 of 1987.

Order of Conditions recorded with Norfolk Deeds in Book 5591, Page 509 and in Book 6127, Page 595.

Restrictive Covenants recorded with Norfolk Deeds, Book 5906, Page 169.

Easement to Massachusetts Electric Company and New England Telephone and Telegraph recorded with said deeds in Book 5817, Page 724.

For title see deed from Sheri Realty Trust to be recorded herewith.

IN WITNESS WHEREOF, the said Jordan Homes Inc., has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Edward J. Jordan its President and Treasurer hereto duly authorized this Fifth day of April, 1993.

By Gward J. Jordan President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Norfolk, 88

April 5, 1993

Mens

Then personally appeared the above named Bdward J. Jordan, President and Treasurer and acknowledged the foregoing instrument to be the free act and deed of the Jordan Homes, Inc. Before me

My commission expires: 9-26-97

Massachusetta Deed Excise Stamp. In eum of 8 433-20

offixed and cancelled on back of this

STAWS ON BITCH F

Voseph M. Leahy, Notary

93 APR -5 PN 12: 34

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NOT NOT AN OFFICIAL OFFICIAL CONSERVATION COMMISSION

Form S



DEGE File No 81-234

(To be provided by DEQE)

Chylown WEYMOUTH

Applicant E. Jordan

PARTIAL Certificate of Compliance Massachusetts Wetlands Protection Act, G.L. c. 131, §40

From	WEYMOUTH	CONSERVATION	COMMISSION		leeuing Authority
To Edw	ard Jordan, 1	Trustee Sheri	Realty Trust	37 Pearl (Address)	St. Braintree MA 02185
Date of iss					
This Certification Sheri Rea	icate is issued for wo	ork regulated by an Ord dated 8/23/84	ler of Conditions issued by the	wey cons	rd Jordan ervation Comma.
1. 🗆	It is hereby certified been satisfactorily	d that the work regulate completed.	ed by the above-refe	renced Order	of Conditions (see
2. x ⊠x	It is hereby cartified enced Order of Cod does not include th	d that only the following nditions have been sati e entire project, specif	portions of the wor isfactorily completed by what portions are i	k regulated by I. (If the Certific ncluded.)	
<i>:</i>	1	Lot 36 only.			26
3. 🖸	never commenced	that the work regulate The Order of Conditio ulation under the Act re	ns has lepsed and le	therefore no i	onger welld, Ho future
	and receiving a nev	r Order of Conditions.	nana Dimit		ok da-qagaada ka 4-64 te rasar sa eargestur

NOT NOT AN OFFICIAL 437

4. x₩x	This contdicate shall be recorded in the Regi	stry of Deeds or the Land Court for the district in
4. XMX	which the lend is incated. The Order was or	ginally recorded on Sept. 5, 1985 (date)
	- Norfolk	Book 6783 Page 175
	Instrument#68745 at 1:45PM	

5. The following conditions of the Order shall continue: (Set forth any conditions contained in the

	Final Order, such as maintenance or monitoring, which are to continue for a longer period.)
	This Order of Conditions for File#81-234 supercedes File#81-111(B5591 P509) and File#81-189(B6127 P595).
	2
	Mesued bytho Weymouth Conservation Commission
	Signature(a) Howard Ever
6 2 JEWINGS 106 ush ma 02188	May sour Fronts Joseph Doulles Michael T. Congre John F. Carey Lough N Hoya
TURN TO YMOND BOX 1	When issued by the Conservation Commission this Certificate must be signed by a mejority of is members. On this second day of August 19 85 before me
2 203	On this second day of August 19 85 before me personally appeared Howard Evirs , Chairman to me known to be the
EKE'B	person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.
المدافق المارية الماري المارية المارية الماري	Lix at micker 5/13/92
	My commission expires
, au	Betash
	8.2

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Form 8



DEGE File No 81-234

(To be provided by DEQE)

WEYMOUTH

E.Jordan

PARTIAL Certificate of Compliance Massachusetts Wetlands Protection Act, G.L. c. 131, §40

rom	WEYMOUTH CONSERVATION COMMISSION	Jssuing Authority
o Edv	ward Jordan, Trustee Sheri Realty Trust 37 Pear	MA 02125
	(Name) (Address	
Date of is	seuence September 2, 1985	
his Cert Sher	tilicate is issued for work regulated by an Order of Conditions issued to Edi ri Realty Trust 8/23/84 wey	ward Jordan Conservation Com
1. 🛭	It is hereby certified that the work regulated by the above-referenced Ord been satisfactorily completed.	der of Conditions has
2. x ⊠ x3	X It is hereby certified that only the following portions of the work regulated enced Order of Conditions have been satisfactorily completed: (If the Ce does not include the entire project, specify what portions are included.)	=
70	7.4. 42	
	Lot 42 only.	parties.
3. 🗆	It is hereby certified that the work regulated by the above-referenced On never commenced. The Order of Conditions has lapsed and is therefore	
	work subject to regulation under the Act may be commenced without fair and receiving a new Order of Conditions.	g a new Notice of Intent
.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	(Leave Space Blank)	

6784	
746	NOT NOT AN AN OFFICIAL COPY
	This certificate shall be recorded in the Registry of Deeds or the Land Court for the district in which the land is located. The Order was originally recorded on Sept. 5, 1925 (date) at the Registry of Norfolk Book 783 Page 755 Instrument#68745 at 1:45PM The following conditions of the Order shall continue: (Set forth any conditions contained in the Final Order, such as maintenance or monitoring, which are to continue for a longer period.) The Order of Conditions for File#81-234 supercedes File#81-111 (B5591 P509) and File#81-189 (B6127 P595).
-	Signature(s) Howard Evins
	Minn Issued by the Conservation Commission this Certificate must be signed by a majority of is members. On this Second day of September 19 85 before me personally appeared Howard Evirs, Chairman to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed
amunn	the same as his/her free act and deed. Jose A. T. muchzer 3/13/92 My commission expires Barad
	#-2 BYURYTE VENT