



September 6, 2022

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

RE: 1197 Washington Street, Weymouth MA  
Order of Conditions, MA DEP File #81-22

Crocker Design Group, LLC (CDG), on behalf of our client, Elksy Development LLC, has prepared the enclosed WPA Form 8A- Request for Certificate of Compliance (COC) an outstanding Order of Conditions (OOC), MA DEP File #81-22, dated September 29, 1975, for the property at 1197 Washington Street.

Included with this submission are the following documents:

- Enclosure 1: Order of Conditions, MA DEP File #81-22, issued September 29, 1975
- Enclosure 2: Plans associated with OOC, varying dates 1975-1976
- Enclosure 3: 1978 Plan to Fill Part of Plan
- Enclosure 4: 1993 BZA Decision, Site Plan
- Enclosure 5: 1971, 1978, 1995 Historic Aerials

On August 22, 2022, the WCC notified CDG that there was an outstanding OOC, DEP File #81-22 which was issued on September 29, 1975, for the above-mentioned property. The OOC gave approval for filling at the south end of the parcel and the creation of a 3-foot-wide drainage ditch that was to be maintained. It appears that the waterway on the OOC's accompanying plans is in the general location of the current 18-inch RCP pipe that connects wetlands A and B. The WCC does not have the Notice of Intent (NOI) that was filed for the work, and no record of a Certificate of Compliance was located. The OOC and associated plans are included in Enclosures 1 and 2, respectively. Historic aerials from 1971 and 1978, provided in Enclosure 5, show that the work appears to have been completed as described and intended in the OOC.

Furthermore, the Weymouth Engineering Division provided a 1978 plan, Enclosure 3, that shows the filling of a portion of the waterway/ditch (two (2) 12-foot sections). A Weymouth Board of Zoning Appeals (BZA) decision from 1993 granted approval for the Elks Lodge to add 75 parking spaces, discusses the existing drainage pipe and the new area being tied into a drainage system through an addition of 160-feet of 18-inch pipe. Also in this decision, it states that the BZA read



a letter from the WCC at the hearing stating that they “had no problem with the proposed project.” The BZA decision is enclosed with this memorandum. The 1995 historic aerial, provided in Enclosure 5, as well as the current state of the site, shows that the work described in the 1993 BZA decision was completed as intended.

Given the above research regarding the history of the development of the property, we respectfully request that the Weymouth Conservation Commission consider the granting a Certificate of Compliance for the OOC, MA DEP File #81-22.

Should you have any questions or require any further information, please do not hesitate to contact Maggie Laracy, P.E. at [mlaracy@crockerdesigngroup.com](mailto:mlaracy@crockerdesigngroup.com) or 781-919-0808. We look forward to presenting the Commission at the upcoming hearing on September 27, 2022.

Sincerely,  
Crocker Design Group, LLC

A handwritten signature in blue ink, appearing to read "MLaracy", is positioned above the typed name.

Margaret J. Laracy, P.E.  
Project Manager



**Enclosure 1:**

**OOC MA DEP #81-22, Issued 9/29/1975**

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WEYMOUTH, MASSACHUSETTS

ORDER OF CONDITIONS  
WETLAND PROTECTION ACT  
G.L.c. 131 s.40

FILE NUMBER: 81-22

PROJECT LOCATION: Washington St.  
Sheet 35, Block 447, Lot 3

TO: Weymouth Elks  
1197 Washington Street  
Weymouth, Massachusetts 02189

CERT. MAIL NO: 959801

RE: NOTICE OF INTENT AND PLANS DATED:  
August 20, 1975  
DATE OF PUBLIC HEARING: September 10, 1975

DATE OF RECEIPT BY  
CONSERVATION COMMISSION:  
August 28, 1975

Pursuant to the authority of G.L. c. 131 s. 40, the Town of Weymouth Conservation Commission has considered your notice of intent and plans submitted therewith, and has determined that the area on which the proposed work is to be done is significant to one or more of the interests described in the said act. The Weymouth Conservation Commission hereby orders that the following conditions are necessary and all work must be performed in strict conformance therewith:

CONDITIONS

1. 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.
2. This order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. 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 and/or regulations.
4. The work authorized hereunder shall be completed within one (1) year from the date of this order. The order may be extended by the issuing authority for one or more additional one-year periods upon application to the said issuing authority at least thirty days prior to the expiration date of the order or its extension.
5. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including, without limiting the generality of the foregoing, lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
6. No work may be commenced until all appeal periods have elapsed from the order of the Conservation Commission or from a final order by the Department of Natural Resources has elapsed.
7. No work shall be undertaken until the final Order, with respect to the proposed project, has been recorded in the Registry of Deeds for the district in which the land is located. Copy to be furnished to issuer of this Order showing book and page.
8. 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.
9. 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 Natural Resources, File Number 81-22".
10. Where the Department of Natural Resources is requested to make a determination and to issue a superseding order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department of Natural Resources.
11. The work shall conform to the following described plans and additional conditions.

FILE NUMBER 81-22

- 12. The southwest boundary of the fill area shown on the topographical plan submitted shall be sloped one to one or forty-five (45) degrees. This slope shall be stabilized by rocks with or without plantings to prevent erosion.
- 13. If the area is surfaced with black top, the boundary shall be provided with concrete stop-logs or a bituminous berm not less than eight (8) inches high with a minimum of four (4) eighteen (18) inch openings for storm runoff.
- 14. The wetlands southwesterly of the filled area shall be cleared of all brush, stumps and other obstructions to provide a free-running waterway of at least three (3) feet in width. The applicant shall be responsible for the continuing maintenance of this waterway within their property.
- 15. No work shall commence until applicant has submitted final detailed drawings to the Weymouth Conservation Commission indicating dimensions with two-foot contours, cross section of slope and bank, and bottom treatment of water course alterations. Record drawings should show dates prepared, including name(s) of person(s) preparing such and should be stamped by a Registered Professional Engineer, Landscape Architect or Registered Land Surveyor of the Commonwealth of Massachusetts.

The applicant, any person aggrieved 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 Natural Resources, provided the request is made in writing and by certified mail to the Department of Natural Resources within ten (10) days from the issuance of this order.

APPROVED William A. Donovan Chairman Theron J. Cain  
Howard T. S. Fenton Edward J. Healey

ISSUED BY WEYMOUTH CONSERVATION COMMISSION - WEYMOUTH, MASSACHUSETTS

On this 29th day of September 1975, before me personally appeared  
William A. Donovan

to me known to be the person described herein and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Margaret A. Kavan  
 Notary Public

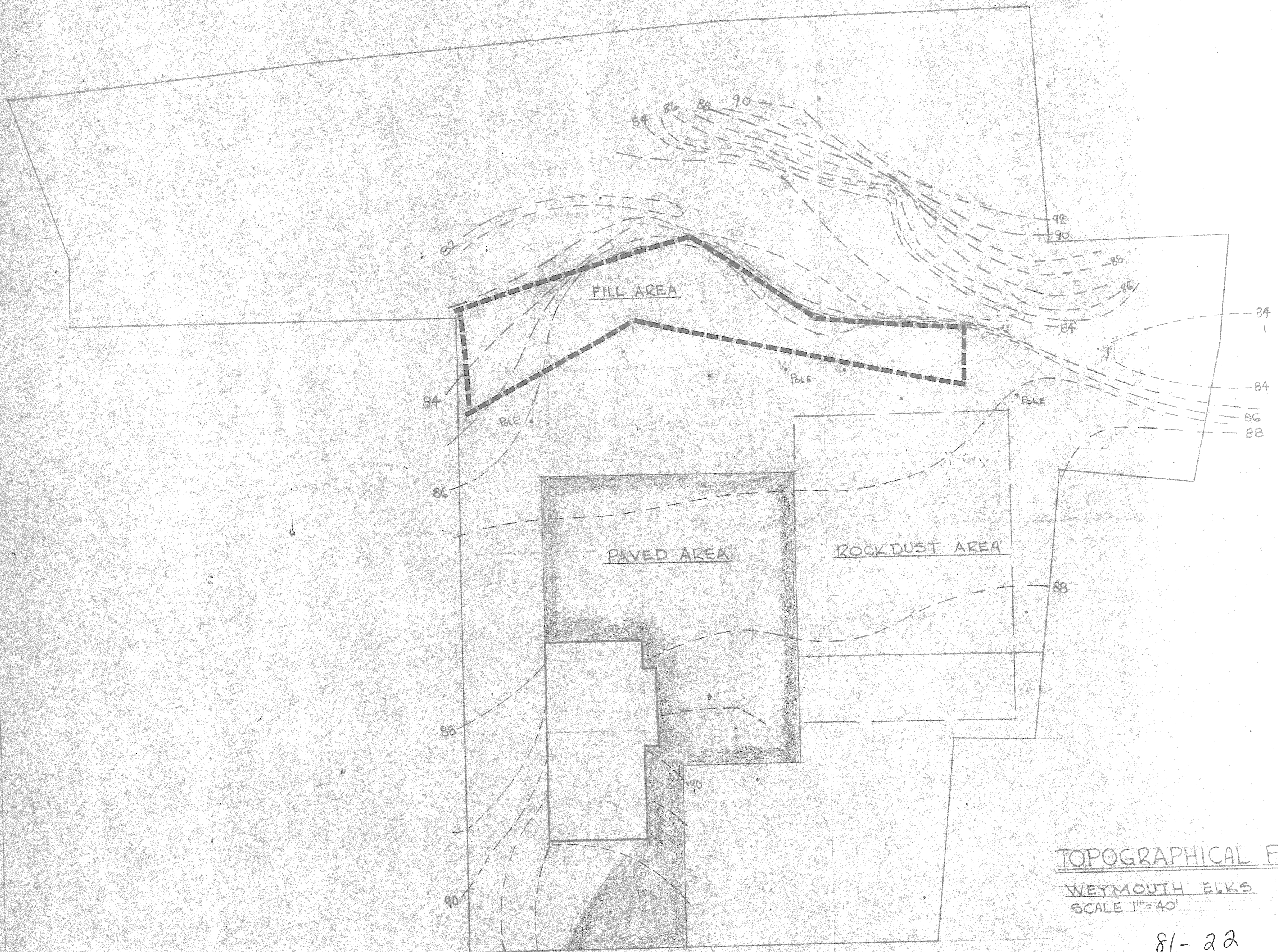
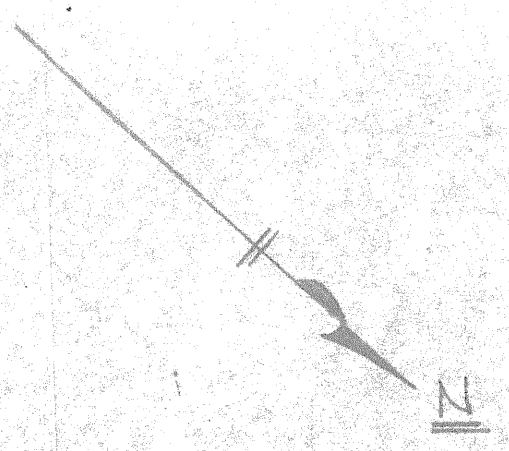
My commission expires July 8, 1981



**Enclosure 2:**

**Plans Associated with OOC, dated 1975-1976**



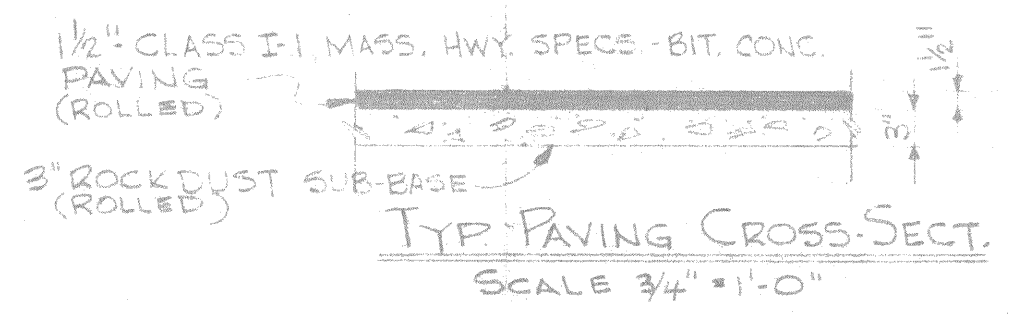
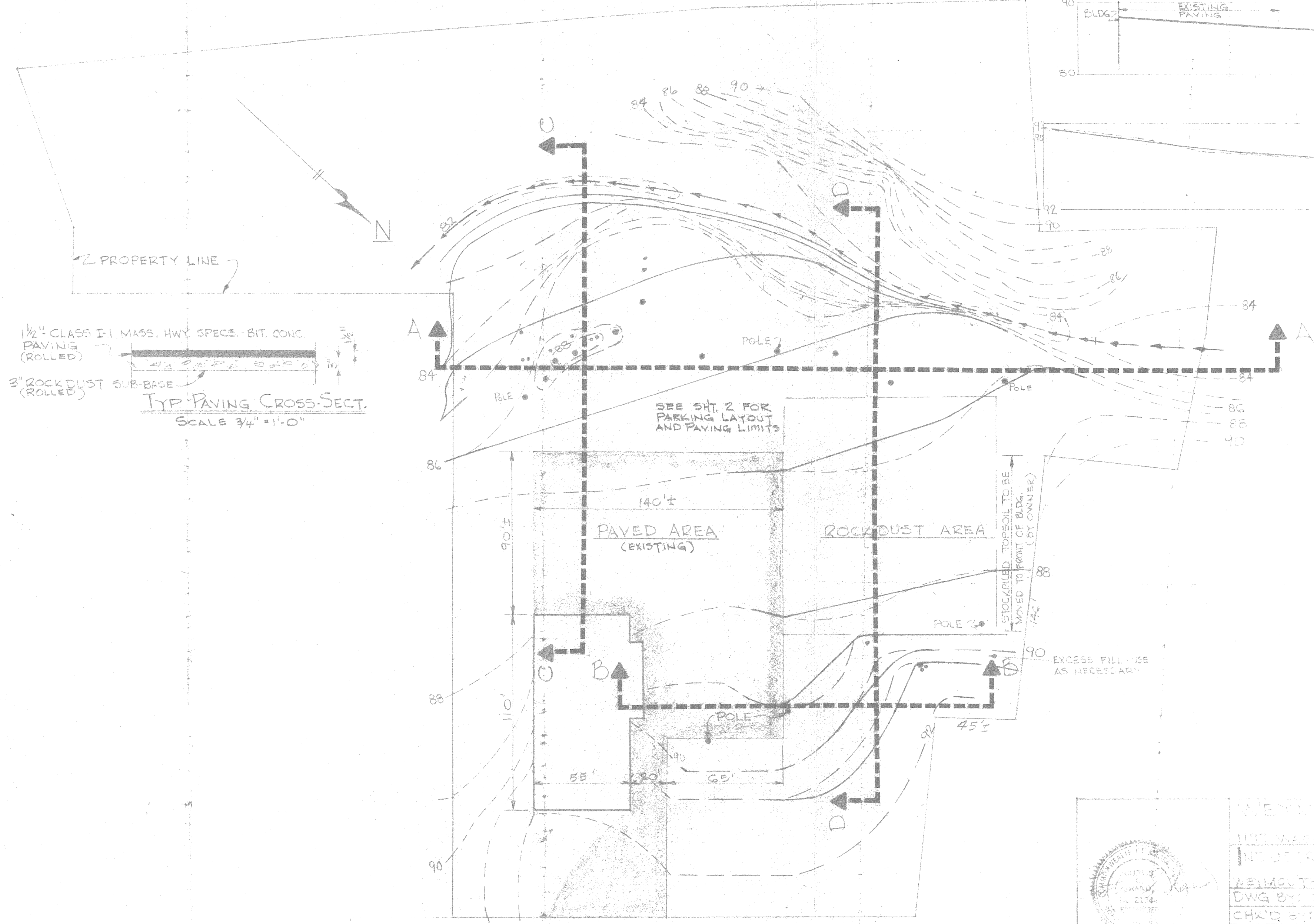
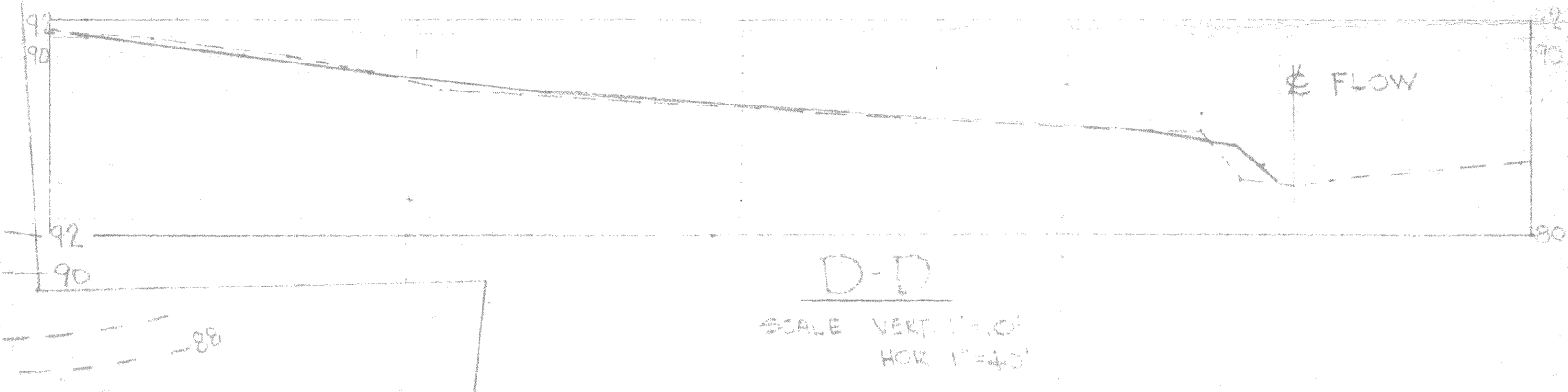
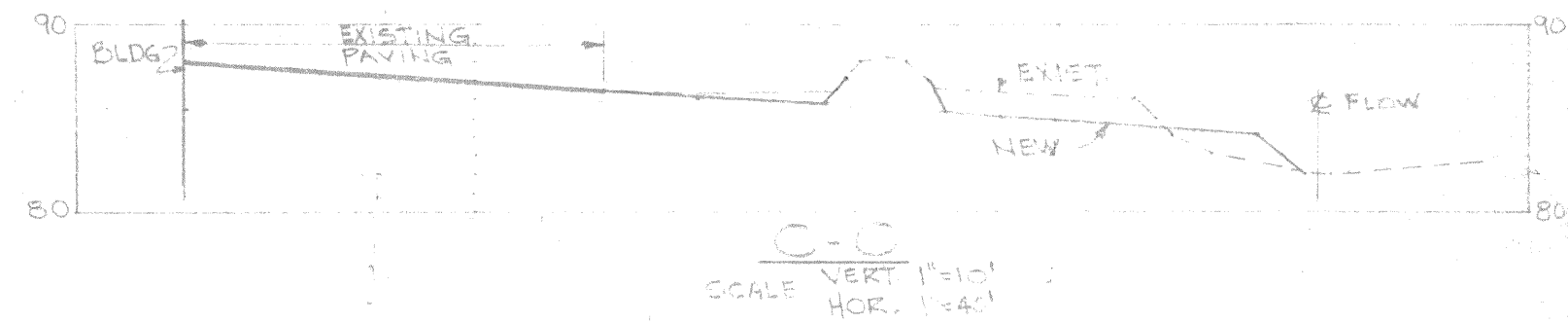
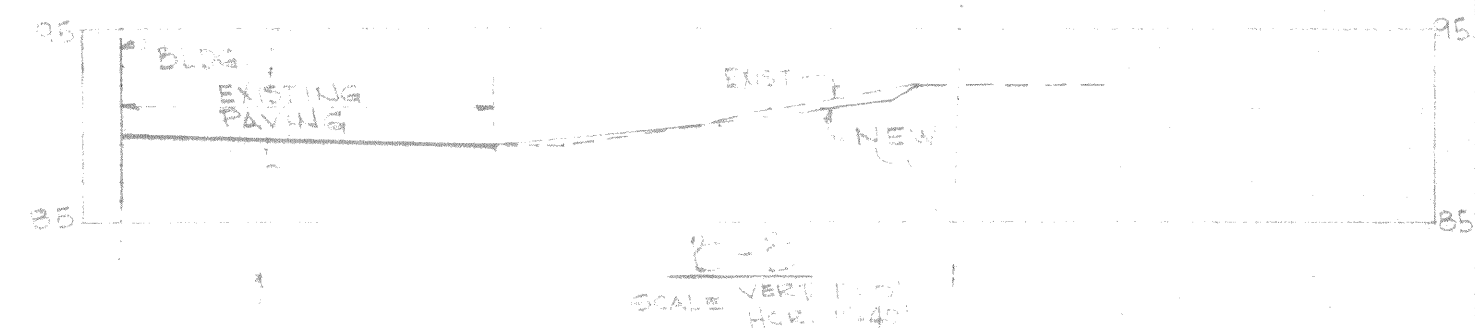
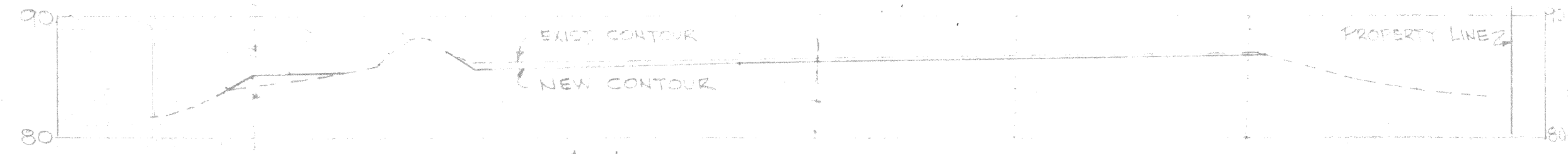
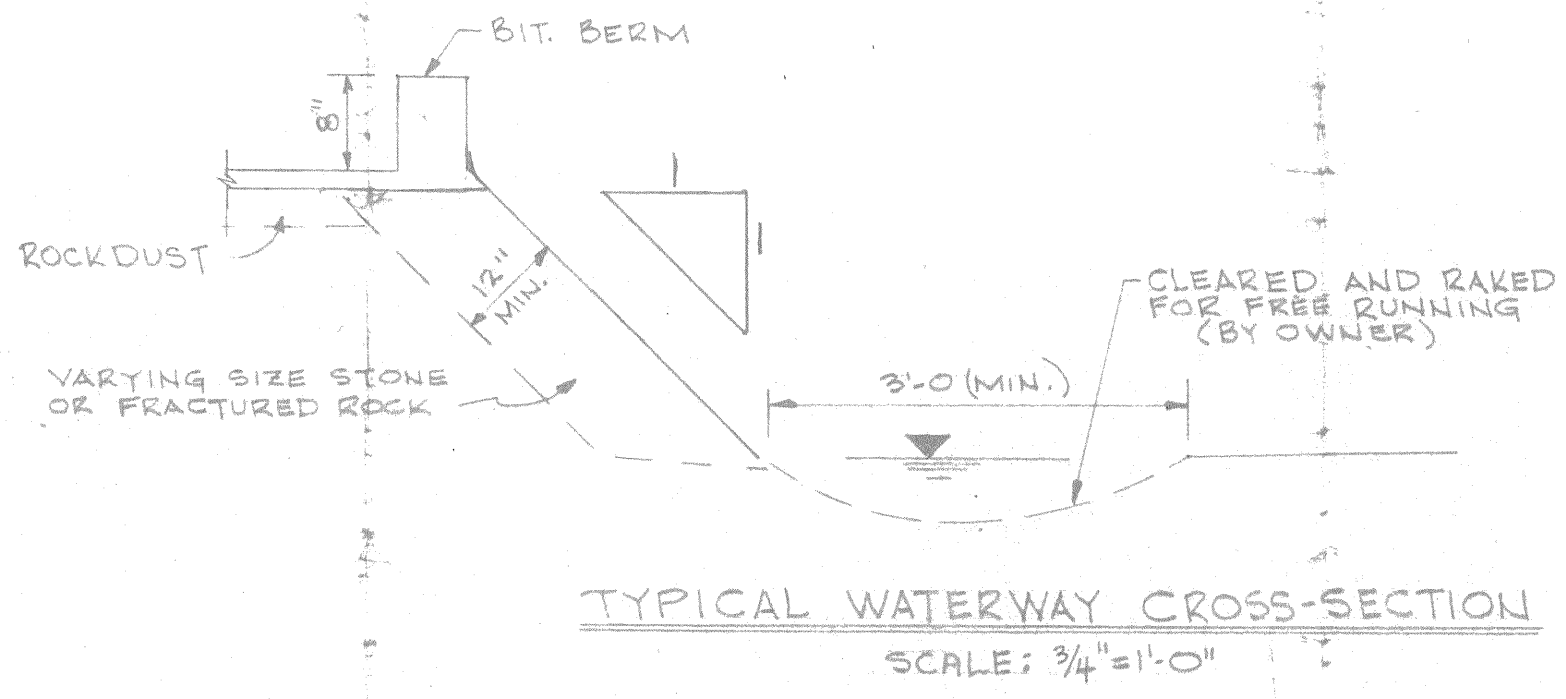


81-22

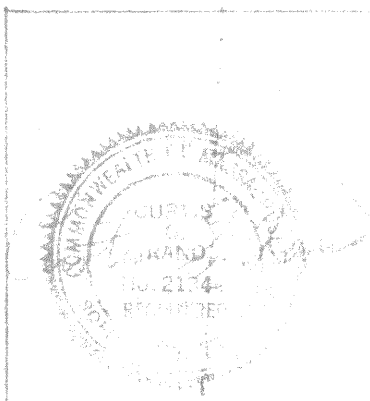
TOPOGRAPHICAL PLAN  
WEYMOUTH ELKS  
SCALE 1" = 40'

81-22





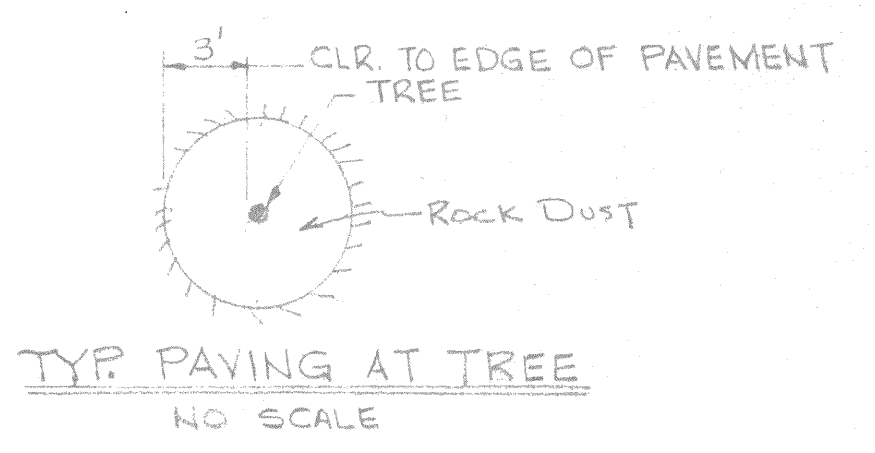
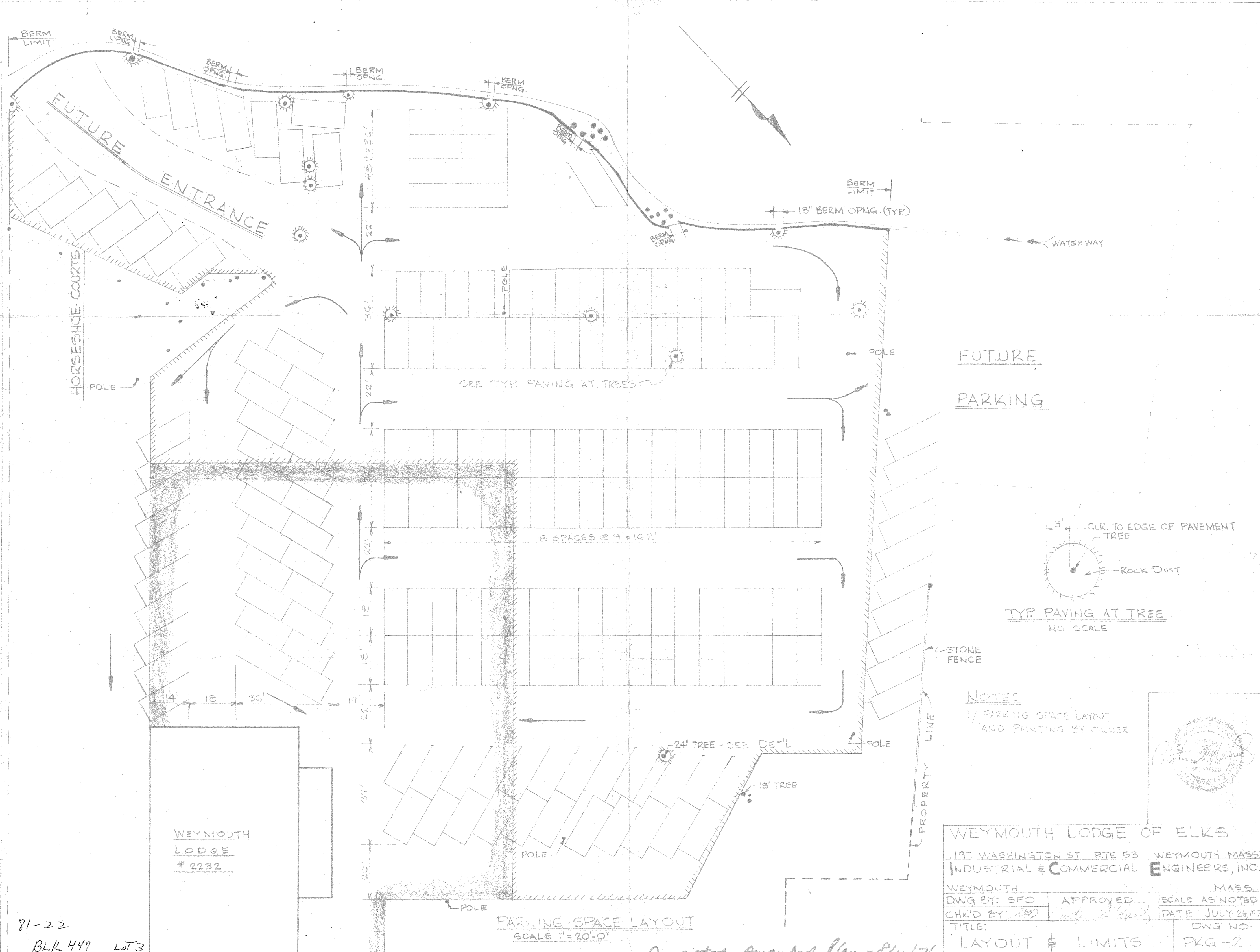
- LEGEND**
- EXIST. CONTOUR
  - NEW CONTOUR
  - ← WATERWAY FLOW
  - TREE OR POLE
  - ▨ EXIST. PAVING
  - ▨ NEW PAVING - SEE SHT. 2
  - 88 EL. DESIGNATION



WEYMOUTH LODGE OF ELKS		
1110 WASHINGTON ST. BOX 52 WEYMOUTH MASS.		
INDUSTRIAL & COMMERCIAL ENGINEERS, INC.		
WEYMOUTH MASS.		
DWG BY: SFD	APPROVED: [Signature]	SCALE: AS NOTED
CHK'D BY: [Signature]	DATE: JULY 19, 1976	DWG NO.
TITLE: GRADING & CONTOUR		PKG - 1

Amended Plan - Accepted. 8-11-76 81-22





**NOTES**  
 1/ PARKING SPACE LAYOUT AND PAINTING BY OWNER



WEYMOUTH LODGE OF ELKS		
1197 WASHINGTON ST. RTE 53 WEYMOUTH MASS.		
INDUSTRIAL & COMMERCIAL ENGINEERS, INC.		
WEYMOUTH	MASS	
DWG BY: SFO	APPROVED	SCALE AS NOTED
CHK'D BY: <i>[Signature]</i>	<i>[Signature]</i>	DATE JULY 24, 1976
TITLE:	DWG NO.	
LAYOUT & LIMITS	PKG - 2	

81-22  
 BLK 447 Lot 3

**PARKING SPACE LAYOUT**  
 SCALE 1" = 20'-0"

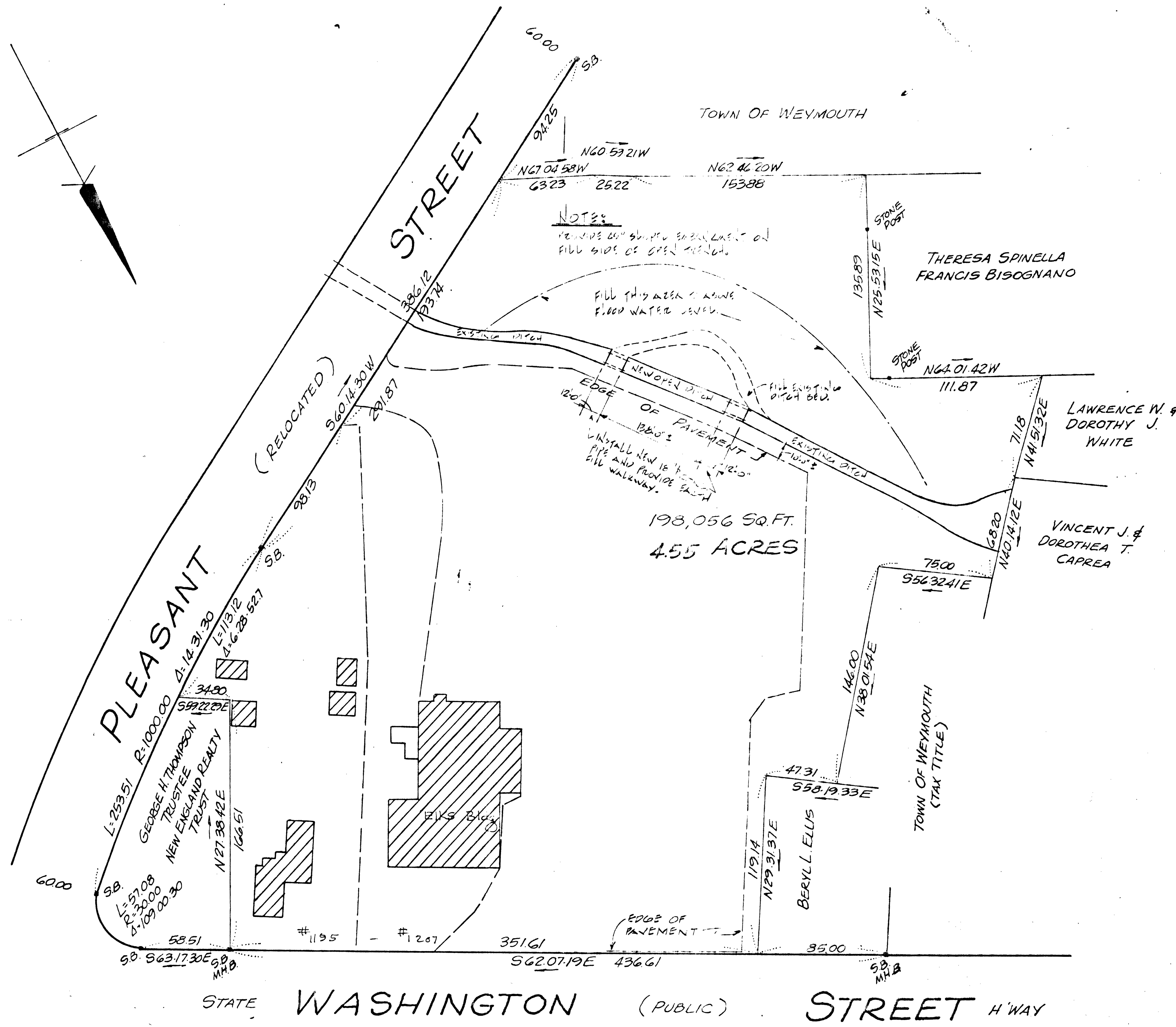
*Accepted Amended Plan - 8/11/76*



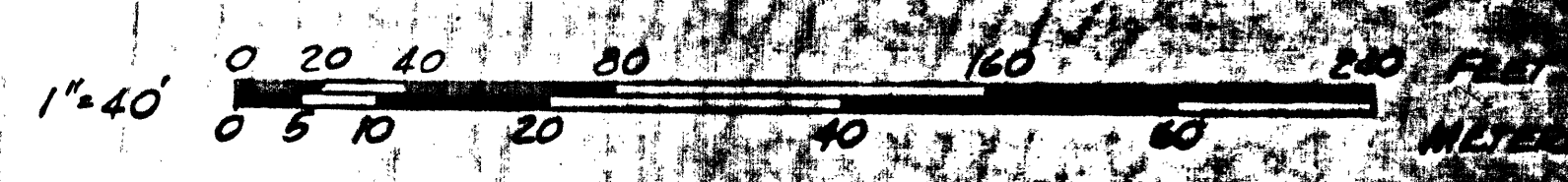
**Enclosure 3:**

**1978 Plan to Fill Part of Wetland**





FOR REGISTRY USE ONLY



I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*Neil J. Murphy*  
 REG. LAND SURVEYOR

December 5, 1978  
 DATE

PLAN OF LAND OF THE  
 "WEYMOUTH ELKS"  
 WASHINGTON STREET  
 WEYMOUTH, MASS

DECEMBER 5, 1978 SCALE 1"=40'

E.E.T. INC.  
 17 GANNETT ROAD  
 SCITUATE, MASS. 02055







**Enclosure 4:**

**1993 BZA Decision**

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THE COMMONWEALTH OF MASSACHUSETTS

WYBOUTH

(City or Town)

BOARD OF APPEALS

Date:

MAR 25 1983

Certificate of Granting of Variance or Special Permit  
(General Laws Chapter 40A, Section 11)

The Board of appeals of the City or Town of

herby certifies that a Variance or Special Permit has been granted

To WYBOUTH LODGE OF ELKS

Address 1197 WASHINGTON STREET

City or Town WYBOUTH, MA. 02189

affecting the rights of the owner with respect to land or buildings at

1197 WASHINGTON STREET

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance — special permit, and that copies of said decision, and of all plans referred to in the decision, have been filed with the planning board and the city or town clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town or city clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

*[Signature]*  
Town Clerk

Case #2232  
2/25/83

FORM 1004 HOBBS & WARREN, INC. BOSTON, MA

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MAR 26 11 20 AM '93

BOARD OF ZONING APPEALS  
RECORD OF MEETINGS AND PROCEEDINGS  
FEBRUARY 25, 1993

OFFICE OF TOWN CLERK  
WEYMOUTH, MASS.

The Board of Zoning Appeals of the Town of Weymouth held a public hearing on Thursday evening, February 25, 1993 at Weymouth Town Hall, 75 Middle Street, Weymouth, MA at 7:30 P.M. for the purpose of passing on the applications of certain persons whose petitions were properly before the Board. Notice of the public hearing had been given by mail to the parties in interest of the subject lots and by publication in the WEYMOUTH NEWS on 2/3 & 2/10/93.

Present for the Board: Paul M. Dello Iacono, Actg Chmn  
Jackee A. Nickerson, Secretary  
Robert L. Quindley  
Edward J. Jordan  
Richard F. McKinnon

The Chairman called the meeting to order and explained the procedure which would be followed to the people present.

ZBA CASE #2232 - 1197 WASHINGTON STREET - 2/25/93

APPLICATION OF EXALTED RULER HENRY WALSH - WEYMOUTH LODGE OF ELKS for property located at 1197 WASHINGTON STREET shown on 1992 Weymouth Assessor's Map as SHEET 33, BLOCK 447, LOT 3 and containing 174,700.00/- sq. ft. with frontage of 351.61+/- ft. (Washington Street) and 404.99+/- ft. (Pleasant Street) in a HT (Highway Transitional) and R-1 (Residential) Zoning District, seeking relief and/or approval from CHAPTER 120, ARTICLE 4, SUBSECTION 120-13(C) Special Permit uses-storage of more than three automobiles, 13, 120-40 Extension or change by special permit OF THE TOWN OF WEYMOUTH ZONING BY-LAWS, for a Special Permit and/or Dimensional Variance seeking permission to further extend/enlarge the existing parking lot area; expanding same by increasing parking spaces with a net gain of 79. Parking lot will be expanded into an R-1 Residential and HT Highway Transitional Zoning Districts. Parking lot area is already non-conforming in that it was previously extended. Said enlargement will not be substantially more detrimental to the area than the current non-conforming use as per plan submitted. (All measurements more or less.)

Attorney Daniel Afisa, 774 Broad Street was present with Weymouth Lodge of Elks Exalted Ruler Henry Walsh to explain the nature of the petition to the Board.

Attorney Afisa explained that the Weymouth Lodge of Elks is seeking special permission from the Board to enlarge the existing non-conforming parking lot. The expansion of the Lodge begun in 1989-1990 has manifested itself in an influx of traffic for the functions at the Lodge.

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ERA CASE #2232 - 1197 WASHINGTON STREET - 1/23/93

Many attendees are handicapped or senior citizens and the present number of parking spaces is inadequate. There are handicap parking spaces, ramps and canopies provided. The applicant seeks to add 75 additional spaces. The spaces would be predominately in the right rear section of the parking lot. The expansion will encroach very little into the A-1 residential area. The safety of the patrons will be greatly enhanced by the additional parking spaces. Hopefully the addition will enable patrons to park in the lot instead of parking on the streets.

The site is appropriate for the intended use, it will not be detrimental to the neighborhood, will not create any pedestrian or vehicular hazards, facilities are on the premises and will benefit the town by getting vehicles off the street.

The Chairman read a letter from the Conservation Commission stating that they had no problem with the proposed project. (Exhibit "A").

Edward J. Jordan wanted to know if there was to be an embankment to the right of the property and how it would be stabilized.

Mr. Walsh stated that there would be an embankment on the right hand corner of the lot and a retaining wall if required or burn and shrubs would be used to stabilize the embankment.

Richard F. McKinnon wanted to know how the drainage on the property ran. He was concerned with the additional water flow generated by the additional parking area, would the present system be able to handle it, should gas and oil traps be required.

Attorney Affes informed him that there is currently a drainage pipe on the property and the new area would be tied into this drainage system through the addition of 100' of 18" pipe and would then drain to the culvert.

Mr. Walsh stated that the area in question has always been hardpan and gravel for years and the water has always run off this bank. The drainage, which is half of what is there now, was adequate to handle it. The additional 100' of 18" pipe to accommodate the additional 75 parking spaces should be adequate.

Neil Donovan, Chairman of the Board of Trustees, informed the Board that the Town set the present street drainage conditions.

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IRA CASE 22222 - 1127 WASHINGTON STREET - 1/25/92

Jackie A. Nickerson wanted to know if additional handicap parking spaces would be provided.

Mr. Walsh informed him that there would be additional spaces but not in the area in question, they would be too far removed from the building. The present handicap spaces are located near the ramp at the front entrance off Washington Street and at the rear of the building to access functions in the lower level. The Lodge has portable handicap parking signs which they locate near the entrances when the numbers of people frequenting the hall require them.

Robert L. Quindley was still concerned with the embankment and felt that a retaining wall would be acceptable but a berm with mulch and shrubs could very easily deteriorate through erosion.

There was no one present either in favor of or opposed to the granting of the application.

A motion to close the public hearing was made by Robert L. Quindley which was seconded by Edward J. Jordan and UNANIMOUSLY VOTED. A subsequent motion to grant the Special Permits per Subsections 120-13(C) and 120-40 with conditions was made by Richard F. McKinnon which was seconded by Edward J. Jordan.

A lengthy discussion ensued among the Board members relative to the drainage, the plans that would be required, the retaining wall, the landscaping and conditions of approval.

FINDINGS:

The Board found that the Special permit would not derogate from the intent and purpose of the Zoning By-Law or be a detriment to the public good. The Board further found that Subsection 120-122(D) had been satisfied as the requested relief would not be substantially more detrimental to the existing or future character of the neighborhood.

DECISION OF THE BOARD

The Board was familiar with the site and had the benefit of a plan. The majority of the members had viewed the site in question. Due to the above findings it was UNANIMOUSLY VOTED:

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SEA CASE 22222 - 1197 WASHINGTON STREET - 2/29/93

PETITION GRANTED FOR SPECIAL PERMITS UNDER  
SUBSECTION 120-13(C) AND 120-40 AT 1197  
WASHINGTON STREET SHOWN ON 1992 WEYMOUTH  
KUBESON'S MAP AS SHEET 35, BLOCK 445, LOT 3  
TO EXPAND THE EXISTING PARKING LOT AS PER PLANS  
SUBMITTED WITH THE FOLLOWING CONDITIONS:

1. Drainage plans showing the required  
gas and oil separator traps shall be  
drawn by a registered engineer and  
submitted to the Department of Public  
Works, Engineering Department for  
approval.
2. Plans for any retaining wall or bank  
stabilization shall be drawn by a  
registered professional engineer  
and submitted to the Inspector of  
Buildings for approval prior to the  
issuance of a building permit.
3. Any and all landscaping shall be  
installed and maintained as per the  
approved plans.



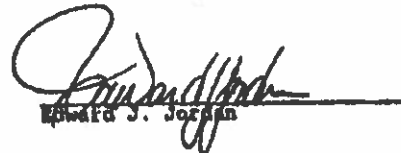
Paul N. Delle Iacono, Actg. Chan



James A. Mickelson, Secretary



Robert L. Guindley



Edward J. Jordan



Richard F. McKinnon

4r

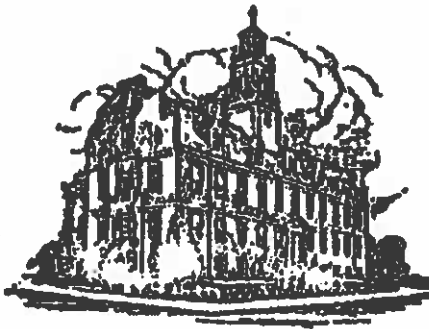


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TOWN CLERK'S DEPARTMENT  
FRANKLIN FRYER, TOWN CLERK  
C. ANNE MCGURDY, ASST. TOWN CLERK  
NANCY R. MALL



TOWN HALL  
75 BRIDGE STREET  
WYOMOUTH, MASS. 02198  
TELEPHONE 500-6000

THE TOWN OF  
WYOMOUTH, MASSACHUSETTS

April 20, 1993  
Date

To Whom It May Concern:

I, Franklin Fryer, Clerk of the Town of Weymouth do hereby certify this to be the action taken by the Board of Zoning Appeals at their meeting held on February 25, 1993, on

APPLICATION OF Weymouth Lodge Of Elks # 2232

This decision was filed in the Town Clerk's Office on March 26, 1993.

No appeal was filed within the twenty (20) day appeal period.

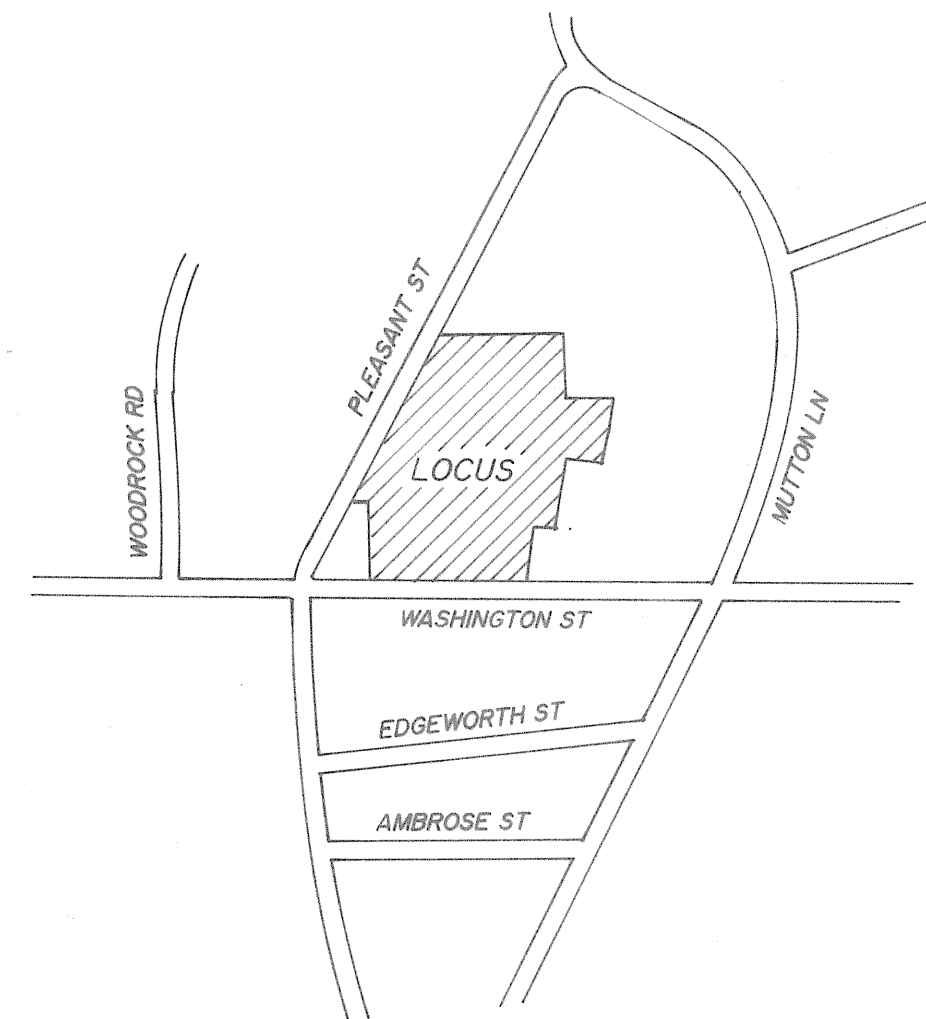
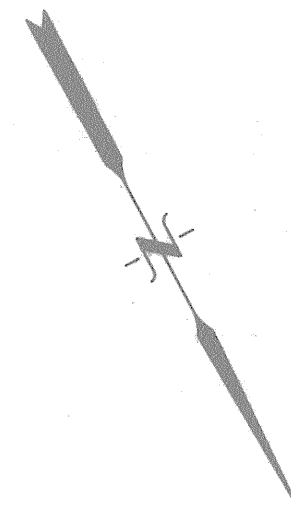
Signed Franklin Fryer  
Franklin Fryer, Town Clerk

A true copy. Attest:

Franklin Fryer  
Franklin Fryer  
Town Clerk

FF/m

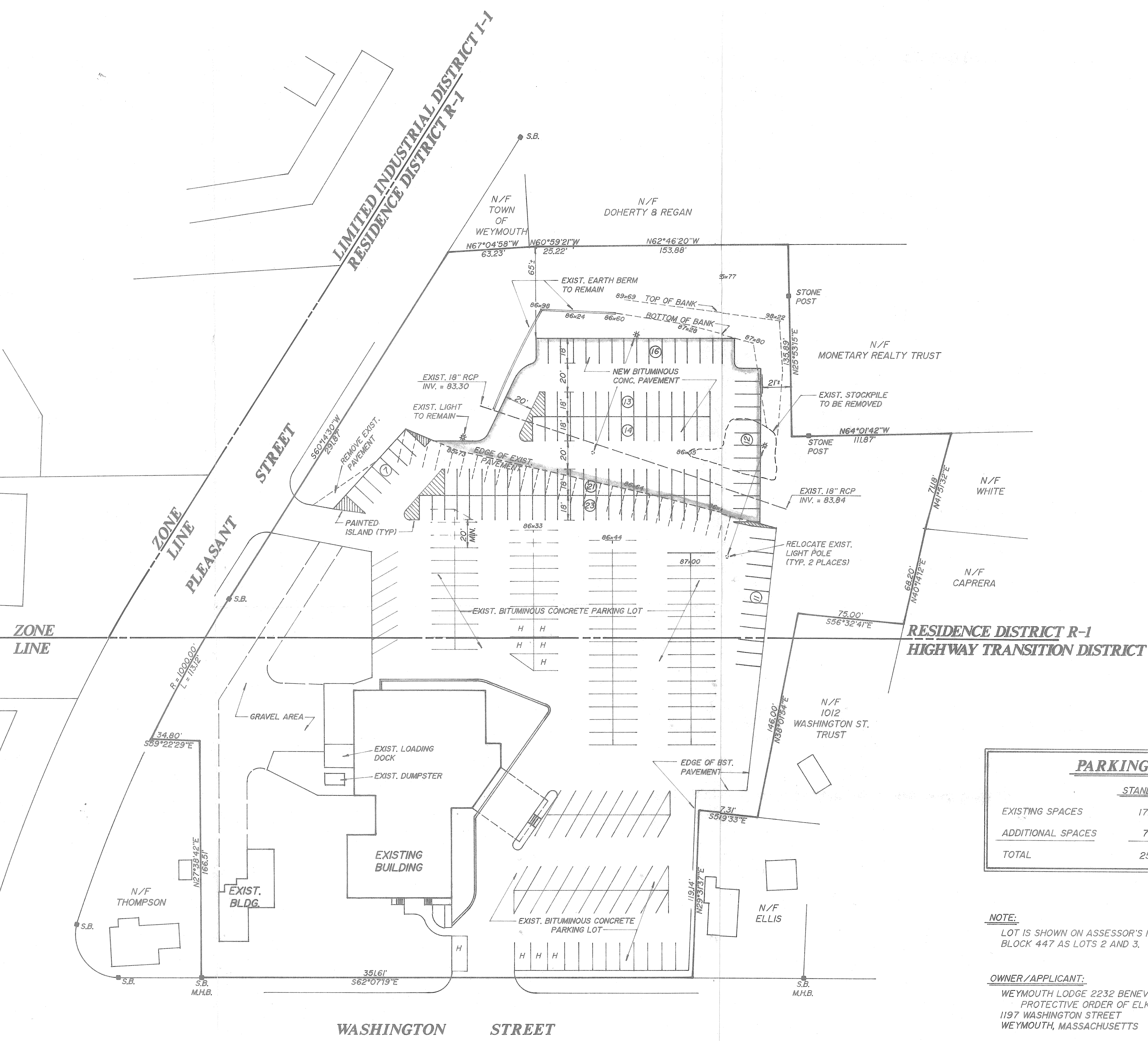
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**LOCUS MAP**  
1" = 400'

**GENERAL NOTES**

- 1.) EXISTING PROPERTY LINE INFORMATION TAKEN FROM A PLAN ENTITLED "PLAN OF LAND OF THE 'WEYMOUTH ELKS', WASHINGTON STREET, WEYMOUTH, MASS." DATED 12/5/78 BY E.E.T., INC., 17 GANNETT ROAD, SCITUATE, MASS. 02055.
- 2.) EXISTING TOPOGRAPHIC INFORMATION TAKEN FROM A FIELD SURVEY PERFORMED BY GALE ASSOCIATES, INC. IN JANUARY 1993.
- 3.) ALL PROPOSED PARKING SPACES SHALL BE 9' x 18'.



**PARKING CHART**

	STANDARD	HANDICAP	TOTAL
EXISTING SPACES	172	9	181
ADDITIONAL SPACES	79	0	79
TOTAL	251	9	260

**NOTE:**

LOT IS SHOWN ON ASSESSOR'S MAP 35 BLOCK 447 AS LOTS 2 AND 3.

**OWNER/APPLICANT:**

WEYMOUTH LODGE 2232 BENEVOLENT AND PROTECTIVE ORDER OF ELKS  
1197 WASHINGTON STREET  
WEYMOUTH, MASSACHUSETTS

*OK TO FILE*

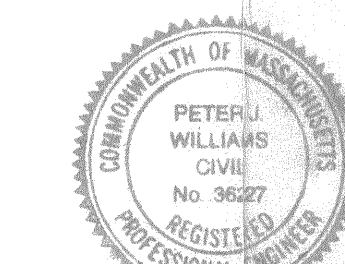
OF WEYMOUTH  
APPROVED, subject to Section  
C & 113.0 SBC  
1/23/93  
34201

**Board of Appeal**

Case No. 2232  
APPROVED AS SHOWN  
DATE 2/25/93  
CH'MAN

**PROPOSED PARKING PLAN**

**1197 WASHINGTON STREET  
WEYMOUTH, MASSACHUSETTS**



*Peter Williams*  
1/26/93

Gale Associates, Inc. Boston • Baltimore  
Eight School Street • P.O. Box 21 • Weymouth, Massachusetts 02189-0900 (617) 337-4253



Scale: 1" = 40' Date: 1/26/93 Drawn: M.F.C. Reviewed: J.G.P./P.J.W. Job No: 704370

RECEIVED  
BUILDING DEPARTMENT  
WEYMOUTH, MA 02199  
93 JAN 29 PM 12:06



**Enclosure 5:**

**1971, 1978, 1995 Historic Aerials**



Historic Aerial 1971





Historic Aerial 1978





Historic Aerial 1995

