



Paul William Kaufman  
933 Webster Street, Marshfield MA 02050 - 781.837.9944 - Fax 781.834.0216 - Paul@kb123.com

May 27, 2021

Mr. Andrew Hultin  
Conservation Commission  
Town Hall  
75 Middle Street  
Weymouth, MA 02189

Re: Robert & Kathleen Delaney  
48 Concannon Circle, Weymouth  
Lot #10

Dear Andrew:

Our office is representing the above-referenced Sellers in the sale of their home at 48 Concannon Circle. A title search revealed that there was never a Certificate of Compliance put on record for the enclosed Order of Conditions.

I have enclosed a Request for Certificate of Compliance along with the check in the amount of \$50.00 for the processing fee.

Kindly process this request for partial discharge release of this order as soon as possible as this is schedule to close on June 25, 2021.

Thank you.

Sincerely,

Paul William Kaufman  
PWK/ma

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER.

**KAUFMAN & BENNETT**  
**ATTORNEYS AT LAW**  
933 WEBSTER STREET  
MARSHFIELD, MA 02050  
(781) 837-9944

**CITIZENS BANK OF MASSACHUSETTS**  
MARSHFIELD OFFICE  
BOSTON, MA

15899  
5-70172110

5/27/2021

PAY TO THE ORDER OF

Town of Weymouth

\*\*50.00

\$

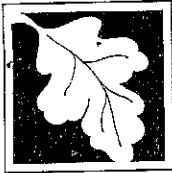
Fifty and 00/100\*\*\*\*\*

DOLLARS

Town of Weymouth  
Conservation Office  
Weymouth Town Hall  
75 Middle Street

MEMO





**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:

Provided by DEP

**A. Project Information**

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



Upon completion 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.

1. This request is being made by:

Paul William Kaufman, Esq.

Name

933 Webster Street

Mailing Address

Marshfield

MA  
State

02050  
Zip Code

City/Town

781-837-9944

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Francis A. Messina

Applicant

4-11-86

Dated

81-308

DEP File Number

3. The project site is located at:

Essex Street

Street Address

S25 B285 L4

Assessors Map/Plat Number

Weymouth  
City/Town

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Francis A. Messina

Property Owner (if different)

Norfolk

County

7081  
Book

397  
Page

Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.  
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

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

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**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:

Provided by DEP

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### 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

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

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### 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-office-for-your-city-or-town.html>).



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Commonwealth of Massachusetts

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DEQE FORM Y-21-308 (To be provided by DEQE) City/Town: Weymouth Applicant: F.A. Messina

397

Order of Conditions Massachusetts Wetlands Protection Act

G.L.C. 131, §40 and Chapter 119 of the Code of the Town of Weymouth (Wetlands Protection By-law)

From WEYMOUTH CONSERVATION COMMISSION

To Francis A. Messina same (Name of Applicant) (Name of property owner)

Address 410 Franklin St., Braintree MA Address

This Order is issued and delivered as follows: [ ] by hand delivery to applicant or representative on (date) [x] by certified mail, return receipt requested on April 11, 1986 (date) This project is located at Essex Street S25 B285 14

The property is recorded at the Registry of Norfolk Book 6191 Page 641

Certificate (if registered) The Notice of Intent for this project was filed on March 6, 1986 (date) The public hearing was closed on March 26, 1986 (date)

Findings The Weymouth Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- [x] Public water supply [x] Storm damage prevention [x] Private water supply [x] Prevention of pollution [x] Ground water supply [ ] Land containing shellfish [x] Flood control [x] Fisheries [x] Aesthetics [x] Erosion Control [x] Wildlife 5-1 Recreation

Vertical stamp or text on the left margin

N O T  
A N  
N O T  
A N

Therefore, the Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

#### General 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 or regulations.
4. The work authorized 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.
5. 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.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No 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.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Quality Engineering, File Number 81-308".
10. Where the Department of Environmental Quality Engineering 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.
11. 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.
12. The work shall conform to the following plans and special conditions:

N O T  
A N  
O F F I C I A L                      O F F I C I A L  
C O P Y                                      C O P Y

Plans:	Title	Dated	Signed and Stamped by:	On File with:
"Subdivision Plan of Land in Weymouth MA"	Sheets 1-10	12/6/84 rev. 1/31/86	Charles Gale R-E & PLS	WeyConCom
	Drainage Computations	1/29/85	Gale Engineering Co	WeyConCom
	Effects of Detention Basin on Vegetation	3791 ref.	Robert Marini	WeyConCom
	Narrative and Hydrologic Study Special Conditions (Use additional paper if necessary)		Gale Engineering Co.	WeyConCom

SUMMARY

Pursuant to the provisions of MGL Chapter 131 Section 40 and the Town of Weymouth Wetlands By-law (Chapter 119 of the Code of the Town of Weymouth); the Conservation Commission is issuing the attached Order of Conditions for File# 81-308 subject to the following special conditions, based upon: 1) Information submitted by the applicant in the Notice of Intent, 2) Subdivision Plans of Land (Sheets 1 to 10), 3) Drainage Calculations and Hydrologic Study, and 4) The Delineation of vegetated wetlands with the associated 100 ft. buffer zone.

The subdivision consists of 41 single family lots, plus a 1.38 acre lot (No. 42) which is to serve as the location for a detention basin for controlling storm drainage runoff into a swamp area and eventually into Whitmans Pond, a public water supply.

The detention basin consists of an area in lot 42 with a dike to contain the drainage from all 41 lots. An outlet in the dike for run-off will be in the form of a weir designed to control the rate of run-off to acceptable standards. A replication wetland equal to what will be destroyed is required to compensate for the destruction of wetlands for the dike in lot 42. 310CMR 4b. For details, refer to Plans (sheet 10).

In the area delineated by the botanist there exists a vegetated area of 30,000 square feet or more located on portions of six (6) lots, Nos. 12, 13, 39, 40, 8 and 7, also included in a section of lot 42. A stream flows from a swamp area bordering on lot 13, on the west, to the swamp area south of lot 42. This stream supports the vegetation in the above named six (6) lots.

SPECIAL CONDITIONS

13. Except for two (2) road crossings by culverts there shall be no work done or alterations of this stream, which shall remain in natural condition.

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400

Issued By the Weymouth Conservation Commission

Signature(s) Joseph J. Hayer Howard Ewins

Mary Beth Martin John J. Conroy

John C. Feiler Michael J. Coyne

Joseph J. Duella

This Order must be signed by a majority of the Conservation Commission.

On this 11th day of April 1986 before me personally appeared Howard Ewins, Commissioner to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Lisa A. Truckee March 13, 1992 Notary Public My commission expires



The applicant, the owner, 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 request the Department of Environmental Quality Engineering to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department within ten days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

- 14. Since the above six lots together with lot 42 constitute a contiguous area significant to the Wetlands Act, a Notice of Intent shall be filed with the Weymouth Conservation Comm. under MGL Ch131S40 and Ch.119 of the Code of the Town of Weymouth prior to the issuance of a building permit for Lots 12, 13, 39, 40 and 7. In the context of any such filing, the Commission shall not entertain any proposal for additional wetland alteration unless: 1) such alteration is essential to the placement of a house and driveway on the lot; 2) the wetland area that is altered can be replicated on the same lot in an area that is contiguous to said wetland area. Lot 8 is not considered a buildable lot.
15. Purchasers of lots in the above protectable area should be informed of the limitations and it should be noted on the deeds as well.
16. The replication area on lot shall be scheduled for first phase of the project and must have been successful in two growing years.
17. The discharge weir in the dike shall be of reinforced concrete construction.
18. The applicant shall arrange or negotiate for the maintenance of the detention (cont.)

DEQE File# 81-308
Order of Conditions continued
Francis X. Messina, Essex St-41 lot subdivision
Issued by the Weymouth Conservation Commission

basin and drainage system. The Conservation Commission shall be notified for approval.

19. No road salt (NaCl) for deicing shall be permitted, because the ultimate drainage is to Whitmans Pond, a public water supply.

20. These Orders of Conditions apply to the the protected areas, and provide for the development of the roadways, the utilities and drainage. The removal of trees shall be limited to the roadways only. Tree stumps shall be disposed of out of town. There shall be no burial of spoil including boulders on the site.

21. The applicant shall provide the Conservation Commission with an up to date construction schedule of operations for monitoring purposes.

22. A copy of the Order of Conditions and site plans shall be kept on site at all times during construction and contractors and subcontractors shall be made aware of applicable conditions concerning their work.

END OF SPECIAL CONDITIONS

