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April 16, 2021

Mr. Joe Teixeira, Chair
Newburyport Conservation Commission
60 Pleasant Street
Newburyport, MA 01950

**Re: Request for Extension of Order of Conditions, MassDEP No. 051-0973
18 Boyd Drive and 5 Brown Avenue, Newburyport (the "Property")**

Dear Chair Teixeira and Members of the Board:

Reference is made to the above captioned matter. In that connection, this firm represents Evergreen Commons, LLC (the "Petitioner"). The Petitioner seeks a three-year Extension of the Order of Conditions issued on February 6, 2018 (the "2018 Order"), so it can complete final work on all aspects of the project.

The 2018 Order was issued on February 6, 2018, and originally set to expire on February 6, 2021. However, under Governor Baker's State of Emergency declaration on March 10, 2020, and the subsequently enacted Chapter 53 of the Acts of 2020, the 3-year clock on the 2018 Order began tolling on March 10, 2020.


This means that under Chapter 53 of the Acts of 2020, the 2018 Order has not expired, and will not expire until the Governor declares the end of the state of emergency, plus the number of days remaining on the permit as of March 10, 2020.

Due to the uncertainty of the above timeline, and volume of work and necessary growing seasons needed to confirm all aspects of the project are completed according to plan, the Petitioner seeks a three-year extension of the 2018 Order, creating a new expiration date of February 6, 2024. This will allow the Petitioner to complete the work under the Order and see the establishment of plantings through the 2023 growing season, all without the uncertainty of the expiration of the Order created by the State of Emergency.

Please schedule this request for your next meeting date and contact us should you have any questions.

Respectfully submitted,
Evergreen Commons, LLC

By its Attorney


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