

# **Evergreen Commons, LLC**

**April 21<sup>ST</sup>, 2021**

**Request for Release of Covenants**

**Lots 23, 24, 26, 27, and 28**



**Mead, Talerman & Costa, LLC**  
Attorneys at Law

# Project Status Update:

- House Construction

- Seven homes still under construction, and Occupancy Permits under control of the City.

- Conservation Restriction

- Sent to EEA and ConCon for review on January 11, 2021.
- EEA provided comments on February 26, 2021. We addressed those comments and sent a new draft to the City.
- No response from City yet, but goal is to have CR approved for recording by this fall.

- Deed to Water Department

- Deed and Access Easement provided to City beginning on April 1, 2020, again on June 18, 2020, and again on September 7, 2020. City has not approved or authorized execution of easement or deed.

# Project Status Update:

- Signage

- Met with ConCom on December 15, 2020 to review and approve signage
- Signage approved by Conservation Agent on February 25, 2021
- Signage ordered for installation, goal is installation in ~ 1 month

- Project Minor Modifications

- Met with Conservation Agent on February 25, 2021 to discuss minor changes to bridge construction, open space, trail accessibility, landscape changes, stormwater management.
- Plans filed for Minor Modification on April 16, 2021, for formal review on May 4, 2021.
- Informal presentation of minor modification at April 20, 2021 ConCom meeting, along with site walk scheduling.

# Project Status Update:

- Homeowners Association Agreement

- February 25, 2021 meeting with Conservation Agent and Zoning Enforcement Officer relative to long term management or provisions of HOA and method of impervious surface calculation.

- Roadway and Sidewalks

- Sidewalk tip downs at driveways of units under construction. Anticipated top coat and completion of sidewalks in late September after hot weather is over.

- Open Space

- Anticipated Completion likely fall 2021 after season of new growth.

- Lot Corner Markers

- Most corner markers installed.



1	5-7-17	For review
2	5-16-17	For review
3	4-14-21	For review



- ### OPEN SPACE/WETLAND AREA
- NE ROADSIDE MATRIX UPLAND SEED MIX, 1 LB/1250 SQ FT., NE WETLAND PLANTS
  - NE CONSERVATION/WILDLIFE MIX, 1 LB/1750 SQ FT., NE WETLAND PLANTS
  - SHOWY NORTHEASTERN NATIVE WILDFLOWER & GRASS MIX, ERNST SEEDS, OR EQUIVALENT
  - NEW ENGLAND WETMIX, 1 LB/2500 SQ FT., NE WETLAND PLANTS
  - OPEN LAWN, FESCUE BLEND
  - SHRUBS/SAPLINGS WITHIN ISOLATED WETLAND AREA (SEE BELOW FOR LIST)
  - TRANSITIONAL MEADOW (SEE SEPARATE SKETCH BY OTHERS)

- ### SHADE TREES: QTY 23
- |                     |               |             |
|---------------------|---------------|-------------|
| ACER RUBRUM         | RED MAPLE     | 1.5-2' CAL. |
| POPULUS TREMULOIDES | QUAKING ASPEN | 1.5-2' CAL. |
| QUERCUS ALBA        | WHITE OAK     | 1.5-2' CAL. |
| QUERCUS RUBRA       | RED OAK       | 1.5-2' CAL. |
- ### EVERGREEN TREES: QTY 16
- |                 |              |          |
|-----------------|--------------|----------|
| ABIES BALSAMICA | BALSAM FIR   | 8-8' HT. |
| PICEA MARIANA   | BLACK SPRUCE | 8-8' HT. |
| PRINUS STROBUS  | WHITE PINE   | 8-8' HT. |
- ### FLOWERING TREES: QTY 29
- |                        |                   |          |
|------------------------|-------------------|----------|
| AMELANCHIER CANADENSIS | SERVICEBERRY      | 5-6' HT. |
| BETULA NIGRA           | RIVER BIRCH       | 5-6' HT. |
| CORNUS FLORIDA         | FLOWERING DOGWOOD | 5-6' HT. |
| PRUNUS SEROTINA        | BLACK CHERRY      | 5-6' HT. |
- ### SHRUBS: QTY 252
- |                       |                  |        |
|-----------------------|------------------|--------|
| CALTHIPA ALFALFOLA    | SUMMERSWEET      | 2 GAL. |
| CORNUS RACEMOSA       | GREY DOGWOOD     | TUBULE |
| CORNUS SERICEA        | REDOSIER DOGWOOD | TUBULE |
| HAMAMIS VIRGINIANA    | WITCHHAZEL       | 2 GAL. |
| ILEX VERTICILLATA     | WINTERBERRY      | 2 GAL. |
| NORELLA PENNSYLVANICA | SAVYBERRY        | TUBULE |
| ROSA VIRGINIANA       | VIRGINIA ROSE    | TUBULE |
| SPIREA TOMENTOSA      | STEEPLEBUSH      | TUBULE |
| VACCINIUM CORYMBOSUM  | WINTERBERRY      | 2 GAL. |
| VIBURNUM OBTUSUM      | WINTERBERRY      | TUBULE |
| VIBURNUM TRELOBIUM    | JAM GRANADILLA   | 2 GAL. |

- ### BUFFER PLANTINGS
- #### SHADE TREES: QTY 3
- |               |           |         |
|---------------|-----------|---------|
| ACER RUBRUM   | RED MAPLE | 2' CAL. |
| QUERCUS RUBRA | RED OAK   | 2' CAL. |
- #### EVERGREEN TREES: QTY 46
- |                |                |           |
|----------------|----------------|-----------|
| ABIES CONCOLOR | WHITE FIR      | 8-10' HT. |
| PICEA OMORICA  | SERBIAN SPRUCE | 8-10' HT. |
| PRINUS STROBUS | WHITE PINE     | 8-10' HT. |
- #### FLOWERING TREES: QTY 4
- |                        |              |         |
|------------------------|--------------|---------|
| AMELANCHIER CANADENSIS | SERVICEBERRY | 2' CAL. |
|------------------------|--------------|---------|
- #### SHRUBS: QTY 21
- |                  |            |          |
|------------------|------------|----------|
| CORNUS ALBA      | BAILHALD   | 5 GAL.   |
| ILEX GLABRA      | INHERBERRY | 5 GAL.   |
| KALMIA LATIFOLIA | MT LAUREL  | 3-4' HT. |
| VIBURNUM MOHICAN |            | 3-4' HT. |
- #### EVERGREEN BUFFER: QTY 19
- |                    |            |          |
|--------------------|------------|----------|
| LOPERUSUS MCKENZII | SAWPEE     | 8-8' HT. |
| THUJA PLICATA      | ARBORVITAE | 8-8' HT. |

- ### STREET TREE PLANTINGS
- #### STREET TREES:
- |                       |                |             |
|-----------------------|----------------|-------------|
| ACER RUBRUM (A)       | RED MAPLE      | 2.5-3' CAL. |
| CARPINUS BETULUS (B)  | COMMON HORNBAM | 2.5-3' CAL. |
| NYSSA SYLVATICA (C)   | SWEETGUM       | 2.5-3' CAL. |
| QUERCUS PALUSTRIS (D) | PIN OAK        | 2.5-3' CAL. |
- #### FLOWERING TREES: (CUL DE SAC)
- |                |                   |         |
|----------------|-------------------|---------|
| CORNUS FLORIDA | FLOWERING DOGWOOD | 2' CAL. |
|----------------|-------------------|---------|

- ### SHRUBS/SAPLINGS WITHIN HATCHED ISOLATED WETLAND AREA
- |                      |                  |          |  |       |
|----------------------|------------------|----------|--|-------|
| ACER RUBRUM          | RED MAPLE        | 4-6' HT. | WITHIN HIGHER ELEVATION AREAS              | FACT  |
| CORNUS AMOMUM        | SILKY DOGWOOD    | 3-4' HT. | 8-8' O.C. WITH TUBELINGS INTERSPERSED      | FACTW |
| CORNUS RACEMOSA      | SILKY DOGWOOD    | 3-4' HT. | TUBELING PLANT 3' O.C. AROUND SAME SPECIES | FACT  |
| CORNUS SERICEA       | REDOSIER DOGWOOD | 3-4' HT. | 8-8' O.C. WITH TUBELINGS INTERSPERSED      | FACTW |
| CORNUS SERICEA       | REDOSIER DOGWOOD | 3-4' HT. | 8-8' O.C. WITH TUBELINGS INTERSPERSED      | FACTW |
| ILEX VERTICILLATA    | WINTERBERRY      | 3-4' HT. | GROUP 6+ TOGETHER, 5-7' O.C.               | FACTW |
| SALIX DISCOLOR       | PUSHY WILLOW     | TUBULING | 4-4' O.C. IN GROUPS OF 6+                  | FACTW |
| SALIX DISCOLOR       | PUSHY WILLOW     | 3-4' HT. | 4-4' O.C. IN GROUPS OF 6+                  | FACTW |
| SALIX NIGRA          | BLACK WILLOW     | 4-6' HT. | WITHIN MID TO HIGHER ELEVATION AREAS       | FACTW |
| SPIREA TOMENTOSA     | STEEPLEBUSH      | 2-3' HT. | 4-4' O.C. IN CLUSTERS BY TSELF             | FACTW |
| VIBURNUM CASSINOIDES | WILD RASIN       | 3-4' HT. | 4-4' O.C.                                  | FACTW |

- ### CENTRAL GREEN
- #### SHADE TREES
- |                         |                |             |
|-------------------------|----------------|-------------|
| ACER SACCHARUM          | SUGAR MAPLE    | 2.5-3' CAL. |
| AESCULUS HIPPOCASTANUM  | HORSE CHESTNUT | 2.5-3' CAL. |
| LIRIODENDRON TULIPIFERA | TULIPTREE      | 2.5-3' CAL. |
| QUERCUS ALBA            | WHITE OAK      | 2.5-3' CAL. |
- #### FLOWERING TREES
- |                    |                |         |
|--------------------|----------------|---------|
| MALUS 'STARFIRE'   | CRABAPPLE      | 2' CAL. |
| PRUNUS X YEDOENSIS | YOSHINO CHERRY | 2' CAL. |
- #### SHRUBS
- |                        |           |        |
|------------------------|-----------|--------|
| HYDRANGEA 'END SUMMER' | HYDRANGEA | 3 GAL. |
| ROSA 'KNOCKOUT'        | ROSE      | 3 GAL. |
| SPIREA 'THROBANA'      | SPIREA    | 3 GAL. |
- ### TOT LOT
- #### SHADE TREES
- |               |           |             |
|---------------|-----------|-------------|
| ACER RUBRUM   | RED MAPLE | 2.5-3' CAL. |
| QUERCUS RUBRA | RED OAK   | 2.5-3' CAL. |
- #### FLOWERING TREES
- |                |                   |         |
|----------------|-------------------|---------|
| CORNUS FLORIDA | FLOWERING DOGWOOD | 2' CAL. |
|----------------|-------------------|---------|
- #### EVERGREEN BUFFER
- |               |            |           |
|---------------|------------|-----------|
| THUJA PLICATA | ARBORVITAE | 8-10' HT. |
|---------------|------------|-----------|

INDIVIDUAL LOTS: SEE DETAIL SHEET







































\*PHASING PLAN SUBJECT TO FINAL APPROVAL OF THE PLANNING BOARD.

**CONSTRUCTION OF THREE HOMES LOCATED ON BOYD DRIVE:**  
 THE THREE HOMES LOCATED ON BOYD DRIVE ARE A PART OF PHASE 1 AS INDICATED ON THIS PLAN. THEY MAY BE CONSTRUCTED IMMEDIATELY AND AS APPROPRIATE CERTIFICATES OF OCCUPANCY ISSUED AND SHALL NOT BE SUBJECT TO THE TIMING LIMITATIONS SET FORTH BELOW AS SAME ARE SUPPORTED BY SEPARATE INFRASTRUCTURE FROM THE REMAINDER OF THE SUBDIVISION.

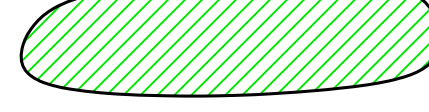


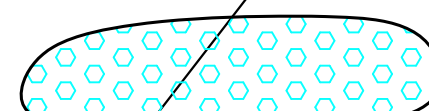
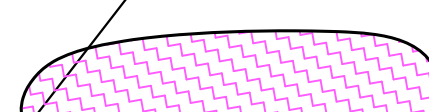
**INSTALLATION OF DRAINAGE SYSTEMS:**  
 NO BUILDING PERMIT/LOT RELEASE SHALL BE ISSUED FOR THE CONSTRUCTION OF ANY HOME IN ANY PHASE UNTIL THERE IS PHYSICAL ACCESS TO THE LOT. NO OCCUPANCY CERTIFICATE SHALL ISSUE FOR ANY LOT UNTIL ALL DRAINAGE SYSTEMS, INCLUDING BUT NOT LIMITED TO, BIORETENTION BASINS, SHALL BE INSTALLED, WATER MAINS AND WATER SERVICES TO LOT LINES SHALL BE INSTALLED, ROUGH AND FINISHED GRADING SHALL BE AT PROPER GRADES AND FIRST OF BASE COURSE OF BITUMINOUS CONCRETE SHALL BE INSTALLED, FOR THE PHASE WITHIN WHICH THE LOT IS LOCATED, ALL TO THE SATISFACTION OF THE PLANNING BOARD AND ITS DELEGATED INSPECTION AGENT(S), AND/OR THE DEPARTMENT OF PUBLIC SERVICES.

**CONSERVATION RESTRICTION:**  
 PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT EXCEPT THOSE IN PHASE 1, THE APPLICANT SHALL RECORD A DECLARATION OF RESTRICTION SECURING THE OPEN SPACE AREAS AS SET FORTH ON THE OPEN SPACE PLAN AND WHICH INDICATES THE FORTHCOMING CONSERVATION RESTRICTION. THEREAFTER, PRIOR TO THE ISSUANCE OF THE LAST CERTIFICATE OF OCCUPANCY OR THE COMPLETION OF THE OPEN SPACE IMPROVEMENTS, THE APPLICANT SHALL RECORD A FINAL CONSERVATION RESTRICTION FOR 18 BOYD DRIVE AND 5 BROWN AVE. WHICH SHALL HAVE BEEN REVIEWED AND APPROVED BY THE CONSERVATION COMMISSION, THE PLANNING BOARD, AND THE CITY SOLICITOR FOR COMPLIANCE WITH THE OSRD SPECIAL PERMIT CONDITIONS, THE ORDER OF CONDITIONS, AND THE APPROVED DSP PLANS AND SHALL BE REVIEWED AND APPROVED BY THE APPROPRIATE AUTHORITY AT THE DIVISION OF CONSERVATION SERVICE. PROOF OF RECORDING SHALL BE PROVIDED TO THE OFFICE OF PLANNING AND DEVELOPMENT AND THE BUILDING INSPECTOR.

**HOME OWNER'S ASSOCIATION:**  
 HOME OWNER'S ASSOCIATION DOCUMENT SHALL BE REQUIRED TO BE RECORDED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY HOME OTHER THAN THE THREE HOMES ON BOYD DRIVE.

**\*BIORETENTION BASIN AND DRYWELL CONSTRUCTION NOTE:**  
 EXCAVATE BELOW BIORETENTION BASINS AND DRYWELLS DOWN TO "C" LAYER EXISTING SAND/GRAVEL MATERIAL. BACKFILL AS REQUIRED WITH CLEAN SAND OR GRAVEL ONLY TO BOTTOM OF ENGINEERED FILTER SOIL MEDIA UNDER BIORETENTION AREAS OR CRUSHED STONE UNDER DRYWELLS. AVOID OVER COMPACTION OF SUBGRADE OR SOIL MEDIA BY RUNNING OF CONSTRUCTION EQUIPMENT OVER BIORETENTION BASIN OR DRYWELL AREAS.

**INFILTRATION TRENCH FOUNDATION BACKFILL NOTE:**  
 BACKFILL FOUNDATION WALLS WITH CLEAN GRAVEL MATERIAL UP TO THE BOTTOM OF INFILTRATION TRENCH.

- PHASE 1 
- PHASE 2 
- PHASE 3 
- PHASE 4 
- PHASE 5 

COMPLETE ILSF GRADING PRIOR TO PHASE 4

\*PHASE 5 DRAINAGE

\*PHASE 3 DRAINAGE

\*PHASE 2 DRAINAGE

PHASE 4 DRAINAGE

COMPLETE ILSF GRADING PRIOR TO PHASE 4

ALLOW CONSTRUCTED STORMWATER WETLAND TO VEGETATE AND STABILIZE PRIOR TO DIRECTING BOYD DRIVE DRAINAGE INTO SYSTEM

TEMPORARY DRAINAGE PIPE DURING NEW CSW CONSTRUCTION

PROPOSED DRAIN MANHOLE

MAINTAIN EXISTING POND DURING NEW CSW CONSTRUCTION

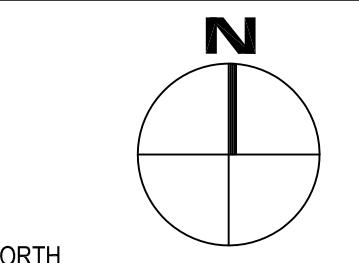
\*PHASE 2 DRAINAGE  
 CONSTRUCT WATER LOOP DURING PHASE 1

TEMPORARY CONSTRUCTION ENTRANCE (\*\*SEE NOTE)  
 PROTECT ABUTTING PROPERTY

\*\*SEE TEMPORARY CONSTRUCTION ENTRANCE NOTE

**\*\*TEMPORARY CONSTRUCTION NOTE**  
 THE CONSTRUCTION ENTRANCE WILL RE-LOCATED FOR A TEMPORARY PERIOD ONLY TO COMPLETE THE DUFFY DRIVE ENTRY AT BOYD DRIVE. THE WORK INCLUDES RELOCATION OF ELECTRIC POWER, COMPLETION OF SEWER AND DRAIN UTILITIES, BINDER PAVING OF DUFFY DRIVE FROM BOYD DRIVE TO COMPLETED DUFFY DRIVE BINDER. UPON COMPLETION OF DUFFY DRIVE BINDER THIS TEMPORARY CONSTRUCTION ENTRANCE WILL BE REMOVED.

SCALE IN FEET  
 0 80 160



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PROJECT TEAM

18 BOYD DRIVE,  
 SUBDIVISION  
 NEWBURYPORT, MA

PREPARED FOR  
**EVERGREEN**  
**COMMONS, LLC**

PROJECT INFO

REV	DESCRIPTION	DATE
4.	MOD. PHASES	3/13/19
3.	LOT 18 & 32 PHASE	1/2/19
2.	TEMP. CONST. ENT.	10/18/18
1.	TEMP. BOYD DR. DRAIN	3/1/18



STAMP:

**PHASING**  
**PLAN**

SHEET NAME:

**PH1**

SHEET NO:

DR BY: WAK

CHK BY: SBS

PROJ NO: 2015-063

DATE: JAN. 9, 2018

SCALE: 1"=40'



