

June 13, 2017

VIA HAND DELIVERY

Office of Planning and Development
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Re: Merrimac Street Waterfront Definitive Subdivision Plan Filing—
Newburyport Manager LLC
c/o New England Development (collectively, the “**Applicant**”)

Ladies and Gentlemen:

We have reviewed the Rules and Regulations Governing the Subdivision of Land in the City of Newburyport (the “**Rules**”). Pursuant to Section 5.1 of the Rules, enclosed please find the Applicant’s complete and duly executed definitive subdivision filing for the proposed subdivision named “Merrimac Street Waterfront.”¹ As required under Section 4.6.2 of the Rules, this definitive subdivision plan application evolves from, and is filed within seven months of, the Applicant’s preliminary subdivision plan filing.

The following are enclosed for your review:

- One (1) original duly executed Application for Definitive Subdivision Approval, and one (1) copy of the same, as required in Form C;
- One (1) set of reproducible mylar plans entitled, “Definitive Plan for the Subdivision of Land, Merrimac Street Waterfront, Newburyport, MA,” dated June 12, 2017, and prepared in accordance with the form described in Section 5.1 of the Rules (collectively, the “**Definitive Plan**”), which Definitive Plan includes the following sheets:

¹ In accordance with Section 5.1.9 of the Rules, the Applicant submitted a request for a list of veterans’ names to be used as the subdivision street name from the Office of Veteran Services. Kevin Hunt, Director of Veteran Services, informed the Applicant on June 8, 2017 that no such list was available. Such written acknowledgement is submitted herewith.

- Cover Sheet, dated June 12, 2017, prepared by RJ O'Connell & Associates, Inc.;
 - Existing Conditions Plan, dated June 28, 2016, last revised June 12, 2017, and duly signed and stamped by Karl McCarthy, Feldman Professional Land Surveyors on June 12, 2017;
 - Lot Layout Plan Merrimac Street, dated June 7, 2017, and duly signed and stamped by Karl A. McCarthy, Feldman Professional Land Surveyors on June 12, 2017;
 - Lot closure calculation sheets as prepared by Feldman Professional Land Surveyors;
 - Grading, Drainage and Erosion Control Plan, dated June 12, 2017, prepared by RJ O'Connell & Associates, Inc.;
 - Utility Plan, dated June 12, 2017, prepared by RJ O'Connell & Associates, Inc.;
 - Street Plan and Profile, dated June 12, 2017, prepared by RJ O'Connell & Associates, Inc.;
 - Site Details , dated June 12, 2017, prepared by RJ O'Connell & Associates, Inc.;
- One (1) 24" x 36" plan set;
 - One (1) compact disk of the Definitive Plan and supporting application documentation in both AutoCAD and PDF format, in conformance with the Planning Board's Digital Submission Requirement;
 - Two (2) copies of the Environmental and Community Impact Analysis addressing all pertinent aspects of Section 5.6 of the Rules, as required under Section 5.6.1 of the Rules;
 - One (1) Stormwater Report Merrimac Street Waterfront Subdivision Newburyport, MA, dated June 12, 2017, prepared by R.J. O'Connell & Associates, Inc.;
 - A certified copy of the deed for each of 92 Merrimac Street (Book 25523, Page 132), 86-90 Merrimac Street (Book 23921, Page 156), 72 Merrimac Street (Book 23921, Page 84), 58 McKay's Wharf (Book 23921, Page 287), 54 Rear Merrimac Street (Book 26566, Page 63) and 44 Rear Merrimac Street (Book 23920, Page 481), as required under Section 5.1.4 of the Rules;

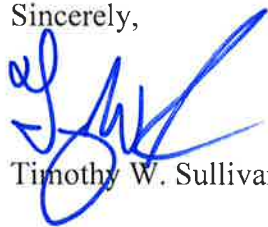
- A list of waivers of the regulations, as required under Section 5.1.6 of the Rules;
- A written acknowledgement from the Director of Veteran Services that no list of veterans' names to be used as subdivision street names is currently available;
- A check in the amount of Two Thousand Six Hundred Dollars (\$2,600.00) covering the base filing fee of One Thousand Dollars (\$1,000.00), the additional filing fee of Two Hundred Fifty Dollars (\$250.00) per lot (five lots), and the public notice fee of Three Hundred Fifty Dollars (\$350.00), as required under Section 5.1.2 of the Rules; and
- A check in the amount of Four Thousand Dollars (\$4,000.00) covering the peer review fee, as required under Section 5.1.2 of the Rules.

We understand that the Planning Board will order a list of the names and addresses of abutters and abutters to abutters within three hundred feet, certified by the Assessor's Office, as required under Section 5.1.5 of the Rules. We further understand that the Planning Board will forward these documents, as necessary, to any other applicable City board and/or commission, including the City Clerk, and that no additional action is required from the Applicant at this time.

Immediately following this submission, we will file one (1) copy of the Application for Definitive Subdivision Approval with the Board of Health, as required under Section 5.1.1 of the Rules.

Kindly acknowledge receipt of the enclosed submission by signing the duplicate copy of this letter, and please do not hesitate to contact me if you require any further documentation or information regarding this submission. Thank you.

Sincerely,



Timothy W. Sullivan

ACKNOWLEDGED:

CITY OF NEWBURYPORT
PLANNING BOARD:

By: _____

Name:

Title:

Duly authorized

City of Newburyport Planning Board
FORM C – APPLICATION FOR DEFINITIVE SUBDIVISION APPROVAL

INSTRUCTIONS:

The petitioner shall complete the following application form to petition the Planning Board for Definitive Subdivision approval. Please review Section 5 of the [Rules and Regulations Governing the Subdivision of Land in Newburyport, Massachusetts](#) for plan requirements prior to submission. Failure to submit the required information within the time period prescribed may result in the Planning Board dismissing the application as incomplete.

Submission Requirements: Upon receipt of the following items, the application will be scheduled for a public hearing:

- Two (2) copies of the application form, plans, narratives, list of waivers, reports, and any other supporting information. One plan set shall be full size; the other should be reduced to 11" x 17".
- One (1) Mylar plan for recording.
- One (1) hard copy of the Stormwater Management Report.
- One disk filed according to the Planning Board's "[Digital Submission Requirements](#)."
- An application fee of \$1,000.00 base, plus \$250/lot if a Preliminary Plan was approved or \$500/lot if a Preliminary Plan was not approved.
- A Publication and Abutters fee of \$350.00.
- A Project Review fee pursuant to Section 4.3 of the [Newburyport Planning Board Regulations Governing Fees and Fee Schedules](#).

City of Newburyport Planning Board
FORM C – APPLICATION FOR DEFINITIVE SUBDIVISION APPROVAL

To the Planning Board:

The undersigned hereby submits a Definitive Subdivision Plan and makes application for approval to the Newburyport Planning Board pursuant to MGL Chapter 41, Section 81-O.

Applicant: Newburyport Manager LLC, as Trustee of the trusts listed on Exhibit A

Mailing Address: c/o New England Development

75 Park Plaza, Boston, Massachusetts 02116

Phone: Attn: Scott Kelley (617) 243-7847

Site Address: Please see Exhibit A

Name of Proposed Subdivision: Merrimac Street Waterfront

Map and Lot(s): Please see Exhibit A Zoning District WMU

Book and Page: Please see Exhibit A or Certificate of Title: Please see Exhibit A

Easements and restrictions of record (describe and include deed references):

Preliminary Plan Submitted: Yes No If yes, plan approved on: January 4, 2017

Engineer: RJ O'Connell & Associates, Inc.

Address: 80 Montvale Ave., Suite 201

Stoneham, Massachusetts 02180

Phone: Attn: Steve Glowacki (781) 279-0180 ext. 125

Owner's Name: Newburyport Manager LLC Trust

Address: c/o New England Development

75 Park Plaza, Boston, Massachusetts 02116

Owner's Signature: Please see Exhibit B

EXHIBIT A

Definitive Subdivision Plan Parcels			
<u>Address</u>	<u>Owner</u>	<u>Map-Lot</u>	<u>Deed</u>
44 Rear Merrimac Street/ Brown's Wharf	44 Rear Merrimac Street Nominee Trust; Newburyport Manager LLC, Trustee	48-22	23920/481
54 Rear Merrimac Street/ Brown's Wharf	Newburyport Hilton's Nominee Trust; Newburyport Manager LLC, Trustee	48-23	26566/63
58 McKay's Wharf	58 Rear Merrimac Street Nominee Trust; Newburyport Manager LLC, Trustee	48-16	23921/287
72 Merrimac Street	72-84 Merrimac Street Nominee Trust; Newburyport Manager LLC, Trustee	48-13	23921/84
86-90 Merrimac Street	86-90 Merrimac Street Nominee Trust; Newburyport Manager LLC, Trustee	48-7	23921/156
92 Merrimac Street	92 Merrimac Street Nominee Trust; Newburyport Manager LLC, Trustee	48-5	25523/132

EXHIBIT B

Application for Definitive Subdivision Approval (Form C)

Signatures of Owners


44 REAR MERRIMAC STREET NOMINEE TRUST

By: NEWBURYPORT MANAGER LLC,
its sole trustee

By: 
Name: _____
Title: Manager


NEWBURYPORT HILTON'S NOMINEE TRUST

By: NEWBURYPORT MANAGER LLC,
its sole trustee

By: 
Name: _____
Title: Manager

58 REAR MERRIMAC STREET NOMINEE TRUST

By: NEWBURYPORT MANAGER LLC,
its sole trustee

By: 
Name: _____
Title: Manager

72-84 MERRIMAC STREET NOMINEE TRUST

By: NEWBURYPORT MANAGER LLC,
its sole trustee

By: Stephen R Kay
Name:
Title: Manager

86-90 MERRIMAC STREET NOMINEE TRUST

By: NEWBURYPORT MANAGER LLC,
its sole trustee

By: Stephen R Kay
Name:
Title: Manager

92 MERRIMAC STREET NOMINEE TRUST

By: NEWBURYPORT MANAGER LLC,
its sole trustee

By: Stephen R Kay
Name:
Title: Manager

Handwritten initials

DEED

Francine Nicastro, Trustee of Merrimack River Realty Trust u/d/t dated June 18, 1987 recorded with Essex South District Registry of Deeds at Book 9042, Page 501, of 6 Crowell Avenue, Gloucester, Essex County, Massachusetts 01930, for consideration of Six Hundred Thousand (\$600,000.00) Dollars and 00/100 paid, hereby grants to Newburyport Manager LLC, a Massachusetts limited liability company, as Trustee of 92 Merrimac Street Nominee Trust, u/d/t dated March 30, 2006 recorded herewith in the Essex South District Registry of Deeds, having a mailing address at c/o Bruce M. Herman, 15 Laurel Circle, Needham, MA 02492,

with Quitclaim Covenants,

The land in Newburyport, Essex County, Massachusetts, with the buildings thereon, now numbered 92 Merrimac Street, Newburyport, Massachusetts, bounded and described as follows:

- SOUTHWESTERLY: by Merrimac Street, 50.34 feet;
- WESTERLY: by Summer Street Extension on a curved line with a radius of 32.67 feet, 46.86 feet;
- NORTHWESTERLY: by said Summer Street Extension, 96 feet;
- NORTHWESTERLY: by land now or formerly of Benoit W. Richards, et ux, 107 feet;
- SOUTHEASTERLY: by land now or formerly of Salem Glass Co., 68 feet;
- SOUTHWESTERLY: by the last mentioned land, 19 feet; and
- SOUTHEASTERLY: by the last mentioned land, 65 feet, more or less.

All of said measurements being more or less. Said premises are subject to a right of way in favor of said Richards, insofar as the same may be legally in force and applicable. Said premises are shown on a plan entitled, "Plan of Road in the City of Newburyport" dated September 13, 1972, Justin L. Radlow, Engineer, recorded with Essex South Registry of Deeds in Plan Book 124, Plan 4.

The Property is conveyed subject to and with the benefit of all easements, covenants, conditions, agreements and restrictions of record, to the extent the same are applicable and in force and effect.

And further certifying the following:

1. That I am the sole Trustee of said Merrimack River Realty Trust;

*Return to: Phillip Levy
Goulston & Storrs
400 Atlantic Ave
Boston, MA 02110*

2. That the Merrimack River Realty Trust is in full force and effect and has not been amended as of the date of the recording hereof;
3. That as Trustee, I have been specifically authorized, instructed and directed in writing by all of the beneficiaries of the Merrimack River Realty Trust to convey the said 92 Merrimac Street, Newburyport, Massachusetts, to Newburyport Manager LLC, a limited liability company as Trustee of 92 Merrimac Street Nominee Trust for the consideration of \$600,000.00; and
4. That no beneficiary is a minor, legally incapacitated nor deceased since the creation of said Trust, nor a personal representative of an estate subject to estate tax lien(s).
5. That as Trustee, I have been specifically authorized, instructed or directed in writing by all of the beneficiaries of the Merrimack River Realty Trust to execute and deliver upon such terms and conditions as I see fit any and all documents as may be deemed desirable to effectuate said transaction.

Being the same premises conveyed to Grantor by Deed dated June 18, 1987 recorded with Essex South District Registry of Deeds at Book No. 9042, Page 505.

Witness my hand and seal this 31st day of March, 2006.

Francine Nicastro
 Francine Nicastro, Trustee of
 Merrimack River Realty Trust

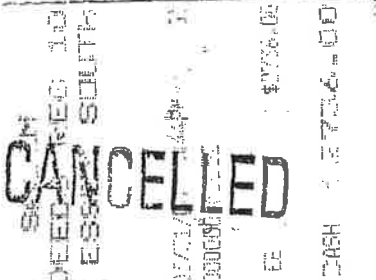
COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

March 31, 2006

On this _____ day of March, 2006, before me, the undersigned notary public, personally appeared Francine Nicastro, Trustee of Merrimack River Realty Trust, proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntary for its stated purpose.

David F. Driscoll
 Notary Public
 My Commission Expires _____



DAVID F. DRISCOLL
 Notary Public
 Commonwealth of Massachusetts
 My Commission Expires
 November 24, 2006

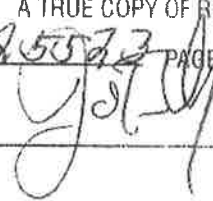
COMMONWEALTH OF MASSACHUSETTS
ESSEX REGISTRY OF DEEDS, SO. DIST. SALEM, MASS
ESSEX SS

June 9 20 17

A TRUE COPY OF RECORD:

BOOK 25573 PAGE 137

ATTEST



REGISTER

3
125
NO ENV.

QUITCLAIM DEED

86-90 Merrimac Street, Newburyport, Massachusetts

Property Address: 86-90 Merrimac Street, Newburyport, Massachusetts

The undersigned JAMES LYNAM, as sole Trustee of 86-90 MERRIMAC STREET NOMINEE TRUST, under a Declaration of Trust dated November 25, 1992 and recorded with Essex South District Registry of Deeds in Book 11622, Page 225, having a mailing address at c/o Piper Properties Management Co., Inc., 10 State Street, Newburyport, Massachusetts (the "Grantor"), for consideration of Six Hundred Thousand Six Hundred Seventeen and 64/100 Dollars (\$600,617.64) paid, hereby GRANTS to NEWBURYPORT MANAGER LLC, a Massachusetts limited liability company, as TRUSTEE of 86-90 MERRIMAC STREET NOMINEE TRUST, under Declaration of Trust dated January 28, 2005 and recorded in the Essex South Registry of Deeds simultaneously herewith, having a mailing address at c/o Bruce M. Herman, 15 Laurel Circle, Needham, MA 02492 (the "Grantee"), with QUITCLAIM COVENANTS, the land and all improvements thereon and all tangible and intangible property and other rights appurtenant thereto located in Newburyport, Essex County, Massachusetts (the "Property") more particularly described on Exhibit A attached hereto and made a part hereof.

The Property is conveyed subject to and with the benefit of all easements, covenants, conditions, agreements and restrictions of record, to the extent the same are applicable and in force and effect.

Being the same premises conveyed to the Grantor by Deed of Walrum, Inc., dated November 25, 1992 and recorded with Essex South District Registry of Deeds in Book 11622, Page 230.

The undersigned, being the Trustee of 86-90 Merrimac Street Nominee Trust, hereby certifies that: (a) the undersigned is the sole Trustee of the Trust; (b) the Trust has not been amended, revoked or terminated and remains in full force and effect; (c) there have always existed and do presently exist beneficiaries of the Trust; and (d) the undersigned sole Trustee of the Trust has been authorized and directed by all of the beneficiaries of the Trust to convey the Property to the Grantee and, in connection therewith, to execute, acknowledge and deliver this Deed.

CANCELLED
ESSEX SOUTH

Ann Bellefontaine
Goulston & Storrs
400 Atlantic Avenue
Boston, MA 02110

02/01/05 5:42PM 01
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FEE \$2740.56
CASH \$2740.56

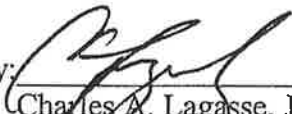
IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed, under seal as of the 28th day of JANUARY, 2005.

GRANTOR:

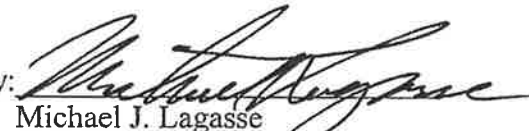
Waterside Group 2 LLC,
a Massachusetts limited liability company

By: Provest Properties, Inc.,
a Massachusetts corporation,
its Manager

By:


Charles A. Lagasse, Jr.
Its President

By:


Michael J. Lagasse
Its Treasurer

ACKNOWLEDGMENTS

COMMONWEALTH OF MASSACHUSETTS)

COUNTY OF Suffolk) December 30, 2004

On this day, before me, personally appeared Charles A. Lagasse, Jr., being by me duly sworn, did say that he is the President of Provest Properties, Inc., a Massachusetts corporation (the "Corporation"), which Corporation is the Manager of Waterside Group 2 LLC, a Massachusetts limited liability company (the "Grantor"); and that the foregoing instrument was signed and sealed on behalf of the Corporation in its capacity as Manager of the Grantor, and Charles A. Lagasse, Jr. acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Corporation in its capacity as Manager of the Grantor.



Theresa Ann Francis
Notary Public
My commission expires: 9-17-2010

COMMONWEALTH OF MASSACHUSETTS)

COUNTY OF Essex) December 20, 2004

On this day, before me, personally appeared Michael J. Lagasse, being by me duly sworn, did say that he is the Treasurer of Provest Properties, Inc., a Massachusetts corporation (the "Corporation"), which Corporation is the Manager of Waterside Group 2 LLC, a Massachusetts limited liability company (the "Grantor"); and that the foregoing instrument was signed and sealed on behalf of the Corporation in its capacity as Manager of the Grantor, and Michael J. Lagasse acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Corporation in its capacity as Manager of the Grantor.

Maria Francis
Notary Public
My commission expires: _____



MARIA FRANCES SVIRSKY
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 6, 2009

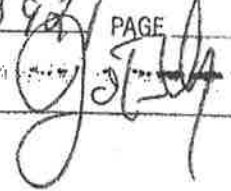
COMMONWEALTH OF MASSACHUSETTS
ESSEX REGISTRY OF DEEDS, SO. DIST., SALEM, MASS
ESSEX SS

June 9 20 17

A TRUE COPY OF RECORD:

BOOK 2392 PAGE 150

ATTEST



REGISTER

7
125
NO ENV.

2005020100717 Bk:23921 Pg:84
02/01/2005 16:50:00 DEED Pg 1/7

QUITCLAIM DEED

72, 74-80 and 82-84 Merrimac Street, Newburyport, Massachusetts

Property Address: 72, 74-80 and 82-84 Merrimac Street, Newburyport, Massachusetts

The undersigned WATERSIDE GROUP 2 LLC, a Massachusetts limited liability company having a mailing address at c/o Piper Properties Management Co., Inc., 10 State Street, Newburyport, Massachusetts (the "Grantor"), for consideration of Six Hundred Forty-Three Thousand Six Hundred Ninety-Four and 35/100 Dollars (\$643,694.35) paid, hereby GRANTS to NEWBURYPORT MANAGER LLC, a Massachusetts limited liability company, as TRUSTEE of 72-84 MERRIMAC STREET NOMINEE TRUST, under Declaration of Trust dated January 28, 2005 and recorded in the Essex South Registry of Deeds simultaneously herewith, having a mailing address at c/o Bruce M. Herman, 15 Laurel Circle, Needham, MA 02492 (the "Grantee"), with QUITCLAIM COVENANTS, the land and all improvements thereon and all tangible and intangible property and other rights appurtenant thereto located in Newburyport, Essex County, Massachusetts (the "Property") more particularly described on Exhibit A attached hereto and made a part hereof.

The Property is conveyed subject to and with the benefit of all easements, covenants, conditions, agreements and restrictions of record, to the extent the same are applicable and in force and effect.

Meaning and intending to convey and hereby conveying to the Grantee the premises conveyed to the Grantor by the following Deeds: Deed of Natalie Morris, Dick Canepa, John Canepa, each individually, and William Morris, individually and as Trustee of Canepa Realty Trust, dated August 15, 2000 and recorded with Essex South District Registry of Deeds in Book 16519, Page 318, as affected by Confirmatory Quitclaim Deed dated November 6, 2000 and Second Confirmatory Quitclaim Deed dated November 6, 2004, recorded with Essex South District Registry of Deeds in Book 16735, Page 276 and Book 16740, Page 7, respectively; and Deed of Piper Properties, Inc. dated August 31, 2000 and recorded with Essex South District Registry of Deeds in Book 16519, Page 315.

Ann Bellefontaine
Goulston & Storrs
400 Atlantic Avenue
Boston, MA 02110

CANCELLED
SALES
DEEDS
ESSEX SOUTH

02/01/05 5:41PM
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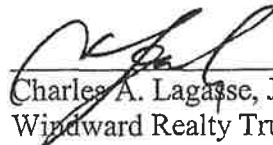
FEE

CASH

#2936-64
#2936-64

IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed, under seal as of the 28th day of JANUARY, 2005.

GRANTOR:


Charles A. Lagasse, Jr., as sole Trustee of
Windward Realty Trust, and not individually

ACKNOWLEDGMENT

COMMONWEALTH OF MASSACHUSETTS)

COUNTY OF Suffolk)

December 30, 2004

On this day, before me, personally appeared Charles A. Lagasse, Jr., being by me duly sworn, did say that he is a the sole Trustee of Windward Realty Trust; and that the foregoing instrument was signed and sealed by said Charles A. Lagasse, Jr., as sole Trustee of Windward Realty Trust, and said Charles A. Lagasse, Jr. acknowledged the foregoing instrument to be his free act and deed in his capacity as Trustee as aforesaid.

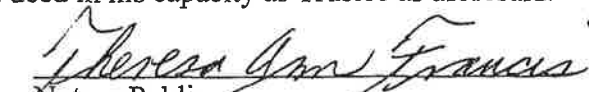

Notary Public
My commission expires: 9-17-2010



EXHIBIT A
LEGAL DESCRIPTION

McKay's Wharf; 58 Rear Merrimac Street
100-102 Merrimac Street

The land, with the buildings and other improvements thereon, situated in Newburyport, Essex County, Massachusetts, bounded and described as follows:

Parcel 1

A certain parcel of land situated in Newburyport aforesaid on a way 20 feet wide leading northerly from Merrimac Street to land now or formerly of Powers Yacht Yard, Inc., bounded and described as follows, viz:

Beginning at the westerly corner thereof at land now or formerly of Kerkian at a drill hole in top of a granite post located on the southeasterly side of said way at a point 125 and 54/100 feet northeasterly from said Merrimac Street, thence running

Northeasterly by the southeasterly line of said way, 103 feet, more or less, to land now or formerly of Powers Yacht Yard, Inc.; thence

Southeasterly by said land now or formerly of Powers Yacht Yard, Inc., 66 and 81/100 feet to a post at land now or formerly of Davis; thence

Southwesterly by said land now or formerly of Davis, 22 and 1/100 feet, to a corner marked by an iron pipe, thence

Southeasterly by said land of Davis, 70 and 30/100 feet to an iron pipe at land now or formerly of Dugan; thence

Southwesterly by said land now or formerly of Dugan, 11 and 49/100 feet to a way and land now or formerly of Dugan; thence

Northwesterly by said land now or formerly of Dugan, 18 feet to a corner marked by an iron pipe; thence

Southwesterly by said land now or formerly of Dugan, by the northerly end of said way, 63 and 93/100 feet to a stake and nail at land now or formerly of Kerkian; thence

Northwesterly by said land of Kerkian 126 and 60/100 feet to said drill hole in top of a granite post on the southeasterly side of said 20 foot right of way.

Together with the right of way in common with others entitled thereto over the strip of land 20 feet in width above referred to as a right of way, abutting land now or formerly of Canepa, and extending northerly from said Merrimac Street to land now or formerly of Powers Yacht Yard, Inc.

Together also with the right, subject to the rights of others entitled thereto in said way, to repair and improve the surface of said way as may be reasonably expedient for the user thereof.

The premises herein conveyed are shown upon a plan entitled "Plan of land in Newburyport, Mass. As surveyed for Charles F. Baltzer", dated November 1944, by Clinton F. Goodwin engineer, recorded with Essex South District Registry of Deeds in Plan Book 174, Plan 38.

EXCLUDING from the above described premises, however, that portion thereof which was conveyed by Charles F. Baltzer to the Ruth Shoe Company by deed recorded with said Deeds in Book 3469, Page 76, and which appears upon a plan entitled "Plan of Land located in Newburyport, Mass. Conveyed by Charles F. Baltzer to the Ruth Shoe Company" dated June 1946 by Charles H. Morse, Engineer, recorded with said Deeds as Plan No. 444 of 1946.

Parcel 2

The land in Newburyport aforesaid, with the buildings thereon, situated northeasterly of and in the rear of land formerly of Quascacunquen Lodge No. 39, I.O.O.F., now or formerly of Powers Yacht Yard, Inc., which is on the northeasterly side of Merrimac Street; said piece or parcel of land is reached from said street by a private way, which at the Street end is on the northwesterly side of said land formerly of Quascacunquen Lodge, now or formerly of Powers Yacht Yard, Inc., and next to land of owners unknown, said piece or parcel of land is bounded and described as follows:

Beginning at the southeasterly corner thereof by said land formerly of Quascacunquen Lodge, now or formerly of Powers Yacht Yard, Inc., and land or dock formerly of Ludington, at a point marked by the spike driven into a post or pile of the bulkhead, which point is 235 feet from said Street measuring on the southeasterly side of said land formerly of Quascacunquen Lodge, now or formerly of Powers Yacht Yard, Inc.; thence running,

Northwesterly by said land formerly of Quascacunquen Lodge, now or formerly of Powers Yacht Yard, Inc., and land of owners unknown, 131 and 55/100 feet, passing 10 feet northeasterly of the hydrant on said land formerly of Quascacunquen Lodge, now or formerly of Powers Yacht Yard, Inc., to a stake; thence

Northeasterly at an angle of 90° 57' with the last mentioned line by land now or formerly of Leary to a stake; thereby continuing on the same course by

land now or formerly of said Leary, through other stakes, to the Merrimac River; thence

Southeasterly by said Merrimac River to a point which is in line with the line of the southeasterly side of said line formerly of Quascacunquen Lodge (now or formerly of Powers Yacht Yard, Inc.), and the line of the northwesterly side of land formerly of Ludington; and thence

Southwesterly by dock or land formerly of said Ludington to the point begun at.


The head or river end of the wharf on the premises is 628 feet from said Merrimac Street, and the stake first above mentioned is 237 and 8/10 feet from said Street.

Together with the right of way for all purposes to and from said Street to land hereby conveyed over a strip of land extending from said Street to said land, the same to be kept 20 feet in width and unobstructed to the skies, as now used.

Together also with whatever rights the grantor may have to extend said wharf to the harbor line.

IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed, under seal as of the 28th day of JANUARY, 2005.

GRANTOR:


James Lynam, as sole Trustee of
86-90 Merrimac Street Nominee Trust,
and not individually

ACKNOWLEDGMENT

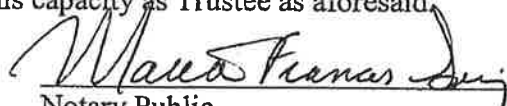
COMMONWEALTH OF MASSACHUSETTS)

COUNTY OF Essex)

December 16, 2004

On this day, before me, personally appeared James Lynam, being by me duly sworn, did say that he is sole Trustee of 86-90 Merrimac Street Nominee Trust; and that the foregoing instrument was signed and sealed by said James Lynam, as Trustee of 86-90 Merrimac Street Nominee Trust, and said James Lynam acknowledged the foregoing instrument to be his free act and deed in his capacity as Trustee as aforesaid.

*Proved to me through
Satisfactory evidence of
identification, which was
MA Drivers License*


Notary Public
My commission expires: _____



MARIA FRANCES SVIRSKY
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 6, 2009



EXHIBIT A
LEGAL DESCRIPTION

86-90 Merrimac Street, Newburyport,
Essex County, Massachusetts

That certain parcel of land with the buildings and other improvements thereon situated at 86-90 Merrimac Street, City of Newburyport, County of Essex and Commonwealth of Massachusetts, shown as lot marked "The Salem Glass Co. 63,085 +/- square feet" on a Plan entitled "Plan of Land in Newburyport, Massachusetts Owner: The Salem Glass Company" dated October 15, 1979 by Port Engineering Associates Inc., recorded with Essex County (Southern District) Registry of Deeds at Plan Book 174, Plan 37.

COMMONWEALTH OF MASSACHUSETTS
ESSEX REGISTRY OF DEEDS, SO. DIST., SALEM, MASS
ESSEX SS

June 9, 2017
A TRUE COPY OF RECORD:

BOOK 23921 PAGE 89

ATTEST

[Handwritten Signature]

REGISTER

5
125

2005020100733 Bk:23921 Pg:287
02/01/2005 16:50:00 DEED Pg 1/5

NO E...

QUITCLAIM DEED

McKay's Wharf, 58 Rear Merrimac Street, Newburyport, Massachusetts

Property Address: McKay's Wharf, 58 Rear Merrimac Street, Newburyport, Massachusetts

The undersigned CHARLES A. LAGASSE, JR., as sole TRUSTEE of WINDWARD REALTY TRUST, under a Declaration of Trust dated June 26, 1986 and recorded with Essex South District Registry of Deeds in Book 9644, Page 470, having a mailing address at c/o Piper Properties Management Co., Inc., 10 State Street, Newburyport, Massachusetts (the "Grantor"), for consideration of One Million Twelve Thousand Nine Hundred Ninety-Four and 07/100 Dollars (\$1,012,994.07) paid, hereby GRANTS to NEWBURYPORT MANAGER LLC, a Massachusetts limited liability company, as TRUSTEE of 58 REAR MERRIMAC STREET NOMINEE TRUST, under Declaration of Trust dated January 28, 2005 and recorded in the Essex South Registry of Deeds simultaneously herewith, having a mailing address at c/o Bruce M. Herman, 15 Laurel Circle, Needham, MA 02492 (the "Grantee"), with QUITCLAIM COVENANTS, the land and all improvements thereon and all tangible and intangible property and other rights appurtenant thereto located in Newburyport, Essex County, Massachusetts (the "Property") more particularly described on Exhibit A attached hereto and made a part hereof.

The Property is conveyed subject to and with the benefit of all easements, covenants, conditions, agreements and restrictions of record, to the extent the same are applicable and in force and effect.

Being the same premises conveyed to the Grantor by Deed of Albert J. Frangipane and Susan L. Frangipane dated June 26, 1986 and recorded with Essex South District Registry of Deeds in Book 9644, Page 479.

The undersigned, being the Trustee of Windward Realty Trust, hereby certifies that: (a) the undersigned is the sole Trustee of the Trust; (b) the Trust has not been amended, revoked or terminated and remains in full force and effect; (c) there have always existed and do presently exist beneficiaries of the Trust; and (d) the undersigned sole Trustee of the Trust has been authorized and directed by all of the beneficiaries of the Trust to convey the Property to the Grantee and, in connection therewith, to execute, acknowledge and deliver this Deed.

CANCELLED
ESSEX SOUTH

02/01/05 5:44PM 01
000000 #7181
FEE \$4619.28
CASH \$4619.28

Ann Bellefontaine
Goulston & Storrs
400 Atlantic Avenue
Boston, MA 02110

[Signature Page to Quitclaim Deed]

EXECUTED under seal as of the 13th day of February, 2007.

GRANTOR:

**HILTON & STROUT FISHING AND
BOATING CENTER, INC.**, a Massachusetts
corporation

By: 

Name: George D. Hilton

Title: President and Treasurer

Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

EXHIBIT A
LEGAL DESCRIPTION

72-84 Merrimac Street, Newburyport, Essex County, Massachusetts

Property Address: 72 Merrimac Street, Newburyport, Massachusetts

The land in Newburyport, Essex County, Massachusetts, with the buildings thereon, situated on a way leading from Merrimac Street to McKay's Wharf (so-called), in Newburyport aforesaid. Bounded and described as follows, viz:

Beginning on the westerly side of said way, thence running

- Northwesterly: by land of Leary, thirty (30) feet, more or less to land of Canepa; thence
Northeasterly: by said land of Canepa, one hundred forty (140) feet, more or less, to land of McKay; thence
Southeasterly: by land of McKay, thirty-five (35) feet, more or less to said way; thence
Southwesterly: on said way one hundred forty (140) feet, more or less, to the point of beginning, together with the right to pass upon and over a right of way from said premises to Merrimac Street.

Also a certain parcel of land situated in said Newburyport, bounded and described as follows:

Beginning at the westerly corner thereof on Merrimac Street by land now or formerly of Edward Bass; thence running

Southeasterly by said street 33.49 feet to the south corner thereof and land formerly of Albert Currier and James H. Butler; thence running

Northeasterly by land formerly of Currier and Butler about 36.75 feet to land formerly of Patrick Leary; thence running

Northwesterly by said last-named land and by a way (said way is about seven feet wide) about 35.1 feet to said land formerly of Edward Bass; thence running

Southwesterly by said last-named land about 36.24 feet to said Merrimac Street and the bound begun at.

Together with the a right of way over a strip of land formerly of Currier and Butler adjoining the southeast side of the above-granted premises, which strip of land is about twelve (12) feet wide.

Together with a right of way for all purposes to and from said Merrimac Street to land hereby conveyed over a strip of land extending from said Street to said land, being twenty (20) feet in width.

Property Address: 74-80 Merrimac Street, Newburyport, Massachusetts

A certain parcel of land with the buildings thereon situated in said Newburyport and bounded and described as follows:

Southwesterly: by Merrimac Street;
Southeasterly: by land formerly of Horace Hamlet by a line extending from Merrimac Street to the Merrimack River;
Northeasterly: by said Merrimack River;
Northwesterly: by land formerly of James Horton, deceased, and now of Canepa, by a line running from said river to a point fifteen feet distant from the brick store formerly owned and occupied by John Quill; thence
Southeasterly: by a line running and parallel with the Northeasterly end of said store and fifteen feet distant therefrom is the extended line between said store and the house on the premises herein conveyed; thence by said line between said building is said street.

ALSO a certain lot of land situated in said Newburyport and bounded and described as follows, viz:

Northeasterly: by land formerly of Edward Bass, above described, and by land formerly of Albert Currier and Joseph Butler; thence running
Southeasterly: by land formerly of said Currier and Butler twenty feet; thence
Southerly: by land formerly of said Currier and Butler sixteen feet; thence
Southwesterly: by said Currier and Butler and by a twelve foot passageway (which way extends Northeasterly from Merrimac Street fifty feet to a point at the Southeasterly end of a line which runs Northwesterly from said passageway, parallel to and two inches distant from the Southwesterly end of cellar wall on the lot to land formerly of said Bass); thence Northeasterly by said Bass to the corner begun at.

Also, a certain parcel of land situate in said Newburyport, bounded and described as follows:

Southwesterly by Merrimac Street about twenty (2) feet; Southeasterly by a line running through the centerline of the southeasterly brick wall of a store formerly located on the parcel known as "Quill's Store" and extending from Merrimac Street to a point fifteen (15) feet northeasterly of

the former store, northeasterly by a line running parallel with the northeasterly end of the former store and fifteen (15) feet therefrom; the last two (2) lines described separate the estate herein conveyed from that portion of the estate of Edward Bass, which was sole to Patrick Leahy and Timothy Leahy on February 3, 1864; northwesterly by land formerly of Rev. James Horton by a line running from a point fifteen (15) feet northeasterly from the northerly corner of said former brick store on Merrimac Street aforesaid. Being the same premises conveyed to Giovanni Canepa and Rose Canepa by Cornelius A. Casey dated July 11, 1923, recorded with Essex South District Registry of Deeds in Book 2560, Page 550.

ALSO, a certain lot of land situate in said Newburyport, bounded and described as follows:

Commencing at the north corner of land of said Leary (formerly), and by land formerly of Edward Bass which is ninety-three feet on line of said Bass from Merrimac Street; thence northeast one (1) foot to land formerly of Albert Currier, thence at an angle of forty-five degrees by land formerly of Albert Currier thirty (30) feet to land formerly of said Currier, thence Southwesterly by said Currier land to a point which is eighty (80) feet, six (6) inches from said Merrimac Street; thence northerly to a point which is twenty feet to the bounds begun at.

**Property Address: Being a portion of the premises located at 82-84 Merrimac Street.
Newburyport, Massachusetts**

A certain parcel of land situate in Newburyport bounded and described as follows:

Parcel A: Commencing at the Southerly corner thereof by land of John Canepa, formerly of John Bass, on Merrimac Street; thence running Northwesterly by said street, 40.51 feet by land now or formerly of Newburyport Building Association; thence running Northeasterly by said land now or formerly of Newburyport Building Association, 58.13 feet to a point; thence running Southeasterly 36.60 feet to land now or formerly of John Canepa; thence running Southwesterly by land now or formerly of John Canepa, 58.23 feet to the place and point begun at.

Property Address: 82-84 Merrimac Street. Newburyport, Massachusetts

A certain parcel of land situate in Newburyport, Essex County, Massachusetts, bounded and described as follows:

Parcel B: Commencing at the southerly corner thereof by land now or formerly of John Canepa and Lot A as shown on deed of Helen Lojko to Charles Canepa dated October 26, 1956, recorded with Essex South District Registry of Deeds (said "Deeds") at Book 4324, Page 150, thence running northwesterly 36.60 feet by said Lot A to land now or formerly of Newburyport Building Association; thence running Northeasterly by said land now or formerly of Newburyport Building Association 74.68 feet to said land now or formerly of Newburyport Building Association; thence running Southeasterly by said land now or formerly of Newburyport Building Association 28.90 feet to land now or formerly of John Canepa; thence

COMMONWEALTH OF MASSACHUSETTS
ESSEX REGISTRY OF DEEDS, SO. DIST., SALEM, MASS
ESSEX SS

June 9... 20 17

A TRUE COPY OF RECORD:

BOOK 23981 PAGE 287

ATTEST J. J. [Signature] REGISTER

300
100

NO ENV.

2007021400407 Bk:26566 Pg:63
02/14/2007 15:44:00 TRD Pg 1/3

QUITCLAIM DEED

HILTON & STROUT FISHING AND BOATING CENTER, INC., a Massachusetts corporation with offices at 54R Merrimac Street, Newburyport, Massachusetts 01950 ("Grantor"), for consideration paid and in full consideration of Three Million Two Hundred Thousand and 00/100 Dollars (\$3,200,000.00) **GRANTS** to **NEWBURYPORT MANAGER LLC**, a Massachusetts limited liability company not individually but as **TRUSTEE** of **NEWBURYPORT HILTON'S NOMINEE TRUST**, u/d/t dated as of January 19, 2007, and recorded with the Essex South Registry of Deeds (the "Registry") in Book 26498, Page 301, with **QUITCLAIM COVENANTS**, the parcels of land and improvements thereon known as and numbered as **54 Rear Merrimac Street, Newburyport, Essex County, Massachusetts**, as more particularly described on Exhibit "A" attached and incorporated herein (the "Premises").

The Premises are conveyed with the benefit of (a) Revocable License No. 1180 issued by the Commonwealth of Massachusetts Department of Environmental Quality Engineering recorded with the Registry in Book 7618, Page 596; (b) Revocable License No. 1976 issued by the Commonwealth of Massachusetts Department of Environmental Protection recorded with the Registry in Book 10248, Page 400; and (c) Revocable License No. 2443 issued by the Commonwealth of Massachusetts Department of Environmental Protection recorded with the Registry in Book 10595, Page 132.

Meaning and intending to convey and hereby conveying the same premises conveyed to Grantor by Deed of George Hilton and William H. Strout recorded with the Registry in Book 4985, Page 285, less and excepting therefrom the premises described in a deed to Arthur G. Manley, Trustee dated September 1, 1983, recorded with the Registry in Book 7210, Page 150.

The Premises are conveyed subject to and with the benefit of all easements, covenants, conditions, agreements and restrictions of record, to the extent the same are applicable and in force and effect.

The Premises are further conveyed together with the right: (a) in common with others lawfully entitled thereto, to use the 20 foot way leading northeasterly from Merrimac Street to the Premises for all purposes for which ways may be used in Newburyport, said way being shown on a plan recorded with the Registry in Plan Book 27, Plan 42 and is further shown as the 20' right of way southeasterly of the brick factory of Ruth Shoe Company on a plan recorded with the Registry as Plan 299 of 1945, as set forth in deed recorded with the Registry in Book 4985, Page 285; and (b) to maintain, keep in repair and replace, if necessary, the wires, pipes, and other services in their present location in order to bring utilities, such as water, electricity, power and gas, from the building of George Hilton et al., the location of which is shown as the "Brick Building" southeasterly of said 20' right of way shown on a plan recorded with the Registry as Plan 299 of 1945, as set forth in a deed recorded with the Registry in Book 4985, Page 285.

[Signature Page to Follow]

Property address: 54R Merrimac Street
Newburyport MA

CANCELLED
SAILING ID
DEEDS SOUTH
ESSEX SOUTH
02/14/07
0000000 #1518
FEE \$14592.00
CASH \$14592.00

[Signature Page to Quitclaim Deed]

EXECUTED under seal as of the 13th day of February, 2007.

GRANTOR:

**HILTON & STROUT FISHING AND
BOATING CENTER, INC.**, a Massachusetts
corporation

By: 

Name: George D. Hilton

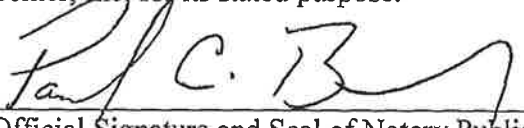
Title: President and Treasurer

Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Middlesex COUNTY, ss

On this 13th day of February, 2007, before me, the undersigned notary public, personally appeared George D. Hilton, in his capacity as President and Treasurer of Hilton & Strout Fishing and Boating Center, Inc., a Massachusetts corporation, proved to me through satisfactory evidence of identification, which was based on the undersigned's personal knowledge of his identity (or proved to the undersigned by presentation of a driver's license), to be the person whose name is signed on the preceding or attached document, and acknowledged to the undersigned that he signed it as his free act and deed and the free act and deed of said Hilton & Strout Fishing and Boating Center, Inc. for its stated purpose.


Official Signature and Seal of Notary Public

My commission expires: _____

**PAUL C. BAUER
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES MAY 21, 2010**

EXHIBIT A
to
QUITCLAIM DEED

Legal Description of Premises

The land with the buildings thereon situate off the northerly side of Merrimac Street, Newburyport, Essex County, Massachusetts, at the Merrimack River, being shown as Lot 2 on a plan of land entitled: "Plan of Land in Newburyport, Massachusetts, Owner: Hilton & Strout Fishing and Boating Center, Inc.", dated August 23, 1983, by Port Engineering Assoc., Inc., said plan being recorded with the Essex South Registry of Deeds in Plan Book 181, Plan 18.

COMMONWEALTH OF MASSACHUSETTS
ESSEX REGISTRY OF DEEDS, SO. DIST., SALEM, MASS
ESSEX SS

June 9 20 17

A TRUE COPY OF RECORD:

BOOK 2656 PAGE 63

ATTEST



REGISTER

5
125
NO ENV.

2005020100703 Bk:23920 Pg:481
02/01/2005 16:50:00 DEED Pg 1/5

QUITCLAIM DEED

44 Rear Merrimac Street, Brown's Wharf, Newburyport, Massachusetts

Property Address: 44 Rear Merrimac Street, Brown's Wharf, Newburyport, Massachusetts

The undersigned WATERSIDE GROUP LLC, a Massachusetts limited liability company (successor by merger to The Newburyport Waterside Group, Limited Partnership), having a mailing address at c/o Piper Properties Management Co., Inc., 10 State Street, Newburyport, Massachusetts (the "**Grantor**"), for consideration of Four Hundred Five Thousand Nine Hundred Twenty-Seven and 32/100 Dollars (\$405,927.32) paid, hereby GRANTS to NEWBURYPORT MANAGER LLC, a Massachusetts limited liability company, as TRUSTEE of 44 REAR MERRIMAC STREET NOMINEE TRUST, under Declaration of Trust dated JANUARY 28, 2005 and recorded in the Essex South Registry of Deeds simultaneously herewith, having a mailing address at c/o Bruce M. Herman, 15 Laurel Circle, Needham, MA 02492 (the "**Grantee**"), with QUITCLAIM COVENANTS, the land and all improvements thereon and all tangible and intangible property and other rights appurtenant thereto located in Newburyport, Essex County, Massachusetts (the "**Property**") more particularly described on Exhibit A attached hereto and made a part hereof.

The Property is conveyed subject to and with the benefit of all easements, covenants, conditions, agreements and restrictions of record, to the extent the same are applicable and in force and effect.

Being the same premises conveyed to the Grantor by deed of Richard B. Baker dated January 31, 1996 and recorded with Essex South Registry of Deeds in Book 13420, Page 486, as affected by Confirmatory Deed dated April, 2003 and recorded with Essex South Registry of Deeds in Book 23781, Page 172.

[Balance of page intentionally left blank; signature page follows]

Ann Bellefontaine
Goulston & Storrs
400 Atlantic Avenue
Boston, MA 02110

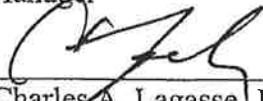
CANCELLED
SAVED
DEEDS (REG 10)
ESSEX SOUTH
02/01/05 5:39PM
000000 #7168
FEE \$1851.36
CASH \$1851.36


IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed, under seal as of the 28th day of JANUARY, 2005

GRANTOR:

WATERSIDE GROUP LLC,
a Massachusetts limited liability company

By: Provest Properties, Inc.,
a Massachusetts corporation,
its Manager

By: 
Charles A. Lagasse, Jr.,
Its President

By: 
Michael J. Lagasse,
Its Treasurer

ACKNOWLEDGMENTS

COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF Suffolk)

December 30 2004

On this day, before me, personally appeared Charles A. Lagasse, Jr., being by me duly sworn, did say that he is the President of Provest Properties, Inc., a Massachusetts corporation (the "Corporation"), which Corporation is the Manager of Waterside Group LLC, a Massachusetts limited liability company (the "Grantor"); and that the foregoing instrument was signed and sealed on behalf of the Corporation in its capacity as Manager of the Grantor, and Charles A. Lagasse, Jr. acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Corporation in its capacity as Manager of the Grantor.

Theresa Ann Francis
Notary Public
My commission
expires: 9-17-2010



COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF Essex)

December 20 2004

On this day, before me, personally appeared Michael J. Lagasse, being by me duly sworn, did say that he is the Treasurer of Provest Properties, Inc., a Massachusetts corporation (the "Corporation"), which Corporation is the Manager of Waterside Group LLC, a Massachusetts limited liability company (the "Grantor"); and that the foregoing instrument was signed and sealed on behalf of the Corporation in its capacity as Manager of the Grantor, and Michael J. Lagasse acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Corporation in its capacity as Manager of the Grantor.

Maria Frances Svirsky
Notary Public
My commission MARIA FRANCES SVIRSKY
expires: March 6, 2009
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 6, 2009

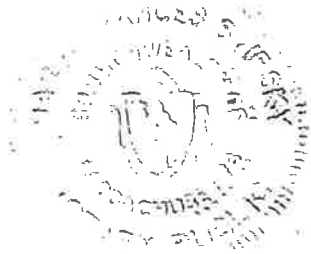


EXHIBIT A
LEGAL DESCRIPTION

44 Rear Merrimac Street, Brown's Wharf,
Newburyport, Essex County, Massachusetts

PARCEL 1:

A certain parcel of land, together with the buildings thereon and all appurtenances thereto, situated in Newburyport, County of Essex, Commonwealth of Massachusetts, and being shown as Parcel #2 on a plan of land entitled "Plan of Division of Land of Volpone Motor Co., Merrimac Street, Newburyport, Massachusetts" dated July, 1975, and prepared by MacWilliams Engineering Associates, said plan being recorded with Essex South District Registry of Deeds in Plan Book 135, as Plan 16. Said Parcel #2 is bounded and described as follows:

- NORTHWESTERLY: By land now or formerly of Schlegel, as shown on said plan, sixty (60) feet;
- NORTHEASTERLY: By land now or formerly of Hilton & Strout, as shown on said plan, one hundred seventeen and three hundredths (117.03) feet;
- SOUTHEASTERLY: By a Right of Way, as shown on said plan, sixty (60.00) feet; and
- SOUTHWESTERLY: By a Right of Way, as shown on said plan, one hundred twenty-four (124.00) feet.

Containing 7,230 square feet, more or less, according to said plan.

Conveyed together with the right in a right of way, approximately 18 feet in width, shown on the hereinafter mentioned plan, situate on the Southerly side of the above described parcel, to pass and repass with motor vehicles and otherwise, and to install, repair, replace and maintain utilities of all types, underground and above ground, said right of way to remain open and free from all parking of motor vehicles and other obstructions, as shown on a plan entitled "Plan of Division of Land of Volpone Motor Company, Merrimac Street, Newburyport, Massachusetts" dated July, 1975, recorded with said Registry of Deeds in Plan Book 135, as Plan 16.

Parcel 2:

A certain parcel of land, together with all appurtenances thereto, situated in Newburyport, Essex County, Massachusetts, and being shown a Lot "A" on a plan entitled "Plan of Land in Newburyport, Massachusetts, Owner, Volpone Motor Company, Inc." dated October 26, 1979, and prepared by Port Engineering Assoc., Inc., said plan being duly recorded with Essex South District Registry of Deeds in Plan Book 157, as Plan 15.

Containing 2,690 square feet, more or less, according to said plan.

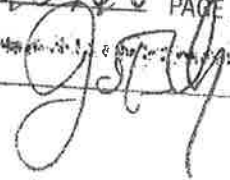
COMMONWEALTH OF MASSACHUSETTS
ESSEX REGISTRY OF DEEDS, SO. DIST., SALEM, MASS
ESSEX SS

June 9 2017

A TRUE COPY OF RECORD:

BOOK 23920 PAGE 481

ATTEST


REGISTER

LIST OF WAIVERS
(Section 5.1.6)

The Applicant respectfully requests that the Planning Board grant a waiver from the requirement to submit a Construction Schedule (Section 5.1.7 of the Rules).

This waiver is needed as the Applicant cannot prepare a construction schedule at this time because definitive plans for construction of the development program are still being finalized. Construction is expected to occur over an elapsed time of approximately eighteen (18) months. A detailed construction schedule will be provided under separate cover once there is greater certainty over project design.

Caamano, Jessica M.

From: Kevin Hunt <KHunt@CityofNewburyport.com>
Sent: Thursday, June 8, 2017 7:17 AM
To: Caamano, Jessica M.
Subject: RE: Request Acknowledgement - List of Potential Names to be Used as Street Names within Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Jess,

At this time, there is no list of veteran names that could be used for streets in a new development. Please let me know if you require additional information.

Kevin Hunt
Director of Veteran Services

From: Caamano, Jessica M. [JCaamano@GOULSTONSTORRS.com]
Sent: Wednesday, June 07, 2017 3:59 PM
To: Kevin Hunt
Cc: Sullivan, Timothy
Subject: Request Acknowledgement - List of Potential Names to be Used as Street Names within Subdivision

Mr. Hunt,

This email confirms my request, on behalf of Newburyport Manager LLC, for a list of potential names to be used as street names within a subdivision proposed by Newburyport Manager LLC. Please confirm your acknowledgement that no names are available at this time. Thank you.

Best,

Jess Caamano
Associate
Direct (617) 574-2227

goulston&storrs
400 Atlantic Avenue * Boston, Massachusetts 02110-3333
(617) 482-1776 * Fax (617) 574-4112 * www.goulstonstorrs.com

This communication may contain information which is privileged and/or confidential under applicable law. Any dissemination, copy or disclosure, other than by the intended recipient, is strictly prohibited. If you have received this communication in error, please immediately notify us via return e-mail to JCaamano@goulstonstorrs.com and delete this communication without making any copies. Thank you for your cooperation.

Ent	Name	Invoice	Date	Reference	Amount	Discount	Net
4101	Newburyport Development Hol	6/8/17	6/8/2017	SUBDIVISION APPLICATION FEE	2,600.00	0.00	2,600.00

Payor: Newburyport Development Holdings LLC Date: 6/9/2017 Check No.: 000605 Check Amount: 2,600.00
Payee: CITY OF NEWBURYPORT

Retain this statement for your records

THIS CHECK HAS A COLORED BACKGROUND AND CONTAINS MULTIPLE SECURITY FEATURES - SEE BACK FOR DETAILS

Newburyport Development Holdings LLC
c/o New England Development
75 Park Plaza
Boston, MA 02116

Wells Fargo Bank
Boston, MA

11-24
1210

Date: 6/9/2017 Check No.: 000605 Check Amount: \$2,600.00

Two Thousand Six Hundred AND 00/100 Dollars

Pay to the order of:

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE

CITY OF NEWBURYPORT
60 PLEASANT ST
PO BOX 550
NEWBURYPORT, MA 01950



Stephen R. Fay

⑈00000605⑈ ⑆121000248⑆ 4123105090⑈

Ent	Name	Invoice	Date	Reference	Amount	Discount	Net
4101	Newburyport Development Hol	6-8-17	6/8/2017	SUBDIVISION APPLICATION FEE	4,000.00	0.00	4,000.00

Payor: Newburyport Development Holdings LLC **Date:** 6/9/2017 **Check No.:** 000604 **Check Amount:** 4,000.00
Payee: CITY OF NEWBURYPORT

Retain this statement for your records

THIS CHECK HAS A COLORED BACKGROUND AND CONTAINS MULTIPLE SECURITY FEATURES - SEE BACK FOR DETAILS

Newburyport Development Holdings LLC
c/o New England Development
75 Park Plaza
Boston, MA 02116

Wells Fargo Bank
 Boston, MA

11-24
 1210

Date: 6/9/2017 **Check No.:** 000604 **Check Amount:** \$4,000.00

Four Thousand AND 00/100 Dollars

Pay to the order of:

VOID IF NOT CASHED WITHIN 120 DAYS WITHIN DATE OF ISSUE

CITY OF NEWBURYPORT
60 PLEASANT ST
PO BOX 550
NEWBURYPORT, MA 01950



Stephen R. Kay

⑈00000604⑈ ⑆121000248⑆ 4123105090⑈

June 13, 2017

VIA HAND DELIVERY

Board of Health
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

**Re: Definitive Subdivision Plan — Merrimac Street Waterfront
44 and 54 Rear Merrimac Street/Browns Wharf, 58 McKay's Wharf, 72-92
Merrimac Street**

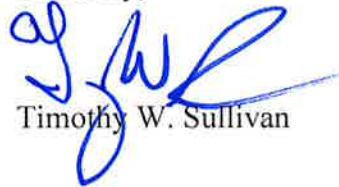
Ladies and Gentlemen:

On behalf of Newburyport Manager LLC, and in accordance with Section 5.1.1 of the *Rules and Regulations Governing the Subdivision of Land in Newburyport, Massachusetts*, we enclose one (1) copy of the Application for Definitive Subdivision Approval for the above-referenced parcels of land, which application was duly filed with and accepted by the City of Newburyport Planning Board earlier today.

Kindly acknowledge receipt of this filing by signing the duplicate copy of this letter where indicated below.

Thank you.

Sincerely,



Timothy W. Sullivan

ACKNOWLEDGED:

NEWBURYPORT BOARD OF HEALTH:

By: _____

Name:

Title:

Duly authorized



CITY OF NEWBURYPORT
 PLANNING BOARD
 60 PLEASANT STREET • P.O. BOX 550
 NEWBURYPORT, MA 01950
 (978) 465-4400
WWW.CITYOFNEWBURYPORT.COM

2017 JAN -5 A 11: 15

**PRELIMINARY SUBDIVISION PLAN
 APPLICATION AND DECISION SUMMARY**

DECISION DATE: 01/04/2017

APPLICATION DATE: 11/21/2016

FILE NO: 2016-PSP-02

APPLICANT: Newburyport Manager, LLC c/o New England Development

APPLICANT ADDRESS: 75 Park Plaza, Boston, MA 02116

PARCEL(S) ADDRESS: Brown's Wharf, 54R Merrimac Street, 58 McKay's Wharf, 72 Merrimac Street, 86-90 Merrimac Street, and 92 Merrimac Street

MAP/LOT: 48-22, 48-23, 48-24, 48-16, 48-23A, 48-13, 48-7, and 48-5
 48-22, 48-23, 48-24, 48-16, 48-23-A, 48-13, 48-7, 48-5

BK/PAGE: 23919-369, 23920-481, 23920-345, 26566-63, 23921-287, 23921-84, 23921-156, and 25523-132

ZONING DISTRICT: WMU

BRIEF DESCRIPTION: subdivide properties into 5 lots and create a new subdivision road providing frontage and access

PUBLIC HEARING: A public hearing was held on the above application on 12/14/2016 and continued to 01/04/2017.

DECISION: After the close of the public hearing, upon a motion made by member Lamb and seconded by member McGavern, the Planning Board voted to **APPROVE** the Preliminary Subdivision Plan.

The motion having received a majority vote of all the members of the Planning Board, in accordance with M.G.L. Chapter 41 Section 81, as amended, the petition for the Preliminary Subdivision Plan was therefore approved.

RECORD OF VOTE: The following members of the Planning Board voted as follows with respect to the petition for a Preliminary Subdivision Plan approval to the below-stated terms and conditions:

Jim McCarthy	<u>Yes</u>	Bonnie Sontag	<u>Yes</u>	Don Walters	<u>Yes</u>
Leah McGavern	<u>Yes</u>	James Brugger	<u>Yes</u>	Andrew Shapiro	<u>Yes</u>
MJ Verde	<u>Yes</u>	Joe Lamb	<u>Yes</u>		

PLANS AND MATERIALS INCORPORATED INTO DECISION

- 1) This Preliminary Subdivision Plan approval is accompanied and augmented by the following plans and drawings:
 - Plan set titled, "Preliminary Plan for the Subdivision of Land: Merrimac Street Waterfront", prepared for Newburyport Manager, LLC TRS, c/o New England Development, 75 Park Street, Boston, MA 02116, prepared by RJO'Connell & Associates, Inc., 80 Montvale Avenue, Stoneham, MA 02180, dated 11/18/16. Plan set includes:
 - Existing Conditions Plan, Sheet 1
 - Existing Conditions Plan, Sheet 2
 - Preliminary Subdivision Plan, PS-1
 - Preliminary Subdivision Profile, PS-1A
 - DRAFT Environmental and Community Impact Analysis: Merrimac Street Waterfront Subdivision
- 2) The plans and submission material were reviewed by the Planning Board, its consulting engineer, and city department heads as follows:
 - Comments from City Officials, including: Dan Lynch, Distribution System Manager, dated 11/28/16; Molly Ettenborough, Recycling and Energy Manager, dated 11/28/16; and Jon-Eric White, City Engineer, dated 12/7/16 and 12/8/16.
- 3) Throughout its deliberations the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

FINDINGS

Pursuant to Section 4 of the Rules and Regulations Governing the Subdivision of Land in Newburyport, the Board generally finds the following to be credible statements about the proposed Preliminary Subdivision:

- The submitted plans and documents provide the required information as listed in Section 4.3 and 4.4;
- The Department of Health and all other applicable City departments, boards and commissions were provided with copies of the filing and given opportunities to comment on the plans and documents;
- This filing and associated public meetings serves to preserve the zoning associated with the district and overlay district in which the project is located and is the first step in filing a definitive subdivision plan for the property, which must occur within seven (7) months from the date of the submission date for this PSP, November 21, 2016.

DECISION

This Preliminary Subdivision Plan approval is conditioned upon the following:

Standard Conditions:

1. Pursuant to Section 4.6.1, a developer has no right to appeal from action taken on this Preliminary Subdivision Plan.
2. Pursuant to Section 4.6.2, a Definitive Subdivision Plan shall be filed within seven (7) months of the date of application of this Preliminary Subdivision Plan and must be evolved from it to retain exemptions from zoning changes and amendments to the subdivision rules and regulations.
3. Pursuant to Section 4.8, approval by the Board of a Preliminary Subdivision Plan shall not constitute approval of the subdivision and the Preliminary Plan cannot be recorded in the Registry of Deeds or the Land Court.
4. The Definitive Subdivision Plan shall adhere to all of the requirements and standards as listed in the Rules and Regulations Governing the Subdivision of Land in Newburyport, Massachusetts Section 5 and/or provide a list of Waivers pursuant to Section 5.1.6 from pertinent provisions found therein.
5. Approval by the Planning Board of this Plan shall not be treated as, nor deemed to be, approval by the Board of Health for a permit for the construction and use on any lot. No building or structure shall be placed on any lot without the consent of the Board of Health, if required.
6. There shall be no construction of any rights-of-ways shown on this Preliminary Subdivision Plan if and until a Definitive Subdivision Plan is filed with and approved by the Planning Board and Board of Health.
7. Planning Board approval of this Preliminary Subdivision Plan (PSP) filing is limited to the conceptual/schematic subdivision plans submitted by the applicant. The applicant must address the full scope of grading, drainage, engineering and utility design details in the subsequent Definitive Subdivision filing, as required by the Subdivision Control Law (M.G.L. Chapter 41, Sections 81K-81GG) and the Planning Board's Rules and Regulations Governing the Subdivision of Land in Newburyport.

DATE OF FILING OF DECISION

Filed with the Newburyport City Clerk on January 5, 2017 and sent registered mail to the applicant.

SIGNATURE OF THE BOARD



Jim McCarthy, Chair, Newburyport Planning Board

January 5, 2017
Date