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April 16, 2021

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

**RE: Amendments to HOA for 18 Boyd Drive and 5 Brown Avenue
Newburyport, MA 01950 (the "Property")**

Dear Chair Teixeira and Members of the Commission:

Reference is made to the above captioned matter. In that connection, this firm represents Evergreen Commons, LLC. Following our productive conversation with Conservation Agent Julia Godtfredsen and Zoning Administrator Jennifer Blanchet on February 25, 2021, enclosed for your consideration, please find materials for the Commission to consider for three separate actions:

- 1) Minor Modification of an existing Order of Conditions; and
- 2) Request for an extension of the Order of Conditions.

Per our conversation with Town Staff, once the Commission has decided upon the enclosed minor modification, we will submit the appropriate requests for certificates of compliance consistent with the Commission's preferred methodology.

Specifically, we enclose a Request for a Minor Modification of the Order of Conditions, DEP No. 051-0973, originally issued February 6, 2018, to rectify minor discrepancies in impervious surface and update the Homeowners Association Agreement to ensure its clarity and consistency with impervious surface requirements. The revisions in the Homeowners Association Agreement ("HOA") were crafted with input from City staff, and are intended to clarify the limits of additional allowable impervious surface per lot.

As for impervious surface, the project engineer calculated the actual impervious area for each lot "as built". This calculation is clear that this change from the original Order of Conditions results in a negligible impact, if any, on the stormwater and ILSF systems in place.

The original language for the HOA which was approved as part of the Order of Conditions is confusing as currently worded and allows multiple interpretations of what quantity of impervious surface may be added to each lot after each lot is completed. To avoid any confusion and provide a reliable and consistent number as a base which can be relied upon going forward, the Applicant proposes the following change in the HOA provision as follows:

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone 508.376.8400

8.2.16 a. Lot Owners shall not increase the impervious area on each individual lot by more than 5% over the size of the lot ~~conditions of the lot~~ at the time the certificate of occupancy is issued for that lot. b. Notwithstanding the foregoing, the following lots shall not increase the impervious area on the lot by more than 2% over the size of the lot ~~conditions of the lot~~ at the time the certificate of occupancy is issued for that lot: Lots 10, 11, 12 and 13.

This number shall be cumulative over the life of the lot. Swimming pools shall be considered impervious area.

For the Commission's convenience, enclosed is a spreadsheet which allows the Commission to track future allowable impervious surface per lot. Additional proposed minor modifications to the Order of Conditions are indicated on the enclosed plans and in the letter dated April 16, 2021 from Hughes Environmental Consulting.

Also enclosed is a request for an extension of the Order of Conditions. As this Commission is aware, a modification of an Order of Conditions does not extend the time frame of the permit. We further note that under Chapter 53 of the Acts of 2020, the 3-year time frame of the February 6th Order of Condition was paused as of March 10, 2020 and will remain paused until the Massachusetts Governor declares the State of Emergency over, or a superseding law is passed. This means the current Order of Conditions is valid and will remain as such, but the Applicant wishes to add certainty to these processes and as such is requesting a 3-year extension to ensure all work provided in the Order (or any subsequent minor modifications) can be accomplished.

Thank you for your assistance regarding this matter.

Sincerely,



Lisa Mead, Esq.

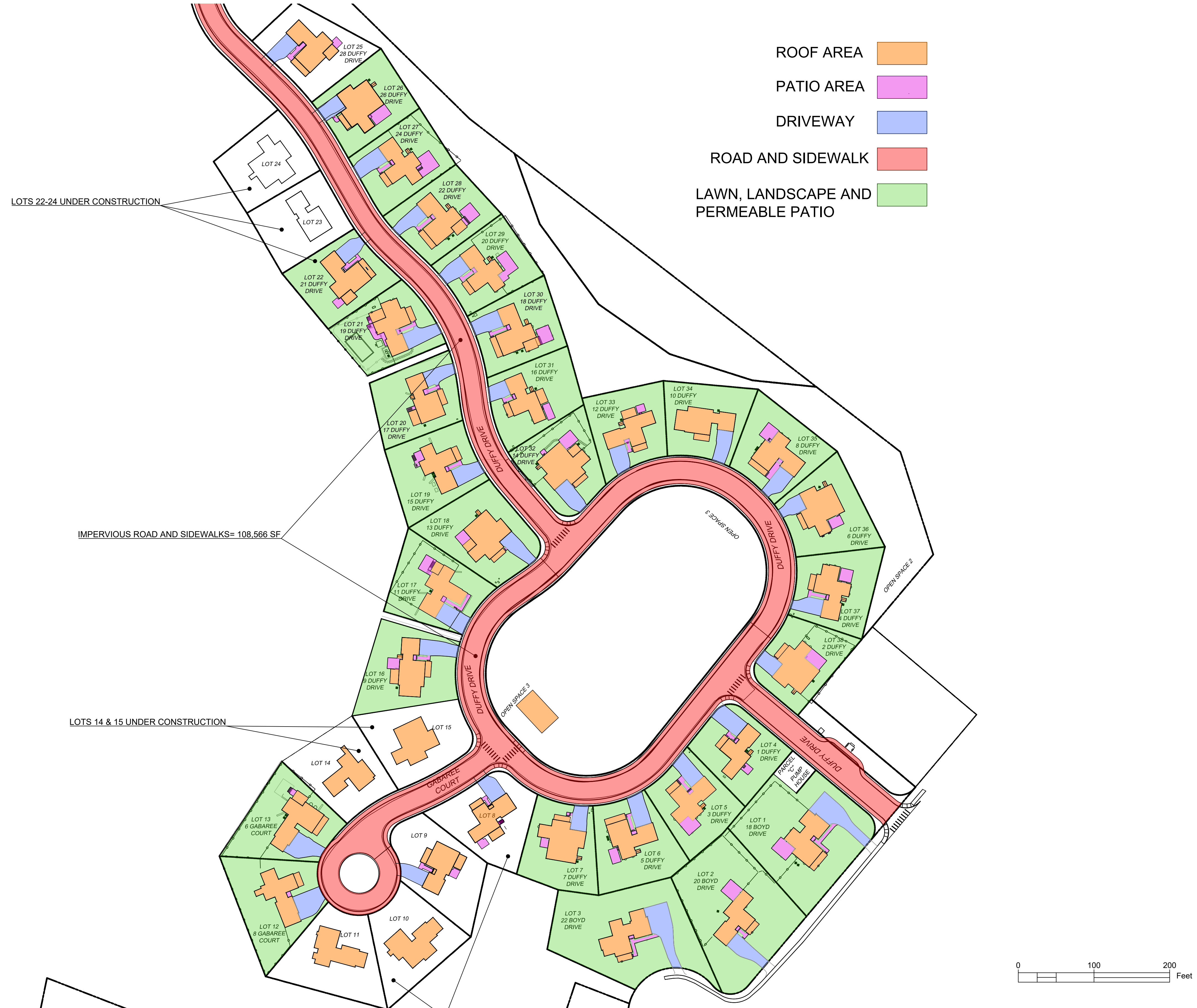
Lisa Mead, Esq.

Encl.

	Lot 1**	Lot 2**	Lot 3**	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8*	Lot 9*	Lot 10*	Lot 11*	Lot 12	Lot 13	Lot 14*	Lot 15*	Lot 16	Lot 17	Lot 18	Lot 19	Lot 20	Lot 21	Lot 22*	Lot 23*	Lot 24*	Lot 25*	Lot 26	Lot 27	Lot 28	Lot 29	Lot 30	Lot 31	Lot 32	Lot 33	Lot 34	Lot 35	Lot 36	Lot 37	Lot 38	Pump House	Total	OSRD Lot Total
Total Lot Area	20,712	20,968	20,847	10,001	10,038	11,572	10,433	11,336	11,739	11,469	12,563	12,738	12,132	10,900	11,651	12,292	11,452	12,941	11,016	10,327	10,623	10,457	10,193	10,057	11,086	10,371	10,412	10,532	10,162	10,172	10,739	10,748	10,246	10,302	10,822	11,491	10,596	10,119	1,600	446,255	383,728
House	2,419	1,933	2,456	1,917	2,033	2,230	2,574	2,190	2,395			2,415	2,676			2,597	2,253	2,756	2,036	2,193	2,473	2,450	1,783	2,449	2,450	2,588	2,067	2,468	2,033	2,483	2,112	2,762	2,148	2,336	2,248	2,611	2,286	2,589		79,409	72,601
Driveway	1,805	958	1,807	969	871	918	660	720	665			1,133	1,117			963	989	876	819	751	922	727			770	676	893	795	768	828	533	873	735	813	818	624	741	614		28,151	23,581
Landscape & Perm Surf.	15,734	17,547	16,317	6,880	6,578	8,032	7,027	8,226				9,151	8,261			8,376	7,619	9,071	7,824	7,208	6,785	6,810			7,566	6,650	6,728	6,686	6,666	6,326	7,771	6,701	7,144	7,153	7,156	7,985	7,132	6,509		255,619	206,021
Patio & Walkway	754	530	267	235	556	392	172	200	235			39	78			356	591	238	337	175	443	288			300	457	724	583	695	535	323	412	219	0	600	271	437	407		11,849	10,298
Total Imperv. Surf.	4,978	3,421	4,530	3,121	3,460	3,540	3,406	3,110	3,295	3,784	4,146	3,587	3,871	3,597	3,845	3,916	3,833	3,870	3,192	3,119	3,838	3,465	3,367	3,318	3,520	3,721	3,684	3,846	3,496	3,846	2,968	4,047	3,102	3,149	3,666	3,506	3,464	3,610		137,234	124,305
% Imperv.	24.0	16.3	21.7	31.2	34.5	30.6	32.6	27.4	28.1	33.0	33.0	28.2	31.9	33.0	33.0	31.9	33.5	29.9	29.0	30.2	36.1	33.1	33.0	33.0	31.8	35.9	35.4	36.5	34.4	37.8	27.6	37.7	30.3	30.6	33.9	30.5	32.7	35.7		30.8	32.4
Potential Adtl. Impervious	1036	1048	1042	500	502	579	522	567	587	573	628	637	607	545	583	615	573	647	551	516	531	523	510	503	554	519	521	527	508	509	537	537	512	515	541	575	530	506		22,313	19,186

* Lot under construction, estimated areas

** Full size lots conforming to R2 Zoning



N
↑
NORTH

DCI
Design Consultants Inc.
Somerville - Quincy - Newburyport
www.dci-ma.com

PROJECT TEAM

18 BOYD DRIVE,
SUBDIVISION
NEWBURYPORT, MA

PREPARED FOR
EVERGREEN
COMMONS, LLC

PROJECT INFO

1.	LOT 22 PROP. COND	1/15/21
REV	DESCRIPTION	DATE



STAMP:

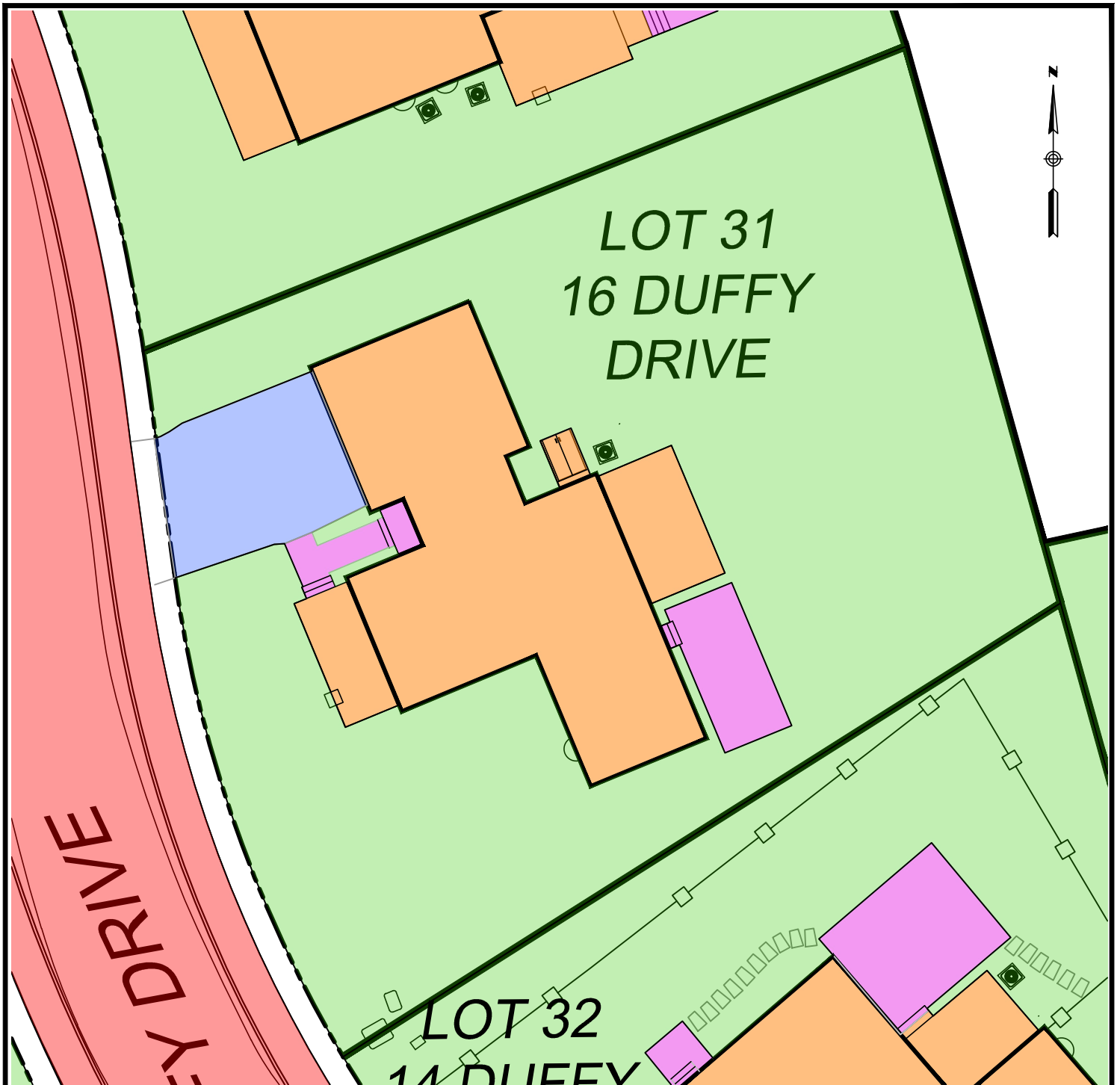
**AS-BUILT
SURFACES
PLAN**





SHEET NAME:

C6

SHEET NO:

DR BY: WAK
CHK BY: SBS
PROJ NO: 2015-063
DATE: June 2, 2017
SCALE: 1"=70'



	Lot 31
Total Lot Area	10,739
 House	2112
 Driveway	533
 Landscape & Perm Surf.	7771
 Patio & Walkway	323
Total Imperv. Surf.	2,968
% Imperv.	27.6
Potential Adtl. Impervious	537



SCALE in FEET
1"=20'

AS-BUILT SITE CONDITIONS PLAN

16 DUFFY DRIVE / LOT 31

FEB. 23, 2021

Design Consultants, Inc.
CIVIL ENGINEERS and LAND SURVEYORS

SOMERVILLE - NEWBURYPORT
PHONE: 617-776-3350 WEBSITE: WWW.DCI-MA.COM