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April 13, 2021

IN HAND

Bonnie Sontag, Chair
Planning Board
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

RE: Evergreen Commons Partial Release of Covenant

Dear Madam Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, the Applicant requests a partial release of covenant for the following lots:

Lots 23, 24, 26, 27 and 18

These are the standard Covenant Releases which have been granted for all lots in Phase 1-4 but not yet Phase 5. These are the covenants related to the completion of the infrastructure, not the holding of CO's for the purpose of finalizing the Open Space and CR etc.

The City Peer Review Engineer has completed a site visit along with the project engineer. I have attached the project engineer's plan and calculations of the work remaining on the roads and related infrastructure. For the purposes of infrastructure and this Covenant, there would still be 2 lots not released in Phase 5 to secure the infrastructure. But, the City retains control over 7 lots given it has control over the Occupancy Permits. As you are aware, under the decision the last occupancy permit may not issue until the CR is recorded.

I have attached for your convenience the Covenant as well as the Phasing plan which you might recall was created for the purpose of completing the infrastructure. I have also attached a proposed release along with the plan noted above for work to be completed.


The Applicant will be back to the Board over the next 60 days related to minor modifications related to modifications to the trails for accessibility purposes as well as calculations related to impervious areas. We have informally discussed these matters with the Conservation Agent and Zoning Code Enforcement Officer and are preparing a filing with the Conservation Commission prior to filing with the Board.

Millis Office

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

We request that this matter be placed on the agenda for your April 21, 2021 meeting.

Respectfully submitted
Evergreen Commons LLC
~~By Its attorney~~



Lisa L. Mead

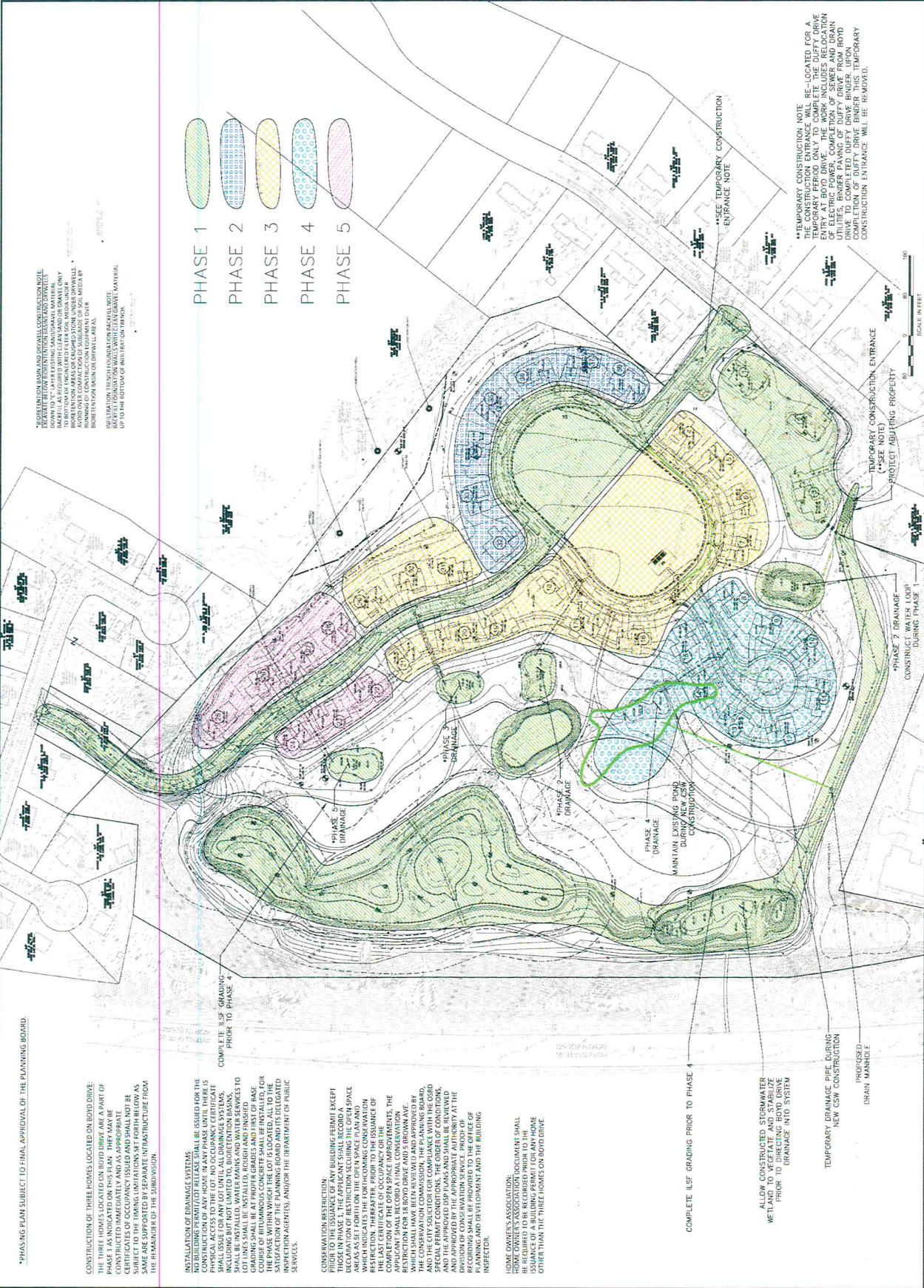
cc: Client

NO.	DESCRIPTION	DATE
1.	ISSUED FOR PERMIT	3/15/18
2.	ISSUED FOR PERMIT	10/19/18
3.	TEMP. CONSTRUCTION	10/19/18
4.	TEMP. CONSTRUCTION	3/15/18
5.	TEMP. CONSTRUCTION	3/15/18



STAMP
PHASING PLAN

SHEET NAME
PH1
 SHEET NO.
 001 OF 001
 PROJECT NO.
 2018-003
 DATE
 JAN. 9, 2018
 SCALE
 1"=10'



INSTALLATION OF FOUNDATION BACILLI NOTE:
 FOUNDATION BACILLI SHALL BE INSTALLED IN THE
 BOTTOM 12" OF THE FOUNDATION BACILLI TRUNK
 UP TO THE BOTTOM OF THE FOUNDATION TRUNK.

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

*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
 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/ODI RELEASE SHALL BE ISSUED FOR THE
 CONSTRUCTION OF ANY HOME IN ANY PHASE UNTIL THERE IS
 A DECLARATION OF RESTRICTION SECURING THE OPEN SPACE
 AREAS AS SET FORTH ON THE OPEN SPACE PLAN AND
 RESTRICTION. THEREAFTER, PRIOR TO THE ISSUANCE OF
 THE LAST CERTIFICATE OF OCCUPANCY OR THE
 APPLICANT SHALL RECORD A FINAL CONSERVATION
 RESTRICTION FOR 18 BOYD DRIVE AND 5 BROWN AVE.
 AND THE CITY SOLICITOR FOR COMPLIANCE WITH THE OSD
 SPECIAL PERMIT CONDITIONS, THE ORDER OF CONDITIONS,
 AND APPROVED BY THE APPROPRIATE AUTHORITY AT THE
 DIVISION OF CONSERVATION SERVICE. PROOF OF
 PLANNING AND DEVELOPMENT AND THE BUILDING
 INSPECTOR.

CONSERVATION RESTRICTION:
 PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT EXCEPT
 DECLARATION OF RESTRICTION SECURING THE OPEN SPACE
 AREAS AS SET FORTH ON THE OPEN SPACE PLAN AND
 RESTRICTION. THEREAFTER, PRIOR TO THE ISSUANCE OF
 THE LAST CERTIFICATE OF OCCUPANCY OR THE
 APPLICANT SHALL RECORD A FINAL CONSERVATION
 RESTRICTION FOR 18 BOYD DRIVE AND 5 BROWN AVE.
 AND THE CITY SOLICITOR FOR COMPLIANCE WITH THE OSD
 SPECIAL PERMIT CONDITIONS, THE ORDER OF CONDITIONS,
 AND APPROVED BY THE APPROPRIATE AUTHORITY AT THE
 DIVISION OF CONSERVATION SERVICE. PROOF OF
 PLANNING AND DEVELOPMENT AND THE BUILDING
 INSPECTOR.

HOME OWNERS ASSOCIATION
 HOME OWNERS 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.

COMPLETE ILSF GRADING PRIOR TO PHASE 1

ALLOW CONSTRUCTED STORMWATER
 WETLAND TO VEGETATE AND STABILIZE
 PRIOR TO CONSTRUCTION OF
 DRAINAGE INTO SYSTEM

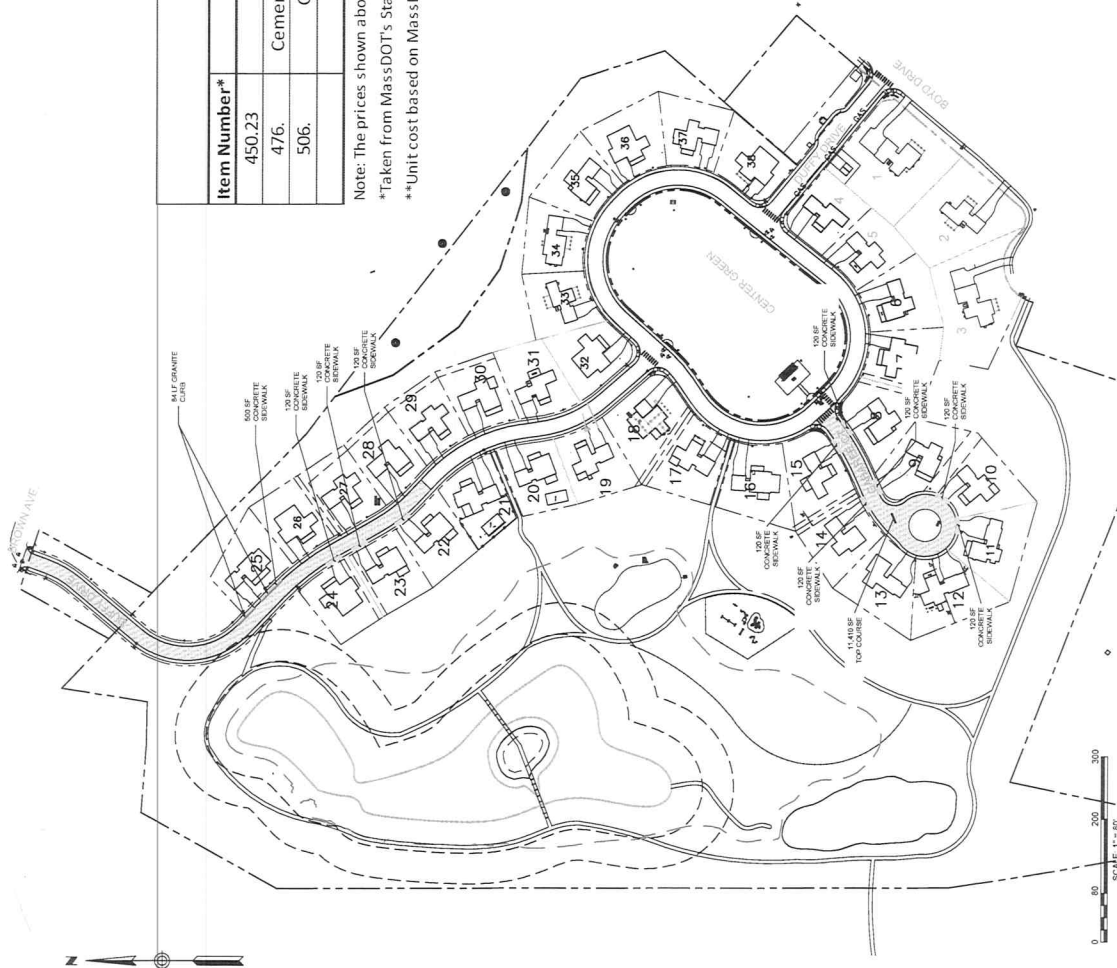
TEMPORARY DRAINAGE PIPE DURING
 NEW CONSTRUCTION
 PROPOSED
 DRAIN MANHOLE

**TEMPORARY CONSTRUCTION NOTE
 THE CONSTRUCTION ENTRANCE WILL BE RE-LOCATED FOR A
 PERIOD OF TIME TO ACCOMMODATE THE RELOCATION
 OF ELECTRIC POWER, COMPLETION OF SEWER AND DRAIN
 UNITS, COMPLETION OF DUFFY DRIVE FROM BOYD
 DRIVE TO DUFFY DRIVE AND COMPLETION OF DUFFY DRIVE
 COMPLETION OF DUFFY DRIVE BINDER THIS TEMPORARY
 CONSTRUCTION ENTRANCE WILL BE REMOVED.

TEMPORARY CONSTRUCTION ENTRANCE
 (**SEE NOTE)
 PROTECT ADJACENT PROPERTY

PHASE 3 DRAINAGE
 CONSTRUCT WATER LOOP
 DURING PHASE 1

SCALE IN FEET
 0 20 40 60 80 100



Conceptual Cost Estimate			
Item Number*	Item	Unit	Unit Cost (\$)**
450.23	Bituminous Concrete Paving	TON	150.00
476.	Cement Concrete Pavement (Sidewalk)**	SY	80.00
506.	Granite Curb Type VB - Straight	FT	68.00
		Total	\$56,612.00

Boyd Drive - Remaining Work Summary

Quantity	Cost
246	\$36,900.00
175	\$14,000.00
84	\$5,712.00



Note: The prices shown above are for conceptual purposes only and were calculated without the use of design plans
 *Taken from MassDOT's Standard Items List
 **Unit cost based on MassDOT Bid Prices District 4 4/13/21

WORK SUMMARY
 ROADWAY TOP COURSE - 38,910 SF
 CONCRETE SIDEWALK - 1,580 SF
 GRANITE CURB - 84 LF

REMAINING ROADWAY WORK
 DCI - APRIL 12, 2021
 STEPHEN SAWYER P.E.

(SPACE ABOVE RESERVED FOR REGISTRY OF DEEDS)

RELEASE OF COVENANT

WHEREAS the City of Newburyport Planning Board approved on January 17, 2018 and subsequently endorsed on February 21, 2018 a definitive subdivision plan entitled “Plan of Land in Newburyport, Massachusetts, Surveyed for Evergreen Commons LLC” prepared by Design Consultants, Inc., dated May 22, 2017, revised through January 9, 2018 and subsequently recorded with the Essex (South) District Registry of Deeds (“Registry”) at Plan Book 464, Plan 53 (the “Plan”); and

WHEREAS the Board accepted surety in the form of a Covenant dated March 6, 2018, and securing performance of certain improvements to the property shown on the Plan, which Covenant was recorded with the aforesaid Registry at Book 36596, Page 108 (the “Covenant”); and

WHEREAS the undersigned fee owner of those lots identified in the Covenant, Evergreen Commons, LLC, has carried out those improvements identified in paragraph number 3 of said Covenant with regard to the following enumerated lots: **23, 24, 26, 27, and 28** as shown on said Plan;

NOW, THEREFORE, the undersigned, being a majority of the Planning Board of the City of Newburyport, Massachusetts, hereby:

Certify that the requirements for work on the ground called for by the Definitive Subdivision Plan Approval with thirteen (13) numbered conditions and twenty-five (25) numbered special conditions which is dated January 30, 2018 and recorded with said Registry in Book 36573, Page 115, as amended, have been completed to the satisfaction of the Planning Board as to the following enumerated lots: **23, 24, 26, 27, and 28** all as shown on the Plan and said **23, 24, 26, 27, and 28** are hereby released from the restrictions in said Covenant as to sale and building specified thereon.

IN WITNESS WHEREOF, this instrument has been executed in the name and on behalf of the City of Newburyport by its Planning Board as of this ____ day of _____, 2021.

NEWBURYPORT PLANNING BOARD

By: _____
Bonnie Sontag, Chair

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. _____, 2021

Before me, the undersigned notary public, personally appeared Bonnie Sontag being the Members of the Newburyport Planning Board, and proved to me through satisfactory evidence of identification, which were _____, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, not individually but in their capacities as Members as aforesaid.

Notary Public
My Commission Expires: