



Mead, Talerman & Costa, LLC
Attorneys at Law

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Newburyport, MA 01950
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November 18, 2021

IN HAND and ELECTRONICALLY

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

RE: Evergreen Commons / Final Approved Conservation Restriction / Release
of Last Certificate of Occupancy / Release of Tri-Partite Agreement

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter and the 2 Special Permits and Definitive Subdivision Approval issued by this Board in 2017 and 2018. In that connection, the Applicant has received review and approval of the Conservation Restriction from the Executive Office of Environmental Affairs ("EEA"), the Conservation Commission and is awaiting approval from the City Council. The Restriction itself is largely based upon the prohibited acts and uses as set forth in the Declaration of Restriction which was previously approved by this Board and the Conservation Commission. Additionally, over the past year, the Conservation Restriction has been reviewed and revised by and between the Conservation Agent, EEA, the Planning Office and the City Solicitor. EEA has issued its final approved Conservation Restriction document which is now, as noted above, traveling through the local boards. Ultimately, the Conservation Commission and the Mayor with approval by the City Council will actually execute the Conservation Restriction.

Once all city approvals are received, which by the date of you hearing, we hope to have accomplished, following this Board's approval, the ministerial act of obtaining those signatures remains. The Applicant requests that once approvals are received that the last certificate of occupancy is released so as to allow the closing to go forward. The Applicant is willing to provide the City with security to assure actual recording of the Conservation Restriction, should the Board desire same.

I have also attached the final as-built plan for the subdivision and request the Board release the tripartite agreement related to same under the definitive plan decision.

Millis Office

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

New Bedford Office

227 Union Street, Suite 606
New Bedford, MA 02740

Finally, I have provided copies of the lot by lot impervious calculation as previously approved by the Board. The individual lot sheets were previously filed with the Conservation Commission.

For the Board's information, I have attached a series of photos of the existing conditions of the Open Space on the Property. I look forward to appearing before the Board for this matter at your December 1, 2021 meeting.

Respectfully submitted
Evergreen Commons LLC
By It's attorney

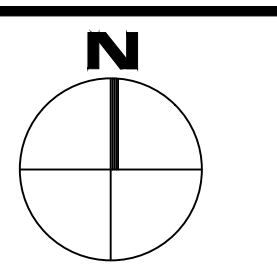
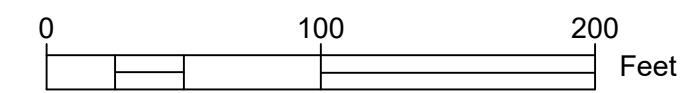
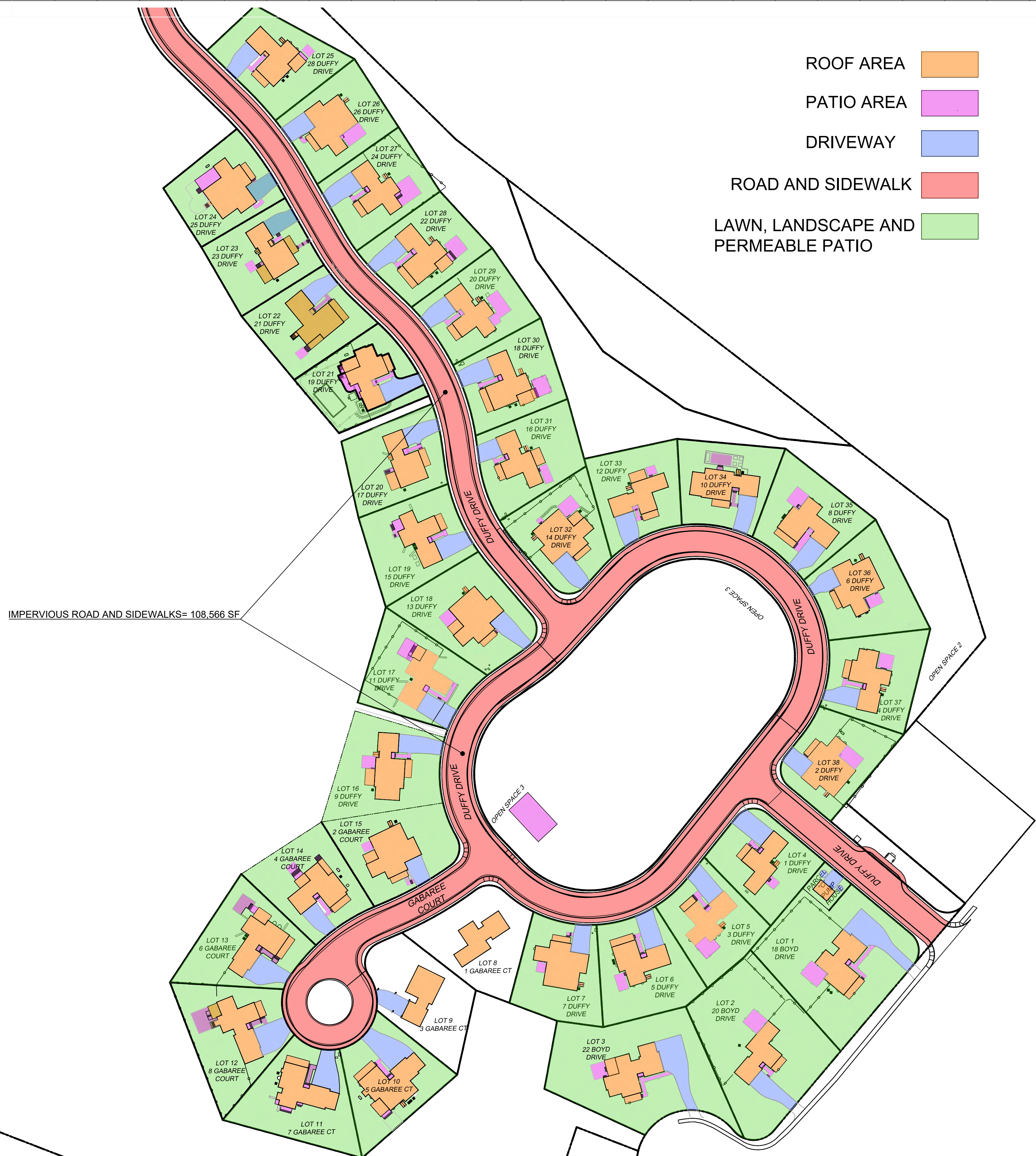


Lisa L. Mead

cc: Client

	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 (SF)	21,116	20,970	20,844	10,006	10,073	11,639	10,455	11,336	11,740	11,469	11,583	12,743	12,132	10,886	11,488	11,950	11,452	12,934	11,014	10,328	10,711	10,457	10,191	10,057	11,086	10,131	10,418	10,529	10,210	10,275	10,771	10,750	10,222	10,308	10,832	11,493	10,598	10,096	1,600	445,293	382,363
House Area (SF)	2,419	1,933	2,698	1,917	2,033	2,230	2,574	1,793	1,792	3,026	2,465	2,592	2,676	2,472	2,760	2,597	2,253	2,756	2,036	2,193	2,473	2,387	2,205	2,563	2,445	2,588	2,067	2,468	2,033	2,483	2,112	2,762	2,148	2,370	2,248	2,611	2,286	2,589	305	90,358	83,003
Driveway Area (SF)	1,805	958	1,807	969	871	918	660	*	696	1,381	1,100	1,133	1,117	707	588	963	989	876	819	751	922	737	600	600	778	676	893	795	768	828	533	873	735	813	818	624	741	614	405	32,861	27,886
Landscape/Perm. Surface Area (SF)	16,138	17,549	15,770	6,885	6,613	8,099	7,049	7,595	7,866	6,830	7,730	8,344	7,797	7,304	7,925	8,034	7,619	9,064	7,822	7,209	6,873	7,055	6,828	6,378	7,578	6,410	6,734	6,683	6,714	6,429	7,803	6,703	7,120	6,663	7,166	7,987	7,134	6,486	890	303,986	254,529
Decks, Patio & Walkway Area (SF)	754	530	569	235	556	392	172	*	*	232	288	674	542	403	215	356	591	238	337	175	443	278	290	516	285	457	724	583	695	535	323	412	219	462	600	271	437	407	0	15,196	13,343
Total Impervious Surface Area (SF)	4,978	3,421	5,074	3,121	3,460	3,540	3,406	3,741	3,874	4,639	3,853	4,399	4,335	3,582	3,563	3,916	3,833	3,870	3,192	3,119	3,838	3,402	3,363	3,679	3,508	3,721	3,684	3,846	3,496	3,846	2,968	4,047	3,102	3,645	3,666	3,506	3,464	3,610	710	142,017	127,834
% of Impervious Surface Area (%)	23.6	16.3	24.3	31.2	34.3	30.4	32.6	33.0	33.0	40.4	33.3	34.5	35.7	32.9	31.0	32.8	33.5	29.9	29.0	30.2	35.8	32.5	33.0	36.6	31.6	36.7	35.4	36.5	34.2	37.4	27.6	37.6	30.3	35.4	33.8	30.5	32.7	35.8	44.4	31.9	33.4
Potential Adtl. Impervious Area (SF)	422	1,049	417	500	504	582	523	567	587	229	232	255	243	544	574	598	573	647	551	516	536	523	510	503	554	507	521	526	511	514	539	538	511	515	542	575	530	505	0	22,265	17,680

* Lot under construction, estimated areas **Full size lots conforming to R2 Zoning

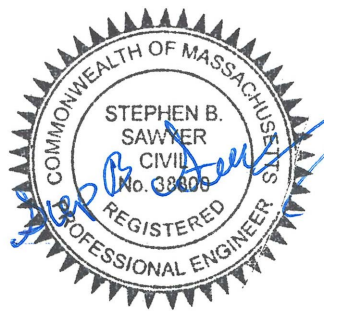


PROJECT TEAM

 18 BOYD DRIVE, SUBDIVISION
 NEWBURYPORT, MA

 PREPARED FOR
 EVERGREEN COMMONS, LLC

PROJECT INFO		
REV	DESCRIPTION	DATE



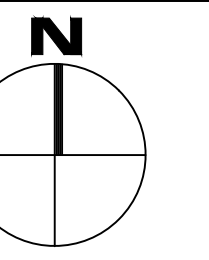
STAMP:

AS-BUILT SURFACES PLAN

SHEET NAME:

AB1

 SHEET NO:
 DR BY: WAK
 CHK BY: SBS
 PROJ NO: 2015-063
 DATE: OCT. 15, 2021
 SCALE: 1"=70'



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

REV	DESCRIPTION	DATE

REV DESCRIPTION DATE



STAMP:

**CONSERVATION
AS-BUILT
PLAN**

SHEET NAME:

AB2

SHEET NO:

DR BY: WAK

CHK BY: SBS

PROJ NO: 2015-063

DATE: OCT. 15, 2021

SCALE: 1"=80'

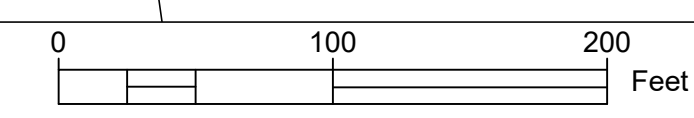


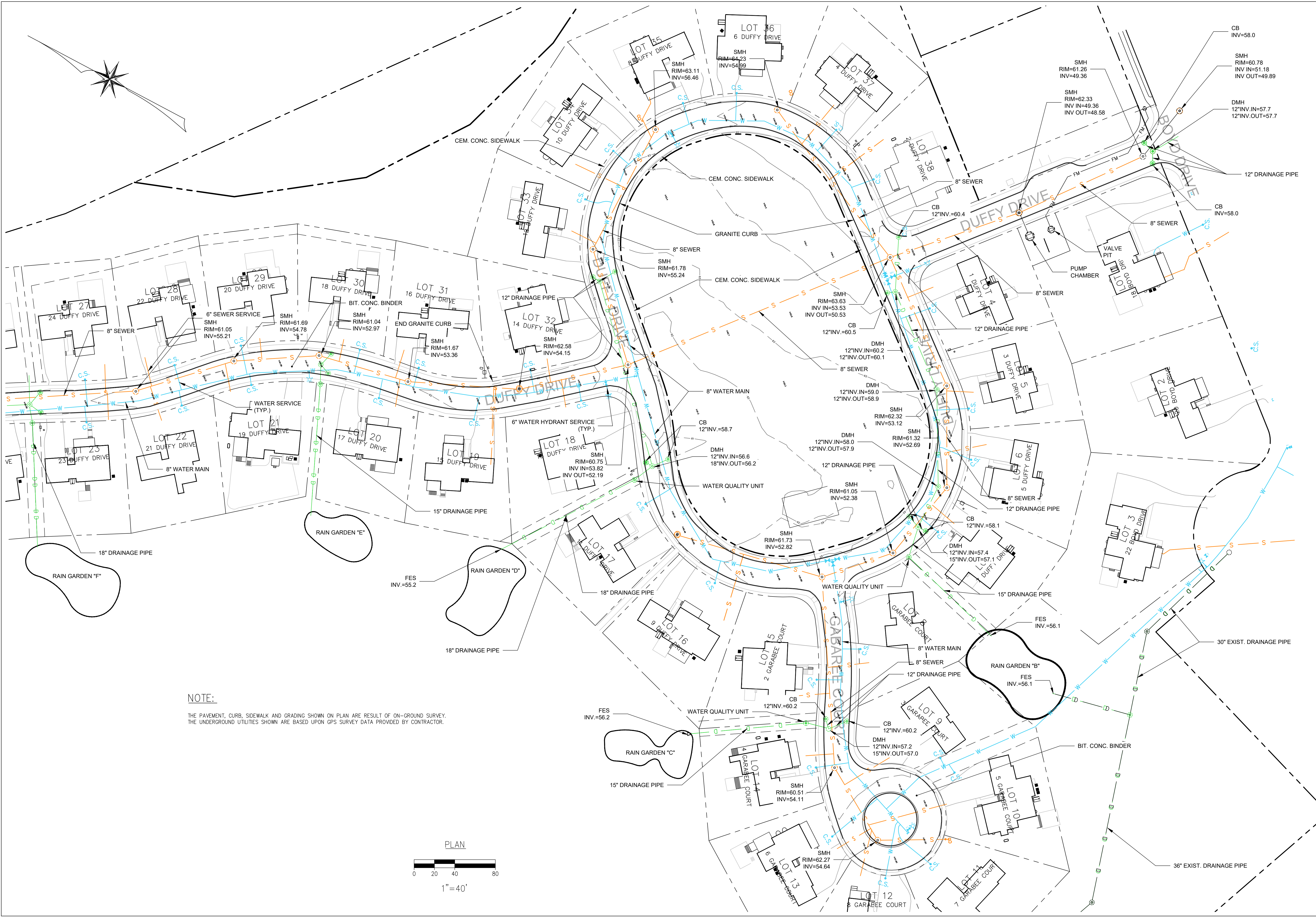
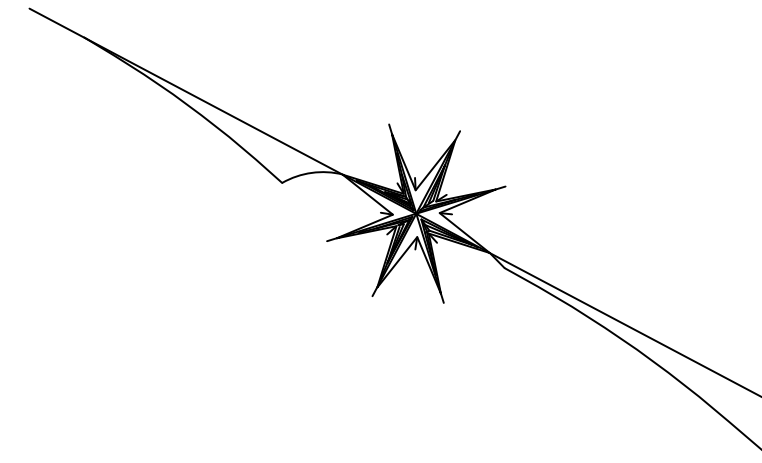
NOTES

THE PURPOSE OF THIS PLAN IS TO SHOW THE CONSERVATION OPEN SPACE AS-BUILT ON THE LOCUS PROPERTY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY PERFORMED ON NOVEMBER 2015 AND OCTOBER 2021 BY WINTER GEC.

OWNERSHIP INFORMATION USED IN THE PREPARATION OF THIS PLAN WAS OBTAINED FROM THE CITY OF NEWBURYPORT ASSESSOR'S OFFICES.

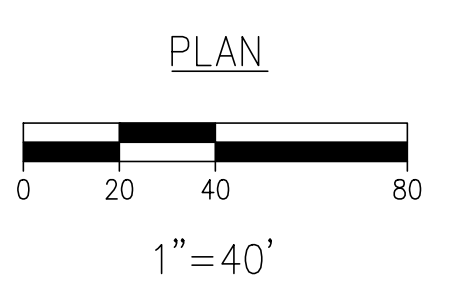
TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS PLAN CONFORMS TO THE TECHNICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.



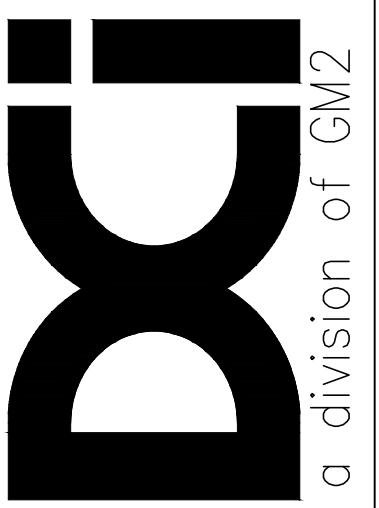


NOTE:

THE PAVEMENT, CURB, SIDEWALK AND GRADING SHOWN ON PLAN ARE RESULT OF ON-GROUND SURVEY. THE UNDERGROUND UTILITIES SHOWN ARE BASED UPON GPS SURVEY DATA PROVIDED BY CONTRACTOR.



120 MIDDLESEX AVENUE
SUITE 20
SOMERVILLE, MA 02145
617.776.3350
6 CHESTNUT ST
SUITE 110
AMESBURY, MA 01913
978.388.2157



DRAFTED BY: GS
CHECKED BY: SBS
APPROVED BY: SBS
SCALE: 1"=40'
DATE: NOV.18, 2021

NO.	DESCRIPTION	DATE

UTILITY AS-BUILT
PORT PLACE, NEWBURYPORT, MA
PREPARED FOR:
EVERGREEN COMMONS, LLC

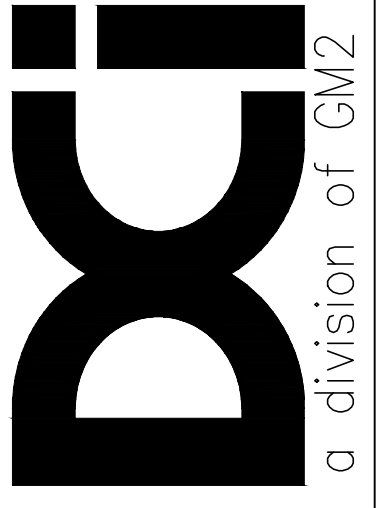
AS-BUILT PLAN
DRAWING NO.
1 OF 2

THE PAVEMENT, CURB, SIDEWALK AND GRADING SHOWN ON PLAN ARE RESULT OF ON-GROUND SURVEY.
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NOTE:



120 MIDDLESEX AVENUE
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6 CHESTNUT ST
SUITE 110
AMESBURY, MA 01813
978.888.2157



DRAFTED BY: GS
CHECKED BY: SBS
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UTILITY AS-BUILT
PORT PLACE, NEWBURYPORT, MA
PREPARED FOR:
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AS-BUILT PLAN
DRAWING NO.
2 OF 2