

## Dianne Boisvert

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**Subject:** FW: Evergreen Commons - Release of Financial Security, Insurance & Conditions Impacting DPS/Water  
**Attachments:** 2019 Water Quality Testing Report Port Place (3).pdf; Blasting Plan Port Place Newburyport.pdf

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**From:** Thomas Cusick  
**Sent:** Wednesday, February 10, 2021 2:55 PM  
**To:** Jamie Tuccolo; Katelyn E. Sullivan; Andrew Port; Anthony Furnari  
**Cc:** Jon-Eric White; Jennifer Blanchet; Gove, Doug (Doug.Gove@aecom.com)  
**Subject:** RE: Evergreen Commons - Release of Financial Security, Insurance & Conditions Impacting DPS/Water

Andy,

Here's some comments on the project.

1. I agree that the required insurance should be renewed to cover any liability until the construction is completed or until the City feels necessary. Lisa is referencing the use of heavy equipment as a primary concern, but I believe the spirit of the PB decision for the applicant to carry the (\$2M)Insurance Bond is specifically for any potential contamination of Well #2.
2. I'm assuming that the proper easements have been recorded so the City can access the testing wells in the future.
3. I reviewed my files and the last water quality report I have on file from the developer dates back to June of 2019. We have conducted our own routine water quality testing at Well #2 per the DEP. But it looks like the PB decision calls out 12 month cycles for the developer's water testing consultant to follow. I have cc Doug Grove to confirm if he has any additional information post the 2019 report. If you recall blasting was extending into 2019 and we want to be sure that water quality wasn't impacted. (we are not seeing anything negative at the Well #2, I just want to confirm there's nothing at the test wells)
4. I discussed with Cate Hamilton (she heads up ground water protection for DEP/NERO), the DEP requirements for Zone 1 and there is no requirement for fencing. That said I would recommend that we post signs indicating a Drinking Water Supply Zone 1 area and that dumping is prohibited.
5. I'm assuming everyone is still supporting the original PB decision that the irrigation well will be discontinued. If the applicant feels that all major construction is completed, as indicated in the request for non-renewal of insurance from his lawyer... than I would say they no longer need the irrigation well for dust control. A final approval of an alternate irrigation connection to the public water supply would need approval of the water department, my guess is the applicant would want that completed prior to final paving.

Best Regards

**Thomas D Cusick Jr.**  
WTO, Superintendent

City of Newburyport  
DPS/Water Division  
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Plant 978 465-4466

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**From:** Jamie Tuccolo  
**Sent:** Wednesday, February 10, 2021 10:29 AM  
**To:** Katelyn E. Sullivan; Andrew Port; Anthony Furnari  
**Cc:** Thomas Cusick; Jon-Eric White; Jennifer Blanchet  
**Subject:** RE: Evergreen Commons - Release of Financial Security, Insurance & Conditions Impacting DPS/Water

Andy,

As far as DPS is concerned the condition of Boyd Dr acceptable. I am speaking only for Boyd Dr, as the project is private and DPS is not reasonable to condition of road.

Best,  
JT

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**From:** Katelyn E. Sullivan <KESullivan@CityofNewburyport.com>  
**Sent:** Wednesday, February 10, 2021 8:26 AM  
**To:** Andrew Port <APort@CityofNewburyport.com>; Anthony Furnari <AFurnari@CityofNewburyport.com>; Jamie Tuccolo <JTuccolo@CityofNewburyport.com>  
**Cc:** Thomas Cusick <TCusick@CityofNewburyport.com>; Jon-Eric White <JEWhite@CityofNewburyport.com>; Jennifer Blanchet <JBlanchet@CityofNewburyport.com>  
**Subject:** RE: Evergreen Commons - Release of Financial Security, Insurance & Conditions Impacting DPS/Water

Good Morning-

I am checking in on the below email regarding the written input/confirmation the Planning Board will need from DPS to grant the developer's request. The developer is scheduled to be before the Planning Board next Wednesday, 2/17 with this request.

Thank you,  
Katelyn

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**From:** Andrew Port  
**Sent:** Thursday, February 04, 2021 12:02 PM  
**To:** Anthony Furnari; Jamie Tuccolo  
**Cc:** Thomas Cusick; Jon-Eric White; Jennifer Blanchet; Katelyn E. Sullivan  
**Subject:** FW: Evergreen Commons - Release of Financial Security, Insurance & Conditions Impacting DPS/Water  
**Importance:** High

Tony (& Jamie) –

Following up on our phone call yesterday, see page 1 of the attached PDF. Lisa is requesting release of all obligations under two special conditions in the PB's decision (remainder of the PDF) for Evergreen Commons/Port Place. I have attached JPG excerpts of these two important special conditions and suggest you read them fully. Please advise, in advance of next week's PB meeting, if you are satisfied with conditions left by the developer in relation to these conditions, and if not please advise where the gaps are. Detailed questions/clarification follows:

1. Under "Upgrades to Boyd Drive" there is more in that provision beyond release of a \$47K Bond. Are you/DPS sure that the developer has fulfilled their obligations under this condition adequately/completely?
2. Under "Insurance Policy During Construction" it seems premature for the developer to be requesting release from this obligation. They have not yet constructed the last home even if heavy site work is now complete as Lisa notes. Frankly releasing this bond even at that point may be premature from a practical perspective since pollution from this project/development could still reach the Well after that point, but the permit does not require continued insurance coverage after they complete construction of homes. Can you confirm that DPS/Water Division agree this condition, and the related insurance coverage, should be maintained as originally required (i.e. until the last home is built)?

Please advise via email at your earliest convenience. Call if you have questions or want to discuss, but the PB will need written input/confirmation from DPS to grant the developer's request next week. I do not see logic in # 2 above, but defer to DPS on # 1. Public roads and infrastructure are your expertise ... and burden to deal with either way. We're just making sure the developer fulfills their obligations before walking away. Thanks!

Best –  
Andy

**Andrew R. Port, AICP**  
**Director of Planning & Development**

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**From:** Lisa Mead [<mailto:lisa@mtclawyers.com>]  
**Sent:** Wednesday, February 03, 2021 5:03 PM  
**To:** Andrew Port  
**Cc:** Howard Chip Hall; Dianne Boisvert; Katelyn E. Sullivan  
**Subject:** [Ext]RE: [Ext]Release of Letter of Credit for Boyd Improvements / Condition of Ferry Road

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Andy and Katelyn,

Attached please find our request for the release of the 47,000 along with the insurance requirement related to the well.

Let me know what else you require. Let me know if I should follow up with DPS?

Thanks

Lisa



Lisa L. Mead  
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**From:** Andrew Port <[APort@CityofNewburyport.com](mailto:APort@CityofNewburyport.com)>  
**Sent:** Wednesday, February 3, 2021 3:40 PM  
**To:** Lisa Mead <[lisa@mtclawyers.com](mailto:lisa@mtclawyers.com)>  
**Cc:** Howard Chip Hall <[chall@cottageadvisors.com](mailto:chall@cottageadvisors.com)>; Dianne Boisvert <[DBoisvert@CityofNewburyport.com](mailto:DBoisvert@CityofNewburyport.com)>; Katelyn E. Sullivan <[KESullivan@CityofNewburyport.com](mailto:KESullivan@CityofNewburyport.com)>  
**Subject:** RE: [Ext]Release of Letter of Credit for Boyd Improvements / Condition of Ferry Road

Lisa – My understanding is that DPS agrees with release of this Bond and has no remaining issues of concern under that Special Condition paragraph. As such I recommended to Katelyn that we place this release on the next PB agenda (2/17) where OPD/DPS confirmation can provide reassurance to the Board. This will ensure the record is clear on release of the Bond. Any questions or concerns let me know.

**Andrew R. Port, AICP**

Director of Planning & Development

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**From:** Lisa Mead [<mailto:lisa@mtclawyers.com>]  
**Sent:** Tuesday, January 19, 2021 8:28 AM  
**To:** Andrew Port; Anthony Furnari; Jamie Tuccolo  
**Cc:** Howard Chip Hall  
**Subject:** [Ext]Release of Letter of Credit for Boyd Improvements / Condition of Ferry Road

*external e-mail use caution opening*  
Gentlemen,

Attached please find our request as noted.

Thanks

Lisa



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