

Dianne Boisvert

Subject: FW: Evergreen Commons - Release of Financial Security, Insurance & Conditions Impacting DPS/Water

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

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

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

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

Phone (978) 465-4400
Fax # (978) 465-4452
Email aport@cityofnewburyport.com
Web www.cityofnewburyport.com

Confidentiality Notice: This email transmission, and any documents, files, or previous email messages attached to it, may contain confidential information. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify the sender by email or telephone and destroy the original transmission and its attachments without reading them or saving them. Any attachments to this message have been checked for viruses, but please rely on your own virus checker and procedures. Thank-you.

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

external e-mail use caution opening
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
Mead, Talerman & Costa, LLC
30 Green Street · Newburyport, Massachusetts · 01950
Phone 978.463.7700 · Fax 978.463.7747
lisa@mtclawyers.com · www.mtclawyers.com

PLEASE NOTE: IF YOU RECEIVE AN EMAIL OR ANY OTHER COMMUNICATION THAT APPEARS TO BE GENERATED FROM OUR OFFICE, CONTAINING NEW, REVISED, OR ALTERED BANK WIRE INSTRUCTIONS, CONSIDER IT SUSPECT, AND CALL OUR OFFICE AT A NUMBER YOU TRUST. OUR BANK WIRE INSTRUCTIONS VERY SELDOM CHANGE.

The information contained herein is confidential and may be protected by the attorney-client and/or other applicable privilege(s). It is intended only for the named recipient(s). If you are neither an intended recipient nor a person responsible for delivery to a recipient, you are hereby notified that any unauthorized use, dissemination, distribution or reproduction of the contents hereof is strictly prohibited and may be unlawful.

If you have received the above transmittal in error, please delete the message and any attachment(s) hereto from your e-mail system and notify us immediately.

Please consider the environment before printing this email.



 Think before you print.

From: Andrew Port <APort@CityofNewburyport.com>

Sent: Wednesday, February 3, 2021 3:40 PM

To: Lisa Mead <lisa@mtclawyers.com>

Cc: Howard Chip Hall <chall@cottageadvisors.com>; Dianne Boisvert <DBoisvert@CityofNewburyport.com>; Katelyn E. Sullivan <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

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

Phone (978) 465-4400

Fax # (978) 465-4452

Email aport@cityofnewburyport.com

Web www.cityofnewburyport.com

Confidentiality Notice: This email transmission, and any documents, files, or previous email messages attached to it, may contain confidential information. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is **STRICTLY PROHIBITED**. If you have

received this transmission in error, please immediately notify the sender by email or telephone and destroy the original transmission and its attachments without reading them or saving them. Any attachments to this message have been checked for viruses, but please rely on your own virus checker and procedures. Thank-you.

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



Lisa L. Mead
Mead, Talerman & Costa, LLC
30 Green Street · Newburyport, Massachusetts · 01950
Phone 978.463.7700 · Fax 978.463.7747
lisa@mtclawyers.com · www.mtclawyers.com

PLEASE NOTE: IF YOU RECEIVE AN EMAIL OR ANY OTHER COMMUNICATION THAT APPEARS TO BE GENERATED FROM OUR OFFICE, CONTAINING NEW, REVISED, OR ALTERED BANK WIRE INSTRUCTIONS, CONSIDER IT SUSPECT, AND CALL OUR OFFICE AT A NUMBER YOU TRUST. OUR BANK WIRE INSTRUCTIONS VERY SELDOM CHANGE.

The information contained herein is confidential and may be protected by the attorney-client and/or other applicable privilege(s). It is intended only for the named recipient(s). If you are neither an intended recipient nor a person responsible for delivery to a recipient, you are hereby notified that any unauthorized use, dissemination, distribution or reproduction of the contents hereof is strictly prohibited and may be unlawful.

If you have received the above transmittal in error, please delete the message and any attachment(s) hereto from your e-mail system and notify us immediately.

Please consider the environment before printing this email. 

 Think before you print.