

From: John Markey <jmarkey@msmw-law.com>

Date: March 8, 2017 at 7:19:11 AM EST

To: MMcDermott@newbedford-ma.gov, Thomas Mathieu <tjmathieu@mathieu-law.com>

Subject: Letter to Conservation Commision

Mikaela / Tom

I received a call last night from Tom Swift who asked that I prepare this letter for his submission to the Con Comm today. As you may recall, he represents Bob Gardner who is a sub tenant under the South Terminal Agreements. I believe the letter is consistent with the actual agreement and the instructions that I received when the amendment was finalized last November. You will exalt that the amendment was necessary because the old property description used in the original lease and sublease pre-dated the construction of the hurricane barrier and the boat ramp. I understand that Tom Swift needs the letter for submission to the Con Comm by Noon today.

Please feel free to call my cell with any questions.

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APPROVED LANGUAGE BY JOHN MARKEY
City of New Bedford, Massachusetts

March 8, 2017

Sarah Porter
New Bedford Conservation Commission
33 William St
312
New Bedford, MA 02740

RE: Bayline RDA Filing: DMD Development LLC ("Bayline Boatyard") Bayline, Inc

Dear Ms Porter:

On November 2016, a finalized agreement was executed and put in place between the New Bedford Redevelopment Authority, a body politic and corporate organized pursuant to M.G.L Chapter 121B, (hereinafter called "Landlord" *which expression includes its legal successors and assigns*), and Massachusetts Clean Energy Technology Center, a body politic and corporate and a public instrumentality of The Commonwealth of Massachusetts for lease of that certain Parcel of land shown on City of New Bedford's Assessors Map 25A.

The City is aware that under a separate document, DMD Development LLC ("Bayline Boatyard") Bayline, Inc. is the lawful sub-tenant of a portion of that property. The November amendment clarified the description of the leased (and subleased) premises. The leased premises includes an area east of the former fence line and incorporates a small section of the far westerly paved area associated with the boat ramp.

At the time the November amendment was created, the Administration was aware that Bayline would be moving its fence toward the east and that it intended to run a new property line fence from Gifford Street in a northerly direction across the western section of the parking lot. We understand that the engineer used for the South Terminal Project (Apex Engineering) has prepared an submitted a plan for the fence at the Direction of Robert Gardner - owner o DMD (Bayline Boatyard). If the project meets the technical requirements of your office, the Administration is aware of and supportive of the plan for this business.

Very Truly yours,

Attorneys for the City of New Bedford