



City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740
Telephone: (508) 979.1500 Facsimile: (508) 979.1575

PATRICK J. SULLIVAN
DIRECTOR

STAFF REPORT

PLANNING BOARD MEETING

April 12, 2017

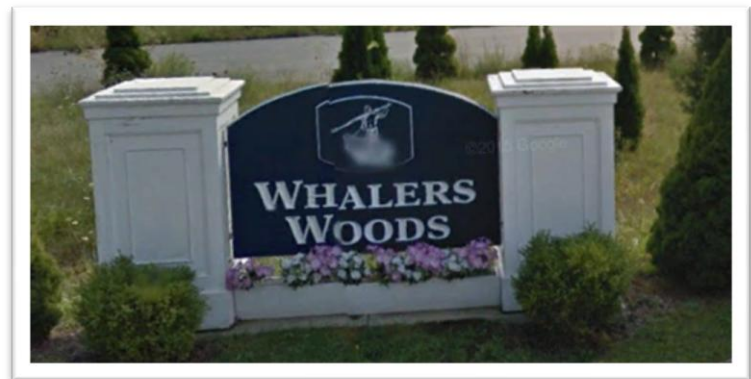
Subdivision: Extension Request for
Whaler's Woods Estates

Applicant's Agent:

Atty. Lee Castignetti, Jr.,
Long Built Homes, Inc.
158 Charles McCombs Blvd
New Bedford, MA 02745

Owner:

Long Built Homes, Inc.
158 Charles McCombs Blvd
New Bedford, MA 02745



Overview: Request by applicant, Long Built Homes, Inc., for an extension for performance of the Definitive Subdivision for Whaler's Woods Estates.

Background: At its March 8, 2017 Planning Board meeting, a vote was taken to reduce the cash surety for the Whaler's Woods Estates subdivision. The project was to be completed June 30, 2016 (as approved by the Planning Board on January 13, 2016). Because the deadline for completion had passed, the City of New Bedford now requests that the applicant provide an extension date for infrastructure completion.

Input from Other City Departments: The Conservation Commission notes: *This modification to the subdivision shall require an Amended Order of Conditions from the Conservation Commission. No Amended Request has been filed yet with the Conservation Commission.*

No additional comments have been received by the Planning Division.

Staff Recommendation:

- ☐ Staff recommends the Planning Board approve the request by developer for extension of time for satisfactory performance of all obligations for subdivision completion from June 30, 2016 to May 31, 2017.

Attachments:

1. Partial Release of Performance Bond Secured by Cash



City of New Bedford **PLANNING BOARD**

133 William Street, New Bedford, Massachusetts 02740

Telephone: (508) 979.1488 Facsimile: (508) 979.1576

JONATHAN F. MITCHELL

MAYOR

PARTIAL RELEASE OF PERFORMANCE BOND SECURED BY CASH

March 8, 2017

The New Bedford Planning Board, after careful consideration and affirmative vote at the March 8, 2017 Planning Board meeting, approved the following partial release of cash surety for the subdivision known as:

Whalers' Woods Estates, as shown on the plan of land entitled "Definitive Subdivision Plan – Lot Layout Plan of Whalers' Woods Estates – New Bedford, Massachusetts" prepared by Atlantic Design Engineers, LLC, dated December 3, 2003 revised thru December 10, 2004, and recorded with Bristol County (S.D) Registry if Deeds in Plan Book 156 at Page 98.

A deposit of money in the amount of Five Hundred and Sixty-One Thousand Dollars and 00/100 (\$561,000.00) was made with the City of New Bedford Treasurer on March 27, 2015 in subdivision escrow account 1045 – Whaler's Woods Surety Fund obligating Long Built Homes of 158 Charles McCombs Boulevard in New Bedford, MA 02745 to insure the performance of all covenants, conditions, agreements, terms and provisions of Subdivision Control Law, the City of New Bedford Code of Ordinances, and City of New Bedford Subdivision Rules and Regulations.

On November 18th, 2015 the City of New Bedford Department of Public Infrastructure provided a cost estimate of Two hundred and Twenty Thousand Dollars and 00/100 (\$220,000.00) for completion of outstanding construction of subdivision roadways and related infrastructure for the Planning Board's review and consideration at the December 9, 2015 meeting.

With motion by Board Member Kathryn Duff and second by Board Member Arthur Glassman, the Planning Board unanimously voted to reduce the amount of cash surety to Two Hundred and Twenty Thousand Dollars and 00/100 (\$220,000.00) for completion of outstanding construction of subdivision roadways and related infrastructure.

The Planning Board subsequently reviewed this action at its meeting of January 13, 2016 at which time, by vote of four (4) – zero (0), with Board Member & Clerk Alex Kalife abstaining so as to provide the services of Notary Public, the Board agreed to recognize the final date for performance on the completion of the Definitive Subdivision for Whaler's Woods Estates as being June 30, 2016.

On February 7, 2017 Long Built Homes of 158 Charles McCombs Boulevard in New Bedford, MA 02745 presented a written request to be placed on the Planning Board agenda to petition the board for consideration of reduction of surety. On February 27, 2017 the City of New Bedford Department of Public Infrastructure provided a cost estimated and contingency in the amount of One Hundred and Thirty-Two Thousand Dollars and 00/100 (\$132,000.00) for the Planning Board's consideration

With motion by Board Member Kathryn Duff and second by Board Member Arthur Glassman, the Planning Board voted five (5) to zero (0) to reduce the amount of cash surety from Two Hundred and Twenty Thousand Dollars and 00/100 (\$220,000.00) to One Hundred and Thirty-Two Thousand Dollars and 00/100 (\$132,000.00).

This agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all obligations or provides another method of securing performance as provided in Massachusetts General Law, Chapter 41, Section 81-U.

3/17/17

Date

Colleen Dawicki

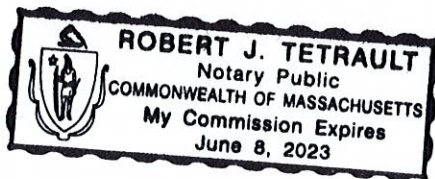
Colleen Dawicki, Chair
City of New Bedford Planning Board

COMMONWEALTH OF MASSACHUSETTS

Bristol County, SS

3/17, 2017

Then personally appeared before me the above named Colleen Dawicki, stated as Chairman for the Planning Board, she is authorized to sign this document for said Planning Board and acknowledged the foregoing instrument to the Planning Board's free act and deed.



[Signature]

Signature of Notary Public

My commission expires:

6/8/2023

CITY TREASURER

Balance of Cash deposit remains in the amount of _____
with the City of New Bedford.

Signature of City Treasurer

APPLICANT

In witness whereof I hereunto set my hands and seal this on the 30th day of March

2017.

[Signature]
Lee Castignetti, Jr., In House Counsel