



STAFF REPORT

FROM: Connie Brawders, Staff Planner

TO: Jennifer Clarke, AICP, Deputy Director, Department of Planning, Housing & Community Development

MEETING DATE: September 9, 2015

SUBJECT: **Case #11-13 Cardinal Place Subdivision**

Request to consider the following:

Approve the release of Lots 1-7 from covenant restrictions as to sale as specified in the Form D Covenant dated August 12, 2014 and recorded in Bristol County (S.D.) Registry of Deeds at Book 11155, Page 34 on August 25, 2014 by Richard Hopps, for a definitive plan of subdivision known as Cardinal Place in New Bedford, MA, dated April 22, 2013, as revised thru May 19, 2013, and prepared by Prime Engineering, P.O. Box 1088, 350 Bedford Road, Lakeville, MA 02347.

Applicants: Hugh Rowlett & Richard Hopps, Petrel Properties, LLC, 302 Elm Street, South Dartmouth, MA 02748

Agent: Richard Hopps, Petrel Properties, LLC

Owner: Petrel Properties, LLC, 302 Elm Street, South Dartmouth, MA 02748

Location: South of Sassaquin Pond, off Tobey Street, off Cardinal Street

Case Overview:

On July 8, 2015 Mr. Rowlett appeared before the City of New Bedford Planning Board with a request to release Performance Bond 7553, signed, sealed and dated August 13, 2014, as Surety pledged by Petrel Properties, LLC and United Casualty and Surety Insurance Company, 120 Hancock Street, Quincy, MA 02169 to the City of New Bedford, MA for the full and just sum of four-hundred thousand dollars (\$400,000.00) for the Definitive Subdivision Plan for Cardinal Place dated April 22, 2013 and revised March 17, 2014, (Map 136A, Lot 353 and Map 138, Lots 376, 377, 379 and 380).

The applicants did not request a release of lots at that time.

Petrel Properties, LLC provided a certified check in the amount of one-hundred and eleven thousand dollars (\$111,000.00.00), meeting the cost estimate provided by the City of New Bedford Department of



Public Infrastructure for the completion of the infrastructure, should the applicant fail to fulfill his obligations for construction and build out of the subdivision. Excluded from the cost estimation for completion were utility providers: Nstar Gas, Nstar Electric, Verizon and Comcast.

Board Member Duff moved the motion that the City may release Bond No. 7533 and post cash surety of one-hundred and eleven thousand dollars (\$111,000.00) in place of the bond being released, seconded by Board Member Cruz. This motion carried by a vote of Five (5) to Zero (0).

On July 31, 2015 the applicants provided the cash surety in exchange for Performance Bond to the office of the City Treasurer. A Release of Surety and Form G-Performance Bond Secured by Cash Deposit were signed by Mr. Rowlett, Mr. Hopps, City Planner Jill Maclean, and City Treasurer Renee Fernandes.

The applicants are now before the Planning Board with a request to release Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6 and Lot 7 from the Form D Covenant so they may move forward with the sale of the lots and obtain the required construction permits.

The Department of Public Infrastructure's Engineering Division is responsible for conducting the inspection of roadway and utility improvements.

The Applicant has paid the \$ 400.00 fee for the release of lots and \$200.00 fee for legal notification in a newspaper of general circulation.

Legal Notice has been prepared and publication dates in a newspaper of general circulation are August 26 and September 2, 2015.

Notice to the Abutter's has been sent via USPS Certified Mail by Applicant's Agent and verified by staff.

Interdepartmental Review Comments:

Sarah Porter, Conservation Agent for the City of New Bedford responded via email on August 28, 2015 *Case #11-13 Cardinal Place Subdivision- The Conservation Commission has determined that the Cardinal Place Subdivision drainage system is currently in substantive compliance. They are in need of replacing the erosion controls as the individual lots are developed.*

From: Shelley Hebert [<mailto:shebert@newbedfordschools.org>]

Sent: Wednesday, September 02, 2015 7:57 AM

To: Constance M. Brawders

Cc: Barry Rabinovitch

Subject: FW: Reminder: Review Comments for the September 9, 2015 Planning Board Meeting
We have no remarks on the below cases.

September 2, 2015

The Health Dept has No Comment on Case #20-15: Thomson Antique World.

Brenda K. Weis, MSPH, PhD

Director of Public Health

City of New Bedford

Staff Recommendation:

Staff recommends that the Planning Board find that the criteria for lot release from the Form D Covenant dated August 12, 2014 have been met. The applicants have provided cash surety in escrow with the City of New Bedford for the amount of one-hundred and eleven thousand dollars (\$111,000.00) as stipulated by the Department of Public Infrastructure in the cost estimate received by the Planning office on August 14, 2015.

Respectfully submitted.

Attachments:

1. Definitive Plan of Cardinal Place
2. Letter of Request from Applicant/Agent
3. Summary of Improvements at Cardinal Place Subdivision
4. Release of Covenant
5. DPI Cost Estimate
6. Form D Covenant