

From: Jean Fraser
To: Thompson, Jennifer
CC: Barhydt, Barbara
Date: 6/10/2014 11:04 AM
Subject: City Council approval to materials in apron, Munjoy Heights development (29 townhouses on Walnut St)
Attachments: approved Condo Declaration Munjoy Heights redline 020614 with Jones, Matzen and City changes.pdf

Jen

I recall that when 118 Congress went to City Council regarding a substitution of materials in the ROW, that we advised the City Council that the applicant would maintain the materials that varied from the Council's policy.

I am now gearing up to prepare a City Council report on substitute materials in the drive apron for the Munjoy Heights development that is currently under construction. The City's policy calls for bituminous; applicant proposing brick so sidewalk can continue across it (plan is in final stages of tweaking); DPS are fully supportive and will provide a memo to confirm this to go into the City Council report.

I have a verbal agreement from the applicant that the Condo Association will maintain the apron with the substitute materials; there is also a reference in the approved Condo Docs (attached; see 15 a, although I don't think we have received the recorded set yet)). What else do I need to get or arrange to ensure that the City is not held responsible for the maintenance and also is not liable in any other way- ie do I need to get an explicit letter from Jonathan Culley re this, or would the Order specify this or would there need to be a license...?????

Not sure if 118 congress set a precedent for this as I was out of the office at the time the 118 Congress St was prepped for Council; in that case there was also the "overhang" licence.

Please advise what (if anything) I need to get from the developer and what I need to attach to the City Council Report.

Thanks
Jean