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November 8, 2022

Town of Lynnfield  
Planning Board  
Attn: Brian R. Charville, Chair  
Lynnfield Town Hall  
55 Summer Street  
Lynnfield, MA 01940

**Re: Application for Extension of Time to Complete Subdivision  
Definitive Subdivision Plan: Tuttle Lane (Approved August 29, 2019)  
Applicant: HPI Mass RE Development, LLC**

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Dear Board Members:

I am legal counsel to HPI Mass RE Development, LLC, the applicant with respect to the Tuttle Lane Definitive Subdivision (“Project”), which was approved by the Board by decision dated August 29, 2019 (“Decision”). By this letter, the applicant hereby requests an extension of the time to complete the Project pursuant to Section 6.12 of the Lynnfield Subdivision Regulations (“Regulations”). The approval of the Project, as granted by the Board’s Decision, is currently in effect through and including December 31, 2022.<sup>1</sup>

In accordance with Section 6.12 of the Regulations, the information that is required to be filed in support of a request to extend the time to complete a subdivision is as follows:

1. An affirmation that “the subdivision plan and all construction thereunder complies with the Planning Board rules and regulations in effect at the time of submission of the definitive plan” (Regulations § 6.12(B));
2. An affirmation that “the development entities have complied with the provisions of § 375-6.9 and 375-6.10” (Regulations § 6.12(C)); and,

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<sup>1</sup> Pursuant to Section 6.6(F) of the Regulations, “[t]he completion date for the subdivision shall be two years from the date of the end of the twenty-day appeal period with the Town Clerk.” Based on the date the Board’s Decision was filed with the Lynnfield Town Clerk (September 5, 2019), the 20-day appeal period for said Decision expired on September 25, 2019; therefore, the Board’s approval of the Project was to be valid through and including September 25, 2021. However, in accordance with Governor Baker’s COVID-19 Emergency Order No. 42, issued on July 2, 2020, the Board’s approval of the Project was extended by 462 days, resulting in a new expiration date of December 31, 2022. See EOEEA & EOHED, *Joint Guidance On Permit Tolling Following The End Of The State Of Emergency* (June 14, 2021), at Q2.

3. “[A]n itemization of all work completed and an itemization of all work remaining to be completed, with a good faith estimate of the cost of completion and completion date” (Regulations § 6.12(D)).

Enclosed herewith in support of this request is a memorandum dated November 7, 2022 from Chris Sparages, P.E. of Williams & Sparages, LLC, civil engineers of record for this Project, which contains the required information responding to each of the above-noted requirements. Also enclosed as attachments to Mr. Sparages’s memorandum are a September 6, 2022 letter from Northmark Bank to the Board with respect to the Irrevocable Letter of Credit issued by Northmark Bank in favor of the Town of Lynnfield with respect to the Project and an itemized list of work completed to date, work remaining to be completed, and good faith estimates of the cost of completion of Project work. As further noted in Mr. Sparages’s memorandum, the estimated date of completion of the Project is September 2024, barring any unforeseen complications or delays.

Please note also that Regulations § 6.12(F) contemplates a review by the Board of the sufficiency of the bonding in place for the Project. This issue was recently addressed by the Board at its September 28, 2022 meeting and there have been no material changes or developments relative to this issue since the Board’s review of it on that date.

In view of the foregoing, the applicant respectfully requests a 2-year extension of the time to complete the project, from December 31, 2022 to December 31, 2024.

The applicant respectfully requests that this matter be placed on the Board’s agenda for November 30, 2022. We look forward to discussing this matter with the Board.

Respectfully Submitted,



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JESSE D. SCHOMER, ESQ.

HPI Mass RE Development, LLC

/s/ Michael Hannon  
Michael Hannon, Manager

Encls.

cc. Emilie Cademartori, Director of Planning & Conservation