

# MEMO

**To:** Lynnfield Planning Board

**From:** Robert Lavoie, Johnson & Borenstein LLC

**Subject: Sagamore Place Request for extension of Time to complete Subdivision**

1. As previously communicated, Hannah's View Estates LLC (HVE) acquired title to the subdivision in June 2020, being the recipient of the successful foreclosure bid when the construction lender foreclosed on the original developer.
2. Since that time, HVE engaged the services of Deloury Construction Co., Inc. (DCC) for Road building and subdivision improvement construction. For quite some time, the subdivision roadway has been at binder course (this will be the third winter that the binder course has been down).
3. The work remaining is summarized as the following 6 construction items, followed by #7 the as-built surveying and plans, and culminating in item #8, putting the street on the Town Meeting Warrant for Street Acceptance

1. Install Light Poles and wire
2. Install Trees
3. Set boundary granite monuments
4. Loam/Side shoulders
5. Finish coarse of paving
6. Clean drainage structures/basin, remove silt controls
7. Roadway As-built and Town Meeting Warrant Plan (\$10,000)
8. Warrant to accept street (Fall 2022 Town Meeting)

4. Items 1-6 involve construction costs totaling approximately \$57,500. The surveying work for the Roadway As-built and Town Meeting Warrant Plans have been quoted at \$10,000

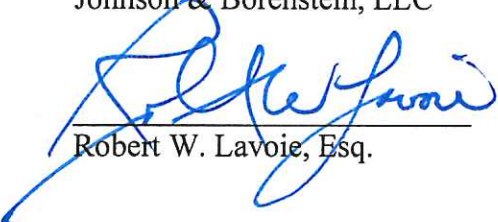
Consequently, the cost to complete at this time is approximately \$67,500.

5. As confirmed by Planning Department records and the attachments to this Memo, the Subdivision Bond continues to be posted and is in full force and effect at the required DPW amount of \$167,372. Renewal of the bond will occur around July 1, 2022. The attached construction schedule shows the work being completed in May 2022; provided there is a normal spring construction season, that date is still very viable as the work remaining to be done is quite limited.

6. The undersigned, as Successor Developer, respectfully requests that the **Time to complete Subdivision** be extended as best determined by the Planning Board.

Dated this 26<sup>th</sup> say of January, 2022.

Hannah's View Estates LLC  
By its Attorneys,  
Johnson & Borenstein, LLC



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Robert W. Lavoie, Esq.



# TOWN OF LYNNFIELD

DEPARTMENT  
OF  
PUBLIC WORKS

JOHN M. TOMASZ  
DIRECTOR

CHARLES L. RICHTER, P.E.  
TOWN ENGINEER

55 SUMMER STREET  
LYNNFIELD, MA 01940

TEL: 781-334-9500

FAX: 781-334-9509

[WWW.TOWN.LYNNFIELD.MA.US](http://WWW.TOWN.LYNNFIELD.MA.US)

## MEMORANDUM

**DATE: March 5, 2021**

**TO: Emilie Cadematori, Director of Planning and Conservation**

**FROM: Charles L. Richter, P.E., Town Engineer**

**CC: John Tomasz, Director of Public Works**

**Angus Bruce, Developer**

**RE: Sagamore Place Subdivision Surety with Funds for SMP**

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The Department of Public Works has compiled an estimate for work needed to construct the Sagamore Place subdivision (originally known as Janet Way) including additional monies needed to comply with the February 26, 2021 Stormwater Bylaw Permit issued to the developer.

The attached estimate includes all work as shown on the following plans and documents:

- Definitive plan titled "Definitive Plan, Janet Way, Lynnfield, Mass." with a date of December 18, 2007 and a final revision date of April 12, 2010
- Plan titled "Construction Topographic Plan, Sagamore Place, Lynnfield, Mass." with a date of November 5, 2019 and a revision date of December 15, 2020.
- Operation and Maintenance Plan and Long-Term Pollution Prevention Plan, Sagamore Place Subdivision, Lynnfield, Massachusetts, dated November 13, 2020 and revised February 12, 2021

In June 2020, the Planning Board set the original surety at \$406,087. The developer had completed \$249,715 of the required work leaving a balance of \$156,372.

After the Conservation Commission issued a Stormwater Bylaw Permit to develop lots #19, #20, and #21 on February 26, 2021 the following additional work was identified to ensure its compliance:

- Excavation and removal of sediment at the bottom of the sedimentary forebay and detention basin in the drainage easement at the rear of Lot #18;
- Repair and reinstallation of the perforated underdrain in the detention basin to provide proper draining of the detention basin; and
- Additional erosion control measures identified in a Daily Field Report from Geosyntec Consultants dated January 5, 2021. The erosion control measures are required until the site is stabilized.

This additional work totals \$10,000 (plus \$1,000 for contingency). The department recommends that this additional money be secured through the subdivision surety. The revised remaining surety for the development is recommended at \$167,372.

## SAGAMORE PLACE SUBDIVISION

### BOND SUMMARY SHEET

March 5, 2021

	Original Bond Amount	Additional Bonding for SMP	Work Completed TO DATE	New Bond Amount
<b>I. Sagamore Place</b>				
A. Drainage	\$192,625	\$7,000	\$166,125	\$26,500
B. Water	\$0	\$0	\$0	\$0
C. Road Preparation	\$54,250	\$0	\$54,250	\$0
D. Road Pavement, Curbing	\$56,570	\$0	\$25,840	\$30,730
E. Sidewalks	\$21,225	\$0	\$0	\$21,225
F. Underground Utilities, Misc.	<u>\$44,500</u>	<u>\$3,000</u>	<u>\$3,500</u>	<u>\$41,000</u>
Sub-Total	\$369,170	\$10,000	\$249,715	\$119,455
Contingency	<u>\$36,917</u>	<u>\$1,000</u>	<u>\$0</u>	<u>\$36,917</u>
<b>TOTAL</b>	<b>\$406,087</b>	<b>\$11,000</b>	<b>\$249,715</b>	<b>\$167,372</b>

**SAGAMORE PLACE SUBDIVISION**  
**BOND ESTIMATE W/ADDITIONAL FUNDS FOR SMP**

3/5/21

<b>I. SAGAMORE PLACE: (460 lf )</b>		Original Bond	Additional	Work Completed	
Item		Amount	Bonding for SMP	To Date	New Bond Amount
No.					
	<b>A. DRAINAGE</b>				
1	1075 lf of 12" R.C. drain @ \$90/lf	\$80,625	\$0	\$80,625	\$0
2	5 drain manholes @ \$ 5000/ea.=	\$25,000	\$0	\$22,500	\$2,500
3	5 catch basins @ \$ 5500/ea.=	\$27,500	\$0	\$22,500	\$5,000
4	(1)- Outlet control structure	\$5,000	\$0	\$5,000	\$0
5	(3) flared end section @\$500/ea	\$1,500	\$0	\$1,500	\$0
6	Stormwater management area RES01=	\$50,000	\$7,000	\$34,000	\$23,000
7	(1) Roof Runoff Recharge System	<u>\$3,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$3,000</u>
	Sub-Total	<b>\$192,625</b>	<b>\$7,000</b>	<b>\$166,125</b>	<b>\$33,500</b>
	<b>B. WATER *</b>	\$0	\$0	\$0	\$0
	* WATER TO PROVIDED BY PRIVATE WELLS				
	<b>C. ROAD PREPARATION</b>				
7	Clearing & grubbing, etc. ( .75 +/-Acres)=	\$30,000	\$0	\$30,000	\$0
8	General road prep.,grading etc.	\$7,000	\$0	\$7,000	\$0
9	690 cy of road gravel @ \$25/cy=	<u>\$17,250</u>	<u>\$0</u>	<u>\$17,250</u>	<u>\$0</u>
	Sub-Total	<b>\$54,250</b>	<b>\$0</b>	<b>\$54,250</b>	<b>\$0</b>
	<b>D. ROAD PAVEMENT, CURBING</b>				
10	(350 lf x 28 lf) + (3.14)(54^2) = 486 tons @ \$85/tn.=	\$41,310	\$0	\$25,840	\$15,470
11	120 lf of sloped granite curb @ \$48/lf =	\$5,760	\$0	\$0	\$5,760
12	3 Granite Gutter Inlets @ \$600	\$1,800	\$0	\$0	\$1,800
13	6 Granite Transition Stones @ \$550	\$3,300	\$0	\$0	\$3,300
14	1100 lf of bit. berm @ \$4/lf. =	<u>\$4,400</u>	<u>\$0</u>	<u>\$0</u>	<u>\$4,400</u>
	Sub-Total	<b>\$56,570</b>	<b>\$0</b>	<b>\$25,840</b>	<b>\$30,730</b>
	<b>E. SIDEWALKS (550 lf. x 4 lf.)</b>				
15	82 cy of select material @ \$25/cy =	\$1,375	\$0	\$0	\$1,375
16	45 tons of bit. conc. (3") @ \$130/tn. =	\$5,850	\$0	\$0	\$5,850
17	4 Wheelchair ramps @ \$2000/ea.=	\$8,000	\$0	\$0	\$8,000
18	Crosswalk and warning signs =	\$1,000	\$0	\$0	\$1,000
19	500 sy of loam & seed @ \$10/sy. =	<u>\$5,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$5,000</u>
	Sub-Total	<b>\$21,225</b>	<b>\$0</b>	<b>\$0</b>	<b>\$21,225</b>
	<b>F. UNDERGROUND UTILITIES, MISC.</b>				
20	540 lf. of underground duct @ \$20/lf. =	\$10,800	\$0	\$0	\$10,800
21	(1)- street regulatory signs @ \$150/ea.=	\$150	\$0	\$0	\$150
22	(1)- street signs @ \$150/ea.=	\$150	\$0	\$0	\$150
23	(1)-street light control box @ \$1000/ea. =	\$1,000	\$0	\$0	\$1,000
24	(3)- street lights @ \$2,500/ea. =	\$7,500	\$0	\$0	\$7,500
25	(4)- street trees @ \$600/ea. =	\$2,400	\$0	\$0	\$2,400
26	(14)- stone bounds @ \$750/ea. =	\$10,500	\$0	\$0	\$10,500
27	Erosion Control	\$4,000	\$3,000	\$1,000	\$6,000
28	As-built plans	<u>\$8,000</u>	<u>\$0</u>	<u>\$2,500</u>	<u>\$5,500</u>
	Sub-Total	<b>\$44,500</b>	<b>\$3,000</b>	<b>\$3,500</b>	<b>\$44,000</b>



**PHILADELPHIA  
INSURANCE COMPANIES**

A Member of the Tokio Marine Group

Bond Number : PB 00286900130

**ENDORSEMENT**

To be attached to and form a part of Philadelphia Indemnity Insurance Company Bond, issued by the undersigned company, as Surety on behalf of Hannah's View Estates, LLC as Principal, in favor of Town of Lynnfield, MA as Obligee,

Effective February 26, 2021, the Principal and the Surety hereby agree to amend the attached bond as follows:

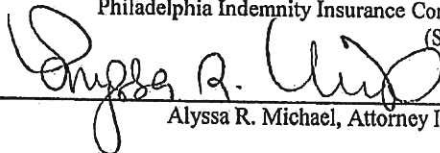
The penal sum of the bond shall be increased to \$167,372.00. In no event shall the aggregate liability of the surety exceed the amount of \$167,372.00.

All else remains the same.

Nothing herein contained shall vary, alter or extend any of the provisions, conditions, or other terms of this bond except as above stated.

SIGNED, SEALED, DATED: March 9, 2021

By:   
Hannah's View Estates, LLC  
(Principal)

By:   
Philadelphia Indemnity Insurance Company  
(Surety)  
Alyssa R. Michael, Attorney In Fact

By: \_\_\_\_\_  
Town of Lynnfield  
(Obligee)

PHILADELPHIA INDEMNITY INSURANCE COMPANY  
One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint William L. Labbe; Alyssa R. Michael; Anne M. Higginbottom; Barry J. Horgan of the City of Fall River, State of Massachusetts its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$25,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14<sup>th</sup> of November, 2016.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

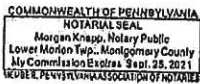
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27<sup>TH</sup> DAY OF OCTOBER, 2017.



(Seal)

Robert D. O'Leary Jr., President & CEO  
Philadelphia Indemnity Insurance Company

On this 27<sup>th</sup> day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public:

residing at:

Bala Cynwyd, PA

My commission expires:

September 25, 2021

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 27<sup>th</sup> day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 27<sup>th</sup> day of March, 2021



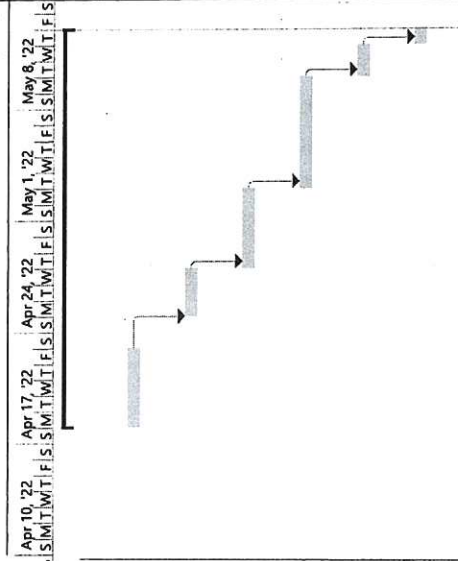
Edward Sayago, Corporate Secretary  
PHILADELPHIA INDEMNITY INSURANCE COMPANY



## SAGAMORE PLACE COMPLETION SCHEDULE

**DELOURY INDUSTRIES**

ID	Task Name	Task Mode	Duration	Start	Finish
1	<b>Hannah View - Sagamore Completion Schedule</b>		19 days	Mon 4/18/22	Thu 5/12/22
2	Furnish and Install Site Lighting		5 days	Mon 4/18/22	Fri 4/22/22
3	Tree Plantings		3 days	Mon 4/25/22	Wed 4/27/22
4	Loam shoulders		3 days	Thu 4/28/22	Mon 5/2/22
5	Drainage Cleaning, Restoration & remove ECB		5 days	Tue 5/3/22	Mon 5/9/22
6	General site clean up, sweeping		2 days	Tue 5/10/22	Wed 5/11/22
7	Final Paving		1 day	Thu 5/12/22	Thu 5/12/22



Project: Sagamore completion s  
Date: Wed 1/26/22

Task Split Milestone

Summary Project Summary Inactive Task

Inactive Milestone Inactive Summary Manual Task