

To the Lynnfield Planning Board,

Due to my family being diagnosed with Covid, I was disappointed to not be able to attend the planning meeting last week regarding Sagamore Place. I was, however, very pleased to be able to watch it online within the following days.

I'm pretty concerned about what transpired at the Planning meeting regarding the HOA discussion. Bob Lavoie Esq. and Dave Deloury did not disclose the HOA at the meeting and acted as if they had no answer. In reality, Bob drafted the HOA and Dave signed it. I placed \$1000 at closing for the HOA account, 6 months later my attorneys realized that the check was never cashed and Bob returned the check to me as there was no account set up. In the last couple days, it has come to my attention that at least one (but maybe more) of the neighbors were not informed of an HOA at all prior to them closing on their lots. Pursuant to the HOA documents, upon the sale of each of the lots, the developer (David Deloury) is supposed to deposit \$1000 into the HOA bank account. At this point all five lots have been sold by Deloury; thus, there should be a bank account for the HOA with \$5000 in it, but there is not. The payments by Deloury were supposed to be made upon the sale of the lots, not when the homes are occupied.

When I was looking at this lot, I was immediately concerned with the two detention basins and asked a lot of questions prior to making an offer and well before closing. I have attached the correspondence between my real estate agent (Rodney Scott), Angus Bruce (representing Dave Deloury & Hannah View Estates) and myself in August 2020. It is unclear to me if any of the information Angus provided me regarding the town's role is accurate or deceptive. We were counting on at least 20k in this account as Angus repeatedly told me he was building 20 more homes. I went back to look at the original HOA and HOA Amendment done in April by Bob Lavoie and signed by David Deloury and it includes 5 homes. Unfortunately, the 5<sup>th</sup> lot that was included in this neighborhood was sold by Hannah View Estates (aka David Deloury) to Deloury Construction Company just around the time we started bringing issues up to the town and to his attorneys. As the HOA is currently empty, can the town force some of the bond money to go into our HOA?

It's frustrating to see David Deloury's defense essentially is that he had nothing to do with this development except be the owner who sold the land in addition to multiple other questionable impressions that he and Bob Lavoie gave you during the meeting. First of all, there were discussions that occurred regarding the HOA. It is unclear to me why Bob and Dave Deloury did not inform you about the HOA that was written by Bob and signed by Dave Deloury.

During the meeting, the planning board asked "Is there already an HOA account established?"

Bob's reply "I'm not aware of one." Bob elaborated that it was probably a line item on the HUD.

Planning Board "Where is the money right now?"

Bob "I'm not sure that any was collected."

David Deloury was the owner of land and hires his construction team Deloury Construction to complete all the work in the development and within specific lots. I was also given no other option or bids by Angus Bruce for others to complete my site work other than Deloury construction. Angus continuously called him his partner. Deloury gave me a bid for my site work prior to closing on the property that was \$89,000, and once I was locked in, this quickly turned out to be well over 400k. In addition, some of these charges were never even told to me and no approvals/change orders were received from me. When I questioned the charges that I randomly got billed and had no idea what they were, Dave Deloury slaps a lien on my house before we even get answers to what the work was.

In terms of the concern that the planning board expressed that the decision to revoke the bond could affect his business in the future, I'd like to express that Dave Deloury did not seem to take into consideration my family or my financial future when slapping a lien on my home for charges we knew nothing about and did not receive detail for despite repeated requests for this information. I have never in my life paid a bill late, never mind have a lien on my home. David Deloury knows exactly what was happening and not happening in terms of this site work and road work as his company is the one completing the work. However, if he was not aware, he should have maintained more keen oversight of this project to ensure timelines were being met and work was being completed satisfactorily. I also question the accuracy of the budget he is submitting to the town since the budget is made for Deloury and work completed by Deloury construction.

In terms of defending how the work cannot get done in the winter, David Deloury's construction team and all of their heavy equipment maintained a consistent presence for at least 9 months at this work site. When Angus said move dirt, they moved dirt and then presented me a 10k bill that I knew nothing about during this time. Angus and Deloury would spend substantial time talking to each other in the neighborhood. They had ample time to complete everything they were supposed to complete during this time, maintain a clear project environment and ensure the ponds were properly maintained. They did not do it.

I also do want to be fair to David Deloury and inform you that he did have his construction team plow the road during the weekend blizzard and he did a good job. He also helped me dig out my propane tank when my gas was unable to be delivered due to the snow. He has also started to be responsive in the past couple weeks now that Angus is not involved. However, due to the way this project was mismanaged and inappropriately monitored throughout its course, I cannot help but be cautious as to whether his recent responsiveness and oversight is merely temporary due to the fact that he would like to be granted an extension by the town regarding the site work (street lights etc) that should have been completed by now. Below I will detail what my experience has been regarding his responsiveness throughout the course of the project.

In terms of being a responsive person, Dave Deloury has not been responsive whatsoever in terms of the development to me until very recently. His responsiveness only came once I questioned Angus to why Dave Deloury has not responded to me on anything I have asked him for over a year.

At the meeting, David Deloury seemed eager to defend himself regarding the topic of trash removal. I moved into the house mid-August. I repeatedly asked Angus about the trash pickup. He repeatedly failed to get this done. It was not until DPW was called that it was taken more seriously, 6 weeks after I moved in. On September 29th, I emailed regarding still having no trash pickup and that it was the responsibility of the land owners. Dave Deloury was on this email as well as Chris who often times represents Dave regarding this property. No response came from Dave or Chris at all. Angus claimed he would be bringing my trash weekly from our house to the main road for pickup. The town failed to pick it up repeatedly, so Angus would return my cans full of trash. This went on until Nov 12th, I emailed Angus in addition to Dave Deloury and Chris again. No response from Dave or Chris, but I did get an email from Angus that said he was just doing me a courtesy taking my trash to the road. No trash pickups happened again. I emailed Dave and Angus November 19th, telling them I am going to call 1-800-Junk and it will cost them \$2000 a month for my trash removal. No responses. I emailed Dave and Angus again on November 23rd (now over 3 months after moving in) and in this email I mentioned the town holding a road bond for them to complete the road and it was expressed again that it was their responsibility. No response. December 6th, I emailed their attorneys directly to remind them of their responsibilities on this road and trash, Dave finally provided a dumpster from his company that he owns "Dumpster R Us", 4 months after living here and begging for trash removal.

In terms of responsiveness from David Deloury regarding the ponds, I emailed Dave, Chris and Angus on September 14th, 2021 (after I started to realize Dave Deloury was downplaying his partnership with Angus after we were all misled regarding their arrangement throughout the project) regarding the ponds and being full of water. Angus emailed me back that the ponds are monitored weekly by a private engineer. I have NEVER seen this person here on my property checking these ponds. Would this be something the town would have record of, and if so, could this please be provided to me? I received no response at all from Chris or Angus or any further action regarding that concern whatsoever.

On October 26th, 2021, I emailed Angus, Chris and Dave Deloury informing them about flooding in my yard and driveway. When I included their attorney and the town got involved, I finally saw someone outside trying to fix the flooding.

November 18th, 3 months after I moved in, I gave up on getting responses from Angus so I emailed Dave Deloury and Chris regarding street lights. My spouse travels for work often and I have been living here alone with my toddler in the complete dark. No response at all from them. We now have temporary lights that barely light anything up and were only installed due to our neighbor needing his CO (our neighbor coordinated this as he is an electrician).

Angus had informed me prior to purchase that the ponds would be safe because the towns required a chain link fence around the ponds. My biggest worry at the time, which is far from my biggest worry now, was that the chain link fence would look unattractive. Angus mentioned making it green instead of black to blend in and had me travel to Melrose to his condo project to see a sample of one there. I sent him an email in September with some ideas on how to cover up a chain link fence. Now, apparently this was also false information as there is no chain link fence at all. We have a pool and invested a significant amount of money in an auto cover to keep my

child safe. Little did I know I would now spend every day worrying about my toddler drowning in the pond and not the pool to the point that I have actually purchased pool safety alarms for the detention basins, I was told repeatedly during the purchase of this lot that these ponds would not hold water for long and only during 100 year storms, an underdrain would be placed on both ponds (only was placed in one), and a fence would surround them. This was deceptive.

Based on the detail above and on the similar experiences my neighbors expressed at the planning meeting, I wanted to pose the following questions to the board regarding any recourse that may be possible with regards to this situation:

Can the town fine the construction team for improperly maintaining this work site?

Can the town fine the construction team for letting silt, road runoff and pollutants enter into the forest due to lack of proper site maintenance?

Who has the liability right now if someone drowns in these basins that are not supposed to hold water?

What can we do in terms of the HOA and lack of communication to the neighborhood?

In conclusion, I want to make it abundantly clear to everyone how devastating this situation has been for my family. I started a school and agency 18 years ago and have been educating many of Lynnfield's most vulnerable children with special needs. We have worked closely with so many families and the public school personnel here and throughout the years I have desired to move here one day to raise my own family due to the wonderful people of this town. We paid 10K in a building inspector town fee and are now actively paying Lynnfield taxes just as the rest of the homeowners in the town. I am concerned why the road was not monitored more and also concerned why I was given a CO with 3 showers not working, multiple faucets had no water, my gas oven still does not work, no cold water in my master shower and all gas pipes outside my home leaking gas (in addition to many, many other issues). I later found out that the licensed plumber who pulled the permit did not complete the job, but rather an unlicensed plumber completed the work and was not even supervised by another plumber. Being a multicultural family, we already had concerns whether this town was the right place for us to integrate into and this experience has made me question whether the town is the place we thought it was. These concerns are to the point of actively trying to fix our home issues as quickly as possible in order to place it on the market. I echo my neighbors' sentiments that this entire experience has truly been a nightmare, and I kindly implore the town to explore our concerns and provide an appropriate remedy with regards to them.

I thank you for your time in reading this and your thoughtful consideration of the issues I and my fellow neighbors have expressed regarding this project. If you are in need of any documentation of what I have referenced above, please let me know, and I will gladly provide that.

Sincerely,

Jill Larsen

5 Sagamore Place