



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

April 28, 2020

IN HAND

VIA EMAIL

Bonnie Sontag, Chair
Planning Board
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

RE: The Reserve at Bashaw Farm Minor Modification / Release of Lots for
Building Permits / Utility Delay beyond control of Developer

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, this firm represents The Reserve at Bashaw Farm LLC the owners of the subdivision located at 181-183 Low Street and 3-9 Colby Farm Lane. Pursuant to Special Condition 9 of the Special Permit issued on August 21, 2019 and recorded in Book 38067 Page 567 of the Essex South Registry of Deeds and Special Condition 7 of the Subdivision Approval dated August 21, 2019 and recorded in Book 38067 Page 565 of said Registry, the Applicant is requesting a minor modification to the Subdivision and Special Permit approvals relative to:

a. Special Condition 17 of the Subdivision Decision to allow the building permits to be released for the following homes 3, 5, 7 and 11¹, prior to completion of the infrastructure and roadways.

The Developer has completed the installation of the water lines, fire hydrant, sewer mains and stormwater systems. However, despite requesting the installation of the underground electric last August, NGRID only this last week visited the site to undertake its review and schedule the installation of the underground electric service. NGRID has advised the Developer that they will not be able to install the electricity until six (6) months from now given the current pandemic and rules under the emergency orders related to COVID-19. As a result, and given that the Developer has lots and houses under agreement, the Developer would like to commence construction on the homes for the lots noted above. The Developer will complete the sub-base of the road and has reviewed same with the Deputy Fire Chief to assure access during construction. I have attached the Deputy Fire Chiefs approval of this method of moving forward.

Given the very unusual circumstances, the fact that the Developer has in fact

¹ The Board previously modified this provision to allow the release of lots 1, 4, 10, 14 and 15 which were accessible from Colby Farm Lane.

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone 508.376.8400

installed everything the Developer has control over and given that the Board will continue to have a covenant on the lots, the Developer respectfully requests you permit it to commence construction on the homes on the lots.

I request you permit this matter to be placed on your May 6 meeting agenda.

Respectfully submitted
The Reserve at Bashaw Farm LLC
By Its attorney

Lisa L. Mead



cc: Client

Lisa Mead

From: David Daly <ddaly@pridestarems.com>
Sent: Tuesday, April 28, 2020 1:50 PM
To: Lisa Mead
Cc: Jonathan Miller; Dave Donovan; Jeremy Greener Group; Melinda Direct
Subject: Fwd: [Ext]Doyle Drive (New Road off Colby Farm Lane)

Lisa-

See below. Good news from DC Bradbury.

He just called me. He's fine w/ us moving forward. Just wants us to clean up the road and bring in some stone.

Thanks,

D-

Sent from my iPhone

Begin forwarded message:

From: Steve Bradbury <SBradbury@CityofNewburyport.com>
Date: April 28, 2020 at 1:44:03 PM EDT
To: "ddaly@pridestarems.com" <ddaly@pridestarems.com>
Cc: Andrew Port <APort@CityofNewburyport.com>
Subject: RE: [Ext]Doyle Drive (New Road off Colby Farm Lane)

Hi David:

I took a look at the site today, as long as you bring some stone in for the road way that will be fine with the fire department for the time being so you can get going on the project.

Thanks

Deputy Chief Bradbury

From: ddaly@pridestarems.com [ddaly@pridestarems.com]
Sent: Thursday, April 23, 2020 11:51 AM
To: Steve Bradbury
Cc: Jonathan Miller; New Dave
Subject: [Ext]Doyle Drive (New Road off Colby Farm Lane)

external e-mail use caution opening
Good Morning Deputy Bradbury,

My company is building the project off Colby Farm Lane, known as The Reserve at Bashaw Farm. Over the winter, our site work crews installed all the water, sewer and drainage for the new road (Doyle Drive). We have also cut in the road (Doyle Drive) and brought it to rough grade. The new road has been fully compacted, in lifts, per city requirements. We've been waiting on National Grid since our applications went in last Summer/early Fall. They informed us last week that due to the COVID-19 virus that the underground electric is STILL in the design phase and won't be completed for another 2-3 months. Their gas division is also behind and won't be able to install the gas lines for at least another 60-90 days.

This delay is significant considering we've completed our part of the new road in February and we have (4) homes sold on that section of the road. The planning board has a condition that vertical construction can't commence on the interior lots until the road is complete. Obviously, we have buyers that can't wait that long. The current real estate market is fragile enough and we don't want to risk losing these buyers due to delays beyond our control. We're asking that you come out and visit the site so you can see that the road can handle the passage and turnaround of fire apparatus. Doyle Drive has (2) access points off Colby Farm Lane which allow for easy travel of large vehicles, including fire apparatus. We have also cut in the turnaround (hammerhead) section of the road by Lots 12 and 13 which provide for additional safe passage.

Let me know if you would like to meet on site. Or feel free to go by and check it out for yourself. We are looking to petition Lot releases (3,5,7 and 11) from the planning board in order to move ahead w/ construction of the homes that are sold.

Feel free to call my cell w/ questions. 978-828-6335.

Thanks,

David

David T. Daly
Founder and CEO
The Daly Holding Company Inc.
229 Stedman St
Lowell, MA 01851
Dispatch (978) 441-0911
Office (978) 937-5553
Email: ddaly@pridestarems.com
Web: www.pridestarems.com
Web: www.DalyGC.com
2010 Recipient of The Lowell Green Building Award