

Port mother sues construction company

By Dave Rogers | drogers@newburyportnews.com Sep 1, 2022 Updated Sep 1, 2022

NEWBURYPORT — What started as a dream opportunity to own property in Newburyport has turned into a nightmare for a widowed mother who claims the construction company that built her home did such a poor job that she and her children cannot live there, according to a lawsuit filed in late July at Salem Superior Court.

Jessica Stone, a paramedic, purchased a newly constructed three-bedroom farmhouse-style property for \$305,000 at 8 Doyle Drive, also known as The Reserve at Bashaw Farm, in early August 2021. Months earlier, in April 2021, Stone entered and won a lottery for one of two affordable housing units there.

But according to her lawsuit, the builder, Daly General Contracting, did such shoddy work that her basement has flooded 20 times and she “has watched her brand-new house crumble and fall apart.” She also claims she was electrocuted when she tried to reset a blown circuit breaker.

The property has become so damaged and their nerves so shot that she and her children no longer feel safe living there, according to the suit.

“I’m distraught, but I feel more upset for my kids,” Stone said in a separate interview.

Now she wants a judge to order the Lowell-based Daly General Contracting not only to buy back her property, but to pay her damages and her mortgage there until the matter is resolved in court, according to her complaint.

Daly General Contracting was twice contacted for comment for this report, but did not respond.

Attempts to have Daly fix the issues have gone for naught, she claims, with the company putting in minimal effort. The only thing the company did to remedy chronic flooding was a failed attempt of adding resin and flex seal to the bulkhead, she said.

Stone also claims the developer improperly graded the property, doing such a substandard job that it made her home prone to flooding. Daly attempted to fix the issue by shoveling some stones around the property but nothing more.

Stone took matters into her own hands by planting water absorbent shrubs, and adding rocks, sandbags and mulch after being advised by a Daly agent. Nothing helped, she claims. She then hired an attorney who sent a demand letter to the developer detailing the issues.

A month passed without response, she says.

“The Daly defendants not only refused to address the outstanding issues including the flooding and the improper grade of the property, they also blamed Mrs. Stone for the flooding because she installed gutters,” the complaint reads.

Stone, according to the complaint, also accused Daly General Contracting of taking advantage of a staff shake-up at the Newburyport Building Department, which allowed them to circumvent local building codes and restrictions.

From Oct. 5, 2020 to August of 2021, the city did not have a building commissioner, causing a backlog of construction inspections and permitting because there was no one to do them. This was the precise timeline in which 8 Doyle Drive was built," the suit reads, adding at around the same time Mayor Sean Reardon was elected. "As a result of the turnover, new administration and complications from the pandemic, the city was unable to properly supervise, permit and inspect the reserve development."

Building Inspector Gregory Earls said he was aware of the lawsuit, but because the events mentioned in it took place before he was hired, he could not comment further.

Earlier in the summer, Stone and her attorney, Emilie Grossman, met with Newburyport Mayor Sean Reardon, city departments heads, and a city solicitor from KP Law.

Grossman called the meeting less of a conversation and more about she and her client expressing their concerns. There was little action taken that day by city officials, but Reardon assured Stone that should her children move out of Newburyport they would still be able to attend local public schools, she added.

Reardon on Wednesday confirmed the meeting with Stone and Grossman, and what was discussed. He also said his office put Stone in touch with a Newburyport Youth Services social worker.

In her suit, Stone includes a long list of what she claims was poor work done by Daly. They allege that the bulk-head and basement stairs were improperly installed and sealed; the exterior grades to the property and neighboring properties are improper and drain back toward her home; the concrete floors are cracking potentially allowing radon gas to infiltrate the basement; and the lot was improperly graded causing flooding and damage to a side porch.

"As a result of the unworkmanlike constructions and the resulting conditions, upon information and belief, it is not safe to live on the property," the suit reads.

Now Stone's children have not stayed there for months. Stone herself has not been able to stay there over the summer, she claims.

"He sunk me underwater, literally," Stone said, regarding Daly General Contracting owner David Daly.

"Because of the stress and disruption caused by the condition of 8 Doyle Drive, Mrs. Stone and her children have suffered mentally and physically on a constant basis since they moved in," the suit reads, adding Stone cannot afford to fix the property nor can she sell it.

Asked whether Stone would be willing to stay at her home should Daly make things right, Grossman said that ship had sailed with trust "irreparably broken" between them.

Grossman said the suit is only one part of the legal action she is pursuing with plans in the works to file complaints against Daly with the Massachusetts Commission Against Discrimination for her status as a single mother and her income bracket.

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