

Summary of Comments

The Town of Topsfield appreciates the opportunity to review the revised 40B plan for 57 Perkins Row ("Perkins Landing") proposed by Perkins Landing, LLC (the "Applicant"). The Applicant is proposing forty (40) non-age restricted condominium units with four (4) age restricted units (55+) comprised of duplex unit type buildings with driveway, roadways and associated infrastructure (the "Project"). The Town is very disappointed that the Applicant ignored our most fundamental concerns and produced a far more aggressive plan for the Project. Our initial response cited a number of issues that rendered a 28-unit project inappropriate for the site. They included: the density of the project, the environmentally sensitive nature of the site and its proximity to the Ipswich River, problems with the plan, increased traffic on Perkins Row and its intersection with Route 97, the design of the buildings, extensive problems with the sustainability report, the Applicant's previous 40B experience, and the myriad errors and omissions throughout the application. Unfortunately, this revised application does not improve on, but rather exacerbates many of these issues. Additionally, it raises other problems as summarized herein.

We summarize the major issues here. Detailed discussion of these and other matters follow below.

- The original project was unsuited for the site because of environmental and public safety issues, all of which were documented in our first response. In the revised application, the density of development is increased, thereby increasing the impact of the project on this environmentally sensitive site located on a narrow country road.
- The plan does not meet Mass Housing's requirements relative to the elements that must be included. Because critical features such as the riverfront area and resource areas are either incorrect or missing altogether, the buildable area of the site is not known. This property has significant physical constraints under State law that the Applicant has not identified. The Applicant, in fact, does not know what buildable area is available and cannot know how many units could be constructed. The plan, therefore, is speculative and overly optimistic. All of the calculations as to number and size of units are moot and are irrelevant because of the uncertainty as to what land is buildable.
- There are numerous calculation errors throughout the application, especially with respect to the Zoning Matrix and Lot Coverage.
- The number and nature of the proposed units are inappropriate for the site located far from public transportation and centers of economic activity. The proposed design of the units does not match the architectural narrative and is not "universal." These units are inappropriate for the four proposed age-restricted units that are, themselves, problematic for this development. Affordable and market-rate units are different sizes, but both must appear the same on the outside. This is impossible if market rate units are 277 sq. ft. larger than the affordable units.
- The sustainability section remains erroneous and misleading. In particular, we note that the Property, 57 Perkins Row, is located on a narrow country road in the woods and is not within

walkable distance of the services mentioned. In all regards, the project runs counter to the Commonwealth's Sustainable Development Principles.

- The market analysis is thin and incomplete. Moreover, it was prepared by the Applicant, not an independent agent.
- The financial information is problematic in that it is based on faulty assumptions as to how many units can be built. The prices of the units are driven by the number of units. It is not at all clear that this project is financially feasible. Additionally, it appears the general contractor is related to the Applicant raising questions as to the real profits involved in the project.
- The Applicant states that all of the issues can be worked out before the Zoning Board of Appeals. The burden of correcting errors and designing projects should not be on the Town, particularly the volunteer Zoning Board of Appeals. Until a proper and feasible plan is produced and the Applicant has a realistic understanding of what the property can support, it is premature to begin the permitting process.

Topsfield's Housing Stock

At the outset, we reiterate that Topsfield has a wide variety of housing stock and is clearly committed to affordable housing. At an official 7.2% of affordable housing, the Town is far more diverse in its income and housing levels than most of its neighbors. Topsfield has two 40B developments, Little Brook Village and Amberwood, one initiated by the Town and the other developed under the Local Initiative Program. A number of officially recognized group homes provide affordable housing for a wide variety of clients. Additional group homes that do not yet appear on the "official" Subsidized Housing Index ("SHI") house adolescents and a number of disabled people who have found homes within Topsfield's borders. To Topsfield's credit, our citizens have recognized the need for such housing and have endorsed the concept that the challenged or disabled are entitled to live in dignity. Beyond the group homes, Topsfield's housing stock includes 93 homes assessed for under \$400,000.¹ This is about 4% of the residential housing stock of 2,146 units. Topsfield also has seven age-restricted communities in a wide range of prices.² These 285 units equal about 13% of Topsfield's housing stock.

Topsfield is not opposed to affordable 40B housing as our history and citizen comments show. It should be developed, however, in appropriate locations that will benefit new residents and the community at large. Here, we state again that this site is inappropriate for affordable housing. As stated in the response to the original application:

"The project is in direct contradiction of the sustainability principles published on the State's website (<https://www.mass.gov/files/documents/2016/07/rt/sdprinciples.pdf>). Affordable housing should be located near public transportation, where there are jobs, and services to which people can walk, bike, or take public transportation.There is no public transportation in Topsfield and precious few jobs. Only convenience stores offer staples, as there are no large grocery stores or other retail establishments. This

property is isolated miles from literally everything, so residents would need automobiles.”

We repeat that this site lacks public transportation and is far from centers of economic activity. It is, therefore, a very poor choice for affordable housing. In this revised proposal, eleven families, increased from seven, would be housed in this rather remote location. Typically, families in Topsfield require two cars in order to access jobs and services and participate in the life of the community, especially after-school children’s activities such as sports and cultural programs. This location would place a heavy burden on low-income families. The State’s sustainability principles recognize that affordable housing should not be located in a place that does so. As for other sustainability principles, please see the comments below relative to the revised Sustainability Report.

Density

The Applicant increased the density of development on the lot. As noted in our first response to the 28-unit proposal, “The plan is overly crowded and raises a number of safety, environmental and infrastructure issues...The Planning Board was prepared to approve a 5-lot subdivision on the site, however, 28 units are excessive for this location.” The Conservation Commission stated that density of the previous plan raised concerns about Massachusetts Stormwater Standards. The previous plan had a Gross Density of 3.40 units per acre and a Net Density of 4.10 units per buildable acre. The revised plan increases the Gross Density to 5.37 units per acre and Net Density to 6.46 per buildable acre.

Further evidence for the increased density comes from the Lot Coverage figures.

Original Lot Coverage

Lot Coverage *(Estimate the percentage of the site used for the following)*

Buildings: 12

Parking and Paved Areas: 15

Usable Open Space: 55

Unusable Open Space: 18

Lot Coverage: 12

Revised Lot Coverage

Lot Coverage *(Estimate the percentage of the site used for the following)*

Buildings: 10

Parking and Paved Areas: 15

Usable Open Space: 55

Unusable Open Space: 20

Lot Coverage: 27

In the revised plan, the lot coverage percentage is approximately 24-27%, up from the previous plan's 12%. In both the original application and the revised application, however, the lot coverage figures appear incorrect. In the original plan, we estimated the lot coverage to be 22%, not the 12% stated in the application. In this revised application, the Applicant's own figures suggest that the lot coverage is 33%, not 24%. For full discussion of this, please see the discussion of the Zoning Matrix below.

This increase in density is extremely intrusive and unresponsive to our comments. It further exacerbates the problems of Stormwater management and the environmental impact on the site.

Revised Zoning Matrix

ZONING MATRIX – INNER RESIDENTIAL & AGRICULTURAL ZONING DISTRICT			
<u>SETBACK</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
AREA	87,120 S.F.	356,838± S.F.	NO CHANGE
FRONTAGE	200 FT.	159.46 FT.	NO CHANGE
DEPTH	150 FT.	900 FT.	NO CHANGE
WIDTH	120 FT. AT BUILDING LINE	475 FT.	174 FT.
FRONT	20 FT.	462 FT.	20 FT.
SIDE	15 FT.	94 FT.	25 FT.
REAR	40 FT.	323 FT.	100 FT.
HEIGHT/STORIES	35 FT./2.5	< 35'/2.5 STORIES	< 35'/2.5 STORIES
MAXIMUM BUILDING AREA	25%	1%	12%
MINIMUM OPEN SPACE	50%	97%	75%
USE	SINGLE-FAMILY DWELLING	SINGLE-FAMILY DWELLING	TWO-FAMILY DWELLING
DWELLINGS PER LOT	1	1	44

Original Zoning Matrix

ZONING MATRIX – INNER RESIDENTIAL & AGRICULTURAL ZONING DISTRICT			
<u>SETBACK</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
AREA	87,120 S.F.	356,838± S.F.	NO CHANGE
FRONTAGE	200 FT.	159.46 FT.	NO CHANGE
DEPTH	150 FT.	900 FT.	NO CHANGE
WIDTH	120 FT. AT BUILDING LINE	475 FT.	174 FT.
FRONT	20 FT.	462 FT.	20 FT.
SIDE	15 FT.	94 FT.	25 FT.
REAR	40 FT.	323 FT.	100 FT.
HEIGHT/STORIES	35 FT./2.5	< 35'/2.5 STORIES	< 35'/2.5 STORIES
MAXIMUM BUILDING AREA	25%	1%	12%
MINIMUM OPEN SPACE	50%	97%	75%
USE	SINGLE-FAMILY DWELLING	SINGLE-FAMILY DWELLING	SINGLE-FAMILY DWELLING
DWELLINGS PER LOT	1	1	28

As was the case in the original application, the Zoning Matrix is problematic. It is not clear which "building line" is involved here to produce the 174' proposed width. As noted below in our comments about the building design, the drawings show three full stories, not 2.5 stories.

It also is not consistent with the "Lot Coverage" section of the application. First, the revised Zoning Matrix simply repeats some of the numbers in the original Zoning Matrix. We questioned those figures in the original application. Here, it is even clearer that the figures are inaccurate. The matrix states that the building area is 12% of the property. That would translate into 42,820.56 sq. ft. Our calculations based upon the submittal estimates the proposed plan has building area of approximately 28,160 sq. ft., approximately 9%. The parking and paved areas total approximately 42,700 sq. ft., approximately 12%. Thus, the total lot coverage is approximately 71,000 sq. ft., approximately 20%. The point being is that we cannot trust the data that the developer has provided us and we should not have the burden of figuring out correct calculations, those should come directly from the Applicant.

We note that in the original application, the 28 units at 2,165 sq. ft. would equal a total building area of 60,620 sq. ft. or 17% of the property. It is hard to reconcile the estimated 10% building area of the revised application with the 12% building area of the original application when the new building area is, in fact, larger.

The inconsistencies and inaccuracies with these estimates are significant issues. Poor estimates and calculations can lead to misimpressions during permitting, violations of conditions and surprises when the project is completed. A fine example of such a situation is the Glover Place Condominium project in Medfield, a Larkin Holdings LLC project. Details related to the lot coverage problem in this project appear in the Medfield ZBA decision:

<https://www.town.medfield.net/DocumentCenter/View/432/1297---Larkin-Holdings-LLC---Glover-Place-PDF?bidId=> . In their decision, the Medfield Board of Appeals stated:

"Due to a series of errors made by the Applicant and/or his consultants, the lot coverage at Glover Place exceeds the maximum allowed. This error was not discovered by the Town until the development was fully built out and all but one of the condominium units had been sold. Little explanation has been offered by the Applicant for the significant deviation from the lot coverage maximum and for the erroneous calculations previously submitted by the Applicant's architect. This is a self-created hardship and at worst may have arisen from a deliberate intention to mislead the Town through erroneous calculations. The Board observes that the architect who submitted the erroneous calculations did not appear to offer any explanation as to how the error occurred."

The Medfield Board of Appeals denied the variance request. While local zoning does not apply to this project, the multiple errors in calculations do not inspire confidence that any application for a Comprehensive Permit would be accurate.

Other errors in the current application include the Existing Utilities and Infrastructure chart. Board of Health files indicate a 4-bedroom home at 57 Perkins Row, but there is no septic design plan on file indicating a private septic system of this size. Further, the private well on the property supplies all water

to the residence as there is no public water on site. It appears that the Applicant has confused “existing” with proposed utilities.

Existing Utilities and Infrastructure	Yes/No	Description
Wastewater- private wastewater treatment	Yes	Up to 10,000 Gallon Private Septic System
Wastewater - public sewer	No	
Storm Sewer		
Water-public water	Yes	
Water-private well	Yes	For lawn irrigation
Natural Gas	No	
Electricity	Yes	National Grid
Roadway Access to Site	Yes	
Sidewalk Access to Site	No	
Other		

Environmental Concerns

As we stated in our first response, the site is an environmentally sensitive parcel bordering the Ipswich River. The Conservation Commission notes: “The Modification Application fails to address any of the previous conservation comments submitted.”

The most significant problem is that the riverfront area is still incorrect. In our original response, the Conservation Commission, Mass Audubon, and the Ipswich River Watershed Association stated that the riverfront area shown on the plan is not properly delineated. Repeatedly, we stated that the number of units (then 28) would likely decrease because the buildable area was incorrect. Previously, we recommended that the riverfront area be confirmed in order to produce a feasible plan. The Applicant still has not addressed this issue, so the land available for building is not known. When the riverfront area is properly delineated, it is unlikely that the proposed forty-four units can be built. This property has significant physical constraints that will have a serious impact on its potential for the intensive development the Applicant proposes. Again, we stress that the Applicant must start with proper calculations prior to submitting plans to the Town for permitting.

Mass Audubon states:

“It is essential that all wetland resources regulated under the Massachusetts Wetlands Protection Act (WPA), including the Riverfront Area, be properly delineated before any conceptual design for this project is advanced for ZBA review.

The project site includes wetlands and Riverfront Area associated with this important and sensitive river system. The revised application fails to address crucial wetlands and water resources issues associated with this project, including Riverfront Area delineation, stormwater management, water supply, and wastewater treatment. It defers most of those issues to the ZBA review, and avoids questions about the Riverfront Area entirely. The revised application

does not respond to the comments already submitted previously by Mass Audubon and others on that important topic.”

The Ipswich River Watershed Association states:

“We disagree with the Riverfront Area depicted on the plans and request that you ask the Massachusetts Department of Environmental Protection and/or a third party consultant to confirm that line in its appropriate location (understanding that the local wetlands by-law does not apply so it will be governed by the state Wetlands Protection Act). Due to a restriction just downstream of the site, the seasonally mean high water line of the river extends nearly to the upland portion of the property roughly in the vicinity of the bordering wetlands line depicted on the plans. In addition to on-the-ground features which govern its location under the law, one can readily see the approximate line on any map of the area {GIS, Google, USGS, etc.) showing open water extending to this line. As such, the 200-foot riverfront area extends well into the lot, and would prohibit the proposed dense development in this area of the lot.

The Topsfield Conservation Commission states:

“Wetland resource areas including Riverfront Area are not accurately depicted and are misleading as currently shown. Resource areas should be properly delineated, reviewed and accurately shown and resubmitted to Mass Housing.” Further, “Riverfront Area as shown on the plan is inaccurate – Mean Annual High Water under the MA Wetlands Protection Act has never been flagged, reviewed or confirmed.”

Those most knowledgeable about the Ipswich River agree that the riverfront area was and continues to be incorrectly identified by the Applicant. The Mean Annual High Water mark should be determined in advance of any plan design. Proceeding with this project before the fundamental issue of the riverfront area has been resolved is unwise and incorrectly shifts the burden to the Town.

The Conservation Commission adds that there are additional resource areas on adjacent properties that impact the property in question. These are not show on the plan. Elsewhere, the wetlands delineation shown on the plan is incomplete. The earlier Order of Resource Area Delineation issued in 2015 has expired, and it verified only certain resource areas. Additionally, according to the Conservation Commission, a “likely Certifiable Vernal Pool exists within the B/C series wetland ponded area west of the existing driveway. Another likely Certifiable Vernal Pool exists just off-site along the common property line with land known as 43 Perkins Row.”

Because the riverfront area and other resource areas subject to the Wetlands Protection Act are not properly delineated, the buildable area of the property is significantly overestimated.

Once again, the Conservation Commission states that the entire property is “mapped within BioMap2 - Core Habitat and a portion is mapped within BioMap2 - Critical Natural Landscape.” Although this does not have a regulatory purpose, development of such properties is discouraged.

The Conservation Commission also notes that "it is not clear if/how the proposed plan would comply with the MassDEP Stormwater Management Standards." The Highway Superintendent notes that the proposed stormwater collection system appears "inadequate" and not in compliance with Topsfield's Stormwater and Erosion Control Bylaw that is based on MassDEP Stormwater Management Standards.

The Applicant will need to extend the Town water line to the property. Beyond this property, houses have private wells. In addition, the existing house on the property is around 1,400 ft. from the beginning of the Salem-Beverly Water Board's canal that channels water into reservoirs that are public drinking water supplies. In fact, public water supply #303001-04S is located within this area. We are concerned about the impact of a large septic system located so close to the Ipswich River, private wells, and a public water supply.

The Conservation Commission points out the Applicant's statement on Page 6 that Conservation land and recreational facilities exist 0.1 miles from the site, stating: "Presumably this refers to the Ipswich River as a recreational facility and the Ipswich River Wildlife Sanctuary as Conservation land. ...Access through the Riverfront Area and along the presently undisturbed Bank...would likely result in disturbance that could constitute a violation of the WPA."

The Plan

The first major problem with the plan is that it does not respond to the Mass Housing's requirements as cited in Section 3.1. The plan does not include the required "Proposed site grading," "Utilities (existing and proposed)," "Schematic landscaping and screening," accurate "Wetland and other restricted area boundaries and buffer zones," The original "Grading and Drainage Plan" shows only existing grades. We assume that Mass Housing requires these elements of the plan to determine if a project is feasible. We also assume that Mass Housing will enforce its own requirements before allowing this project to proceed.

In the incomplete plan, as stated in our original response, the "spurs" in the roadway do not conform to the American Association of State Highway and Transportation Officials (AASHTO) *Green Book* that establishes the standard for roadway design for both the Federal Highway Administration and the Massachusetts Department of Transportation.³ Those standards require either a cul-de-sac or a "hammerhead" at the end of a dead-end road to allow for vehicles, especially emergency vehicles, to turn around safely. The Applicant states only that "The roadway design shall meet the standards for safe vehicle passage. This shall be shown through the traffic study and further engineering reports." A traffic study typically addresses the impact of a project on existing roadways. The *Green Book* establishes the standards. It is unclear as to why the Applicant continues to present a plan that ignores them. The proposed roadway design allows for additional units, of course, but it is a serious departure from long-accepted principles of safe road construction.

In addition to the lack of a cul-de-sac or a "hammerhead," the intersections are problematic. The Topsfield Fire Chief has specifically questioned the roadway design, stating that "it is unclear whether our Truck One would be able to safely and successfully complete the turns in the complex, in particular

the turn between buildings 7 and 13 and 9 and 16. Again that is assuming no on street parking.” This statement raises severe public safety concerns that must be considered by Mass Housing.

The proposed road width of 22’ is not adequate. The Highway Superintendent comments: “While the applicant has increased the roadway width 2 feet, the proposed width is still too narrow. Snow removal, snow storage, on street parking, and navigation of emergency vehicles will be extremely problematic and unsafe. The increased number of dwelling units compounds this problem.” Additionally, the snow storage areas are entirely inadequate for the proposed roadway.

Sidewalks

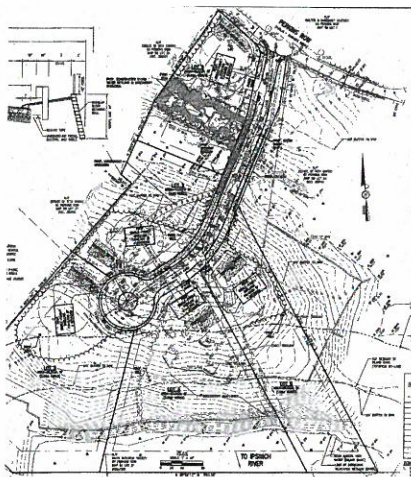
The Applicant has added what appear to be sidewalks. The Highway Superintendent notes: “The pedestrian facilities shown are inadequate and appear to be on the wrong side of the roadway opposite the majority of the units.” Some of these sidewalks afford access to only a few units.

There is no secondary access road, as previously cited by Topsfield’s Highway Superintendent. If the narrow entry road is blocked, most of the project is inaccessible creating difficulty for residents and emergency services. It should be noted that fallen trees are commonplace in Topsfield’s wooded areas. Topsfield limits cul-de-sacs with no emergency access roads to 650’ for this reason.

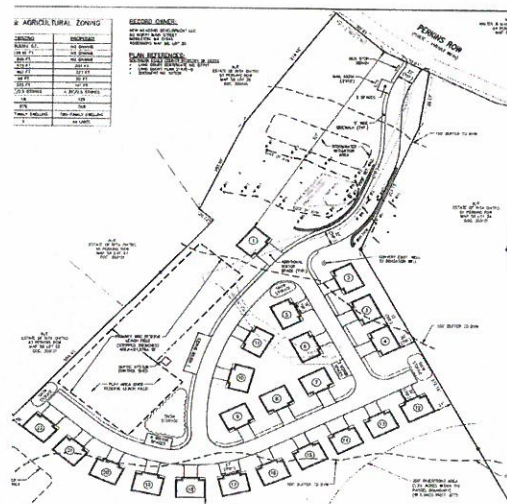
As we commented in our original response, the Order of Conditions under the Wetlands Protection Act, cited by the project engineer, was for only the roadway of the proposed subdivision. It did not reaffirm the wetlands delineation. The 40B roadway design is considerably different. The Conservation Commission states: “The roadway proposed on the plans submitted to MassHousing **would require a new Notice of Intent under the Wetlands Protection Act**, as would other work shown on the plans.”

Therefore, it is not clear that the houses, the roadway, the septic system, and stormwater management areas could be located as shown on the revised plan.

Subdivision Roadway



40B Roadway



AGRICULTURAL ZONING	
ZONE	MINIMUM LOT SIZE
AG-1	100,000 sq. ft.
AG-2	200,000 sq. ft.
AG-3	300,000 sq. ft.
AG-4	400,000 sq. ft.
AG-5	500,000 sq. ft.
AG-6	600,000 sq. ft.
AG-7	700,000 sq. ft.
AG-8	800,000 sq. ft.
AG-9	900,000 sq. ft.
AG-10	1,000,000 sq. ft.

Parking

The previous plan for 28 units included 112 parking spaces or 4 per unit. For the revised 44-unit plan, only 108 spaces or 2.45 per unit are indicated. The 16 visitor spaces are scattered about, including, it appears, in at least four driveways belonging to units (which is nonsensical), and at the entrance to the site at the mail kiosk. There still are no designated accessible parking spaces in the visitor areas. The reduction in parking spaces for a larger project is problematic. The Highway Superintendent takes issue with this reduction in parking spaces. With no on-street parking on a narrow roadway, it is important that there be adequate parking for this dense project.

Traffic

As noted in our previous comments, the addition of 56 cars per day along with the service vehicles attendant on 28 units was deemed excessive for Perkins Row, a narrow country road measuring 14' in some areas. Of particular concern remains the intersection of Perkins Row and Route 97. Please note specifically the comments of Topsfield's Highway Superintendent included in the below excerpt:

"Perkins Row is a narrow, winding country road varying in width from fourteen to twenty feet with limited visibility around the bends in the road. Please see Topsfield's Highway Superintendent's comments, with specific reference to increased *"chances of a vehicle or pedestrian accident."* The public way lacks significant shoulders, and there is no way to widen the road because of trees, walls, and ditches along both sides, some of which are on private property. Cars need to pull onto the limited shoulders to allow school busses and other large vehicles to pass. See Appendix C for photos of tire tracks in the shoulder areas.

Already, Perkins Row is burdened by traffic. This project would add some 56 cars and all of the attendant delivery vehicles to the street. This end of Perkins Row connects with Route 97, a heavily used roadway that is difficult to access in the mornings and late afternoons. At peak traffic hours, some 13,000+ cars pass by the intersection of Perkins Row and Route 97 according to the most recent traffic count, as reported by the Highway Superintendent. Already there is queuing on Perkins Row during these hours. Topsfield's Highway Superintendent specifically raises this issue. And yes, there is a "rush hour" in Topsfield. Because private automobiles are the only means to travel to work, residents leave at around the same time – the same time that school busses are picking up children – and return around the same time."

Instead of limiting the traffic impact, the revised proposal could generate 88 cars per day and additional service vehicles and, in fact, increase the traffic impact. We fail to understand how this addresses the concern about traffic. Instead, there is reference to a traffic study to be part of the ZBA hearing process and the statement that "The traffic consultant expects minimal to no impact," and sight lines along Perkins Row "meet or exceed site line specifications." Please note that the traffic consultant is not identified and it is unknown how said consultant can make such definitive statements in the absence of a traffic study. The Highway Superintendent states: "A detailed Traffic Impact Study is needed. The

doubling of the number of units raises a host of issues including the increased traffic on Perkins Row and the adjacent streets.”

Route 97 is the state highway connecting Topsfield and points north and west to the commuter rail in Hamilton/Wenham and Beverly’s large office, medical, and other commercial complexes. It is important to note that a traffic study was conducted in 2005 in connection with a 24-house subdivision off Route 97 approximately one-third of a mile from the intersection of Route 97 and Perkins Row and the volume of traffic at that time on Route 97 was such that the developer was required to install a turning lane on the north-bound side of Route 97 to access the subdivision. The volume of traffic on Route 97 has increased significantly since 2005.

We imagine that south-bound traffic wishing to access Route 97 would use the very tiny and seldom-used Perkins Lane to avoid queuing, thereby creating an island in the middle of traffic for the homeowner at 1 Perkins Row and leading to very difficult and dangerous access onto Route 97. The Town would very likely have to discontinue this road.



Building Design

As we stated in our original response, the buildings, constructed of inferior exterior building materials, lack any type of creativity or sensitivity to the surrounding neighborhood. The description of the proposed buildings does not improve on the previous designs. Instead, the buildings are smaller so as to squeeze more units onto the site. We point out that much of the architectural narrative is copied from the previous one that was, itself, not consistent with the drawings that were included. That problem remains. For instance, the narrative states that “the rear elevations are a combination of one-story facades with second story shed dormers providing an additional second floor bedroom on select units.” The elevation drawings, however, show that the basement level is at grade and accommodates the garage, front entry, a rear door and one or another room behind the garage. By standard definition, the ground floor is considered the “first” floor. Each level is shown on the plan as having an 8 ft. ceiling plus

structure above. The structures exceed 35 ft. in height. As presented, the buildings will, in fact, be three full stories. The plans do not indicate evidence of dormers anywhere.

These buildings are not “universal” design. They require navigating stairs to reach the first floor from both the front door and the garage. They are entirely inappropriate for senior housing, that is, itself, a problem with the plan. For full information, please see below.

The Applicant states that thirty-nine units will have two bedrooms and five units will have three bedrooms. This meets the requirement that ten percent of units in family housing developments have three bedrooms. The narrative states that a third bedroom *could* be created in some units on the second floor with the addition of a dormer on select units, but the elevations show no place for a dormer. Moreover, it is difficult to imagine how the already small area could accommodate another bedroom. On the other hand, the plan shows an “optional bedroom” in the garage level with a bathroom. Is this, in fact, the third bedroom? This room is 8 or 9’ wide and has four doors, hardly conducive to the placement of bedroom furniture. If this is the third bedroom, then all of the units should be considered 3-bedroom units particularly for calculating septic needs. The Applicant should produce drawings showing units with three bedrooms to demonstrate how the 10% will be met.

The application indicates that nine of the affordable units will be 2 bedroom units of 1,232 sq. ft. This is, in fact, different from the 2 bedroom market rate units that are 1,509 sq. ft. We understand that affordable units are required to be the same on the outside as market rate units of the same type. As noted above, it is impossible for the affordable units to appear the same if the market rate units are larger than the affordable units. We note as well, that the fireplaces in the market rate units would likely require a chimney. The affordable units would not have one, so again they would not appear the same. It is also unclear as to why 2 bedroom market-rate units would be the same size as the 3 bedroom units. As noted above, where the third bedroom would be located is puzzling. The Applicant also states that the affordable units will “blend into the proposed market rate homes and will be evenly distributed throughout the development.” It is difficult to understand how units of different sizes can be managed in that way.

Unit Mix: Affordable Units

Unit Type	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Number of Units			9.00	2.00	
Number of Bathrooms			1.50	1.50	
Square Feet/Unit			1,232.00	1,509.00	

Unit Mix: Market Rate

Unit Type	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Number of Units			30.00	3.00	
Number of Bathrooms			1.50	1.50	
Square Feet/Unit			1,509.00	1,509.00	

Sustainability Report

Mass Housing encourages projects that are consistent with sustainable development principles and green building design. In the original application, many unsubstantiated claims were made in the Sustainability Report. The Applicant has now “unchecked” many of the boxes checked in the original application. Now, rarely does the project meet even half of the listed criteria according to the Applicant’s self-assessment. At the same time, sections of the Sustainability Development Principles continue to be overstated. As a whole, it fails to meet sustainable development principles.

If New Construction:

- Contributes to revitalization of town center or neighborhood ☐
- Walkable to: ☐
 - (a) transit ☐
 - (b) downtown or village center ☒
 - (c) school ☒
 - (d) library ☒
 - (e) retail, services or employment center ☒
- Located in municipally-approved growth center ☐

Explanation (Required)

The Town of Topsfield as a whole lacks real walk ability. The site is located off a scenic road and is less than 2 miles from most Topsfield amenities.

As noted in our first response,

“57 Perkins Row is not “walkable” to the downtown village center, schools, library, retail, services or employment center, as noted by literally all who have commented on the plan. Perkins Row is a narrow, winding, country road with no sidewalks or lights. It intersects with state-numbered Route 97 that has no sidewalks and carries over 13,000 cars a day. State-numbered Route 97 intersects with State Highway Route 1, Boston Street, where there is no crosswalk. The village center, one school, and the library would require navigating all of these. The school on Perkins Row that is over two miles from 57 Perkins Row serves K-3. One cannot imagine sending such young children by foot along the narrow Perkins Row. The Village center and State Highway Route 1, Boston Street, have few retail services – two convenience stores and a couple of consignment shops, 1.7 miles. There are limited job opportunities in Topsfield. Please note that the “required” explanation is missing.”

In the face of this information, the Applicant continues to check off boxes and insist that this location is walkable to the downtown, school, library and retail, services or employment center. On the other hand, the Applicant now states that the Town of Topsfield lacks real walk ability but comments that the site is less than two miles from Topsfield amenities. In fact, there are entire areas of Topsfield that are “walkable” because of sidewalks and walking paths. Perkins Row is not one of them. That the site is within 2 miles of many Town features to which it is not possible to walk does not mean anything except that one has to drive to get to these places. Therefore, these features are not “walkable.” To continue to check off boxes in this area is misleading and unacceptable.

(1) Concentrate Development and Mix Uses

Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources, and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas. Create pedestrian friendly districts and neighborhoods that mix commercial, civic, cultural, educational, and recreational activities with open spaces and homes.

Check "X" below if applicable

- | | |
|---|-------------------------------------|
| - Higher density than surrounding area | <input checked="" type="checkbox"/> |
| - Mixes uses or adds new uses to an existing neighborhood | <input checked="" type="checkbox"/> |
| - Includes multi-family housing | <input checked="" type="checkbox"/> |
| - Utilizes existing water/sewer infrastructure | <input checked="" type="checkbox"/> |
| - Compact and/or clustered so as to preserve undeveloped land | <input type="checkbox"/> |
| - Reuse existing sites, structures, or infrastructure | <input type="checkbox"/> |
| - Pedestrian friendly | <input type="checkbox"/> |
| - Other (discuss below) | <input type="checkbox"/> |

Explanation (Required)

This project is at a higher density than the surrounding areas and adds condominium duplex use to a single family zone.

As we noted previously, there is no sewer in Topsfield. In our previous response we stated that "The project builds out literally all of the available land, so it is not preserving undeveloped land." The Applicant estimates that the lot coverage percentage is 27%, up from the previous plan's 12%. As noted above, these figures are too low. Therefore, it is difficult to argue that this plan is preserving undeveloped land. While this plan includes "multi-family" housing in the form of duplex units, true mixed use *"refers to a deliberate mix of housing, civic uses, and commercial uses, including retail, restaurants, and offices."* We cited the Metropolitan Area Planning Council (MAPC) (http://www.mapc.org/wp-content/uploads/2017/11/Mixed_Use_Planners_Toolkit.pdf.) and the Municipal Research and Services Center (<http://mrsc.org/Home/Explore-Topics/Planning/Development-Types-and-Land-Uses/Mixed-Use.aspx>). Characterizing duplex condominiums in a residential neighborhood as "mixed use" is a stretch and misuse of this term.

(2) Advance Equity & Make Efficient Decisions

Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice. Ensure that the interests of future generations are not compromised by today's decisions.

Promote development in accordance with smart growth and environmental stewardship.

Check "X" below if applicable

- Concerted public participation effort (beyond the minimally required public hearings) ☐
- Streamlined permitting process, such as 40B or 40R ☒
- Universal Design and/or visitability ☒
- Creates affordable housing in middle to upper income area and/or meets regional need ☒
- Creates affordable housing in high poverty area ☐
- Promotes diversity and social equity and improves the neighborhood ☒
- Includes environmental cleanup and/or neighborhood improvement in an Environmental Justice Community ☐
- Other (discuss below) ☐

Explanation (Required)

The project involves a streamlined comprehensive permit process to create affordable housing in a community of predominately upper middle to upper income households, meeting a regional need for affordable housing. This project will promote diversity and social equity due to its affordable component.

Once again, the Applicant checks off the "Universal Design and/or visitability" box. The architectural designs show very clearly that access to the first floor from both the garage and the front door is via a flight of steps; hence these units are not accessible. This issue is repeated in the section in which they claim to provide housing for the disabled. We fail to understand how this gravely inappropriate development "improves the neighborhood."

(3) Protect Land and Ecosystems

Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open spaces and recreational opportunities.

Check "X" below if applicable

- Creation or preservation of open space or passive recreational facilities ☐
- Protection of sensitive land, including prime agricultural land, critical habitats, and wetlands ☒
- Environmental remediation or clean up ☐
- Responds to state or federal mandate (e.g., clean drinking water, drainage, etc.) ☒
- Eliminates or reduces neighborhood blight ☐
- Addresses public health and safety risk ☐
- Cultural or Historic landscape/existing neighborhood enhancement ☐
- Other (discuss below) ☐

We note that the Applicant is no longer claiming to create or preserve open space but continues to check the box indicating protection of land, habitat and wetlands. In our previous response, the Conservation Commission stated that design plan and explanation are *"inconsistent with the boxes checked."* Once again, we note that the project covers literally all of the available land, decreasing open space. The project extends into buffer zones and the river front area and disrupts a potential vernal pool. The impact of this project on these environmental resources was discussed previously. We repeat that this project does not protect sensitive land, critical habitats and wetlands. Further, we continue to fail to see how this responds to state and federal mandates, especially stormwater management, because of its impact on this sensitive environmental site.

As to the "Protection of sensitive land, including prime agricultural land, critical habitats, and wetlands, the Applicant does not even correctly identify the types of land described in this criterion, let alone protect it.

The Applicant also indicates that there will be an irrigation well on site. We did not mention this previously, but it is important to know that Topsfield discourages developers from installing irrigation wells. Topsfield is located within the Ipswich River Watershed area and operates under a stringent water withdrawal permit. Topsfield's water bans begin early and end late. Private wells are subject to these bans under the Town's by-laws. Irrigation wells cannot be used for most of the time they might be needed. This would be an unnecessary expense for the project.

(5) Expand Housing Opportunities

Support the construction and rehabilitation of homes to meet the needs of people of all abilities, income levels and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and single-family homes, in a way that is compatible with a community's character and vision and with providing new housing choices for people of all means.

Check "X" below if applicable

- | | |
|--|-------------------------------------|
| - Includes rental units, including for low/mod households | <input type="checkbox"/> |
| - Includes homeownership units, including for low/mod households | <input checked="" type="checkbox"/> |
| - Includes housing options for special needs and disabled population | <input checked="" type="checkbox"/> |
| - Expands the term of affordability | <input checked="" type="checkbox"/> |
| - Homes are near jobs, transit and other services | <input type="checkbox"/> |
| - Other (discuss below) | <input type="checkbox"/> |

Explanation (Required)

The project increase the number of home ownership units available to residents of Topsfield and the Commonwealth, including moderate income households. Its is hopeful that a permit can be issued by the local Zoning Board of Appeals, whereby residents of Topsfield will receive a preference for up to seventy (70%) of the affordable units.

As noted in our previous response, there are no accessible units. On page 9 of the new proposal, the Applicant explicitly states that there are no handicapped accessible units. We point out above that in these units "access to the first floor from both the garage and the front door is via a flight of steps; hence these units are not accessible." The project, therefore, does not include housing options for special needs and disabled population. The design is also not appropriate for senior housing.

(6) Provide Transportation Choice

Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives.

Check "X" below if applicable

- Walkable to public transportation ☐
- Reduces dependence on private automobiles (e.g., provides previously unavailable shared transportation, such as Zip Car or shuttle buses) ☐
- Increased bike and ped access ☒
- For rural areas, located in close proximity (i.e., approximately one mile) to a transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations ☐
- Other (discuss below) ☐

Explanation (Required)

The site locus offers access for bike and pedestrian to the rail trail which is only .5 miles from the site and only requires going 2/10 of a mile along Route 97. This access point is the reason why there is so many walkers and bikers on Perkins Row. 1.2 miles along this trail leads people to downtown Topsfield.

As stated in our previous response, 57 Perkins Row is not "walkable" to the downtown village center, schools, library, retail, services or employment center. Perkins Row is not conducive to bicycle and pedestrian activity because of the hazards of that narrow, winding road. Please see the comments from citizens who point out that bicycle and pedestrian activity is dangerous in this area. The Applicant now cites the Rail Trail as a "transportation choice." The Rail Trail is not open year round, so it cannot be considered as a regular means of accessing downtown Topsfield. Further, the Applicant underestimates distances here. The Rail Trail may be ".5 miles from the site" as the crow flies but in actuality, the distance from 57 Perkins Row to downtown Topsfield via Perkins Row, State Route 97, and the Rail Trail approaches two miles.

This section of the report specifically mentions rural areas. Sustainability principles recommend that housing be located about one mile to a "transportation corridor that provides access to employment centers, retail/commercial centers, civic or cultural destinations." Worth noting is that downtown Topsfield is not a significant center of economic activity. The "transportation corridors" available to this site are state highways requiring automobiles. This project would increase the number of automobiles significantly – hardly reducing congestion, conserving fuel or improving air quality.

(7) Increase Job and Business Opportunities

Attract businesses and jobs to locations near housing, infrastructure, and transportation options. Promote economic development in industry clusters. Expand access to education, training and entrepreneurial opportunities. Support growth of local businesses, including sustainable natural resource-based businesses, such as agriculture, forestry, clean energy technology and fisheries.

Check "X" below if applicable

- Permanent jobs ☐
- Permanent jobs for low- or moderate-income persons ☐
- Jobs near housing, service or transit ☒
- Housing near an employment center ☐
- Expand access to education, training or entrepreneurial opportunities ☐
- Support local businesses ☒
- Support natural resource-based businesses (i.e., farming, forestry or aquaculture) ☐
- Re-uses or recycles materials from a local or regional industry's waste stream ☐
- Support manufacture of resource-efficient materials, such as recycled or low-toxicity materials ☐
- Support businesses that utilize locally produced resources such as locally harvested wood or agricultural products ☐
- Other (discuss below) ☐

Explanation (Required)

The project will provide permanent jobs for multiple trades: landscapers, common area maintenance, trash removal etc.

The Applicant has now provided the "required" explanation, but it is not convincing. The boxes for "Permanent jobs" and "Permanent jobs for low-or moderate-income persons" are now not checked off as they were in the original application. The explanation, however, contradicts the checklist in that it states the project "will provide permanent jobs for multiple trades." Is the Applicant suggesting that this development will hire full-time employees in each of the trades mentioned? Usually, such services are contracted with existing firms who already have employees.

Once again, the "jobs near housing, service and transit" box is checked. There are no such possibilities in Topsfield. As for "supporting local businesses," there are few local businesses to support. As stated previously, "Most residents work out of town, and all must travel to neighboring communities for supermarkets, other basic goods and services and health care. For 57 Perkins Row, the closest grocery stores are in Danvers (5.2 miles), Beverly (5.9 miles), Rowley (6.5 miles), and Ipswich (8.5 miles). Malls and "box stores" are located in Peabody and Danvers, all 6 miles away or farther. Beverly Hospital is over 7 miles away, and the closest doctor's office is in Danvers. Access to all of these is only by automobile."

(8) Promote Clean Energy

Maximize energy efficiency and renewable energy opportunities. Support energy conservation strategies, local clean power generation, distributed generation technologies, and innovative industries. Reduce greenhouse gas emissions and consumption of fossil fuels.

Check "X" below if applicable

- Energy Star or equivalent* ☒
- Uses renewable energy source, recycled and/or non-/low-toxic materials, exceeds the state energy code, is configured to optimize solar access, and/or otherwise results in waste reduction and conservation of resources ☐
- Other (discuss below) ☐

*All units are required by MassHousing to be Energy Star Efficient. Please include in your explanation a description of how the development will meet Energy Star criteria.

Explanation (Required)

Each unit will complete an energy audit which are designed for 5 star energy rating.

As we stated previously, "while the plan to achieve a 5 Star energy rating is admirable, the introduction to this category references a reduction of greenhouse gas emission and consumption of fossil fuels. In that automobiles would be required for residents of this project for access to all of their needs, this project would actually generate more trips per day over significant distances, thereby increasing the consumption of fossil fuels." The revised plan exacerbates this situation almost two-fold because it increases the number of units and number of vehicles necessary to support these units. We also note here that the units are required to be Energy Star Efficient. Therefore, no credit should be claimed for Energy Star as all units are required to be energy Star Efficient.

Mass Housing encourages green building design. This project certainly cannot be considered "green." The Applicant states that "exterior finish materials shall be selected from a variety of decay and weather resistant products like vinyl siding and PVC trim." Obviously, this is for financial reasons. These products are cheap both in price and appearance. These products are manufactured from petroleum in a process that is highly toxic, so much so that OSHA limits employee exposure time. In a fire, these products emit high volumes of lethal chemical vapors. Additionally, these materials are not recycled.

In summary regarding the Sustainable Development Criteria Scorecard, there are 56 boxes that cover 9 Principles. The Applicant indicated they met 19 of the 56 goals, which is only 19%. Topsfield believes it is much less than even that. We believe they can, at best, check 10-12 boxes, less than 20% of the Principles are met. By any definition, this is NOT a sustainable development.

Previous 40B Experience

We note that the Applicant has not responded in the section relative to previous 40B experience. We raised a number of problems with their current project in Medfield. These problems were documented by extensive public records and the Applicant's own publicity. We stated, "If the Medfield experience

were to be repeated in Topsfield, we are very concerned about a similar pattern of delays and extended disruption to the site, the neighborhood, and sensitive areas abutting the site.” The revised application provides no response to these concerns. Again, we request that the Applicant describe how problems of erosion, construction delays and myriad violations would be avoided.

Number and Nature of Units

As noted in our previous comments, 28 units were excessive for this site. The newly proposed 44 units are even more excessive. The proposed units and their prices raise a number of questions.

In the original application, 7 affordable, 3-bedroom units of 2,165 sq. ft. were proposed to be sold for \$220,000 with a condo fee of \$95. As we noted previously, the budget for the project in the original application priced the 3-bedroom affordable units at \$228,000. This difference in price was only one of the errors in the original application. The revised application proposes 9, 2-bedroom units of 1,232 sq. ft. with a condo fee of \$95 and 2, 3-bedroom units of 1,509 sq. ft. to be sold at \$228,900 with a condo fee of \$105. This means that the newly proposed 3-bedroom affordable units are smaller but more expensive both in price and condo fee. We noted above that the 2-bedroom affordable units are smaller than the 2-bedroom market rate units.

Original proposal

Initial Unit/Sales Price

	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Affordable Units				7.00	
Number of Units				7.00	
Number of Sq. Ft				2,165.00	
Sales Price				220,000.00	
Condo / HOA Fee				95.00	

Revised Proposal

	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Affordable Units			9.00	2.00	
Number of Units			9.00	2.00	
Number of Sq. Ft			1,232.00	1,509.00	
Sales Price			215,000.00	228,900.00	
Condo / HOA Fee			95.00	105.00	

The addition of four age-restricted units is very puzzling. The design of the units is inappropriate for senior housing in that the units are not of universal design, i.e. they are not accessible. Are these market-rate or affordable units? Both the 55+ and 62+ boxes are checked off. What, in fact, is the age restriction? It is hard to imagine that these units would be appealing to anyone interested in senior housing as they are squeezed into a family housing development.

A far more serious issue is how these units could qualify for age restriction. Regulations relative to senior housing and its ability to “discriminate” on the basis of age are quite strict. The Fair Housing Act, Housing for Older Persons Act (HOPA) and its amendments provide clear guidelines relative to how units qualify for the age exemption. In order to qualify for the HOPA exemption for age-restricted units there needs to be a senior housing “facility or community.” A senior housing facility or community is defined as a group of dwellings such as a condominium development. “A portion of a single building may not be considered a housing facility or community.” (HUD) The following kinds of housing qualify as housing for older persons:

- (a) housing provided under any state or federal program determined by HUD to be designed and operated specifically to assist elderly persons, or
- (b) housing intended for, and solely occupied by, persons 62 years of age or older, or
- (c) housing intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing is intended for occupancy by at least one person 55 years of age or older, at least 80% of the occupied units must contain at least one person age 55 or older and there must be published policies and procedures indicating said intent.

HOPA regulations make it clear that age-restricted units must be in “communities” either all (62+) or 80% (55+) of whose units are age-restricted. The Applicant has checked off both the 55+ and 62+ boxes relative to age restriction. In that neither all nor 80% of the units in this development are age-restricted, it would not seem possible to restrict only four of the units. We do not believe that it is possible to designate as age-restricted only four units in a non-age-restricted condominium development.

Of course, the Applicant might contend that they will cluster the four age-restricted units into their own “community” with its own regulations. We believe that a separate age-restricted “community” built under the 40B regulations would require that one of the units be affordable. We note also that any age-restricted units would need to be different in design from what is proposed that is not of universal design.

For further information about HOPA and qualifying requirements, please see “Questions and Answers Concerning the Final Rule Implementing the Housing for Older Persons Act of 1995 (HOPA)” at https://www.hud.gov/sites/documents/DOC_7769.PDF. More detailed information is available through the Federal Register, Part IV, Department of Housing and Urban Development 24 CFR Part 100 Implementation of the Housing for Older Persons Act of 1995; Final Rule at: https://www.hud.gov/sites/documents/DOC_7770.PDF

The addition of these four age-restricted units is gratuitous. Perhaps septic considerations play a role in this proposal. Perhaps the Applicant believes that these units make the application more palatable. As noted above, Topsfield already has seven age-restricted developments constituting some 13% of its housing stock. The random addition of four small units inserted into a non-age-restricted development serves little purpose.

Section 2, page 6

As noted in our previous comments, the lawsuit brought by the previous owners when their proposed subdivision was denied by the Conservation Commission is not mentioned nor is the fact that the courts upheld the Town's decision. We consider this the repetition of a serious omission. The previous owner appeared before the Planning Board to withdraw the subdivision plan after months of continuances. At that time, he stated that he could not proceed with a 40B project if the subdivision plan was still being considered. This project is designed to circumvent the legal decision. We question this use of the 40B process.

Finances

The Applicant chose to focus on the financial concerns that we raised in our first response. Many of our comments were directed to contradictions and errors in the original application – two sets of prices, a problematic market analysis, among others. The revised application lowers the prices of but increases the number of units with the result that the Applicant's profits increase.

Revised

Summary

Total Sales/Revenue	16,609,800.00
Total Development Costs (TDC)	14,115,128.00
Profit (Loss) from Sales/Revenue	2,494,672.00
Percentage of Profit (Loss) Over the Total Development Costs	17.67%

Original

Summary

Total Sales/Revenue	17,325,000.00
Total Development Costs (TDC)	14,879,570.00
Profit (Loss) from Sales/Revenue	2,445,430.00
Percentage of Profit (Loss) Over the Total Development Costs	16.43%

Remarkably, the much larger project will generate smaller sales/revenues, smaller development costs, but about \$50,000 in greater profits up from 16.43% to 17.67%. We note that the budget includes the builder's profits and that members of the Applicant are now associated with the general contractor. That "association" must be revealed. Is the general contractor the construction division of the Larkin Real Estate Group? If so, the Larkin Real Estate Group would be profiting doubly from this project. Both members of the Planning Board and citizens have raised this issue.

Additionally, the financial information appears unrealistic, at best. The Applicant has included in the budget \$650,000 in acquisition costs. However they have already spent \$729,000 to purchase the property. The number of units proposed has **increased** by 16 units but the building structure costs and hard contingency costs budgeted has **decreased** by \$1,023,300.00. The amount budgeted for all other hard costs have decreased as well and the amount budgeted for closing costs has been cut in half. These cuts to an already unrealistically low budget accounts for nearly half of the anticipated profit. We urge Mass Housing and DHCD to look at the budget with a critical eye.

Market Analysis

We note that this new market analysis was prepared by the Applicant rather than by an independent evaluator. The "Subject Property" page is a promotional piece. The properties in the "Properties for Sale," "Under Contract," and two of the three "Properties Sold," are all units in the Rolling Green age-restricted, luxury condominium development on Route 1. The units range from 2,160 to 3,450 sq. ft., considerably larger than what is proposed for Perkins Landing. These units have decks and many have two-car garages. In short, they are not comparable in any way. The single unit that sold for \$450,000 is in another age-restricted condominium development. It, too, is larger than the proposed units. Worth noting is that units in that development are accessible and have full basements in addition to garages.

The Town's concern with the previous market analysis was that it appeared overly optimistic, leading potentially to the failure of the project. It was only one of our major concerns. It is noteworthy that the Applicant has responded with less expensive units. Perhaps our commentary led to this. Unfortunately, the Applicant has not done due diligence with respect to the Topsfield market, and once again seeks to derive profits based on an incomplete understanding of comparable properties.

The current very thin presentation lacks information that is worth considering relative to potential price points. There are not many comparable properties in Topsfield, because most of the 2-bedroom condominium units are larger and are located in the more up-scale age-restricted developments. Each of the following condominium units is non-age restricted and has two bedrooms. Also, they are all located in or near the center of town on streets lined with sidewalks that make them truly walkable to various points in town. We provide the most recent sale price for such units.

Condominiums	Sq. Ft.	Sale Price	Date
44 High Street	1,102	\$310,000	7/13/2018
72 High Street	1,216	\$350,000	1/19/2018
37 Main Street	1,202	\$280,000	5/31/2018
3 South Main Street	1,450	\$299,000	7/17/2012

Topsfield has one age-restricted condominium development that includes 6 affordable units. All of the units have full basements, private decks and garages. This development is also very close to Route 1 with ease of access to goods and services. Clarification as to how the price of affordable units is determined is necessary. The chart below shows the assessed values and sale prices for current affordable units in Topsfield. The units in the Amberwood LIP development represent our current understanding of "affordability" in Topsfield.

Market-Rate Units	Sq. Ft.	Assessed Value	Sale Price	Date
281 Rowley Bridge Road	1,407	\$418,200	\$418,000	5/25/2018
281 Rowley Bridge Road	1,407	\$399,300	\$450,000	7/31/2017
281 Rowley Bridge Road	1,407	\$438,000	\$400,000	5/22/2015
Affordable Units	Sq. Ft.	Assessed Value	Sale Price	Date
281 Rowley Bridge Road	1,407	\$168,500	\$154,000	6/2/2014
281 Rowley Bridge Road	1,407	\$168,500	\$157,364	12/18/2017

Presumably, the Applicant imagines these units as family housing. The price is below the median price of homes in Topsfield, but comparing the 2-bedroom units to 2-bedroom single-family homes in Topsfield is revealing. These properties have land, in some cases over one or two acres. As seen below, most of the value of these properties is in the land.

Address	Valuation	Bedrooms	Land area Building area	Land Value Building Value	Sale Date Sale Price
33 Gail St	\$395,500	2	9,148 1,204	257,500 138,000	7/20/2018 \$377,000
39 Gail St	\$346,600	2	7,867 832	256,600 90,000	11/15/2018 \$355,000
154 Ipswich Rd	\$452,400	2	51,880 1,358	288,300 164,100	2/23/2018 \$450,000
120 Salem Road	\$539,500	2	131,116 1,716	369,300 157,700	7/23/2018 \$400,000

We offer this information to augment the picture offered by the new market analysis.

Study after study has shown that families move to Topsfield because of the schools and the rural character of the town. The Applicant is expecting that there will be families that will choose an atypical living arrangement that would get the children into the schools but would not meet the usual standard for family living.

Viability of the Property for Development

This property raises very serious questions about its potential for development. The only access is a driveway that crosses over a wetland area including a pond believed to be a vernal pool. Widening the driveway to accommodate a road suitable for any sort of multi-unit development is problematic. The previous owners purchased it outright for \$550,000 with the expectation that it could be developed as a subdivision. Because of the wetland area, a roadway adequate to accommodate the subdivision could not be constructed. When the matter was taken to court, the judge ruled that the plaintiffs had not demonstrated that the pond was not a vernal pool and upheld the Town's decision concerning the roadway. Those owners sold the property to the current Applicant for \$729,000. They, too, believe that the property can be developed, this time as a 40B with its looser regulations. Their original application proposed a 20' roadway crossing the wetland area that was inadequate to serve the project. The revised application proposes a 22' roadway. This road poses the same problems relative to the wetland area and the pond as the subdivision road did. Moreover, this proposal utilizes the pond for stormwater management that could further impact the wetland and pond.

The first buyer hoped that a 5 lot subdivision would be possible and economically viable. The second buyers hoped first that a 28-unit condominium development would be possible and economically viable, but the price of those units was excessive for the Topsfield market. Now, to make the project economically viable, the Applicant proposes 44 units at lower prices. The actual buildable area of the property is not known. Therefore, what combination of number of units at what price could make this project feasible is not clear.

Interaction with the Town

It is difficult not to consider the revised application a statement of unwillingness to work with Topsfield to produce a good development. As noted in our previous comments, the Applicant had made no effort to meet with the Board of Selectmen, the body in the Town of Topsfield charged with reviewing and responding to the project. The Applicant has still not asked to meet with the Board of Selectmen. The Applicant has been most unresponsive to requests for plans that are legible. After repeated requests, plans finally arrived on May 23, just in time for the Memorial Day weekend. There has been a pattern of interaction with the Applicant. The Applicant appeared unannounced at the Planning Board meeting in June of 2018. The agenda item "Discussion of 40B Project," as the Chairman explained to those in attendance, was to address the process that the Town would follow when asked to comment by the state. This agenda item was in response to the numerous questions that had been directed to the Planning Board. The Applicant said that representatives were attending so that we could provide comments on their plan. In that the members of the Planning Board had not seen the plan and so had not had time to study it, it was premature to be asked for comments. Moreover, the agenda made no reference to a presentation by the Applicant. The original application was delivered to the Town when Town Hall was closed for its move from temporary quarters to the newly renovated Town Hall. We had no computers and no way to distribute the application to those who would comment. At least a week of review time was lost because of this. The revised application was given to the Town right before Town

Meeting and before the election of two new members to the Planning Board. We are grateful to the State for giving us an extension in responding.

The Applicant is eager to move this project forward to the Zoning Board of Appeals for permitting, stating that all of the issues can be worked out before that Board. We believe that there are far too many problems with the assumptions underlying the application to let it move forward and place such a burden on the Zoning Board of Appeals. The revised application is riddled with errors, contradictions and omissions so much so that it is entirely unclear as to what could be built on the property.

¹ Per Patriot Properties, as reported by the Principal Assessor.

² Little Brook Village (60 units of subsidized rental for seniors and the disabled), Washington Meadows (24 rental units for seniors – 6 subsidized), Great Hill (74 units), Amberwood (24 units, six affordable), English Commons (49 units), Rolling Green (30 units), The Meadows (24 units).

³ Please see the American Association of State Highway and Transportation Officials (AASHTO) *Green Book*, Chapter 5. This resource is used as the standard by the Federal Highway Administrations and the Massachusetts Department of Transportation. See also "Sustainable Neighborhood Road Design A Guidebook for Massachusetts Cities and Towns," 2011, sponsored by the Massachusetts Chapter of the American Planning Association and the Home Builders Association of Massachusetts.