



# TOWN OF TOPSFIELD

## Conservation Commission

8 West Common Street, Topsfield, Massachusetts 01983

### MEMO

TO: Zoning Board of Appeals

FROM: Heidi Gaffney, Conservation Administrator

COPY TO: TCC File

DATE: October 26, 2022

RE: Chapter 40B Comprehensive Permit – Emerson Homes (10 High St)

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Below please find initial, general comments regarding the Topsfield General Wetlands Protection Bylaw aspects of the submitted Comprehensive Permit. Additional comments will be provided as additional information is submitted and review continues:

- A Notice of Intent has been filed with the Conservation Commission under the Wetlands Protection Act only.
- For comprehensive permits the ZBA is the approval/issuing authority and is acting as the Conservation Commission in regards to the implementation of the Topsfield General Wetlands Bylaw, as such comments to the ZBA are specific to the Bylaw.
- Blanket waivers have been requested, until a proper list of waivers being requested under the Bylaw is submitted, it is difficult to comment further. Per the Chapter 40B Handbook “It is the developer’s responsibility to identify the waivers needed in order to build the project. As a rule, the ZBA should not grant what is commonly known as a “plan waiver,” or a blanket waiver to accommodate conditions that may be apparent on the developer’s plan but not specifically identified in a list of waivers requested by the developer.”
- The Resource Areas identified under the Bylaw in the ORAD issued under MA DEP File #307-0776 are not shown on the plans, precluding the ZBA from being able to properly identify and understand what they are being requested to waive.
- Waiving the Stormwater Bylaw, I believe, may violate the Town’s MS4 Permit from the US EPA.