

February 27, 2023

Mr. Robert Moriarty, Chair
Town of Topsfield Zoning Board of Appeals
c/o Ms. Lynne Bermudez
Town of Topsfield
Town Hall
8 West Common Street
Topsfield, MA 01983

Via: Email to lbermudez@topsfield-ma.gov

Reference: Independent Supplemental Peer Review for *Emerson Homes*
Chapter 40B Comprehensive Permit Application
10 High Street
Topsfield, Massachusetts
B+T Project No. 3425.00

Dear Chair Moriarty and Members of the Board:

Beals and Thomas, Inc. (B+T) is pleased to assist the Town of Topsfield Zoning Board of Appeals (the Board) with the independent Supplemental Peer Review of the Chapter 40B Comprehensive Permit Application Filing for “Emerson Homes” at 10 High Street in Topsfield, Massachusetts (the Site). We understand that Emerson Homes, LP (the Applicant), proposes to develop a Chapter 40B housing project consisting of 44 apartment units (43 designated as affordable and one market-rate), with associated site improvements (the Project).

B+T issued a letter to Board dated February 3, 2023, which presented the results of our site visit and our initial review of the original documentation submitted by the Applicant. As a result of initial comments, the Applicant submitted supplemental documentation as listed herein. Specifically, B+T received the following documentation on February 22, 2023, which served as the basis for our supplemental review:

- *M.G.L c. 40B Comprehensive Permit Application, Applicant: Emerson Homes, LP, Property Location: 10 High Street, Topsfield, MA, Response to Beals + Thomas February 3, 2023 Peer Review Report*, dated February 21, 2023, prepared by Regnante Sterio LLP (12 pages)
- *Response to Independent Peer Review of Emerson Homes, Proposed Age-Qualified Multifamily Residential Development – 10 High Street (Route 97), Topsfield, Massachusetts*, dated February 17, 2023, prepared by Vanasse & Associates Inc. (VAI) (8 pages)

Civil Engineering ▪ Land Surveying ▪ Landscape Architecture ▪ Land Use Permitting ▪ Environmental Planning ▪ Wetland Science

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We have reviewed the documentation submitted by the Applicant with respect to the requirements of the Town of Topsfield General By-Laws and Zoning By-Laws; the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Regulations and Handbook (the Handbook); and, generally accepted engineering practice.

Review Format

In an effort to establish clarity for the Administrative Record, we have included the comments from our initial review letter dated February 3, 2023, followed by a summary of the Applicant's responses in *italicized* font, followed by our current comments in **bold** font to document the status of our original comment.

By-Law Waiver Requests

1. B+T performed a review of the Applicant's List of Requested Waivers prepared by Regnante Sterio LLP in the context of the Site Development Plans and the findings of our January 12, 2023 site visit. Our evaluation and associated commentary are provided in the following table:

<u>By-Law or Regulations Section</u>	<u>Requirement</u>	<u>Explanation</u>
Topsfield Zoning Bylaw Section 3.01 Applicability of Use Regulations	<i>Except as provided in the Zoning Act or in this By-Law, no building, structure, or land shall be used except for the purposes permitted in the district and as described in the section. Any use not listed shall be construed as prohibited.</i>	A waiver is sought for this section to authorize the principal use of the Property for multifamily residential use (44 units) with associated parking, signage, building/site management, and other development as shown on Project plans.
B+T Comment: A multifamily development in the Central Residential (CR) zoning district is not permissible pursuant to the referenced By-Law; therefore, a waiver from this section would be required for the Project to proceed. B+T does not take exception to the waiver being requested in the context of the Project as proposed.		
<i>Applicant's Response: The Applicant concurs. No further response is called for.</i>		
B+T Response: As previously noted, B+T does not take exception to the waiver being requested in the context of the Project as proposed. We defer to the Board on the potential granting of this waiver.		

Topsfield Zoning Bylaw Sections 3.01 & 3.04 Applicability of Use Regulations & Table of Use Regulations	<p><i>Establishing permitted by right, special permit, forbidden, and “not applicable” uses.</i></p> <p><i>Multi-family dwelling = Not Permitted Use in the CR zoning district</i></p>	<p>A waiver is sought for this section to authorize the principal use of the Property for multifamily residential use (44 units) with associated parking, signage, building/site management, and other development as shown on Project plans.</p>
<p>B+T Comment: A multifamily development in the CR zoning district is not permissible pursuant to referenced By-Law; therefore, a waiver from this section would be required for the Project to proceed. B+T does not take exception to the waiver being requested in the context of the Project as proposed.</p>		
<p><i>Applicant’s Response: The Applicant concurs. No further response is called for.</i></p>		
<p>B+T Response: As previously noted, B+T does not take exception to the waiver being requested in the context of the Project as proposed. We defer to the Board on the potential granting of this waiver.</p>		

Topsfield Zoning Bylaw Section 3.13 Parking of Automobiles	<i>Regulations applicable to off-street parking requirements.</i>	A waiver is sought for this section in its entirety. Instead, the project, including the approval of all parking design, number of spaces, dimensions, locations, setbacks, screening/landscaping, topography, lighting, and layout as shown on the attached site plans, will be permitted pursuant to the Chapter 40B Comprehensive Permit for this Project.
B+T Comment: Parking of more than 20 automobiles on a single lot at any time requires a Special Permit from the Zoning Board of Appeals (ZBA). As noted herein, the Project as proposed includes 48 parking spaces in compliance with the number of parking spaces required per the underlying zoning for its residents and not as an auxiliary use. It is unclear why this waiver is being sought by the Applicant. We request that the Applicant clarify the need for the waiver to be granted.		
<i>Applicant's Response: This provision of the Zoning Bylaw would appear to require that the Project secure a special permit to authorize the parking of more than 20 vehicles. Pursuant to M.G.L. c. 40B, § 21, the Comprehensive Permit for the Project shall include and encompass all local approvals required for all aspects of the Project. As such, approval of the parking of more than 20 vehicles is requested under this Section.</i>		
B+T Response: B+T does not take exception to the waiver being requested in the context of the Project as proposed. We defer to the Board on the potential granting of this waiver.		

<div>Topsfield Zoning Bylaw Sections 4.01 & 4.02</div> <div>Applicability of Dimensional and Density Regulations & Table of Dimensional and Density Regulations</div>	<div>These sections impose the following requirements in the C-R zoning district for any permitted use:</div> <table><thead><tr><th>Dimension</th><th>Requirement</th></tr></thead><tbody><tr><td>Lot Area</td><td>20,000 sq. ft.</td></tr><tr><td>Frontage</td><td>100'</td></tr><tr><td>Lot Depth</td><td>120'</td></tr><tr><td>Front Yard Setback</td><td>20'</td></tr><tr><td>Side Yard Setbacks</td><td>10'</td></tr><tr><td>Rear Yard Setback</td><td>30'</td></tr><tr><td>Height</td><td>35'</td></tr><tr><td>Stories</td><td>2.5</td></tr><tr><td>Max. Bldg. Area</td><td>40%</td></tr><tr><td>Min. Open Area</td><td>40%</td></tr></tbody></table>	Dimension	Requirement	Lot Area	20,000 sq. ft.	Frontage	100'	Lot Depth	120'	Front Yard Setback	20'	Side Yard Setbacks	10'	Rear Yard Setback	30'	Height	35'	Stories	2.5	Max. Bldg. Area	40%	Min. Open Area	40%	<div>Dimensional metrics of the Project are as specified below.</div> <table><thead><tr><th>Dimension</th><th>Provided[‡]</th></tr></thead><tbody><tr><td>Lot Area</td><td>543,663 sq. ft.</td></tr><tr><td>Frontage</td><td>106.4'</td></tr><tr><td>Lot Depth</td><td>802+/-</td></tr><tr><td>Front Yard Setback</td><td>430.9'</td></tr><tr><td>Side Yard Setbacks</td><td>48.6' (or greater)</td></tr><tr><td>Rear Yard Setback</td><td>127.6'</td></tr><tr><td>Height</td><td>32.0'</td></tr><tr><td>Stories</td><td>2</td></tr><tr><td>Bldg. Area:</td><td>3.8%</td></tr><tr><td>Open Area</td><td>88.6%</td></tr></tbody></table> <div>‡ NB: Setbacks and coverage/area calculations refer to the proposed building, but this waiver encompasses all construction deemed to constitute a “building” or “structure”.</div>	Dimension	Provided [‡]	Lot Area	543,663 sq. ft.	Frontage	106.4'	Lot Depth	802+/-	Front Yard Setback	430.9'	Side Yard Setbacks	48.6' (or greater)	Rear Yard Setback	127.6'	Height	32.0'	Stories	2	Bldg. Area:	3.8%	Open Area	88.6%
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<div>B+T Comment: The Project appears to adhere to the requirements of the underlying zoning. Therefore, it is unclear why this waiver is being sought by the Applicant. We request that the Applicant clarify the need for the waiver to be granted. We further note for the Administrative Record that the frontage depicted within the plans is 100-ft and not the 106.4-ft reported herein by the Applicant. The 100-ft dimension does however comply with the underlying zoning.</div>																																														
<div>Applicant’s Response: The inclusion of this information was for informational purposes only. The Applicant concurs that the Project complies with the dimensional requirements of these Sections. This Section will be removed in the final version of the Waiver List.</div>																																														
<div>B+T Response: This comment has been adequately addressed by the Applicant pending the submission of the referenced final Waiver List.</div>																																														

Topsfield Zoning Bylaw Section 4.12 Parking	<i>Regulations applicable to off-street parking requirements.</i>	A waiver is sought for this section in its entirety. Instead, the approval of all parking design, number of spaces, dimensions, locations, setbacks, screening/landscaping, topography, lighting, and layout as shown on the attached site plans, will be permitted pursuant to the Chapter 40B Comprehensive Permit for this Project.
B+T Comment: The number of parking spaces provided (48 total) adheres to the underlying zoning requirements of 1 per unit with less than two bedrooms (40 total units) and 2 per unit with two or more bedrooms (4 units). Therefore, it is unclear why this waiver is being sought by the Applicant. We request that the Applicant clarify the need for the waiver to be granted.		
<i>Applicant's Response: This waiver request is intended to authorize Project parking not only for the proposed residential units, but also for any/all portions of the proposed building that might be deemed subject to additional minimum parking requirements, such as subsections (C)(4) (office space), (C)(6) (place of assembly), and/or (C)(9) (accessory uses).</i>		
B+T Response: The response provided by the Applicant is unclear. It is our understanding based on the documentation provided that the Project is a "residential" project. It is unclear where the other referenced uses are proposed. Accordingly, we reiterate the intent of our initial comment and request that the Applicant clarify the need for the waiver to be granted.		
Topsfield Zoning Bylaw Section 5.01 Enforcement Officer and Duties	<i>Enforcement of the Bylaw and issuance of building permits and occupancy certificates, etc.</i>	A waiver is sought for this section solely with respect to enforcement of the provisions of the Zoning Bylaw for which waivers have been requested. Building permits, occupancy certificates, etc. shall be issued pursuant to the Chapter 40B Comprehensive Permit for the Project and the State Building Code.
B+T Comment: This waiver request is generally administrative. B+T does not take exception to the waiver being requested in the context of the Project as proposed.		
<i>Applicant's Response: The Applicant concurs. No further response is called for.</i>		
B+T Response: As previously noted, B+T does not take exception to the waiver being requested in the context of the Project as proposed. We defer to the Board on the potential granting of this waiver.		

Topsfield Zoning Bylaw Section 5.02(A)(6) Permit Granting Authority and Special Permit Granting Authority	<i>Procedures relating to applications to the ZBA</i>	A waiver is sought for this section to the extent it imposes procedural requirements that exceed the requirements of M.G.L. c. 40B and 760 CMR 56.00, including notice requirements.
B+T Comment: This waiver request is generally administrative. B+T does not take exception to the waiver being requested in the context of the Project as proposed.		
<i>Applicant's Response: The Applicant concurs. No further response is called for.</i>		
B+T Response: As previously noted, B+T does not take exception to the waiver being requested in the context of the Project as proposed. We defer to the Board on the potential granting of this waiver.		

Topsfield Zoning Bylaw Section 7.01 Site Preparation	<i>No building permit shall be issued for any structure that requires the excavation of sod, soil, sand, gravel, stone, or any other like materials in an amount in excess of one hundred twenty (120) percent of the foundation of said structure. Where a variance from the above has been granted by the Permit Granting Authority, the excavation and removal of said material shall be subject to the provisions of the Topsfield Soil Removal By-Law.</i>	A waiver is sought for this section in its entirety. Instead, all site preparation subject to this section, including all excavation as shown on the Project plans, shall be approved as part of the Comprehensive Permit for the Project.
B+T Comment: The Project as proposed will result in a net fill of material and proposed excavation appears to be minimal. B+T does not take exception to the waiver being requested in the context of the Project as proposed.		
<i>Applicant's Response: The Applicant concurs. No further response is called for.</i>		
B+T Response: As previously noted, B+T does not take exception to the waiver being requested in the context of the Project as proposed. We defer to the Board on the potential granting of this waiver.		

<p>Topsfield Zoning Bylaw Article IX (all sections), including guidelines set forth at Appendix ZA:1 (all sections)</p>	<p><i>Regulations applicable to the approval of site plans for construction of any building and establishment of new uses (except as exempted per Section 9.04)</i></p>	<p>A waiver is sought for these sections and the associated guidelines in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, and standards of review applicable to the site plan review process. Instead, Project site plans will be reviewed and approved as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations.</p>
<p>B+T Comment: The Applicant is seeking a blanket waiver from the Topsfield Wetlands By-Law (Article IX), its implementing regulations, and administrative filing components thereunder. While we recognize the need for waivers from filing components (review under the By-Law is consolidated to the ZBA as part of the comprehensive permit), we caution against blanket waivers from general bylaws. We request that the Applicant either list or tabulate which sections of the By-Law are required for this project. We note that the Applicant has the burden of demonstrating which waiver requests are necessary to construct the Project. Relative to this waiver we note the following:</p> <ul style="list-style-type: none"> ▪ Section 9.06(7) requires information regarding the lighting design (heights, details, etc.) and photometric coverage to review the adequacy of the lighting design. The location of light poles are noted, but no other design information has been provided. We request that the Applicant further clarify the intent of the lighting design to the satisfaction of the Board when considering the waiver requested. ▪ Section 9.06(9) requires the location of electrical, telephone and communication (ETC) service to be detailed on the plans. This information has not been included. We request that the Applicant further clarify the intent of the ETC design to the satisfaction of the Board when considering the waiver requested. 		

Applicant's Response: Initially, it appears that the reference in this comment to the Topsfield Wetlands By-Law and its implementing regulations and administrative filing components thereunder appears to be a typographical error. It is presumed that this comment refers to Section IX of the Zoning Bylaw, which pertains to site plan review.

The Applicant concurs with B+T's comment that site plan review under this Section of the Zoning Bylaw is consolidated with the Board's review as part of the comprehensive permit process. Consistent therewith, the Applicant requests waivers from the procedural, filing, and administrative requirements of Sections 9.05, 9.06, and 9.08(2), which are superseded by 760 CMR 56.05(2). Similarly, the standards of review as set forth in Section 9.07 are superseded by 760 CMR 56.07(2)(b)(3).

Specifically with respect to B+T's comments regarding Sections 9.06(7) and 9.06(9), although not required by 760 CMR 56.05(2), the Applicant will agree to provide a photometric study and supplement the existing utility plan to provide the additional details requested here.

B+T Response: B+T will review the supplemental documentation described in the response to Article IX once it is provided by the Applicant.

Topsfield Zoning Bylaw Article XIII Sign Regulations (all sections), including Permit Granting Authority's Rules & Regulations for Sign Regulations	<i>Regulations pertaining to the design, location, and size of signs; requiring a special permit and/or sign permit from the Topsfield Select Board (f/k/a Board of Selectmen) and/or Inspector of Buildings.</i>	A waiver is sought for these sections in their entirety. Instead, Project signage will be approved under this Bylaw as part of the Comprehensive Permit for this Project. Said signage will be limited to building-mounted signage to identify building locations, site directional and advisory signage, traffic signage, and an externally illuminated monument sign at the site entrance (25 square feet maximum sign board area; 8' maximum sign height).
B+T Comment: Though a rendering is not provided, the Project sign as proposed appears to meet the intent of the underlying zoning. Therefore, it is unclear why this waiver is being sought by the Applicant. We request that the Applicant clarify the need for the waiver to be granted.		
<i>Applicant's Response: Section 13.5(A)(2) of the Zoning Bylaw (as well as Chapter 359 of the Topsfield General Bylaws) would require that the Project secure a special permit to authorize the proposed signage. Pursuant to M.G.L. c. 40B, § 21, the Comprehensive Permit for the Project shall include and encompass all local approvals required for all aspects of the Project. As such, approval of the Project sign is requested under this Section and related Bylaw. As noted in the Waiver List, the Applicant has proposed that the dimensions of the Project sign will have a sign area of not more than 25 square feet and a maximum height of 8', which is consistent with the requirements applicable to freestanding signs in the Business Village and Business Park districts.</i>		
B+T Response: B+T does not take exception to the waiver being requested in the context of the Project as proposed. We defer to the Board on the potential granting of this waiver.		

Town of Topsfield Bylaws Chapter 63 Purchasing and Contracts, Section 63-6 Site Qualifications	<i>Local eligibility rules pertaining to the approval of tax abatement agreements for affordable housing developments.</i>	A waiver is sought for this section to the extent it varies from or exceeds the affordability requirements of M.G.L. c. 40B and 760 CMR 56.00. Instead, it is requested that the Comprehensive Permit for the Project include a finding that the Project is eligible for the negotiation and formation of any tax abatement agreement pursuant to these sections (if any) if the Project complies with the affordability requirements of M.G.L. c. 40B and 760 CMR 56.00, subject to action of the Topsfield Select Board and/or Topsfield Town Meeting.
B+T Comment: This waiver request is generally administrative. B+T does not take exception to the waiver being requested in the context of the Project as proposed.		
<i>Applicant's Response: The Applicant concurs. No further response is called for.</i>		
B+T Response: As previously noted, B+T does not take exception to the waiver being requested in the context of the Project as proposed. We defer to the Board on the potential granting of this waiver.		

Town of Topsfield Bylaws Chapter 153 Historic District (All sections) and Topsfield Historical Commission Rules, Regulations, & Procedures and Design Guidelines	<i>Local rules and regulations applicable to buildings located in the Topsfield Historic District.</i>	A waiver is sought from this Bylaw in its entirety, including without limitation any/all procedural and filing requirements, technical and design specifications, performance standards, and standards of review applicable to the Topsfield Historic District. Instead, all building construction and design, fencing, landscaping, and other site work and improvements associated with the Project shall be approved under this Bylaw as part of the Comprehensive Permit for this Project as shown on Project plans.
<p>B+T Comment: We note our previous commentary relative to concerns regarding blanket waivers from entire sections of the By-Law. We request that the Applicant specify which aspects of the referenced By-Law are not being met in terms of technical specification and performance standards. We recommend that the Board solicit feedback from the Historical Commission on the Applicant's submission prior to considering the waiver requested.</p>		
<p><i>Applicant's Response: This Bylaw would require that the Project secure a certificate of appropriateness from the Topsfield Historic Commission approving the construction of the proposed building. Pursuant to M.G.L. c. 40B, § 21, the Comprehensive Permit for the Project shall include and encompass all local approvals required for all aspects of the Project, including the approval required under this Bylaw. Consistent therewith, the Applicant requests waivers from the procedural, filing, and administrative requirements of THC's Bylaw, Guidelines, Rules, Regulations, and Procedures, each of which are superseded by 760 CMR 56.05(2).</i></p> <p><i>As discussed above, all specific local performance standards are subject to waiver unless there is evidence of a valid Local Concern that would occur if such local requirements were to be waived. More specifically, the Applicant seeks waivers from all performance standards of the THC's Guidelines that would require the proposed building to imitate period architecture or utilize non-standard building materials as specified in Project plans. Notably, most of these provisions apply to work on existing buildings, which is not proposed. However, some provisions would appear to apply to the construction of new buildings, including, without limitation, the THC's Trim & Siding Guideline 5, and their Guidelines pertaining to doors, fences, solar panels, and windows.</i></p> <p><i>Finally, the Applicant concurs with B+T's recommendation that the Board solicit feedback from THC and notes that THC has in fact filed a written feedback letter dated February 15, 2023. The Applicant will respond separately to that letter.</i></p>		

B+T Response: We acknowledge the response provided by the Applicant. Accordingly, we defer to the ongoing Topsfield Historical Commission (THC) review process and resolution of the THC comments dated February 15, 2023.		
Town of Topsfield Bylaws Chapter 203 Soil Removal (All Sections)	<i>Local regulations pertaining to soil removal; requiring a soil removal permit from the Soil Removal Board</i>	A waiver is sought for these sections in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, and standards of review applicable to the soil removal permit review process. Instead, any/all soil removal subject to this Chapter will be reviewed and approved under this Bylaw as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations.
B+T Comment: The Project as proposed will result in a net fill of material and proposed excavation appears to be minimal. B+T does not take exception to the waiver being requested in the context of the Project as proposed.		
<i>Applicant's Response: The Applicant concurs. No further response is called for.</i>		
B+T Response: As previously noted, B+T does not take exception to the waiver being requested in the context of the Project as proposed. We defer to the Board on the potential granting of this waiver.		

Town of Topsfield Bylaws Chapter 220 Stormwater Management (All Sections), including Stormwater and Erosion Control Regulations of the Planning Board	<i>Local regulations pertaining to stormwater management and erosion control; requiring a stormwater management permit from the Planning Board</i>	A waiver is sought for these sections in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, and standards of review applicable to activities subject to these sections. Instead, any/all activities subject to this Chapter will be reviewed and approved under this Bylaw as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations – including, without limitation, the State Stormwater Management Standards, as will be applied by the Topsfield Conservation Commission pursuant to its review of the Project under the Wetlands Protection Act, 310 CMR 10.
B+T Comment: We note our previous commentary relative to concerns regarding blanket waivers from entire sections of the By-Law. We recommend that the Applicant specify which components of the Topsfield Stormwater Management By-Law and Stormwater and Erosion Control Regulations of the Planning Board require a waiver for the Project rather than a blanket waiver to this entire section of the By-Law or regulations thereunder.		

Applicant's Response: Section 220-6 of this Bylaw would require that the Project secure a separate local stormwater management permit from the Topsfield Planning Board to authorize the proposed stormwater management systems. Pursuant to M.G.L. c. 40B, § 21, the Comprehensive Permit for the Project shall include and encompass all local approvals required for all aspects of the Project. As such, approval of the Project's stormwater management systems is requested under this Section. Consistent therewith, the Applicant requests waivers from all procedural, filing, and administrative requirements of this Bylaw and Regulations, which are superseded by 760 CMR 56.05(2).

As discussed above, all specific local performance standards are subject to waiver unless there is evidence of a specific matter of Local Concern that would occur if such local requirements were to be waived. All such requirements are therefore waived to the extent they exceed the requirements of applicable state and federal laws, including the Massachusetts Stormwater Management Standards (MSWMS) and NPDES/MS4 requirements. The Applicant notes that B&T has also been retained by the Topsfield Conservation Commission to perform a peer review of the Project under the Wetlands Protection Act and its implementing regulations, which will include review for compliance with the MSWMS. Although distinct from this peer review process, B+T's review of the Project under these (unwaivable) state requirements will directly relate to the issues under review here.

As the Board's review advances (as well as that of the Topsfield Conservation Commission), the Applicant will seek to supplement the Waiver List with greater specificity as to which of the exact local performance standards set forth in this Bylaw and its implementing regulations will be waived and which will be complied with. To that end, this response will be supplemented by future filings.

B+T Response: B+T will review the supplemental documentation described in the response to Chapter 220 once it is provided by the Applicant.

Town of Topsfield Chapter 250 Wetlands (All Sections), including Rules and Regulations of the Topsfield Conservation Commission	<i>Local regulations pertaining to wetlands; requiring a local wetlands permit from the Topsfield Conservation Commission</i>	A waiver is sought for these sections in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, designation of resource areas, and standards of review applicable to activities subject to these sections. Instead, any/all activities subject to this Chapter will be reviewed and approved under this Bylaw as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations – including, without limitation, the Wetlands Protection Act, 310 CMR 10, as will be applied by the Topsfield Conservation Commission pursuant to its review of the Project under said Act.
<p>B+T Comment: We note our previous commentary relative to concerns regarding blanket waivers from entire sections of the By-Law. The Applicant is seeking a blanket waiver from the Topsfield Wetlands By-Law (Chapter 250).</p> <p>We request that the Applicant either list or tabulate which sections of the Wetlands By-Law are required for this project. We note that the Applicant has the burden of demonstrating which waiver requests are necessary to construct the Project.</p> <p>We request that the Applicant specify why waivers are necessary, what alternatives have been considered, and what the implications of granting the requested waiver would be.</p>		

Applicant's Response: This Bylaw and its implementing regulations would require that the Project secure a separate local permit from the Topsfield Conservation Commission to authorize the proposed stormwater management systems. Pursuant to M.G.L. c. 40B, § 21, the Comprehensive Permit for the Project shall include and encompass all local approvals required for all aspects of the Project. As such, approval of the Project is requested under this Bylaw, including its implementing regulations. Consistent therewith, the Applicant requests waivers from all procedural, filing, and administrative requirements of this Bylaw and Regulations, which are superseded by 760 CMR 56.05(2).

As discussed above, all specific local performance standards are subject to waiver unless there is evidence of a specific matter of Local Concern that would occur if such local requirements are waived. All such requirements are therefore waived to the extent they exceed the requirements of applicable state and federal laws, including the Massachusetts Environmental Protection Act. As noted, B&T has also been retained by the Topsfield Conservation Commission to perform a peer review of the Project under the Wetlands Protection Act and its implementing regulations. Although distinct from this peer review process, B+T's review of the Project under these (unwaivable) state requirements will directly relate to the issues under review here.

Notwithstanding the foregoing, as the Board's review advances (as well as that of the Topsfield Conservation Commission), the Applicant will seek to supplement the Waiver List with greater specificity as to which of the exact local performance standards of this Bylaw and its implementing regulations will be waived and which will be complied with. To that end, this response will be supplemented by future filings.

B+T Response: B+T does not take exception to any of the administrative filing requirements noted above as the review is being conducted through the Comprehensive Permit process.

The proponent's interpretation of the statute as it applies to waivers does not appear to comport with that of the available guidance documents published by the Massachusetts Department of Housing and Community Development and the Massachusetts Housing Partnership (please refer to the listed documents for full author attribution). The verbiage of the above response appears to indicate that 'such local requirements *are* waived' (emphasis added) as if it were by-right as part of the comprehensive permit process. Rather, it is our understanding that that the Zoning Board of Appeals is empowered with the waiver granting authority if necessary for the development to proceed.

The Chapter 40B Handbook for Zoning Boards of Appeal (2017) states the following: *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 developers.*

We understand from the above statement that the Applicant will provide a supplemental waiver list as to the exact standards and regulations from which a waiver is being request. B+T respectfully reserves the right to further comment once that supplemental list is provided.

Town of Topsfield Bylaws Chapter 325 Historic District Rules and Regulations (All sections)	<i>Local rules and regulations applicable to buildings located in the Topsfield Historic District.</i>	A waiver is sought from these Rules and Regulations in their entirety, including without limitation any/all procedural and filing requirements, technical and design specifications, performance standards, and standards of review applicable to the Topsfield Historic District. Instead, all building construction and design, fencing, landscaping, and other site work and improvements associated with the Project shall be approved under these Rules and Regulations as part of the Comprehensive Permit for this Project as shown on Project plans.
B+T Comment: We note our previous commentary relative to concerns regarding blanket waivers from entire sections of the By-Law. We request that the Applicant specify which aspects of the referenced By-Law are not being met in terms of technical specification and performance standards. We recommend that the Board solicit feedback from the Historical Commission on the Applicant's submission prior to considering the waiver requested.		
<i>Applicant's Response: See above regarding Chapter 153.</i>		
B+T Response: We acknowledge the response provided by the Applicant. Accordingly, we defer to the ongoing THC review process and resolution the THC comments dated February 15, 2023.		
Town of Topsfield Chapter 359 Sign Regulations (all sections)	<i>Regulations pertaining to the design, location, and size of signs; requiring a special permit and/or sign permit from the Topsfield Select Board (f/k/a Board of Selectmen) and/or Inspector of Buildings.</i>	A waiver is sought for these Rules and Regulations in their entirety. Instead, Project signage will be approved under these Rules and Regulations as part of the Comprehensive Permit for this Project. Said signage will be limited to building-mounted signage to identify building locations, site directional and advisory signage, traffic signage, and an externally illuminated monument sign at the site entrance (25 square feet maximum sign board area; 8' maximum sign height).
B+T Comment: Though a rendering is not provided, the Project sign as proposed appears to meet the intent of the underlying zoning. Therefore, it is unclear why this waiver is being sought by the Applicant. We request that the Applicant clarify the need for the waiver to be granted.		
<i>Applicant's Response: See above response regarding Zoning Bylaw Article XIII.</i>		

B+T Response: B+T does not take exception to the waiver being requested in the context of the Project as proposed. We defer to the Board on the potential granting of this waiver.		
Town of Topsfield Chapter 364 Stormwater and Erosion Control Regulations (All Sections)	<i>Local regulations pertaining to stormwater management and erosion control; requiring a stormwater management permit from the Planning Board</i>	A waiver is sought for these Rules and Regulations in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, and standards of review applicable to activities subject to these Rules and Regulations. Instead, any/all activities subject to these Rules and Regulations will be reviewed and approved under these Rules and Regulations as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations – including, without limitation, the State Stormwater Management Standards, as will be applied by the Topsfield Conservation Commission pursuant to its review of the Project under the Wetlands Protection Act, 310 CMR 10.
<p>B+T Comment: We note our previous commentary relative to concerns regarding blanket waivers from entire sections of the By-Law. We recommend that the Applicant specify which components of the Topsfield Stormwater and Erosion Control Regulations require a waiver for the Project rather than requesting a blanket waiver to this entire section of the By-Law. Relative to this waiver we note the following:</p> <ul style="list-style-type: none"> ▪ Section 364-6 M stipulates the needed requirements of an Operation and Maintenance (O&M) Plan. The O&M provided does not appear to be compliant or specific to this Project. We request that the Applicant provide a compliant O&M plan. ▪ Section 364-7 B (6)[3] stipulates the removal rates for structural best management practices (BMPs). The Applicant has not provided calculations for phosphorus or nitrogen removals. We request that the Applicant provide these calculations in accordance with referenced By-Law. ▪ Section 364-7B(8)(k) requires that design storms be based on Northeast Regional Climate Center "Atlas of Precipitation Extremes for the Northeastern United State and Southeastern Canada". The storm data used does not appear to comply with this requirement, particularly regarding the 100-year storm event. We request that the Applicant utilize the referenced data or NOAA Atlas 14 design rainfall data. 		

Applicant's Response: See above response regarding Chapter 220.

With respect to Section 364-6(M), the Project stormwater management report include an Operation and Maintenance (O&M) Plan in compliance with the MSWMS. To the extent the filing requirements of this Section exceed the requirements of the MSWMS, they are subject to waiver.

With respect to Section 364-7(B)(6)(3), the requested calculations are not required by the MSWMS. Notwithstanding, the Applicant will conduct and provide these calculations in a future filing for reference purposes.

With respect to Section 364-7(B)(8)(k), the requested data is not required by the MSWMS. Notwithstanding, the Applicant will provide this data in a future filing for reference purposes.

B+T Response: B+T will review the supplemental documentation described in the response to Chapter 364 once it is provided by the Applicant.

Town of Topsfield Chapter 368 Subdivision Regulations (All Sections)	<i>Local regulations pertaining to subdivisions of land</i>	A waiver is sought for these Regulations to the extent they may be deemed applicable to the Project, whether directly or by reference, notwithstanding the fact that the Project does not propose a subdivision of land. This waiver shall encompass any/all technical, design, construction, and performance standards; filing fees; procedural and filing requirements; and bonding, surety, guarantee requirements.
<p>B+T Comment: Understanding the Project is not a subdivision; we note the following for the benefit of the Board. Relative to this waiver request we note the following:</p> <ul style="list-style-type: none"> ▪ The single driveway only provides one means of emergency access and is greater than the 650-ft maximum length requirement for a dead-end street. We recommend that the Board solicit feedback from Topsfield Fire Department personnel relative to the adequacy of the emergency access provided. ▪ The details for concrete sidewalk do not appear complete. We request the Applicant clarify the design intent for concrete sidewalks and in accordance with Section 368-25E (1) of the By-Law. ▪ 		
<p><i>Applicant's Response: The Applicant concurs with B+T's recommendation that the Board solicit feedback from the Topsfield Fire Department and notes that Fire Chief Collins-Brown has in fact filed a written feedback letter dated February 16, 2023. The Applicant will respond separately to that letter but notes that Chief Collins-Brown did not raise any concern in her letter regarding the proposed driveway length.</i></p> <p><i>Regarding sidewalk construction details, see Civil Sheet C-4.</i></p>		
<p>B+T Response: We acknowledge the response provided by the Applicant. Regarding Topsfield Fire Department input we defer to the ongoing review process and resolution of Chief Collins-Brown comments dated February 16, 2023. Regarding the sidewalk detail on Sheet C-4, as noted, the detail is incomplete as dimensions "A" and "B" do not appear to be defined. Accordingly, we reiterate the intent of that portion of our initial comment.</p>		

Town of Topsfield Chapter 384 Wetland Regulations (All Sections), including all TCC policy statements	<i>Local regulations pertaining to wetlands; requiring a local wetlands permit from the Topsfield Conservation Commission</i>	A waiver is sought for these Regulations in their entirety, including any/all procedural and filing requirements, technical specifications, performance standards, designation of resource areas, and standards of review applicable to activities subject to these Regulations. Instead, any/all activities subject to these Regulations will be reviewed and approved under these Regulations as part of the Comprehensive Permit under M.G.L. c. 40B and 760 CMR 56.00 and any/all applicable state, federal, and unwaived local laws and regulations – including, without limitation, the Wetlands Protection Act, 310 CMR 10, as will be applied by the Topsfield Conservation Commission pursuant to its review of the Project under said Act.
B+T Comment: We note our previous commentary relative to concerns regarding blanket waivers from entire sections of the By-Law. The Applicant is seeking a blanket waiver from the Topsfield Wetlands Protection Regulations. We caution against blanket waivers from general bylaws and request that the Applicant either list or tabulate which sections of the Wetland Regulations are required for this Project.		
<i>Applicant's Response: See above response regarding Chapter 250.</i>		
B+T Response: B+T will review the supplemental waiver request described in the response to Chapter 250 once it is provided by the Applicant.		

Town of Topsfield Chapter 392 Zoning Board of Appeals Procedures (All Sections)	<i>Local procedures of the Topsfield Zoning Board of Appeals</i>	A waiver is sought for these Regulations to the extent their requirements differ from and/or impose requirements that exceed the requirements of M.G.L. c. 40B and 760 CMR 56.00.
B+T Comment: This waiver request is generally administrative. B+T does not take exception to the waiver being requested in the context of the Project as proposed.		
<i>Applicant's Response: No response provided by the Applicant.</i>		
B+T Response: We reiterate the intent of our previous comment.		

Civil Engineering Comments

Applicants Response: See forthcoming letter of DeVellis Zrein, Inc.

B+T Response: As noted by the Applicant, specific response to Civil Engineering Comments 2 through 17 have not been provided. Accordingly, B+T will review the supplemental documentation described in the response once it is provided by the Applicant. For the benefit of the Board, Civil Engineering Comments 2 through 17 are provided again herein.

2. The volume of post-development runoff to the on-site vernal pool is unclear. Stormwater runoff is being collected and discharged to the south and downstream of the vernal pool location, potentially impacting its future hydrology (hydroperiod water elevations) relative to its continuing to provide habitat. We request that the Applicant clarify the design intent and document that hydrologic impacts to the vernal pool will not occur.
3. The modeled elevations of the stormwater basin do not correlate to those depicted on the plans. We request that the Applicant revise the documentation accordingly.

4. The low flow invert on the proposed stormwater basin appears to be at elevation 85.50-feet and the bottom basin elevation is 85-feet. This would create approximately ± 0.5 -feet of ponded water which would need to be infiltrated. Additionally, the Applicant appears to claim exfiltration in the stormwater calculations. We request that the Applicant clarify if the basin is designed as a detention basin with no infiltration or will function as an infiltration basin.
5. We acknowledge the test pit information provided by the Applicant. Only one test pit was conducted within the footprint of the stormwater basin to determine the in-situ soil conditions and the estimated seasonal high groundwater elevation. Portions of the work associated with the basin appear to lie within areas mapped as hydric soil and locally jurisdictional wetland on the existing conditions plan. We request that this information be included on the design sheets. Additionally, we recommend the Applicant conduct two more test pits in accordance with Table 1B.1, Volume 2, Chapter 2 of the Handbook. Furthermore, the assumed estimated seasonal high groundwater elevation of 62-ft is not consistent with TP-9. We request that the Applicant clarify the matter and revise the modeling as necessary.
6. The post development modeling of Subcatchment PR-2 is unclear. The Tc used is 0 minutes which is inconsistent with the requirements of the Handbook. We request that the modeling be revised accordingly.
7. The Applicant does not appear to provide sizing calculations for the proposed sediment forebays. We request that the referenced calculations be provided by the Applicant.
8. We request that the Applicant provide calculations documenting that the proposed rain garden will dewater within 72-hours in accordance with the Handbook.
9. The Applicant does not appear to include off-site areas in their stormwater analysis. We request that the Applicant include a comprehensive analysis of the watershed area in their drainage analysis.
10. We request that the Applicant clarify the use and design intent for the Infiltrator Quick4 Plus Standard Detail on Sheet C-6 as it does not appear to be incorporated into the design.
11. The Applicant does not appear to provide a clear path for maintenance equipment to be able to access all sides of the proposed basin or rain garden. We request that the Applicant clarify how the proposed BMPs will be maintained.

12. The Applicant does not appear to provide 1-foot of freeboard for the proposed rain garden. We request that the Applicant clarify the design intent and revise the design accordingly.
13. The rain garden overflow is proposed to be connected to the municipal drainage system. We defer to the Topsfield DPW personnel to confirm the capacity of the system to accommodate this additional potential runoff flow.
14. The rim and invert schedule on Sheet C-2 appears to indicate that there are three pipe connections to DMH1; however, the drawing appears to indicate two connections, one from LD1 and one to FES1. We request that the Applicant clarify the design intent and revise the plans and calculations as necessary.
15. We request that the Applicant provide a secondary TSS Removal Calculation Worksheet for the treatment train discharged to the proposed rain garden documenting compliance with Standard 4 of the Stormwater Handbook.
16. The Applicant does not appear to have provided a Stormwater Pollution Prevention Plan (SWPPP) or draft SWPPP in accordance with Standard 8 of the Stormwater Handbook; however, they note that one will be prepared prior to the commencement of construction. B+T recommends that the Board consider requiring the submission of a SWPPP for the Board's review prior to construction as a potential condition of approval.
17. The Applicant does not appear to have provided a signed Illicit Discharge Statement in accordance with Standard 10 of the Stormwater Handbook. We request that the referenced documentation be provided by the Applicant.

Traffic Comments

18. Please see the "Traffic Peer Review" attached hereto provided by Chappell Engineering Associates dated January 30, 2023.

Applicant's Response: See enclosed letter of Vanasse & Associates, Inc.

B+T Response: We acknowledge the response provided by VAI as referenced herein. Chappell Engineering Associates is reviewing the documentation and will respond under separate cover and be available at the February 28th virtual public hearing.

19. Relative to the request from Chappell Engineering Associates for defined sight line triangles, with only 100-ft of frontage, we request that the Applicant document if easements will be required from abutting properties to keep the sight triangles maintained and clear of vegetation.

Applicant's Response: As can be seen on Figure 1, the sight triangle areas are contained within the Project site or the public right-of-way. As such, sight line easements are not required for the Project.

B+T Response: This comment has been adequately addressed by the Applicant. No further action is required.

Public Safety Emergency Access Comments

Applicants Response: See enclosed letter of Vanasse & Associates, Inc. and forthcoming letter of DeVellis Zrein, Inc.

B+T Response: As noted by the Applicant, specific response to Public Safety Emergency Access Comments 20 through 22 have not been provided. Accordingly, B+T will review the supplemental documentation described in the response once it is provided by the Applicant. For the benefit of the Board, Public Safety Emergency Access Comments 20 through 22 are provided again herein.

20. The Applicant does not appear to include a contiguous safety barrier or other form of deterrent between the paved parking areas and driveway and the stormwater BMPs. The proposed stormwater basin will have a maximum ponding depth of approximately ± 1.6 -ft which may be a public safety concern. We request that the Applicant extend the guardrail in the vicinity of the stormwater management BMPs to create a contiguous barrier.
21. The Applicant does not appear to provide a vehicular turning analysis indicating that emergency response vehicles can safely enter and maneuver within the proposed paved areas. We request that the Applicant provide an AutoTURN or other similar form of turning analysis to document that an emergency response vehicle can safely access and maneuver on site.
22. Understanding it is not a subdivision road, the minimum radius for a dead-end roadway cul-de-sac is 55-ft. As proposed, the turnaround radius is approximately 40-ft. We defer the adequacy of the emergency access provided to Topsfield Fire Department personnel.

Landscape Plan Comments

Applicants Response: See forthcoming letter of DeVellis Zrein, Inc.

B+T Response: As noted by the Applicant, specific response to Landscape Plan Comments 23 through 27 have not been provided. Accordingly, B+T will review the supplemental documentation described in the response once it is provided by the Applicant. For the benefit of the Board, Landscape Plan Comments 23 through 27 are provided again herein.

23. The Applicant has provided a Planting Plan (Sheet C-3) that includes a variety of deciduous and evergreen trees and shrubs, as well as herbaceous plant materials. While the plant materials specified consists of species that are commonly utilized and available in Massachusetts, some are not native to the new England area. We would encourage the Applicant to revise the plant schedule to include only plant species native to Massachusetts.
24. The Applicant does not appear to have provided a limit of clearing. We request that the Applicant clarify the extents of the Project and its effects on the existing vegetation relative to maintaining existing vegetative buffers to abutting properties. This will assist in determining whether supplemental plantings (evergreen) should be proposed to provide additional screening of the Project from abutting properties.
25. We note that the Planting Plan has been stamped by a Professional Engineer. We recommend that the Planting Plan be reviewed and stamped by a Registered Landscape Architect.
26. The Applicant has located the dumpster to the northeast of the proposed building. The dumpster appears to be enclosed with a wooden fence and various landscaping around the back and sides of the enclosure. We recommend that the Applicant confirm that the size of the dumpster to be provided is adequate to accommodate the number of residential units proposed.
27. Note 1 of the Planting Notes on Sheet C-3 states that the Existing Conditions information is reproduced from the survey prepared by Feldman Land Surveyors, whereas the Existing Conditions Plan included in the site plan set was prepared by Hancock Associates. We request that the Applicant clarify this matter.

Water Use Comments

Applicants Response: See forthcoming letter of DeVellis Zrein, Inc.

B+T Response: As noted by the Applicant, specific response to Water Use Comments 28 and 29 have not been provided. Accordingly, B+T will review the supplemental documentation described in the response once it is provided by the Applicant. For the benefit of the Board, Water Use Comments 28 and 29 are provided again herein.

29. The Applicant proposes to connect to municipal water from High Street; however, do not appear to have included information regarding the design water demand (both domestic and fire) or the sizing of the proposed water line. We defer to the Topsfield Public Works personnel relative to the available capacity to serve the Project.

30. The Applicant proposes one centrally located fire hydrant across the driveway from the building. This appears to be consistent with other similar projects and developments based on experience; however, we defer to Topsfield Fire Department personnel relative to the adequacy of the hydrant location.

Septic Comments

Applicants Response: See forthcoming letter of DeVellis Zrein, Inc.

B+T Response: As noted by the Applicant, specific response to Septic Comment 30 has not been provided. Accordingly, B+T will review the supplemental documentation described in the response once it is provided by the Applicant. For the benefit of the Board, Septic Use Comment 30 is provided again herein.

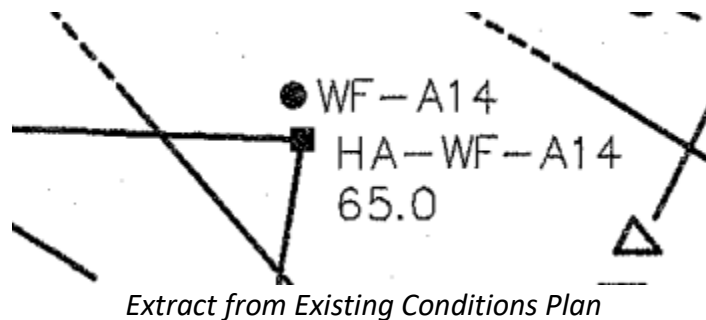
30. The Applicant proposes to use an on-site pressure distribution septic system sited directly north of the proposed building. Test pits in the area indicate that estimated seasonal high groundwater (ESHG) is conservatively less than 3-feet from existing grade (approximate ESGH elevation ± 64.3 -feet). The bottom of the proposed leaching pit appears to be approximately elevation 70.5-feet which would provide approximately ± 6.2 -foot offset to groundwater. While the general design appears to be sufficient, we note that the Applicant does not appear to have provided calculations for the design of the septic system and the various components. We request that the Applicant document the design flows and how the proposed septic system will accommodate the proposed use. We defer to the Board of Health review process.

Wetland / Natural Resources Comments

Applicants Response: See forthcoming letter of DeVellis Zrein, Inc.

B+T Response: As noted by the Applicant, specific response to Wetland/Natural Resources Comments 31 through 40 have not been provided. Accordingly, B+T will review the supplemental documentation described in the response once it is provided by the Applicant. For the benefit of the Board, Wetland/Natural Resources Comments 31 through 40 are provided again herein.

31. The WF-E Series wetland and its Buffer Zone are not depicted in the Plan except for the Existing Conditions sheet. Although we understand that it is the Applicant's intent to request a waiver from the local jurisdictional status of this resource area, we request that it be depicted on the Plan for review purposes. Given that it is referenced as a 'By-Law Hydric Soil Wetland' on the plan, we also request that the Applicant address how filling areas of hydric soil may affect the connected state jurisdictional wetlands, particularly the adjacent vernal pool.
32. We request that the Applicant include the 100- and 200-foot Riverfront Area (RFA) boundaries pursuant to the By-Law. Although we understand that it is the Applicant's intent to seek a waiver from the locally-designated perennial status of this stream, it is difficult to understand how much of the limits of work fall within this local RFA in order to appropriately assess the waiver request.
33. There appears to be some discrepancy between wetland flag locations from the various base plans referenced in the Existing Conditions plan. Some of the flags are labeled 'WETFLAG LOCATED BY HANCOCK' and others are labeled 'WETFLAG FROM BEALS PLAN' in the plan legend. The referenced 'BEALS PLAN' (Revision Date April 4, 2021) appears to contain both wetland flags located by GPS Instrumentation (by Beals Associates, Inc.) and field survey conducted by Morin-Cameron Group, Inc. Discrepancies were noted among wetland flags even where the Beals and Hancock plans both indicate the use of survey instruments. For example, WF-A14 was reported on the Beals plan to be located by field survey by the Morin-Cameron Group, Inc., and that of Hancock Associates. We request that the Applicant address the discrepancies as they relate to conflicting instrument surveys of resource area boundaries.



34. A finding of the Order of Resource Area Delineation (ORAD; MassDEP File No. 307-0776) for this Site establishes that *the A-Series and C-Series wetlands contain Vernal Pools which likely meet the MA NHESP criteria, appropriate evidence is to be gathered and submitted to NHESP for Certification.* Based on available mapping, it does not appear that the work to undertake the certification of these vernal pools has been completed. We request that the Applicant comment on the status of the vernal pool certification, and whether the Project will be subject to Standard 6 (Discharges to Critical Areas) of the MA Stormwater Handbook.
35. We request that the Applicant depict snow storage locations on the plan.
36. Off-grading for the proposed Basin is situated near a wetland, particularly with reference to Flags WF-A16A and WF-A15. We request that the Applicant investigate reshaping the basin or its off-grading to increase the distance from the wetland. Currently, the perimeter sediment controls will be situated approximately five feet from WF-A16A.
37. We request that the Applicant depict soil stockpile locations on the plan and provide notes for stockpile stabilization and perimeter controls.
38. The Erosion and Sediment Control details on Sheet C-4 include depictions of Silt Fence and Silt Soxx sediment control barriers. However, Sheet SP-1 provides notes for Haybales to be installed during construction (Notes 5 and 6). We request that the Applicant clarify the proposed erosion and sediment control plan for the Site, and we recommend that straw be considered instead of the use of hay given the risk for importing invasive species to the locus.
39. Based on B+T's January 12, 2023 site visit, it appears that many of the wetland flags have fallen or were no longer legible to correlate with the plan. Once the survey discrepancy is resolved with respect to flag locations, we recommend that flags be re-established prior to the start of work.

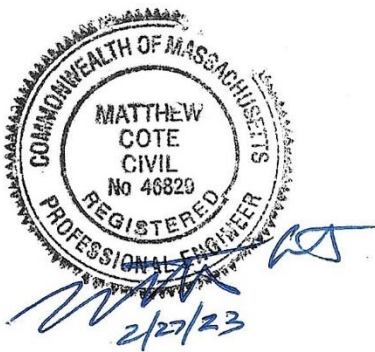
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40. We request that the Applicant consider what mitigation opportunities are available for the Project, including restoration or enhancement of resource areas within the Site or in adjoining resource areas within commonly owned property.

We thank the Board for the opportunity to assist with its review of the Project. We look forward to discussing our findings at the February 28, 2023 virtual public hearing.

Very truly yours,

BEALS AND THOMAS, INC.



Matthew Cote, PE, SITES AP, ENV SP
Senior Civil Engineer

Andrew Gorman, CESSWI
Senior Environmental Planning Specialist

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