



TOWN OF TOPSFIELD

Conservation Commission

8 West Common Street, Topsfield, Massachusetts 01983

June 29, 2023

Emerson Homes, LP
c/o The Caleb Group
270 Broadway
Lynn, MA 01904

Re: Order of Conditions #307-0832, 10 High Street, Topsfield, MA (Map 33, Lot 036A)

Dear Emerson Homes,

Enclosed is a recordable Order of Conditions (with electronic signatures) for the proposed 44-unit rental apartment development and related activities on the property at 10 High Street, including the Special Conditions that must be followed. *All 26 pages of the document, including all attachments, must be recorded at the Registry of Deeds, and proof of recording must be provided to the Topsfield Conservation Commission prior to the commencement of work on the project.*

Please read the Order of Conditions carefully. There are Conditions that must be met before any work on the project commences. Activities may not commence until the ten business-day appeal period has passed.

If you have any questions or if you need additional information, please contact me at the TCC office, 978-887-1510.

Sincerely,

Heidi Gaffney
Topsfield Conservation Administrator

Cc: The Congregational Church of Topsfield – property owner (USPS certified mail)
Ryan Roseen, Goddard Consulting, LLC (email)
DEP-NERO (efiled)
Topsfield Zoning Board of Appeals (email)
TCC file

Massachusetts Department of Environmental
Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:307-0832
eDEP Transaction #:1585401
City/Town:TOPSFIELD

A. General Information

1. Conservation Commission TOPSFIELD
2. Issuance a. ☒ OOC b. ☐ Amended OOC

3. Applicant Details

a. First Name b. Last Name
c. Organization EMERSON HOMES, LP
d. Mailing Address 491 HUMPHREY STREET
e. City/Town SWAMPSCOTT f. State MA g. Zip Code 01907

4. Property Owner

a. First Name b. Last Name
c. Organization THE CONGREGATIONAL CHURCH OF TOPSFIELD
d. Mailing Address 9 EAST COMMON STREET
e. City/Town TOPSFIELD f. State MA g. Zip Code 01983

5. Project Location

a. Street Address 10 HIGH STREET
b. City/Town TOPSFIELD c. Zip Code 01983
d. Assessors 33 e. Parcel/Lot# 36A
Map/Plat#
f. Latitude 42.64246N g. Longitude 70.94777W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
SOUTHERN ESSEX	28732	4608	278

7. Dates

a. Date NOI Filed : 10/12/2022 b. Date Public Hearing Closed: 6/14/2023 c. Date Of Issuance: 6/29/2023

8. Final Approved Plans and Other Documents

a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:

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COVER SHEET

TITLED ?NOTICE

OF INTENT,

EMERSON HOMES,

10 HIGH STREET,

TOPSFIELD,

MASSACHUSETTS?.

LIST OF

DRAWINGS:

COVER SHEET,

EXISTING

CONDITIONS PLAN

(*BY OTHERS SEE

SECOND PLAN

REFERENCE), C-1

LAYOUT AND

MATERIALS PLAN,

C-2 GRADING AND

DRAINAGE PLAN,

C-3 PLANTING

PLAN, C-4 DETAIL

SHEET, C-5 DETAIL

SHEET, C-6 SOIL

LOGS AND SEPTIC

DETAILS, SP-1

EROSION AND

SEDIMENTATION

CONTROL PLAN.

(SHEETS C-1, C-2,

C-3, C-4, C-5, C-6 &

SP-1 ? TOP TITLE

BLOCK ?EMERSON

HOMES, 10 HIGH

STREET,

TOPSFIELD, MA?)

#10 HIGH STREET,

TOPSFIELD,

MASSACHUSETTS

01983/EXISTING

CONDITIONS PLAN

OF LAND IN

TOPSFIELD, MA

DEVELLIS ZREIN
INC.

IMAD A. ZREIN, P.E. CIVIL
#37231

June 5, 2023

1" = 40'

HANCOCK
ASSOCIATES

JOSEPH M. SMALL, PLS
#45717

4/11/22

1" = 40'

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DRAINAGE REPORT AND STORMWATER MANAGEMENT PLAN, EMERSON HOMES COMPREHENSIVE PERMIT, 10 HIGH STREET, TOPSFIELD, MASSACHUSETTS LETTER, ADDRESSED TO TOWN OF TOPSFIELD CONSERVATION COMMISSION, ?RE: 10 HIGH STREET, TOPSFIELD, MA, RESPONSES TO COMMENTS?, WITH ATTACHMENTS (59 PAGES IN TOTAL) LETTER, ADDRESSED TO TOPSFIELD CONSERVATION COMMISSION, ?RE: RESPONSE TO PEER REVIEW COMMENTS TO NOI, 10 HIGH STREET, TOPSFIELD, MA (DEP FILE #307- 0832)?, WITH ATTACHMENTS	DEVELLIS ZREIN INC.	JAMES J. DEVELLIS, P.E. CIVIL #39301	March 15, 2023	N/A
	DEVELLIS ZREIN INC.	N/A	June 5, 2023	N/A
	GODDARD CONSULTING	N/A	May 18, 2023	N/A

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LETTER,
ADDRESSED TO
DODDS
SHAMROTH,
CHAIR,
CONSERVATION
COMMISSION, ?
REFERENCE:
INDEPENDENT
PEER REVIEW FOR
EMERSON HOMES,
NOTICE OF INTENT
APPLICATION
(NOI) ? MASSDEP
FILE NO. #307-
0832, 10 HIGH
STREET,
TOPSFIELD,
MASSACHUSETTS,
B+T PROJECT NO.
3425.01?, 12 PAGES
TOTAL

BEALS+THOMAS N/A

April 5, 2023

N/A

B. Findings

1.Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

a. <input checked="" type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
d. <input checked="" type="checkbox"/> Private Water Supply	e. <input type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Ground Water Supply	h. <input checked="" type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

- a. ☒ The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. ☐ The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this**

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Order.

- c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act , and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. Buffer Zone Impacts:Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). 10
a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. Land under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. c/y nourishment	<u> </u> d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. c/y nourishment	<u> </u> d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		

22.

☐ Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream crossings

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C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"
[or 'MassDEP']
File Number : "307-0832"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with

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the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) ☒ is not (2) ☐ subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
 - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
 - c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management

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BMPs and implement the Stormwater Pollution Prevention Plan.

- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHED SPECIAL CONDITIONS, 3-PAGE PLAN ATTACHMENT & 1-PAGE ATTACHMENT A

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☒ No

2. The Conservation Commission hereby (check one that applies):

a. ☐ DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. ☐ APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw _____

2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:

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E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

6/29/2023

1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

3

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

The electronic signatures below are made in accordance with M.G.L. c.110G and pursuant to the commission's electronic

Signatures: *signature authorization vote recorded on 6/18/2020 in BOOK 38624 and PAGE 313 at the Southern Essex Registry of Deeds.*

Dodds Shamroth *Dodds Shamroth*

Jennifer DiCarlo *Jennifer DiCarlo*

Andrew Mulholland *Andrew Mulholland*

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date 6/29/2023

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land

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subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

TOPSFIELD

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

TOPSFIELD

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

10 HIGH STREET

Project Location

307-0832

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Rev. 4/1/2010

**ATTACHMENT TO ORDER OF CONDITIONS ISSUED UNDER THE ACT
TOWN OF TOPSFIELD CONSERVATION COMMISSION**

TCC refers to the Topsfield Conservation Commission

DEP refers to the Massachusetts Department of Environmental Protection

Act refers to the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131, § 40

RECORD PLANS and DOCUMENTS:

1. PLANS OF RECORD:

- a. Cover Sheet titled “Notice of Intent, Emerson Homes, 10 High Street, Topsfield, Massachusetts”; Prepared by: DeVellis Zrein Inc., P.O. Box 307, Foxborough, MA 02035; Signed and Stamped by: Imad A. Zrein, P.E., Civil #37231; Dated: September 16, 2022, Revised thru June 05, 2023. List of Drawings: Cover Sheet, Existing Conditions Plan, C-1 Layout and Materials Plan, C-2 Grading and Drainage Plan, C-3 Planting Plan, C-4 Detail Sheet, C-5 Detail Sheet, C-6 Soil logs and Septic Details, SP-1 Erosion and Sedimentation Control Plan.
 - b. “#10 High Street, Topsfield, Massachusetts 01983”/“Existing Conditions Plan of Land in Topsfield, MA”; Prepared by: Hancock Associates, 185 Centre Street, Danvers, MA 01923; Signed and Stamped by: Joseph M. Small, PLS #45717; Dated: 4/11/22.
 - c. Sheets C-1, C-2, C-3, C-4, C-5, C-6 & SP-1 – top title block “Emerson Homes, 10 High Street, Topsfield, MA”; Final Revision Date for all sheets: 06/05/23.
- 2. “Drainage Report and Stormwater Management Plan, Emerson Homes Comprehensive Permit, 10 High Street, Topsfield, Massachusetts” (which includes the Operation & Maintenance Plan); Applicant: The Caleb Group/Emerson Homes; Civil Engineer, Landscape Architect & Site Planner: DeVellis Zrein Inc., PO Box 307, Foxboro, MA 02035; Signed and Stamped by James J. DeVellis, P.E., Civil #39301; Final Revision Date: Rev. March 15, 2023. **Revised O&M Plan to be submitted as required by OOC.***
- 3. Notice of Intent Booklet; Prepared by: Goddard Consulting, LLC; Dated: 10/12/2022; 145 pages total. Documents and Plans submitted in the original Notice of Intent Booklet were revised during hearing process, final revised documents supersede.**
- 4. Letter, addressed to Town of Topsfield Conservation Commission, “Re: 10 High Street, Topsfield, MA, Responses to comments”, with attachments (59 pages in total), Prepared by: DeVellis Zrein Inc.; Dated: June 5, 2023.**
- 5. Peer Review and Applicant Response:**
- a. Letter, addressed to Topsfield Conservation Commission, “Re: Response to Peer Review Comments to NOI, 10 High Street, Topsfield, MA (DEP File #307-0832)”, with attachments; From: Goddard Consulting, Dated: May 18, 2023.
 - b. Letter, addressed to Dodds Shamroth, Chair, Conservation Commission, “Reference: Independent Peer Review for Emerson Homes, Notice of Intent Application (NOI) – MassDEP File No. #307-0832, 10 High Street, Topsfield, Massachusetts, B+T Project No. 3425.01”, 12 pages total; From: Beals+Thomas; Dated: April 5, 2023.

ADDITIONAL FINDINGS:

1. This parcel *does not* include habitat of rare wildlife, *nor* does it contain *certified* vernal pools, according to the Mass GIS MassMapper online Map of Estimated Habitats of Rare Wildlife and Certified Vernal Pools, published by the Massachusetts Natural Heritage and Endangered Species Program.
2. The Notice of Intent which describes the work as “The project proposes the construction of a 44-unit rental apartment development on the property with associated driveway, parking, stormwater features, septic system, grading, and landscaping. The applicant has submitted an application pursuant to M.G.L. C. 40B comprehensive permit application to the Topsfield Zoning Board of Appeals.” (cited from #6 of NOI form), was filed on October 12, 2022, under the Massachusetts Wetlands Protection Act, MGL c. 131, §40 ONLY.
3. Resource Areas on and adjacent to the subject property includes Bordering Vegetated Wetland (BVW), potential vernal pools, and a stream known as School Brook. Portions of the work will be within DEP jurisdiction as shown in the record documents.
4. DEP online comments: “It appears that there is a portion of the 200 ft riverfront zone being impacted. No mounding analysis was included in the submittal. Stormwater basin should be moved father from VP”. The applicant’s representative answered the comments as follows: #1 (Riverfront) – “The 200’ Riverfront Area is only under the local bylaw and is considered intermittent under the WPA.”; #2 (mounding analysis) – “Another test pit within the proposed detention basin will be performed upon approval of the project and will be conducted before construction and provided to the Town.”; #3 (VP) – “The basin was moved slightly further away from the PVP”.
5. An Order of Resource Area Delineation (ORAD) 307-0776 was issued on 5/19/2021 under the Act and the Bylaw verifying resource area boundaries. Several definitions in the Bylaw vary from those in the Act, as such the ORAD verifies certain Resource Areas separately as described in the ORAD and depicted on the Plan associated with the ORAD.
6. There are two likely Vernal Pools, one contained within the A-Series wetland and one contained within the C-Series wetland. Review of the vernal pools conducted during the ANRAD process identified wood frogs and spring peepers in both vernal pools. The A-Series vernal pool was significantly more active and wood frog tadpoles were observed in the A-Series vernal pool during the review in 2020 for the ANRAD as well as the review in 2023 for the NOI.
7. The hearing was opened on October 26, 2022, at the regularly scheduled and properly posted Topsfield Conservation Commission (TCC) meeting held via Zoom videoconference. The applicant’s representatives presented an overview of the project. The commission discussed that peer review of the application is necessary. The hearing was continued to 12/14/2022, 1/18/2023, 2/8/2023, 2/22/2023, 3/8/2023, 3/22/2023, 4/12/2023 and 4/26/2023 without further discussion. During the timeframe of the continuances, peer review was set up and initiated and the applicant was also working through the ZBA process with the same peer reviewer as well. At the continuation of the hearing on 5/24/2023 the commission, the applicant’s consultants and representatives and Beals and Thomas, the peer reviewer for the TCC, discussed the project and the revisions to date in depth. Particular items discussed included the O&M plan, stormwater concerns related to the Vernal Pool/ORW and ensuring the stormwater could meet the 1” volume,

snow management and deicing chemicals, and invasive species removal/re-vegetation of the field areas. Abutter and public comments were heard. The applicant requested a continuance to the June 14, 2023 hearing to make final revisions to the plans. At the continuation on June 14, 2023, the applicant's representatives presented the revised plans and updates. The updates and revisions were discussed as well as the Operation & Maintenance Plan/Long Term Pollution Prevention Plan. The applicant requested that the TCC close the hearing. The TCC voted to close the hearing. At the June 28, 2023 TCC public meeting, the Commission reviewed the drafted Order of Conditions and voted to issue the Order of Conditions approving MA DEP #307-0832, 10 High Street, as drafted, discussed and revised during the meeting.

8. The Comprehensive Permit Application for the project has been concurrently heard by the Zoning Board of Appeals (ZBA) and there were multiple document revisions and continuances through the ZBA process.
9. The ZBA is the permitting authority for all local bylaws, including the Topsfield General Wetlands Bylaw, under the Comprehensive Permit process.
10. This Order of Conditions is issued under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40.

**PART A, SPECIAL CONDITIONS PURSUANT TO THE MASSACHUSETTS
WETLANDS PROTECTION ACT AND REGULATIONS:**

GENERAL CONDITIONS:

1. This Order of Conditions in its entirety – ALL PAGES OF THE PERMIT, INCLUDING THE WPA FORM 5, THIS 10-PAGE ATTACHMENT, 3-PAGE PLAN ATTACHMENT, AND 1-PAGE APPENDIX A (list of final documents to be recorded with the Certificate of Compliance) – shall be recorded at the Registry of Deeds or Land Court for the district in which the land is located, within the chain of title of the affected property; and **written proof of recording shall be received by the TCC prior to the commencement of any work approved in this OoC.**
2. **This Order of Conditions (OoC) authorizes the work associated with the construction of a 44-unit rental apartment development with associated driveway, parking, stormwater management, septic system, grading, landscaping, re-naturalization mitigation, and other related work as shown on the RECORD PLANS and DOCUMENTS, above, filed with the TCC, as modified during the hearing process and as conditioned herein.**
3. It is the responsibility of the Applicants to procure any and all other applicable federal, state, and/or local permits and approvals associated with this project. These permits may include but are not necessarily limited to the following:
 - a. Water Quality Certification in accordance with the Federal Water Pollution Control under authority of section 27(5) of Chapter 21 of the Massachusetts General Laws as codified in 314 CMR 9.00.
 - b. NPDES General Permit for Storm Water Discharges from Construction Activities under the U.S. Environmental Protection Agency.

- c. The Town of Topsfield – Zoning Board of Appeals (Comprehensive Permit), Board of Health (Title 5), Building Permit, etc.
4. Approval of the submitted materials that resulted in this Order of Conditions does not constitute compliance with any laws or regulations other than the Massachusetts Wetlands Protection Act, MGL Chapter 131, § 40 and Wetlands Regulations 310 CMR 10.00.
5. **In order to allow for the required appeal period, no work approved in this Order may commence until ten (10) business days have lapsed from the date of issuance of this Order.**
6. Pre-activity photos of the work areas are required. Post-activity photos will be required for the Certificate of Compliance.
7. **Any revision to the Record Plans shall be submitted to the TCC.** If the Commission/Administrator deems changes significant, but not increasing impacts, an amendment to the Order of Conditions shall be required. If impacts to Resource Area(s) would be increased, a new Notice of Intent filing shall be required.
8. Any field change shall be allowed only if deemed by the TCC/Administrator to be so minor as to result in negligible impact to any Resource Areas, including any Buffer Zone.
9. The TCC holds all contractors and employees performing work authorized by this OoC accountable for compliance with the Order's requirements. This OoC shall be included in all construction contracts dealing with The Project and **a copy of the OoC shall be on the site while any activities regulated under this OoC are being performed. The applicant and all persons involved with work on the site must read and understand this Order of Conditions.**
10. **If property title is transferred prior to obtaining a Certificate of Compliance, the TCC shall be so notified in writing and include with the notice a buyer's statement that he/she/they have read this OoC and understands that this OoC applies to a successor in interest to the property. The successor in interest to the property shall arrange an on-site conference between the TCC, himself/herself, the engineer and the contractor prior to commencement of any work remaining to be done.**
11. The TCC and the DEP have the right to enter the property to inspect and monitor compliance with this OoC until such time as a Certificate of Compliance has been issued.
12. If conditions in this Order of Conditions are in conflict, the stricter condition shall prevail.

PRIOR TO CONSTRUCTION/ACTIVITIES:

13. **Prior to the commencement of activities on this site,** the applicant shall submit an **Invasive Species Management Plan** to the TCC for review and approval.
14. **Prior to the commencement of activities on this site,** the applicant shall designate a Wetland Scientist (or other qualified environmental professional as approved by the TCC or administrator) as an **"Environmental Monitor"**. The name and contact information shall be submitted to the

TCC/Administrator. The Environmental Monitor shall inspect the site bi-weekly (once every two weeks) while construction activities occur on-site and for as long thereafter as ground remains unstabilized, the applicant shall submit a written report with photos from the Environmental Monitor to the TCC certifying that, to the best of his/her knowledge and belief based on a careful site inspection, all work is being performed in compliance with this Order of Conditions. The Environmental Monitor must visually inspect all sedimentation/erosion control measures and assume responsibility for their maintenance on a bi-weekly basis and that they are functioning as intended. In addition, all wetland resource areas must be visually inspected for siltation, turbidity, and/or other water quality impacts. The Environmental Monitor shall be on site during and/or following a major storm event of 1/2" inch of rain or greater (24-hour event) to ensure that soils remain stable, and erosion controls are adequate and secure.

15. **Prior to the commencement of any activities, there shall be a pre-activity conference onsite between the work supervisor(s) and the TCC or Conservation Administrator to inspect any sedimentation controls, confirm all pre-activity requirements have been met and to review the work details.** Please call the TCC office at 978-887-1510 at least 72 hours in advance to arrange this meeting. Prior to scheduling the Conference, the following must be completed:
- a. The OoC shall be **recorded and proof submitted** to the TCC in accordance with DEP General Condition #9 and Special Condition #A1. **The pre-activity meeting will not be scheduled until this requirement has been met.**
 - b. The Applicant(s) shall submit to the TCC **pre-activity photographs of the activity areas within the jurisdiction of the TCC.**
 - c. A copy of the NPDES **Stormwater Pollution Prevention Plan (SWPPP)** shall be submitted to the TCC for review and comment.
 - d. A final revised Operation & Maintenance Plan/Long Term Pollution Prevention Plan shall be submitted to the TCC. The SWPPP may serve as the final revised copy if appropriate, to be determined by the TCC.
 - e. The latest supplemental information, dated June 5, 2023, and listed as #4 in the Record Documents, shall be reviewed by the Peer Reviewer and confirmed to be satisfactory, particularly the updated stormwater approach to achieve treatment of first inch of run-off.
 - f. An additional test pit shall be performed within the proposed detention basin area to verify vertical separation to seasonal high groundwater with the results to be provided to the TCC. If indicated by the results, a mounding analysis shall be provided to the TCC for review.
 - g. The **DEP sign** shall be posted in accordance with DEP General Condition #10.
 - h. The **wetland boundaries shall be marked** with stakes or flags in accordance with DEP General Condition #17 and reviewed by the TCC and/or Administrator.
 - i. **Locations of erosion and sedimentation control barriers (j) shall be survey staked.**

- j. **Erosion and sedimentation control barriers/limit of work lines, consisting of minimum 12" Silt Soxx backed by trenched silt fence**, shall be installed as shown on the approved plan, at the distances shown from the wetlands. Any silt fence shall be dug in SIX (6) INCHES, backfilled, and staked every FIVE (5) FEET. Any sedimentation control sock shall be staked every five feet. **Catch basins near the site entrance shall be protected with silt sacks.** The TCC does not recommend use of hay bales due to the frequent presence of invasive plant seeds.
- k. **Limits of work** are demarcated by the sedimentation barriers, which shall remain in place and in good repair until all construction activity is complete and the TCC or the Conservation Administrator has granted authorization for their removal.
- l. There shall be at least two hundred (200) linear feet of **sedimentation control** onsite for **emergencies**.
- m. The **construction entrance** shall be installed as shown on the plans.
- n. **Trees** in close proximity to the activity areas that are to be retained shall be **protected** by boards or other protective materials fastened around the trunks.
- o. A written **construction schedule** of project activities, along with the **names, addresses, business and home phone numbers** of the project supervisor shall be submitted to the TCC prior to the commencement of work.

DURING CONSTRUCTION/ACTIVITIES:

- 16. **All contractors and their employees shall be aware of the limit of work boundaries and construction requirements of this Order of Conditions.**
- 17. **Prior to any forecast significant weather events ($\geq \frac{1}{2}$ " in 24 hours), the site contractor shall inspect all sedimentation and erosion control measures and take any necessary measures to correct deficiencies prior to the weather event.**
- 18. **Erosion and sedimentation control measures shall be employed to prevent discharge of sediments into Resource Areas beyond the sedimentation control/limit of work line.**
 - a. Site clearing, grading, and construction shall be scheduled to avoid periods of high groundwater and heavy rain.
 - b. All stockpiles of soils existing for more than one day shall be contained and managed in accordance with the approved SWPPP.
 - c. Construction/activity areas shall be stabilized at the close of each construction day.
 - d. Best Practical Measures shall be used to prevent soil erosion, including, but not limited to:
 - i. **In case of rain**, ceasing all activity that might cause soil erosion and immediately stabilizing disturbed soil with suitable mulch.

- ii. If **soil will be bare for more than 30 days**, seeding with non-invasive [esp. NO Echinochloa crus-galli – Barnyard Grass or Japanese Millet (FACU)] annual grasses.
 - iii. If **bare soils** are not at final grade and vegetated by the **30th of September** of any year, they shall be planted with a seed mix of non-invasive perennial grasses.
19. Any unexpected underground pipes, culverts or other structures encountered during site work shall be immediately reported to the TCC.
20. Fill material shall be clean in accordance with General Condition #7. The TCC shall be provided documentation indicating the origin of the fill material and upon request, any test results related to the fill material. Any excess soil shall be hauled to an appropriate offsite location.
21. **Re-Naturalization Planting Areas & Invasive Species Removal:** The re-naturalization areas shall be planted as shown on the plan sheet C-3 titled “Planting Plan”. Invasive Species Removal shall be carried out in accordance with the plan to be reviewed and approved under Condition #13.
22. NO service of equipment (e.g. fueling, changing, adding or applying lubricants or hydraulic fluid) shall take place within the 100-foot Buffer Zone or any other wetland resource areas. Equipment must be maintained to prevent leakage or discharge of pollutants. Overnight storage of equipment shall be outside of the Buffer Zone.
23. All disturbed vegetation areas shall be permanently stabilized within 30 days of final grading, using sufficient topsoil and a rapidly growing cover to assure long-term stabilization. The area shall be sufficiently mulched, and loam and seeding held in place by jute netting where necessary.
24. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. shall be contained and ultimately deposited at an approved landfill for that purpose, and shall not be incorporated in any manner into the project site. No mulch or other materials shall be placed in Wetland Resource Areas.
25. At no time shall fill or other material be placed, slump into, or fall beyond the limit of work as shown on the approved plan. The applicant shall be responsible for inspecting and maintaining all slopes and shall immediately notify the TCC if slumping, erosion, or encroachment occurs.
26. In the event of any problem that may adversely impact protected interests, emergency control measures shall be implemented immediately and the TCC shall be notified so that additional protective measures can be installed if necessary.
27. Until a Certificate of Compliance is issued, the TCC and/or Administrator shall be allowed to review the vernal pool(s) to gather evidence that meets the biological criteria for certification and to certify it if it meets the criteria.
28. Any activity that might change the water level, temperature, quality, or hydrology of any wetland resource area is prohibited.
29. Any changes in plans for the activities under this Order of Conditions shall require prior approval of the Topsfield Conservation Commission or its Administrator.

30. A minimum of five (5) - FOUR INCH by FOUR INCH (4" x 4") cedar, granite or Carsonite/similar composition posts extending TWO TO FOUR (2-4) FEET above grade, with TCC Conservation Setback markers/placards or other approved markers/placards on top, shall be installed in locations to be agreed upon by the Conservation Administrator or TCC. The posts with markers will indicate the presence of wetland resource area and buffer zone and be visible from the general limit of work (resource areas behind the posts). The posts are to be purchased by the applicant (a list of suppliers is available); the Conservation Setback markers are available from the TCC office or the applicant may purchase markers more to their preference.
31. **An Operation and Maintenance Compliance Statement** shall be submitted when the Certificate of Compliance is requested. The O&M Compliance Statement shall identify the party responsible for implementation of the Operation and Maintenance Plan and state that: the site has been inspected for erosion and appropriate steps have been taken to permanently stabilize any eroded areas; all aspects of the stormwater BMPs have been inspected for damage, wear and malfunction, and appropriate steps have been taken to repair or replace the system or portions of the system so that the stormwater at the site may be managed in accordance with the Stormwater Management Standards; future responsible parties must be notified of their continuing legal responsibility to operate and maintain the structure; and the Operation and Maintenance Plan for the stormwater BMPs is being implemented.
32. The town owned Drain Manhole just south of the proposed DMH1 shall be cleaned by the applicant prior to connection with DMH1 and shall be inspected, and cleaned again if necessary, prior to the issuance of a Certificate of Compliance.
33. The TCC reserves the right to impose additional conditions on this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.

AFTER CONSTRUCTION/ACTIVITIES:

34. Within THIRTY (30) DAYS from completion of the work under this Order of Conditions and after stabilization of soils and sufficient growth of vegetation, the applicant shall request a **Certificate of Compliance** from the Topsfield Conservation Commission. The request shall be made in writing (WPA form 8A is preferred) delivered by hand or by certified mail, and, **if there are no deviations from the Plan of construction signed by the TCC**, shall include the following:
 - a. A professional engineer's or professional land surveyor's written certification that the project was constructed in compliance with the OoC and the approved Plans,
 - b. TWO (2) sets of "as-built" plans, signed and stamped by a registered professional engineer or registered professional land surveyor,
 - c. A set of post-construction photographs showing the work areas (similar locations to pre-activity photographs), and
 - d. An O&M Compliance Statement (Condition #31).

If the project deviates from the Plan of Construction, the following shall be submitted:

- a. A professional engineer's or professional land surveyor's written identification of all deviations from the approved Plans, and their impacts on the protected interests evaluated,
- b. TWO (2) sets of "as-built" plans, signed and stamped by a registered professional engineer or registered professional land surveyor,
- c. A set of post-construction photographs showing the work areas (similar locations to pre-activity photographs), and
- d. An O&M Compliance Statement (Condition #31).

This condition does not authorize any deviation from the signed and approved Plan without prior notification and written approval of the TCC.

35. After a final inspection has been made for the Certificate of Compliance and/or after permission to remove erosion controls has been granted, all siltation control fencing and plastic sedimentation control sock shall be removed and disposed of properly. You may contact the TCC office for information about disposal of any hay bales.

36. **CONTINUING CONDITIONS:** The following conditions shall be in effect during the work activities described in this Order of Conditions and shall remain in effect following the issuance of a Certificate of Compliance:

- a. **Continued Vegetation Required:** The owner(s) shall be responsible for assuring the lasting integrity of vegetative cover on the site in order to prevent erosion, contamination, or other detrimental impact to on-site and off-site resources. Only non-invasive, preferably native, plant species are to be planted on this property within Buffer Zone areas. Additionally, no plant listed on the Massachusetts Prohibited Plant List may be planted on this property (See <https://www.mass.gov/service-details/massachusetts-prohibited-plant-list>).
- b. **Fertilizers or Pesticides:** Use of fertilizers (slow-release only) and pesticides shall be consistent with product labeling specifications and shall be in compliance with all applicable Federal and State laws and regulations. It is the responsibility of the landowner/his or her designee(s) to learn and know what plants are invasive and, thus, may be chemically treated in the Buffer Zone and what laws are relevant (e.g. need for licensed applicator).
- c. **Snow Plowing:** Snow storage and "no snow dumping" signage shall be as detailed on the plan sheet C-1 "Layout and Materials Plan".
- d. **Deicing Chemicals:** Deicing chemicals shall be as environmentally friendly as is feasible and shall be minimized and used only in the locations and amounts necessary for public safety. It is the responsibility of the owner(s)/management and snow removal contractor to keep up to date on the best alternatives currently available.
- e. **Pet Waste:** Pet waste shall be managed to facilitate proper disposal and not left on the project site.

- f. No Pollutants:** There shall be no discharge or spillage of fuel, oil, or other pollutants into any area of statutory interest including the Buffer Zone. Any accidental spill shall be reported immediately to the TCC and other appropriate authorities.
- g. Dumping Prohibited:** There shall be no dumping of leaves, grass clippings, brush, or other debris within wetland resource areas or the buffer zone.
- h. Additional Alteration Prohibited:** There shall be no additional alterations of areas under TCC jurisdiction without the required review and permit(s).
- i. All stormwater BMPs** shall be operated and maintained in accordance with the design plans and the Operation and Maintenance Plan approved by the issuing authority. The responsible party shall: maintain an operation and maintenance log for the last three years, including inspections, repairs, replacement and disposal (for disposal, the log shall indicate the type of material and the disposal location); make this log available to MassDEP and the Conservation Commission upon request; and allow members and agents of the MassDEP and the Conservation Commission to enter and inspect the premises to evaluate and ensure that the responsibility party complies with the Operation and Maintenance Plan requirements for each BMP.
- j. Operation & Maintenance Plan:** The Operation & Maintenance Plan (attached to the Certificate of Compliance) shall be adhered to and maintenance schedule logs shall be filled out and maintained on a regular basis for the required ongoing maintenance.
- k. Drainage Structures:** Regular monitoring and maintenance of onsite drainage and stormwater management structures shall be the responsibility of the property owner(s)/management and shall be maintained in accordance with the Operation & Maintenance Plan.

EMERSON
HOMES

10 HIGH STREET
TOPSFIELD, MA

GRADING AND UTILITY LEGEND

- PROPERTY LINE
- 12" DRAIN LINE
- WATER LINE
- GAS LINE
- UNDERGROUND ELECTRIC, TELEPHONE, CABLE
- PROPOSED CONTOUR LINE
- SPOTGRADE
- CATCH BASIN
- LAWN DRAIN
- FLARED END SECTION
- DRAIN MANHOLE
- OUTLET CONTROL STRUCTURE
- EROSION CONTROL BARRIER
- WATER GATE
- TAPPING SLEEVE AND GATE
- HYDRANT
- SAW CUT LINE
- TEST PIT
- PERC

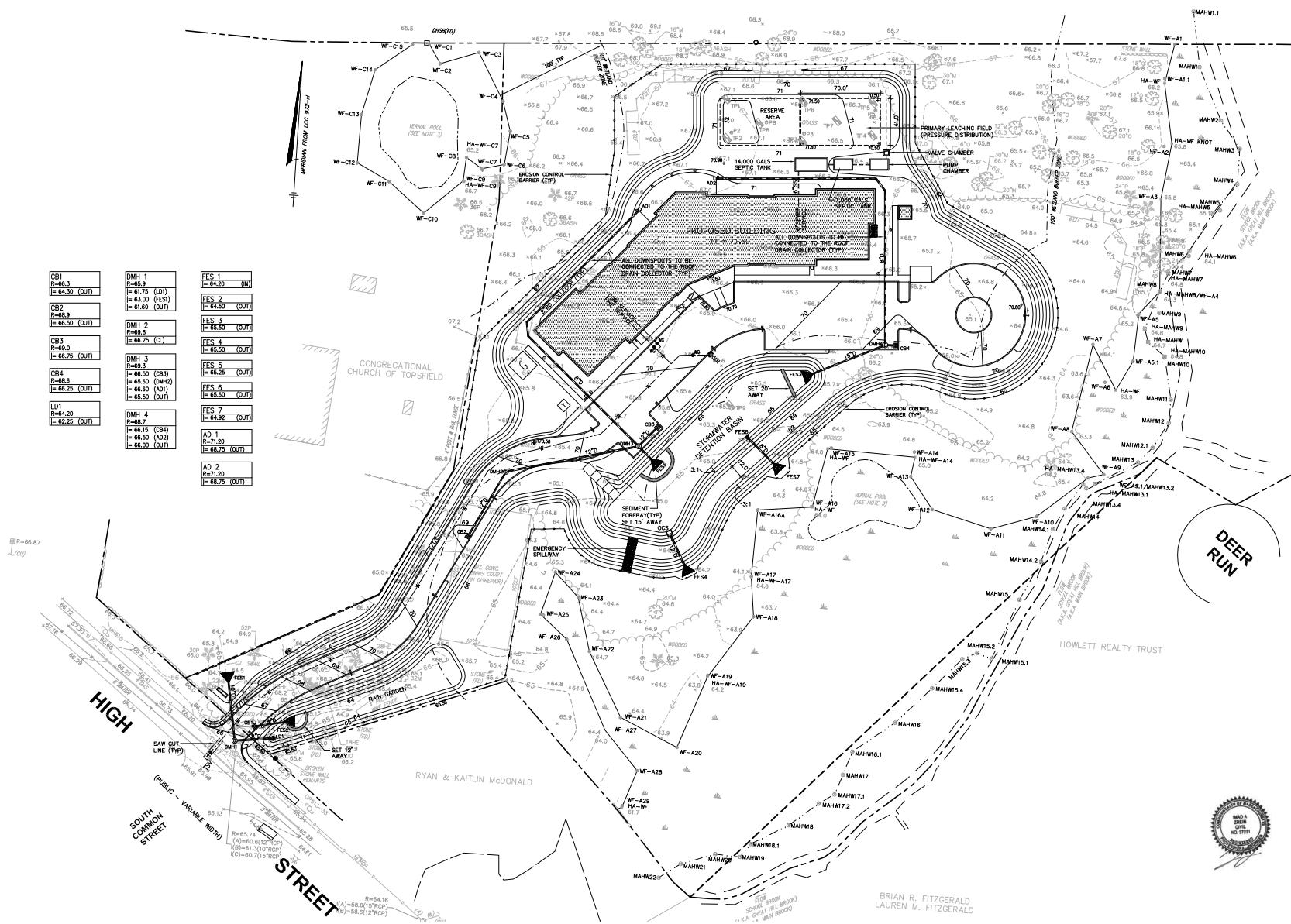
DZILand Planning, Civil Engineering,
Landscape Architecture
P.O. Box 307
Fondrenburg, MA
www.dzirealms.com
tel. 508-473-4114
DeVellis Zrein Inc.

06.05.23	PER CON. COM. COMMENTS
05.11.23	PER ZBA COMMENTS
04.19.23	PER ZBA COMMENTS
03.24.23	PER ZBA COMMENTS
03.15.23	PER ZBA COMMENTS

GRADING AND
UTILITY PLAN

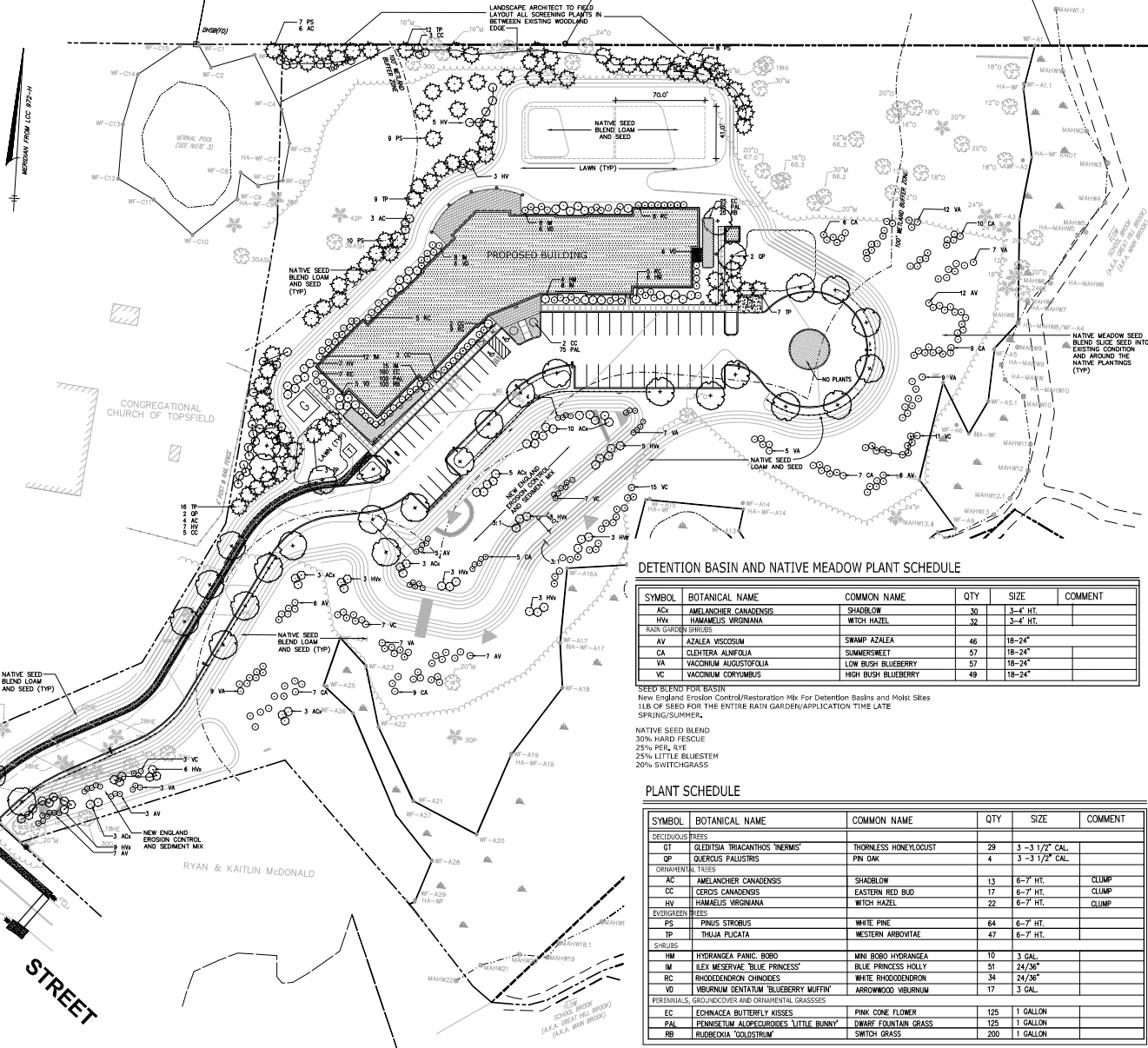
SCALE:	1" = 40'
JOB:	2615-163
TRC:	
DESIGN:	LAZ
CHECKER:	
DATE:	09/16/22

C-2



PLANTING NOTES

- EXISTING CONDITIONS INFORMATION IS REPRODUCED FROM THE SURVEY PREPARED BY HANCOCK ASSOCIATES OF DANVERS, MA AND IS DATED 4/11/22
- THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN ARE BASED ON THE SURVEY REFERENCED ABOVE. THE CONTRACTOR SHALL CONTACT DIGSAFE AND THE PROPER LOCAL AUTHORITIES OR RESPECTIVE UTILITY COMPANIES TO CONFIRM THE LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DAMAGE DUE TO FAILURE OF THE CONTRACTOR TO CONTACT THE PROPER AUTHORITIES SHALL BE BORNE BY THE CONTRACTOR.
- CONTRACTOR SHALL BEGIN MAINTENANCE IMMEDIATELY AFTER PLANTING AND WILL CONTINUE UNTIL FINAL WRITTEN ACCEPTANCE OF PLANT MATERIAL.
- LANDSCAPE ARCHITECT TO FLAG ALL TREES TO BE TRANSLANTED PRIOR TO CONSTRUCTION START.
- CONTRACTOR SHALL VERIFY ALL TREE REMOVALS AND/OR TRANSPLANTS WITH OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION START.
- CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM ALL BUILDING FOUNDATIONS, STRUCTURES, AND PLANTING BEDS.
- MAXIMUM SLOPE WITHIN DISTURBED AREAS SHALL NOT EXCEED 3:1, UNLESS OTHERWISE NOTED.
- THE LANDSCAPE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE ALL PLANTINGS SHOWN ON THIS DRAWING.
- ALL MATERIALS SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION.
- ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISH GRADE AS TO ORIGINAL GRADES BEFORE DIGGING.
- ALL PLANTS TO BE BALLED IN BURLAP OR CONTAINERIZED.
- MULCH FOR PLANTED AREAS TO BE AGED PINE BARK: PARTIALLY DECOMPOSED, DARK BROWN IN COLOR AND FREE OF WOOD CHIPS, THICKER THAN 1/4 INCH.
- PLANTING SOIL MIX: LOAM THOROUGHLY INCORPORATED WITH ROTTED MANURE PROPORTIONED 5 C.Y. TO 1 C.Y. OR EQUIVALENT. FERTILIZER ADDED PER RECOMMENDED RATES OF SOILS ANALYSIS.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE (1) FULL YEAR FROM DATE OF ACCEPTANCE.
- ALL PLANT MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT, AT THE NURSERY, AND AT THE SITE.
- ALL AREAS OF THE SITE WHICH HAVE BEEN DISTURBED AND NOT OTHERWISE DEVELOPED SHALL BE LOAMED AND SEEDED WITH A MINIMUM DEPTH OF 6" DEPTH TOPSOIL.
- PLANT SPECIES AS INDICATED IN THE PLANT LIST ARE SUGGESTIONS ONLY. FINAL SELECTION OF SPECIES SHALL OCCUR AT THE TIME OF PLANT PURCHASE, DEPENDING ON AVAILABILITY. PLANT SIZE AND QUANTITY SHALL NOT CHANGE WITHOUT APPROVAL OF OWNER'S REPRESENTATIVE.



EMERSON HOMES

10 HIGH STREET
TOPSFIELD, MA

- LEGEND**
- PROPERTY LINE
 - GROUNDCOVER / PERENNIAL PLANTING
 - SHRUB PLANTING
 - ORNAMENTAL TREE
 - EVERGREEN TREE
 - DECIDUOUS TREE



DZI Land Planning, Civil Engineering,
Landscape Architecture
P.O. Box 307
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www.dzidevzrein.com
tel. 508-473-4114

DeVellis Zrein Inc.

DATE	PER CON. COM. COMMENTS
06.05.23	PER CON. COM. COMMENTS
05.11.23	PER ZBA COMMENTS
04.19.23	PER ZBA COMMENTS
03.24.23	PER ZBA COMMENTS
03.15.23	PER ZBA COMMENTS

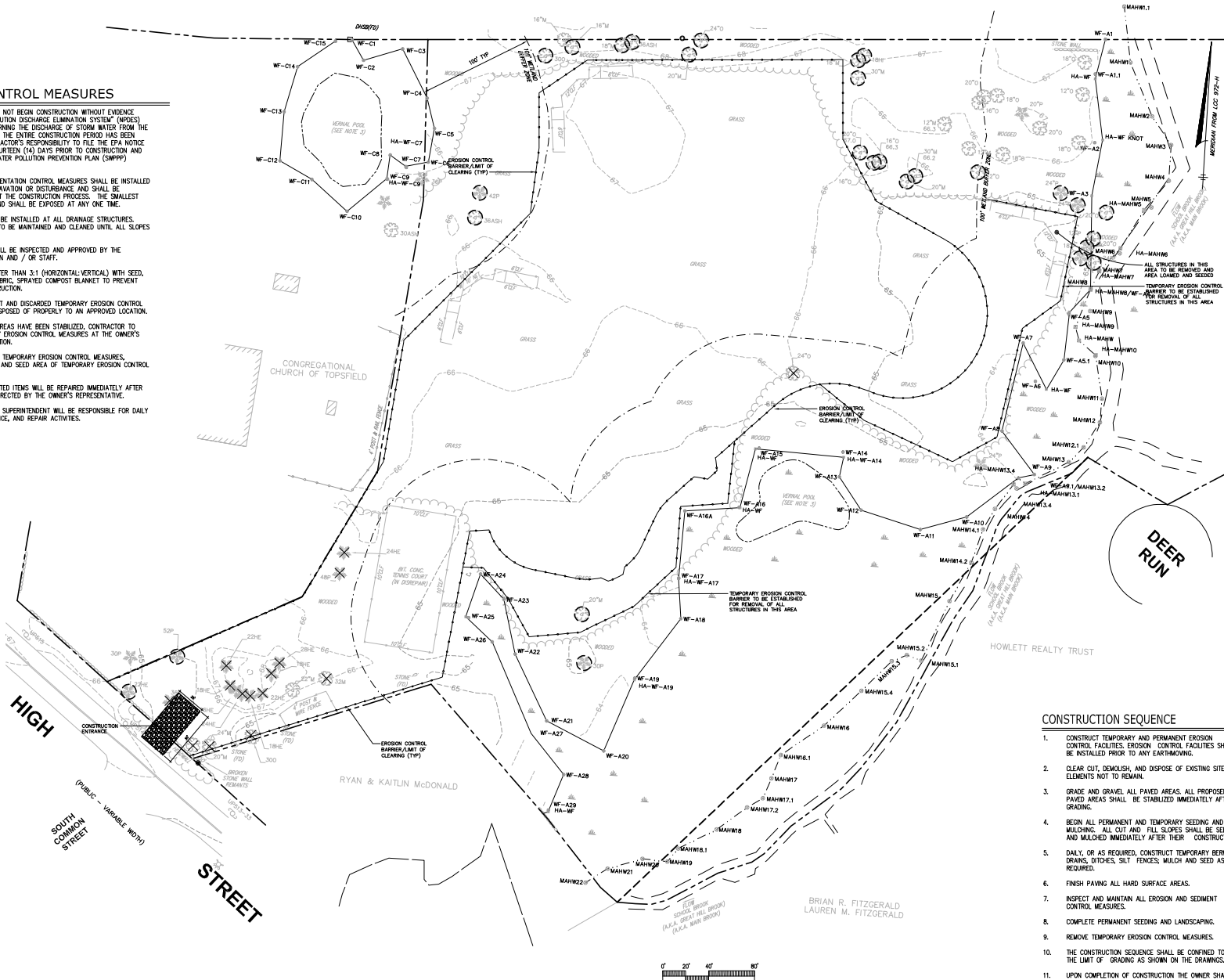
PLANTING PLAN

SCALE: 1" = 40'
JOB: 2615-163
TYP:
DESIGN: LAZ
CHECKED:
DATE: 09/16/22

C-3

EROSION CONTROL MEASURES

1. THE CONTRACTOR SHALL NOT BEGIN CONSTRUCTION WITHOUT EVIDENCE THAT A "NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM" (NPDES) NOTICE OF INTENT GOVERNING THE DISCHARGE OF STORM WATER FROM THE CONSTRUCTION SITE FOR THE ENTIRE CONSTRUCTION PERIOD HAS BEEN FILED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FILE THE EPA NOTICE OF INTENT AT LEAST FOURTEEN (14) DAYS PRIOR TO CONSTRUCTION AND TO PREPARE A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) SPECIFIC TO THE SITE.
2. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR DISTURBANCE, AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS. THE SMALLEST PRACTICAL AREA OF LAND SHALL BE EXPOSED AT ANY ONE TIME.
3. SEDIMENT TRAPS SHALL BE INSTALLED AT ALL DRAINAGE STRUCTURES. SILTATION FENCES ARE TO BE MAINTAINED AND CLEANED UNTIL ALL SLOPES HAVE BEEN STABILIZED.
4. SEDIMENT BARRIERS SHALL BE INSPECTED AND APPROVED BY THE CONSERVATION COMMISSION AND / OR STAFF.
5. STABILIZE SLOPES GREATER THAN 3:1 (HORIZONTAL:VERTICAL) WITH SEED, SECURED GEOTEXTILE FABRIC, SPRAYED COMPOST BLANKET TO PREVENT EROSION DURING CONSTRUCTION.
6. ALL COLLECTED SEDIMENT AND DISCARDED TEMPORARY EROSION CONTROL MATERIALS SHALL BE DISPOSED OF PROPERLY TO AN APPROVED LOCATION.
7. AFTER ALL DISTURBED AREAS HAVE BEEN STABILIZED, CONTRACTOR TO REMOVE ALL TEMPORARY EROSION CONTROL MEASURES AT THE OWNER'S REPRESENTATIVES DIRECTION.
8. AFTER THE REMOVAL OF TEMPORARY EROSION CONTROL MEASURES, CONTRACTOR TO GRADE AND SEED AREA OF TEMPORARY EROSION CONTROL MEASURE.
9. DAMAGED OR DETERIORATED ITEMS WILL BE REPAIRED IMMEDIATELY AFTER IDENTIFICATION OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
10. THE CONTRACTOR'S SITE SUPERINTENDENT WILL BE RESPONSIBLE FOR DAILY INSPECTIONS, MAINTENANCE, AND REPAIR ACTIVITIES.



EMERSON HOMES

10 HIGH STREET
TOPSFIELD, MA

LEGEND

- PROPERTY LINE
- SILT SOCK WITH EMBEDDED SILT FENCE
- EXISTING TREE TO BE PROTECTED DURING CONSTRUCTION
- EXISTING TREE TO BE REMOVED
- CONSTRUCTION ENTRANCE
- CATCH BASIN SILT SACK



CONSTRUCTION SEQUENCE

1. CONSTRUCT TEMPORARY AND PERMANENT EROSION CONTROL FACILITIES. EROSION CONTROL FACILITIES SHALL BE INSTALLED PRIOR TO ANY EARTHMOVING.
2. CLEAR CUT, DEMOLISH, AND DISPOSE OF EXISTING SITE ELEMENTS NOT TO REMAIN.
3. GRADE AND GRAVEL ALL PAVED AREAS. ALL PROPOSED PAVED AREAS SHALL BE STABILIZED IMMEDIATELY AFTER GRADING.
4. BEGIN ALL PERMANENT AND TEMPORARY SEEDING AND MULCHING. ALL CUT AND FILL SLOPES SHALL BE SEED AND MULCHED IMMEDIATELY AFTER THEIR CONSTRUCTION.
5. DAILY, OR AS REQUIRED, CONSTRUCT TEMPORARY BERMS, DRAINS, DITCHES, SILT FENCES, MULCH AND SEED AS REQUIRED.
6. FINISH PAVING ALL HARD SURFACE AREAS.
7. INSPECT AND MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES.
8. COMPLETE PERMANENT SEEDING AND LANDSCAPING.
9. REMOVE TEMPORARY EROSION CONTROL MEASURES.
10. THE CONSTRUCTION SEQUENCE SHALL BE CONFINED TO THE LIMIT OF GRADING AS SHOWN ON THE DRAWINGS.
11. UPON COMPLETION OF CONSTRUCTION THE OWNER SHALL AGREE TO MAINTAIN AND CLEAN ALL DRAINAGE STRUCTURES ON A YEARLY BASIS.

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DeVellis Zrein Inc.

06.05.23	PER CON. COM. COMMENTS
05.11.23	PER ZBA COMMENTS
04.19.23	PER ZBA COMMENTS
03.24.23	PER ZBA COMMENTS
03.15.23	PER ZBA COMMENTS

SEDIMENTATION AND EROSION CONTROL PLAN

SCALE: 1" = 40'
JOB: 2615-163
TYP: 1/2"
DESIGN: LAZ
CHECKER:
DATE: 05/16/22

SP-1

APPENDIX A

Documents to be Recorded with the Certificate of Compliance:

- a. Final As-Built Plan(s) reviewed and approved in conjunction with the issuance of the Certificate of Compliance
- b. The approved final revised Operation & Maintenance Plan/Long Term Pollution Prevention Plan required by Special Condition #15d. of the Order of Conditions
- c. Approved Invasive Species Management Plan required by Special Condition #13 of the Order of Conditions