

DEVELLIS ZREIN INC.

Land Planning . Civil Engineering

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March 15, 2023

Mr. Robert Moriarty, Chair
Town of Foxboro Zoning Board of Appeals
c/o Ms. Lynne Bermudez
Town of Topsfield, Town Hall
8 West Common Street
Topsfield, MA 01986

Via: email to lbermudez@topsfield-ma.gov

Re: Emerson Homes, LP (Chapter 40B Comprehensive Permit Application)
10 High Street, Topsfield MA
Update to peer review comments received

Dear Mr. Moriarty and the Members of the Zoning Board of Appeals,

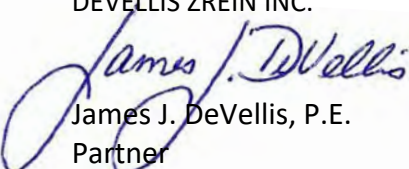
On behalf of Emerson Homes, LP for the above referenced project, DeVellis Zrein Inc. (DZI) is pleased to respond to the Civil Engineering and Landscape Architectural review comments received in the February 27, 2023 Beals + Thomas peer review letter.

In summary, some of the initial review comments have been addressed by the Applicant's attorney and re-commented on by Beals + Thomas. For ease of review and clarity, just the un-responded items on the Beals + Thomas comment letter is provided below. The comments are shown in *grey text*. The responses are shown in **bold black text**.

Accompanying this response letter are revised Site Plans and Drainage Report dated March 15, 2023.

Thank you very much for your continued assistance. If you have any questions, please do not hesitate to email me at jim@develliszrein.com or call me at 781 771 8104.

Sincerely,
DEVELLIS ZREIN INC.



James J. DeVellis, P.E.
Partner

Topsfield Zoning Bylaw Article IX (all sections), including guidelines set forth at Appendix ZA:1 (all sections)	<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>	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>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.

DZI Response: A photometric study plan has been added as well as the electric service(ETC) to the building on Plan C-2

<p>Town of Topsfield Bylaws Chapter 220 Stormwater Management (All Sections), including Stormwater and Erosion Control Regulations of the Planning Board</p>	<p><i>Local regulations pertaining to stormwater management and erosion control; requiring a stormwater management permit from the Planning Board</i></p>	<p>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.</p>
<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 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.</p>		

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.

DZI Response: The Topsfield Stormwater Management and Erosion Control Regulations have been reviewed and incorporated into the project. A waiver for the following is requested:

R:7.0 POST DEVELOPMENT STORMWATER MANAGEMENT CRITERIA

Recharge

(5.)(i): The rooftop contributing area to any one discharge location cannot exceed 1000 sq. ft

(5.)(ii) The contributing length of a rooftop to a single discharge location cannot exceed 75 ft.

Water Quality Volume

(7.)(a): The rooftop contributing area to any one discharge location cannot exceed 1000 sq. ft

(7.)(b): The contributing length of a rooftop to a single discharge location cannot exceed 75 ft.

Reason for waiver and summary of proposal to address the intent:

1,000 sq.ft. rooftop requirement: The rooftop is 20,000 sq ft in area and is collected into one single stormwater mitigation basin that exceeds all of the DEP and other town regulatory requirements with efficiency with respect to function and future maintenance. Meeting the 1,000 sq ft limit requirement would require 10 separate areas of mitigation resulting in expanded disturbance, less efficiency and unnecessary potential for failure over time.

75 ft. length of rooftop: The building is 350 feet long and is pitched. The 75 foot roof limitation per discharge location would require 10 separate discharge locations for a pitched roof 350 long. For the same reasons above, the proposed design offers superior stormwater mitigation with respect to disturbance, peak and volume attenuation and long term maintenance with this design.

The list of waivers is also currently under review by the Applicant's attorney and this list may be adjusted prior to the next scheduled meeting. This list does not address non-engineering items such as administration, fees and other related items addressed at the state level process.

Responding the specific B+T comments above, the Operation & Maintenance plan in the report has been modified to add more detail required by the local regulations, TSS removal calculations have been provided within the drainage report, Phosphorus compliance is met by meeting the DEP requirements per local bylaw, the higher stormwater rainfall data has been implemented in the design,

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>		
<p>DZI Response: The concrete detail has been clarified</p>		

<p>Town of Topsfield Chapter 384 Wetland Regulations (All Sections), including all TCC policy statements</p>	<p><i>Local regulations pertaining to wetlands; requiring a local wetlands permit from the Topsfield Conservation Commission</i></p>	<p>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.</p>
<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 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.</p>		
<p><i>Applicant's Response: See above response regarding Chapter 250.</i></p>		
<p>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.</p>		
<p>DZI Response: The Topsfield Wetlands Protection Regulations have been reviewed and incorporated into the project. A waiver for the following is requested:</p> <p>R:10-2 DEFINITIONS Reason: The project is following the Wetlands Protection Act, 310 CMR 10</p> <p>R: 10-3 IDENTIFICATION OF RESOURCE AREAS PROTECTED Reason: The project is following the Wetlands Protection Act, 310 CMR 10</p> <p>R: 10-3 P(1010) #5. All soils stored at the construction site for greater than 24 hours shall be covered with water proof tarpaulin or equivalent rainwater protection. <u>Reason for waiver and summary of proposal to address the intent:</u> The contractor with assistance from DZI will prepare a SWPPP/NPDES program for addressing stockpiles that will be more effective and manageable than providing plastic atop stockpiles. The proposed protection plan will include specific stockpile locations, means and methods to address silt and erosion through approved methods such as additional erosion control lines, monitoring,</p>		

reporting and temporary seeding if necessary to avoid large areas of plastic that will not effectively address the situation properly.

R:10-16 P(1025) DOCUMENTATION OF PROJECT PROPOSAL AND ACTS

- (1.b) ...shade cuts and fills distinctly and provide representative cross sectional views.
- (2.bii) Plans showing ... cross sections and profiles of all proposed drainage system components
- (2.d) Construction Implementation Phase.
- (2.e) Monitoring Plan
- (2.f) other information required on a case-by-case basis

Reason for waiver and summary of proposal to address the intent:

The contractor with assistance from DZI will prepare a SWPPP/NPDES program for addressing the means and methods of construction related items. Items such as cut and fill analysis, cross sections of wetland resources that are not within the project limit of disturbance cross sections and profiles are excessive for this project. The design plans show structure charts, callouts of inverts, structure rims and pipe sizes.

R:10-16 P(1045) REGULATIONS

- (2) Building structures shall have drip trenches.

Reason for waiver and summary of proposal to address the intent:

All roof area will be piped to the detention basin and not allowed to drop at the foundation edge. Drip trenches are not necessary. A drip edge is intended to protect water from sheeting from the roof and causing erosion and this is avoided entirely by a piped system that collects, diverts and mitigates all the roof runoff in the basin.

The list of waivers is also currently under review by the Applicant's attorney and this list may be adjusted prior to the next scheduled meeting. This list does not address non-engineering items such as administration, fees and other related items addressed at the state level process.

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.

DZI Response: A separate analysis for the existing and proposed contributory runoff areas and peak rates to the potential vernal pool has been provided in the drainage report as requested. The design intent is not to dry up or flood that area by maintain flows. A second outlet pipe has been added from the treated basin to flow towards the pool area it to maintain the flows.

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.

DZI Response: The typo on the outlet control structure detail on Plan C-5 has been changed.

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.

DZI Response: The detention basin is modelled as a detention basin that has capabilities of providing infiltration as the basin detains the stormwater. This is indicated on the HydroCad model.

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.

DZI Response: Eight test pits were performed for the septic system and five borings were performed within the building area in addition to the detention basin test pit. All testing indicates identical conditions. Understanding that one more test pit is required for the basin, we respectfully request that this test pit be a condition of approval and performed prior to construction with the results provided to the town.

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.

DZI Response: The Tc was changed to 6 minutes

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.

DZI Response: Three sediment forebay calculations have been added to the Drainage Report.

8. We request that the Applicant provide calculations documenting that the proposed rain garden will dewater within 72-hours in accordance with the Handbook.

DZI Response: Calculations have been added showing the rain garden will dewater within 72 hours.

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.

DZI Response: There are two offsite areas that are tributary to the site. Area 1 is the side yards of the neighboring homes, located to the north of the site. This area drains to the site and is tributary to existing drainage area EX-1 and EX-2 and is tributary to DP-1 and DP-2 respectively. The proposed conditions maintain an existing ridge that splits the runoff from this off-site area and directs it to DP-1 and DP-2, similar to the existing conditions. The net impact of this off-site area is considered to be neutral, as it relates to the site stormwater design and therefore it is not included in the calculations. Area 2 is located to the southwest of the site. The runoff from this area enters the site via a small swale and terminates at an existing headwall that is located within the proposed site entry drive and enters the High Street drainage system. The

proposed conditions collect the runoff from the existing swale via a flared end and carries it to High Street drainage system, similar to the existing conditions and therefore this off-site area has a neutral impact on the site drainage system.

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.

DZI Response: The Infiltrator Quick4 Plus is for the septic system leaching field. Final design will be submitted to the Board of Health for review.

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.

DZI Response: A clear path has been added to the basin (from the parking lot) and rain garden (from the sidewalk) to provide access and maintenance.

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.

DZI Response: The freeboard has been modified to be 1 ft and spot grades added to the plan to show this.

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.

DZI Response: The Applicant concurs. No further response required.

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.

DZI Response: There are 3 pipes associated with DMH1 as the DMH1 is provided over an existing pipe. The 3rd pipe originates from the existing DMH located in proximity on High Street.

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.

DZI Response: An additional TSS Removal Calculation Worksheet has been added to include the rain garden.

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.

DZI Response: The Applicant concurs. The project will require a NPDES / SWPPP under federal law and the contractor can provide the plans and permit to the town.

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.

DZI Response: The illicit Discharge Statement was included within the Drainage Report and a signature has now been added as noted.

Public Safety Emergency Access Comments

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.

DZI Response: The guard rail has been modified to be constructed between the down slopes of the basins near paved vehicular areas posing perceived risk.

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.

DZI Response (#17 & #18): A turning template plan was previously prepared at the entrance. This plan has been updated to include full access into the site, around the cul-de-sac and returning out of the site (attached to letter).

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.

DZI RESPONSE: Modifications to the plan were made to address your suggestion. All plants with the 100' Buffer zone, Riparian zones and stormwater management areas are native. All seed blends are native. The entire plant pallet is 85% native, typically LEED certification requires 60%. Adaptive Honey locust trees are proposed to be used as street trees and parking lot trees. They provide diaphanous shade and do not have a root structure that invade and damage curbs, sidewalks and parking areas. Adaptive hydrangeas and Rhododendron are proposed at the foundation of the building. These plants although are not native they are not invasive and are accepted adaptive plants commonly used in 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.

DZI RESPONSE: SP-1 indicates "EROSION CONTROL BARRIER" pointing to silt soxx embedded with silt fence which is the limit of disturbance. Additional clarification has been added to the SP-1 plan referring it as LIMIT OF CLEARING/ EROSION CONTROL BARRIER.

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.

DZI RESPONSE: An RLA stamp will be provided on the plan in addition to a PE stamp.

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.

DZI RESPONSE: The pad is (19' wide x14' deep) which can easily accommodate two side by side 10-yard commercial dumpsters or combination of various trash and recycle scenarios for this development.

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.

DZI RESPONSE: The note has been revised to reference Hancock Survey.

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.

DZI Response: Agreed. This will be coordinated with the Topsfield DPW.

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.

DZI Response: Agreed. The project will adhere to the Topsfield fire department's requirements.

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.

DZI Response: The Topsfield Board of Health will be reviewing the septic system plans and calculations in accordance with the regulations and no waivers are expected.

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.

DZI Response: For clarity, a second plan has been provided (Plan C-2A) that shows the requested resource lines and local jurisdictional buffers in context to the design for reference.

The hydric soil/topsoil within construction areas will be removed. These areas are at the edge of the buffers and will not impact the resource areas.

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.

DZI Response: For clarity, a second plan has been provided (Plan C-2A) that shows the requested lines and buffers in context to the design for reference.

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.

DZI Response: Hancock Associates was asked to respond to the question above and this response was provided for consideration: "With the field surveys being 1-2 years apart from each other, there could be many reasons why there are discrepancies in the locations of the flags. A few reasons why they could differ being: site conditions possibly made some of them more difficult to see; they've moved over the years due to weather or tree growth; maybe someone found a flag on the ground and re-tied it to a tree. It's hard to say exactly why there is a difference between them. Many of the flags we located are reasonably close to the locations by Morin-Cameron. In the end, what we portrayed for the Bordering Vegetated Wetland (BVW) and associated buffer lines was from wetland flags locations from the prior plan and anywhere we located a flag in-common, we held our location of the flag to control."

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.

DZI Response: No survey of the two potential vernal pools has taken place to verify biological evidence. The applicant's wetland consultant will survey these two areas during the 2023 breeding season (between late March to late April) to determine if these areas meet the biological criteria for certification. It is currently unknown if these potential vernal pools will meet the criteria for certification and therefore unknown if the project will be subject to Standard 6.

35. We request that the Applicant depict snow storage locations on the plan.

DZI Response: Snow storage locations have been added to Plan C-1 plan and all areas are outside of the 100-foot BVW buffer.

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.

DZI Response: The basin has been reshaped as suggested.

37. We request that the Applicant depict soil stockpile locations on the plan and provide notes for stockpile stabilization and perimeter controls.

DZI Response: All stockpile areas will be within the Limits of Disturbance shown on Plan SP-1. The means and methods of construction will be addressed by the contractor within the NPDES/SWPPP process and provided to the town as suggested.

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.

DZI Response: Haybales are not proposed. Silt Soxx and Silt Fence will be clarified in the notes.

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.

DZI Response: No objection to the wetland flags being reestablished prior to construction.

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.

DZI Response: Substantial planting has been designed to screen the project from the abutters, but also screen and separate the wetlands from the project. Mitigation in these areas is not proposed as the areas outside of the limit of disturbance will be allowed to continue to renaturalize as has been occurring since disuse of the baseball fields.

