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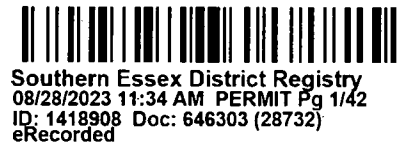
TOWN OF TOPSFIELD
Zoning Board of Appeals
8 West Common Street
Topsfield, MA 01983

Mary G. Willis
Topsfield Town Clerk

08-15-2023
Date

DECISION ON APPLICATION FOR COMPREHENSIVE PERMIT
G.L. c. 40B, §§ 20-23

APPLICANT: Emerson Homes, L.P., c/o The Caleb Group ("Applicant")
PROPERTY: 10 High Street, Topsfield, MA (the "Property")
ASSESSORS' MAP: Assessors' Parcel 33-36-A
DEVELOPMENT NAME: Emerson Homes
DATE: July 25, 2023



I. PROCEDURAL HISTORY

1. An application for a Comprehensive Permit was submitted by Emerson Homes, L.P. ("Applicant") to the Town of Topsfield Zoning Board of Appeals (the "Board") on September 26, 2022. The Applicant proposed to construct 44 multifamily rental units to be located on property located at 10 High Street in Topsfield, Massachusetts ("Project").
2. The Board's hearing on this Comprehensive Permit application was conducted in nine (9) sessions opening on October 25, 2022, and continued to November 22, 2022, December 27, 2022, February 28, 2023, March 28, 2023, April 25, 2023, May 24, 2023, June 27, 2023, at which time the hearing was closed and July 25, 2023, at which time the decision of the Board was finalized and approved. In addition to the hearings, a site visit was conducted on December 8, 2022. All submittals concerning the Project and are on file in the office of the Board and incorporated herein. All waivers requested and votes taken are listed on Exhibit A and incorporated herein.
3. The Project is located at 10 High Street, Topsfield, Massachusetts and is identified on Topsfield Assessor's Map 33, Parcel 36-A ("Property" or the "Site").

A TRUE COPY
ATTEST: Mary G. Willis
TOWN CLERK
TOPSFIELD, MA 01983

Property: 10 High Street, Topsfield, MA
Title: Book 4608, Page 278 (Recorded); Document 90486, Certificate of Title 28732 (Registered)

4. The Property is located in the CR Zoning District. Nearby uses consist of residential and commercial uses, including the Joyful Noises Preschool located directly abutting the Property.
5. The Property consists of approximately 12.410 +/- acres.
6. The Applicant provided certain plans, materials, reports, and revised plans during the course of the public hearing on the Application. During the public hearing, the Applicant was represented primarily by its attorney, Jesse D. Schomer, Esq., Suzanne Decavele of The Caleb Group, David Levy of Community Square Associates LLC (Project financial consultant), as well as its civil engineering and landscape architecture consultants (DeVellis Zrein, Inc.), architects (DMS Design LLC), and traffic consultants (Vanasse & Associates, Inc.).
7. The Board utilized the services of Beals + Thomas, Inc. ("B+T") for civil engineering, stormwater, and traffic peer review, the latter of which was conducted by subcontractor Chappell Engineering Associates, LLC. Paul J. Haverty, Esq. of Blatman, Bobrowski, Haverty & Silverstein, LLC also advised the Board as its technical consultant through the Massachusetts Housing Partnership (MHP) Technical Review program. Town Counsel George Pucci of KP Law was present for all meetings and assisted the Board throughout the hearing process. B+T filed four (4) peer review feedback letters dated February 3, 2023, February 27, 2023, March 23, 2023, and April 14, 2023. Copies of these letters are on file with the Board.
8. The Board requested and heard input from Town officials throughout the hearing process, including written comment letters from the Topsfield Fire Department, Conservation Commission, Board of Health, Council on Aging, Water Department, and Historical Commission. Copies of these letters are on file with the Board.
9. The Board also heard input from Topsfield residents and other interested persons both in written correspondence filed with the Board and in oral testimony at public hearings. Copies of written correspondence are on file with the Board.
10. In response to feedback and requests from the Board's peer review consultants, the Applicant submitted revised engineering plans and drainage report on March 15, 2023, and further revised engineering plans on March 24, 2023 and May 17, 2023. These revised submittals contained minor project revisions principally relating to the Project's stormwater management systems and roadway. By letters of those same dates, as well as letters from counsel dated February 21, 2023 and April 21, 2023, the Applicant's representatives provided written comments to the

Board's peer review consultants' feedback letters. Copies of these letters are on file with the Board.

11. The following Board members were present at all of the meetings referenced above during the entire public hearing process: Robert Moriarty (Chair), David Merrill (Clerk), Jody Clineff, David Moniz, and Kristin Palace (alternate). Member Gregor Smith attended all prior meetings, but was not able to be present at the July 25, 2023 meeting and Member Palace participated as the fifth member of the Board.
12. An application for a Comprehensive Permit was submitted by Emerson Homes, L.P. ("Applicant") to the Town of Topsfield Zoning Board of Appeals (the "Board") on September 26, 2022. The Applicant proposed to construct 44 multifamily rental units to be located on property located at 10 High Street in Topsfield, Massachusetts ("Project").
13. During the public hearing, there was significant public input. The Board heard input from abutters and other interested persons throughout the hearing process.

II. JURISDICTIONAL FINDINGS

14. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
 - a. The Applicant is a limited liability company, and has indicated in its application that it will conform to the limited dividend requirements of G. L. 40B, §§ 20-23, thus establishing it is a limited dividend entity. The Applicant has a principal address of 491 Humphrey Street, Swampscott, MA 01907.
 - b. The Applicant has received a written determination of Project Eligibility from the Department of Housing and Community Development dated September 15, 2022 under the Low Income Housing Tax Credit program, a copy of which was provided to the Board with the original application.
 - c. The Applicant provided an Option to Purchase dated May 18, 2021 between The Congregational Church of Topsfield (the "Seller") and Caleb Development Corporation (the "Buyer"). The Applicant is a related entity of the Buyer, and the Buyer will transfer its rights to the Option to Purchase to the Applicant prior to commencement of construction of the Project. The Subsidizing Agency determined that the Applicant has site control to pursue a comprehensive permit as part of its Project Eligibility

Letter. Pursuant to 760 CMR 56.04(6), this determination is conclusive as to the issue of site control.

- d. The Applicant has agreed to execute a Regulatory Agreement that limits its annual distributions in accordance with G. L. c. 40B and the regulations (760 CMR 56.00 et seq.) and guidelines adopted thereunder by EOHLC.
15. The Town of Topsfield ("Town") did not meet the statutory minima set forth in G. L. c. 40B, § 20 or 760 CMR 56.03(3) to 56.03(7) at the time the original application was filed.
- a. At the time of the filing of the Application, the number of low or moderate income housing units in the Town constituted 8.67% of the total year-round housing units in the Town, based on the Massachusetts Executive Office of Housing and Livable Communities ("EOHLC") Subsidized Housing Inventory, dated September 16, 2022. Thus, the Town does not meet the ten percent (10%) statutory minimum.
 - b. The Town does not qualify for a Housing Production Plan safe harbor pursuant to 760 CMR 56.03(4)(f), because it does not have a Housing Production Plan approved by the Department of Housing and Community Development, nor did the Board provide notice to the Applicant of any safe harbor claims on this pursuant to 760 CMR 56.03(8) within fifteen (15) days of the opening of the public hearing on this application.
 - c. The granting of this Comprehensive Permit will not result in the commencement of construction of low or moderate income housing units on a site comprising more than three tenths of one percent of land area in the Town or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.
 - d. The Town has not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).
 - e. The Project as originally submitted does not constitute a Large Project pursuant to 760 CMR 56.03(6).
 - f. The Applicant's Comprehensive Permit Application does not constitute a Related Application pursuant to 760 CMR 56.03(7).

III. FACTUAL FINDINGS

Location of Project

16. The Site is located in the CR Zoning District, a single-family district that requires a minimum lot area of 20,000 square feet for one detached single-family dwelling.
17. The Site is located near the corner of High Street and Main Street, and a short distance westerly from the intersection of High Street and Massachusetts Route 1. It is in close proximity to numerous local amenities in the Village and Highway Business zoning districts, including shops, parks, and recreational areas, Topsfield Town Hall and other Town offices, schools, public library, Post Office, and places of worship. The remainder of the surrounding area consists primarily of single-family homes.
18. The Property consists of a single parcel totaling 12.4 acres and contains several disused playing fields, a tennis court, and related structures, all of which are in a state of general disrepair. The rear of the site is wooded, with School Brook and associated wetlands resources running through the site.
19. The Board engaged in review of potential civil engineering, site design, traffic, stormwater and floodplain impacts of the Project.
20. The Project will connect to the Topsfield municipal water system and will also be served by an on-site Title V compliant septic system located on the Property.
21. Approximately eleven percent (11%) of the Property will be covered by impervious surface post-development, while the amount of the Property that will remain pervious surface is eighty-nine percent (89%).
22. Stormwater management has been designed to be in compliance with the Mass Stormwater management standards in accordance with 310 CMR 10.05(6)(k) through (q) and defined in detail in the MassDEP Stormwater Management Handbook. The system incorporates best management practices (BMP's) to facilitate total suspended solids (TSS) removal, infiltration and detention of stormwater flows.
23. The Project, as conditioned herein, will help address the lack of affordable age-restricted rental units in the Town.
24. The Board finds that the conditions imposed in Section IV of this Decision are necessary in order to address Local Concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such

conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.

25. The Board finds that granting certain waivers from local by-laws and regulations is acceptable even though granting waivers may have an adverse impact on Local Concerns.
26. The Board acknowledges concerns raised by abutters and other interested parties about the Project's potential incompatibility with nearby uses, particularly relating to traffic and parking impacts. The Board has addressed these concerns by the imposition of appropriate conditions. The Board further finds that the conditions detailed below appropriately address these matters of Local Concern in a manner that outweighs the regional need for affordable housing. The Board finds that the conditions imposed below address local and regional housing needs while properly protecting valid issues of local concern.
27. The Board finds that the construction of the Project, as conditioned, will be consistent with local needs.

IV. CONDITIONS

A. **General**

- A.1 The holder of this Comprehensive Permit is Emerson Homes L.P. The Property is defined as the property located at 10 High Street, Topsfield, Massachusetts, shown on a plan entitled "Site Development Plans, Comprehensive Permit Application" prepared for Emerson Homes, 10 High Street, Topsfield, Massachusetts, dated September 16, 2022, with revisions through June 5, 2023, prepared by DeVellis Zrein, Inc. The Project is defined as all features shown on the plans listed below in Condition A.2 or as otherwise required by this Comprehensive Permit.
- A.2 Except as may be provided for in the following Conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). Minor changes to the Approved Plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Building Inspector who shall have the authority to approve such changes as immaterial changes. If the Building Inspector determines that the proposed changes do not conform to the

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requirements of this Comprehensive Permit, they shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this Decision or seek modification in accordance with 760 CMR 56.05(11). The Approved Plans consist of the following plan set from DeVellis Zrein, Inc., and Patriot Engineering, Inc., and DMS Design, LLC:

“Site Development Plans, Comprehensive Permit Application” prepared for Emerson Homes, 10 High Street, Topsfield, Massachusetts, dated September 16, 2022, with revisions through June 5, 2023, prepared by DeVellis Zrein, Inc.:

	Cover Sheet
	Existing Conditions Plan
C-1	Layout and Materials Plan
C-2	Grading and Drainage Plan
C-2A	Grading and Utility Plan w/ Local Buffers
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
A0.00	Cover Sheet
A1.00	Architectural Site Plan
A1.01	First Floor Plan
A1.02	Second Floor Plan
A1.03	Roof Plan
A2.00	Typical Unit Plans
A.3.01	Elevations
A.3.02	Elevations
A4.01	Building and Sections
A9.01	3D Views

- A.3 The Applicant shall be a qualifying entity (public agency, nonprofit organization or Limited Dividend Organization) as set forth in 760 CMR 56.04(1)(a) and as required by Chapter 40B and its successors and assigns shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.
- A.4 The Project shall consist of not more than forty-four (44) rental units consisting of: a) two (2) studio units; b) thirty-eight (38) one-bedroom units; and c) four (4) two-bedroom units.

- A.5 Subject to approval by the Subsidizing Agency, the Units shall be age-restricted within the meaning of the federal Housing for Older Persons Act of 1988 (HOPA) and shall be subject to all requirements of HOPA and its implementing regulations, 24 CFR 100.300-100.308.
- A.6 There shall be forty-eight (48) vehicle parking spaces (inclusive of electrical vehicle charging stations and required handicap spaces).
- A.7 Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit A, the Applicant has requested, and the Board has granted, those waivers from the Topsfield Zoning Bylaw and other local by-laws and regulations as specified therein. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted. Any subsequent revision to the Approved Plans, including but not limited to revisions in the Final Plans, referenced below, that requires additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).
- A.8 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Inspector or other Town Departments, the Building Inspector or applicable Department Head will use reasonable efforts to review and provide a written response within forty-five (45) days following submission. For submissions that require assistance from an outside consultant, as determined by the Building Inspector or applicable Department Head, the forty-five (45) day time period shall not begin until the consultant's fee has been fully funded by the Applicant. Should forty-five (45) days elapse without a response as aforesaid, said plans or documents shall be deemed approved.
- A.9 This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any conventional loan financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph.
- A.10 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The applicable limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.

A.11 The sidewalks, driveways, roads, utilities, drainage systems, and all other on-site infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, landscape maintenance, and hydrant maintenance. In this regard, the proposed site access ways within the Project shall not be dedicated to or accepted by the Town.

A.12 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.

B. Affordability

B.1 Except as may otherwise be allowed by the Subsidizing Agency (EOHLC or other Subsidizing Agency), pursuant to the applicable subsidy program, a minimum of twenty-five percent (25%) or eleven (11) of the apartments shall be reserved for income-eligible households, meaning that they shall be rented to and occupied by households, as proposed by the Applicant, whose income (adjusted for household size) is not more than eighty percent (80%) of the Area Median Income ("AMI"), as determined by the United States Department of Housing and Urban Development ("HUD") and the Subsidizing Agency (the "Affordable Units"). The Board notes that the Applicant has proposed that forty-three (43) of the units will be restricted as affordable units at incomes of not more than sixty percent (60%) AMI. Affordable Units shall be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency. The Board acknowledges that affordable unit location is an issue within the exclusive jurisdiction of the Subsidizing Agency.

B.2 All of the Project's Affordable Units shall be restricted for rent to households earning no more than the maximum allowable household income, adjusted for household size, as determined by EOHLC or any substitute Subsidizing Agency. The Affordable Units shall be maintained as affordable in perpetuity, which for the purposes of this Decision shall mean for so long as the Property does not comply with applicable zoning requirements without the benefit of this Comprehensive Permit.

B.3 The Applicant shall submit to the Board or its designated agent an Annual Certification Report from the affordability monitoring agent pursuant to the Regulatory Agreement on the compliance requirements set forth in the Regulatory Agreement, including annual rent recalculations, tenant income recertification, and waiting list compliance. The submittal of such report shall be accompanied by a report on the status of compliance with the requirements of this Comprehensive Permit (the "Annual Compliance Report").

- B.4 While the Regulatory Agreement is in effect, the Subsidizing Agency or its designee shall be responsible to monitor compliance with affordability requirements pursuant thereto. If, at any time, the Subsidizing Agency ceases to monitor Applicant's compliance with the affordability requirements set forth in the Regulatory Agreement, the Applicant shall nonetheless continue to comply with the affordability requirements therein and collect annual income certifications from the tenants and, if so requested, continue to provide copies of the same to the Board.
- B.5 The Applicant shall obtain approval by the Subsidizing Agency of an Affirmative Fair Housing Marketing Plan ("AFHMP") prior to the rental of any Affordable Units, and shall ensure that the Project complies with the Subsidizing Agency's Fair Housing requirements.
- B.6 For the initial rent-up of the Project, the maximum number of Affordable Units allowed by law and the applicable subsidy program, but not more than seventy percent (70%) of the Affordable Units, shall be reserved for households that qualify under a local preference definition approved by the Subsidizing Agency. A lottery shall be established in a form approved by the Subsidizing Agency and/or the Project's Monitoring Agent to effectuate this local preference, with an approved secondary lottery for all other Applicants. The Applicant shall assist the Town in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence. If the Board or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above.

C. Submission Requirements

- C.1 Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit (except as allowed by the Building Inspector, as noted below), the Applicant shall:
- a. Deliver to the Board a check in a reasonable amount determined by the Building Inspector to be used for staff to retain outside experts, if

necessary, for technical reviews and inspections required under these conditions but at inception shall not exceed \$6,500 unless an alternate amount has been agreed upon by the Board and the Applicant. Said funds shall be deposited by the Board in an account pursuant to G. L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in a reasonable amount as may be determined by the Board. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof. The use of outside experts for such technical reviews and inspections must be reserved for instances where no Town personnel or department has the necessary expertise to perform same, and in these cases, fees for outside expert review will be charged to the Applicant only if in compliance with municipal bylaws or regulations.

- b. Obtain and file a copy of a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted along with the NPDES filing.
- c. Submit to the Board for review and administrative approval Final Engineering Drawings and Plans ("Final Plans"), such approval to be that the plans conform to the requirements of this Comprehensive Permit and incorporate the relevant conditions herein. The Final Plans shall also incorporate all relevant conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. Final Architectural Plans shall be stamped by a Registered Architect. The Final Plans shall be submitted to the Board at least forty-five (45) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the "Final Site Plan Submission Date").
- d. Submit to the Board for its administrative approval, a landscaping plan with the Final Plans, signed and sealed by a Registered Landscape Architect, depicting the following:

- i. Overall planting plan that includes a demarcation of clearing and the limits of work;
- ii. Planting plans for drives showing shade trees and lighting fixture locations;
- iii. Plans of walkways in open space and recreation areas, if any;
- iv. Prototype planting plans for each building;
- v. Prototype screening plans for dumpsters, depicting plantings and fencing;
- vi. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
- vii. Tree protection and preservation plans
- vii. Construction fencing along abutting property lines; and
- ix. Construction details.

All plantings shall consist of native, non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall also be salt-tolerant. Twelve (12) months after completion of plantings, the Applicant shall remove and replace any dead or diseased plantings and trees serving as screening. The Project's operations and management documents shall address ongoing maintenance of landscaping features.

- e. Submit to the Building Inspector a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than site work and such other work as may be authorized in writing by the Building Inspector, no other construction of units shall commence, and no building permits shall be issued under this Comprehensive Permit until the Building Inspector and other applicable staff has approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Inspector concerning the Final Site Plans within forty-five (45) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.

- f. The Applicant shall include on the Final Plans all of the various changes that have occurred during the hearing process. These plans should reflect site plan changes including but not limited to surface parking, proposed grading, stormwater systems, garage elevation, and other relevant site features.
- g. The Final Plans shall show designated snow storage areas.
- h. The Applicant must provide notification to the Topsfield Assessors' Office for address and unit numbering.

C.2 Prior to the issuance of any building permits, the Applicant shall:

- a. Record this Comprehensive Permit with the Essex County Registry of Deeds, at the Applicant's expense, and provide proof of such recording with the Board.
- b. Submit to the Board and the Building Inspector evidence of Final Approval from the Subsidizing Agency (EOHLC), as required by the Project Eligibility letter and the Chapter 40B regulations.
- c. Submit to the Board a copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. Execution and recording of such Regulatory Agreement with EOHLC shall be complete prior to the issuance of any building permit. It is understood and agreed that Monitoring provisions may be included with the Regulatory Agreement, in lieu of a separate Monitoring Services Agreement.
- d. Submit to the Building Inspector final Architectural Plans prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts ("Architectural Plans"). The Architectural Plans shall be submitted in such form as the Building Inspector may request pursuant to the State Building Code.
- e. An automatic sprinkler system conforming with NFPA 13 and a fire alarm system conforming to NFPA 72 shall be required in all residential buildings. Both systems shall be monitored by a UL approved central station monitoring service.
- f. Obtain and file with the Building Inspector a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.

- g. Obtain all necessary building, electrical, plumbing, and associated permits required to begin construction of the Project required by state law (it is understood that compliance with this requirement is part of the building permit process, rather than required prior to the issuance of building permits).
- h. The Applicant will be responsible for obtaining a Disposal Works Permit pursuant to Title V.
- i. The Applicant will be responsible for all applicable water and sewer system fees as per officially promulgated fee schedules uniformly applicable to all other Town of Topsfield projects.
- j. The Applicant shall perform additional test pits at the proposed stormwater basins to confirm groundwater elevations. These test pits shall be done during seasonal high groundwater conditions and shall be witnessed by the Town and/or its agent.
- k. Conduct a hydrant flow test and required analysis to determine available flow and pressure to fight a fire and provide the results of such test to the Water Department Superintendent and Fire Chief. In the event that there is insufficient water pressure or volume for fire protection, Final Plans shall include on-site improvements such as a fire pump or off-site improvements to the municipal water distribution system as required to maintain sufficient water pressure as determined by the Water Department Superintendent and the Fire Chief. If any such additional site improvement proves necessary, the Applicant shall obtain the Board's prior approval for a modification of this Comprehensive Permit and the Approved Plans. The procedure for flushing, disinfecting and pressure testing of the water mains shall be approved by the Water Department Superintendent consistent with procedures approved by the Building Inspector and Fire Chief pursuant to the State Building Code and NFPA 13.
- l. Submit a sign application to the Building Inspector and include location and details of every exterior sign to be installed as a part of the Project. Project signage shall conform to Final Construction Plans. Any changes to the signage (e.g., size, location, number) shall be subject to the Board's review pursuant to 760 CMR 56.05(11).
- m. Submit a trash and recycling management plan to the Board of Health for review and administrative approval.

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D. Construction Completion/Certificate of Occupancy

D.1 Prior to issuance of a certificate of occupancy for any structure in the Project, the Applicant shall:

- a. Submit engineer's interim certification of compliance with utilities plan and profiles for such Phase (as applicable) to the Building Inspector.
- b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the structure and supporting infrastructure has been constructed in compliance with the Final Plans in all material respects.
- c. Obtain acceptance from the Topsfield Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units of the structure.
- d. Obtain a Disposal Works Permit from the Topsfield Board of Health pursuant to Title V.

D.2 Prior to issuance of the certificate of occupancy for the Project, the Applicant shall:

- a. Submit to the Board, in digital file format and full-size paper copies, a final as-built plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum of 1988, in U.S. Survey Feet.
- b. The Applicant shall provide to the Board evidence of a property management plan (if property management will be done in-house), or shall provide a copy of a contract with a Management Company if property management will be conducted by a third-party. The Applicant shall submit to the Board all information relating to the issues of building security, public access, pet policy, staffing, trash removal, and smoking policies, and other issues addressed in the conditions herein.

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- c. Submit to the Building Inspector a final Operations and Maintenance Plan for the stormwater management system, which plan shall conform to the requirements of the Final Construction Plans.
 - d. Document to the reasonable satisfaction of the Building Inspector that the Project has been constructed in accordance with Applicable Law and this Comprehensive Permit, except only for items deemed by the Building Inspector to be of a finishing nature appropriate for a punch list.
- D.3 Prior to issuance of the Certificate of Occupancy for the last residential unit to be constructed, the Applicant shall:
 - a. Install the final infrastructure for the Project, including, but not limited to, intermediate and final course of pavement, remaining landscaping, and any "punch list" items identified by the Building Inspector. Alternatively, if the Applicant desires to obtain such final occupancy permits for the final dwelling unit before the completion of said Final Infrastructure, it shall deposit monetary security with the Town securing the installation and construction of such Final Infrastructure. The amount of such security and any necessary contingency shall be determined by the Building Inspector. The form of the security agreement binding such security shall be subject to approval of the Town.
 - b. Submit to the Building Inspector a final as-built utilities plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk, and associated construction.
 - c. Submit to the Building Inspector as-built plans for all buildings in the Project or any modifications to the As-Built Plans.
 - d. Submit verification that all components of the stormwater management system have been inspected, cleaned, and received final approval by the Building Inspector, the Stormwater Authority, and the Topsfield Conservation Commission.
 - e. Document to the reasonable satisfaction of the Building Inspector that the Project has been constructed in accordance with Applicable Law and this Comprehensive Permit.
 - f. Remove and dispose of all debris and construction materials in accordance with Applicable Law.

- g. Obtain certification by the Highway Superintendent/Water Superintendent/Stormwater Authority, as applicable, that all off-site measures required by this Comprehensive Permit or Applicable Law are complete.
- i. Obtain certification from the Water Superintendent that all on-site water systems have been installed and tested, and that all items related to the systems are at grade and are in proper working condition.
- j. Obtain certification from the Board of Health that the on-site septic disposal system has been installed and tested, and is in proper working condition.

E. Project Design and Construction

- E.1 Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with representatives from the Topsfield Fire Department, the Department of Public Works, Building Inspector and other Town staff and consultants as may be determined. The Applicant and the site general contractor shall host a meeting open to all members of the public to review the construction schedule, hours, policies, procedures, and other neighborhood impacts at least fourteen (14) days prior to the start of construction.
- E.2 Prior to the pre-construction conference, the Applicant shall submit a Construction Management Plan ("CMP") for administrative approval by the Board. The CMP shall provide documentation of various construction related activities, including:
 - 1. A Project Description and outline of primary construction tasks,
 - 2. A Project Schedule including hours of operation, duration of primary construction tasks and estimated completion date,
 - 3. Project logistics, including staging areas, truck routes, laydown areas, contractor parking, and construction traffic management,
 - 4. Site Management including noise mitigation, dust control and security, and snow management/removal (consistent with any/all requirements of the Order of Conditions for the Project as issued by the Topsfield Conservation Commission).
 - 5. Public Safety and Coordination, including contact information and site inspections.

- E.3 The Applicant shall permit representatives of the Board to observe and inspect the Property and construction progress during construction hours and with reasonable notice to the Applicant until such time as the Project has been completed and the final occupancy permit issued.
- E.4 The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
- E.5 All site retaining walls four (4) feet or greater in height (if any) shall be designed by a Massachusetts Professional Structural Engineer.
- E.6 During construction, the Applicant shall conform to all local, State, and Federal laws and provide advance notice to abutters regarding noise, vibration, dust, and blocking of Town roads in order to accommodate delivery of materials to the site or for other construction staging purposes. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction mitigation plan. The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project.
- E.7 Appropriate signage shall be shown on the Final Plans, consistent with the sign information shown on the Approved Plans. A temporary sign including the name and address of the project and contact information for the Applicant, general contractor, engineers, architect, and other relevant parties shall be posted on site for the duration of construction operations.
- E.8 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans.
- E.9 The Applicant is encouraged to use electric heat and hot water for the Project, if reasonably available at the time of the submission of Final Plans.
- E.10 The Applicant shall install lighting on the site that conforms to the Town of Topsfield's Zoning Bylaw and Town Bylaw. Lighting shall be down-lit/shielded to prevent light spillover onto surrounding properties and comply with dark sky requirements. Management of outdoor lighting shall be the responsibility of the Applicant.

- E.11 Utilities, including but not limited to telephone, electric, and cable, shall be located underground. The general contractor shall be responsible for coordinating all subsurface work with Dig Safe prior to the commencement of any excavation.
- E.12 Soil material used as backfill for pipes, access drives, or structures shall be certified by the Geotechnical Engineer to the Building Inspector as meeting design specifications, as applicable.
- E.13 The Applicant shall test the soil during construction to confirm soil types in the areas of the infiltration system. Such testing shall be witnessed by the Board's designee. All unsuitable material, if any, discovered in excavation for the infiltration system shall be removed and disposed of in accordance with State and local regulations.
- E.14 Construction activities shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. On Saturdays construction activity shall be permitted between 8:00 a.m. and noon for outdoor work between 7:00 a.m. and 6:00 p.m. for interior work only. No work is allowed on Sundays or state or federal holidays (currently New Year's Day, Dr. Martin Luther King Jr. Day, President's Day, Patriot's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Indigenous Persons Day/Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day). For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; loading of construction dumpsters and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Inspector and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on the Property during construction.
- E.15 Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
- E.16 No building areas shall be left in an open, unstabilized condition longer than sixty (60) days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.

- E.17 All dumpsters serving the Project shall be enclosed and covered (with the exception of construction dumpsters used during construction). The Board shall review the dumpster location as part of the approval of the Final Plans if different from what has been shown on the Approved Plans.
- E.18 All retaining walls visible from a public way or direct abutters, as determined by the Building Inspector based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete to the greatest extent practicable.
- E.19 Snow shall be stored within the areas of the Property designated on the Approved Plans. To the extent snowfall exceeds the capacity of the designated snow storage areas, the Applicant shall truck the excess snow off-site. Snow may not be placed in or adjacent to resource areas.
- E.20 The Applicant shall comply with all applicable local (if any), state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.
- E.21 The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to both the residents of the Project and emergency vehicles. Neither snow nor sand may be placed in or adjacent to resource areas.
- E.22 The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.
- E.23 The Applicant shall comply with DPW requirements regarding curb-cut permits.
- E.24 To the extent earth removal is necessary, the Applicant shall prepare an earth removal plan, showing all necessary cuts and fills, and describing the number of truck trips necessary for the earth removal.
- E. 25 All catch-basins shall have oil/water separators as shown on the Approved Plans.

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- E. 26 Project sidewalks and pathways/walkways shall be compliant with the requirements of the Americans with Disabilities Act ("ADA") and the requirements of the Massachusetts Architectural Access Board ("AAB").
- E. 27 This Comprehensive Permit shall be a master permit which is issued in lieu of all local permits or approvals that would otherwise be required (and all such local permits or approvals are hereby granted, subject to the conditions and waiver determinations set forth below), except for the issuance of Building Permits and Certificates of Occupancy by the Building Department under the State Building Code, an Order of Conditions by the Topsfield Conservation Commission under the Wetlands Protection Act, and a septic permit, and an on-site sewage disposal system permit under Title 5 of the State Environmental Code; provided, however, the Applicant shall pay all local fees for such permits or approvals as published in the Town regulations or bylaws, including but not limited to building permits, inspections, water connections, and curb cuts.

F. Traffic/Traffic Safety Conditions / Sidewalks

- F.1 Site access will be provided via High Street.
- F.2 The Applicant shall install all proposed traffic signs and pavement markings shown on the approved final plans. Signs and markings shall conform to the Manual on Uniform Traffic Control Devices (MUTCD), latest edition and other applicable state or local requirements.
- F.3 The proposed site provides forty-eight (48) vehicle parking spaces (inclusive of electrical vehicle charging stations and required handicap spaces). No changes to the number, configuration or designation of parking spaces shown on the final approved plans shall be made unless approved by the Board through a modification process.
- F.4 The Applicant shall ensure that emergency vehicles can adequately maneuver through the site. The Topsfield Fire Department shall review the Final Plans to ensure compliance with this condition.
- F.5 The Applicant shall provide eight (8) bicycle parking spaces that are covered and secure. The Applicant shall also include provisions in the Final Plans for expanding bicycle storage in the event of higher than anticipated demand.

- F.6 Appropriate directional and safety signage shall be installed and maintained on the internal Site roadways, subject to review and approval by the Topsfield Fire Department/Police Department. All signs to be installed on any public way shall be consistent with the then current Manual on Uniform Traffic Control Devices standards and guidelines.
- F.7 The Applicant shall maintain sight distance at the entrance to the Site consistent with AASHTO criteria.
- F.8 The Applicant shall develop and implement a Transportation Demand Management Program for the Project consistent with the recommendations made by the Applicant's traffic engineer.
- F.9 A marked crosswalk with ADA-compliant wheelchair ramps and a pedestrian actuated rectangular rapid flashing beacon (RRFB) and pedestrian crossing warning signs shall be installed for the crossing of High Street.
- F.10 ADA-compliant wheelchair ramps shall be provided at pedestrian crossings within the Project.
- F.11 Signs and landscaping proposed as a part of the Project within the intersection sight triangle areas shall be designed and maintained so as not to restrict lines of sight.
- F.12 Snow accumulations (windrows) within the sight triangle areas shall be promptly removed where snow accumulations would impede sight lines.

G. Police, Fire, and Emergency Medical Conditions

- G.1 The Applicant shall provide professional property management and maintenance personnel on the premises during typical business hours and an emergency contact name and number for unit owners and the Topsfield Police Department and Fire Department.
- G. 2 Stairwells and garages must be two-hour fire rated. Residential units must be one-hour fire rated.
- G.3 The residential structure shall be fully sprinklered to NFPA regulations. Carbon monoxide detectors shall be installed on all levels of the residential structures, as required by the Massachusetts State Building Code. Key boxes to be installed in accordance with Topsfield Fire Department requirements.

- G.4 Compliance with all State Building Code and NFPA requirements relating to fire access and safety shall be met. Pursuant to the Massachusetts Comprehensive Fire Safety Code, 527 CMR 1, 18.1.1.5, Applicant shall submit to the Topsfield Fire Department for approval a fire apparatus access plan signed and stamped by a registered professional engineer which shows to the Fire Chief's satisfaction that there is a turning radii on the Site sufficient for fire truck access and clearance of the bucket portion of the aerial apparatus of the truck.
- G.5 All elevators must have emergency generator backup.
- G.6 The Project shall maintain a fire access road providing access to the residential structure consistent with the Massachusetts Comprehensive Fire Safety Code, Chapter 18, at all times.
- G.7 The Project shall provide adequate external lighting to ensure safety of the residents of the Project.
- G.8 During times of construction, the Project, including all structures shall be accessible to Fire Department and other emergency vehicles. Additionally, all hydrants shall be operational during construction in accordance with NFPA requirements.
- G.9 The Applicant shall consult with the Fire Department prior to the commencement of construction to provide an on-site emergency plan, which shall be updated as necessary throughout the construction process.
- G.10 The Applicant shall demonstrate to the satisfaction of the Town Engineer and Topsfield Fire Department that there is sufficient water supply/water pressure to adequately supply the fire sprinkler system in all residential structures.
- G.11 A Fire Department standpipe with hose connections, as required by the Massachusetts State Building Code, shall be installed in all stairwells to provide for the rapid deployment of firefighting hoses in the event of a fire.
- G.12 Applicant shall confirm and show on a plan the final layout and location of all fire safety equipment (hydrants, post indicator valves, panels, etc.) with the Topsfield Fire Department prior to the start of vertical construction.

H. Water, Sewer and Utilities

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.

- H.2 All water infrastructure shall be installed in conformance with the Topsfield Water Department's technical requirements. The Applicant shall provide the Topsfield Department of Public Works ("DPW") with calculations to ensure the distribution system for the area has the necessary capacity to meet system demand required prior to the commencement of construction.
- H.3 Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Topsfield Fire Department. If the Topsfield Fire Department approves different hydrant locations, such modification shall be accepted administratively as an insubstantial change pursuant to 760 CMR 56.05(11).
- H.4 The service size for the domestic water service should be verified by the Topsfield Water Superintendent and information on the fire service size and requirements should be verified by the Topsfield Fire Department. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Topsfield Water Superintendent and Topsfield Fire Department.
- H.5 The water utilities servicing the buildings in the Project shall be installed and tested in accordance with applicable Town requirements and protocols, except as may be waived herein.
- H.6 Fire demand shall be split into the flow needed to operate the building's fire suppression system and any additional flows required by the Fire Department for external firefighting and/or augmenting the internal sprinkler system.
- H.7 A minimum eight-inch diameter water main shall be installed on the Property. For the Project's water connection, a triple gated tee shall be installed on High Street rather than a tapping sleeve with a single gate.
- H.8 Utilities shall be installed underground by the Applicant using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit and the like. The Applicant shall request a Grant of Location from the Select Board for any installation of new utility poles or underground conduit in the public right of way as needed.
- H.9 The Applicant shall be responsible for all trash and recycling removal from the Property. The Town of Topsfield shall not have any responsibility for trash, recycling, compost, and/or yard waste pickup at the Property.
- H.10 Fire hydrants shall remain private, and shall be maintained by the Applicant.

I. Wetlands/Floodplain/Environmental Conditions

- I.1 Prior to the commencement of construction, erosion control measures shall be installed consistent with the Approved Plans.
- I.2 No uncovered stockpiling of materials shall be permitted within one hundred feet (100') of any wetlands resource areas.
- I.3 No dumpsters shall be allowed within any wetlands resource areas.
- I.4 No heavy equipment may be stored within any wetlands resource areas.
- I.5 Any dirt or debris spilled or tracked onto any paved streets shall be swept up and removed daily.
- I.6 The Applicant must retain a professional engineer to oversee the installation of the stormwater management system. A stormwater mitigation report must be submitted to the Board prior to the issuance of the certificate of occupancy for the final residential unit in the Project. The stormwater report shall include as-built plans, photographs from installation, and a written summary of the installation of the stormwater management system and stormwater best management practices.
- I.7 To avoid adding excess nitrogen runoff, the Applicant shall only treat the planted areas within resource areas with slow-release nitrogen fertilizer. Application of this fertilizer cannot occur in the summer, or after storm events. Lawn fertilizer shall only be applied twice a year, in spring and fall. The application of plant nutrients shall otherwise comply with 320 CMR 31.00. No other herbicides or treatment methods are approved. No pesticides or rodenticides shall be used to treat pest management issues within wetlands resource areas. These shall be continuing conditions in perpetuity that survives the expiration of this permit.
- I.8 Pervious pavement shown on the project plans shall be maintained as specified in the stormwater report and logs/reports shall be maintained by the Applicant. Pervious pavement shown on the project plans shall not be replaced by impervious pavement. This shall be a continuing condition in perpetuity that survives the expiration of this permit.
- I.9 No snow storage is permitted within wetlands resource areas. A snow storage plan shall be submitted to the Board prior to construction completion. If these areas are insufficient for storage during the snow season, snow shall be removed from the site. Sediments and debris shall be removed from snow storage areas in the early spring. This shall be a continuing condition in perpetuity that survives the expiration of this permit.

- I.10 The Applicant shall protect all adjacent catch basins using silt socks during construction.
- I.11 The Applicant shall conduct catch basin sump cleanings at the end of the project work period.
- I.12 The Applicant shall submit copies of the SWPPP inspection reports to the Board within 10 days of the date of each report.
- I.13 All mitigation as proposed as part of this project shall remain in perpetuity.

J. Other General Conditions

- J.1 This Decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later, as per 760 CMR 56.05(12)(a). In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time construction authorized by the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
- J.2 The Applicant shall comply with all local regulations of the Town and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.
- J.3 The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this Decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- J.4 This Decision prohibits the parking or storage of any unregistered vehicle on the site, and likewise prohibits the service of any vehicles on the site, except during construction. Overnight parking of vehicles on public ways is prohibited in the Town of Topsfield.

- J.5 In the event that the Applicant or its management company fails to maintain the stormwater management system for the Project in accordance with its operation and maintenance plan, within fourteen (14) days of notification by the Town to the Applicant/management company, the Town may conduct emergency maintenance and/or repair, as it deems necessary, and the Applicant shall, prior to the issuance of any certificates of occupancy, convey such easement or other rights in a form mutually acceptable to the Town and the Applicant as may be reasonably necessary to complete such repair and/or maintenance. In the event the Town opts to perform such maintenance in accordance with this paragraph, the Applicant shall reimburse the Town within forty-five (45) days for all of its reasonable expenses related to such work.
- J.6 The Project entrance way and interior roads, and drainage systems associated therewith shall remain private, and the Town shall not have any legal responsibility for the operation and maintenance of such. The Town shall also have no obligations relating to the proposed recreational areas on the Property, the construction and operation of which shall be the sole responsibility of the Applicant.
- J.7 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) enforcement by the Zoning Enforcement Officer pursuant to G. L. c. 40A, § 7; (b) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (c) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

DECISION

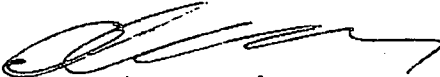
In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit for the construction of forty-four (44) rental units pursuant to Chapter 40B, §§ 20-23, for the development described above.

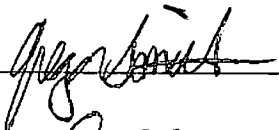
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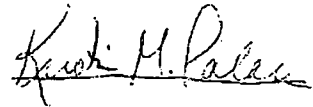
RECORD OF VOTE

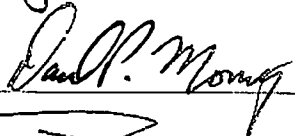
The Board of Appeals voted 5-0, at its public meeting on July 25, 2023, to grant a Comprehensive Permit subject to the above-stated Conditions, with this Decision as attested by the signatures below.

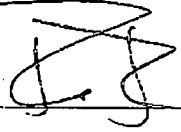



DAVID MERIEL










Dated: July 25, 2023

Filed with the Town Clerk on July 26, 2023.



Town Clerk

Notice: Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Groveland, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.

DECISION ON WAIVERS

The Board takes the following action on the waiver requests of local rules and regulations submitted by the Applicant as it has determined necessary for the construction of the Project as approved by the Board:

1. Zoning Bylaws Article III, Section 3.01 – This section states that no use of property can be made except as expressly allowed under the Bylaw. The Applicant seeks a waiver to allow for a multi-family use containing forty-four (44) units with associated parking, signage, building/site management and others features as shown on the Approved Plans.

Board Action: Waiver Granted.

2. Zoning Bylaws Article III, Section 3.01, 3.04 (including table of use regulations) – These sections prohibit multi-family housing in the CR Zoning District. The Applicant requests a waiver to allow for a forty-four (44) unit multi-family project in the CR Zoning District.

Board Action: Waiver Granted.

3. Zoning Bylaws Article III, Section 3.13 – The Section prohibits parking for a direct or indirect charge. The Applicant seeks a waiver to allow for project parking spaces to be subject to a separate fee from the rental of units. This Section also requires a special permit for parking of more than twenty (20) vehicles. The Applicant requests a waiver of the special permit requirement to allow for such approval to be granted as part of the comprehensive permit.

Board Action: Waiver Granted from the substantive requirement relating to parking for a fee. The waiver of the special permit requirement is unnecessary, as pursuant to G. L. c. 40B, §§ 20-23, special permits are subsumed into the issuance of a comprehensive permit. Accordingly, no separate special permit filing is required.

4. Zoning Bylaws Article IV, Section 4.12(C)(4), (6) and (9) – These sections impose off-street parking requirements for the following uses: office, place of assemble, and uses accessory to residential uses. The Applicant seeks a waiver of these requirements to the extent that they could be applicable to office spaces within the Project, common areas, laundry, parcel/mail room and any other accessory uses shown on the Approved Plans.

Board Action: Waiver Granted.

5. Zoning Bylaws Article V, Section 5.01 – This Section requires 1 parking spaces per residential unit plus additional off-street parking for the commercial space. The Applicant requests a waiver to allow a total of forty-eight (48) parking spaces for the proposed forty-four (44) rental units.

Board Action: Waiver Granted.

6. Zoning Bylaws Article V, Section 5.02(A)(6) – This Section details the procedural requirements for applications to the Board. The Applicant requests a waiver to allow the project to proceed pursuant to G. L. c. 40B, §§ 20-23 and the regulations at 760 CMR 56.00 *et seq.*

Board Action: Waiver Denied as Unnecessary. The Applicant requests a procedural waiver, which is not required as the procedures for applications to the Board are subsumed into the comprehensive permit pursuant to G. L. c. 40B, §§ 20-23 and 760 CMR 56.00 *et seq.*

7. Zoning Bylaws, Article VII, Section 7.01 – This section prohibits earth excavation of more than one hundred and twenty percent (120%) of the foundation of a structure. This section also requires the excavation and removal to be subject to the Topsfield Soil Removal By-law. The Applicant seeks a waiver.

Board Action: Waiver Granted to approve excavation of sod, soil, sand, gravel, stone, or any other like materials in an amount in excess of one hundred twenty (120) percent of the foundation of the proposed building, including excavation associated with Project foundations, roadways, parking areas, sidewalks, stormwater best management practices, and septic system. The removal from the Site of any excavated material shall be subject to the provisions of the Topsfield Soil Removal By-Law.

8. Zoning Bylaws, Article IX, §§ 9.05, 9.06, 9.07 and 9.08(2) – This Section imposes Site Plan Review requirements on any new uses in Topsfield. The Applicant seeks a waiver of the procedural, filing and administrative requirements of this Section. No substantive waivers of these provisions of the Bylaw are requested.

Board Action: Waiver Denied as Unnecessary. Pursuant to G. L. c. 40B, §§ 20-23, a comprehensive permit subsumes all local permitting requirements. The Applicant is not required to obtain Site Plan Review, as the comprehensive permit process stands in the place of the required Site Plan Review.

9. Zoning Bylaws Article XIII, Sections 13.3, 13.4(A), 13.5(A)(2) – These sections require a special permit from the Topsfield Select Board and a sign permit from the Topsfield Inspector of Buildings. The Applicant requests a waiver from the administrative and procedural requirements of these Sections. The Applicant proposes that signage be limited to building-mounted signs to identify building locations, site directional and advisory signage, traffic signage, and an externally illuminated monument sign at the site entrance (twenty-five feet (25') maximum sign board area, eight feet (8') maximum height.

Board Action: Waiver Denied as Unnecessary for the administrative and procedural waivers requested. As noted above, G. L. c. 40B, §§ 20-23 subsumes all of other local permitting requirements and constitutes a single “comprehensive” permit for all local permitting requirements.

10. Topsfield Purchasing and Contracts Bylaw, Town Code Chapter 63, Section 6 – This Section addresses local eligibility rules for approval of tax abatement agreements for affordable housing developments. The Applicant has withdrawn this waiver request.

Board Action: None – request withdrawn by Applicant.

11. Historic District Bylaw, Chapter 153 (all sections) – This Bylaw imposes local rules and requirements relating to buildings located in the Topsfield Historic District. The Applicant seeks a procedural waiver to allow the Board to grant permits under this Bylaw. The Applicant does not seek any waivers of the performance standards under this Bylaw.

Board Action: Waiver Denied as Unnecessary for the administrative and procedural waivers requested. As noted above, G. L. c. 40B, §§ 20-23 subsumes all of other local permitting requirements and constitutes a single “comprehensive” permit for all local permitting requirements. Because the Applicant seeks no substantive waivers of this Bylaw, no waivers are necessary.

12. Soil Removal Bylaw, Chapter 203 (all sections) – The Applicant seeks a procedural waiver to allow for the soil removal permit to be issued as part of the comprehensive permit. The Applicant has withdrawn its request for a waiver of all technical specifications, performance standards and standards of review.

Board Action: Waiver Denied as Unnecessary for the administrative and procedural waivers requested. As noted above, G. L. c. 40B, §§ 20-23 subsumes all of other local permitting requirements and constitutes a single "comprehensive" permit for all local permitting requirements. Because the Applicant seeks no substantive waivers of this Bylaw, no waivers are necessary.

13. Stormwater Management and Erosion Control Bylaw, Chapter 220, Section 220-5 – This Bylaw establishes the Topsfield Planning Board as the permit granting authority and establishes procedures for such review. The Applicant requests a waiver from the administrative and procedural requirement of filing with the Planning Board.

Board Action: Waiver Denied as Unnecessary for the administrative and procedural waivers requested. As noted above, G. L. c. 40B, §§ 20-23 subsumes all of other local permitting requirements and constitutes a single "comprehensive" permit for all local permitting requirements.

14. Stormwater Bylaw, Chapter 220, Section 220-6(A) – This section also contains procedural requirements for the Stormwater Bylaw. The Applicant seeks a waiver of the administrative and procedural requirements of this Section.

Board Action: Waiver Denied as Unnecessary for the administrative and procedural waivers requested. As noted above, G. L. c. 40B, §§ 20-23 subsumes all of other local permitting requirements and constitutes a single "comprehensive" permit for all local permitting requirements.

15. Stormwater Bylaw, Chapter 220, Section 220-7 – This section contains the procedures for review under the Stormwater Bylaw. The Applicant requests a waiver from the procedural requirements of this Section.

Board Action: Waiver Denied as Unnecessary for the administrative and procedural waivers requested. As noted above, G. L. c. 40B, §§ 20-23 subsumes all of other local permitting requirements and constitutes a single "comprehensive" permit for all local permitting requirements.

16. Stormwater Bylaw, Chapter 220, Section 220-8 – This section sets forth the enforcement requirements under the Stormwater Bylaw, providing authority for enforcement to the Stormwater Authority, the Planning Board or an authorized agent of the Planning Board. The Applicant requests a waiver to have enforcement authority for this permit rest with the Board. The Applicant further seeks an administrative/procedural waiver to the extent necessary to confirm that enforcement of this Bylaw will not be sought with respect to aspects of the Project authorized by this Decision.

Board Action: Waiver Granted solely to the extent that initial enforcement will be through the Stormwater Authority as agent for the Board. Appeals of any action of the Stormwater Authority will be to the Board. Waiver Denied as Unnecessary for the administrative and procedural waiver requested.

17. Wetlands Bylaw, Chapter 250, Section 250-2 – This Section establishes the Topsfield Conservation Commission as the permit granting authority under the local wetlands bylaw. The Applicant requests a waiver to allow the Board to act as the permit granting authority.

Board Action: Because G. L. c. 40B, §§ 20-23 subsumes all other local permitting processes, the Applicant is not required to obtain a separate permit under the Wetlands Bylaw, the Board acts as the permit granting authority under the local Wetlands Bylaw, and therefore no specific waiver of this requirement is necessary.

18. Wetlands Bylaw, Chapter 250, Section 250-3 – This section contains definitions applicable to resource areas and regulated activities. The Applicant requests a waiver to the extent that these definitions would result in the creation of requirements that exceed the requirements of the Wetlands Protection Act specifically with regards to the definition of “Riverfront Area” and “Stream”, which the Applicant seeks to have defined per the Act.

Board Action: After a discussion at the June 27, 2023 hearing, it was determined by the Board (and agreed to by the Applicant) that waivers from sections containing definitions of resource areas and regulated activities under this Bylaw and its implementing regulations were unnecessary where waivers were requested and approved with respect to the relevant substantive requirements of said Bylaw and regulations. Waiver request therefore withdrawn by the Applicant.

19. Wetlands Bylaw, Chapter 250, Section 250-4 – This Section contains the filing procedures under the local wetlands bylaw. The Applicant requests that the hearing under the local wetlands bylaw be consolidated with the hearing under the comprehensive permit application.

Board Action: Waiver Denied as Unnecessary. Because G. L. c. 40B, §§ 20-23 subsumes all other local permitting processes, the Applicant is not required to obtain a separate permit under the Wetlands Bylaw.

20. Wetlands Bylaw, Chapter 250, Section 250-7 – This Section contains the requirements and procedures for local hearings under the local wetlands bylaw. The Applicant requests a waiver to allow the hearing to be consolidated with the comprehensive permit hearing.

Board Action: Waiver Denied as Unnecessary. Because G. L. c. 40B, §§ 20-23 subsumes all other local permitting processes, the Applicant is not required to obtain a separate permit under the Wetlands Bylaw.

21. Wetlands Bylaw, Chapter 250, Section 250-9 – This Section contains the burden of proof under the local wetlands bylaw. This section also allows for the imposition of fees for an outside consultant. The Applicant seeks a waiver of the burden of proof under the local bylaw to make it consistent with the burden under the Wetlands Protection Act. The Applicant also seeks a waiver of the provisions regarding outside consultants.

Board Action: Waiver Denied as Unnecessary. The burden of proof for comprehensive permit applications is set forth in 760 CMR 56.07(2). Furthermore, outside consultants is regulated by 760 CMR 56.05(5). These regulatory provisions control, making a waiver unnecessary.

22. Wetlands Bylaw, Chapter 250, Section 250-10 – This section sets forth the standard for issuance or denial of permits. The Applicant requests a waiver to allow the standards set forth in 310 CMR 10.00 *et seq.* to be the applicable standard.

Board Action: Waiver Denied as Unnecessary. The burden of proof for comprehensive permit applications is set forth in 760 CMR 56.07(2).

23. Wetlands Bylaw, Chapter 250, Section 250-11 – This section addresses amendments to Orders of Conditions issued pursuant to the local wetlands bylaw. The Applicant requests a waiver to allow amendments to be made pursuant to applicable Chapter 40B regulations.

Board Action: Waiver Denied as Unnecessary. Modifications of comprehensive permits may be made pursuant to 760 CMR 56.05(11). This regulation supersedes any local rule or requirement addressing modifications of permits. Accordingly, no waiver is required and any modification of this comprehensive permit shall be governed by 760 CMR 56.05(11).

24. Wetlands Bylaw, Chapter 250, Section 250-12 – This section sets forth the appeal rights under the local wetlands bylaw. The Applicant requests a waiver to allow for appeals as set forth in Chapter 40B.

Board Action: Waiver Denied as Unnecessary. Appeals of comprehensive permits by the Applicant are subject to the provisions of G. L. c. 40B, § 21 and § 22, accordingly no waiver of local rules relating to appeals is required.

25. Wetlands Bylaw, Chapter 250, Section 250-17 – This Section allows the Board to require a performance bond to secure the completion of required conditions. The Applicant requests a waiver of any bonding requirements.

Board Action: The Board notes that the Topsfield Conservation Agent testified at the May 23, 2023 hearing that she could not recall any instance in which a bond under this section had been ordered but that bonds of this nature are sometimes imposed in other municipalities. Waiver Denied. The Board shall retain the authority to impose a bond under this section if it is deemed necessary, which shall be determined by the Board in a manner consistent with the treatment of non-subsidized development projects in Topsfield.

26. Wetlands Bylaw, Chapter 250, Section 250-18 – This section addresses enforcement of the provisions of the local wetlands bylaw. The Applicant requests a waiver to have enforcement authority for this permit rest with the Board. The Applicant further seeks an administrative/procedural waiver solely to the extent necessary to confirm that enforcement of this Bylaw will not be taken with respect to activities that are authorized by this Decision and the waivers contained herein.

Board Action: Waiver Granted solely to the extent that initial enforcement will be through the Stormwater Authority as agent for the Board. Appeals of any action of the Stormwater Authority will be to the Board. Waiver Denied as Unnecessary for the administrative and procedural waiver requested.

27. Historic District Rules and Regulations, Chapter 325, Section 325-5 – This Section details the powers and duties of the Historic District Commission. The Applicant seeks a waiver to allow the Board to act as the permit granting authority under this Section.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

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28. Historic District Rules and Regulations, Chapter 325, Section 325-6 – This Section sets forth the requirements for a certificate of appropriateness from the Historic District Commission. The Applicant seeks a waiver to allow the Board to be the entity granting a certificate of appropriateness.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

29. Historic District Rules and Regulations, Chapter 325, Section 325-7 – This section sets forth the procedure for the grant of a certificate of appropriateness. The Applicant seeks a waiver to allow the Board to be the local entity that grants a certificate of appropriateness.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

30. Historic District Rules and Regulations, Chapter 325, Section 325-8 – This Section states that a building permit may not be granted until construction drawings have been approved by the Historic District Commission. The Applicant requests a waiver to allow for the approval of construction drawings by the Board.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

31. Historic District Rules and Regulations, Chapter 325, Section 325-9 – This Section provides for the Historic District Commission to approve changes to construction drawings. The Applicant requests a waiver to allow the Board to be the entity that approves changes to the construction drawings.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

32. Historic District Rules and Regulations, Chapter 325, Section 325-10 – This section sets forth the process for appeals of determinations by the Historic District Commission. The Applicant seeks a waiver to allow for appeals as set forth in Chapter 40B.

Board Action: Waiver Denied as Unnecessary. Appeals of comprehensive permits by the Applicant are subject to the provisions of G. L. c. 40B, § 21 and § 22, accordingly no waiver of local rules relating to appeals is required.

33. Topsfield Sign Regulations, Chapter 359, Sections 359-2, 359-3, 359-4, 359-5, 359-6 and 359-7 – These Sections require a special permit from the Topsfield Select Board and a sign permit from the Topsfield Inspector of Buildings. These Sections specify application, review, permit issuance and appeal procedures and require a public hearing. The Applicant seeks a waiver to allow for waiver of the administrative and procedural provisions (including filing requirements) of these Sections. The Applicant notes that Project signage will be limited to building-mounted signage to identify building locations, site directional and advisory signage, traffic signage, and an externally illuminated monument sign at the site entrance (25 square feet maximum sign board area; 8' maximum sign height).

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

34. Topsfield Stormwater & Erosion Control Regulations, Chapter 364, Section 364-4 – This Section designates the Topsfield Planning Board as the reviewing authority under the Stormwater and Erosion Control Regulations. The Applicant seeks a waiver to allow the Board to act as the permit granting authority.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

35. Topsfield Stormwater & Erosion Control Regulations, Chapter 364, Section 364-5 – This Section requires a permit for specified activities. The Applicant seeks a waiver of all administrative and procedural requirements and seeks to have any required permit issued by the Board.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

36. Topsfield Stormwater & Erosion Control Regulations, Chapter 364, Section 364-6 – This Section requires a permit for specified activities. The Applicant seeks a waiver of all administrative and procedural requirements and seeks to have any required permit issued by the Board.

Board Action: Waiver Denied as Unnecessary for the administrative and procedural waivers requested. As noted above, G. L. c. 40B, §§ 20-23 subsumes all of other local permitting requirements and constitutes a single “comprehensive” permit for all local permitting requirements.

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37. Topsfield Stormwater & Erosion Control Regulations, Chapter 364, Section 364-8 – This Section allows the Board to require sureties to secure the completion of required conditions and future maintenance of stormwater management systems. The Applicant requests a waiver of any such surety requirements except as may be required by State or Federal law.

Board Action: Waiver Denied. The Board shall retain the authority to require sureties under this section if it is deemed necessary, which shall be determined by the Board in a manner consistent with the treatment of non-subsidized development projects in Topsfield.

38. Topsfield Stormwater & Erosion Control Regulations, Chapter 364, Sections 364-9, 364-10, & 364-11 – This Section designates the Topsfield Planning Board as the inspection and enforcement authority under the Stormwater and Erosion Control Regulations. The Applicant seeks a waiver to allow the Board to act as the permit granting authority.

Board Action: Waiver Granted. Initial inspections and enforcement will be through the Stormwater Authority as agent for the Board. Appeals of any action of the Stormwater Authority will be to the Board.

39. Topsfield Subdivision Regulations, Chapter 368 (All Sections) – These regulations subdivision control in the Town of Topsfield. The Applicant seeks a waiver to the extent they may be deemed applicable to the Project.

Board Action: Waiver Denied as Unnecessary, as the Project does not include any subdivision of land.

40. Topsfield Wetlands Regulations, Chapter 384, Section 384-1 – This Section designates the Topsfield Planning Board as the reviewing authority under the Stormwater and Erosion Control Regulations. The Applicant seeks a waiver to allow the Board to act as the permit granting authority.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

41. Topsfield Wetlands Regulations, Chapter 384, Section 384-2 – This section contains definitions applicable to resource areas and regulated activities. The Applicant requests a waiver to the extent that these definitions would result in the creation of requirements that exceed the requirements of the Wetlands Protection Act specifically with regards to the definition of “Buffer Zone”, “Stream”, and Vernal Pool which the Applicant seeks to have defined per the Act.

Board Action: After a discussion at the June 27, 2023 hearing, it was determined by the Board (and agreed to by the Applicant) that waivers from sections containing definitions of resource areas and regulated activities under the local Wetlands Protection Bylaw and its implementing regulations were unnecessary where waivers were requested and approved with respect to the relevant substantive requirements of said Bylaw and regulations. Waiver request therefore withdrawn by the Applicant.

42. Topsfield Wetlands Regulations, Chapter 384, Sections 384-3(A), 384(B), 384-C, 384-D, 384-E, 384-G – This section establishes procedures for the identification of wetlands resources. The Applicant seeks a waiver to the extent these procedures vary from the requirements of the Wetlands Protection Act. The Applicant also seeks a waiver from the additional local protections applicable that would grant jurisdictional status to the WF-E series wetlands and perennial status of the on-site stream.

Board Action: Waiver Granted solely to confirm the non-jurisdictional status to the WF-E series wetlands and intermittent status of the on-site stream. Waiver from identification requirements Denied as Unnecessary because all state and local resource areas have been identified and delineated pursuant to an effective Order of Resource Area Delineation (ORAD) (MassDEP File No. 307-0776).

43. Topsfield Wetlands Regulations, Chapter 384, Section 384-4(E)(2)(c) – This section prohibits activities in wetlands buffer zones in lots formed after May 2, 2000. The Applicant requests a waiver in its entirety.

Board Action: Waiver Granted.

44. Topsfield Wetlands Regulations, Chapter 384, Section 384-4(I) – This Section establishes the Conservation Commission as the approving authority for waivers under these regulations. The Applicant seeks a waiver to allow the Board to act as the waiver-granting authority.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the waiver granting authority is not required.

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45. Topsfield Wetlands Regulations, Chapter 384, Section 384-4(K)(5) – This Section requires that all soils stored at the construction site for greater than 24 hours shall be covered by a waterproof tarpaulin or equivalent rainwater protection. The Applicant seeks a waiver from this requirement.

Board Action: Waiver Granted. Project erosion control measures shall be implemented per a SWPPP prepared in accordance with NPDES/MSWMS requirements.

46. Topsfield Wetlands Regulations, Chapter 384, Sections 384-5, 384-6, 384-7, 384-8, 384-9, 384-10, 384-11, 384-14, 384-15, 384-16, 384-24, 384-25, 384-26, 384-27, 384-28, 384-29 – These Sections establish administrative procedures for the Conservation Commission's review under these regulations. The Applicant seeks a waiver of all administrative and procedural requirements and seeks to have any required permit issued by the Board.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

47. Topsfield Wetlands Regulations, Chapter 384, Section 384-17– This section establishes procedures for the delineation of freshwater wetlands. The Applicant seeks a waiver to the extent these procedures vary from the requirements of the Wetlands Protection Act.

Board Action: Waiver Denied as Unnecessary because all state and local resource areas have been identified and delineated pursuant to an effective Order of Resource Area Delineation (ORAD) (MassDEP File No. 307-0776).

48. Topsfield Wetlands Regulations, Chapter 384, Section 384-21– This Section designates the Topsfield Conservation Commission as the reviewing authority for regulation of stormwater management under the Topsfield General Wetlands Bylaw. The Applicant seeks a waiver to allow the Board to act as the permit granting authority.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

49. Topsfield Wetlands Regulations, Chapter 384, Section 384-23(B) – This Section requires building structures to have drip trenches or other means of infiltration. The Applicant seeks a waiver of this requirement to authorize all roof area runoff to be collected via roof drains and piped to the detention basin as shown on Project plans and not allowed to drop at the foundation edge.

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Board Action: Waiver Granted.

50. Topsfield Wetlands Regulations, Chapter 384, Section 384-23(H) – This Section requires 1-1 mitigation of work in buffer zones with low-impact development techniques outside of resource areas on the Property. The Applicant seeks a waiver of this requirement.

Board Action: Waiver Granted to the extent waived in Waiver #43.

51. Topsfield ZBA Procedures, Chapter 392 (All Sections) – These regulations contain the Board's procedural requirements for all hearings. The Applicant requests a waiver to the extent the requirement vary from those of Chapter 40B.

Board Action: Waiver Denied as Unnecessary. A comprehensive permit subsumes all other local permitting requirements, therefore a waiver to allow the Board to act as the permit granting authority is not required.

52. Topsfield Conservation Commission Policy 2017-1 – This policy contains requirements pertaining to removal of trees, replacement of new native trees, and a "No Net Loss of Trees" local policy.

Board Action: Waiver Granted, subject to the conditions set forth above.

53. Topsfield Historical Commission Guidelines – These contain guidelines for the review of work by the Topsfield Historical Commission. The Applicant requests waivers from the prohibition of aluminum and synthetic siding or materials (p.1), a requirement for front steps to be granite or wood (p.2), a prohibition of aluminum and synthetic fencing (p.3), requirements relating to solar panels (p. 6), and a prohibition of aluminum and vinyl clad windows (p.7).

Board Action: Waiver Denied as unnecessary because the building is not located in the Historic District.

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