32 High St.

Topsfield, MA 01983

3/13/2023

Robert Moriarty, Esq., Chairman

Zoning Board of Appeals

Topsfield Town Hall

8 West Common St.

Topsfield, MA 01983

Dear Mr. Moriarty:

This letter is a follow up of our letter to the ZBA dated 2/13/2023 addressing safety concerns about the access road at #10 High St. to the Emerson homes project. At the 2/28/2023 ZBA hearing which we attended, our letter was referenced, however by the end of the meeting it was not clear how safety issues would be addressed.

We are personally supportive of the goals of Chapter 40 B to expand access to affordable housing and Topsfield doing its share. Our issues are about safety. Our principal concern is the dangerous location of the proposed access road which we believe will put pedestrians and vehicles from within and outside of the project in harm’s way. It does not appear that other options for the access road have been fully examined.

**Key Takeaways from the Feb ZBA Hearing:**

1. There is considerable confusion, misinformation and emotion about the project,

 and what is required or not by Chapter 40B.

2. The project is very complicated and involves sophisticated analyses by numerous

 competent consultants making it difficult for the average citizen to understand

 all of the issues.

 3. It seems the ZBA role is restricted to reviewing the proposals of the developer

 (Caleb Group). ZBA consultants’ scope of work (paid for by the developer) appears

 to be limited to assessing the proposals of the developer only and without

 independent assessments.

**Two Examples**:

 **Safety**

 **-** It appears there is agreement from the developer with the MA DOT’s finding

 that the intersection is described as currently hazardous only to get worse in

 the future irrespective of the impact of the Emerson project.

 - The developer concurs that safety issues must be addressed BUT only after the

 project has been approved. Topsfield will be responsible for all expenses associated

 with addressing safety issues.

 - The developer posited that traffic to and from the Emerson Homes will be “modest”

 and make the problems worse but not in a major way. The developer appeared

 to only address the number of vehicle trips projected entering and exiting the

 project and NOT the safety risks associated with WHERE; e.g., Rt. 97 proximal

 to a known hazardous intersection.

 - The ZBA did not do an independent assessment.

 **Location of the Access Road**

 - It appears there might be other options for the location of the access road than

 the one at #10 High St.

 - When asked about other options, such as positioning the access road thru the

 church parking lot, the developer’s lawyer appeared to indicate that this was not

 considered because, “The church was not interested in that option.”

 - The ZBA did not do an independent assessment.

**Questions We Would Like Answered by the ZBA:**

 1. Safety

 - How can the ZBA/ Town of Topsfield consider endorsing a project without

 a clearer understanding and articulation of the safety challenges posed

 by the location of the project?

 - How can the Town reconcile the unknowns relative to the extent of expenses

 needed to address the safety issues after a possible project approval?

 - Is the ZBA/Town legally prohibited from conducting a safety assessment

 before the project is voted on?

 - Is the problem a lack of funding for a study?

 2. Alternative access road options

 - Without doing an assessment of other options for the location of the access road,

 how will the town ever know if a safer option exists?

 - Is the ZBA /Town legally prohibited from assessing other road access options

 for the Project?

 - Is the problem a lack of funding for the study?

 3. Traffic pattern assessments

 - In doing their traffic analyses, how did the consultants develop projections for

 the future increase in traffic due to people commuting to work in Danvers and

 Beverly etc. from the North?

 - How did the consultants assess the risk to vehicles and pedestrians leaving the

 proposed access road in the context of their overall traffic assumptions?

 - Do the line of sight distances meet state minimums, or will the project require a

 Variance?

 4. ZBA deliberations and decision-making

 - When and how will the ZBA address the aforementioned safety issues?

 - How will the ZBA address perceptions of bias/conflicts of interest by ZBA members

 who are also members of the Congregational Church?

In closing we want to acknowledge the proposed project is extremely complex and we appreciate for the

time and effort the ZBA members have and will be devoting to this project on behalf of the citizens of Topsfield.

Sincerely,

 

Robert V. Reece Susan M. Reece