



TOWN OF TOPSFIELD

Conservation Commission

8 West Common Street, Topsfield, Massachusetts 01983

MEMO

TO: Zoning Board of Appeals

FROM: Heidi Gaffney, Conservation Administrator

COPY TO: TCC File

DATE: June 21, 2021

RE: Chapter 40B Comprehensive Permit – Perkins Landing

Additional comments:

- In regards to the prior Order of Conditions issued under the Wetlands Protection Act that the applicant references, the Board should be aware that the project proposed in that prior OOC (a roadway) was denied under the Bylaw and the denial was upheld on appeal. A copy of the denial has been sent to the ZBA Coordinator.
- A new Notice of Intent will need to be submitted to the Conservation Commission under the Wetlands Protection Act. The ZBA is the approval/issuing authority under the Topsfield General Wetlands Bylaw, as such comments to the ZBA will be specific to the Bylaw.
- Until the proper list of waivers being requested under the Bylaw is submitted, it is difficult to comment further. This matter was discussed and the applicant was requested to submit the proper list at the prior ZBA meeting. Per the Chapter 40B Handbook "It is the developer's responsibility to identify the waivers needed in order to build the project. As a rule, the ZBA should not grant what is commonly known as a "plan waiver," or a blanket waiver to accommodate conditions that may be apparent on the developer's plan but not specifically identified in a list of waivers requested by the developer."
- Presumably the applicant is requesting a waiver of the Riverfront Area as previously determined under the Bylaw, however this resource area delineation is not shown on the plans, precluding the ZBA from being able to properly identify and understand what they are being requested to waive.
- Areas Subject to Protection under the Bylaw have not been fully identified and/or reviewed.
- Waiving the Stormwater Bylaw, I believe, may violate the Town's MS4 Permit from the US EPA.