4/24/23

Lynne,

Please find below our feedback on the recent Applicant response submission.  We feel the technical items have been addressed, but administrative items for the Zoning Board of Appeals (ZBA) consideration may remain.

* Chapter 250 § 250-18 (page 8):  We take no exception from a procedural standpoint. However, we recommend that town counsel weigh in as this impacts the municipal bonding mechanisms and enforcement.
* Chapter 364 § 364- 7(5)(i), 364-7(5)(ii), 364- 7(7)(b)(i), 364- 7(7)(b)(ii) (page 11):  We acknowledge the response provided.  Given the waiver request is being withdrawn, no further action required.
* Chapter 384 § 384-4(E)(1) (page 13-14): The Applicant’s counsel notes that some of the re-naturalization efforts recommended by B+T would be cost prohibitive for the Project, and that they would be amenable to “re-assess the financial feasibility of conducting some re-naturalization of the referenced areas after such time as the Project receives financing commitment under the LIHTC program, as well as whether public or private funding may be available support this work.” As previously noted, B+T does not take exception to the waiver being requested and defers to the ZBA.  As a potential condition of approval, we recommend that the Applicant provide a cost estimate to demonstrate the cost prohibitive magnitude of the re-naturalization request after the re-assessment of financial feasibility has been conducted.
* Chapter 384 § 384-4(K)(5) (page 14-15):  We acknowledge the adjustment to the location of CB1.  No further action required.
* Chapter 384, Section 384-23(H) (page 17):  Same response as Chapter 384, § 384-4(E)(1) as noted above.
* Chapter 384 § 384-23(K) (page 18-19): We acknowledge the response provided.  Given the request is being withdrawn, no further action required.
* Topsfield Conservation Commission Policy 2017-1 (page 19): We take no exception to the tabulation of impacted trees being a condition of approval and this could be investigated as part of the invasive species effort.
* Comment #31 (page 22-23): – We note that the water table observed in TP9 may not be the same elevation as that which is present in the proposed paved hydric soil area. We take no exception to this response but recommend that the Town reserve the right to further geotechnical review prior to construction.
* Comment #32 (page 24): Same response as Chapter 384, § 384-4(E)(1) as noted above.
* Comment #40 (page 26): Same response as Chapter 384, § 384-4(E)(1) as noted above.

With the technical items addressed, B+T does not anticipate having much of a role in the discussion at this week’s hearing.  However, we are available to participate if that is the preference of the ZBA.  Please advise.

Thank you.

**Matthew Cote, PE, SITES AP, ENV SP**

Senior Civil Engineer

(he/him/his)

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