

April 21, 2023

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

Via: email to Lynne Bermudez lbermudez@topsfield-ma.gov
email to Matthew Cote lbermudez@topsfield-ma.gov

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

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

On behalf of Emerson Homes, LP for the above referenced project, DeVellis Zrein Inc. (DZI) is pleased to respond to the Civil Engineering and Landscape Architectural review comments received in the **April 14, 2023** Beals + Thomas peer review letter.

For ease of review and clarity, just the un-resolved items in the "Civil Engineering" section of the Beals + Thomas comment letter are provided below:

COMMENTS:

- **B+T Letter (4/14/23), Page 11**
Ch. 364 § 364-7(B)(5)(a)(1), 364-7(B)(5)(a)(2), 364-7(B)(7)(b)(1) and 364-7(B)(7)(b)(2)

B+T COMMENT: We presume the above requests are intended to refer to Chapter 364 § 364-7B(5)(a)[1], 364-7B(5)(a)[2], 364-7B(7)(b)[1] and 364-7B(7)(b)[2] and are typographic errors. It is unclear if these waiver requests are required. The referenced sections speak to possible credits or reductions of recharge or water quality volumes, which the Applicant does not appear to be seeking. We request that the Applicant clarify the need for the requested waivers.

DZI RESPONSE: There is no request for any reductions of recharge or water quality volumes so this waiver request will be withdrawn.

- **B+T Letter (4/14/23), Page 13-14**
Ch. 384 § 384-4(E)(1)

B+T COMMENT: With respect to § 384-4(E)(1) we recommend the Applicant consider whether the Project can overcome the presumption of significance for Buffer Zone impacts rather than seek a waiver. That said, we do not take exception to this waiver. Given the historically disturbed nature of the Buffer Zone, it appears that the some of the effort to allowing it to re-naturalize with some intervention may enhance the conditions of the Buffer Zone outside of the proposed Limits of Disturbance.

DZI RESPONSE: The Applicant will modify this requested waiver such that it applies only to buffer zones to wetlands resources that are jurisdictional under the Topsfield Wetlands Bylaw but not the Wetlands Protection Act. With respect to buffer zones to wetlands resources that are jurisdictional under both the local bylaw and the Act, the Applicant requests a finding by the Board that the presumption of adverse impact has been rebutted by the Project application materials as filed.

Regarding B+T's comment about re-naturalization, this has been previously discussed in DZI's previous response letters. See further discussion in the accompanying letter of the Applicant's legal counsel.

- **B+T Letter (4/14/23), Page 14-15**
Ch. 384 § 384-4(K)(5)

B+T COMMENT: B+T takes no exception to the waiver request and concurs that the Applicant shall follow the requirements of the Project SWPPP. However, it appears a small portion of the access driveway will drain to High Street, contrary to the requirements of 384-4(K)(8). We request that the Applicant clarify the intent of stormwater management design west of proposed catch basin CB1.

DZI RESPONSE: CB1 has adjusted towards the road to intercept the drainage runoff prior to entering the roadway. Revised Plan Sheet C-2 is attached showing the change.

- **B+T Letter (4/14/23), Page 17**
Ch. 384 § 384-23(H)

B+T COMMENT: Prior to granting a waiver, we recommend the Applicant explore mitigation opportunities to demonstrate whether the 1:1 ratio of mitigation is achievable for this Project. Specifically, portions of the historically disturbed Buffer Zone outside of the proposed Limit of Disturbance may provide opportunities for mitigation.

DZI RESPONSE: B+T's comment regarding restoration of areas of historically disturbed buffer zone outside of the Project limit of work has been previously addressed in DZI's previous response letters and in the accompanying letter of the Applicant's legal counsel.

- **B+T Letter (4/14/23), Page 18-19**
Ch. 384 § 384-23(K)

B+T COMMENT: As designed, the Project is meeting the requirements for recharge in accordance with MassDEP Stormwater Handbook. We request that the Applicant clarify the need for the requested waiver.

DZI RESPONSE: The Applicant concurs. This waiver request will be withdrawn.

- **B+T Letter (4/14/23), Page 19**
Topsfield Conservation Commission Policy 2017-1

B+T COMMENT: B+T takes no exception to this waiver but recommends that the Applicant quantify the proposed trees to be removed in comparison to those to be planted as part of the landscaping plan of the Project. It appears that some tree removal is necessary for the site entrance and off-grading, but the Applicant should note whether or not the landscaping plan will adhere to this policy without the need for a waiver.

DZI RESPONSE: See accompanying letter of the Applicant's legal counsel.

- **B+T Letter (4/14/23), Page 22-23**
Comment 31

B+T COMMENT: We note that the provided Plan C-2A also shows the cul-de-sac and its associated off-grading almost entirely within the footprint of hydric soils. Please clarify how it was determined that the water table is 5 feet below grade (or if the sentence is intended to imply below proposed grade). We recommend that the Zoning Board of Appeals consider conditioning further geotechnical evaluation and recommendations prior to construction with regard to potential settlement issues due to the known hydric soils within the development footprint.

DZI RESPONSE: DZI notes the following clarifications:

- Test pit TP#9 indicates mottling at 2.5 feet below grade (65.3), i.e. elevation 62.8. Water was observed 5 feet below grade.
- Within the hydric soils area, the berm of the basin is filled from elevation 65 to 69.
- The bottom of the basin is at elevation 65.
- The pavement area is at elevation 70 which is 4.7 feet above mottling.
- The fact that there is no cutting in that area and only fill, there is no issue anticipated as topsoil which includes hydric soils will be removed prior to compacted lifts of engineered-specified fill.

- **B+T Letter (4/14/23), Page 24**
Comment 32

B+T COMMENT: The 100- and 200-foot Riverfront Areas have been added to the plan. Although we take no exception to the granting of this waiver, we strongly recommend that the Applicant consider re-naturalizing the portions of the existing disturbed local Riverfront Area outside the limit of disturbance.

DZI RESPONSE: See above and accompanying letter of the Applicant's legal counsel.

- **B+T Letter (4/14/23), Page 26
Comment 40**

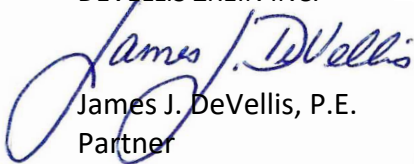
B+T COMMENT: Acknowledged. Please refer to our recommendations to the Topsfield Conservation Commission (Comment No. 4) regarding managing invasive species within the portion of the Buffer Zone to be allowed to re-naturalize:

We recommend that the Applicant consider more intervention in naturalizing this area given the extent to which invasive species have established in the surrounding areas and portions of the field itself. Transitions from meadow, to shrub, to forested land can provide more meaningful habitat than direct transitions from meadow to forest. Invasive plants observed during the March 26, 2023 site visit include multiflora rose (*Rosa multiflora*), Japanese barberry (*Berberis thunbergii*), Japanese knotweed (*Fallopia japonica*), winged euonymus (*Euonymus alatus*), and Asiatic bittersweet (*Celastrus orbiculatus*).

DZI RESPONSE: See above and accompanying letter of the Applicant's legal counsel.

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

Sincerely,
DEVELLIS ZREIN INC.



James J. DeVellis, P.E.
Partner

EMERSON
HOMES

10 HIGH STREET
TOPSFIELD, MA

GRADING AND UTILITY LEGEND

PROPERTY LINE	
DRAIN LINE	12"Ø
WATER LINE	---W---
GAS LINE	---G---
UNDERGROUND ELECTRIC, TELEPHONE, CABLE	---E/T/C---
PROPOSED CONTOUR LINE	420
SPOtGRADE	+ 100.50
CATCH BASIN	CB ■
LAWN DRAIN	LD ●
FLARED END SECTION	FES ►
DRAIN MANHOLE	DMH ⊙
OUTLET CONTROL STRUCTURE	OCS
EROSION CONTROL BARRIER	
WATER GATE	WG ●
TAPPING SLEEVE AND GATE	TSV ●●
HYDRANT	HYD ⦿
SAW CUT LINE	---
TEST PIT	TP2
PERC	P2

DZI

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DeVellis Zein Inc.

04.19.23	PER ZBA COMMENTS
03.24.23	PER ZBA COMMENTS
03.15.23	PER ZBA COMMENTS

GRADING AND
UTILITY PLAN

SCALE:	1" = 40'
JOB:	2GLS-463
FILE:	
DRAWN:	IAZ
CHECKED:	
DATE:	09.16.22

C-2

