

Emilie Cademartori
Director of Planning & Conservation
Town of Lynnfield
55 Summer Street
Lynnfield, MA 01940

March 11, 2024

Re: The Regency at Lynnfield
1301 Main Street – Notice of Intent Peer Review #1

Dear Ms. Cademartori,

On behalf of the Town of Lynnfield, TEC, Inc. (TEC), along with the assistance of Rimmer Environmental Consulting, LLC (REC), reviewed documents as part of a civil and traffic engineering and stormwater management peer review for the proposed 66-unit residential development. On the behalf of Sagamore Spring Real Estate Trust (the “Owner”), Toll Bros., Inc. (the “Applicant”) submitted the following documents which were reviewed for conformance with the Town of Lynnfield Wetland Protection Bylaw, Town of Lynnfield Conservation Commission Regulations, as well as conformance with the Massachusetts Wetlands Protection Act and generally accepted industry standards:

- *Site Development Plans for The Regency at Lynnfield Senior Housing Development Located at 1301 Main Street, Lynnfield, Massachusetts*; prepared by The Morin-Cameron Group, Inc.; dated November 30, 2023
- *Technical Narrative & Stormwater Management Report*; prepared by The Morin-Cameron Group, Inc.; dated November 30, 2023
- *Notice of Intent Application for The Regency at Lynnfield Senior Housing Development*; prepared by LEC Environmental Consultants, Inc.; dated December 1, 2023
- *The Regency at Lynnfield Comment Letter*; prepared by Ipswich River Watershed Association; dated December 19, 2023
- *The Regency at Lynnfield Comment Letter*; prepared by Ipswich River Watershed Association; dated January 30, 2024

Upon review of the documents and plans, TEC along with the assistance of REC has compiled the following comments for the Commission’s consideration:

Notice of Intent Comments

1. Proposed alteration of wetlands requires measures to avoid, minimize and mitigate impacts. The applicant should provide an evaluation of potential alternatives to minimize impacts, including alternative wetland crossing locations, and the potential to avoid impacts entirely via the connection of the the emergency access to Catherine Drive rather than Friendship Lane. It also does not appear that Crossing #1 is proposed at the narrowest part of this wetland. The applicant should address how impacts at this location have been avoided and minimized to the maximum extent feasible.
2. The Notice of Intent narrative indicates the project will comply with the 25’ no disturb and 50’ no build buffer zones, with the exception of the proposed wetland and stream crossing. According to

the Lynnfield Conservation Commission Regulations Section 320-3, work as proposed within the 25' no disturb zone and 50' no build zone for the (2) stream crossings may require a formal variance request to be approved by the Commission. Per the regulation, the burden of proof is on the applicant to convince the Commission that the area or part of it [within such setbacks] may be disturbed without harm to the values protected by the [bylaw]. The applicant must prove that: (1) Literal compliance with these regulations would cause the applicant a substantial hardship because of conditions peculiar to the applicant's property and not shared generally by property owners within the Town of Lynnfield; (2) The hardship is not one created by the applicant himself; (3) The variance will not result in any harm to the values protected by the bylaw. TEC/REC defers to the Commission.

3. The applicant should confirm whether or not the project is subject to the Massachusetts Water Quality Certification Regulations under 314 CMR 9.00. If the project is considered a real estate subdivision it may require an Individual 401 Water Quality Certification or a deed restriction limiting cumulative wetland alteration on the property to 5,000 square feet total, including potential future alteration. Also, under 314 CMR 9.00, a span or other bridging technique is presumed to be practicable. The applicant proposes a 4-sided embedded box culvert for the two crossings. The applicant should evaluate whether a bridge or span, which may include an open bottom culvert, is feasible at these locations.
4. The Massachusetts Stream Crossing Standards require a minimum culvert width of 1.2 times the bankfull width. Crossing #1 contains a wide range of bank widths. The applicant has provided 10 bank transect widths upstream, within the crossing area and downstream. The NOI and wetland crossing plans state the average existing bankfull width is 10.25', requiring a culvert span of 12.30'. At Crossing #2, the widths are more consistent, with an average width of 10.40', requiring a culvert span of 12.48'. The applicant proposes culvert width of 15' for both stream crossings, and therefore will meet the Standard for minimum bankfull span. The culverts are currently proposed as 4-sided box culverts which will be embedded and backfilled. The applicant should provide an evaluation for the use of an open-bottom, 3-sided box culvert or arch.

The minimum openness ratio as required by the Massachusetts Stream Crossing Standards, which is calculated as the open cross-sectional area of the culvert divided by the total crossing length, is 0.82. Both culverts meet or exceed this standard, with Crossing #1 proposed with an openness ratio of 1.05 and Crossing #2 proposed with a ratio of 1.31.

If constructed as designed, it also appears all other Standards will be met including 2' minimum culvert embedment depth, a reconstructed natural stream bottom substrate, and water depth and velocities comparable to existing conditions via the restoration of a stream channel constructed at similar width and depth to the existing stream channel.

5. The Bank/Stream Restoration notes on sheet W-3 are recommended to be modified to include 1) pre-construction photos, 2) recovery and re-use of existing stream bed material, 3) measures for revegetation and stabilization following construction, including restoring any temporarily disturbed sections of channel, both up and down stream.
6. The two crossings propose permanent alteration of 3,134 square feet and temporary alteration of 223 square feet of BVW. The permanent impact is proposed to be mitigated by construction

of a 3,611 square foot replication area. The replication area to impact area ratio is 1.15:1, which, while meeting the WPA performance standard minimum 1:1 requirement, does not allow much room for error in meeting the success criteria for obtaining a Certificate of Compliance. A ratio of 1.5:1 is more typical and recommended. The applicant should consider expanding the size of the replication area.

7. The proposed mitigation area is more than 1,000 feet horizontally and 80' vertically downstream of the proposed impact area. The BVW performance standards in 310 CMR 10.55 (4) require that: (1) the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area; (2) located in the same general area of the water body or reach of the waterway as the lost area; (3) the horizontal configuration and location of the replacement area with respect to the bank should be similar to the lost area. The applicant should investigate and evaluate other replication sites closer to the impact areas, even if they have to be divided into smaller replication areas. Ideally the replication area would be sited close to an area that is proposed to be disturbed to minimize buffer zone impacts relative to replication due to equipment access.
8. The proposed replication area is very irregular in shape, likely making it challenging to construct. It also is sited in a way such that it will have extensive borders with existing wetlands, resulting in large amounts of work in very close proximity to existing resource areas. No grading plan has been provided to indicate how this area would be graded. Currently the wooded portion of this area contains uneven topography creating additional construction challenges. TEC/REC recommends that a grading plan be provided for the wetland replication area(s).
9. MassDEP has issued a NOI file number, but has also issued several comments relative to the proposed resource area impacts, mitigation, erosion controls, stream crossings, stormwater management design and standards, etc. The applicant should provide written response to all comments for the Commission's consideration.

Please do not hesitate to contact us directly if you have any questions concerning our peer review. Thank you for your consideration.

Sincerely,
TEC, Inc.
"The Engineering Corporation"



Peter C. Engle, PE
Worcester Regional Project Manager
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