

2014 JUN 23 AM 11:05

# Planning Board Application for Special Permit & Site Plan Review

RECEIVED  
TOWN CLERK  
TOPSFIELD, MA

## Form A

Before you file this application, it is necessary that you be familiar with the requirements for filing plans and other materials in support of this application as specified in the Topsfield Zoning Bylaws, scenic road Bylaw, Stormwater & Erosion Control Bylaw and the respective Planning Board Rules and Procedures that are available from the Town Clerk and Community development Coordinator as well as the Town website at [www.topsfield-ma.gov](http://www.topsfield-ma.gov).

Incomplete applications will not be considered unless waivers are previously obtained from the Planning Board.

### SPECIAL PERMIT FEES:

Business Park Use Permits	\$200.00	
Elderly Housing Special Permits	\$1000.00	(New construction EHD see Site Plan Review fees listed below)
Common Drive	\$100.00	
Accessory Apartment	\$100.00	
Groundwater Protection District		
Wind Energy Conversion System – Small Scale	\$200.00	
Ground Mounted Solar Photovoltaic Installations	\$200.00	
Scenic Road		
Stonewall Removal	\$75.00	
Tree Removal	\$75.00	
Stormwater & Erosion Control	\$100.00 plus 4.0030 times the total square footage of the area to be altered by the project; see exemptions under regulations	

### SITE PLAN REVIEW: Filing Fee Waived

#### 1). Coverage Fee

\$100/5,000 sq. ft. or any portion thereof of new/alterd lot disturbance (the total square footage of all new/alterd building footprints, plus all paved surfaces, septic installations and stormwater management systems).

\_\_\_\_\_ sq. ft. ÷ 5,000 sq. ft. x \$100 = \_\_\_\_\_ area of new/alterd coverage

#### 2). Gross Floor Area Fee

\$200/5,000 square feet or any portion thereof of new/alterd Gross Floor Area (gross floor area – the total square footage of all new floor area on all levels of all new or existing buildings).

\_\_\_\_\_ sq. ft. ÷ 5,000 sq. ft. x \$200 = \_\_\_\_\_ area of new/alterd gross floor area

Coverage Fee	\$ _____
Gross Floor Area Fee	\$ _____
Total Site Plan Review Fee	\$ _____

NATURE OF APPLICATION:

- ☐ Petition for Special Permit pursuant to Article \_\_\_\_, Section \_\_\_\_ of the Zoning Bylaw.
- ☐ Petition for Finding pursuant to Article \_\_\_\_, Section \_\_\_\_ of the Bylaw.
- ☐ Petition for Site Plan Review pursuant to Article IX of the Zoning Bylaw (and the Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaw; and Supplement Form C for submitted requirements and formats).
- ☐ Petition for a Scenic Road Permit pursuant to Chapter LV.
- ☒ Petition for a Stormwater & Erosion Control Permit pursuant Chapter LI.

DESCRIPTION OF APPLICANT:

- a. Name Peirce Farm, LLC
- b. Address 116 Boston Street, Topsfield, MA
- c. Phone Number \_\_\_\_\_
- d. Interest in Premises (e.g., owner, tenant, prospective purchaser, etc.) \_\_\_\_\_  
(Attach copy of lease and/or letter of authorization from owner, if applicable)

DESCRIPTION OF PREMISES:

- a. Assessor's Map 69, Lot(s) 13, Zoning District ORA
- b. Location of Premises (number and street) 116 Boston Street
- c. Name and address of legal owner (if different from Applicant) Same
- d. Deed to the Premises recorded at (if known):  
☒ Essex South District Registry of Deeds, Book 33187 Page 310  
☐ Essex South Registry District of the Land Court, Certificate Number \_\_\_\_\_
- e. Prior zoning decisions affecting the Premises (if any):  
Date of Decision 2/28/14 Name of Applicant Peirce Farm, LLC  
Nature of Decision Special Permit- See decision attached
- f. Present use of the Premises Conference and event facility
- g. Present structures conform to current Zoning Bylaw. ☒ Yes ☐ No. If no, in what respect does it not conform. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPOSAL (attach additional sheets if necessary):

- a. General Description: Construction of the parking lot and  
above ground stormwater system.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. If proposal is for construction or alteration of an existing structure, please state:

	FRONT	REAR	SIDE(S)
1. Setbacks required per bylaw	_____	_____	_____
2. Existing setbacks	_____	_____	_____
3. Setbacks proposed	_____	_____	_____

	FRONTAGE	AREA
4. Frontage and area required by bylaw	_____	_____
5. Existing frontage (s) and area	_____	_____
6. Frontage (s) and area proposed	_____	_____

	FEET	STORIES
7. Existing Height	_____	_____
8. Height proposed	_____	_____

c. Other town, state or federal permits or licenses required, if any:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### NECESSARY ACCOMPANYING DATA:

It is required that every application be accompanied by appropriate supporting data. Failure to submit appropriate and complete data could result in delay and/or denial of application for zoning relief. Place a check next to the applicable accompanying supporting data:

##### Variance of Special Permit Applications:

(See Planning Board Rules and Procedures Section III)

All required supporting data attached ☐ Yes ☐ No

##### Site Plan Review Applications:

(See Town of Topsfield Zoning Bylaw, Article IX, Section 9.05. See also Guidelines and Performance Standards for Activities Subject to the Provisions of Article IX of the Topsfield Zoning Bylaw)

All required supporting data attached ☐ Yes ☐ No

##### Comprehensive Permit Applications:

(See G.L.c. 40B, Sections 20-23)

All required supporting data attached ☐ Yes ☐ No

##### Appeals from decisions of Building Inspector or Others:

(See Planning Board Rules and Procedures, Section III (1) (e))

All required supporting data attached ☐ Yes ☐ No

If all required supporting data is not attached, why not:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date 6.19.14

Alan L. Trencher Atty For  
 Signature of Applicant  
PERKIE FARM LLC

**TOWN OF TOPSFIELD, MA  
PLANNING BOARD**

**Application Supplement Form B**

Attach to this form a copy of the Assessor's map (scale 1" equals 200') showing the property and all other properties and roadways within 300 feet of any portion of the property. Also, show the lot number and lot owner's name on each lot within the 300'.

List below the lot owner names and mailing addresses as shown in the Assessors' records, beginning with the property of the Applicant (locus).

**Applicant's Name, Mailing Address:** \_\_\_\_\_

**Telephone No.** \_\_\_\_\_

**Locus:** \_\_\_\_\_

<u>Map</u>	<u>Block</u>	<u>Location</u>	<u>Owner</u>	<u>(If different from location)</u> <u>Mailing Address</u>
------------	--------------	-----------------	--------------	---

**SEE ATTACHED LIST**

If needed, attach additional sheets. \_\_\_\_\_

**Assessor's Certification**

To the Topsfield Planning Board:

This is to certify that, at the time of the last assessment for taxation made by the Town of Topsfield, the names and mailing addresses of the parties assessed as owners of land within 300' of the parcel of land shown in the attached sketch were as listed.

Authorized Signature  
Assessors' Office \_\_\_\_\_

Date of Verification \_\_\_\_\_

**TOWN OF TOPSFIELD, MA  
PLANNING BOARD**

**Application Supplement Form C  
Site Plan Review Submittal Requirements & Formats**

**Submittal Distribution Requirements and Formats:**

1. An applicant shall file with the Town Clerk copies of all required documents in the quantities and forms as outlined below. The Clerk's copy of the required documents shall be kept on file by the Town Clerk for the duration of the permitting process and the remaining copies shall be distributed immediately by the Town Clerk to the following:

	Plan
Town Clerk	1
Granting Authority *	7
Granting Authority electronic	1
Reviewing Engineer	1
Conservation Commission	1
Public Works Department (Water & Highway)	1
Board of Health**	1
Historical Commission**	1
Building Inspector**	1
Fire Department**	1
Police Department**	1
Tree Warden**	1
Planning Board or Board of Appeals if not the Granting Authority **	1

\* Two full size and five reduced size (11" x 17")

\*\* Reduced size plans (11" x 17" ) are acceptable

Additional copies of any and all documents shall be furnished if requested by the Granting Authority or any other Board, Commission or Department.

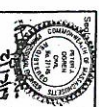
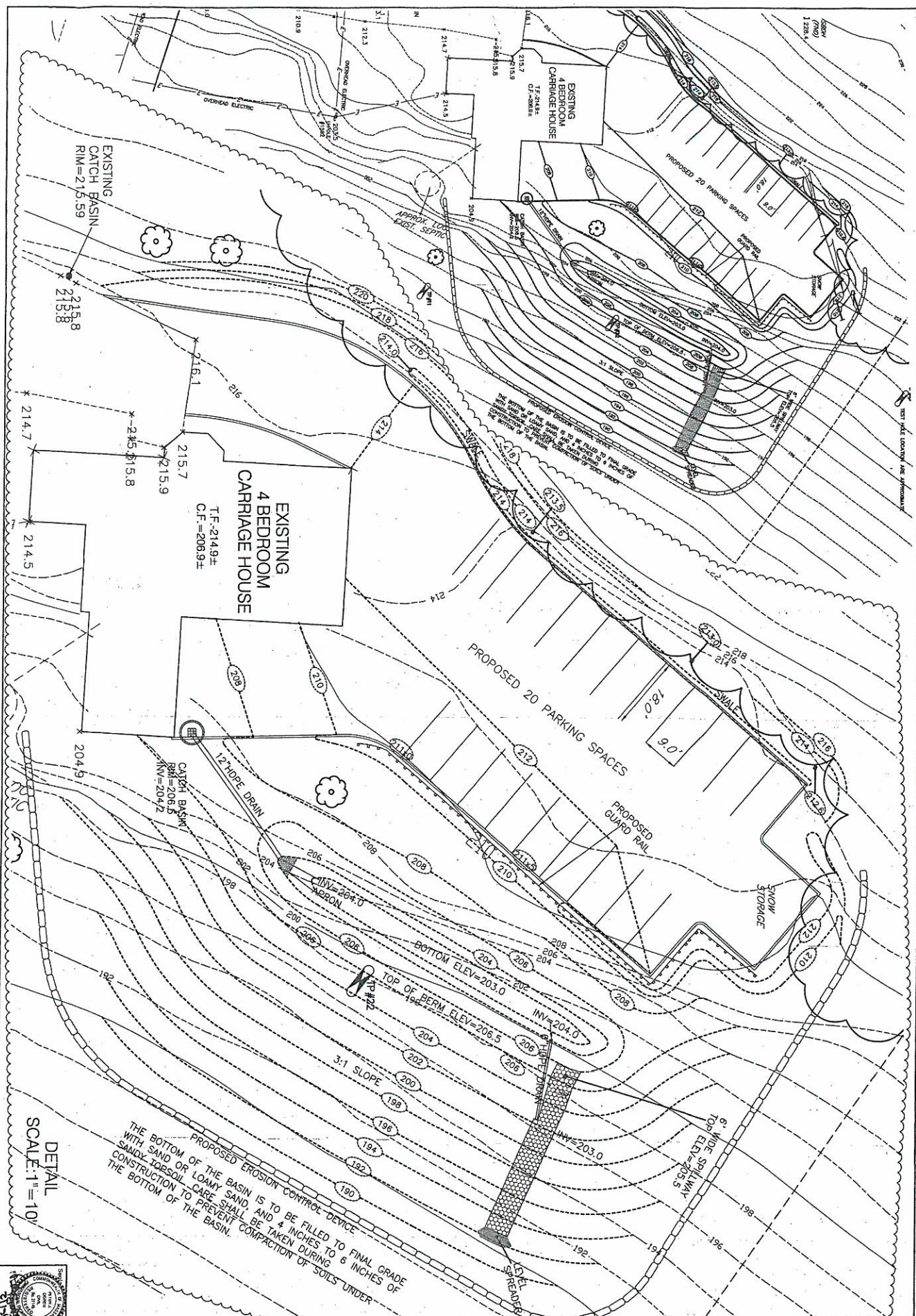
2. An electronic copy of all documents shall be submitted to the Granting Authority, formatted in a single paginated PDF file with descriptive bookmarks for each plan set and for each document on either a CD or DVD disc.
3. An electronic copy of the final plans with same format as in section "4.11.2." above, and a full size hard copy of said plans showing the Signatures of the Granting Authority and date of approval shall be submitted to the Granting Authority.

---

**SUMMARY:**

\* Granting Authority: (2) Full Scale, (5) Reduced Size 11 x 17  
Town Clerk, Review Engineer, Conservation, Public Works: Full Scale  
All Others: Reduced Size 11 x 17

**Total: (6) Full Scale; (12) Reduced Size 11 x 17; (1) electronic copy**



**Site Plan**  
**Syllogistic Conference Center**  
 116 Newburyport Tnpk. (Boston St)  
 Topsfield, Mass. 01983

Scale: 1" = 20'  
 0' 10' 20' 40'

Date: October 30, 2013

No.	Revision	Date
1	Original	10-30-13
2	Revised	11-18-13
3	Revised	12-17-13

**Hayes Engineering, Inc.**  
 803 Salem Street  
 Woburn, MA 01890  
 Tel: 781.248.2000  
 Fax: 781.248.7596  
 www.hayeseng.com

**Owner / Applicant**  
 Syllogistic Management Solutions  
 200 Cummings Center Suite 3500  
 Beverly, Mass. 01915  
 Map 69 Parcel 13

P199.F3.P308  
 SHEET 5 OF 5

Owner of Record  
Cheever Trustee of  
Cheever Realty Trust

2014 FEB 28 AM 10:06

RECEIVED  
TOWN CLERK  
TOPSFIELD, MA



No notice of appeal was received during 20 days  
next after receipt of recording of notice from the  
Zoning Board of Appeals approval.  
And Scie March 21, 2014  
Topsfield Town Clerk Date

2014032100101 BK:33173 Pg:505  
03/21/2014 10:44 DCSN Pg 1/6

# TOWN OF TOPSFIELD

## ZONING BOARD OF APPEALS

8 West Common Street, Topsfield, Massachusetts 01983

### Certificate of Decision

A TRUE COPY  
ATTEST:

TOWN CLERK  
TOPSFIELD, MA 01983

Property Address: 116 Boston Street

The applicant is Pierce Farm LLC. Originally filed as Syllogistic Management Solutions LLC.

### 1. The Application

An application was filed on November 5, 2013 with the Topsfield Town Clerk by Attorney Alan Grenier for Pierce Farm LLC originally filed as Syllogistic Management Solutions LLC for (1) a special permit for the conversion of a residential dwelling with horse farm to a conference and event facility pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 2. Community Facilities, Sub-section 2.17 Conference and Event Facility for said facility located in the Outlying Residential and Agricultural District; and (2) site plan review pursuant to Article IX of the Zoning Bylaw.

### 2. The Hearing

Notice was published in the Salem Evening News on November 12, 2013 and November 19, 2013, mailed postage prepaid to all interested parties, including all abutters on the List of Abutters certified by the Assessors and posted in a conspicuous place in the Town Hall for a period of not less than fourteen days before the day of such hearing. Pursuant to duly published notices, a public hearing was held on Tuesday, November 26, 2013 at the Topsfield Town Library and continued on February 11, 2014 at the Proctor School Library and February 25, 2014 at the Topsfield Town Library. Present at the hearings was Robert Moriarty, Chairman; David Merrill, Clerk; Jody Clineff, Member; David Moniz, Member and Gregor Smith, Member.

November 26, 2013

Attorney Alan Grenier, the Applicant's representative, addressed the Board explaining that Syllogistic Management Solution, a software training group, would like to convert the residential use of the property for use as a retreat style training center under the conference and event facility use category as allowed by the Topsfield Zoning By-law. He noted that historical use has been a residential building lot and horse farm comprising of a single family home, a barn with a second floor apartment and first floor garage area, swimming pool, driveway and septic system on a 13 acre site. Attorney

ZBA Decision  
116 Boston Street SP & Site Plan  
Page 1 of 5

BOOK

26302

PAGE

443

Grenier then introduced the President of Syllogistic Sean Ward to explain the company's objectives and plans for the property.

Mr. Sean Ward explained that Syllogistic Management Solutions, LLC is a software group providing Yardi implementation and training services for the property management sector and would use the property as a retreat style conference center. The intention is to use the site for small day time training sessions for up to 3 days. There are 15 employees that would use 8 rooms for business space as support staff for the training sessions. Most likely at any one time there would be approximately 18-20 individuals at the site with a maximum capacity of 30. The barn would eventually house a technology center located in the large entry space. The intention is to preserve the buildings and grounds. There would be no exterior renovations to the buildings at this time. Mr. Ward introduced an historic picture of the property showing the original location of buildings and water tower. He noted that eventually he would like to restore the exteriors as depicted in the picture. His intentions are to preserve the natural historic state of the buildings on the site. The intent is for the property to look as it does today as a residential lot. However, there will be site work to provide parking spaces; possible driveway improvements for access and egress for clients as directed by Topsfield public safety departments and MassDOT.

Attorney Grenier asked if the Board would entertain the separation of the special use permit and the site plan review and vote on the special permit request. Chairman Moriarty responded that the Board's policy was not to separate the special permit for use and the accompanying site plan review. The Board would require further discussion as to how to effectively limit what may happen on the site to limit possible expansion of use and may look to a preservation agreement.

At this time, Planning Board Chair Martha Morrison reminded the Board that the ZBA would be required to conduct the stormwater and erosion control management permit review as part of the site plan review. Chairman Moriarty then acknowledged the need for an independent peer review. Ms. Knight informed the Board that the Town has been using Beals and Thomas Inc. for peer reviews specifically for stormwater by the Planning Board. The Board directed Ms. Knight to work out the details. The public hearing was continued to the January 21, 2014 meeting at 8:00PM.

#### **February 11, 2014**

Peer Review Engineer Richard Kosian of Beals and Thomas Inc. commenced the discussion with a summary item review of the Supplemental Peer Review of the Syllogistic Conference Center for site plan and stormwater management design for the parking lot dated January 28, 2014. Items 2, 5, 10, 11 and 13 were tagged for additional engineering that could be provided during construction as a condition of the permit. The Board took exception relative to Item 10 and required the Applicant to contract a geotechnical engineer to verify the integrity of the berm at a 2:1 slope.

The Board then reviewed the drafted conditions for the special permit with the Applicant and his representative Attorney Alan Grenier. The Board and applicant agreed to language revisions regarding the preservation restriction for the property; language revisions relative to restriction for the undeveloped field such that that portion of the parcel of land cannot be subdivided in the future and the addition of conditions recommended in the Supplemental Peer Review dated January 28, 2014. *(The complete list of conditions to be referenced in the Decision Section of this Permit.)* The public hearing was continued to February 25, 2014 at 8:15PM for documentation from a geotechnical engineer on the stability of the berm.

#### **February 25, 2014**

Project Engineer Gordon Rogerson commenced the discussion by reporting on the revised site plan dated February 24, 2014 which had been submitted to the Board. Mr. Rogerson noted that based on recommendation and comments made by Beals and Thomas Inc. concerning the integrity of the berm at a 2:1 slope, the geotechnical engineer at Hayes Engineering reviewed the calculations at both a

2.5:1 slope and a 3:1 slope as recommended by Beals and Thomas Inc. and made the determination to revise the plans for the berm with a 3:1 slope with an extended rip rap relief area. There were no structural changes to the plan.

Attorney Alan Grenier reviewed the state agricultural restriction template with the Board and noted that there would be minor revisions to include the maintenance of drainage easement and septic system which are both located in the undeveloped field. Planning Board Chair Martha Morrison noted that in order to apply for an agricultural easement certain criteria would have to be met for eligibility.

The Board then reviewed the conditions for the decision and made certain revisions to the drafted language.

Chairman Moriarty then moved to close the public hearing; seconded by Member Jody Clineff; so voted 5-0.

During the continued public hearing process, the Board received testimony and other information in the form of plans, reports and correspondence. Also, during the hearing, the Applicant modified its plans in response to the peer review recommendations by Beals and Thomas Inc. The nature and details of the changes were discussed during the public hearing. The final plans, reports and correspondence before the Board for its consideration included:

**A. Engineering:**

Plan set entitled "Site Plan, Syllogistic conference center, 116 Newburyport Tnpk. (Boston St), Topsfield, Mass. 01983" prepared by Hayes engineering, Inc. last revised December 17, 2013 (5 sheets).

Revised Plan entitled "Site Plan, Syllogistic conference center, 116 Newburyport Tnpk. (Boston St), Topsfield, Mass. 01983" prepared by Hayes engineering, Inc. last revised January 16, 2014 (3 sheets; 1 of 5, 4 of 5 and 5 of 5).

Revised Plan entitled Site Plan, Syllogistic conference center, 116 Newburyport Tnpk. (Boston St), Topsfield, Mass. 01983" prepared by Hayes engineering, Inc. last revised February 14, 2014 (5 sheets).

**B. Reports:**

Peer Review Report, Syllogistic Conference Center, Topsfield, Massachusetts, Beals and Thomas Inc., dated January 13, 2014

Supplemental Peer Review Report, Syllogistic Conference Center, Topsfield, Massachusetts, Beals and Thomas Inc., dated January 28, 2014

**C. Documents:**

Document entitled "Stormwater Management & Erosion Control Report, 116 Newburyport Turnpike, topsfield, Massachusetts" prepared by Hayes Engineering, Inc., dated December 17, 2013

Correspondence regarding "Response to comments from Beals and Thomas, 116 Newburyport Turnpike/Syllogistic" prepared by Hayes Engineering, Inc. addressed to the Zoning Board of Appeals, dated January 14, 2014

Correspondence regarding "Change of Applicant Name to: Peirce Farm LLC, Syllogistic Conference Center, 116 Boston St., Topsfield, MA"

### 3. The Findings

The Board determined that the subject property is located in the Outlying Residential District. Based upon the testimony and evidence presented to the Board during the public hearing, the Board found that the proposed change of use to a Conference and Event Facility as restricted is compatible with the neighborhood and is distant enough from any residential neighbors so as not to have any detrimental impact on them, and that provided the conditions set forth below are adhere to, the granting of a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations, Section 2. Community Facilities, Sub-section 2.17 Conference and Event Facility:

- would not be detrimental to the public convenience or welfare
- would not create undue traffic congestion or impair pedestrian safety
- would not overload any municipal system
- would not impair the integrity or character of the district or adjoining zones
- would not be detrimental to health, safety or welfare

The Board further found, after reviewing the site plan and supporting documents and taking into account the objectives of Article IX of the Topsfield Zoning By-Law, that the proposed project:

- Would not be detrimental to the public convenience or welfare;
- Would not create undue traffic congestion or unduly impair pedestrian safety;
- Would not overload any public water, drainage, sewer or other municipal system;
- Would not impair the integrity or the character of the Business Village district;
- Would not be detrimental to the health, safety or welfare nor create a nuisance to abutting properties or Town amenities;
- Would provide adequate parking, lighting, and internal traffic control;
- Makes adequate provision for off-street loading and unloading of vehicles incidental to the normal operation of the establishment;
- Makes adequate provision for pollution control;
- Provides for appropriate landscaping, and preserves, where possible, existing trees;
- Will be well integrated into the existing landscape and will be harmonious, in both the design of the building and of the landscaping, with the character of the Town and the natural landscape.

### 4. The Decision

Chairman Moriarty moved that the Board accept the change in the Applicant's name to Peirce Farm LLC; adopt the foregoing findings and grant a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations, Section 2. Community Facilities; Sub-section 2.17 Conference and Event Facility; approve the revised site plan dated February 14, 2014 and drafted Certificate of Decision by Roberta Knight as amended by the Board.

A. **Conditions:** This decision imposes the following conditions:

1. The special permit is limited to the Peirce Farm LLC so long as Sean Ward and/or Michael Gutman either own or hold a controlling interest in that company.
2. Any transfer of the real estate or control of or ownership of Peirce Farm LLC by Sean Ward and Michael Gutman shall require the prior approval of the Board, said approval not to be

unreasonably withheld, delayed or conditioned, for the continuance of the special permit, absent which, the special permit would become null and void.

3. The property's buildings as listed in the Town of Topsfield Inventories List of "Significant Structures" are Peirce, Col. Thomas Wentworth House, 1821; Peirce, Col. Thomas Wentworth Stable, 1880; Peirce, Col. Thomas Wentworth Summerhouse, 1920 and the Crowninshield, Benjamin W. Circulation System, 1821. The owners must notify the Topsfield Historical Commission prior to any exterior changes to these structures and follow the rules and regulations as established by the Commission pursuant to the General Code, Chapter XXVI, Demolition Delay Bylaw.
4. The Applicant shall take all the appropriate steps to secure an historic preservation easement for the structures as listed above through a federal, state or non-profit easement agreement and report progress to the Board on a periodic basis.
5. The Applicant shall take all the appropriate steps to secure an agricultural or conservation restriction for the undeveloped field such that that portion of the parcel of land cannot be subdivided in the future and report progress to the Board on a periodic basis.
6. Any alterations to the approved conditions that are required by MassDot or other town boards shall be submitted to the Board for final approval.

The motion was seconded by Member Gregor Smith; so voted; 5-0

Moriarty, Chairman	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent/Abstain
Merrill, Clerk	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent/Abstain
Clineff, Member	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent/Abstain
Moniz, Member	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent/Abstain
Smith, Member	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent/Abstain

#### 5. Appeals

Appeals of the above decision shall be filed pursuant to M.G.L. 40A, § 17 within 20 days of the date of filing of this certificate with the Topsfield Town Clerk.

#### 6. Validation

This Decision shall be recorded at the Essex Southern District Registry of Deeds and shall not be effective until such time as evidence thereof shall be submitted to the Topsfield Town Clerk, the Building Inspector and the Planning Board.

Dated: February 28, 2014

Respectfully submitted:



Robert J. Moriarty, Jr.  
Chairman



# TOWN OF TOPSFIELD

## TOWN CLERK

8 West Common Street, Topsfield, Massachusetts 01983

T: (978) 887-1505 F: (978) 887-1502

clerk@topsfeld-ma.gov

March 21, 2014

**RE: Registry Recording Information for Favorable Zoning Board Decision with No Appeal**

Dear Applicant:

The ZONING Board has ruled in your favor and the required twenty (20) days have elapsed since said Decision was filed with the Town Clerk. No appeal has been filed with the Town Clerk regarding said Decision.

The enclosed Decision has been stamped indicating there has been no appeal filed. Per Section 6, Validation, it is the applicant's responsibility to record said decision at the **Essex Southern District Registry of Deeds** and shall not be effective until such time as evidence thereof shall be submitted to the Topsfield Town Clerk and the Building Inspector.

*This letter is for informational purposes only and will not serve as valid proof of a positive ruling.*

Respectfully,

Ann D. Gill  
Town Clerk

cc: Chairman Topsfield Zoning Board of Appeals  
Chairman Topsfield Planning Board  
Inspector of Buildings  
Principal Assessor  
Community Development Coordinator