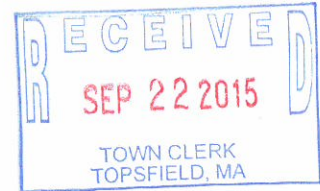


Application for Zoning Relief

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 and the Topsfield Zoning Board of Appeals Rules and Procedures that are available from the Town Clerk.

Incomplete applications will not be considered unless waivers are previously obtained from the Zoning Board of Appeals

.....

BOARD USE ONLY

Date Filed:
Date Action Due
Public Hearing:
Decision:

Revised Form Date: 04/26/2011

Issue Date: 04/26/2011

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 a Variance from Article _____, Section _____, of the Zoning 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 Comprehensive Permit pursuant to G.L.c. 40B, Section 20-23.
- X Appeal from the decision dated 9/1/2015 of the Building Inspector or others pursuant to L.L. c. 40A, Section 15.

DESCRIPTION OF APPLICANT:

- a. Name E. Russell Brickett erussbrickett@gmail.com
- b. Address 11 Garden Street, Topsfield, MA
- c. Phone Number (617) 686-2040
- d. Interest in Premises (e.g., owner, tenant, prospective purchaser, etc.) abutter
(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, Topsfield, MA
- c. Name and address of legal owner (if different from Applicant) Peirce Farm, LLC
- d. Deed to the Premises recorded at (if known):
X 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 2/28/2014 Name of Applicant Syllogistic Management Solutions, LLC/Peirce Farm, LLC
 Nature of Decision special permit
- f. Present use of the Premises last used as Residential, Horse Farm, currently construction is in progress
- g. Present structures conform to current Zoning Bylaw. _____ Yes _____ No. If no, in what respect does it not conform. unknown

PROPOSAL (attach additional sheets if necessary):

- a. General Description:

Issue Date: 04/26/2011

- 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 Zoning Board of Appeals 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 Zoning Board of Appeals 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 _____

Russell Brickett
Signature of Applicant

*See attached Statement of Grounds for Appeal.



TOWN OF TOPSFIELD
INSPECTIONAL SERVICES DEPARTMENT
8 West Common Street, Topsfield, Massachusetts 01983

9/1/2015

E. Russell Brickett
11 Garden Street
Topsfield, MA 01983

RE: Request to Revoke Building Permit for 116 Boston Street

Dear Mr. Brickett,

This letter is in response to your letter dated August 20, 2015 regarding the use of the property at 116 Boston Street in Topsfield.

On February 28, 2014 the Town of Topsfield Zoning Board of Appeals, under Article V, Section 5.04 and Article III, Table of Use Regulations, Section 2 Community Facilities, Sub-section 2.17 issued a Special Permit to allow a Conference and Event Facility. In my opinion the use of the property for weddings is appropriate under the Special Permit issued by the Zoning Board of Appeals.

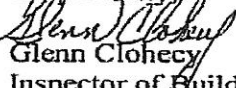
The Building Code is very specific with regards to my ability to revoke a building permit. Section R105.6 of the 2009 IRC reads in pertinent part;

R105.6 Suspension or revocation. *The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.*

Based on the above, your request to revoke the building permit is respectfully denied.

Please be advised that in accordance with Article V Section 5.02 note 5 of the Town of Topsfield Zoning By-Law and MGL Chapter 40A § 8 & § 15 this decision may be appealed to the Town of Topsfield Zoning Board of Appeals. Appeals from this order must be filed with the Town Clerk within 30 days on approved town forms with the appropriate fees.

Respectfully,


Glenn Clohecy
Inspector of Buildings
Zoning Enforcement Officer

cc: Roberta Knight/Planning & Zoning Coordinator
File


EXHIBIT A

Statement of Grounds for Appeal

This appeal is brought pursuant to M.G.L. c. 40A, §§ 8 and 15 and Section VII.C.3. of the Topsfield Zoning Board of Appeals Rules and Procedures. Appellant E. Russell Brickett (Appellant) contends that the September 1, 2015 decision of Inspector of Buildings and Zoning Enforcement Officer Glenn Clohecyc (copy attached as Exhibit A) is erroneous and should be reversed on the following grounds:

1. The building permit that Mr. Clohecyc issued to Sean Ward d/b/a Peirce Farm, LLC on July 16, 2015 (copy attached as Exhibit B) references a change in use of the property to "Wedding Assembly Hall." Such a use is not permitted in the Outlying Residential and Agricultural (ORA) District. Under the Zoning Bylaw, a "Conference & Event Facility" may be allowed by special permit in the ORA District. The special permit issued to Peirce Farm, LLC on February 28, 2014 (copy attached as Exhibit C) authorizes the conversion of the existing residential use to a "retreat style training center." As indicated in the special permit decision, the applicant represented that it planned to use the property as a "retreat style conference center" that would be used "for small day time training sessions for up to 3 days," and that "[m]ost likely at any one time there would be approximately 18-20 individuals at the site with a maximum capacity of 30." The building permit does not provide any information as to what the "Wedding Assembly Hall" use entails, but a "Wedding Assembly Hall" obviously is not a "retreat style training center" or a "retreat style conference center." Whatever this new proposed use entails, it has not been considered by the Zoning Board of Appeals (Board), and the existing special permit makes no reference to it. The Appellant's position is two-fold. First, a "Wedding Assembly Hall" is not a "Conference & Event Facility" within the meaning of the Zoning Bylaw. The Bylaw's definition of "Conference & Event Facility" contemplates uses by "individuals and service, social or professional organizations and businesses" for business-related purposes such as "seminars, meetings and professional conferences and social events." Second, even if the Board believes that a "Wedding Assembly Hall" is a "Conference & Event Facility" within the meaning of the Zoning Bylaw because a wedding is a "social event," the Board has never considered the proposed "Wedding Assembly Hall" and therefore has not fulfilled its obligations to (1) hold a public hearing on the proposed use, (2) make findings concerning the nature of the proposed use and any detrimental effects it may have, and (3) impose conditions and safeguards to protect the neighborhood. Accordingly, the Board should reverse Mr. Clohecyc's September 1, 2015 decision and revoke the building permit.

2. It is clear that the special permit holder no longer contemplates the only proposed use for which it has received a special permit. Regardless of the building renovations authorized by the building permit (to which the Appellant does not object), the proposed Wedding Assembly Hall use is not authorized by the existing special permit (or otherwise), and therefore violates the Zoning Bylaw. Even if the applicant did not contemplate any changes to the building, and did not require a building permit, the proposed use would be unlawful and the applicant would not be entitled to commence that use. Accordingly, to avoid further expense by the applicant in pursuit of an unlawful use, and the probability of a future zoning enforcement action, the Board should reverse Mr. Clohecyc's September 1, 2015 decision and revoke the building permit.

 The Commonwealth of Massachusetts Department of Public Safety Massachusetts State Building Code (780 CMR)		RECEIVED JUN 10 2015 TOWN OF TOPSFIELD INSPECTION DEPT.
Building Permit Application for any Building other than a One- or Two-Family Dwelling (This Section For Official Use Only)		
Building Permit Number: _____	Date Applied: _____	Building Official: <u>7/16/15 [Signature]</u>
SECTION 1: LOCATION (Please indicate Block # and Lot # for locations for which a street address is not available)		
<u>116 BOSTON ST. TOPSFIELD, MA</u>	<u>01983</u>	<u>PEACE FARM WITH HILL</u>
No. and Street	City/Town	Zip Code
SECTION 2: PROPOSED WORK		
Edition of MA State Code used <u>B</u> If New Construction check here <input type="checkbox"/> or check all that apply in the two rows below		
Existing Building <input checked="" type="checkbox"/>	Repair <input checked="" type="checkbox"/>	Alteration <input checked="" type="checkbox"/>
Addition <input checked="" type="checkbox"/>	Demolition <input checked="" type="checkbox"/> (Please fill out and submit Appendix 1)	
Change of Use <input checked="" type="checkbox"/>	Change of Occupancy <input type="checkbox"/>	Other <input type="checkbox"/> Specify: <u>ACCESSORY STRUCTURE</u>
Are building plans and/or construction documents being supplied as part of this permit application? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Is an Independent Structural Engineering Peer Review required? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Brief Description of Proposed Work: <u>CHANGE OF USE FROM BARN (FARM) TO</u> <u>WEDDING ASSEMBLY HALL</u> <u>Renovating Barn into Conference and event center.</u>		
SECTION 3: COMPLETE THIS SECTION IF EXISTING BUILDING UNDERGOING RENOVATION, ADDITION, OR CHANGE IN USE OR OCCUPANCY		
Check here if an Existing Building Investigation and Evaluation is enclosed (See 780 CMR 34) <input type="checkbox"/>		
Existing Use Group(s): <u>A-2</u>	Proposed Use Group(s): <u>A-2</u>	
SECTION 4: BUILDING HEIGHT AND AREA		
No. of Floors/Stories (include basement levels) & Area Per Floor (sq. ft.)	Existing	Proposed
	<u>3</u>	<u>2</u>
Total Area (sq. ft.) and Total Height (ft.)		<u>7360</u>
SECTION 5: USE GROUP (Check as applicable)		
A: Assembly A-1 <input checked="" type="checkbox"/>	Nightclub <input type="checkbox"/>	A-3 <input type="checkbox"/>
A-4 <input type="checkbox"/>	A-5 <input type="checkbox"/>	B: Business <input checked="" type="checkbox"/>
E: Educational <input type="checkbox"/>	F: Factory F-1 <input type="checkbox"/>	F-2 <input type="checkbox"/>
H: High Hazard H-1 <input type="checkbox"/>	H-2 <input type="checkbox"/>	H-3 <input type="checkbox"/>
H-4 <input type="checkbox"/>	H-5 <input type="checkbox"/>	I: Institutional I-1 <input type="checkbox"/>
I-2 <input type="checkbox"/>	I-3 <input type="checkbox"/>	I-4 <input type="checkbox"/>
M: Mercantile <input type="checkbox"/>	R: Residential R-1 <input type="checkbox"/>	R-2 <input type="checkbox"/>
R-3 <input type="checkbox"/>	R-4 <input type="checkbox"/>	S: Storage S-1 <input type="checkbox"/>
S-2 <input type="checkbox"/>	U: Utility <input type="checkbox"/>	Special Use <input checked="" type="checkbox"/> and please describe below:
Special Use: <u>Wedding Facility</u>		
SECTION 6: CONSTRUCTION TYPE (Check as applicable)		
IA <input type="checkbox"/>	IB <input type="checkbox"/>	IIA <input type="checkbox"/>
IIB <input type="checkbox"/>	IIIA <input type="checkbox"/>	IIIB <input type="checkbox"/>
IV <input type="checkbox"/>	VA <input type="checkbox"/>	VB <input checked="" type="checkbox"/>
SECTION 7: SITE INFORMATION (refer to 780 CMR 111.0 for details on each item)		
Water Supply: Public <input type="checkbox"/>	Flood Zone Information: Check if outside Flood Zone <input type="checkbox"/>	Sewage Disposal: Indicate municipal <input type="checkbox"/>
Private <input checked="" type="checkbox"/>	or identify Zone: _____	or on site system <input checked="" type="checkbox"/>
Trench Permit: A trench will not be required <input type="checkbox"/>	Debris Removal: Licensed Disposal Site <input type="checkbox"/>	
or trench permit is enclosed <input type="checkbox"/>	or specify: <u>G. Mello</u>	
Railroad right-of-way: Not Applicable <input checked="" type="checkbox"/> or Consent to Build enclosed <input type="checkbox"/>		Hazards to Air Navigation: Is Structure within airport approach area? Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/>
MA Historic Commission Review Process: Is their review completed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
SECTION 8: CONTENT OF CERTIFICATE OF OCCUPANCY		
Edition of Code: <u>B</u>	Use Group(s): <u>A-2</u>	Type of Construction: <u>VB</u>
Occupant Load per Floor: _____	Does the building contain an Sprinkler System?: <u>NO</u>	
Special Stipulations: _____		

SECTION 9: PROPERTY OWNER AUTHORIZATION

Name and Address of Property Owner

Sean Ward 116 Barton St. Topsfield 01983
 Name (Print) No. and Street City/Town Zip

Property Owner Contact Information:

Owner 978-921-6300 978-766-8953 sean.ward@peircefarm.com
 Title Telephone No. (business) Telephone No. (cell) e-mail address

If applicable, the property owner hereby authorizes

D.W. Philpot 32 PEMBERTON RD Topsfield MA 01983
 Name Street Address City/Town State Zip

to act on the property owner's behalf, in all matters relative to work authorized by this building permit application.

SECTION 10: CONSTRUCTION CONTROL (Please fill out Appendix 2) NON MANICURE(If building is less than 35,000 cu. ft. of enclosed space and/or not under Construction Control then check here ☐ and skip Section 10.1)

10.1 Registered Professional Responsible for Construction Control

Name (Registrant)	Telephone No.	e-mail address	Registration Number
Street Address	City/Town	State	Zip
			Discipline
			Expiration Date

10.2 General Contractor

D.W. Philpot Co. Inc.
 Company Name
DANIEL W. PHILPOT CS062079 1/28/17 HIC 123610 3/14/17
 Name of Person Responsible for Construction License No. and Type if Applicable
32 PEMBERTON RD Topsfield MA 01983
 Street Address City/Town State Zip
978-887-7219 978-828-9960 d.w.philpot@pcr.com
 Telephone No. (business) Telephone No. (cell) e-mail address

SECTION 11: WORKERS' COMPENSATION INSURANCE AFFIDAVIT (M.G.L. c. 152, § 25C(6))

A Workers' Compensation Insurance Affidavit from the MA Department of Industrial Accidents must be completed and submitted with this application. Failure to provide this affidavit will result in the denial of the issuance of the building permit.

Is a signed Affidavit submitted with this application? Yes ☒ No ☐

SECTION 12: CONSTRUCTION COSTS AND PERMIT FEE

Item	Estimated Costs: (Labor and Materials)	Total Construction Cost (from Item 6) = \$ <u>600,000</u>
1. Building	\$ <u>350K</u>	Building Permit Fee = Total Construction Cost x ____ (Insert here appropriate municipal factor) = \$ ____ Note: Minimum fee = \$ ____ (contact municipality)
2. Electrical	\$ <u>50K</u>	
3. Plumbing	\$ <u>100K</u>	
4. Mechanical (HVAC)	\$ <u>50K</u>	
5. Mechanical (Other)	\$ <u>30K</u>	
6. Total Cost	\$ <u>600K</u>	Enclose check payable to ____ (contact municipality) and write check number here ____

SECTION 13: SIGNATURE OF BUILDING PERMIT APPLICANT

By entering my name below, I hereby attest under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

DANIEL W. PHILPOT OWNER 978-887-7219
 Please print and sign name Title Telephone No. Date
Daniel W. Philpot 32 PEMBERTON RD Topsfield MA 01983
 Street Address City/Town State Zip

Municipal Inspector to fill out this section upon application approval:

Name

Date

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 D. L. L. March 21, 2014
Topsfield Town Clerk Date

TOWN OF TOPSFIELD

ZONING BOARD OF APPEALS

8 West Common Street, Topsfield, Massachusetts 01983

Certificate of Decision

Property Address: 116 Boston Street

The applicant is Pierce Farm LLC. Originally filed as Sylllogistic 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 Sylllogistic 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 Sylllogistic 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

EXHIBIT C

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 or 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 Haycs 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

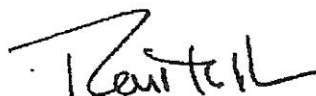
Appeals of the above decision shall be filed pursuant to M.G.L. 40A, § 17 within 20 days of the date of filing of this certificate with the Topsfield Town Clerk.

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, MA **ZONING BOARD OF APPEALS**



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: 116 Boston St 11 Garden Street

Russell Brickett

Telephone No. _____

Locus: 116 Boston St

Map	Block	Location	Owner	(If different from location) Mailing Address
-----	-------	----------	-------	-------------------------------------------------

69-13

SEE ATTACHED LIST

If needed, attach additional sheets.

Assessor's Certification

To the Topsfield Zoning Board of Appeals:

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

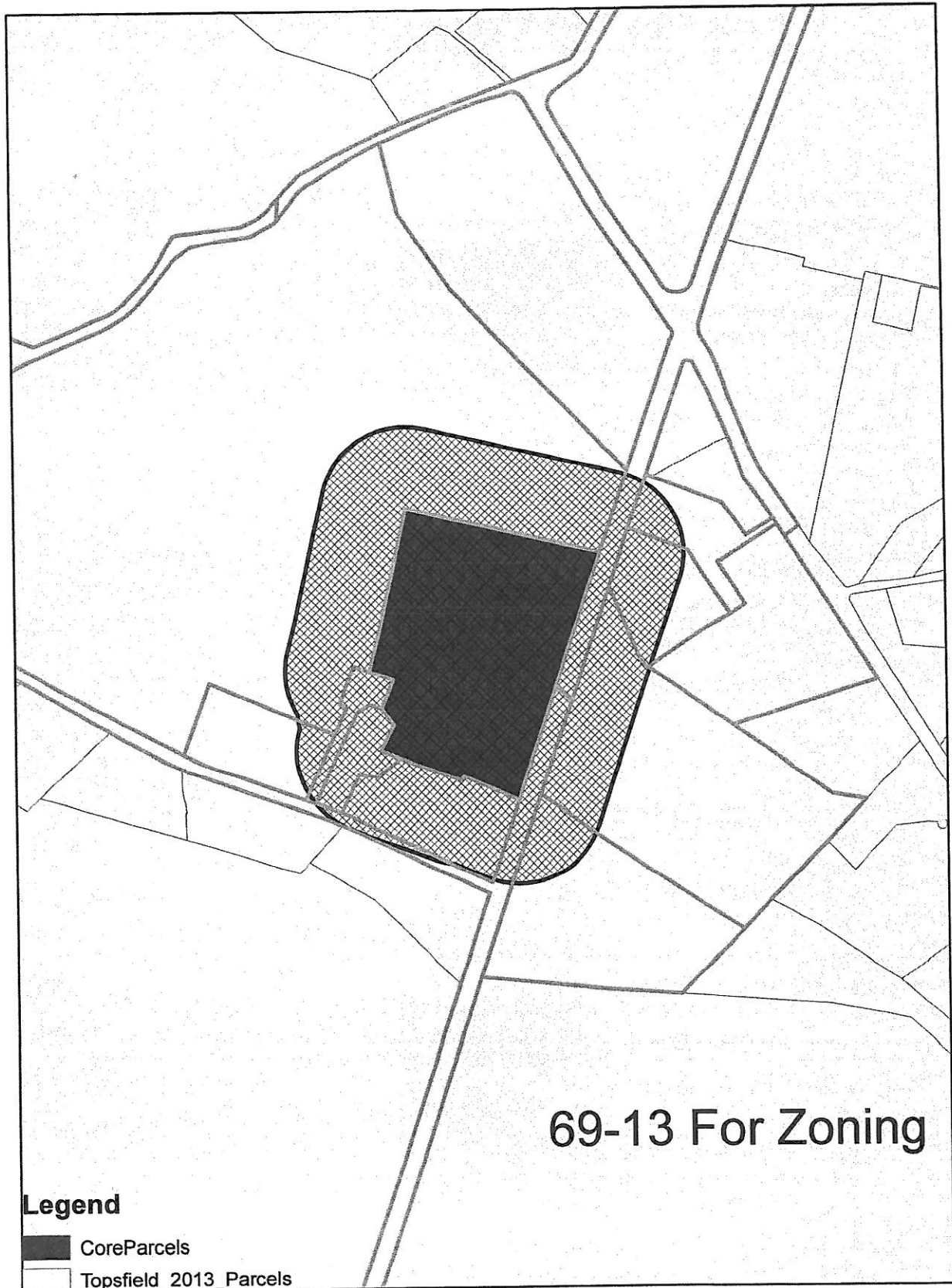
Assessors' Office

Kathleen Jackson

Date of Verification

9/18/15

116 Boston St





Patriot Properties

09/18/2015

9:17:28AM

Town of Topsfield

GIS - Abutters by Parcel ID

Filter Used:

DataProperty.AccountNumber in (1932,2071,1930,2070,2072,2075,1867,1870,1868,2177,2211)