



Mr. Robert Moriarty, Esq.  
Chairman  
Zoning Board of Appeals  
Topsfield Town Hall  
8 West Common Street  
Topsfield, MA 01983

Dear Mr. Moriarty,

Joyful Noises Preschool is licensed by the Massachusetts Department of Early Childhood Education and Care. Our playground is governed by the Department's policy as put forth in "Playground Safety [6.06 CMR 7.07(7); 7.07(16)(e); 7.07(13); 7.10(10)]." Included in that policy are requirements for protection if the playground is located next to a street or parking lot, specifically "Any such hazard must be removed or fenced by a sturdy, permanently installed barrier which is at least four feet high or otherwise protected or removed, as appropriate." We are, of course, not asking for the removal of the hazard but are asking for a permanently installed barrier.

Further direction comes from the American Society for Testing and Materials (ASTM) that issues standards in response to accident reports. There are countless accidents related to vehicles accelerating into play areas that lacked proper barriers. ASTM standards take into account minimum requirements for protection according to different hazard levels, including hazards posed by roads and parking lots. A Level I hazard is less than thirty feet from a play zone. This level poses the greatest potential for harm. A Level II hazard is thirty to a hundred feet from a play zone. According to ASTM, barriers should be in place for each of these levels. It is difficult to gauge the distance between the playground and the roadway on the plan on the website, but it appears that it may pose a Level I hazard. It certainly falls within the Level II guideline.

Joyful Noises Director Yvonne Beirne, who has also been a State-licensed playground inspector, met with the landscape architect when neighbors were invited to see the site plan and proposed landscaping. When Yvonne raised the issue of the proximity of the drive to the playground, she was assured that bollards or some other solution would be provided. Of particular concern is that the driveway bends to the right as it leaves the parking lot. If a driver lost control, an automobile could crash through a part of the playground's post and rail fencing, potentially causing injury to children playing there. There are many attractive options for bollards that would mitigate this hazard. We ask that we be consulted as to Caleb's choice to be certain that it complies with State standards.

Joyful Noises is licensed every two years. We are concerned that failure to offer appropriate protection for the playground could jeopardize our license. Such an occurrence would have a serious impact on the many families who entrust their children to us, to the staff, and to the Church that derives significant rental income from Joyful Noises.

We respectfully ask that you discuss this with the Caleb Group and make the installation of a protective barrier a condition for the approval of the project.

Sincerely,

A handwritten signature in blue ink that reads "Martha A. Morrison". The signature is written in a cursive, flowing style.

Martha A. Morrison  
President  
Board of Directors  
Joyful Noises Preschool, Inc.