

# McCann & McCann, P.C.

Attorneys AT LAW  
89 Newbury Street, Suite 302  
DANVERS, MASSACHUSETTS 01923  
TELEPHONE: 978-739-8484  
FACSIMILE: 978-739-8455  
E-MAIL: NMCCANN@MCCANNLAW.COM

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Topsfield Town Hall  
8 West Common Street  
Topsfield, MA 01983

Re: Connemara Farms – Special Permit Application

Dear Board Members:

As you are aware, I represent English Commons Condominiums, a direct residential abutter to the Connemara Farm Event Facility. The Topsfield ZBA has been asked to grant a Special Permit to allow the operation of an outdoor event center at Connemara Farm with events conducted outside and in an open air tent.

The Applicant has failed to satisfy the concerns raised by the Board and Topsfield residents during the hearing last year which hearing resulted in the issuance of a Special Permit limited to the 2023 event season, with conditions. The Applicant has failed to meet its burden of proof under Section 5.04 of the Topsfield Zoning Bylaw to support the issuance of the requested Special Permit. Specifically, the Applicant has failed to demonstrate that the use is not detrimental to the public convenience or welfare; and that the use will not impair the integrity or character of the district or adjoining zones or neighborhood nor be detrimental to the health, safety or welfare.

To the contrary, evidence from my clients, other neighborhood residents, and the Applicant itself demonstrate that:

- the tent event center will be detrimental to the public convenience, welfare and quiet enjoyment of residential properties in a residential district; and
- the tent event center will certainly impair the integrity and character of the district and neighborhood, as it has done since it began operations; and
- the tent event center, owing to the nature of the events and the demands and expectations of its clients, cannot be operated in a manner that is compatible with the residential neighborhood and district in which it is located.

M.G.L. c. 40A section 9 states that Special permits may be issued **only** for uses which are in harmony with the general purpose and intent of the ordinance or by-law. Based on evidence provided to the Board, the Board cannot make a finding that the event center as operated by Connemara Farm in a tent, is in harmony with the general purpose

and intent of the Topsfield Zoning Bylaw, which requires the most appropriate use of land, reasonable consideration to the character of districts and “making Topsfield a viable and *pleasing place to live*.”

The tent event center simply is not compatible, and cannot be made compatible, with this quiet residential district or neighborhood. The sound emanating from the event center, weddings in particular, far exceeds evening sound levels permitted in even Topsfield’s commercial zone! The English Commons residents whose use is permitted and who wish to live in harmony with the neighborhood, and who have every right and reasonable expectation of quiet enjoyment of their homes deserve to be protected by the Board from this loud, incompatible use, whose disturbance disrupts evenings and weekends.

Having failed to demonstrate that Connemara Farm can operate in a manner that does not negatively impact the neighborhood, the ZBA **cannot** make the findings necessary to support the grant of a Special Permit for an event center as the same is operated, and proposed to be operated, by Connemara Farm; having not met its burden, the Applicant’s request for a Special Permit must be denied.

Should the Board believe that it can make the required findings to support the issuance of a Special Permit to operate of a tent event center, the Special Permit must apply conditions that mitigate the very negative impacts of the use: In addition to the previously imposed conditions, the Applicant should be required to enclose its event center as all other event centers in Topsfield have done. A reasonable condition should require Connemara Farm to **keep all sides of the tent closed** during the 2024 event season; the Special Permit with such condition will terminate on October 31, 2024; should the Applicant request a subsequent Special Permit beyond the 2024 event season, all events must be held inside a building existing or constructed the property, subject to Site Plan approval; a structure must be utilized to fully enclose the event center and no outdoor audio will be permitted of any kind. Such conditions are reasonable and in keeping with other event centers in Topsfield.

Again, the Special Permit must be denied; the Applicant is not *entitled* to a Special Permit. The use and operation of the event center is not compatible with permitted residential neighborhood use, as demonstrated by the disruption to the neighbors’ quality of life caused directly and solely by the Applicant’s use. Thank you for your consideration.

Very truly yours,

*Nancy A.S. McCann*

Nancy A.S. McCann, Esq.