



# TOWN OF TOPSFIELD

## ZONING BOARD OF APPEALS

*8 West Common Street, Topsfield, Massachusetts 01983*

**Certificate of Decision**  
**Special Permit pursuant to Article III, Section 3.02**  
**of the Topsfield Zoning By-Law**

**Property Address: 41, 29 and 21 Cross Street, Topsfield, Massachusetts**

**Applicant:**

**1. The Application**

An application was filed on February 5, 2024 with the Topsfield Town Clerk by Meredith Farm Realty Trust for premises at 41, 29 and 21 Cross Street for a Special Permit pursuant to Article III, Section 3.02, Use 2.7 Privately-owned recreational facilities in the Outlying Residential and Agricultural District, to operate an outdoor “Tough Farmer” obstacle course.

**2. The Hearing**

Notice was published in the Salem News on February 12<sup>th</sup> and 19<sup>th</sup>, 2024, mailed postage prepaid to all interested parties, including all abutters on the List of Abutters certified by the Assessor’s Office 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 the notices, a public hearing was opened and closed on February 27, 2024 via ZOOM, due to Chapter 2 of the Acts of 2023, as stated at the beginning of the meeting.

Present at the hearing from the Zoning Board of Appeals was Robert Moriarty, Chairman; David Merrill, Clerk; Jody Clineff, Member; David Moniz, Member; and Gregor Smith, Member. Alternate Kristin Palace was not present. Senior Administrative Assistant Lynne Bermudez read the Legal Notice to open the Public Hearing for a Special Permit pursuant to Article III, Section 3.02 of the Zoning Bylaw.

Chairman Moriarty welcomed the applicant Tim Collins of Meredith Farm Realty Trust and asked him if he could provide an overview of his proposed obstacle course. Mr. Collins explained the components of the course. The event will have no music, lights, permanent structures, PA system or sale of food or liquor. He would like to have two to three events per year, all during the day. He estimates up to fifty people will participate in each event and there will be approximately fifteen supervisory people guiding participants along the

course. After the event people would gather in one of his barns. He will be charging a fee to cover the cost of t-shirts for participants. His two barns have restroom facilities. All cars will be parked on his property.

Discussion was held. The Board was comfortable with the concept and discussed a possible maximum number of events per year of six (6), held on Saturday, Sunday or holidays between 10:00 AM and 6:00PM. The Chairman asked if anyone from the public would like to speak. Matt Estes, an abutter at 3 Hill St., was recognized. Mr. Estes expressed concern that a special permit would be granted, with no end date, for an event that has never been held on that property. He requested the permit be limited to one year to evaluate the impact to neighbors and that the number of events be more limited for that first year. The Board and Mr. Collins agreed. No other individuals from the public spoke.

Chairman Moriarty made a motion to close the public hearing. Clerk David Merrill seconded the motion and it passed unanimously with a roll call vote as follows:

Chairman Bob Moriarty	yes
Clerk David Merrill	yes
Member Dave Moniz	yes
Member Jody Clineff	yes
Member Gregor Smith	yes

### **3. The Findings**

The Board, pursuant to M.G.L. c. 40A, §10, and after considering the objectives of Article III Section 3.02 of the Topsfield Zoning By-Law, made the following findings. Approval of the request by Meredith Farm Realty Trust to operate an outdoor recreational obstacle course, subject to the conditions to be imposed,

- Would not be more detrimental or objectionable the neighborhood;
- Would not create undue traffic congestion or impair pedestrian safety;
- Would not overload any public water, drainage, sewer or other municipal system;
- Would not impair the integrity or character of the Business Park District within which the lot is located; and
- Would not be detrimental to health, safety or welfare of the general public.

### **4. The Decision**

Chairman Moriarty made a motion to grant the special permit with the conditions that the permit be limited to calendar year 2024 with a limit of three events between May 1<sup>st</sup> and October 1st, events to held between the hours of 10 am-6 pm on Saturday, Sunday or holidays, and if the applicant wishes to continue beyond 2024 he will seek an extension of the special permit after the end of the 2024 season and before the 2025 season. Gregor Smith seconded the motion and it passed unanimously with a roll call vote as follows:

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

The rights granted shall lapse at the end of 2024 if a substantial exercise of the rights permitted by the Special Permit have not sooner commenced.

## 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: March 25, 2024**

Respectfully submitted:



Robert J. Moriarty, Jr.  
Chairman