

**Town of Marshfield
Development Review Board
122 School Street, Room 1
Marshfield, Vermont 05658
(802) 426-3305**

August 22, 2017

Ms. S. Jaquelyn Rieke
61 Onion River Road
Plainfield, Vermont 05667

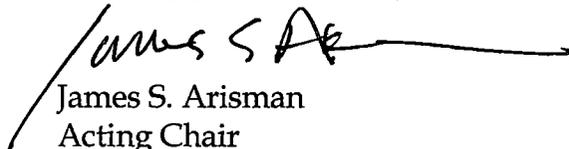
Dear Ms. Rieke:

Enclosed please find the decision of the Marshfield Development Review Board (DRB) regarding your applications for site plan review and conditional use. For the reasons and with the conditions set forth in the decision, the DRB has **approved** your applications.

The DRB thanks you for your cooperation and testimony during the hearing process.

Best regards.

Sincerely yours,


James S. Arisman
Acting Chair
Development Review Board

Enclosure

cc (w/ decision): Robert Light, Zoning Administrator
All DRB Members
Jen Shatney, 1412 Middlebrook Rd, West Fairlee, VT 05045
Rebecca Shatney, 41 Greenwood Ave., Essex Jct, VT 05452
Raul Fernandez, 61 Onion River Rd., Plainfield, Vermont 05667
Paul Garstki, 344 Laird Pond Rd., Plainfield, VT 05667
Barbara Bendix, 1984 Beaver Meadow Rd, Marshfield, VT 05658
Beth Stern, 242 Holt Rd, Plainfield, VT 05667
Katherine Alyce, 550 Nasmith Brook Rd., Plainfield, VT 05667
Catherine Cerulli, 693 Nasmith Brook Rd, Plainfield, VT 05667

Page 2, Ms. S. Jaquelyn Rieke, August 22, 2017

cc list (continued): Kate smith, 334 Jake Martin Rd, Marshfield, VT 05658
Jacqueline Soule, 303 Davis Rd, Plainfield, VT 05658
Mark Tucker, 5630 U.S. Route 2, Marshfield, VT 05658
Tracey Hambleton, 5630 U.S. Route 2, Marshfield, VT 05658
Keith Gibson, Star Pudding Farm Rd, Marshfield, VT 05658

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Re: S. Jaquelyn Rieke, Applicant
El Nonamo, LLC, Landowner
61 Onion River Road
Plainfield, Vermont 05667 (Mail Address)

Re: Onion River Campground
Marshfield, Vermont;
Marshfield Parcel ID# SB003; Apps. for
Site Plan Review; Conditional Use Permit

Findings of Fact, Conclusions of Law, and Order

I. Background and Procedural History, Findings.

Pursuant to Town of Marshfield, Vermont Zoning Regulations, Section 235, and other authority, the Marshfield Development Review Board (DRB), following public hearing, credits and weighs the testimony of the witnesses before it in the above-captioned matter and finds as follows, based on that testimony, evidence, and record in this matter.

A. Background.

1. S. Jaquelyn Rieke (Applicant) operates Onion River Campground in Marshfield, a 24-site camping facility, also including the rental of one accessory building for year-round residency.

2. On May 18, 2017, Ms. Rieke filed with the Town of Marshfield applications for site plan review and conditional use review. By email on May 19, 2017, Ms. Rieke provided a supplemental written statement regarding her applications, including a copy of a map of her campground with hand annotations. Ms. Rieke's application described her proposed use as follows:

We would like to hold 5-10 events per year, including weddings, Twinfield [School] events, harvest festivals, free community gatherings, and concerts. These gatherings would congregate up to 600 people. We also offer (and would like to continue to offer) free day use of the river & trails. (Emphasis in original)

3. Mr. Rieke's email of May 19, 2017 stated, among other points, "[O]ur property is conveniently situated with many natural barriers to neighbors and the public, so noise that may result from our events would presumably not present a nuisance to any party."

4. The above-referenced applications by Ms. Rieke were referred to the Marshfield DRB for hearing and determination.

B. The DRB Hearing, June 8, 2017.

5. After due public notice, Ms. Rieke's applications were considered by the DRB in public hearing on June 8, 2017 under the site plan and conditional use standards of the Town of Marshfield Zoning Regulations. The DRB members for that hearing were: James Arisman, Gary Leach, Les Snow, and Jenny Warshow. Also present for hearing in this matter were Bob Light, Zoning Administrator, and Robin Schunk, DRB Clerk. For the Applicant, Ms. Rieke appeared. Others in attendance: Jen Shatney and Rebecca Shatney. All testifying witnesses were placed under oath.

6. The Marshfield DRB first heard this matter beginning on June 8, 2017 and continuing its hearing on July 13, 2017, to take additional testimony. Individual members of the DRB also carried informal site visits at the Onion River Campground on the weekend of June 9-11, 2017 during a music campout festival there. The DRB's findings are based on hearing testimony, the site visit, and the record and written submissions in this matter.

7. The Onion River Campground and the parcel on which it is located lie within the Town of Marshfield Agricultural and Rural Residential zoning district.

8. The DRB Acting Chair, James Arisman, stated at the beginning of the hearing, for the record, that Ms. Rieke had been one of the supporting sponsors of his son's hike of the Pacific Crest Trail in 2013. Mr. Arisman also stated for the record that as Town Health Officer he had been dealing with Ms. Rieke and other persons involved in a music event and campout at the Onion River Campground that was planned for the weekend of June 9-11, 2017. Mr. Arisman stated for the record that neither circumstance represented a conflict for him or would affect his ability to impartially hear and decide Ms. Rieke's applications. Ms. Rieke entered no objection at this time to proceeding following these on-the-record disclosures by the Acting Chair.

9. Marshfield zoning administrator (ZA) Bob Light testified that Ms. Rieke, the Applicant, had purchased the Onion River Campground in 2012 and later had begun to hold outdoor "events" at the campground. The ZA testified that he had talked with Ms. Rieke and had informed her that she needed to apply to the Town for site plan review and conditional use approval for such events. Ms. Rieke subsequently applied as requested by the ZA. DRB member Gary Leach asked the ZA to explain whether Applicant needed approval for "events" given that she already was engaged in commercial activity as a campground. The ZA answered that zoning approval of commercial activity is "specific", rather than general and that the newly proposed activity represented a change of use.

10. The ZA testified that the campground at present has a limited number of people coming and going. The surrounding area has a rural character, and when an event such as the coming weekend's gathering has some 600 people attending, it is an entirely different commercial undertaking than a mere campground with a few campsites. The designation if the pending applications were to be approved would be something such as "campground with events" or "special events". For purposes of this decision, we define an event as a planned public or social occasion occurring in a certain place at a particular date and time. The distinction between the campground as the regular and usual use, as opposed to a "campground with events" would be relate to matters such as music amplification, noise, and the number of attendees. For example, the ZA testified that if there are 40 campers, the noise level is likely to be "one thing", limited in scope, but with 600 people, the noise level potentially will be a different thing, i.e., a matter of concern. The ZA added that as a change of use, a large outdoor event would affect the rural character of the area. The ZA testified that a "lazy" campground is one thing but that when there are amplifiers and cars and people drawn by the vent and "all over the place", those circumstances could change the rural character of the area.

11. DRB Member Leach asked whether the Town of Marshfield regulated "events" as activities within its jurisdiction. The ZA answered no, but added as background that some years earlier there had been a planned, single event on Maple Hill, i.e., a concert, that had had problems. The ZA stated as a single planned event it "made no sense" to require that a promoter to pursue a conditional use permit. Instead, the promoter of the earlier Maple Hill event had met with the Town Selectboard. The Selectboard itself then specified how certain aspects of the event would have to be carried out, such as providing bathrooms for attendees. Similarly, the ZA testified that for earlier campground events Ms. Rieke had met with the Selectboard to discuss her plans. For the upcoming weekend concert on June 9-11, 2017, the ZA testified Ms. Rieke actually had already met with the Selectboard and had obtained Selectboard approval of her liquor permit for that event.

12. The ZA testified that Ms. Rieke had been forthcoming with the Selectboard regarding her plans for the June 9-11, 2017 weekend concert and had explained that she had arranged for event-related vehicle parking to be located at the Twinfield School. The ZA testified that this use of the parking lot by Applicant was only "a one shot deal" for the coming weekend and was not a permanent arrangement.

13. Ms. Rieke testified that each time she meets with the Selectboard regarding her planned events the Selectboard simply tells her there is no requirement for her to do so. However, she testified that in her view, if an

activity is “systematic and commercial” Town oversight may be warranted and it was “fair enough” to regard her proposed events as a “new business” activity. The ZA testified that in his view, DRB approval of Ms. Rieke’s applications might be likely to cover her future proposed events, with the exception of temporary liquor licensing for each individual event, which would continue to require Selectboard approval.

14. The DRB Acting Chair at this point suggested that the DRB consider continuing its hearing in this matter to its next regular meeting on July 13, 2017, to be able to receive further testimony regarding the impact of the coming weekend music concert at the Onion River Campground on June 9-11, 2017. (a/k/a “Onion River Music Campout”). Mr. Arisman suggested that such testimony could provide insight as to the impact of a larger outdoor concert on the immediate area and might help identify conditions that would be required if Ms. Rieke’s applications were to be approved. Ms. Rieke testified that for the weekend of June 9-11, 2017 she was anticipating event attendance by about 200 persons.

15. Ms. Rieke testified that she had filed her applications with the Town because she wished to provide a venue for commercial gatherings of larger groups of people, involving a night or two nights per event. Ms. Rieke testified that 5 to 10 events a years were anticipated by her, but stated that “up to ten events” per year was her way of defining the anticipated range of possible events. She added that she had no desire for the campground to become an “event factory”. Attendees for each event would be in a range of 100 to 300 persons. Ms. Rieke testified that she recognized that community reaction to such events was an important factor and added that establishing boundaries (i.e., conditions) for her events was important for her. She testified that the numbers identified in her applications were upper limits.

16. Ms. Rieke testified that she felt it was important to state clearly what she wished to do at the campground. For 2017, the campground would be the venue for four weddings, a free community feast (“Weirdo Fest”), and two musical events that were being promoted by “third parties” who were working closely with her. One event would be small, a fiddlers gathering expected to draw approximately 75 people. Ms. Rieke testified that in contrast, another planned event would have a maximum of 500 attendees with 20 bands playing on the grounds during the June 9-11, 2017 weekend. As to weddings during the summer of 2017, two of the weddings would have attendance of about 120 persons each, another would have 65 attendees, and Ms. Rieke’s own wedding this summer would be “significantly larger”. Ms. Rieke stressed, however, that she did not want to have large events at the campground and that she found smaller events more gratifying. Ms. Rieke testified that 10 events over the six warm months seemed like “too much” and that 6 or 7 seemed more right to her.

17. Ms. Rieke was questioned regarding what hours the bands would be playing during the June 9-11, 2017 weekend. She was unable to answer specifically, but thought that bands would play until midnight and would be amplified. Mr. Arisman stated that Internet advertising for the event had referred to "late night" dance parties for that weekend that would run from 1:30 a.m. to 4:00 a.m.

18. Witness Jen Shatney expressed concern regarding her family's camp on the John Fowler Road. She asked what were the facilities for 500 persons who would be camping overnight and whether attendees might drift away from the campground to other properties in the area looking for places to stay, camp, or sleep? She expressed concerns regarding littering and possible thefts. She asked how boundaries would be established to protect neighboring properties? Ms. Rieke replied that camping area for attendees were clearly designated and separated by temporary fencing. Witness Rebecca Shatney expressed general concern regarding the impact of campers and noise from campground events on hunters on her land and the security of her stored possessions.

19. DRB Member Les Snow questioned the adequacy of parking at the Onion River Campground. The Board took notice of the planned availability for the weekend of June 9-11, 2017 of event parking at Twinfield School. DRB Member Jenny Warshow asked what would happen if persons who had been drinking wanted to leave the event and drive home? Ms. Rieke testified that bartenders were not permitted to sell liquor to intoxicated persons. Ms. Rieke testified that the campers might bring their own alcohol but would be required to drink it only in designated areas within the campground, subject to the event's security personnel. She stated, "It is just like a bar." The DRB has considered Ms. Rieke's answers regarding the possible use and misuse of alcohol during campground events, and finds that Member Warshow's questions properly focused on important safety matters involving alcohol use at future events.

20. The DRB continued its hearing on Ms. Rieke's applications to its next regularly scheduled meeting on July 13, 2017 to receive further testimony. Individual DRB Members also agreed to make informal site visits during the weekend of June 9-11, 2017 to observe the music campout activities. Finally, the DRB agreed that Ms. Rieke could supplement the record to provide additional information and details regarding possible parking for future events at Onion River Campground.

C. The DRB Hearing Continuation, July 13, 2017.

21. Following the weekend event of June 9-11, 2017, the Town of Marshfield and the DRB received multiple complaints from neighbors and

members of the local community expressing significant concern and dissatisfaction regarding noise disturbance from the Onion River Campground during the June 9-11 weekend event. During the July 13, 2017 hearing the DRB received testimony on this point and admitted into evidence written comments or complaints from area residents regarding noise from the weekend event:

- a. Front Porch Forum Post: John Anderson, on or about July 12, 2017;
- b. Front Porch Forum Post: Jacqueline Soule, on or about July 11, 2017;
- c. Front Porch Forum Post: Jaquelyn Rieke, on or about July 11, 2017;
- d. Front Porch Forum Posts: Peggy Holt, on or about July 11, 2017;
- e. Email: David Buska, on or about July 13, 2017;
- f. Email and Letter: Beth Stern and Bob Popp, on or about June 21 and June 25, 2017;
- g. Emails and Letter: Tovar Cerulli and Catherine Cerulli, on or about June 11, 12, 19, 20, 21, and 22, 2017;
- h. Email and Letter: Michelle and Greg Wallace, on or about June 22, June 30, and July 1, 2017;
- i. Email, Christopher Bellamy, on or about June 21, 2017;
- j. Note re in person complaint to Town from Kate Smith, on or about 6/14/17; email, on or about June 19, 2017;
- k. Email, on or about June 30, 2017, Tracey Hambleton;
- l. Email/Letter, on or about June 30, 2017, Katherine Alyce;
- m. Email, on or about July 9, 2017, Fred Wilber and Patty Morgan;
- n. Email and Letter, on or about July 10 and 11, 2017, Keith Gibson.

22. On July 13, 2017 the DRB held its second hearing on Ms. Rieke's applications. The DRB members present on this date for the hearing were: James Arisman, Gary Leach, Les Snow, and Jenny Warshow. Also present for hearing in this matter were Bob Light, Zoning Administrator, and Robin Schunk, DRB Clerk. For the Applicant, Ms. Rieke again appeared with her associate Raul Fernandez. Others in attendance: Donna Thomas, Paul Gartski, Barbara Bendix, Beth Stern, Katherine Alyce, Catherine Cerulli, Kate Smith, Jacqueline Soule, Mark Tucker, Tracey Hambleton, and Keith Gibson. All testifying witnesses were placed under oath.

23. At the beginning of the July 13, 2017 hearing Ms. Rieke asked if she could make changes to her original applications during the hearing. The DRB responded that the applications could not be amended, but that Ms. Rieke could offer statements for the record regarding her intentions or thoughts regarding possible changes she might wish to make. At this time, the DRB Acting Chair admitted copies of the written complaints and comments identified above in Paragraph 21.

24. Ms. Rieke testified that she was sorry for her responsibility in disturbing her neighbors over the weekend of June 9-11, 2017, i.e., due to noise

from the music campout. She stated that this disturbance of her neighbors was "awful". Ms. Rieke testified that based on what she had now learned regarding how sound travels she was proposing a curfew for amplified music for future events at the campground. Ms. Rieke also testified that also wanted to have events "a couple of times" a year that would have an extended curfew.

25. Ms. Rieke proposed a 10 p.m. curfew for amplified music, with the curfew extended once or twice a year to midnight. Ms. Rieke emphasized that she "mostly" wanted to have wedding events at her campground. Ms. Rieke acknowledged that the Town does not have an event ordinance, even for gatherings of up to 1,000 people, or a noise ordinance. However, she agreed that when a series of events are proposed, this circumstance changes the "use" of the campground, and, thus, it is important to have conditions for events.

26. The DRB Acting Chair, Mr. Arisman, stated for the record that Ms. Rieke had voluntarily chosen to file applications for site plan review and conditional use approval after being urged to do so by the Zoning Administrator because her use of the campground had changed to include public events. The DRB's role in considering her applications included the possibility of simply denying them outright or approving them, but with required conditions or limitations.

27. Mark Tucker, Superintendent of schools for Washington Northeast Supervisory Union testified regarding the use of the Twinfield School parking lot by Onion River Campground for the recent music campout event. He stated that the Twinfield School is a public facility that is available for public use. However, the school system has a process, he stated, and written forms for completion when someone wants to use the facility for an event. Mr. Tucker testified that the major concern regarding use of the parking areas is that Twinfield is a drug and alcohol free space, and the prohibition includes even tobacco. He testified that during events there must be security on-site to ensure there is no drug use and no overnight parking on school grounds and in the parking area. While Twinfield is a public school, he testified, it is not a public space. Security needs to be present to patrol during events and insure the rules are being followed. The proper applications were filed for the use of the parking lot during the recent music campout, but the school should have asked more questions about the actual event since it sounded as if there was overnight parking and possibly the use of tobacco, both violations in the use of the space. Permission to use the Twinfield grounds, when granted, is on an event-by-event basis, not a blanket approval.

28. Mr. Tucker testified that in case of future events where attendance may exceed the parking limits of Onion River Campground itself, a formal request for use of the Twinfield facilities would have to be made in advance. No

overnight parking would be permitted and sleeping or camping on the Twinfield grounds would be prohibited. Onion River Campground would be required to provide on-site security on the Twinfield grounds to monitor behavior of attendees and ensure parking occurred only in authorized areas. (Ms. Rieke stated that for the event on June 9-11, 2017, there was a ten-person security staff on duty.) Mr. Tucker also submitted for the record a copy of a memorandum setting forth the above points in writing.

29. DRB Member Leach wondered whether members of the public would have access to the Twinfield grounds when an event was taking place that had been granted use of the grounds? Would the general public still have a right of access to the school grounds? Mr. Tucker stated that perhaps a portion of the parking area would need to be set aside for the use of the general public if they were not event attendees.

30. Mr. Tucker testified that no overnight parking meant that when the event was over, persons and their cars would have to leave. Otherwise, overnight parking would result in the temptation to camp on the grounds. Anyone filing for permission to use the property would have to state for the record the time at which everyone would have to be off the property.

31. Mr. Tucker testified that he had no information relative to any allegations made by one individual that there had been drug use, including hard drugs, on school grounds during the music campout event.

32. Marshfield resident Beth Stern testified that during the music campout she could hear deep um, um, um (i.e., deep bass booming) noises on the nights of the event. The noise did not keep her awake, but she felt and heard the music from five miles away. She testified that the music was too loud and being played too late. She testified that such outdoor events need curfews and notifications to neighbor on Front Porch Forum and in other places so that neighbors are aware in advance of such events and when the curfews are. Ms. Stern testified that she lives five miles away atop Maple Hill and could still hear noise from the event. She could hear the bass and some vibrations past midnight for a both nights over the June 9-11 weekend.

33. Marshfield resident Catherine Cerulli lives on Nasmith Brook Road, approximately 2,800 feet from Onion River Campground. Her testimony raised questions regarding parking for events. She stated that the application from Onion River Campground identifies only 64 parking spaces at the campground. If those spaces were filled, where would other parking be available? And if parking at the school was not available, where instead would the event parking be? She expressed concern that improper parking might occur on Route 2 or on Nasmith Brook Road.

34. Ms. Cerulli emphasized in her testimony that the key issue for her is the volume of the music coming from the campground. She stated that she and her husband live in Marshfield for the "peace and quiet" of the area. She addressed the subject of noise disturbance from the campground, both in her testimony and in writing. Ms. Cerulli testified that she lives roughly one mile away and still could hear music from the campground Friday, Saturday, and Sunday, and even with her windows closed beginning at 10:00 a.m. on Saturday and continuing non-stop for 12-16 hours thereafter. Ms. Cerulli testified that in Marshfield under the Town zoning regulations a proposed use may not have adverse impact. In this case, music that can be heard from one mile away or five miles away there is an actual adverse impact.

35. Ms. Cerulli testified that she heard music from the campground at 2:30 a.m. in the morning on the weekend in question. She stated that the volume of music from the event was far too loud. She observed that noise from recurring events at the campground would affect her husband and herself in their yard and even within their home, negatively affecting their work and leisure hours, while undermining their sleep and enjoyment of their own home. Nor would recurring noise disturbance from the campground resemble the noise of occasional parties at a neighbor's home, which can be tolerated because it is infrequent. Her concern was with the geographic scope of the "sound footprint" coming from music at the campground and its wide ranging impact on neighbors. She testified that it is unfair for one entity (i.e., the campground) to profit at the expense of its neighbors. She testified that Onion River Campground was promoting itself as offering "perks" such as hiking and water features that are not located on its own grounds and, in fact, are privately owned. Onion River Campground, she testified, was inviting "campers" to leave the confines of the campground to make use the property of others.

36. Ms. Cerulli disagreed that Onion river Campground events are an economic asset to the Town, stating that none of the vendors at the event were "local" and that the event, in fact, was not an economic stimulus for Marshfield. Ms. Cerulli testified that approval by the Town of such events, with their attendant adverse impacts, would set an unfortunate precedent for events in the future, especially those with a "large sound footprint". She concluded that in her view, the most important factor to be considered is not the number of events or the number of people involved, but rather the volume of the noise. Ms. Cerulli pointed out that the Town has no noise ordinance to protect its residents.

37. Ms. Cerulli testified that she first heard music from the campground on the June 9-11 weekend at 5:00 p.m. on Friday and then on Saturday the music began again in mid morning. She added that the music had gone on until 2:00 a.m. Sunday morning. (Raul Fernandez and Ms. Rieke disagreed, stating that the

music had ended at 1:00 a.m. on Sunday morning.) Ms. Cerulli testified, "We had to spend the weekend in the house with the windows closed" because of the campground noise.

38. Ms. Cerulli testified that the same "music campout" event was already being promoted for 2018 with a Kickstarter funding campaign, without any Town permit having been granted. (Ms. Rieke stated that she was unaware of such plans for a 2018 music campout.) Ms. Cerulli submitted for the record copies of the online posting regarding a 2018 music campout. She urged Ms. Rieke to submit a new application with "tangible boundaries", such as a limit on decibels and with a sound survey, i.e., accurate assessment of the "noise footprint" coming from the campground. Ms. Cerulli suggested consideration of the Moretown, Vermont event requirement that music be no louder than 65 decibel at the property line of the venue. (Ms. Rieke responded that this sounded "like a really great idea.")

39. Ms. Cerulli, by letter that was made part of the record, specifically cited the Moretown, Vermont regulations that require, "No noise shall be permitted which is excessive at the property line or is incompatible with the reasonable use of the surrounding area. Excessive noise shall be considered a sound pressure level that exceeds 65 decibels at the property line on a regular or reoccurring basis." She further wrote that at a Moretown wedding facility, i.e., the Bliss Ridge site, amplified music must be turned off at 10:00 p.m. and by midnight all music must cease and guests must depart the grounds. However, Ms. Cerulli emphasized, if required conditions and limits are not respected and adhered to, to whom do people complain and how will the conditions of a permit be enforced by the Town? Ms. Cerulli asserted that for the past two years, Onion River Campground had promoted and staged events at the campground without obtaining permits.

40. Ms. Rieke testified in response that she agreed that enforceable conditions regarding her events were "important" and would be "great".

41. Marshfield resident Tracie Hambleton testified that on Friday night of the recent event weekend she had late-arriving guests at her Marshfield Inn who complained to her about the noise, throbbing sounds, and music from the campground event, all of which continued throughout the day on Saturday. The Marshfield Inn is located approximately 4,000 feet from Onion River Campground. Ms. Hambleton urged that any future events at the campground be controlled for noise levels and have a curfew imposed to protect her guests from disturbance. Ms. Hambleton testified that "quiet" is important to her guests in choosing her inn as a place to stay. She stated that her guests had trouble falling asleep on the June 9-11 weekend due to the noise from the campground event. Ms. Hambleton stated that she agreed there should be a

decibel limit and a noise curfew included as conditions of any approval of future events at the campground.

42. Marshfield resident Catherine Alyce testified that she lives on Nasmith Brook Road. Her home is located about 3,000 feet from Onion River Campground. She stated that she saw a banner in the Twinfield schoolyard that advertised a "music camp" and assumed this was a Twinfield related event that would just be for one day. She was trying to work outside her home in the yard, but she felt a persistent throbbing, which felt bad enough to give her a headache. Ms. Alyce thought the noise would end in the evening since she believed this was a school event. However, the noise and music continued late into the night. She then discovered that the music camp event also was promoting use of the Twinfield hiking trails and the Paradise Falls swimming area, both of which she felt encouraged people to hike almost into her own back yard, which was of concern to her. Ms. Alyce testified that Onion River Campground was proposing a series of outdoor events that would take place throughout the summer and fall and with attendant, recurring disturbance to neighbors and herself from noise. She expressed concern regarding drinking and drug use during events. Regarding the school, Ms. Alyce asked, who pays for security there? Why didn't Onion River Campground use their own fields for parking? Ms. Alyce was concerned about the large number of people being drawn to events, the number of possible events to be staged, and the strong possibility that attendees would leave the campground and disturb her property and grounds, her personal safety, and her quiet enjoyment of her own property.

43. Marshfield resident Jacqueline Soule testified that she was outdoors in her garden on Davis Road, about two miles away from Onion River Campground, and at 3:00pm on Friday she began hearing music from the campground as bands were tuning up. Actual music started around 4:00 p.m. on June 9, and Ms. Soule testified that on a beautiful day outdoors, the music from the campground was so loud that she had to go inside and close her windows. Ultimately, she felt she had to leave her own home and sleep on a friend's couch for two days because the noise level at her home was just too loud for her. Ms. Soule stated that a curfew by itself would not be enough. She urged that the maximum decibel level must be addressed. She suggested that a limit of 65 decibels at the property line would probably be enough, but stated that she could not be sure, given that she did not know how far the campground property extends up the hill. Noise from the campground still might be heard at great distances. Ms. Soule also questioned as a taxpayer, who would pay if roads were "messed up" by the campground events? Cars parking on the verge of Nasmith Brook Road could cause damage, and there would be wear and tear on the school parking lot. Ms. Rieke then apologized to Ms. Soule for the "awful" weekend she had experienced.

44. Marshfield resident Kate Smith testified. She resides on Jake Martin Road, approximately 6,000 feet from Onion River Campground. Ms. Smith testified that she had students spending the weekend at her place of business, a weaving school. She stated that she started hearing music on Friday night, June 9. It was so loud at midnight that she and her students all had trouble sleeping. She testified that they shut their windows and put in earplugs but still had difficulty sleeping. They heard the music all day Saturday. The music on Friday night and Saturday night went on until 1:00 or 2:00 a.m. each night. She stated that she felt "terrorized" – in her own house because she could not get away from the noise. This kind of noise disturbance negatively affects her business, she testified, because her students were not happy with their stay and experience. She had asked the Town Clerk about what could be done about such loud noise, but the Clerk stated that the Town has no noise ordinance. Ms. Smith testified that her students had a "miserable time" due to the noise from the music campout event. Ms. Smith testified that music until 10:00 p.m. would be fine, but that she did not want to be kept awake at night by music that went on after that hour. She wondered whether neighbors could be given advance notice of outdoor events at the campground?

45. Marshfield resident Paul Garstki lives on Laird Pond Road, approximately 4,700 feet from Onion River Campground. He testified that he wanted the DRB to set conditions on any approval to avoid setting a precedent for other events involving noise. He stated that there should be curfews, decibel level limits, limits on times, and limits on the number of events allowed. Because a series of outdoor events were being proposed, he had concerns about the overall impact in the future.

46. Marshfield resident Keith Gibson lives on Star Pudding Farm Road, approximately 1,500 feet from Onion River Campground. He testified that the music from the campground on the event weekend was both noisy and ran late at night. He stated by written complaint that he both heard and felt the music shaking his closed windows from 10:00 a.m. Saturday until around 2:00 a.m. Sunday morning. He left his home at several points to "get a break" from the "excessive" volume of music, which he described as by far the loudest he had experienced in his life. He estimated the music level was "at least 130 decibels" during the festival. Mr. Gibson wrote that he opposed allowing such events again in the future as the music campground because it was "intentionally disturbing the peace."

47. Ms. Cerulli testified that when outside promoters are actually the entities using the campground for their events, rather than Ms. Rieke herself, such a circumstances raises questions as to how much Ms. Rieke actually would be involved with the event and able to control music volume and the numbers in attendance. How would Town rules be enforced and by whom? Ms. Rieke

responded that she intended to be accountable for how her property was being used.

II. Further Findings and/or Conclusions of Law.

A. Section 245–Conditional Use, General Standards.

48. Under the requirements of the Town of Marshfield Zoning Regulations, all Conditional Use applications are reviewed under the provisions of Section 245. The DRB reviews and enters its findings in determining whether the proposed use will have an undue adverse impact upon: the capacity of community facilities; the character of the area; traffic; bylaws; the capability of the land to support the proposed use; utilization of renewable energy resources; and the goals of the Town Plan. We review the individual Section 245 criteria below with regard to the applications before the DRB.

a. **Capacity of Community Facilities:** the existing campground property consists of approximately 23 acres, with 24 campsites generally located on low-lying land along the Onion River. This relatively limited capacity for camping means that the current small numbers of visitors and vehicles are generally compatible with local facilities and unlikely to overwhelm community facilities. However, Applicant has now proposed to make use of this site as a regular venue for outdoor events during warm months of the year. Traffic can reasonably be expected to increase during such events with attendant needs for parking. In consideration of this we are unable to find that the capacity of community facilities, such as roads and parking availability, will not be adversely affected without appropriate conditions. *See further discussion, below.*

b. **Character of the Area:** the parcel in question previously has been the site of a commercial outdoor camping facility. Its limited size and operations are generally compatible with the rural area in which it is located within the Agricultural and Rural Residential zoning district. The quiet rural character of the Town is of great value to residents according to our Town Plan. The rural character helps to give a sense of identity to Marshfield. In contrast, land uses and development that are insensitive to such rural character can diminish the quality of life for Town residents.

In Marshfield, there is limited and scattered development along back roads, with 88% of Town residents who responded to a survey in 2004 stating that the Town's "rural character" is important to them and worthy of protection. Development and uses in the Agricultural and Rural Residential zoning district, where Onion River Campground is located, are intended under the Town Plan to maintain the existing rural character of the area. As set forth above, serious and credible concerns were expressed by numerous witnesses in their testimony and in writing regarding the continuing and excessive noise and vibration coming from the Onion River Campground during the June 9-11, 2017 music camp event

and further serious concern was expressed regarding the possibility of more noise disturbance and nuisance from future outdoor events at the campground. These complaints came from residents in varied locations at substantial distance from the campground and from residents at higher elevations.

Applicant has proposed to repeat such large-scale outdoor music events once or twice a year, as well as to stage large outdoor weddings and other festivals. We find that her proposed use raises important questions and concerns as to how to the existing rural character of the area and the rights of residents to the quiet enjoyment of their homes and grounds can be protected. The recent large gathering at the campground for an outdoor event with amplified music, played for protracted periods at high volumes, adversely affected the quiet rural character of the area in and the repose and well-being of its people. Given the clear testimonial evidence presented at hearing of the negative impact of such noise from such an outdoor event on area residents and on the local rural character, we find that only with the imposition of required conditions of approval can the character of the area be protected from such undue adverse effects in the future.

c. **Traffic:** We find that the events proposed for the campground will increase traffic over existing levels and require parking for far more cars than the campground's present use requires. Thus, conditions of approval will be required in this regard to prevent undue adverse impact.

d. **Bylaws:** the proposed change of use of the campground to that of event venue is at least arguably consistent with the Section 420 of the Zoning District as a recreational use. However, we find that the specific proposed use as an outdoor event venue can be deemed appropriate to the Zoning District but only with the conditions of approval that we set forth herein. It is only with such conditions that we will be able to find that the proposed use as an event venue will not have an undue adverse impact on the bylaws relating to the District and its residents.

e. **Capability of the Land to Support the Use:** as noted, the parcel in question has been for many years a small campground, with individual sites largely set in low land along the banks of the Onion River. The parcel appears to be able to support such limited use for small numbers of campers and recreational vehicles. However, in contrast, we find that Applicant's current proposal represents a change in use in which larger numbers of persons, often 80 to 250 persons for weddings, and, perhaps, as many as 600 persons for large musical events, will result in larger numbers visiting and congregating at the campground. That change and the parcel's low-lying topography in our view require conditions of approval to prevent undue adverse impact on area residents from noise and vibration. Moreover, we find that the need for safe and sufficient parking for visitors also requires specific conditions of approval to protect the public and avoid adverse impact on the local area. It is only with such conditions that we can find that the parcel is capable of supporting such recurring larger outdoor events and gatherings.

f. **Utilization of Renewable Energy Resources:** We find that the proposed project is unlikely to affect renewable energy resources.

g. **Goals of Town Plan:** The Town Plan supports maintenance of Marshfield's existing rural character and supports new development that is consistent with the character of the Agricultural and Rural Residential Zone. The Town Plan also encourages development that reinforces and complements existing neighborhoods. We find that the proposed change of use to establish an event venue will only be consistent with Town goals if specific conditions of approval are imposed to protect the Zone's quiet rural character and protect its residents and homes from undue adverse impact from the proposed events.

49. **Conclusion of the DRB, Section 245-Conditional Use, General Standards:** for the findings and reasons set forth above, we conclude that the project proposal by Applicant Jaquelyn Rieke may only be found to be consistent with the Section 245 general review criteria, as weighed by the DRB, if specific conditions of use are required with the approval. Thus, when the proposed use as represented in the applications and testimony before the DRB is weighed with the required protective conditions set forth below, we are able to find that the use of the campground as an occasional event venue will not result in undue adverse impact upon the immediate neighborhood, residents, adjoining areas, and the quiet character of the Zoning District. Our finding assumes that applicant will scrupulously adhere in all regards to the specific required conditions set forth herein, and that these conditions will be both monitored and properly enforced by the Town. Applicant may not delegate compliance with these required conditions to others.

B. Section 245-Conditional Use, Specific Standards.

50. Pursuant to the requirements of the Zoning Regulations, all Conditional Use applications are reviewed under the specific requirements of this section. The DRB reviews and records its conclusions under standards that include the following: conditions to be imposed, if any, necessary to prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration, or similar nuisances; to preserve open spaces; landscaping and fencing to maintain the zoning district character; to promote adequate vehicle circulation, parking, loading; to meet water and sewer standards; setbacks required to accommodate the proposed use; and the design and location of signs and lighting to maintain the character of the neighborhood.

51. **Conclusion of the DRB, Section 245 Specific Standards and DRB Required Conditions for Approval:** the change of use of the campground to serve as both a campground and occasional event location for larger gatherings, when considered by the DRB during public hearing, produced repeated and credible testimony and concerns regarding both day time and night time

excessive noise, vibration, and intrusive and upsetting disturbance and interference with the quiet enjoyment of neighbors' homes and grounds, as well as their sleep. Such noise and vibration constitute a disturbing general nuisance to residents. Control of traffic and the adequacy of safe parking also are other credible concerns that must be addressed in our decision and by Applicant. Having received testimony and exhibits, conducted site visits, and weighed the concerns identified at hearing, the DRB has concluded that approval of Ms. Rieke's applications and her proposed use shall require specific conditions to mitigate undue adverse impacts upon residents and their homes and to protect the Zoning District's rural character.

52. The testimony of witnesses largely emphasized not a general objection to the proposed change of use of the campground to that of an occasional event venue but rather raised specific concerns based on their unfortunate personal experiences during the June 9-11, 2017 weekend music camp event. We note that attendance during that weekend was in the range of 180 to 200 persons, well below the 500 to 600 persons who had earlier been expected to attend. Yet, the volume of music over the weekend was still at such levels that persons in scattered locations, geographically distant from the campground, were adversely affected. The DRB finds the specific complaints and concerns of the witnesses before us to be credible and legitimate. The DRB, therefore, under the Section 245 Specific Standards, will require as a condition of approval specific steps to mitigate noise disturbance to neighbors and area residents and to condition other aspects of the outdoor events in question. Such mitigation is necessary to the maintenance and protection of the Zoning District character.

53. **DRB Condition: Sound Mitigation.** The DRB will require noise mitigation measures as a condition of approval of Ms. Rieke's applications. As suggested by witnesses, the DRB has reviewed the Town of Moretown, Vermont Zoning Regulations as a source of relevant guidance, as well as those of other jurisdictions. The DRB has determined that it shall require here as a condition of approval that Applicant shall not permit unreasonably loud noise or disturbances, or any noises or disturbance which are unwanted, disturbs, interferes with, or endangers the comfort, quiet, repose, health, or peace of other persons or is plainly audible on a sustained or regular basis to persons using unaided hearing who are not on the property of Onion River Campground during outdoor events. The detection of the rhythmic bass component of music is sufficient to constitute a plainly audible sound. Applicant shall not permit any noise, whether amplified or unamplified, that is excessive when measured at her property line or is incompatible with the reasonable use of the surrounding area. Excessive noise shall be considered a sound pressure level that exceeds 65 decibels (dB) when measured at the property line or that exceeds 55 (dB) between 10:00 p.m. and 12:00 midnight when measured at her property line. See, e.g., City of Montpelier, Vermont, Chapter 11, Article X, Noise Control, Sec. 11-

1001. Prohibitions; Town of Moretown, Vermont, Zoning Regulations, Art. IV, General Regulations, Section 4.10 Performance Standards, (B)(1).

We note that 65 dB is generally deemed to equate to the sound of normal conversation or laughter when measured. Such a decibel limit during outdoor events at the campground is intended to protect area residents from excessive noise and undue adverse impact from excessive noise from the campground during outdoor events. We have taken notice of the common availability of "phone apps" allowing decibel measurement that will permit Applicant and area residents to readily determine whether the 65 dB noise limitation is being complied with. And further:

a. Applicant, Ms. Rieke or her responsible agent, shall be present, on site, during all outdoor events to regularly monitor sound levels, and shall be responsible for ensuring that sound levels are not excessive and do not exceed the 65 dB or 55 dB property line limits set forth above as conditions. Applicant shall regularly monitor her phone, voicemail, and email during events for any communications or complaints from area residents regarding excessive noise or disturbance from such outdoor events.

b. Applicant shall not fire or launch pyrotechnics, incendiaries, or "fireworks" or set off firecrackers during outdoor events or permit attendees or others to do so before, during, or after outdoor events due to the loud and disturbing character of such munitions.

c. During events, upon contact by the Town Zoning Administrator or Town Constable regarding credible complaints of excessive noise or disturbance to neighbors, Applicant personally shall act to see that the disturbance is quieted and sound levels are promptly reduced to required levels and prevented from exceeding those during the remainder of the event. Although such a circumstance is unlikely, in case of apparent non-compliance during an outdoor event with the noise mitigation conditions set forth herein, the Zoning Administrator and/or Constable shall have the option under the terms of this order of requesting or directing Applicant to halt such noise or disturbance during an outdoor event and not permit its resumption. Ms. Rieke shall abide by this condition, which is not entered pursuant to noise ordinance or law, but rather as a condition of this order. In being bound by this order, Ms. Rieke is acting to foster compliance with the conditions herein recognizes that these terms are intended to protect her neighbors and area residents from disturbance or undue adverse impact upon their quiet enjoyment of their homes and grounds.

54. **DRB Condition: Hours of Performance.** As a further condition for approval of Ms. Rieke's applications, we shall also require that hours of performance of music or entertainment shall be limited. No amplified

performance or other amplified entertainment may begin before 12:00 noon. Further, no amplified music or other amplified entertainment shall be permitted after 10:00 p.m. Only unobtrusive acoustic music or other unamplified entertainment at reduced volume shall be permitted after 10:00 p.m. and until 12:00 midnight, when it must end. And see Paragraph 59, below, regarding "large events". At midnight all attendees and performers shall be required to quietly leave the grounds, with the exception of persons occupying one of the campground's 24 campsites.

Music or entertainment of any kind shall be not permitted between 12:00 midnight and 12:00 noon, with the exception of unamplified acoustic music, played at reasonable volume, which may be played beginning at 10:00 a.m. in the morning. Thereafter, amplified music shall be permitted beginning at 12:00 noon.

55. **DRB Condition: Event Duration.** As a further condition for approval of Ms. Rieke's applications, we shall also require that no single event shall take place on more than a maximum of two consecutive days. E.g., an event beginning any time on a Friday would be required to end by 12:00 midnight on Saturday.

56. **DRB Condition: Frequency of Outdoor Events and Notice.** As a further condition for approval of Ms. Rieke's applications, we also require that use of the Onion River Campgrounds for planned outdoor events shall occur for no more than a total of 10 days within any calendar year. No more than 2 outdoor events shall take place in a single calendar month. The total number of events shall be limited to 8 per calendar year. Applicant shall provide written notice at least 21 days in advance the date of each planned outdoor event to the Town Selectboard, Zoning Administrator, and the Town Health Officer, describing the nature of the occasion, the number of expected attendees, planned entertainment, event hours, any planned use of amplification, information regarding vendors, plans for security, first aid, parking, and traffic control. Further, one week before each planned event, Applicant shall provide a clear community wide notice through a Front Porch Forum posting and other generally read are publications of the event dates, hours, nature of the planned entertainment and amplification, and contact information for persons wishing to obtain more information or to complain in the event of possible problems or disturbance. See also, Paragraph 57, below, regarding notice for large events.

57. **DRB Condition: Large Events.** As a further condition for approval of Ms. Rieke's applications, we shall also require that for larger events, i.e., one where in excess of 200 persons may be in attendance, Applicant shall provide detailed notice of each such proposed large event to the Town Zoning Administrator and Town Health Officer for their review and shall do so at least 60 days in advance of the proposed event. See, e.g., Town of Moretown,

Vermont, Zoning Regulations, Art. III, Specific Use Provisions, Section 3.9, Special Events. The Zoning Administrator and the Health Officer shall promptly provide their comments and recommendations regarding the proposed events to the Selectboard for its consideration in granting or denying Town approval of any application to the State Department of Liquor Control for a "caterer's license" to sell beer, wine, or spirits during the proposed event. The Zoning Administrator and the Health Officer in their comments and recommendations shall consider: (a) Applicant's prior level of compliance with the conditions set forth in this order, and specifically shall consider compliance during events with conditions herein relating to the sale and use of alcoholic beverages and her compliance with regulations of the Vermont Department of Liquor Control; and (b) indicia of misconduct by attendees or other during events, including misconduct related to the use of alcohol.

Applicant may propose as part of the "large event" amplification of music until 12:00 midnight on one night of the event. All required limits on music and noise volume, as set forth in this order, shall be adhered to at such an event. Applicant agrees that any "large event" notice under this Paragraph shall provide detailed information regarding the event, including the proposed number of attendees, date and hours of activity, proposed entertainment and amplification, and identify how she will satisfy all other conditions as set forth in this order. Maximum permitted event attendance shall be no more than 500 persons, regardless of age. No more than two such "large events" shall occur during any single calendar year.

58. DRB Condition: Event Camping. As a further condition for approval of Ms. Rieke's applications, we shall require that camping during events shall occur only on 24 clearly designated campsites at Onion River Campground, and each such site shall be occupied only at the level of capacity that is usual at the campground, i.e., individual campsite capacity levels shall not be increased, nor shall sites be permitted to be "overcrowded" beyond usual capacity levels. No other overnight camping by event attendees shall be permitted on the Onion River Campground property other than upon 24 clearly designated campsites. If reconfiguration of the Onion River grounds for an event would require the use of currently used campsites for other purposes, such as for performance space, vendors, or other facilities, Applicant may designate temporary campsites to replace these. Any such "replacement" campsites shall be clearly marked and safely separated from vehicle traffic and parking. The total number of campsites for any event shall not exceed a maximum of 24 sites. Event advertising or promotion shall clearly state that a maximum of 24 camping sites shall be available for attendees, each to be occupied at usual capacity levels. Ms. Rieke shall use signage, visible marking, or fencing to (a) clearly designate areas in which camping is permitted; (b) clearly designate areas in which camping is

not permitted; and (c) mark the boundaries of her property to discourage attendees from leaving the grounds.

59. **DRB Condition: Parking.** Applicant shall be responsible for planning for the provision of safe and adequate numbers of parking spaces for the expected number of attendees, whether by providing parking on her own property or in an off-site location. Such parking location(s) shall be identified and a "parking plan" prepared at least 21 days in advance of the event, to be made available for inspection by the Town, upon request. Most attendees can be expected to arrive by vehicle at Onion River Campground due to its rural location, and thus, the number of permitted attendees at any campground event shall be based on the actual availability of clearly identified, legal parking spaces that are within reasonable distance of Onion River Campground, using a reasonable working ratio of 2.5 persons per vehicle. Example: 100 attendees would require 40 clearly identified and available parking spaces. The number of permitted event attendees shall be based upon this ratio.

a. If an Onion River Campground event seeks to make use of parking at the Twinfield School, Applicant shall make necessary arrangements in advance with an appropriate representative of the Washington Northeast Supervisory Union, agreeing that no overnight parking shall be permitted at the school and that the parking areas at the school shall be monitored/patrolled during event hours by a duly certified law enforcement officer. Applicant agrees that all other requirements of the Supervisory Union, such as on-site security, shall be followed in making any use of such parking at the school.

b. Applicant shall ensure that any event parking areas within the Onion River Campground shall be clearly marked and temporarily or permanently fenced. These areas must be capable of being safely entered/exited without endangering attendees and other persons, and maintained and accessed entirely separate from camping and entertainment areas during events. Individual spaces shall be flagged or marked to guide drivers as they park. An adequate number of attendants shall be present to direct vehicles. After the planned beginning time for the event in question, no attendees or other persons shall be permitted to drive into or out of camping or entertainment areas except for emergencies, in which case they shall be accompanied by licensed or registered security guard or a law enforcement officer.

60. **DRB Condition: On Site Facilities, Safety and Security, Alcohol.** Applicant shall be responsible during all events at the Onion River Campground for planning and ensuring that the reasonably foreseeable needs of attendees for free safe and potable water, toilets, first aid assistance, and safety and security are carefully considered in advance and met. Applicant shall provide an adequate number of free water stations in multiple locations for attendees, each

location marked by prominent signage. Similarly, adequate numbers of toilet facilities shall be provided for attendees, conveniently located, and prominently marked by appropriate signage to assist attendees in locating these.

a. Applicant shall personally ensure that all “security” personnel are currently licensed or registered with the State of Vermont and in possession of their credentials. Any first aid station established shall be staffed with a properly licensed or registered care provider and equipped with necessary supplies for immediate minor care and a means for promptly contacting sources of advanced medical and transport.

b. Applicant shall personally ensure that all on-site food vendors or beverage servers are currently licensed or registered with the Vermont Department of Health, the Vermont Agency of Agriculture, and/or the State Department of Liquor Control and, as appropriate, in possession of their credentials during the event.

c. Applicant shall not permit alcoholic beverages to be sold or provided between the hours of 10:00 p.m. in the evening and 10:00 a.m. in the morning to attendees, performers, or other persons present at campground events. Applicant shall ensure that Vermont Department of Liquor Control (DLC) signage regarding “designated drivers” is prominently displayed at all points of sale. Applicant shall ensure that event security staff are aware that no DLC licensee may sell or furnish alcoholic beverages to underage persons or to any individual displaying signs of intoxication from alcoholic beverages or other drugs/substances or to any individual whom it would be reasonable to expect would be under the influence as a result of the amount of alcohol served to that person. Applicant shall act to ensure that all consumption of alcoholic beverages takes place only within clearly designated areas following service by DLC licensees. Applicant shall ensure that event security staff are watchful for and prepared to assist any individual displaying signs of intoxication when there is reason to believe that attendee’s condition or possible immediate departure from the grounds could be expected to pose a risk to safety or of bodily injury to that person or any other individual. See General Regulations, Vermont Department of Liquor Control.

C. Section 251, Site Plan Review.

61. Site Plan Review is required by Section 250 of our Zoning Regulations. Pursuant to Section 251, the DRB reviews the site plan map and supporting data before approval or before issuing approval with stated conditions, or, alternatively, disapproval. The DRB takes into consideration the following objectives in its determination.

a. **Compatibility between the proposed use and existing adjacent uses:** The grounds of the Onion River Campground are located in a rural area, with topography that demonstrably has been shown to funnel high volume music, noise, and vibration to other properties and residences in the area, including those at substantial distance from the campground. The result is that the work, leisure, sleep, and general quiet enjoyment of this rural area by residents has been disturbed due to loud entertainment noise from the campground. The proposed use also raises significant concerns as to the impact of increased traffic and the availability of sufficient parking for attendees. Without conditions and limitations, as set forth in Paragraphs 53 through 60, carefully adhered to and enforced, such events are incompatible with the area's residential and business uses. **Conclusion of the DRB:** the proposed use as an event and entertainment venue is incompatible with existing adjacent land uses without the required conditions and limitations set forth in this order.

b. **Safety of vehicular and pedestrian circulation between the site and roads; Adequacy of circulation[,] parking, and loading facilities:** Ms. Rieke's application materials included a map depicting 64 proposed parking spaces to be used for events. At our July 13, 2017 continuation of the hearing in this matter Mr. Rieke stated that she had identified 32 additional parking spaces. We have reviewed the parking plan proposed by Ms. Rieke and disapprove it as unsafe and inadequate because the movement of vehicles in and out of most of the proposed parking spaces will take place in a relatively narrow lane with cars on both sides. The lane is open to attendees who will be walking and congregating in the area and such parking will not be physically separate from areas in which attendees and vendors will be present and entertainment provided. We regard such proposed parking as both ill-conceived and unsafe and, therefore, have set forth conditions of approval for parking and circulation in Paragraph 59 that are intended to protect the safety of attendees and ensure that planning for adequate and legal parking has taken place and that permitted event attendance is consistent with the availability of such parking. Were event parking to spill out onto Route 2 or Nasmith Brook Road, such a circumstance would be unsafe for attendees and other motorists and likely at a minimum to result in towing or ticketing of vehicles. **Conclusion of the DRB:** the conditions set forth in Paragraph 59 are required for approval under these review criteria to ensure the safety of persons and the adequacy of event parking.

c. **Adequacy of landscaping, screening, setbacks, and architectural design; location of proposed signs and outdoor lighting; compatibility with and protection of adjacent property:** to satisfy these criteria Ms. Rieke shall ensure that clear, large-font signage is used to designate sources of free water for attendees, toilet facilities, and any first aid station that may be established. See conditions set forth in Paragraph 60, above. Similarly, Ms. Rieke shall clearly mark the boundaries of her property with survey tape, temporary fencing,

signage or other means to discourage attendees from leaving the event grounds, so as to offer some protection to adjacent properties. **Conclusion of the DRB:** as discussed above, the DRB has established conditions of approval requiring adequate event signage and steps intended to protect adjacent properties. Under such conditions, the review criteria of the subsection are satisfied.

d. **Protection of the utilization of renewable energy resources:** we have found that the proposed project is unlikely to affect renewable energy resources. **Conclusion of the DRB:** The proposed project will not adversely affect the use of renewable energy resources.

62. **Overall Conclusion of the DRB, Section 251, Site Plan Review:** the DRB concludes from the above facts and individual conclusions that the application submitted by Jaquelyn Rieke seeking approval for the use of Onion River Campground for recurring outdoor events, when considered as a whole with the conditions of approval required by the DRB, meets the Site Plan criteria of Section 251. See conditions set forth at Paragraphs 53, through 60. On this basis, the Marshfield Development Review Board, pursuant to Section 251 of the Zoning Regulations, **approves with the conditions and limits specified** the site plan for use of the Onion River Campground as an occasional event venue.

III. Decision and Order.

For the reasons set forth above, the Applications of S. Jaquelyn Rieke for Conditional Use and Site Plan Review are hereby **approved** and **ordered** by the Marshfield Development Review Board, subject to the required conditions of approval set forth at Paragraphs 53 through 60, above.

The proposed use shall be conducted according to the applications, plans, testimony, and submissions by Applicant and with the terms and conditions of this order.

This approval, with the conditions required and set forth herein by the DRB, is entered pursuant to the Town of Marshfield conditional use and site plan review standards.

Failure to adhere carefully to and carry out all terms and conditions as set forth in this order shall subject Applicant to issuance of a notice of violation and other penalties.

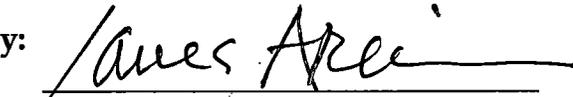
Any change to plans or the proposed use of the property shall be promptly brought to the attention of the Zoning Administrator, prior to implementation of any such change, for a determination as to whether amendment or further

application is required. This order and conditions are binding and shall apply to any and all subsequent users or owners of the property.

DRB Members Voting to Approve: James Arisman, Gary Leach, and Les Snow, and Jenny Warshow.

DRB Members Voting to Disapprove: None.

So Ordered, at Marshfield, Vermont, this 22nd day of
August 2017

By: 
James Arisman, Acting Chair
for the Development Review Board

NOTICE OF RIGHT TO APPEAL: In accordance with 24 V.S.A. §§ 4471 and 4472, the above decision of the Marshfield Development Review Board may be appealed to the Vermont Environmental Court within 30 days of the date of this decision. Notice of appeal shall be filed by certified mailing, with fees, to the Vermont Environmental Court and by mailing a copy of the appeal to the Marshfield Town Clerk. Failure of any interested person to appeal this decision to the Vermont Environmental Court within the specified 30-day period shall result in such interested person being bound by this decision or act of the DRB. Thereafter, such an interested person shall not contest, either directly or indirectly, the decision or act of the DRB in any subsequent proceeding, including any enforcement action brought under the provisions of Title 24, Chapter 117 of the Vermont Statutes Annotated.