

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Conditional Use Permit Application

Henry Harris, Appellant

Re: Town of Marshfield Parcel ID# EN 029

1356 Ennis Hill Road, Marshfield, Vermont 05658

I. Procedural History

On April 13, 2022, Henry Harris submitted a Conditional Use Permit (CUP) application for an Agroecology and Movement Building – Event and Celebration to be held at 1356 Ennis Hill Road, Marshfield, VT on July 21, 2022 to July 25, 2022.

The Development Review Board (DRB) held a hearing on the CUP application on May 12, 2022. The DRB recessed the matter following the hearing and deliberated on this matter on May 17, 2022. At the deliberation the DRB identified that Mr. Harris did not confirm that adjoining landowners were notified about the application as required by 24 V.S.A. § 4464 (a). On May 19, 2022, the DRB issued a letter to Mr. Harris requesting conformation that adjoining landowners were notified. On May 23, 2022, Mr. Harris confirmed that he notified the adjoining landowners. The DRB closed the proceeding following receipt of this confirmation. This matter is now ready for decision.

II. Findings of Fact

Below are the DRB's findings of fact based on the evidence in the record in this proceeding at the May 12, 2022 hearing, which includes the application and all testimony provided at the hearing.

1. Mr. Harris (Applicant) is proposing to hold an event on his property from July 21, 2022 to July 25, 2022.
2. The Center for Grassroots Organizing (Grassroots) will be organizing the event. The Applicant will be a participant in the event.
3. Grassroots will be working in conjunction with La Via Campesina, a global peasant-led farmer and farmworker movement, and other partners.
4. Up to 70 invited participants are expected to attend the event. Up to 20 people may staff the event.
5. Lodging for the event will be provided via tent sites on Parcel A as marked on the application. The tent sites will be at least 100 feet from neighboring properties. Lodging in the existing residence on the property will be provided for approximately five people. Off-site housing may be provided as well.

6. Wastewater will be addressed by porta potties on site. In addition, Woodbelly Pizza, an off-site caterer for the event, will truck wastewater off-site to be properly disposed of.
7. The Applicant will obtain Vermont Department of Health approval for on-site food preparation.
8. The event will occur on Applicant's approximately 168 acre property. The property is of ample size to support the event. In addition, the Applicant has committed to install signage to minimize any impacts on neighboring properties including parking and traffic issues.
9. The Applicant notes that the project is located in the Agricultural and Rural Residential District in a quiet rural area. The Applicant further notes that "conditions of approval are necessary to protect the character of the area."
10. The Applicant represents that the event will generate minimal traffic and that any traffic will be minimized because attendees are not expected to arrive and leave at the same time. In addition, as noted in finding #8, the Applicant will install signage to direct traffic on to Brook Road to further mitigate any traffic impacts.
11. Applicant notes that the Marshfield Town Plan supports maintaining the rural character of the town and this event will be conducted in a way that is consistent with the Town Plan.
12. At the hearing, the question was raised as to whether a Site Plan Approval is also required for the project in accordance with Section 251 of the Town of Marshfield Zoning Bylaws. Section 251 of the Bylaws clearly requires site plan approval for any use or structure except for or two family dwellings, dwelling accessory use, camps or agricultural structures. The proposed event that is the subject to this CUP does not fall into one of these categories, therefore site plan approval is required for the project. However, the Bylaws allow the DRB to combine the site plan and CUP review. In addition, the Town of Marshfield allows an applicant to submit a combined CUP and site plan approval fee for an additional \$50.
13. The DRB finds that the only additional information needed to issue site plan approval for the project is an actual site plan map in accordance with Section 251 of the Bylaws. The DRB further finds that the Applicant can comply with Section 251 of the Bylaws by submitting a site plan map and an additional fee to cover the joint CUP and site plan approval fee as a condition of this permit.

III. Conclusions of Law

Based on the findings of fact set forth herein and the evidence in the record of the proceeding the DRB concludes that the proposed event meets the CUP criteria in Section 245 of the Town of Marshfield Zoning Bylaws with following conditions:

1. The Applicant shall install signage to ensure that the event does not result in traffic that disturbs the quiet, rural character of the area. Said signage shall be installed not more than 3 days prior to the event and be removed no later than 3 days following the conclusion of the event.

2. The Applicant shall install porta potties for the event to ensure that wastewater is disposed of in a manner that does not result in any adverse impacts to the environment and neighbors, and in accordance with any applicable state regulations.
3. The Applicant may only install lighting to address the safety of event attendees. Lighting installed for safety reasons may not disturb the quiet rural character of the area. Any lighting installed for the event must be removed no later than 3 days following the conclusion of the event.
4. The Applicant may not utilize amplified music after 10 p.m.
5. The CUP permit is only for this event from July 21, 2022 to July 25, 2022.
6. The Applicant shall submit a site plan map in accordance with Section 251 of the Town of Marshfield Zoning Bylaws to the DRB and \$50 to cover the fee for a joint CUP/Site Plan Approval Application. The zoning permit shall not be issued until the site plan map and fee have been received by the DRB.

IV. Decision and Order

The DRB approves the CUP application.

Voting to Approve Conditional Use Permit: Jon Groveman, Gary Leach, Jenny Warshow, Les Snow and Dina Bookmeyer-Baker.

Voting to Disapprove: None. **Absent:** None.

Approved and ordered at Marshfield, Vermont, this 16th day of June 2022.

By: Jon Groveman



Chair of the Marshfield
Development Review Board

NOTICE OF RIGHT TO APPEAL: In accordance with 24 V.S.A. §§ 4471 and 4472, this decision 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. See also Town of Marshfield Zoning Regulations at §235 (Appeals to Environmental Court).