

## Conditions of Approval

### TicketNetwork Forest Summer Concert Series PZ-2009-26

#### General:

1. Maximum of 20 concerts per season
2. Season to be May 1 through October 31
3. Maximum number of spectators will be determined by available parking spaces (as reviewed and approved by State Traffic Commission) or net floor area available for public occupancy (as reviewed and approved by the Vernon Fire Marshal), whichever is more restrictive
4. Owner not to utilize 135 Bolton Road or 140 Bolton Road for parking by spectators
5. Parking and grounds not to be opened to spectators more than 2 hours prior to a concert
6. Concert music to end no later than 11pm
7. Owner shall obtain all necessary health department approvals prior to the first concert of each season.
8. Owner shall obtain all necessary building permits prior to the erection or placement of any structures on the premises.
9. Prior to the first concert of each season, owner shall obtain all necessary permits and/or approvals from the Vernon Fire Marshal.
10. An easement in favor of TicketNetwork Forest, LLC (and its successors and assigns) shall be recorded on the Vernon Land Records, which easement shall allow it to use the driveway and/or parking areas on 135 Bolton Road in order to access the parking spaces adjacent to the southerly property line of 135 Bolton Road, as well as the emergency access path, on 60 South Frontage Road.

#### Environmental Protections:

1. Compliance with the terms of the Operations & Maintenance Program, revised January 20, 2010.
2. Compliance with the following conditions of approval set forth in the Wetlands Permit, dated October 21, 2009:
  - a. During the summer concert season, monthly inspection reports shall be submitted to Town Staff of conditions of drainage basins and the parking lot following concert events and of occurrences of hazardous materials spills during concert events;
  - b. Fencing shall be installed around the southern perimeter of the parking lot to catch wind-blown trash;
  - c. There shall be no plowing of the parking lot;

- d. Water quality monitoring shall be conducted at the Water Quality Sampling Stations SW-1, SW-2, SW-3 and SW-4 identified in the September 15, 2009 letter and report by Rema Ecological Services, LLC after three storm events of 1 inch or more precipitation over the course of the first two concert seasons;
  - e. A Licensed Environmental Professional (LEP) shall annually train and qualify seasonal maintenance personnel to conduct regular environmental inspections of the site during the summer concert season and in use of the Operations & Maintenance Program; the name of the LEP and list of trained personnel shall be submitted to the Town Planner at the start of each concert season.
3. Portable toilets shall be pumped and removed from the site in between concerts, per recommendation of the Conservation Commission.

**Police/Security/Sale of Alcoholic Beverages:**

1. Compliance with the terms of the Memorandum prepared by James L. Kenny, Chief of Police, dated December 15, 2009, specifically:
  - a. The owner shall provide the police department with a list of acts at least 5 weeks in advance of the event so that the chief can determine the appropriate levels of staffing.
  - b. The private security company hired by the owner for the venue shall meet with the police department at least one month prior to start of each concert season so they can coordinate security efforts.
2. Compliance with the terms of the Security Report, revised February 18, 2010.
3. Vendors of alcoholic beverages shall institute and comply with a 2 drink limit per person, per visit.
4. No alcoholic beverages shall be sold after 10:30pm.

✓ **Sound Control:**

1. Compliance with the Concert Sound Management Program set forth in the report prepared by Brooks Acoustics Corporation ("BAC"), dated November 2, 2009.
  - a. Each year, prior to the first concert of each season, BAC or a similarly qualified third party consultant will issue a report (at the owner's expense) to the Planning Office verifying compliance with items #1 and 2 in the Sound Management Program.
  - b. During the first season of operation, BAC or a similarly qualified third party consultant will monitor the first two (2) concerts and issue a report (at the owner's expense) to the Planning Office following the concert verifying the following:

- (i) sound levels at the front of house ("FOH") did not exceed 95 dBA;
    - (ii) sound levels at the five (5) residential test locations set forth in the November 2, 2009 report did not exceed the limits set forth in the DEP noise regulations
    - (iii) sound levels at 76 South Frontage Road did not exceed the limits set forth in the DEP noise regulations. In the event the consultant determines, during the concert, that sound levels at the FOH exceed 95 dBA, or that sound levels at any of the five (5) residential test locations or at 76 South Frontage Road exceed the limits set forth in the DEP noise regulations, then he/she shall immediately cause an appropriate reduction at the FOH to correct the non-compliance.
  - c. Each year, BAC or a similarly qualified third party consultant will train one or more designated employees of the owner on the proper use and operation of the sound level monitor system. Prior to the first concert of each season, the names of the trained employees, the name of the party training them, and the details of the training received will be submitted to the Planning Office. After the first two (2) concerts during the first season of operation, these trained employees will monitor sound levels at the FOH during each concert to ensure that sound levels do not exceed 95 dBA and issue a report to the Planning Office after each concert verifying the same.
2. Owner shall provide a sound system, in accordance with the specifications set forth in the memorandum prepared by BAC, dated March 3, 2010 (see attached), for use at each of the concerts. Each year, prior to the first concert of each season, BAC or a similarly qualified third party consultant will issue a report (at the owner's expense) to the Planning Office verifying that the sound system complies with these specifications.
  3. Installation of the sound barrier wall in accordance with plans entitled "Sight-Sound Profile TicketNetwork Forest Summer Concert Series 60 South Frontage Road Vernon, Connecticut", prepared by Gardner & Peterson Associates, LLC, Scale 1"=40', Date 2018010, Sheets 1 of 2 and 2 of 2. Each year, prior to the first concert of each season, BAC or a similarly qualified third party consultant will issue a report (at the owner's expense) to the Planning Office verifying that the sound barrier wall has been installed in accordance with said plans.
  4. Loudspeakers shall not exceed 30 feet above ground level at the stage.
  5. The FOH shall be 50 feet from the stage. Sound levels at the FOH shall not exceed 95 dBA.

✓ **Traffic Control:**

1. Compliance with the terms of the State Traffic Commission certificate (once issued).
2. Compliance with the following conditions set forth in the Traffic Authority Approval, dated December 11, 2009:
  - a. That a no parking tow zone signage be erected on South Frontage Road;
  - b. That during events traffic barricades, manned by event staff, be erected at the driveway entrance to 76 South Frontage Road to prevent trespass parking;
  - c. That TicketNetwork contact area businesses and provide traffic control, if necessary, to prevent trespass parking during events.
3. Subject to approval and/or modification by the Police Chief, four police officers will be provided for each concert (at the owner's expense) to provide traffic controls in the following locations:
  - a. During arrival, two (2) officers at the 84E exit ramp, one (1) officer on South Frontage Road at the site driveway, and one (1) officer at the intersection of South Frontage Road and Bolton Road.
  - b. During departure, one (1) officer on South Frontage Road at the site driveway, one (1) officer at the intersection of South Frontage Road and Bolton Road, and one (1) officer at the intersection of South Frontage Road and Tunnel Road.
4. Compliance with the parking procedures and signage set forth in the memorandum entitled "Parking Logistics Arrival/Departure Procedures" revised February 22, 2010.

**In the event of violation of any conditions of approval, the owner will be subject to enforcement proceedings pursuant to CGS 8-12, which may include the imposition of fines and revocation of this permit.**