

Town of Moretown Development Review Board  
P.O. Box 666, Moretown, Vermont 05660

Application No. 14-46: Scott and Patricia Sainsbury for a Cottage Industry Located  
at 75 Bridge Road, Parcel ID #08-024.000

Decision

This is the decision of the Moretown Development Review Board following the hearing held February 12, 2015. The application seeks approval to provide weddings and other special events at 75 Bridge Road. The approval was sought under the Cottage Industry provisions set forth in Section 3.7(E) of the Ordinance.

As outlined below, two board members find the Applicant can meet the Cottage Industry criteria. Two others conclude that the application does not fit within the criteria. Because three affirmative votes are required for the Board to take action to grant a permit the application is denied.

The evidence and testimony considered by the Board are summarized in the Board's minutes of the February 12 hearing. A "cottage industry" is a type of home based business addressed in Section 3.7 of the Ordinance. Under Section 3.7(E) a cottage industry is subject to conditional use review and ten additional provisions. Some of the requirements were not at issue. However, at the hearing, and within the Board, there is debate about whether the Sainsburys can meet Criteria 2, 3, 5, 6 and 9.

The second criteria requires that the business be carried on within the principal dwelling unit and/or accessory structures, and occupy less than 50% of the combined floor area of all structures on the lot. The 50% limitation can be exceeded if approved by the DRB but the space in excess of 50% in such instances is limited to storage of goods and materials and must occur in an accessory structure.

At the hearing the Applicant acknowledged the challenge of literally meeting this requirement. The barn which would be used for the weddings is some 4500 square feet. Also, it is anticipated most wedding parties will utilize the guest cottage as well. The other major structure is the residence, and during a wedding event more than 50% of the combined floor area of all structures would typically be utilized in the activity.

However, it was noted that there is a second floor to the barn and that floor area would not be utilized in the wedding activity. Also, one could argue that in considering use of floor area that the limited and intermittent use should be considered. Associated with a wedding type event the barn and cottage structures will only be utilized the day of the event and perhaps a day or two before or after for setup and takedown. One could estimate that if ten events were hosted in an average year the structures would be utilized for 30 to 35 days, or less than 10% of the time. If one considers the floor space limitation expansively, the Applicant could be found to meet its intent.

The third criteria is that the cottage industry be carried on by the residents of the dwelling. As noted in the minutes, the argument was made that the business is the wedding and the Sainsburys as owners are not organizing that activity. The contrary view is that the activity is making the facility available for the event at a negotiated price. And in that respect the Sainsburys are conducting the business activity.

The fifth requirement is that the business not generate traffic in excess of volumes characteristic of the neighborhood. The Sainsbury property contains a significant portion of open acreage across the Mad River from Route 100B. Route 100B is a state highway and parallels the river and Sainsbury farm for a considerable distance. There is significant traffic on Route 100B. But much less so on Spillway Road and Bridge Road leading to the property.

Given the limited number of events and existing levels of traffic on Route 100B two board members believe the Applicant can meet the requirement, including through conditions requiring off site parking and group shuttles for guests. Others on the Board do not believe the application meets this requirement.

Similarly, Criteria 6 requires there be adequate off street parking. All board members shared a concern that given a proposed guest limit of 175 people, together with vendors and support staff, that there is presently insufficient parking for events of that size. The question is whether imposition of conditions (such as the one Applicants said they would agree to - provision of a site plan specifically designating enumerated parking spaces), together with provision for off site parking, would allow Applicants to meet the criteria.

The ninth requirement is that the business not result in hazards to public safety and welfare, or to neighboring properties, and be subject to applicable performance standards. The requirement states that conditions may be placed on hours of operation as appropriate. At least one neighbor is concerned with noise, especially on summer weekends when those days are typically quiet and peaceful. The question is whether an approval could be conditioned to require that the Applicants meet the stated performance standards in Section 4.9. And that hours of operation be limited.

Board members Riley and O'Neill believe the activity as proposed can fall within the cottage industry provisions of the ordinance if properly conditioned. Board Members Howes and Woods find the application cannot meet the criteria such that it must be denied.

The Board as a whole believes that the business use proposed by the Applicants should be more specifically addressed in the Ordinance. There is a present trend of using farm, or former farm properties, for summer weddings. The Mad River Valley, and the Town of Moretown have a number of properties suitable for such uses. During a time when there are considerable challenges to keep land open and in agricultural production rental of the barns and associated grounds for outdoor events can provide additional income to the property owner and diminish the pressures to subdivide or otherwise develop open land. The Moretown Zoning Ordinance does not presently directly address a proposed use of this type. The cottage industry criteria were developed to allow property owners to conduct limited business activity on residential properties and are not well suited to review proposals to utilize a large property for large gatherings on a limited and intermittent basis.

In summary, because only two board members found the application to meet the ordinance criteria, the application is denied.

3-2-15

Date




Eric Howes

Date

3-2-15

Date

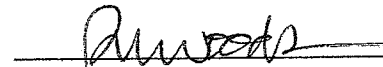
Jim O'Neill



John Riley

Date

3/2/15



Paula Woods

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