

Moretown Development Review Board

Minutes of DRB Hearing Held February 21, 2013 including Decision on Application #13-03

Members of the Board present: Erick Titrud; John Riley; Tom Badowski; Eric Howes (Alternate) and Paula Mastroberardino (Alternate)

Application #13-03 - Jordan and Dan von Trapp to amend Conditional Use Permit #11-15 relating to property at 216 Gove Road, Parcel ID #06-061.000.

Applicants present: Jordan von Trapp and Dan von Trapp. Also present: John Fisher; Micah and Kelly Dudash; Ben Falk; Dick and Maura Lane; Neal Mostov; Clarence Wood; Steve Robbins; Norma Danca and Dave Reed.

In June 2011, the Moretown DRB granted the Applicants Conditional Use Approval to host weddings and similar events as a "cottage industry" on a parcel containing their residence in the Town's Agricultural-Residential zoning district. The permit approval was upon conditions which included that no more than 10 events occur in any calendar year; that no more than one event be on any weekend; and that no more than two events occur in any one month, with the exception that during one month of the year of the Applicants' choosing, a third event in a month could be held. This was to minimize the impact on adjoining properties. In support of the Applicants' request to modify the conditions a narrative statement has been submitted. According to Applicants they have been unable to schedule the 10 permitted events because there has been no or limited interest in the months of May and October. In 2013 there have been multiple requests for September events, but Applicants have been limited to scheduling two as they already had three events booked for August. They have only one June booking, and no bookings for July this year.

According to Jordan von Trapp, there have been few complaints with respect to events held in 2011 and 2012. Ms. von Trapp has solicited a number of statements from neighbors living close by, and other Town residents, who for the most part support the application. The statements were submitted to the Zoning Administrator and are available for the hearing.

Neal Mostov, who lives at 283 South Hill Road, was present and expressed concerns about the application. Mr. Mostov read from a prepared statement which stated that the use in general does not meet the criteria to qualify as a cottage industry in the Ag-Residential zone. Mr. Mostov also questioned whether the use is compliant with the

performance standards set forth in Section 4.10 of the Ordinance, and which apply to all proposed uses. According to Mr. Mostov other individuals have also complained about particular events.

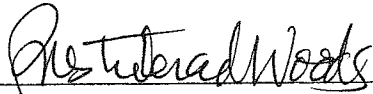
Steve Robbins, Clarence Wood, John Fisher, and Maura Lane all live in relatively close proximity to Gove Road. In general, although they have been aware of holding of events, the impacts have not been such as to cause them to oppose the loosening of the conditions previously imposed.


At the conclusion of the evidentiary portion of the hearing, the Board recessed into deliberative session and now issues its findings and conclusions with respect to the requested amendments to the Conditional Use Permit:

1. Applicants request that the total number of weekend events permitted be raised from 10 to 15. The Board finds that this would be a significant increase, as the Applicants have not reached their limit of 10 per year to date. As noted in the context of the initial application, the performance location is in a rural residential area. Given, that the majority of the neighbors have not been concerned with impacts to date, the Board does grant an increase to the total number of events that can occur on an annual basis to 12.
2. Applicants seek the ability to schedule four weekend events in any one month, and three weekend events in two additional months. Essentially, Applicants are requesting to be able to book 10 events over a three month period. This means almost every summer weekend would have an event scheduled with associated traffic, loud music, and a wedding celebration into the evening. Notwithstanding, reservations among some Board members, the Board grants the request, though requiring that no more than three consecutive weekends have scheduled events. That is, if there are events on three consecutive weekends, the next weekend nothing can be scheduled, before a sequence can again begin.
3. Applicants ask that it be clarified that a weekend client may hold a small rehearsal dinner or brunch during the day before, or after their wedding, so long as there's no amplified music involved. The Board grants this modification on the condition that with the respect to any such rehearsal dinner or brunch that the number of guests be less than 30, and as acknowledged by the Applicant, that no amplified music be involved.
4. The fourth modification the Applicants request is that if they are to host a family party* or a community or non-profit event that this not count toward their event limit, so long as there is no amplified music involved. The Board is unwilling to grant this modification. Such events still have substantial impacts with respect to traffic, setting up, and during such events. Given the impacts of such an event, an event at which there are at least 30 attendees, will count towards the annual limit of 12.

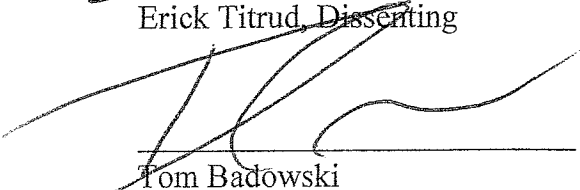
Erick Titrud dissents from this decision for the same reasons he dissented from the initial grant of conditional use permit. Erick believes the use does not qualify as a cottage industry under the Town's zoning ordinance.

4-4-13
Date


Paula Mastroberardino


John Riley, Chair


Erick Titrud, Dissenting


Tom Badowski


Eric Howes

* The reference to "family party" means hosting another family's celebration or gathering and does not apply to any personal family gatherings of the Applicants.