**TOWN OF SOUTH HERO, VERMONT**

**DEVELOPMENT REVIEW BOARD**

**DECISION DATED February 9, 2022**

**APPLICANT**

**Name: David and Marlene Booska**

**Address: 493 US RT 2, South Hero, VT 05486**

**LANDOWNER**

**Name: same**

**APPLICATION**

**Type: Conditional Use and Site Plan review for an Accessory Use – Wedding/Event Venue**

**Number: 22-43-RT493**

**PROPERTY**

**Location: 493 US RT 2**

**Hearing Date: January 26, 2022**

David and Marlene Booska submitted an application on December 15, 2021 requesting a conditional use and site plan review to host weddings and special events in a barn behind their home at 493 US RT 2. Per Section 805 of the 2021 amended South Hero Development Regulations, a warning for the public hearing appeared in the January 5, 2022 issue of the Islander and was posted in the Town Office, the Post Office, and the Town Library, and abutters to the property were notified. A hearing was held on January 26, 2022. A list of those present and participating in the hearings is included in the minutes.

**During the course of the hearing, the following exhibits were submitted:**

1. Town of South Hero Development Regulations, effective September 13, 2020
2. Application for Conditional Use and Site Plan Review, dated November 12, 2021; rec’d December 15, 2021.
3. Cover Letter and Narrative, dated and received December 15, 2021.
4. Google Earth Photo showing abutting landowners, dated January 2022.
5. Google Earth Photo of Site Plan, dated January 2022.
6. Photographs of interior barn and exterior locations.
7. Warning Ad, Abutters’ Notice, and Hearing Letter for Jan. 26, 2022 Conditional Use/Site Plan review.
8. Staff report by Zoning Administrator for Jan. 26, 2022 hearing.
9. Email of support from Matthew Reed, received January 24, 2022, after the hearing was warned on January 5, 2022; entered into the record at the hearing as Exhibit #1.
10. Minutes from the January 26, 2022 DRB meeting.

Based on the application, supporting documents, and testimony of David and Marlene Booska, **the Development Review Board makes the following Findings and enters the following decision:**

**Findings:**

1. 493 US RT 2 is 3 parcels totaling 67.18-acres.
2. The area under consideration for this application is entirely within the Keeler Bay Village Zoning District.
3. The Applicants propose to host 20 to 25 special events (weddings, family reunions, etc.) from May to October, to be held in the second level of the barn and in the field area adjacent to the barn.
4. The Applicants stated that most events would be held on weekends. The proposed hours are 10AM to 10PM.
5. Occupancy will be limited to no more than 150 people per event.
6. Details of the events – catering, bartenders, decorators/planners, porta-johns, and clean-up – will be the responsibility of the venue renters.
7. Porta johns will be placed on a cement pad on the south side of the barn.
8. Water for events will be provided by the caterer. There will be no additional impact on the water provided by Fire District #4.
9. Weather permitting, weddings will be held outdoors. A tent may be placed in the field adjacent to the ceremony. Meals will be served in the barn.
10. The only outdoor music will be for wedding ceremonies. All other music will be inside the barn.
11. A 100’x150’ parking area for 48 cars extends south from the concrete pad, alongside an open storage barn. Part of this area is concrete and gravel, remaining from an old foundation. The rest is grass. The Applicants stated that up to 65 cars have been parked here when a parking attendant is present. Additional parking on grass will be available along the north side of the storage barn. Access to parking is from a right-of-way over the driveway from RT 2.
12. Downward facing lights will be installed in the parking areas.
13. A fence has been placed along the boundary between the parking area and the residence located at 487 US RT 2 as a visual barrier.
14. The entrance to the 40’x100’ barn is on the west side, via a grass ramp to the second level.
15. Power to the outdoor venue will be via a buried power line.
16. The DRB agreed to waive the requirement to show contours on the site plan.
17. The abutting landowner to the south, Matt Reed (485 RT 2) submitted a letter supporting the Applicants’ application.
18. Preliminary discussions regarding this application have been held with the State Fire Marshall and VTrans.

The site plan, to be amended to show delineated parking spaces, was deemed complete and T. Maxham closed the hearing on January 26, 2022.

**Conclusions of Law:**

1. Per Table 2.2, Accessory Uses are permitted in the Keeler Bay Village Zoning District with Conditional Use and Site Plan Review.
2. The application meets the requirements of Sec. 302.D (Conditional Use Review – Review Standards).
3. Per Figure 3.2, the Development Review Board finds no undue adverse effect will be created.
4. Table 5.1 (Minimum Parking Ratios) does not address parking requirements for event venues. The 150’x100’ parking area can accommodate 48 - 9’x20’ spaces.
5. Per Sec. 302.D.1-6 (Conditional Use Review Standards), the application:
   1. Is within the capacity of the facility.
   2. Does not affect the character of the area.
   3. The application does not impact traffic on US RT 2.
   4. Conforms to Applicable standards in Article 5 -- Sec. 506 (Outdoor Lighting), and Sec. 508 (Performance Standards).
   5. Does not violate other Town bylaws.
   6. Does not include any renewable energy resources.
6. Per Sec. 303.D.1, the Applicant may request a waiver from requirements of Table 3.2 (Final Site Plan Requirements).
7. The plan, as presented, meets the requirements of Table 3.2 (Final Site Plan Requirements) and Sec. 303.D (Final Site Plan Review).

**On February 9, 2022, Nate Hayward moved to approve the application, with the findings of fact listed and with the following Conditions; Liza Kilcoyne second.**  **Whereas, Final Approval was granted to the application with Conditions,** with the following people voting in the affirmative: T. Maxham, D. Patterson; G. Hunt; N. Hayward; L. Kilcoyne, W. Rowe, and J. Brightwell.

**Conditions:**

1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
2. The site plan shall be amended to delineate the parking spaces in the parking area and show lighting.
3. No more than 20 events per year during the months of May to October.
4. Event hours shall be 10am to 10pm.
5. Music shall not continue beyond 9:30pm.
6. There shall be no cooking facilities inside the barn.
7. Appropriate signage, parking, and traffic control will be required.
8. There shall be no fireworks at events.
9. This approval will only exist for the current owners of the property. If the property is sold, the new owners shall apply for approval to continue the use.
10. The Applicants shall meet with the DRB after the first year to review the operation.
11. It will be the Applicants’ responsibility to obtain all required State permits prior to the first event.
12. The Town of South Hero’s responsibilities are limited to ensuring compliance with the approvals and permits issued by the Town of South Hero. The Town accepts no responsibility for compliance with the conditions of any permits or approvals issued by any other entity. The Town of South Hero will not be liable for the failure of the applicants to carry out their duties and responsibilities.

**Dated: February 9, 2022**

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**For the Development Review Board**

## APPEAL RIGHTS

Any appeal of this decision must be filed with the Superior Court, Environmental Division (located at 2418 Airport Road, Suite 1, Barre, VT 05641-8701) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. §1431 and the 5% surcharge required by 32 V.S.A. §1434a(a), which is $262.50 as of January 2011. A copy of this appeal must be filed with the Zoning Administrator or the Town Clerk within thirty (30) days from the date of issuance.