

**Development Review Board, Town of Fayston, VT  
Notice of Decision for Application No. 3394-3395**

**Applicant(s): Mad River Barn**

**Parcel ID: 08-072.009**

**Reason for Application: Wedding Pavilion and Special Events in excess of 10 (ten)/year**

**Public Hearing Attendees:** DRB members: Jon Shea (Chair), Mike Quenneville, Kevin Wry, Leo Cohen, Jim Halavonich; ZA: John Weir; Public: Andrew Lynds and Heather Lynds

**Introduction and Procedural History:**

1. The Development Review Board application was filed on August 15, 2016 requesting conditional use approval under Section 2.4, Table 2.3 (C) (2) of the Fayston Land Use Regulations to construct a wedding and event pavilion and Section 4.14 (B) for special events in excess of ten (10) per calendar year. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.
2. Notice of the hearing was properly published. On August 25, 2016 the legal warning for a public hearing for review of this application was published in the Valley Reporter. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.
3. Abutters to the property were properly notified of the hearing.
4. There were no interested parties with regard to this application.
5. The application and plans were considered by the Development Review Board at public hearings which occurred on September 13 and September 27, 2016. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended August 29, 2012.

**The following exhibits were submitted to the Development Review Board:**

Exhibit A. Conditional Use Applications #3394-3395

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on August 25, 2016. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

**Findings:**

1. Pursuant to Section 5.2(A) of the Fayston Land Use Regulations, the Board found the application to be complete at a public hearing held September 13, 2016.
2. The applicant seeks conditional use approval under Section 2.4, Table 2.3 (C) (2) of the Fayston Land Use Regulations to construct a wedding and event pavilion, the proposed wedding and event pavilion constitutes an accessory structure to a conditional use (the Inn). The applicant also seeks conditional use approval under Section 4.14 (B) to host special events in excess of ten (10) per calendar year. The subject property is parcel 08-072.009, located at 2849 Mill Brook Road, in the Town of Fayston, VT. Conditional use is requested pursuant to review under the Town of Fayston, Vermont Land Use Regulations, as amended August 29, 2012.
3. The property is located in the Recreation District as described on the Town of Fayston Zoning Map on record at the Town of Fayston municipal office, also described under Article 2, Table 2.3 of the Town of Fayston, VT land use regulations.
4. The applicant's parcel is adjacent to land owned by SV Reserve, LLC, Barbara Flores and the Mad River Corporation.
5. Applicants have been hosting weddings for the last two years after receiving an administrative permit from the Zoning Administrator to hold up to 10 (ten) events in a calendar year. Applicants' wedding events heretofore have been held under a tent canopy, which holds approximately 125 guests.
6. Applicants seek to construct a wedding and event pavilion to host future weddings. The pavilion itself would be constructed of timber frame, have a standing seam metal roof, radiant heat from the ceilings, a fireplace, and a small kitchen.
7. Pursuant to Section 4.14 (B), with respect to parking, traffic and crowd control, the applicant responded that the pavilion has been sized to hold up to 200 guests.
8. The wedding contracts state that parking is provided for inn guests only, and that all other guests must be shuttled to the event. Applicant books room blocks at other local inns for off-site wedding guests.
9. All rooms at the Mad River Barn must be booked Friday-Sunday for the wedding.
10. Should the pavilion be utilized for other non-wedding events, the existing parking for the restaurant would be used.
11. There are currently 65 spaces now for guests (18 rooms total in Inn). A separate lot has been cleared for staff parking, holding approximately 25 cars. For a wedding event, approximately 22-25 staff are employed.
12. As for hours of events, outdoor wedding activities begin around 4:00 p.m., starting with a ceremony, followed by dinner and then reception and dancing. All wedding contracts would have a stated time of 9:30 p.m. as the end time for amplified music. At that time, remaining guests would be moved indoors to the pub and game room for after-hours entertainment.

13. Pursuant to Section 4.14 (B), with respect to noise control, applicants plan to purchase the sound system for the pavilion. It will have a governor on the volume control, and the speakers will be programmed to direct sound toward the mountains behind the barn.

14. Applicants plan to purchase roll-down side panels which connect through a track system to the posts. These panels, in addition to providing weather protection, will also provide noise protection for neighbors. The panels on the south and east facing sides will be down while the music is being played. The north side of the pavilion is an enclosed structure, encompassing the kitchen and bathroom facilities. Only the uninhabited west side is exposed. In addition, applicants plan to purchase and utilize acoustical panels which will be placed as a backdrop to the speakers, absorbing sound to the north, south and east sides. Vegetation will also be placed to absorb noise.

15. Pursuant to Section 5.4 (B) (2) (a) of the land use regulations, there is a restriction of noise to 70 decibels at the property line. Noise from the Barn historically travels up Mansfield Road. The Board agreed that it could set a lower decibel level as the limit at the boundary of a board-specified distance, as well as include all landowners within a set distance.

16. With respect to lighting, applicants have installed LED walkway lighting to ensure safe passage from the main Barn building to the pavilion. The pavilion will also be lit with LED lighting.

17. The pavilion would be handicap accessible, as there would be a path up to the pavilion site where a ramp would be located for handicapped access.

18. A stormwater permit is not necessary. All stormwater is directed toward a retention pond on a flat area at the base of the property near Route 17.

19. An Act 250 permit is required due to the pavilion and necessity of expanding wastewater capacity. The permit is pending due to review over parking plans.

**Decision:**

DRB members present voted unanimously to approve applications #3394-3395 to construct a wedding and event pavilion as well as to host special events in excess of 10 (ten) per year with the following conditions:

**Conditions:**

1. Noise from amplified events cannot exceed sixty (60) decibels within ½ mile radius from the venue.
2. During wedding event weekends, all rooms in the inn must be rented by wedding guests only.
3. No more than one (1) amplified event per week during permitted season (Memorial Day weekend through Columbus Day weekend).
4. There can be no more than 199 guests at any given event.

5. Amplified music must end by 9:30 p.m.
6. Staff must monitor parking during wedding events.
7. Any guests attending the wedding events but not staying at the inn must be parked off-site.
8. All lighting affixed to the pavilion must be downcast.
9. Access road to the pavilion must be clear in case of emergency access.
10. Plant sound-absorbing vegetation.
11. Obtain and follow all State permits, including Act 250.

**Dated at Fayston, Vermont, this 14<sup>th</sup> day of October, 2016.**



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**Jon Shea, Development Review Board Chair**

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [Development Review Board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.