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NEWS

## **Old Lantern Wedding Barn Prevails in Lengthy Legal Battle With Neighbors**

POSTED BY MOLLY WALSH ON THU, JUN 28, 2018 AT 10:00 AM



The Old Lantern

The Old Lantern wedding barn in Charlotte has won a decisive legal victory in a battle with its neighbors over noise.

The business, owned by Roland and Lisa Gaujac, will continue to operate under the terms of a June 7 settlement that the couple reached with neighbors Adrian and Alison Wolverton.

"We're so grateful that it's over," Lisa Gaujac told *Seven Days* Tuesday. "We just want to get back to focusing on our business."

The lawyer for the Wolvertons, James Dumont, did not return a message seeking comment from him and his clients.

The legal saga goes back at least to 2015, when the Wolvertons and several other neighbors became concerned about noise from weddings at the Lantern, which they contended were increasing in frequency and volume. The critics

claimed the Lantern was not conforming to local zoning and should be forced to apply for permission to operate.

The town zoning officer disagreed, and ruled that the barn had continuously operated as an event space since the early 1960s. That meant it was grandfathered under town zoning, which wasn't created until the mid-1960s.



Lisa and Roland Gaujac

CALEB KENNA

The Wolvertons appealed at the town zoning board and lost. They then appealed to the Environmental Division of Vermont Superior Court.

In that case, they contended that the Lantern has changed substantially, from offering only meals prepared off-site to offering meals prepared there; that it is now a restaurant open to the general public; and that the Lantern at some point ceased operations for six months or more — a key element in whether or not it is grandfathered. The case went to trial in December.

Vermont Environmental Court Judge Thomas S. Durkin found no evidence to support the Wolvertons' claims. In a ruling dated April 2, Durkin wrote that the wedding barn is permitted to operate as a lawful but nonconforming use.

The Lantern owners provided credible evidence with newspaper clippings, historic photos, and testimony from former owners and themselves to refute the Wolvertons' claims, and to show that the Lantern has been continuously used as an events space for nearly 60 years, Durkin wrote.

After the trial, the Gaujacs filed a motion to seek monetary sanctions from the Wolvertons, claiming they had abused the judicial process. The Wolvertons strongly denied that in a response to the court. But Durkin sided with the Gaujacs in an April 13 decision involving sanctions.

The judge ruled that the Wolvertons and Dumont had abused the judicial process by failing to present facts at trial to support long-running accusations. Pretrial rulings had left four key questions to be resolved at trial, but when it was held, the appellants chose not to present any evidence, according to the judge.

"We are left to conclude that Appellants made these bold assertions throughout two to three years of administrative proceedings and litigation without ever having any facts to support these allegations," Durkin wrote in the April 13 decision. "We are left to wonder whether Appellants, and perhaps their attorney, simply created these allegations from thin air, in their zeal to bring an end to Old Lantern's business operations."

Durkin ordered a hearing to discuss a monetary penalty to be imposed on the Wolvertons and Dumont. But they ultimately settled the matter without a penalty. The Gaujacs dropped their bid for sanctions, and in exchange the Wolvertons dropped their appeal of Durkin's decision on the zoning case.

At least 60 weddings are scheduled at the Lantern this year.

Tags: Old Lantern, Judge Thomas S. Durkin, Roland Gaujac, Lisa Gaujac, Image