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PARALEGAL
KAREN M. GRAMER

October 26, 2015

BY EMAIL
Kristen Leahy, Zoning Administrator
Town of Greensboro
P.O. Box 19
Greensboro, VT 05841

Re: ***Mirror Theater/Applications for Amended Conditional Use and Amended Site Plan Approval***

Dear Kristen:

On behalf of the Greensboro Performing Arts Center Trust, Ltd., I am enclosing applications for amended conditional use approval and amended site plan approval for the Mirror Theater project. As you know, the project received site approval and conditional use approval from the Greensboro Development Review Board on September 9, 2014. Since that time, our project went through the Act 250 review process and review from several State of Vermont regulatory agencies for additional required permits and approvals. These reviews required some modifications and revisions to the site plan design approved by the DRB; other proposed revisions result from additional refinements to the project as we moved toward final design completion. As a result, at least some of the revisions impact the current approvals we received from the DRB. The enclosed applications for amended CU and Site Plan Approval, and accompanying drawings and revised site plans, reference and depict each of these proposed revisions. For ease of review, these revisions are listed as follows:

–We are proposing the addition of an accessory production/prop storage shed. You have determined that the proposed shed is an accessory use to a previously permitted commercial structure and requires conditional use approval; we have also revised our site plan to show the size and location of the shed on the plan;

–We propose to relocate the existing driveway entrance/exit to align the drive directly across from the driveway serving the Fire Department building. This proposed change requires a revision to our previously approved site plan, pursuant to which the DRB has authority to review adequacy of traffic access. We anticipate only positive impacts on adequacy of traffic access from this relocation. We received curb cut approval from the Greensboro Selectboard for this change on March 11, 2015;

–In response to Act 250 review under Criterion 8 (Aesthetics) and comments and suggestions from members of the community, we propose revisions to the design of the roof of the theater structure. A cupola "faux roof" element has been added to the cylinder portion of the theater. The cupola serves no structural purpose and is not connected with any aspects of the structure providing for human occupancy. The top of this design element is at a height of 42 feet, 2 inches. We note that Condition 9 of the DRB's decision granting site plan approval and conditional use approval provides that "the building will be no higher than 35 feet." At the time, the height of the highest portion of the roof structure was proposed to be 35 feet, and we further note that this condition mirrors the maximum height restriction set forth in the zoning regulations for structures in the Rural Lands District. We view this proposed change as authorized by § 3.12 of the zoning regulations:

> § 3.12 Height Exceptions
>
> The height limitations of these Regulations shall not apply to barns and silos, private home antennae, spires, belfries, steeples, cupolas, water tanks, ventilators, chimneys, solar equipment, windmills, transmission towers, flag poles, or other appurtenances not used for human occupancy up to a maximum of 50 feet.

This section of the regulations excludes cupolas and other "appurtenances" from consideration as part of the actual building or structure that is used for human occupancy. Accordingly, we believe that our proposed cupola complies with the maximum height regulations for the Rural Lands District, as modified by § 3.12, and complies with Condition 9 of our Conditional Use permit, as the cupola is not treated as part of the "building" by the plain language of the zoning regulations. We include this information as part of this application based on informal discussions with you, during which you have advised that due to the existence of Condition 9, you would recommend that this proposed design element be subject to review by the DRB.

–In order to comply with IES (Illuminating Energy Society) minimum recommendations for parking lot safety, a total of 12 exterior light poles, 20 feet in height, are proposed to be included along the project drive and in the parking lot, utilizing energy efficient LEDs. These fixtures will be full cut-off and "night-sky" friendly; a representative sample of the poles and fixtures is included in our site plan/drawing package.

–The parking areas for patrons has been reconfigured in connection with the relocation of the project entrance/exit drive. This proposed change takes parking away from the lobby/entrance area of the theater, creates a more pastoral, aesthetically pleasing site and results in greater distance between project parking areas and neighboring residential lots. The project now proposes a total of 87 parking spaces, a number that is consistent with all applicable codes/guidelines for this use.

In addition to the above-referenced changes to our project as approved by the DRB, the following minor changes are noted; in our view, these changes may not require formal review/approval by the DRB; we list the changes here for the sake of providing a complete picture of the proposed design:

--As depicted on our revised site plan, a portion of the previously approved pedestrian paths–those leading patrons from emergency exits--will be concrete surface paths rather than gravel paths. This change was required in order for the project to comply with State of Vermont fire marshal requirements.

–The site for the project's outdoor tent use has been relocated. The area originally proposed is not a suitable site due to slope/terrain issues.

All of the proposed revisions are further described within the enclosed applications and depicted on our revised site plans, drawings and sketches provided with the applications. Under separate cover, we will forward a check to cover the fees for these applications. Full-size site plans and drawings will be hand-delivered to your office this Thursday.

Please advise of any additional information that you may require.

Thank you and regards.

Very truly yours,

Robert Halpert

cc (by email): Greensboro Performing Arts Center Trust, Ltd.

APPLICATION FOR CONDITIONAL USE PERMIT/VARIANCE
TOWN OF GREENSBORO
PO Box 119, Greensboro, VT 05841
(802) 533-2911 Fax (802) 533-2191
greensborovtzoning@yahoo.com

FOR ADMINISTRATIVE USE ONLY

Application Number: _____ Tax Map Number: _____
Zoning District: _____
Date Application Received___/___/___ Fee Paid : $ _____
Reason for Seeking Conditional Use Permit or Variance:

Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the Town of Greensboro according to the attached fee schedule.

Applicant(s):
Name(s): Greensboro Performing Arts Center Trust
Mailing Address: c/o Zalinger Cameron & Lambek, 140 Main Street, Montpelier, VT 05602
Telephone(s) Home: _____ Work: (802) 223-1000 Cell: _____
E-mail: rhalpert@zclpc.com

Landowner(s) (if different from applicant(s)):
Name(s):

Physical Location of Property (911 address):
2853 Hardwick Street, Greensboro, Vermont

Type of Permit:
[X] Conditional Use [ ] Variance

Other Permits Which May Be Necessary:
[X] State Septic Permits - required prior to construction — Approved WW-7-2404-1 6/3/15
[X] State Potable Water Supply Permits - required prior to construction — Approved C3213-15.0 5/20/15 and WW-7-2402-1 6/3/15

[X] Site visit approval **Application cannot be approved until after site visit by the zoning administrator. Schedule site visit when completed application is submitted.** [ ] Visit Waived _____
[X] Curb Cut - requires a separate application - necessary if a new driveway must be installed.
[ ] Applied (date) Curb Cut for revised driveway location approved by Selectboard on March 11, 2015 "subject to DRB approval.,, [ ] Not required

Property Description:
Acreage in lot: +/- 10.06 Feet of Road Frontage: 871' Center Road 981' Hardwick Street
Setbacks: Front 50' (to center of road) Left Side See Site Plan
Right Side See Site Plan Rear See Site Plan
Lakeshore NA Other _____

(If property fronts on more than one public road, please include frontage measurement on each)

Dimensions of Proposed and Existing Buildings:

Proposed/Permitted: Theater

Length 132' No. of Stories 3

Width 141'

Height 35' (42' Top of Cupola)

Existing: Farm Stand

Length 60' No. of Stories 2

Width 30'

Height

Proposed: Shed

Length 51' No. of Stories 1

Width 31'

Height 19'-9" to peak of roof

Proposed:

Length No. of Stories

Width

Height

Lakeshore District Properties, please indicate the total habitable floor area of the dwelling:
Total Habitable Floor Area is defined in the Greensboro Zoning Ordinances as "The floor area of rooms in a dwelling unit used for bedrooms, living room, dining room, kitchen, and bathroom. Excludes porches and decks."

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.") Previous: Farm Stand; now bare land. Previously received Conditional Use Permit for year-round performing arts center. This is an amended conditional use application for approval of an accessory shed; for approval of relocated Curb Cut, if necessary; and to amend the existing condition limiting building height to 35 feet or less. Cupola design element for roof results in total height of roof of42 feet.

Proposed use and occupancy. (Write whether it will be seasonal or full year. If you decide to change the use of your property later you may need another permit.) Performing Arts Complex - Year round, as currently permitted. Amended Conditional Use permit is sought for previously permitted year-round performing arts complex, with new/revised elements as set forth above and on site plans and drawings submitted with this amended application.

Type of Water System:

[X] Village [ ] Spring [ ] Drilled well [ ] Other

Type of Septic/Waste Water System: Leach Field

Permit Numbers WW-7-2404-1

Sketch or attach a general plot plan showing the following:

1. Location of property.
2. Location of buildings on property.
3. Location of driveway.
4. Location of water source and septic/waste water system.
5. Names of adjoining landowners.

See plan provided for Site Plan Review

Sketch a floor plan or diagram showing the dimensions of the proposed building, addition or alteration.(This should show the rooms in the inside of the building, including both upstairs and downstairs if there is more than one floor.)

See attached plans of the performing arts complex, including the theater, support areas and café.

If the property is sited within the buffer area of a major water body (within 75' of Caspian or Eligo Lakes, 50' of Horse & Mud Ponds, 100' of Long Pond, or 25' of any river or stream)**, please attach a landscape design plan for your project. Include types of plantings, landscape materials to be utilized and size and location of access paths.** New lawns shall not extend into the buffer.

Not applicable, but see landscape plan submitted for Site Plan Review.

Conditional Use Criteria:

At your DRB hearing, you will be asked to present your proposal. Please be prepared to address the impact of your project based on the following criteria.

"The DRB shall make its findings on general and specific standards. Such general standards shall require that the proposed conditional use shall not result in an undue adverse effect on the following:

1. The capacity of existing or planned community facilities; (e.g. schools, police and fire service, etc.);
2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan (e.g. why your project is consistent with other uses in the area or how your project fits in with existing development);
3. Traffic on roads and highways in the vicinity;
4. Bylaws and ordinances then in effect;
5. Utilization of renewable energy resources.

Specific standards shall include:

1. Minimum lot size shall be that which is required for the district in which the use occurs unless other standards are given for conditional use lot size in the district in question;
2. Setbacks for conditional uses will be the same as for permitted uses unless other standards are given for conditional use setbacks in the district in question.
3. Landscaping and/or fencing may be required for commercial and industrial uses to provide screening when in the judgment of the DRB such screening is necessary to protect the character of the area affected.
4. Exterior signs shall conform to the following in all districts:
   a) No free standing internally lit signs shall be permitted
   b) All signs shall be compatible in size, materials, and workmanship to the area in which they are located.
5. Location on the lot, of structures and service areas shall be compatible with other structures in the area affected.
6. In each district, uses are given specific criteria. In all cases these criteria will be adhered to.
7. Noise, air pollution and effects on the character of the neighborhood shall be considered."

(Pages 26 & 27 in the Greensboro Zoning By-Laws).

Variance Criteria:

"The DRB may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and findings are specified in its written decision.

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not to the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
2. Because of these physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the appellant;
4. The variance, if authorized, will not:
   a) Alter the essential character of the neighborhood or district in which the property is located;
   b) Substantially or permanently impair the appropriate use or development of adjacent property;
   c) Reduce access to renewable energy resources;
   d) Be detrimental to the public welfare.
5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan." (Pages 27 &28 of the Greensboro Zoning By-Laws).

At your DRB hearing, you will be asked to present your proposal. Please be prepared to explain why your project should be granted a variance.

Permission to Enter Property & Applicant Certification Signatures

Signing of this application authorizes the Zoning Administrator to enter onto the premises for the purpose of verifying information presented.

The undersigned hereby certifies that the information submitted in this application regarding the above property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance of the above representations and will be automatically void if any are untrue or incorrect.
This permit is void if the development under this permit is not begun within one year of the date of approval or if construction is not completed within two years.

Construction may not be started until 15 days from the date of approval on this permit.

Signature of Applicant(s) _____ Date 10/27/15
for GPACT, Ltd.

Signature of Landowner(s) _____ Date 10/27/15
for GPACT, Ltd.

Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.

Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board, c/o the Town Clerk's Office at the address shown above, with the appropriate fee, within 15 days of the decision or act. Failure to appeal this decision will mean that all interested persons are bound by this decision and will foreclose these persons from contesting this decision either directly or indirectly in the future. **This permit shall not take effect until the time for such appeal has passed.**

Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802)751-0127.

FOR ADMINISTRATIVE USE ONLY

{ } Approved {} Denied { } Referred to the Development Review Board

Date _____ Signature _____

Remarks and/or Conditions: _____

_____

Date of Approval or Denial by Development Review Board: _____
Date Approved or Denial by Zoning Board of Adjustment: _____

Applicant/Landowner Received a Copy of the Applicable Building Energy Standards:
(Date)

Applicant/Landowner Did NOT Need to Receive a Copy of Applicable Building Energy Standards (due to the fact That the structure will not be heated or cooled: _____
(Date)

Application for Site Plan Review
Town of Greensboro
PO Box 119, Greensboro, VT 05841
(802) 533-2911 Fax (802) 533-2191
greensborovtzoning@yahoo.com

For Administrative Use Only

Application Number: _____ Tax Map Number: _____
Zoning District: _____
Date Application Received____/____/___ Fee Paid : $ _____

Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the Town of Greensboro for $_____

Applicant(s):
Name(s): Greensboro Performing Arts Center Trust
Mailing Address: c/o Zalinger Cameron & Lambek, 140 Main Street, Montpelier, VT 05602
Telephone(s) Home: _____ Work: (802) 223-1000 Cell: _____
E-mail: rhalpert@zclpc.com

Landowner(s) (if different from applicant(s)):
Name(s):

Physical Location of Property (911 address):
2853 Hardwick Street, Greensboro, Vermont

Two sets of site plan maps must be submitted. These maps must include all of the following information:

[X] Name and address of the person or the firm preparing the map, scale of the map, north point, and the date.

[X] Map of the property showing existing features, imcluding contours, structures, large trees, streets utility easements, rights-of-way, land use and deed restrictions.

[X] Site plan showing proposed structure locations and land use areas; driveways, traffic circulation, parking and loading spaces and pedestrian wallks; landscaping plans, including site grading, landscape design and screening.

Maps Received by DRB on: _____

Application for Site Plan Review

1. **Please describe the size, location and design of any signs which will be utilized at the proposed project.**

   One single faced entry sign measuring 6 square feet and consisting of dimensional letters, pin mounted to a boulder, or lettering etched into a granite slab measuring 6 sqaure feet or less will be provided. The sign shall indicate "Mirror Theater". The sign shall be lit with a spotlight, equipped with a cut off visor. The remainder of the site signage will be informational related to parking, directional or restrictive traffic signage:.

   a. Staff Parking and Delivery Entrance: 18,, wide by 12,, high. Provide 1.
   b. Reserved Handicapped Parking Only: 12,, wide by 18,, high, with blue accessible logo at each handicapped parking space (5 required/9 provided).
   c. Exit Sign

2. **Please describe how parking, traffic and pedestrian walkways will be addressed at the proposed project.** Include any pertinent information such as the location and size of the parking area, the estimated number of parking spaces, the anticipated traffic patterns location of walkways and anticipated impact on public roads.

   The existing drive way and curb cut at 2853 Hardwick Street will be relocated approximately 120 feet in a northerly direction to align with the drive of the fire station. This entry point will be the only entrance or exit onto the theater site. This entry point will connect to a two way loop drive that provides access to patron parking, staff parking and the delivery area of the theater.

   Large vehicles delivering supplies to the theater back of house and the kitchen will enter through the designated curb cut, turn onto the service drive and back up to the dock area. The vehicles will then exit the site via the same roadway.

   The parking area, which for the most part will be utilized only during performance hours, will accommodate approximately 87 automobiles in total, including the designated staff parking. 12 parking spots will be designated as staff parking. 8 of the patron and 1 of the staff parking spaces will be designated as handicapped parking spaces to meet ADA requirements.

   The surface of all drives, will be gravel, for compatibility with the surrounding environment.

   Pedestrian paths will be included in the site development. Pedestrian paths will lead from the patron parking areas to the main lobby doors. A pedestrian path will be provided between the staff parking area and the designated staff entrance. Pedestrian paths will also be gravel paths with metal edge guards. Pedestrian paths will incorporate low level path lighting for safety reasons. Pedestrian paths leading from emergency exits shall be concrete walkways pursuant to the State of Vermont Fire Marshal requirements.

3. **Please note whether your proposed project would impact on the protection of the utilization of renewable energy resources.**

This project will have no negative impact on the protection of the utilization of renewable energy sources.

We will use a geothermal heat pump system to provide both central heating and cooling systems that work by transferring heat to or from the ground. The geothermal system will use the earth as a heat source (in the winter) and a heat sink(in the summer). Ground source heat pumps are among the most energy efficient technologies for providing HVAC and water heating.

4. **Please describe the proposed landscaping design for the project and any screening which would be provided for neighbors.**

See revised site plan, dated October 23, 2015 submitted with this application for specific details.

The landscaping entering the property will consist of low hedges or edible landscape adjacent to the drive to shield the parking lot from view. The parking lot is shielded from view from the roadway by a mature stand of existing trees.

Existing trees provide generous screening on all sides of the property, other than along a portion of Center Road. The south property line is fully concealed from the neighboring property by a stand of mature growth trees. However, additional deciduous trees will be added to the southwestern tree line for further screening. Where there is a break in the existing tree line, along Center Road, new trees will be planted to provide additional screening.

Screening, including low hedges and shrubs, will be provided within the parking areas to soften the appearance of the parking lot.

Additional landscape features are proposed for the northern section of the property. The landscaping will consist of a mowed lawn, mowed pedestrian paths and seasonal flowering plants representative of an English Garden.

5. **Please describe any proposed exterior lighting plans. Include any pertinent information such as location, intensity and hours of operation, etc.**

To meet lighting levels, recommended by the Illuminating Engineering Society for personal safety and security in the parking lots, a total of 12 exterior light poles, 20' in height, will be provided along the roadway and in the parking lot. Since the majority of performances are at night, low profile light bollards will be provided at the pedestrian paths to guide patrons to the building entrance. Building- mounted lighting will be provided at building entrances. Some decorative lighting may be used to highlight the building structure during performances. All exterior lighting will be full cut-off type light fixtures that will not have an adverse impact on the neighborhood and will be night sky friendly. Exterior lighting will have controls so that all exterior lighting can be turned off when the building is not in use. See attachment for proposed light pole.

Permission to Enter Property & Applicant Certification Signatures

Signing of this application authorizes the Zoning Administrator to enter onto the premises for the purpose of verifying information presented.
The undersigned hereby certifies that the information submitted in this application regarding the above property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance of the above representations and will be automatically void if any are untrue or incorrect.
This permit is void if the development under this permit is not begun within one year of the date of approval or if construction is not completed within two years.

Construction may not be started until 15 days from the date of approval on this permit.

Signature of Applicant(s) _____ Date 10/27/15
for GPACT, Ltd.

Signature of Landowner(s) _____ Date 10/27/15
for GPACT, Ltd.

Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.

Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board, c/o the Town Clerk's Office at the address shown above, with the appropriate fee, within 15 days of the decision or act. Failure to appeal this decision will mean that all interested persons are bound by this decision and will foreclose these persons from contesting this decision either directly or indirectly in the future. **This permit shall not take effect until the time for such appeal has passed.**

Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802)751-0127.

FOR ADMINISTRATIVE USE ONLY

{ } Approved { } Denied { } Referred to the Development Review Board

Date _____ Signature

Remarks and/or Conditions:

Date of Approval or Denial by Development Review Board:

Date of Approval or Denial by Zoning Board of Adjustment: