

Meeting Minutes for the Site Plan Review and Conditional Use Permit
For Circus Smirkus
June 19, 2013

To consider a site plan review and a conditional use permit by Circus Smirkus for the construction of a commercial enterprise at 409 and 421 Breezy Ave. The DRB will also consider the placement of multiple structures on a single lot and a permit for signs over the allowable 2 square feet.

The conditional use permit requires a review under the following sections of the Greensboro Zoning By-Laws 2.3 Greensboro Village District; 2.6 Rural Lands District; 3.10 Structures and Uses per Lot; 4.4 Site Plan Review and 5.4 Conditional Uses..

Warnings were posted on May 24, 2013 at the Greensboro Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office and sent to the applicant, Circus Barn, Inc. and the following abutters: Lacey Smith for the Smith Trust; George and Karen Gowen; Lou Ron Schneider; Vermont Land Trust; Lakeview Inn Enterprises; Susan, Sarah and Rachel Williams; Constance Peterson, et al. and Lynn Holbein; John and Jill O'Brien; John Moffatt; Mountain View Country Club; and Audrey Suhr. It was published in the Hardwick Gazette on Wednesday, June 5, 2013.

Development Review Board members present at the hearing: Bud Harvey, Linda Romans, Nat Smith, Sean Thomson, Janet Travers, Jane Woodruff and Wayne Young

Others present: Ed LeClair, executive director of Circus Smirkus; Bill McClay, architect; Kristen Leahy, zoning administrator; see sign-in lists for further attendees

During the course of the hearing the following exhibits were submitted to the Development Review Board:

- #1 Noise Impact Assessment by Resource Systems Group for Circus Smirkus
- #2 Noise Pollution Clearinghouse Report for Connie Peterson and Bruce Holbein
- #3 Letter from Greensboro Fire District #1 (town water committee)
- #4 Letter from abutters Rachel, Sarah and Susan Williams
- #5 Letter from abutters Connie Peterson and Lynn Holbein
- #6 Letter from Laurence I. Hewes, IV, H. Patrick D. Hewes, and Mary C.D. Hewes
- #7 Letter from Laurence I. Hewes, II and Mary D. Hewes

These exhibits are available at the Greensboro Town Clerk's office.

Summary of Discussion

Ms. Woodruff began the hearing at 7:12 pm. She noted that the hearing was semi-judicial, explained the procedure of the hearing and had Ms. Travers swear in all who planned to speak at the hearing. Ms. Woodruff then asked Mr. LeClair to explain the proposal. He began by explaining Circus Smirkus's three programs: 1. The Big Top Tour which is headquartered on Bailey Hazen Road in Greensboro and will remain there. 2. An artist in residence program which sends staff out to educational facilities to teach circus skills to the children. 3. Smirkus Camp which is the subject of this hearing.

Mr. LeClair went on to describe the camp which is for children ages 6 to 16. Circus Smirkus is proposing to operate the camp with a total occupancy of 122 people, 84 campers and 38 staff. This number is dictated by the septic capacity of the land. They have a 3 to 1 ratio of coaches to campers and an 8 to 1 ratio of counselors to campers.

Circus Smirkus camp has been renting facilities for 23 years in colleges or residential schools and has found that they are subject to the dictates of the renters. The schools often schedule their own programs at the beginning and end of the season making the camp season shorter and they schedule renovations and alumni events when the camps are in session. Thus Circus Smirkus has deemed it prudent to construct their own facility to allow them control of their schedule and facilities.

The existing house will be used as an administration building and house no more than 6 staff people in the summer and probably one caretaker in the winter. The barn will become the dining hall and the connector between the house and barn will become the kitchen. The present glass blowing shop will be used for storage. Two new dorms are planned to be built in phase 1 and a counselor's dorm and a balance pavilion are planned for construction in phase two. If this zoning permit and all the state permits are approved, then construction could start in 2014 and he's hoping the camp would begin operating there in 2014.

In the present plan a little over 21 of the 33⁺ acres would be put into a conservation easement through the Greensboro Land Trust. There will be a shallow depression in the meadow as part a storm management system draining water run-off from large storms. To accommodate the neighbors, there will be a no play zone behind the two camps on the North side, a privacy fence, a sound wall in the dining hall, and the present driveway to the house will be used only by staff and perhaps delivery trucks and the drive next to the present glass blowing house will be used as access to the dorms and parking lot. This second drive toward the dorms will be a one-way road with an exit further up Breezy Av. The parking lot and fire access lane will be gravel and reseeded to grass. The parking lot will be large enough to accommodate approximately 70 cars. Cedars and maples will be planted to largely block the view of the parking lot and dorms from the road and neighboring houses. The split rail fence along the present house drive will be extended around the front of the house property ending in shrubs to provide a physical barrier to easy public access. A 2 ft. x 3 ft. rustic-looking wooden sign with the Smircus Camp logo on it is planned for the entrance to the camp. There will also be small directional signs for the driveways on the property.

The planned dorms will be one story tall and are evocative of both a circus tent and a campfire. They will be 20 feet high with smaller cupolas that would extend the height to 30 feet. The highest cupola would be 36 feet high. The Lacey Smiths will donate 3.19 acres so the dorms can be built away from the two neighboring houses on Breezy Av. In return Circus Smirkus will provide screening to protect the Smith's house from noise and view of the dorms. The Shurs might also donate their land on the corner of Country Club Rd. and Breezy Av. to help make the project work.

Mr. LeClair went on to summarize Circus Smirkus' proposal and answer frequently asked questions.

Answers to frequently asked questions:

Greensboro Fire District #1 has assured Circus Smirkus that they can meet the demand that the camp will place on the water system. (See exhibit #3)

Between four and ten summer jobs will be provided.

The septic system is a mound system designed by qualified engineers. Circus Smirkus met with Act 250 representatives and feel confident that they will get Act 250 acceptance.

Circus Smirkus pays taxes and if this goes through, they will probably pay in excess of \$50,000 in property taxes.

There is no pole lighting planned on site. The lighting will be low, solar path lighting. The buildings will have exit signs and down-turned lighting at the entrances.

Circus Smirkus had a noise impact study done by Eddie Duncan from Design Resources Group. (See exhibit #1)

To do the noise study Mr. Duncan took a worst case scenario: loud music from the tents, kids playing and screaming, kids in the dining hall and the kitchen vent fan running, all occurring simultaneously. Mr. Duncan determined that the noise at all abutting residences was around 55 decibels which is approximately that of an idling car, 50 feet away and within the precedent area set by Act 250.

What they propose to do to accommodate the neighbors:

The original Circus Smirkus plan placed the dorms farther North, behind the two abutting camps.

The present plan places the dorms from behind the two closest neighbors to a spot away from their view-sheds.

They propose to put 21 acres into the land trust to preserve the neighbors' view.

They propose to create a no-play zone near the neighbors' properties.

They located the kitchen vent on the North side, away from a neighbor's house.

They added a sound wall in the dining hall on the side next to the neighbor.

They put in a screening fence and a lot of landscape screening.

How they fit with the town plan:

Almost all of the construction is located in the Village District and the whole project is in the Village and Rural District. None of the project is in the Lakeshore District.

The Village District is zoned for commercial and residential use, so they qualify.

The Town Plan values recreation and they do.

The Town plan values non-polluting businesses and they qualify as that.

The camp will support the tourist economy of the town.

The Town Plan puts a value on conservation and they are placing 21 acres in conservation easement.

They provide educational activities by giving programs for the Four Seasons of Early Learning and the Greensboro Nursing Home and doing artist residencies at Lakeview Elementary School. They will also be providing camp scholarships for Northeast Kingdom kids who otherwise wouldn't be able to attend the camp.

The informational part of the hearing over, Ms. Woodruff gave a short time to stretch before giving people the opportunity to ask questions or comments on the proposed plans for the circus camp.

Upon resumption of the meeting, Ms. Woodruff asked for questions from Board members. Ms. Romans asked if a PA system would be used to communicate with staff and children. Mr. LeClair answered that a microphone is used for the shows put on at the end of a camp, but it is not loud. Otherwise a PA system is not used at the camp. There were no more questions from the Board.

The hearing was then opened for comments or questions from those attending the hearing. Ms. Woodruff interspersed those comments by reading letters people had sent to the DRB.

Penny Bretschneider (Greensboro) for

Ms. Bretschneider's said her daughter went to circus camp and it was a good experience for her.

She is pleased because the camp gives the children activities instead of video games.

As a teacher she had students that demonstrated added self-confidence and pride in themselves after going to circus camp.

Ms. Bretschneider asked if there would be enough water for the facility.

Answer: Ms. Woodruff read a letter from the chair of the Greensboro "water committee" saying there would be enough water.

Ms. Bretschneider also asked if there was some way to insure that the noise in the tents wouldn't be too loud.

Answer: Circus Smirkus plans to install decibel meters with visual alarms in the tents to make sure the sound is not too loud.

Tom Woodward (Greensboro) not in favor of

Mr. Woodward and his wife, Barbara, are concerned about:

1 The camp is located at the gateway to this small village and most vehicles entering town must enter at this point. There is a blind curve and intersection where the camp entrance would be, making it a dangerous traffic situation.

2 During construction there would be many construction and staff vehicles

3 Parent pick up and drop off would add a lot of traffic

4 There would be many service and delivery vehicles

5 The parking lot, of about 70 vehicles, would be the largest in town

6 The camp is out of character of our small farming village and summer community

Karl Stein (Greensboro) for

Mr. Stein has been involved with the camp since its inception and his kids went there

He believes in the mission and values of the circus camp

He believes the traffic will not be noticed in the summer because it is heavy anyway

He believes it will have a positive effect on the town

Eliot Williams (Greensboro) abutter neutral

Mr. Williams and his family support Circus Smirkus and are grateful for the accommodations Mr. LeClair has made for them.

He and his family have submitted a letter to become interested parties so they can continue to be involved in ongoing discussions.

He is concerned about some car overflow and pedestrian traffic.

He is concerned about which phases are being approved at this time.

He is concerned that many permits have not yet been signed and secured.

He is concerned about future expansion

He thinks records and documentation are very important for the future

Bridget Collier (Greensboro) for

These statements are personal and she is not speaking for the Town. (She's a select person) Greensboro is not a museum. This is a new century and millennium and the town must change with it.

Ms. Collier wants the town to have a future.

The circus camp fits into the town plan

The fear that it will get bigger is a non-issue.

A couple of jobs and a future are important for a town like Greensboro.

Applauds what Circus Smirkus has done as above and beyond what is required.

Sally Lonegren (Greensboro) for

Ms. Lonegren stated that we're getting older. The kids at circus camp are being taught responsibility, creativity, motivation, honor and polite ways of being with each other and their community and the world needs this.

"If we can be there as responsible elders in the encouragement of that kind of environment for the future of this world, I'm all for it."

George Gowen (Greensboro) for

Mr. Gowen would like to offer a right-of-way through his property as an alternate egress. Also suggested an egress to Country Club Rd.

Mateo Kehler (Greensboro) for

1 Circus Smirkus a jewel and a gift to our community. Proud to have it here. It will provide a vibrancy and we need young people in the community as a living community. The positive economic ramifications cannot be overstated.

2 What would the economic impact be on the community? There is no quantification for that but with 70 families coming in, they need places to stay, eat and do other vacation activities. They will spend money in the area.

Connie Peterson (Greensboro) abutter for

(Mother of Alan Carl Peterson who wrote a letter against the circus camp.)

The family is working with Mr. LeClair on methods for resolution. The Holbein-Petersons believe that sound abatement information should be part of the decision-making process. Looking forward to concluding negotiations with a positive resolution.

Maya McCoy (Greensboro) for

Ms. McCoy met her husband at Circus Smirkus and it is a large part of why they live in Greensboro.

Glad that Circus Smirkus is planning to invest in Greensboro.

Clive Gray (Greensboro) for

Chair of Board of Greensboro Land Trust

Mr. Gray stated that the Land Trust Board has not taken a stand, but he is personally supportive of the project.

The Land Trust Board is pleased with the offer of the conservation easement which adjoins the "Greensboro Green" which is already conserved. The agreement is in process.

Jennifer Ranz (Greensboro) for

(Lucille Brink, her mother, wrote a letter against the project)

Ms. Ranz is in favor of the project. She feels it would be great to have a living, vibrant, creative business in town.

Kathy Unser (Hardwick) for

Ms. Unser restored the Lakeview Inn and feels the community runs the risk of becoming sterile. She feels the community needs vibrancy.

She addressed the traffic concerns:

When they ran the Inn, they had 40 or more cars and delivery trucks use the driveway every day and her guests complained about the milk trucks going by on the road. Traffic noise in the driveway did not seem to be an issue.

In total support of what Circus Smirkus is doing.

Cathy Donnelly (Greensboro) for

Current owner of Lakeview Inn

Ms. Donnelly believes that this community needs an investment in youth.

She is a great supporter of Circus Smirkus.

She applauds Mr. LeClair and the circus folks for addressing the concerns of the neighbors.

Vince Razionale (Hardwick) for
Mr. Razionale works at Jasper Hill Farms in Greensboro.
He is excited about the project.
He feels it is a revitalizing and exciting project.
There may be more traffic, but he doesn't mind waiting at Willey's or at intersections.

Thomas Hurst (Greensboro) for
Mr. Hurst said he has walked around the lake almost every day for several years and notes the traffic. He doesn't feel that 70 or 80 more cars is going to impact the town greatly.

Judy Waible (Greensboro) for
Ms. Waible owned a B& B in Hardwick and parents of the circus campers would often stay there. She heard them talking about their children's experiences at camp. The parents said that it taught their children about living in a community.
Ms. Waible thought we need to offer that opportunity for children to learn this important skill.

Victoria Von Hessert (Greensboro) for
Ms. Von Hessert feels that Circus Smirkus is a magical community. It's built on trust, living together, and teaches the kids to be willing to take risks and invest in each other.
She thinks we can all grow and learn from the things Circus Smirkus teaches at their camp.

Phil Gray (Greensboro) neutral
Chair of Greensboro Planning Commission. He is speaking only as an individual. The Planning Commission does not have an opinion on this.

Mr. Gray questioned the Act 250 approval process and asked what makes Mr. LeClair confident that Act 250 approval is forthcoming and what is the fall-back position if Act 250 is hung up or fails?

Answer by Mr. LeClair: The architects and engineers that developed this plan have had experience with Act 250 and they think it will pass. One of the most important things for Act 250 approval is approval by the town. That's what makes this hearing so important.

If their Act 250 application fails, the Act 250 board usually tells the applicant to change certain items to get it approved. The circus would do that and hopefully the application would be approved, although it might mean they would have to come back to the DRB with an altered application.

Mr. McClay, the architect, said that he believes they have addressed all the criteria for Act 250 and it will be approved.

Rob Hurst (Greensboro) for
President of Willey's store
Mr. Hurst doesn't believe traffic will be a problem. He thinks the volume of traffic in town is already increasing.
He can't think of a better use for the Lonegren property.

Kristen Leahy (Greensboro) Greensboro Zoning Administrator
Ms. Leahy reminded Mr. LeClair of some items he did not comment on.
What is Circus Smirkus doing for protection of renewable energy resources?
They will consider solar energy in the future.
Ms. Leahy reminded Mr. LeClair to talk about the vent hood as he did at the site visit.
Mr. LeClair said the vent hood will be located on the south side of the kitchen roof, away from the neighbors.

Mr. LeClair also mentioned that Circus Smirkus camps have used staff as traffic wardens when the parents are picking up and dropping off their children. The wardens help get the cars off the street and to the drop-off/ pick-up and parking areas quickly and efficiently.

Letters received by the DRB

Alan Carl Peterson (Greensboro) abutter not in favor of

(His mother, Connie Peterson, spoke in favor of the camp.)

Circus Smirkus would have a tremendous effect on their property.

He is concerned about the noise which he feels would dominate the atmosphere at his camp.

He is concerned that the character of his camp will be changed because of the noise.

He is concerned that this will affect his ability to rent his camp property.

Diane Irish (Greensboro) not in favor of

She is concerned that the character of the town as a quiet farming village will be changed.

She is concerned about the noise.

She is concerned about the large size of the parking lot.

Lucille Brink (Greensboro) not in favor of

(Jennifer Ranz, her daughter, spoke in favor of the project.)

Ms. Brink is concerned about the noise from the children.

She is concerned about the traffic at an already busy intersection.

She applauds Circus Smirkus' growth and development, but not in the village proper.

Tom and Barbara Woodward

(see speakers above)

Mr. Woodward read this letter when he spoke at the hearing.

Anne Stevens not in favor of

Ms. Stevens is concerned about the potential danger of the large increase in traffic on what is already a busy strip of road.

She is concerned that it is out of character of a small town residential neighborhood.

Sara and Sheila Dillon (Greensboro) not in favor of

Ms. Dillon & Ms. Dillon are concerned that the proposed camp would be inconsistent with the cultivation of Greensboro's unique, small scale beauty. They feel that it is a large, out of scale development right in the village. The very large parking lot would be in full view of Breezy Ave. as would the dormitories and tents.

They are concerned about the traffic and congestion.

They are concerned about the noise and pollution.

Valdine Hall (Greensboro) for

Ms. Hall thinks the camp would be a wonderful addition to the community.

It will bring jobs and enrichment for the school age children.

The parents who bring their children will spend money here.

Growth can be a good thing.

This is a non-polluting, low impact business.

Kim Greaves (Greensboro) for

It will bring an air of excitement to Greensboro.

They will employ local people and will bring business to the community.

(Both of her daughters worked there.)

The hearing was adjourned at 9:35. The DRB will meet in deliberative session on Thursday evening, June 20, 2013 at 7:00pm.

Summary of Public Opinion on the Circus Camp in Greensboro

20 people spoke. 16 were in favor of the proposal, 2 were neutral, and 1 was not in favor of the proposal. There were 8 letters. 5 were not in favor of the proposal, 2 were in favor and 1 was read by a person who spoke at the meeting and thus was already counted.

In total:

27 people responded in writing or by speaking. 18 were for the proposal, 6 were not in favor of the proposal and 2 were neutral

83 people signed in and attended the meeting.

Of those that signed in, 23 spoke or wrote a letter

31 checked that they were for the proposal and did not speak or write a letter.

0 checked that they were not in favor of the proposal and did not speak or write a letter.

29 didn't check either for or not in favor of.

Deliberative session - June 20, 2013

Before the deliberative session began on June 20, chair, Jane Woodruff, excused herself because she was informed that her impartiality was questioned because of a statement she made at the hearing. She accepted that assessment and left before any business was conducted. Ms. Woodruff did not take part in any of the discussion or voting. The board understood the reason for her absence, and excused her with regret. Vice chair, Nat Smith, took over and ran the meeting.

With Ms. Woodruff's absence, DRB members present for the deliberative session to review the site plan for commercial use and conditional use application for Circus Smirkus were:

Bud Harvey, Linda Romans, Nat Smith, Sean Thomson, Janet Travers, and Wayne Young

The DRB voted unanimously to ask the town clerk to retain an attorney to review our decision on the Circus Smirkus site plan review and conditional use permit.

The board then went into deliberative session at 7:17PM

At 8:50 PM the session was continued to allow members further time to study the applications and evidence and the meeting was adjourned. The next session was scheduled for June 26, 2013 at 7:00 PM in the Zoning Administrator's office.

Deliberative session - June 26, 2013

DRB members present: Bud Harvey, Linda Romans, Nat Smith, Sean Thomson, Janet Travers and Wayne Young

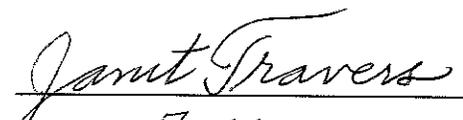
The meeting was called to order at 7:02 PM and the Board went into deliberative session.

The Board came out of deliberative session at 9:01 PM to announce their decisions.

The meeting was adjourned at 9:10 PM

Signed:

 , vice chair
date 7-25-13

 , clerk
date 7-22-13