

Conditional Use and Variance Hearing
& Site Plan Review
Greensboro Arts Alliance & Residency
September 16, 2014

Findings of Fact, Conclusions of Law and Decision

Introduction and Procedural History

1. On August 13, 2014 the warning was posted at the Greensboro Town Hall, located at 81 Lauredon Ave. and was available on the Town's official website on that day.
2. It was also posted at the Greensboro Post Office, the Greensboro Bend Post Office, and Smith's and Willey's stores on August 13, 2014.
3. The warning was sent to Greensboro Arts Alliance & Residency, applicant; and the following abutters and neighboring property owners: Mountain View Country Club; Town of Greensboro, Patricia Mercier; Gertrude Osterhout & Elizabeth Bishop; NEXT I; William and Martha Niemi; David Allen; Hardwick Electric Dept.; and Arthur and Julie Brochu on August 13, 2014.
4. The warning was published in the Hardwick Gazette on Wednesday, August 27, 2014.
5. The application was considered by the Development Review Board (DRB) at a public hearing on September 16, 2014. The DRB reviewed the application under the Town of Greensboro Zoning By-law, as amended on March 4, 2014.
6. Development Review Board members present were: MacNeil, Linda Romans, Nat Smith, Sean Thomson, Janet Travers, Jane Woodruff, and Wayne Young. Alternate Lee Wright recused himself because he is on one of the Greensboro Arts Alliance & Residency boards.
7. During the course of the hearing, the following exhibits were submitted to the DRB:
 - 28 letters, both pro and con

This exhibit is available at the Town Clerk's Office or on the Town website www.greensborovt.org

Findings of Fact:

The following findings are facts that were entered into the record for this application and relied upon by the Board in formulating its conclusions and decisions. While other evidence may have been or is also entered into the record, if it is not included herein, the Board has determined that it is either not relevant evidence or that it is not a fact. Based on the application, exhibits, and testimony, the Development Review Board makes the following findings:

Project description

1. The Greensboro Arts Alliance & Residency (GAAR) has presented plays in Greensboro since 2005. They began presenting the plays in the McIntyre barn, moved to the Greensboro library, then the UCC church. In 2011 the group bought a tent which was erected on the Lakeview Inn's back lawn. In 2012 the tent was moved to the Mountain View Country Club and finally in 2013 and 2014 the tent was located on the Town Hall green. They now have an opportunity to purchase 10 acres of land on the corner of Hardwick Street and Center Road where the Hazendale Farmstand is presently located. They want to build a performing arts complex with a café incorporated into the building and a parking lot. They are also asking to erect a 6 square foot sign at the entrance on Hardwick Street within the 50 foot setback from the center of the road. There will also be space to erect the tent they have used for performances for the past few years.

2. The property lies in the Rural Lands District. No part of the land is in the Shoreland Protection District.

3. The conditional use permit requires a review under the following sections of the Greensboro Zoning By-law: 2.5 Rural Lands District, 4.4 Site Plan Review, 5.4 Conditional Uses, and 5.5 Variances.

2.5 Rural Lands District

There is adequate land in the lot for the theater and parking lot. At 6 square feet in area, the sign is a permitted use. The structure meets all the setback requirements. Commercial use is a conditional use in the Rural Lands District.

4.4 Site Plan Review

In accordance with the review process stated in 5.8 of the Zoning By-law, the Board makes the following findings of fact in regard to the site plan, as set forth in 4.4 of the Zoning By-law.

4.4 (B) Site Development Map (SDP) and Supporting Data. Two sets of the site plan maps were submitted with the required information as follows:

1. The map included the name and address of the firm that prepared it, as were the scale, north point, and date;
2. The map of the property depicting existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions; and
3. A depiction of the proposed structure location and land use areas, driveways, traffic circulation, parking, landscaping plans, designs and screening as well as site grading.

The map and supporting data meet the requirements of 4.4 (B)

4.4 (C-2) Site Plan Development Review Procedure

- a) The site plan depicts adequate parking areas, traffic access and circulation for drop-off and pick-up of theater goers and staff.
- b) Landscaping and screening with evergreens will provide adequate sound and visual screening for the neighboring property owners.
- c) Geo-thermal heating and solar energy are being considered.
- d) The plan proposes "dark sky lighting". Planned lighting directing people to the parking lot will be low to the ground and building lighting will be directed at exits and entrances.
- e) GAAR has proposed one 2' x 3' sign at the entrance to the theater on Hardwick Street and other signs directing traffic on the site. The entrance sign will not be internally lit, but it will have an external light directed toward the sign during performances.

Based on the above findings and subject to the conditions below, the DRB unanimously approved the application for a site plan review for a commercial enterprise, as presented.

5.4 Conditional Uses

In accordance with the review process stated in 5.8 of the zoning by-law (Public Hearings), the Board makes the following findings of fact for the commercial enterprise conditional use application set forth in 5.4 of the Greensboro Zoning By-law.

The applicant has requested approval for a "Conditional Use Permit for a Commercial Enterprise". It is requested for the project under 2.5 of the Greensboro by-law. The DRB considered the general criteria for conditional uses under 5.4 of the Greensboro By-law and the Board makes the following findings:

1. The proposed construction of a commercial enterprise in the Rural Lands District would not have an adverse effect on the capacity of existing or planned community resources;
2. The proposed theater, café and parking lot will not have an adverse effect on the character of the area. The area will be screened from neighboring properties' sight and sound. All signs are to be 6 square feet or less in area, must be in keeping with the character of the area, and may not be internally lit;
3. The DRB finds that this proposal will not present an undue adverse effect on traffic in the area. The theater has drawn traffic to the town for nine years and the board believes it will not be much different if the theater has its own building.
4. The DRB finds that this proposal meets the requirements of the By-law and ordinances presently in effect; and
5. The proposal does not affect the utilization of renewable energy resources.

The DRB considered the specific criteria for conditional uses under 5.4 (C) of the Greensboro Zoning By-law and the Board makes the following findings:

1. The proposal meets the minimum lot size for the Rural Lands District;
2. All structures, except the proposed sign, meet the District's setback requirements.
3. Landscaping and screening are required as set forth in the application and the conditions;
4. No signs will be internally lit, and will be compatible with other structures in the area affected;
5. The structure is compatible with other structures in the area.
6. The Specific Criteria of the Rural District is satisfied by the proposal;
7. The Board considered the noise, air pollution and the effect on the character of the area and determined it will not have an adverse effect on the area.

Based on the above findings and subject to the conditions below, the DRB unanimously approved the application for a conditional use permit for a commercial enterprise, as presented. The sign, which is 6 square feet in area and not internally lit, does not need a conditional use permit.

5.5 Variances

(For placement of the sign less than 50 feet from the center of the road.)

1. If the sign were located 50 feet from the center of the road, as required in the by-law, it would be difficult to be seen by theater attendees
2. Locating the sign no closer than 25 feet from the center of the road represents a reasonable development of the property for commercial purposes.
3. Unnecessary hardship has not been created by the applicant.

4. The sign is in keeping with the rural character of the area.
5. Location of the sign no closer than 25 feet from the center of the road represents the minimum variance that will afford relief and the least deviation possible from the bylaw and town plan.

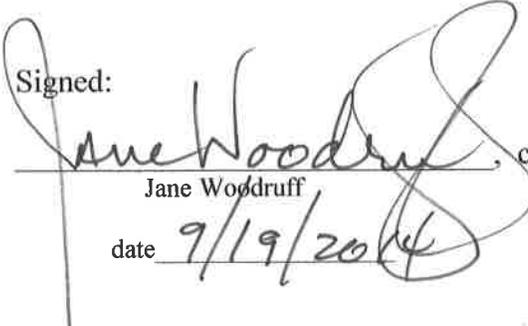
Decision and Conditions

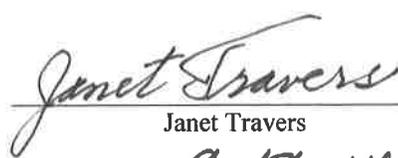
Based upon these findings, (and subject to the conditions set forth below), the Development Review Board voted unanimously to approve the conditional use application for commercial use.

Based upon these findings, (and subject to the conditions set forth below), the Development Review Board voted unanimously to approve the variance for placement of the sign more than 25 feet and less than 50 feet from the center of the road. .

This approval is subject to the following conditions:

1. All the Hazendale Farmstand buildings will be removed on the GAAR site.
2. All necessary state and federal permits must be in place before the construction of the facility. In addition, all state and federal requirements, such as ADA accessibility requirements, must be met.
3. The performing arts complex and café will not provide housing on site nor serve as a wedding venue.
4. The proposed café will not exceed 50 seats on the interior.
5. Performances and events conducted on the site will not utilize amplified sound outside of the structure.
6. Evergreens will be planted along the existing line of deciduous trees, and to fill in the area that has no tree line, to provide sight and sound protection for neighboring landowners. An evergreen privacy hedge will be installed on the boundary line between the GAAR parcel and the Niemi parcel.
7. The parking design (and the round-about) must be acceptable to the Greensboro Fire Chief for the purpose of fighting fires. In addition, the water volume must be sufficient for fire protection.
8. The total water demand of the site should not create undue adverse effect on the town water supply or specifically the local fire department's water demand to maintain its intended purpose
9. Every effort will be made to incorporate natural exterior materials and a design to allow the structure to blend into the Rural Lands District.
- 10 The building will be no higher than 35 feet.
11. The area of any sign will be 6 square feet or less.

Signed:  chair
 Jane Woodruff
 date 9/19/2014

 clerk
 Janet Travers
 date 9-18-14

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made 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.