

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

To consider a conditional use permit for an arts complex and 1 – 2 signs over the 6 square foot permitted size on the current Hazendale Farm Stand lot in the Rural Lands District. To consider a commercial use permit and a site plan review for commercial use for the arts complex. There is also a variance request to erect a sign within the 50 ft. setback of the road.

The application requires a review under the following sections of the Greensboro Zoning By-Law: 2.5 Rural Lands District; 4.4 Site Plan for Commercial Use; 5.4 Conditional Uses; and 5.5 Variances.

Warnings were posted on August 13, 2014 at the Town Hall, the Greensboro Post Office and the Greensboro Bend Post Office, and Smith's and Willey's stores. It was also 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. It was published in the Hardwick Gazette on Wednesday, August 27, 2014.

Development Review Board members present: MacNeil, Linda Romans, Nat Smith, Sean Thomson, Janet Travers, Jane Woodruff, and Wayne Young

Others present: Charles McAteer, Sabra Jones and Jim Sowles, for the Greensboro Arts Alliance & Residency; Daria Pizzetta from H³ Hardy Collaboration Architecture; Patrick Kane, local architect; Patrick Larson, septic designer; Rob Halpert, lawyer and Kristen Leahy, Zoning Administrator. See sign-in sheets for others.

Correspondence from interested persons: see exhibits

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

#1 28 letters, both pro and con.

This exhibit is available at the Town Clerk's office and on the Town web site www.greensborovt.org

Summary of Discussion

Ms. Woodruff began the hearing at 7:09 PM. She noted that the hearing was semi-judicial, explained the procedure for the hearing, and asked the clerk to swear in all those who wished to speak at the hearing. She then asked a representative of the Greensboro Arts Alliance & Residency (hereafter referred to as GAAR) to present their project plan. Mr. McAteer began with the history of the Greensboro Arts Alliance & Residency program. They began in 2005 with one performance given in the McIntyre barn. They continued giving performances in the McIntyre barn for four years. They then moved the performances to the Greensboro Library and then to the Greensboro UCC church. In 2011 the group bought a tent to house the performances and erected it at the Lakeview Inn lawn. In 2012 the performance tent was moved to the Mountain View Country Club and in 2013 and 2014 the tent was erected on the Town Hall green. The location of the tent and rehearsal areas each year became an organizational burden for them and they saw a need for their own space. This year, 2014, a donor stepped up and offered to buy a parcel of land and build a structure with rehearsal, storage and performance space and give it to them. Now they are presenting this proposal for a performing arts complex on the present Hazendale land on the corner of Center Road and Hardwick Street. They don't feel the traffic generated by the arts center will be any different than the traffic that presently comes to town for the performances.

Daria Pizzetta, architect from H3 architecture firm (specializing in theater design), then began to explain the proposed plan. She began by saying that their firm tries to make theaters that are adequate for their client's needs without being beyond their means. They don't want to overbuild and feel this plan provides only the space needed by GAAR. The access road would be left where it is. There would be a parking area in front for 68 patrons and another 23 spaces in the back for the cast and staff. There will be a sign near the road to announce the Mirror Theater. The sign would be no bigger than 6 square feet in area. There would also be some basic site signage on the property to direct traffic. The footprint of the building being proposed is about

the same area as the farmstand and greenhouses presently on the site. The footprint of the theater would have an area of 13,680 square feet. There are two side wings and a 40 foot diameter round performance/seating space in the middle. The building meets all setback requirements. The performance area would seat 200 people. The first floor has a stage with a small backstage area, seating, and a small lobby in the round middle space. On the first floor of the wings there is space for a costume shop, a scene shop, staff rooms, bathrooms, storage and a potential for a café. The second floor has additional seating (included in the 200 seat capacity), a rehearsal studio the same size as the stage, a mechanical room, dressing rooms, and a small office space. The third floor would house the technical grid. The tallest, center part of the structure, would be no more than 35 feet high, and the two wings are about 26 feet high. Site lighting would be "dark sky lighting". It would be low to the ground, to direct people to and from the parking area safely. There would be limited lighting on the building directed toward the entrances and exits. The theater is Elizabethan in design but the outside appearance will be appropriate for the character of the community. It will be handicapped accessible and there will be hearing devices available for the hearing impaired. The building meets all ADA standards. There will be a camera monitoring system and an audible alarm system for security.

Ruggles Engineering Services performed a flow test and believes that the Fire District can provide 1000 gallons of water per minute to the site with 20 psi in the water system. (see the letter in exhibit #1) which is enough water pressure for the fire suppression system.

Patrick Larson, a septic designer, then spoke of the preliminary soil testing he has done on the site. He is teaming with Ruggles Engineering. GAAR will have to apply for storm water permits, waste water/water supply permits, and ACT 250 from the State. They will probably not need a wetlands permit. There is a small class 3 wetland on the site. A class 3 means it has no buffer restrictions, and no more than 3000 square feet of it can be disturbed. As of right now they don't plan to disturb any of it. Storm water run-off will be conveyed to a "pond" or depression on the site where it will slowly percolate through the soil and from there follow the natural drainage down Hardwick Street. Mr. Larson has dug pits on the site and feels the waste water can be dealt with in mounds on site. The mounds will be located more than the required 100 foot setback from the four wells also located on the property. The waste water will have to be pumped from the building to the mounds.

Questioning from the Board brought out the following:

- The Act 250 permits have not been applied for because the Act 250 board likes to see that the rest of the plan has begun before they consider a proposal.
- There will be no outside amplified sound.
- The seasonal tent would be in place for the theater camp children to play in out of the sun and for small cocktail parties.
- No wedding or large party venues are planned.
- Evergreens will be planted along the existing line of deciduous trees and to fill in the small area that has no tree line to provide sight and sound protection for neighboring landowners.
- The café has been included to provide a place for rest and refreshment for theater goers, especially those from out of town. It will seat less than 50 people. Additional seating could be added in an adjoining outside area.
- There is plenty of land on site for additional parking if that need arises.
- The outside design of the structure is quite modern and GAAR stated that they would like to see it be more barn-like so it would better fit into the area. It is all wood clad.
- The sign would be 6 square feet or less and double faced so it could be seen from both sides. A sign of this size does not need a conditional use permit. It would require a variance to place it between 25 and 50 feet from the center of the road.
- The land and building will be owned in its entirety by GAAR. The business is a 501(C) 3 non-profit corporation. As such, they would not pay federal income tax. Any property tax negotiations after that

will be left to the proper authorities.

Ms. Woodruff then opened the hearing for comments and questions from the people present.

Mr. Bill Neimi warned that this was another piece of rural land that was being developed and would be gone forever if this project was allowed. He stated that the structure would be 2½ times the size of the present firehouse, bigger than the Wilson barn on Country Club Road. He also stated that everyone in town would be paying for them and the services they require if they are tax exempt.

Mr. Irwin Salls Jr., fire chief, said that although he signed off on the project (see exhibit #1) he thought the fire hydrants in front of the fire house and on the theater grounds (if they put one there) couldn't be used because the water pressure wouldn't be sufficient. He also stated that they needed to make the proposed circle in front of the theater big enough for the fire trucks to maneuver. The trucks are large and don't have the turning radius of a car or pickup.

Mr. Brian Neimi asked why they added a café, what the taxpayer load of this project would be and wondered if there should be an impact fee for new construction to cover any unexpected expenses. As an example, the electric department is now putting in large capacitors to increase the electrical capacity of the lines because of all the drain that has been added with the new construction.

Mr. Harold Gray said he supported the idea of a theater in Greensboro, but asked some questions he thought people should think about. How is the theater going to operate on a yearly basis? What is the Town's responsibility for police coverage, etc.? Who was going to attend the theater in February? How are funds guaranteed and managed? Hardwick Town House would like the Town House to be used more. Have they thought of this? He suggested a socio/economic analysis might be done.

Ms. Emily Stuart thinks this theater is a gift being given to Greensboro.

Ms. Alice Perron likes the idea of a theater that would be big enough for many groups that now can't find space to perform. The Hardwick Town House stage and especially the backstage area are so small many groups can't fit on the stage and can't utilize the backstage area because it's so small. She feels this theater would enable people in the area to attend arts events without traveling long distances.

Ms. Bridget Collier also thought this theater was a gift for the Town and it would provide jobs.

Mr. Mateo Kehler said he was really excited about the winter possibilities. It would provide the children in the area an opportunity to see and participate in real theater. He wanted to thank Mr. Brown for his generous gift.

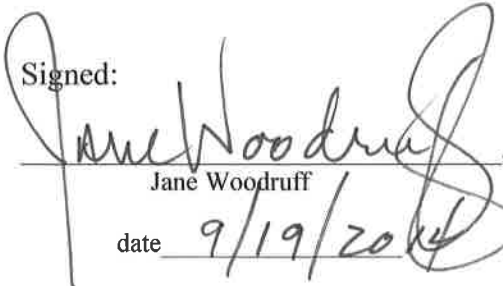
Ms. Mavis MacNeil, a graduate of Hazen Union High School, thought this theater would help the children in the area in the pursuit of arts. She was in Hazen Union when the drama department put on a production at the Town House. It was difficult because of the limited backstage space. Hazen also has limited performance space, also with little or no backstage area.

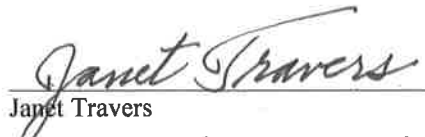
GAAR was then offered an opportunity to sum up their presentation and answer some of the questions these people raised.

Mr. Rob Halpert stated that if the water pressure was not as much as they thought it would be, and not sufficient for fire protection, they would do something to make it the correct pressure. He stated that being a 501(C) 3 organization, GAAR would not pay federal income tax. The organization would have to ask for an abatement of property taxes from the Town if they didn't want to pay them. Often 501(C) 3 organizations come to an agreement to compensate the Town for services that represent a drain on the Town's resources.

Mr. Charlie McAteer stated that they envisioned the café being used for people who come long distances to sit and relax before a performance. He also stated that one of the things the theater could do in the winter was to host one act play competitions put on by the area high schools.

The hearing ended at 9:12 pm. Because of the time, the Board met briefly and decided to continue the deliberative session on the following evening (September 17, 2014) at 7:00 pm in the Collier Room of the Town Hall. They came back into public session to announce their decision at 9:07 pm, September 17, 2014.

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.