

HIGHLAND Center for the Arts

Greensboro, Vermont

Brett Stanciu, Zoning Administrator

March 15, 2021

Dear Brett,

On behalf of the staff and board of directors of Highland Center for the Arts, please treat this letter as HCA's request to amend Condition #5 from HCA's conditional use permit.

The DRB approved HCA's conditional use permit on September 16, 2014. Condition #5 provides that "performances and events conducted on the site will not utilize amplified sound outside of the structure."

The DRB previously granted a reprieve of Condition #5 from August 10th to October 15, 2020 in light of the circumstances surrounding HCA's limitation on operations due to the pandemic. From July to Sept, 2020, HCA served 3,004 people on the patio and lawn with programs ranging from world music to theater. During this time, 35 local artists were employed with artists fees totaling over \$20,000, an estimated \$8,000 went to local food producers, and eight HCA employees remained on staff. If a reprieve is granted, we estimate the 2021 Summer/Fall season will have a local economic impact of over one hundred thousand dollars. This estimate includes artist and technical fees, staff employment, procurement of local goods/services, and event-related spending by audience members.

Programs in 2020 delighted audiences, fostered a renewed sense of community during a difficult time, and provided vital support to artists from around the region. Comments from patrons were overwhelmingly in support of the opportunity to gather safely and share artistic experiences. Feedback from the summer included:

Thank you for supporting our local artists!!! - Susan S.

Thank you for all you do for our communities! Husdon S.

Thanks for a great day and much needed laughs! You all are so appreciated! John C.

Relief from Condition #5 has again become necessary for Summer/Fall 2021 for HCA to continue to operate and provide residents with arts and cultural programming. The continued effects of the COVID-19 pandemic, reflected in the guidance from both CDC and the State of Vermont, dictate that outdoor events are the safest practice for the health of the community. HCA is committed to keeping patrons, staff and the community safe and strictly enforces social distancing and mask wearing.

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Last summer was HCA's first undertaking at offering outside programming and from that experience, as an organization, we learned a tremendous amount that will help to inform and guide us in our decision-making moving forward. This winter we fostered an open dialogue with all our abutting neighbors to solicit feedback for improved operations to ensure outdoor events are presented with the least amount of impact. We have planned for a small outdoor performing space, on the northwest-side of our existing patio, with guests gathering on the patio and surrounding lawn. This configuration will be the primary location for the majority of events and was specifically chosen as it directs the speakers away from the nearest houses. A dedicated staff member will be monitoring and recording decibel levels for each event. HCA will pay particular attention to the sound levels at the edge of HCA's property, with a goal of not exceeding an average of 10 decibels above the average ambient sound of Greensboro at the edge of our property (a sound level comparable to a conversation at home). Similar to last year, the duration of the majority of performances will be approximately two hours and half or less with all amplified sound terminated at 8:30PM and patio activities related to the cafe ending by 9:30PM. Performances will be concentrated on weekends (Friday/Saturday evenings and Sunday matinees) with a typical schedule of one to two shows per weekend with an occasional exception for a performance series. HCA will feature Vermont and New England artists in ensembles typically six or less in size and representing a range of mediums from folk music to Shakespeare. Based on our experience last year, conversations with neighbors and community members, and our sound level research, we believe these plans would be responsive to the needs of the community and would not cause undue or adverse levels of noise or any undue effect on the character of the area while pandemic restrictions persist.

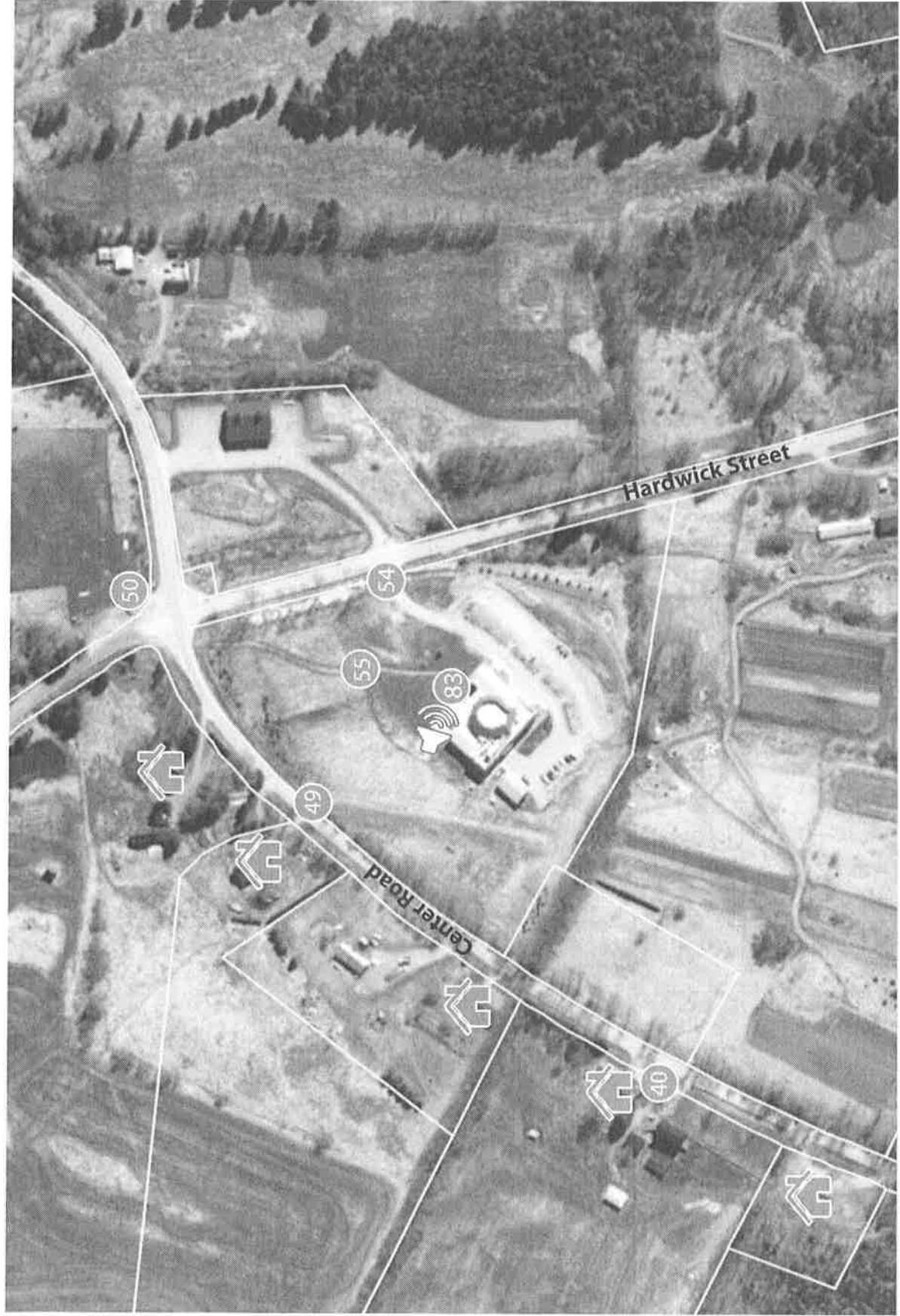
I understand that this request will be forwarded to the Development Review Board for a hearing.

Thank you,

Keisha Luce
Executive director

Highland Center for the Arts - Sound Study July 2, 2020

Blue dots include the average decibel (dBA) reading of a decibel meter while an amplified rock band (drums, guitar, bass, vocals) was playing on HCA's patio with speakers facing east-southeast. This is a visual summary of the data collected.



- 0 - 30 dBA is very quiet (whispering)
- 30 - 60 dBA is quiet (indoor conversation)
- 60 - 90 dBA is moderately loud (blender, radio)
- 90 - 110 dBA is very loud (tractor, motorcycle)
- 110 - 130 dBA is uncomfortably loud (painful to the ear)

The base level reading (or Greensboro's ambient sound level without sound from HCA) ranged between 39 dBA and 44 dBA.

Highland Center for the Arts - Sound Study July 2, 2020

Location	Decible Reader	Decible App on iPhone	Notes
Amplified Recorded Music	in front of speaker	78 dBA	
	halfway across patio	65 dBA	
	highest point of the mowed lawn	55 dBA	
Amplified Live Band (drums, guitar, vocals, bass)	halfway across patio	83 - 76 dBA	At these levels people on the patio can only be heard by shouting.
	HCA driveway @ Hardwick Street	54 - 49 dBA	At these levels music is clearly audible as background music.
	ball field parking lot	50 dBA	At these levels music is audible at the level of an indoor conversation.
	Brochu's driveway @ Center Road	49 dBA	At these levels music is audible at the level of an indoor conversation.
	Niemi's driveway @ Center Road	40 dBA	At these levels the band was not audible to the people taking readings.
Base Reading (ambient noise w/ no sounds from HCA)			
	halfway across patio	46 dBA	
	HCA driveway @ Hardwick Street	44 dBA	49 - 39 dBA
	ball field parking lot	48 dBA	50 dBA
	ball field parking lot - RV driving by	81 dBA	50 dBA is the sound equivalent of a "quiet suburb"
	ball field parking lot - car driving by	72 dBA	74 dBA
	Brochu's driveway @ Center Road	51 dBA*	89 - 44 dBA*
Niemi's driveway @ Center Road	39 dBA		

Notes

Test conducted between 4 pm and 5 pm on a fair day

Powered speakers were set up on left side of patio facing east-southeast (facing leftmost side of parking lot)

Measured property of sound is expressed in A-weighted decibels (dBA), obtained with a sound level meter as specified under American National Standards Institute (ANSI) standards.

Comparables & Definitions

NOISE POLLUTION

The condition resulting when: a broadband sound source raises the noise level by 10 or more dBA above the ambient noise.

These threshold levels are identical to those in the Massachusetts Division of Air Quality Control (DAQC) Policy 90-001 (2001).

Source: Town of Lexington, MA / Part 1, General Bylaws / Chapter 80 Noise Control / Definitions, <https://ecode360.com/10535055#10535063>

ANNOYANCE FROM NOISE

The capacity of a noise to induce annoyance depends upon its physical characteristics, including the sound pressure level, spectral characteristics and variations of these properties with time. During daytime, few people are highly annoyed at LAeq levels below 55 dB(A), and few are moderately annoyed at LAeq levels below 50 dB(A). Sound levels during the evening and night should be 5–10 dB lower than during the day. Noise with low-frequency components require lower guideline values. For intermittent noise, it is emphasized that it is necessary to take into account both the maximum sound pressure level and the number of noise events. Guidelines or noise abatement measures should also take into account residential outdoor activities.

Source: World Health Organization “Guidelines for Community Noise”, 1999, <https://www.who.int/docstore/peh/noise/Comnoise-1.pdf>

Everyday Sounds and Noises	Average Sound Level (measured in decibels)	Typical Response
Soft whisper	30	
Refrigerator hum	40	
Normal conversation, air conditioner	60	
washing machine, dishwasher	70	you may feel annoyed by the noise
city traffic (inside the car)	80-85	you may feel very annoyed
gas-powered lawnmowers and leaf blowers	80-85	damage to hearing possible after 2 hours of exposure

Source: Centers for Disease Control and Prevention / Environmental Health / Loud Noise Can Cause Hearing Loss / Common Sources of Noise and Decibel Levels, https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html

What Level of Amplified Sound is Appropriate for an Outdoor Event at HCA?

We believe that the sound study conducted on July 2, 2020, while showing levels beyond HCA's property that are not considered "annoying" or "noise pollution" according to WHO, CDC, and Lexington, MA definitions, is in fact louder than what guests at our events would like.

Bands with drums are the loudest events that will take place at HCA in the summer of 2021. While most bands are playing, guests would like to be able to chat over drinks on the patio. This would not have been possible during our sound test which showed 83 dB on the patio.

We believe we can reach our socially-distant crowd with amplified sound levels lower than our sound test and lower than some events that took place in 2020. And by lowering our sound threshold, we will also reduce the number of sound disturbances for our closest neighbors.

Keeping the speakers in relatively the same position as when the sound study was conducted, at every event we will take a decibel reading where HCA's driveway meets Hardwick Street and maintain an average decibel level less than 10 decibels above Greensboro's ambient decibel reading.