

Conditional Use Amendment
Highland Center for the Arts
December 8, 2022

To consider a request by the Highland Center for the Arts to temporarily suspend Condition #5 of their 2014 Conditional Use permit. Condition #5 prohibits amplified sound outside of HCA's physical building.

Warnings were posted on November 23, 2022, at the Greensboro Town Hall, the Greensboro Post Office, the Greensboro Bend Post Office, and Willey's and Smith's Stores. The warning was sent to the applicant and the following abutters and neighboring property owners: Mountain View Country Club; Town of Greensboro; Patricia Mercier; the Bishop Family Trust; David Allen; NEXT 1, LLC; the Niemi Trust; Brian Niemi; Hardwick Electric Department; Arthur and Julie Brochu; Brenden and Lindsay Beer, on November 23, 2022. It was published in the Hardwick Gazette on Wednesday, November 23, 2022.

Development Review Board members present: Jane Woodruff; Nat Smith; Wayne Young; BJ Gray; Tim Brennan.

Development Review Board members absent: Mike Metcalf; Lise Armstrong; Joann LaCasse; MacNeil recused himself and did not attend.

Others present: Julie Brochu; Brian Niemi; Keisha Luce; John Cannon; Brett Stanciu.

Correspondence from interested persons: None.

The hearing was conducted by electronic communication (ZOOM).

Summary of Discussion:

Ms. Woodruff, chair, began the hearing at 7:06 p.m. She noted the hearing concerns a modified request outlined in Keisha Luce's November 16, 2022, letter for temporary relief of Condition #5 in Highland Center for the Arts' 2014 Conditional Use permit which specifically prohibits outdoor amplified sound. This is a repeat request. The Highland Center for the Arts requests a temporary waiver for January 27 and 28, 2023, from 5:30 to 8 p.m. for a Snowlights Festival and an unspecified February date and time. The first is the Winter Snowlights Festival. The second proposed event is a cheese festival and cheese curling competition. Ms. Woodruff explain the procedure for the quasi-judicial hearing and asked the clerk to swear in all participants.

Ms. Luce noted the proposed Snowlights Festival would be the third annual Snowlights Festival. Previously, this festival had been held in February. The Center hopes to avoid extreme cold by moving the event to January. The music is proposed to begin around 6 p.m. Musicians would play for approximately half an hour, take a break, and then play a second set. Due to the cold, the musicians set up in the indoor gallery space. Music would be pumped outside through speakers. A dance floor is on the outdoor patio. The proposed band has performed for the previous two festivals.

The second proposed event partners with Jasper Hill Cheese. This would be a cheese festival and a curling competition on the ice rink. Ms. Luce noted a date of February 25 has been chosen. The timeframe is not solidified but is expected to be around 11 a.m. to 1 p.m. Ms. Luce noted outdoor amplification might not be required. A Burlington street band would play outdoors if the weather

permitted, for probably half an hour, take a break, and play a second set. The band would not play for the whole event. If the weather is extremely cold, music would be piped through the two small speakers that were used in the 2022 beaver program and the poetry readings. The speakers are approximately two and a half feet in size.

The Board inquired if any complaints were lodged last year. Ms. Luce answer that house windows are closed at that time year, and snow absorbs sound. She couldn't hear music on the lighted trail last year. Ms. Luce clarified the dates and noted the Snowlights Festival is trimmed down to two weekend days this year, from the previous three-day event.

Some discussion revolved with Mr. Neimi around the Wintermarket parking challenges. Ms. Woodruff noted parking is not the focus of this hearing. Ms. Luce added that the Snowlights Festival is a ticketed event, so the Center limits attendance. The Cheese Festival will likely be ticketed, too.

Ms. Luce asked if the Board would address a question about cutting trees at the intersection between Hardwick Street and Center Road. The Board advised Ms. Luce to take her question to the Selectboard. Ms. Woodruff explained that the Board does not use a conditional use review to determine this temporary relief waiver. A reasonable assessment is determined.

The Board entered deliberative session at 7:30 p.m. and came back into public session to announce their decision at 7:45 p.m.

Decision and Conditions:

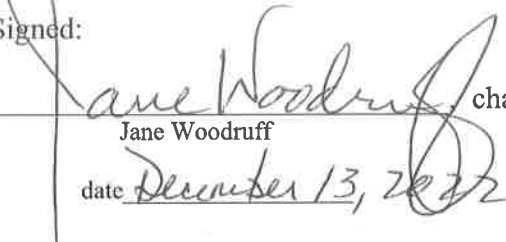
The Board proposed to grant the Highland Center for the Arts a temporary suspension of Condition #5 to host outdoor sound-amplified events on January 27 and 28, 2023, and February 25, 2023, with the expectation that these events will take place as presented to the Development Review Board at the December 8, 2022, hearing. Namely, these events will be at most two hours long, ending by 8:30 p.m. at the latest, and that there will be minimal amplification above the ambient sound level. The Board sees this short-term reprieve of Condition #5 as only short-term; this reprieve should not be interpreted as the beginning of outdoor, amplified sound concerts at HCA.


The Board voted unanimously (5-0) to approve a temporary waiver of Condition #5 of Highland Center for the Arts' 2014 Conditional Use permit.

Conditions:

1. The Board approved the following proposed outdoor amplified sound events for 2023: January 27 and 28, 2023, between 5:30 and 8 p.m. and February 25, 2023, for a midday event.
2. Any changes in dates or times will be conveyed promptly to abutters.
3. All amplified sound shall end no later than 8:30 p.m.
4. Every performance shall employ a sound engineer to control sound levels.
5. HCA shall keep a log of any complaints with name, contact information, and date. HCA will furnish that log, if created, to the zoning administrator by the season's conclusion.

Signed:


Jane Woodruff chair
date December 13, 2022


Brett Ann Stanciu, clerk
date December 13, 2022

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.