

Conditional Use Amendment  
Highland Center for the Arts  
June 3, 2024

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

**Warnings** were posted on May 15, 2024, 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; NEXT 1, LLC; the Niemi Trust; Brian Niemi; David Allen; Hardwick Electric Department; Arthur and Julie Brochu; Brendan and Lindsay Beer, on May 15, 2024. It was published in the Hardwick Gazette on Wednesday, May 15, 2024.

**Development Review Board members present:** Jane Woodruff; BJ Gray; Nat Smith; Mike Metcalf; Tim Brennan; Wayne Young; Lise Armstrong; Robert Brigham (alternate); Galen Fisher (alternate); Brett Stanciu (ex officio).

**Development Review Board members absent:** None.

**Others present:** Keisha Luce; Christine Armstrong.

**Correspondence from interested persons:**

Letter from Charles Peck, June 2, 2024, Exhibit #1

The hearing was conducted by electronic communication (ZOOM).

**Summary of Discussion:**

Ms. Woodruff, chair, began the hearing at 7:04 p.m. She welcomed two new Development Board Members, Mr. Brigham and Mr. Fisher. She noted the request under consideration is not a traditional application for a conditional use or variance request. This request is for temporary relief from Condition #5 imposed on the original 2014 conditional use permit granted to the Highland Center for the Arts. Condition #5 prohibits amplified sound outside the Center's physical building. The Board has considered previous similar requests. Unlike the criteria outlined in 5.4 of the bylaw to evaluate a conditional use request, the bylaw does not have any language for evaluation of this request. The Board will listen to testimony, go into deliberation session, and evaluate if the request is reasonable. She said the hearing was quasi-judicial, explained the procedure, noted the hearing will be recorded for appeal purposes, and asked the clerk to swear in any person from the public who wished to participate in the hearing.

A letter from Charles Peck, dated June 2, 2024, was entered into evidence as Exhibit #1. Ms. Woodruff confirmed that all Board members had received this letter.

Ms. Luce thanked the Board for their time. As executive director of HCA, Ms. Luce noted the request has three parts. The first event is the Highland Celtic Games on June 15. The majority of the event is bagpipe playing, which is not amplified. Within the 80'x40' tent, at 10 a.m. for approximately 20 minutes, the Center requests use of two vocal microphones to welcome and introduce the games. At approximately 4:40 p.m. and ending at 5 p.m., the same vocal microphones would be used to close the games. Ms. Luce does not expect the amplified sound to

be heard outside the tent. On this same day, in a 10'x20' tent, a harp and fiddle will play. The Center requests use of amplified sound to be contained within the tent. The Center expects the commotion of public talking and eating outside the tent would muddy this music without some amplification. These sessions would be about 45 minutes, at 11 a.m., 1 p.m., and 2 p.m. All other musical events will be inside the building on the Main Stage.

The second event is on July 6. The Town's Funky Fourth Committee asked HCA to host a concert and barbeque. Ms. Luce informed the Town committee this is contingent on a permit. The proposal is for the Radio Rangers to play for approximately an hour and 45 minutes, beginning at 6 or 6:30 p.m. If the permit is granted, this event would be on the patio. Ms. Luce noted this would be similar to last year's event.

The third event is three Backroads Readings. These poetry readings are on three Sundays, from 3 to 4 p.m., on July 7, July 21, and August 4. One vocal microphone would be used in the larger tent. Ms. Luce does not expect any sound bleed.

Ms. Woodruff confirmed the dates and times of these three events. She inquired about the ending time of the July 6 concert. Ms. Luce confirmed that the music will end by 8 p.m. Ms. Woodruff confirmed the poetry readings would be in the tent where the skating is in the winter.

Further questioning from the Board clarified that poetry readings will be 45 minutes to an hour. The Board inquired about parking for the Highland Celtic Games. Ms. Luce responded that the Center will use their lot, the Wilson Farm, and the road, following Fire Chief Dave Brochu's plan. The Board asked why these events were scheduled outdoors. Ms. Luce responded that Highland Games cannot be held indoors. The amplified sound request for the Games is only for the welcome and closing. Prior years' experience determined that poetry readings have much fuller attendance in the tent, rather than in the theater. The organizers requested that these readings be moved outdoors again. The Town's Funky Fourth Committee requested the Center to host the July 6 event. The Board noted that the event that might have sound bleed is the July 6 concert. Ms. Luce stated that a sound engineer will be present for that concert.

At 7:30 p.m., Ms. Woodruff thanked Ms. Luce for her time. The Board entered deliberative session at 7:31 p.m. and came back into public session to announce their decision at 8:01 p.m.

### **Decision and Conditions:**

The Board proposed to grant the Highland Center for the Arts a temporary suspension of Condition #5 to host specific outdoor sound-amplified events. First, for two vocal microphones for the opening and closing of the Highland Celtic Games on June 15, 2024, at 10 a.m. and 4:40 p.m. for approximately 20 minutes, and for three harp and fiddle sessions, in a tent, for approximately 45 minutes, at 11 a.m., 1 p.m., and 2 p.m. Second, for one vocal microphone for three Backroads poetry readings, for 45 minutes to one hour, within a tent, from 3-4 p.m. on July 7, July 21, and August 4. Third, a Radio Rangers concert on July 6, beginning no earlier than 5:30 p.m. and ending no later than 8 p.m. for the Town's Funky Fourth Celebration. The Board sees this short-term reprieve of Condition #5 as only short-term; this reprieve should not be

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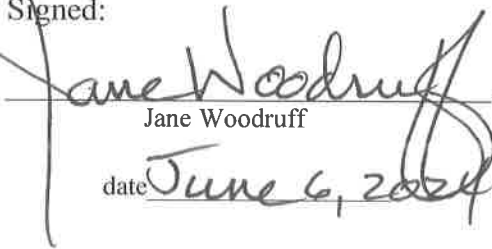
interpreted as the beginning of outdoor, amplified sound concerts at Highland Center for the Arts.


The Board voted (6-1) to approve this waiver. Ms. Armstrong voted nay. No abstentions.

**Conditions:**

1. The amplified sound on July 6 shall end no later than 8 p.m.
2. A sound engineer shall be present for the July 6 concert.

Signed:

  
\_\_\_\_\_  
Jane Woodruff, chair  
date June 6, 2024

  
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Brett Ann Stanciu, clerk  
date June 6, 2024

**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.

