



LAND USE PERMIT

CASE NO: 7R1359-1

Highland Center for the Arts Trust
P.O. Box 25
Greensboro, VT 05841

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6093 (Act 250)

District Environmental Commission #7 hereby issues Land Use Permit Amendment #7R1359-1, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit applies to the ± 109 acre tract of land identified in Book 54, Pages 491-494 of the land records of the Town of Greensboro, Vermont. The property is located at 2875 Hardwick Street, in Greensboro, Vermont.

This permit specifically authorizes specific revisions to the design and operation of the ± 26,000 square foot performing arts complex, including changes to the architectural design, hours of operation, café and theater occupancy, roof line, roof colors, and sign. This permit also specifically incorporates an updated wastewater system and potable water supply permit issued by the Agency of Natural Resources.

Jurisdiction attaches because the Project constitutes a material change to a permitted development and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittee, and its assigns and successors in interest, is obligated by this permit to complete, operate and maintain the project as approved by the District Commission in accordance with the following conditions.
2. The project shall be completed, operated and maintained in accordance with: (a) the conditions of this permit, (b) Findings of Fact and Conclusions of Law #7R1359-1, and (c) the permit application, plans, and exhibits on file with the District Environmental Commission and other material representations.
3. All conditions of Land Use Permit #7R1359 are in full force and effect except as further amended herein.
4. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources Permit, including but not limited to occupancy:
Wastewater System and Potable Water Supply Permit # WW-7-2404-2 issued on April 20, 2016 by the ANR Drinking Water and Groundwater Protection Division.
5. Any nonmaterial changes to the permit listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.

Below condition number 7 replaces condition number 22 of permit #7R1359:

7. The operating hours of the Project will be 7:00 AM to 11:00 PM for its entire public use (including the use of the rehearsal studios, and any performances), excepting that (a) operating hours may be extended to 12 PM midnight not more than ONCE monthly and (b) the café shall always close by 10:30 PM. Any outdoor events shall be conducted between the hours of 8:00 AM and 9:30 PM. "Construction" work occurring as a component of operations (scenic shop, tent erection) shall take place between 9:00 AM and 6:00 PM only. Any activities occurring outside of these hours will not be public, will be limited and exclusive to support staff, and will be minimal in scope and impact (e.g., a janitor coming in at 6:30 AM to clean).

The District Commission reserves the right to schedule hearings and site inspections to review conditions, and to evaluate and impose additional conditions with respect to Criterion 1 Air Pollution and Criterion 8 Aesthetics, as it deems necessary, and as it relates to noise emissions and other aesthetic impacts attributable to hours of operation. The District Commission reserves this right for a period of time commencing with the issuance of this permit and expiring ten (10) years from the date of issuance of this Permit.

8. The Permittee shall notify the District Commission following completion of the landscaping component of the Project. The notification shall be in writing and shall be submitted within 15 days of completion. Thereafter, Permittee shall submit a written report 3 years after completion of landscaping, 6 years after completion of landscaping, and 10 years after completion of landscaping. These reports shall include photographs taken from the identified viewpoints, shall document plant survival, mortality, and replacement of failed plantings. The District Commission reserves the right to schedule hearings and site inspections to review conditions, and to evaluate and impose additional conditions under Criterion 8, as it deems necessary to ensure visual buffering of the Project from the identified viewpoints, and particularly as viewed from the intersection of Center Road and Lakeshore Road.
9. The Permittee and all assigns and successors in interest shall continually maintain the supplemental landscaping as approved in Exhibits #18 and #21 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
10. A copy of this permit and plans shall be on the site at all times throughout the construction process.
11. No change shall be made to the design, operation or use of this project without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
12. Pursuant to 10 V.S.A. § 8005(c), the District Commission may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.

13. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and its successors and assigns.
14. The Permittee, upon completion of the construction of each commercial building and prior to use or occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d).
15. The Permittee shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit before any written contract of sale is entered into.
16. Pursuant to 10 V.S.A. § 6090(b)(1) this permit is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 V.S.A. § 6091(b).
17. All site work and construction shall be completed in accordance with the approved plans by **June 15, 2020**, unless an extension of this date is approved in writing by the Commission. In addition, all landscaping shall be completed in accordance with the approved plans by **October 15, 2017**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
18. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6027(g).

Dated at St. Johnsbury, Vermont, this 30th day of June 2017.

By /s/ Eugene Reid
Eugene Reid, Chair
District #7 Environmental Commission

Members participating in this decision: Keith Johnson, Nicole Davignon

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A). Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the \$265.00 entry fee required by 32 V.S.A. § 1431. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Dewey Building, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. Decisions on minor applications may be appealed only if a hearing by the district commission was requested. Please note that there are certain limitations on the right to appeal. See 10 V.S.A. § 8504(k). For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

CERTIFICATE OF SERVICE

I hereby certify that I, Kirsten Sultan, Natural Resources Board Coordinator, District #7 Environmental Commission, sent a copy of the foregoing document Findings of Fact and Conclusions of Law and Permit for Act 250 Amendment Application #7R1359-1 for Highland Center for the Arts Trust, LTD, Greensboro VT] by U.S. Mail, postage prepaid to the following individuals without e-mail addresses and by e-mail to the individuals with e-mail addresses listed, on this 30th day of June, 2017.

Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or e-mail below. If you have elected to receive notices and other documents by e-mail, it is your responsibility to notify our office of any e-mail address changes.

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