

State of Vermont  
**NATURAL RESOURCES BOARD**  
**DISTRICT 7 ENVIRONMENTAL COMMISSION**  
374 Emerson Falls Road, Suite 4 - St. Johnsbury - Vermont 05819

**RE:** Highland Center  
for the Arts Trust, LTD  
P.O. Box 25  
Greensboro, VT 05841

Application #7R1359-1  
**Hearing Recess Order #2**  
10 V.S.A. §§6001-6093 (Act 250)

## **I. Introduction**

On August 11, 2016, Highland Center for the Arts Trust, LTD filed application #7R1359-1 for a project described as revisions to the ±26,000 square foot performing arts complex located at 2875 Hardwick Street, in Greensboro, VT (under construction, and for which a permit was previously issued to the Greensboro Arts Alliance and Residency). The #7R1359-1 project includes changes to architectural design, hours of operation, cafe occupancy, roof line, roof colors, and sign. The application is under review by the District #7 Environmental Commission in accordance with the 10 environmental criteria of 10 V.S.A., 6086(a). On September 15, 2016, the District Commission held a public hearing. Pursuant to Act 250 Rule 13(B), the Commission recessed the hearing pending submittal of additional information by the Parties as identified in a recess order issued on October 14, 2016. On December 20, 2016, the Commission received a response to its recess order, from the Applicant. On January 6, 2017, the Commission established a deadline of January 20, 2017 for submittal of responses to the Applicant's December 20, 2016 submittal. The Commission received timely responses from Christine Armstrong, William Niemi, Rusty Newhouse, and Sheila Dillon.

## **II. Supplemental Evidence \*\***

The Commission has reviewed the updated design information submitted by the Applicant, and the responses received from other parties. In order to bring the project's aesthetic impact to an acceptable level, pursuant to Act 250 Rule 20(A), and with regard to the testimony and evidence received, the Commission requires that the Applicant submit additional information as further identified, below:

Updated landscaping design. As discussed in the Commission's Recess Order #1, dated October 14, 2016, the inclusion of a red color roof, and the additional dark contrasting timbers, are a substantial aesthetic departure from the design reviewed and approved via application and permit #7R1359.

Concerning the additional timbers, the Commission believes that the visual impact of the additional timbers on the silo can be successfully mitigated by painting all of the silo timbers the proposed cypress moss color, thereby reducing the color contrast effect; the Commission, conceptually, will accept the cypress moss color modification as a reasonable solution to this component of the application; if completed in 2017, this color adjustment will yield timely results, and won't depend on landscaping mitigation.

Concerning the proposed retention of the colonial red roof color, use of landscaping to mitigate the red color is challenging due to the height and color involved. The Commission isn't yet satisfied that the proposed revised landscaping plan will achieve the results needed to reasonably and sufficiently mitigate the red roof color. The Applicant has been responsive to the Commission's recess order #1 in that the proposal includes a mixture of deciduous and softwood plantings, however some or all of the proposed softwood species are not fast-growing, and the inclusion of carefully selected and planned fast-growing softwoods will be critical to the success. As outlined in Recess Order #1, the view "points" of concern are identified as "A" and "B" (as further identified on the map attached to Recess Order #1, and as further described in

Recess Order #1, to which reference is hereby made for additional detail). In addition, the Commission is hereby identifying view “point” C, also of concern to the Commission, which is shown on the attached photographs, where only a row of deciduous trees (leafless in winter) separates the red roof from the view point; additional softwood screening is needed, on Applicant’s land, between the row of deciduous trees and the Project.

The Commission repeats here the goal of the required landscaping as excerpted from Recess Order #1, emphasis added:

*The Commission believes that a substantial blend of large tree types, and some shrubs, **to include mostly fast growing softwood trees, densely dispersed along the road, and where strategically effective** in the open areas of land between the view points and the project, to create the appearance of a naturalized forested area, should substantially improve the aesthetics as viewed from locations A and B, and from where it is reasonable to expect that some glimpses of the building could or would be experienced through the vegetation, at times, and certainly prior to vegetation maturity.*

The Commission will consider retention of the red roof color, however only if the Applicant provides a suitably very robust and effective revised landscaping design that is fully responsive to the Commission’s recess orders, and that demonstrates that the use of landscaping can successfully mitigate the red color, with emphasis on the 3 identified areas of concerns (A, B, C), and with consideration given to the aesthetics at the time of planting, and over time. The Commission requires submittal of a revised landscaping design, and time-lapse renderings, prepared by a qualified landscaping planner; the revised professional landscaping design must include to-scale renderings of what the project with landscaping will look like, at the time of planting, and over time (e.g. 5 years? 10 years? 20 years?), as viewed from the 3 identified areas of concern, so that the Commission can evaluate the effectiveness of the landscaping to mitigate the proposed red roof color. The Commission also requests that the qualifications of the landscaping designer be submitted with the revised design.

The Commission further notes that the constructed foot-path between the project and the nearby road intersection features a wide path within a wide cleared corridor; this corridor of cleared vegetation should be narrowed considerably to the minimum needed (eg 6 foot cleared corridor?); this will involve installing trees and shrubs along each edge of the path, and could also consider re-aligning the path to create curvature and thus avoid a straight (linear) visual opening between the road intersection and the project. Also the Commission notes that the utility line corridor (where located through the area of landscaping), is devoid of landscaping; the Commission understands that it is likely not feasible nor necessarily desirable to install fast growing softwoods (e.g. white pine) within the utility corridor (as these species would, presumably, eventually grow to heights that would conflict with the overhead utility line), however some suitable lower story trees and shrubs are needed in the utility corridor area. Further, the Commission is not opposed to retention of the proposed landscaping design, and addition of strategic landscaping around and behind where currently proposed, and strategically where needed for the areas of interest, but the Commission defers to a qualified landscape designer to further evaluate the project and present a revised plan, with time-lapse renderings, for continued review and consideration. The Commission lastly notes that the design might also consider potential use of broad earthen berms, if and where potentially helpful (??) and aesthetic, e.g. for vertical gain.

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\*\* District 7 Commission member Keith Johnson is satisfied with the Applicant’s proposed building colors and related landscaping design, and respectfully dissents.

### III. Order

The Applicant shall submit the documentation identified above **on or before April 30, 2017**, unless an extension has been granted by the Commission.

The documents shall be distributed to all parties listed on the attached certificate of service, and **two (2)** paper set plus a digital version of the documentation shall be submitted to the Commission's Office. All filings must be received in the Commission's office no later than **4:30 p.m.** on the date scheduled, unless another time is specifically required or authorized.

The Commission requests that the Commission's digital version be supplied on a CD-ROM or attached as an email to the NRB public folder ([nrb-act250StJ@state.vt.us](mailto:nrb-act250StJ@state.vt.us)) or, if larger than 3 MB in size, uploaded to the NRB ftp site (see <http://www.nrb.state.vt.us/lup/publications/efilingguidelines.pdf>). Any upload to the NRB ftp site should be followed up with an email to the NRB public folder and to the District Coordinator informing that the files have been uploaded. Telefax filings are not permissible, unless specifically requested and authorized by the Coordinator.

**After the above information has been received, other Parties and Friends of the Commission will have TEN (10) days to submit any responses.**

The Commission notes that it MAY conduct a spring 2017 site visit if it deems important to enable its review and full understanding of the proposal; the Commission will decide if it will conduct a spring 2017 site visit, after it receives the Applicant's response to this recess order, and replies from other parties (if any).

The Commission will reconvene the hearing only if there are outstanding questions or if a party has reasonable questions about the additional information. If the information has not been received by the deadline identified in this notice, or if the hearing is not reconvened, the Commission will set a date for adjournment and issue a final decision based on the existing record following a full deliberation of the issues. If the applicant wishes to continue the recess beyond April 30, 2017 it must notify the District Commission in writing on or before April 30, 2017.

An appeal from this order may be filed with the Superior Court - Environmental Division accordance with 10 V.S.A. Chapter 220 and the Rules for Environmental Court Proceedings.

If any party has any questions, please contact the Coordinator, Kirsten Sultan at 802-751-0126.

Dated at St. Johnsbury, Vermont this 23<sup>rd</sup> day of February, 2017.

*/s/ Eugene Reid*

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Eugene Reid, Chair  
District #7 Environmental Commission