

State of Vermont
NATURAL RESOURCES BOARD
DISTRICT 7 ENVIRONMENTAL COMMISSION

1229 Portland Street Suite 201 - St. Johnsbury - Vermont 05819-2099

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

Application #7R1359-1
Hearing Recess Order #1
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 set forth below.

II. Party Status

The following persons and entities which attended the hearing have party status pursuant to 10 V.S.A. § 6085(c)(1):

- (i) The Applicants, by Robert Halpert, Ted Donlon, Mr. MacNeil, and Krissie Ohlrogge

At the hearing the Chair preliminarily granted party status to the following party under the listed criteria:

- (ii) William B. Niemi. Granted preliminary party status under criterion 8 aesthetics and scenic beauty

The District Commission allowed the following persons to participate as a "Friend of the Commission", pursuant to 10 V.S.A. § 6085(c)(5):

- (iii) Sheila Dillon
- (iv) Christine Armstrong
- (v) The Niemi Trust, by William Niemi Jr. (also known as Brian Niemi).
- (vi) Rusty Newhouse
- (vii) Ellen Celnik
- (viii) Lisa Armstrong

Pursuant to 10 V.S.A. § 6085(c)(6), the Commission will re-examine its party status decisions prior to the close of the hearing and will state its final party status decisions either in the decision it issues on the case or in a separate memorandum.

III. Supplemental Evidence

The visual impact of the revised building design (notably the colors and finish details and materials), in combination with project visibility and aesthetic impact as viewed from local roads, area conditions in the rural project area, and the landscaping design plan on file, yield an unacceptable aesthetic impact from the project; the Commission will detail its Criterion 8 analysis of the application, in its to-be-issued decision; also the Commission notes that the previously approved landscaping, as viewed on the evening of its site visit, was not yet fully installed. 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 the following information:

- a. The red roof color is a relatively prominent color, and contrasts against the other building finish colors, significantly increasing the overall aesthetic impact of the building. The Commission understands that the Applicant believes that the red color suggests a rural barn look. However, in rural Vermont, roofing materials are not red (barn siding is often red, but roofing is not). The "galvanized" color roofing material of the other roof areas, while not necessarily the most aesthetically pleasing option, is nonetheless a commonly found finish material and color that the Commission finds reasonably compatible with the rural setting. The Commission intends to require that the red roof area be finished with an alternate color, for compatibility with the "galvanized" roof areas. However, the Commission believes that it would be unreasonable for the Applicant to remove and entirely replace the roofing material if the red color cannot otherwise be altered. The Commission requires submittal of written confirmation that the roof can in fact be painted or otherwise color-treated to more or less match the other "galvanized" roof areas. The required feasibility information shall be documented with a signed letter from a qualified supplier or vendor who would be available to answer further questions from the Commission, if any. If the Commission learns that the roof color cannot reasonably be altered without removing the already installed roofing, then the Commission will consider its aesthetic impact as a component of the total aesthetic impact of the project design changes, and in consideration of the Applicant's response to items b and c, below. **

(** Note: Commissioner Keith Johnson does not object to the red roof color as proposed).

- b. The additional dark brown timbers placed at elevation on the silo contrast sharply with the underlying light silo siding color, thereby increasing the overall visual impact of the silo. The Commission understands that some contrasting timbers are part of the previously approved design. In addition, the building siding has changed from a more traditional looking horizontal type, to vertical, and this has also changed and/or increased the cumulative aesthetic impact of the building. The Commission will require that the dark brown timbers be removed OR (if removal is not a practicable or desired alternative) that the dark brown timbers be covered with siding OR that they be painted the same color, to eliminate or substantially reduce the degree of contrast created by these timbers.

To further support the Applicant's response to items a and b above, the Applicant shall submit an updated color rendering and building elevation drawings, for the Commission's continued review.

- c. Updated landscaping plan. Revised and more robust landscaping is needed to screen and / or substantially visually buffer the project as viewed from areas A and B on the

attached locus map. Point A represents the location of a stopped vehicle travelling south on Lakeshore Road and reaching its intersection with Center Road, from which location there is a prominent view of the project. Area B represents the viewpoint of travelers on Center Road, for which the cedar plantings will not be adequate. The Commission is not looking for uniform linear fencing or trees to fully obstruct the view of the project site, as this is not necessarily aesthetically optimum, nor consistent with the rural area landscape, nor necessary in the context of the building design and setting. 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.

IV. Order

The Applicant shall submit the documentation identified above as item "a" **on or before December 20, 2016**, 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 sets 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) 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, 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 within 60 days from the date of 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 December 20, 2016 it must notify the District Commission in writing on or before December 20, 2016.

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 14th day of October, 2016.

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




LEGEND

Roads

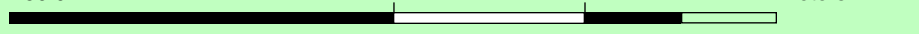
-  Principal Arterial
-  Minor Arterial
-  Rural Major Collector
-  Rural Minor Collector
-  Urban Collector
-  Local
-  Not part of the Functional Classific

 Town Boundary

1: 2,947
October 10, 2016 

NOTES

Map created using ANR's Natural Resources Atlas

150.0 0 75.00 150.0 Meters

 WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 246 Ft. 1cm = 29 Meters
 © Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

CERTIFICATE OF SERVICE

I hereby certify that I, Gina St Sauveur, Natural Resources Board Technician, District #7 Environmental Commission, sent a copy of the foregoing document Recess Order of Act 250 Permit Amendment #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 14th day of October, 2016.

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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