

## Moretown Development Review Board

### Minutes of DRB Hearing Held Thursday, December 15, 2011

Application No. 11-42: Green Mountain Performing Arts for Change of Use at 37 Commercial Drive off Route 2

Board Members Present: Tom Badowski, Jim O'Neil, John Riley, Erick Titrud

Absent: Linda Vantine.

Also Present: Laurie Flaherty, Executive Director and Megan Rivera, Director of Development and Finance, for the Applicant; Deborah Feldman, Zoning Administrator.

Green Mountain Performing Arts (GMPA) is successor to the One Studio Dance Company which operated on Elm Street in Waterbury Village until its leased premises were flooded by Tropical Storm Irene in August 2011. GMPA has been formed as a 501(C)(3) nonprofit and is leasing approximately 3,000 square feet at 37 Commercial Drive. This is in the rear building to the left in the complex and previously housed Vermont Peanut Butter Company. This is a change in use requiring conditional use approval by the Board.

GMPA will primarily offer dance classes but also anticipates expanding into theater and music classes. Some 400 students will participate in classes though in most instances no more than 35 will be at the location at a time. A high proportion of participants are students and with the exception of the youngest children students are typically dropped off and picked up by parents, or arrive by school bus during the school year.

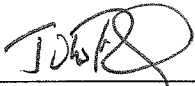
During the course of the hearing it was clarified that although Peter O'Brien and Jon Milne are listed as owners of the property on the application, it is actually their company known as Top Notch Properties, LLC, that is title holder. As part of lease negotiations Applicant anticipates having access to approximately 30 parking spaces which is adequate for their needs based on prior experience at 2 Elm Street in Waterbury. The application includes a 3 foot by 5 foot sign with a logo on the building structure. Apparently, there is insufficient space for Applicant to be included on the separate stand alone sign for the Complex, and Applicant is negotiating with the owner to possibly be included on that sign. Under Ordinance section 4.12 an individual business sign attached to premises not exceeding 16 square feet is permitted in the commercial zone with any lighting of the sign required to meet the criteria in Section 4.12(6)(d). Ms. Flaherty indicates some additional lighting will be installed to enhance safety and acknowledged a willingness to comply with zoning ordinance provisions applicable to lighting. These are found in

Moretown Development Review Board  
Minutes of DRB Hearing Held Thursday, December 15, 2011 Cont.

Section 4.10, Performance Standards, which states in subsection (B)(2) that outdoor lighting shall be “cut off fixtures; wall mounted fixtures shall be shielded and down-cast. Such fixtures shall be directed so as not to cause glare on adjacent roadways, cause excessive levels of illumination, or result in direct illumination of neighboring properties.”

Tom Badowski moved to approve the application as presented, including the sign affixed to the building, subject to the condition that installed exterior lighting conform to the requirements of the Ordinance. Jim O’Neil seconds. The Board finds the application meets the conditional use criteria of the Moretown Zoning Ordinance. All approve.

Respectfully Submitted,



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John P. Riley, Acting Clerk