

Policy, Planning & Intermodal Development Division  
Policy, Planning and Research Bureau  
Development Review & Permitting Services Section  
Barre City Place, 219 N. Main St., 4th Floor  
Barre, Vermont 05641  
vtrans.vermont.gov

[phone] 802-522-4901

[ttd] 800-253-0191

January 11, 2021

Aaron Brondyke  
State Coordinator  
Natural Resources Board  
111 West Street  
Essex Junction, Vermont 05452

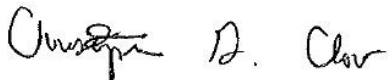
**Subject: The Burton Corporation****#4C10174-6,4C0368-3**

Dear Mr. Brondyke:

Enclosed for filing is a comment letter from VTrans concerning the above referenced matter.

If you have any further questions about this matter, please call me at (802) 522-4901.

Sincerely,



Christopher G. Clow, PE  
Transportation Engineer

Enclosure

cc: Certificate of Service

STATE OF VERMONT  
DISTRICT ENVIRONMENTAL COMMISSION #4

RE: The Burton Corporation  
4C0174-6, 4C0368-3

**ENTRY OF APPEARANCE  
STATUTORY PARTY**

Please enter the appearance of the State of Vermont, Agency of Transportation ("VTrans") in the above-entitled matter as a statutory party pursuant to 10 V.S.A. §6085(c)(1)(D). VTrans hereby requests that the following representatives of the Agency be added to the Certificate of Service and that all correspondence and documents filed in this matter be served upon those representatives:

Christopher Clow  
Transportation Engineer  
Vermont Agency of Transportation  
Development Review and Permitting Services  
Barre City Place, 219 N. Main St.  
Barre, VT 05641  
(802) 522-4901  
[christopher.clow@vermont.gov](mailto:christopher.clow@vermont.gov)

Additionally, VTrans has the following initial comments in conjunction with this matter:

**CRITERIA 5: TRAFFIC**

1. Please see attached VTrans Comment letter dated January 11, 2021.

Dated at Montpelier, Vermont this 11th day of January 2021.

Respectively submitted,

By: Christopher Clow  
Transportation Engineer  
Agency of Transportation  
219 N. Main Street  
Barre, VT 05641

State of Vermont  
Division of Policy, Planning and  
Intermodal Development  
Barre City Place, 219 N. Main St.  
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January 11, 2021

Aaron J. Brondyke  
State Coordinator  
Natural Resources Board  
111 West Street  
Essex Junction, Vermont 05452

**Re: 4C0174-6, 4C0368-3 The Burton Corporation - Burlington**

Dear Mr. Brondyke:

VTrans has reviewed the proposed permit application as well as several documents within the application including the VHB Traffic Impact Study (Exhibit 014, Traffic Impact Study and Technical Appendix, 4-23-2020), Burlington Development Review Board approval (Exhibit 008, DRB CU Approval, 9-1-2020), Operational Management Plan (Exhibit 010, 4-23-2020), Additional Information for South Burlington (Exhibit 015, 4-23-2020), Champlain Parkway Update Memo (Exhibit 016, 5-11-2020), BurtonHub Traffic Response (Exhibit 018, 8-12-2020), BurtonHub Midday Traffic Analysis (Exhibit 019, 8-17-2020), and BurtonHub revised PM Trip Generation (Exhibit 020, 10-27-2020). VTrans offers the comments below.

The proposed project consists of the redevelopment of an existing 83,000-square foot manufacturing building into a mixed-use facility, including a performing arts center, as well as associated parking improvements. According to the VHB traffic analysis, the proposed project is expected to generate 6 additional net vehicles per hour (vph) during the AM peak hour and 74 additional net vehicles during the PM peak hour (*BurtonHub Revised PM Trip Generation (Exhibit 020, 10-27-2020)*). This project's traffic will be utilizing Burlington and South Burlington city streets for dispersion as well as utilizing the future Champlain Parkway project for more direct access. It should also be noted that Shelburne Road from downtown Burlington to Swift Street is Class 1 town highway.

VTrans felt the applicant and the Burlington Development Review Board took several logical steps in its methodology and conditions regarding the proposed development's traffic both during peak and event conditions. Some of these methodologies and conditions included:

- Review of the VHB Traffic Impact Study by the Burlington Public Works engineers as well as Burlington's peer review consultant, CHA.
- VHB traffic analysis that had scenarios both with and without the Champlain Parkway in operation.
- VHB traffic analysis of the affected South Burlington intersections of: Queen City Park Road and Central Avenue, Queen City Park Road and Pine, as well as Queen City Park Road and the Kmart/Hannaford Access.

- VHB traffic analysis of the one-lane bridge on Queen City Park Road.
- Burlington Development Review Board condition that states within 6 months of operation, the applicant shall perform a traffic assessment of how the Operational Management Plan is addressing traffic impacts and return to the Development Review Board, including opportunity for public comment, to determine if traffic conditions require modification. (Exhibit 008, DRB CU Approval, 9-1-2020, Page 11, Condition #5).
- Burlington Development Review Board condition that states doors shall not open for weekday evening uses of the performing arts center before 6:30 PM (6:00 PM for weekends and holidays). (Exhibit 008, DRB CU Approval, 9-1-2020, Page 11, Condition #6). This particular condition is what staggers the higher volume event traffic away from the PM peak hour traffic and lowered the net PM trip generation to 74 trips instead of the original 222 PM trips.
- Burlington Development Review Board condition that states that the Operational Management Plan must include a provision for event traffic control at the intersection of Home Avenue and Pine Street, Central Avenue, and the nearby 1-lane bridge. (Exhibit 008, DRB CU Approval, 9-1-2020, Page 11, Condition #7).

Based on the data and conclusions from the VHB traffic impact studies and the conditions set by the Burlington Development Review Board, VTrans has no concerns relative to the impact of the project on traffic congestion, safety, or access for pedestrians, cyclists, and transit.

### **Act 145 Transportation Impact Fee**

The proposed redevelopment is located next to the Champlain Parkway project that is included on the VTrans Capital Program (Project number MEGC M 5000(1)). The development is also located approximately 1.7 miles from the Burlington Roundabout project at the intersection of Shelburne Rd, South Willard St, St. Paul St, and Locust St. (Project number HES 5000(18)).

A net trip traffic volume distribution map of the Burton redevelopment with the Champlain Parkway in operation can be seen on Page 9 of the VHB Traffic Impact Study document. This map identifies the net trips that are contacting and benefitting from the Champlain Parkway and Burlington Roundabout projects. It is important to note that this map displays the original 222 PM net trips originally identified with this development. Thirty-three percent of this number will yield the 74 net trips that have recently been calculated for the PM peak hour based on event occurring after 6PM. Therefore, thirty-three percent of the volumes on this map contacting the two projects will be the proper amount of trips for the Act 145 fee assessment. The map shows that 3 PM trips will be coming from US-7 in the direction of the Burlington roundabout project. Thirty-three percent of this number yields 1 PM trip that will now be coming from that direction. 1 PM peak hour trip is very small amount with several intersecting roads on Shelburne Road between Home Avenue and the roundabout location including Prospect Parkway. Based on this small number and the probability the trip could come from several locations other than the roundabout route, VTrans does not recommend an Act 145 fee for the Burlington Roundabout.

The net trip distribution map on Page 9 yields 132 net PM trips that will be in contact with the Champlain Parkway at Home Avenue. This number includes all of the PM peak hour trips at the intersection. Home Avenue trips crossing the parkway to and from the destination will be benefitting from the new traffic signal that the parkway provides. Thirty-three percent of the 132 trips yields and adjusted PM peak hour count of 44 trips contacting the parkway.

VTrans recommends payment of a transportation impact fee for the Champlain Parkway project pursuant to Act 145 (2014) – Transportation Impact Fees. Act 145 allows a District Commission to require payment of a transportation impact fee for a capital transportation improvement that is “...necessary to mitigate the transportation impacts of a proposed development or subdivision or that benefit the proposed development or subdivision” (10 VSA §6104). The Champlain Parkway project will address congestion and safety issues resulting in improved access that will benefit the proposed development, the adjacent neighborhood, and the surrounding roadway infrastructure. For more information regarding the Act 145 Transportation Impact Fee as well as an online map showing current Act 145 projects within the state, please visit: <http://vtrans.vermont.gov/planning/development-review-services>

VTrans concurs with the VHB PM net peak hour trip distributions for the Champlain Parkway and recommends a transportation impact fee for Champlain Parkway project of \$2,069 per PM peak hour trip. Based on the adjusted 44 PM peak hour trips contacting the parkway, the recommended Act 145 fee would be \$91,036.

The project also introduces traffic demand management (TDM) efforts with the construction of carpool parking spaces that will encourage the use of ride sharing. Act 145 allows for the reduction in transportation impact fees to account for Transportation Demand Management (TDM) programs offered by an applicant (10 VSA § 6106 (b)(5)). VTrans recommends an additional reduction of 5% from the Act 145 fee based on this TDM strategy. **Calculating the Act 145 fee with this 5% deduction yields an adjusted Act 145 fee of  $(44 \times \$2,069 \times .95) = \$86,484$ .** Payment to VTrans would be due after the land use permit is issued and prior to the start of construction. The check should be sent to the following address:

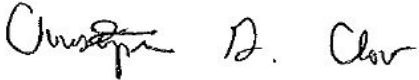
State of Vermont Agency of Transportation  
Development Review and Permitting Services Section  
Barre City Place, 219 N. Main Street  
Barre, VT 05641  
Attn: Christopher Clow

The applicant had indicated that they were looking into bus transportation for people attending the events. Some of the options they were investigating were rides from modified/extended schedules with GMT or possible shuttle services from the surrounding colleges. Either of these TDM measures would qualify for an additional %15 deduction from the Act 145 fee for a total 20% deduction factoring in the ride sharing adjusted above. If confirmation can be given from the applicant before the Land Use Permit is issued that either of these services will be available to the attendees, then VTrans can adjust the fee appropriately and resubmit this letter with the adjusted recommended Act 145 fee amount of  $(44 \times \$2,069 \times .8) = \$72,829$ .

Ms. Aaron Brondyke  
4C0174-6, 4C0368-3 The Burton Corporation  
January 11, 2021  
Page 4 of 4

Please contact me with any questions or comments at 802-522-4901 or [christopher.clow@vermont.gov](mailto:christopher.clow@vermont.gov)

Sincerely,

A handwritten signature in black ink that reads "Christopher G. Clow". The signature is written in a cursive style with a large initial "C".

Christopher G. Clow, PE  
Transportation Engineer

Attachment

cc: Certificate of Service

CERTIFICATE OF SERVICE #4C0174-6, 4C0368-3

I, Christopher Clow, of the Agency of Transportation hereby certify that on January 11, 2021, I sent a comment letter to the District #4 Environmental Commission concerning the applicant The Burton Corporation, 4C0174-6, 4C0368-3 by U.S. Mail, postage prepaid or by email to the following:

The Burton Corporation  
c/o Justin Worthley  
180 Queen City Park Road  
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[justinw@burton.com](mailto:justinw@burton.com)

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LandPlan Development Services, LLC  
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Burlington, VT 05401  
[John.caulo@gmail.com](mailto:John.caulo@gmail.com)

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c/o Charlie Baker, Exec. Dir.  
Regina Mahony, Planning Program Manager  
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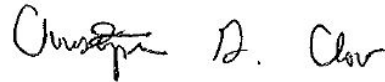
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Division for Historic Preservation  
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[ACCD.ProjectReview@vermont.gov](mailto:ACCD.ProjectReview@vermont.gov)

Dated at Montpelier, Vermont this 11th day of  
January 2021.



Christopher G. Clow, PE  
Vermont Agency of Transportation