

## Scott Gustin

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**From:** Kyle Smith <kylesm@burton.com>  
**Sent:** Thursday, July 09, 2020 1:29 PM  
**To:** Scott Gustin  
**Subject:** Queen City Higher Ground Support

WARNING: External Message

I'm writing to share my support for Burton's conditional use application. This will be another great example of the positive transformation throughout the South End, especially with the updates to the bike path that are underway this summer. This is an excellent opportunity to continue the cultural sprawl down Pine St, with much safer access to the largest music venue in Burlington.

Hoping for continued change as we must continue to change and evolve our community to remain relevant, thankyou for your consideration and time!

Best,

kyle

## Scott Gustin

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**From:** Whitney Heingartner <whiteveh@gmail.com>  
**Sent:** Thursday, July 09, 2020 1:24 PM  
**To:** Scott Gustin  
**Subject:** Support of Higher Ground x Burton

**WARNING: External Message**

Hi there,

I'm writing to share my excitement and support of Burton's and Higher Ground's plans to create a concert venue.

I live in the South end, in Redrocks and the new location will be easy to get to – many will be able to ride bicycles or walk there. For those that drive, it is easy to access, and it will only get easier with the Champlain Parkway.

Burton and HG will team up to repurpose an aging industrial building for a new use that will enhance Burlington as a vibrant place to live. This will be another great example of a positive transformation throughout the South End, which really excites me as someone living in this community. What's better than taking a facility that used to make military equipment and converting it to a place to make music and art!

I am a full supporter and feel as though Burton and HG have done their homework to build a great plan and I have full confidence that they will manage this venue very well, creating an experience and commitment to our community.

Thank you for our support!

Whitney

## Scott Gustin

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**From:** Ali Kenney <vtgrown@gmail.com>  
**Sent:** Thursday, July 09, 2020 11:12 AM  
**To:** Scott Gustin  
**Subject:** Burton + Higher Ground Opportunity

WARNING: External Message

Hi Scott,

I'm writing in support of the exciting project on Queen City Park Road to bring arts, music, food and culture to our wonderful community! I live in the neighborhood on Scarff Ave, just a few blocks away from the proposed development and we have a young child (11 month old). I feel confident that the team at Burton and Higher Ground have a solid plan to address noise and traffic concerns enough that I am an advocate for this project. I am so excited that we can provide a world-class venue in a location that is easy to safely walk and bike to and does not require single occupancy vehicle traffic. I also love that this is a project that will turn an old military manufacturing space into something innovative and exciting for our community. I'm worried about losing our young people from Vermont and Burlington, and this is the type of project that we need to ensure that our community is vibrant.

As with all projects that represent change and evolution, we will hear from NIMBYs, but this is in my own backyard and I'm saying, heck yes!!! This project makes me grateful for the potential of our city and helps me want to stay in Burlington for the long haul.

Thanks for listening,

Ali Kenney, Anja Jokela and Cedar Kenney (11 months)

## Scott Gustin

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**From:** Melissa Doyle <melspur10@gmail.com>  
**Sent:** Thursday, July 09, 2020 10:59 AM  
**To:** Scott Gustin  
**Subject:** Burton / HG Project

WARNING: External Message

Dear Scott Gustin-

I'm writing to share my support for Burton's conditional use application.

Burton and HG will team up to repurpose an aging industrial building for a new use that will enhance Burlington as a vibrant place to live. This will be another great example of a positive transformation throughout the South End!

What's better than taking a facility that used to make military equipment and converting it to a place to make music and art?!

This location has an opportunity to be the heart of Burlington's South End bringing community and business together as a hub for good.

Thank you-  
Melissa

## Scott Gustin

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**From:** Ilana Miller <ilanam802@gmail.com>  
**Sent:** Thursday, July 09, 2020 10:58 AM  
**To:** Scott Gustin  
**Subject:** Burlington Concert Venue Support

**(WARNING) External Message**

Hello,

I'm writing to share my support for Burton's conditional use application. Burton and HG will team up to repurpose an aging industrial building for a new use that will enhance Burlington as a vibrant place to live. This will be another great example of a positive transformation throughout the South End. What's better than taking a facility that used to make military equipment and converting it to a place to make music and art!

The new location will be easy to get to – many will be able to ride bicycles or walk there. For those that drive, it is easy to access, and it will only get easier with the Champlain Parkway. A concert venue is a perfect complimentary use for the building with easy access by foot, by bike, or by car with lots of existing parking. I can't wait to go to concerts there!

I would love to see this wonderful addition to our community come to life.

Thank you,

Ilana Miller

## Scott Gustin

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**From:** Carolyn Dwyer <dwyervt08@gmail.com>  
**Sent:** Wednesday, July 08, 2020 7:05 PM  
**To:** Scott Gustin  
**Subject:** Higher Ground South End

WARNING: External Message

Hi,  
Thank you for your work on the proposed Burton project with Higher Ground. I would like to register our support of the project. As residents of the South End, we are excited to have this addition to our neighborhood and are grateful to Burton and Higher Ground for their efforts to build this arts and entertainment space.

Please let us know if we can provide additional support for this project,

Sincerely,  
Carolyn and Larry Dwyer  
59 Linden Terrace, BTV

## Scott Gustin

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**From:** Christopher Thompson <christhompsonvt@gmail.com>  
**Sent:** Wednesday, July 08, 2020 12:26 PM  
**To:** Scott Gustin  
**Subject:** In Support of Higher Ground Burlington

[WARNING]: External Message

Hi Scott,

If it is not too late I'd like to write in enthusiastic support of Burton's conditional use application. As a founding board member and former director of Burlington's Generator Makerspace and a former curator of Burlington City Arts as well as a 25 year resident of Burlington's south end, I believe strongly that Burton and HG repurposing their aging industrial building for a new use as a world class concert venue is an important addition to Burlington's vibrant south end creative district. Exciting amenities such as they are planning are crucial to attract the type of creative/innovator professionals that are essential for the vital future of Burlington. I was sorry to see Arts Riot close after successfully becoming a corner stone of our creative community and a great place (although limited in size) for seeing innovate young musicians. So I look forward to riding my bike down and seeing some great shows at the Burton space!

Please feel free to contact me if you wish to discuss this in more detail. Thanks so much for your time!

Sincerely,

- Chris Thompson  
Generator - Board Member  
17 Ledgemere St. Burlington

## Scott Gustin

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**From:** Kochman Frank <frank@kochmanlaw.com>  
**Sent:** Wednesday, July 08, 2020 9:59 AM  
**To:** Brian Dunkiel (bdunkiel@dunkielsaunders.com); Jonathan Rose; Malachi Brennan  
**Cc:** Scott Gustin  
**Subject:** Burton Hub Conditional Use Application

WARNING: External Message

Dear Colleagues:

Will you be kind enough to arrange for the prompt production of the material listed below to Les Blomberg of Noise Pollution Clearinghouse? He is the noise expert for my client, CRZ Group, which has appeared in the captioned matter.

1. All noise modeling files that produce the same results shown in the RSG report when opened in the appropriate noise modelling software.
2. All noise monitoring data from Higher Ground, including raw data and monitoring notes so that it is clear who measured it, what is measured, when it is measured, where it was measured, under what conditions, and what metrics were used. In particular, it is critical to know the activity measured, including the number of patrons, type of music, number of vehicles, types of vehicles, etc.
3. All monitoring data used to determine the background noise levels in the neighborhood, including raw data and monitoring notes, so that it is clear who measured it, what is measured, when it is measured, where it was measured, under what conditions, and what metrics were used. In particular, it is critical to know the activity measured, number of vehicles, types of vehicles, etc.

This request was routed first to Scott Gustin, but I got back an auto reply that says he's out of the office and off line through July 13. Moreover, I got no answer at the number supplied in the auto reply. I will try that number again, but we would like to have this material in plenty of time for Les to analyze and be ready to discuss it when the continued DRB hearing resumes. So I'm reaching out to you directly.

Thanks for your help.

Best regards,

Frank

Frank Kochman, Esq.  
F.L. Kochman, Inc.  
P.O. Box 8084  
Burlington, VT 05402-8084  
T: (802) 863-2640  
F: (802) 660-2477  
frank@kochmanlaw.com



Request for modeling and monitoring data.

The conclusions of the RSG HUB Project Report dated April 20, 2020 are based on RSG's modelling of the project. To the DRB and the neighbors, the model is a black box. The results are unanalyzable. Even to those with knowledge of noise modeling, the results are unanalyzable, because the inputs are not clear. The DRB and the neighbors cannot understand the modeling results without examining the modeling and monitoring data.

To avoid this problem the modeling and monitoring files are typically shared with all parties to increase transparency and confidence in the results. Sharing these data are the only way for neighbors, and ultimately, the DRB, to "check the math" in the RSG report. Math teachers are constantly telling students to show all their work, and the DRB should be doing the same with applicants.

Assuming that the "math" is accurate, there is no reason for the HUB Project to not share the modeling and monitoring data. Consequently, we ask the **DRB to require that the modeling and monitoring be provided** to the neighbors, in a timely manner, with sufficient time for the modeling and monitoring to be analyzed and assessed before the next public hearing. Specifically, we request:

1. All noise modeling files that produce the same results shown in the RSG report when opened in the appropriate noise modelling software.
2. All noise monitoring data from Higher Ground, including raw data and monitoring notes so that it is clear who measured it, what is measured, when it is measured, where it was measured, under what conditions, and what metrics were used. In particular, it is critical to know the activity measured, including the number of patrons, type of music, number of vehicles, types of vehicles, etc.
3. All monitoring data used to determine the background noise levels in the neighborhood, including raw data and monitoring notes, so that it is clear who measured it, what is measured, when it is measured, where it was measured, under what conditions, and what metrics were used. In particular, it is critical to know the activity measured, number of vehicles, types of vehicles, etc.

If the modeling and monitoring data are not provided the DRB should not consider the modeling results reliable and conclusions based on the modeling or monitoring should not be used in the DRB process.

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## Scott Gustin

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**From:** Ryan Nick <vermonter1992@gmail.com>  
**Sent:** Tuesday, July 07, 2020 4:55 PM  
**To:** Bradford Rabinowitz; Alexander Larosa; Springer Harris; Geoffrey Hobart Hand; Brooks McArthur; Kienan Christianson  
**Cc:** Scott Gustin  
**Subject:** Support for the Burton/Higher Ground Conditional Use Permit

External Message

Members of the DRB,

I'm Ryan Nick, a South End resident of Burlington, and I'm an enthusiastic supporter of Burton and Higher Ground's proposal to build a world class performing arts center on Queen City Park Road. Burton and HG will team up to repurpose an old manufacturing building for a new use that will enhance Burlington as a vibrant place to live. This will be a great continuation of the South End's positive transformation over the past few years. One of the things I value most about the city is that residents can walk and bike to these incredible amenities, and this can be another example of an accessible asset to Burlington. Burton and Higher Ground are also fantastic community partners and are dedicated to making where we live, work, and play a better place for us all. I trust them to do the work needed to satisfy the Conditional Use requirements. In addition to the concert venue, I'm looking forward to seeing the Hub idea come to fruition and think the whole project will be the highest and best use for this aging, industrial structure.

I sincerely hope that you can approve their Conditional Use Permit Application.

Thank you for your time and consideration,

Ryan

Ryan Nick  
Burlington, VT  
802-578-6634

## Scott Gustin

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**From:** Spencer Smith <sspencersmith92@gmail.com>  
**Sent:** Tuesday, July 07, 2020 5:00 PM  
**To:** Scott Gustin  
**Subject:** Letter opposing Burton Proposal  
**Attachments:** The Burton Proposal.docx

**WARNING: External Message**

Hello Scott,  
Sorry I have a conflict so I'm unable to attend the DRB meeting tonight.  
Attached is a note containing my opinions on the Burton issue.  
Thanks for considering it.  
Spencer Smith  
288 Flynn Avenue  
Burlington 05401  
[sspencersmith92@gmail.com](mailto:sspencersmith92@gmail.com)

## My Opinions on The Burton Proposal

The majority of us residents of Burlington who live in the area called The Addition (Flynn Ave South to Home Avenue) and the adjacent neighborhood in South Burlington don't want an active night-time venue.

The City owns Memorial Hall on Main Street and, according to Burlington City Councilor Joan Shannon, the City is prepared to preserve Memorial Hall, and lease it to a company, which would manage musical and other events. As for parking in the center of Burlington, there is plenty of night parking in downtown garages and on the street at night. Green Mountain Transit might be able to add extra buses for large events.

I appreciate that Burton provided jobs when they were making snowboards on their property but apparently they decided not to continue making them there or to find another light industry tenant or buyer to replace them. We need to draw more skill based jobs here in Chittenden County to replace low-wage retail and tourism.

After the Burton "porno" snowboard series, I as a woman feel no loyalty to them. If they can't accommodate us, why not use Eminent Domain to take the land and lease it to a Burlington-friendly light industry--which pays \$15 per hour or more?

Thanks for hearing my opinion as a 30 year resident of Vermont, the last 13 of them in Burlington.

Spencer Smith  
288 Flynn Avenue

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29 Church Street, Suite 305  
Burlington, Vermont 05401  
802-863-1175

July 7, 2020

*The Burlington Business Association, founded in 1978, is a non-profit, non-political membership organization with over 200 business and non-profit members.*

**Board of Directors:**

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Director of Programming,  
Advocacy & Member  
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Alex Bunten  
Special Projects Manager

TO: Burlington Development Review Board, Scott Gustin  
RE: Conditional Use Permit for Burton at 266 Queen City Park Rd

On behalf of the 200+ businesses represented by the Burlington Business Association (BBA), please accept the following comments on the conditional use permit application for the Burton Corporation before the DRB this evening.

The BBA fully supports Burton's conditional use application. We believe Burton, Higher Ground, and the other for-profit and non-profit partners will team up to repurpose an aging industrial building for a new mixed-use that will enhance Burlington as a vibrant place to live. Their plan is in line with the evolving nature of the South End where adaptive reuse of old industrial spaces brings new vitality to the city.

Burton has long demonstrated a commitment to the Burlington and South End community. Higher Ground has a successful track record as a safe and responsible concert venue operator. The plan for the Burton Hub is reflective of that and our membership is entirely confident that the a newly transformed 266 Queen City Park will be thoughtfully managed and an asset for all in our community.

Sincerely,

Kelly Devine  
Executive Director

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July 7, 2020

Dear Development Review Board,

We are writing in regards to the Higher Ground/Burton redevelopment project in the South End. We are both South End residents (Flynn Ave) and South End business owners (Brio Coffeeworks). Recognizing that this has been a controversial project with loud voices opposing it, we thought that it was important to weigh in with our perspective.

To us, the Higher Ground/Burton project represents a creative approach to repurposing an existing development in our neighborhood. The South End has a rich tradition of repurposing legacy industrial properties to the benefit of area entrepreneurs and artists. This project, which seeks to become a hub for arts, entertainment and food, continues the trend set by the many other repurposing projects that have contributed so heavily to the vibrancy and quality of life in this part of the city.

Having options for entertainment, food, and arts that are accessible to local residents, as well as an attraction for visitors and tourists, will be a boost to the economic vitality and cultural life of the South End. The project would have secondary positive effects on other area businesses, including the restaurants, coffee shops, art galleries, and smaller music venues that line Pine Street.

All that said, we are aware of the concerns of some in the community that this proposal will increase noise and traffic. It seems to us that some noise mitigation accommodations for the adjacent property owners will be important, but it's also hard to believe that these concerns can't be addressed adequately. We encourage the council to broker a reasonable solution that allows the project to go forward. With regards to traffic, this is already a very low traffic neighborhood and it appears that it would increase traffic during times of the day when there currently is no traffic (outside of common rush hours). So, we don't really understand this objection.

There have also been concerns regarding safety. We regret that many of these have echoed common prejudices against youth. Skateboarding and music are wonderful, positive outlets for youth looking for ways to spend their time. Public safety around events will be necessary, but surely within the capacity of Burlington and South Burlington to manage effectively.

We have been excited to follow this project and hope to see it come to fruition.

Sincerely,



Magda and Nate Van Dusen  
South End Residents  
Co-owners, Brio Coffeeworks

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## Scott Gustin

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**From:** Elisa Nelson <nelsmith@burlingtontelecom.net>  
**Sent:** Tuesday, July 07, 2020 7:32 PM  
**To:** Scott Gustin  
**Subject:** DRB hearing

**WARNING: External Message**

Scott,

Please let the board know the public frustration of sitting through a hearing and NOT BEING ABLE TO SPEAK! That is completely rude to the people who took time out of their busy lives to attempt to participate in a public process and have the door slammed in their faces.

Elisa Nelson  
155 Austin Dr