

May 16, 2018

Matthew,

I am writing to you regarding the Design Advisory Board's consideration of UVM's permit application for 97 Spear Street. As a resident of Prospect Parkway, you may have some appreciation for perspectives regarding campus traffic on S. Prospect Street.

I am hopeful that you and other members of the DAB would be willing to consider suggesting conditions for inclusion in the UVM permit in order to increase UVM's compliance with previously issued permits and to mitigate aesthetic and health impacts from UVM traffic on South Prospect Street residents. As you know, our homes and neighborhood are precious to us and represent a significant lifetime investment.

Specifically, I would like to see the permit for 97 Spear Street require a functioning gate at the intersection of South Prospect and Davis Road, and no bus, truck or construction traffic on South Prospect Street south of Maple..

Regarding the gate, please can the permit for 97 Spear Street require:

- 1) UVM to install and maintain a gate that is functioning at all times and prevents traffic from exiting from Davis Road onto South Prospect; (See attachment for comments about gate that has been largely not functioning for the past 3 years)
- 2) UVM (not the city police) to man the entrance 24/7 when the gate is not operating properly. The attendant should not be a UVM student.
- 3) A camera installed at the gate so UVM police or maintenance can monitor whether the gate is working properly and whether repair is needed. Timely repairs are important.
- 4) UVM police to ticket all drivers who drive the wrong way on the one-way section of Davis Road. Perhaps the previously mentioned camera can be positioned to capture license plate information of cars driving the wrong direction on Davis Road.

#### NO UVM related TRUCK TRAFFIC on South Prospect Street

- 5) Prohibition of all trucks going to UVM, including construction vehicles, from using South Prospect Street south of Main Street. City ordinance requires vehicles weighing more than 24,000 lbs (G.V.W.) to use truck routes. (Title 27, Section 20-43). South Prospect Street is not a truck route. Furthermore, South Prospect Street, south of Maple, is sign posted as "No Thru Trucks". All trucks entering at Davis Rd would be thru truck traffic since it is not allowed to exit from Davis Road to South Prospect Street.

#### NO UVM BUSES on South Prospect Street

- 6) UVM is silent in its permit application for 97 Spear Street as to whether its construction project will affect its on-campus bus routing. None of UVM's on-

campus buses should be diverted to South Prospect Street. Furthermore, UVM has ignored pleas from the majority of South Prospect Street residents (25 signed a petition) to remove the UVM Redstone Bus from South Prospect Street south of Maple Street. UVM's Redstone bus is a private bus, and provides students a very short 4-city block ride (between the Redstone campus and the main campus green). The Redstone bus should use UVM's on-campus road (University Heights Road), like its 3 on-campus buses do, and not our city residential street. The Redstone bus is offensive because it drives by our homes 98 times a day (= every 3 to 6 minutes) and is 71 dBA loud as measured by UVM at the curb. The bus violates the city street weight limit of 24,000 lbs, emits very fine toxic CNG particles, and exceeds acceptable noise threshold levels. Only at a superficial level does the Redstone bus seem unrelated to the project at 97 Spear Street, but it is relevant to the project in that the Redstone bus and the proposed project are both south campus issues. And UVM only accommodates city requests, especially those of residents, when UVM wants a permit from the city. Since UVM wants this permit for 97 Spear Street, and the project is in the south campus, this opportunity is our only leverage to convince UVM to do the right thing by removing their bus from our neighborhood and putting it on the south campus university road. Since traffic circulation is a matter for the DAB to consider, a permit condition that requires moving a private UVM bus off of South Prospect street and putting it on the internal south campus road is a rare opportunity to use of our city leverage. **Furthermore, moving the UVM Redstone bus onto the internal south campus road (University Heights Rd) will also improve traffic flow on Main Street and moving traffic into and out of our downtown is a very important issue that affects thousands of people and the vitality of our city.** UVM's Redstone bus blocks 3 lanes of traffic (one lane headed east and two lanes headed west) on Main Street when it is taking a left turn off of Main Street and onto University Place (without the aid of a turn lane or stop light). **So every 3 to 6 minutes, all day long, the UVM Redstone bus is hindering traffic flow on Main Street.** US Highway 2 traffic would flow much better if UVM's Redstone bus used the on-campus University Heights road (like its other buses do), turned west onto Main Street at the intersection of Main and University Heights, and turned right onto University Place. The state and federal government would probably require UVM to make this change if they were made aware of the way that UVM's Redstone bus is hindering traffic flow on US Route 2. Despite the receipt of PILOT funds, which should be used as productively as possible, the city would not see as much deterioration of the road surface on South Prospect Street if the UVM bus used its internal campus road. Heavy buses that circulate often are the worst causes of accelerated road deterioration. Moving UVM's over-weight private bus onto UVM's campus road would reduce city expenses on road repair and save taxpayer dollars.

The following paragraphs provide historical context, which may be helpful during the DAB's consideration of UVM's permit application.

On June 22, 2015, the State of Vermont's District Environmental Commission issued a decision regarding UVM's Land Use Permit for Virtue Field (Case No.4C348-6). In this permit, the Environmental Court requires that Davis Road be a one-way street into

campus at its intersection with South Prospect Street; and that egress from Davis Road onto South Prospect Street be prohibited except when directed by emergency or higher level security personnel in emergency or high security situations. (Quotes from this land use permit are provided as an attachment to this letter.)

The language in this June 22, 2015 Environmental Court decision, repeats, reinforces, and tightens the language used in a May 25, 2004 Environmental Court Land Use Permit #4C0025-1 for University Heights. In this earlier permit, Davis Road traffic was also prohibited from exiting onto South Prospect Street.

The Environmental Court's 2004 and 2015 decisions did not define how UVM is to prevent campus traffic from exiting onto South Prospect Street. Although the existing permits do not require a gate, actions are expected to create compliance with conditions. For this reason, UVM installed a gate on Davis Road, about 40 feet east of its intersection with South Prospect Street. When operating properly, the gate is suppose to open when a car approaches it from the South Prospect Street side, and the gate is suppose to close after the car enters campus.

Unfortunately, UVM chose a poor quality gate. For the past 3 years, the gate has often been broken (including most of the 2017-2018 academic year). When the gate is broken, it is left open and campus traffic exits onto South Prospect Street. Hence, for large swaths of past 3 years, UVM has been in violation of the conditions set by the State of Vermont Environmental Commission in the referenced 2004 and 2015 Land Use Permits.

Despite South Prospect Street residents telling UVM for 3 years that its gate is not working and that is left open for too long, and that cars are driving out of campus onto South Prospect Street, only in the past few weeks has UVM started to address this problem.

UVM just ordered a new gate and its receipt is expected soon. UVM's interest in receiving a permit for the 97 Spear Street project is likely the reason why UVM is addressing this long-term circulation problem. UVM recognizes that being out of compliance with earlier permit conditions is an issue when requesting a new permit.

**CONCLUSION:** It is inadequate for UVM to reference the 2003 and 2009 South Campus Master Transportation Plans. Neither are available any longer on line. Instead, the permit for 97 Spear Street needs to refer to the circulation conditions required by the July 22, 2015 Environmental Commission permit for Virtue Field. Furthermore, UVM has not effectively prevented traffic from exiting onto South Prospect Street via Davis Road despite the 2004 and 2015 permit conditions requiring them to do so. In addition, for 10 years, UVM has ignored South Prospect Street resident requests to remove their Redstone bus from South Prospect Street. Thus, I ask please that you recommend to the Design Advisory Board, that the permit for 97 Spear Street include the aforementioned permit conditions when the DAB considers circulation issues.

Thank you for your time and consideration.

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### **3 YEAR HISTORY of PROBLEMS WITH EXISTING GATE**

Since 2004 UVM was suppose to keep traffic from exiting campus onto South Prospect Street. Only in 2015, after residents on South Prospect Street appealed UVM's permit for Virtue Field, did UVM install a gate at the intersection of Davis Road and South Prospect Street in order to comply with 2004 and 2015 permit conditions. UVM chose a poor quality gate and has not kept it operating over the past 3 years, and as a result, the traffic problems have continued. This indicates that new permits should require UVM to keep the gate functioning and closed; and manned when it is not working. Evidence:

- Soon after installation of the gate in 2015, it kept breaking. In order to reduce wear and tear on the gate, UVM adjusted the timing on the gate so it stays open for about 10 minutes after a car passes through. Traffic uses the long time that the gate is open to exit onto South Prospect Street.
- UVM leaves the gate open for weeks at a time, not just during school breaks, but also throughout the academic year. Repair work is not timely and the repair doesn't last long before the gate is broken again.
- UVM acknowledges that the gate has been broken and open for most of the 2017-2018 academic year. Residents have reported traffic violations to UVM and city police; but UVM's enforcement effort is too weak to stop traffic from driving the wrong way on Davis Road in order to exit onto South Prospect Street.

Before and after the gate installation, UVM has been lackluster in its efforts to stop traffic from exiting onto South Prospect Street, which is a violation of its 2004 and 2015 permits. New permits should not be granted if UVM cannot generate high confidence that it will comply with conditions of existing permits.

## QUOTES FROM VIRTUE FIELD PERMIT (#4C0348-6). July 22, 2015

Page	Item	Exerpt
6	24	“Traffic from Special Events may egress from the PFG by either University Heights Road or onto Spear Street. Exceptional Special Events can allow some egress onto Prospect Street only when directed by emergency or higher level security personnel in emergency of high level security situations otherwise egress onto South Prospect Street is prohibited.”

### **Findings of Fact**, page 6, item 19:

“The traffic circulation at UVM was discussed and approved in the review of the University Heights (LUP #4C0025-1) issued on May 25, 2004. The Permits and Findings state: .... There will be no exiting from the site via Davis Road to South Prospect Street...”

### Findings of Fact, page 11, item 46:

“World Health Organization (WHO) Guidelines state that to avoid hearing impairment, (Leg924h) should not exceed 70dBA....”

### Findings of Fact, page 13, item 2:

“An adverse aesthetic impact is undue if any of the following is true:

(1) the Project violates a clear written community standard intended to preserve the aesthetics of scenic beauty of the area [Evidence: South Prospect Street is not a designated truck route; and thus the UVM Redstone bus, as a private bus, violates the city regulation of 24,000 lb weight limit for vehicles on streets that are not truck routes];

(2) the Project offends the sensibilities of the average person [Evidence: 25 persons signed a petition to remove the Redstone bus from South Prospect Street south of Maple). A bus driving by 98 times a day is excessive. A bus driving students 4 blocks is wasteful.]

(3) the Applicants failed to take generally mitigating steps which a reasonable person would take to improve the harmony of the Project with its surroundings.” [Evidence: Despite permit conditions prohibiting campus traffic from exiting onto South Prospect Street, and city regulations that specify a 24,000 lb weight limit on streets that are not truck routes, UVM continues to allow its campus traffic and Redstone bus to have an undue adverse impact on South Prospect Street. In addition UVM allows construction trucks to use South Prospect unless it is expressly prohibited in the permits. This is despite the fact that there are alternative entrances into campus and South Prospect Street is sign posted as a “No Thru Truck” Street.]

**Conclusion:** It is crucial for the aesthetics of our street (quality of life and property values) and health and safety of residents that these issues be resolved via permit conditions for 97 Spear Street.