



KILLINGTON SELECTBOARD

April 12, 2013

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Executive Director
Rutland Regional Planning Commission
P.O. Box 965
Rutland, VT 05702

Tom Bartholomew
Chair
Rutland Regional Planning Commission
P.O. Box 965
Rutland, VT 05702

Re: Killington Village Master Plan
Act 250 #1R0980
Joint letters dated January 15th and March 14th, 2013 from the Rutland Regional
Planning Commission, Southern Windsor County Regional Planning Commission
and Two Rivers-Ottawaquechee Regional Commission

Gentlemen:

It is the opinion of the Killington Selectboard that permit conditions suggested in the letter from the three regional planning commissions to Act 250 are unrealistic, impose an unreasonable burden on the applicant, SP Land Company, LLC, and will cause unnecessary delays, additional costs and potential unforeseen legal expenses to towns, the regional planning commissions and the applicant.

Condition #2 calls for the applicant to determine the impact of all subsequent project phases on such a large extent of road network that it will be statistically impossible to implement. Traffic studies have already been conducted by RSG to estimate the total traffic impact on the Killington Road and it has already been found that the impact is within acceptable capacity of the existing Killington Road. It only follows that the incremental traffic increase due to any given phase will be less than the total impact. The impact of this incremental traffic increase will be further reduced at remote study areas when distributed among the entire transportation network proposed in this condition. Further, the traffic impact measured over any design hour will be further reduced when the traffic density is dispersed due to travel time and distance from the project area. Statistically the traffic impact at any remote intersection or segment of roadway will be indistinguishable from other localized development or economic changes closer to the specific traffic study area. Additionally other development and economic changes that occur between the time of the baseline study and future study will add to this statistical uncertainty. This uncertainty will make it impossible to implement condition #4 and call into question any impacts concluded from this condition.

Condition #3 calls for the applicant to "participate" in the development of a transportation improvement plan for an extensive road network. The term "participate" is an open ended and undefined requirement that is subject to interpretation. Although there is a suggested cap on the cost to the developer, this condition creates an unpredictable expectation on the applicant and opens the door for potential legal disputes. This condition is essentially a selective impact fee imposed on one developer. If the regional planning commissions feel that the extensive baseline traffic study and transportation improvement plan for the entire Central Vermont region is beneficial and necessary then impact fees should be imposed on all future development to fund the cost.

Condition #4 calls for the applicant to pay a proportional cost of traffic improvement measures determined by the studies conducted in condition #2. As stated above, it will not be possible to quantitatively attribute traffic increases, at points as far away as Bethel, Ludlow, and Quechee, to a specific incremental phase of the project. Any proportional cost assigned to the applicant will be subjective at best and exposed to legal challenge. The conditions should be limited to the US Route 4/Killington Road intersection and the US Route 4/VT100 intersection as suggested by VAOT in their letter dated May 23, 2012.

For the reasons outlined above, we urge the Rutland Regional Planning Commission to withdraw their support of these conditions, to not sign the March 14th joint letter and also retract its signature on the January 15, 2013 letter.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Christopher Bianchi". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J. Christopher Bianchi
Killington Selectboard, Chair