

Revaluation of Traffic

For

**Westminster Business Park
Westminster, Vermont**

Prepared for:

Westminster Business Park Partners
PO Box 178
Westminster Station, VT 05159

Prepared by:



SVE Associates
439 West River Road
PO Box 1818
Brattleboro, Vermont 05302-1818

April 28, 2005

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TRAFFIC STUDY
WESTMINSTER BUSINESS PARK
WESTMINSTER, VERMONT

INTRODUCTION

The purpose of this study is to reevaluate the impact to traffic of a proposed business park on a parcel near Exit 5 of Interstate 91 in Westminister, Vermont. The parcel lies east of I-91, west of Route 5 and south of the I-91 access road to Exit 5 from U.S. Route 5.

The park would consist of six lots of approximately five and one half acres each. It is assumed that a 40,000 square foot building would be constructed on each lot. The park may contain highly-diversified facilities including small business, manufacturing, service business, industries or warehousing.

The access point to the park would be located south of the I-91 access road intersection with U.S. Route 5 on the west side of Route 5 and before the intersection of Route 5 with Route 123.

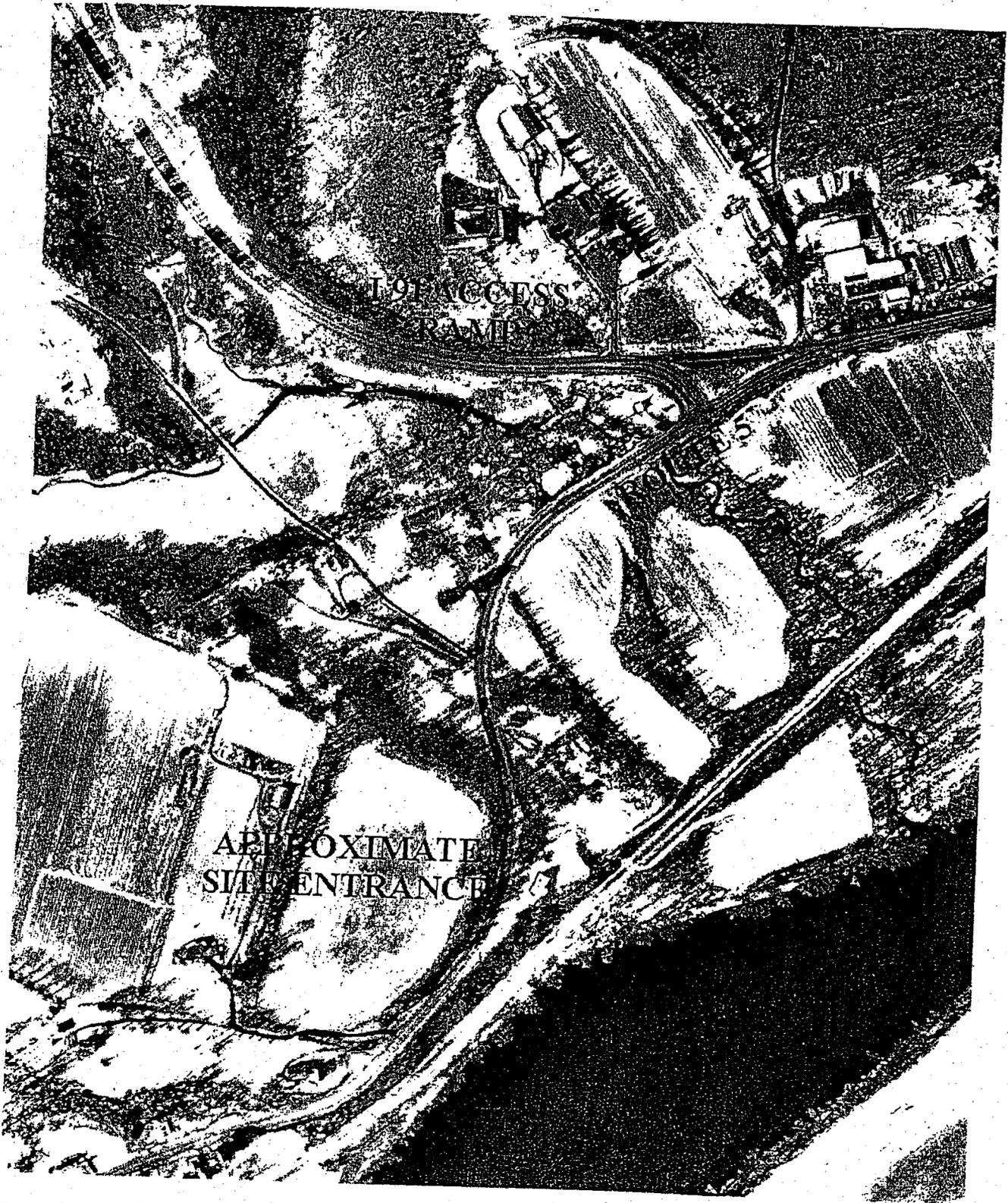
The scope of the evaluation of impacts will include the following intersections:

- A. The project access road on to Route 5 between Route 5/I-91 access road intersection and Route 5/Route 123 intersection.
- B. The impact on the I-91 access road and Route 5 intersection.

The evaluation is limited to construction on one lot only in the park.

All intersections are unsignalized. The intersections were studied for A.M. and P.M. design volumes traffic in the 2005 and 2010 design years. It is assumed that one facility would be constructed in the park. The I-91 access road and Route 5 intersection was analyzed if the project is built or if it is not scenarios.

EXHIBIT I



SITE LOCUS

APPROXIMATE SCALE 1" = 400'

METHODOLOGY

The methodology employed for the study generally is as outlined in "Traffic Impact Evaluation", Vermont Agency of Transportation.

Traffic volumes for this study were based upon traffic counts concluded at the above-described intersection on July 12 and 13, 2004 by the Vermont Agency of Transportation (VTrans). The volumes were adjusted to the design-hour volume based upon traffic counts conducted by VTrans at Continuous Counter X-008.

The project was evaluated for its impact in the 2005 and 2010 design years and calculations were based upon "Regression Analysis for Traffic Projection" prepared by VTrans.

Projected traffic generation was based upon "Trip Generation" 6th edition, by Institute of Transportation Engineers (ITE), Industrial Park (Land Use: 130).

Level of service and intersection capacity were calculated based upon the methodology contained in the "Highway Capacity Manual" (HCM 2000) by the Transportation Research Board and the HCS Software by McTrans.

TRAFFIC VOLUMES

The traffic counts at the project location indicated that there is both an A.M. and P.M. peak. The A.M. peak flow by VTrans counts on July 13, 2004 indicate that the peak occurs between 7:45 and 8:45 A.M. The A.M. analyses were conducted assuming the peaks occurred at the same time. The P.M. peak hours in the area are from 4:45 to 5:45 P.M. The projected design hourly volumes at the I-91 access ramp road and U.S. Route 5 are 696 vehicles per hour (vph) in 2005 and 745 vph in 2010 for the A.M. and 1011 vph in 2005 and 1080 vph in 2010 for the P.M.

From the ITE traffic generation studies, the Business Park at a single lot developed with 40,000 square foot buildings would be projected to generate 238 vehicles per day. The A.M. design peak hour is projected at 103 vph and the P.M. design peak hour at 89 vph.

At full buildout the project would be expected to generate 1938 vpd with A.M. peak of 235 vph and P.M. peak of 235 vph.

TRAFFIC PERFORMANCE

Traffic performance, in general, is defined by a qualitative descriptor defined as level of service (LOS). The level of service describes operational conditions within a traffic stream and their perception by motorists and generally describes these conditions in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions,

comfort and convenience, and safety. Levels of service range from "A" representing little or no delay to "F" representing forced or breakdown condition, extreme delay.

AASHTO states that "collector streets should generally be designed for level-of-service 'C' to 'D'."

The project entrance intersection with U.S. Route 5 and the I-91 ramp with U.S. Route 5 are unsignalized stop-controlled approaches. The intersection was analyzed for capacity and level of service using unsignalized intersection analyses which focus on the critical movements that generally include: Left turns from the main street (U.S. Route 5) and all movements on the stop-controlled side street (project entrance or I-91 ramp). The level of service criteria for unsignalized intersection is given in Table 1.

TABLE 1
LEVEL OF SERVICE FOR UNSIGNALIZED INTERSECTIONS

Level of Service	Stopped Vehicle Delay per vehicle (sec)
A	0-10
B	>10-15
C	>15-25
D	>25-35
E	>35-50
F	>50

Analysis of the project entrance onto U.S. Route 5 at full buildout in the 2010 design hour indicate that levels of service on U.S. Route 5 would be "A" and at the project entrance would be "C".

Analysis of the U.S. Route 5/I-91 ramp intersection is summarized in Table 2

TABLE 2
INTERSECTION CAPACITY ANALYSIS – U.S. ROUTE 5/I-91 RAMP

Unsignalized Intersection Peak Hour/Movement	<u>2005 No Build</u>		<u>2005 Build</u>		<u>2010 No Build</u>		<u>2010 Build</u>	
	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>
<u>AM</u>								
Northbound – left turn							8.4	A
Eastbound – all movements							20.4	C
<u>PM</u>								
Northbound – left turn	8.9	A	9.0	A	9.0	A		A
Eastbound – all movements	37.6	C	49.3	E	58.7	F		F

An analysis was also conducted for the P.M. design hour in 2010 with two-lane exit (left and right turn lane) constructed on the I-91 ramp. This analysis indicates that the eastbound traffic would be in a "D" level of service.

GEOMETRIC CONSIDERATIONS

The geometric considerations were reviewed in great detail with the original design, and the project entrance was constructed to provide adequate sight distance and with proper fillet radius for truck traffic. It should be noted that the project entrance construction also improved the safety along existing U.S. Route 5 by improving the sight distance at a curve in the roadway.

SUMMARY

1. The development of a single lot in the park will have little effect on level of service at the studied intersections.
2. The level of service at the design hour on the I-91 ramp intersection with U.S. Route 5 north of the project entrance has a less than desirable level of service for eastbound traffic if the project is built or not. The level of service could be improved if two exist lanes (left and right turn) were provided. Based upon the balance traffic volumes it would appear that in future improvements to the intersection by VTrans should examine the use of a roundabout at this intersection.
3. The level of service at the park entrance road with Route 5 is acceptable at full buildout (all lots developed) in 2010 design year.

APPENDIX I
TRAFFIC COUNTS

The Vermont Agency of Transportation
 Traffic Research/ Engineering Service
 Turning Movement Report

Counter: T 2093
 Counted By: J Leblanc
 Weather: Cloudy
 Town: 5-8 Westminster

File Name : 5-8pm04
 Site Code : 31320715
 Start Date : 07/12/2004
 Page No : 1

US 5 & Westminster State Highway

Groups Printed- Auto - Medium - Heavy

Start Time	US 5 from Rockingham From North				From East				US 5 from Putney From South				Westminster State Highway from I From West				Int. Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
12:00 PM	0	33	23	0	0	0	0	0	23	32	0	0	25	0	22	0	158
12:15 PM	0	34	28	0	0	0	0	0	13	33	0	0	18	0	19	0	143
12:30 PM	0	25	20	0	0	0	0	0	21	39	0	0	16	0	18	0	139
12:45 PM	0	20	25	0	0	0	0	0	30	51	0	0	23	0	19	0	168
Total	0	112	96	0	0	0	0	0	87	155	0	0	80	0	78	0	608
01:00 PM	0	28	23	0	0	0	0	0	27	36	0	0	27	0	24	0	165
01:15 PM	0	36	28	0	0	0	0	0	22	32	0	0	23	0	21	0	162
01:30 PM	0	35	24	2	0	0	0	0	20	26	0	0	22	0	14	0	143
01:45 PM	0	20	26	0	0	0	0	0	26	26	0	0	23	0	17	0	138
Total	0	119	101	2	0	0	0	0	95	120	0	0	95	0	76	0	608
02:00 PM	0	33	34	0	0	0	0	0	15	29	0	0	25	0	15	0	151
02:15 PM	0	32	19	0	0	0	0	0	22	38	0	2	11	0	19	0	143
02:30 PM	0	33	33	0	0	0	0	0	23	32	0	0	23	0	25	0	169
02:45 PM	0	31	30	0	0	0	0	0	28	32	0	0	21	0	21	0	163
Total	0	129	116	0	0	0	0	0	88	131	0	2	80	0	80	0	626
03:00 PM	0	28	31	0	0	0	0	0	19	35	0	0	13	0	11	0	137
03:15 PM	0	30	24	0	0	0	0	0	16	33	0	0	14	0	16	0	133
03:30 PM	0	29	29	0	0	0	0	0	9	47	0	0	13	0	10	0	137
03:45 PM	0	26	33	0	0	0	0	0	18	33	0	0	18	0	10	0	138
Total	0	113	117	0	0	0	0	0	62	148	0	0	58	0	47	0	545
04:00 PM	0	35	35	0	0	0	0	0	19	46	0	0	14	0	36	0	185
04:15 PM	0	36	41	0	0	0	0	0	25	55	0	0	39	0	40	0	236
04:30 PM	0	25	37	0	0	0	0	0	18	40	0	0	25	0	31	0	176
04:45 PM	0	41	26	1	0	0	0	0	23	48	0	0	33	0	38	0	210
Total	0	137	139	1	0	0	0	0	85	189	0	0	111	0	145	0	807
05:00 PM	0	40	48	0	0	0	0	0	33	46	0	0	32	0	30	0	229
05:15 PM	0	32	43	0	0	0	0	0	42	46	0	0	31	0	35	0	229
05:30 PM	0	44	36	0	0	0	0	0	38	34	0	0	37	0	29	0	218
05:45 PM	0	26	30	0	0	0	0	0	32	24	0	0	30	0	24	0	166
Total	0	142	157	0	0	0	0	0	145	150	0	0	130	0	118	0	842
Grand Total	0	752	726	3	0	0	0	0	562	893	0	2	554	0	544	0	4036
Approch %	0.0	50.8	49.0	0.2	0.0	0.0	0.0	0.0	38.6	61.3	0.0	0.1	50.5	0.0	49.5	0.0	
Total %	0.0	18.6	18.0	0.1	0.0	0.0	0.0	0.0	13.9	22.1	0.0	0.0	13.7	0.0	13.5	0.0	

The Vermont Agency of Transportation
 Traffic Research/ Engineering Service
 Turning Movement Report

Counter: T 2093
 Counted By: J Leblanc
 Weather: Cloudy
 Town: 5-8 Westminster

File Name : 5-8am04
 Site Code : 31320715
 Start Date : 07/13/2004
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US 5 & Westminster State Highway

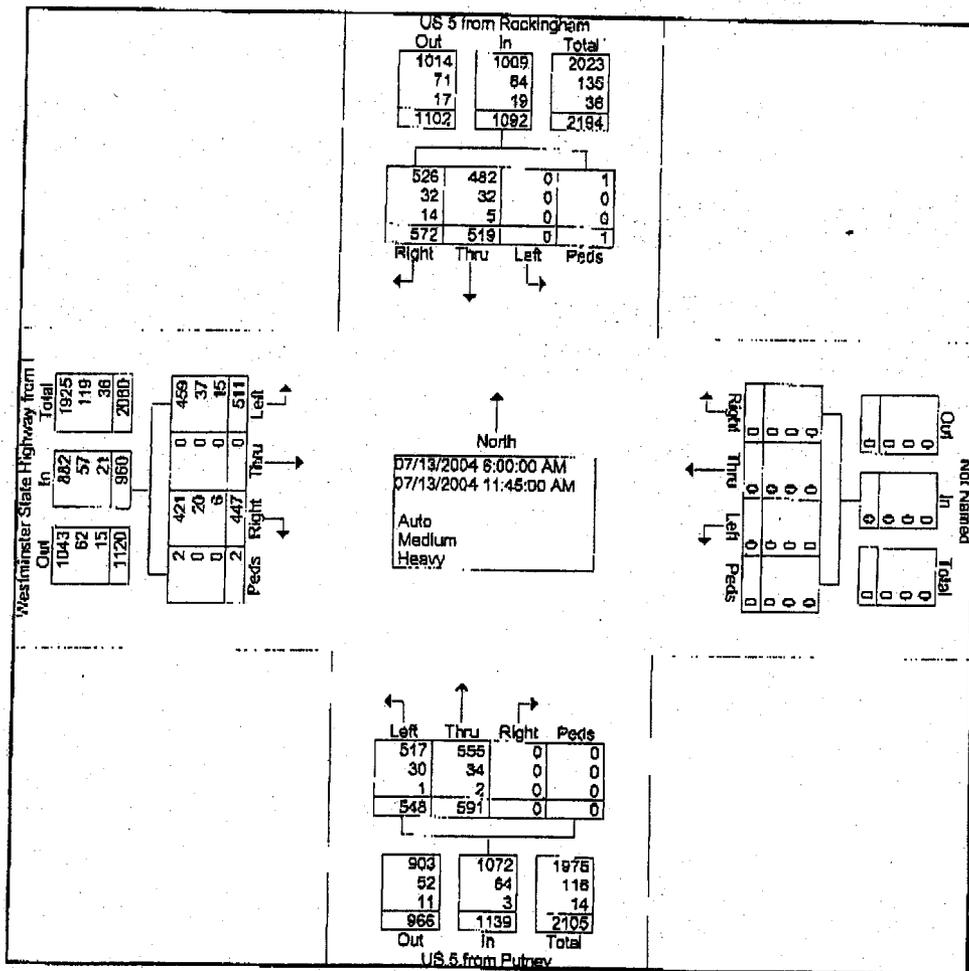
Groups Printed- Auto - Medium - Heavy

Start Time	US 5 from Rockingham From North				From East				US 5 from Putney From South				Westminster State Highway from I From West				Int. Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
06:00 AM	0	11	23	0	0	0	0	0	18	12	0	0	9	0	9	0	80
06:15 AM	0	11	18	0	0	0	0	0	18	9	0	0	7	0	11	0	74
06:30 AM	0	14	15	0	0	0	0	0	25	10	0	0	12	0	21	0	97
06:45 AM	0	21	13	0	0	0	0	0	19	12	0	0	13	0	15	0	93
Total	0	57	69	0	0	0	0	0	78	43	0	0	41	0	56	0	344
07:00 AM	0	24	23	0	0	0	0	0	27	23	0	0	16	0	22	0	135
07:15 AM	0	17	29	0	0	0	0	0	17	22	0	0	25	0	13	0	123
07:30 AM	0	19	26	0	0	0	0	0	28	37	0	0	23	0	18	0	151
07:45 AM	0	25	32	0	0	0	0	0	19	37	0	0	23	0	24	0	160
Total	0	85	110	0	0	0	0	0	91	119	0	0	87	0	77	0	569
08:00 AM	0	31	25	0	0	0	0	0	30	27	0	0	24	0	15	0	152
08:15 AM	0	25	22	0	0	0	0	0	29	19	0	0	27	0	19	0	141
08:30 AM	0	26	29	0	0	0	0	0	30	26	0	0	27	0	19	0	157
08:45 AM	0	23	29	0	0	0	0	0	27	32	0	0	24	0	18	0	153
Total	0	105	105	0	0	0	0	0	116	104	0	0	102	0	71	0	603
09:00 AM	0	18	20	0	0	0	0	0	32	33	0	0	33	0	21	0	157
09:15 AM	0	25	29	1	0	0	0	0	27	16	0	0	21	0	17	0	136
09:30 AM	0	20	13	0	0	0	0	0	20	32	0	0	21	0	25	0	131
09:45 AM	0	24	22	0	0	0	0	0	21	24	0	0	24	0	17	0	132
Total	0	87	84	1	0	0	0	0	100	105	0	0	99	0	80	0	556
10:00 AM	0	29	26	0	0	0	0	0	17	24	0	0	32	0	24	0	152
10:15 AM	0	30	20	0	0	0	0	0	13	27	0	0	25	0	14	0	129
10:30 AM	0	16	19	0	0	0	0	0	35	31	0	0	20	0	19	0	140
10:45 AM	0	24	24	0	0	0	0	0	24	31	0	0	25	0	22	2	152
Total	0	99	89	0	0	0	0	0	89	113	0	0	102	0	79	2	573
11:00 AM	0	18	30	0	0	0	0	0	18	28	0	0	20	0	14	0	128
11:15 AM	0	20	26	0	0	0	0	0	21	22	0	0	20	0	21	0	130
11:30 AM	0	26	28	0	0	0	0	0	16	23	0	0	18	0	30	0	141
11:45 AM	0	22	31	0	0	0	0	0	19	34	0	0	22	0	19	0	147
Total	0	86	115	0	0	0	0	0	74	107	0	0	80	0	84	0	546
Grand Total	0	519	572	1	0	0	0	0	548	591	0	0	511	0	447	2	3191
Apprch %	0.0	47.5	52.4	0.1	0.0	0.0	0.0	0.0	48.1	51.9	0.0	0.0	53.2	0.0	46.6	0.2	
Total %	0.0	16.3	17.9	0.0	0.0	0.0	0.0	0.0	17.2	18.5	0.0	0.0	16.0	0.0	14.0	0.1	

Counter: T 2093
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The Vermont Agency of Transportation
 Traffic Research/ Engineering Service
 Turning Movement Report

File Name : 5-8am04
 Site Code : 31320715
 Start Date : 07/13/2004
 Page No : 2



Run Date: 2005/03/28

Vermont Agency of Transportation
 Technical Services Division
 Traffic Research Unit
 Monthly Summary of Permanent Site Data
 July, 2004

Site ID:	Rockingham		County:		Windham		Location: Rockingham, US5 0.35 mi S of IMTEC Lane														AADT:					
Day	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	Total	
1	THU	31	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	01	02	03	04	05	06	7001
2	FRI	30	24	17	12	08	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7772
3	SAT	5	28	19	12	08	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	5746
4	SUN	51	35	15	10	07	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	5042
5	MON	55	11	16	11	08	05	02	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	4819
6	TUE	14	14	19	14	10	07	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	6890
7	WED	27	14	15	10	07	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	6886
8	THU	28	12	20	14	10	07	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7761
9	FRI	43	26	19	13	09	06	03	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	5848
10	SAT	35	27	15	11	08	05	02	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	5573
11	SUN	26	13	18	14	10	07	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	6880
12	MON	26	13	18	14	10	07	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7761
13	TUE	25	11	17	15	11	08	05	02	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	5848
14	WED	25	14	13	10	07	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	6880
15	THU	19	16	15	12	09	06	03	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	6880
16	FRI	27	24	17	13	09	06	03	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7668
17	SAT	51	47	16	12	08	05	02	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	6101
18	SUN	42	31	15	11	08	05	02	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	5874
19	MON	19	10	15	11	08	05	02	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	6498
20	TUE	23	22	15	11	08	05	02	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7023
21	WED	26	19	18	14	10	07	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7125
22	THU	34	15	13	10	07	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7050
23	FRI	22	21	15	12	09	06	03	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7622
24	SAT	46	33	20	16	12	09	06	03	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	6001
25	SUN	39	22	17	13	09	06	03	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	5177
26	MON	29	11	15	11	08	05	02	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	5915
27	TUE	31	13	13	10	07	04	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	6554
28	WED	27	15	15	12	09	06	03	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	6906
29	THU	41	18	14	11	08	05	02	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7079
30	FRI	24	16	16	13	09	06	03	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7863
31	SAT	49	34	25	12	08	05	02	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	01	7787
Averages		32	20	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	6635

Hours Averages	Monthly Totals							Averages					
	SUN	MON	TUE	WED	THU	FRI	SAT	Total Daily	Total Weekdays	Total Weekends	744 Hours	528 Hours	216 Hours
Number of Hours	217	260	281	281	289	324	262	205672	15323	52349	6635	6989	5817
Daily Average	5217	6231	6737	6904	6926	7717	6397						

APPENDIX II

CALCULATIONS FOR TRIP GENERATION AND DISTRIBUTION, TRAFFIC COUNT ADJUSTMENT

SVE ASSOCIATES
 P.O. Box 1818
 439 West River Road
 BRATTLEBORO, VERMONT 05302
 Phone (802) 257-0561
 Fax (802) 257-0721

JOB Westminster Business Park - B2615G

SHEET NO. 1 OF _____

CALCULATED BY FRB DATE April 17, 2005

CHECKED BY _____ DATE _____

SCALE _____

TRIP GENERATION

Assume: One 40,000 sq. ft. buildings in 2005
 Six 40,000 sq. ft. buildings in 2010

Use: Institute of Transportation Engineers "Trip Generation",
 7th edition
 Code 170 Land Use "Industrial Park"

Average vehicle trip ends - weekday

$$T = 4.96(X) + 747.75 \quad (\text{Average rate} = 6.96 \text{ per gross floor area})$$

single building = 278 vpd
 full buildout = 1978 vpd

Peak Hour adjacent street traffic - A.M.

$$LH(T) = 0.77L(X) + 1.09$$

single bldg. = 51 vph (82% enter = 42 vph, 18% exit = 9 vph)
 full bldg. = 202 vph (82% enter = 166 vph, 18% exit = 76 vph)

Peak Hour adjacent street traffic - P.M.

$$T = 0.77(X) + 42.11 \quad (0.86 \text{ average rate})$$

single bldg. = 73 vph (21% enter = 15 vph ; 79% exit = 58 vph)
 full bldg. = 227 vph (21% enter = 48 vph ; 79% exit = 179 vph)

SVE ASSOCIATES
P.O. Box 1818
439 West River Road
BRATTLEBORO, VERMONT 05302
Phone (802) 257-0561
Fax (802) 257-0721

JOB WESTMINSTER BUSINESS PARK - B2615G

SHEET NO. 2 OF _____

CALCULATED BY PAB DATE April 13, 2005

CHECKED BY _____ DATE _____

SCALE _____

Peak Hours of Generator - A.M.

$$T = 0.66(x) + 76.27 \quad (\text{Average} = 0.82)$$

single bldg. = 103 vph (77 vph)

full bldg. = 275 vph

Peak Hours of Generator - P.M.

$$T = 0.73(x) + 59.62 \quad (\text{Average} = 0.86)$$

single bldg. = 89 vph (74 vph)

full bldg. = 275 vph

SVE ASSOCIATES
P.O. Box 1818
439 West River Road
BRATTLEBORO, VERMONT 05302
Phone (802) 257-0561
Fax (802) 257-0721

JOB WESTMINSTER BUSINESS PARK - B26156

SHEET NO. 3 OF _____

CALCULATED BY PAB DATE April 13, 2005

CHECKED BY _____ DATE _____

SCALE _____

Traffic Count Adjustments

Design Hour adjustment - 70th highest hour

- counts by VTRANS @ US 5 and I-91 ramp - July 12, 13, 2004
- counter X-8 on Route 5 Bellows Falls

$$\begin{aligned} 70\text{th hr @ X-8} &= \frac{648}{578} = 1.12 \\ \text{peak hr @ X-8 day of count} &= 578 \end{aligned}$$

Growth Factors:

$$\begin{aligned} 2004 &= 1 \\ 2005 &= 1.02 \\ 2010 &= 1.09 \end{aligned}$$

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 P.O. Box 1818
 439 West River Road
 BRATTLEBORO, VERMONT 05302
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JOB Westminster Business Park B26156

SHEET NO. 4 OF _____

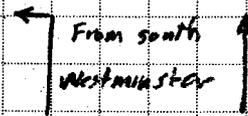
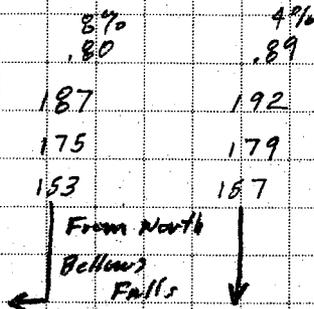
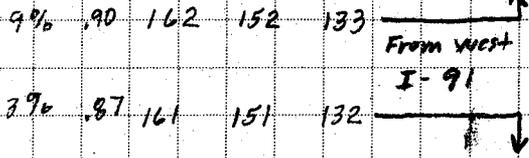
CALCULATED BY PRB DATE April 21, 2005

CHECKED BY _____ DATE _____

SCALE _____

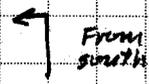
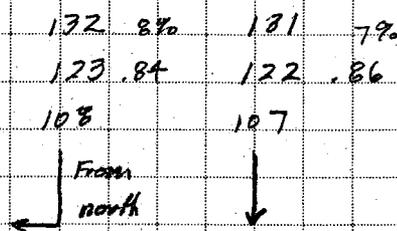
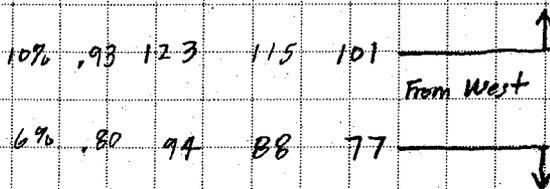
**TURNING MOVEMENTS -
 RTS - I 91 RAMP**

P.M.



136	174	counts
155	199	2005
166	212	2010
.81	.91	phf
6%	7%	% trucks

A.M.



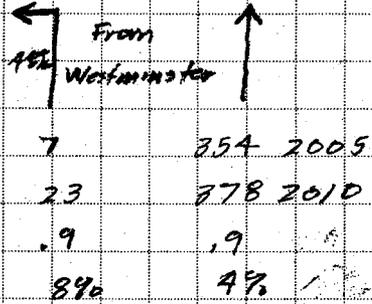
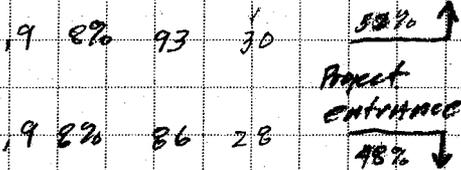
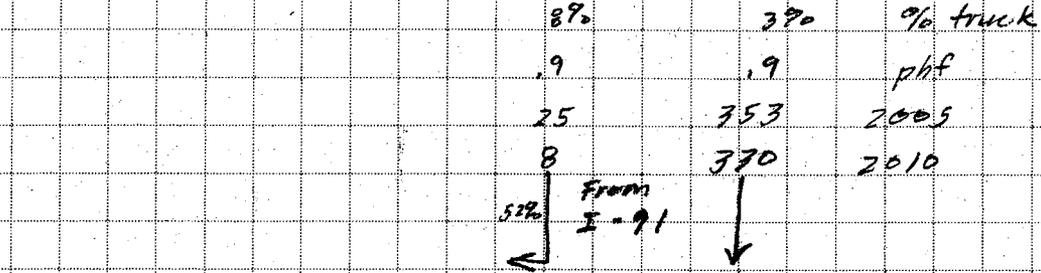
108	109	counts
123	125	2005
132	133	2010
.90	.73	phf
6%	6%	% trucks

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 P.O. Box 1818
 439 West River Road
 BRATTLEBORO, VERMONT 05302
 Phone (802) 257-0561
 Fax (802) 257-0721

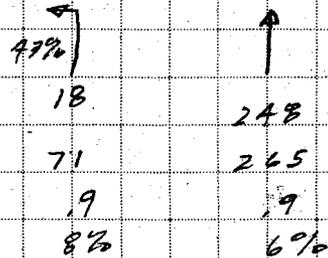
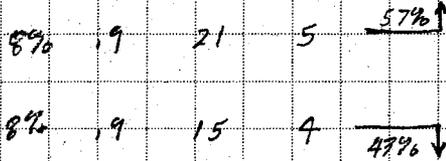
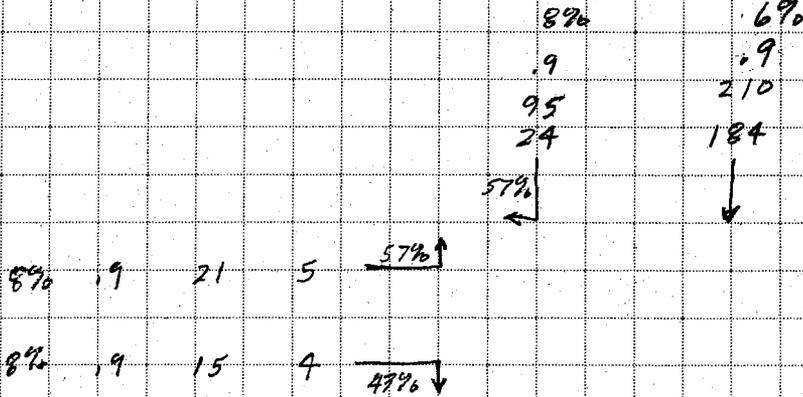
JOB Westminster Business Park B26156
 SHEET NO. 5 OF _____
 CALCULATED BY PRB DATE April 21, 2005
 CHECKED BY _____ DATE _____
 SCALE _____

PROJECT SITE / with trip generated (best project)

PM



AM

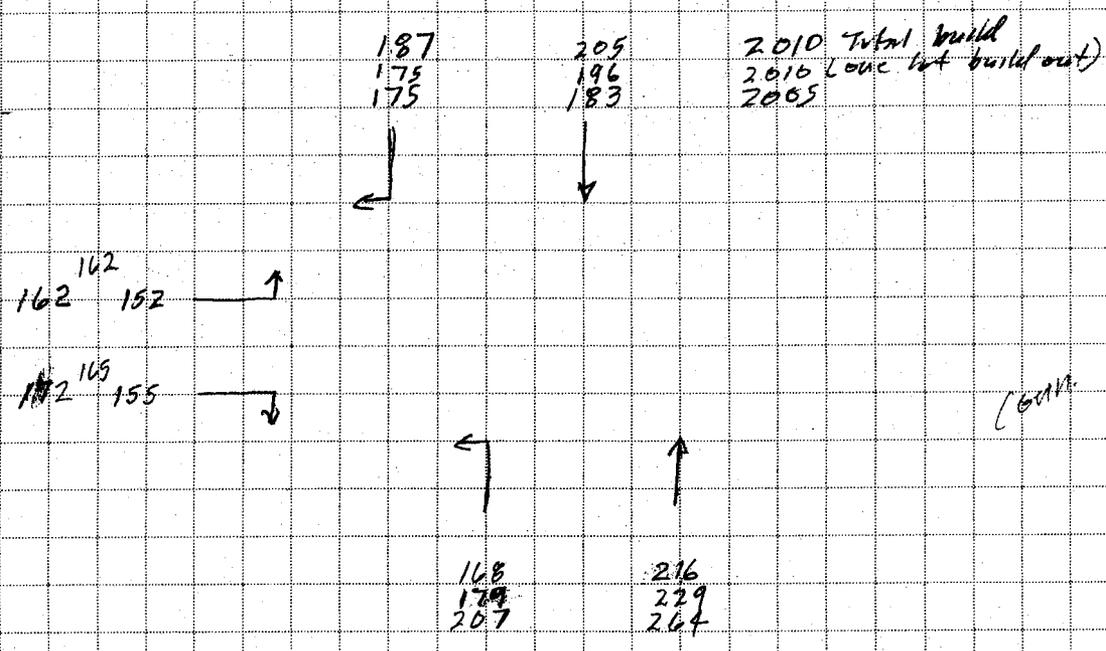


SVE ASSOCIATES
 P.O. Box 1818
 439 West River Road
 BRATTLEBORO, VERMONT 05302
 Phone (802) 257-0561
 Fax (802) 257-0721

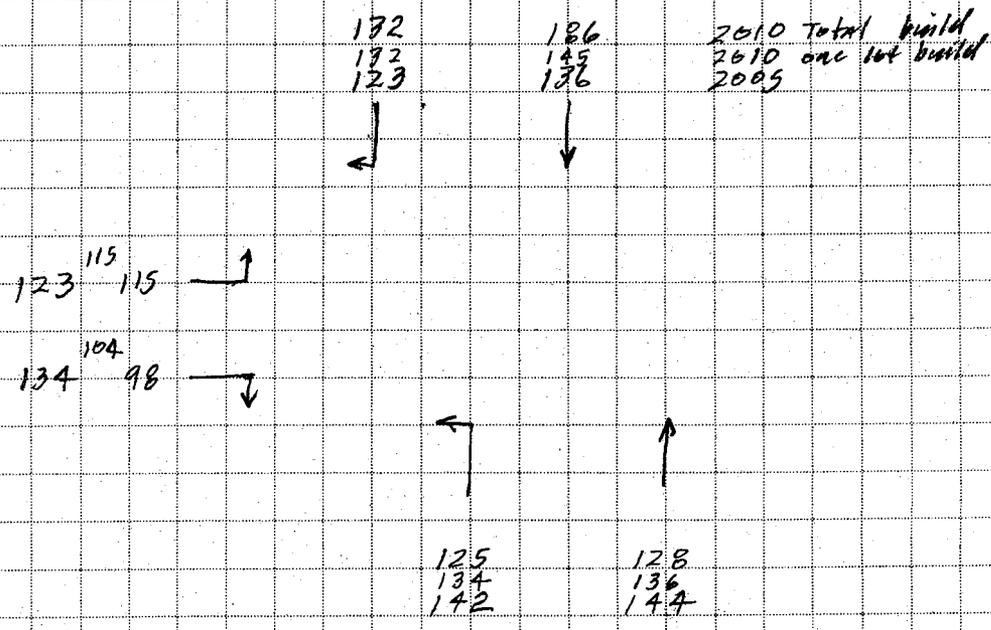
JOB Westminster Business Park B26156
 SHEET NO. 6 OF _____
 CALCULATED BY PRB DATE April 21, 2005
 CHECKED BY _____ DATE _____
 SCALE _____

B.T.S. - I 91 Ramp (Build condition)

P.M.



A.M.



APPENDIX III
CAPACITY ANALYSIS

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	PRB			Intersection	US 5/I-91 RAMP			
Agency/Co.	SVE ASSOCIATES			Jurisdiction	VTRANS			
Date Performed	4/23/05			Analysis Year	2005			
Analysis Time Period	PM-NO BUILD							
Project Description								
East/West Street: I-91 RAMP				North/South Street: US ROUTE 5				
Intersection Orientation: North-South				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume	155	199	0	0	179	175		
Peak-Hour Factor, PHF	0.81	0.91	1.00	1.00	0.89	0.80		
Hourly Flow Rate, HFR	191	218	0	0	201	218		
Percent Heavy Vehicles	6	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0					0
Lanes	0	1	0	0	1	1		
Configuration	LT				T	R		
Upstream Signal		0			0			
Minor Street	Westbound			Eastbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume	0	0	0	152	0	151		
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.90	1.00	0.87		
Hourly Flow Rate, HFR	0	0	0	168	0	173		
Percent Heavy Vehicles	0	0	0	6	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	1	0		
Configuration					LTR			
Delay, Queue Length, and Level of Service								
Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LTR	
v (vph)	191						341	
C (m) (vph)	1119						434	
v/c	0.17						0.79	
95% queue length	0.61						6.90	
Control Delay	8.9						37.6	
LOS	A						E	
Approach Delay	--	--					37.6	
Approach LOS	--	--					E	

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information					
Analyst	PRB		Intersection	US 5/1-91 RAMP				
Agency/Co.	SVE ASSOCIATES		Jurisdiction					
Date Performed	4/23/05		Analysis Year	2005				
Analysis Time Period	PM-BUILD							
Project Description WESTMINSTER BUSINESS PARK-B2615G								
East/West Street: I-91 RAMP			North/South Street: US ROUTE 5					
Intersection Orientation: North-South			Study Period (hrs): 0.25					
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume	168	216	0	0	183	175		
Peak-Hour Factor, PHF	0.81	0.91	1.00	1.00	0.89	0.80		
Hourly Flow Rate, HFR	207	237	0	0	205	218		
Percent Heavy Vehicles	6	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	1		
Configuration	LT				T	R		
Upstream Signal		0			0			
Minor Street	Westbound			Eastbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume	0	0	0	152	0	155		
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.90	1.00	0.87		
Hourly Flow Rate, HFR	0	0	0	168	0	178		
Percent Heavy Vehicles	0	0	0	9	0	3		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	1	0		
Configuration					LTR			
Delay, Queue Length, and Level of Service								
Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LTR	
v (vph)	207						346	
C (m) (vph)	1115						402	
v/c	0.19						0.86	
95% queue length	0.68						8.42	
Control Delay	9.0						49.3	
LOS	A						E	
Approach Delay	--	--					49.3	
Approach LOS	--	--					E	

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	PRB			Intersection	US 5/I-91 RAMP			
Agency/Co.	SVE ASSOCIATES			Jurisdiction				
Date Performed	4/23/05			Analysis Year	2005			
Analysis Time Period	PM-BUILD(TWO LANE EAST)							
Project Description WESTMINSTER BUSINESS PARK-B2615G								
East/West Street: I-91 RAMP				North/South Street: US ROUTE 5				
Intersection Orientation: North-South				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume	168	216	0	0	183	175		
Peak-Hour Factor, PHF	0.81	0.91	1.00	1.00	0.89	0.80		
Hourly Flow Rate, HFR	207	237	0	0	205	218		
Percent Heavy Vehicles	6	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	1		
Configuration	LT				T	R		
Upstream Signal		0			0			
Minor Street	Westbound			Eastbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume	0	0	0	152	0	155		
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.90	1.00	0.87		
Hourly Flow Rate, HFR	0	0	0	168	0	178		
Percent Heavy Vehicles	0	0	0	9	0	3		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	1	0	1		
Configuration				L		R		
Delay, Queue Length, and Level of Service								
Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT					L		R
v (vph)	207					168		178
C (m) (vph)	1115					260		833
v/c	0.19					0.65		0.21
95% queue length	0.68					4.05		0.81
Control Delay	9.0					41.0		10.5
LOS	A					E		B
Approach Delay	--	--				25.3		
Approach LOS	--	--				D		

TWO-WAY STOP CONTROL SUMMARY

General Information				Site Information				
Analyst	PRB	Intersection	US 5/I-91 RAMP					
Agency/Co.	SVE ASSOCIATES	Jurisdiction	VTRANS					
Date Performed	4/23/05	Analysis Year	2010					
Analysis Time Period	PM- NO BUILD	Project Description WESTMINSTER BUSINESS PARK-B2615G						
East/West Street: I-91 RAMP		North/South Street: US ROUTE 5						
Intersection Orientation: North-South		Study Period (hrs): 0.25						
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume	166	212	0	0	192			
Peak-Hour Factor, PHF	0.81	0.91	1.00	1.00	0.89	0.80		
Hourly Flow Rate, HFR	204	232	0	0	215	218		
Percent Heavy Vehicles	6	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	1		
Configuration	LT				T	R		
Upstream Signal		0			0			
Minor Street	Westbound			Eastbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume	0	0	0	162	0	161		
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.90	1.00	0.87		
Hourly Flow Rate, HFR	0	0	0	180	0	185		
Percent Heavy Vehicles	0	0	0	9	0	3		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	1	0		
Configuration					LTR			
Delay, Queue Length, and Level of Service								
Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LTR	
v (vph)	204						365	
C (m) (vph)	1106						399	
v/c	0.18						0.91	
95% queue length	0.67						9.77	
Control Delay	9.0						58.7	
LOS	A						F	
Approach Delay	--	--					58.7	
Approach LOS	--	--					F	

TWO-WAY STOP CONTROL SUMMARY

General Information				Site Information				
Analyst	PRB	Intersection	US 5/I-91 RAMP					
Agency/Co.	SVE ASSOCIATES	Jurisdiction	VTRANS					
Date Performed	4/23/05	Analysis Year	2010					
Analysis Time Period	PM- NO BUILD(2LANES EAST)							
Project Description WESTMINSTER BUSINESS PARK-B2615G								
East/West Street: I-91 RAMP				North/South Street: US ROUTE 5				
Intersection Orientation: North-South				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume	166	212	0	0	192	187		
Peak-Hour Factor, PHF	0.81	0.91	1.00	1.00	0.89	0.80		
Hourly Flow Rate, HFR	204	232	0	0	215	233		
Percent Heavy Vehicles	6	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	1		
Configuration	LT				T	R		
Upstream Signal		0			0			
Minor Street	Westbound			Eastbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume	0	0	0	162	0	161		
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.90	1.00	0.87		
Hourly Flow Rate, HFR	0	0	0	180	0	185		
Percent Heavy Vehicles	0	0	0	9	0	3		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	1	0	1		
Configuration				L		R		
Delay, Queue Length, and Level of Service								
Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT					L		R
v (vph)	204					180		185
C (m) (vph)	1091					260		822
v/c	0.19					0.69		0.23
95% queue length	0.69					4.62		0.86
Control Delay	9.1					45.0		10.6
LOS	A					E		B
Approach Delay	--	--				27.6		
Approach LOS	--	--				D		

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	PRB	Intersection	US 5/I-91 RAMP
Agency/Co.	SVE ASSOCIATES	Jurisdiction	VTRANS
Date Performed	4/23/05	Analysis Year	2010
Analysis Time Period	PM- BUILD(2LANES EAST)		
Project Description WESTMINSTER BUSINESS PARK-B2615G			
East/West Street: I-91 RAMP		North/South Street: US ROUTE 5	
Intersection Orientation: North-South		Study Period (hrs): 0.25	

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
	1	2	3	4	5	6
Movement	L	T	R	L	T	R
Volume	179	229	0	0	196	
Peak-Hour Factor, PHF	0.81	0.91	1.00	1.00	0.89	0.80
Hourly Flow Rate, HFR	220	251	0	0	220	233
Percent Heavy Vehicles	6	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	0	1	1
Configuration	LT				T	R
Upstream Signal		0			0	
Minor Street	Westbound			Eastbound		
	7	8	9	10	11	12
Movement	L	T	R	L	T	R
Volume	0	0	0	162	0	165
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.90	1.00	0.87
Hourly Flow Rate, HFR	0	0	0	180	0	189
Percent Heavy Vehicles	0	0	0	9	0	3
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
	1	4	7	8	9	10	11	12
Movement								
Lane Configuration	LT					L		R
v (vph)	220					180		189
C (m) (vph)	1087					236		817
v/c	0.20					0.76		0.23
95% queue length	0.76					5.43		0.89
Control Delay	9.2					56.8		10.7
LOS	A					F		B
Approach Delay	--	--				33.2		
Approach LOS	--	--				D		

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	PRB			Intersection	US 5/I-91 RAMP			
Agency/Co.	SVE ASSOCIATES			Jurisdiction	VTRANS			
Date Performed	4/23/05			Analysis Year	2010			
Analysis Time Period	AM- BUILD			Project Description WESTMINSTER BUSINESS PARK-B2615G				
East/West Street: I-91 RAMP				North/South Street: US ROUTE 5				
Intersection Orientation: North-South				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Northbound			Southbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume	134	136	0	0	145	132		
Peak-Hour Factor, PHF	0.90	0.73	1.00	1.00	0.86	0.84		
Hourly Flow Rate, HFR	148	186	0	0	168	157		
Percent Heavy Vehicles	6	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0				0	
Lanes	0	1	0	0	1	1		
Configuration	LT				T	R		
Upstream Signal		0			0			
Minor Street	Westbound			Eastbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume	0	0	0	115	0	104		
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.93	1.00	0.80		
Hourly Flow Rate, HFR	0	0	0	123	0	129		
Percent Heavy Vehicles	0	0	0	10	0	6		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	1	0	1		
Configuration				L		R		
Delay, Queue Length, and Level of Service								
Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT					L		R
v (vph)	148					123		129
C (m) (vph)	1213					370		866
v/c	0.12					0.33		0.15
95% queue length	0.42					1.43		0.52
Control Delay	8.4					19.5		9.9
LOS	A					C		A
Approach Delay	--	--				14.6		
Approach LOS	--	--				B		

TWO-WAY STOP CONTROL SUMMARY							
General Information				Site Information			
Analyst	PRB			Intersection	US 5/PROJECT ENTRANCE		
Agency/Co.	SVE ASSOCIATES			Jurisdiction	VTRANS		
Date Performed	4/23/05			Analysis Year	2010		
Analysis Time Period	PM- BUILD						
Project Description WESTMINSTER BUSINESS PARK- B2615G							
East/West Street: PROJECT ENTRANCE				North/South Street: US ROUTE 5			
Intersection Orientation: North-South				Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments							
Major Street	Northbound			Southbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume	23	378	0	0	330	8	
Peak-Hour Factor, PHF	0.90	0.90	1.00	1.00	0.90	0.90	
Hourly Flow Rate, HFR	25	420	0	0	366	8	
Percent Heavy Vehicles	8	--	--	0	--	--	
Median Type	Undivided						
RT Channelized			0			0	
Lanes	0	1	0	0	1	1	
Configuration	LT				T	R	
Upstream Signal		0			0		
Minor Street	Westbound			Eastbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume	0	0	0	93	0	86	
Peak-Hour Factor, PHF	1.00	1.00	1.00	0.90	1.00	0.90	
Hourly Flow Rate, HFR	0	0	0	103	0	95	
Percent Heavy Vehicles	0	0	0	8	0	8	
Percent Grade (%)	0			0			
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	0	0	0	1	0	
Configuration					LTR		
Delay, Queue Length, and Level of Service							
Approach	NB	SB	Westbound			Eastbound	
Movement	1	4	7	8	9	10	11 12
Lane Configuration	LT						LTR
v (vph)	25						198
C (m) (vph)	1152						428
v/c	0.02						0.46
95% queue length	0.07						2.38
Control Delay	8.2						20.4
LOS	A						C
Approach Delay	--	--					20.4
Approach LOS	--	--					C

3. By acceptance of the conditions of this permit without appeal, the permittees confirm and agree that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittees and all assigns and successors in interest.
4. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed, operated and maintained in accordance with the terms of the permit, as provided by 10 V.S.A. Chapter 151 and the rules of the Environmental Board.
5. By acceptance of this permit, the permittees agree to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
6. All conditions of Land Use Permit #2W0851 and amendments are in full force and effect except as amended herein.
7. Prior to commencement of construction on any of the commercial or industrial lots, the permittees and the lot purchaser or tenant shall file an amendment application.
8. The District Environmental Commission shall retain jurisdiction over Criteria 5 Traffic and 9(K) Public Investments commencing and expiring with the permit.
9. Prior to any further transfer of lots in the park, an Owners' Association ("Association") shall be created, of which Westminster Business Park, LLC and all subsequent lot owners shall be mandatory members. (The exception being the owners of land which will not be developed pursuant to the agricultural easement). The Association and individual owners shall be responsible for traffic monitoring and improvements as set forth in this permit. Westminster Business Park, LLC shall be a member of the Association until such time as all lots have been conveyed to non-affiliated owners. Continuation of the Association and ongoing compliance by the Association and individual lot owners with all conditions of this permit is required.
10. The first two lots in the Westminster Business Park (the "Park") shall be limited to a total of 278 vehicle trips per day, with 51 in the a.m. peak hour and 73 in the p.m. peak hour. These lots, identified as Lots 3 and 4 on the existing site plan, shall be transferred to Bazin Brothers Trucking, Inc. No development is presently proposed for either of the lots. The deed transferring Lots 3 and 4 shall reflect the vehicle trip limitations set forth above and shall not be exceeded without first obtaining an amendment to the permit.

11. Each one of the additional three lots (Lots 1, 2 and 5) to be developed, as identified on the existing plan, shall be limited to 415 vehicle trips per day with 38 in the a.m. peak hour and 38 in the p.m. peak hour.
12. The entire development shall be limited to 1,523 vehicle trips per day with 165 in the a.m. peak hour and 187 in the p.m. peak hour.
13. These trip limits shall be reflected in any deed transferring ownership of the five lots and shall not be exceeded without first obtaining an amendment to the permit.
14. For each application for development of a lot that will be constructed and occupied before October 1, 2010, the Applicant shall certify that the trip generation rates will be within the parameters of Condition 12. The application also shall include information as to whether any High Crash Locations have been identified.
15. By October 1, 2010, the Association shall conduct a traffic study which includes turning movement counts to ascertain if traffic is within the parameters of Condition 12. If the traffic volume exceeds the parameters of Condition 12 or there are any identified High Crash Locations, the Commission shall require the Association to undertake engineering studies and require the collective lot owners in the Association to either make necessary improvements and/or implement mitigation, as determined by the Commission, to reduce trips so that an unsafe and/or unreasonably congested condition does not continue to occur due to the traffic generated by the Association.
16. For any application for development of a lot that will be constructed and occupied after October 1, 2010, the application shall include an updated traffic evaluation and the Commission shall retain jurisdiction to impose additional conditions and may require improvements or mitigation needed to ensure that any unsafe and/or unreasonably congested traffic conditions do not occur. The Commission shall also require that all members of the Association contribute to the costs of any additional requirements proportional to the number of trips generated by said member (using either the average daily traffic or the peak hour daily traffic, whichever is more appropriate, given the specific problem to be remedied). The owners of any undeveloped lots shall contribute, based upon the traffic generation rate allocated to those lots in Conditions 3 and 12.
17. This permit hereby incorporates all of the conditions of Discharge Permit #3974-9010, issued on February 10, 2006, by the Wastewater Management Division, Agency of Natural Resources.

18. No further subdivision, alteration, and/or development of any parcel of land approved herein shall be permitted without the written approval of the District Environmental Commission.

Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6090(c).

Dated at Springfield, Vermont, on May 10, 2006.

By 
Michael Bernhardt, Chair
District #2 Environmental Commission
Natural Resources Board

Members participating in
this decision:

Stanley Borofsky
Theodor H. Friedman

Any party may file a motion to alter with the District Environmental Commission within 15 days from the date of this decision, pursuant to Environmental Board Rule 31(A). Decisions on minor applications may be appealed only if a hearing was requested or a hearing was held by the District Environmental Commission. See 10 V.S.A. § 8504(k) for further restrictions on the right to appeal. Appeals must be filed with the clerk of the Environmental Court within 30 days of the date of the decision, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont. The Notice of Appeal must include all information required by Rule 5(b)(3) of the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701. (Tel: 802-828-1660)

**STATE OF VERMONT
NATURAL RESOURCES BOARD
DISTRICT ENVIRONMENTAL COMMISSION #2W0851-1B**

RE: Westminster Business Park, LLC
c/o Kasper & Associates, LLC
P.O. Box 74
Westminster Station, VT 05159
and
Russell L. Allen, General Manager
P.O. Box 74
Westminster Station, VT 05159

Application #2W0851-1B
**FINDINGS OF FACT AND
CONCLUSIONS OF LAW
AND ORDER**
10 V.S.A. §§ 6001 - 6092

I.

INTRODUCTION

On May 19, 2005, Westminster Business Park, LLC and Russell L. Allen, General Manager filed an application for an Act 250 permit for positive Findings of Fact and Conclusions of Law under Criteria 5 Traffic and 9(K) Public Investments. The proposed park was previously reviewed under Application #2W0851-1, but a permit was not issued for the industrial park as the Commission was unable to make positive conclusions under Criteria 5 and 9(K).

The Commission, however, issued partial findings of fact and conclusions of law for the remaining criteria which are valid until August 3, 2006. The tract of land consists of 75 acres. The Applicants' legal interest are ownership in fee simple described in deeds recorded in the land records of the Town of Westminster.

Under Act 250, projects are reviewed based on the 10 Criteria of 10 V.S.A. § 6086(a) (1)-(10). Before granting a permit, the District Environmental Commission (Commission) must find that the project complies with these criteria and is not detrimental to the public health, safety or general welfare.

Decisions must be stated in the form of Findings of Fact and Conclusions of Law. The facts we have relied upon are contained in the documents on file identified as Exhibits 1 through 10, and the evidence received at a hearing held on June 22, 2005.

At the end of the final hearing, the Commission recessed the proceeding to allow the Applicants and the Vermont Agency of Transportation to determine if there was an agreed upon number of peak hour vehicle trips which could be accommodated by the existing highway infrastructure without causing or exacerbating unreasonable review of the record and congestion or safety problems. After extended discussions the Applicant and the Agency of Transportation reached agreement on permit conditions for vehicle trips for the five lots which would be developed as a result of the project. On April 1, 2006, the Commission gave notice of the proposed conditions to all parties and gave a response date for parties to comment by April 17, 2006. No comments have been received. The Commission adjourned the hearing on May 9, 2006, after review of the record and completion of Commission deliberations.

II. PARTY STATUS

A. Preliminary Party Status Determinations

Parties to this application who attended the hearing are:

1. The Applicant, by Robert Kasper, Esq.
2. The Municipality of Westminster, by Glenn Smith.
3. The Westminster Municipal Planning Commission.
4. The Windham Regional Planning Commission, by James Matteau.
5. The State of Vermont, Agency of Transportation, by Trevor Lewis, Esq. and Bernard Byrne.

The following adjoining property owners were either admitted as parties or denied party status:

6. Holiday Eames --Admitted: Criteria 5 and 9(K).
7. Scott West --Admitted: Criteria 5 and 9(K).

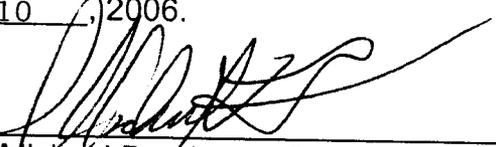
V. SUMMARY CONCLUSION OF LAW

Based upon the foregoing Findings of Fact, it is the conclusion of this District Environmental Commission that the project described in the application referred to above, if completed and maintained in conformance with all of the terms and conditions of that application, and of Land Use Permit #2W0851-1B, will not cause or result in a detriment to public health, safety or general welfare under the criteria described in 10 V.S.A. § 6086(a).

VI. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, Land Use Permit #2W0851-1B is hereby issued.

Dated at Springfield, Vermont, on May 10, 2006.

By 

Michael Bernhardt, Chair
District #2 Environmental Commission
Natural Resources Board

Commissioners participating
in this decision:

Stanley Borofsky
Theodor H. Friedman

Any party may file a motion to alter with the District Environmental Commission within 15 days from the date of this decision, pursuant to Environmental Board Rule 31(A). See 10 V.S.A. § 8504(k) for further restrictions on the right to appeal. Appeals must be filed with the clerk of the Environmental Court within 30 days of the date of the decision, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont. The Notice of Appeal must include all information required by Rule 5(b)(3) of the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701. (Tel: 802-828-1660)

Exhibit List #2W0851-1B
 Westminster Business Park, LLC and
 Westminster Sand & Gravel - Russell L. Allen

No.	Date Admitted/ Received	By	Subject
1	6/22/05	Applicant	Cover Letter (5/29/05) from Russell Allen
2	"	"	Act 250 Application
3	"	"	Location Map
4	"	"	Letter (4/28/05) from Peter Boemig
5	"	"	AOT Permit Application (4/27/04)
6	"	"	Revaluation of Traffic (4/28/05)
7	"	"	Warranty Deed / Westminster Business Park Partners, LLC and Lawrence R. and Diane S. Allen
8	7/25/05	AOT	Response (7/22/05) to Recess Memo by Trevor Lewis, AAG
9	2/1/06	ANR	Application for Stormwater Discharge Permit (1/26/06)
10	2/21/06	"	Authorization to Discharge Permit No. 3974-9010 (2/10/06)

CERTIFICATE OF SERVICE
2W0851-1B

I hereby certify that I sent a copy of the foregoing Land Use Permit, Findings of Fact and Conclusions of Law and Exhibit List on May 10, 2006, by U.S. Mail, postage prepaid, to the following:

Westminster Business Park, LLC
c/o Robert Kasper
Kasper & Associates, LLC
P. O. Box 574
Walpole, NH 03608

Westminster Town Manager
Glenn F. Smith
P.O. Box 147
Westminster, VT 05158

Westminster Sand & Gravel
P. O. Box 178
Westminster Station, VT 05159

Elizabeth Lord, Esq.
Land Use Attorney
Agency of Natural Resources
103 So. Main St., Ctr. Bldg. 3rd Fl.
Waterbury, VT 05671-0301

Russell L. Allen, General Manager
P. O. Box 74
Westminster Station, VT 05159

FOR INFORMATION ONLY

Westminster Selectboard
Paul Harlow, Chair
P.O. Box 147
Westminster, VT 05158

District 2 Environmental Commission
100 Mineral Street, Suite 305
Springfield, VT 05156

Westminster Town Planning
Walter Jennison, Chair
P.O. Box 147
Westminster, VT 05158

Westminster Town Clerk
Doreen Woodward
P.O. Box 147
Westminster, VT 05158

Windham Regional Commission
Att: James Matteau
139 Main St., Suite 505
Brattleboro, VT 05301

Eagle Times, Chris Fleisher
401 River Road
Claremont, NH 03743

Trevor Lewis, Assist. Attorney General
National Life Building, Drawer 33
Montpelier, VT 05633-5001

Randall Lloyd, Public Service Dept.
112 State Office Building
Montpelier, VT 05620-2601

Scott and Wanda West
P. O. Box 78
Westminster Station, VT 05159

James B. McCarthy
Engineering Services
Vermont Agency of Transportation
One National Life Drive, Drawer 33
Montpelier, VT 05633

Holiday Eames
P. O. Box 103
Westminster Station, VT 05159

Certificate of Service #2W0851-1B
Page Two

Bernard Byrne
Traffic Research Engineer
Vermont Agency of Transportation
National Life Building, Drawer 33
Montpelier, VT 05633

Marian White
Agency of Agriculture, Food & Markets
116 State St., Drawer 20
Montpelier, VT 05620-2901

Peter Boemig
SVE Associates
P. O. Box 1818
Brattleboro, VT 05302

Walt Jennison, Chair
Planning & Development
P.O. Box 147
Westminster, VT 05158

By: April Hensel /awp
April Hensel
District 2 Coordinator

PERMIT ID# 2180

FOR AGENCY USE ONLY

Town: Westminster
Route: US5
Mile Marker: 5.62
Log Station: 296+75 LT

STATE OF VERMONT
AGENCY OF TRANSPORTATION
PERMIT APPLICATION

Owner's/Applicant's Name, Address & Phone No. Proponents of the Westminster Industrial Park, c/o Lawrence Allen, PO Box 178, Westminster Station, VT 05159

Co-Applicant's Name, Address & Phone No. (if different from above) Heirs of Tony F. Kissell, c/o Robert J. Kasper, Esquire, PO Box 574, Main Street, Walpole, NH 03608-0574

The location of work (town, highway route, distance to nearest mile marker or intersection & which side) Southwest side of US5, 1,400 feet south of the intersection of US5 and I91 access road

Description of work to be performed in the highway right-of-way (attach sketch) Construct industrial development road entrance to US Route 5 including 9,000 cy slope modification (plans attached)

Applicant to Complete

Property Deed Reference Book: _____ Page: _____ (only required for Permit Application for access)

Is a Zoning Permit required? Yes No - If Yes, # WESTMINSTER PLANNING COMMISSION PUD DECISION

Is an Act 250 permit required? Yes No - If Yes, # 2108(1-1)

Other permit(s) required? Yes No - If Yes, name and # of each _____

Date applicant expects work to begin STARTED 20__

Owner/Applicant: _____

Signature [Signature] Date 4-27-04

Co-Applicant: _____
Signature _____ Date: _____

PERMIT APPROVAL

This covers only the work described below: Permission is granted to work within the state highway right-of-way to construct a new commercial access to an industrial park in accordance with the agency standard details and the attached plan and permit special conditions.

The work is subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).

Date work is to be completed _____ Date work accepted: _____

By _____ Issued Date _____
Authorized Representative for Secretary of Transportation
By: _____
DTA or Designee

NOTICE: This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Title 19 Section 1111 VSA. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations.

SEE OTHER SIDE FOR ADDITIONAL CONDITIONS

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Office at:

District #2, (802) 254-5011



STATE OF VERMONT
AGENCY OF TRANSPORTATION
133 State Street, Administration Building
Montpelier, Vermont 05633-5001



• **LETTER OF INTENT** •
THIS IS NOT A PERMIT

September 22, 1999

Proponents of the Westminster Industrial Park
c/o Lawrence Allen
P.O. Box 178
Westminster Station, Vermont 05159

Subject: Westminster, US 5, L.S. 296+75LT

Dear Mr. Allen:

Your highway permit application to construct a new commercial access to an industrial park, at the referenced location, has been reviewed and found to meet the requirements for work within the highway rights-of-way.

Title 19 VSA § 1111 requires that we ensure compliance with all local ordinances and regulations relating to highways. Your highway permit application will be processed upon our receipt of copies of your Act 250 and/or local approvals, including all conditions. In cases where local zoning does not exist, a letter from the legislative body of the municipality will be acceptable.

When issued, the permit will contain, but will not be limited to, the attached Special Conditions.

This commitment is valid for two years from the date of this letter. Should your other permits require a longer time period, please contact us relative to an extension of time.

If you have any further questions about this matter, please call me at (802)828-2487.

Sincerely,

A handwritten signature in cursive script that reads "Todd Ronson".

Todd Ronson
Project Supervisor
Utilities & Permits Unit

Attachment

cc: Town of Westminster
April Hensel, District Environmental Coordinator # 2
Lew Sorenson, Regional Planning Commission # 12
Thad Betts, Southern Vermont Engineering

Proponents of the Westminster Industrial Park
Westminster, US 5, L.S. 296+75 LT
September 22, 1999

SPECIAL CONDITIONS

All work shall be accomplished in accordance with detail C and the profile and notes of standard drawing B-71, copy attached, and the attached plan dated 3/8/99 and 4/1/99.

The access shall be paved to a point approximately 75 feet (end of radius) into the access measured from the white line for the US-5 southbound lane.

The permitted access will be the only access allowed to this property and any future subdivisions of the property.

The Permit Holder shall achieve and maintain the required corner sight distance of 440 feet. Reference the Agency's B-71 standard for specific measurements.

Act No. 86 of 1987 (30 VSA Chapter 86) ("Dig Safe") requires that notice be given prior to making an excavation. It is suggested that the Permit Holder or his/her contractor telephone 1-888-344-7233 at least 48 hours before, and not more than 30 days before, beginning any excavation at any location.

A preconstruction meeting must be held prior to the Permit Holder's employees or contractor beginning work to discuss work to be completed. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such a meeting.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way.

Roadway shoulder areas will be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

All grading within the highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or their staff.

In areas to be grass covered, the turf shall be restored by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch to the satisfaction of the District Transportation Administrator.

All work in the State highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15, without specific, written permission from the District Transportation Administrator. These limitations will not apply for the purposes of maintenance, emergency repairs, proper protections of the work which includes, but is not limited to, the curing of concrete and for the repairing and servicing of equipment.

Proponents of the Westminster Industrial Park
Westminster, US 5, L.S. 296+75 LT
Special Conditions
Page Two

The placement, size, shape, and color of all pavement markings will be in accordance with the Manual on Uniform Traffic Control Devices and Vermont Standards. All existing pavement markings that become disturbed or overlaid with pavement shall be replaced with "in kind" (durable or paint) markings. All costs associated with this work shall be borne by the Permit Holder.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a period of 18 months after final inspection by the District.

In the event that area lighting proves to be a hazard to the traveling public, the Permit Holder will be ordered to remove or modify it at their expense.

Any variance from approved plans is to be recorded on "as-builts" with copies provided to both the Chief of Utilities & Permits and the District Transportation Administrator.

Upon completion of the work by the Permit Holder, a final inspection will be held.

The Permit Holder shall be responsible for all damages to persons and/or property due to or resulting from any work allowed under this permit. The Permit Holder shall defend, indemnify and save harmless the State, the Agency, and all of their officers, agents, and employees from all suits, actions, or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons or property, including all costs or expenses to defend against such suits, actions or claims.

The access must be constructed in such a manner as to prevent water from flowing onto the highway. If the access is not constructed satisfactorily, the District Transportation Administrator can order reconstruction of the access at the Owner's expense.

A new "Vermont Agency of Transportation approved" culvert shall be placed under the access. The size shall be 18 inches in diameter. The culvert shall be placed so that existing normal drainage flow is undisturbed and ponding is not created. The applicant may have to excavate the roadside drainage ditch to accommodate the required culvert. Culvert location shall be staked, reviewed and approved by the District Transportation Administrator prior to installation. There shall be no head walls allowed within the highway right-of-way on the ends of drive culverts.

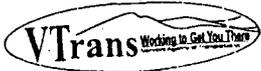
In the event traffic from this project increases to the point where traffic signals, additional lanes for turning, or any other modifications are necessary, the expense of such improvements or facilities shall be borne by the Permit Holder, his/her successors, and assigns. The Permit Holder may be required by the Agency to update or provide a traffic study to determine if additional modifications are necessary.

Proponents of the Westminster Industrial Park
Westminster, US 5, L.S. 296+75 LT
Special Conditions
Page Three

The Permit Holder is responsible for access maintenance (beyond the edge of paved shoulder). "Access maintenance" will include, but not limited to, the surface of the access, the replacement of the culvert, as necessary, the trimming of vegetation, and the removal of snowbanks to provide corner sight distance.

In conformance with Title 19 VSA § 1111(f), this access may be eliminated in the future where development has burdened the highway system to such an extent that a frontage road or other access improvements (which may serve more than one property or lot) must be constructed to alleviate this burden. The expense of the frontage road or other access improvements shall be borne by the Permit Holder, his/her successors or assigns of the properties abutting said frontage road or served by the access. The Agency of Transportation shall determine the need of a frontage road or other improvements based upon and justified by standard Agency procedures.

Construction will be performed in such a way as to minimize conflicts with normal highway traffic. Uniformed traffic officers or trained flagpersons, shall be provided when two-way traffic cannot be maintained, and at the request of the District Transportation Administrator whenever he deems it necessary for the protection of the traveling public.



Thomas E. Urell
Utilities Project Supervisor

Vermont Agency of Transportation
Program Development Division

National Life Building - Drawer 33
Montpelier VT 05633

(802) 828-5299 (802) 828-5742 Fax
tom.urell@state.vt.us



Trans Working to Get You There

April 19, 2004

Proponents of the Westminster Industrial Park
c/o Lawrence Allen
PO Box 178
Westminster Station, VT 05159

Re: Westminster, US5, L.S. 296+75 LT

Dear Mr. Allen:

Enclosed is a permit application that needs your signature before we can process it. I have enclosed the original conditions that were imposed on the Industrial Park Driveway, our office at the time issued a *Letter of Intent* until all your other permits were received. Since this has been done and the sight distance requirements have been met we can issue the permit when we receive the signed copy back from you.

If I can be of any other assistance on this matter please feel free to contact me at (802) 828-5299.

Sincerely,

Tom Urell
Project Supervisor

www.aot.state.vt.us
Telecommunications Relay Service 1-800-253-0191

Vermont is an Equal Opportunity Employer