To: District #1 Commission, Vermont Natural Resources Board

From: Julie Campoli, Terra Firma Urban Design, 23 Ledgemere St., Burlington, VT

Date: 11/10/2014

Re: Criterion 9L Analysis for Application # 1R0948 - Saxon Partners, LLC

The applicant is proposing an 81,500 sq. ft. retail wholesale club and restaurant with filling station northwest of the intersection of U.S. Routes 4 and 7 in Rutland Town.

Act 250 Criterion 9L, 10 V.S.A. § 6086 (a)(9)(L), effective June 1, 2014, supports Vermont's historic settlement patterns by encouraging development in existing settlements and shaping development outside those settled areas into a more efficient and compact form.

Under Criterion 9(L), the District Commission must determine whether a proposed development is located within an existing settlement area and if not, determine whether it:

i. Makes efficient use of land, energy, roads, utilities and other infrastructure, and either:

ii. (I) Will not contribute to strip development, or

(II) If the project is "confined to" existing strip development, it incorporates infill and minimizes the characteristics of strip development.

Key questions to be addressed in this report:

1. Is the project location within an "existing settlement"?
2. Is the project location characterized by strip development?
3. Does the proposed project make efficient use of land, energy and infrastructure?
4. Does the project contribute to strip development?
5. Does the project incorporate infill?

1. Is the project located within an "existing settlement "?

9(L) defines existing settlement in one of two ways:

i. A designated center under 24 V.S.A. chapter 76A. These are State approved designations for downtowns, village centers, growth centers, and neighborhood development areas, or

ii. An existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and that is typically served by municipal 1.a. infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas and public parks or greens.

Since the proposed project is not located within a designated center as described in i above, the Commission must determine that the proposed location has the historic settlement characteristics described in ii above.

When considering whether a project meets these standards it is helpful to examine real life examples of Vermont's historic centers that illustrate the characteristics of an existing settlement area as defined by the statute. Neighboring Rutland City is one such example. It is compact in form, and as a result, is walkable in size. It contains a wide mix of uses, including housing within a small area, at a higher density than the surrounding area, and these uses share municipal infrastructure. A side-by-side comparison of the proposed site context and Rutland City can illustrate how the project area might qualify as an "existing settlement" or how it might not. (Figure 1.1)

1a. *Compactness of form and size*

The applicant defines the project area as the land along Route 7 between the City of Rutland and Clarendon town boundaries (Application # 1R0948, p4 and Exhibit "E"). The distance between these two points is 1.2 miles, with a settled area of roughly 400 acres. (Fig. 1.2) Can this be considered compact in size? Yes, many Vermont centers are larger than 400 acres, including Rutland City, which extends well beyond that size. (Fig. 1.3)

While the proposed development site may be confined in size, it lacks the compact form of an existing settlement. In Rutland City building footprints are small and set close to streets in contained (2-6 acre) urban blocks. Buildings in the project area have larger footprints and stand isolated on individual parcels and flanked by parking lots. The pattern is dispersed rather than compact.

1b. *Mixture of uses that include a substantial residential component within walking distance of each other*

Any definition of compactness raises the issue of walking distance. The planning profession has consistently defined optimal walking distance to be between one quarter and one-half mile. Most Vermont downtowns and villages fit within this walking distance, including Rutland City (Fig. 1.4) Planners further define a walkable zone or "pedestrian shed" as an area extended a radius of one quarter mile from a central point in all directions (approximately 130 acres). Although the city extends well beyond a quarter mile, its compact form creates many overlapping pedestrian sheds throughout the surrounding neighborhoods all connected by closely spaced buildings along a grid of streets. (Fig. 1.5) In order for larger communities to be truly walkable, the pedestrian network of public streets and sidewalks must continue beyond any one quarter mile walk zone.

The project area contains a mix of uses, but the range is narrow, and residential is not a substantial component. Of the 30+ properties, only one consists of housing. The rest are commercial or industrial uses, many of them retail services. (See table 1.1) The dispersed settlement pattern throughout the project area limits the number of uses within walking distance of each other. Applying the quarter mile radius to various areas of the corridor,

there are few locations that contain a significant number of uses. (Fig. 1.6) The area around Green Mountain Plaza contains several stores but that potential walk zone is not connected to surrounding properties by a network of streets (see 2b), and it isolated from the one residential component at the northern end of the project area.

Walking between destinations is further hampered by the lack of an interconnected street network and safe pedestrian environment. (See 1d)

1c. *Significantly higher densities than densities that occur outside the center*

The applicant describes the project area as "dense" (pp. 4, 5, 11, and 12), but density is a relative term that lacks meaning without context. "Dense development" has an entirely different meaning in Pittsford than it does in Rutland, or Albany, or New York City. Each setting redefines the term "dense development". This is why it is helpful to measure the density of the area in question and compare that number to existing settlement areas.

The project area appears to be "built up" because many of the physical features associated with development—buildings, parking lots, driveways, signs, and many cars, both moving and parked—create a significant amount of visual clutter. (Fig. 1.7) In aerial photos, the predominance of paved areas also gives the impression of density. (Fig. 1.8) But high lot coverage, traffic and other visual symbols of development, don't necessarily indicate a density of land use.

Density can be measured in several ways and is expressed as a ratio, of people or things divided by land area. The most typical density measures are dwelling units per acre and persons per square mile, which are used to measure population or housing density. Since the Route 7 corridor consists mostly of non-residential uses, the best way to measure density is with a floor area ratio or FAR. This indicates the ratio of building space (the floor area) to the land area around it, and gives a more accurate sense of built density.

Table 1.2 contains a list of developments within the project area along with their approximate square footages. Together, they add up to just over 2 million square feet. Set within a land area of 17 million square feet, the floor area ratio (building area divided by land area) is 0.12, which is a level typical of commercial strip corridors. (Fig. 1.9) While the area may look dense, it actually isn't compared to existing centers that are compact in form. Downtown St. Albans has a floor area ratio of 8.9—7 times more dense than the Route 7 corridor. (Fig. 1.10). The difference lies in the settlement pattern. Closely-spaced, multi-story buildings create significant density, while one-story, isolated, single-use buildings do not.

1d. *Municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas and public parks or green.*

The project area is served by municipal water and wastewater, and contains a large number of parking areas. Unlike existing settlements, there are no public parks or greens. Marble Valley Regional Transit runs its South Route bus every 30 minutes along the corridor with 3

stops on the highway and several more at shopping centers along the route. A 30 minute headway is not considered among transportation planners to be convenient transit. Bus riders face an additional challenge crossing Route 7 for the return journey.

Infrastructure that supports pedestrians, like sidewalks, paths, and crosswalks is insufficient. Sidewalks exist on both side of Route 7 for less than half the length of the corridor. (Fig. 1.11) There is no pedestrian path or connection to Diamond Run Mall. None of the many businesses along the route provide sidewalks or other safe pedestrian connections from Route 7 to their front doors. (Figs. 1.12, 1.13)

Crossing the highway and the many driveways along the corridor creates a challenge for pedestrians and bus riders. The crosswalk at the entrance to the Green Mountain Plaza is worn away and ineffective. ((Fig. 1.14) Only one driveway or access road in the project development area provides a clearly marked crosswalk. There is only one signalized pedestrian crossing along Route 7, located 1/3 of a mile from the Rutland City line. Walk signal delays can be as long as 1 minute, 38 seconds, with no pedestrian refuge islands or bump-outs to break up the 75' crossing. There are no accommodations for pedestrians at other busy intersections, such as the entrances to Diamond Run Mall. (Fig. 1.15)

2. Is the project location characterized by strip development?

Criterion 9(L) goes further to state that:

> *(B) Strip development outside an area described in subdivision (A)(i) or (ii) of this subdivision (16) shall not constitute an existing settlement.*

Does the proposed development area exhibit the characteristics of strip development? V.S.A. § 6001(36) defines strip development as linear commercial development that includes three or more of these characteristics:

- *broad road frontage,*
- *predominance of single story buildings,*
- *limited reliance on shared highway access,*
- *lack of connection to any existing settlement except by highway,*
- *lack of connection to surrounding land uses except by highway,*
- *lack of coordination with surrounding land uses,*
- *and limited accessibility for pedestrians.*

The pattern of development in this area exhibits at least three of the above elements and as a result, can be described as strip development.

2a. *Predominance of single story buildings*

Approximately ninety-three percent of the buildings are single story.

2b. *Lack of connection to any existing settlement except by highway*

This characteristic gets at the essence of a strip development pattern, which relies on a single road to carry all traffic through the area. In this respect the project area clearly resembles strip development. Uses are aligned along a highway corridor using a road network that is hierarchical rather than interconnected. Route 7 is the dominant thoroughfare with all other roads feeding into it. Route 4, Middle Road, and Cold River Road are connected to a broader network but provide access to only six properties. The rest of the streets are dead-ends. Access to all other businesses is from Route 7 via driveways and curb cuts, all reached by U.S. 7. with no short cuts or alternate routes. (see image 2.1) Contrast this hierarchical road system with an interconnected street network characteristic of non-strip development. North of the Rutland city line Route 7 exists as just one of several thoroughfares, with the properties on either side of the road, accessible from many directions and along many streets. (see image 2.2) Unlike a grid the hierarchical road system in this area provides within the proposed development area, and it does not offer access to . forces all traffic back onto the highway.

A closer look at the circulation system in the proposed development area reveals a predominance of direct highway access with multiple curb cuts in the northern segment. In that area there is a limited reliance on shared access. In the southern two thirds of the corridor, however, access to the highway is more organized, limiting curb cuts to fewer, shared driveways. Image 2.3 illustrates the differences between these two areas, with red arrows depicting points of entrance to the shared street system.

2c. *Lack of connection to surrounding land uses except by highway*

Access to surrounding land is limited by two railroads and U.S. Route 4. With the limited street network, Route 7 provides the only connection to the City of Rutland and all its services. There are no alternate routes, especially for pedestrians and bicyclists who might desire a quieter and safer route.

2d. *Limited accessibility for pedestrians*

As noted above there are few amenities such as sidewalks, crosswalks, and crossing signals that make walking safe and comfortable for pedestrians. But the more significant barrier is the low-density pattern of single-use, single story buildings surrounded by parking lots, which has spread destinations across a broad area. The lack of a street network negatively affects pedestrians as well as drivers. With no connecting back streets or short cuts, walkers

must also return to Route 7 to move north or south along the corridor extending the distance and travel time.

While the proposed development area meets a few of the criteria defining an "existing settlement area"—compact size, served by municipal water and wastewater, with adequate parking---there are many more characteristics of an existing settlement that it lacks. It is not compact in form. Uses are predominantly commercial and industrial with an insignificant residential component. The settlement pattern is dispersed with a density lower than one typical of an existing settlement. Sidewalks, public space, and transit are not sufficient to serve the needs of pedestrians. The location contains several elements of commercial strip development

Since the proposed project is not located within an existing settlement area, the District Commission should consider whether the development will:

iii. Make efficient use of land, energy, roads, utilities and other infrastructure and:

iv. (I) will not contribute to strip development, or

(II) If the project is "confined to" existing strip development, it incorporates infill and minimizes the characteristics of strip development.

10 V.S.A. § 6086 (a)(9)(L),

3. Does the project make efficient use of land, energy, roads, utilities, and other infrastructure?

3a. *Efficient use of land*

Projects that make efficient use of land maximize available space with multi-story structures —adding offices, apartments and other uses to upper floors. Stacking or clustering a mix of uses makes it possible to share parking. There are substantial economic and environmental costs associated with parking lots, so efficient land use requires that paved areas don't sit empty.

The limited number of uses proposed—one store, one restaurant, and a filling station—doesn't make this type of efficiency possible. Visitors to the site will not be able to park once and walk to several destinations, as in a compact, mixed-use development.

The proposal makes use of existing curb cuts and roads to access the site. This is a smart access management technique, which creates some efficiency. Construction on the site will be limited to a portion of the parcel, leaving the wetlands and some open space intact. But given the location of the wetlands, the buildings will be isolated at the most remote corner of the property. Moving cars from the Holiday Inn property to the store's entrance at the

southern end of the site will require an additional quarter mile of roadway, which is not necessarily an efficient use of land. (See image 3.1)

3b. *Efficient use of energy*

The applicant described building features and technology such as LED lighting, which will undoubtedly help save energy. But not mentioned was energy used for transportation, which is a significant expense for Vermont households as well as a contributor to climate change. In terms of transportation, the project's location makes it difficult to use energy efficiently. The parcel is surrounded by wetlands on one side and a limited access highway on another, at the edge of an auto-dependent commercial strip corridor. Despite the developer's willingness to build sidewalks on the site, the distance between the store and neighboring businesses is too great to attract many pedestrians. And as noted above in sections 1d and 2d, the surrounding area is not compact enough to be walkable, nor is the environment comfortable or safe for pedestrians. As a result, the development, like the surrounding area, will be dependent on private automobiles.

3c. *Efficient use of roads*

Efficient road networks, like Rutland City's grid are interconnected and provide a multitude of routes to a given destination. (See Image 2.2) As a result, traffic is dispersed rather than channeled onto a single collector road. Movement can follow several directions, with fewer bottlenecks. A connected network provides greater potential for growth with better access for development, which fits compactly within the blocks formed by intersecting streets.

Unfortunately, the road system that has unfolded along Route 7 through Rutland Town is not interconnected and does not offer these advantages. There may be a potential to make street connections through future infill development by building back roads and short cuts. It appears that the presence of wetlands on the proposed site makes it difficult if not impossible to link up to any potential future network to the west.

4 Is the project confined to strip development?

The project site is an undeveloped parcel consisting of wetlands, meadows and woods. The functioning natural systems on the property contain ecological and aesthetic value so it could not be defined as "vacant land" or in need of redevelopment. (See image 4.1)

But the question of whether it is confined to strip development depends on on how broadly one applies the definition of strip development to a settlement pattern that varies subtly from one end of the project area to the others. The parcel is located between an area of well-defined strip development to the north (See 2 above), and a less obvious pattern to the south that displays several characteristics of strip development (lack of connections, single story buildings, lack of pedestrian access), but more scattered, with access to the highway managed more aggressively. The key determinant might be whether the Commission considers a controlled access highway (U.S. Route 4) as a component of strip development, in which case the site would be "confined" by strip development. But if the highway and its right of way are considered to be a form of open space, then the project is located at the

edge of a strip development rather than surrounded by it, making it an unlikely candidate for infill, which 24 V.S.A. § 2791 defines as "the use of vacant land or property within a built-up area for further construction or development.

5 Does the project incorporate infill?

If the Commission determines that the proposed development will be confined to strip development and filling in an empty lot between built up parcels, the next question is whether the project will help minimize the characteristics of strip development. Logical questions to ask are; does the project make connections to surrounding uses, does it add multistory buildings and increase pedestrian access? By adding buildings and thoroughfares, does it "fill in" the strip, helping to transform it into a more compact, walkable environment that replicates Vermont's historic settlements?

It might be helpful to see these site design strategies illustrated in an existing infill project that minimized the characteristics of strip development. In 1999, the Ethan Allen Shopping Center in Burlington's New North End was a single-story, low-density, auto-oriented development. It lacked connections to surrounding properties and had no pedestrian infrastructure. On an adjacent parcel stood a state office building and large parking lot. (See image 5.1) Infill development in the last 10 years has transformed these two properties into something that looks and functions less like a strip shopping mall and more like a walkable neighborhood center. The developers added a large supermarket, post office, several retail stores, offices, restaurants and two multi-story apartment buildings. They built a network of streets and sidewalks that linked the two properties and a neighboring park. (See image 5.2) With careful infill development they expanded the range of services within walking distance of an existing settlement and substantially increased the residential component to offer proximity to a larger population. More importantly, the new street network creates a physical framework for future compact growth, so that these benefits can grow in the future as the site is built out to a higher density.

Connections to existing and surrounding settlements

Have these techniques been employed on the proposed development site? It's not clear, given its isolation and site constraints whether its possible to build a framework for future streets but the proposed site plan doesn't suggest an interconnected network. Nor does it help disperse traffic and ease the burden on Route 7. It has only one access point and links with the existing, somewhat haphazard system of service roads and parking lots on neighboring parcels. Five properties could be reached in this way without entering or crossing U.S Route 7. Crossing the highway would offer a connection to the Diamond Run Mall and industrial buildings along Seward Road. (See image 5.3) It is important to note that these links would be accessible to drivers only, given the lack of sidewalks on all neighboring properties, and the absence of a pedestrian signal at the entrance to the mall.

Multi-story buildings and a more intensive use of land

The Applicant states that both buildings will be single story but that one will be constructed at two-story height and have the appearance of a two-story structure. While this may look better, it would continue the dispersed pattern Criterion 9L identifies as strip development by not using land efficiently.

The reason that single story buildings contribute to strip development is that they do not make efficient use of land. One-story buildings take up twice the square footage of land than two-story buildings. Commercial strip development is auto-dependent because it is low density—there are not enough destinations close together, so driving between them is necessary. Therefore, it is difficult to create the type of density and proximity that makes walking possible, and it is impossible to replicate the historic settlement pattern of Vermont centers without the use of multi-story buildings.

Accessibility for pedestrians

Pedestrians need a safe environment that includes sidewalks and crosswalks. But they also need proximity to make walking practical. If locations are dispersed, sidewalks are not used. Walkable places have destinations close together and connected streets with sidewalks. The surrounding area lacks both of these characteristics. So the question is whether the proposed project adds proximity and contributes to a potential future pedestrian network. The site design depicts sidewalks and crosswalks, but unfortunately, the site plan doesn't create sufficient proximity, which makes access to the property by pedestrians unlikely. There are neighboring land uses (hotels and retail stores to the north) that the project might have connected to in an effective way by aligning the store along the northern end of the parcel, limiting the distance for pedestrians. But with the building entrance located a quarter mile from any nearby businesses, at the far end of the property behind a large parking area, the proposed design will likely reinforce auto-dependency.

Figures

Figure. 1.1 Side by side comparison of settlement patterns in project development area (left) and Rutland City (right), shown at the same scale.

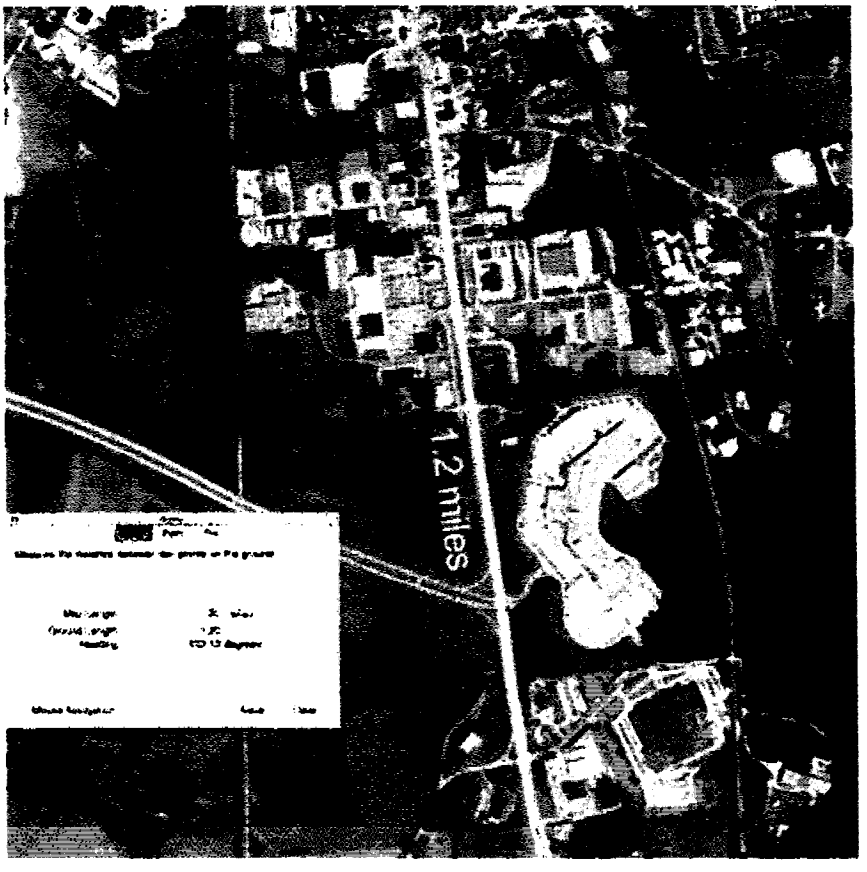


Figure 1.2.

Proposed settlement area as defined by Applicant is 1.2 miles long and roughly 400 acres.

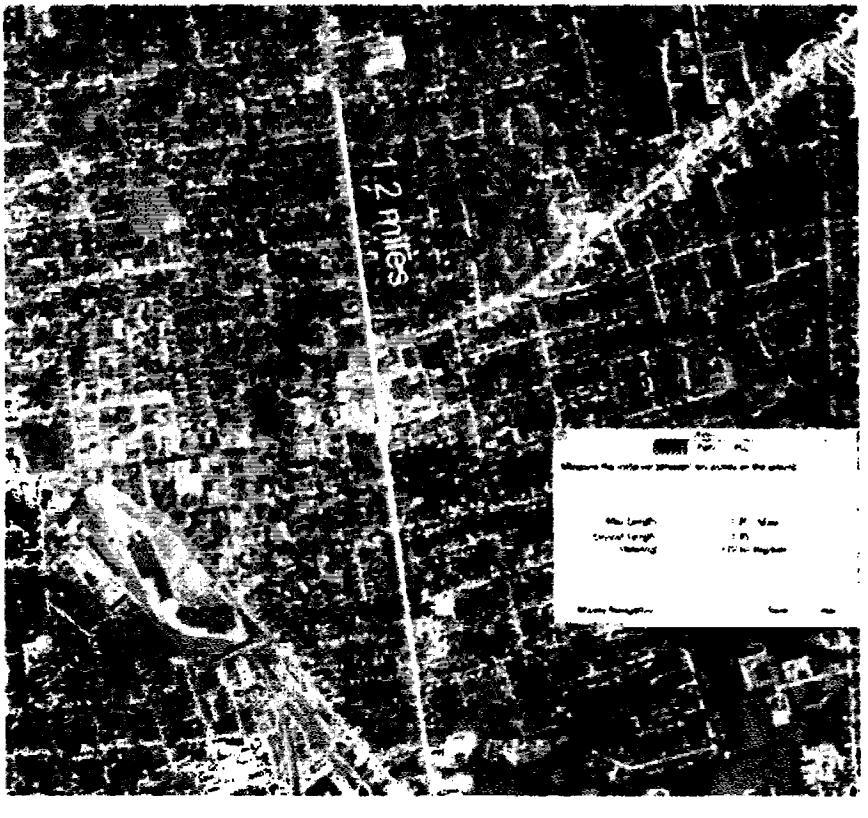


Figure 1.3

Equivalent area in a historic settlement.

Figure 1.4

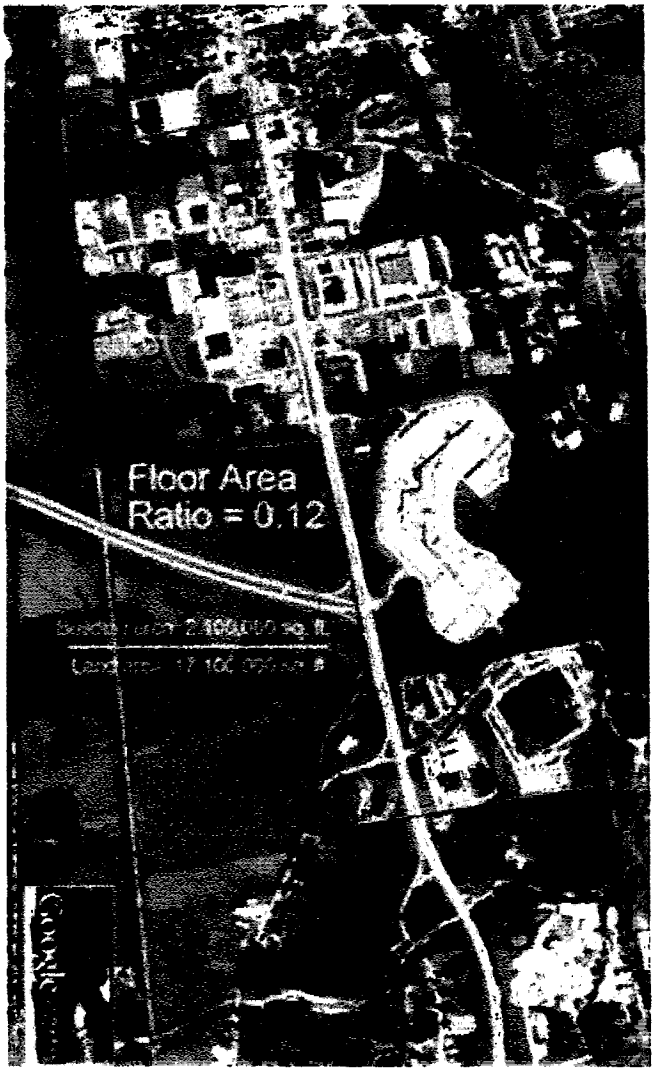
Rutland's historic core is approximately .25 miles. in radius.

Figure 1.5. Overlapping pedestrian zones in Rutland City. A continuous pattern of pedestrian-friendly streets connect destinations farther than a quarter mile.

Figure 1.6
Pedestrian walk zone applied to project development area. Residential buildings are shown in yellow.

Figure 1.7. An abundance of paving with a high lot coverage in the development gives the appearance of high density.

Figure 1.8 The presence of traffic, parked cars, and signs add to the impression of density.



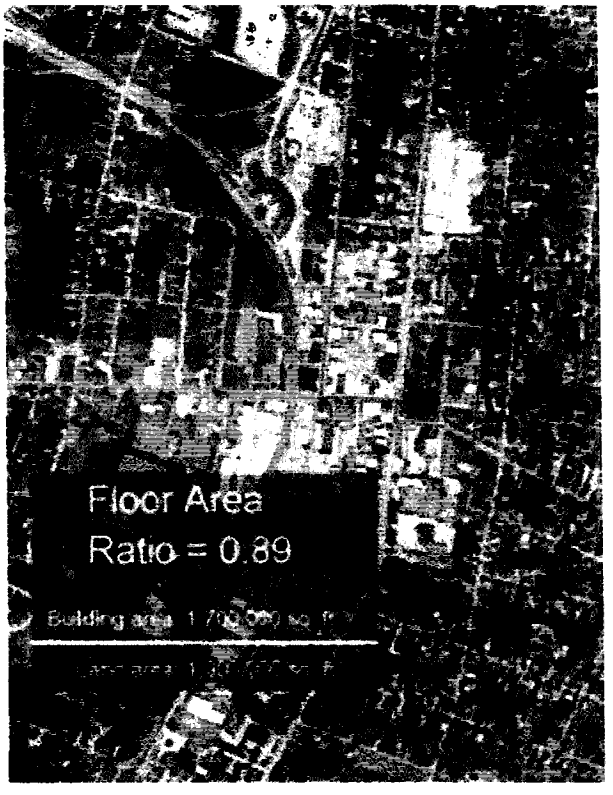


Figure 1.10 The density of downtown Rutland is a floor area ratio of .89, seven times more dense than the proposed development area. Multi-story structures, on-street parking shared parking lots, and tight arrangements of buildings contribute to the higher density,

Figure 1.9 The density of the proposed development area measured as a floor area ratio, is .12. This is common for strip development and sprawl locations. Contributors to a lower density are one-story buildings, large setbacks, and overabundance of parking, which is dedicated to a single use.

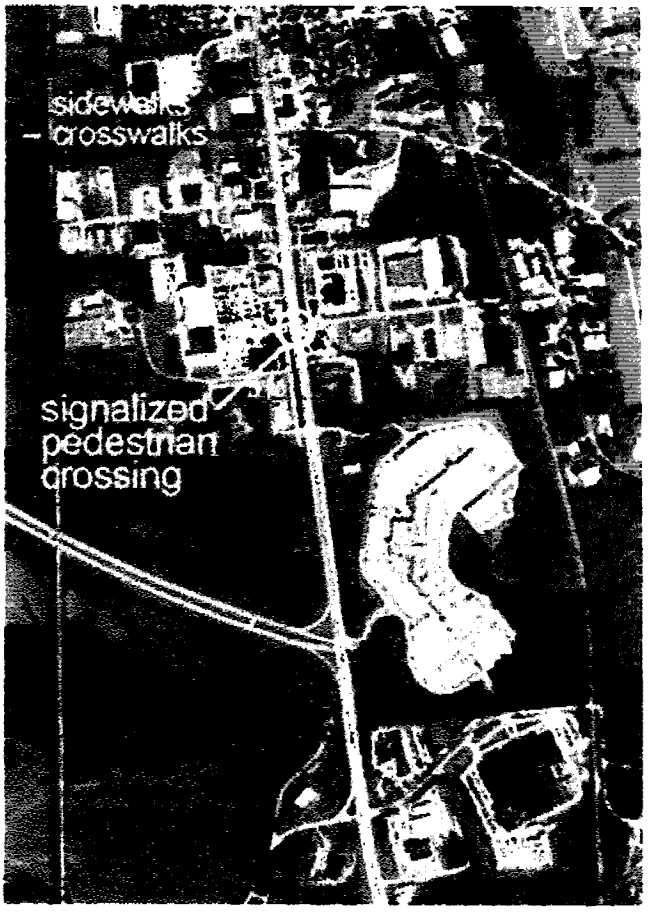


Figure 1.11
Sidewalks are intermittent along Route 7 and do not exist south of the proposed site. There are no pedestrian facilities connecting the existing sidewalks to businesses along the road. Pedestrians can safely cross the highway at a single location, forcing added walks as long a a third of a mile to get to a business or bus stop on the opposite side.

Figure 1.12
Sidewalks along Route 7 do not connect with retail services

Figure 1.13
Route 7 sidewalk ends at the entrance to the Green Mountain Plaza.

Figure 1.14
Difficult pedestrian crossing of the busy entrance to Green Mountain Plaza.

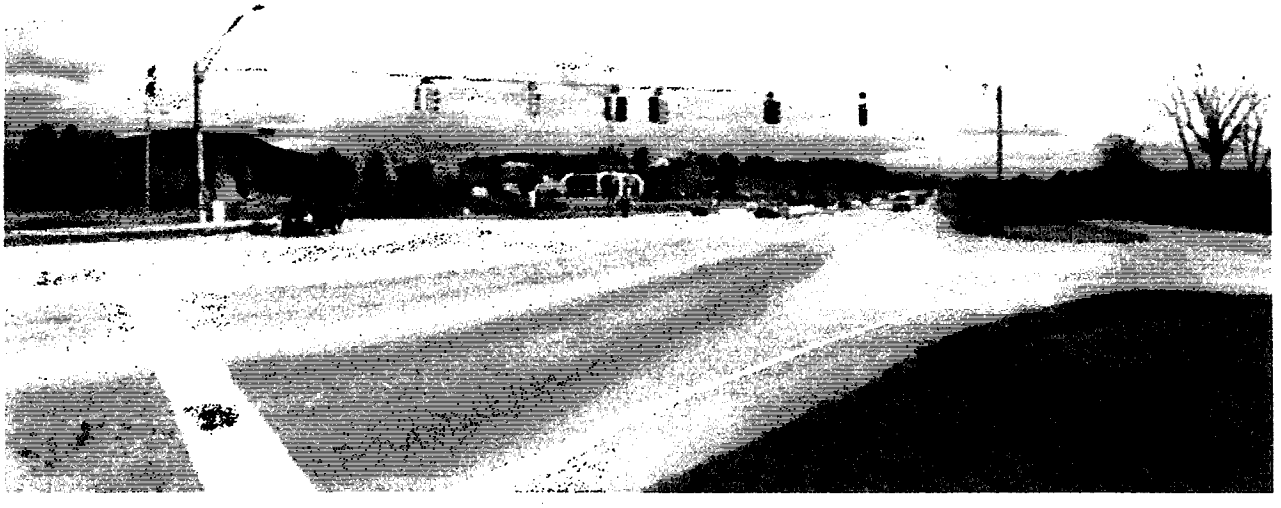


Figure 1.15
Intersection of Route 7 and the access road to Diamond Run Mall. There are no accommodations for pedestrians such as sidewalks or a signalized crossing.

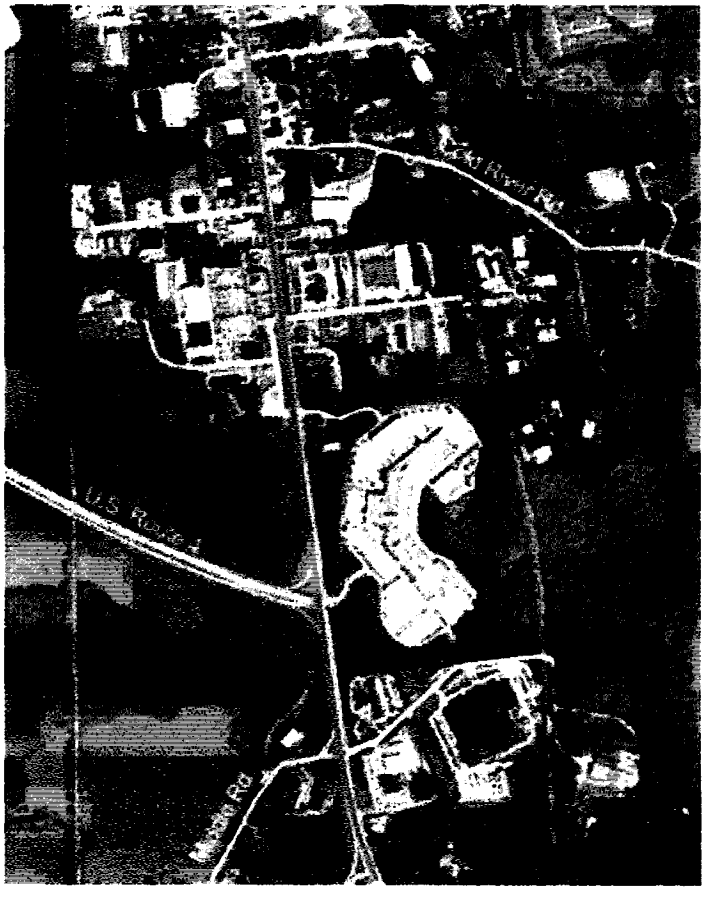


Figure 2.1
The proposed development area features a hierarchical road system, with Route 7 forming the single north-south through connection. Cold River and Middle Roads access few land uses and Route 4 accesses none. Most businesses are reached by traveling along the highway and dead end streets or driveways.

Figure 2.2.
With its many intersections, the interconnected street network of Rutland City disperses traffic and allows several route options.

Figure 2.3 Pattern of access in the proposed development area. In the northern segment, traffic moves directly onto and off of Route 7. The southern segment features some access management, with shared curb cuts.

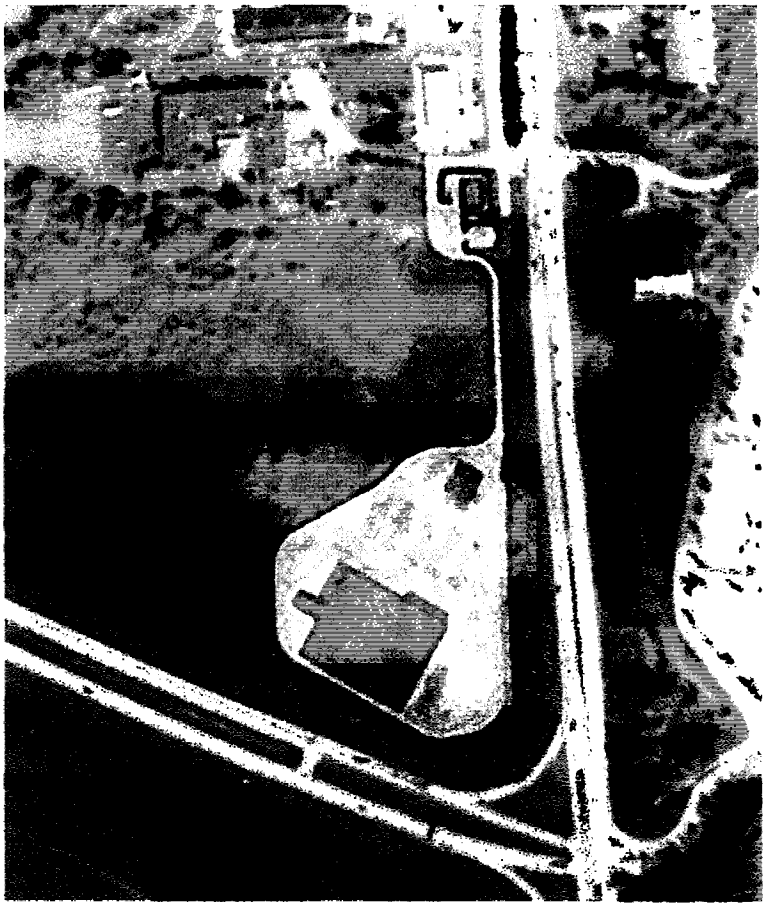


Figure 3.1
Locating the retail and restaurant at the southern edge of the site, requires the construction of a long access road.

Figure 4.1
The proposed site is on and surrounded by natural resource land with ecological and aesthetic values.

Figure 5.1

Commercial strip development in 1999, before infill development.

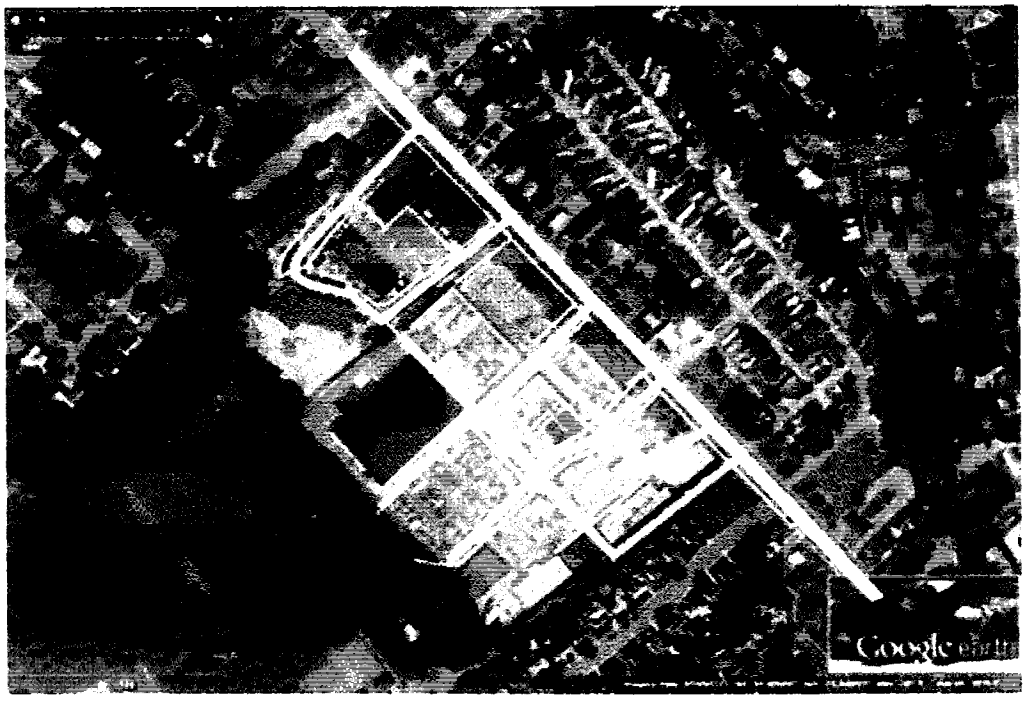


Figure 5.2

Infill development helped transform the shopping center into a more walkable neighborhood center by adding a connected network of streets and sidewalks (white) with building (dark red) set along the new streets.

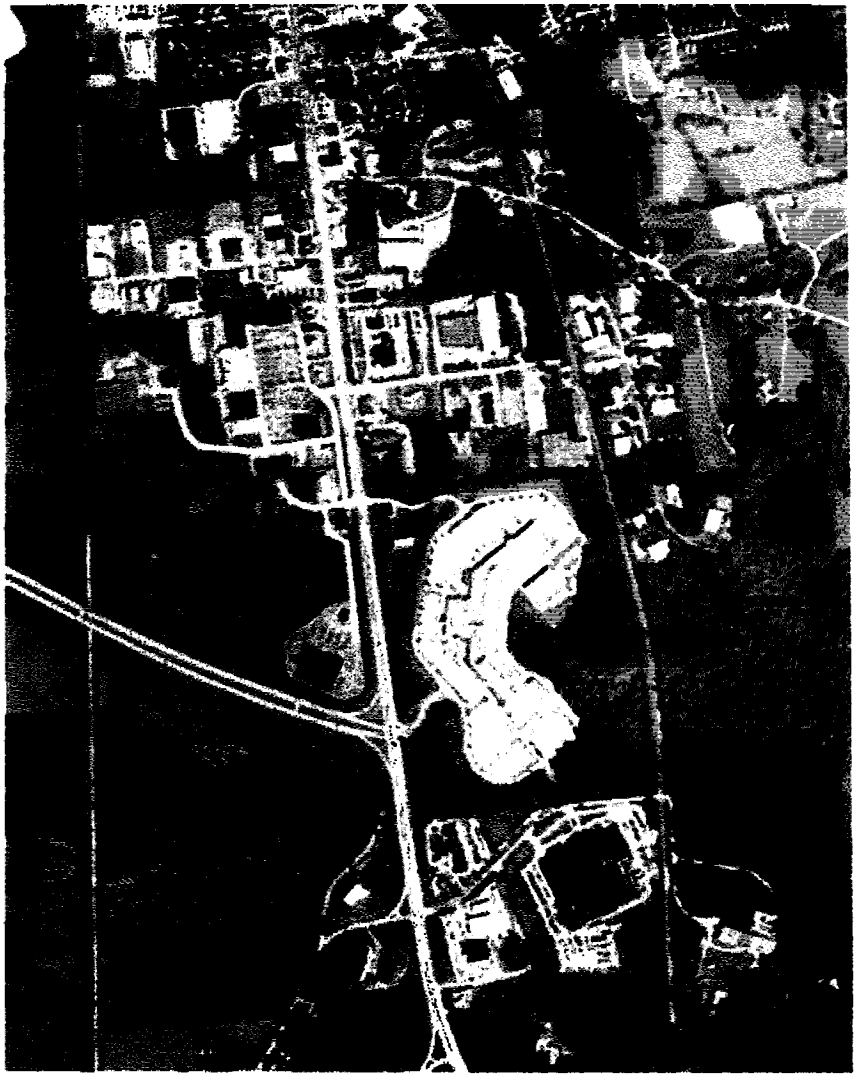


Figure 5.3
Connections from the proposed project to surrounding land uses are limited to a series of cul-de-sacs in a portion of the area. All other land uses are accessed via Route 7.

Tables

Table 1.1 Uses in the proposed development area are predominantly commercial with one property containing residential.

Development	Use
EAST SIDE of ROUTE 7	
Retail (Aldi/Salvation Army)	retail
Valvoline	auto sales
Rutland Motorcars	auto sales
Kinney Subaru	auto sales
Randbury Road buildings	industrial
Kinney VW	auto sales
Portland Glass	retail
Green Mountain Plaza	retail
Farrell Distrtibuting	industrial
Taco Bell	restaurant
Mixed Retail (Aspen)	retail
Hampton Inn	hotel
Holiday Inn	hotel
Alderman's Kia	auto sales
Formula Ford	auto sales
WEST SIDE of ROUTE 7	
Uhaul	auto service
Muffler & Brake	auto service
Green Mtn Credit Union	bank
TD Bank	bank
Sunoco	auto service
Friendly's	restaurant
Cold River Rd buildings	industrial
Stanley/Adele Place housing	residential
Shearer Honda	auto sales
Toyota Dealership	auto sales
Replay Sports	retail
VT State Credit Union	bank
Seward Rd Bldgs	industrial
Seward Rd Indust	industrial
Red Roof Inn	hotel
Ponderosa	restaurant
Diamond Run Mall	retail
Alderman's Chevrolet	auto sales
LaValley Building Supply	retail
Tractor Supply	retail
General Electric	industrial

Table 1.2. Square footages of existing buildings, listed by property and floor. Five properties contain multi-story structures. Dividing the total building area by the total site area reveals the floor area ratio for the proposed area - 0.13.

Floor Area Ratio Analysis — Route 7 Corridor, Rutland Town

Development	Approximate sq. footage by floor			Total bldg sq.ft.
EAST SIDE of ROUTE 7	1 floor	2nd floor	3rd floor	
Retail (Aldi/Salvation Army)	18,000			18,000
Valvoline	2,100			2,100
Rutland Motorcars	7,156			7,156
Kinney Subaru	10,600			10,600
Randbury Road buildings	156,850			156,850
Kinney VW	19,400			19,400
Portland Glass	3,800			3,800
Green Mountain Plaza	207,000			207,000
Farrell Distrtibuting	86,300			86,300
Taco Bell	2,850			2,850
Mixed Retail (Aspen)	9,000			9,000
Hampton Inn	16,500	16,500	16,500	33,000
Holiday Inn	65,700	39,400		105,100
Alderman's Kia	16,200			16,200
Formula Ford	21,600			21,600
WEST SIDE of ROUTE 7				
Uhaul	14,700	5,300		20,000
Muffler & Brake	2,517			2,500
Green Mtn Credit Union	2,161			2,100
TD Bank	1,000			1,000
Sunoco	3,200			3,200
Friendly's	5,500			5,500
Cold River Rd buildings	62,600			62,600
Stanley/Adele Place housing	23,100	21,200		44,300
Shearer Honda	13,000			13,000
Toyota Dealership	32,600			32,600
Replay Sports	10,790			10,790
VT State Credit Union	3,800			3,800
Seward Rd Bldgs	154,700			154,700
Seward Rd Indust	139,800			139,800
Red Roof Inn	32,600	25,400		58,000
Ponderosa	9,450			9,450
Diamond Run Mall	450,000			450,000
Alderman's Chevrolet	36,600			36,600
LaValley Building Supply	23,800			23,800
Tractor Supply	21,400			21,400
General Electric	400,000			400,000

	Total building area in sq. ft.	2,194,096
Deveolped area- 392 acres	Total land area in **sq. ft.**	17,088,600
	area ratio	.1.

*Sources: Applicant's petition, past Act 250 applications, **Google Earth, Google** planimeter*

Downtown St. Albans		
Compact walkable center		
Downtown core-44 acres	Total building area in sq. ft.	1,700,000
	Total land area in sq. ft.	1,916,640
		0.89

*Source: St. Albans Group and WalMart Stores, Inc. No 6F0471-**EB, 1995 WL**404828*
(VT Environmental Board, 1995)