



July 28, 2014

Ms. Donna Jerry  
Green Mountain Care Board  
89 Main Street  
Montpelier, VT 05620-3101

Re: Fletcher Allen Health Care, Inc. South Burlington Property Acquisition  
Docket No. GMCB-015-14con

Dear Ms. Jerry:

Enclosed for filing in the above-referenced matter, please find a Request for *Amicus Curiae* Status.

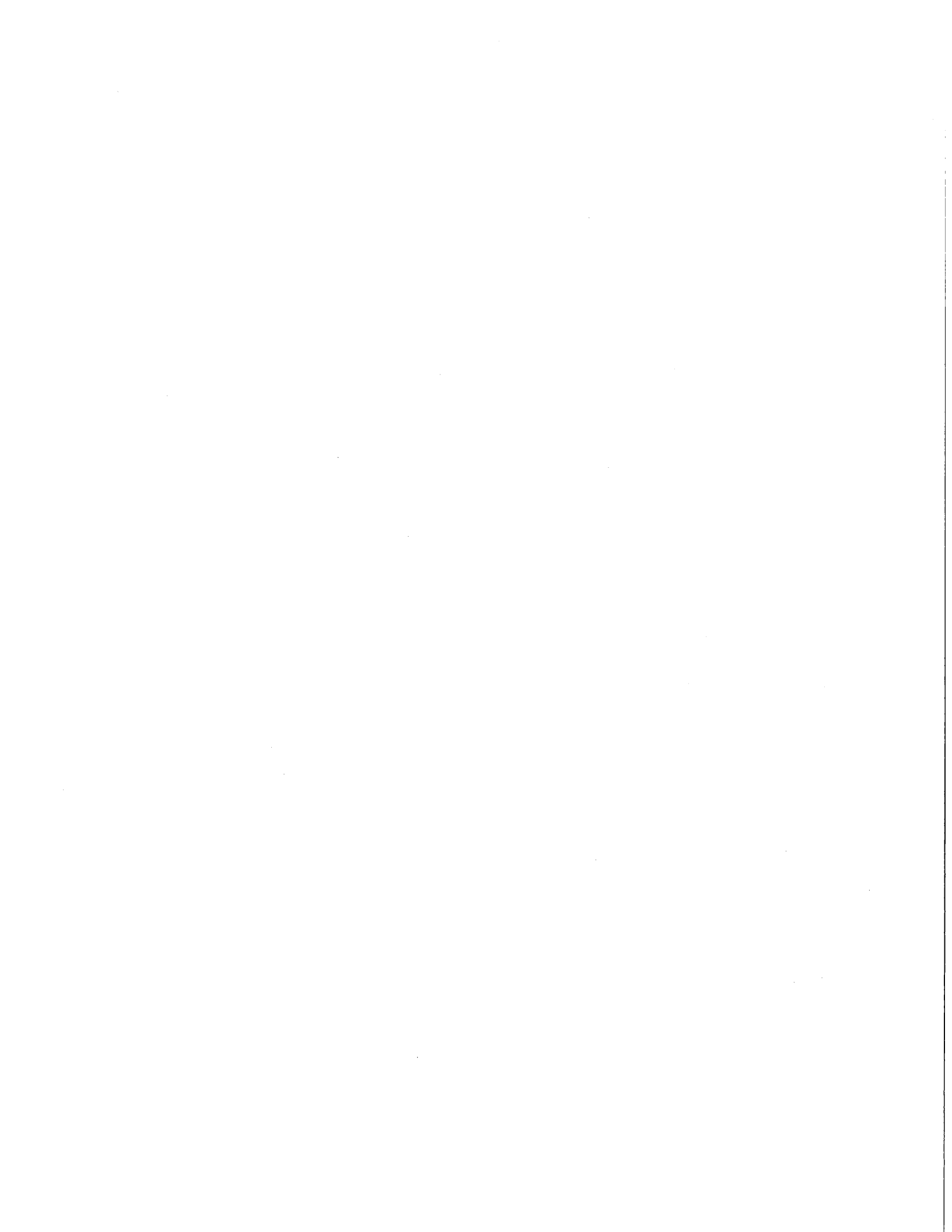
Sincerely,

A handwritten signature in black ink, appearing to read "James W. Barlow", with a long horizontal flourish extending to the right.

James W. Barlow  
City Attorney

Enc.

cc: O. Whitman Smith, Esq.  
Spencer R. Knapp, Esq.  
Steven J. Klein, Esq.  
Kaili Kuiper, Esq.  
Lila Richardson, Esq.  
Michael N. Donofrio, Esq.  
Judith Henkin, Esq.  
Kimberlee J. Sturtevant, Esq.





Maitri Health Care for Women, and Hemmett Family Chiropractic and Massage. Numerous other health care providers maintain offices and facilities throughout the City.

South Burlington is an employment, trade and housing center for the region and the state, with a growing population of over 18,500 residents.<sup>1</sup> According to data from the U.S. Census Bureau, the City's average annual growth rate from 2000 to 2010 was 1.9 percent. Concurrently, the age profile of the City's population has shifted, with the percentage of population composed of children under 18 declining at the same time the population segment made up of residents age 65 or older has increased. The City's growing population of older residents is expected to require more access to health care services in the future.

The City is a growing regional employment center and added nearly 1,000 jobs between 2000 and 2008. South Burlington's economy is characterized by a diverse mix of businesses, including several large companies and a many small to medium sized firms. In 2006, the Vermont Department of Labor counted more than 1,100 establishments and more than 18,400 jobs in the City, without consideration of the self-employed and many small businesses with no employees. Of the people working in the City, approximately 20 percent live in Burlington, 15 percent live in South Burlington, and 10 percent live in Colchester. Most of the remaining workers commute from other Chittenden, Franklin, and Addison County towns.

The City's regional economic prominence is supported by its transportation network, which includes direct access to Interstates 89 and 189, linking South Burlington to the greater Chittenden County region and all of the State of Vermont. Though there are approximately 120

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<sup>1</sup> United States Census Bureau State and Count Quick Facts, <http://quickfacts.census.gov/qfd/states/50/5066175.html>

miles of roadway within South Burlington, the City is gradually shifting from an automobile dependent, suburban development pattern to a multi-modal, urbanizing development pattern.

In this regard, the City has one of the region's most developed networks of recreation paths and sidewalks, with over 70 miles of sidewalk, 20 miles of paved recreation path, and 10 miles of pedestrian trails in the City. Public transportation services are provided in South Burlington by Chittenden County Transportation Authority (CCTA). CCTA provides several fixed routes in the City, including the Shelburne Road route, the Williston Road route, the South Burlington Circulator route, and a Tilley Drive shuttle. Travelers coming to South Burlington from the south can take the CCTA Route 116 Commuter from Hinesburg or the Middlebury LINK Express. Those coming from points east can ride the Montpelier LINK Express.

The provision of health care services within the City furthers South Burlington's goal of being a complete city – one that provides a full diversity of employment opportunities and has available the full range of services expected of Vermont's second largest city and fifth largest municipality. FAHC's development of a coordinated outpatient medical campus on the Property aligns with several specific goals identified in South Burlington's planning documents.

Recognizing that no detailed site designs or transportation system improvement plans have yet been developed by FAHC, the project has strong potential, with thoughtful design, to serve an integral role in advancing the City's smart growth goals in this portion of the community. FAHC's proposed outpatient medical campus has the ability to help in the City's establishment of a robust multi-modal transportation network, integration of existing and planned land use patterns in the area, and implementation of the City's goals for prioritizing development in areas served by existing infrastructure such as this site through a pedestrian-and bicycle, land-

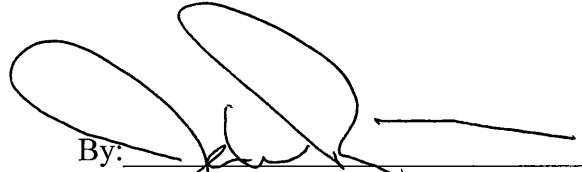
efficient campus design. The City looks forward to working with FAHC in the implementation of a campus plan of this nature.

The City of South Burlington, as the municipal host of both existing and planned FAHC facilities at the Property, is in a unique position to provide assistance to the Green Mountain Care Board in the form of nonduplicative evidence relevant to the Certificate of Need application decision presently before the Board. Green Mountain Care Board Rule 4.406, 18 V.S.A. §9440(c)(7). In particular, the City of South Burlington is prepared to offer the Board evidence of how FAHC's purchase of the Property is consistent with South Burlington's planning goals, land use regulations, and existing development patterns. The City is also prepared to offer evidence regarding municipal infrastructure (e.g., water, sewer, transportation) and municipal services (e.g., fire and police protection, public transportation) available to serve the Property.

Such evidence is relevant to several CON criteria, including the cost of the project, improvement of quality of and access to health care, whether the project will serve the public good, and whether the applicant has adequately considered the availability of affordable, accessible transportation facilities to the property. 18 V.S.A. §9437(2), (4), (6), and (7). It is also relevant to the Board's determination whether the proposed Project is consistent with the policy and purposes set forth in Chapter 221 of Title 18 of Vermont Statutes Annotated and the statutory purposes set forth in 18 V.S.A. §9372. Green Mountain Care Board Rule 4.402(1).

For these reasons, the City of South Burlington respectfully requests that the Green Mountain Care Board grant the City of South Burlington *amicus curiae* status in this proceeding.

Dated this 20<sup>th</sup> day of July, 2014

A handwritten signature in black ink, appearing to read 'James W. Barlow', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

By:  
James W. Barlow, City Attorney  
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