



**VILLAGE OF ESSEX JUNCTION  
TRUSTEES  
SPECIAL MEETING AGENDA  
PUBLIC HEARING  
FINDING OF LOCAL NECESSITY**

2 Lincoln Street  
Essex Junction, VT 05452  
**Tuesday, July 2, 2019**  
**6:00 PM**

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1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG** [6:00 PM]
2. **CONSIDER REQUEST FOR CONTINUANCE**
3. **EXAMINATION OF THE PREMISES (SITE VISIT RAIN OR SHINE)**
4. **PUBLIC HEARING (2 LINCOLN STREET)**
  - a. Presentations and testimony by staff and engineers
  - b. Public comment and testimony by interested parties
  - c. Close the hearing
5. **DELIBERATIVE SESSION**
6. **ADJOURN**

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Certification: 06/28/2019

Date Posted

*MMitchell*  
Initials

MINUTES ARE SUBJECT TO CORRECTION BY THE ESSEX JUNCTION BOARD OF TRUSTEES. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE BOARD.

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
SPECIAL MEETING  
PUBLIC HEARING – FINDING OF LOCAL NECESSITY  
MINUTES OF MEETING  
July 2, 2019**

**TRUSTEES PRESENT:** Andrew Brown, George Tyler, Amber Thibeault, Dan Kerin.  
**ADMINISTRATION:** Evan Teich, Unified Manager; Robin Pierce, Community Development Director; Greg Duggan, Deputy Town Manager; Richard Hamlin, Village Engineer.  
**OTHERS PRESENT:** John Benson; Brian Bresland; Ande Deforge, VTrans; Corey Mack, Eliza van Lennep, Langrock, Sperry & Wool; Bill Kalanges; David Knox; Colin Flanders, Essex Reporter; Robert White.

1. **CALL TO ORDER and PLEDGE OF ALLEGIANCE**

Andrew Brown called the meeting to order at 6:03pm. Members of the public who wished to give testimony were sworn in.

2. **CONSIDER REQUEST FOR CONTINUANCE**

Mr. Brown introduced for the Trustees' consideration a request for continuance from Mr. Bill Kalanges, property owner in the Village of Essex. Ms. Eliza van Lennep of Langrock, Sperry & Wool gave testimony on behalf of Mr. Kalanges. She stated that the public notice warned on May 24 was insufficient on constitutional grounds because her client could not determine with certainty how the proposed project would impact his property nor precisely which parts of his parcel would be affected. She stated that the site plan was not included in the notice of hearing and that it is inconsistent with prior site plans, making it difficult for her client to determine necessity and damages to his property.

Robin Pierce, Community Development Director for the Village of Essex Junction, replied that all statutes were adhered to in the May 24<sup>th</sup> notice. He also stated that the proposed plan would improve all affected properties. He added that the proposal for consideration, referred to as Alternative 1, has shifted slightly since being introduced in 2011, and that there have been 13 warned public hearings on this proposal since then. He stated that this hearing was adequately warned, that the site plan was included in the notification, and that it was provided to the property owner and his attorney.

Ms. Van Lennep noted that the notice did not include specific dimensions of the project, such as the width of the proposed road, and that the site plan from the scoping study differs from the proposed Alternative 1. Mr. Pierce noted that the property owners who would be impacted by this project were notified of any changes from the scoping study prior to this public hearing.

Mr. Tyler commented that requirements for the notice of public hearing had been sufficiently met and that he would propose to deny the request for continuance.

**GEORGE TYLER made a motion, seconded by AMBERT THIBEAULT, to deny the request for continuance. Motion passed 3-0.** (Mr. Kerin was not present at the time of voting.)

3. **EXAMINATION OF THE PREMISES (SITE VISIT RAIN OR SHINE)**

The Trustees commenced with a visit of the site in question to review properties at 6:13pm. The Trustees reconvened indoors after the site visit at 6:40pm.

#### 4. **PUBLIC HEARING (2 LINCOLN ST)**

##### a. **Presentation and testimony by staff and engineers**

Mr. Richard Hamlin, Village Engineer, provided an overview of the Five Corners area as it relates to the Crescent Connector project. He requested that the Trustees consider the necessity of the project as it relates to public good, public necessity, and convenience for the Village of Essex Junction.

Mr. Hamlin provided historical context for the Crescent Connector project and the proposal currently in front of the Trustees for their consideration. He noted that the project was born out of a scoping study in 2011, which resulted in two routes for consideration—the southern alignment (Alternative 2) and northern alignment (Alternative 1). Based on input from residents and property owners in the public meeting process, Alternative 1 was ultimately selected as the proposed and accepted route by the Trustees. After this, an environmental assessment (EA) was conducted and presented to the public, which examined how the proposed route would impact traffic, air quality, noise, any socioeconomic or historical impacts, and hazardous material impacts. The assessment determined that there were no findings of significant impact, which allowed the project to move into the design phase.

Mr. Hamlin walked through the project design process, phases, and timelines. He described the steps of the process, which include the preliminary design, acquisition of permits, right-of-way, final design, bid documents, and construction. He noted that the timeline from the scoping study and environmental assessment through the right-of-way step is lengthy, but that the timeline moves more quickly from the right-of-way through the bidding process. He also noted that the Crescent Connector project is divided into two segments: Phase A, which includes the Park St. to Maple St. portion of the project, and Phase B, which is the Maple St. to Main St. portion of the project. Finally, Mr. Hamlin noted that there would be a new railroad crossing included in the project, and that it would align with the existing roadway (and not be a 90-degree-angle crossing, which makes it unique).

Mr. Hamlin discussed the right-of-way plans in Phases A and B, and briefly discussed the easements or rights-of-way included. He noted that all properties that have had appraisals conducted have signed letters of intent to allow temporary closing, except for the property of Mr. Kalanges. He detailed each of the temporary and permanent easements included in Mr. Kalanges' property, which included a total of 6,684 square feet of permanent easements and 2,200 square feet of temporary easements.

Mr. Hamlin then provided a summary of the purpose of and need for the Crescent Connector project, which were included in the scoping study and environmental assessment. Briefly, the project's purpose would be to facilitate regional travel, improve local circulation in the Village Center, improve safety (for vehicles, cyclists, and pedestrians), enhance economic opportunities within the Village, improve air quality, and have positive socioeconomic impacts. The need for the project is based on current levels of traffic congestion, which result in extensive delays, traffic volumes exceeding capacities, disruptions to adjacent businesses and a high vehicle crash rate for a portion of the adjacent roadway. He walked through each of the needs and how they were examined in the scoping study or environmental assessment. Additionally, he noted that the project would also result in improvements to railroad signal and tracks throughout the village. Finally, he described the costs of the project, noting that it would be approximately 81% funded by the federal highway administration, 19% by the state of Vermont through VTrans, and that there would be no local match. The current total

projected cost of the Crescent Connector project would be \$7 million, \$1.85 million of which has been expended for design costs.

Mr. Hamlin finally noted that if the Crescent Connector project is not built, the Village would not be able to acquire the half of Railroad Street that is currently owned by Genesee and Wyoming Railroad, current traffic levels of service will continue to decline, no safety improvements will be made for pedestrians or cyclists, no rail improvements will be made, and the Village must repay the costs expended to date.

*Trustees discussion:*

Mr. Tyler asked if the Crescent Connector project was part of the CIRC alternative program under former Governor Shumlin. Mr. Hamlin replied that the Crescent Connector project was approved by the regional planning commission as a circumferential highway alternative, after the circumferential highway concept itself lost favor. He also stated that this project was initially scoped in two pieces—Phase A and B—but were ultimately folded into one project.

Ms. Thibeault asked if the proposed Crescent Connector parking would impact parking spaces specifically on Mr. Kalanges' property. Mr. Hamlin replied that there may be some impact, but it should be minimal, as the 10 current spaces would be lost and 10 new spaces would be gained, in addition to the 20 spaces that would also be created across the street. He also added that more discussion of parking would occur if the project moves from tonight's necessity hearing to a compensation hearing phase.

Ms. Thibeault also expressed concern about repaying the state \$1.85 million for prior expenditures if the project does not move forward. Mr. Brown added that this would have a significant impact on taxpayers.

Mr. Tyler noted that in terms of economic development and improvement, this project would take a dead-end street and turn it into an area with through traffic, which could lead to more foot traffic to visit these commercial properties and bring added stability to these businesses.

Mr. Brown asked how this project would improve traffic at the 5 Corners area, citing an earlier note that it may reduce wait times at the intersection by around 30 seconds. Mr. Hamlin replied that it would take vehicles away from the 5 Corners intersection and shorten those queues. He also noted that the traffic modeling included in the presentation did not include the proposed improvements to the Park St. queue protection, which means that the reduction in wait times could even be greater than what was modeled.

*Public discussion of Village staff presentation:*

Mr. Hamlin was cross-examined by Mr. Kalanges' legal representative, Ms. Van Lennep. She asked Mr. Hamlin if the proposed plans had been provided to landowners of the parcels in question. Mr. Hamlin replied that both the project plans and right-of-way plans had been provided to the affected landowners, and that they include descriptions of the meets and bounds and areas of takings, as well as a survey-level detail of the proposed takings, and precise descriptions of the boundaries for the takings. He added that he met with Mr. Kalanges to review this information in May.

Ms. Van Lennep noted that there had been an assertion that there would be no changes made to the parking lot in the drive easement, and that the plan does not consider the current use of Mr. Kalanges'

property. She added that her client currently has free use of the parking lot as is, but the proposed plan would enforce certain use of the property. Mr. Hamlin replied that all designs must conform to MUTCD standards, and that some of the statements about property use may be better discussed at a compensation hearing. Ms. Van Lennep also cited 19 VSA 501, which defines "necessity" as the greatest public good and least inconvenience and expense to the property owner, and she believes that the proposed plan does not meet this definition in the context of Mr. Kalanges' property.

Ms. van Lennep also asked if staff engineers had considered moving the roadway so that it did not pass through Mr. Kalanges' property, suggesting the area that would be created for 20 parking spaces on the other side of the proposed roadway. Mr. Hamlin replied that engineers made a large effort to keep the road as close to the railroad tracks as possible for minimal use of Mr. Kalanges' property. However, any further movement would skew the railroad crossing angle more, potentially making the crossing more dangerous, which would then be more difficult to negotiate with the railroad company.

Mr. Benson added that the scoping report and environmental assessments both included consideration for a number of different alternatives, and identify why those other alternatives were not ultimately considered feasible for this project.

Mr. Pierce added that all relevant documentation has been gathered and included in the materials for tonight's necessity hearing, including the scoping study, environmental assessment, and correspondence and emails from the Village and property owners, and that this is all in line with statute.

#### **b. Public comment and testimony by interested parties**

Mr. Kalanges, one of the property owners with parcels on which the Village is seeking easements, was sworn in. Ms. van Lennep stated on behalf of Mr. Kalanges that he is formally contesting the necessity of the plan based on its location and whether it truly needs to infringe upon his property. She stated that the notice did not notify Mr. Kalanges properly, and that tonight represents the first time that he had learned where the road would be situated on his property. She further stated that there has been no information regarding requirements for traffic plans and other requirements and their effects on his property, and that it would significantly impact current use of property (large trucks that require a very wide turning radius), and that it would negatively impact his business on this property.

Ms. van Lennep asked Mr. Kalanges about the information he had been given about this project since initial discussions in 2011. He stated that he learned about the project in 2011 and wrote a letter of support for it, but that he thought the proposed would be much smaller than the current design demonstrates. He also stated that the notice he received on May 24 did not clearly describe the takings, and that he would not have supported the project if he had known that it would negatively impact the parking situation on his property. He stated that the proposed plan would adversely affect his tenant, which would not be able to function, and that he would lose income as a result. He finally stated that the project as described is not necessary and would not improve conditions for Essex Junction.

Mr. Tyler stated that Mr. Kalanges was aware that the proposed plan would design a road, not a lane, that would connect Park St. to Maple St. Mr. Kalanges replied that he had thought the project would be called Crescent Lane, based on discussion from 2011, and that it would be a relatively small road. Mr. Tyler noted that Mr. Kalanges's initial letter of support in 2011 had said that the project would increase the stability of tenants. Mr. Kalanges replied that the plan as proposed today would not increase the stability of his tenants.

Mr. Brown noted that Mr. Kalanges stated that trucks would have a difficult time turning into Mr. Kalanges's property under the current Crescent Connector proposal. He asked Mr. Hamlin to discuss how the road was designed with regard to truck traffic that might be using it, as it relates to Mr. Kalanges's property. Mr. Hamlin stated that the project has been designed to accommodate trucks of all sizes, that it provides an alternate route between Park St. and Main St, and that one of the requirements of the design was to ensure that large tractor trailers could be maneuvered through intersections. He stated that his designers could work with property owners to ensure that single unit trucks would be able to access and maneuver through the parking lot in question.

Mr Brown addressed the comment that the 2011 plans are different from the currently-presented plans. He noted that the original plan was from the scoping study, and that one of the two alternatives proposed therein was ultimately selected, and it was selected in part because it would have less of an impact on properties. Mr. Hamlin added that the compromise reached with the railroad company to slightly skew the railroad crossing moves the roadway further away from Mr. Kalanges's property, minimizing impacts to his property even further.

Mr. Kalanges stated that the plan as just described would impact even more of his parking to allow trucks to enter and exit the buildings on his property.

**c. Close the hearing**

The public portion of the hearing and all evidence presented were closed.

**5. DELIBERATIVE SESSION**

The Village Trustees adjourned the public hearing and entered into a deliberative session at 8:43pm with their legal counsel.

Respectfully Submitted,  
Amy Coonradt