

**MINUTES**  
**TOWN OF WATERBURY NOTICE OF PUBLIC HEARING**  
**RE: US ROUTE 2 – MAIN STREET RECONSTRUCTION**

US Route 2 – Main Street Reconstruction FHWA FEGC F 013-4 (13)  
Condemnation and Necessity Proceedings

May 15, 2017 ~ 6:30pm  
Steele Community Room ~ 28 North Main Street

Present: C. Nordle, Attorney; M. Metayer, D. Schneider, C. Viens, M. Frier, Select Board; W. Shepeluk, Municipal Manager; B. Farr, Transportation Liaison; W. Woodruff, Public Works Director; S. Lotspeich Community Planner; and C. Lawrence, Town Clerk.

Public: See attached list.

At 6:30pm, C. Nordle opened the public hearing and asked attendees to sign in. He asked that if people wish to speak, they use the microphone, state their name and where they own property. C. Nordle then read the notice of hearing that was published, posted and sent to property owners. He explained the site visit and testimony is part one of the hearing process. The site visit was done on Saturday May 13<sup>th</sup>. If the Select Board makes a determination of necessity, part two will be to review damages and determine what appropriate compensation will be.

C. Nordle read two definitions of ‘necessity’ that the Board will be considering and reviewed several critical elements relative to the Board’s consideration. C. Nordle explained that the testimony tonight is limited to the necessity of the project overall. The Board will render a public decision as to their findings on necessity; and if positive, compensation hearings will occur later in the summer.

Rick Boyle had a question on the notice, and asked why condemnation was part of the notice. C. Nordle responded that condemnation is a two part process – necessity standard and condemnation.

Those witnesses that wished to speak throughout the evening were sworn in.

W. Shepeluk gave a history of the project and stated that the project was conceived in the 1970’s. The initial reasons for the project included vehicular safety, bicycle and pedestrian safety, and upgrades to the streetscapes. In the early 1990’s, \$1.35 million was spent to replace water mains that serviced the Village. Some of the most important water mains were omitted from that project as they were slated to be replaced when the Main Street construction commenced.

W. Shepeluk further explained that the Town has been maintaining the streets in the Village since the 1990’s. Revitalizing Waterbury came into being 25 years ago, and about 10 years ago the Downtown designation was achieved. W. Shepeluk reviewed some projects that occurred in the downtown, including street lighting and beautification. Over the years, the Town has spent a considerable amount of money on preliminary projects that could not wait for the construction project. The Town’s share of the Main Street project is 2%.

W. Shepeluk stated that the original agreement was signed in the 1990’s between the Village of Waterbury and the State. The Village no longer has any responsibility for highways, and the Town has accepted responsibility for the cooperative agreement.

C. Nordle presented the Municipal Manager with two documents. The first was the cooperative agreement dated August 25, 1992, signed by the Village Trustees and approved by the Agency of Transportation. The second was an assignment and assumption agreement when the Trustees and Select Board agreed that the Town would be responsible for the duties as laid out in the cooperative agreement. By Select Board consensus, the two documents were entered as Exhibits 1 and 2, respectively.

W. Woodruff was asked to speak about the current state of affairs regarding water and sewer lines, and storm drain systems. He explained that the sewer lines are over 100 years old and inspection shows the lines are prone to cracking. The service life of these types of pipes is far less than 100 years. There have been several instances where connections into the sewer lines have become disconnected causing backups in homes and businesses. Repairs continue to be costly and time consuming.

W. Woodruff explained that there are a lot of the same issues with the water lines. They are undersized and old and they have served their usefulness. They do not provide adequate flows along Main Street. The storm drain system is inadequate in size, and cannot adequately handle a moderate storm. Improvements also need to be made to the sidewalks, including curbing.

The staff from VTrans gave a general project overview. Ken Upmal, project manager, spoke briefly to the concept of the project. The purpose of the project is to enhance transportation systems within the economic growth center, and enhance the economic vitality for the region. The project includes rebuilding the roadway; replacing water, sewer and storm drains; redeveloping the streetscape with sidewalks, period lighting, and underground power.

Shaun Corbett, of VTrans, then gave an overview of the utility relocation aspect of the project. There will be the presence of above ground utility cabinets and vaults. C. Nordle asked for a description of where this equipment needs to be located.

Greg Goyette, of Stantec, gave an overview of the design of the project. He stated that the project is complicated with everything that is happening along the one mile corridor and connecting side roads, including the replacement of sewer and water mains and services up to the highway right of way limit. These mains will be constructed to current standards. There will be replacement of storm drains throughout the corridor with larger size drains meeting current standards. Upgrades include utility poles and underground utilities along Main Street up to the State office complex. The roadway will be reconstructed to include new curbing, sidewalks, street lighting, and new trees planted along the corridor. C. Nordle asked if there would be full depth reconstruction which consists of removing all pavement and concrete, including sub base material. G. Goyette responded that the project includes building a new sub base, new pavement, and installation of under drains. It was asked if it was practical to omit upgrading water and sewer mains and storm drains. G. Goyette responded that this would not be practical in a project of this magnitude.

C. Nordle presented individual printed sheets of the project and asked G. Goyette if he had seen them before. G. Goyette responded in the affirmative and stated that these are the right of way plans developed for the project detailing temporary and permanent easements. The Select Board then marked the plans as Exhibit 3.

B. Farr, Transportation Liaison, stated that her role is to work with VTrans on a number of projects, including the Main Street project. She facilitates communication between various committees, the Town, Select Board, Municipal Manager, etc., to make sure projects are moving forward and any communications are accurate and timely. In addition, she works with Revitalizing Waterbury on the same projects, and they have been discussing a business retention plan during construction. B. Farr was involved in helping coordinate the meeting for this evening including posting and publishing notices in a timely manner, including notification to property owners and lending companies. C. Nordle presented some material to B. Farr, which she identified as receipts for the certified mailing to property owners, and the April 13<sup>th</sup> and April 27<sup>th</sup> editions of the Waterbury Record showing public hearing notices on page 17 of both editions. The Select Board marked the receipts as Exhibit 4, and the April 13<sup>th</sup> and April 27<sup>th</sup> editions of the Waterbury Record as Exhibits 5 and 6, respectively.

C. Nordle asked for questions from the Select Board. C. Viens asked about the underground electrical and flood proofing for conduits. S. Corbett gave a description of the materials used. After Tropical Storm Irene in 2011, a discussion about the design was held with various parties including VTrans, Stantec, and Green Mountain Power, and all parties were satisfied no extra problems will be caused by flooding.

It was asked if there was any requirement for homeowners to upgrade their segment of the water and sewer lines. The plan is to connect existing services.

D. Schneider asked about the width of the new road. G. Goyette stated that the road will generally be constructed within the existing footprint. At certain points, the sidewalks will be widened. G. Goyette addressed improvements that will be made to the sidewalk system. C. Nordle then invited questions from the public.

Mike Davis, at 106 South Main Street, asked for elaboration on the sidewalks in that section of the Village. G. Goyette explained that in that area, sidewalks have been widened towards the buildings by about a foot, and constructed within the highway right of way.

Rick Boyle, at 1 Randall Street, asked about the three phase power to go down Elm Street and angles and effect on the conduit. S. Corbett gave a description of the power in this section of the project. It was asked if there is sewer work being done on Elm Street. G. Goyette responded that there is a small amount of work being done on Elm Street. It was asked if there are plans for curbing or sidewalks on Elm Street. G. Goyette responded that roadway reconstruction stops part way down Elm Street and curbs and sidewalks will be rebuilt along that section and any sections where trenching will impact the sidewalks. R. Boyle stated that his primary concern was with a stub pole with a 10 foot sidewalk guy wire that will be installed on his property. He asked about how many parking spaces are going to be lost as a result of the project, and expressed concerns about parking issues in the Village. W. Woodruff responded that about 25 parking spaces will be lost within the entire project. W. Shepeluk responded that the Trustees have planned to allow public parking at 51 South Main Street throughout the duration of the project. A parking study was done and it was concluded that parking in the downtown core is adequate.

C. Nordle asked for a definition of what constitutes a parking spot. G. Goyette explained that a parking spot is delineated at 20 feet long and 8 feet wide. The plans also include minimum offsets from driveways for line of sight distance.

R. Boyle asked why three phase power had to be utilized. S. Corbett responded that three phase power provides higher voltage for businesses and provided additional information on the project plans. R. Boyle asked if utility lines could be buried on Elm Street. S. Corbett responded that burying lines would cause disturbance and cost issues. K. Upmal stated that the designs were developed with a practical and feasible approach, with cost effectiveness in mind. R. Boyle asked if the historic nature of a neighborhood was taken into account. K. Upmal responded that this was assessed through the environmental permitting process.

Paul Sipple, of 65 South Main Street and 7 Parker Court, stated that he was surprised to hear that there will be no insulation installed under the sidewalks. K. Upmal stated that insulation was not included in the design, and that the sidewalks are being designed in accordance with VTrans State design standards. P. Sipple discussed issues with parking at the Waterbury Service Center and deed easements. Staff and VTrans are committed to working to come up with a solution that is practicable on deeded rights of way.

P. Sipple stated that at his 65 South Main property, there was a question with placement of a pedestal. He asked how we would get notified in the event of a design change. K. Upmal stated that negotiations will continue, but the hearing will move forward under the current plan design.

Alan Hunt, at 9 North Main Street, owns the apartment building with his brother John. Aerial power lines will be going through this property negatively impacting his property. He asked to submit pictures of the property, and the Select Board accepted the pictures as Exhibit 7. The plans also call for the removal of 5 large trees. A. Hunt stated that these design issues will have a negative impact on their ability to rent units. He requested that serious consideration be given to putting the lines underground. J. Hunt stated that he performs the day to day management of the apartment building. It has become more difficult to rent apartments over the past few years, and will be very difficult to find tenants moving forward due to the construction. S. Corbett explained why the plans call for utility lines to run across the property. There is a need to get the lines across the railroad tracks to tie into the system on the other side. He stated that he does not believe going underground would be viable due to an underground fuel tank on the Legion property, and that aerial utilities are easier to install and maintain.

Jon Grace, at 81 South Main Street, asked where the money is coming from for the installation of the utilities. S. Corbett responded that if the utility work is something that is required by the project, the utility company gets paid by the project. J. Grace asked if there was an aesthetics study performed for the project. A tree study was done as part of the project, and overall aesthetics of the corridor were incorporated in the project permits. J. Grace asked for elaboration on the utility cabinet to be located on his property and asked several other questions about the project as it relates to his property. He suggested relocation of the terminating cabinet further down Park Row.

Anne Imhoff, at 6 Parker Court, submitted a survey for Parker Court that shows the access for the four houses behind Main Street and copy of the deed that grants an easement to her property. The Select Board accepted the survey and deed as Exhibits 8 and 9, respectively.

Everett Coffey, at 104 South Main Street, questioned the necessity of the project. He felt that requests for information were not answered in a timely fashion.

Julius Goodman, at 63 South Main Street, stated concern about the placement of a pedestrian crossing right across from his property. He also has a problem with utility pedestals on his property. No one has seen how these pedestals will look or has considered the aesthetics. J. Goodman entered into evidence images of pedestals which the Select Board accepted as Exhibit 10.

Mark Frier recused himself to discuss his property at 1 South Main Street. He stated that he supports the project and represents a business on Main Street. He is concerned about potential loss of business during construction and asked what to expect as a business owner for accessibility during construction. K. Upmal stated that businesses and residences alike will be interrupted at various stages during the construction; and at all locations along the corridor, activities will come and go. VTrans has made extensive efforts to develop traffic management plans. They will have a fulltime public relations officer, and B. Farr will provide information on anticipated scheduling of activities.

R. Boyle asked about alternative designs for the utilities on Elm Street. S. Corbett stated that there is no other viable route. R. Boyle introduced pictures of his house and how it will appear with the proposed telephone pole and continued to express concerns about aesthetics and the impact on his building.

M. Davis stated that he believes the infrastructure portion of the project is necessary, but does not feel it is necessary for a 6 foot sidewalk on the east side of the street as there is more space on the west side. G. Goyette gave a description as to how the width of the sidewalk was decided upon, ultimately after public input. E. Coffey stated he was unaware of the 6 foot sidewalk in this section of the project and sees no reason to have this width of sidewalk through this area.

At 10:08pm, the Select Board exited for a brief deliberative session. They returned at 10:14pm. The pictures previously distributed by R. Boyle were entered into evidence as Exhibit 11.

At 10:20pm, D. Schneider made a motion to close the evidentiary hearing. The motion was seconded by M. Metayer and passed unanimously. The Board then privately deliberated for 20 minutes and will present its findings in a written decision.

Respectfully submitted,

Carla Lawrence, Town Clerk