



City of Keene  
*New Hampshire*

**MUNICIPAL SERVICES,  
FACILITIES AND INFRASTRUCTURE  
COMMITTEE  
AGENDA  
Council Chambers B  
April 12, 2017  
6:00 PM**

Janis O. Manwaring  
Randy L. Filiault  
Robert J. O'Connor  
Stephen L. Hooper  
Gary P. Lamoureux

- 
1. Presentation - Outside Agency Funding - Human Services Department
  2. James Phippard - Brickstone Land Use Consultants - Request to Alter a Tax Ditch Easement on Lee Street  
Resolution R-2017-09
  3. Water Street Rehabilitation Project - Public Works Department

**MORE TIME ITEMS:**

- A. Petition for the Absolute Discontinuance of a Portion of Castle Street
- B. Driveway Code Review
- C. Reconstruction of the City Roadways and the Addition of Sidewalk Construction to Reconstruction Projects - Council Policy

Non Public Session  
Adjournment

**CRITERIA/SCORING FORM FOR REVIEW OF OUTSIDE AGENCIES:**  
**FINANCE COMMITTEE – FISCAL 98-99**

Agency Name: \_\_\_\_\_

Date: \_\_\_\_\_

Rated by: \_\_\_\_\_

1. If the agency were not in operation, would the City be mandated to provide its services?  
scoring: all = 3; most = 2; some = 1; none = 0

Score: \_\_\_\_\_

2. Does the agency provide a service that has a direct financial impact on the expenditures of any City Department?      scoring: high = 3; med. = 2; low = 1; none = 0

Score: \_\_\_\_\_

**\*\* (If the answers to #1 and #2 resulted in a score of 1,2,or 3, proceed to question #4)**

3. If the agency does not directly save City funds, is there a financial impact in terms of prevention and intervention services that may potentially save future City spending?  
scoring: high = 3; med. = 2; low = 1; none = 0

Score: \_\_\_\_\_

4. What are the number and percentage of clients served who are Keene residents?

scoring: 75-100% = 3

50-75% = 2

25-50% = 1

0 - 25% = 0

5. Are the services of the agency replicated by any other local service provider?

scoring: no = 3; yes = 0

Score: \_\_\_\_\_

Score: \_\_\_\_\_





City of Keene, N.H.  
*Transmittal Form*

April 6, 2017

**TO:** Municipal Services, Facilities and Infrastructure Committee

**FROM:** James Phippard

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** 2.

**SUBJECT:** James Phippard - Brickstone Land Use Consultants - Request to Alter a Tax Ditch Easement on Lee Street

---

**ATTACHMENTS:**

**Description**

Communication - Phippard

Resolution R-2017-09

**BACKGROUND:**

On behalf of MGN Realty, LLC, Jim Phippard is requesting a modification of a tax ditch that was previously approved by Resolution R-2009-25-A.



March 03, 2017

Mayor and City Council  
City of Keene  
3 Washington Street  
Keene, NH 03431

Re: Request to Modify R-2009-25A, Resolution to Alter Tax Ditch Easement at Lee Street

To The Honorable Mayor and City Council,

In 2009, the Keene City Council passed resolution R-2009-25A to allow work within and across the existing tax ditch easement on property formerly owned by Unity Housing (TMP 89-01-001) at the end of Lee Street. The work included a driveway to be built across the tax ditch; water and sewer lines to cross under the tax ditch; and construction of two carport buildings, 96' long, that would extend approximately 31' into the tax ditch easement on the south side of the ditch.

MGJ Realty, LLC is now the owner of land at the end of Lee Street, and in 2014 received Planning Board approval (SPR-06-11, Mod. #2) to modify the approved site plan for the housing to be built at the site. Part of the site plan modifications includes replacing the two 96' long carport buildings with two 66' long apartment buildings that also extend 31' into the existing tax ditch easement. The overall encroachment into the tax ditch easement will be decreased from 5952 sf to 4092 sf and will be no closer to the tax ditch. Full, unobstructed access to the tax ditch remains available on the opposite side of the ditch.

This is a request to allow the proposed modification to the previously approved resolution and authorize the City Manager to do all things necessary to execute an easement deed allowing MGJ Realty, LLC to construct improvements into the tax ditch easement.

Thank you for your consideration.

Sincerely,

James P. Phippard, agent

### EASEMENT

**KNOW ALL MEN BY THESE PRESENTS**, that the **CITY OF KEENE**, a municipal corporation existing under the laws of the State of New Hampshire with an address 3 Washington Street, Keene, New Hampshire 03431 (hereinafter “Grantor”), for consideration paid, grants to, **MGJ REALTY, LLC**, a New Hampshire limited liability company having a mailing address of 103 Winchester Street, Keene, New Hampshire 03431 (hereinafter “Grantee”) its successors and assigns, **WITHOUT COVENANTS**:

The right to construct certain structures, roadways, and appurtenances thereto as described herein, upon, over, under, and encroaching upon portions of a tax ditch easement held by the Grantor by deed dated March 16, 1961 and recorded in Vol. 679, Page 105 of the Cheshire County Registry of Deeds (hereinafter “Tax Ditch Easement”) through a portion of a development known as Lee Street Apartments as now laid out or as may be laid out in the future, located off Lee Street, in **KEENE, CHESHIRE COUNTY, NEW HAMPSHIRE**, depicted on a plan by Thayer Fellows, PE dated January 14, 2014 entitled “Lee Street Apartments” (attached hereto as Exhibit A).

Council of the City of Keene on March 3, 1961 and recorded in Vol. 679 Page 105 of the  
Cheshire County Registry of Deeds.

Witness its hand this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF KEENE

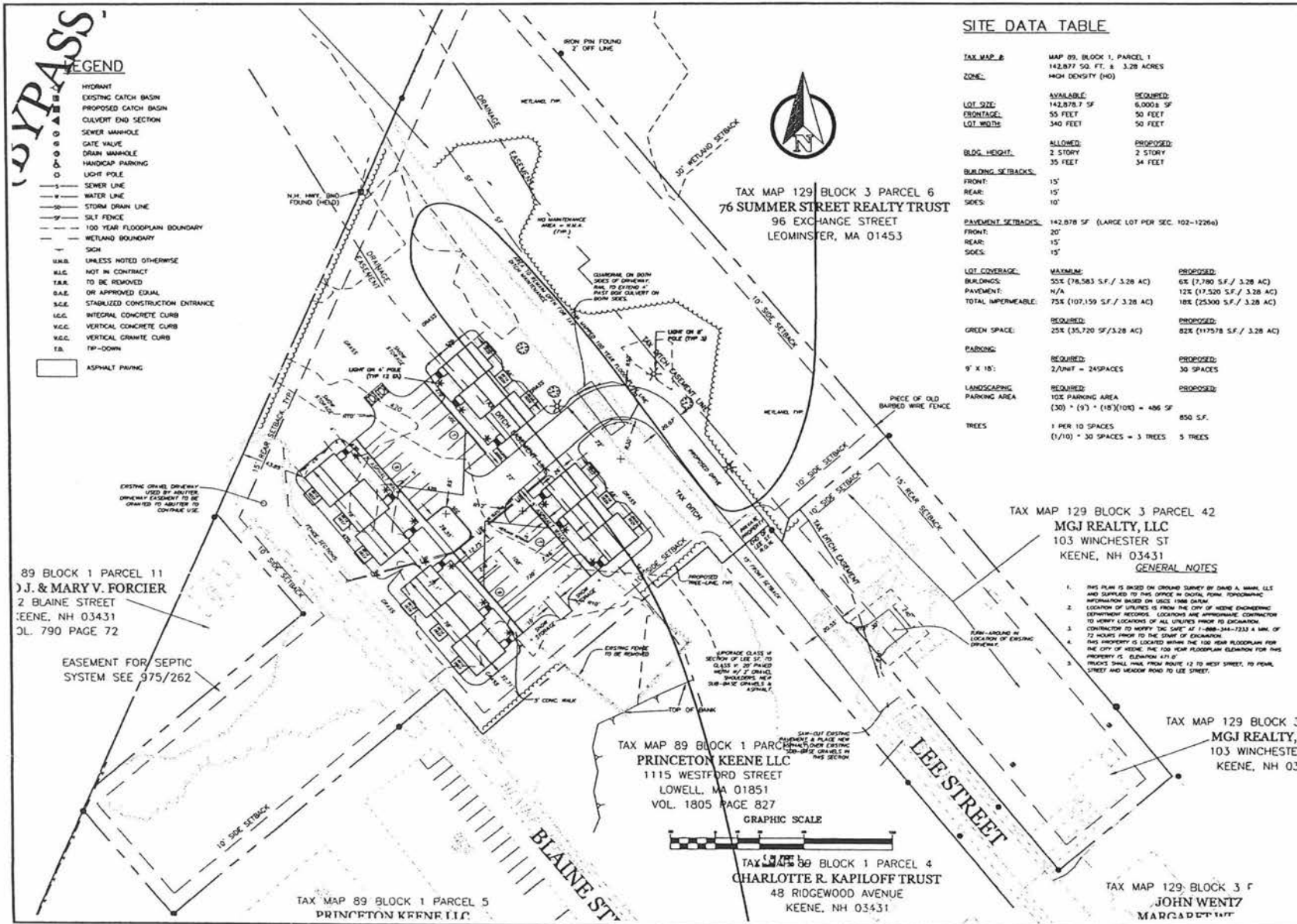
\_\_\_\_\_  
Medard Kopczynski, Acting City Manager

STATE OF NEW HAMPSHIRE  
COUNTY OF CHESHIRE

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017 before me, personally appeared Medard  
Kopczynski, duly authorized, on behalf of the City of Keene and acknowledged the foregoing  
instrument to be his voluntary act and deed on behalf of and duly authorized by the City of  
Keene.

My Commission Expires:

\_\_\_\_\_  
Notary Public/Justice of the Peace



- LEGEND**
- HYDRANT
  - EXISTING CATCH BASIN
  - PROPOSED CATCH BASIN
  - CULVERT END SECTION
  - SEWER MANHOLE
  - GATE VALVE
  - DRAIN MANHOLE
  - HANDICAP PARKING
  - LIGHT POLE
  - SEWER LINE
  - WATER LINE
  - STORM DRAIN LINE
  - SILT FENCE
  - 100 YEAR FLOODPLAIN BOUNDARY
  - WETLAND BOUNDARY
  - SICK
  - UNR. UNLESS NOTED OTHERWISE
  - N.C. NOT IN CONTRACT
  - T.A.R. TO BE REMOVED
  - B.A.E. OR APPROVED EQUAL
  - S.C.E. STABILIZED CONSTRUCTION ENTRANCE
  - U.C.C. UTILITY CONCRETE CURB
  - V.C.C. VERTICAL CONCRETE CURB
  - W.C.C. VERTICAL GRANITE CURB
  - T.B. TRIP-DOWN
  - ASPHALT PAVING

**SITE DATA TABLE**

<b>TAX MAP #</b>	MAP 89, BLOCK 1, PARCEL 1 142,877 SQ. FT. & 3.28 ACRES HIGH DENSITY (HD)	
<b>ZONE</b>	AVAILABLE	REQUIRED
<b>LOT SIZE</b>	142,878.7 SF	6,000 ± SF
<b>FRONTAGE</b>	55 FEET	50 FEET
<b>LOT WIDTH</b>	340 FEET	50 FEET
<b>BLDG. HEIGHT</b>	ALLOWED	PROPOSED
	2 STORY	2 STORY
	35 FEET	34 FEET
<b>BUILDING SETBACKS</b>		
FRONT:	15'	
REAR:	15'	
SIDES:	10'	
<b>PAVEMENT SETBACKS</b>	142,878 SF (LARGE LOT PDR SEC. 102-1226)	
FRONT:	20'	
REAR:	15'	
SIDES:	15'	
<b>LOT COVERAGE</b>	MAXIMUM:	PROPOSED:
BUILDINGS:	55% (78,583 S.F. / 3.28 AC)	6% (7,780 S.F. / 3.28 AC)
PAVEMENT:	N/A	12% (17,520 S.F. / 3.28 AC)
TOTAL IMPERMEABLE:	75% (107,159 S.F. / 3.28 AC)	18% (25,300 S.F. / 3.28 AC)
<b>GREEN SPACE</b>	REQUIRED:	PROPOSED:
	25% (35,720 SF/3.28 AC)	82% (117,578 SF / 3.28 AC)
<b>PARKING</b>	REQUIRED:	PROPOSED:
9' X 18':	2/UNIT = 24SPACES	30 SPACES
<b>LANDSCAPING PARKING AREA</b>	REQUIRED:	PROPOSED:
	10% PARKING AREA (30' x 9') x (18')(10%) = 486 SF	
<b>TREES</b>	1 PER 10 SPACES (1/10) x 30 SPACES = 3 TREES	850 S.F. 5 TREES

REVISIONS: DATE:

OWNER:  
MGJ REALTY, LLC  
10 WINCHESTER STREET  
KEENE, NH 03431

DESIGNER:  
THAYER FELLOWS PE  
100 WINDY HILL ROAD  
KEENE, NH 03431

PREPARED BY:  
Brickstone  
Land Use Consultants LLC  
200 Planning, Engineering and Development Company  
200 Main Street, Keene, NH 03431  
Phone: 603-352-3333

PROJECT:  
LEE STREET APARTMENTS  
2 AND 3 BEDROOM UNITS  
LEE STREET, KEENE, NH

PROPOSED CONDITION

SCALE: 1"=30'

DATE: 1/14/14

SHEET 2

TAX MAP 129 BLOCK 3 PARCEL 6  
76 SUMMER STREET REALTY TRUST  
96 EXCHANGE STREET  
LEOMINSTER, MA 01453

TAX MAP 129 BLOCK 3 PARCEL 42  
MGJ REALTY, LLC  
103 WINCHESTER ST  
KEENE, NH 03431

TAX MAP 89 BLOCK 1 PARCEL 5  
PRINCETON KEENE LLC  
1115 WESTFORD STREET  
LOWELL, MA 01851  
VOL. 1805 PAGE 827

TAX MAP 89 BLOCK 1 PARCEL 4  
CHARLOTTE R. KAPLOFF TRUST  
48 RIDGWOOD AVENUE  
KEENE, NH 03431

TAX MAP 129 BLOCK 3 F  
JOHN WENTZ  
MARGARET TAFT

89 BLOCK 1 PARCEL 11  
J. & MARY V. FORCIER  
2 BLAINE STREET  
KEENE, NH 03431  
DL. 790 PAGE 72

EASEMENT FOR SEPTIC SYSTEM SEE 975/262

TAX MAP 89 BLOCK 1 PARCEL 5  
PRINCETON KEENE LLC



- GENERAL NOTES**
- THIS PLAN IS BASED ON GROUND SURVEY BY DAVID A. WARD, L.L.C. AND SUPPLIED TO THIS OFFICE IN DIGITAL FORM. TOPOGRAPHIC INFORMATION BASED ON LOCAL 1988 DATA.
  - LOCATION OF UTILITIES IS FROM THE CITY OF KEENE ENGINEERING DEPARTMENT RECORDS. LOCATIONS ARE APPROXIMATE. CONTRACTOR TO VERIFY LOCATIONS OF ALL UTILITIES PRIOR TO LOCATING.
  - CONTRACTOR TO NOTIFY THE STATE AT 1-800-344-7233 A MIN. OF 72 HOURS PRIOR TO THE START OF EXCAVATION.
  - THIS PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOODPLAIN FOR THE CITY OF KEENE. THE 100 YEAR FLOODPLAIN ELEVATION FOR THIS PROPERTY IS ELEVATION 410.0'. FLOODING SHALL BE IN ACCORDANCE WITH THE CITY OF KEENE FLOODPLAIN MAP TO WEST STREET, TO PEAK STREET AND WOODROW ROAD TO LEE STREET.





# CITY OF KEENE

R-2017-09

In the Year of Our Lord Two Thousand and .... Seventeen .....

A RESOLUTION ..... Related to the Modification of the Tax Ditch Easement off Lee Street,  
Turnaround Easement, and Utility Easement

*Resolved by the City Council of the City of Keene, as follows:*

That the City Manager be authorized to do all things necessary to modify a tax ditch easement derived from that deed recorded at Vol. 679, Page 105, of the Cheshire County Registry of Deeds, to allow MGJ Realty, LLC to construct two (2) townhouse style apartment buildings, a private driveway, and utilities within the City's tax ditch easement over and on MGJ Realty, LLC's property off Lee Street, Keene, Cheshire County, New Hampshire.

That the City Manager be authorized to do all things necessary to accept a proposed turnaround easement from MGJ Realty, LLC.

That the City Manager be authorized to do all things necessary to accept a proposed utility easement from MGJ Realty, LLC.

That the City Manager be authorized to do all things necessary to accept a proposed access easement from MGJ Realty, LLC.

That Resolution R-2009-25-A, which was passed by City Council on February 4, 2010, be rescinded.

---

Kendall W. Lane, Mayor



April 7, 2017

**TO:** Municipal Services, Facilities and Infrastructure Committee

**FROM:** Donald R Lussier, P.E., City Engineer

**THROUGH:** Medard Kopczynski, City Manager

**ITEM:** 3.

**SUBJECT:** Water Street Rehabilitation Project - Public Works Department

---

**RECOMMENDATION:**

Move that the Municipal Services, Facilities and Infrastructure Committee recommend that the City Manager be authorized to do all things necessary to implement the recommended design option for the rehabilitation of Water Street between the intersections of Grove Street and Eastern Avenue.

**BACKGROUND:**

The rehabilitation of Water Street has been in the City's Capital Improvement Program (CIP) and was funded in FY17. The original scope of the project only included the milling and overlaying of Water Street between Grove Street and Eastern Avenue. As the project was being reviewed additional needed work was identified which included the rehabilitation of sidewalks, curbing and drainage. As the design has been ongoing the construction estimate has been revised accordingly. Funding for project is coming from various sources in the CIP and includes roadway rehabilitation, curbing, sidewalk, and drainage.

**Community Coordination**

On February 28, 2017, the Public Works Department held a public information meeting for the project.

Approximately 15 people attended the meeting. Following the meeting Public Works also received feedback from three residents who were unable to attend the meeting. The comments and discussion included the following:

1. Consensus that the proposed sidewalk between the Cheshire Rail Trail and the Beaver Brook is unnecessary. The bridge over Beaver Brook does not have a sidewalk on the southern side; as such, it serves little benefit to extend the sidewalk to the structure.
2. Discussion about proposed stop signs and pedestrian improvements at the intersections of Water Street with Grove Street and Roxbury Street.
3. Consensus on removal of portions of sidewalk along the southern side of Water Street. There were various blocks of sidewalk removal proposed between the Bentley Commons Property and Hancock Street. There was less consensus on the specific extent to be removed. Residents at the meeting reported that the sidewalk along the northern side of the street is adequate for their needs. The southern sidewalk is reportedly icy in the winter due to shadows and is difficult to traverse. There are spots where the existing sidewalk is too narrow and the City sidewalk plow is unable to adequately remove snow. This

reportedly results in large snow piles on private property.

4. Consensus that tree removal is acceptable to build the proposed project.
5. Concerns about vehicle speed traveling around the bend between Woodland Avenue and Eastern Avenue.
6. Concerns about the capacity of the culverts underneath Water Street near address 441. A resident shared photos of a flood event from several years ago where significant sediment deposition occurred on the roadway.

The design consultant and City staff took the information and opinions express during the public meeting into account in developing the recommended alternative. The City had also received correspondence from a property owner on Water Street concerning the location and placement of sidewalks and grass belts. The preliminary design has incorporated some of those ideas.

### **Project Cost**

With the assistance of the City's design consultant, Holden Engineering and Surveying, preliminary design plans and a cost estimate for the project has been completed for the larger scope of work. The larger scope of needed improvements is outside the available project budget.

A number of factors contributed to the estimate being above the original project budget. Items that were not anticipated in the original budget include the following:

1. The pavement condition has deteriorated beyond the point at which milling and overlay is appropriate. The original estimate provided for milling and overlay of approximately 2-inches of asphalt. In order to provide a long-lasting pavement surface, the current plan proposes removal of approximately 5.5 inches of asphalt from the existing concrete roadway, and construction of 4.5 inches of new asphalt. This results in approximately an additional 1,200 tons of asphalt.
2. In order to provide adequate roadway and sidewalk width and proposed granite curbs within the right-of-way, the existing curb lines need to be shifted up to two and a half feet. To maintain proper drainage of the roadway, the drainage structures should be reconstructed to the new curb line. Often this requires several vertical feet of reconstruction to maintain structure soundness.
3. A City-owned retaining wall along 368 Water Street will be impacted by the proposed work. In order to provide adequate roadway and sidewalk width through this area, the wall will need to be reconstructed.
4. A number of large trees located between the roadway and existing sidewalk will need to be removed to allow for proposed sidewalk construction.

In response to this issue Public Works staff has identified three options for advancement of the project which are outlined below:

Option A	Reduce the project extents to Grove Street to Eastern Avenue and provide the full project scope.Can be completed within available budget.
Option B	Provide the full project scope between Grove Street and Roxbury Street. Refer the request for additional funding to the Finance, Organization and Personnel Committee.
Option C	Reduce project between Grove Street and Roxbury Street. This may include the

elimination of the replacement of deteriorated sidewalks, elimination of granite curbing installation, and reduction in the width of pavement rehabilitation.

Public Works staff is recommending Option A, providing the full and complete project scope between Grove Street and Eastern Avenue. This portion of the project has the highest concentration of residents and rebuilding it will have the highest impact. It also serves the largest portion of vehicle and pedestrian traffic. Option B requires an approximate 25% increase to the construction budget. Option C will have a limited useful life and is deemed to not be cost effective in the long term.