

City of Keene
New Hampshire

AD HOC LOWER WINCHESTER STREET COMMITTEE
MEETING MINUTES

Monday, October 4, 2022

6:00 PM

**2nd Floor Conference Room,
City Hall**

Members Present:

Douglas Hamshaw, Chair
Sarah Bollinger, Vice Chair
Trevor Bonnette
Christopher McCauley (Arrived at 7:03 PM)
Jim Lamp

Staff Present:

Don Lussier, City Engineer
Tom Mullins, City Attorney
Brett Rusnock, Civil Engineer

Members Not Present:

Jimmy Tempesta
Douglas Fish

1) Opening/Introductions/Roll Call

The City Engineer, Don Lussier, called the meeting to order at 6:01 PM and Committee member introductions ensued. Mr. Lussier is the City's Staff Liaison, meaning he is present for meeting logistics and to support the Committee's goals or questions; he does not vote. In lieu of a Chair, Mr. Lussier led the beginning of the meeting.

2) Role of the Steering Committee

Mr. Lussier said the role of this committee is to give guidance and insight to the McFarland Johnson consulting team that will design the project. All members were chosen because of their proximity to and relation with the project area to provide a cross section of perspectives and options; Keene and Swanzey residents, businesses, etc. Ultimately, this Committee will make a recommendation for how to move forward with the project to the Keene City Council and the Swanzey Board of Selectmen.

3) Committee Charge

Mr. Lussier read the official Committee Charge:

- To provide planning, guidance, and general direction for the Lower Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the City Staff, and NH DOT.

- The Committee will specifically focus on balancing the needs of all the various project stakeholders and provide a conduit for the concerns of interested parties to be addressed during the design phase.
- The Committee will provide advice to the City's consultants through the review of draft work products and will ultimately provide a recommendation to the City Council with respect to a preferred alternative.

Mr. Lussier asked the Committee to take the second part of the Charge to heart. Members were present to represent that cross section of the project area and to reach out to neighbors and others to achieve as broad a consensus as possible in making recommendations.

At the end of this project, the Committee will vote formally on a preferred design alternative, which if approved by both the Keene and Swanzey governments, will be built and funded by the federal government.

4) **Formalities**

A) **Review of "Public Body" Requirements**

The City Attorney, Thomas Mullins, thanked the Committee members for volunteering their time. He continued regarding the Committee's civic obligations. Like all municipalities, Keene is under the authority of the State of NH, the City has no independent authority, everything done is told to the City by the State. The City Council does have some independent authority regarding the running of the City. The City Council appoints different kinds of boards and committees. This is a legislative committee not in that legislation is written, but in that this is a different entity than a quasi-judicial body like the Zoning Board of Adjustment, which is subject to strict statutory requirements and could have matters taken to court. This Committee would almost never be taken to court over a matter or decision; this is a low-risk entity. This public advisory body has the purpose of making recommendations to the governing body, the City Council. By participating in a public body, the City Attorney said that the members have responsibilities regarding NH Statute RSA 91:A. For example, the Staff Liaison is responsibly, per the Statute, to provide sufficient public notice 24 hours in advance of this meeting, which the public has the right to attend and participate in, per the Chair's discretion. Members of the public have the right to record or take photos during the meeting.

The City Attorney continued explaining that per RSA 91:A, this Committee must only meet and act as a group. A quorum of this Committee is four members. This body cannot meet or act without a quorum present in the room. Remote participation is allowed per Committee consensus, however, a meeting can only proceed with a physical quorum present at the public meeting location. Thus, it is important to show up to meetings. It is essential to only use email for the purpose of communicating with the Staff Liaison on matters such as attendance. Discussing Committee business via email constitutes a quorum. It is critical to not use the "reply all" function on emails regarding Committee business, because that constitutes an unnoticed quorum. It is particularly important to reply to emails from Mr. Lussier regarding attendance so

he can be sure there will be a quorum present at a meeting, so the City does not incur unnecessary expenses for the minute taker, present at all meetings; the minute taker for this Committee works remotely. Because the Committee cannot meet and act as a group without public notice, it is important to avoid forming a quorum at any social gatherings and discussing Committee business. Willfully violating this Statute could result in liability at the Superior Court.

The City Attorney provided the Committee a packet of material including the Rules of Procedure the Committee needs to adopt, the City's conflict of interest policy that is about pecuniary interests (which should be brought to Staff's attention), RSA 91:A, the right to know law, and an article from the NH Municipal Association on conflict of interest and bias.

Under the right to know request, the City has an obligation to disclose govt records that are not subject to non-disclosure or are subject to redaction for some reason. Meeting minutes of this body are disclosable. The minute takers are skilled at parsing through what happens during meeting conversations. Be conscious of what you say that will be recorded in the permanent record. The final report issued to the City Council will be a public document as well.

Mr. Lamp asked about conflict of interest, noting he has a client who owns a business on Winchester Street. The City Attorney said that any changes to the corridor might affect a member's client, but it would also affect everyone else in the corridor, so that does not represent a conflict. If a part of the design structure were to financially benefit a member's client, that would represent an interest to disclose. However, this group would remain focused on design criteria at this stage.

B) Selection of Chair and Vice Chair

The Chair is responsible for running the meetings, keeping things orderly, and deciding whether to recognize members of the public. The Vice Chair acts as Chair in their absence. They have no responsibilities outside of the meeting.

A motion by Ms. Bollinger to nominated Mr. Hamshaw as Chair of the Committee was duly seconded by Mr. Lamp and the motion carried unanimously. Mr. Hamshaw began acting as Chair.

A motion by Ms. Bollinger to nominate herself as Vice Chair was duly seconded by Mr. McCauley and the motion carried unanimously.

C) Adoption of Rules of Procedure

Discussion ensued on the importance of being present at meetings for a quorum and the issue of remote access. Mr. Lussier confirmed that members can participate via Zoom at the group's discretion, but there must be four members physically present in the meeting room. Because this

Committee would participate in many visual activities with maps, etc., physical presence would benefit the process. The Committee can decide to change the Rules of Procedure regarding remote participation.

This Committee is only expected to be active for one year, by which time they will have met their charge with the Consultants' guidance.

Mr. Lussier reiterated the importance of not conducting business via email and said this group will not have non-public sessions.

Mr. Lussier would revise the Rules of Procedure with the remote options, show them to the City Attorney, and bring them back for adoption at the next meeting.

5) Project Overview

Mr. Lussier introduced the project consultants from McFarland Johnson, Gene McCarthy (project Manager) and Matt Moore (project engineer).

Mr. McCarthy said this Committee's members know lower Winchester Street, which he displayed a map of. This project's limits are one-mile from the existing roundabout at RT-101 westward to the Swanzeby town line at the Market Basket signal. Throughout the corridor, there are varied land uses, different pavements, significant intersections, and 2–3 lane sections. Additionally, there is the bridge over Ash Swamp Brook that must be replaced as a part of this project, and this Committee will determine the new configuration. This Committee and the Consultants will develop a conceptual plan to present to the City Council and Board of Selectmen.

6) Project Team

There are several members of the team who will be introduced throughout the process, and various firms involved. Right now, this multi-phase project is in phase one, the engineering study phase, which is the foundation of the project. Phase two is preliminary design and phase three is final design.

The City is working with NH Department of Transportation (DOT) because this project is funded with federal money and there are certain respective rules and processes dictated. Mr. Lamp asked about the financial matches required. Mr. McCarthy said it is 80/20. Mr. Lussier said the City is paying their 20% portion because in Keene, Winchester Street is a Class 4 road that the City must maintain. However, in Swanzeby, Winchester Street is a Class 3 road, which NH DOT maintains and thus DOT will pay Swanzeby's 20% match. Mr. McCarthy said that the consultants are trained and certified to work on these projects because of the procedures that must be followed for use of Federal money.

7) **Study Tasks/Status**

Phase one is the engineering study, with the following tasks.

- Information gathering/base maps
- Detailed survey
- Resource identification
- Project definition
 - Important task this body is responsible for—defining the purpose and need of the project
- Alternatives development
- Structures studies on the bridge
- Abstracting—establishing the existing right-of-way
- Public involvement
- Utility coordination
- Geotechnical investigations

The public will be involved in this project through public meetings, a website, and other outreach. Keene has historically good participation in similar activities. This Committee is critical to public outreach.

At the end of phase one, the consultants will write an engineering study report that documents everything done at these meetings and any recommendations the Committee makes to the Keene City Council and the Swanzey Board of Selectmen. Once approved by both entities, the report goes to DOT and when they accept it, the project can move into phase two.

Mr. Lussier discussed public involvement, which this Committee is a huge part of. Additionally, 2,000 postcards would be sent to residents and businesses in the project area, inviting them to one of two identical public listening session. He added that there would be multiple ways to participate in the project, including through the website, which would be via the City website, and would be active by the first public listening session on October 18. There will be other contact with the mailing list and there will be press releases in the Sentinel. There are many ways to stay involved and gather opinions.

8) **Discussion**

A) **What are the problems/challenges on Winchester Street?**

Mr. McCarthy led the Committee through the same process that would ensue at the public listening sessions in small groups. They want to hear from stakeholders to understand issues before trying to solve them. To establish the real need for the project, which helps determine the project purpose, the consultants would ask two questions: What are the problems/challenges with Winchester Street? and What are the opportunities for Winchester Street? The consultants worked on the other Winchester Street project, so they are very familiar with the area.

The following challenges and problems were listed by the Committee:

- Excessive traffic and speeds throughout the corridor
 - There is a break in speed coming into Keene because of the speed limit reduction, but as soon as drivers cross the bridge toward Swanzey, they speed up significantly.
 - There is a problem with the speed of drivers entering Winchester Street from RT-101.
 - A significant underlying factor is that everyone drives too fast on Winchester Street for a road with so many access points and businesses; people cannot slow down enough to find the right businesses. Lower speed would solve a lot.
- There is a bottleneck of traffic from the wide, multi-lane area just south of RT-101 unto the narrower part of Winchester Street.
- Every point of intersection is a problem
- Any intersection with a left turn onto Winchester Street is impossible. There are some gaps with the signal at Market Basket, but the flow of traffic from RT-101 is constant.
- From the bridge to Matthews Road –
 - The bridge is dangerous, especially in the winter; the jersey barriers temporarily addressed the need for a vehicle crash barrier, but make the bridge unsafe for bicyclists and pedestrians.
 - The bridge must be wider
 - Under the bridge, there is inadequate flow during flood stage, which results in damage all the way up Ash Swamp Brook. Mr. McCarthy ensured the hydraulics would be addressed.
 - If there were a way to bring Matthews Road and Bradco Street together with a signal a lot of problems might be solved.
 - The Bradco Street intersection has many problems; it is a failed intersection.
 - The intersection is unsafe
 - People trying to make left turns get desperate with the non-stop oncoming traffic and dart into that traffic to turn, especially during commuting times. It is a matter of time until very serious accidents.
 - There are more businesses on Bradco Street now, which has increased the traffic. Mr. McCarthy said they would do counts at that intersection.
 - Cars cross through the Hamshaw parking lot and others to avoid the Bradco Street congestion at approximately 3:00 PM daily; Hamshaw has placed barriers.
 - The street was not built to take traffic, so the shoulders must be consistently rebuilt by the City.

- People have been hit trying to cross Winchester Street in front of Hamshaw Lumber
- The right turn lane can only accommodate two cars simultaneously, which causes people to get desperate and drive onto lawns.
- At Matthews Road
 - Right turns off Matthews Road cause intense situations. Mr. McCarthy said they would review accident reports.
 - Left turns onto Matthews Road are taken at high speed because of the angle. There is a brand-new house on the corner that prohibits straightening that angle.
- Some buildings should be considered for demolishing.
- Some businesses built their buildings knowing the green space in front was right-of-way and now they are trying to leverage that they do not want any space taken from their side. Mr. McCarthy said they would establish the right-of-way.
- There are a lot of pedestrians for such a narrow road without sidewalks.
 - Previous studies said not to add crosswalks because it would lead drivers and pedestrians to a false sense of security.
 - Some business employees cross the street to the small convenience store and employees cross at other locations.
 - Discussion ensued about whether a yellow light would solve anything.
 - Members do not see many pedestrians from the other side of Matthews Road because there are no sidewalks and fast drivers. It is not functional for pedestrians.
- In Swanzey:
 - People walk from the residential areas to Market Basket and cannot be accommodated in the winter without sidewalks.
 - Speed is a significant issue
 - People nearly get rear-ended entering the slip lane for Market Basket; the slip lane is too short

Mr. Lamp asked whether bike paths and facilities or sidewalks would be required by DOT. Mr. Lussier said no, there is no DOT mandate, but he thinks that if the corridor were not improved for pedestrians, the project would be a failure in his opinion.

Mr. Lamp asked if this area is in the floodplain and Mr. McCarthy said yes. The City had already done a hydraulic study so the consultants are familiar with the situation at that bridge, but there will be things to consider, like impacts downstream, when opening the bridge. Mr. Lussier said one reason for the hydraulic evaluation is because DOT did no favors when the upstream constriction at the RT-9 bridge was removed. Mr. Hamshaw said a big problem was when the Home Depot plaza was compacted, restricting that extensive flood storage. They used to average one flood every five years at Hamshaw Lumber, and now there are three or four per year.

Mr. Lussier said it was important to remember that there are a number of generators and residential areas hidden in the area that feed into this corridor. Because it is a corridor, Mr. McCarthy said they would be looking at key intersections and turning volumes to determine what is needed to manage the capacity.

Mr. Lamp asked if anyone is required to back out of their lot, meaning they cannot turn around within their lot. Ms. Bollinger could not speak to that. Mr. Hamshaw did not see that happening often. Mr. Lussier thought the closest to that was the car rental center, which people sometimes use as a pull-off. People have used Mr. Hamshaw's parking lot to turn around or pull over and some have driven into the building.

Mr. McCarthy said they would listen to stakeholders first and then bring up a list of topics like pedestrians and bikes. Ms. Bollinger hoped that if pedestrians were accommodated that cyclists would feel more comfortable too. Discussion ensued about the different routes and trails the cyclists use in that area. Mr. Hamshaw said the corridor is unpleasant for cyclists. Mr. McCarthy said it could be determined that cyclists are not ideal in the area and should be directed to trails.

Mr. Lussier hopes that Committee members will come to one or both of the public listening sessions to be facilitators in the small groups, having gone through this exercise.

Ms. Bollinger asked if the redesign would account for the transit change proposals that are in very early stages with the City, like micro-transit and a possible bus route. Mr. Lussier said that the downtown project was trying to accommodate future development and needs for the future. This project was also thinking about how the corridor would be used in the long term. Mr. McCarthy said it could happen that things are not precluded from being installed in the future.

Discussion ensued about the logistics of the listening sessions, the results of which would be presented at the next Committee meeting.

B) What are the opportunities on Winchester Street?

9) Project Schedule

The project schedule is as follows:

- Information gathering: August–November 2022
- Survey and mapping: August–December 2022
- Environmental resource identification: August 2022–January 2023
- Public listening sessions: October 2022
- Alternatives development: October 2022–January 2023
- Steering Committee meeting two: January 2023
- Refine alternatives: January–February 2023
- Steering Committee meeting three: February 2023
- City Council presentation: March 2023
- MSFI Committee/Public information meeting: March 2023

- City Council presentation: April 2023
- Prepare engineering study report/bridge study: February–April 2023
- Engineering study report reviewed by City and NH DOT: April–June 2023
- Finalize engineering study report: June–July 2023
- Being Phase Two, Preliminary Design: July 2023

Construction money is allocated for this project in FY-2025, leaving two years after phase one to design the project and finish environmental processes.

Mr. Lussier said the upper Winchester Street project began with an Engineering Study in 2016, and is now in construction. From that experience, Mr. Lussier knew that to acquire land, the environmental permitting phases are very time consuming, so this process was not starting too early.

Mr. Lussier said this Committee would meet approximately once per quarter, with three meetings in October, and the next meeting in January. There will be no minute taker at the listening sessions and Committee members and Staff will document discussions.

Discussion ensued about whether to have a third listening session with businesses specifically. There was consensus that it could be repetitive, and they would know better whether it was needed after seeing how many businesses participated in the October meetings.

Mr. Rusnock asked, since it is a public meeting, would a quorum be required. Mr. Lussier said he would discuss with the City Attorney whether it is a true public hearing. He hoped a quorum of members would attend.

Mr. Lussier primarily communicates via email, so members should alert him if there is any mistaken information on the Committee roster that he sent out.

10) Next Step: Public Listening Session

- A) Swanzey: October 18, 2022, 6:00 PM –Whitcomb Hall, 17 Main Street**
- B) Keene: October 25, 2022, 6:00 PM – Keene Public Library (Cohen Hall), 50 Winter Street**

11) Questions & Answers

Discussion ensued reiterating that the project website would be active by October 18 and housed on the City of Keene website. Mr. Lussier will share the page with Ms. Bollinger, who will include it on the Swanzey website.

Mr. Lamp asked whether the State was in control of the right-of-way takings and easements. Mr. Lussier said yes, they are doing all the right-of-way process. The consultants would create the right-of-way plans, but the State would do the acquisitions and appraisals.

Discussion ensued reiterating the need for Committee participation at the listening sessions.

Mr. Hamshaw would share with the consultants their frontage's original site survey.

Mr. McCarthy asked if there were changes in the volume of traffic in the corridor after the pandemic. Mr. Hamshaw said that he was hard pressed to remember when it dissipated for only one month at the beginning of the pandemic before returning to normal.

12) Adjournment

There being no further business, Chair Hamshaw adjourned the meeting at 7:30 PM.

Respectfully submitted by,
Katrana Kibler, Minute Taker
October 11, 2022

Reviewed and edited by,
Donald R. Lussier, P.E.
City Engineer