

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, March 8, 2017

6:00 PM

Council Chambers

Members Present:

Janis O. Manwaring, Chair
Robert J. O'Connor
Stephen L. Hooper
Gary P. Lamoureux

Members Absent:

Randy L. Filiault, Vice-Chair

Other Councilors Present

George Hansel

Staff Present:

Medard Kopczynski, City Manager
Thomas Mullins, City Attorney
Kurt Blomquist, Public Works Director
Donald Lussier, City Engineer
Elizabeth A. Fox, Assistant City
Manager/Human Resources Director

Chair Manwaring called the meeting to order at 6:00 PM and explained the procedures of the meeting.

City Engineer Don Lussier explained that all items on the agenda related to one project. He suggested that the committee change the order of the agenda in order to ensure that the necessary prerequisite motions be acted upon for each agenda item. The Chair agreed.

1) Relating to the Alteration of Wyman Road Resolution R-2017-05

City Engineer Don Lussier used a display of the site plan of the proposed "Hillside Village" development to show the committee the additions to the Wyman Road right-of-way that are called for in the plan. Mr. Lussier explained that a waiver is needed in order to process the layout. There are two ways for the City to have a right-of-way over private property. One way is for the property owners to grant an easement for the public to pass over the privately owned land, with the owner retaining ownership. He explained that the second way, which entails the City taking title to the land under the right-of-way, is the required method under the City's code for new projects. He said that in the case of Wyman Road, the City does not own the title to the existing right-of-way. Without a waiver, he said, the City would end up owning discrete pieces of land. The developer has requested and staff agrees it makes sense to waive the requirement in the code that the City take fee title ownership of land, instead allowing the developer to process the layout changes as an easement for highway purposes.

Mr. Lussier explained that the proposed layout will result in an expansion of the existing right-of-way, widening it, in order to accommodate the construction of an upgraded road. He pointed out the stretches of road that would be affected by the easement on the site plan. He said the layout plan would be conditioned on the transfer of the property from the current owner to the developer. In addition, the developer would have to satisfy the requirements of City Code Section 70-88 that the improvements to the roadway be completed in 36 months; failing that, the code spells out different action options for the City to take. He said the road would be built to Department of Public Works (DPW) standards and be subject to inspections by DPW staff.

In response to a question from Chair Manwaring, Mr. Lussier explained that the layout calls for grading that will improve sight-lines.

Councilor Lamoureux made the following motion, which was seconded by Councilor Hooper.

On a vote of 4 – 0, the Municipal Services, Facilities and Infrastructure Committee recommends that The Prospect Woodward Home request for a waiver to Section 70-87, (a), (2), requirement for submission of a warranty deed(s), be granted subject to the acquisition of the Lane Property by The Prospect-Woodward Home.

Councilor Lamoureux made the following motion, which was seconded by Councilor O'Connor.

On a vote of 4 – 0, the Municipal Services, Facilities and Infrastructure Committee recommends that Resolution R-2017-05, Relating to the Alteration of Wyman Road, be adopted subject to that all documentation is in a form and format acceptable to the City Engineer and the City Attorney.

2) Acceptance of an Emergency Access Easement – Attorney Thomas R. Hanna

In connection with the proposed development of "Hillside Village" on Wyman Road, City Engineer Don Lussier said the developer is proposing to build an emergency access to the development off of Black Brook Corporate Park, the land owned by Monadnock Economic Development Corporation (MEDC). He said the developer has reached an agreement with the property owner for the construction of an emergency access road that would be connected through a parking lot off of Black Brook Corporate Park. This easement would carry the following conditions: the sale of the property, that it provide the City with the authority to enter for other related purposes (such as emergency drills), that it be maintained year-round at the owner's expense, and that it be designed to accommodate the City's fire apparatus.

In answer to a question from Council O'Connor about the type of road construction, Mr. Lussier explained that it would be a paved road.

In response to a question from Councilor Lamoureux, Mr. Lussier said the road would be built to National Fire Protection Association (NFPA) standards. He explained that it is being designed as an 18-foot-wide driveway.

Councilor O'Connor made the following motion, which was seconded by Councilor Lamoureux.

On a vote of 4 – 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and accept access easements from The Prospect-Woodward Home and the Monadnock Economic Development Corporation for an emergency access road subject to the acquisition of the Lane Property by The Prospect-Woodward Home and that all documents are in a form and format acceptable to the City Engineer and the City Attorney.

3) Licenses to Allow Utilities and an Underground Walkway – Proposed Development of “Hillside Village” on Wyman Road – Attorney Thomas R. Hanna

City Engineer Don Lussier said that because the proposed development will be located on both sides of Wyman Road, their plans include the construction of a number of private infrastructures that cross the road, in the City’s right-of-way. To do that, the developer will need licenses. He said the infrastructure would include underground and overhead electrical lines, a fire service line, an underground pedestrian walkway, communications lines, an underground sewer service line, and an underground water line. Mr. Lussier suggested that the language of the licenses allow for some flexibility in terms of the exact location of the infrastructure components.

Chair Manwaring asked why there was a need for an overhead electrical line in view of the fact that underground electrical lines are planned. Robert Hitchcock, the engineer for the developer, said the overhead line would be at the south end of the project, but that all other electrical lines would be underground.

In response to a question from Councilor Hooper about whether there would be accommodation for broadband, Mr. Lussier said the developer is including telecommunications conduits as part of its license request.

Mr. Lussier said that as a condition of being granted the license, the developer would agree to indemnify the City for any damages caused by the developer’s infrastructure in the City’s right-of-way. In addition, the City would retain the right to revoke the license. He said private infrastructure would be relocated or removed at the owner’s expense if a City project required that. The City would not be held responsible for any damages to private infrastructure that occurred due to City operations, such as snowplowing for example.

Councilor Hooper made the following motion, which was seconded by Councilor Lamoureux.

On a vote of 4 – 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute license agreements with The Prospect Woodward Home for the construction and maintenance of private infrastructure, including but not limited to an underground walkway, underground sewer line, underground water and fire lines, underground electrical lines, underground telecommunication lines, overhead electrical lines, and any other item or property identified within the right-if-way of Wyman Road subject to the acquisition of the Lane Property by The Prospect-Woodward

Home and that all documents are in a form and format acceptable to the City Engineer and City Attorney.

**4) Consideration of a Restriction on Truck Traffic and Licenses for Three Utility Lines
– Attorney Thomas R. Hanna**

City Engineer Don Lussier said the developer is requesting a restriction of truck traffic on the northern end of Wyman (from the bridge over Black Brook to Old Walpole Road), as a condition of its site plan approval. Mr. Lussier explained that the project is expected to generate much more truck traffic than that road currently has, pointing out that the geometry of the intersection of Old Walpole and Wyman roads make it very difficult for large vehicles like delivery trucks to maneuver. Therefore, he said, it is recommended that the City adopt an ordinance to restrict truck traffic in that one section of road. If the City Council agrees, he said, then City staff would develop an ordinance. He said that the fact that the City Council considers the request is enough to satisfy a requirement placed on the developer to request the truck restriction as a condition of site plan approval.

Councilor Hansel questioned how a property owner on the north end of Wyman Road who needed truck service could go about getting it while the restriction is in place. Mr. Lussier said that issue could be addressed in the language of the ordinance. He also stated that residential truck service would be exempt.

Councilor Lamoureux made the following motion, which was seconded by Councilor O'Connor.

On a vote of 4 – 0, the Municipal Services, Facilities and Infrastructure Committee recommends that City Staff develop the necessary ordinance to restrict truck traffic on Wyman Road from the crossing of Wyman Road over Black Brook to the Old Walpole Road intersection.

Adjournment

The meeting adjourned at 6:28 PM.

Respectfully submitted,

Kathleen Fleming, Minute-taker

Additional Edits by,

Terri M. Hood, Assistant City Clerk