



City of Keene
New Hampshire

**MUNICIPAL SERVICES,
FACILITIES AND INFRASTRUCTURE
COMMITTEE
AGENDA
Council Chambers B
September 27, 2017
6:00 PM**

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

-
1. Departmental Presentation - General Assistance and Workfare Program
 2. Cecile Chickering - Request for No Parking - Foundry Street
 3. Mayor Lane - Requesting that the Council Consider Adopting an Ordinance for Disorderly Residences
 4. Driveway Code Update
Ordinance O-2017-15

MORE TIME ITEMS:

- A. Reconstruction of the City Roadways and the Addition of Sidewalk Construction to Reconstruction Projects - Council Policy

Non Public Session
Adjournment



Transmittal Form

September 18, 2017

TO: Mayor and Keene City Council

FROM: Cecile Chickering

THROUGH: Patricia A. Little, City Clerk

ITEM: 2.

SUBJECT: Cecile Chickering - Request for No Parking - Foundry Street

COUNCIL ACTION:

In City Council September 21, 2017.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Communication - Chickering

BACKGROUND:

Cecile Chickering is requesting no parking on Foundry Street. Ms. Chickering owns a business at 38 Foundry Street. Trucks, which need to turn into her business, are unable to make the turn because of cars parking on the street.

In City Council September 21, 2017.
Referred to the Municipal Services,
Facilities and Infrastructure
Committee.



City Clerk

Cecile Chickering
41 Sweeney Road
KEENE, NH 03431
(603) 352-0396

September 8, 2017

Mayor Kendall Lane
Keene City Council
Central Square
Keene, NH 03431

Dear Honorable Mayor and City Council,

We would like to submit a request to have some NO PARKING signs placed on Foundry Street. Foundry Street is a dead end street off Winchester Street and runs parallel to the railroad bed. This street is used by several businesses that need road access for big trucks to be able to drive down and back up on the street, and turn around.

My property on 38 Foundry Street needs to have access from the street for trucks to turn into the property. They are unable to make the turn into our property because of cars parked along the road.

We believe they are students staying at the Mills Apartments that are parking there. We have asked them not to park there but their reply was there are no signs to say they can't. It was my understanding when the apartments were built that they had the required number of parking spaces needed.

I rent to a business, single family home and two duplexes on the street. I provide parking for my tenants. When the properties are rented they are only allowed as many vehicles on the property as they have space for and or not allowed to park on the street.

Thank you for your consideration in this matter.

Sincerely,



Cecile Chickering



Transmittal Form

September 19, 2017

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: 3.

SUBJECT: Mayor Lane - Requesting that the Council Consider Adopting an Ordinance for Disorderly Residences

COUNCIL ACTION:

In City Council September 21, 2017.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

RECOMMENDATION:

Request that the City Council adopt a disorderly residence ordinance.

ATTACHMENTS:

Description

Communication - Mayor Lane

In City Council September 21, 2017.

Referred to the Municipal Services, Facilities and Infrastructure Committee.


City Clerk

City of Keene
New Hampshire

September 19, 2017

TO: Keene City Council
FROM: Kendall W. Lane, Mayor
SUBJECT: Disorderly Residence Ordinance



Request that the City Council adopt a disorderly residence ordinance.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: The Honorable Mayor and Keene City Council

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

THROUGH: Medard Kopczynski, City Manager

ITEM: 4.

SUBJECT: Driveway Code Update

COUNCIL ACTION:

In City Council September 21, 2017.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

RECOMMENDATION:

That Ordinance O-2017-15, Relating Driveway Permits and Standards, be referred to the Municipal Services, Facilities and Infrastructure Committee for consideration with a recommendation back to City Council.

ATTACHMENTS:

Description

Ordinance O-2017-15

Redline version of Driveway Code

BACKGROUND:

On November 17, 2016, City Council authorized City staff to draft revisions to the City Code with respect to driveway permits and standards, specifically, the Council selected "Option 3" as the preferred approach. This option would authorize the City Engineer to grant exceptions to the driveway standards, in certain cases, with appeals referred to the Planning Board.

Ordinance O-2017-15, represents the staff's recommended revisions to Sec. 70-135 and 70-136. The proposed language would make the following changes to the driveway permitting process:

- The City Engineer may grant permits for duplexes, shared drives, second drives and temporary drives, or may refer these to the Planning Board.
- The Planning Board may grant permits for Multi-family, Commercial and Industrial drives.
- Creates a process for temporary driveways.
- Provides a process for requesting exceptions from the driveway standard and appealing decisions of the City Engineer.
- Specifies notification requirements for applications seeking exceptions.



CITY OF KEENE

O-2017-15

Seventeen

In the Year of Our Lord Two Thousand and

AN ORDINANCE Relating to Driveway Permits and Standards

AN ORDINANCE

Be it ordained by the City Council of the City of Keene, as follows:

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by adding the bolded text to the following provisions in Article I, "In General", Section 70-1 "Definitions" in Chapter 70, entitled "PUBLIC IMPROVEMENT STANDARDS" as follows;

Sec. 70-1. - Definitions.

The following words, terms, and phrases shall have the meanings ascribed to them below when used in this chapter, except where the context clearly indicates a different meaning:

Abutter means Abutter, as that term is defined in Sec. 102-2.

Driveway means the travel surface that provides vehicular access to the public way.

Duplex means Duplex/Two-Family Dwelling, as that term is defined in Sec. 102-2.

Earth-Disturbing Activity or Earth-Disturbing Events means actions taken to alter the existing vegetation and/or underlying soil of a site, such as timber harvesting, clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

Multi-family means Multi-Dwelling Structure, as that term is defined in Sec. 102-2.

Single-family means Single Family Dwelling, as that term is defined in Sec. 102-2.

Temporary Driveway is a driveway created for discrete event or activity and will be in place for a period exceeding seven days but less than six months.

Further, that the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by deleting the provisions in Article III, "Design and Construction of Streets and Utilities", Division 3, "Standards", Sections 70-135 "Driveway permit and standards" and Section 70-136 "Driveway permit exceptions", in Chapter 70, entitled "PUBLIC IMPROVEMENT STANDARDS" and replacing the deleted sections with the following bolded text;

Sec. 70-135. - Driveway permit and standards.

- (a) **A driveway permit must be obtained from the city prior to the construction or alteration (which changes grade, length or width) of any driveway, entrance, exit or approach within the right-of-way of any city street, including temporary driveways, except when the driveway or its alteration is approved as part of a subdivision or site plan by the city planning board.**

- (b) An application for a permit to construct or alter a driveway shall be submitted on forms provided by the City and shall include payment of an application fee, as established by planning board.
- (c) Issuing Authority:
 - (1) The city engineer or his designee shall have the authority to review, and approve or disapprove driveway permit applications for single-family or duplex residential driveways, single family shared drives, single-family or duplex residential second driveways, agricultural driveways, or temporary driveways.
 - a. The city engineer may refer a driveway permit application to the planning board for review if, in his sole discretion, the city engineer determines that the facts and circumstances warrant such referral.
 - (2) The planning board shall have the authority to review, and approve or disapprove all driveway applications for, multi-family, industrial, and commercial driveways.
 - a. The planning board shall consult with the city engineer prior to rendering a decision on any driveway permit application.
 - b. The planning board shall consult with the city engineer prior to acting upon any driveway proposals that are included on a subdivision or site plan.
 - (3) The Issuing Authority shall issue a driveway permit whenever an applicant has demonstrated compliance with all standards listed in Sec. 70-135(e).
- (d) It is the intent of these standards to:
 - (1) Promote the safe passage of bicycles, pedestrians and vehicles;
 - (2) Locate driveways so as to ensure adequate sight distances;
 - (3) Avoid disruption of existing drainage systems;
 - (4) Ensure that drainage from new driveways is properly channeled;
 - (5) Avoid the creation of hazardous traffic conditions;
 - (6) Ensure that city sidewalks are preserved; and
 - (7) Ensure that roadways and intersections are not overly burdened by improperly located or excessive numbers of driveways.
- (e) The following standards shall apply to all driveways installed or modified after April 28, 1989, as determined by the city engineer based on a review of aerial photographs of the City of Keene taken on that date:
 - (1) If the installation of a driveway requires disrupting an existing sidewalk, the sidewalk must be restored or replaced in compliance with section 70-127.
 - (2) Driveways must be placed so as to ensure that vehicles entering and exiting the driveway have an all season safe sight distance in all directions not only of the road, but also of bicycle and pedestrian traffic on the sidewalk. For purposes of this section, an all-season safe sight distance shall be at least 200 feet in all directions within which there are no visual obstructions.
 - (3) For commercial and industrial activities, the use of service roads and/or common driveways is encouraged.
 - (4) There shall be no more than one driveway access for each residential lot.
 - (5) No more than two single-family homes can share a common driveway.
 - (6) Driveways must not block the flow of drainage in gutters or drainage ditches or pipes.

- (7) Driveways must not direct stormwater across sidewalks or onto city streets, except that the portion of a driveway within the public right of way may drain towards the street.
- (8) Driveways for single-family homes and duplexes, including shared drives, shall not be more than 20 feet wide at the property line and 30 feet wide at the curbline.
- (9) Industrial, commercial, agricultural, multifamily residential or temporary driveways shall not be more than 25 feet wide at the property line and 50 feet wide at the curbline, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by an engineer licensed in the State of New Hampshire.
- (10) New driveways must be placed so as not to conflict with existing driveways.
- (11) Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.
- (12) Driveways with a slope greater than 15 percent shall be prohibited. Driveways longer than 300 feet must meet the following standards:
 - a. Driveway width shall be limited to ten feet, in order to minimize site disruptions.
 - b. Every 300 feet there shall be an improved turnout, which is eight feet wide and 15 feet long.
 - c. Every driveway of more than 300 feet in length shall include at its terminus a vehicular turnaround as described for dead-end streets in Sec. 70-124(3) & (4).
 - d. For driveways with a slope greater than ten percent, the first 20 feet from the public road must be at a slope of five percent or less.
 - e. For driveways located in or crossing prohibitive and precautionary slopes as defined in section 102-1401 of the Keene Code of Ordinances the following standards shall apply:
 1. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
 2. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of section 102-1408.
 3. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.
- (13) All driveways shall be constructed to standards approved by the city engineer. Portions of a driveways lying outside of the public right-of-way shall additionally comply with the design standards described in section 102-794.
- (14) When the installation of a driveway requires the cutting of trees or the disturbance of stone walls which are within the public right-of-way, separate permission for such cutting or disturbance must be obtained, in accordance with sections 82-158 and 82-187 of this Code, section 472:6 of New Hampshire Revised Statutes Annotated, or other applicable law.
- (15) Temporary Driveways used for earth-disturbing activities or events shall be constructed with a temporary construction exit complying with the requirements of the New Hampshire Stormwater Manual, Volume 3, as may be amended.
- (16) Temporary Driveways shall be restored to original condition at the conclusion of the activity or event for which they are installed.

- (a) Except for any standard or requirement arising under City Code, Chapter 102, requests for exceptions shall be made in writing to the permit issuing authority, as defined in Sec. 70-135(c), which shall have authority to approve or disapprove a requested exception of the standards listed in section Sec. 70-135(d)1 through 12..
- (1) A written request for exception shall be accompanied shall include the following:
- a. A typed or neatly printed narrative explaining the purpose, need and justification for the proposed exception.
 - b. A plan or figure depicting the proposed driveway location in relation to existing driveways, drainage features, visual obstructions, sidewalks and the road network.
 - c. A list of abutting properties, including the property owner's name and address. This list shall include the tax map number and address of each abutter, and must be current to within ten days of submittal.
 - d. Payment equal to the cost of notification, as determined by the issuing authority.
- (2) In determining whether to approve or disapprove an exception request, the issuing authority shall evaluate the exception request using the following criteria:
- a. Issuance of the exception will not adversely affect the safety of pedestrians, bicyclists and vehicles using adjacent streets and intersections.
 - b. Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.
 - c. There are unique characteristics of the land or property which present a physical hardship to the requestor.
 - d. In no case shall financial hardship be used to justify the granting of the exception.
- (3) It shall be the responsibility of the requestor to demonstrate compliance with these criteria.
- (b) Within 7 days of the receipt of a written request for an exception as provided above, the issuing authority shall notify abutting property owners of the requested exception.
- (1) Such notice shall include the address of the request and the standard(s) to which an exception is requested
 - (2) The notice shall instruct potentially affected property owners to submit comments in writing to the issuing authority.
- (c) The issuing authority shall wait a minimum of 14 calendar days following the issuance of abutter notification before making a final determination.
- (1) If, after reviewing all submitted comments, the issuing authority finds that the requestor has met all criteria in subsection (a), the requested exception shall be granted.
 - (2) Otherwise, the requested exception shall be denied.
- (d) An applicant or abutter may appeal any decision of the city engineer relative to a driveway permit application.

- (1) Appeals shall be submitted in writing to the planning board within 30 days of the decision of the city engineer or his designee. The planning board shall have final jurisdiction over all such appeals

Kendall W. Lane, Mayor

In City Council September 21, 2017.
Referred to the Municipal Services, Facilities and Infrastructure Committee.



City Clerk

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Sec. 70-1. - Definitions.

The following words, terms, and phrases shall have the meanings ascribed to them below when used in this chapter, except where the context clearly indicates a different meaning:

Abutter means Abutter, as that term is defined in Sec. 102-2.

Driveway means the travel surface that provides vehicular access to the public way.

Duplex means Duplex/Two-Family Dwelling, as that term is defined in Sec. 102-2.

Earth-Disturbing Activity or Earth-Disturbing Events means actions taken to alter the existing vegetation and/or underlying soil of a site, such as timber harvesting, clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

Multi-family means Multi-Dwelling Structure, as that term is defined in Sec. 102-2.

Single-family means Single Family Dwelling, as that term is defined in Sec. 102-2.

Temporary Driveway is a driveway created for discrete event or activity and will be in place for a period exceeding seven days but less than six months.

Sec. 70-135. - Driveway permit and standards.

(a) A driveway permit must be obtained from the city prior to the construction or alteration (which changes grade, length or width) of any driveway, entrance, exit or approach within the right-of-way of any city street, including temporary driveways, except when the driveway or its alteration is approved as part of a subdivision or site plan by the city planning board.

(b) An application for a permit to construct or alter a driveway shall be submitted on forms provided by the City and shall include payment of an application fee, as established by planning board.

(c) Issuing Authority:

(1) The city engineer or his designee shall have the authority to review, and approve or disapprove driveway permit applications for single-family or duplex residential driveways, single family shared drives, single-family or duplex residential second driveways, agricultural driveways, or temporary driveways.

a. The city engineer ~~or~~ may refer ~~said a driveway permit applications~~ to the planning board for ~~de novo~~ review if, in his sole discretion, the city engineer ~~or his designee~~ determines that the facts and circumstances warrant such referral.

(2) ~~An applicant may also request de novo review by the planning board of any decision of the city engineer or his designee relative to a driveway permit application. All requests for de novo review shall be submitted to the planning department, in writing, within 30 days of the decision of the city engineer or his designee and the decision of the planning board subsequent to review shall supersede the prior decision of said city engineer or his designee.~~ The planning board shall have the authority to review, and approve or disapprove all driveway applications for ~~shared drives, multiple curb cuts, driveways for duplexes, multi-~~

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family, industrial, driveways, and commercial driveways, and long or steep driveways.

a. ~~and~~ The planning board shall consult with the city engineer prior to rendering a decision on any driveway permit application.

a.b. The planning board shall consult with the city engineer ~~or his designee~~ prior to acting upon any driveway proposals that are included on a subdivision or site plan.

(3) The Issuing Authority shall issue a driveway permit whenever an applicant has demonstrated compliance with all standards listed in Sec. 70-135(e).

~~(b)~~(d) It is the intent of these standards to:

- (1) Promote the safe passage of bicycles, pedestrians and vehicles;
- (2) Locate driveways so as to ensure adequate sight distances;
- (3) Avoid disruption of existing drainage systems;
- (4) Ensure that drainage from new driveways is properly channeled;
- (5) Avoid the creation of hazardous traffic conditions;
- (6) Ensure that city sidewalks are preserved; and
- (7) Ensure that roadways and intersections are not overly burdened by improperly located or excessive numbers of driveways.

~~(c)~~(e) The following standards shall apply to all driveways installed or modified after April 28, 1989, as determined by the city engineer based on a review of aerial photographs of the City of Keene taken on that date:

- (1) If the installation of a driveway requires disrupting an existing sidewalk, the sidewalk must be restored or replaced in compliance with [section 70-127](#).
- (2) Driveways must be placed so as to ensure that vehicles entering and exiting the driveway have an all season safe sight distance in all directions not only of the road, but also of bicycle and pedestrian traffic on the sidewalk. For purposes of this section, an all-season safe sight distance shall be at least 200 feet in all directions within which there are no visual obstructions.
- (3) For commercial and industrial activities, the use of service roads and/or common driveways is encouraged.
- (4) There shall be no more than one driveway access for each residential lot.
- (5) No more than two single-family homes can share a common driveway.
- (6) Driveways must not block the flow of drainage in gutters or drainage ditches or pipes.
- (7) Driveways must not direct stormwater across sidewalks or onto city streets, except that the portion of a driveway within the public right of way may drain towards the street.
- (8) Driveways for single-family homes and duplexes, including shared drives, shall not be more than 20 feet wide at the property line and 30 feet wide at the curblineline.
- (9) Industrial, commercial, agricultural, and multifamily residential or temporary driveways shall not be more than 25 feet wide at the property line and 50 feet wide at the curblineline, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis ~~by the planning board~~ prepared by an engineer licensed in the State of New Hampshire.
- (10) New driveways must be placed so as not to conflict with existing driveways.
- (11) Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.

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- (12) Driveways with a slope greater than 15 percent shall be prohibited. Driveways longer than 300 feet must meet the following standards:
- a. Driveway width shall be limited to ten feet, in order to minimize site disruptions.
 - b. Every 300 feet there shall be an improved turnout, which is eight feet wide and 15 feet long.
 - c. Every driveway of more than 300 feet in length shall include at its terminus a vehicular turnaround ~~sufficient in size and design to allow city fire equipment to turn~~ as described for dead-end streets in Sec. 70-124(3) & (4).
 - d. For driveways with a slope greater than ten percent, the first 20 feet from the public road must be at a slope of five percent or less.
 - e. For driveways located in or crossing prohibitive and precautionary slopes as defined in section 102-1401 of the Keene Code of Ordinances the following standards shall apply:
 1. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
 2. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of section 102-1408.
 3. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.

(13) All driveways shall be constructed to standards approved by the city engineer. Portions of a driveways lying outside of the public right-of-way shall additionally comply with the design standards described in section 102-794.

~~(13)~~ (14) When the installation of a driveway requires the cutting of trees or the disturbance of stone walls which are within the public right-of-way, separate permission for such cutting or disturbance must be obtained, in accordance with sections 82-158 and 82-187 of this Code, section 472:6 of New Hampshire Revised Statutes Annotated, or other city ordinances applicable law.

(15) Temporary Driveways used for earth-disturbing activities or events shall be constructed with a temporary construction exit complying with the requirements of the New Hampshire Stormwater Manual, Volume 3, as may be amended.

(16) Temporary Driveways shall be restored to original condition at the conclusion of the activity or event for which they are installed.

(Code 1970, § 2708.18; Ord. No. O-98-7, § 2708.19, 4-2-1998; Ord. No. O-2005-21A, 10-6-2005; Ord. No. O-2008-24, 10-2-2008; Ord. No. O-2009-07, § 3, 12-17-2009)

Sec. 70-136. - Driveway permit exceptions.

(a) Except for any standard or requirement arising under City Code, Chapter 102, requests for exceptions shall be made in writing to the ~~planning board which permit issuing authority, as defined in Sec. 70-135(c), which~~ shall have authority to approve or disapprove a requested exception of the standards listed in section Sec. 70-135(e) 1 through ~~13~~ 12.

(1) A written request for exception shall be accompanied shall include the following:

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- a. A typed or neatly printed narrative explaining the purpose, need and justification for the proposed exception.
- b. A plan or figure depicting the proposed driveway location in relation to existing driveways, drainage features, visual obstructions, sidewalks and the road network.
- c. A list of abutting properties, including the property owner's name and address. This list shall include the tax map number and address of each abutter, and must be current to within ten days of submittal.
- d. Payment equal to the cost of notification, as determined by the issuing authority.

~~(1)~~(2) In determining whether to approve or disapprove an exception request, the ~~planning board~~issuing authority shall evaluate the exception request using the following criteria:-

- a. Issuance of the exception will not ~~reduce~~adversely affect the safety of pedestrians, bicyclists and vehicles using adjacent streets and intersections.
- b. Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.
- c. There are unique characteristics of the land or property which present a physical hardship to the requestor.
- d. In no case shall financial hardship be used to justify the granting of the exception.

~~(2)~~(3) It shall be the responsibility of the requestor to demonstrate compliance with ~~these~~se criteria:-

~~(b)~~ After a finding that the all of the criteria in subsection (a) have been met, Within 7 days of the receipt of a written request for an exception as provided above, the ~~planning board~~issuing authority shall notify abutting property owners of the requested exception.

- (1) Such notice shall include the address of the request and the standard(s) to which an exception is requested
- (2) The notice shall instruct potentially affected property owners to submit comments in writing to the issuing authority.

~~(c)~~ The issuing authority shall wait a minimum of 14 calendar days following the issuance of abutter notification before making a final determination.

(1) If, after reviewing all submitted comments, the issuing authority finds that the requestor has met all criteria in subsection (a), ~~grant~~the requested exception shall be granted.

~~(3)~~(2) Otherwise, the requested exception shall be denied.

~~(d)~~ An applicant or abutter may appeal any decision of the city engineer relative to a driveway permit application.

(1) Appeals shall be submitted in writing to the planning board within 30 days of the decision of the city engineer or his designee. The planning board shall have final jurisdiction over all such appeals

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~~(4) Appeals of planning board decisions made under subsections (a) and (b) shall be made in writing to the city council for de novo review of the exception as it was originally submitted to the planning board. City council shall have final jurisdiction over all such appeals.~~

~~-(Code 1970, § 2708.20; Ord. No. O-2005-21A, 10-6-2005; Ord. No. O-2008-24, 10-2-2008)~~