

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE
COMMITTEE
MEETING MINUTES

Wednesday, October 26, 2016

6:00 PM

Council Chambers

Members Present:

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

Mayor Kendall Lane

Members Not Present:

Staff Present:

Medard Kopczynski, City Manager
Thomas Mullins, City Attorney
Brian Costa, Police Chief
Elizabeth Fox, Human Resources
Director/Asst. City Manager
Kurt Blomquist, Public Works Director
Don Lussier, City Engineer
Rhett Lamb, Planning Director/Asst. City
Manager
Ginger Hill, Parking Services Manager

Chair Manwaring called the meeting to order at 6:00 PM and explained the procedures of the meeting. She stated that they will begin with the 6th agenda item. She asked Councilor Jones to speak.

1) Effort to Show Support for Police Personnel Discussion – Public Works Department

Councilor Jones stated the Municipal Services, Facilities, and Infrastructure Committee put this issue on more time at their previous meeting. He continued his recommendation would be to have the Keene City Council authorize the City staff to paint a blue line in between the no passing yellow lines along the length of Marlboro St. from Eastern Ave. to Main St. This would serve to signify our community's support and respect for all of the services provided and the job done by local Police personnel. He continued all Police staff, which includes internal support staff and parking personnel, drive on Marlboro St. every day before and after each shift, and the blue line would serve as a reminder that they always have the community's support. He continued that modern day police

personnel are working at an all-time high stress level. The blue stripe would be a continuous reminder of the community appreciation for all they do.

Councilor Jones showed the photo that he gave to the committee last time. He continued there was a concern raised during the initial discussion as to what if other people start asking for other colored lines to show respect for other organizations or groups, like the Red Cross or veterans? He continued this is no different than anything else that comes before the City Council. Various people ask the MSFI Committee for their action on a particular request. They have to have faith in the City Council's decisions. He does not think this will be an issue. Although the City Council may get requests for other lines the City Council can address each request as it comes. Councilor Jones noted he has received many communications about this and 99% have been positive.

There are now 70+ communities in Ohio that have painted a blue line, and many in NJ and other states. This effort of support was started by a third grade class in Oklahoma. Chair Manwaring asked to hear from the Public Works Department. City Engineer Don Lussier stated a couple weeks back when they were discussing this, the committee asked staff to do some research. He continued that one question was where else has this been done and how has it been received. Staff identified 32 towns in NJ that have done this. Of the 32 towns, one elected not to move forward with the proposal due to the potential for controversy, but the others moved forward. Staff made an attempt to contact eight towns, selected at random. Lyndhurst and North Arlington had very positive responses. Folks there indicated that the blue line was well received by the community. City staff was unable to find anyone in the other six municipalities (including Oakland, Paramus, and Wayne) who was willing to talk with them or answer questions about the program, since they could not verify Keene staff's identities.

He continued that the committee's other question was how other municipalities authorized this work. They learned that it was all done through a staff directive from the legislative body, either at the local or county level. In some places, like Bergen County, the administration directed that the towns could do this within county roads. He could not find any instances of formal legislation or ordinances.

Mr. Lussier continued that the committee also asked about cost. With the City's line striping contractors, typical prices are about 20 to 50 cents per linear foot. For a relatively small project, 20 to 30 cents is likely. It would be about \$1,200 if a contractor did this. Given the realities of the contractor procedures and the calendar, it would not be possible to get a contractor in to do this this season. He assumes that the next question is whether the City can do this in house. He continued that Public Works has a small, walk-behind machine they use for small sections, like crosswalks, or small repairs on roads. The problem with those machines is that any type of pothole, crack, or deviation in the pavement is amplified. He is hesitant to say that would be a good way to accomplish the task, because he does not know what the quality of the finished product would be. The cost for materials is about \$16 per gallon. To do the entire length Councilor Jones proposes would be about \$240. He is hesitant to recommend something that extensive, knowing the line would be a little crooked. This machine was used about 15 years ago to

do a full stripe down the road and the results were not fantastic and the final project ended up on the cover of the Sentinel. They do not want that to happen again. A smaller section, from about Baker St. to Optical Ave., would be about five gallons of paint with a cost of \$80.

Councilor Jones stated that this is not a time-sensitive issue; it does not need to be done this construction season. He continued that it would be okay to amend it to a smaller section. It would still be an area personnel pass before and after every shift. He is familiar with the communities that Mr. Lussier mentioned and they all have partisan government and are fighting over who gets to make the motion first. Keene is more sensible without partisan politics, and they take a closer look at things, which is great. His question is, do they already have white paint they use for crosswalks, that they can just add blue tint to to lower the cost? Mr. Lussier replied that he would not recommend trying to tint other colors. He continued that the paint comes premixed for pavement marking purposes. It is available locally. Blue is mostly used for marking accessible parking spaces, so it is readily available in about a week.

Chair Manwaring asked for public comment. Hearing none, she asked for comment from the Committee.

Councilor Filiault stated that he fully supports Councilor Jones's proposal. He continued that there will always be a few naysayers. The City Engineer had an interesting point. He has confidence in the Public Works Department and thinks this can be done in house. However, maybe a trial run from Baker St. to Optical Ave. would be good. Maybe they could do small sections at a time.

Councilor Lamoureux stated that he agrees with Councilor Filiault. He continued that he agrees with doing a trial of a smaller section. He thinks they can do it in house. There is a lot of pride in City employees and he would be honored to have them do this work.

Councilor O'Connor asked, if there is a test strip and the line does not come out properly, how hard is it to fix? Second, would the company give them a reduced rate for this work? He likes the idea of having computerized equipment do it properly. Mr. Lussier replied that they would paint over the blue with black to make it blend in with the road. If they could postpone this until the annual line painting it would be pretty simple to amend the contract to add this, when the equipment would already be on site.

Councilor Hooper asked if the towns and cities that have done this have picked a small section to symbolically paint, and if that is the general protocol that Councilor Jones has seen. Councilor Jones replied that most communities are doing it down the entire Main St. He continued that that is not feasible for Keene because they have a median. Councilor Hooper asked if whole towns are painted. Councilor Jones replied no, typically just the length of Main St. He continued that one town received a letter from a local judge asking them to not paint the line on the block in front of the Court House, which was on Main St.

Councilor Lamoureux stated that he wants to retract one of his comments - he is hearing pretty clear from Public Works Department that they are not thinking they should do this in house. He continued that if there is no time sensitivity he thinks having the contractor include this in the spring is a good idea.

Councilor Lamoureux made a motion for the Municipal Services, Facilities, and Infrastructure Committee to recommend the authorization to paint a blue line on Marlboro St. from Baker St. to Optical Ave. and to have this added to the contract for next year's striping to be completed at that time. The motion was seconded by Councilor Filiault.

Chair Manwaring asked if any members of the public had questions. She asked if committee members had questions or comments. Hearing none, she stated that if they are waiting until next year she would rather have the whole of Marlboro St. painted. Councilor O'Connor agreed.

Councilor Lamoureux made a motion to amend his motion to: Move that the Municipal Services, Facilities, and Infrastructure Committee recommend to the City Council the authorization to paint a blue line on Marlboro St. from Optical Ave. to Main St. and to have this added to the contract for next year's striping to be completed at that time. Councilor Filiault seconded the motion to amend.

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

On a vote of 5 – 0, the Municipal Services, Facilities, and Infrastructure Committee recommend the authorization to paint a blue line on Marlboro St. from Optical Ave. to Main St. and to have this added to the contract for next year's striping to be completed at that time.

1) **Sabrina and Chris Lee – Safety Concern – Intersection of West Street and Bradford Road**

Sabrina Lee, of 693 West St. stated she determined that over the past 20 years the fence has been struck by a fast-moving vehicle between 15 and 20 times, and it has already happened once during the past six months that she has been living there. She continued that once when she was walking to get the mail, there was a car that came and, had there been ice there, she would not be here today to talk about it. If an accident happens multiple times in the same place it seems that they can predict with pretty good certainty that it will happen again and it is only a matter of time until someone gets hurt. She has seen a lot of texting and driving in this area.

Ms. Lee continued that there are two issues: first, the Bradford Rd. sign is concealed by bushes and people do not see it until the last moment, and second, people are speeding and turning when it is too late. Her greatest concern is her home office where her son does his homework is the closest part of the house to the fence, and if someone hit the

fence hard enough they would end up inside of her house. In her letter she requests two possible remedies, a stop sign where Bradford Rd. meets West St. or decreasing the speed limit. She also thought that a speed bump might be a good solution. That would reduce drivers' speeds when approaching and reduce the likelihood of hitting the fence.

Chair Manwaring asked staff to speak. Mr. Lussier stated that there have been a few of these traffic calming measure requests in recent weeks. He continued that he will again ask for the committee to give staff time to collect data and come back with better recommendations. What he can address right off the bat is: according to NH state law, the lowest speed limit that the City can post is 25 mph. Right now it is 30 mph. He guesses that reducing it to 25 mph would not get to the heart of the concern. They will collect speed data to see if the problem is driver compliance with the speed limit or if there is some other problem. Beyond that, he will need more time to study the situation. Ms. Lee mentioned the brush obscuring the sign, and that is something the Highway Department can address quickly. Ms. Lee replied that she thinks the sign might have to be moved, since it is far back and there might be a tree obscuring it. She appreciates them addressing it. Mr. Lussier replied that they will look at whether it is trimming or moving the sign; they can do that without waiting for City Council approval.

Councilor Filiault stated that two weeks ago they had a very similar request from people from Jordan Rd. He asked if staff will look at both of these requests together. Mr. Lussier replied that the City Manager has tasked them with coming up with a more formal process for evaluating traffic calming measures so everyone has the same avenue to pursue. He continued that he suspects they will come back and address each of these requests individually. They have collected data about and are now considering options for Jordan Rd., but have not yet started the process for West St. and Bradford Rd. He would like to ask for two cycles for Bradford Rd.

Ms. Lee stated that they repaved the road and it is gorgeous, but it causes people to drive faster. Mr. Lussier replied yes, the person from Jordan Rd. asked that the road not be repaved so traffic did not speed up. Ms. Lee stated that now that the roundabout is [at the intersection of Route 9 and Base Hill Rd.] and working well, there seems to be increased traffic. Mr. Lussier replied that the instruments they use to collect speed data also do traffic counts, and yes, other people have had the same question she did, about whether there would be increased traffic on West St. They did a baseline count for West St. and now that the roundabout is complete it will be interesting to collect more data and see.

Councilor Lamoureux stated that he thinks the stop sign would be the best solution. He asked if it is legal to put one there. Mr. Lussier replied yes, if the City Council adds it to the City Code. He continued that the Public Works Director says, it also has to comply with the Manual of Uniform Traffic Control Devices (MUTCD) warrants. They would have to demonstrate that there is sufficient need for a stop sign.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed this issue of a safety concern at West and Bradford Road on more time for two cycles.

2) **Tony Marcotte/Washington Park at Keene, LLC – Request for No Parking – South Side of Spring Street**

Tony Marcotte stated he works for Washington Park at Keene, LLC, of 90 Derry Road in Hudson, NH. He continued that as part of the review process for their site plan for adding the 135 apartments and renovations of the school, the Keene Fire Department asked them to request that there be no parking on the south side of Spring St. because it narrows down as you go east. If there are cars parked on both sides it is difficult for the fire vehicles to go through there and two cars cannot pass each other. It is currently signed from where the former middle school is, all the way for the length of the Washington Park property and then as you go down the hill there are no restrictions. There is a parking sign across the street, he thinks related to the driveway for the small parking lot. The condition of approval by the Planning Board was for Washington Park at Keene to ask the City Council to consider no parking on the south side of Spring St. It was not a condition that they approve it, just that the request be made.

Chair Manwaring asked to hear from staff. Planning Director/Asst. City Manager Rhett Lamb stated that everyone is excited about this project, and confirmed that Mr. Marcotte had correctly described the Planning Board condition. He continued that arguably this is an existing condition, but with the potential for additional parking taking place on Spring St. and in the surrounding neighborhood, the Planning Board thought it was important to bring this to the City Council's attention. If there are cars parked there, there will be times when it would be hard to get emergency vehicles through. Mr. Lamb met with Police Chief Costa, Police Captain Russo, and Fire Chief Howard. There is general agreement that no parking on the south side is the right thing to do; however, there has not been time to put together a recommendation for the committee. It is necessary so they define the area where parking will be permitted and to place the signage. They want to make sure the neighborhood is aware of the change because people do use this side of the street for parking as a matter of convenience, for visitors, parties, or events. He does not think people who live on the street use it for parking, but they want to do a parking utilization study. He asks that the committee place this on more time so they can come back with a more specific recommendation.

Councilor Filiault asked if abutters along Spring St. who would be losing parking have been notified. Mr. Lamb replied no. They may be aware that these changes will have an effect and want to work through the City Clerk's Office to alert people to these changes.

Chair Manwaring asked if any members of the public had questions.

Bill Beauregard asked, for clarity's sake, if the request is to ban parking on the entire south side of Spring St. Chair Manwaring replied yes.

Chair Manwaring asked if the committee thinks it is okay to put it on more time. Councilor Filiault asked for how many cycles. Mr. Lamb replied two.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the request for no parking on the south side of Spring St. be placed on more time for at least two cycles.

3) Attorney Mary Louise Caffrey/Bradley & Faulkner, PC – Request for Two Hour Parking Limit – 50 Washington Street

Attorney Mary Louise Caffrey, of 11 Algonquin Drive, introduced her partner Sam Bradley. Attorney Bradley and his father bought the property in 1960 and he has been working there ever since. She joined the firm in 2008. There are now seven full time attorneys and 10 staff members. They have parking in the back for staff but not for clients. When she joined the firm there was metered parking spaces along the street in front and then when the fire department was built the meters were taken out and never replaced. There is no restriction on the parking limit. During the past year they have had people parking there all day. There are only two spaces. A covered convertible was parked there for several days. They have a busy office with four conference rooms sometimes all busy at the same time, with at least 10 people coming and going per day in addition to that. It is difficult for clients, especially elderly clients who cannot walk far. She noted that her original request for two hour parking was vague in the letter and she would like to amend her request to have parking meters instead. People would pay attention to those more. Two hours would be fine. Most people are in and out quickly, and if there are clients who will need a long time they tell them to park elsewhere.

Sam Bradley stated that he came to back up Attorney Caffrey and he agrees with everything she said. He continued that parking meters for just those two spaces right in front of the office would be a major help for the firm. They have very busy clientele coming in and out all the time, and to have two people taking those two spaces all day is difficult. Once there was even a man living in his car and parked there all day.

Chair Manwaring asked for staff comment. Ginger Hill, Parking Services Manager, stated the area is long term parking. She continued that there is nothing Parking Enforcement can do to enforce specific situations. They have tried talking to that gentleman who was parked there all day, and it worked for maybe a few days. Then, he went right back to it. The department is prepared, if the committee recommends, the installation of two two-hour meters. They have them in house so there is no cost.

Chair Manwaring asked if committee members had questions or comments. Hearing none, she recognized the City Manager. City Manager Med Kopczynski stated that there have also been concerns raised by the Keene Unitarian Universalist Church about parking issues. He wants the Parking Enforcement and the Public Works Departments to look at

this, in conjunction with the request from Mr. Marcotte, and the church. He thinks the Parking Manager has expressed concern that people are living out of their vehicles and how to address that. There are few things to do. In order to restore the meters they would have to amend the ordinance to create the mechanism to allow for that.

Attorney Bradley asked if the law firm should submit a proposed amendment. The City Manager replied no. He continued that staff will come back with a more of a parking discussion in four weeks. Attorney Caffrey asked if there is something else they should do then. The City Manager replied that it would be helpful for her to attend that meeting. They are trying to be proactive with parking. He is glad to know there is a demand for parking and more people coming to Keene.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication regarding parking concerns at 50 Washington Street be placed on more time for two cycles.

4) Driveway Code Review – Planning Department

Mr. Lamb stated that this item was brought to their attention by the Mayor, who wrote a letter as a follow up to a driveway permit exception that was denied by the Planning Board and, on appeal, granted by the City Council. He continued that they realized there was room for improvement in the Code itself. Staff gave a series of options to the committee at the last meeting. The committee asked the following questions: should they provide abutter notifications of exceptions? Is there any effect on property values if a second driveway is added? Should the temporary driveway permit be considered?

Mr. Lamb continued that the background information is that they are only talking in this situation about exceptions to the Driveway Code. Mostly the Code works through the issuance of permits from the City Engineer's office. It is only when exceptions are requested, such as for the width or a second driveway, or an applicant is wanting something different than what is provided for in the Code, that it comes to the Planning Board. There have been 11 of these requests since 2011. Six or seven dealt with requests for second driveways. In every case except the request for Baker St. last spring, the requests were granted.

Mr. Lamb continued the reason cities and communities nationwide regulate driveways, in general, is to protect the investment in infrastructure of roads, sidewalks, etc. Municipalities look at safety issues regarding the location of driveways, whether there is a safe stopping distance and whether you can see vehicles exiting. In addition, driveways affect streets and their capacity as well as their effect on run-off and drainage.

Mr. Lamb continued that the other element in this is about the quality and preservation of neighborhoods and how additional driveways and parking affects property values and the quality of neighborhoods. Staff gave the committee three options last time, which are in

the memorandum. Option one should apply to options two and three and should not be by itself.

Option one is to require abutter notification in the granting of an exception and in the review of an appeal. They would do that through the existing process of the Planning Board. The Planning Board is very good already at abutter notification. They would require the applicant to submit a list of abutters. It would not be a long list, only those immediately contiguous to or across the street from the site. Then staff would issue the notice and abutters would be made aware of the public meeting/hearing. They would be allowed to speak when the Planning Board reviews the case. The same would apply for the appeals process, with notification through either the Planning Department or the City Clerk's Office. Option three would have the City Engineer issue the exceptions. Adding the abutter notification to that process is slightly different. They would establish a time period of review, make the abutter aware, and allow them to contribute to the administrative evaluation of the permit either in person or by mail. Regarding the question of the effect on values, he contacted Daniel Langille, from the Department of Assessment, who was not able to attend the meeting tonight, but wrote a thorough email (in the agenda packet) with information they can use to evaluate that question. It would be difficult to tell, in general, what the effect of an additional driveway is because assessment is very individual. It would be a case by case. Generally speaking, an additional driveway is likely to add very little to the property value. There would have to be something really unique about the property that could only be used efficiently or effectively with that second driveway. Probably it would be a small change in value, if there were a change in value at all.

Mr. Lamb continued that third, there is the question of temporary driveways. The question first came up when the committee asked if a permit could be issued only for the time that the owner is there and then expire when those residents move out. Maybe new owners would only need one parking space. Staff thinks that would be quite difficult to enforce. They are not always aware of who is living at a property and it would take extra work. Also, it would be seen as a permanent land right and he is not sure how they would ask an owner to remove a driveway. His worst case scenario would be for someone to buy a property thinking they had two driveways and then have the permit expire, and then need staff to enforce removing it. However, they often get requests for logging or construction activities or something like a 30-day corn maze, where people are using a curb cut, and they ask for a permit for a temporary driveway. That is not allowed under current ordinance, so staff applies the family dwelling standards to logging, which does not really make sense. They think it would be good to add the ability to give temporary permits for temporary activities such as logging.

Mr. Lamb stated that the first option is the addition of abutter notification. Option two would leave the Code as is, but add standards for the appeals process at the City Council level. It is quasi-judicial process, with rules of procedure for how the City Council would take in evidence with respect to the appeal, and the standards that apply. It is more like the Zoning Board of Adjustment or Planning Board in the application of the collection of evidence and information and how the body evaluates it and makes its decision. What

they discovered in the last exercise is that the Planning Board is used to doing this all the time, but the City Council has less experience using the standards. This would add the standard to the appeal process for the City Council to use in its process of evaluating an appeal.

Option three would be a more significant change, but one that more closely follows the statutory basis of RSA 231:15. They are suggesting allowing the City Engineer to issue all driveway permits, including exceptions. Exceptions would not go to the Planning Board, but appeals would. There is not necessarily a deadline for acting on code changes; Mr. Lamb does not want to put pressure on the Council, but these are important changes to discuss.

Councilor Lamoureux stated that after reading and listening to this, he is more in favor of options one and three. He continued that three would be favorable because there would be consistency among the petitioners and the person giving the information back, and the Planning Board is designed to do this. The City Council is not used to this role. That Baker St. request was the first they had seen, and the City Councilors could change every two years. For the City's sake and the liability issues he thinks option three would work best.

Councilor O'Connor stated that last year they had a problem with a logging operation on Hurricane Rd. He asked if allowing the temporary driveway/curb cut would give the City the ability to restrict hours of operation. Mr. Lamb replied that he might defer to the Public Works Department. He continued that he has not experienced that. Some of these roads are listed with weight limitations for certain times of year. Logging vehicles are heavy. They look at the time of year and the ability for the road to handle the weight. Director of Public Works, Mr. Blomquist stated that he is not aware of restrictions, which is not to say they could not have them. He continued that he would recommend tying it to something like the noise ordinance. They are looking at these temporary uses. They would say, being able to receive this temporary use permission is conditional on compliance with some of the other codes they have in existence.

Chair Manwaring stated that watching the family meets all the conditions, the City Council gave permission to have the second driveway, knowing the person had to follow the code. She continued that the driveway is pretty permanent. She is thinking about the idea of temporary permits. If it was temporary and he sold the house, the new owner would have to dig the whole thing up and it would not be easy. Mr. Blomquist replied yes, he would stay away from the temporary permit concept. He continued that it is a permanent land right. Dealing with temporary uses such as corn mazes and logging is something staff has been trying to do for years and this would give them a good tool.

Chair Manwaring asked if they could further clarify the difference between quasi-judicial and legislative. Mr. Lamb replied that in quasi-judicial process they are operating under a juror standard in how they carry out the collection of evidence and testimony. It is at the public hearing or other publicly-noticed meeting at which the Planning Board members are there to collect information as a group, for a site plan review. If a Planning

Board member is evaluating a project and a neighbor of the project bumps into him at the grocery store and wants to talk about it, the Planning Board member is supposed to say “I can’t talk to you about that” and ask the person to come to meeting, so everyone can hear about it at the same time under the same circumstances. There are other elements of it, also, about how they conduct the meetings. In a legislative setting the City Councilors are not bound by that. They gather information in whatever fashion they can, to get more fully informed about the judgments or decisions they need to make. Mr. Blomquist added that there are also the site visits. Mr. Lamb replied that the Planning Board does site visits as a group, and minutes are kept, or a Planning Board member can go look at it on their own, but they are not supposed to interact or take testimony that the other members are not there for.

Councilor Filiault stated that he agrees that it would be temporary situation with a permanent nightmare. He continued that he would go with option one and two as long as it meets all legal requirements. He wants to see constituents have a chance to come before their elected officials, as long as it meets legal requirements. If it is good with the City Attorney it is good with him. If a citizen has a problem he likes them having the chance to come to an elected body rather than non-elected staff.

Councilor O'Connor stated that there is no rush to get this done and he thinks they should discuss it further. He continued that there is language in the options he wants to read over further. He hopes they do not choose any options tonight. He is suggesting more time. Chair Manwaring asked for how many cycles. Councilor O'Connor replied one.

Chair Manwaring asked if any members of the public had questions.

Mayor Kendall Lane stated that option three is the only one that makes any sense. He continued that if the City Council starts doing quasi-judicial processes they will have to establish standards for doing those, and the decisions will have to be based on the standards, and applied to every case. Personal opinions will be of no value. For applicants to come before elected officials, the officials are bound strictly by the standards. It is a very difficult process for a legislative body to handle. He hopes they seriously consider if they want to put themselves in that position. Finally, the requirement to notify abutters should be obligatory. It should not even be a question. Under option three, the process rightfully starts with staff, the City Engineer. The one that was done before started with the Planning Board and it should have started with the City Engineer long before it got there. The current process is problematic and does not work well. They need to really consider the process right from the beginning.

Chair Manwaring asked if there is anything they tentatively agree on. She asked if everyone agrees with requiring abutter notification. MSFI Committee members agreed.

Councilor Filiault made a motion for the Municipal Services, Facilities, and Infrastructure Committee to place the topic of Driveway Code Review on more time for one cycle. The motion was seconded by Councilor Lamoureux.

Chair Manwaring asked if there is anything they want more information about. Councilor Lamoureux stated that he appreciates the Mayor's comments, but he still thinks they should make sure they understand the legalities from the City Attorney, and see if option two or three is a better way. The City Council inherently wants to help people. That is a reason to go with option three.

Councilor Filiault replied that that is why they are placing this on more time - so they can find out the legal issues. They all have questions. Two weeks would be plenty of time.

Assistant City Manager stated that option three clearly laid out the appeal path for someone who was dissatisfied with the Planning Board decision, but option two does not indicate an appeal path. Is that because there is not one? Mr. Blomquist replied that there is not necessarily an appeal process from a legislative body's decision. Ms. Fox replied that they might want to look at what further actions a person can take if he is not happy with the decision of the body. People should be able to exercise their rights if they feel they are aggrieved. Mr. Blomquist replied that it sounds like the MSFI Committee could use guidance on the appeals process, and maybe in discussing what the quasi-judicial process means and what restrictions it comes with.

The City Manager stated that he wants them to keep in mind that with either option, essentially they are looking for the City Engineer to render a technical decision, based on safety, distances, and so on and so forth. He continued that if the person aggrieved does not agree with the technical decision it goes to a body for a decision on what is a technical decision. When thinking about pathways, they should in mind the basic principle, the value of potentially overturning a technical decision. Chair Manwaring started that she agrees. She likes the idea of seeing the City Engineer first. That would be less intimidating for someone than going to the Planning Board.

Chair Manwaring asked if committee members or members of the public had questions or comments.

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

On a vote of 5 – 0, the Municipal Services, Facilities and Infrastructure Committee recommends the discussion on driveway code reviews be placed on more time for one cycle.

5) Roxbury Street Crosswalk Discussion – Public Works Department

Mr. Lussier stated that four weeks ago residents of Central Square Terrace approached the City with a petition for a raised crosswalk to replace the existing one that goes between their residence and the Twenty One Bar & Grill. He continued that staff asked for the request to be on more time so they could study it. He went to the site and met a couple of the residents and they continued the conversation more informally. What he observed right away is that there are real concerns with sight distance. When someone

stands at that location and looks for traffic coming at them, the lines are often obstructed by vehicles using the loading zone. He confirmed what he heard as testimony in the meeting. He tried stepping up to the curb as if to cross, to see what drivers would do. Of the five times he did that, four of the drivers failed to stop. It indicates to him that at least anecdotally there is a concern with driver compliance.

Mr. Lussier oriented the committee to the graphic on the easel, pointing out locations of buildings and crosswalks. He continued that he and his staff looked at four different options to address the concern of vehicles being able to see pedestrians and pedestrian safety in general. Option one was to improve the situation where the existing crosswalk is with clearer signage, markings, and sight lines, but leave the crosswalk where it is. Option two straightens out the alignment a bit, so the crosswalk is perpendicular and not skewed, and improves the crossing with an accessible ramp. Option three would be an improved location on the eastern side of the former YMCA, the sidewalk that runs through the Roxbury Plaza service parking area that would align with a new crosswalk directly opposite it. Option three was quickly dismissed. Reviewing the history of this location, there used to be a crosswalk there. It was eliminated due to concerns. A pedestrian was struck there because of limited sight distances. Option three is off the table. Option four is to upgrade the existing crosswalk that is right at the exit of the City's parking garage.

Mr. Lussier continued that option one keeps the location of the crosswalk in its existing location, but improves it with better pavement markings, and better signage telling drivers where to yield (at least 25 feet away from the crosswalk). The biggest change would be to eliminate two parking spaces on the south side of the street and half of the designated loading zone. It would require moving the bus stop to the eastern end of the block. That would allow better visibility. He showed a photo that he took when he was standing where a pedestrian would stand waiting to cross. He continued that there is a delivery van making a delivery, legally, but he could only see to about the truck's rear bumper. If he had stepped out off the curb there would be no way for a reasonable driver to see him and react in time before they hit him; that is the crux of the concern at this location. To correct that, option one would keep vehicles out of that area where they need to be able to see. It is a simple option and corrects the main concern, but he has lingering concerns. The existing crosswalk brings a pedestrian into the drive aisle of the Hannah Grimes parking lot. Also, it is a skewed crosswalk, which makes it problematic for pedestrians to see in one direction or another, and it increases the amount of time that pedestrians are in the crosswalk. Particularly for people with mobility impairments that is a concern.

Mr. Lussier continued that option two would improve the situation. It keeps the crosswalk in the existing location. It would remove a portion of the loading zone and remove two parking spaces on the south side, include better pavement markings and signage, but correct the alignment issue. It is possible. They checked the elevation of the sidewalk, street, and entrance into the bar and grille, and they can make it happen. His concern is that over time, the depth of curb shrinks. Right now it is down to four inches. Their standard is seven inches. Curbs direct water and prevent people from parking on

the sidewalk. Cars could get onto the sidewalk with a four-inch curb, but not so easily with a seven-inch one. If they rebuilt the street with seven-inch curbs they would have to build a different style of curb ramp here to meet ADA guidelines and make another step that would bump into the right of way right-of-way of the bar and grille, thus, he is not a fan of option two either. He met with some residents of Central Square Terrace and showed them these options. They preferred option two.

Mr. Lussier continued that option four would improve the existing crosswalk by the City parking garage's exit driveway. He showed where a ramp is, which does not meet ADA requirements because it does not have the tactile warning strips/bumps, but it is accessible. It takes pedestrians across to a curb, which does not meet accessibility guidelines. They would fix that. The ramp is scheduled to be upgraded as part of the MoCo Arts project. The City would also fix the other curb ramp. It is currently oriented straight out into the road, because of a tree. They would recommend removing the tree. They could replace it with a different one, but there is a planter box in the way for a ramp. That is a negative for option four. They are still talking about the same pavement markings and signage. He likes option four the best because it does not have the drawbacks of options one and two. It provides a more logical traffic flow. When talking with the residents last week, he found a lot of pedestrian traffic using the crosswalk today, mostly going from downtown to southeastern Keene somewhere. It was not so much of an issue of folks from Central Square Terrace going to the Hannah Grimes Center. This traffic pattern eliminates one of the two mid-block crossings, but it does seem to provide a direct link between the downtown users, the residents in this neighborhood, and the parking garage and future users of the MoCo Arts facility.

Mr. Lussier continued that with all of these options he recommends they bring this to the Finance Committee with a recommendation to find funds for this. It would be about \$12,000 to \$15,000 for the signage, pavement markings, and curb work. He recommends pedestrian-activated signals, similar to the ones at the West St. crossing by the Grange. Those signals are very effective at correcting driver behavior. They can put up signs but "sign fatigue" is what happens when people stop seeing the signs when they go by them every day. The pedestrian-activated signs change, so people notice them more. Maybe a driver goes through five times without the sign flashing because there is no pedestrian, and then the sixth time, it flashes and the driver notices it.

The City Manager stated that he is glad that the City Engineer talked about the MoCo Arts Center, because a lot of the reasoning for multiple crosswalks and their locations was due to the former YMCA, which had no parking. He continued that MoCo Arts will have parking, but it will also have pedestrian traffic. He is glad Mr. Lussier included that he took into consideration the location for the MoCo Arts in his presentation. Mr. Lussier replied that option four is a good option regardless of what is happening in the neighborhood. He continued that there is pedestrian traffic going through the alley crossing the road and also folks from downtown going to southeast Keene. He thinks it is a good option in any case. Also, fewer mid-block crossings are better in almost every case, especially when driver behavior is a problem. Drivers often do not comply when there is a crosswalk every 200 feet.

Councilor Filiault stated that over the years with the YMCA in a different location they got used to the lack of foot traffic. He continued that MoCo Arts will be creating more pedestrian traffic than they have seen in years, especially young pedestrian traffic. Therefore, he highly favors option four with a flashing light, which does capture drivers' attention more than signs do. He understands that people who live there will have to walk a little more to get to the crosswalk but he still thinks this option makes the most sense. Mr. Lussier replied MoCo Arts will include on-site parking and there will be a lot more pedestrian traffic, especially during performances.

Councilor Lamoureux stated that Mr. Lussier answered some of his questions about how many people would be crossing from the Central Square Terrace area. He continued that he thinks people heading downtown would be safer going to the lighted intersection. When he worked at City Hall he did not use that crosswalk (in front of Central Square Terrace); he went to the one in the middle with a better sight line not impacted by parking. Option four does that. Mr. Lussier replied yes, he should have added, with option four there is no change to parking or the loading zone. Already the conditions exist to clean up the sight distances; parking was eliminated near that crosswalk when a crosswalk was removed in 2005. As for how many Central Square Terrace residents would be inconvenienced, he will let them speak for themselves. Councilor Lamoureux stated emergency vehicles which are responding to calls from Central Square Terrace park in a portion of the loading zone that other options would remove and this impacts the line of sight. Mr. Lussier replied that Chief Howard will park an ambulance right in front of the door; he is not going to worry about whether there is a striped space or not.

Councilor Lamoureux stated that when you drive on Roxbury St. there are a lot of people that gather by the entryway. He sees them mingling near the sidewalk. He continued that many drivers might not know that someone there is trying to cross at the crosswalk. That is another reason he likes option four.

Mr. Lussier replied that he brings up a good point. He continued that as part of the review they analyzed drivers' speeds. They had just gotten a traffic study for the residential development project, which took speed measurements further down the road. Engineers like to talk about the speed that 85% of the traffic is going at or slower than; that is considered what a reasonable driver might be doing. With this study that was 29.9 mph. They took more measurements closer to the intersection and it was 26 mph, because drivers go slower approaching the signal-controlled intersection. What they learned is that speed itself is not necessarily the concern; it is really a sight distance issue. Accident data shows that in 2013 a pedestrian was struck at the location and had broken bones. The pedestrian, in the police report, said he could not see because there was a car parked on the south side of the road. To him, that echoed the analysis.

Yvonne Gilbertson, of Central Square Terrace, stated that she was under the impression when she and residents met with Mr. Lussier, that to put the crosswalk all the way over by the parking garage exit would cause problems. They already have problems with that exit. Bicyclists go flying in there. A car hit a bicyclist but it was the bicyclist's fault.

Some residents wanted to see the current crosswalk stay where it is now but just get moved forward and include a dip to make it accessible for people in wheelchairs. They also want the flashing, pedestrian-activated signs right there. They can move the handicapped parking space over and they will have visibility on that side where the ambulances will go. She does not care about the tree. They can remove the tree. What she has described is what she thought would happen. Chair Manwaring asked if she means option two. Mr. Lussier replied yes, she is referring to option two. Ms. Gilbertson replied that that is what residents were hoping to have.

Chair Manwaring asked, regarding option two's reduced loading zone, how would they prevent people from using the full area like they have been doing for a long time? Mr. Lussier replied that they would propose removing half of the loading zone, although they have not vetted this with the businesses. He would like to get their opinions. They would still have some area designated for unloading. The bus would have an unstriped place to park. In the near-term, he can do pavement markings, and maybe longer term they can do curbs. It is really an enforcement issue. When people are parked there they need to enforce it.

Councilor Lamoureux stated that he was involved with parking for a long time. He continued that there will be a concern with removing parking on Roxbury St. People want more parking. The merchants will be very upset. He thinks it is still a safety issue even if they remove two spaces. There is a sightline issue to be addressed. He is also concerned that if they remove about half the loading zone the large trucks will not fit and they will park on the side of the road like they used to, which will cause more of a problem. That loading zone is used constantly by merchants as well as residents. His opinion is that the middle sidewalk is the best option, knowing the future of the area.

Councilor Lamoureux stated that this goes back to his earlier question – where do people actually go when they cross the street? Ms. Gilbertston replied that they go various ways. Councilor Lamoureux replied that if they are going down Main St., it would be the same distance; they just would be crossing at a different location. Ms. Gilbertston replied that where the crosswalk is now is where it has been there for so many years. People with disabilities cannot walk that far, and that is why the crosswalk is right in front. That crosswalk is in constant use. Let MoCo Arts, when they are there, decide where to add sidewalks. Right now it will cause a lot of problems if they put the crosswalk at the parking garage exit.

Councilor Lamoureux asked if MoCo Art's project will include a new sidewalk. Mr. Lussier replied that it includes repairing and replacing the sidewalk in front of their property. He continued that they will change the driveway and curb line and correct the existing sidewalk, but it is not moving much, maybe a foot from its current location. Councilor Lamoureux asked if the sidewalk will go from Roxbury St. into the parking structure behind City Hall. Mr. Lussier replied that there is a walkway today along the western side of the alley. The project itself will have walkways that go from the public sidewalk into the building. Also, a sidewalk will go from the new school to a newly built set of stairs that will lead up to the parking deck. There is an existing set of stairs that has

been barricaded for years. That will be removed and new stairs will be built, with a sidewalk that connects to the front door. It is not a formal sidewalk encouraging folks to walk through there. He continued that Councilor Lamoureux mentioned even removing two spaces would still leave sight issues. Two spaces being removed would meet the MUTCD's bare minimum requirements for sight lines.

The City Manager stated that based on comments discussing option two versus four, the basic hesitancy he hears on option four is related to the connection to the driveway area. Can they put it west of the driveway area by removing the tree? Mr. Lussier replied that it is possible but he does not know how it would line up with the driveway entrance. The City Manager suggested angling it.

Ms. Gilbertson stated that they should just add lights to the one there now. She continued that Mr. Lussier said that they could build indented sidewalks for wheelchairs, but it would inconvenience the bar and grill for a while. The sidewalk is wide enough and people could still use it. Mr. Lussier replied yes, it is possible to build an accessible crosswalk and have it go to the bar and grill's door. He continued that there would be some impacts to pedestrians using the sidewalk for just a few days, but they could do that. His concern is longer term when the road gets rebuilt with the correct curb height - they would have to do something a little more extensive to build a new step in the right-of-way to allow access to the building. Ms. Gilbertson replied that people will still try to cross right in front, because they are so used to that. They would have a hard time going such a long distance just to cross the street. Mr. Lussier replied that it is about the same distance as going to the other crosswalk to go to Main St. They would have to go about 150 feet out of their normal way.

Councilor Filiault stated that if it were not for MoCo Arts he would be in favor of option two, but they have to look down the road to this major development. He continued that he understands that people will have to walk out of their way a bit, but with this major development, there is not much choice. He asked, no matter what they approve here, will Mr. Lussier's recommendation go to the Finance Committee? Mr. Lussier replied that there is not funding in the operating budget for this. He continued that they will be recommending the pedestrian-activated crossing lights and they can be expensive.

Councilor Filiault asked the City Manager if he wants a motion from the MSFI Committee recommending one of the options to include, as part of it, a recommendation that it go to the Finance Committee.

The City Manager replied that they had a request from citizens to do something with the crossing. He continued that they had the City Engineer take a look and give his professional opinion on the options and which is best. What they are hearing is the citizens are requesting one spot, but staff is looking at another spot for other reasons. This committee is acting on the request and the recommendation of the City Engineer, who is letting them know that the next step is to find the money to do the work no matter which option is chosen. The major work is the lighting system, whether they choose option two or four, since option three is bad. Mr. Lussier replied that option three is bad

and option one is only marginally better. He continued that he suggests that the motion, if the committee chooses to make one, be to authorize the City Manager to do all things necessary to implement option "X" and that it be forwarded to the Finance Committee to designate finances for the project.

Chair Manwaring stated that she is concerned about option four because there is the driveway right there. He said he did not like the others because of the driveway. Mr. Lussier replied that what his concern is with option one is it is putting pedestrians into the driveway of the adjacent parking lot. Here, folks coming out of the existing parking lot would be crossing pedestrian traffic. That would be the same whether they keep it where it is or slide it a little to the west like the City Manager suggested. Whether the crossing is from Central Square Terrace or the new development, that traffic crossing would still exist. Folks coming from the parking garage would be moving at much slower speeds. He understands Ms. Gilbertson's and the residents' concerns and does not want to diminish them, but the risk for someone coming through the alleyway versus the roadway itself is a little bit easier to manage. Ms. Gilbertson replied that right now there is a wall there and you cannot see past it unless you go in the street. Mr. Lussier replied that that will be removed as part of the new development. There will be a more open fence, like wrought iron. That problem will be going away as part of the development. The sight distance when you are coming out here, looking for a pedestrian walking down the sidewalk from the direction, that will still be a problem because of the building. But people driving out of the garage should be going at a slower speed and should be able to stop rapidly if there is a pedestrian.

Councilor O'Connor suggested placing this on more time for another cycle. He continued that if they move it to the west, with option four, it sounds like the City Manager needs to talk with some residents there and maybe do more studying of measurements. He, too, likes the idea of moving it to the west. Mr. Lussier stated that if the committee recommends option four they can ask staff to create a more detailed design of that and report back, including a report of which of the locations would work better. He does not think they need to delay the process.

Councilor Hooper stated that he is leaning towards option four with further study of the City Manager's suggestion of putting the crosswalk further west. He continued that he is looking at the big picture and safety for everyone. He understands that the request was regarding the crosswalk right in front of Central Square Terrace. Even if they had to go a little further up the street to get to the crosswalk they would be having improved pedestrian-activated signals, which would improve safety for residents. Everyone would be safer, and also, it would include a more practical spot for MoCo Arts. He thinks everyone will be safer and that is what they want – safety of everyone who will be using the area, including MoCo Arts folks.

Mr. Lussier stated that regarding the timing, realistically, they could not do this construction this season. They would suggest spring 2017. They would have time to work this through and deliberate more as needed.

Ms. McCauley of Central Square Terrace, stated that she wonders, if you move the crosswalk (by the parking garage driveway) to the other side of the driveway, would that make any difference? Mr. Lussier replied that that is what the City Manager was asking. He continued that staff did not look at that as an option. They will have to do more thinking on that and figure out how it relates to what else is there. It would address the concerns about vehicles coming out of the driveway and putting the residents in front of that traffic. More broadly, the traffic most likely generated by new development would still be crossing that driveway at that location. So it is not completely eliminating the concern, but it is addressing it somewhat for the Central Square Terrace residents. Ms. McCauley stated that when driving, she has to completely stop and inch out, because drivers cannot see and people are just inching through. She continued that if the crosswalk is on the other side it might be easier for drivers to see people coming.

Ms. McCauley continued that regarding the loading zone, people come to just visit. Someone parks there at 6 AM and stays until 11 AM or noon, treating it as a parking space. Is there a way to mark it more clearly so people do not park there? Mr. Lussier replied that it is currently marked as a loading zone with 15 minute parking only. He continued that it sounds like what she is talking about is more about someone not following the rules. Ms. McCauley replied that they call the Police to have the parking folks come, but usually they do not. Mr. Lussier replied that it is legal for people to be parked there, so the problems that pedestrians have crossing there exists even with the 15-minute restriction. Ms. McCauley stated that about a week ago an ambulance came for a resident in the building and had to park across the street at the Hannah Grimes parking lot because there was no space in front of the building.

The City Manager stated that they have taken note of the parking issue. He continued that there is a zeroing in on option two or four and option four needs more research. It will not get done this season anyway. He does not think they need to have an iron clad decision tonight. They can give the City Engineer more time to do more work. He, too, has more questions to talk with him about. Chair Manwaring suggested giving staff three cycles.

Councilor Clark stated that many times when they are designing new projects they forget about the Complete Streets policy. He continued that the Complete Streets policy says cars are not “king” anymore. They have to take other modes of transportation into consideration. There is a policy that tends to limit crosswalks, for example. That was probably good before Complete Streets came along. Rather than modifying traffic behavior, they tend to try to modify pedestrian behavior. If they are really going to follow the Complete Streets policy, they should look at traffic calming measures and give more strength to pedestrians’ rights of way. They should have at least equal rights of way. They should back up and think about that. These options are not taking Complete Streets into account. They are about pedestrian behavior.

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

MSFI Meeting Minutes
October 26, 2016

On a vote of 5-0 the Municipal Services, Facilities, and Infrastructure Committee placed the discussion regarding crosswalks on Roxbury Street on more time for three cycles.

6) **Adjournment**

The meeting adjourned at 8:13 PM.

Respectfully submitted by,
Britta Reida, Minute Taker