

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, December 12, 2018

6:00 PM

Council Chambers

Members Present:

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

Staff Present:

Elizabeth A. Dragon, City Manager
Kürt Blomquist, Public Works
Director/Emergency Management Director

Members Not Present:

Robert B. Sutherland

Chair Manwaring called the meeting to order at 6:00 PM, welcomed the public, and explained the rules of procedure.

1) Request for Easement Encroachment – Monadnock Food Co-op

Public Works Director Kürt Blomquist explained this request is time sensitive. He stated that there are two representatives from the Monadnock Food Co-op approached the City to discuss encroaching on a City easement; he used a map to demonstrate the location. There are two easements near the Co-op on Railroad Street Condominium Unit Owners Association property. The drainage easement in question in this request is for a large storm drain that moves water north from Main Street. As the Co-op moved forward designing their new addition and submitted a permit application for third party review, they found they were encroaching on the City's drainage easement. The encroachment is a fairly small 12' area. Still, the Public Works Director tries typically to discourage building permanent structures where the City has infrastructure. Depending on how this Committee and Council vote, the Co-op will redesign to move outside that area if necessary. If Council grants the encroachment, staff will work with the Co-op designers to ensure the foundation is protected for the future when there is a need to upgrade or replace the drainage system; the City does not want to be responsible for extra costs to protect the Co-op building. This project is unique because the land is owned cooperatively under the title Railroad Land Development, LLC, which is why both the Co-op and condominium association are included in the recommended motion; per the City Attorney, it is necessary to work with both entities. He and the City Attorney anticipate release of the easement area but nothing is finalized because of the short notice. He said the recommended motion is broad so that staff has broad authority to allow the City Manager to finalize documents. Staff needs Council's concurrence for the Co-op to be able to encroach on the easement.

The Public Works Director introduced the two representatives present for this request: Rob Hitchcock, engineer from SVE Associates, and Michael Faber, General Manager of Monadnock Food Co-op. Mr. Hitchcock began explaining that he made a mistake in using an outside surveyor initially because his was unavailable; the outside contractor was less familiar with the project area and the City, and thus was unaware of the easement. Mr. Hitchcock said he was at fault because he did not follow-up to confirm the easements were unaffected in the design. He used a map to describe the addition and the encroachment. He said he knows it was his mistake, but redesigning will cause them to lose additional community space, and will add a minimum six weeks to the project schedule. They are asking for help to resolve this as easily as possible for everyone.

Mr. Faber echoed Mr. Hitchcock and said he appreciates Council's willingness to consider this request. He knows it was a mistake and might seem like a small area, but redesigning the addition is more complex than it might appear on the map; the interior layout would be impacted and all of the steel would have to be redesigned. Per Chair Manwaring's request, Mr. Faber demonstrated the 6,700sf addition on the design plans.

The Public Works Director summarized the request and said the recommended motion is positive so the City can work with the Co-op and Railroad Land Development, LLC to develop a solution. Per Councilor Hooper's request, the Public Works Director explained developing this solution will require staff time, which is a minor expense to the City.

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

On a vote of 4-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the City Manager and City staff be authorized to do all things necessary to negotiate and execute the necessary documentation with the Monadnock Food Co-op and Railroad Street Condominium Unit Owners Association for encroachments in the City's Drainage Easement located on the former Railroad Property subject to conditions identified by staff.

2) Adjournment

Hearing no further business, Chair Manwaring adjourned the meeting at 6:13 PM.

Respectfully submitted by,
Katrnya Kibler, Minute Taker

Additional edits by,
Terri M. Hood, Assistant City Clerk