

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, March 13, 2019

7:00 PM

Council Chambers A

Members Present:

Philip M. Jones, Vice-Chair
George S. Hansel
Bart K. Sapeta
Margaret M. Rice

Staff Present:

Kurt Blomquist, Public Works Director
Rebecca Landry, ACM/ IT Director
Elizabeth Dragon, City Manager
Andy Bohannon, Parks & Rec Director
Tom Mullins, City Attorney
Rhett Lamb, ACM/Community Dev. Dir.

Members Not Present:

David C. Richards, Chair

Other Councilors Present

Carl Jacobs
Mitchell Greenwald

Acting Chair Jones called the meeting to order at 7:00 PM.

1. Milone & MacBroom on Behalf of People's Linen - Request to Use City Property - Monitoring Well

Charles Teale, of 2 Cote Lane, Bedford addressed the request to authorize the installation of a proposed groundwater monitoring well on the northwestern portion of the 300 N. Lincoln Street property, adjacent to Beaver Brook, to aid in the characterization process for the People's Linen facility at 9 Giffin Street (the "Site") regarding tetrachloroethylene (PCE) impacted groundwater from historic dry cleaning operations. He said this environmental investigatory work is being requested in accordance with the New Hampshire Department of Environmental Services (NHDES). Environmental work to date has involved creating a network of *on-Site* groundwater monitoring wells to demarcate the extents of the PCE impacted groundwater; however, the down-gradient extent has not *yet* been delineated. Hence our proposed efforts to install a groundwater monitoring well on the City of Keene property (300 N. Lincoln Street), just south of the 43 George Street residence. Access for drilling the proposed well would be through a People's Linen-owned undeveloped lot (Parcel 535-025), located adjacent to 43 George Street, using a track-mounted ATV drill rig. The plan would be to have the well installed during this 2019 winter season, if possible, while the ground is frozen to alleviate impacts to the ground

surface by the drill rig. The groundwater monitoring well would be completed with a 3± foot vertical, 4± inch diameter steel standpipe to protect the 2-inch diameter polyvinyl chloride (PVC) well pipe at the ground surface. Sampling of the well would likely be conducted in the spring and fall of each year in accordance with an anticipated Groundwater Management Permit (GMP) to be issued by the NH DES for the *Site*. The well would likely be included in the GMP sampling program for a number of years until such a time when groundwater impacts at the *Site* are observed to be below the state regulations for PCE impacted groundwater. The NH DES would ultimately decide when sampling should cease, as well as the frequency of the sampling. It should also be noted that once this groundwater monitoring well is no longer needed, as determined by the NH DES, the well can be decommissioned, which involves the removal of the well components and filling the associated borehole with bentonite, a water absorbent clay material used as a plug to prevent other media from entering the subsurface at this location.

Acting Chair Jones clarified this well does not have its own monitoring system. Mr. Teale advised that was correct.

Acting Chair Jones asked for Committee questions/comments.

Councilor Sapeta asked if the data would be available to the public. Mr. Teale replied in the affirmative noting it is posted on the NH DES website. Mr. Teale also advised he has no problem emailing the results to the City before the actual report is generated.

Councilor Hansel wanted to know how long the monitoring will be required. Mr. Teale replied if it turns out to be a clean well probably just a couple of years. On the other hand, if we do have PCE in that well it will be on the monitoring list for many years. Councilor Hansel asked what happens when it ceases to be a monitoring well. Mr. Teale replied the well would be decommissioned and outlined that process.

Acting Chair Jones asked if People's Linen was doing this for their own protection or if it was an EPA requirement. Mr. Teale replied it is a requirement of NHDES that we can delineate the entire groundwater area that has been impacted. This is the last portion we need to delineate. Mr. Teale also reiterated the other locations where they could not obtain permission for the well noting this is a fallback position.

Acting Chair Jones asked for public questions or comments.

Andy Bohannon, Parks & Recreation Director addressed the Committee noting he has not had a chance to review any of the information on this proposal; and he would like the opportunity to do so. Acting Chair Jones commented it sounds like this should be a more time issue and asked if there were any time restrictions. Mr. Teale replied in the negative noting it could be done in the spring time. Mr. Teale offered to provide Mr. Bohannon any information he might need.

There being no further questions from the Committee or public Acting Chair Jones asked for a motion.

Councilor Hansel made the following motion which was seconded by Councilor Rice.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends this issue be placed on more time to allow staff to review the application.

Acting Chair Jones advised Mr. Teale this would stay on the Committee's agenda until a report is received from Mr. Bohannon.

2. Bruce Bickford/Farmer's Market - Request to Use City Property - Gilbo Avenue

Bruce Bickford, of Walpole, representing the Farmer's Market advised the Committee of a couple of potential changes to benefit the Market.

- They would like to open two Saturdays earlier (Earth Day) than previous years
- They want to change the Tuesday hours (at same location) to 4:00 PM – 7:00 PM instead of operating in the morning

Acting Chair Jones referred to the prepared motion and asked Mr. Bickford if the date, April 20th, covers his request. Mr. Bickford replied in the affirmative.

Acting Chair Jones asked for Committee questions or comments.

Councilor Rice asked if the Tuesday start time would be moved up into April. Mr. Bickford replied in the negative explaining they would not start the Tuesday hours until May.

Councilor Hansel referred to the picnic tables in the prepared motion asking if this was new. Mr. Bickford indicated he knew nothing about the picnic tables. The City Manager commented this is a carryover from last year. Mr. Bickford said maybe the tables could go on the grassy area. Councilor Hansel asked if they would be taking the tables away between markets or would they stay there. Acting Chair Jones confirmed the City is authorizing the Farmer's Market to put the tables there so they would be responsible for them. Rather than changing the prepared motion Acting Chair Jones suggested Mr. Bickford could submit a new letter if he wanted the tables to stay permanently.

The City Manager pointed out there are no times mentioned in the prepared motion. The City Attorney recommended "on Tuesdays from May 7, 2019 to October 29, 2019, 4:00 PM to 7:00 PM, and then from April 20, 2019 to October 26, 2019 from 9:00 AM to 1:00 PM". He then asked Mr. Bickford if those were the same times they wanted to keep on Saturdays. Mr. Bickford also noted the hour before and after for setup and breakdown asking if that needed to be in the motion also. The City Attorney clarified the hours to be from 8:00 AM to 1:00 PM on Saturdays and 3:00 PM to 7:00 PM on Tuesdays.

Councilor Rice also asked if Mr. Bickford needed an hour for breakdown. Mr. Bickford replied in the affirmative. Councilor Rice clarified the hours would then be 3:00 PM to 8:00 PM, and 8:00 AM to 2:00 PM. The City Attorney concurred.

Acting Chair Jones asked if the footprint had changed. Mr. Bickford replied in the negative.

Acting Chair Jones asked for public comments or questions.

Carl Jacobs, Ward 2 Councilor asked if there was a mechanism in place to address any potential scheduling conflicts during the evening. The City Manager reported this was discussed during the staff meeting and it was determined there would not be many, if any Tuesday nights the Colonial would be impacted. She suggested the impact would be to the parking.

Britney McNaught thanked the Committee for listening to the Farmer's Market. She commented on the benefits of the Farmer's Market for the community. She noted the higher levels of excitement with this year's vendors. Ms. McNaught asked the Committee to support the requested changes.

Emerald Levick addressed the downturn in sales at the Farmer's Market over the past couple of years noting this is why the Tuesday evening changes are essential. She added this is when the Farmer's Market needs to be accessible to its customers. Ms. Levick is also the Marketing Manager for the Food Co-op. Ms. Levick reported if the hours are not changed Mr. Bickford may be the only vendor there; but if the hours are changed there are six or seven other vendors who will probably be there.

Putting a plug in for the Farmer's Market the City Attorney noted his appreciation for the availability of fresh vegetables and bread.

Councilor Rice noted she was in favor of the time change on Tuesdays.

There being no questions from the Committee or public Acting Chair Jones asked for a motion.

Councilor Rice made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Farmer's Market of Keene be granted permission to use 22 parking spaces along Gilbo Avenue on Tuesdays from May 7, 2019 to October 29, 2019, from 3:00 PM to 8:00 PM, and 22 parking spaces along Gilbo Avenue as well as an additional 18 spaces on the other side of the median strip in the Commercial Street parking lot on Saturdays from April 20, 2019 to October 26, 2019, from 8:00 AM to 2:00 PM. In addition, the petitioner is granted use of the median area for placement of picnic tables with the understanding that the pedestrian path may not be obstructed. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month); obtainment of a city food license from the Health Department; and compliance with any recommendations of City staff. Access to City electrical shall also be provided at a fee of \$60.00 for the season. It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

3. Weston Liu/New England Aerobatic Club - Request to Use City Property - Dillant Hopkins Airport

Weston Liu, of New England Aerobic Club addressed the Committee noting there were no changes in the request from previous years. Mr. Liu said he would be happy to answer any questions.

Rebecca Landry, ACM/IT Director congratulated Mr. Liu on being a top ten finisher in the National Aerobatics competition last year.

There being no questions or comments from the Committee Acting Chair Jones asked for public comments or questions.

Mitch Greenwald, Ward 2 Councilor who also serves on the Airport Marketing and Development Committee noted the Committee's full support and encouragement for the event. He added there were no negative comments from last year's event.

Acting Chair Jones said there was a reason why there could not be a public notice about this event. Mr. Liu replied it is an FAA requirement that we cannot invite the public. The former Airport Director used to send out a news item saying there would be aerobatics.

There being no further questions or comments from the Committee or public Acting Chair Jones asked for a motion.

Councilor Sapeta made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobic Club from the date of issuance through December 31, 2019, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobic activity shall not occur below 1,500 MSL, limit aerobic activity to the southern portion of the aerobic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days.

**4. HB 365 "Relative to Net Energy Metering Limits for Customer Generators" -
Energy and Climate Committee**

Peter Hansel, of the Energy and Climate Committee reported that House Bill 365 passed one of the sub-committees this morning with a positive recommendation. It still has to go through the full House Mr. Hansel said. He also noted there is a Senate version out there as well. This bill would raise the net metered cap for net metered projects from 1 megawatt to 5 megawatts. It would require utilities to account for net metered power in such a way that maximizes the ratepayer savings and minimizes the ratepayer costs. He continued it would allow large energy users like municipalities, schools, and businesses to invest in renewable energy projects that are properly sized for their needs. Mr. Hansel pointed out the one thing that affects Keene specifically – the wastewater treatment plant is one of the largest energy users in our region. If they were to install a solar project that would take care of their energy needs it would probably need to be larger than 1 megawatt. If the cap is raised above 1

megawatt it would allow the City to invest in projects like that. Mr. Hansel said there are over 70 solar installations in our community today. Last year a similar Bill passed both Houses and was vetoed by the Governor. He sees this as part of reaching our goal of becoming 100 percent renewable and noted the importance of showing our support.

Acting Chair Jones asked if this letter should go to just local Representatives or all of the Representatives. The City Manager indicated it would be sent to all Representatives. Continuing Acting Chair Jones said if we do this he would suggest we show supporting documents such as our Master Plan and Climate Action Plan. We should show background on why the City should be involved.

Acting Chair Jones asked for Committee questions or comments.

Councilor Hansel agreed showing supportive materials was a good idea. He also agreed weighing in on this Bill was appropriate. He stated his reasons noting net metering was established to protect the utilities and their investments. Councilor Hansel said it is up to us to determine when that bar gets moved. He also agreed it is time for the City to say it is time to move the cap.

Councilor Sapeta also expressed his support for the request. He commented net metering is used to offset a situation where there is not enough sunlight to generate the needed energy or put energy back to the grid. With the advent of energy storage is this something that will replace the need for net metering. Mr. Hansel replied the country in general is starting to move in that direction. The State has one prototype in Lebanon, but it has not really caught on in our state yet.

There being no further questions or comments from the Committee or public Acting Chair Jones asked for a motion.

Councilor Hansel made the following motion which was seconded by Councilor Rice.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council draft a letter to the state legislature stating they support HB 365 “Relative to net energy metering limits for customer generators.”

Committee members agreed supporting documents should accompany the letter.

5. Swanzev Dam Easement -Airport Department

Rebecca Landry, ACM/IT Director reported we have an opportunity to enter into an easement agreement with the Town of Swanzev. There is a small dam at lower Wilson Pond on Route 32 in Swanzev with associated facilities on Keene Airport property. The dam is in need of rehabilitation for which the Town of Swanzev is responsible. In order to tend to an outlet pipe and other associate dam facilities, the Town of Swanzev is requesting an easement for both short term rehabilitation and long term maintenance purposes. It is recommended that the easement be negotiated and executed for these purposes.

Acting Chair Jones commented this work has been being done for years; we are just doing it legally now is that correct. Ms. Landry indicated she was not sure as this is the first she has heard of an easement being necessary for this purpose.

Acting Chair Jones asked for Committee questions/comments.

Councilor Sapeta asked if there would be any restrictions on our part. Ms. Landry replied that is part of the negotiation process.

Acting Chair Jones pointed out the motion reads to negotiate and execute so this will not be coming back to us.

Acting Chair Jones asked for public comments/questions.

Mitch Greenwald, Ward 2 Councilor noted the Scribner's error in the motion asking if Route 132 means Route 32. Ms. Landry concurred.

Councilor Rice commented in a hypothetical scenario if we were not to grant this easement, and the dam was not repaired, would that negatively impact our property. Ms. Landry replied in the affirmative.

There being no further questions or comments from the Committee or public Acting Chair Jones asked for a motion.

Councilor Rice made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council authorize the City Manager to do all things necessary to negotiate and execute an easement with the Town of Swanzey for the rehabilitation and long term maintenance of a Wilson Pond dam.

6. Adjournment - There being no further business before the Committee Acting Chair Jones adjourned the meeting at 7:47 PM.

Respectfully submitted by,
Mary Lou Sheats Hall- Minute taker
March 14, 2019

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