



MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE  
Council Chambers B, Keene City Hall  
March 22, 2023  
6:00 PM

**A. AGENDA ITEMS**

1. Request for a Tree Removal - Marlboro Street - 310 Marlboro Street, LLC
2. Proposed Public Art Piece - Historical Society of Cheshire County
3. Presentation - Infrastructure Planning and the CIP Process - Public Works Department
4. George Street Bridge - Implement Proposed Design - Public Works Department
5. Relating to Chapter 58 - Parks, Recreation and City Unimproved Land Ordinance O-2023-04

**B. MORE TIME ITEMS**

**NON PUBLIC SESSION**

**ADJOURNMENT**



310 Marlboro St LLC, Keene, NH 03431

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February 16, 2023

Mayor George S. Hansel & City Council  
3 Washington St.  
Keene, NH 03431

Dear Mayor Hansel and City Council:

It has been brought to our attention that the ornamental tree slated for removal per the site plan approved by the Planning Board is not on 310 Marlboro Street's property. In order for 310 Marlboro Street to move forward with the new layout of the parking lot this tree will need to be removed. As we have described all along, the proposed site plan both improves circulation and safety of the parking lot.

We are, therefore, requesting authorization to remove the ornamental tree from the public Right-of-way. We will be planting a pin oak tree in the old curb cut with a trunk of 2.5" or greater as measured 6 inches above the ground.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randall Walter'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Randall Walter  
Manager, 310 Marlboro St. LLC



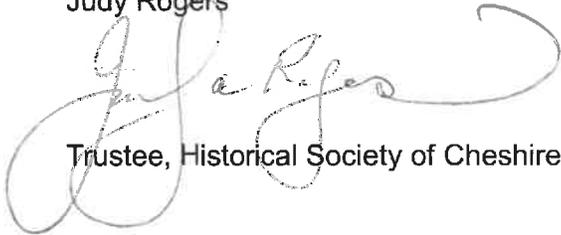
Dear City of Keene,

February 28, 2023

The Historical Society of Cheshire County respectfully submits this proposal for a public art piece. We are submitting an outline of the proposal and a mockup of the art piece. The piece, reflecting Keene's manufacturing heritage, is intended to be a fun and attractive welcome to Keene for people arriving via the main street corridor.

It is our hope that our proposed piece can be erected in the public right of way in front of our headquarters at 246 Main Street. We hope you agree that this piece will be a welcome addition to the Keene streetscape.

Sincerely,  
Judy Rogers

A handwritten signature in cursive script, appearing to read "Judy Rogers", written in black ink. The signature is fluid and extends to the right with a long, sweeping tail.

Trustee, Historical Society of Cheshire County

## Proposed Public Art Piece for the City of Keene

This is a proposal for a replica of a Kingsbury Toy Taxiplane as a public art piece. It is intended to highlight the Kingsbury Toy Collection at the Historical Society of Cheshire County.

Artist: Peter Poanessa will be creating the piece for the Historical Society of Cheshire County. Peter was chosen for his decades of experience creating durable, weather resistant works that heighten the overall character of our beautiful city.

The proposed piece of public art is intended to be permanently located in the right-of-way in front of the HSCC building at 246 Main St.

\*The right-of-way between the sidewalk and on-street parking is a strip approximately 24 feet wide; the proposed piece at its widest point, the plane, is only 42 inches.

A mockup of the proposed piece is provided.

Construction materials will be chosen for low-maintenance durability.

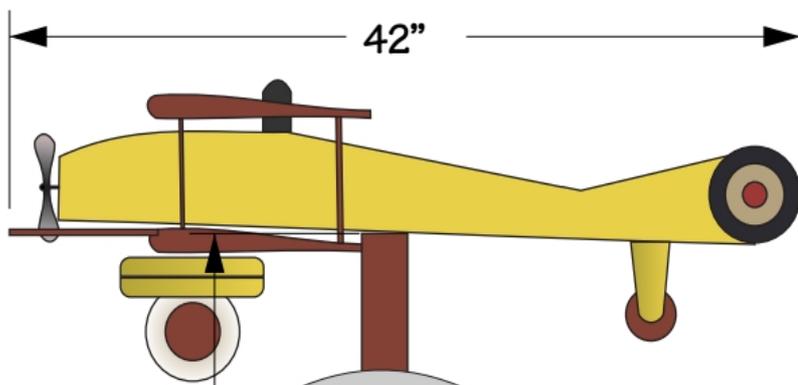
By placing this piece in the public right-of-way it will be safely out of the public thoroughfares. The main component of the piece, the Kingsbury Taxiplane, will be securely mounted to a steel railroad post and base, well above adult height to further ensure safety for the public and security for the piece itself.

Kingsbury Toys are a representation of the reputed manufacturing craftsmanship of the City of Keene.

Kingsbury of Keene, NH, began casting iron farm equipment toys. From 1894 to 1942, the Kingsbury Manufacturing Co. produced cast iron and pressed steel hay rakes, tractors, milk delivery trucks, wagons, carts, trains, boats, airplanes, and more.

The HSCC has an extensive Kingsbury Toy collection, the collection was recently moved to the first floor entry for better access for the public. The HSCC would like to encourage more visitors to stop in at the museum and enjoy the collected heritage of our city.

The piece is being funded by the HSCC through donor gifts.



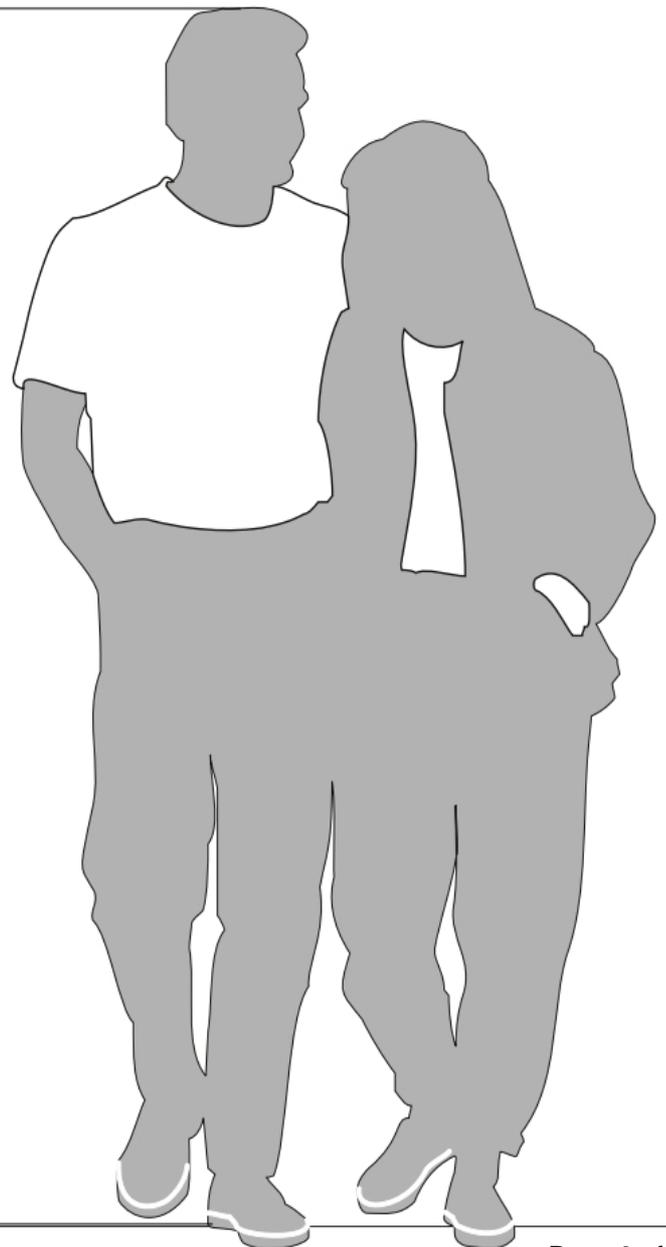
The Kingsbury  
Toy Collection  
at the  
Historical Society  
of Cheshire County

Kingsbury Taxiplane  
Artist: Peter Poanessa

108"

heavy steel RR  
post and base

72"





## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** March 22, 2023

**To:** Municipal Services, Facilities and Infrastructure Committee

**From:** Donald Lussier, City Engineer

**Through:** Kurt Blomquist, ACM/Public Works Director  
Elizabeth Dragon, City Manager

**Subject:** **George Street Bridge - Implement Proposed Design - Public Works Department**

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**Recommendation:**

Move that the Municipal Services, Facilities and Infrastructure Committee recommend that the City Manager be authorized to do all things necessary to implement the George Street Bridge Replacement Project as presented.

**Attachments:**

None

**Background:**

Design is underway for the George Street Bridge replacement over Beaver Brook. This is one of the City's ten currently "red-listed" bridges. This project is being completed with funding through the New Hampshire Department of Transportation's (NHDOT) State Bridge Aid program. The State reimburses 80% of the project costs and the City is responsible for 20%.

Under the State Bridge Aid program, the City's design consultant, McFarland-Johnson, must complete an Engineering Study prior to undertaking detailed design work. The study includes topographic survey, geotechnical investigations, identification of natural and historical resources within the project area, preliminary hydraulic calculations, evaluation of structure types, and identification of utility impacts. This phase of the project also includes the first of several public outreach tasks. The City hosted a neighborhood meeting on February 14, 2023, which was well-attended. The final step of the study phase requires the City Council to endorse the proposed design to be implemented.

The City's consultant has completed their study and recommendations. Major items to be addressed by the proposed bridge include safety, hydraulic capacity, wildlife accommodation, and soil pollution from an abutting property. The proposed bridge span will be approximately nine (9) feet longer than the existing structure to meet New Hampshire Department of Environmental Services (NHDES) stream crossing regulations. This expansion will reduce the stream elevation during the flow from a 50-year flood event by about 15 inches. Although the proposed structure will be able to pass the 50-year flood event, it will still not meet NHDOT Bridge Design guidelines. These require that bridges on Class V highways be designed to pass a 50-year flood event with a minimum of one foot between the

flood water elevation and the bottom of the bridge. This will not be feasible for the George Street Bridge due to the elevation of the surrounding roadway and properties. A waiver to this design standard from NHDOT will be required.

Other bridge design considerations include guardrail, streambank erosion, and impacts to abutting properties. To protect vehicles and pedestrians from entering Beaver Brook, a guardrail is needed on both sides of the bridge. In order to address failing retaining walls and erosion at all corners of the bridge, the limits of earthwork will extend approximately 50 feet upstream and downstream on both sides of Beaver Brook. This work will be reviewed individually with each property owner abutting the bridge, and the necessary temporary and permanent easements will be negotiated to allow its construction.

Major items to be addressed by the associated roadway work include safety, surface drainage, and utility replacement. The limit of work will extend approximately 200 feet to the west of the bridge and 100 feet to the east of the bridge. The sidewalk within the project limits will be replaced along the northern side of the street. Utility work will include replacing the water main under the bridge, replacing sections of sewer main on both sides of the bridge, and replacing the aging stormwater infrastructure within the project limits.

Based on feedback from the neighborhood meeting, our consultant is recommending that the project be constructed with a bridge closure and detour. With this construction method, George Street will be fully closed to vehicle and pedestrian traffic at the bridge site for approximately four months. A signed detour route will be installed along Sullivan Street, Giffin Street, and Washington Street to direct traffic around the work site. Pedestrian traffic will be detoured via the same route, with the substitution of Knight Street as the eastern leg to allow a shorter route.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty-three

AN ORDINANCE Relating to Chapter 58 - Parks, Recreation and City Unimproved Land

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

That Chapter 6, Alcoholic Beverages and Tobacco, Article II, Alcoholic Beverages, Sec. 6-28 – Same - Exceptions, be deleted in its entirety and replaced with a new Article II, Alcoholic Beverages, Sec. 6-28 – Same - Exceptions, AND that Chapter 58, Parks, Recreation and Public Facilities be deleted in its entirety and replaced with a new Chapter 58, entitled Parks, Recreation and City Unimproved Land, as follows:

## **Chapter 6 – ALCOHOLIC BEVERAGES AND TOBACCO**

### **ARTICLE II. ALCOHOLIC BEVERAGES**

#### **Sec. 6-28. – Same—Exceptions.**

- (a) Establishments holding a valid license from the state liquor commission to serve alcoholic beverages or liquor with food may also serve alcoholic beverages or liquor out-of-doors and on public ways when permitted to do so by the city council.
- (b) Consumption of any alcoholic beverage is permitted on city-owned property by special permission of the city council, and in City Parks in accordance with Chapter 58 of the City Code.

## **Chapter 58 - PARKS, RECREATION, AND CITY UNIMPROVED LAND**

### **ARTICLE I. PARKS AND RECREATION.**

#### **DIVISION 1. GENERALLY.**

##### **Sec. 58-1. Responsibility.**

City Parks, as defined below, and including City-owned bike paths, multi-use trails and any adjacent parking areas (collectively “City Parks”), and City-sponsored recreation, shall be the responsibility of the Parks, Recreation and Facilities Department, and under the supervision of the Parks, Recreation and Facilities Director (“Director”).

#### **DIVISION 2. CITY PARKS.**

## **Sec. 58-2. City Parks.**

Articles I and II of this Chapter shall apply to the following, which are designated as City Parks, and inclusive of all improvements, structures, attachments, and adjacent parking areas, as such Parks are depicted on the Maps of City Parks prepared and maintained by the Director:

Ashuelot River Park  
Beaver Brook Falls  
Beech Hill  
Church Street Park  
Court Street Stone Arch Bridge  
Dinsmoor Woods  
Edgewood Common  
Ellis-Harrison Park  
Fuller Park  
Greater Goose Pond Forest  
Hickey-Desilets Park  
Hospice Park and Memorial Garden  
Keene Forestry Park  
Ladies Wildwood Park  
Patricia T. Russell Park  
North Central Park  
Robin Hood Park  
Sesame Street Park  
Shadow Lake Park  
North Street Park  
Stearns Hill  
Water Street Courts  
Wheelock Park  
Wood Street Field

**Secs. 58-3—58-30. Reserved.**

## **ARTICLE II. CITY PARK REGULATIONS.**

### **DIVISION 1. GENERALLY.**

#### **Sec. 58-31. Promulgation of rules and regulations.**

To the extent not otherwise provided by Article II, the Director is hereby authorized to adopt, amend or revoke written rules and regulations relative to the control, care, maintenance and use of City Parks, and City-sponsored recreation, which shall take effect upon filing with the city clerk. The Director shall have the authority to post appropriate signs at the entrances of City Parks stating the Rules and Regulations that are applicable within the City Park. Rules and Regulations applicable to the use of Keene Forestry Park shall be in conformance with any rules and regulations for such use that may be required by the Federal Aviation Administration.

### **DIVISION 2. USES.**

**Sec. 58-32. Uses permitted.**

City Parks may be used for recreational activities and community events, including City-sponsored programs and activities. Permission may be given by the Director for other uses, provided:

- (1) The use requested is similar to a City-sponsored use, or deemed by the Director to benefit the public generally or a significant segment thereof.
- (2) Liability insurance has been provided with coverage and limits satisfactory to the city attorney.
- (3) Adequate arrangements have been made satisfactory to the Director for post-event cleanup of the area used.
- (4) All applicable Rules, Regulations, Ordinances and laws are complied with.

**Sec. 58-33. Uses prohibited.**

- (a) The following are prohibited within City Parks.
  - (1) No person shall hunt, shoot, trap, catch or attempt to hunt, shoot, trap, catch or otherwise harm, molest, harry or worry any animal or bird in, on, or over a City Park. The City Manager may authorize the control of, or removal of animals, in City Parks when deemed necessary and appropriate.
  - (2) No person shall discharge a firearm, firework, sling shot, arrow, paintball gun, or other projectile in City Parks.
  - (3) No person shall use a metal detector in City Parks, except with the prior authorization of the Director.
  - (4) No person shall fly an Unmanned Aerial Vehicle in City Parks except with the prior authorization of the Director.
  - (5) No person shall camp in any City Park, except within Wheelock Park with the prior authorization of the Director for approved sporting events and in compliance with any requirements of the Director. Except for authorized camping in Wheelock Park, any person discovered to be camping within any City Park shall be instructed to vacate the property immediately, unless additional time to vacate the property is authorized at the discretion of the Director.
- (b) No person shall enter into, or be located in, any City Park between sunset and sunrise, except for the following locations, and except as may be authorized by the Director or required by authorized emergency personnel:
  - (1) Tennis courts, horseshoe courts, and ball fields when illuminated together with parking lots to accommodate that use.
  - (2) Bike paths as a means of traveling through a City Park to another location.
  - (3) By special permission of the Director.
- (c) The following restrictions apply to glass containers, alcohol use, and tobacco use in parks:
  - (1) No glass containers of any type shall be taken into or used in any City Park, except in connection with a catered event holding a valid liquor license and approved by the Director in an area designated by the Director.
  - (2) Alcohol is permitted in areas of Wheelock Park designated by the Director. Alcohol is otherwise prohibited in all parks unless special permission is obtained from the city council pursuant to Section 6-28(b).
  - (3) Use of tobacco products, as defined in Section 6-81, is prohibited in all parks.

**Secs. 58-34—58-61. Reserved.**

**ARTICLE III. OPERATION OF MOTORIZED VEHICLES AND OFF-HIGHWAY RECREATIONAL VEHICLES.**

**Sec. 58-62. Definitions.**

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

(1) *Motorized vehicle* means any self-propelled vehicle, not operated exclusively on stationary tracks, which is registered for highway use, and inclusive of the following:

*All terrain vehicle* means any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more tires designed to hold not more than ten pounds per square inch of air pressure, having capacity for passengers or other payloads, not to exceed 1,000 pounds net vehicle weight, and no to exceed 50 inches in width. For purposes of this section, all vehicles within this definition shall be classified as off highway recreational vehicles.

*Off highway recreational vehicle* means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motor vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes.

*Trail bike* means any motor-driven wheeled vehicle on which there is a saddle or seat for the operator or passenger or both and which is designed or adapted for travel over surfaces other than maintained roads, whether covered by ice or snow or not. For purposes of this section, all vehicles within this definition shall be classified as off highway recreational vehicles.

(2) *Operate, in all its modes and tenses* means to use a Motorized Vehicle in any manner for transportation.

(3) *Paved, graveled, or graded ways* means the entire width between the boundary lines of any public highway, street, avenue, alley, parkway, or other road designed for or intended for use by motorized vehicles that is covered with pavement, an unconsolidated mixture of rock fragments or pebbles, or leveled for such vehicular travel.

(4) *City Parks* means the City Parks identified in Section 58-2 and excludes any public highway, street, avenue, alley, or parkway, and any parking lot open for use by the public or vehicular traffic which is not otherwise adjacent to a City Park.

(5) *Snow traveling vehicle* means any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, belts, or cleats. For purposes of this section, all vehicles within this definition shall be classified as off highway recreational vehicles.

**Sec. 58-63. General prohibition.**

Except as otherwise provided in this Article, no person shall operate any motorized vehicle in or upon any City park, except as permitted in section 58-64, and City Code section 94-238.

**Sec. 58-64. Exceptions to general prohibition.**

The following exceptions apply to Section 58-63:

(1) *Paved, graveled, or graded ways.* The operation of motorized vehicles shall be permitted on paved, graveled, or graded ways in City Parks, provided that said paved, graveled, or graded ways are not gated, barred or signed to prevent such travel.

(2) *Designated bicycle paths for connection to permitted trails.* The operation of snow traveling vehicles may be permitted on designated portions of bike paths and trails located in City Parks for the purposes of connecting to other permitted trails, but only upon the issuance of written authorization by the Director.

(3) *Special events.* The operation of snow traveling vehicles in City Parks may be permitted for special events, but only upon the issuance of written authorization by the Director.

(4) *Maintenance, inspection, monitoring, repair, and other official work.* The operation of motorized vehicles and snow traveling vehicles in City Parks, including bicycle paths, by city employees and/or authorized agents of the city or authorized third parties shall be permitted for purposes of maintenance, inspection, monitoring, repair, and other official work.

## **ARTICLE IV. CITY UNIMPROVED LAND**

### **Sec. 58-65. Definitions**

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

(1) *City Unimproved Land* means City owned real property, other than City Parks, , and public rights of way, and includes watershed areas and public bodies of water not located within a City Park, as such lands are depicted on Maps of City Unimproved Land prepared and maintained by the Public Works Department..

(2) *Public bodies of water* means all waters owned or controlled by the City, excluding waters located within City Parks.

(3) *Watershed* means an area bounded peripherally by a divide and draining to a water course or body of water.

### **Sec. 58-66. Responsibility.**

City Unimproved Land shall be the responsibility of the Public Works Department and under the supervision and control of the Public Works Director. The Public Works Director is hereby authorized to adopt, amend or revoke written rules and regulations relative to the control, care, maintenance and use of City Unimproved Land, which shall take effect upon filing with the city clerk. The Public Works Director shall have the authority to post appropriate signs at the entrances of City Unimproved Land stating the Rules and Regulations that are applicable within the City Unimproved land.

### **Sec. 58-67. Uses Permitted.**

City Unimproved Land may be used as permitted by the applicable terms and conditions, if any, stated in the original grant or gift of the land to the City, or as otherwise permitted by the Public Works Director.

### **Sec. 58-68. Uses Prohibited.**

In addition to any use prohibitions included in the applicable terms and conditions of the original grant or gift of the unimproved land to the City, if any, and any limitations required by applicable state law or regulation, the following are also prohibited within City Unimproved Land:

(1) No person shall use any firearm, or hunt, shoot, trap, catch or attempt to hunt, shoot, trap, catch or otherwise harm, molest, harry or worry any animal or bird in, on, or over City Unimproved Land. The City Manager may authorize the control of, or removal of animals, in City Unimproved Land when deemed necessary and appropriate.

(2) No person shall camp in any City Unimproved Land.

(3) No alcohol shall be taken into or used in any City Unimproved Land.

(4) No person shall operate a Motorized Vehicle as defined in section 58-62 in City Unimproved Land , except as provide by City Code sec. 94-238, or as authorized by the Public Works Director.

**Sec. 58-69 - 58-70. Reserved.**

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George S. Hansel, Mayor