



MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
Council Chambers B, Keene City Hall
August 27, 2025
6:00 PM

A. AGENDA ITEMS

1. Staff Report: Recreational Access to the Wastewater Treatment Plant Driveway in Swanzey
Public Communications: Concerns with Restricted Public Access to the Airport Road
- Steve Hooper
- Katharina and Peter Rooney
- Susan Abert
2. Downtown West Side Parking Garage Study Assessment, Findings, Recommendations and Report Summary - City Engineer
3. Joe Schapiro - Safety Issues Associated with On-Street Parking - Church Street
4. Relating to No Parking Zones
Ordinance O-2025-27
5. Request for Extension - Deadline for Start of Construction - Brookfield Lane - Public Works Director
6. Downtown Infrastructure Project Update - Public Works Director

B. MORE TIME ITEMS

1. Relating to an Amended Return of Layout for a Public Right-of-Way known as Grove Street *and* Relating to a Deed for land removed from the Right-of-Way and an Easement for Public Infrastructure
Petition - Public Works Director
Resolution R-2025-26
Resolution R-2025-27

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.1.

Meeting Date: August 27, 2025

To: Municipal Services, Facilities and Infrastructure Committee

From: Donald Lussier, Public Works Director

Through: Elizabeth Ferland, City Manager

Subject: **Staff Report: Recreational Access to the Wastewater Treatment Plant Driveway in Swanzey**

Recommendation:

Accept as Informational

Attachments:

None

Background:

The Public Works Department recently announced that the driveway serving the City's Wastewater Treatment Plant in Swanzey would be closed to recreational users during business hours (6:00 AM to 4:00 PM Monday through Friday).

Our decision has raised significant objections from the public. Staff will explain the recent history of safety concerns that led to this decision and discuss options to allow greater recreational access.

Honorable Mayor Jay Kahn
City of Keene
3 Washington St.
Keene, NH

Dear Mayor,

Hope all is well. I appreciate your continued leadership and service to the City of Keene.

I am writing to respectfully ask for an item to be added to the City Council agenda with the intention of it being referred to the MSFI Committee for public discussion and consideration.

A new policy, as I am sure you know, is in effect restricting public vehicles and pedestrians from entering Airport Rd. (beyond the Terminal) from 6am-4pm Mon.-Fri. during business hours.

When I was a City Councilor the number one priority for me was the safety of all citizens. I agree with the septic truck drivers who were very concerned about hitting pedestrians. The road had become too popular for walkers. Kids on bikes, babies being pushed in a carriage, large groups of folks walking and chatting, runners and even cross country skiers on roller-skis.

However, many of those who frequent the area are respected photographers who always obey the rules. Shutting down access without transparency or public engagement not only disregards a long-standing tradition of shared use but sends the wrong message about how decisions are made.

Possible revisions to be discussed.

1. Allow limited vehicle access for permitted wildlife photographers. The wetlands at the airport are one of the best wildlife viewing areas in southwest New Hampshire. There are bird and animal enthusiasts that drive on Airport Road, including me, who use our vehicles as stationary observation points remaining inside the vehicle while photographing through open windows with telephoto lenses. A car acts as "camouflage" so as not to disturb the birds and animals.

A permit system could be established to allow for this specific use, ensuring accountability while preserving access. A limited number of permits (e.g. 15-20) could be issued to individuals registered with the City or Public Works.

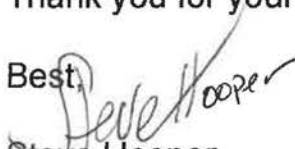

2. Align restricted hours with actual operational times. I would respectfully ask that the hours of restriction be changed from 6am-4pm to 7am-3pm. Mon.-Fri. According to the signage at the Wastewater Treatment Plant the hours of operation are from 7am-3pm and then the "gates are closed". Might this revision better coincide with the septic truck traffic using the road? Why 6am-4pm? These extra 2 hours would be extremely valuable in the shorter light of winter months for wildlife observation.

In summary, the major problem seems to be pedestrian traffic on Airport Rd. and not vehicle traffic. Why cut off responsible use by those who visit one of the top spots in NH to see wildlife?

Please consider that these two requests have a chance to be discussed publicly. I would like to "start a public conversation" at the MSFI Committee. Public conversation was not, unfortunately, part of this new policy.

Thank you for your consideration.

Best,


Steve Hooper
5 Colby St.
Keene, NH. 03431


August 9, 2025

Dear Mayor Kahn, City Councilors and City of Keene Staff,

We are writing in advance of the next Municipal Services, Facilities and Infrastructure Committee meeting on Aug. 27 to urge the city to consider alternatives to closing off public access from 6am to 4 pm on weekdays to the section of Airport Road that leads to the water treatment plant. We hope this letter can be entered into official comments about the topic.

As Keene residents who have used this road for recreation since moving to the area in 1997, we are very appreciative of the access the city has provided to us and others. We have observed over the years that this stretch of road has become an increasingly valuable recreational asset to the city and its residents, increasing quality of life in the area and promoting health and fitness among seniors, families, and others.

I (Peter) have limited mobility and appreciate the flat surface the road provides for walking with hiking poles and riding my bike on the side of the road. Given the road's location on a natural wetland, wildlife sightings over the years (bobcats, otters, beavers, bears, deer, birds such as owls, herons and scarlet tanagers) have been highlights of time spent there.

We acknowledge and appreciate the critical function the wastewater treatment plant provides to Keene residents. We and others we've observed over the years always move to the side shoulder of the road when a car or truck approaches. We also appreciate all the drivers with business at the plant for following safe driving practices that have hopefully avoided major accidents over the years.

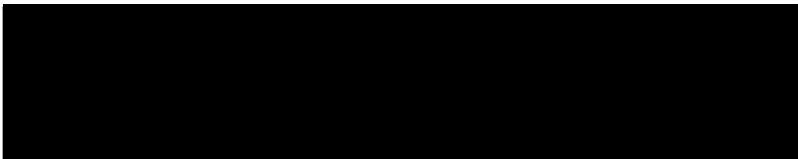
While allowing access after 4:00 PM and on weekends is appreciated, the fact is that during an era of remote work and early sunsets in the winter, maintaining access during regular daytime hours is important for area residents as well, especially seniors looking for healthy activities during the day.

We and other residents of the nearby Edgewood neighborhood urge the council and city staff to consider other options that would allow the road to remain open to recreational uses while ensuring treatment-related traffic is able flow freely and safely.

Sincerely,

Handwritten signatures of Katharina and Peter Rooney in black ink.

Katharina and Peter Rooney
642 Main Street
Keene, NH 03431



NORTON, ABERT & JORDAN, P.C.

SUSAN R. ABERT
(ALSO ADMITTED IN NY AND IL)

MICHAEL T. JORDAN
(ALSO ADMITTED IN CA AND MD)

JOHN C. NORTON
(RETIRED)

ATTORNEYS AT LAW

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KEENE, NEW HAMPSHIRE 03431

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WWW.NORTONABERTLAW.COM



August 18, 2025

The Honorable Mayor and City Council
City of Keene
3 Washington Street
Keene, NH 03431

By email only

Re: Pedestrian Use of Airport Road

Dear Mayor Kahn and City Council:

I am writing in regard to the restriction of pedestrian access to Airport Road in Swanzey, New Hampshire. Airport Road, although apparently a public road in that it is owned by the City of Keene, is now closed to pedestrian access between the hours of 6:00 am to 4:00 pm on Monday through Friday, out of safety concerns.

I am a stakeholder as owner of a small business in Keene, the law firm of Norton, Abert & Jordan, P.C., and am licensed to practice law in New Hampshire. Having said that, all opinions expressed herein are my own. My residential mailing address for the record is P.O. Box 220, Sullivan, NH 03445.

I am a member of a Keene running club which met at Airport Road on Wednesday mornings at 6:00 a.m. for a few months this past winter, to do endurance training during winter months when most of the roads and sidewalks in Keene are too slick with ice and snow to run safely. The Airport Road is consistently cleared during the early morning hours, and has considerably less traffic than local sidewalks and roads. The rail trails are not an option this time of year, because they are not cleared in the winter.

Early morning runners tend to be respectful, keep to our side of the road facing traffic, and wear illuminated vests and reflective clothing in the wee hours. I am unaware of any safety incidents involving runners on Airport Road. In fact, when I was running on Airport Road this past winter, there was hardly any traffic to or from the sewage treatment plant. At 6:00 a.m. in the winter, Airport Road is a much safer route for pedestrian runners than the roads and sidewalks of Keene.

I am thereby requesting a compromise permitting pedestrian access until at least 8:00 a.m. on weekdays, which would permit early morning run training during a time of morning when there is little sewage treatment plant traffic anyway. Please consider this a request for a hearing.

Thank you for your kind consideration of this request.

Sincerely,



Susan R. Abert

SRA/nn



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.2.

Meeting Date: August 27, 2025

To: Municipal Services, Facilities and Infrastructure Committee

From: Bryan Ruoff, City Engineer

Through: Elizabeth Ferland, City Manager
Donald Lussier, Public Works Director

Subject: **Downtown West Side Parking Garage Study Assessment, Findings, Recommendations and Report Summary - City Engineer**

Recommendation:

Accept as informational.

Attachments:

None

Background:

In 2024, as part of the City's Downtown West Side Parking Garage Study Project, the City hired Weston & Sampson to perform an analysis of the City's existing downtown parking areas, parking trends, current and projected future parking needs and provide recommendations based on their analysis. In addition, as part of their scope, Weston & Sampson contacted both downtown businesses and the public to obtain downtown parking feedback in order to incorporate those opinions and input in both the analysis of parking conditions and the recommendations to the City for a downtown West Side parking structure. The Consultant will be present their findings and recommendations.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty Five

AN ORDINANCE Relating to No Parking Zones

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded underlined text to the provisions of Section 94-93, “No Parking” in Division 2, “Specific Street Regulations”, in Article III of Chapter 94, entitled “TRAFFIC, PARKING AND PUBLIC WAYS” as follows:

Sec. 94-93. – No Parking.

It shall be unlawful for any person to stop, stand or park a motor vehicle at any time contrary to any of the following unless otherwise directed by a police officer:

- b) *Specific times.* No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or a traffic control device in any of the following places between the hours and upon the days indicated:

...

Church Street, north side, from South Lincoln Street to Probate Street, no parking between 8:00 a.m. and 4:00 p.m., school days.

...

Valley Street, east side, from Kingsbury Street to Church Street, no parking between 8:00 a.m. and 4:00 p.m., school days.

Jay V. Kahn, Mayor

In City Council August 21, 2025.
Referred to the Municipal Services, Facilities and
Infrastructure Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.5.

Meeting Date: August 27, 2025

To: Municipal Services, Facilities and Infrastructure Committee

From: Donald Lussier, Public Works Director

Through: Elizabeth Ferland, City Manager

Subject: **Request for Extension - Deadline for Start of Construction - Brookfield Lane - Public Works Director**

Recommendation:

That the Municipal Services, Facilities and Infrastructure Committee recommends that the City Council grant W.M.R. Development Company, LLC an extension to the construction deadline stipulated in condition Number 5 of Resolution R-2023-29-C, to provide an additional 12-month period from the date of Council action, subject to all other terms and conditions stipulated in the Resolution.

Attachments:

1. Memo-Whitcomb Mill- Brookfield Lane Extension 8.22.25
2. R-2023-29-C_ For the Layout of Brookfield Lane and Utilities and Public Improvements

Background:

Timothy Sampson of Sampson Architects, PLLC has submitted a request on behalf of Mike Pappas/W.M.R. Development Company, LLC to extend the deadline for the start of construction of Brookfield Lane. The Council authorization for the layout of Brookfield Lane was approved September 21, 2023, with a stipulation that construction commence within 24-months of the date of approval. Resolution R-2023-29-C, attached to this memorandum, specifies the conditions of approval, and indicates the petitioner may request an extension to the construction deadline.

Sampson Architects PLLC

11 King Court Suite 1E
Keene, NH 03431

Memo: Extension Request
Whitcomb Mill / Brookfield Lane

15 August 2025

Keene City Council
Mayor Jay Kahn

Re: Whitcomb Mill / Brookfield Lane
Council's Resolution No. R-2023-29-C
Condition #5 – Extension Request

Mike Pappas, W.M.R Development Co. LLC requests an extension to the Council's Resolution No. R-2023-29-C. The request is for an extension to condition #5 requiring that construction be started within a twenty four month period from Council approval.



NCARB, LEED AP

Attachments: Don Lussier Letter dated 8.3.25
Meeting Minutes Excerpt September 2023

CC: Files



August 8, 2025

via: Certified Mail

Mike Pappas
W.M.R. Development Co., LLC
PO Box 575
West Swanzey, NH 03469

RE: Whitcomb's Mill / Brookfield Lane

Dear Mr. Pappas,

I'm writing to provide you with a final reminder, of the City Council's conditions for the acceptance of a public highway to be known as Brookfield Lane. The Council's Resolution No. R-2023-29-C (copy enclosed for your convenience), condition #3, requires:

Construction and acceptance by the Public Works Director or his/her designee of the laid out street, sewer, utilities and/or public improvements within a thirty-six month period from the approval vote by the City Council.

Furthermore, condition #5 stipulates that:

If construction has not started within the twenty-four month period from the date of Council action, said approval of layout shall not become effective and can only be extended upon petition to the City Council.

The Council vote occurred on September 21, 2023. Therefore, construction must begin no later than **September 21, 2025** and all public infrastructure must be constructed and accepted no later than **September 21, 2026**.

Before construction can begin, you are required to provide security in accordance with Section 23.2.4 of the City's Land Development Code. If you intend to request an extension, your request should be addressed to the "Mayor and City Council" and **must be submitted to the City Clerk no later than close of business on August 15TH** in order to be acted upon prior to the expiration date.

Sincerely,



Donald R. Lussier, P.E.
Public Works Director

Encl.

CC: Paul Andrus, Community Development Director
Amanda Palmeira, City Attorney
Terri Hood, City Clerk
Dan Langille, City Assessor
Bryan Ruoff, City Engineer

Meeting Minute Excerpt:

RESOLUTIONS – RELATING TO THE ACCEPTANCE OF DEED AND RETURN OF LAYOUT –
BROOKFIELD LANE – RESOLUTIONS R-2023-28 & R-2023-29-A Before beginning, Mayor Hansel noted that Councilors Roberts, who was absent this evening, and Councilor Chadbourne did not attend the site visit and therefore they could not participate in the following discussions or votes. A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending accepting the communications from Tad Lacey and Ross Conklin as informational, as well as accepting the memorandum from the Community Development Director as informational. Mayor Hansel filed the reports as informational. 466 09/07/2023 A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending approval of the requested waiver of Section 22.3.7.A., “Sidewalks shall be required on at least one side of any proposed street in any residential zoning districts.” A motion by Councilor Greenwald to approve the requested waiver of Section 22.3.7.A “Sidewalks shall be required on at least one side of any proposed street in any residential zoning districts” was duly seconded by Councilor Filiault. Councilor Williams clarified the sidewalk replacement would be a gravel path from the street to the Rail Trail. Councilor Greenwald agreed. The motion to approve the requested waiver of Section 22.3.7.A carried unanimously on a roll call vote with 11 Councilors present and voting in favor. Councilor Remy’s vote was inaudible, Councilor Roberts was absent, and Councilor Chadbourne abstained. Ward Four Council seat vacant. A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending the approval of the requested waiver of Section 22.3.8.B, except for the placement of a streetlight at the intersection. A motion by Councilor Greenwald to approve the requested waiver to Section 22.3.7.B, except for the placement of a streetlight at the intersection, was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 11 Councilors present and voting in favor. Councilor Remy’s vote was inaudible, Councilor Roberts was absent, and Councilor Chadbourne abstained. Ward Four Council seat vacant. A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 3–1, recommending the approval of the requested waiver to Section 22.3.7.D, “When underground street lighting feed is required, telephone, electric, and cable TV shall be located underground also.” A motion by Councilor Greenwald to approve the requested waiver to Section 22.3.7.D “When underground street lighting feed is required, telephone, electric, and cable TV shall be located underground also” was duly seconded by Councilor Filiault. Councilor Williams said that this is a situation in which the Code is broken because it requires underground utilities. Because the City recently shifted to solar powered streetlights, he thought this requirement would be very difficult to enforce in the future. He thought it was a good requirement because if utilities are not underground from the beginning, they ultimately never would be. It would be an expense passed on to the whole taxpaying community. He thought this neighborhood would be nicer

with the underground utilities, so he wanted to maintain the option to require them underground. Still, he asked City Staff to look at the Code and return with recommendations. Councilor Jones called the Ordinance somewhat antiquated. He noted that Summit Ridge Road, Newbury Lane, Summit Road, and Stonehouse Lane all have underground utilities. He said Stonehouse Lane got streetlights approximately 16 years ago, when someone requested the underground wiring. He said aboveground utilities are not attractive in a neighborhood. He also thought it would be cheaper to place the wiring underground. Mayor Hansel through the petitioner stated the opposite, because without the waiver the costs to place the utilities underground would be more than double. Councilor Jones thought that was inaccurate since there would be trenching anyway for water and sewer lines. He added that the utility companies would pay for that installation, not the developer. 467 09/07/2023 Councilor Greenwald disagreed with Councilor Jones. Councilor Greenwald said that Eversource and other utilities charge the homeowner—and in this case the developer—to place the utilities underground, as stated at the MSFI hearing. It is not about the cable TV or telephone, it is the electrical utilities. Councilor Ormerod agreed with Councilor Jones' intent. When considering the vision of a new building, Councilor Ormerod said one thing that helps with beautification and lack of disruption is underground utilities. He heard that the reason for this waiver request was the lack of a transformer that would be on back order. Councilor Ormerod said he could not support this Ordinance because he thought everything should be placed underground for the ambiance, despite the cost. Councilor Filiault wished everyone had been at the MSFI Committee meeting because a lot of the comments he was hearing from fellow Councilors were inaccurate. He said the developer indicated that the costs of conduits and supplies underground would be more expensive. Councilor Filiault recalled this Council regularly discussing the need for affordable housing, and denying this waiver would make this development more expensive and ultimately cost the homeowner more. He said the developer confirmed that the underground utilities would be significantly more expensive, which helped Councilor Filiault make his decision to support this waiver. Councilor Bosley said she was torn about this. She wants to see new developments like this, and she was excited to see some changes from the Land Development Code paying off. Still, she said these would not be affordable houses, but \$500,000 homes. She noted that living in a rural area of Keene, when there is a snowstorm, her kids stay at someone else's house who has underground utilities, because her home could be without electricity for days. For the development in question, she thought that unless the utilities are underground, the homeowners would have to think about generators and such issues long-term. Thus, she would not support this waiver. Councilor Giacomo said his initial research showed a range from two to five times more expensive for underground utilities. While he appreciated Councilor Bosley's point, he did not think this 700 feet of roadway in question would impact the scenario suggested by Councilor Bosley. Thus, with the cost being significantly more expensive, he supported this waiver. His estimates showed 500 feet of underground conduit costing

approximately \$12,500, versus the \$7,500 he had seen. He said that even if it was 1,000 feet, it would still be reasonable to split between 11 houses. Mayor Hansel said his recent research showed up to \$100 per linear foot to put conduit underground. Councilor Powers agreed that while it was not up to the Council to debate the cost, the reality is that this is only 700 feet of roadway when Keene is working hard to find any housing. By costing the developer more, he did not think there would be additional housing. He said it is not like digging one trench for water, sewer, power, etc. but more like four or five trenches in different locations and at different rates. He thought the City should reconsider some ordinances and whether this makes sense. Because streetlights are needed in the woods, he would support this 468 09/07/2023 waiver. Councilor Powers did not think that this or any other developer could afford to put everything underground within a reasonable timeframe. Councilor Lake recalled that the FOP Committee recently learned about a previous Council not investing the resources to build redundancy into part of the sewer system. There had been multiple issues at Martell Court because of that decision and the taxpayers are paying that bill. He thought that was a clear lesson why we should do things correctly the first time and put these things underground. Councilor Lake opposed this waiver. Councilor Madison said he had been debating this issue but ultimately thought he would support this waiver. Even if the utilities are buried, if a line came down on Whitcombs Mill Road, this development would lose power anyway. So, it would offer a pretty negligible level of protectiveness or utilities on that street. The motion to approve the requested waiver to Section 22.3.7.D failed on a roll call vote with 5 Councilors present and voting in favor and 7 opposed. Councilors Lake, Remy, Giacomo, Williams, Jones, Ormerod, and Bosley voted in opposition. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant. A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 2–2, failing to make a recommendation relative to the denial of the requested waiver of Section 22.3.16.A, “There shall be at least one deciduous tree of a minimum 2-inch caliper at planting and of a species approved by the Public Works Director for every 50 feet interval of each side of any new street or extension of any existing street.” A motion by Councilor Greenwald to approve the requested waiver of Section 22.3.16.A “There shall be at least one deciduous tree of a minimum 2-inch caliper at planting and of a species approved by the Public Works Director for every 50 feet interval on each side of any new street or extension of any existing street” was duly seconded by Councilor Filiault. Councilor Jones also disagreed with this waiver. He said the Council agreed to change the Zone from Rural, which could change the area to more of a desert because there was nothing saying those trees have to stay there. He thought the Council made a mistake when it changed this Zone and allowed the builder to be project specific, which he said the Council should not be doing. He thought the inability to make the developer keep those trees was on a lot of people’s minds at the site visit. Trees are important, and as a Tree City USA, Councilor Jones thought there should be trees on this road. Councilor Workman reiterated what she said about this issue at the MSFI meeting,

when she voted against this waiver. She said she had faith in the developer, who seemed to want to keep as many trees as possible and only clear land needed for the development. She said she had less faith in the homebuyers, who might not be aware of or care about the ordinances, beautification of Keene, or that it is a Tree City. She thought this would place a safeguard and so she would not support granting this waiver. Councilor Giacomo asked if it was possible to have a conditional waiver. The Assistant City Attorney noted that these waivers would go in the Resolution. Councilor Giacomo clarified that 469 09/07/2023 he was asking—to Councilor Workman’s point—if there is a way to ensure there is actual enforcement. He thought this was an important Ordinance, especially with how wooded this area is. Councilor Giacomo was interested to see if developer could guarantee natural growth at the same interval or closer than what is required in this Ordinance, which would be every 50 feet. If the developer confirmed that natural growth trees will remain there, then he was comfortable with that. Still, he was curious to know if it was possible to have a conditional waiver. The Assistant City Attorney thought it was possible, but not in this forum, because this is about the narrow question of the precise Land Development Code provision being waived. Councilor Giacomo also asked whether the City has a standard right-of-way on roadways and if there are specific requirements for managing trees on those rights-of-way; he thought that even homeowners have to appeal for that, recalling a case before the MSFI Committee several years ago. Is there a way for the Council to ensure the trees are maintained there and that homeowners cannot cut them down at their will? Mayor Hansel noted that if trees are on a homeowner’s property, they can cut down any trees they want. Councilor Giacomo recalled that with this being a Conservation Residential Development (CRD), some of the development would be communal property. The Councilor thought that 2-inch caliper trees would be ridiculous, and he would rather have faith that the developer would leave some trees because it is a wooded area. Mayor Hansel said it was important to keep in mind that these houses would be on a dead-end street, not on a throughway that most of the public would be traversing. Councilor Filiault said he was in favor of granting this waiver because this is a rural area in the middle of the woods. He would have faith in the developer and homeowners. He thought this was a case in which the government overregulates. He thought that anyone buying one of these homes would likely be doing so because they want to live in a wooded area, so he did not envision anyone clear cutting trees. Councilor Filiault thought the Council—as elected officials—should have more confidence in the potential homebuyers. Based on the last vote, he was concerned that this development would not move forward. He recalled the developer’s presentation at the last meeting about how expensive this development would be, in addition to delays and equipment costs. By being any more strict, Councilor Filiault thought the Council would assure that this development would not progress, despite continuous conversations amongst the Council about the need for housing in Keene. Councilor Bosley agreed with Councilors Greenwald and Filiault. Councilor Bosley recalled that because this would be a CRD, there would be a large portion of the

development left as protected natural area, abutting the Rail Trail system. She felt confident that anyone buying a home in this development would be doing so because of the rural nature. Councilor Ormerod understood that this is a rural area, with a lot of trees. Still, he reminded his fellow Councilors that where trees are placed is also important. He said that 2-inch caliper trees next to the road would grow to provide shade. Before feeling confident that enough trees would be left there, he asked the Council to consider the exact placement of these trees too. He thought that a boulevard shaded by trees would be better, more attractive, and well worth the cost of small trees now. Councilor Williams said one of his favorite things about street trees is that they cause drivers to slow down, which he thought was a huge advantage. He thought that having this roadway lined 470 09/07/2023 with trees would create visual blocks that would slow drivers down through the development. Given that the Council just approved a waiver to not require sidewalks in this development, he thought that anything that could improve pedestrian safety would be a good thing. The motion to approve the requested waiver of Section 22.3.16.A carried on a roll call vote with 8 Councilors present and voting in favor, and 4 opposed. Councilors Williams, Jones, Ormerod, and Workman voted in opposition. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant. A motion by Councilor Greenwald to adopt Resolution R-2023-28—a Resolution for the acceptance of a warranty deed for Brookfield Lane—was duly seconded by Councilor Filiault. Councilor Jones reminded the Council that it could decide on a different street name than what the developer proposed. The motion to adopt Resolution R-2023-28 carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant. A motion by Councilor Greenwald to adopt Resolution R-2023-29-A—a Resolution for the layout of Brookfield Lane, its utilities, and public improvements—was duly seconded by Councilor Filiault. A motion by Councilor Greenwald to amend Resolution R-2023-29-A to remove the language in Section 2022.3.7.D—Underground Street Lighting and Utilities—was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant. A motion by Councilor Greenwald to adopt Resolution R-2023-29-B was duly seconded by Councilor Filiault. Councilor Jones recalled that citizens brought up a lot of important questions about this Resolution. There was some concern about the intersection of Rt-9 and Whitcombs Mill Road. He noted that the Public Works Director, Kürt Blomquist, is on a committee that works with the State of NH on these issues. The City was responsible for providing data to the State, and he thought that these new dwellings would be sufficient data to show the number of car movements per day per dwelling; he thought there was more disruption today because of home deliveries. He thought the City might need to address that delivery trucks and residents should avoid the bridge because of the weight limit, which will cause them to cut through Langdon Place; he thought that was something City Staff could work out with Langdon Place. At the end of Langdon Place, he said

there is no stop sign or lines on the road indicating that the driver is on Whitcombs Mill Road, so he thought something needed to be done there. Councilor Jones spoke with one of the Transportation Commissioners, who agreed with Mr. Blomquist that the more data shown the better for this failed intersection where people have been hurt badly. The Councilor wanted the public to know this issue is being worked on, especially regarding left turns at this intersection. Mayor Hansel said that the day of this meeting, he got a letter back from a NH DOT Commissioner, who apologized for responding so late. The intersection is due for reevaluation in October, and the City will share some information with them to contribute to that reevaluation. Councilor Filiault noted that this was a topic of discussion at the MSFI meeting, when the Committee asked City Staff to communicate with the State on this effort and report back to the Council. 471 09/07/2023 Referring to the motion to adopt, Resolution R-2023-29-B carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant.

Meeting Minute Excerpt:

RESOLUTIONS – RELATING TO THE ACCEPTANCE OF DEED AND RETURN OF LAYOUT –
BROOKFIELD LANE – RESOLUTIONS R-2023-28 & R-2023-29-A Before beginning, Mayor Hansel noted that Councilors Roberts, who was absent this evening, and Councilor Chadbourne did not attend the site visit and therefore they could not participate in the following discussions or votes. A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending accepting the communications from Tad Lacey and Ross Conklin as informational, as well as accepting the memorandum from the Community Development Director as informational. Mayor Hansel filed the reports as informational. 466 09/07/2023 A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending approval of the requested waiver of Section 22.3.7.A., “Sidewalks shall be required on at least one side of any proposed street in any residential zoning districts.” A motion by Councilor Greenwald to approve the requested waiver of Section 22.3.7.A “Sidewalks shall be required on at least one side of any proposed street in any residential zoning districts” was duly seconded by Councilor Filiault. Councilor Williams clarified the sidewalk replacement would be a gravel path from the street to the Rail Trail. Councilor Greenwald agreed. The motion to approve the requested waiver of Section 22.3.7.A carried unanimously on a roll call vote with 11 Councilors present and voting in favor. Councilor Remy’s vote was inaudible, Councilor Roberts was absent, and Councilor Chadbourne abstained. Ward Four Council seat vacant. A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending the approval of the requested waiver of Section 22.3.8.B, except for the placement of a streetlight at the intersection. A motion by Councilor Greenwald to approve the requested waiver to Section 22.3.7.B, except for the placement of a streetlight at the intersection, was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 11 Councilors present and voting in favor. Councilor Remy’s vote was inaudible, Councilor Roberts was absent, and Councilor Chadbourne abstained. Ward Four Council seat vacant. A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 3–1, recommending the approval of the requested waiver to Section 22.3.7.D, “When underground street lighting feed is required, telephone, electric, and cable TV shall be located underground also.” A motion by Councilor Greenwald to approve the requested waiver to Section 22.3.7.D “When underground street lighting feed is required, telephone, electric, and cable TV shall be located underground also” was duly seconded by Councilor Filiault. Councilor Williams said that this is a situation in which the Code is broken because it requires underground utilities. Because the City recently shifted to solar powered streetlights, he thought this requirement would be very difficult to enforce in the future. He thought it was a good requirement because if utilities are not underground from the beginning, they ultimately never would be. It would be an expense passed on to the whole taxpaying community. He thought this neighborhood would be nicer

with the underground utilities, so he wanted to maintain the option to require them underground. Still, he asked City Staff to look at the Code and return with recommendations. Councilor Jones called the Ordinance somewhat antiquated. He noted that Summit Ridge Road, Newbury Lane, Summit Road, and Stonehouse Lane all have underground utilities. He said Stonehouse Lane got streetlights approximately 16 years ago, when someone requested the underground wiring. He said aboveground utilities are not attractive in a neighborhood. He also thought it would be cheaper to place the wiring underground. Mayor Hansel through the petitioner stated the opposite, because without the waiver the costs to place the utilities underground would be more than double. Councilor Jones thought that was inaccurate since there would be trenching anyway for water and sewer lines. He added that the utility companies would pay for that installation, not the developer. 467 09/07/2023 Councilor Greenwald disagreed with Councilor Jones. Councilor Greenwald said that Eversource and other utilities charge the homeowner—and in this case the developer—to place the utilities underground, as stated at the MSFI hearing. It is not about the cable TV or telephone, it is the electrical utilities. Councilor Ormerod agreed with Councilor Jones' intent. When considering the vision of a new building, Councilor Ormerod said one thing that helps with beautification and lack of disruption is underground utilities. He heard that the reason for this waiver request was the lack of a transformer that would be on back order. Councilor Ormerod said he could not support this Ordinance because he thought everything should be placed underground for the ambiance, despite the cost. Councilor Filiault wished everyone had been at the MSFI Committee meeting because a lot of the comments he was hearing from fellow Councilors were inaccurate. He said the developer indicated that the costs of conduits and supplies underground would be more expensive. Councilor Filiault recalled this Council regularly discussing the need for affordable housing, and denying this waiver would make this development more expensive and ultimately cost the homeowner more. He said the developer confirmed that the underground utilities would be significantly more expensive, which helped Councilor Filiault make his decision to support this waiver. Councilor Bosley said she was torn about this. She wants to see new developments like this, and she was excited to see some changes from the Land Development Code paying off. Still, she said these would not be affordable houses, but \$500,000 homes. She noted that living in a rural area of Keene, when there is a snowstorm, her kids stay at someone else's house who has underground utilities, because her home could be without electricity for days. For the development in question, she thought that unless the utilities are underground, the homeowners would have to think about generators and such issues long-term. Thus, she would not support this waiver. Councilor Giacomo said his initial research showed a range from two to five times more expensive for underground utilities. While he appreciated Councilor Bosley's point, he did not think this 700 feet of roadway in question would impact the scenario suggested by Councilor Bosley. Thus, with the cost being significantly more expensive, he supported this waiver. His estimates showed 500 feet of underground conduit costing

approximately \$12,500, versus the \$7,500 he had seen. He said that even if it was 1,000 feet, it would still be reasonable to split between 11 houses. Mayor Hansel said his recent research showed up to \$100 per linear foot to put conduit underground. Councilor Powers agreed that while it was not up to the Council to debate the cost, the reality is that this is only 700 feet of roadway when Keene is working hard to find any housing. By costing the developer more, he did not think there would be additional housing. He said it is not like digging one trench for water, sewer, power, etc. but more like four or five trenches in different locations and at different rates. He thought the City should reconsider some ordinances and whether this makes sense. Because streetlights are needed in the woods, he would support this 468 09/07/2023 waiver. Councilor Powers did not think that this or any other developer could afford to put everything underground within a reasonable timeframe. Councilor Lake recalled that the FOP Committee recently learned about a previous Council not investing the resources to build redundancy into part of the sewer system. There had been multiple issues at Martell Court because of that decision and the taxpayers are paying that bill. He thought that was a clear lesson why we should do things correctly the first time and put these things underground. Councilor Lake opposed this waiver. Councilor Madison said he had been debating this issue but ultimately thought he would support this waiver. Even if the utilities are buried, if a line came down on Whitcombs Mill Road, this development would lose power anyway. So, it would offer a pretty negligible level of protectiveness or utilities on that street. The motion to approve the requested waiver to Section 22.3.7.D failed on a roll call vote with 5 Councilors present and voting in favor and 7 opposed. Councilors Lake, Remy, Giacomo, Williams, Jones, Ormerod, and Bosley voted in opposition. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant. A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 2–2, failing to make a recommendation relative to the denial of the requested waiver of Section 22.3.16.A, “There shall be at least one deciduous tree of a minimum 2-inch caliper at planting and of a species approved by the Public Works Director for every 50 feet interval of each side of any new street or extension of any existing street.” A motion by Councilor Greenwald to approve the requested waiver of Section 22.3.16.A “There shall be at least one deciduous tree of a minimum 2-inch caliper at planting and of a species approved by the Public Works Director for every 50 feet interval on each side of any new street or extension of any existing street” was duly seconded by Councilor Filiault. Councilor Jones also disagreed with this waiver. He said the Council agreed to change the Zone from Rural, which could change the area to more of a desert because there was nothing saying those trees have to stay there. He thought the Council made a mistake when it changed this Zone and allowed the builder to be project specific, which he said the Council should not be doing. He thought the inability to make the developer keep those trees was on a lot of people’s minds at the site visit. Trees are important, and as a Tree City USA, Councilor Jones thought there should be trees on this road. Councilor Workman reiterated what she said about this issue at the MSFI meeting,

when she voted against this waiver. She said she had faith in the developer, who seemed to want to keep as many trees as possible and only clear land needed for the development. She said she had less faith in the homebuyers, who might not be aware of or care about the ordinances, beautification of Keene, or that it is a Tree City. She thought this would place a safeguard and so she would not support granting this waiver. Councilor Giacomo asked if it was possible to have a conditional waiver. The Assistant City Attorney noted that these waivers would go in the Resolution. Councilor Giacomo clarified that 469 09/07/2023 he was asking—to Councilor Workman’s point—if there is a way to ensure there is actual enforcement. He thought this was an important Ordinance, especially with how wooded this area is. Councilor Giacomo was interested to see if developer could guarantee natural growth at the same interval or closer than what is required in this Ordinance, which would be every 50 feet. If the developer confirmed that natural growth trees will remain there, then he was comfortable with that. Still, he was curious to know if it was possible to have a conditional waiver. The Assistant City Attorney thought it was possible, but not in this forum, because this is about the narrow question of the precise Land Development Code provision being waived. Councilor Giacomo also asked whether the City has a standard right-of-way on roadways and if there are specific requirements for managing trees on those rights-of-way; he thought that even homeowners have to appeal for that, recalling a case before the MSFI Committee several years ago. Is there a way for the Council to ensure the trees are maintained there and that homeowners cannot cut them down at their will? Mayor Hansel noted that if trees are on a homeowner’s property, they can cut down any trees they want. Councilor Giacomo recalled that with this being a Conservation Residential Development (CRD), some of the development would be communal property. The Councilor thought that 2-inch caliper trees would be ridiculous, and he would rather have faith that the developer would leave some trees because it is a wooded area. Mayor Hansel said it was important to keep in mind that these houses would be on a dead-end street, not on a throughway that most of the public would be traversing. Councilor Filiault said he was in favor of granting this waiver because this is a rural area in the middle of the woods. He would have faith in the developer and homeowners. He thought this was a case in which the government overregulates. He thought that anyone buying one of these homes would likely be doing so because they want to live in a wooded area, so he did not envision anyone clear cutting trees. Councilor Filiault thought the Council—as elected officials—should have more confidence in the potential homebuyers. Based on the last vote, he was concerned that this development would not move forward. He recalled the developer’s presentation at the last meeting about how expensive this development would be, in addition to delays and equipment costs. By being any more strict, Councilor Filiault thought the Council would assure that this development would not progress, despite continuous conversations amongst the Council about the need for housing in Keene. Councilor Bosley agreed with Councilors Greenwald and Filiault. Councilor Bosley recalled that because this would be a CRD, there would be a large portion of the

development left as protected natural area, abutting the Rail Trail system. She felt confident that anyone buying a home in this development would be doing so because of the rural nature. Councilor Ormerod understood that this is a rural area, with a lot of trees. Still, he reminded his fellow Councilors that where trees are placed is also important. He said that 2-inch caliper trees next to the road would grow to provide shade. Before feeling confident that enough trees would be left there, he asked the Council to consider the exact placement of these trees too. He thought that a boulevard shaded by trees would be better, more attractive, and well worth the cost of small trees now. Councilor Williams said one of his favorite things about street trees is that they cause drivers to slow down, which he thought was a huge advantage. He thought that having this roadway lined 470 09/07/2023 with trees would create visual blocks that would slow drivers down through the development. Given that the Council just approved a waiver to not require sidewalks in this development, he thought that anything that could improve pedestrian safety would be a good thing. The motion to approve the requested waiver of Section 22.3.16.A carried on a roll call vote with 8 Councilors present and voting in favor, and 4 opposed. Councilors Williams, Jones, Ormerod, and Workman voted in opposition. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant. A motion by Councilor Greenwald to adopt Resolution R-2023-28—a Resolution for the acceptance of a warranty deed for Brookfield Lane—was duly seconded by Councilor Filiault. Councilor Jones reminded the Council that it could decide on a different street name than what the developer proposed. The motion to adopt Resolution R-2023-28 carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant. A motion by Councilor Greenwald to adopt Resolution R-2023-29-A—a Resolution for the layout of Brookfield Lane, its utilities, and public improvements—was duly seconded by Councilor Filiault. A motion by Councilor Greenwald to amend Resolution R-2023-29-A to remove the language in Section 2022.3.7.D—Underground Street Lighting and Utilities—was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant. A motion by Councilor Greenwald to adopt Resolution R-2023-29-B was duly seconded by Councilor Filiault. Councilor Jones recalled that citizens brought up a lot of important questions about this Resolution. There was some concern about the intersection of Rt-9 and Whitcombs Mill Road. He noted that the Public Works Director, Kürt Blomquist, is on a committee that works with the State of NH on these issues. The City was responsible for providing data to the State, and he thought that these new dwellings would be sufficient data to show the number of car movements per day per dwelling; he thought there was more disruption today because of home deliveries. He thought the City might need to address that delivery trucks and residents should avoid the bridge because of the weight limit, which will cause them to cut through Langdon Place; he thought that was something City Staff could work out with Langdon Place. At the end of Langdon Place, he said

there is no stop sign or lines on the road indicating that the driver is on Whitcombs Mill Road, so he thought something needed to be done there. Councilor Jones spoke with one of the Transportation Commissioners, who agreed with Mr. Blomquist that the more data shown the better for this failed intersection where people have been hurt badly. The Councilor wanted the public to know this issue is being worked on, especially regarding left turns at this intersection. Mayor Hansel said that the day of this meeting, he got a letter back from a NH DOT Commissioner, who apologized for responding so late. The intersection is due for reevaluation in October, and the City will share some information with them to contribute to that reevaluation. Councilor Filaault noted that this was a topic of discussion at the MSFI meeting, when the Committee asked City Staff to communicate with the State on this effort and report back to the Council. 471 09/07/2023 Referring to the motion to adopt, Resolution R-2023-29-B carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION FOR THE LAYOUT OF BROOKFIELD LANE AND UTILITIES AND PUBLIC IMPROVEMENTS

Resolved by the City Council of the City of Keene, as follows:

The Keene City Council is of the opinion that for the accommodation of the public there is occasion to lay out a highway as described in the attached Return of Layout and said Petition, subject to the following conditions, precedent to the recording of the Return of Layout:

1. Approval of the final plans and construction by the City Engineer.
2. All expenses associated in connection with the layout and acceptance of the street, utilities and/or public improvements are borne by Petitioner.
3. Construction and acceptance by the Public Works Director or his/her designee of the laid out street, sewer, utilities and/or public improvements within a thirty-six month period from the approval vote by the City Council.
4. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director.
5. If construction has not started within the twenty-four (24) month period from the date of Council action, said approval of layout shall not become effective and can only be extended upon petition to the City Council.
6. Receipt of security in an amount to be determined in accordance with Section 22.2.4, Security & Warranty, of the Land Development Code ("LDC").
7. Petitioner shall receive a waiver by the City Council of Article 22, Public Infrastructure Standards, Section 22.3.7.A Sidewalks, Section 22.3.8 Street Lighting, but with the exception of the required street light at the intersection of the road layout and Whitcomb's Mill Road, Section 22.3.8.D, underground street lighting feed and utilities, and Section 22.3.16 Street Trees.
8. Petitioner shall waive any and all claims for damages arising from the said layout of Brookfield Lane that may be assessed pursuant to RSA 231:15, and shall indemnify the City from any costs, expenses or damages, including attorney's fees, related thereto.

A true copy;

Attest:

City Clerk

George S. Hansel, Mayor

PASSED September 21, 2023



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.6.

Meeting Date: August 27, 2025
To: Municipal Services, Facilities and Infrastructure Committee
From: Donald Lussier, Public Works Director
Through: Elizabeth Ferland, City Manager
Subject: **Downtown Infrastructure Project Update - Public Works Director**

Recommendation:

Move that the Municipal Services, Facilities and Infrastructure Committee recommend that the approved scope of the Downtown Infrastructure Project be modified as follows:

- Eliminate work on Gilbo Avenue and Church Street
- Reuse existing LED fixtures to the maximum extent feasible
- Bid spare conduit and handholes as an "Bid Alternate" item
- Loosen contractor work restrictions in order to allow construction in 2 seasons
- Eliminate the optional shade structure on Railroad Square
- Eliminate the optional compacting trash receptacles

Attachments:

None

Background:

On July 23, Stantec transmitted an updated project cost estimate based on the 90% project plans. The estimate reflects NHDOT 2025 construction season unit pricing and all of the final decisions made by the City to date. Public Works staff reviewed the estimate with the design team on August 8th, and requested some minor revisions based on our local knowledge and pricing experience. The total estimated project cost now stands at **\$22.86 Million**. The total includes all construction costs, allowances for unknown items (e.g., contaminated soil management, fuel and asphalt price adjustments, etc.) and Construction phase engineering services

The following table provides a breakdown of the project costs based on the funding sources defined in the CIP:

Funding Category	Currently Available	Estimated Cost	Shortfall
Street/Sidewalk/Other	\$ 3,466,083	\$ 8,251,000	\$ 4,784,917
Traffic Signals	\$ 399,500	\$ 596,000	\$ 196,500

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Stormwater	\$ 4,358,019	\$ 5,070,000	\$ 711,981
Sewer(1)	\$ 3,037,042	\$ 3,451,000	\$ 413,958
Drinking Water(1)	\$ 5,585,485	\$ 5,494,000	\$ -
Project Total	\$ 16,846,129	\$ 22,862,000	\$ 6,107,356

Notes:

1. Currently available Stormwater funds include an estimated \$137,000 in principle forgiveness.
2. Currently available Drinking Water funds include an estimated \$2,010,000 in principle forgiveness.

Potential Cost Reduction Measures

In order to mitigate the effects of cost escalation, Public Works has evaluated a number of cost reduction strategies.

Scope Change	Potential Savings
Eliminate Gilbo Ave and Church Street (recommended)	\$2,350,000
Reuse existing LED fixtures (recommended)	\$ 250,000
Reduce duration to 2 construction seasons	\$500,000
Remove spare conduit & pull boxes (Bid Alt. recommended)	\$ 135,000
Eliminate temporary pavement (NOT Recommended)	\$ 280,000
Eliminate imprinted crosswalks (NOT Recommended)	\$ 162,000
Minimize use of textured concrete (e.g., RR Square, Lamson St.)	\$ 250,000
(NOT Recommended)	
Eliminate temp lighting during construction (NOT Recommended)	\$100,000

Based on the three recommended cost reduction measures listed above, the adjusted project cost is estimated at \$19.76 Million.

Funding Category	Currently Available	Estimated Cost	Shortfall
Street/Sidewalk/Other	\$ 3,466,083	\$ 7,103,000	\$ 3,636,917
Traffic Signals	\$ 399,500	\$ 596,000	\$ 196,500
Stormwater	\$ 4,358,019	\$ 4,450,000	\$ 91,981
Sewer(1)	\$ 3,037,042	\$ 2,893,000	\$ -
Drinking Water(1)	\$ 5,585,485	\$ 4,727,000	\$ -
Project Total	\$ 16,846,129	\$ 19,769,000	\$ 3,925,398

Potential Additional Funding Options

Ashbrook Road signals are scheduled for replacement but can be postponed. These funds (\$225K) would cover the shortfall in the traffic signal component. In addition, we recommend delaying the proposed rehab of a stone culvert under Court Street, scheduled for FY27. This will free up an additional \$939,000 of proposed debt.

Solar Pavilion Project

As part of the overall Downtown project, the City applied for and received a grant to construct a “solar pavilion” on Gilbo Ave. This multi-use structure will provide covered event space, a solar array sized to offset all electricity used for Downtown lighting and events as well as premium parking spaces. The Grant will provide up to \$1,757,000 and requires a 20% match (\$ 439,000). Matching funds were anticipated to be taken from the Downtown project funds. Since the Downtown project is now expected to be underfunded, additional funds will need to be authorized.

Summary

The total estimated project cost has increased to \$6.1M above the currently planned budget. The recommended scope reductions and offsetting project delays reduce the shortfall to \$3.9M in the General Fund, while the Water & Sewer Funds are fully funded. If approved by the City Council, Staff will return bring the necessary bond resolutions and Council actions through FOP to implement the recommendations. At that time, we will also request additional funding of \$439,000 for the Solar Pavilion (also General Fund).