

1 City of Keene
2 New Hampshire

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4
5 AD HOC LOWER WINCHESTER STREET COMMITTEE
6 MEETING MINUTES
7

Tuesday, October 4, 2022

6:00 PM

2nd Floor Conference Room,
City Hall

Members Present:

Douglas Hamshaw, Chair
Sarah Bollinger, Vice Chair
Trevor Bonnette
Christopher McCauley (Arrived at 7:03 PM)
Jim Lamp

Staff Present:

Don Lussier, City Engineer
Tom Mullins, City Attorney
Brett Rusnock, Civil Engineer

Members Not Present:

Jimmy Tempesta
Douglas Fish

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9
10 **1) Opening/Introductions/Roll Call**
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12 The City Engineer, Don Lussier, called the meeting to order at 6:01 PM and Committee member
13 introductions ensued. Mr. Lussier is the City's Staff Liaison, meaning he is present for meeting
14 logistics and to support the Committee's goals or questions; he does not vote. In lieu of a Chair,
15 Mr. Lussier led the beginning of the meeting.
16

17 **2) Role of the Steering Committee**
18

19 Mr. Lussier said the role of this committee is to give guidance and insight to the McFarland
20 Johnson consulting team that will design the project. All members were chosen because of their
21 proximity to and relation with the project area to provide a cross section of perspectives and
22 options; Keene and Swanzey residents, businesses, etc. Ultimately, this Committee will make a
23 recommendation for how to move forward with the project to the Keene City Council and the
24 Swanzey Board of Selectmen.
25

26 **3) Committee Charge**
27

28 Mr. Lussier read the official Committee Charge:

- 29
 - 30
 - 31
 - To provide planning, guidance, and general direction for the Lower Winchester Street
Reconstruction Project, in partnership with affected residents, local business interests, the
City Staff, and NH DOT.

- 32 ▪ The Committee will specifically focus on balancing the needs of all the various project
33 stakeholders and provide a conduit for the concerns of interested parties to be addressed
34 during the design phase.
- 35 ▪ The Committee will provide advice to the City’s consultants through the review of draft
36 work products and will ultimately provide a recommendation to the City Council with
37 respect to a preferred alternative.

38
39 Mr. Lussier asked the Committee to take the second part of the Charge to heart. Members were
40 present to represent that cross section of the project area and to reach out to neighbors and others
41 to achieve as broad a consensus as possible in making recommendations.

42
43 At the end of this project, the Committee will vote formally on a preferred design alternative,
44 which if approved by both the Keene and Swanzey governments, will be built and funded by the
45 federal government.

46

47 **4) Formalities**

48 **A) Review of “Public Body” Requirements**

49

50 The City Attorney, Thomas Mullins, thanked the Committee members for volunteering their
51 time. He continued regarding the Committee’s civic obligations. Like all municipalities, Keene is
52 under the authority of the State of NH, the City has no independent authority, everything done is
53 told to the City by the State. The City Council does have some independent authority regarding
54 the running of the City. The City Council appoints different kinds of boards and committees.
55 This is a legislative committee not in that legislation is written, but in that this is a different
56 entity than a quasi-judicial body like the Zoning Board of Adjustment, which is subject to strict
57 statutory requirements and could have matters taken to court. This Committee would almost
58 never be taken to court over a matter or decision; this is a low-risk entity. This public advisory
59 body has the purpose of making recommendations to the governing body, the City Council. By
60 participating in a public body, the City Attorney said that the members have responsibilities
61 regarding NH Statute RSA 91:A. For example, the Staff Liaison is responsibly, per the Statute,
62 to provide sufficient public notice 24 hours in advance of this meeting, which the public has the
63 right to attend and participate in, per the Chair’s discretion. Members of the public have the right
64 to record or take photos during the meeting.

65

66 The City Attorney continued explaining that per RSA 91:A, this Committee must only meet and
67 act as a group. A quorum of this Committee is four members. This body cannot meet or act
68 without a quorum present in the room. Remote participation is allowed per Committee
69 consensus, however, a meeting can only proceed with a physical quorum present at the public
70 meeting location. Thus, it is important to show up to meetings. It is essential to only use email
71 for the purpose of communicating with the Staff Liaison on matters such as attendance.

72 Discussing Committee business via email constitutes a quorum. It is critical to not use the “reply
73 all” function on emails regarding Committee business, because that constitutes an unnoticed
74 quorum. It is particularly important to reply to emails from Mr. Lussier regarding attendance so

75 he can be sure there will be a quorum present at a meeting, so the City does not incur
76 unnecessary expenses for the minute taker, present at all meetings; the minute taker for this
77 Committee works remotely. Because the Committee cannot meet and act as a group without
78 public notice, it is important to avoid forming a quorum at any social gatherings and discussing
79 Committee business. Willfully violating this Statute could result in liability at the Superior
80 Court.

81
82 The City Attorney provided the Committee a packet of material including the Rules of Procedure
83 the Committee needs to adopt, the City's conflict of interest policy that is about pecuniary
84 interests (which should be brought to Staff's attention), RSA 91:A, the right to know law, and an
85 article from the NH Municipal Association on conflict of interest and bias.

86
87 Under the right to know request, the City has an obligation to disclose govt records that are not
88 subject to non-disclosure or are subject to redaction for some reason. Meeting minutes of this
89 body are disclosable. The minute takers are skilled at parsing through what happens during
90 meeting conversations. Be conscious of what you say that will be recorded in the permanent
91 record. The final report issued to the City Council will be a public document as well.

92
93 Mr. Lamp asked about conflict of interest, noting he has a client who owns a business on
94 Winchester Street. The City Attorney said that any changes to the corridor might affect a
95 member's client, but it would also affect everyone else in the corridor, so that does not represent
96 a conflict. If a part of the design structure were to financially benefit a member's client that
97 would represent an interest to disclose. However, this group would remain focused on design
98 criteria at this stage.

99
100 **B) Selection of Chair and Vice Chair**

101
102 The Chair is responsible for running the meetings, keeping things orderly, and deciding whether
103 to recognize members of the public. The Vice Chair acts as Chair in their absence. They have no
104 responsibilities outside of the meeting.

105
106 A motion by Ms. Bollinger to nominated Mr. Hamshaw as Chair of the Committee was duly
107 seconded by Mr. Lamp and the motion carried unanimously. Mr. Hamshaw began acting as
108 Chair.

109
110 A motion by Ms. Bollinger to nominate herself as Vice Chair was duly seconded by Mr.
111 McCauley and the motion carried unanimously.

112
113 **C) Adoption of Rules of Procedure**

114
115 Discussion ensued on the importance of being present at meetings for a quorum and the issue of
116 remote access. Mr. Lussier confirmed that members can participate via Zoom at the group's
117 discretion, but there must be four members physically present in the meeting room. Because this

118 Committee would participate in many visual activities with maps, etc., physical presence would
119 benefit the process. The Committee can decide to change the Rules of Procedure regarding
120 remote participation.

121
122 This Committee is only expected to be active for one year, by which time they will have met
123 their charge with the Consultants' guidance.

124
125 Mr. Lussier reiterated the importance of not conducting business via email and said this group
126 will not have non-public sessions.

127
128 Mr. Lussier would revise the Rules of Procedure with the remote options, show them to the City
129 Attorney, and bring them back for adoption at the next meeting.

130

131 **5) Project Overview**

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133 Mr. Lussier introduced the project consultants from McFarland Johnson, Gene McCarthy
134 (project Manager) and Matt Moore (project engineer).

135

136 Mr. McCarthy said this Committee's members know lower Winchester Street, which he
137 displayed a map of. This project's limits are one-mile from the existing roundabout at RT-101
138 westward to the Swanzey town line at the Market Basket signal. Throughout the corridor, there
139 are varied land uses, different pavements, significant intersections, and 2-3 lane sections.
140 Additionally, there is the bridge over Ash Swamp Brook that must be replaced as a part of this
141 project, and this Committee will determine the new configuration. This Committee and the
142 Consultants will develop a conceptual plan to present to the City Council and Board of
143 Selectmen.

144

145 **6) Project Team**

146

147 There are several members of the team who will be introduced throughout the process, and
148 various firms involved. Right now, this multi-phase project is in phase one, the engineering study
149 phase, which is the foundation of the project. Phase two is preliminary design and phase three is
150 final design.

151

152 The City is working with NH Department of Transportation (DOT) because this project is funded
153 with federal money and there are certain respective rules and processes dictated. Mr. Lamp asked
154 about the financial matches required. Mr. McCarthy said it is 80/20. Mr. Lussier said the City is
155 paying their 20% portion because in Keene, Winchester Street is a Class 4 road that the City
156 must maintain. However, in Swanzey, Winchester Street is a Class 3 road, which NH DOT
157 maintains and thus DOT will pay Swanzey's 20% match. Mr. McCarthy said that the consultants
158 are trained and certified to work on these projects because of the procedures that must be
159 followed for use of Federal money.

160

161 7) **Study Tasks/Status**

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163 Phase one is the engineering study, with the following tasks.

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- Information gathering/base maps

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- Detailed survey

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- Resource identification

167

- Project definition

168

- Important task this body is responsible for—defining the purpose and need of the project

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- Alternatives development

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- Structures studies on the bridge

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- Abstracting—establishing the existing right-of-way

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- Public involvement

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- Utility coordination

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- Geotechnical investigations

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The public will be involved in this project through public meetings, a website, and other outreach. Keene has historically good participation in similar activities. This Committee is critical to public outreach.

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At the end of phase one, the consultants will write an engineering study report that documents everything done at these meetings and any recommendations the Committee makes to the Keene City Council and the Swanzey Board of Selectmen. Once approved by both entities, the report goes to DOT and when they accept it, the project can move into phase two.

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Mr. Lussier discussed public involvement, which this Committee is a huge part of. Additionally, 2,000 postcards would be sent to residents and businesses in the project area, inviting them to one of two identical public listening session. He added that there would be multiple ways to participate in the project, including through the website, which would be via the City website, and would be active by the first public listening session on October 18. There will be other contact with the mailing list and there will be press releases in the Sentinel. There are many ways to stay involved and gather opinions.

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8) **Discussion**

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A) **What are the problems/challenges on Winchester Street?**

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Mr. McCarthy led the Committee through the same process that would ensue at the public listening sessions in small groups. They want to hear from stakeholders to understand issues before trying to solve them. To establish the real need for the project, which helps determine the project purpose, the consultants would ask two questions: What are the problems/challenges with Winchester Street? And what are the opportunities for Winchester Street? The consultants worked on the other Winchester Street project, so they are very familiar with the area.

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203

- 204 The following challenges and problems were listed by the Committee:
- 205 ○ Excessive traffic and speeds throughout the corridor
- 206 ▪ There is a break in speed coming into Keene because of the speed limit
- 207 reduction, but as soon as drivers cross the bridge toward Swanzey, they
- 208 speed up significantly.
- 209 ▪ There is a problem with the speed of drivers entering Winchester Street
- 210 from RT-101.
- 211 ▪ A significant underlying factor is that everyone drives too fast on
- 212 Winchester Street for a road with so many access points and businesses;
- 213 people cannot slow down enough to find the right businesses. Lower speed
- 214 would solve a lot.
- 215 ○ There is a bottleneck of traffic from the wide, multi-lane area just south of RT-
- 216 101 unto the narrower part of Winchester Street.
- 217 ○ Every point of intersection is a problem
- 218 ○ Any intersection with a left turn onto Winchester Street is impossible. There are
- 219 some gaps with the signal at Market Basket, but the flow of traffic from RT-101 is
- 220 constant.
- 221 ○ From the bridge to Matthews Road –
- 222 ▪ The bridge is dangerous, especially in the winter; the jersey barriers
- 223 temporarily addressed the need for a vehicle crash barrier, but make the
- 224 bridge unsafe for bicyclists and pedestrians.
- 225 ▪ The bridge must be wider
- 226 ▪ Under the bridge, there is inadequate flow during flood stage, which
- 227 results in damage all the way up Ash Swamp Brook. Mr. McCarthy
- 228 ensured the hydraulics would be addressed.
- 229 ▪ If there were a way to bring Matthews Road and Bradco Street together
- 230 with a signal a lot of problems might be solved.
- 231 ▪ The Bradco Street intersection has many problems; it is a failed
- 232 intersection.
- 233 • The intersection is unsafe
- 234 • People trying to make left turns get desperate with the non-stop
- 235 oncoming traffic and dart into that traffic to turn, especially during
- 236 commuting times. It is a matter of time until very serious
- 237 accidents.
- 238 • There are more businesses on Bradco Street now, which has
- 239 increased the traffic. Mr. McCarthy said they would do counts at
- 240 that intersection.
- 241 • Cars cross through the Hamshaw parking lot and others to avoid
- 242 the Bradco Street congestion at approximately 3:00 PM daily;
- 243 Hamshaw has placed barriers.
- 244 • The street was not built to take traffic, so the shoulders must be
- 245 consistently rebuilt by the City.

- 246 • People have been hit trying to cross Winchester Street in front of
- 247 Hamshaw Lumber
- 248 • The right turn lane can only accommodate two cars
- 249 simultaneously, which causes people to get desperate and drive
- 250 onto lawns.
- 251 ▪ At Matthews Road
- 252 • Right turns off Matthews Road cause intense situations. Mr.
- 253 McCarthy said they would review accident reports.
- 254 • Left turns onto Matthews Road are taken at high speed because of
- 255 the angle. There is a brand-new house on the corner that prohibits
- 256 straightening that angle.
- 257 ○ Some buildings should be considered for demolishing.
- 258 ○ Some businesses built their buildings knowing the green space in front was right-
- 259 of-way and now they are trying to leverage that they do not want any space taken
- 260 from their side. Mr. McCarthy said they would establish the right-of-way.
- 261 ○ There are a lot of pedestrians for such a narrow road without sidewalks.
- 262 ▪ Previous studies said not to add crosswalks because it would lead drivers
- 263 and pedestrians to a false sense of security.
- 264 ▪ Some business employees cross the street to the small convenience store
- 265 and employees cross at other locations.
- 266 ▪ Discussion ensued about whether a yellow light would solve anything.
- 267 ▪ Members do not see many pedestrians from the other side of Matthews
- 268 Road because there are no sidewalks and fast drivers. It is not functional
- 269 for pedestrians.
- 270 ○ In Swanzey:
- 271 ▪ People walk from the residential areas to Market Basket and cannot be
- 272 accommodated in the winter without sidewalks.
- 273 ▪ Speed is a significant issue
- 274 ▪ People nearly get rear-ended entering the slip lane for Market Basket; the
- 275 slip lane is too short

276
277 Mr. Lamp asked whether bike paths and facilities or sidewalks would be required by DOT. Mr.
278 Lussier said no, there is no DOT mandate, but he thinks that if the corridor were not improved
279 for pedestrians, the project would be a failure in his opinion.

280
281 Mr. Lamp asked if this area is in the floodplain and Mr. McCarthy said yes. The City had already
282 done a hydraulic study so the consultants are familiar with the situation at that bridge, but there
283 will be things to consider, like impacts downstream, when opening the bridge. Mr. Lussier said
284 one reason for the hydraulic evaluation is because DOT did no favors when the upstream
285 constriction at the RT-9 bridge was removed. Mr. Hamshaw said a big problem was when the
286 Home Depot plaza was compacted, restricting that extensive flood storage. They used to average
287 one flood every five years at Hamshaw Lumber, and now there are three or four per year.

288

289 Mr. Lussier said it was important to remember that there are a number of generators and
290 residential areas hidden in the area that feed into this corridor. Because it is a corridor, Mr.
291 McCarthy said they would be looking at key intersections and turning volumes to determine
292 what is needed to manage the capacity.
293

294 Mr. Lamp asked if anyone is required to back out of their lot, meaning they cannot turn around
295 within their lot. Ms. Bollinger could not speak to that. Mr. Hamshaw did not see that happening
296 often. Mr. Lussier thought the closest to that was the car rental center, which people sometimes
297 use as a pull-off. People have used Mr. Hamshaw's parking lot to turn around or pull over and
298 some have driven into the building.
299

300 Mr. McCarthy said they would listen to stakeholders first and then bring up a list of topics like
301 pedestrians and bikes. Ms. Bollinger hoped that if pedestrians were accommodated that cyclists
302 would feel more comfortable too. Discussion ensued about the different routes and trails the
303 cyclists use in that area. Mr. Hamshaw said the corridor is unpleasant for cyclists. Mr. McCarthy
304 said it could be determined that cyclists are not ideal in the area and should be directed to trails.
305

306 Mr. Lussier hopes that Committee members will come to one or both of the public listening
307 sessions to be facilitators in the small groups, having gone through this exercise.
308

309 Ms. Bollinger asked if the redesign would account for the transit change proposals that are in
310 very early stages with the City, like micro-transit and a possible bus route. Mr. Lussier said that
311 the downtown project was trying to accommodate future development and needs for the future.
312 This project was also thinking about how the corridor would be used in the long term. Mr.
313 McCarthy said it could happen that things are not precluded from being installed in the future.
314

315 Discussion ensued about the logistics of the listening sessions, the results of which would be
316 presented at the next Committee meeting.
317

318 **B) What are the opportunities on Winchester Street?**

319 **9) Project Schedule**

320
321 The project schedule is as follows:

- 322 ■ Information gathering: August–November 2022
- 323 ■ Survey and mapping: August–December 2022
- 324 ■ Environmental resource identification: August 2022–January 2023
- 325 ■ Public listening sessions: October 2022
- 326 ■ Alternatives development: October 2022–January 2023
- 327 ■ Steering Committee meeting two: January 2023
- 328 ■ Refine alternatives: January–February 2023
- 329 ■ Steering Committee meeting three: February 2023
- 330 ■ City Council presentation: March 2023
- 331 ■ MSFI Committee/Public information meeting: March 2023

- 332 ▪ City Council presentation: April 2023
- 333 ▪ Prepare engineering study report/bridge study: February–April 2023
- 334 ▪ Engineering study report reviewed by City and NH DOT: April–June 2023
- 335 ▪ Finalize engineering study report: June–July 2023
- 336 ▪ Being Phase Two, Preliminary Design: July 2023

337

338 Construction money is allocated for this project in FY-2025, leaving two years after phase one to
339 design the project and finish environmental processes.

340

341 Mr. Lussier said the upper Winchester Street project began with an Engineering Study in 2016,
342 and is now in construction. From that experience, Mr. Lussier knew that to acquire land, the
343 environmental permitting phases are very time consuming, so this process was not starting too
344 early.

345

346 Mr. Lussier said this Committee would meet approximately once per quarter, with three
347 meetings in October, and the next meeting in January. There will be no minute taker at the
348 listening sessions and Committee members and Staff will document discussions.

349

350 Discussion ensued about whether to have a third listening session with businesses specifically.
351 There was consensus that it could be repetitive, and they would know better whether it was
352 needed after seeing how many businesses participated in the October meetings.

353

354 Mr. Rusnock asked, since it is a public meeting, would a quorum be required. Mr. Lussier said he
355 would discuss with the City Attorney whether it is a true public hearing. He hoped a quorum of
356 members would attend.

357

358 Mr. Lussier primarily communicates via email, so members should alert him if there is any
359 mistaken information on the Committee roster that he sent out.

360

361 **10) Next Step: Public Listening Session**

362 **A) Swanzey: October 18, 2022, 6:00 PM –Whitcomb Hall, 17 Main Street**

363 **B) Keene: October 25, 2022, 6:00 PM – Keene Public Library (Cohen Hall), 50**
364 **Winter Street**

365 **11) Questions & Answers**

366

367 Discussion ensued reiterating that the project website would be active by October 18 and housed
368 on the City of Keene website. Mr. Lussier will share the page with Ms. Bollinger, who will
369 include it on the Swanzey website.

370

371 Mr. Lamp asked whether the State was in control of the right-of-way takings and easements. Mr.
372 Lussier said yes, they are doing all the right-of-way process. The consultants would create the
373 right-of-way plans, but the State would do the acquisitions and appraisals.

374

375 Discussion ensued reiterating the need for Committee participation at the listening sessions.

376

377 Mr. Hamshaw would share with the consultants their frontage's original site survey.

378

379 Mr. McCarthy asked if there were changes in the volume of traffic in the corridor after the
380 pandemic. Mr. Hamshaw said that he was hard pressed to remember when it dissipated for only
381 one month at the beginning of the pandemic before returning to normal.

382

383 **12) Adjournment**

384

385 There being no further business, Chair Hamshaw adjourned the meeting at 7:30 PM.

386

387 Respectfully submitted by,
388 Katryna Kibler, Minute Taker
389 October 11, 2022

390

391 Reviewed and edited by,
392 Donald R. Lussier, P.E.
393 City Engineer

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