

Private Sector Use of Former Portsmouth Branch Rail Right-of-Way Line

D Application Form

TO BE COMPLETED BY APPLICANT

Application submission date: January 24, 2017

Name(s) of abutting applicant property 1. Leo P. Chasse Jr. owner(s)
2. _____

Street address of abutting applicant property: 62 Maple St.

Mailing address of abutting property owner: _____
62 Maple St Manchester N.H. 03103

Telephone number & e-mail address where applicant
abutting property owner can be reached: 603-626-7351 /Gnadeau@millmetals.net

Applicant (if other than abutting property
owner: Agent Greg Nadeau / Operations Mgr for Mill Steel Corp.

Mailing address of applicant (if other than
than abutting property owner): _____

Telephone number & e-mail address where
applicant (if other than abutting property
owner can be reached: _____

1. Tax map & lot number of abutting applicant
property: map 362 Lot 11

0. List of specific uses planned for corridor: See attached letter

I. Required application materials.

- (a) Application Form
- (b) Boundary plan of the entire affected area prepared and signed by a licensed land surveyor. Plan shall show, at minimum , the boundaries of the affected portion of the former rail corridor, the location of the applicant's abutting property, and existing and proposed site conditions.
- (c) Statement of policy acceptance (see item #12).

2. Statement of Policy Acceptance. *I hereby certify that the above information is correct; that I have submitted herewith all of the pertinent required documentation; that I have read and am familiar with the "City of Manchester Policy Regarding Private Sector Use of the Former Portsmouth Branch Railroad Line Right-of-Way"; and that, if granted a revocable license to use City-owned rail corridor land, will fulfill the provisions of that Policy.*

Owner's Signature: 1.
2. _____

Date of owner signature: 1/24/2017

Agent's Signature:
Date of agent signature: 1/24/2017



Outside N.H. 1-800-638-2511
In N.H. 1-800-244-7351

62 Maple St., Manchester, NH 03103

Local (603) 626-7351
FAX (603) 626-7820

January 24, 2017

City of Manchester, NH

City Clerk's office

Dear Sir or Madame,

In response to item #10 on the application for private sector use of the former Portsmouth branch rail right of way line, we submit the following for your review. Leo P. Chasse Jr. owns the real estate personally and is the majority stock holder in Mill Steel Corporation who will be the entity using the right of way if granted. Mill Steel Corp. hopes to use this property for vehicle parking for employees we hope to hire to expand our business in Manchester. We have secured all available adjacent parking and are at a loss as how we can grow further here in Manchester. The granting of this use would facilitate the hiring of new employees, the vast majority from Manchester, so we can continue to grow and prosper here in Manchester.

Our plans for the right of way would be to add some gravel and pack the surface for parking. The entrance on Somerville St. would remain blocked as it is now and we would access it from Beech St. Thank you for your consideration and we look forward to answering any questions you may have.

Respectfully,

Leo P. Chasse Jr.

Mill Steel Corporation

CALL US FOR ALL YOUR METAL NEEDS

CITY USE ONLY

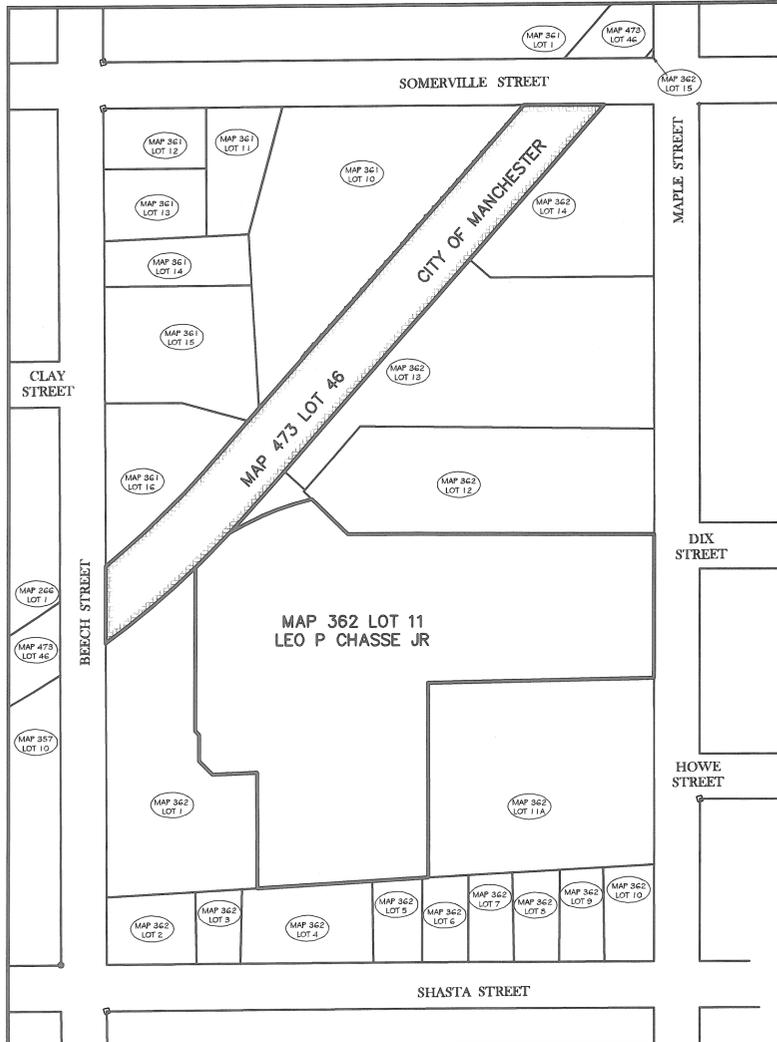
3. Materials submitted:

- Completed application form including signed and dated "Statement of Policy Acceptance".
- Boundary plan of the entire affected area prepared and signed by a licensed land surveyor. Plan shall show, at minimum, the boundaries of the affected portion of the former rail corridor, the location of the applicant's abutting property, and existing and proposed site conditions.

4. Application Review process checklist:

- Step one: Receipt by City Clerk's Office of completed application from interested property owner or property owner agent.
- Step two: Planning & Community Development Department application review report to City Clerk's Office and
- Parks, Recreation & Cemeteries Department application review report to City Clerk's Office.
- Step Three: Consideration of application by Committee on Lands and Buildings.
- Step Four: Consideration of application by Board of Mayor and Aldermen (if needed).

- **PLEASE NOTE:** If this application is approved, the applicant shall be required to provide insurance and an indemnity agreement as well as such other restrictions and requirements as the City may see fit to require.



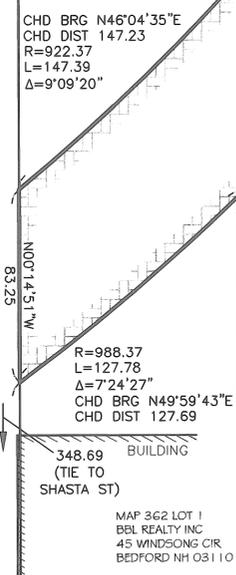
VICINITY MAP
1"=100'

SYMBOL LEGEND

- ⊙ SEWER MANHOLE
- ⊕ DRAIN MANHOLE
- ⊞ CATCH BASIN
- ⊗ FIRE HYDRANT
- ⊖ WATER SHUT OFF
- ⊙ UTILITY POLE
- ⊙ GUY WIRE
- ⊙ REBAR FOUND
- ⊞ STONE BOUND FOUND
- ⊞ BENCHMARK
- ⊞ STONE BOUND TO BE SET
- D DRAIN LINE
- S SEWER LINE
- OHW OVERHEAD ELECTRIC WIRE
- W WATER LINE
- GAS GAS LINE



BEECH STREET

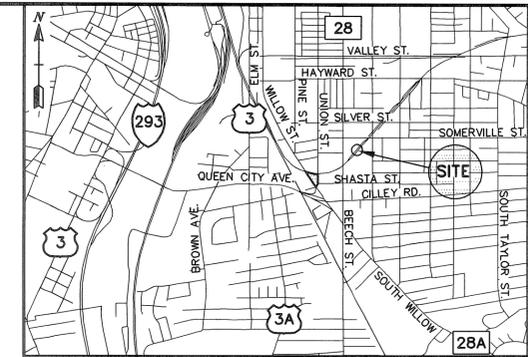
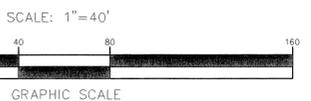
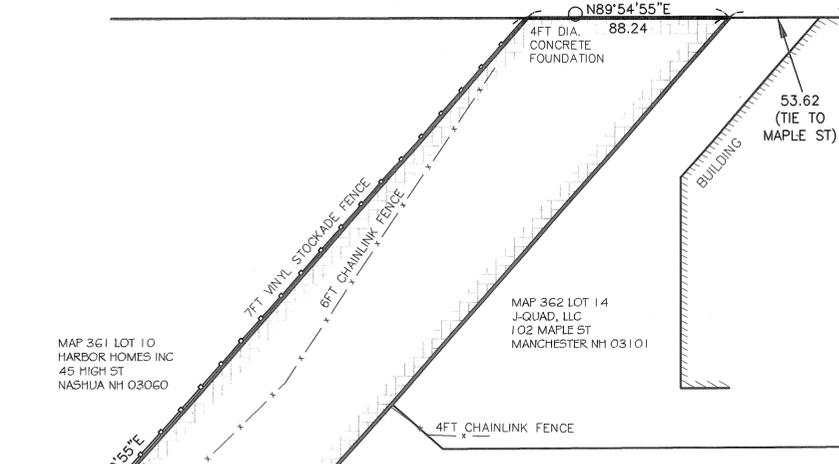


MAP 362 LOT 11
LEO P CHASSE JR
50 PEMBERTON ST
DRACUT MA 01826

MAP 373 LOT 46
48,770 SQ. FT.
1.120 ACRES

SOMERVILLE STREET

MAPLE STREET



NOTES

- OWNER OF RECORD:

MAP 473 LOT 46 CITY OF MANCHESTER ONE CITY HALL PLAZA MANCHESTER NH 03101 BK: 6561, PG: 1308	MAP 362 LOT 11 LEO P. CHASSE JR. 50 PEMBERTON ST. DRACUT MA 01826 BK: 5558, PG: 1057
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- THE INTENT OF THIS PLAN IS TO SHOW THE AREA TO BE LEASED BY LEO P. CHASSE JR. FROM THE CITY OF MANCHESTER.
- THIS PLAN IS THE RESULT OF FIELD SURVEY PERFORMED BY BEDFORD DESIGN CONSULTANTS IN NOVEMBER 2016.
- PARCEL AREA:
48,770 SQ. FT. (1.120 ACRES)
- UNDERLYING ZONE: REDEVELOPMENT DISTRICT MIXED USE (RDV)
 MIN. LOT SIZE: 10,000 SQ. FT.
 MIN. LOT FRONTAGE: 100 FT.
 FRONT SETBACK: 0 FT.
 SIDE/REAR SETBACK: 0 FT.
- THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100-YR FLOOD PLAIN AS PER THE FLOOD INSURANCE RATE MAP, HILLSBOROUGH COUNTY NEW HAMPSHIRE PANEL 377 OF 701, MAP NUMBER 3301100377D, EFFECTIVE DATE SEPTEMBER 25, 2009.
- THIS OFFICE HAS NOT LOCATED ANY UNDERGROUND UTILITIES. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE. ALWAYS CALL DIGSAFE PRIOR TO ANY EXCAVATION.



SURVEY CERTIFICATION

"I HEREBY CERTIFY THAT THIS MAP AND SURVEY HAS BEEN MADE UNDER MY SUPERVISION. THE DATE OF THE SURVEY WAS NOVEMBER 2016."

"I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN TEN THOUSAND (1:10,000)."

[Signature]
LICENSED LAND SURVEYOR

1-20-17
DATE

PLAN REFERENCES

- "LAND OF HARVEY CONSTRUCTION CO. MAPLE ST. MANCHESTER N.H." DATED JANUARY 9, 1957. PREPARED BY GEORGE C. BENJAMIN. NOT RECORDED.
- "LAND IN MANCHESTER, N.H. BOSTON AND MAINE CORPORATION TO HARVEY CONSTRUCTION COMPANY, INC." DATED OCTOBER 1964. H.C.R.D. PLAN# 3039.
- "RIGHT OF WAY AND TRACK MAP CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R." SHEETS V.28/40 & V.28/41. DATED JUNE 30, 1914. ON FILE AT THE MANCHESTER DEPARTMENT OF PUBLIC WORKS.
- "PLAN OF LAND OF S. KENNETH BRUCE JR. D.B.A. SKB REALTY MANCHESTER, NEW HAMPSHIRE" DATED JUNE 17, 1986. PREPARED BY JOHN T. HILLS ENG. INC. H.C.R.D. PLAN# 19727.
- "A PLAN OF LAND OF THE LEON KEYSER CO ON BEECH ST NORTH OF THE BOSTON & MAINE RR IN MANCHESTER N.H." DATED APRIL 1949. PREPARED BY GEORGE C. BENJAMIN. H.C.R.D. PLAN# 2092

A PORTION OF: TAX MAP 473 LOT 46

PLAN OF LAND TO BE LEASED
 PREPARED FOR:
LEO P. CHASSE JR.
 LAND OF:
CITY OF MANCHESTER
 LOCATED BETWEEN:
SOMERVILLE STREET & BEECH STREET
MANCHESTER, NEW HAMPSHIRE

SCALE: 1" = 40' DECEMBER 6, 2016 SHEET 1 OF 1

DESIGN:	DRAWN:	CHECKED:	FB:	PG:	
C.A.F.	M.D.M.	C.A.F.	599	13	1262-02

Bedford Design Consultants Inc.
 ENGINEERS AND SURVEYORS
 177 East Industrial Park Drive, Manchester, NH 03109
 Telephone: (603) 622-5533 Fax: (603) 622-4740
 www.bedforddesign.com

DATE	DESCRIPTION	BY	REV.



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Leon L. LaFreniere, AICP
Director

Planning & Land Use Management
Building Regulations
Code Enforcement Division
Community Improvement Program
Zoning Board of Adjustment

Pamela H. Goucher, AICP
Deputy Director Planning & Zoning

Michael J. Landry, PE, Esq.
Deputy Director Building Regulations

February 6, 2017

Alderman Patrick Long, Chairman
Committee on Lands and Buildings
Board of Mayor and Aldermen
One City Hall Plaza
Manchester, New Hampshire 03101

**Re: Request to Use Part of the Portsmouth Branch Railroad Corridor for Private Use
62 Maple Street, Mill Steel**

Dear Chairman Long and Honorable Committee Members:

The owner of Mill Steel, a business located at 62 Maple Street, has requested to use part of the former Portsmouth Branch Railroad right-of-way for business parking. The purpose of this letter is to provide comment from the Planning and Community Development Department (PCD) on the request, pursuant to the "City of Manchester Policy Regarding Private Sector use of the Former Portsmouth Branch Railroad Line Right-of-Way" (POLICY), adopted by the Board of Mayor and Aldermen in 2005. A copy of the policy is attached to this letter, along with two aerial photographs for the Board's review.

The application requests to cover a section of the right-of-way with gravel and to use it for Mill Steel's employee parking. The section requested goes from Beech Street to Somerville Street. PCD staff spoke with Mill Steel's representative, Greg Nadeau, and confirmed that Mill Steel would like to use the entirety of this section to park about 25 cars at a time and would access the section from Beech Street. Mr. Nadeau stated that two different shifts would use the parking.

Staff informed Mr. Nadeau that the Manchester Zoning Ordinance does not allow gravel as a parking surface for two reasons: it causes dust and it cannot be striped to provide for adequate parking spaces and drive aisles. Mr. Nadeau offered to use recycled asphalt product (RAP), instead of gravel. He also offered to store metals on the section of railway and park cars on the asphalt where he now stores metal.

Recommendation

PCD recommends that the Board of Mayor and Aldermen deny this request because approval of the request would be inconsistent with the POLICY. The POLICY states that it "discourage[s] private sector uses on the former Portsmouth Branch railroad corridor," which would include private parking. Further, the POLICY states that "the general public will retain continual freedom of movement over the Portsmouth Branch railroad corridor." Freedom of movement would be impeded if cars were parked or metals were stored on the corridor.

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-Mail: pcd@manchesternh.gov
www.manchesternh.gov

Additionally, any construction of parking facilities on the corridor may impact the combined-sewer-overflow project (CSO). This is a long-standing infrastructure project that DPW plans for the rail corridor and is mandated by the Environmental Protection Agency. PCD staff spoke with both Fred McNeil, Chief Engineer for the Environmental Protection Division, and Don Pinard, Chief of the Parks, Recreation, and Cemeteries Division, about this. Both Mr. McNeil and Mr. Pinard agree with PCD's recommendation to deny this request. Mr. McNeil stated that CSO construction work is anticipated in this area within the next 5-10 years, including the installation of a box culvert of up to 10 feet by 10 feet. Construction of a bike trail is also anticipated as part of the construction restoration.

A third issue with the request is the proposed gravel or RAP covering. Article 10.07(E) of the Manchester Zoning Ordinance requires that parking areas "shall be surfaced with a durable and dustless material," which excludes gravel and RAP. PCD staff spoke with staff from the Highway Division who confirmed that RAP also creates dust, although possibly less than gravel. The surfaces usually permitted by the Ordinance are asphalt and concrete. Although paving the corridor would eliminate the problem of dust, the POLICY prohibits the paving of the corridor, stating, "terrain alteration activities will be strictly limited to removal of steel rails and wooden ballast works, the installation of recreational trails, and/or installation of a loam and grass seed cover."

If the Board is inclined to grant the request, PCD recommends that the Board grant a revocable license to park on the right-of-way, rather than an easement or fee-simple ownership. The POLICY states that "any and all uses permitted by the City shall be by written revocable license," except in cases of "extreme hardship."

Please feel free to contact me if you have any questions. Planning Department staff will be available at your next meeting, should you want to discuss this information.

Sincerely,



Jeffrey Belanger, AICP
Senior Planner
Manchester Planning and Community Development Department

Cc: Kevin Shepard, Director of Public Works
Robert Gagne, Chairman, Board of Assessors
Don Pinard, Chief of Parks
Fred McNeil, Chief Engineer, Environmental Protection Division
Thomas Arnold, Deputy City Solicitor
File

*City of Manchester Policy
Regarding
Private Sector Use of
the Former Portsmouth Branch Railroad Line Right-of-Way*

1. *BECAUSE* the conveyance deed which transferred the former Portsmouth Branch Line right-of-way from the State of New Hampshire to the City of Manchester requires that the City of Manchester “*shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public*”, and
2. *BECAUSE* that same deed requires that “*Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process*”; and
3. *BECAUSE* that same deed requires that the “*City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor*”; and
4. *BECAUSE* that same deed reserves to the State of New Hampshire “*a transportation easement, 30 feet in width, crossing all the [parcels associated with the former Portsmouth Branch Line ROW] for any mode of public travel. . . .*”, and
5. *BECAUSE* any application by the City for state and federal Section 106 historic review which would be necessitated by any alteration to the former Portsmouth Branch railroad corridor would represent a significant time and monetary expense to the City;
6. It is *CONSEQUENTLY* the policy of the City of Manchester to

PROMOTE the development of authorized public recreational uses along the former Portsmouth Branch railroad corridor; and, in order to satisfactorily ensure this end,

DISCOURAGE private sector uses on the former Portsmouth Branch railroad corridor.
7. In any exceptional case where the City is considering the authorization of private sector use of any portion of the former Portsmouth Branch railroad corridor, it is also the policy of the City of Manchester to ensure the following:
 - (a) That any terrain alteration activities will be strictly limited to removal of steel rails and wooden ballast works, the installation of recreational trails, and/or installation of a loam and grass seed cover and work will be carried out under the supervision, and to the satisfaction, of the Parks, Recreation and Cemetery Department;
 - (b) That all approved terrain alteration, recreational trail installation, and/or loam and grass seeding activity will be carried out and paid for by the authorized private sector entity;
 - (c) That no structure including fencing, not related to recreational trail usage will be constructed or placed within any portion of the former Portsmouth Branch railroad corridor;
 - (d) That the general public will retain continual freedom of movement over the Portsmouth Branch railroad corridor;

- (e) That no use will be authorized if its current or future purpose is to satisfy, or aid in satisfying for any private sector person or entity, any zoning ordinance, site plan or subdivision requirement, or any other municipal ordinance or regulation;
 - (f) That no use will be authorized if any activity associated with that use would sufficiently alter the former Portsmouth Branch railroad corridor in such a way as to necessitate any state or federal evaluation under the Section 106 historic review process;
 - (g) Except in cases of extreme hardship, that any and all uses permitted by the City shall be by written revocable license;
 - (h) That any and all issued licenses shall contain a provision which will allow it to be revocable by the City, in its sole discretion at any time for any reason. Upon revocation the private person or entity shall return Portsmouth Branch corridor to its original condition or to such condition as the Parks, Recreation and Cemeteries Department shall agree; and
 - (i) That any issued license may contain any provision deemed reasonable by the City Solicitor to carry out the intent of this policy or for any other purpose.
8. Procedure: Any person or entity wishing to use a portion of a former Portsmouth Branch railroad corridor shall:
- (a) Submit a written application to the Committee on Lands and Buildings (c/o the City Clerk) which shall include a listing of the specific uses planned for the former Portsmouth Branch railroad corridor and shall also include a site plan of the affected area which has been prepared and signed by a licensed surveyor. The site plan shall, at minimum, show the boundaries of the former Portsmouth Branch railroad corridor, the location of the applicant's property, and existing and proposed site conditions.
 - (b) The City Clerk shall send a copy of the application to the Planning and Community Development Department and to the Parks, Recreation and Cemeteries Department for review and recommendation.
 - (c) Once the City Clerk has received the recommendations of the Planning and Community Development and Parks, Recreation and Cemeteries Departments, the application along with the departmental recommendations shall be placed on the agenda of the Committee on Lands and Buildings for Committee action.
 - (d) Should the Committee on Lands and Buildings recommend that the uses proposed in the written application, as it may be amended, be allowed, that recommendation shall then be sent to the Board of Mayor and Aldermen for action.

Section of Tax Map 473, Lot 46

Railroad Right-of-Way Requested for Private Use



Section of Lot 473-46
Railroad R.O.W.
Requested for Use

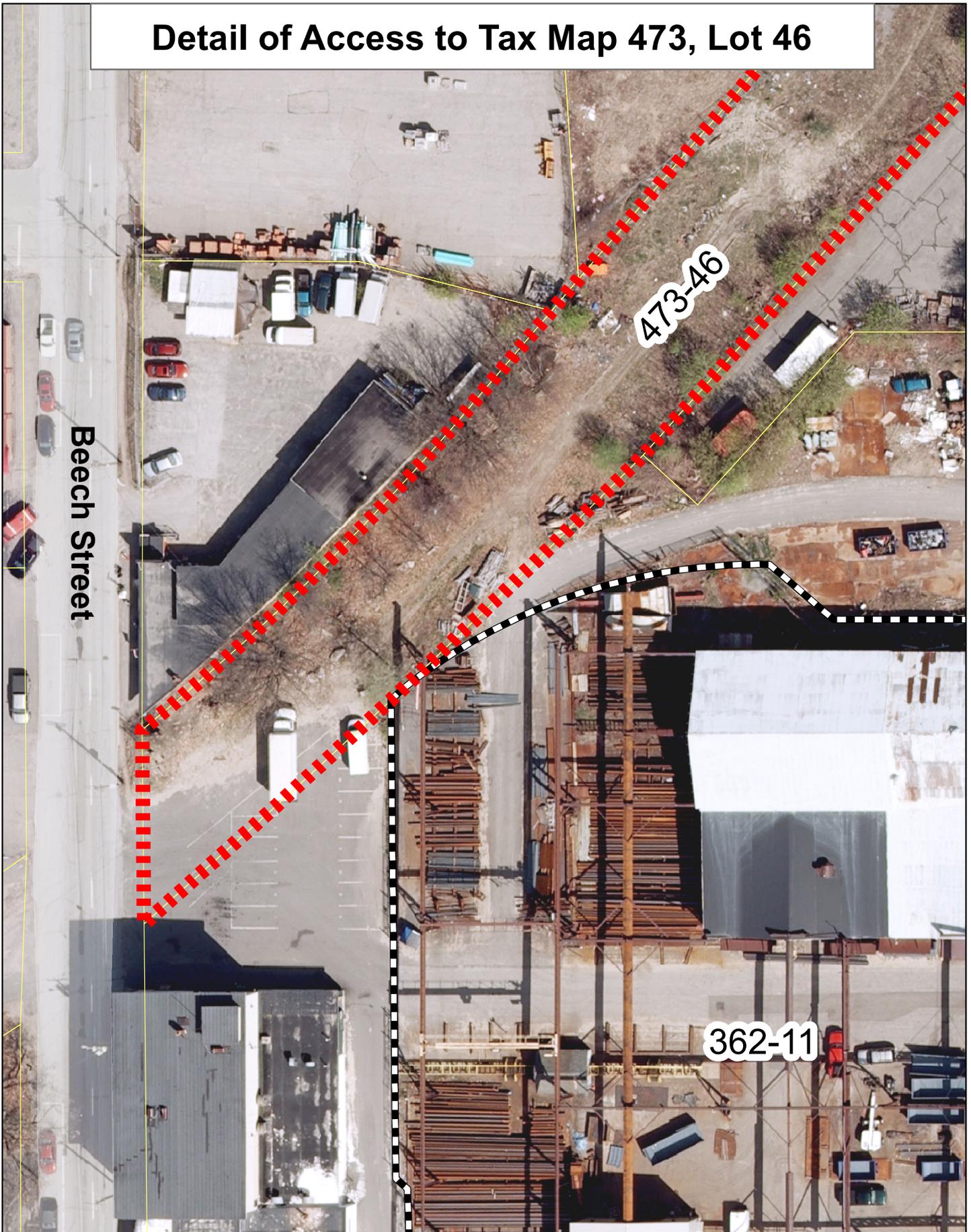
Lot 362-11
Mill Steel

0 75 150 300 Feet



Produced by the Manchester Planning and Community Development Department
for a report submitted to the Committee on Lands and Buildings on February 6, 2017.

Detail of Access to Tax Map 473, Lot 46



0 25 50 100 Feet



Produced by the Manchester Planning and Community Development Department for a report submitted to the Committee on Lands and Buildings on February 6, 2017.