



Heather Shank
City Planner

CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

Planning Board

May 15, 2019

Project Summary – Minor Site Plan

Project: Rail Bike Parking Lot – Minor Site Plan (2019-31)
Property Owners: Northern Railroad c/o PanAm Railways, Inc.
Address: 170 Iron Horse Park, North Billerica, MA
Map/Block/Lot: 6414-Z-2

Determination of Completeness:

Determine the application complete and open the public hearing.

Determination of Regional Impact:

The applicant appeared before the Boscawen Technical Review Committee on May 2, 2019 where it was determined that the project does not have a regional impact even though the proposed use would cross into the Town of Boscawen.

The Central New Hampshire Regional Planning Commission has been notified of this project.

Project Description:

The applicant is requesting Minor Site Plan approval to build a gravel parking lot for 24 cars at 188 Sewall's Falls Road for the purpose of a seasonal rail-biking business.

Project Details:

Zoning:	Residential Open Space (RO)
Lot Size Required:	2 ac
Existing Lot Area:	55 ac
Existing Use:	Rail Corridor
Proposed Use:	Outdoor Recreation
Lot Frontage Required:	200'
Lot Frontage Provided:	210'
Lot Coverage Max:	10%
Lot Coverage Existing:	Unknown
Lot Coverage Proposed:	Unknown - <i>waiver</i>
Building Setbacks Required:	50' front; 50' rear; 40' side
Building Setbacks Provided:	50' front; 50' rear; 38' side

1. General Comments

1.1 The following comments pertain to the 5 sheet plan set titled "Site Improvement Plans Prepared

for: Rail Bike Parking Lot” prepared by Northpoint Engineering LLC, dated April 2019 and revised through April 30, 2019.

- 1.2 Please see the memo from Engineering Services dated May 6, 2019.
- 1.3 Staff is aware of multiple trees down across the rail corridor and other debris that could pose safety hazards and would need to be cleared before the corridor can be used. The applicant has stated that he is aware of the corridor’s condition, plans to clear it, and is prepared to do so.

2. Conditional Use Permits

- 2.1 The applicant has requested two Conditional Use Permits (CUP)

- (1) Article 28-7-11(e) Alternative Surfacing for Parking Lots to allow the use of gravel as an alternative surface on a seasonal use parking lot (middle of May through October).

Given the proposed use will be seasonal and the applicant has provided a complete CUP application, **Staff supports this CUP.**

- (2) Article 28-2-4(j) Principal Use permitted for Privately Owned Outdoor Recreation Facilities to allow rail-bike tours on 3.2 miles of abandoned railroad tracks from north of the State Prison Farm property to King Street in Boscawen

Given the applicant has provided a detailed overview of his proposed operations as well as a complete CUP application, **Staff supports this CUP**, on the conditions that the applicant uses a sign approved by the Manual on Uniform Traffic Control Devices for the crossings at Sewall’s Falls Road and Second Street and that he contact the manager of the Penacook Waste Water Treatment Plant to inform him of the proposed use so that the manager may inform delivery vendors of the potential for rail bikes crossing the driveway.

3. Waivers

- 3.1 The applicant has requested waivers from the following sections of the Site Plan Regulations (SPR):

- (1) Section 15.03 – Existing Conditions Plan, to allow an existing conditions survey to be limited to the proposed development area only. The waiver has been requested for a full property survey, including boundary, topography, natural features, wetlands, soils, and tabulations. Since the project affects only a small portion of the property, and a survey has been provided for the affected portion, **Staff supports this request.**
- (2) Section 15.04(28) – Proposed Site Plan: Tabulations, to not provide the required tabulated information. Given the applicant has requested a waiver to limit the scope of the property survey; Staff would require that the standard tabulations that are applicable to this development be completed for proposed project area. **Staff does not support this request.**
- (3) Section 16.02(15) – Site Plan Requirements: Landscape Plan, to not provide a landscape plan. With the consideration of the condition outlined in comment 4.5, **Staff supports this request.**
- (4) Section 18.22 – Grades of parking spaces, to allow for parking spaces to be constructed with a maximum grade of 10% where 5% is required. Given the parking lot surface is proposed as gravel, Staff has concerns over the potential for increased erosion of the parking lot where grades are greater than 5%. For this reason, **Staff does not support this waiver.**

4. Technical Review Comments

- 4.1 On the Location Plan, provide the Zoning district designation and boundary lines, in accordance with Section 12.04(9) of the Site Plan Regulations (SPR).

- 4.2 Staff recommends delineating the accessible parking space and the adjacent access way with flush timbers, curbing, cones, or other means in order to clearly identify the accessible space and remove the timber curb stop proposed at the entrance of the access way.
- 4.3 Approximately 32 square feet of proposed decking on the rail bed falls within the side setback. This will require a variance should the applicant continue with the design as submitted. Since the impact of the deck is minimal, and the applicant could easily remove it, Staff is not opposed to making the granting of a variance or the removal of the deck a condition of approval.
- 4.4 Provide dimensions and area calculations for the proposed parking area, in accordance with Section 15.04(11)
- 4.5 Given a waiver is requested to not provide landscaping, Staff asks that the applicant provide calculations for required trees based on the parking area and demonstrate that there are a sufficient number of existing trees whose trunks are within 20 feet of the parking lot with calipers sizes of at least two and a half inches. Should the number of trees be insufficient or should enough trees that are counted as required be cut down or otherwise die, the applicant will replace the trees in compliance with City regulations.
- 4.6 The applicant shall maintain the corridor in a manner conducive to the health and safety of patrons of the business.
- 4.7 Should the lease with PanAm be terminated, the applicant shall remove all structures from the site associated with the business's use. The same condition applies at the end of the life of the lease, or if renewed, at the end of any subsequent renewal periods.

5. Recommendations

- 5.1 **Grant the Conditional Use Permits** for Artiles 28-7-11(e) and 28-2-4(j) of the Zoning Ordinance on the conditions that the applicant uses a sign approved by the Manual on Uniform Traffic Control Devices for the crossings at Sewall's Falls Road and Second Street and that he contact the manager of the Penacook Waste Water Treatment Plant to inform him of the proposed use so that the manager may inform delivery vendors of the potential for rail bikes crossing the driveway.
- 5.2 Staff recommends that the Board **vote with respect to the following requests for waivers from the Subdivision Regulations**, utilizing the criteria from RSA 674:36(II)(N)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations:
 - a) **Grant the following waiver requests** based on the following reasons:
 - (1) Section 15.03 – Existing Conditions Plan, to allow an existing conditions survey to be limited to the proposed development area only. The waiver has been requested for a full property survey, including boundary, topography, natural features, wetlands, soils, and tabulations. **Staff supports this waiver** because the project only affects a small portion of the property and a survey has been provided for this area;
 - (2) Section 16.02(15) – Site Plan Requirements: Landscape Plan, to not provide a landscape plan. **Staff supports this waiver** provided that the applicant is able to demonstrate that there are a sufficient number trees existing whose trunks are within 20 feet of the parking lot and if there are not, the applicant must provide trees to meet the required tree count determined by the area of the parking lot.
 - b) **Deny the following waiver requests** based on the following reasons
 - (1) Section 18.22 – Grades of parking spaces, to allow for parking spaces to be constructed with a maximum grade of 10% where 5% is required. **Staff does not**

support this waiver because grades above 5% on a gravel parking lot could lead to increased erosion and does not improve the overall drainage of the site.

- (2) Section 15.04(28) – Proposed Site Plan: Tabulations, to not provide the required tabulated information. **Staff does not support this waiver** because the applicant has requested a waiver to limit the scope of the property survey and it is not unreasonable to provide the applicable required tabulations for this area.

5.3 **Grant Minor Site Plan approval** for the construction of a parking lot and related site improvements, subject to the following conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:

- a) **Precedent Conditions** – to be fulfilled within one (1) year and prior to issuance of any building permits, or the commencement of site construction, unless otherwise specified:
- (1) Address Technical Review Comments noted in Section 4 above.
 - (2) Address Review Comments from Bryant Anderson, P.E., dated May 6, 2019 to the satisfaction of the Engineering Division.
 - (3) The applicant shall either receive variance relief for the decking within the side setback or shall redesign the decking so that it does not encroach on the setback.
 - (4) A Professional Engineer shall sign and seal final plans.
 - (5) A New Hampshire Licensed Land Surveyor will sign and seal the Existing Conditions Plan.
 - (6) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny the waiver(s), applicant shall comply with said submission requirement(s).
 - (7) Conditional Use Permit(s) granted are to be noted and fully described on the plan including date granted and applicable Article number(s) of the Zoning Ordinance. Should the Board vote to deny the CUP(s), applicant shall comply with said submission requirement(s).
 - (8) Submit 3 sets of final plans to be signed by the Clerk and Chair of the Planning Board, prior to issuance of any permits or commencement of construction activities.
- b) **Subsequent Conditions** – to be fulfilled as specified:
- (1) Planning Board approval is based upon the applicant's representation that the access easement is valid for the proposed use in accordance with applicable law.
 - (2) Prior to commencement of construction activity, payment of any required inspection fees in an amount approved by the City Engineer shall be made.
 - (3) A pre-construction meeting shall be required prior to the start of any construction activities onsite if requested by the City Engineer.

Prepared by: SCD

S:\Plan\Development Review\Project Files\2019\2019-31_Northern_Railroad_SPM_CUP\Reports & Letters



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department

David Cedarholm, PE
City Engineer

MEMORANDUM

TO: Sam Durfee, Senior Planner
FROM: Bryant A. Anderson, PE
DATE: May 6, 2019
SUBJECT: Plan Review, Rail Bike Parking Lot, 190 Sewalls Falls Road;
Map 6414Z, Lot 2; (2019-31)

The Engineering Services Division (Engineering) has received the following items for review:

- *Site Improvement Plans*, Rail bike Parking Lot, Sewalls Falls Road (Tax Map 6414Z, Lot 2) Concord, NH, prepared by Northpoint Engineering, LLC, dated April 2019 (revise thru 4/30/19).
- *Stormwater Management Report*, Rail Bike Parking Lot, Map 6414Z, Lot 2, Sewalls Falls Road, Concord, New Hampshire, prepared by Northpoint Engineering, LLC, dated April 16, 2016.
- *Waiver Request Letter*, Gary LeBlanc (Scenic RailRiders, Inc.) to Richard Woodfin, Planning Board), dated April 16, 2019.

As a supplement to any comments offered by the Planning Division, Engineering offers the following design related comments. **With subsequent submissions, the applicant should provide a response letter that acknowledges/addresses each of these comments.**

Site Plans

Existing Conditions Plan

1. The property line between the subject parcel and the parcel owned by the State, Map 21Z, Lot 2, is not shown.
2. The City has a 25 foot wide sanitary sewer easement centered on the sewer pipe. See City Permanent Plan Number 1701, Sheet 12 of 12. See also agreement between the Boston and Maine Corporation recorded at the Merrimack County Registry of Deeds at Book 1374, Page 474. Please show and label the easement on the existing conditions plan.

Engineering Services
City Hall • 41 Green Street • Concord, NH 03301 • (603) 225-8520
engineering@concordnh.gov

3. The concrete panel building has an address of 186 Sewalls Falls Road. Please add this information to the plan.

Overview Plan

4. The title block and applicant are wrong.

Site Plan

5. The plan should note the proposed traffic control procedures for the rail bikes crossing Sewalls Falls Road.
6. The City has a 25 foot wide sanitary sewer easement centered on the sewer pipe. See note above. Please show the easement crossing the subject property.
7. The concrete panel building has an address of 186 Sewalls Falls Road. Please add this information to the plan.
8. The proposed improvements and the proposed trailer will have an address of 190 Sewalls Falls Road. Please add this information to the title block and the plan view.
9. Please include the boundary line data for the property line between the subject parcel and the parcel owned by the State, Map 21Z, Lot 2.
10. A 24 ft wide paved driveway apron (extending to the ROW) should be provided to protect the pavement edge from the increased traffic associated with the proposed use and in accordance with the City's driveway standards.
11. An alternative means of defining the access aisle for the accessible parking space should be provided instead of a wheel stop placed in the middle of a gravel parking lot where it might not be expected and could be a hazard. The designer should consider flush timbers, curbing, traffic cones, or other means to define the access aisle.
12. It appears that one of the parking spaces may block access to the existing gravel path at the gate. The designer should review how the path is used to see if this will create a conflict.

Grading & Drainage Plan

13. On the Grading & Drainage Plan, the City has a 25 foot wide sanitary sewer easement centered on the sewer pipe. See note above. Please show the easement crossing the subject property.

General Comments

14. The applicant has requested waivers from the following sections of the Site Plan Regulations:
 - Section 15.03 (Existing Conditions Plan) to allow limited survey information for the development area only.

- Section 15.04(28) (Tabulations) to remove the requirement for tabulations associated with the entire property.
- Section 16.02(14) (Utility Plan) to remove the requirement to show full underground utility information.
- Section 16.02(15) (Landscape Plan) to remove the requirement to provide a Landscape Plan has to be prepared by a Licensed Landscape Architect.
- Section 18.22 (Parking Space Grades) to allow a maximum parking lot grade of 10 percent. Engineering does not recommend that parking lot grades exceed 5 percent due to the additional effort it can take to open vehicle doors and the potential that vehicle doors can swing open into adjacent vehicles due to the increased grades. If the Planning Board decides to consider the applicant's request, additional information should be provided explaining the need for the increased grades as it appears that a max. grade of 5 percent can be accommodated and the waiver should be limited to the max. grade shown on the plans (7.9 percent).

In general, Engineering does not take exception to these requests (except as noted above) provided that additional information that justifies specifically why each review criteria is met for each request. The waiver request letter does not provide any information on why the requests meet the criteria and are appropriate for this site and proposal.

15. A bond may be required each year in case the road is damaged when the rail bikes cross it. Engineering will evaluate the cars once they are available on site to determine if a bond is needed.

Post-Approval/Pre-Construction Items

The following items will need to occur prior to the start of construction (unless otherwise noted).

1. The applicant/contractor shall set up a pre-construction meeting with the Engineering Services Division to discuss construction requirements, site inspections, associated fees, schedules, etc.
2. The following permit(s) will need to be obtained from the Engineering Services Division:
 - a. Driveway Permit
3. Performance surety (bond, letter of credit, or cash deposit) for site stabilization. The surety amount for this project has been set at \$5,000 (min. amount) based on a 0.5 ac disturbance area. (establish surety prior to pre-construction meeting)
4. Advanced deposit for site construction inspection fees (initial deposit amount determined by Engineering based on the project schedule and estimated services, final inspection fee to be adjusted based on actual services rendered). A project schedule should be submitted a min. of two weeks prior to the pre-construction meeting for use in establishing the deposit amount. (submit deposit a min. of three days prior to pre-construction meeting)

Engineering Services
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