




CITY OF PORTSMOUTH

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Memo

TO: Conservation Commission Members
FROM: Peter Britz, Environmental Planner 
DATE: May 5, 2017
SUBJ: May 10, 2017 Conservation Commission Meeting

Borthwick Forest, LLC Conditional Use Permit Application

This is a revised memo for the Conditional Use Permit application for Borthwick Forest, LLC specific to their application to construct a road to City standards from Borthwick Avenue South across the railroad tracks, an office building and an emergency access road from the proposed new cul-de-sac to Islington Street. Since the submittal of the application there has been an independent wetland scientist review of the project performed by West Environmental Services including a report, a follow-up report from Gove Environmental Services and a revised buffer restoration and planting sequencing plan.

According to *Article 10 Section 10.1017.50* the applicant must satisfy the following conditions for approval of this project.

- 1. The land is reasonably suited to the use activity or alteration.* The impacts proposed from this project are best reviewed on the Buffer Restoration and Sequencing Plan. In the legend of the plan the applicant has called out 6,300 square feet of impact where the new road and multi-use path are proposed, an additional 7,200 square feet also in the buffer of grading and stormwater treatment swales to support the new road and stormwater treatment from the new impervious surfaces including the roadway, new parking area and building. These impacts are being offset by removal of the existing access road of 5,800 square feet and an adjacent graded and buffer planting area of 12,300 square feet. There is an additional area of Eastern white pine planting to replace the loss of a stand of eastern white pine. This area is approximately 9000 square feet with trees planted 20' on center. The impacts to the wetland buffer and adjacent wetlands include the input of stormwater from the new roadway, multi-use path and building. This stormwater will be treated by a gravel wetland out of the wetland buffer then discharged to drainage swales in the buffer. This is a large impact in the buffer which the applicant has taken steps to offset with a detailed restoration effort. If the restoration efforts are successful and the stormwater treatment systems are maintained and function as intended the proposed project is reasonable for this site.
- 2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The proposed project is to provide access to a development site by the owner of this property. The only access that the property owner is able to secure is across the railroad right-of-way as shown on the plan. Access through this area requires that the roadway to access the site be constructed to City of Portsmouth Street standards and the only path is through a wetland buffer. Given the constraints of the property the applicant has taken steps to minimize the impacts in the wetland buffer and developed a feasible plan for development.
- 3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The applicant has provided information about how impacts to the site have been reduced and a statement that there will be no impact to wetland functional values on the site. The applicant has identified the usage of one of the properties on the site by Blandings turtles and by the Sora. There is no impact proposed in the areas described for

these species but given the sensitivity of this habitat care should be taken to protect these areas and other buffer areas from future development impacts.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The project will result in the loss of quite a bit of natural woodland vegetation including a stand of pines where the access road and drainage swale are going. The applicant has amended their plan to include planting a stand of white pine to offset the impact of the loss off the existing stand. It is important that provisions be included to monitor the success of the proposed trees and restoration areas and insure future protection of these restoration areas.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project has been designed to reduce impacts. In fact an early alternative was provided which reduced impacts to a large stand of pine trees. The applicant has also taken steps to reduce the impacts to the wetlands and wetland buffer by removing an existing paved road and fill which was installed to support that roadway. The plan shows where the restoration areas are proposed but there is no assurance of a minimum planting area or minimum number of species of each type proposed. The applicant should provide more details on the planting plan so that a determination can be made that the planting has reached a proposed threshold.

Conclusion: The applicant has provided a plan with impacts in the buffer that have been balanced by restoration measures. The future success of these restoration areas and reduction of future impacts in the buffer is critical to insuring that this project does not result in an impact to wetland and wildlife habitats.

Recommendation: Staff recommends approval of this project with the following stipulations;

1. That the restoration plan include a minimum number of plants or a minimum area to be planted in each part of the plan so that the restoration work can be accurately completed by the restoration contractor.
2. The applicant shall provide an as-built restoration plan and follow-up monitoring one and three years after the restoration work has been completed to insure a survival rate of at least 80 of the new plantings.
3. The applicant shall provide a deed restriction or protective covenant of the 100 foot buffer such that future projects do not impact that buffer. This is particularly important on the southern property where the Blanding Turtle Habitat is shown.
4. The applicant shall prohibit atv use in the described Blanding Turtle nesting area, and shall provide a plan to insure that this prohibition is enforced under the direction of the property owner.
5. The applicant shall amend their plans to accurately define the prime wetland area on the southern portion of the site.

244 South Street

This is an application for conditional for impacts in the wetland buffer from the construction of a new pervious driveway and a new addition in the buffer for a total of 1,091 square feet.

According to *Article 10 Section 10.1017.50* the applicant must satisfy the following conditions for approval of this project.

1. *The land is reasonably suited to the use activity or alteration.* The impacts proposed from this project are required for the applicant to construct an addition and provide access to a new garage in the addition. The area where the work is proposed is lawn and the applicant has taken measures to infiltrate stormwater.
2. *There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.* The proposed changes are intended to accommodate an addition and new driveway area to access the new addition in the rear of the house. Given the proximity of the house to the street and the side property line this is the only area where the house can be expanded.

3. *There will be no adverse impact on the wetland functional values of the site or surrounding properties.* The applicant has taken steps to reduce the impacts of the new impervious areas through the use of pervious driveway materials and dry wells for stormwater infiltration. It is not clear if the 30" Oak tree shown on the plan will be protected. Measures should be taken to insure that this tree is not impacted by this project.

4. *Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.* The project will result in the loss of some lawn area but not natural woodland.

5. *The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.* The proposed project has been designed to reduce impacts through the use of porous pavement and the addition of drywells to infiltrate the stormwater.

Conclusion: The applicant has provided a plan with impacts in the buffer that have been offset with the use of a pervious driveway and dry wells.

Recommendation: Staff recommends approval of this project with one stipulation.

1. The applicant shall take measures to insure that the 30' Oak Tree shown on the plan is protected from project impacts.